FW 4.14:
V 819/no.88
UNIVERSITY OF KENTUCKY
3 0425 4681580 3

INVENTORY
of the
COUNTY ARCHIVES
of
VIRGINIA

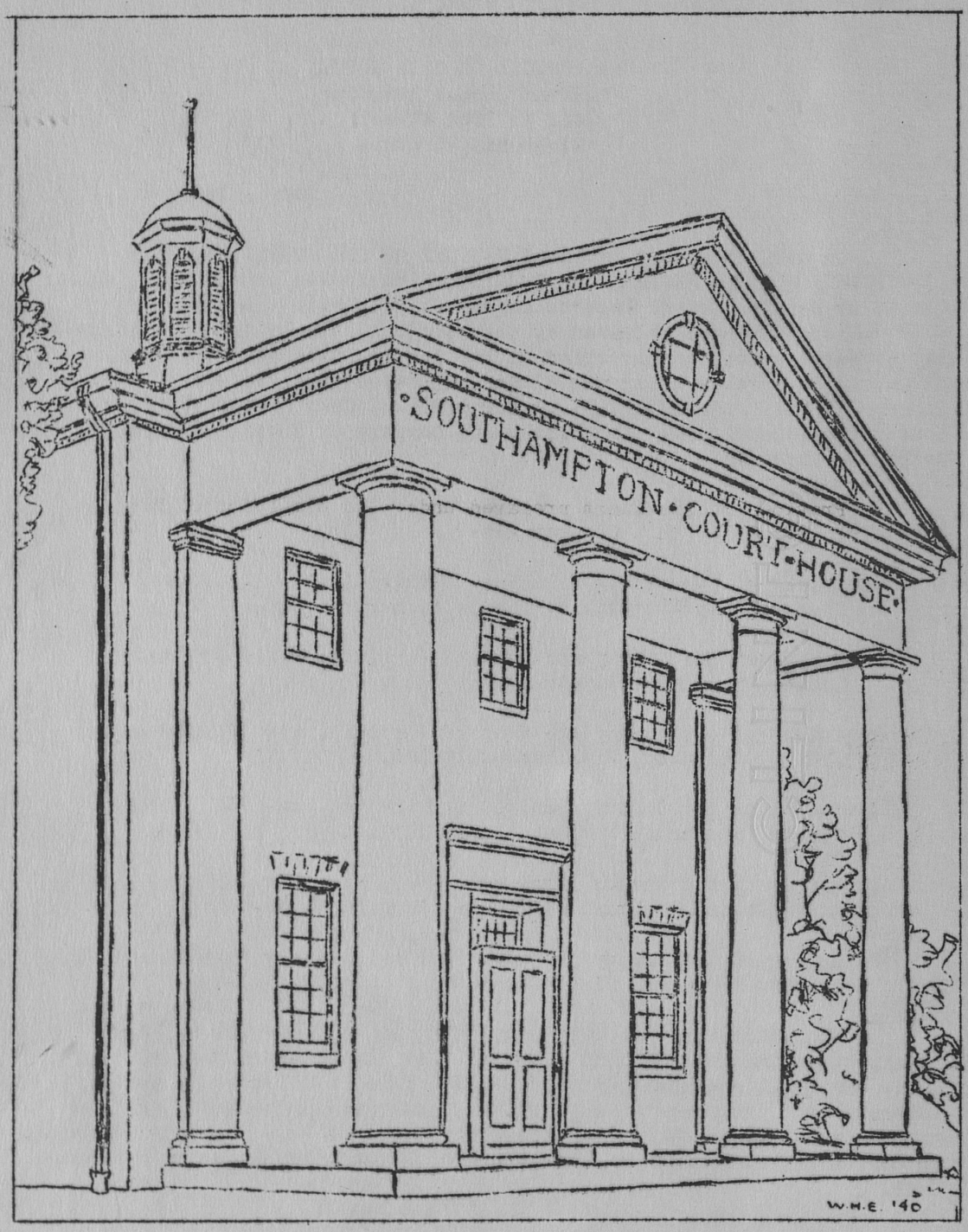


No. 88

SOUTHAMPTON COUNTY

HISTORICAL RECORDS SURVEY
WORK PROJECTS ADMINISTRATION

LIBRARY
UNIVERSITY of KENTUCKY


·SOUTHAMPTON·COURT·HOUSE·
W.H.E. 140

INVENTORY OF THE COUNTY ARCHIVES

OF VIRGINIA

Prepared by

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

NO. 88. SOUTHAMPTON COUNTY (COURTLAND)

Richmond, Virginia
The Virginia Historical Records Survey Project
March 1940

The Historical Records Survey Program

Luther H. Evans, Director
Juliet A. Jones, Regional Supervisor
Elizabeth B. Parker, State Supervisor

Division of Professional and Service Projects

Florence Kerr, Assistant Commissioner
Izetta Jewell Miller, Chief Regional Supervisor
Ella G. Agnew, State Director

WORK PROJECTS ADMINISTRATION

F. C. Harrington, Commissioner
F. H. Dryden, Regional Director
William A. Smith, State Administrator

FOREWORD

The Inventory of the 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 Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Southampton County, is number 88 of the Virginia series.

The Historical Records Survey Program 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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 officials 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 Program 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 succesful conclusion of the work of the Historical Records Survey Program, 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 Program was organized and has been directed by Luther H. Evans, and operates as a nation-wide series of locally sponsored projects 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 an independent unit of Federal Project No. 1, 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. In September 1939, the Survey became a State-wide non-Federal project.

The principal objective of the Virginia Historical Records Survey Project 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 Southampton County is number 88. The inventory of the State archives and municipal and other records will be issued separately. For a complete list of publications of the Virginia Historical Records Survey, see page 243.

The original inventory was undertaken in January 1938 by two Southampton County workers, Lavania Rawles and William C. Bogart, both of whom left the project before the inventory was completed. Under the supervision of Elizabeth B. Parker, their work was completed by Clyde P. Sirles and John E. Baucom who were sent to Southampton County March 20 and completed the inventory May 10. In addition to listing the official records of the county, these two young men assorted a mass of storage material at the county courthouse, properly labeled and filed the unbound material, and listed these records in the original inventory. From October 1938 to October 1939, O. Fred Cavin, a resident of the county, abstracted and transcribed order book material for information to be used by the editorial staff in compiling this volume, and also made a complete recheck of the original inventory under the supervision

Preface

of Harold A. Lovenstein. Just prior to releasing this volume, a spot recheck of certain records was made by members of the editorial and research staffs to insure accuracy.

The inventory was edited in the Richmond office through the combined efforts of the State Supervisor and the editorial staff. Special supervision of legal research, essays, and entry writing was handled by Pinckney Walker, Hamilton Enslow, and Ellis Miller, Jr., respectively. Other key workers who assisted with the preparation of this volume were: Frances Beasley, Louise Macon, and Mary McMullan. Andrew L. Riffe, IIII, wrote the Historical Sketch. Dr. Evans and his editors in the Washington office examined and criticized the manuscript before it was published, but responsibility for its completeness and accuracy lies with the Virginia staff. This volume received the approval of the official sponsor in the State, The Virginia Conservation Commission.

The Survey in Virginia is indebted to the officials of the Virginia State Law Library, The Bureau of Statutory Research and Drafting, the State Work Projects Administration officials, and to the officials of Southampton County for their cooperation while the inventory was being made. In addition we take this opportunity to express our appreciation to the Board of Supervisors and to the School Board of Southampton County for making possible this publication through their sponsors' contributions to the non-labor cost of this project.

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 may be addressed to the Virginia Historical Records Survey Project, Richmond, Virginia.

ELIZABETH B. PARKER
State Supervisor
Virginia Historical Records
Survey Project

Richmond, Virginia
December 1939

TABLE OF CONTENTS

A. Southampton County and Its Records System

		Page
1.	Historical Sketch	1
2.	Governmental Organization and Records System	16
	Chart of County Government	54
3.	Housing, Care, and Accessibility of the Records	56
4.	Abbreviations, Symbols, and Explanatory Notes	60

B. County Offices and Their Records

I. Board of Supervisors 63
Proceedings. Financial: claims; warrants. Taxation

II. County Clerk 73
Deeds. Liens: real property; personal property. Taxation: real property; personal property. Corporations. Partnerships. Conservation. Vital Statistics: births; deaths; marriages. Registers. Military. Elections: candidates; voters.

III. Circuit Court 98
Chancery: case papers; dockets and proceedings. Common Law: case papers; dockets and proceedings. Judgments. Executions. Jurors and Witnesses. Probate: wills; fiduciary. Oaths. Bonds: official; fiduciary; bail; liquor license. Lunacy. Delinquent Land Sales. Financial: bonds; fees; fines and costs; collections and disbursements. Miscellaneous.

IV. County Court 124
Chancery: case papers; dockets and proceedings. Common Law: case papers; dockets and proceedings. Executions. Witnesses. Roads.

V. Commonwealth's Attorney 134

VI. Trial Justice Court 137
Case Papers. Dockets. Financial.

VII. Justice of the Peace 141

VIII. Sheriff 144

IX. Constable 148

X. Coroner 150

XI. Commissioner of the Revenue 153
Tax Assessments: real property; personal property and income; capitation. Licenses. Financial. Correspondence.

XII. Assessors 163

XIII. Local Board of Equalization (Local Board of Review) 166

Table of Contents

		Page
XIV.	County Treasurer ..... Financial: receipts; journals, cash books, and ledgers; warrants and checks. Taxation: real property; personal property and income; capitation. Licenses. Correspondence.	169
XV.	County Finance Board	182
XVI.	County Electoral Board	183
XVII.	School Trustee Electoral Board	185
XVIII.	County School Board ..... Proceedings. Financial: bonds; warrants. Reports.	187
XIX.	Division Superintendent of Schools ..... Financial: budgets; ledgers; reports. Teachers. Census. Individual Schools. Reports and Correspondence. Miscellaneous.	193
XX.	Local Board of Public Welfare (Overseers of the Poor) ..... Proceedings. Financial. Correspondence.	200
XXI.	Superintendent of the Poor	205
XXII.	Parish Vestry	206
XXIII.	Local Board of Health	208
XXIV.	County Health Unit ..... Clinical. Immunization. General Sanitation.	210
XXV.	County Surveyor	213
XXVI.	County Agricultural Agent ..... Contracts. Allotments and Payments. Maps. Reports and Correspondence.	216
XXVII.	Game Warden	221
XXVIII.	County Militia	223
	Bibliography	231
	Chronological Index	245
	Subject Index	249

(First entry, p. 71)

1. HISTORICAL SKETCH

Southampton County, one of the larger Virginia counties,[1] was formed from Isle of Wight County in the middle of the eighteenth century.[2] The parent county was one of the original shires of 1634.[3] Four years before the formation of Southampton County we learn, by study of a "Proposition from the County of Isle of Wight," of conditions in that county giving rise to dissatisfaction concerning the bounds. Under date of March 7, 1745 we find "That there are upwards of Three Thousand Tithables in the said County; that the vast Extent of the same makes it very burthensome to many of its Inhabitants, who are obliged to meet near the Black-Water, at General Musters, and abundance of poor People walk Thirty Miles, and oftentimes lie in the Woods; others not being able to undergo such Hardships, suffer themselves to be fined: That the Distance of the Justices is so far from Court, and no Conveniency of Lodging there, that they seldom attend more than Six Times in a Year, And pray that the said County may be divided into two distinct Counties, by the Black-Water Stream."[4]

Although the above statements strongly indicate the need for dividing the county of Isle of Wight, the division did not take place until 4 years later (1749). The dividing line suggested in the "Proposition," however, was followed in the act of establishment and all of that part of Isle of Wight County which lay on the west side of the Blackwater River became a separate and distinct county, and was ordered to be called Southampton in honour of Henry Wriothesley, second earl of Southampton, prominent member of the Virginia Company, and friend to Shakespeare.[5]

Southampton County is bounded on the northwest by Surry and Sussex Counties, on the west by Greensville County, and on the east by Isle of Wight and Nansemond Counties, while the southern boundary is formed by the North Carolina State line.[6] The area of 604 square miles[7] comprises a territory with a length and breadth of 40 and 15 miles respectively.[8] Lying in Tidewater Virginia, the soils of Southampton County, like all of that famous section, are composed of alluvial deposits. Those of the inlands are naturally thin, light and soft, but being warm and under the influence of a mild climate, a near ocean and the dense crops of wild plants that grow

---

1. Rand McNally Commercial Atlas and Marketing Guide, Chicago, Ill., 1939 [hereinafter cited as Commercial Atlas], p. 409.
2. Morgan Poitiaux Robinson, Virginia Counties, Virginia State Library Bulletin, IX, nos. 1-3, Richmond, 1916, p. 206.
3. William Waller Hening, compiler, The Statutes at Large . . . (1619-1792), 1st. ed., Richmond, etc., 1809-23 [for complete citation, see Bibliography; hereinafter cited as Hening, Statutes], I, 224; Robinson, Virginia Counties, p. 126.
4. H. R. McIlwaine and J. P. Kennedy, eds. and compilers, Journals of the House of Burgesses (1619-1776), Richmond, 1905-15, [vols. not numbered] (1742-49), p. 177.
5. Robinson, Virginia Counties, pp. 191, 206.
6. Commercial Atlas, p. 407.
7. Ibid., p. 409.
8. Henry Howe, Historical Collections of Virginia . . ., Charleston, 1845, p. 470.

and rot upon them they become very productive.[9] Drained by the Meherrin, Nottoway and Blackwater Rivers,[10] Southampton County leads Virginia in production of cotton and peanuts.[11]

This county, with a population of 26,870,[12] has 6 incorporated towns - Courtland, Franklin, Boykins, Capron, Ivor, and Branchville -[13] the town of Franklin leading in size with a population of 2,930 persons according to the 1930 census.[14] Courtland, the centrally located county seat, has a population of 355 persons,[15] a bank,[16] an accredited high school, and several churches, the Methodist being the strongest denomination in the county.[17] Joining these and numerous other communities are 124.34 miles of primary and 553.56 miles of secondary highways,[18] the principal ones being U. S. Routes 58 and 158 and State Routes 33 and 35.[19]

Southampton County is served by six banks, two of which are located in Franklin, one each in Courtland, Capron, and Boykins,[20] while Ivor is served by the bank of Sussex and Surry, a branch of the Wakefield bank.[21] Other corporations serving the people of Southampton County include four railroads, the Norfolk & Western, Seaboard Air Line, Southern, and Virginian; numerous Western Union and Postal Telegraph stations; several railroad express agencies;[22] and the airport of Franklin which is located just across the county line.[23]

Since 1870 Southampton County has operated under the board of supervisors' plan of local government. The first board, consisting of Messrs. Robert Rowland, James M. Corbitt, John H. Bogart, James H. Devany, John C.

---

9. Jedediah Hotchkiss, compiler and editor, Virginia: A Geographical and Political Summary . . ., Richmond, 1876, pp. 5, 29.
10. Howe, Historical Collections of Virginia, p. 470.
11. Fifteenth Census of the United States, 1930, Agriculture, II, pt. 2, The Southern States, Washington, 1932, 224-33, 244-53 (tables V, VII).
12. Fifteenth Census of the United States, 1930, Population, I, Reports by States . . ., 1122 (table 3).
13. Ibid., p. 1130 (table 4).
14. Ibid., p. 1130 (table 4).
15. Ibid., p. 1130 (table 4); Virginia, State Department of Highways, County Maps of the Primary and Secondary Highway Systems, 1936, Richmond, 1936, p. 88.
16. Thirty-Fifth Annual Report of the State Corporation Commission . . . 1938, [compiled by Bureau of Banking], Richmond, 1939, pp. 28-30 (table 21).
17. Bureau of the Census, Religious Bodies: 1926, Washington, 1930, I, pp. 694, 696; Annual Report of the Superintendent of Public Instruction . . . 1937-38, State Board of Education Bulletin XXI, no. 3 (September 1938), Richmond, 1938, p. 54.
18. List accompanying letter from Burton Marye, Jr., Manager, Planning Survey, Virginia Department of Highways, Oct. 27, 1939.
19. Virginia, State Department of Highways, County Maps, 1936, p. 88.
20. Thirty-Fifth Annual Report of State Corporation Commission . . . 1938, pp. 28-30 (table 21).
21. Ibid., p. 30.
22. Commercial Atlas, pp. 407-415.
23. Ibid., p. 412.

Griffin and William H. Daughtrey, with Mr. Bogart first chairman, met in August of that year (1870), and represented the townships of Drewryville, Boykins, Franklin, Jerusalem, Berlin and Ivor, and Newsoms Depot, respectively.[24] The names of the townships of 1870-75[25] are remembered in magisterial districts of today, with one addition, Capron, which was created in 1915.[26]

Southampton County, with Nansemond, Isle of Wight, and the city of Suffolk, constitutes the fifth senatorial district,[27] while the second judicial district, which has been presided over by Judge James L. McLemore since 1907,[28] is composed of this county with Nansemond and the city of Suffolk.[29]

It would appear from the records that there were no legal settlements south of the Blackwater River prior to the first decade of the eighteenth century. In March 1697 the surveyor of Surry and Isle of Wight Counties was ordered to appear on the 6th day of the next General Court and bring copies of all entries made by him on the "Black Water."[30] Mr. Williamson appeared in Council and "presented a copy of all the entry's of Land by him taken on the South side of the Black Water Swamp, but not shewing by what authority he does Theme [them] nor having his Commission nor instructions with him" was ordered to attend the next Council.[31] On June 11, 1697 he presented his commission "and not having any wayes clear'd himself for taking entrys of Land on the Black water contrary to restrictions and orders of Councill," it was the opinion of the Council that he should be suspended.[32]

Among the early landowners of Southampton County were Joseph Wall, Jr., Joshua Turner, Thomas Barrow, Francis Huttchins, Benjamin Chapman, Richard Vick, John Pope, James Mercer, and Francis Cox, all of whom patented land in Isle of Wight County on the south side of the Blackwater Swamp, or on the Nottoway River, between 1711 and 1713.[33]

A proclamation of December 1710 prohibited the seating of land between the Nottoway and Meherrin Rivers. However, diverse persons had so seated themselves[34] by January 1711, and it would seem that the settlements prospered,

---

24. Record of Supervisors (Minutes), no. 1 (1870-93), August 1870, p. 1, see entry 2.
25. See Governmental Organization and Record System, p. 23.
26. Acts of the General Assembly of the State of Virginia, 1809--, Richmond, 1810-- [hereinafter cited as Acts], 1938, p. 1069; Common Law Order Book, no. 10 (1913-20), Dec. 1, 1915, p. 245, see entry 109.
27. The Virginia Code of 1936, Charlottesville, 1936 [hereinafter cited as Code 1936], sec. 79.
28. Common Law Order Book, no. 8 (1895-1907), June 10, 1907, p. 449, see entry 109.
29. Code 1936, sec. 5888.
30. H. R. McIlwaine, ed. Executive Journals of the Council of Colonial Virginia (1680-1739), Richmond, 1925-30, I, 362.
31. Ibid., I, 364-365.
32. Ibid., I, 366.
33. Patents, no. 10, 1710-1719 [ms. vol. in State Land Office, Richmond, Va.], pp. 11, 22, 50, 59, 74, 81, 94.
34. McIlwaine, Executive Journals of the Council, III, 578-588.

for in September 1734 a new courthouse was ordered erected on the north side of Blackwater River near Quinny's Bridge[35] and a parish was formed on the south side of the Blackwater River.[36] As previously noted, a petition was drawn up by the inhabitants of Isle of Wight to divide the county in 1745, and the levy of 1750 shows 1,802[37] tithables in Southampton County, all of which proves that the settlements on the south side of the Blackwater River prospered greatly.

At the first court, held at the home of Elizabeth Ricks, June 8, 1749, John Person, Joseph Gray, Jesse Brown, Benjamin Simmonds, Nathaniel Ridley, Thomas Jarrett, Etheldred Taylor, Howell Edmonds, Benjamin Ruffin, Albridghton Jones, James Ridley, Peter Butts, Samuel Blow, and Thomas Williamson each took the oath of a justice of the peace and judge in chancery.[38] Richard Kello was sworn first clerk and Benjamin Ruffin first sheriff of the county.[39] Thomas Jarrett and Peter Butts became coroners while Benjamin Branch, Arthur Arrington, Joseph Cobb, Samuel Kindred, and John Bowen, Jr. were sworn constables. Richard Murphey, James Jones, Benjamin Britt and Thomas Clark were appointed constables and ordered to be summoned to the next court to be individually sworn.[40]

The early Burgesses for Southampton County were Etheldred Taylor, Thomas Jarrett, Joseph Gray, and William Taylor.[41]

The public buildings of the county were also considered at this court and it was agreed that the same were to be "fixed" on the land of Elizabeth Exum near Flowers Bridge. The justices were also commissioned to purchase 2 acres of the said land and to advertise publicly that any builder desiring to erect these public buildings should meet them and agree for the building of the same. The courthouse was to be 40 feet long and 24 feet wide and the other buildings were to be as the said contracting justices should think fit.[42] Exum Scott was licensed to keep an ordinary at his house near Flowers Bridge and the rates were listed according to law.[43]

The court met at the house of Elizabeth Ricks in June and July 1749.[44] The August term of court was held near Flowers Bridge at the house of Exum Scott[45] and it was at this latter court that John Simmonds, Joseph Gray, Thomas Jarrett, and Jesse Brown were sworn county lieutenant, colonel, and majors respectively, Howell Edmonds, Albridgton Jones, and Timothy Thorpe, captains, and James Jones, lieutenant.[46] Leonard Claiborne, Jr., gentleman,

---

35. Ibid., IV, 332.
36. Hening, Statutes, IV, 444.
37. Order Book, County Court, No. 1 (1749-54), Nov. 9, 1750, p. 103, see entry 181.
38. Ibid., June 8, 1749, p. 1.
39. Ibid., June 8, 1749, pp. 1-2.
40. Ibid., June 8, 1749, p. 2.
41. H. R. McIlwaine and J. P. Kennedy, eds. and compilers, Journals of the House of Burgesses (1619-1776), Richmond, 1905-15, [vols. not numbered] (1752-58), pp. VIII, X.
42. Order Book, County Court, no. 1(1749-54), June 8,1749, p.4, see entry 181.
43. Ibid., June 8, 1749, p. 4.
44. Ibid., June 8, 1749, p. 1; July 13, 1749, p. 5.
45. Ibid., Aug. 10, 1749, p. 8.
46. Ibid., Aug. 10, 1749, p. 10.

produced his license and was sworn an attorney at law,[47] and Robert Jones presented his commission from the president and masters of the College of William and Mary and was sworn surveyor of the county.[48]

By order of the June court, 1750, Robert Ricks was paid 23 pounds, 10 shillings for raising the frame of the prison for Southampton County.[49] On February 14, 1751 a committee was ordered to view the prison, pillory, stocks and whipping post, and report to the court whether or not Robert Ricks had complied with his agreement in the building of the same.[50] The building was evidently satisfactory, for the court ordered that Mr. Ricks be paid 23 pounds, 10 shillings, the balance of the agreed price for the construction.[51]

The building intended for the courthouse was apparently finished by April 9, 1752 for on that date certain persons were ordered to examine the said building and report to the court as to whether the workmanship had been performed according to contract.[52] The structure was at first found unsatisfactory.[53] The next court, however, ordered that Mr. Arthur Williamson be paid 50 pounds for finishing the courthouse,[54] but there was a further order describing the work required to complete the structure according to the agreement.[55] On January 11, 1753 Harry Blount and Micajah Edwards were ordered to appraise the lands on which the county buildings were erected, pursuant to an act of assembly.[56] The value thereof was found to be 2 pounds, 3 shillings, which amount was ordered to be paid to Exum Scott, former committee of Elizabeth Exum, deceased.[57]

The relative wealth and, to some extent, the social status of the inhabitants of the county may be deduced from the inventories and appraisements, which show at the same time the necessities and luxuries of Colonial life. Such varied articles as cooper's tools and silver spoons, "ivory hefted" knives and mourning rings are listed concurrently with quarters of bacon and casks of brandy.[58]

With the outbreak of the Revolution, Southampton County threw her men and supplies into the fight for independence. As early as March 9, 1775 the Committee of Public Safety of Southampton County made arrangements for aid to be sent to the suffering inhabitants of Boston[59] and on August 6, 1776, a letter went out from the Governor and Council requiring that the colonel of the minute battalion hold his troops in readiness to march whenever called

---

47. Ibid., Aug. 10, 1749, p. 10.
48. Ibid., Aug. 10, 1749, p. 11.
49. Ibid., June 14, 1750, p. 65.
50. Ibid., Feb. 14, 1751, p. 125.
51. Ibid., Mar. 14, 1751, p. 128.
52. Ibid., April 9, 1752, p. 228.
53. Ibid., July 9, 1752, p. 249.
54. Ibid., Aug. 13, 1752, p. 264.
55. Ibid., Oct. 12, 1752, p. 283.
56. Ibid., Jan. 11, 1753, p. 308.
57. Ibid., Feb. 8, 1753, pp. 324-325.
58. Will Book, no. 1 (1749-62), passim, see entry 127.
59. Proceedings of the Committee of Safety, Minute Book (1775-1778), p. 39, see entry 309.

upon.[60] Four days later it was ordered that four companies of minutemen be raised to replace certain Continental forces.[61] In September of that same year, two companies of volunteer militia were ordered to Williamsburg for the protection of the Capitol.[62] In February 1777, 200 men, 50 of whom were of Southampton County, were ordered to Hampton,[63] and John Crittenden and Luke Camron, of Southampton County, were appointed second lieutenant and ensign, respectively, for the Continental service in July 1777.[64]

Among the officers of the Southampton County Militia were Henry Browne, colonel,[65] Henry Taylor, lieutenant colonel,[66] and John Simmons, Arthur Boykins, John Myrick and John Kirby, captains,[67] John Pond and William Boykins, lieutenants.[68]

In November 1777, when commissioners were appointed to execute the act passed by the Virginia Assembly to clothe the troops raised within the Commonwealth, Thomas Newton of Southampton County was one of this group,[69] and in December it was ordered that the magistrates were to provide for and relieve the widows, wives and children of the soldiers who had died or were then in the service of the United States.[70]

Certain portions of the Southampton County Militia were called into active service on several occasions. January 2, 1781, one-fourth of the militia were ordered to rendezvous at Petersburg when news of the invasion of Virginia reached the Governor and Council, and in March others were called into service after a consultation with Baron Von Steuben. In August 1781, the county lieutenant was ordered to keep one-fourth of his militia in the field with Colonel Parker on the south side of the James River.[71]

In July 1781, "Representation" was made to the Governor and Council showing that the citizens of Southampton County had furnished large supplies of "necessaries for the use of our armies in that Quarter, both voluntarily & by impressment," for which certificates had been granted by persons appointed to procure supplies for the troops; and the sheriff not thinking himself authorized to receive these certificates in payment of taxes, caused the citizens to be much aggrieved. The Governor and Council advised that those countersigned by Colonel Josiah Parker or Colonel Thomas Newton be received.[72]

---

60. H. R. McIlwaine, Journals of the Council of the State of Virginia (1777-81), Richmond, 1931-32, I, 110.
61. Ibid., I, 116.
62. Ibid., I, 176.
63. Ibid., I, 327.
64. Ibid., I, 455.
65. Order Book, County Court, no. 7 (1778-84), July 13, 1780, p. 121, see entry 181.
66. Ibid., no. 6 (1772-77), May 8, 1777, p. 479.
67. Ibid., no. 7 (1778-84), June 8, 1780, p. 117.
68. Ibid., Aug. 12, 1779, p. 91.
69. McIlwaine, Journals of the Council of the State of Virginia, II, 37.
70. Order Book, County Court, no. 6 (1772-77), Dec. 11, 1777, p. 498, see entry 181.
71. McIlwaine, Journals of the Council of the State of Virginia, II, 269, 301, 376.
72. Ibid., II, 365.

Historical Sketch (First entry, p. 71)

In May 1782, a new commission of the peace was issued to George Gurley, Henry John Burges, William Urquhart, John Simmons, Sr., Jesse Whitehead, James Gray, Timothy Thorpe, Miles Cary, John Blunt, David Barrow, Thomas Butts, and Thomas Turner.[73] Elias Herring was high sheriff with John Mitchell his under sheriff.[74] The settlement of the public debts was taken up; in March 1781, a wagon and team had been purchased by William Hines for the use of the county, the cost of which was 35,000 pounds in paper currency; it was ordered by this court that he receive the sum of 116 pounds and 12 shillings in lieu of the same. However, William Hines was to receive whatever paper currency might be on hand at the rate of one thousand for one, as part payment of the said debt.[75] It was at this court that the value of all seized articles was ascertained and a certified copy thereof was sent to the Auditor of the Commonwealth.[76]

By an act of 1785, a small portion of land, south of the Blackwater and Nottoway Rivers and formerly in the bounds of Nansemond, was added forming the southeastern corner of present Southampton County.[77]

In 1791 the need was felt for a town. An act passed that year established the town of Jerusalem on 10 acres of land adjoining the courthouse.[78] Under an act of nearly a century later (1888) Jerusalem was incorporated as the present town of Courtland.[79]

In 1794 there was much discussion concerning a new clerk's office. It was first resolved to build a new one but later ordered that the existing one be examined.[80] On July 17, 1797 it was ordered that Benjamin Blunt, Robert Mabry, Samuel Calvert, Jr., and Thomas Blow contract for the building of a prison.[81] Yet on September 22 of that year Thomas Hunt was ordered to employ some person to repair the prison "at present,"[82] while on December 18, 1797 it was ordered that Spencer Pierce be paid $200 "if in hand" for building the "gaol and office" for the county.[83] The following June, William Cricklow and Samuel Kello were ordered to lay off the ground where the gaol of this county was to stand, and these two gentlemen were appointed to superintend the building thereof.[84] The ground for the clerk's office was also to be selected, the front of which was to range with the street.[85]

In September 1798 the court appointed certain persons to let the removal of the courthouse and point out to the contractor the place where it was to

---

73. Order Book, County Court, no. 7 (1778-84), May 9, 1782, p. 191, see entry 181.
74. Ibid., May 9, 1782, p. 196.
75. Ibid., May 9, 1782, p. 197.
76. Ibid., May 10, 1782, p. 199.
77. Hening, Statutes, XII, 69; Commercial Atlas, p. 407.
78. Hening, Statutes, XIII, 297.
79. Acts 1887-88, p. 33.
80. Minute Book, County Court, (1793-99), July 10, 1794, pp. 98, 99, in Order Book, County Court, see entry 181.
81. Ibid., July 17, 1797, p. 279.
82. Ibid., Sept. 22, 1797, p. 302.
83. Ibid., Dec. 18, 1797, p. 320.
84. Ibid., June 19, 1798, p. 360.
85. Ibid., June 19, 1798, p. 361.

stand.[86] The present courthouse was completed in 1834.[87]

Southampton County, always with a large Negro population,[88] was the scene of the now famous Southampton Insurrection of August 21 and 22, 1831, at which time a group of Negroes under the leadership of "Capt. Nat Turner" massacred 58 persons, causing widespread alarm over the entire Tidewater Virginia and North Carolina. The Insurrection took place in Boykins District, near Cross Keys,[89] the region most thinly settled.[90] The insurrectionists hid in the woods until 10 o'clock Sunday night in order to give the victims time to retire, then proceeded to murder all at each house visited, sparing neither age nor sex. The number of insurrectionists, armed with all manner of weapons, increased until it reached at least 60.[91] Nat Turner was hanged at "Precisely 12 o'clock" on November 11, 1831.[92] It has been said that this insurrection was indirectly instrumental in bringing about the great slavery debates which undeniably resulted in abolition.[93]

Since the founding of the Colony, transportation has been of great importance to its inhabitants. As early as 1632 the General Assembly passed certain laws in regard to highways,[94] and in 1662 an effort was made to keep up permanently the highways. Under the law passed at the latter date, surveyors were appointed who, with the help of the tithables within their precincts, were to clear new roads and maintain those already constructed.[95]

This system was in force at the time of the formation of Southampton County in 1749; hence we find among the first orders those concerning roads. At the first court held for the county, Joseph Griffen, Joseph Williams, William Exum, Joseph Jones, Richard Kirby, Charles Simmonds, Thomas Westbrooke, Joshua Cloyd, Matthew Griffin, David Burn, Jacob Flowers, John Thomas, Thomas Williams, and Joshua Dawson were appointed surveyors of the highways.[96] The Three Cypress Bridge was also ordered to be inspected and repaired if needed.[97] In fact, the early orders are filled with various references to roads and bridges.[98] Toward the end of the eighteenth century and during the early decades of the nineteenth, much activity was concerned with establishing public ferries and keeping in repair the bridges.[99]

---

86. Ibid., Sept. 18, 1798, p. 386.
87. See Housing, Care, and Accessibility of the Records, p. 56.
88. Personal Tax, Southampton County, 1790, 1800, 1820 [ms. vols. in Vi., archives].
89. Richmond Constitutional Whig, Aug. 25, 1831-Aug. 29, 1831.
90. William Sidney Drewry, The Southampton Insurrection, Washington, 1900, p. 35.
91. Ibid., p. 35.
92. Richmond Constitutional Whig, Nov. 10, 1831; Nov. 17, 1831.
93. Drewry, The Southampton Insurrection, pp. 181-182.
94. Hening, Statutes, I, 199.
95. Ibid., II, 103.
96. Order Book, County Court, no. 1 (1749-54), June 8, 1749, p. 3, see entry 181.
97. Ibid., June 8, 1749, p. 3.
98. Ibid., pp. 158-159, 166, 180, 193, 288, et passim.
99. Minute Book, County Court (1809-11), pp. 22, 34, 81, et passim, in Order Book, County Court, see entry 181; Minute Book, County Court (1793-99), passim, see entry 180.

The rivers also played an important part in early transportation. In 1790 an act was passed to make navigable the Blackwater River from Little Town to Broadwater Bridge, and county courts were given authority to appoint surveyors to superintend the removal of all obstructions.[1] Apparently these gentlemen went to work with much energy, for the following year an act was passed to prevent these surveyors from forcing the workers to spend more than 10 days in 1 year on this work.[2]

The next few decades found several companies incorporated to make navigable the rivers touching Southampton County. The Meherrin Navigation Company, incorporated in 1811 for $10,000, was permitted to open books in Southampton and Greensville Counties and proceed to sell stock. This company was to make navigable the Meherrin River from the Lower Falls in Greensville County to Murfreesborough, North Carolina.[3] It would seem that the company did not prosper, however, for in February 1817 an extension of 10 years was granted.[4] The Nottoway Navigation Company, incorporated in 1812 with an equal capital, was to make navigable the Nottoway River from William Parham's Mill in Sussex County to the Narrows above Brown's Ferry in Southampton County.[5] This company was reincorporated in 1819.[6]

With the coming of the railroads, Southampton County entered a new era. A most important event in the history of the county was the incorporation of the Portsmouth and Roanoke Railroad Company in 1832 - incorporated for $400,000 to build and operate a railroad from the town of Portsmouth to some point on the Roanoke River. Books were ordered to be opened in several locations, among them Jerusalem (now Courtland), and the company proceeded to sell stock.[7] On November 1, 1834, the president stated in an official letter that "The graduation of the road from Suffolk to Nottoway River will be completed in a few days . . . . In February next, . . . should the weather prove favorable, that section may be finished." Much had been done in grading the lines between the Nottoway and Meherrin Rivers.[8] However, in May 1835 the completion of the road from Suffolk to the Nottoway River had been delayed because of the severity of the winter. The president stated at that time that it would be in use to the Nottoway River in a few days.[9] The report made by the president of this road on October 31, 1836, stated that the road was daily traveled to its intersection with the Petersburg and Roanoke Railroad.[10] The Portsmouth and Roanoke Railroad at this time boasted six locomotives, five of which had been imported from England.[11] The early station agents for this road in Southampton County were John R. Williams, John M. Neal, and Edward Beaton who served at

---

1. Hening, Statutes, XIII, 203.
2. Ibid., XIII, 285.
3. Acts 1810-11, pp. 59-63.
4. Acts 1816-17, p. 83.
5. Acts 1811-12, pp. 52-56.
6. Acts 1818-19, pp. 95-96.
7. Acts 1831-32, p. 136.
8. Annual Reports of the Board of Public Works to the General Assembly of Virginia . . ., (1816-76), Richmond, 1817-77 [vols. not numbered], 1832-35, pp. 467-468.
9. Ibid., 1836, p. 106.
10. Ibid., 1836, p. 323.
11. Ibid., 1836, p. 324.

Franklin, Newsoms and Boykins, respectively, in 1838.[12] After several years litigation, the Portsmouth and Roanoke Railroads was sold, pursuant to an act of assembly, on September 4, 1846. John S. Millson became the purchaser of the same for the Commonwealth.[13] The act authorizing the sale stated that the purchaser of the same might incorporate under the law as the Seaboard and Roanoke Railroad Company.[14]

The Seaboard and Roanoke Railroad later came under the control of the Seaboard Air Line Railroad Company and as such serves the county of Southampton.[15] Another early railroad in Southampton County was the old Norfolk and Petersburg Railroad incorporated in 1851.[16] This company consolidated with the Virginia and Tennessee Railroad in April 1871, thus forming the Atlantic, Mississippi & Ohio Railroad. The reorganization of the latter took place after it was sold in February 1881, and on May 3 of that year became known as The Norfolk and Western Railroad.[17]

The two other railroads serving Southampton County are the Southern, organized June 18, 1894, and the Virginia, organized February 20, 1904.[18]

In 1801 Mr. Strickland, an Englishman, in an article on "Agriculture in America," spoke of Virginia as being in a rapid decline. This Commonwealth was the southern limit of his inquiry since agriculture here, he said, had already reached its lowest state of degradation.[19] The organization of a state agricultural society, around 1820, was one of the first concentrated efforts to make planters realize the need for a decided change of method in this field.[20]

Unlike most Virginia counties, Southampton County raised little tobacco during the first half of the nineteenth century, as is shown in the 1850 census which reports only 971 pounds grown as compared with 869 bales of cotton. The leading agricultural products of this decade were sweet potatoes, and peas and beans; 235,337 bushels of the former and 125,218 of the latter were raised that year.[21] The number of acres of improved land was 159, 668 and the cash value of the farms was estimated at $996,607; to this may be added $71,496 worth of implements and machinery.[22] The average value of land per acre increased from $1.67 in 1800 to $4.75 by 1820, and decreased from $4.15

---

12. Ibid., 1838-39, p. 111.
13. Ibid., 1843-44, pp. 342-381; ibid., 1846-47, pp. 84-115, 403-404.
14. Acts 1846-47, p. 105.
15. Ninth Annual Report of the State Corporation Commission of Virginia, 1911, Richmond, 1912, p. 807; Commercial Atlas, p. 407.
16. Acts 1850-51, p. 60.
17. Annual Report of the State Corporation Commission, 1911, p. 691.
18. Ibid., 1911, pp. 846, 1033.
19. John Taylor, Arator; Being a Series of Agricultural Essays, Practical and Political, 3rd. ed., Baltimore, 1817, p. 13.
20. "The Status of Virginia Agriculture in 1870" in Report of the Commissioner of Agriculture for the year 1870, Washington, 1871, p. 268.
21. 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, p. 278 (table XI).
22. Ibid., p. 274 (table XI).

in 1840 to $2.96 by 1850.[23]

Agriculture has been and continues to be the principal interest of Southampton County. In 1860 only 45 persons were employed in manufacturing pursuits,[24] and this figure had only risen to 871 in 1935.[25] The reports for 1860 did, however, show cooperage in the county, as well as flour milling.[26]

Tidewater Virginia was omitted when the tobacco regions of Virginia were shown in the 1880 census, but elsewhere the census shows that 775 pounds of that commodity were produced on 5 acres in Southampton County. J. B. Killebrew spoke of the fact that the planters of this section had long ago changed from tobacco growing to crops more suited to the soil of this region.[27] The census would bear out his statement, for 101 acres of land were planted in wheat, 36,012 acres in corn, 11,500 acres in cotton and 628 acres in sweet potatoes, while all cattle numbered 5,478. The farm products sold and consumed in 1879 are shown at a value of $976,430. Southampton County led Virginia in the production of cotton, having raised 5,200 bales.[28]

It is not definitely known when peanuts were first cultivated. Several species of plants closely allied to the peanut are natives of Brazil. While the indications are that the peanut came originally from tropical America and was introduced much earlier than 1870, it was of no importance commercially until that date.[29] The soil of Southampton County is of a sandy, loamy nature, light in color, and is perfectly suited to the culture of peanuts; the same is true of the climatic conditions which afford a long, growing season (from 90 to 120 days required according to variety), abundant sunshine, and a high temperature.[30] The census of 1890 which reports 16,338 acres producing 329,750 bushels of this commodity in Southampton County represents the largest figures in the State. The lead taken at this time, in the production of peanuts, still holds true.[31] There are at least five concerns dealing with the commercial needs of the peanut growers.[32]

By 1900 some interest was also taken in the production of clover and grasses for 936 acres are listed as being alloted to their culture. The corn acreage was listed at 39,400 acres, while sweet potatoes formed a major crop with 1,050 acres producing 122,380 bushels of this vegetable. The culture

---

23. "Statement Showing Average Value of Land Per Acre," 1800-1850 in Documents Containing Statistics of Virginia Ordered to be Printed by the State Convention . . ., 1850-51, Richmond, 1851 (pages unnumbered).
24. Hotchkiss, Virginia, pp. 93, 96-97.
25. Commercial Atlas, p. 411.
26. Hotchkiss, Virginia, p. 96.
27. Census of the United States, 1880, III, Report on the Productions of Agriculture . . ., Washington, 1883, pp. 196, 320 (table XV).
28. Ibid., pp. 138 (table VII), 174 (table IX), 209 (table XI), 246 (table XIII), 321 (table XV).
29. W. R. Beattie, The Peanut, U. S. Department of Agriculture, Farmers' Bulletins 431, Washington, 1911, p. 5.
30. Ibid., pp. 6-7; Charlotte Allen, ed., Virginia, Richmond, 1937, p. 243.
31. Census of the United States, 1890, V, Reports on the Statistics of Agriculture in the United States . . ., Washington, 1896, p. 495 (table XXII).
32. Commonwealth Magazine, February 1938, p. 46.

of the peanut was even more marked as 31,781 acres produced 1,087,529 bushels. Cotton production continued, 3,705 acres producing 2,079 bales.[33]

An interesting note on agriculture in Southampton County is a study of the size and tenure of the farms over a 50-year period. In 1880 there were 1,648 farms within the county, of which 906 were cultivated by their owners, the largest number ranging in size from 100 to 500 acres. Three hundred and thirty-seven farms were rented on a cash basis, the largest number of this group being from 20 to 50 acres in size; and 405 farms were rented on shares, the largest number in this group ranging from 100 to 500 acres in size.[34] The farms of Southampton County numbered 3,212 in 1930; 1,303 were operated by the white race with a total acreage of 141,490 and 1,909 by Negroes with a total acreage of 125,082. Fifty-nine thousand three hundred and ninety-six acres of crop lands were in the hands of tenants in 1929, while 5,501 acres of crop land were being purchased.[35] The largest number of farms averaged 20 to 49 acres with 34,717 acres in the 1,073 farms of that size. The value of the land and buildings of the white race was $5,538,850, while the value of this same type of property operated by the Negro race was $3,903,659.[36] The total cattle reported April 1, 1930 numbered 4,372 head.[37] Forty-one thousand seven hundred and eleven acres of land were used for the cultivation of hay while corn was reported grown on 2,905 farms.[38]

The census reports of 1935 show 2,987 farms within the county with a total acreage of 266,057;[39] 89,293 acres were owned by white operators and 24,568 acres owned by Negro operators. The value of the lands and buildings of each race is given as follows: white owners $2,330,415, Negro owners $563,195.[40]

A comparison of the 5-year period 1930-35 shows a slight decrease in the number of farm operators. The earlier date shows 1,303 white operators in 1930 and 1,382 in 1935, while Negro operators numbering 1,909 in 1930 are shown to have decreased to 1,605 in 1935, but the number of tenants decreased only 20 from 1930 to 1935.[41] The value of land per acre in Southampton County decreased, its average value in the latter year being $26.67 per acre. These values, it will be remembered, were given during the depression and no doubt have already risen to the 1930 level which was $35.42 per acre.[42] With 2,127,015 bushels of peanuts grown in 1934,[43] the peanut industry is naturally important to the inhabitants of Southampton County.

---

33. Twelfth Census of the United States. . ., 1900, Crops and Irrigation, VI, pt. 2, Washington, 1902, pp. 188 (table LV), 265 (table X), 396 (table XXII), 435 (table X), 577 (table X).
34. Census of the United States, 1880, III, Agriculture, pp. 96-97 (table V).
35. Fifteenth Census of the United States, 1930, Agriculture, II, pt. 2, p. 180 (table I).
36. Ibid., pp. 199 (table II), 211 (table III).
37. Ibid., p. 221 (table IV).
38. Ibid., p. 231 (table V).
39. United States Census of Agriculture, 1935, II, Reports for States, with Statistics for Counties, Washington, 1936, p. 437 (table IV).
40. Ibid., I, 411 (table I).
41. Ibid., I, 405 (table I).
42. See footnote 41.
43. United States Census of Agriculture, 1935, II, 449 (table VI).

Historical Sketch (First entry, p. 71)

Late in 1936 Southampton County gained much when the Chesapeake-Camp Corporation chose a location adjoining Franklin for its $3,500,000 pulp and paper mill, employing directly or indirectly 2,000 persons.[44] This together with the peanut factories, constitutes most of the manufacturing livelihood of this county.

An important factor in the cultural history of any section involves the facilities furnished by that section for the education of its youth. As early as 1771 a school was kept by Mr. Samuel Nelson at Broadwater. His advertisement, stating that he intended to continue his school at this location, appeared in January of that year. Latin, French, and Greek were offered and the leisure hours of Mr. Nelson's students were intended to be improved by the use of his library which included among other items a work on astronomy. Mr. Nelson was also to import in that year a pair of globes which were considered an important adjunct to his establishment.[45]

About 1776, Rev. Henry John Burges resigned his charge in order to teach at Millfield Academy, located at or near Berlin. William Henry Harrison, was at the time of his election to Presidency of the United States, one of four surviving students of this academy. However, in December 1790 an act was passed authorizing John S. Wills, William Urquhart, Benjamin Blunt, James Wilkinson, John Taylor, Francis Boykin, George Purdie, James Wills and Samuel Kello to raise 300 pounds by means of a lottery, to be used toward the erection of an academy in Southampton County which was to be called Millfield Academy.[46] The following year Rev. Henry John Burges of Nottoway Parish and Sally, his wife, deeded for 5 shillings to Edmund Tyler, Samuel Kello, and William Boykins 2 acres of land on which was to be erected Millfield Chapel and a schoolhouse. The deed stated that sundry persons had already contributed to this end.[47] Morrison says, however, that Millfield Academy appears not to have prospered until about 1830 when it was under the superintendence of Mr. Edward Smith and Mr. William C. Clark, at which time extensive courses embracing all the higher branches of science and literature usually taught in first class schools were offered.[48]

It would appear from an official communication of the period that little effort was made to establish a public school prior to 1809[49] in spite of the act of assembly, dated 1796, which authorized free schools.[50] It was under the school act of 1818[51] that Samuel Blunt, James Rochelle, Benjamin Cobb, John

---

44. The Commonwealth Magazine, January 1931, p.24; The Richmond Times-Dispatch, Dec. 15, 1936, p. 9; Dec. 18, 1936, p. 1.
45. The Williamsburg Gazette, Jan. 3, 1771.
46. Proceedings of the 103d Annual Communication of the M. W. Grand Lodge of Virginia of Ancient York Masons . . . 1880, Richmond, 1880, pp. 376-377; Hening, Statutes, XIII, 173-174.
47. Deed Book, no. 7 (1787-93), July 12, 1792, pp. 669-671, see entry 15.
48. Alfred James Morrison, The Beginnings of Public Education in Virginia, 1776-1860, Richmond, 1917, pp. 122-123.
49. Ibid., pp. 24-25 (address of Governor Tyler to General Assembly of Virginia, dated Dec. 4, 1809).
50. Samuel Shepherd, compiler and editor, The Statutes at Large of Virginia . . . (1792-1808), 3 vols., Richmond, 1835-36 [hereinafter cited as Shepherd, Statutes], II, 3-5.
51. Acts 1817-18, pp. 11-12.

Urquhart, Jacob Darden, Benjamin W. Johnson, Clements Rochelle, James Gee, Jeremiah Cobb, William B. Goodwyn, Francis Ridley, James Trezvant, William Ricks, Carr Bowers, and John Saunders were appointed school commissioners in March of that year.[52] The school commission appears to have functioned, for in 1836 Samuel H. Holmes gave bond as treasurer of the commission, having been appointed for that year.[53]

By 1850 there were in Southampton County 20 public schools with 288 pupils enrolled therein, and $4,580 was expended that year for public education within the county. During this same period there were five academies operating.[54]

Under the school laws of 1870, J. F. Bryant was appointed first superintendent and served from 1870 to 1882.[55] A strong interest in school affairs was taken by Southampton County after this period, for by 1885 there were 75 teachers employed, and although most of the schools consisted of only 1 room, the full amount of operating costs requested was levied by the board of supervisors. The superintendent wrote, in answer to a query, that public sentiment was "very favorable" toward free schools at this time;[56] 50.5 percent of the school population were enrolled.[57]

In spite of the interest shown by Southampton County, there were, in 1885, 42 white children between 18 and 21 years of age who could not read, and 54 of the same age group who were unable to write.[58] The total expenditures this year were something over $12,000 for public education.[59]

By 1900 the public school system of Southampton County had grown considerably; there were enrolled in the 109 schools throughout the county 4,605 pupils, comprising 58 percent of the white and 44 percent of the Negro school population. Funds available for this year (1900-1901) amounted to $24,517 for school purposes, of which approximately one-fourth was raised in the county.[60]

The State Superintendent of Public Instruction stated in 1901 that "The improvement of the rural schools continues to be the most important as well as the most perlexing problem with which educational administrators have to deal"; consolidation and concentration of school energies were also mentioned.[61] The consolidation of schools is gradually taking place; 95 schools were shown for the year 1920-21, while by 1930-31 there were only 74 schools within Southampton County. The reports for 1937-38 show a further decrease of four

---

52. Order Book, County Court, (1816-19), Mar. 16, 1818, p. 297, see entry 181.
53. Deed Book, no. 23 (1833-36), Jan. 18, 1836, p. 545, see entry 15.
54. Seventh Census of the United States, 1850, pp. 265, 267 (table VII).
55. Virginia School Report, 1885, Fifteenth Annual Report of the Superintendent of Public Instruction . . ., Richmond, 1885, pt. I, p. 123.
56. Ibid., pp. 16, 27, 42, 92-95.
57. Ibid., p. 13.
58. Ibid., p. 153.
59. Ibid., p. 35.
60. Virginia School Report, 1900-1901, Biennial Report of the Superintendent of Public Instruction . . ., Richmond, 1901, pp. 106-107, 110, 113.
61. Ibid., pp. XXVI-XXVII.

buildings for the Negro race. It is to be noted that nine one-room schools have been abandoned since 1930-31.[62]

The present school system of Southampton County, composed of 71 schools of which 8 are accredited high schools,[63] 6,424 pupils (70 percent of the total school population),[64] libraries consisting of 16,500 volumes,[65] and real estate valued at nearly one-half million dollars supplemented by $76,000 worth of equipment,[66] indeed reflects the great strides made by the Commonwealth since 1870 in public education.

As in many Virginia counties, the formation of the parish of Nottoway antedates the formation of the county of Southampton. By an Act of August 1734, the parish of Nottoway was formed from those parts of Newport and Warwicksqueake which lay on the south side of the Blackwater River.[67] Much of the Colonial life centered about the Established Church and a great deal of the work performed by the present board of welfare was, in Colonial days, carried on by the churchwardens.[68] By 1762, the parish of Nottoway was considered large and unwieldy, for in that year it was divided and the Parish of St. Luke was formed. The new parish lay between the Nottoway and the Meherrin Rivers.[69]

Among the ministers of these parishes were George Gurley of St. Luke's from at least 1773 to 1792, loyal to the American cause, and William Andrews, 1776, a Tory, of Nottoway Parish.[70] Henry John Burges was also in Southampton County during the Revolution, ministering in five churches and teaching school. This patriotic minister was captured and imprisoned by the British.[71] At the close of the Revolution, both George Gurley and Henry John Burges served as justices of the county court.[72] It will be recalled that Rev. H. J. Burges gave the land for the chapel and school at Millfield.[73] During this period there were at least several Baptist ministers within the county of Southampton - among them David Barrow, Henry Jones, and Beverly Booth - 74

---

62. Annual Report of the Superintendent of Public Instruction . . . 1920-21, State Board of Education Bulletin IV, no. 2 (Sept. 1921), Richmond, 1922, p. 130; Annual Report of the Superintendent of Public Instruction . . . 1930-31, State Board of Education Bulletin XIV, no. 3 (Nov. 1931), Richmond, 1932, p. 185; Annual Report of the Superintendent of Public Instruction . . . 1937-38, p. 188.
63. Ibid., pp. 54, 188.
64. Ibid., pp. 145, 149.
65. Ibid., p. 192.
66. Ibid., p. 184.
67. Hening, Statutes, IV, 444.
68. Ibid., II, 267; ibid., IV, 211; ibid., VI, 31-32, 476; Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century, New York, 1910 [hereinafter cited as Bruce, Institutional History], I, 85-90.
69. Hening, Statutes, VII, 618-619.
70. Edward Lewis Goodwin, The Colonial Church in Virginia, II, Milwaukee and London, 1927, 246, 275.
71. Ibid., p. 256.
72. Order Book, County Court, no. 7 (1778-84), May 9, 1782, p. 191, see entry 181.
73. Deed Book, no. 7 (1787-93), July 12, 1792, pp. 669-671, see entry 15.
74. Order Book, County Court, no. 7 (1778-84), Aug. 9, 1781, p. 154; Nov. 8, 1781, p. 164; Dec. 13, 1781, p. 173, see entry 181.

while the earliest records record the presence of prominent Quakers.[75] For the first half of the nineteenth century the Baptist Church prospered within Southampton County; the census shows six churches of this denomination in 1850. In spite of the patriotism of the Episcopal ministers during the Revolution, not one church of this faith is shown in this census within the county of Southampton.[76]

Much has been accomplished in the field of public welfare since the days when this important work was carried on by the churchwardens.[77] Writing in 1854, Edmund Ruffin speaks of the general advancement made during the preceding two decades, in regard to health in Tidewater Virginia.[78] The welfare work was handled by the board of supervisors for many years; however, a board of public welfare was set up in 1923 and functioned for about 10 years. In 1933, the board of supervisors again took up this work and issued orders, for cash or groceries, to the needy families of the county.

In September 1936, a superintendent of public welfare, Miss Beulah Daves, was appointed by the board of supervisors and assumed her duties in October. The present local board of public welfare was established in 1938. In July 1939, Southampton County abolished its almshouse and thus disappeared the last of the antiquated methods in public welfare.[79]

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Structural Development of County Government

Most county systems in America are copied, to some extent, from the English shire or county.[1] In Virginia, however, "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

---

75. Will Book, no. 1 (1749-62), passim, see entry 127; Deed Book, no. 1 (1749-53), passim, see entry 15.
76. Seventh Census of the United States, 1850, p. 286.
77. See footnote 75.
78. Edmund Ruffin, Essays and Notes on Agriculture, Richmond, 1855, p. 342.
79. Record of Supervisors (Minutes), no. 5 (1934--), Sept. 28, 1936, p. 168; Mar. 27, 1939, p. 301, see entry 2; Acts 1938, pp. 639-646.

1. James Bryce, The American Commonwealth, London and New York, 1893, I, 582; see also footnote 2.
2. Eugene McQuillin, The Law of Municipal Corporations, 2nd ed., Chicago and New York, 1928 [hereinafter cited as McQuillin, Municipal Corporations], I, 226-227.

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. These are apparently copied from the English county corporate, described by Blackstone as "certain cities and towns, some with more, some with less territory annexed to them; to which, out of special grace and favour, the kings of England have granted the privilege to be counties of themselves, and not to be comprised in any other county; but to be governed by their own sheriffs and other magistrates, so that no officers of the county at large have any power to intermeddle therein. Such are London, York, Bristol, Norwich, Coventry, and many others."[5] These cities "are independent of the county organization and constitute primary division of the states . . . ."[6]

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 purpose of civil adminis-

---

3. Ibid., I, 246.
4. Report of the Secretary of the Commonwealth . . . (1937-38), Richmond, 1938, pp. 257-272.
5. William Blackstone, Commentaries on the Laws of England, Philadelphia, 1900, I, sec. 120; 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.
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. McQuillin, Municipal Corporations, I, 395-401.

tration 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]

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

---

13. Lacy, J., in Fry vs. County of Albemarle, 86 Va. 195 (at p. 197), 9 S. E. 1004 (1890); language adopted in Smith vs. Kelly, 162 Va. 645, 174 S. E. 842 (1934).
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); McQuillin, Municipal Corporations, I, 398.
15. Christian, J., in Camp vs. Birchett, supra (at p. 692); Ferguson vs. Board of Supervisors, supra; Fry vs. County of Albemarle, supra; McQuillin Municipal Corporations, I, 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.

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]

Although the early charters for the settlement of Virginia had envisioned government according to the law of England,[23] a martial law clause was early invoked, and the Colony was ruled like an armed camp for the greater part of its first 12 years.[24] The Governor, appointed by the Virginia Company, was commander in chief, and the plantations or smaller settlements were controlled by the commanders of plantations and their lieutenants, who were commissioned by the Governor.[25] 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.[26]

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 set up a system of government based upon the law and institutions of England.[27] 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.[28] These courts were headed by the commanders of plantations,[29] and served by the provost marshal,[30] but were now guided by civil rather than the military law which had ruled in

---

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; McQuillin, Municipal Corporations, I, 400.
22. Chichester, J., in Kirkpatrick vs. Board of Supervisors, supra (at p. 126).
23. Hening, Statutes, I, 64, 69-71, 73-74, 95-96, 103, 112.
24. Ibid., I, 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.
25. Ibid., pp. 152-153, 162; Susan M. Kingsbury, ed., The Records of the Virginia Company of London, Washington, 1903-33, III, 623, et passim; Bruce, Institutional History, II, 242-243; Hening, Statutes, I, 131-132.
26. Bruce, Institutional History, I, 592-594; Records of the Virginia Company, III, 91, 121.
27. Ibid., III, 241, 309-310, et passim; Bruce, Institutional History, II, 245-250, et passim.
28. Hening, Statutes, I, 125.
29. Ibid., I, 130-133, 168-170, et passim.
30. Bruce, Institutional History, I, 592-594.

the former courts martial.[31] In 1634 the land was divided into eight shires or counties in place of the earlier plantations, incorporations and hundreds, and county lieutenants (commanders of local military forces) were appointed as in England.[32] 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.[33] There is no statutory mention of constables until 1643 nor of coroners until 1674, but since both of these were common law officers of ancient tradition, they were probably functioning in Virginia much earlier, as is suggested by the phraseology of the first acts.[34] 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.[35] The Church of England always stood in close relationship with the Government of Virginia;[36] the county was early divided into parishes,[37] and the parish vestry, chosen from among the parishioners,[38] 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.[39] For the latter purpose they were empowered to levy a special tax and their agents, the churchwardens, acted as welfare officers.[40] The church also recorded christenings, weddings, and burials in the parish register and reported these events to the county court annually.[41] The first surveyor arrived in the Colony in 1621,[42] and by 1655 the county courts were permitted to select one for each county.[43] In 1646 commissioners (forerunners of the present commissioners of the revenue) were appointed to take lists of tithables,[44] and in 1647 collectors of the tax (temporarily relieving the sheriff of this part of his duties)[45] were appointed. These appointments recurred intermittently thereafter until the American Revolution.[46] The county court had long been required to make provision for roads and bridges, when in 1658 a statute called for the regular appointment of surveyors of highways.[47]

---

31. Hening, Statutes, I, 168-169.
32. Ibid., I, 224.
33. Ibid., I, 223.
34. Ibid., I, 246; ibid., 325, 419; W. W. Hening, The Virginia Justice . . ., Richmond, 1825, pp. 205, 209.
35. Hening, Statutes, I, 129-130, 363-368, 371-372, et passim.
36. Bruce, Institutional History, I, 37, 42, et passim.
37. Ibid., I, 55-61; Hening, Statutes, I, 228-229, 237, 249, 400, 478.
38. Ibid., I, 291; Bruce, Institutional History, I, 62-72.
39. Ibid., I, 73-75, 81-91, 98-100; Colonial Records of Virginia, 26-28; Hening, Statutes, I, 160-161, et passim.
40. Bruce, Institutional History, I, 74-78, 81-93, 98, 104-105.
41. Hening, Statutes, I, 155, 158, 180, 182-183, 433.
42. Records of the Virginia Company, III, 477, 486.
43. Hening, Statutes, I, 404.
44. Ibid., I, 305-306.
45. Ibid., I, 342.
46. Ibid., II, 19; ibid., VII, 78, 80, 641; Bruce, Institutional History, II, 551-552.
47. Hening, Statutes, I, 436.

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.[48] 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,[49] 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 quality and packing.[50] Thus the pattern of local institutions, established in the seventeenth century, passed into 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,[51] the commissioner of the tax (commissioner of the revenue,[52] and the assessors.[53] In 1785 the board of overseers of the poor took the place of the parish vestry as a welfare agency,[54] the church having lost all temporal power and much of its property in the disestablishment following the Revolution.[55] The District Superior Court of Law, formed in 1788, received most of the common law jurisdiction formerly assigned to the General Court.[56] These courts, like the High Court of Chancery and the District Superior Courts of Chancery later established,[57] 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.[58] In 1800 the first regular appointments by statute of prosecutors (commonwealth's attorneys) for the local courts took place,[59] although there is ample evidence of the existence of similar functionaries during the Colonial Period.[60]

The first attempt at the inauguration of a free-school system came in 1796,[61] but it was not until 1818 that any effective action was taken on a State-wide scale. A board of school commissioners was appointed in each county at that date to attend to the education of the poor,[62] and in 1829

---

48. Bruce, Institutional History, I, 263-264; Hening, Statutes, I, 543-551; ibid., II, 41-148.
49. Colonial Records of Virginia, pp. 23-24; Records of the Virginia Company, III, 228-229; Hening, Statutes, I, 152, 165, 190, 204, 211; ibid., III, 436.
50. Ibid., IV, 247-271; ibid., V, 10; ibid., VII, 387.
51. Ibid., IX, 389.
52. Ibid., IX, 351-352, 363-364.
53. Ibid., IX, 352-355, 549; ibid., X, 252, 501-503.
54. Ibid., XII, 27-29, 273-274.
55. William Meade, Old Churches, Ministers and Families of Virginia, Philadelphia [ca. 1938], I, 16-17 (as to disestablishment).
56. Hening, Statutes, XII, 730-763.
57. Shepherd, Statutes, II, 320-322.
58. Hening, Statutes, XII, 730; see Circuit Court, pp. 90-92.
59. Shepherd, Statutes, II, 215.
60. Hening, Statutes, VI, 52, 122; Bruce, Institutional History, I, 570-572.
61. Shepherd, Statutes, II, 3-5.
62. Acts 1817-18, pp. 11-12.

some of the counties were laid off in school districts.[63]

After the Constitutional Convention of 1829-30, the electoral districts were reapportioned and the freehold requirements reduced.[64] The first regular election officials were appointed at this time, relieving the sheriff of most of his duties in that line.[65] In the same year, 1831, the former District Superior Courts of Chancery and the circuit superior courts of law (the District Superior Courts of Law having been converted in 1809 into circuit courts meeting semiannually in every county)[66] were combined to form the circuit superior courts of law and chancery.[67]

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.[68] Attacks on the county court during the revising convention[69] resulted in the requirement that a presiding judge be present at all sessions.[70]

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.[71] 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.[72] 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.[73] 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

---

63. Acts 1828-29, pp. 13-14.
64. Constitution of Virginia, 1830 [hereinafter cited as Const. 1830], art. III, in The Code of Virginia, Richmond, 1849 [hereinafter cited as Code 1849].
65. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
66. Shepherd, Statutes, III, 355-360.
67. Acts 1830-31, pp. 42-76.
68. Constitution of Virginia, 1851 [hereinafter cited as Const. 1851], arts. III, V, VI, in The Code of Virginia . . ., 1860, Richmond [hereinafter cited as Code 1860].
69. "Debates of June 5, 1851" in Virginia Reform Convention [Proceedings and Debates], Supplement to the [Richmond Newspapers], no. 60.
70. Const. 1851, art. VI, sec. 27.
71. Third Edition of the Code of Virginia . . ., Richmond, 1873 [hereinafter cited as Code 1873], pp. 24-30.
72. Constitution of Virginia, 1869 [hereinafter cited as Const. 1869], art. VI, sec. 13, in Code 1873.
73. Ibid., art. VII, sec. 2; Acts 1869-70, pp. 270-273.

school trustees, and three constables were elected for each such division.[74] The supervisor, commissioner of roads, and assessor of each township constituted a township board in their division,[75] while the supervisors of the local units met together as the county board of supervisors, attended by the county clerk.[76] This officer, as well as the sheriff and the county treasurer, was elected by the voters of the county at large.[77]

The details of the township system were abolished by an amendment in 1875,[78] but the geographical and electoral divisions persisted as magisterial districts,[79] 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.[80] The commissioner of the revenue resumed his former status,[81] and the supervision of roads fell once more in the province of the county court.[82]

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.[83] 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 apparently occurred in Southampton County in 1884.[84] 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[85] 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.[86] 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 between 1912 and 1934,[87]

---

74. Const. 1869, art. VII, secs. 2-4.
75. Acts 1869-70, pp. 274-275.
76. Ibid., pp. 269-274.
77. Const. 1869, art. VII, sec. 1.
78. Acts 1872-73, pp. 274-277; Acts 1874, pp. 95-98, 208-212; Acts 1874-75, p. 56.
79. Constitution of Virginia, 1869 (as amended 1874), art. VII, sec. 2, in The Code of Virginia . . ., Richmond, 1887 [hereinafter cited as Code 1887].
80. Ibid., art. VII, secs. 1, 2; Acts 1878-79, pp. 320-323; Code 1887, secs. 602-605.
81. Acts 1874-75, pp. 216-218.
82. Ibid., pp. 177-178; Code 1887, secs. 945-954.
83. Acts 1902-3-4, p. 626.
84. Acts 1883-84, pp. 459-465; Code 1887, secs. 963-1004; see Board of Supervisors, pp. 69-70.
85. The State Highway Commission, from 1922 to 1932, had gradually taken over the maintenance of the primary road system.
86. Acts 1932, pp. 872-880.
87. Acts 1921, pp. 685-686.

became mandatory in 1934 in all counties.[88] The jurisdiction of the special justice appointed under an act of 1922 to hear juvenile and domestic relations cases[89] was transferred to the new court at that time.[90] In 1938 the Virginia Public Assistance Act[91] 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.[92] The Board of Supervisors of Southampton County, which had previously (except for a short period after 1923) exercised direct supervision over welfare expenditures, appointed a superintendent in 1936. The local welfare agencies,[93] like the county agricultural agent (appointed regularly since about 1910 at least, to conduct agricultural extension work and education),[94] 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 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,[95] to enact local legislation in accord with the constitution and general laws,[96] and to set up zoning ordinances for the regulation of industry and construction within the county.[97]

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,[98] and this has been done, but Southampton County maintains its former system, as do the majority of Virginia counties.

Functional Development of County Government

General Administration

When Southampton 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.[99] Furthermore, it appointed commissioners to list the tithables (persons subject to the capitation tax),[1] apportioned the

---

88. Acts 1934, pp. 466-474.
89. Acts 1922, pp. 835-839.
90. Acts 1934, p. 473.
91. Acts 1938, pp. 638-669; see Local Board of Public Welfare, pp. 200-201.
92. See footnote 94.
93. Acts 1938, pp. 642-670; see Local Board of Public Welfare, pp. 200-201.
94. See County Agricultural Agent, pp. 216-217; Acts 1914, pp. 710-712.
95. Acts 1914, p. 714; Acts 1924, p. 640.
96. Acts 1918, pp. 461-462; Acts 1926, p. 665.
97. Acts 1938, pp. 777-778.
98. Constitution of Virginia, 1902 (as amended 1928) in Acts 1928 [hereinafter cited as Const. 1902 (as amended 1928)], art. VI, sec. 110.
99. See County Court, pp. 124-130.
1. See Commissioner of the Revenue, p. 153.

county levy, supervised its collection, and disbursed it.[2] 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.[3] Appointees of the court supervised the construction and maintenance of roads and bridges;[4] the court licensed ferries[5] and, in many instances, exercised a regulatory function over such matters as agriculture, standards of measurement, quality, and price.[6]

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.[7] 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 property, may pass local zoning ordinances, and provide for the construction of sewerage systems.[8]

Registration of Title to Property

Throughout the history of Southampton County the county clerk has been the principal recording agent[9] and, as he was ex officio the clerk of the county court[10] and generally also of the superior or circuit court,[11] 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.[12] The county surveyor (or any other employed by the parties) records exact boundaries and returns plats of his surveys for record.[13] 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 categories of records - deeds, liens, wills and other writings.[14]

Judiciary

Civil jurisdiction within the county from the beginning of the county

---

2. See County Court, p. 128.
3. Hening, Statutes, I, 316, 450; see Parish Vestry, pp. 206-207, and Local Board of Public Welfare, pp. 200-201.
4. See County Court, p. 127.
5. Hening, Statutes, III, 469; ibid., IV, 45, 92-94, 113, 170.
6. See County Court, pp. 126-128.
7. See Board of Supervisors, pp. 63-70.
8. See above, pp. 16-19.
9. See County Clerk, pp. 73-75.
10. See County Court, p. 126.
11. See Circuit Court, p. 100.
12. See below, p. 27, and Circuit Court, p. 104.
13. See County Clerk, p. 77, and County Surveyor, pp. 213-215.
14. See County Clerk, pp. 75-79.

until 1809 resided exclusively in the county court and its individual justices, the latter having petty jurisdiction only.[15] 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.[16] The authority of the county court was not limited as to civil causes for some years before the Revolution.[17] In 1785 a distinction between quarterly and monthly terms was set up, and the quarterly sessions were not restricted as to maximum value.[18] The same situation continued after 1831,[19] when the superior court of law was replaced by the circuit superior court of law and chancery,[20] 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.[21] During the same period the jurisdiction of the justices increased from $5 to $20 and in certain cases to $50.[22] In 1904 the county court passed out of existence, and all of its jurisdiction was transferred to the circuit court,[23] which is today the principal local judicial authority. The justices in Southampton 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 similar powers today.[24] This 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.[25]

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.[26] Misdemeanors and petty offenses were tried by the justices of the peace, and more serious crimes by the county court,[27] 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.[28] The superior court was the first to exercise the power of life and death in the county,[29] and the present circuit court succeeded to it.[30] The county court never gained this power with regard to free persons, although the courts of oyer and terminer continued to function

---

15. See County Court, pp. 129-130, and Justice of the Peace, pp. 141-143.
16. Shepherd, Statutes, III, 355-360.
17. Hening, Statutes, V, 489-491; see County Court, pp. 129-130.
18. Hening, Statutes, XII, 32-36, 467-474; The Revised Code of the Laws of Virginia . . ., Richmond, 1819 [hereinafter cited as Code 1819], I, 244-261.
19. Code 1849, pp. 615-616.
20. See Circuit Court, pp. 98-99.
21. Const. 1869, art. VI, sec. 13; Acts 1869-70, p. 35.
22. Code 1873, p. 1003.
23. Acts 1902-3-4, p. 626.
24. Acts 1930, pp. 447-450, 783; Acts 1934, pp. 466-471; Code 1936, sec. 4987 (f).
25. Acts 1936, p. 620; Code 1936, sec. 4987 (f).
26. Except those particular counties in which district courts of law were held.
27. Hening, Statutes, V, 491, 495; A Collection of . . . Acts of the General Assembly of Virginia . . ., Richmond, 1803 [hereinafter cited as Code 1803], p. 84.
28. Hening, Statutes, VIII, 138; Code 1803, p. 190.
29. Shepherd, Statutes, III, 355-360.
30. Acts 1830-31, pp. 42-76.

until after the War Between the States.[31] The jurisdiction over misdemeanors formerly residing in the justices of the peace has, since 1934, belonged to the trial justice.[32]

Equity jurisdiction (locally) 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.[33] There was until 1831 no superior court with equity jurisdiction within Southampton County, but from that time to 1873 the circuit court had concurrent powers with the local court.[34] In 1873, the county court lost the majority of its chancery authority to the circuit court,[35] and what remained of it went the same way in 1904.[36] The trial justice today performs the same function as the justices of the peace formerly did, but with increased jurisdiction as to amount.[37]

Probate authority, which was first bestowed upon the county court in 1645,[38] continued to be exercised by that agency until its termination in 1904,[39] and from 1777 to 1809 there was no other local court of probate in Southampton County. Thereafter the circuit superior court of law (later the modern circuit court) shared in this jurisdiction,[40] 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.[41] 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.[42]

Authority over juvenile and domestic relations cases had long been exercised in a general way by both county[43] and circuit courts,[44] but it was not until 1922 that a special justice of the peace was to be chosen to head a juvenile and domestic relations court in each county.[45] This authority was joined to the position of trial justice when that agency was established in Southampton County in 1934.[46]

---

31. Code 1849, p. 787; Code 1860, p. 847; (repealed) Acts 1866-67, p. 915.
32. See footnote 24.
33. See footnote 18.
34. Acts 1830-31, pp. 47-48.
35. Acts 1872-73, pp. 382-384.
36. Acts 1902-3-4, p. 626.
37. See footnote 24 (established in 1934 in all counties where such courts had not already been set up).
38. Hening, Statutes, I, 302-303.
39. Code 1887, sec. 2533; Acts 1902-3-4, p. 626.
40. Shepherd, Statutes, III, 361; Acts 1830-31, p. 48.
41. Constitution of Virginia, 1902 [hereinafter cited as Const. 1902], art. VI, sec. 101, in Acts 1902-3-4.
42. Acts 1902-3-4, p. 386; Code 1936, secs. 5249, 5962 (a).
43. Hening, Statutes, I, 157, 182, 269; Code 1803, pp. 181-182.
44. Code 1887, sec. 2261; Code 1936, secs. 1905-1930, 1964-1961.
45. Acts 1922, pp. 835-839.
46. See footnote 24.

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.[47] In 1705 the Governor was empowered to naturalize aliens who took before him the various oaths prescribed by Parliament.[48] This act, as its preamble states, was for the encouragement of settlement, and 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.[49] 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."[50] After the Revolution, the law was greatly liberalized. Only 2 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,[51] except that of holding office, which was subject to certain further restrictions.[52] The Constitution gave Congress the power to establish uniform naturalization laws, which were enacted in 1790.[53] Since that date, naturalization jurisdiction has been exercised by State courts, without specific State legislation upon the subject.[54] Under the Federal Statute of 1790, "any common law court of record",[55] or by the later act (1795) a "supreme, superior, district or circuit court of some one of the states"[56] may do so. This would seem to exclude the county courts unless they were construed as district courts, but their right to conduct naturalization proceedings has been affirmed.[57] 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."[58]

---

47. 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, 357.
48. Hening, Statutes, III, 434-435.
49. Ibid., V, 58, 79-80.
50. Ibid., IX, 112.
51. Ibid., X, 129-130.
52. Ibid., XI, 322-323; ibid., XII, 261-265.
53. 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.
54. 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).
55. Statutes at Large of the United States, I, 103.
56. Ibid., I, 414.
57. Commonwealth vs. Towles, 5 Leigh (32 Va.) 743 (1835).
58. The Statutes at Large of the United States, vols. XVIII--, Washington, 1873--, XXXIV, 596.

Governmental Organization and Records System (First entry, p. 71)

Since Virginia's statehood antedates by some 13 years the adoption of the Constitution of the United States, none of its counties ever had territorial status, and the Federal courts, when they came into being, were superimposed upon and unrelated with a judicial system already more than two and one-half centuries old. There had, for instance, been an admiralty court in Virginia under the Royal Government intermittently since 1660,[59] and in 1775 three judges were appointed to form a Court of Admiralty governing seizures of enemy vessels and property afloat, subject to appeal to the Committee of Safety.[60] The following year, appeals from this court were directed to the "America Congress," an apparent recognition of the superior right of the central government to adjudicate admiralty affairs,[61] but in 1778 the new Court of Appeals of Virginia became the appellate authority.[62] In 1779, however, it was enacted that in the event of a conflict between the regulations of Congress and the laws of this State, the former should rule, except in cases involving citizens of Virginia, while appeals might be taken to any court appointed by Congress, with the same exceptions.[63] Ten years later, at the adoption of the Constitution of the United States, the Court of Admiralty was discontinued, and the cases then pending in it, not taken under the provisions of the Constitution, were transferred to the proper District Courts of Law.[64]

Jurisdiction in bankruptcy proceedings was not per se taken from the State courts by the Federal Constitution. The provision was, and is, merely that Congress shall have the power "to establish . . . uniform Laws on the subject of Bankruptcies throughout the United States."[65] Pending the passage of Federal laws, therefore, such jurisdiction remained with the State courts, to be exercised in accordance with State law.

Although there were Federal bankruptcy laws in the years 1800-1803, 1841-43, and 1867-78, no permanent system was established until 1898. This and subsequent acts vested jurisdiction under them exclusively in the Federal courts.[66] The State courts retain jurisdiction in equity to appoint receivers in certain cases if the parties are satisfied with their rights under State law. Such jurisdiction is not strictly bankruptcy, but is usually referred to as receivership, and may be resorted to in some cases not reached by the Federal act.[67]

During the period when there were no Federal laws on the subject, the State does not appear to have had any laws that relate to bankruptcy as we know it today. The only comparable laws, apparently, related to the discharge from jail or an insolvent debtor imprisoned for debt. In force at least as early as 1748, they provided that such debtor could take an oath of

---

59. Hening, Statutes, I, 537; ibid., II, 512; ibid., VI, 28.
60. Ibid., IX, 103-104.
61. Ibid., IX, 205.
62. Ibid., IX, 522-525; ibid., X, 89-92.
63. Ibid., X, 98, 101.
64. Ibid., XII, 736, 769-770.
65. Constitution of the United States, art. I, sec. 8.
66. William J. Hughes, Federal Practice, Jurisdiction, and Procedure, Civil and Criminal, St. Paul, Minn., 1931, III, 6, and note.
67. 8 Michie's Digest, 495, 498, et passim.

insolvency, make a schedule of his assets, and convey all his property to the sheriff. The debtor was then released from jail and could not again be imprisoned for any judgments rendered against him prior to taking the oath, except by order of court. The sheriff sold the property for the benefit of the creditor who had committed the debtor to jail. There was no direction as to the disposition of any excess, but there probably would be none. His debts were not discharged; any judgment creditor, prior to subsequent, could levy on any real or personal property thereafter vesting in the debtor.[68] These laws were repealed when imprisonment for debt was abolished at the revision of 1849.[69]

Today, bankruptcy jurisdiction is vested in the Federal District Courts[70] for the Eastern District, sitting at Richmond, Alexandria, and Norfolk, and for the Western District, sitting at Lynchburg, Roanoke, Danville, Charlottesville, Big Stone Gap, Abingdon, and Harrisonburg. Two judges are assigned to each district. The Circuit Court of Appeals for the Fourth Circuit consists of three judges, and meets at Richmond, Virginia, and Asheville, North Carolina.[71] Virginia is in the Fourth Circuit with Maryland, West Virginia, North Carolina, and South Carolina.[72] The Chief Justice of the United States serves (nominally) as presiding justice.[73]

The first provision for appeals from the decisions of the justices of the peace appears in an act of 1658 (during the Commonwealth Period), and allows an increase in the jurisdiction of those officials and establishes an appeal to the county court for any person feeling injured by their judgments or decrees.[74] This act, however, was nullified in the general repeal of 1662, and not thereafter reenacted.[75] In the eighteenth century various changes in jurisdiction took place, but it was usually provided that, within his limited scope, the determinations of the local magistrate should be final,[76] with some few exceptions.[77] The earliest permanent and general provision for appeals to the county court appears to be that of 1807, under which civil judgments up to $10 and those for fines to $5 were final, but any above these amounts respectively might be so appealed.[78] From that date forward the laws governing appeals from the justices to the court commence to ramify almost without end, and to assume the complexity which marks the subject of appeals in general in the legal history of Virginia. There were naturally separate

---

68. Hening, Statutes, V, 537-539; Code 1803, pp. 303-305, 324, 391; Code 1819, I, 536-541; ibid., II, 585.
69. Code 1849, pp. 643, 716, notes.
70. Hughes, Federal Practice, III, 4-6.
71. Report of the Secretary of the Commonwealth (1937-38), p. 38.
72. 103 F. 2, p. vi.
73. Ibid., p. vii; see footnote 71.
74. Hening, Statutes, I, 435.
75. Ibid., II, 147, et passim.
76. Ibid., III, 508; ibid., V, 491; Shepherd, Statutes, II, 275; Code 1803, p. 405.
77. Appeal to the county court was allowed from sentences for unlawful gaming (Hening, Statutes, V, 230; Code 1803, p. 176) and from fines, for the improper packing of meat, tar, pitch, or turpentine, amounting to 20 shillings or more (Hening, Statutes, V, 354).
78. Shepherd, Statutes, III, 286; Code 1819, I, 252.

regulations as to appeals from civil and criminal judgments, but there were further special rules applicable to slaves or free Negroes convicted of misdemeanors,[79] to property of which the title was in dispute, affected by judgment or distress warrant,[80] to judgments in actions of unlawful entry or detainer,[81] and to the judgment of a justice interested in the case.[82] To avoid needless elaboration, it may simply be noted that from 1807 to 1904 the general course of appeal both criminal[83] and civil[84] was from the justices to the county court (except in cases involving the constitutionality of an ordinance or bylaw, which went to the circuit court),[85] although there was a period (1871-73) when in civil cases a new trial before three justices was substituted for the more usual appeal to the court.[86] After 1904, of course, the circuit court succeeded to the appellate authority of the older agency,[87] and continues today to hear causes appealed from the decisions of the trial justice.[88]

The history of the right of appeal from the county court is much more regular - indeed, the earliest known official mention of the monthly court coincides with the direction that appeals may be taken to the Governor and Council (later to be known as the General Court), and the same system continued in use throughout the Colonial Period.[89] After 1777 the appellate authority was divided, appeals in chancery being routed to the High Court of Chancery, while those at common law went to the new General Court, now composed of regular judges,[90] or, after 1788, to the District Superior Courts of Common Law,[91] and, still later, to the circuit superior courts of common law (1809).[92] Only in 1831 was this divided authority again brought to one agency, when the last-named courts were combined with the District Superior Courts of Chancery[93] (successors to the High Court of Chancery)[94] to form the

---

79. Acts 1827-28, p. 30; Acts 1847-48, p. 163; Code 1849, p. 788.
80. Acts 1839, pp. 43-44; Code 1849, pp. 598-599; Code 1873, p. 1007; Code 1919, sec. 6035.
81. Acts 1870-71, p. 174; Code 1873, pp. 956-957; Acts 1902-3-4, p. 675; Code 1919, sec. 5449.
82. Acts 1912, p. 674; Code 1919, sec. 6019.
83. Shepherd, Statutes, III, 286; Acts 1870-71, p. 362; Acts 1877-78, p. 376; Code 1887, secs. 4107, 4108; Acts 1902-3-4, p. 616; Code 1919, secs. 4989, 4990, see footnotes 75-83.
84. Shepherd, Statutes, III, 286; Code 1819, I, 252; Code 1849, pp. 596-597, 599; Code 1873, p. 1007; Code 1887, sec. 2956; Acts 1902-3-4, pp. 671-672; Code 1919, secs. 6037, 6038.
85. Code 1849, pp. 596-597; Acts 1872-73, pp. 82-83; Code 1887, sec. 2956.
86. Acts 1870-71, p. 351; Acts 1872-73, pp. 82-83.
87. Acts 1902-3-4, pp. 616, 671-672, 675, 748.
88. Acts 1936, p. 619; Code 1936, secs. 4987 (f), 4989, 4990.
89. Hening, Statutes, I, 125, 272, 345, 376, 398, 477; ibid., III, 550; ibid., V, 471-472, 481-482; ibid., VI, 329-330, 338-339.
90. Hening, Statutes, IX, 391, 412.
91. Ibid., XII, 753-754; ibid., XIII, 446-447.
92. Shepherd, Statutes, III, 355-360; Code 1819, I, 239, 259.
93. Acts 1830-31, pp. 50, 53.
94. Code 1849, p. 617 (revisors' note).

present circuit courts, which received appeals from the county court until the end of the latter's authority.[95]

From the circuit court, as from its predecessors the superior courts, appeal might be taken to the Supreme Court of Appeals,[96] or, during the period 1852-69, to the District Courts which served as adjuncts of the Supreme Court, with only slightly less authority.[97] The Supreme Court today is the final resort within the State, and may hear appeals from any other State court. It sits in turn at Richmond, Wytheville, and Staunton.[98]

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, constable, coroner, and justices of the peace.[99] These officers continue to exercise the same authority, but only the sheriff has any great importance in this respect today.[1] 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.[2] This arrangement of course lapsed after 1865.[3]

The coroner has always presided over inquests, and until recently was empowered to call upon the sheriff or constables to bring together a coroner's jury.[4] He returns reports of his findings to the court (formerly the county court, now to the circuit court).[5]

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.[6] The attorney for the commonwealth may also direct the presentment of a lawbreaker before court or grand jury.[7] Prosecu-

---

95. Ibid., p. 685; Code 1860, p. 747; Acts 1869-70, p. 223; Code 1873, pp. 1138-1139; Code 1887, secs. 3468, 3469.
96. Hening, Statutes, XII, 766; Code 1819, I, 190; Acts 1830-31, pp. 50, 53; Code 1849, p. 685; Code 1860, pp. 746-749; Acts 1869-70, p. 223; Code 1873, p. 1139; Code 1887, secs. 3468, 3469; Code 1919, secs. 6336, 6337; Const. 1902 (as amended 1928), art. VI, sec. 88; Code 1936, secs. 6336, 6337.
97. Const. 1851, art. VI, secs. 8-12; Acts 1852, pp. 53-54; Code 1860, pp. 746-749; omitted from Const. 1869.
98. Const. 1902 (as amended 1928), art. VI, sec. 88; Acts 1928, p. 1409.
99. Hening, Virginia Justice, pp. 202, 417-418; Code of Virginia . . ., Richmond, 1918 [hereinafter cited as Code 1919], sec. 4789.
1. Ibid., secs. 1539, 2144, 4864.
2. Code 1803, pp. 287-288, 406; Code 1860, pp. 491-492, 794-795.
3. Acts 1865-66, pp. 84-85 (repealing c. 98 of Code 1860).
4. Hening, Virginia Justice, pp. 209-212; Code 1919, secs. 4806, 4809; Acts 1926, p. 461.
5. Code 1803, p. 125; Code 1919, sec. 4812.
6. Hening, Statutes, I, 304, 463; Code 1919, secs. 4851-4864.
7. Ibid., sec. 4864.

tions for felony must be by indictment.[8] 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.[9]

Although the coroner is still charged with the duty of directing the pursuit of persons implicated in homicide,[10] 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.[11]

The sheriff or his deputy acts as jailer and has custody of prisoners.[12] He served in this capacity long before the establishment of the county.[13]

Prosecution of criminals in the Colonial Period was carried on generally by attorneys for the Crown.[14] 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.[15] Soon after the Revolution regular attorneys for the Commonwealth were appointed to prosecute lawbreakers and to represent the Commonwealth in the courts.[16] The office and its duties remain much the same today.[17]

The execution of minor sentences imposed by any of the local courts has usually been entrusted to the sheriff.[18] Capital punishment is now unknown in the counties, executions being generally by the electric chair in the State Penitentiary at Richmond.[19]

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,[20] and the parish vestry was similarly guided as to its special levy for church and charitable uses.[21] Today those agencies - the board of supervisors,[22] school board (through the

---

8. Ibid., secs. 4865, 4866.
9. Hening, Statutes, I, 126, 240-241, 309-310; ibid., IV, 244.
10. Code 1919, sec. 4813.
11. Ibid., secs. 2819, 4882, 6055.
12. Ibid., sec. 2868.
13. Hening, Virginia Justice, pp. 393-396; see Sheriff, pp. 144-147.
14. Bruce, Institutional History, I, 570-572.
15. Hening, Statutes, VI, 52, 122.
16. Shepherd, Statutes, II, 215.
17. Code 1919, secs. 4864, 4969, 6217, et passim.
18. Hening, Virginia Justice, 285-289.
19. Acts 1908, pp. 684-685; Code 1919, sec. 4941.
20. Code 1849, p. 277.
21. Bruce, Institutional History, I, 92, et passim; see also published vestry books of Virginia parishes before 1785.
22. Code 1919, sec. 2768.

division superintendent),[23] and local board of welfare[24] - 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.[25] 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.[26] 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, and of 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.[27] 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.[28] 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.[29] The rate of taxation, determined at that time by a comparison of the necessary revenue with the assessed valuation of land and personal 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.[30] The land tax books have their origin in the reassessment,[31] but they are recopied annually by the commissioner,[32] 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.[33] 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,[34] and in 1915 a special agency, the local board of review, was created with concurrent powers.[35] The local board of review was abolished

---

23. Ibid., sec. 646; Acts 1928, p. 1204.
24. Acts 1938, p. 644.
25. Code 1919, sec. 2721; Acts 1938, p. 644.
26. Acts 1914, p. 87; Code 1919, sec. 2726.
27. "Tax Code" 1936, sec. 7, in Appendix, Code 1936.
28. Ibid., secs. 8, 50, 72, 90.
29. Code 1919, secs. 646, 2720, 2721; Acts 1928, p. 1204; Acts 1938, p. 644.
30. Code 1919, secs. 2279, 2300, 2337, 2720, 2770.
31. Ibid., secs. 2244, 2247, 2251, 2271.
32. Ibid., secs. 2299, 2305, 2306.
33. Ibid., secs. 2274-2278, 2281-2288, 2292, 2294-2297.
34. Acts 1840-41, p. 13; Code 1849, p. 194; Acts 1902-3-4, pp. 613-614; Code 1919, secs. 2385-2391.
35. Acts 1915, pp. 94-98; Acts 1916, pp. 415-422.

in 1922, and replaced in 1924 by the local board of equalization, having similar jurisdiction concurrent with that of the circuit court.[36] It is to function, however, only when its services are called for by the supervisors.[37] 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 multiple.[38] The original remains with the commissioner, and copies go to the State, to the county clerk, and to the county treasurer.[39] The treasurer, as soon as he receives the tax books, commences to collect the State and local revenues.[40] 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 a receipt, and the last as a record of his office.[41] 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.[42] The treasurer also returns several lists of various classes of taxes which he has been unable to collect.[43] Taxes embraced in these lists (which must be approved by the board of supervisors) are receivable during the year following, but at the end of that time may be placed in the hands of the sheriff or especially appointed collectors, to be distrained for or otherwise collected.[44] The clerk was formerly the collecting and distributing agent for delinquent taxes, which were certified to him by the treasurer, but this is now largely the latter's duty.[45] 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.[46] In case a sufficient sum is not bid, the land is "sold to the Commonwealth" (bid in by the treasurer).[47] 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.[48] 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.[49]

License taxes on businesses and individuals are assessed by the commission-

---

36. Acts 1922, p. 514; Acts 1924, pp. 574-577.
37. Ibid., p. 574; Acts 1930, p. 870; Acts 1936-37, pp. 73-74.
38. Code 1919, secs. 2299, 2300, 2342.
39. Ibid., sec. 2342; Acts 1926, p. 996; Acts 1928, pp. 172, 194; "Tax Code" 1936, secs. 255, 328.
40. Ibid., sec. 2410.
41. Ibid., sec. 2408.
42. Ibid., secs. 2410, 2412; Acts 1932, p. 832.
43. Ibid., sec. 2414.
44. Acts 1934, pp. 761-762; Acts 1936, pp. 1065-1066; "Tax Code" 1936, secs. 393-395; for details of collections of delinquent taxes, see County Treasurer, pp. 174-175.
45. Code 1919, sec. 2419; "Tax Code" 1936, secs. 393, 394.
46. Code 1919, secs. 2461, 2462.
47. Ibid., secs. 2489, 2490.
48. Ibid., secs. 2475-2477, 2491.
49. Ibid., secs. 2491, 2492.

er 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.[50] 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.[51] Sums arising from license taxes are accounted for under separate heads monthly, but otherwise in the same manner as other forms of revenue.[52]

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.[53] This fund is administered by the board of supervisors, and any unexpended balance (formerly devoted to road or school expenses at will)[54] now reverts to the general fund.[55] The State Literary Fund, derived from escheats, forfeitures, confiscations, fines, and penalties was created in 1810[56] 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 throughout the State.[57] The amount and extent of State aid varies, but in certain instances grants from these funds must be matched by like amounts from local revenues.[58] 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.[59] 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.[60]

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.[61] Claims for allowances by the circuit court are handled by the clerk of the court, but the board must levy the amounts needed.[62] 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.[63] Warrants are paid by the treasurer, in the order of their presentation, to the amount of the fund upon which they are drawn.[64] Canceled paid

---

50. Ibid., sec. 2366.
51. Ibid., sec. 2360; "Tax Code" 1936, sec. 129.
52. Code 1919, secs. 2372, 2381.
53. Ibid., secs. 2316, 2318-2322.
54. Ibid., sec. 2318.
55. Code 1936, sec. 3305(81).
56. Acts 1809-10, p. 15; Acts 1810-11, pp. 9-10.
57. Code 1919, secs. 738, 739.
58. Ibid., sec. 707.
59. Ibid., secs. 648, 671.
60. Acts 1938, pp. 641, 649, 655, 664-667.
61. Code 1919, secs. 2724, 2729, 2759.
62. Ibid., sec. 2758.
63. Ibid., secs. 2724, 2782.
64. Ibid., secs. 2781, 2782.

warrants were returned annually or oftener by the treasurer to the agency which issued them, to be credited to him in his settlement of accounts.[65]

The accounts of county officers may be examined at any time by agents of the Auditor of Public Accounts, formerly the State Accountant.[66] 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, or any other officer having an account with the county.[67] Deposits of county funds are made under the supervision of the county finance board, which must pass upon all depositories so used and approve the security offered by them.[68]

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.[69] 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.[70] Such bonds might formerly be issued for road construction,[71] 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.[72] The board of supervisors may retire outstanding bonds and issue new bonds therefor.[73]

Elections

Since the Constitutional Amendments of 1938, 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.[74] 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.[75] 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.[76] 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

---

65. Ibid., sec. 728; Acts 1928, p. 1221; Acts 1932, pp. 831-835; Acts 1936, p. 513 (the return being no longer required by law).
66. Acts 1914, p. 202; Code 1919, sec. 565; Acts 1936, pp. 83-84.
67. Code 1919, sec. 2719.
68. See County Finance Board, p. 182.
69. Ibid., secs. 2735-2740.
70. Ibid., sec. 2741.
71. Ibid., secs. 2110-2119.
72. Ibid., secs. 614, 765-773.
73. Ibid., sec. 2735.
74. Const. 1902 (as amended 1928), art. II, sec. 18.
75. Ibid., art. II, sec. 25; Code 1919, secs. 86, 98.
76. Const. 1902 (as amended 1928), art. II, sec. 23; Code 1919, secs. 82, 93, 99.

qualified voters of his district, appear to be proper for removal from the books, and may after a hearing strike them out.[77]

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 constitution or by law.[78] 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.[79] The electoral board proceeds immediately to have the proper ballots printed by a sworn printer and sealed in bundles until election day.[80]

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.[81] The same officers who function in the general elections are required to attend to the special, under the same regulations and penalties.[82] 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.[83]

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.[84] The constitution also provides that voting machines may be used, subject to regulation by law,[85] 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 couhties 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.[86] In 1851 the duties

---

77. Ibid., secs. 107, 108.
78. Const. 1902 (as amended 1928), art. II, sec. 32.
79. Code 1919, sec. 154.
80. Ibid., secs. 155, 156.
81. Ibid., secs. 140, 141.
82. Ibid., sec. 197.
83. 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.
84. Ibid., sec. 160.
85. Const. 1902 (as amended 1928), art. II, sec. 37.
86. Hening, Statutes, I, 300, 411-412; ibid., VII, 524; Code 1819, I, 152; Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.

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,[87] and after 1869 the agencies for the conduct of elections had assumed somewhat their present form.[88] Today the circuit court appoints for each 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.[89] 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.[90] 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.[91] 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.[92] 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.[93] 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, and 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.[94]

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.[95] 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 found on the roll of voters and entered on the poll book, and the ballot deposited unopened in the box.[96] At the closing of the polls, the canvass commences in the presence of at least four persons representing the political parties concerned.[97] 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

---

87. 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.
88. Acts 1869-70, pp. 55-57, 82-89; Acts 1870-71, pp. 371-372; Acts 1871-72, p. 244.
89. Const. 1902 (as amended 1928), art. II, sec. 31; Code 1919, secs. 86-88, 148, 149, 158.
90. Ibid., sec. 182.
91. Ibid., sec. 193.
92. Ibid., sec. 167.
93. Hening, Statutes, I, 300, 333-334, 411, 475; Const. 1851, art. III, sec. 4; Const. 1869, art. III, sec. 2.
94. Acts 1916, pp. 633-634; Code 1919, secs. 202-220.
95. Ibid., secs. 172, 173.
96. Ibid., secs. 173-175.
97. Ibid., secs. 177, 178.

sealed.[98] 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 offices.[99]

Education

The rise of public education in Virginia was slow for a variety of reasons, none of which very adequately explains this backwardness. Aside from the early charity schools established by private donation or bequest, no form of public school elementary education is mentioned during the Colonial Era or until long after the Revolution. Private tutors or local private schools (commonly known as "Old Field Schools") sufficed for those who had money, while the poor and even those of moderate means were left to shift as best they might.[1] During the Revolution, at least one attempt was made to remedy the prevailing want, but this plan (fathered in part by Thomas Jefferson) was not destined to be put into action.[2] In 1796 the first constructive legislation on the subject passed the assembly; this called for the establishment of a tax-supported system of free schools in every county, but as it was left to the discretion of the county court to determine when it should begin to operate, it was put into effect in few, if any, counties.[3] Those very persons upon whom its existence most depended, the justices, selected generally from the upper classes, were the least likely to vote for a system which would require them (through taxes on their often considerable estates) to provide for the education of the children of the poor, who paid a proportionately smaller amount into the county funds.[4]

A partial remedy was sought in the creation (1810) of the Literary Fund[5] (see below), and the election (in this instance, obligatory, and widely carried out) in 1818 of a board of school commissioners for each county, whose duty it was to arrange for the tuition of the poor children of the county at approved private grammar schools. The teachers were to be paid at a fixed rate out of the county's share of the annual appropriation from the Literary Fund, which also provided necessary books and supplies.[6] This plan was subject to much discussion and criticism, but its cheapness recommended it to many who would have supported no other.[7] The establishment of district free schools by voluntary contribution of the residents of the district (three-fifths, the remainder from the county's annual quota from the Fund), and the

---

98. Ibid., secs. 178-180.
99. Ibid., secs. 180-186.
1. Morrison, Beginnings of Public Education, pp. 7-9, 20-21, 35-37.
2. Ibid., pp. 17-19.
3. Ibid., pp. 22-25; Shepherd, Statutes, II, 3-5.
4. Morrison, Beginnings of Public Education, pp. 8-9, 24.
5. Ibid., pp. 9, 25; Acts 1809-10, p. 15; Acts 1810-11, pp. 8-9.
6. Acts 1817-18, pp. 11-12; Code 1819, I, pp. 87-90; see County School Board, pp. 187-189.
7. Morrison, Beginnings of Public Education, pp. 40-53.

appointment of trustees for their management provided for by a statute of 1829, gained limited support, having thus evaded the issue of taxation (in 1832 it was stated that three of the hundred-odd counties then making up the State had adopted it).[8]

Such was substantially the state of affairs until 1846 when, following a series of educational conventions at various places in Virginia, new school laws were enacted which offered several possible alternative systems. One of them required tax-supported free schools open to all, at the election of the qualified voters, a vote being taken upon the petition of one-fourth of their number in the county.[9] While this placed the means of education within the reach of the middle class (the freehold requirement as to suffrage was still in force),[10] popular indifference did not admit of wide-spread changes,[11] and it was not until the radical alterations in the framework of the State were adopted in 1870 that a uniform tax-supported free-school system came into being in all the counties. Even at that time, much of the stigma of pauperism which had blighted former attempts at free public instructions still hung about it; one of the express duties of the county superintendents of schools was to "explain the school system . . . and to promote an appreciation and desire of education among the people . . . ." From that point, the course of popular education was more or less assured, although (as this plan provided only for primary and grammar schools) much remained to be done.[12]

Even more distinctly than the primary, the secondary or intermediate grades of education had been left in private hands; there were, indeed, many private academies in the State, some incorporated and some not, varying widely as to the quality of instruction imparted, some of which had received intermittent aid from the Literary Fund, but all were more or less impermanent.[13] These private academies continued to fill the gap between the grammar grades and college unassisted until 1875, when provision was made for the teaching of the intermediate grades in the public schools to any pupil able to pay an added fee, provided that this instruction did not interfere with the regular primary program, and provided the district board of trustees desired and the county school board approved.[14] Pupils so prepared were regarded as ready for college or ready to become teachers. It was not until 1903 that separate schools for intermediate grades were authorized by statute,[15] while 3 years later the first mention of true public high schools, either as separate establishments or in buildings already in use as grammar schools, is incorporated in an act which also provided specific State aid for the maintenance of such schools.[16] The development of this idea was rather rapid, once in-

---

8. Ibid., pp. 12-57; Acts 1828-29, pp. 13-14.
9. Morrison, Beginnings of Public Education, pp. 12-15, 58-72; Acts 1845-46, pp. 29-44; Code 1849, pp. 371-381.
10. Const. 1830, art. III, sec. 14.
11. Morrison, Beginnings of Public Education, pp. 15, 59, 61, 73-75.
12. Const. 1869, art. VIII, secs. 1-12; Acts 1869-70, pp. 402-417.
13. Morrison, Beginnings of Public Education, pp. 9, 40, 101-104, et passim; Acts 1828-29, pp. 14-16; Acts 1835-36, pp. 7-8; Acts 1840-41, p. 51; Acts 1845-46, p. 30; Code 1849, p. 372.
14. Acts 1874-75, p. 269; Code 1887, secs. 1498, 1499; Acts 1902-3-4, p. 818.
15. Ibid., p. 818.
16. Acts 1906, p. 350; Acts 1916, p. 396; Code 1919, secs. 703, 704.

augurated. In 1908 normal school departments were provided for, a maximum of one in each county,[17] and 1910 saw an act permitting appropriations by the boards of supervisors for agricultural high schools, which were formulated and described 2 years later. The legislation provided for experimental farms in connection with the schools, manual training for the boys and domestic science for the girls, who might also take the agricultural course. These schools were made centers for the agricultural demonstration program, just them coming into prominence, and were of considerable assistance in this work.[18]

The earliest mention of consolidation as an aid to efficiency occurs in the act of 1870, which allowed two districts, neither of which alone had sufficient funds to construct a schoolhouse, to combine for that purpose; they first held a convention of representatives from each district board to decide upon the location.[19] At the same time, districts might, under the regulation of the Board of Education, "exchange" pupils who could not conveniently attend school in their own districts,[20] while since 1882 children actually living in another state (which reciprocates in this matter) may attend a school in this State.[21] In 1903 the district boards were empowered to consolidate schools in the interest of economy and efficiency, and to provide such transportation as was thus rendered necessary; the high school act of 1906 also allowed two or more districts to combine for the purpose of erecting such a school, permission of which more and more use is being made as means of transportation improve.[22]

In the same connection, it may be mentioned that since 1903 the State has been laid off in divisions containing one, two, or more counties, according to population, and that the superintendents of schools are appointed over these areas rather than for each county; this method offers obvious advantages in efficiency and reduced cost of operation and, at the same time, renders possible the payment of better salaries and the engagement of superior supervisory personnel.[23]

The education of the Negro in Virginia is of very recent growth; in fact, for many years any assemblage of Negroes, or mulattoes, slave or free, by day or by night, for the purpose of teaching reading and writing, was un-

---

17. Acts 1908, p. 69; Code 1919, secs. 709-712.
18. Acts 1910, p. 328; Acts 1912, p. 56; Code 1919, secs. 713-718; see County Agricultural Agent, pp. 216-218.
19. Acts 1869-70, p. 414; (repealed) Acts 1871-72, p. 461; see below, as to consolidation and transportation.
20. Acts 1869-70, p. 413; Acts 1871-72, p. 461; Code 1873, p. 694; Code 1887, sec. 1492; Code 1919, secs. 719, 720.
21. Acts 1881-82, p. 37; Code 1887, sec. 1493; Code 1919, sec. 720; Acts 1928, p. 1218; Code 1936, sec. 693.
22. Acts 1902-3-4, p. 818; Acts 1906, pp. 350-351; Acts 1916, p. 396; Code 1919, secs. 700, 705, 706; Acts 1928, pp. 1208-1209; Code 1936, secs. 670, 672; Annual Report, Southampton County Virginia, (1937-38), Franklin, Va., [1938], p. 29.
23. Acts 1902-3-4, pp. 382, 800; Acts 1904, p. 149; Acts 1906, p. 433; Acts 1908, p. 530; Acts 1916, p. 836; Code 1919, sec. 604; Acts 1928, pp. 1189-1190; Code 1936, sec. 615.

lawful.[24] Any white person meeting with Negroes to that end might be fined $100 or imprisoned for 6 months.[25] The laws of 1870, still in force, guaranteed Negro education ". . . under the same general regulations as to management, usefulness, and efficiency . . ." but in separate schools;[26] there have been unavoidable differences, but it may be said today that schools for Negroes are, in most places, nearly equal to those for whites, and that comparable opportunities are offered.[27] The great problem in the way is, as it has been, that the Negroes pay a lower proportion of taxes because of their lower economic status, and thus there is a consequent feeling among the whites against large expenditures for Negro education.[28]

Vocational training has been recognized as important in Virginia since the seventeenth century, as is shown by legislation of that period for the erection of weaving houses to which poor children might be sent to learn spinning and weaving,[29] but, for the most part, such skills and crafts as were practiced in the Colony and later in the State must have been learned under the old apprentice system, adequate in a society so predominantly agricultural as Virginia's long was. So far as the counties were concerned, there was no revival of vocational education in the primary and intermediate grades until the first years of the twentieth century, when such training was introduced in conjunction with the teaching of improved agricultural methods in the new agricultural high schools.[30] The State Board of Education has since been named as agent for the acceptance and disbursement of Federal appropriations and the furtherance of vocational guidance and training in the schools of the State, and this phase of the educational program receives

---

24. Code 1819, I, 424; Acts 1830-31, p. 107; Acts 1847-48, p. 120; Code 1849, p. 747; Code 1860, p. 810; (repealed) Acts 1865-66, p. 84.
25. Acts 1830-31, p. 107 ($50 or 2 months); Acts 1847-48, p. 120 ($100 or 6 months); Code 1849, p. 748; Code 1860, p. 811; see note above.
26. Acts 1869-70, p. 413; Acts 1871-72, p. 461; Code 1873, p. 694; Acts 1881-82, p. 37; Code 1887, sec. 1492; Code 1919, sec. 719; Acts 1928, p. 1213; Code 1936, sec. 680.
27. See footnote 28.
28. In Southampton County in 1938, the total population (26,870 by the census of 1930) was 39% white, 61% Negro. The smaller white group, however, owned $5,662,191 (91.2%) of the assessed value of land listed for taxation and $1,213,492 (81.9%) of the assessed value of tangible personal property, the Negroes only $545,589 (8.8%) and $266,470 (18.1%) respectively. There are in the county 9 white and 54 Negro schools; of the total school population (6,424) attending county schools, 2,278 (35.5%) are white, 4,146 (64.5%) Negro. In the high school departments are enrolled 695 white and 242 Negro children, the per capita cost of instruction in the session 1937-38 being $49.10 for the former, $27.88 for the latter. The white schools were operated for a term of 9 months, the others for 8: Fifteenth Census, 1930, Population, III, pt. 2, p. 1203 (table 21); Annual Report, Southampton County, Virginia (1937-38), pp. 16, 29.
29. Hening, Statutes, II, 266-267.
30. See the statutes governing the apprenticeship of poor orphans at the orders of the overseers of the poor; Acts 1910, p. 328; Acts 1912, p. 56; Code 1919, secs. 713-718.

considerable attention.[31] An act of 1914, still in force, provides that local school boards may furnish all day, part time, continuation, or evening classes in industrial, agricultural, or household arts and commercial education, below college grade, but suitable for persons above 14 years of age.[32]

The trend in the educational system of Virginia has long been toward increasing centralization, with the State authorities taking an ever greater part in the administration of local school affairs. The creation of the State Board of Education in 1870, the adoption of the division plan in 1903, the abolition of the district school boards in 1922, and countless other similar enactments all point the same way, in bringing the central supervisory agency and the ultimate subject of its activity closer together, while at the same time adaptability to local situations is assured. Uniformity of standards is secured by regulations from the Board.[33]

The first appropriation of public funds for educational purposes was made in 1810, the date of the establishment of the Literary Fund. The composition of this fund has varied more or less from time to time; basically, however, it has always consisted of the proceeds of forfeitures, escheats (property accruing to the Commonwealth because no rightful owner could be found), and fines and penalties of various sorts collectible by the State, while more recently have been added the proceeds of public lands donated by Congress, waste and unappropriated lands in general, donations or bequests, and appropriations of the General Assembly.[34] The total assets of the fund on June 30, 1937 were $7,716,730.92, of which $7,077,711.05 was invested in bonds or certificates of cities, towns, counties, school districts, and institutions of higher education in the State.[35] The school funds of the State consist of the interest on the Literary Fund ($259,476.28 in the fiscal year 1936-37), that part of the capitation tax not returnable to the counties (so appropriated since 1852, when the payment of a capitation tax equal to that assessed upon $200 worth of land was substituted for the freehold requirement in qualifying as a voter), a property tax (1 to 5 mills per dollar) ordered by the assembly, and whatever may be appropriated by that body from year to year. This fund is earmarked for use in the primary and grammar schools only.[36] So far as is known, no local levies for school purposes were

---

31. Statutes at Large of the United States, XXXIX (1915-17), pt. 1, 929; ibid., XL (1917-19), pt. 1, p. 345; Acts 1918, pp. 131-133; Code 1936, secs. 1003 (b)-1003(1); Annual Report, Southampton County (1937-38), p. 44 (expenditures for vocational teachers and training).
32. Acts 1914, p. 144; Code 1919, sec. 663; Acts 1928, p. 1207; Code 1936, sec. 666.
33. Acts 1869-70, pp. 402-417; Acts 1902-3-4, pp. 798-823; Acts 1922, pp. 737-741; Acts 1928, pp. 1187-1227; other intermediate and subsequent acts and amendments of acts tending in the same direction may be found in almost every volume of acts of assembly.
34. Acts 1809-10, p. 15; Acts 1811-12, p. 16; Code 1819, I, p. 82; Code 1860, p. 416; Code 1873, pp. 695-696; Code 1887, sec. 1505; Code 1919, sec. 738; Acts 1928, pp. 1195-1196; Code 1936, sec. 632.
35. Acts 1938, pp. 1080-1081.
36. Const. 1851, art. IV, sec. 24; Acts 1852-53, p. 43; Code 1860, pp. 416-417; Code 1873, p. 696; Acts 1875-76, p. 149; Code 1887, sec. 1506; Acts 1902-3-4, p. 819; Code 1919, sec. 739; Acts 1928, p. 1200; Code 1936, sec. 646; Acts 1938, pp. 1080-1087.

made before 1829, and from that date until 1870, they were made, if at all, as the result of local elections held by petition of the people of the counties; in 1832, for instance, only 3 counties reported having district free schools under the act of 1829, while it is said that perhaps 30 in all had tried the free-schools system in one form or another before 1860.[37] The school funds of the county since 1870 have, in general, embraced the tax levied by the board of supervisors (or, as today, simply appropriated from the general fund, if the board sees fit) to meet the school budget estimate submitted to it by the division superintendent and the school board, donations and the income arising therefrom, and any other funds set apart for county school purposes. Formerly (before 1922), a similar estimate of amounts needed in the schools of each district was submitted, and levied separately; this levy, with that portion of the dog tax set aside by the board, with donations and other appropriations by the board, made up the district school funds.[38]

As has been noted above, one way of aiding county school establishments has been by means of loans from the Literary Fund, while bonds may be issued by the county school board (before 1922, the district boards) with the approval of the board of supervisors and the voters of the county.[39] Increasing amounts in Federal funds also have become available under several acts of assembly, complying with Federal statutes, relative to vocational and other educational schemes, in addition to those sums derived from congressional land grants in the past.[40]

The problem of employing suitable teachers in the ante bellum period of public education in Virginia was a difficult one; there was no institution giving special training for a teaching career, and the prevailing rates of pay were so low as not to attract those best fitted by nature for the work.[41] The colleges and the University of Virginia, when it was founded, did much to alleviate this situation (be it understood, that in that period the teachers were almost invariably male), but the supply was still inadequate, and it was found necessary to require State (scholarship) students at the Virginia Military Institute (by an act of 1842) and the University of Virginia to teach for at least 2 years in some schools in the State in return for his education - not, however, without the usual compensation.[42] Under the voluntary district free-school system of 1829, teachers were to be selected by those whose contributions had in part paid for the establishment, subject to the approval of the school commissioners or persons appointed by them. In 1841, additional compensation might be allowed private teachers of indigent children at county expense if, upon examination, the teacher proved "fair

---

37. Morrison, Beginnings of Public Education, pp. 12, 14-15.
38. Acts 1869-70, p. 409; Code 1873, p. 696; Code 1887, sec. 1506; Code 1919, secs. 739, 740; Acts 1928, p. 1204; Code 1936, sec. 657.
39. Acts 1906, pp. 446, 448; Acts 1908, pp. 103, 106; Code 1919, secs. 757-773; Acts 1928, p. 1211; Code 1936, sec. 675.
40. See footnote 31; Statutes at Large of the United States, XXXV (1907-9), pt. 1, pp. 259, 1047; Acts 1916, p. 482; Code 1919, secs. 742-745; Acts 1918, pp. 131-133; Code 1936, secs. 1003(b)—1003(1).
41. Morrison, Beginnings of Public Education, pp. 12-13, 16, 30-31, 39, et passim.
42. Ibid., pp. 12-13, 40, 54-55, 58, 62, 77-83, et passim; Code 1849, p. 176; Acts 1855-56, p. 80.

moral character" and showed other qualifications; such an examination of any teacher to whom indigent children were sent was afterward required.[43] Where a district free school had been set up under the plan of 1846, the teacher's qualifications were to be passed upon by the board of commissioners or persons deputed by them, and certified to the trustees of the district.[44] After 1870, of course, in the presence of a uniform system of public education, regualtion of teachers' qualifications was much easier; the first school act of that date provided that no person teach in the public schools without a certificate of ability from the county superintendent,[45] and this stipulation continued in effect until 1906, when a State examining board for that purpose was created. Since that time uniform standards have been set by the State Board of Education.[46] Today teachers are employed by written contract with the county school board, and assigned or transferred by the superintendent.[47]

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.[48] In 1785 overseers of the poor were instituted, replacing the parish vestry.[49] A superintendent of the poor was elected in 1870 to cooperate with the overseers in relief work,[50] but from 1875 to the abolition of the county court, this court appointed him, as did the circuit court until 1921, when, the office becoming vacant, no appointment was made.[51] 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[52] and, with the establishment of this agency, the office of overseer of the poor was abolished in 1938.[53]

Since 1936, Southampton County has had a superintendent of public welfare appointed by the board of supervisors under the former law, but the appointment is

---

43. Code 1819, I, 88; Acts 1828-29, p. 14; Acts 1840-41, p. 51.
44. Acts 1845-46, pp. 29-30; Acts 1845-47, pp. 23-25; Code 1849, pp. 372-379.
45. Acts 1869-70, p. 411.
46. Code 1873, p. 690; Acts 1884, p. 122; Code 1887, secs. 1439, 1476; Acts 1902-3-4, p. 812; Acts 1906, p. 433; Code 1919, sec. 688; Acts 1928, p. 1205; Code 1936, sec. 660.
47. Acts 1928, pp. 1205-1206; Code 1936, secs. 660, 664.
48. Hening, Statutes, I, 266-267, 433; ibid., VI, 30-32, 475-478; Bruce, Institutional History, I, 87-88.
49. Hening, Statutes, XII, 27-29, 273-274, 574, 713.
50. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
51. Acts 1874-75, pp. 133, 355; Const. 1902, art. VII, sec. 110; Acts 1902-3-4, p. 506; see Superintendent of the Poor, p. 205.
52. Acts 1938, pp. 643-645.
53. Ibid., p. 214.

now in the hands of the local board of welfare.[54]

Public Health

In early Colonial times, rudimentary as were ideas of public health and sanitation, it is not to be expected that much attention would be paid to that subject by the legislature. There was, however, a strong and continuous effort to regulate the fees and practices of physicians and "chirurgeons" - not surgeons as we know them today, but the rude and often ill-trained barber-surgeons of European tradition. Commencing in 1639,[55] the assembly provided that a medical man who charged what seemed an exorbitant fee might be "arrested" to the next county court for a settlement of account, and compelled to declare on oath the value of the drugs and medicines employed. The court was to allow him a proper profit and compensation for his trouble, or to censure and give damages against him if he had neglected or refused to attend his patient.[56] The right of summary arrest was repealed in 1692,[57] but the court continued to adjust physicians' accounts until 1738, when the act was allowed to lapse. It is of interest to note that in 1736, when a table of allowable fees was set up and itemized bills required, the pay of a physician holding a degree in his art was commonly double that of an apothecary or "surgeon" (bonesetter) who had merely served an apprenticeship.[58]

Inoculation for the smallpox, more or less properly regarded as dangerous, was also under the governance of the county court. It was, in fact, forbidden, but according to an act of 1769 any person or persons believing themselves exposed to or in danger of the contagion might apply to the sheriff to call the magistrates together to decide on the issuance of a special license, allowing inoculation at any isolated private house.[59] In 1777 a license or the consent of neighbors within a 2-mile radius (except those separated by ¼-mile of marsh or stream) was sufficient, but prominent notices had to be posted for the warning of passers-by,[60] and this provision remained in force, apparently, until the counties were empowered to set up regular hospitals in 1832. Thereafter (1849) it was declared unlawful to inoculate except at these established places.[61] Epidemics were not infrequent, and in 1777 it was provided that any justice of the peace might compel a person who had been in contact with infected persons to remain at the nearest hospital where the disease then was until discharged as immune or out of danger. Curiously enough, it was not until 1832 that justices of the counties were enabled to order those actually infected to be removed to a hospital. The joint action of two justices was required for such an order, and this power continues in effect today, although since 1896 it has been shared with the

---

54. Ibid., pp. 642-646; see Local Board of Public Welfare, pp. 200-202.
55. The original of this act is lost, but its provisions are recited in a subsequent enactment which refers to it; see below.
56. Hening, Statutes, I, 316, 450; ibid., II, 109-110.
57. Ibid., III, 103-104.
58. Ibid., III, 379; ibid., IV, 509-510.
59. Ibid., VIII, 372.
60. Ibid., IX, 372.
61. Code 1819, II, 290; Acts 1831-32, p. 25; Code 1849, pp. 396-397.

State Board of Health.[62] After 1832 the county court (or, in 1853, any three justices) was empowered to erect, purchase, or rent hospitals for temporary or permanent use,[63] but in 1887 this authority (as to permanent establishments) was transferred to the board of supervisors.[64] Any three justices might thereafter until 1904 set up temporary ones and appoint health officers, but since then this has been the duty of the board, at the request of any one justice, and the board may, if necessary, seize land or use such unoccupied buildings as are required.[65]

Free vaccination has been provided for many years - from 1853 to 1882 by the overseers of the poor,[66] and afterward by the board of supervisors - for the benefit of anyone (including school children) unable to bear the cost; and between 1894 and 1928 the board had the power to enforce compulsory vaccination when it saw fit.[67] The school board also, after 1870, might require the same protection in the schools, and refuse admittance to unvaccinated pupils or, later, teachers (1894).[68] Since the creation of the local board of health in 1900, it too has had the authority to enforce vaccination as need arises,[69] and its very extensive powers have made it one of the most active local agencies in the promotion of public health. It has charge of measures for the prevention, isolation and care of all manner of contagious and infectious diseases, may issue local sanitary ordinances and fix penalties for disobedience,[70] as may the board of supervisors in certain cases,[71] and cooperates with the latter body in such matters as the erection and management of local sanatoria for tuberculosis victims.[72] Southampton County now has a complete and well-equipped local health unit, established under the auspices of the State.[73]

Public Works

The management of roads, bridges, and related matters was originally in the province of the county court,[74] which supervised their construction and maintenance and appointed surveyors as its agents.[75] The county court remained

---

62. Hening, Statutes, IX, 372; Code 1803, p. 201; Code 1819, II, 291; Acts 1831-32, p. 25; Code 1849, p. 397; Code 1860, p. 446; Code 1873, p. 731; Code 1887, secs. 1725, 1726; Acts 1895-96, p. 675; Code 1936, sec. 1559.
63. Acts 1831-32, p. 25; Code 1849, p. 396; Acts 1852-53, p. 128; Code 1860, p. 445; Code 1873, p. 730; Acts 1885-86, p. 67.
64. Code 1887, sec. 1719; Code 1936, sec. 1555.
65. Code 1887, sec. 1721; Acts 1902-3-4, p. 734; Code 1936, sec. 1557.
66. Acts 1852-53, p. 128; Code 1860, p. 447; Code 1873, p. 732.
67. Acts 1881-82, pp. 169-170; Code 1887, sec. 1733; Acts 1893-94, p. 232; Code 1919, sec. 1530; (repealed) Acts 1928, p. 1226.
68. Acts 1869-70, p. 414; Acts 1871-72, p. 86; Code 1887, sec. 1496; Acts 1893-94, p. 971; Code 1919, sec. 1529; Acts 1928, pp. 1217-1218; Code 1936, sec. 690.
69. Acts 1899-1900, p. 1250; Code 1936, sec. 1493.
70. Acts 1899-1900, pp. 1250-1252; Code 1936, secs. 1493-1495, 1497, 1498.
71. Ibid., sec. 1544.
72. Acts 1916, p. 698; Code 1936, secs. 1507-1510.
73. See County Health Unit, p. 210.
74. Hening, Statutes, I, 199.
75. Ibid., I, 436; ibid., II, 103.

the controlling factor until 1886 except for temporary management by township officers in the period between 1870 and 1875.[76] The board of supervisors was given control over roads in Southampton County in 1884, apparently. The board of supervisors continued to levy the road tax until 1932 when all the county road agencies were abolished.[77] Since 1932 the county road system has been under control of the State.[78]

The function of the county surveyor since the early days of the Colony has been to plot and record the boundaries of lands.[79]

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.[80]

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. Southampton County has had a county appointed county agent intermittently since 1911.[81] A fairly recent addition to the scheme of county government is the game warden, whose duty it is to enforce the game, inland fish and dog laws, for the conservation of the game resources of the State.[82]

At the time of Southampton'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 offices of the county militia units, which were made up of all the free white males fit for duty.[83] 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.[84] The Constitution of 1869 abolished compulsory military service,[85] and the volunteer militia provided for thereafter was never organized upon a county basis.

---

76. Const. 1869, art. VII, sec. 4; Acts 1869-70, pp. 596-609; Acts 1874-75, pp. 177, 180-181, 186; see Board of Supervisors, pp. 69-70.
77. Acts 1932, pp. 872-880; see Board of Supervisors, pp. 69-70.
78. Acts 1932, pp. 872-880.
79. Bruce, Institutional History, I, 387; Code 1919, sec. 2480, 2842.
80. Hening, Statutes, IV, 261; Acts 1876-77, pp. 314-318; Code 1936, secs. 1348, 1350, 1364.
81. Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, 372-374; see County Agricultural Agent, pp. 216-218.
82. See Game Warden, pp. 221-222.
83. Hening, Statutes, I, 277; ibid., VI, 531; Bruce, Institutional History, II, 18.
84. Statutes at Large of the United States, I, 271-274; Hening, Statutes, XIII, 340-356; Shepherd, Statutes, I, 203-207.
85. Const. 1869, art. IX, secs. 1, 2.

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.[86] Judgments, decrees, orders - in fact all essential parts of a court proceeding - are entered in the order books,[87] the original case papers then becoming of little importance. Lists of delinquent land,[88] returns of tax sales,[89] and other matters pertaining to the collection of taxes by summary proceedings,[90] are copied by the clerk into sets of books, even though the originals may be preserved.

Although the record of court proceedings was required by the early charters,[91] that great group of records which relates to conveyances and encumbrances developed in Virginia independent of any compelling precedent. It is therefore probable that the Virginia recording acts were the earliest known to English-speaking peoples,[92] with an almost forgotten exception.[93] Under the old English law, land was conveyed by "livery of seizin," a symbolical delivery of the land itself effected by delivering a twig or bit of turf, publicly, to the purchaser.[94] This gave some measure of public notice, as did the more ancient Saxon custom of transacting all conveyances at the county court.[95] With the introduction, after 1535, of conveyance by deed, secret and often fraudulent transactions became possible.[96] One year later, the first recording act was passed, the so-called Statute of Enrollments. This act applied to only one type of instrument, the deed of bargain and sale. Soon conveyancers resorted to the conveyance by lease and release, not covered by the statute, which was thus nullified. It gradually fell into disuse,[97] and is not regarded by subsequent authorities as a general recording act; in fact, it is rarely mentioned.[98]

The situation, at common law, when Virginia was established, therefore, was that a deed, bill of sale, or mortgage was binding against the world; no recording was necessary.[99] This rule was later modified in certain sections of England. An act for one district was passed in 1663[1] and registration

---

86. Code 1919, sec. 6197.
87. Code 1936, sec. 5962(a).
88. "Tax Code" 1936, sec. 390.
89. Code 1936, secs. 2469, 2489.
90. Ibid., secs. 2469, 2489, 2491, 2495, 2497.
91. Hening, Statutes, I, 71 (1606).
92. Bruce, Institutional History, I, 548-549; see footnotes 93, 95, 3, 6, 8, 9 (below).
93. David S. Garland and Lucius P. McGehee, ed., American and English Encyclopaedia of Law, Northport, N. Y., 1896-1905, XXIV, pp. 75-76.
94. Blackstone, Commentaries, II, secs. 312, 313.
95. Ibid., II, secs. 338, 339, 342.
96. See footnote 95 (above).
97. Blackstone, Commentaries, II, secs. 338, 339; see footnote 93 (above).
98. See footnotes 95 (above), 1, 3, 4 (below).
99. See footnote 97 (above).
1. Earl of Halsbury, Halsbury's Laws of England, London, 1937, XXIX, 427, note n.

was required in two or three English counties in 1705, 1708, and 1735.[2] The act of 1708, applying to the county of Middlesex, made it possible for a prior unrecorded instrument to be defeated by a later recorded instrument - substantially the effect of the present Virginia statute.[3] Not until 1925 did England pass a successful general registration law; and even those records may not be inspected by the public, but only by the registered owner or his agent.[4]

As early as 1626, an order of the General Court of Virginia required all deeds to be recorded within a year and a day at Jamestown,[5] and the first Virginia general recording act, passed in 1640,[6] antedated by about 23 years the earliest English law (the Statute of Enrollments having fallen into disuse).[7] Although this and the law of 1643[8] probably related to personal property only, the law of 1656 (still prior to the English law) "explaineth" that it applies equally to "lands, goods, or chattels."[9] These early Virginia laws formed the basis for an unbroken series of recording acts relating to land[10] and personal property.[11]

Except for a short period following the revision of 1919, the index has not been a part of the record,[12] but has merely been imposed upon the clerk as a duty.[13] However, the clerk is required to prepare general indexes "to all deed books, miscellaneous liens, will books, judgment dockets and court order books" in his office.[14] The general indexing of the order books is within the discretion of the court.[15]

This index is required to be "a modern, family name, or ledgerized alphabetical key-table general index."[16] 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.[17]

Record and index books and materials are required to be of a uniformly high quality; the books are well bound with an extra canvas cover over all.

---

2. See footnotes 95 (above), 3 (below).
3. Halsbury's Laws of England, XXIII, 533; ibid., XXVII, 790-792; see footnote 10 (below).
4. Halsbury's Laws of England, XXIX, 417-418, 468.
5. Bruce, Institutional History, I, 548-549.
6. Hening, Statutes, I, 227.
7. See footnotes 93, 1 (above).
8. Hening, Statutes, I, 248-249.
9. Ibid., I, 417-418.
10. Code 1803, p. 158; Code 1819, I, 367; Code 1849, p. 514; Code 1887, secs. 2465, 2505; Code 1936, secs. 3393, 5194.
11. Code 1819, I, 372; Code 1936, secs. 5188, 5194.
12. Code 1919, secs. 5194; (repealed) Acts 1922, p. 474.
13. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 3394.
14. See footnote 13.
15. Acts 1936, p. 83.
16. Code 1936, sec. 3394.
17. Acts 1916, p. 394; Code 1936, secs. 3395-3398.

Photostats, if used, must be on the best quality paper.[18]

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,[19] except on court order for rebinding.[20] If any records have become illegible, they may be corrected from any writings which were in the books.[21] 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.[22]

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 dockets; this loose-leaf form is transferred successively to the current, then to the ended docket, superseding the rule book formerly kept by the clerk.[23]

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.[24] The land books, and possibly other books of which more than one copy is required, are generally made up on loose sheets and then sewed 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);[25] 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, and binds and returns to the custodian the positive photostat. The originals also are returned unless the court order authorized their retention.[26] 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,

---

18. Acts 1934, pp. 174-175; Code 1936, sec. 3399.
19. Ibid., secs. 3387, 4516-4518.
20. Ibid., secs. 5979-5982.
21. Ibid., sec. 6201.
22. Ibid., sec. 3401.
23. Acts 1923, pp. 97-98; Code 1936, secs. 6245, 6461-6464.
24. Acts 1936, p. 51; Code 1936, sec. 1019.
25. Acts 1936, p. 110; Code 1936, sec. 354.
26. See footnote 25.

"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."[27]

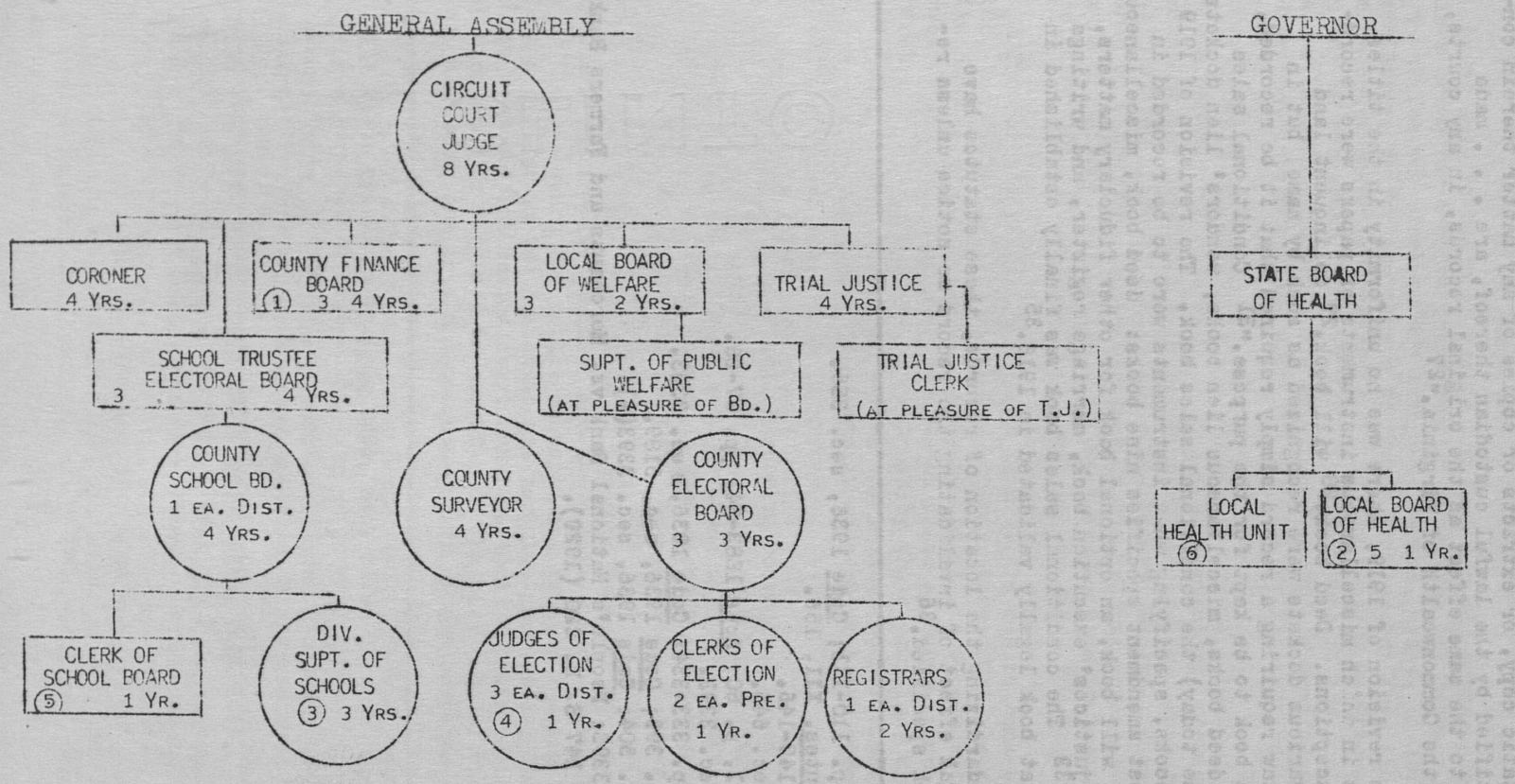
Prior to the revision of 1919, there was no uniformity in the titles or types of books in which miscellaneous instruments or papers were recorded, with a few exceptions. Deed book,[28] will book,[29] delinquent land book,[30] and the various dockets were recognized as such by name; but in other cases the law requiring a record simply required that it be recorded, or "recorded in a book to be kept for the purpose."[31] 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.[32] 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.[33] The conditional sales book was finally established in 1920[34] and the plat book legally validated in 1918.[35]

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.[36]

---

27. Acts 1936, pp. 110-111; Code 1936, sec. 355.
28. Hening, Statutes, XII, 156.
29. Ibid., XII, 145-146.
30. Code 1887, sec. 645.
31. Code 1819, II, p. 60; Acts 1883-84, pp. 27-28.
32. Code 1919, sec. 3393.
33. Acts 1932, pp. 333-334; Code 1936, sec. 3393.
34. Acts 1920, p. 399; Code 1936, sec. 5189.
35. Acts 1918, p. 504; Code 1936, sec. 3393(a).
36. Ibid., sec. 3393; People's National Bank vs. Merchants and Farmers Bank, 152 Va. 520; 147 S. E. 220 (1929).

CHART OF GOVERNMENT - - - SOUTHAMPTON COUNTY, 1940



(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) 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.

(6) Health Officer, Sanitary Officer, two Nurses, and Secretary appointed by State Board of Health to serve during good behavior and satisfactory performance of duty.

◯ Constitutional Office or Body

▭ Statutory Office or Body.

There are seven districts in Southampton County, and fifteen precincts.

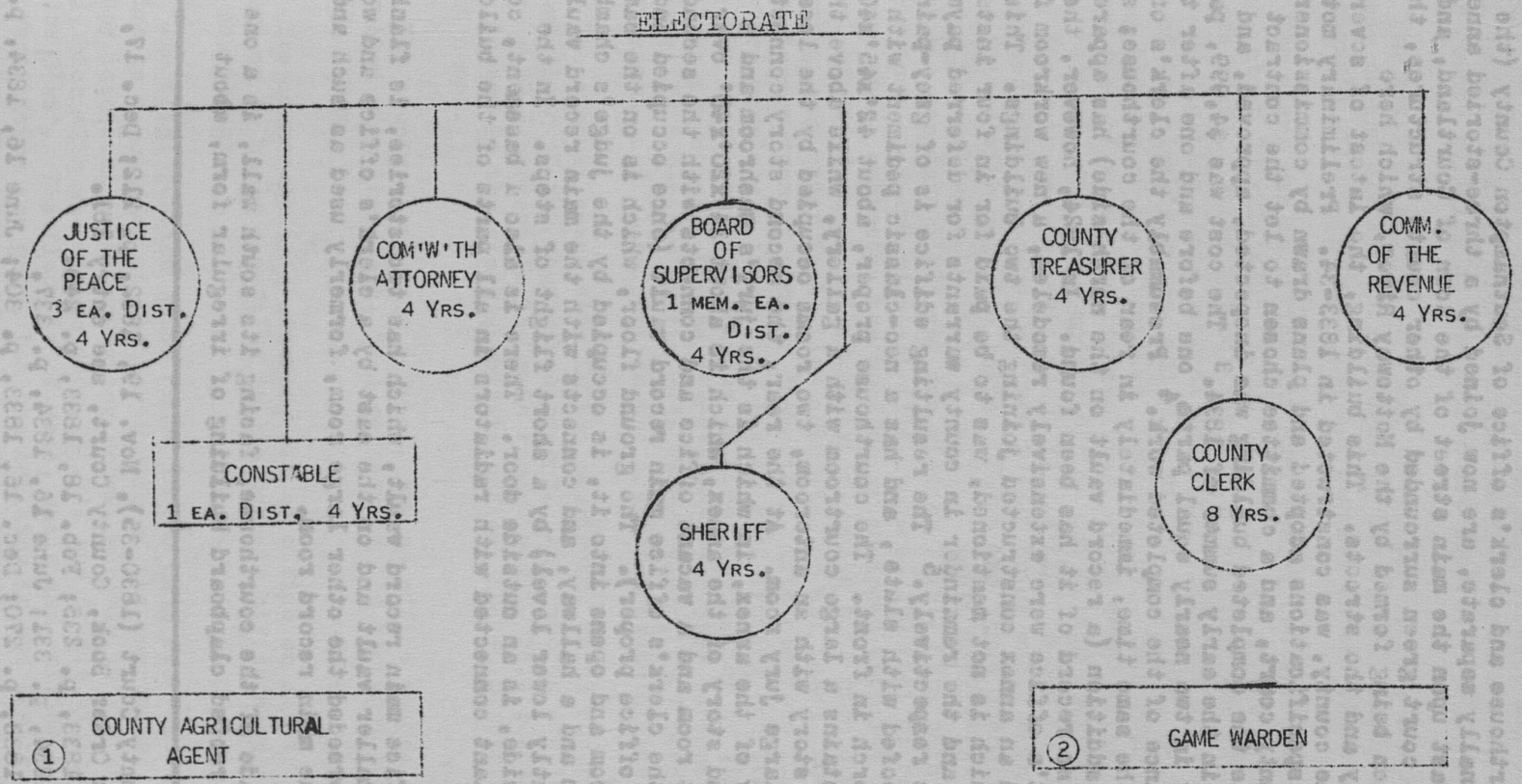
CHART OF GOVERNMENT - - - SOUTHAMPTON COUNTY, 1940

(5) UPON RECOMMENDATION OF DIVISION SUPERINTENDENT OF SCHOOLS.

(6) HEALTH OFFICER, SANITARY OFFICER, TWO NURSES, AND SECRETARY APPOINTED BY STATE BOARD OF HEALTH TO SERVE DURING GOOD BEHAVIOR AND SATISFACTORY PERFORMANCE OF DUTY.

THERE ARE SEVEN DISTRICTS IN SOUTHAMPTON COUNTY, AND FIFTEEN PRECINCTS.

CHART OF GOVERNMENT - - - SOUTHAMPTON COUNTY, 1940



(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.

(2) APPOINTED BY THE STATE COMMISSION OF GAME AND INLAND FISHERIES, TO SERVE DURING GOOD BEHAVIOR AND SATISFACTORY PERFORMANCE OF DUTY.

CONSTITUTIONAL OFFICE OR BODY.

STATUTORY OFFICE OR BODY.

THERE ARE SEVEN DISTRICTS IN SOUTHAMPTON COUNTY.

(First entry, p. 71)

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The present courthouse and clerk's office of Southampton County (the two buildings, originally separate, are now joined by a three-storied annex) faces roughly northeast upon the main street of the town of Courtland, and stands in a spacious court green surrounded by other county structures, the rear edge of the green being formed by the Nottoway River, which here parallels the highway and the streets. This building, the latest of several which have served the county, was constructed in 1833-34. Preliminary motions were made in 1832,[1] specifications adopted and plans drawn by commissioners appointed by the county court, and a committee chosen to let the contract early in 1833,[2] while the completed building was inspected, approved, and received by the court in the early summer of 1834.[3] The cost was $4,999, paid from the county levy in two nearly equal parts, one before and one after the approval and acceptance of the completed work.[4] Presumably the clerk's office was constructed at the same time, immediately in rear of the courthouse; since its construction an addition (a record vault on the north side) has apparently been made, although no record of it has been found. In 1924, however, the courthouse and clerk's office were extensively remodeled, a new workroom for the clerk added, and an annex constructed joining the two buildings. This work, the cost of which is not mentioned, was to be paid for in four instalments - one in cash and the remainder in county warrants for deferred payment in 1, 2, and 3 years respectively.[5] The resulting edifice is of grey-painted brick throughout, roofed with slate, and has a neo-classic pediment with concrete columns and porch in front. The courthouse proper, about 42'x45'x40', (75,600 cu. ft.) contains a large courtroom with a gallery, while above the gallery is a second story with an anteroom, two rooms occupied by the local health unit, and a large jury room. At the rear, the second story connects with the third story of the annex, in which is the jury's washroom and a stairway. The second story of the annex, which is about 34'x20'x40' over all, contains a rest room and a vacant office and connects with the second floor (storage) of the clerk's office main record vault (once occupied and used as the clerk's office proper). The ground floor, which is on the same level as the courtroom and opens into it, is occupied by the judge's chamber or consultation room and a hallway, and connects with the main record vault (which is on a slightly lower level) by a short flight of steps. In the hall, on the south side, is an outside door. There is also a basement, containing a heating plant connected with radiators in all parts of the building.

The clerk's office main record vault, which has two stories, is flanked on the north by a smaller vault and on the east by a clerk's office and workroom, which has superseded the other large room, formerly used as such and now coverted into the main record room.

On the south side of the courthouse, facing its south wall, is a one story and attic tin roofed clapboard building of irregular form, about

---

1. Minute Book, County Court (1830-35), Nov. 19, 1832, p. 212; Dec. 17, 1832, p. 227, in Order Book, County Court, see entry 181.
2. Ibid., Jan. 21, 1833, p. 235; Feb. 18, 1833, p. 240.
3. Ibid., May 18, 1834, p. 331; June 16, 1834, p. 337,
4. Ibid., June 17, 1833, p. 270; Dec. 16, 1833, p. 304; June 16, 1834, p. 341.
5. Record of Supervisors (Minutes), no. 4 (1923-34), Apr. 28, 1924, see entry 2.

Housing, Care, and Accessibility of the Records (First entry, p. 71)

36'x35'x20' over all, with a chimney at each end, which houses the sheriff and the treasurer, while on the north side is a smaller frame structure, roughly 15'x27'x20', facing toward the main street, and occupied by the trial justice and his clerk. Still further northward is the jail, the only other county building on the courthouse square.

The board of supervisors has no regular office; its records are in the custody of the clerk: 55.3 percent in the record vault, 41.3 percent in the clerk's office storage, and 3.4 percent in the clerk's private office.

The clerk has an office and workroom at the extreme rear of the courthouse, about 20'x22½'x20' (9,000 cu. ft.), having two doors 3'x7' and six windows 3'x5'. Walls and ceiling are of plaster, the floor of wood; ventilation and lighting, both natural and artificial, are good in this as in the rest of the clerk's rooms, and fire hazard is slight, heating by radiators making the use of the fireplace unnecessary. This room contains about 20 linear feet of steel roller shelving, eight 4"x6" files, a safe, a large steel cabinet, and other modern office and filing equipment. The adjoining room, the main record vault about 22'x29'x10' (6,380 cu. ft.), is floored and ceiled with concrete, and has 2-foot brick walls with heavy steel vault doors fitted with multiple bolts. There are three doors 3'x7' and two windows 3'x5'. Connecting with it is a smaller vault 13'x17'x8' (1,768 cu. ft.), which has one door 3'x7' and two windows 3'x5'. The main vault has 120 linear feet of standard steel file drawers, 290 feet of roller shelving, and 3 large steel cabinets; the smaller is equipped with 144 linear feet of files and 396 feet of roller shelving, while both have chairs, tables, lighting, and other facilities adequate for all users. Over the main vault is a storage room of similar dimensions, also concrete floored; it is not, however, completely fireproof, having wood framing and lathing in the ceiling, but there is little danger of fire, as heating by fireplaces and stoves has been abandoned. Of the clerk's records, 66.7 percent are in the storage, 13.5 percent in the main record vault, 19.7 percent in the record vault annex, and .1 percent in the clerk's private office.

The circuit court sits in the courtroom, which occupies the entire ground floor of the courthouse proper. Its records are in the hands of the clerk - 33.3 percent in the main record vault, 23.4 percent in the storage, 2.8 percent in the clerk's private office, and 40.5 percent in the record vault annex.

The county court, now defunct, has no office space; its records are deposited with the clerk, 76.1 percent in the storage, and 23.9 percent in the annex.

The commonwealth's attorney has no office on county property; such papers as he keeps are filed in his private office across the street from the courthouse.

The trial justice holds court in the main courtroom, but has a separate office in a building at the north side of the courthouse. He and his clerk occupy identical interconnecting rooms, roughly 14'x12'x8' (total 2,688 cu. ft.), each with an outside door, 3'x7', one double window 5'x5' and one window 3'x5'. The floor is of wood, walls and ceiling plaster. Lighting and ventilation are good, but the building is not fireproof and is heated by stoves. The office of the justice himself contains about 25 linear feet

of standard file boxes, in addition to the usual office furniture. All his records are filed there.

The justices of the peace, as individuals, have never had county owned office space; their records, such as were kept, were returned to and became records of the local courts.

The sheriff's office, located in the building directly south of the courthouse, is a room roughly 17'x18'x8' (2,448 cu. ft.), with wooden floor, wainscot and plastered walls, and plastered ceiling; it has two doors 3'x7' and three windows 3'x5', and a stair communicating with the attic or half-story above. This building is in no degree fireproof, and is heated by stoves. Light and ventilation are fair, but accommodations for users limited. Sixty-six percent of his records are kept here, 34 percent in his home.

The constables have never had offices or permanent records.

The coroner has no office on county property, nor any separate records; his reports are filed with the circuit court and become its own.

The commissioner of the revenue occupies rented quarters over a drug store in the town of Franklin some distance from the courthouse. One second-story room, about 9'x13'x8' (936 cu. ft.), is occupied by the commissioner; a rear storage room is shared by that officer and the druggist who uses the ground floor. There are two doors 3'x7', and two windows 3'x5'. The floor and ceiling are of wood, the walls plastered and papered, and the room is heated by an oil circulator. Light and ventilation are adequate, but space is limited. The room contains about 55 linear feet of steel shelving and about 45 feet of wood shelving; all of the commissioner's records are here or in the adjoining storage.

The assessors have no offices nor permanent records, being themselves temporary appointees.

The local board of equalization has no office.

The county treasurer has several rooms in the building previously described, which he shares with the sheriff - a front office about 17'x18'x8' (2,448 cu. ft.), with two doors 3'x7' and three windows 3'x5', a rear room or alcove about 6'x14'x8' (672 cu. ft.) with one window 3'x5' and an archway leading to the front office, and a rear or private office 18'x12'x8' (1,728 cu. ft.), having three doors 3'x7' and four windows 3'x5'. The walls are wainscot, with plaster above, and the floors are of wood. Lighting is fair by day and night, ventilation good. The front room has in it a safe and four standard letter file drawers, the alcove two safes and four similar files, and the private office two large double steel cabinets, in addition to the usual office furniture. Accomodations for users other than the regular staff are limited. Six tenths of one percent of the treasurer's records are kept in the clerk's office record vault, 38.3 percent in the clerk's office storage, 20.7 percent in the treasurer's office front room, 32.8 percent in the treasurer's office storage, and 7.6 percent in his private office.

The county finance board has no regular office; its records are filed in the clerk's private office.

Housing, Care, and Accessibility of the Records (First entry, p. 71)

The county electoral board has no regular office; its records are kept in the home of its secretary at Ivor, Virginia.

The school trustee electoral board has no office; all of its records are in the record vault of the superintendent of schools.

The county school board uses the courtroom for its meetings; its records, in the nominal custody of its clerk, are deposited in the division superintendent's private office (2.9 percent), the county clerk's office storage (2.9 percent), the superintendent's office reception room (23.6 percent), the superintendent's storage (58.8 percent), and the superintendent's record vault (11.8 percent).

The division superintendent of schools occupies rented quarters in Franklin, in a brick bank building of irregular form, roughly 33'x45'x15' on its major axes (22,275 cu. ft. total), with wood floors and plastered walls. The superintendent's private office, about 11'x15'x10', at the right hand side, has two windows 3'x5' and one door 3½'x7' opening to the central reception room, 15'x15'x10', which has four doors (average 3½'x7') and one window 4'x8'. At the left is the secretary's office, about 15'x15'x10', with two doors 3½'x7' and one window 4'x8'. At the rear, reached through the reception room, is a storage room 6'x15'x10', and beyond that a textbook room, 12'x20'x10', with a rear door 3½'x7' and a window the same size. The superintendent's records are filed, 7.8 percent in his private office, 21.7 percent in the reception room, 19.6 percent in the storage, and 50.9 percent in his record vault.

The local board of public welfare and its superintendent occupy two rooms in a brick building in Courtland, owned by the telephone company. The front room 12'x14'x9' (less a corner formed by the entrance hall) and the rear room, of the same dimensions, have each a double window 6'x5' and a connecting door. Floors are of wood, walls and ceiling plastered. Both rooms (total 3,024 cu. ft.) heated by small stoves, are light and airy, with ample electric light. The front room contains eight card file boxes of various sizes, the rear one two standard 4-drawer letter files, besides desks and tables adequate for general use. The superintendent's records are kept in the front room (45.5 percent) and the rear room (54.5 percent).

The superintendent of the poor (when he functioned) had no regular office, but lived in a house located near the almshouse, and kept his records there. At present all of his records are in his home.

The parish vestry never had office space on county property, nor have any records of that agency been found in the county.

The local board of health has no regular office.

The county health unit has two rooms on the second floor of the courthouse, reached by stairs at the front of the building and in the annex at rear. That on the north side, roughly 12'x20'x10' (2,400 cu. ft.), has one door 3'x7' and two windows 4'x6', while the middle room, 14'x20'x10' (2,800 cu. ft.), has three doors 3'x7', but no outside windows. The floors are of wood, the walls and ceiling plastered, but not fireproof. Light and ventilation are good in the north room, poor in the middle one. The former contains 4 large and 12 small steel file drawers, and 10 card files 5"x8",

the other room, 2 large and 32 small wooden file boxes. This agency's records are kept 95.1 percent in the main office, and 4.9 percent in the adjoining storage. Some of the filing space is filled with printed matter.

The county surveyor has no office on county property, nor any independent system of records.

The county agricultural agent maintains his office in a privately owned store building in the town of Courtland, on the main street some distance north of the courthouse. This structure has been cut up by temporary partitions to form an entrance hall, a front office, a private office and a stockroom or storeroom, aggregating roughly 20'x100'x10', or 20,000 cu. ft. It is entirely of frame construction, fairly well lighted and ventilated, but is heated by stoves and is not at all fireproof. The agent's records are all kept in this building.

The game warden has no regular office, but keeps his records in his home or with him, according to circumstances.

The county militia never had an office on county property, and no records for it have been found here, except those of the committee of safety for the county, which are deposited in the clerk's office main record vault.

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)

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 71)

et passim	and here and there
F. 2	Federal Reporter, second series
ff.	and following pages
hdr.	handdrawn
hdw.	handwritten
ibid.	the same reference
i. e.	that is
j. p.	justice of the peace
ms (s).	manuscript (s)
n. d.	no date of publication
n. p.	no publisher's name
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 13. 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 132. 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 9, 10, 12, 15. 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: Military, see also entry 309.

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.

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

(First entry, p. 71)

I. BOARD OF SUPERVISORS

The year 1870 saw the fruition of a plan which had long been considered and discussed, as the debate of previous constitutional conventions clearly show.[1] The constitution adopted the preceding year, and approved by the Federal Government as the instrument of Virginia's readmission to the Union,[2] embodies many innovations, some destined to be short-lived, and some of enduring worth. Among the latter was the board of supervisors' plan of county government. For electoral and minor administrative purposes the counties were divided into townships,[3] in Southampton County six in number - Drewryville, Boykins, Newsoms Depot, Franklin, Jerusalem, and Berlin and Ivor.[4] From these townships, respectively, most of the officers of local government were elected; the township officers sat together as township boards, while the supervisors, one from each township, met at the courthouse as the board of supervisors of the county.[5] The details of this system, apparently patterned upon that in use in New England,[6] did not long survive, being abolished by constitutional amendment in 1874 and 1875 as unsuited to the needs of Virginia,[7] but the board of supervisors, the county treasurer, and certain other offices and features of the township era which had proved their worth, were continued in effect. The townships, as originally laid out, were perpetuated as magisterial districts with the same names,[8] one addition (Capron District) having been made in 1915;[9] and the board, now relieved of all duties as township officers, continued to exercise the duties and powers in the administration of county affairs which had been transferred almost in toto from the county court to the board at the latter's foundation.[10]

To be eligible for election as supervisor, the candidate must have resided within the county for at least 1 year, and 30 days in his district,[11] and he cannot hold any other elective office listed in article VII section 113 of the constitution.[12]

One supervisor for each magisterial district is elected by the qualified voters of the respective districts.[13] His term of office in 1870 was

---

1. Proceedings and Debates of the Virginia State Convention of 1829-30 . . . , Richmond, 1830, pp. 626-630; Virginia Reform Convention (1851), no. 60, "Debates of June 5, 1851."
2. Code 1873, pp. 25-30.
3. Const. 1869, art. VII, sec. 2; Acts 1869-70, pp. 37-39.
4. Ibid., p. 634 (note: Berlin and Ivor is the name of one district).
5. Const. 1869, art. VII, sec. 2; Acts 1869-70, pp. 269-271, 274-279.
6. Lester J. Cappon, "The Evolution of County Government in Virginia", in Inventory of County Archives of Virginia, no. 21, Chesterfield County, Charlottesville, Va., 1938, p. 30.
7. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 56.
8. Ibid., pp. 56-58, 458; Acts 1938, p. 1069.
9. Common Law Order Book, no. 10 (1913-20), Dec. 1, 1915, p. 245, see entry 109.
10. See footnote 5; Acts 1869-70, pp. 270-273.
11. Acts 1878-79, p. 318; Code 1887, sec. 819; Code 1936, sec. 2703.
12. Acts 1878-79, pp. 318, 320; Code 1887, sec. 818; Const. 1902, art. VII, sec. 113; Code 1936, sec. 2702.
13. Ibid., sec. 127.

1 year,[14] and in 1874 he was elected for a 2-year term.[15] Under the Constitution of 1902, this term was extended to 4 years and has so continued to the present time.[16]

After his election, each supervisor is required to take and subscribe an oath before entering upon the discharge of the duties of his office and to give a bond in the penalty of not less than $1,000 nor more than $2,500, for the faithful performance of his duties.[17]

In 1870 the compensation of each member of the board was $2 per day and mileage for his attendance upon the meetings of the board, but he could not draw this for more than 10 days in any year.[18] In 1872 this per diem allowance was increased to $3 and mileage,[19] and this rate of pay continued until 1908, when it was increased to $4 per day and mileage,[20] which rate was in force until 1920, when it was raised to $6 per day.[21] At the present time, the amount paid the supervisors as a body is in proportion to the population of the county and is divided among the members of the board. It includes pay and mileage for attendance upon no more than 24 meetings of the board in a year, and is fixed by the judge of the circuit court in term or vacation, by an order entered in the common law order book.[22] In 1930 the population of Southampton County was 26,870.[23] At the rate prescribed for counties having a population of more than 26,000 but not more than 40,000, such total compensation for the Board of Supervisors of Southampton County in the aggregate may not exceed $2,000.[24]

Failure of a supervisor to qualify before the first day of his term, in the regularly prescribed manner, constitutes a vacancy.[25] His removal from the county or district automatically vacates the office.[26] Such vacancies, as well as vacancies for other causes, are filled by appointment of the circuit (formerly county) court.[27] Persons appointed to fill vacancies on the board of supervisors must qualify and give bond precisely as if elected.[28]

---

14. Const. 1869, art. VII, sec. 2.
15. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 134; Code 1887, sec. 96.
16. Const. 1902, art. VII, secs. 111, 112; Acts 1902-3-4, pp. 506, 743; Code 1936, sec. 127.
17. Const. 1869, art. III, sec. 6; Acts 1869-70, p. 273; Code 1936, sec. 2698.
18. Acts 1869-70, p. 273.
19. Acts 1871-72, p. 295.
20. Acts 1908, pp. 329-330.
21. Acts 1920, pp. 545-546.
22. Acts 1936, pp. 525-526; Code 1936, sec. 2769.
23. Report of the Secretary of the Commonwealth (1936-37), p. 240.
24. See footnote 22.
25. Acts 1869-70, p. 354; Code 1887, sec. 813; Acts 1902-3-4, p. 652; Code 1936, sec. 2697.
26. Acts 1869-70, p. 93; Code 1887, sec. 820; Acts 1902-3-4, p. 655; Code 1936, sec. 2704.
27. Acts 1871-72, p. 309; Acts 1872-73, p. 370; Code 1873, p. 461; Code 1887, sec. 106; Acts 1928, p. 22; Acts 1930, p. 79; Code 1936, sec. 136; Smith v. Kelley, 162 Va. 645; 174 S. E. 784.
28. Acts 1869-70, p. 287; Acts 1874-75, p. 135; Code 1936, sec. 139.

Board of Supervisors (First entry, p. 71)

The county clerk, ex officio clerk of the board of supervisors, has as many important duties as the chairman elected from and by the board. In his custody are all the papers of the board, as well as all official reports, lists, and correspondence.[29] From 1870 to the present time he has been required to record in a book provided for that purpose all the proceedings of the board; to make regular entries of all their resolutions and decisions on all questions submitted to the board, if required by any member present; to sign all warrants issued by the board for the payment of money, to record in a book provided for that purpose the reports of the county treasurer of the receipts and disbursements of the county, and to preserve and file all accounts acted upon by the board, with notations of their actions thereon. From an early date, he was required to certify to the commissioner of the revenue the amount of the county levy as fixed by the board. In addition to these duties he is to perform such special duties as are required of him by law.[30] In 1872 the clerk of the board was required to designate upon every account on which any sum was audited and allowed by the board, the amount so audited and allowed, and the charges for which the same was allowed, and he was also required to deliver to any person making the demand, a certified copy of any record in his office, or of any account thereon, on receiving from such person the fees allowed to the clerk of the county (after 1904 circuit) court for similar service. This duty has been required of him from that time (1872) until the present.[31] Being already heavily bonded, the clerk is not required to give additional security for the performance of his duties as clerk of the board.[32] His compensation in 1870 was fixed by the board and paid by the county and was limited to $25 annually, while today, after gradual and slight increases from year to year, it must not exceed $150 per annum.[33]

Although the board may sue and be sued in the name of "The Board of Supervisors of Southampton County," it has no powers other than those conferred upon it by statute, and consequently may not initiate local legislation, except as specifically authorized by statute.[34] The commonwealth's attorney acts as its legal representative in cases involving allowances and claims.[35]

The board of supervisors has had authority since 1906 to employ necessary agencies to assist in the arrest and conviction of criminals and to offer rewards varying in amount from $100 to $500, in carrying out the provisions of the act of the General Assembly bestowing this authority.[36] For carrying into

---

29. Acts 1869-70, pp. 273-274; Acts 1934, p. 550; Code 1936, secs. 2766, 2770(a).
30. Acts 1869-70, p. 274; Acts 1871-72, p. 296; Code 1887, sec. 849; Acts 1934, p. 550; Code 1936, sec. 2770(a).
31. Acts 1871-72, p. 296; Code 1887, sec. 850; Acts 1902-3-4, pp. 860-861; Code 1936, sec. 2771.
32. See County Clerk, p. 74.
33. Acts 1869-70, p. 274; Code 1887, sec. 852; Acts 1904, pp. 201-202; Code 1919, sec. 2773; Acts 1928, p. 578; Acts 1936, p. 566; Code 1936, sec. 2772(a).
34. Ibid., sec. 2710; Supervisors v. Powell, 95 Va. 635, 637; 29 S. E. 682.
35. Acts 1878-79, p. 302; Code 1936, sec. 2759.
36. Acts 1906, p. 18; Code 1919, sec. 2733; Acts 1932, p. 6; Code 1936, sec. 2733.

effect certain powers, the board of supervisors may make ordinances and bylaws and prescribe fines and other punishment for violation thereof.[37]

Many of the original powers of the board were such as are now exercised by various departments of the State government, and are at present invoked, if at all, only in cooperation with those bureaus and departments. Notable among these is the authority in connection with roads, now wholly transferred to the State Highway Department,[38] while others include the powers to adopt quarantine and other regulations to prevent the spread of disease[39] and to compel the inoculation or vaccination of persons threatened by disease.[40]

One of the special duties assigned to the Board of Supervisors of Southampton County in 1900 was the processioning of land, with the authority to appoint, as often as deemed necessary, three disinterested, intelligent freeholders to do this work.[41]

In particular cases, the board has quasi-judicial 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's 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.[42]

In 1870 the county surveyor,[43] and the superintendent of the poor, were elected by the qualified voters of the county.[44] In 1875, however, an act was passed by the legislature authorizing the board of supervisors to recommend, for appointment by the judge of the county court, both the county surveyor and the superintendent of the poor.[45] This method of appointment has continued in force from that time until the present.[46]

Since the creation of the board of supervisors as a county agency, its authority over and supervision of certain county officers, notably the treasurer and sheriff, and the auditing of the report and accounts of the superintendent of the poor, have been recognized as official duties.[47]

One of the duties of the board pertaining to education in the county has been, since 1870, the levying of taxes sufficient to realize the amount re-

---

37. Code 1936, sec. 2743.
38. Acts 1932, pp. 872-873.
39. Code 1936, sec. 2743.
40. Acts 1881-82, p. 169; Code 1919, sec. 1530; (repealed) Acts 1928, p. 1227.
41. Acts 1899-1900, p. 677.
42. Acts 1902-3-4, p. 235; Code 1936, sec. 2737.
43. Acts 1869-70, p. 265.
44. Ibid., p. 79; Code 1873, p. 141.
45. Acts 1874-75, p. 355.
46. Acts 1885-86, p. 47; Code 1887, secs. 95, 831; Acts 1902-3-4, p. 855; Code 1936, sec. 2716.
47. Acts 1869-70, p. 270; Code 1873, pp. 439-440; Code 1887, sec. 833; Acts 1902-3-4, p. 856; Code 1936, sec. 2719.

quired by the approved budget of the school board.[48] In 1928 the board was authorized to include in the published county budget, as a part thereof, the budget for the schools of the county.[49]

In 1873 authority was given to appoint a physician and nurse to attend the poor and allow them reasonable compensation for their services, and this authority continued for several years.[50] In 1887 the power to establish hospitals was transferred to the board of supervisors[51] from the county court, in which it was vested after 1832.[52] Since 1904 it has been within the power of the supervisors, at the request of any one justice or on their own motion, to set up temporary hospitals in the county, and for such purpose they have had the right, if necessary, to seize land or use unoccupied buildings, and compensate the owner thereof.[53] Free vaccination has been provided for many years - 1853 to 1882 by the overseers of the poor,[54] and until 1928 by the board of supervisors for the benefit of anyone (including school children) unable to bear the cost themselves - while between 1894 and 1928 the board had the power to enforce compulsory vaccination when it saw fit.[55] The school board, after 1870, also might require the same protection in the schools, and refuse admittance to unvaccinated pupils or, later, teachers (1894).[56] Since the creation of the local board of health in 1900, it too has had authority to enforce vaccination as need arises,[57] and its very extensive powers have made it one of the most active local agencies in the promotion of public health. It has charge of measures for the prevention of contagious and infectious diseases, may issue local sanitary ordinances and fix penalties for disobedience,[58] as may the board of supervisors in certain cases,[59] and cooperates with the latter body in such matters as the erection and management of local sanatoria for tuberculosis victims.[60]

In 1872 an act was passed giving the board of supervisors power to appropriate money for the poor of the county when making the levy,[61] and this

---

48. Acts 1869-70, p. 417; Acts 1870-71, p. 359; Acts 1871-72, p. 444; Code 1873, p. 699; Acts 1876-77, p. 236; Code 1887, sec. 833; Acts 1902-3-4, p. 856; Code 1919, sec. 2721; Acts 1920, p. 587; Acts 1928, p. 1204; Code 1936, sec. 657.
49. Acts 1928, pp. 1204-1205; Code 1936, sec. 658.
50. Acts 1872-73, p. 342; Code 1887, sec. 870.
51. Code 1887, sec. 1719; Code 1936, sec. 1555.
52. Acts 1831-32, p. 25; Code 1849, p. 395; Acts 1852-53, p. 128; Acts 1885-86, p. 67.
53. Acts 1902-3-4, p. 734; Code 1936, sec. 1557.
54. Acts 1852-53, p. 128; Code 1860, p. 447; Code 1873, p. 732; Acts 1881-82, pp. 169-170.
55. Acts 1881-82, pp. 169-170; Code 1887, sec. 1733; Acts 1893-94, p. 232; Code 1919, sec. 1530; (repealed) Acts 1928, p. 1226.
56. Acts 1869-70, p. 414; Acts 1871-72, p. 86; Code 1887, sec. 1496; Acts 1893-94, p. 971; Code 1919, sec. 1529; Acts 1928, pp. 1217-1218; Code 1936, sec. 690.
57. Acts 1899-1900, p. 1250; Code 1936, sec. 1493.
58. Acts 1899-1900, pp. 1250-1252; Code 1936, secs. 1493-1495, 1497, 1498.
59. Ibid., sec. 1544.
60. Acts 1916, p. 698; Code 1936, secs. 1507-1510.
61. Acts 1871-72, p. 229; Code 1873, pp. 434-435.

power has been in force for many years.[62] A suitable place for the reception of the poor of the county was provided by the board.[63]

Since 1870 the board of supervisors has had control of the property of the county such as erecting and repairing county buildings and insuring them in the name of the supervisors, for the benefit of the county, and the erection of temporary offices when necessary.[64] In some circumstances, as is set forth in the case of Board v. Gorrell, it is held that the board of supervisors of a county has the authority to sell the lands of the county on which the courthouse and other buildings once stood,[65] but by reference to the case of Supervisors v. Powell, it will be seen that in the matter of property control, the powers of the board are not unrestricted. In this case the court held that the powers and duties of the board of supervisors of a county are fixed by statute and it has no other powers than those conferred expressly or by necessary implication.[66] In the case of Manly Mfg. Co. v. Broaddus it is further stated that the right to the possession of county property is in the board of supervisors, and if the actual possession be in another, the board may acquire possession as other suitors do.[67]

Among the miscellaneous duties of the board, it has, in recent years, been empowered to appropriate annually out of the county levy, for promotion of agriculture in the county, sums varying in amount from $500 to $1,000.[68]

The principal duties of the board of supervisors have been of a financial nature. The reports and accounts of the treasurer, sheriff, clerk, and all other officers concerned in the receipt or disbursement of county funds are audited and settled;[69] claims against the county are examined and allowed or disallowed; warrants are issued on the treasurer for their payment;[70] 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.[71] Some of the most important financial powers conferred from time to time upon the board of supervisors have been: the negotiations of loans for the county and issuance of bonds,[72] auditing and settling with officers;[73] approval of subsidiary budgets,

---

62. Acts 1878-79, p. 332; Code 1887, sec. 869; Code 1936, sec. 2730.
63. Code 1887, sec. 834; Acts 1910, p. 462; Code 1936, sec. 2723.
64. Acts 1869-70, p. 270; Acts 1902-3-4, p. 857; Acts 1930, p. 806; Code 1936, secs. 2725, 2726.
65. Board of Supervisors v. Gorrell, 20 Gratt (61 Va.) 484.
66. Supervisors v. Powell, 95 Va. 635, 637.
67. Manly Mfg. Co. v. Broaddus, 94 Va. 547; 27 S. E. 438.
68. Acts 1910, p. 502; Acts 1912, p. 563; Code 1936, sec. 2734.
69. Acts 1869-70, p. 270; Code 1936, sec. 2719.
70. Acts 1869-70, pp. 270-271; Code 1936, secs. 2724-2759.
71. Acts 1869-70, p. 270; Acts 1878-79, pp. 304-305; Code 1919, secs. 2720, 2768; Acts 1927, p. 126; "Tax Code" 1936, sec. 288.
72. Acts 1870-71, p. 323; Code 1887, sec. 1248; Acts 1902-3-4, p. 136; Code 1936, sec. 2735.
73. Acts 1869-70, p. 270; Code 1936, sec. 2719.

including schools;[74] payment of claims;[75] fixing amount of county levy;[76] levying taxes to raise funds for school purposes in the amount recommended by the school board;[77] making a levy for court allowances;[78] (formerly) making a levy for roads;[79] the allowance of claims against the county;[80] issuing bonds for special purposes, such as for loans for the erection of clerk's office and jail;[81] appropriating funds for advertising county resources,[82] for the erection of armories,[83] and for the erection of Confederate monuments. The Board of Supervisors of Southampton County was authorized to contribute from the county funds a sum not exceeding $500 to aid in the erection, on the courthouse square, of a monument to the Confederate dead.[84] The board also has power to establish funds to pay road laborers.[85] In 1894 the Board of Supervisors of Southampton County was given the authority to increase the salary of the judge of the county court to an amount not exceeding $600 per annum.[86] In 1926 the Board of Supervisors of Southampton County was authorized to pay Nansemond County $3,000 due that county by the terms of an agreement between the supervisors of the two counties.[87] Running concurrently with the above-mentioned financial duties of the board is the requirement to make up a budget, showing the receipts and expenditures of the county. This budget in many counties has been issued annually from 1870 until 1906, when it was required by an act of the General Assembly to be prepared and published semiannually.[88] Since 1928, this budget has been required of the board immediately after each special annual meeting, and a copy is to be posted at the front door of the courthouse and at each of the voting places in the county, and published in one or more newspapers of the county.[89] In 1924 the Board of Supervisors of Southampton County was required by a special act to publish a full statement every 6 months of all receipts and disbursements in a paper printed in the county.[90]

Supervision and control of the county road systems, long in the hands of

---

74. Acts 1928, pp. 1204-1205; Code 1936, sec. 658.
75. Acts 1869-70, pp. 270-271; Code 1873, p. 442; Code 1887, sec. 834; Acts 1910, p. 462; Acts 1932, p. 472; Code 1936, sec. 2724.
76. Acts 1869-70, p. 270; Code 1873, p. 440; Acts 1936-37, p. 72; "Tax Code" 1936, sec. 288.
77. See footnote 48.
78. Acts 1878-79, p. 306; Code 1887, sec. 835; Acts 1902-3-4, p. 858; Code 1919, sec. 2758; "Tax Code" 1936, sec. 289.
79. Acts 1904, p. 191; Acts 1906, pp. 551, 574; Acts 1908, p. 411; Code 1919, secs. 1986, 1987.
80. Acts 1869-70, p. 271; Code 1887, sec. 834; Acts 1899-1900, p. 46; Code 1936, sec. 2724.
81. Acts 1893-94, p. 367; Code 1936, secs. 2738, 2740.
82. Acts 1914, p. 495.
83. Code 1936, sec. 2731.
84. Acts 1899-1900, p. 549.
85. Acts 1932, pp. 472-473.
86. Acts 1893-94, p. 573.
87. Acts 1926, p. 746.
88. Acts 1869-70, pp. 272-273; Code 1873, p. 449; Code 1887, sec. 847; Acts 1902-3-4, p. 859; Acts 1906, pp. 533-534.
89. Acts 1927, p. 127; Code 1936, secs. 2577(l), 2577(m).
90. Acts 1924, pp. 491-492.

the county court,[91] passed in very large part to the township boards and the township commissioners of roads in 1870, while overseers of roads, elected one from each road precinct or district, assumed the duties of the former surveyors of roads appointed by the court.[92] Compulsory labor of all male inhabitants not incapacitated or otherwise exempt was still employed, but a special road levy for each township was made annually, so that larger amounts were available for road uses.[94] In 1875, at the abolition of the township system, there was a brief reversion to the old county court system, with the notable exception that the levying power for road as well as other purposes remained in the hands of the board of supervisors.[95] Nine years later, however, the boards of supervisors generally throughout the State (including that of Southampton County) were empowered to adopt an act under which the board resumed control, appointed the surveyors of roads and received their reports, and in general managed the public roads and bridges of the county.[96] The supervisors themselves acted as inspectors of the activities within their own districts,[97] and the special road levy by districts was again regularly made.[98] Although a special road act (calling for the appointment of a district road commissioner for each district, and other changes) was offered to the county in 1894,[99] it does not appear to have been adopted, and the board continued to manage the county's roads directly until 1932, when the State Highway Department (which had previously by degrees taken over the care of the primary road system of the State) assumed the upkeep of the entire secondary road network, leaving the board only an advisory authority in that connection.[1] The board now meets at stated intervals with the engineers of the Department for discussion of local arrangements,[2] and may levy a special fund for the retirement of any bonds which may have been issued to pay for road improvements under its former power to raise money in this manner,[3] but has little else to do in relation to the roads and bridges of the county.

The county clerk, as recording agent and custodian of the records of the board, keeps files of original petitions, vouchers, financial reports, and other papers relating to the business of the board,[4] and enters in brief form, in a book kept for the purpose, notes of the action taken by the board on these and other matters at each meeting.[5]

---

91. See County Court, p. 127.
92. Acts 1869-70, p. 596 ff.; Code 1873, pp. 496-511; see County Court, pp. 127, 130.
93. Acts 1869-70, pp. 598-599; Acts 1871-72, p. 207; Code 1873, pp. 499-501.
94. Acts 1869-70, p. 597; Code 1873, p. 498.
95. Acts 1874-75, pp. 177-187.
96. Acts 1883-84, pp. 459-465; Code 1887, secs. 963-1004.
97. Acts 1883-84, p. 460; Code 1887, sec. 972.
98. Ibid., sec. 978; Code 1919, secs. 1986, 1987.
99. Acts 1893-94, pp. 823-827.
1. Information obtained from Mrs. Bessie Wills, Deputy Clerk, Southampton County; Code 1887, sec. 945 ff.; Code 1919, sec. 1976 ff.; Acts 1932, pp. 872-880; Record of Supervisors (Minutes), no. 4 (1923-34), July 28, 1932, p. 552, see entry 2.
2. Acts 1932, pp. 872-874.
3. Ibid., pp. 872-874.
4. Acts 1869-70, pp. 272, 274; Code 1919, secs. 2766, 2770; Acts 1934, p. 550; Code 1936, secs. 2766, 2770(a).
5. Acts 1869-70, p. 274; Code 1919, sec. 2770; Acts 1934, p. 550; Code 1936, sec. 2770(a).

Board of Supervisors - Proceedings (1)

In his capacity of fiscal agent of the board, the clerk receives and files claims or bills against the county for services rendered or supplies furnished by individuals and companies,[6] just as previously (before 1870) he had done for the county court, which formerly heard, allowed and paid or disallowed such claims.[7] Claims allowed have since that date been paid by warrants issued on the board's order and signed by the chairman and the clerk;[8] these warrants are and have generally been made in the form of books with stubs bearing notes of the date, amount and purpose of the warrant, which stubs remain in the hands of the clerk as his record of the issuance of the attached warrant. From time to time special books or forms have been adopted for use in connection with various particular funds.[9] The clerk also keeps a register in which are entered memoranda of all warrants issued at the board's order,[10] and for a time (1892-1900) recorded the analysis of the distribution of county funds in a separate volume.[11]

The treasurer's list of delinquent personal property, formerly reported to the circuit court for examination, correction, and approval, has since 1928 been divided into three separate lists. One of these, the list of delinquent tangible personal property, is now reported to the board of supervisors, reported again after the lapse of a certain number of years to show subsequent collections, and turned over finally to the board for such further proceedings as may be desired. The lists for the current and 2 preceding years remain in the hands of the treasurer until he has completed his collections.[12]

Proceedings

1. SUPERVISORS' PAPERS, 1933--. 60 bundles, 1 file box. No title, 1933-38.

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, and correspondence. Arr. chron. No index. Hdw. and typed. Bundles aver. 7x3x1; file box 10x5x14. Bundles, 1933-38, clk. off., storage; file box, 1938--, record va.

For record of minutes, see entry 2.

---

6. Acts 1869-70, pp. 272, 274; Acts 1934, p. 550; Code 1936, sec. 2766.
7. The presentation of such accounts was not then required by statute, but the amounts due were to be recorded in the court minutes and considered in the laying of the levy for the following year: Code 1849, p. 277; Code 1860, p. 307.
8. Acts 1869-70, p. 274; Code 1919, secs. 2724, 2771, 2772; Acts 1932, pp. 472-473; Code 1936, secs. 2724, 2724(a); see County Treasurer, pp. 172-173.
9. The use of warrant stub books is nowhere specified by statute, but has been almost universally used (see other published inventories).
10. See footnote 8; the purpose of the warrant register was probably served by the stub books, prior to 1937.
11. A similar analysis was required to be published annually or oftener: Acts 1869-70, p. 272; Code 1887, sec. 847; Acts 1906, pp. 534-535; Code 1919, sec. 2768; Acts 1927, p. 127; Code 1936, sec. 2577(m) (3).
12. See County Treasurer, pp. 173-174.

2. RECORD OF SUPERVISORS (Minutes), 1870--. 5 vols. (1-5).
Record of proceedings of board of supervisors at regular and special meetings showing date of meeting, names of members present, orders, motions, resolutions, action taken concerning claims against the county, applications for new roads and bridges, election, appointment, salaries, and financial reports of county officers, tax levies, issuance and sale of bonds for benefit of public schools, appropriations, budgets, and other county matters, signature of chairman of board. Arr. chron. by date of meeting. No index. 1870-1923 hdw.; 1923-- typed. Aver. 600 pp. 18x12x3. Clk. off., record va.
For original papers, see entry 1.

Financial

Claims

3. CLAIMS AGAINST THE COUNTY, 1855-67. 2 bundles.
Original claims against the county presented to the county court by individuals for work done on roads, bridges, and public buildings showing date of claim, name of claimant, number of days worked, total amount due, affidavit of claimant, signature of justice of peace. Arr. chron. by date of claim. No index. Hdw. Aver. 6x5x3. Clk. off., storage.

4. SUPERVISORS(Claims Allowed), 1938--. 1 file box.
Original claims presented to and allowed by board of supervisors for services and supplies showing date, claim number, to whom allowed, purpose, amount allowed, approval and signature of chairman of board. Arr. chron. by month and num. thereunder by claim no. No index. Typed. 10x5x14. Clk. off., record va.

Warrants (See also entries 225-229, 250-253, 279)

5. (WARRANT STUBS), 1870--. 40 vols.
Stubs of warrants issued by board of supervisors to be paid by county treasurer out of general and special county funds showing date issued, warrant number, payee, amount, purpose, fund. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 200 pp. 14x16x2. 36 vols., 1870-1936, clk. off., storage; 4 vols., 1937--, clk. private off.

6. DISTRICT ROAD FUND (Warrant Stubs), 1930-31. 2 vols.
Stubs of warrants issued by board of supervisors to be paid by county treasurer out of district road funds for construction and maintenance of roads showing date issued, warrant number, payee, amount, purpose, fund. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 100 pp. 15x12x1. Clk. off., storage.

7. WARRANT REGISTER, 1937--. 1 vol.
Record of warrants issued by board of supervisors to be paid by treasurer out of general and special county funds showing warrant number, date issued, payee, amount, fund, purpose. Arr. by funds and chron. thereunder by date warrant issued. No index. Hdw. on ptd. forms. 200 pp. 10x12x2. Clk. private off.

8. (DISTRIBUTION RECORD), 1892-1900. 1 vol.
Record of funds distributed by board of supervisors through warrants drawn on county funds showing date of board meeting, amounts for bridge embankments

and ferries, paupers not in almshouse, almshouse, commission for letting public works, stationery, fuel, lights, record books, elections, incidental expenses, public roads, salaried officers, expenses of jail, commissioner of revenue commissions, amount of unpaid warrants from old levy, total expenses. Arr. chron. by date of board meeting. No index. Hdw. on ptd. forms. 100 pp. 15x15x½. Clk. off., storage.

Taxation

9. DELINQUENT LAND, CAPITATION AND PERSONAL PROPERTY, 1867-70, 1872-79, 1882-88, 1891-94, 1896-99, 1901-6. 31 bundles.
Treasurer's list of delinquent personal property for State and local taxation, reported by the treasurer to the circuit court to be corrected and approved showing page and line on commissioner's book, name of person assessed, tangible and intangible personal property for State taxation, money and income for State taxation, total State taxes, amount of penalty, local capitation tax (if any), local levies, local road tax on intangibles, amount of penalty, total local levies delinquent, total State taxes and local levies delinquent. Also contains Delinquent Real Estate, 1867-70, 1872-79, 1882-88, 1891-94, 1896-99, 1901-6, entry 234; (Delinquent) State Capitation Taxes, 1867-70, 1872-79, 1882-88, 1891-94, 1896-99, 1901-6, entry 241. 1867-70, 1872-79, 1882-88 arr. chron. by year, thereunder by district, and alph. thereunder by first letter of surname of person assessed; 1891-94, 1896-99, 1901-6 arr. chron. by year, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Hdw. on ptd. forms. Aver. 9x4x4. Clk. off., storage.

For subsequent lists of delinquent personal property for local taxation only, see entries 10, 238; for subsequent lists of personal property for State taxation only, see entry 239.

10. (DELINQUENT TANGIBLE PERSONAL PROPERTY), 1928--. 16 bundles.
Treasurer's lists of tangible personal property, machinery and tools, merchants' capital, and local capitations, for local taxation only, delinquent for the nonpayment of taxes and levies, submitted by treasurer to board of supervisors and preserved by clerk of the board of supervisors in order to provide for further collection as the board orders, showing district; race; name of commissioner of revenue; tax year; name and post office address of person assessed; page and line on personal property book; whether tangible personal property, machinery and tools, merchants' capital, or local capitation tax; amount delinquent not including penalty; collections during first year (date paid, penalty, interest, total collections); collections during second year; amount uncollected at end of each year; totals; recapitulation (page of list, total delinquent on each page, total on all pages, total penalties, total delinquent taxes and penalties). Arr. chron. by tax year and alph. thereunder by first letter of surname of person assessed. No index. Hdw. and typed on ptd. forms. Aver. 18x20x1. Clk. off., record va.

For prior records, see entry 9.

II. COUNTY CLERK

The office of county clerk may be said to antedate the formation of Southampton County by more than a century, for the clerk was recorder for the monthly courts before counties were laid off in Virginia, and has been a highly influential officer from that time forward. Aside from changes

County Clerk (Next entry 11, p. 82)

in tenure, compensation, and manner of appointment, the office has altered little since its foundation.[1]

At first one clerk for each county was 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 proportionate by a fixed rule to the population of his county. In 1920, for instance, the clerk of Southampton County might not receive more than $6,500.[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 $5 or less to $1,000, or to a year's jail sentence, which, for instance, might be his punishment for issuing marriage licenses 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 office are filled by appointment of the court, and the appointee qualifies as usual.[14]

---

1. Bruce, Institutional History, I, 588-601; Bureau of Municipal Research, County Government in Virginia, p. 16.
2. Hening, Statutes, I, 305; Bruce, Institutional History, I, 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; Code 1936, sec. 124.
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; Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
10. Code 1919, secs. 269-273; Acts 1924, pp. 684-685; Acts 1926, p. 318; Code 1936, secs. 269, 273, 2698.
11. Acts 1914, pp. 707-708 ($4,000); Acts 1916, p. 826 ($4,000); Acts 1920, p. 827 ($6,500); Report of the Secretary of the Commonwealth (1936-37), p. 240.
12. Acts 1852-53, p. 42; Code 1860, p. 803; Code 1936, secs. 113, 3406, 3407, 4541, 6271.
13. Acts 1926, p. 464; Code 1936, sec. 2705.
14. Code 1887, secs. 177, 812-814; Code 1936, sec. 279.

County Clerk (Next entry 11, p. 82)

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 acting as recorder of the county, he was clerk of the county court until its abolition,[15] is ex officio the clerk of the circuit court,[16] and 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 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.

The principal recording activities of the clerk center around the recordation of instruments relating to land and other property. Most important in this respect is the deed book series. To be admitted to record, a deed had to be acknowledged in court by the grantor, or proved by three witnesses.[22] Chattel mortgages also had to be acknowledged before the clerk could admit them to record.[23] Such instruments were filed in the clerk's office and could not be recorded until fully proved. Fully proved or acknowledged instruments may, after being recorded, be returned to the person entitled to claim under them,[24] but are often allowed to remain in the courthouse for various reasons. Powers of attorney are recorded for the most part in the deed books,[25] and the originals filed, since the clerk is forbidden to destroy any record without a court order.[26] An index, upon which instruments received in the clerk's office were immediately entered, was for a time required; this served as notice before the instrument was actually recorded and noted in the general index.[27] It was discontinued by omission from the Code

---

15. Code 1887, sec. 93.
16. Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
17. Acts 1869-70, p. 273; Acts 1934, p. 550; Code 1936, sec. 2770(a); see County Electoral Board, pp. 183-184, County Finance Board, p. 182.
18. Acts 1852-53, pp. 40-43; Code 1887, sec. 2237; (repealed) Acts 1897-98, p. 1024.
19. Acts 1916, p. 262; Acts 1930, pp. 641, 643; Code 1936, secs. 3305(23), 3305(29).
20. Acts 1830-31, pp. 63, 65; Acts 1893-94, p. 737; Acts 1910, pp. 364-365; Code 1936, sec. 2482.
21. Acts 1840-41, p. 28; Code 1887, sec. 664; Code 1936, secs. 2476, 2477, 2491.
22. Hening, Statutes, III, 318-319; Code 1819, I, 361-363 (acknowledged in court or before two justices); Code 1849, p. 512 (two witnesses or acknowledgment before certain officers).
23. Hening, Statutes, I, 248; ibid., XII, 161-162; Code 1819, I, 373; Code 1849, p. 512.
24. Ibid., p. 514; Code 1936, sec. 3392.
25. Ibid., secs. 3393, 4349, 5203, 5215, 5223.
26. Code 1819, I, 272-276, 510-511; Code 1936, sec. 3386.
27. Acts 1901-2, p. 304; Acts 1916, p. 394.

of 1919, and later restored in optional form.[28] The deed books themselves are most important, and contain all manner of recorded instruments; they were among the earliest mandatory records.[29] Since the prime purpose of recordation is to publicize property transactions, these records are open to public inspection. Volume indexes were formerly kept. The law since 1828 has provided for general indexes to deed records, and the 1919 revisal required a general index to miscellaneous liens.[30] This general index also serves the trust deed and release deed series. There are several discarded indexes in the clerk's office, one of which covers the earlier deed records.

Settling the boundaries of land appears to have been of great concern to early law makers. One process to this end was that of processioning land, a custom that is of great antiquity in England as well as Virginia.[31] An act was passed as early as 1662, and others in 1705, 1748, and 1792. Under all acts, except the latter, the processioners were appointed by the parish vestry. The 1792 act provided that the first processioning take place in 1795 and every fourth year thereafter;[32] the earliest extant Southampton County processioning records apparently were made under this act.[33] This system, known in England as "perambulation," consisted in walking around the boundaries of land in the presence of a certain number of substantial freeholders, marking the corners, and making a permanent record of the boundaries and corners.[34] As practiced in Southampton County, processioning was done by two or more freeholders appointed by the county court, who returned the results of their work to the county court to be registered in a special book by its clerk. After the bounds had been processioned three times, they could not be questioned.[35] A special act permitted Southampton County to procession its lands in 1836, allowed it to be as effectual as if done at the proper time, and adopted the provisions of the Code of 1819 as part of the act.[36] Processioning was entirely omitted from the Code of 1849. However, the code repealed only "all acts and parts of acts of a general nature, in force at the time of passing" of the code.[37] The practice was continued either through custom or because the act of 1836, being a special act, was not repealed by the code. The destruction of records during the War Between the States led to the revival of the system in 1866. This and the act passed the following year were mandatory where records had been destroyed, and permissive in other counties. Surveyors could be employed and a jury trial had on any disputed boundary. The returns, recorded by the clerk in a special book, had the force and effect

---

28. (Omitted) Code 1919, sec. 3394; Acts 1920, p. 106; Code 1936, sec. 3394.
29. Hening, Statutes, I, 248-249; Code 1936, sec. 5194.
30. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1919, sec. 3394; Code 1936, sec. 3394.
31. Henry Campbell Black, A Dictionary of Law . . ., St. Paul, Minn., 1891, pp. 887, 947; Hening, Statutes, II, 101-102.
32. Ibid., II, 101-102; ibid., III, 325; ibid., V, 426-427; Shepherd, Statutes, I, 64-77.
33. See entry 22.
34. See footnotes 31, 32.
35. Shepherd, Statutes, I, 64-77; Code 1819, I, 338-339.
36. Acts 1835-36, p. 57.
37. Code 1849, p. 800.

of "deeds duly recorded according to the registry acts of the state."[38] Special acts for certain counties were passed in 1884 and 1887, but these did not affect Southampton County.[39] All provisions for processioning were omitted from the Code of 1919.

Plats of land are recorded in the deed books and trust deed books as well as in a separate set of books. The former provisions merely specified that any proper instruments "and all plats, schedules and other papers, thereto annexed" be recorded by copying word for word in well bound books.[40] The 1919 Code was to the same effect, but section 3393 specifies where various matters are to be recorded. That section does not mention the plat book, but requires that most instruments relating to land be entered in the deed book.[41] An act of 1918 recited that "a large number of plats have been recorded in the various clerk's offices of this State in separate books from the deed books, and a question as to the validity of such plat books has arisen," and made the books a part of the official records of the office. It provided, however, that the clerk must refer on the margin of each instrument to the volume and page of the record to which it relates.[42] The recorded plat of a subdivision has a special effect.[43] These volumes are served by a general index.

Although it is not required or recommended by law, more than one set of books may be kept at the same time for the recording of different classes of deeds and other instruments.[44] Hence the record of trust deeds and release deeds are, since about 1884, kept in separate series of books and indexed in the general index to deeds. Mortgages or deeds of trust to which the Federal Land Bank or other farm credit agencies are parties, however, are required to be entered in separate books.[45] Liens claimed on land by dealers, laborers, or contractors for services or supplies used in the erection or repair of a building were for a while kept in separate bundles and recorded; beginning in 1921, the record is in the book of miscellaneous liens.[46]

Some liens on and agreements affecting personal property are found in the deed books, but today separate records are provided for most of them. Although the originals are directed to be returned to the person entitled to claim under them,[47] they frequently remain in the office for various reasons. Contracts of conditional sale, whereby title is reserved to the

---

38. Acts 1865-66, pp. 197-199; Acts 1866-67, pp. 601-602; Code 1873, pp. 884-886; Code 1887, secs. 2405-2412.
39. Acts 1883-84, pp. 210-211; Acts 1887, pp. 485-486.
40. Code 1819, I, 367; Code 1849, p. 514; Code 1887, sec. 2505.
41. Code 1919, secs. 3392, 3393.
42. Acts 1918, p. 504; Code 1936, sec. 3393(a).
43. Code 1919, secs. 5217-5220; Acts 1922, p. 233; Code 1936, secs. 5217-5220.
44. Acts 1889-90, p. 128; Code 1936, sec. 3392 (the former act apparently was to validate separate records previously made, as well as to permit such divisions subsequent thereto).
45. Acts 1918, p. 437 (in accord with the Federal act of July 17, 1916); Code 1936, sec. 3393.
46. Acts 1842-43, p. 52; Acts 1869-70, pp. 444-445; Code 1919, secs. 3393, 6427; Code 1936, secs. 3393, 6427.
47. Code 1849, p. 514; Code 1936, sec. 3392.

seller until the purchase price is paid, constitute a large percentage of such liens. The earlier acts relate only to property for use on railroads, but the act of 1894 embraces all classes of personal property. The clerk merely notes an abstract of such contracts, instead of copying them.[48] Certain specified liens, and all others not specifically directed to be recorded elsewhere, are entered in a series introduced by the revisors of the code and known as the miscellaneous lien book.[49] Another series of volumes contains records of liens on growing crops, held to secure the payment of advances made to farmers by individuals,[50] and a further record of liens held by farm credit agencies of the Federal Government.[51] Similar liens held by local groups are filed, and may be recorded in a special book.[52]

Taxation records found in the clerk's office may have several functions other than being there merely for preservation. One important function is to enable purchasers of land to ascertain the amount of accrued taxes constituting a lien on land.[53] For these reasons, he receives copies of all records relating to the taxation of land. A quinquennial reassessment was required by the Constitution of 1869, and carried into effect at once.[54] Under the early acts, the assessors made two copies of their book, filed one in the clerk's office for preservation, and sent the other to the Auditor of Public Accounts. Beginning in 1885, a copy went to the commissioner of revenue, and since 1928 the commissioner has the original and no copy goes to the State. In 1930 the law relating to reassessments was amended so as to apply only to certain cities and counties. There were subsequent amendments in 1932, 1934, and 1936; today, there may be a reassessment in any year if the board of supervisors authorizes it, provided that it may not occur more than once every 4 years.[55]

The clerk gives direct aid to the commissioner in the preparation of the land book by preparing a list of transfers or partitions by deed.[56] From this list the commissioner charges the land to the proper parties on the new land book,[57] the land is valued on the basis of the reassessment.[58] The commissioner retains the original, sends copies to the treasurer, clerk, and Department of Taxation.[59]

---

48. Acts 1883-84, p. 27; Acts 1893-94, p. 422; Code 1936, secs. 3393, 5189.
49. Code 1919, sec. 3393; Acts 1920, p. 313; Code 1936, sec. 3393.
50. Acts 1891-92, p. 782; Code 1919, sec. 6452; Acts 1920, pp. 339-340; Code 1936, sec. 6452.
51. Acts 1936, pp. 540-541; Code 1936, sec. 4168(67).
52. Acts 1924, p. 39 (book specified); Code 1936, sec. 1265(33).
53. Acts 1928, pp. 170-171; "Tax Code" 1936, sec. 251; see footnotes 59-62.
54. Const. 1869, art. X, sec. 6; Acts 1869-70, p. 335.
55. Acts 1874-75, p. 408; Acts 1884, pp. 113, 115; Code 1887, sec. 443; Code 1919, sec. 2247; Acts 1928, pp. 169-170; Acts 1930, p. 870; Acts 1932, pp. 117-118; Acts 1934, p. 24; Acts 1936, p. 54; "Tax Code" 1936, sec. 242.
56. Hening, Statutes, XI, 143; Code 1849, p. 179; Acts 1928, p. 174; "Tax Code" 1936, sec. 267.
57. Code 1849, p. 182; Acts 1928, p. 176; "Tax Code" 1936, sec. 273.
58. Code 1919, sec. 2251; Acts 1928, p. 170; "Tax Code" 1936, sec. 250.
59. Hening, Statutes, XII, 245-247; Acts 1928, p. 172; Acts 1932, p. 410; "Tax Code" 1936, sec. 255.

County Clerk (Next entry 11, p. 82)

Delinquent land in an incorporated town within the county is handled by the town officials, but a list of such land is sent to the clerk and recorded in a book similar in form to the county record of delinquent land. When it is sold, the result of the sale is noted in separate columns in the book.[60] A list of land delinquent for nonpayment of county taxes is sent the clerk, and from these lists the clerk makes up a record of delinquent land taxes.[61] After selling delinquent land, the treasurer returns to the circuit court a list of land on which the taxes were paid before sale, land sold the Commonwealth (because no individual offered a sufficient bid at the sale), and a list of land sold individuals. The lists of sales must be recorded in a book;[62] in practice, sales to individuals and to the State are in separate sets. In order to become the owner of land sold to the Commonwealth, a person must apply in writing to the clerk; the application contains material enabling the clerk to notify interested parties who might desire to save the property.[63] These applications are filed by the clerk.

The clerk receives a copy of the personal property book, which was originally to guide the court in laying the levy, but now is for preservation of the record or to make the information contained therein available to the public.[64]

To protect persons dealing with corporations and partnerships, two books, one for the registration of charters[65] and another for certificates of partnerships,[66] are kept. Although authority to grant or deny charters was originally in the hands of the General Assembly, it was transferred, by degrees, to the local courts in 1852-70[67] and since 1904 has resided mainly in the State Corporation Commission.[68] After each annual meeting, the corporation is required to certify to the clerk of the county in which its charter is recorded a list of the names and addresses of its officers and directors; the clerk files the list and it is open to the public.[69]

The clerk sells hunting, fishing, and other wildlife licenses, keeps a record of sales, and makes a periodical report of such sales to the Comptroller and the Commission of Game and Inland Fisheries.[70]

In the days when Virginia was a Royal Colony, the parish clerk aided the

---

60. Acts 1914, p. 282; Code 1936, secs. 2457, 2458.
61. See entries 45, 46; for full discussion, see County Treasurer, pp. 174-176.
62. Acts 1831-32, pp. 63-64 (sheriff instead of treasurer); Acts 1872-73, p. 378 (treasurer); Acts 1885-86, pp. 411-412 (book required); Acts 1928, p. 217; Code 1936, secs. 2465, 2469, 2471, 2472, 2489, 2490; "Tax Code" 1936, sec. 391.
63. Code 1887, sec. 666; Code 1936, sec. 2495.
64. Code 1849, p. 191; "Tax Code" 1936, sec. 318.
65. Acts 1852, p. 121; Acts 1870-71, p. 368; Code 1936, sec. 3851.
66. Acts 1922, p. 596; Code 1936, sec. 4722(1).
67. Acts 1852, p. 121; Acts 1853-54, p. 32; Code 1860, pp. 378-379 (notes); Acts 1870-71, pp. 367-368.
68. Acts 1902-3-4, p. 437; Code 1936, secs. 3849-3851.
69. Acts 1902-3-4, pp. 437, 682; Code 1936, sec. 3854.
70. Acts 1916, p. 262; Code 1919, sec. 3332; Acts 1936, p. 149; Code 1936, sec. 3305(29).

county clerk, in connection with records of vital statistics, by returning transcripts of the parish register annually or oftener.[71] After the separation of the Church and State in Virginia, the official record of births and deaths lapsed and was not revived until 1853, when the county clerk once more began to keep separate registers of such statistics. Beginning in that year the commissioner of revenue, when he sent the personal property book, reported to the clerk all births and deaths in his county or district.[72] From that date until 1872 the clerk transcribed the information into separate registers of births and deaths. In the latter year, the separate registers were discontinued and the clerk merely filed and preserved the original lists.[73] The registration acts were repealed in 1898 and not replaced until 1912 when local registrars (agents of the State Board of Health) were designated and required to file copies of their reports with the clerk. Since 1918 no report has been made to the clerk but the records in Richmond are available to the public.[74]

The registration of marriages was not allowed to lapse with that of births and deaths, but was continued in connection with the issuing of marriage licenses. The clerk received and filed bonds from those intending to marry, generally on the condition that there was no lawful impediment to the union, but this requirement was omitted from the Code of 1849, and thus repealed.[75] The new provision was that all marriages be under license, and that the officiating minister return a certificate of every marriage performed.[76] Although the return of the license itself was not required until 1861,[77] returned licenses are found as soon as marriage bonds are discontinued. The application, on a separate form, is also kept by the clerk.[78] For a while, a separate record of each license issued was kept, but this was later combined with the marriage register.[79] Pertinent information from the license and return is recorded in a special set of books, and this series constitutes the permanent record of marriages. In recent years, the information has been sent to the Bureau of Vital Statistics.[80] A compilation in the Virginia State Library of the early marriage bonds serves as a marriage register covering the years prior to the present series. All of these registers of vital statistics are served, at least partially, by separate indexes.

---

71. Hening, Statutes, I, 241.
72. Acts 1852-53, p. 41.
73. Acts 1871-72, pp. 452-453.
74. Acts 1897-98, p. 1024; Acts 1912, pp. 440, 447; Code 1919, sec. 1578; Acts 1918, p.111; Code 1936, sec. 1578.
75. Hening, Statutes, II, 28, 55; ibid., VI, 82-83; ibid., XI, 505; Code 1819, I, 398-399; Code 1849, pp. 469-471, 800.
76. Ibid., pp. 469-471.
77. Acts 1861, pp. 43-44; Code 1936, sec. 5076.
78. Acts 1857-58, p. 39; Code 1936, sec. 5074.
79. Code 1849, p. 469; Acts 1861, p. 43 (this act is not clear; it either relates to the manner of indexing, or permits the merging of the records); Code 1919, sec. 5075 (two records merged).
80. Hening, Statutes, XI, 505; Acts 1852-53, p. 40; Acts 1857-58, p. 39; Acts 1861, p. 43; Acts 1910, p. 36; Code 1936, secs. 3393, 5074-5076, 5092, 5096 (copy to Bureau of Vital Statistics each year); Acts 1938, p. 151 (duplicate of each license and certificate sent, instead of copy of register).

The clerk also keeps or has kept several other registers, including the original and a record of the report of the commission summoned by a justice at the request of the finder to examine lost or strayed property,[81] and, until 1865, a list of free Negroes permitted to reside in the county.[82] For prevention of the illegal practice of medicine, the clerk keeps a record of licenses issued to practitioners in all branches of medicine, surgery, or dentistry.[83]

The memorial record of various military units drawn from Southampton County in the War Between the States, compiled by its surviving members after the War, is preserved by the clerk,[84] who also records the honorable discharge record of Southampton soldiers who served in the World War.[85]

Notices of candidates' intention to stand for office[86] and candidates' expense accounts[87] are submitted to the clerk and filed. A copy of the permanent registration book is retained by the clerk for preservation.[88] A list of persons who paid the capitation taxes in time to vote is sent by the treasurer to the clerk, who is directed to make copies for the judges of election and for the Auditor;[89] a similar list is sent by the treasurer of an incorporated town in the county.[90] Some of the older annual registration books are in the clerk's office for preservation.[91] After a registration, each registrar sends to the county clerk a list of all persons registered. The list is posted in public places, but the clerk has some of them for preservation.[92] The actual voting, before the changes created by the Constitution of 1869,[93] was in most cases viva voce; the vote of each elector was placed under the name of the candidate for whom he voted,[94] and after the result was compiled, the books were returned to the clerk's office.[95] Today, elections are by ballot,[96] and as each voter offers himself, his name is placed on the poll book,[97] which is then returned to the clerk's office and

---

81. Hening, Statutes, VIII, 355; Code 1819, I, 445-447; Code 1849, p. 449; Code 1936, sec. 3565.
82. Shepherd, Statutes, II, 417; Code 1819, I, 438; (repealed) Acts 1865-66, p. 84.
83. Acts 1883-84, p. 81; Code 1936, sec. 1612.
84. Acts 1897-98, pp. 290-291; Acts 1910, p. 392; Code 1936, sec. 5214.
85. Acts 1924, pp. 471-472; Code 1936, secs. 5214(b)-5214(d).
86. Acts 1895-96, p. 764; Acts 1902-3-4, p. 927; Code 1936, sec. 154.
87. Acts 1902-3-4, p. 89; Code 1936, sec. 253.
88. Acts 1902-3-4, p. 543; Code 1936, sec. 108.
89. Const. 1902, art. II, sec. 38; Acts 1904, p. 131; Code 1936, secs. 109-111.
90. Acts 1902-3-4, p. 946; Acts 1908, p. 162; Code 1936, sec. 114.
91. Acts 1869-70, p. 59; Acts 1871-72, p. 244; Code 1887, sec. 84; Acts 1906, p. 572; Code 1936, sec. 104.
92. Code 1887, sec. 78; Acts 1902-3-4, p. 565; Acts 1906, p. 571; Acts 1916, p. 770; Code 1936, sec. 98.
93. Const. 1869, art. III, sec. 2.
94. Hening, Statutes, XII, 123; Code 1819, I, 151, 158; Code 1849, pp. 73-74.
95. Ibid., p. 79.
96. Const. 1902 (as amended 1928), art. II, secs. 27, 28; Code 1936, sec. 153.
97. Ibid., sec. 173.

preserved.[98] The poll books and ballots may be destroyed after remaining 1 year in the clerk's office.[99]

Deeds

11. DEEDS PARTLY PROVEN, 1750-1838. 5 bundles (labeled by inclusive letters of alphabet).

Original instruments, including deeds and chattel mortgages, filed in the clerk's office but not recorded because not fully proved or acknowledged. Deeds show names of grantor and grantee, date of instrument, description of property, terms of agreement, signatures of grantor and witnesses. Chattel mortgages show date of instrument, names of mortgagor and mortgagee, amount of debt, how and when payable, description of property, signatures of mortgagor and witnesses. Arr. alph. by first letter of surname of grantee and mortgagee. No index. Hdw. Aver. 8x3x4. Clk. off., storage.

12. DEEDS, 1750-1937, 1939--. 75 bundles (labeled by inclusive letters of alphabet), 87 file boxes (84 labeled by inclusive letters of alphabet; 3 not labeled).

Original instruments recorded but not withdrawn by parties entitled thereto, including deeds, deeds of trust, release deeds, chattel mortgages, and plats, showing date filed, names of grantor and grantee, date of instrument, description of property, terms of agreement, signature of grantor, signatures of witnesses or date of acknowledgment and signature and seal of county clerk or person taking acknowledgment. Also contains Powers of Attorney and Affidavits of Release, 1780-1908, entry 13. 1750-1859 arr. alph. by first letter of surname of grantee; 1860-1937 arr. alph. by first letter of surname of grantor; 1939-- arr. chron. by date filed. No index. Hdw., typed. hdw. and typed on ptd. forms. Bundles aver. 8x4x3; file boxes 10x5x14. Bundles, 1750-1859, clk. off., storage; 84 file boxes, 1860-1937, record va. annex; 3 file boxes, 1939--, record va.

For record of deeds, see entry 15; for record of deeds of trust, see entry 26; for record of release deeds, see entry 28; for record of plats, see entry 24.

13. POWERS OF ATTORNEY AND AFFIDAVITS OF RELEASE, 1903--. 2 file boxes. 1780-1903 in Deeds, entry 12.

Original powers of attorney constituting the grantee agent for the grantor to release deeds of trust, to mark notes satisfied, to give receipt for last payment or for payments in full of conditional sales contracts, to satisfy judgments and other liens, and to deal with property in other respects in the manner specified by the instruments, and affidavits that notes or receipts have been lost or destroyed. Powers of attorney show name of person granting power, name of person given power, date conferred, nature, scope, and limitation of power, signature of person granting power, signatures of witnesses or of officer taking acknowledgment and date thereof. Affidavits show names of parties to the note or receipt, subject matter, amount, signature of affiant, date, signature and seal of notary or other officer administering oath. Arr. chron. by date filed. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

For record of powers of attorney, see entry 15.

---

98. Acts 1869-70, p. 87; Code 1936, sec. 180.
99. Acts 1897-98, p. 845 (3 years); Acts 1934, p. 79 (1 year); Code 1936, sec. 181.

14. DAILY INDEX OF RECEIPT OF DEEDS FOR RECORDATION (Reception Record), 1902-7. 2 vols.

Daily record of deeds or other writings filed for recordation kept to make instrument effective as notice immediately upon reception by county clerk showing date of reception (year, month, day, hour), names of grantor and grantee, kind of instrument. 1902-3 arr. alph. by first letter of surname of grantor and chron. thereunder by date of reception; 1904-7 arr. alph. by first letter of surnames of grantor and grantee and chron. thereunder by date of reception. Hdw. on ptd. forms. Aver. 175 pp. 18½x10x1½. Clk. off., record va. annex.

15. DEED BOOK, 1749--. 80 vols. (1-80).

Record of instruments, including deeds, surveys, easements, notice of tax liens, lis pendens, judgments of condemnation, powers of attorney, and agreements. Deeds show names of grantor and grantee, date of instrument, description and location of property, consideration, names of witnesses or date of acknowledgment and name of person taking acknowledgment, dates of filing and recording, clerk's attestation. Surveys show name of landowner, quantity of land, courses and distances of boundaries, name of surveyor, clerk's attestation. Easements and judgments of condemnation show names of grantor and grantee, date of instrument, intended use of land, name of notary public, date recorded, clerk's attestation. Notices of tax lien show name of landowner, location and description of property, date of notice, amount of taxes due, clerk's attestation. Lis pendens show date, name of parties, decrees of court, clerk's attestation. Powers of attorney show name of person granting power, name of person given power, date conferred, nature, scope, and limitation of power, signatures of witnesses or of officer taking acknowledgment and date thereof. Agreements show names of parties, date of instrument, description and location of property involved, terms of agreement, name of notary public, clerk's attestation. Also contains Trust Deed Book, 1749-1885, entry 26; Release Deeds, 1749-1883, entry 28; (Record of List of Heirs), 1912-24, entry 132. Arr. chron. by date of recordation. 1749-1885 indexed alph. by first letter of surname of grantor and chron. thereunder; 1885-- indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder; also separate index, entries 16-21. 1749-1908 hdw.; 1908-- typed. Aver. 700 pp. 18x12x3. 29 vols., 1749-1860, clk. off., record va. annex; 51 vols., 1860--, record va.

For original deeds, see entry 12; for original powers of attorney, see entry 13.

16. GENERAL INDEX TO DEEDS, DEEDS OF TRUST, RELEASE DEEDS, AND MISCELLANEOUS LIENS (Grantor), 1860--. 8 vols. (labeled by inclusive letters of alphabet). Title varies: General Index to Deeds, 1860-1910.

Grantor index to record of deeds, entry 15, record of deeds of trust, entry 26, record of release deeds, entry 28, record of miscellaneous liens, entry 32, and record of list of heirs, entry 132, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record, remarks. Arr. alph. by first three letters of surname of grantor and chron. thereunder. 1869-1910 hdw. on ptd. forms; 1910-- typed on ptd. forms. Aver. 250 pp. 17x15x2. Clk. off., record va.

For separate index, 1749-1859, see entry 20.

County Clerk - Deeds (17-22)

17. GENERAL INDEX TO DEEDS, DEEDS OF TRUST, RELEASE DEEDS, AND MISCELLANEOUS LIENS (Grantee), 1860--. 8 vols. (labeled by inclusive letters of alphabet). Title varies: General Index to Deeds, 1860-1910.

Grantee index to record of deeds, entry 15, record of deeds of trust, entry 26, record of release deeds, entry 28, record of miscellaneous liens, entry 32, and record of list of heirs, entry 132, showing names of grantee and grantor, kind of instrument, volume and page of record, date of record, remarks. Arr. alph. by first three letters of surname of grantee and chron. thereunder. 1860-1910 hdw. on ptd. forms; 1910-- typed on ptd. forms. Aver. 250 pp. 17x15x2. Clk. off., record va.

For separate index, 1749-1859, see entry 21.

18. (GRANTOR INDEX TO DEEDS), 1910-34. 2 vols. (labeled by inclusive letters of alphabet).

Grantor index to record of deeds, entry 15, and record of list of heirs, entry 132, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record. Arr. alph. by first three letters of surname of grantor and chron. thereunder. Hdw. on ptd. forms. Aver. 500 pp. 16x14x6. Clk. off., storage.

19. (GRANTEE INDEX TO DEEDS), 1910-34. 2 vols. (labeled by inclusive letters of alphabet).

Grantee index to record of deeds, entry 15, and record of list of heirs, entry 132, showing names of grantee and grantor, kind of instrument, volume and page of record, date of record. Arr. alph. by first three letters of surname of grantee and chron. thereunder. Hdw. on ptd. forms. Aver. 500 pp. 16x14x5. Clk. off., storage.

20. INDEX TO DEEDS (Grantor), 1749-1907. 4 vols. (labeled by inclusive letters of alphabet).

Grantor 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 first three letters of surname of grantor and chron. thereunder. Hdw. on Ptd. forms. Aver. 400 pp. 18x12x2. Clk. off., record va. annex.

For separate index, 1907--, see entry 16.

21. INDEX TO DEEDS (Grantee), 1749-1907. 4 vols. (labeled by inclusive letters of alphabet).

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 first three letters of surname of grantee and chron. thereunder. Hdw. on ptd. forms. Aver. 400 pp. 18x12x2. Clk. off., record va. annex.

For separate index, 1907--, see entry 17.

22. PROCESSIONERS' REPORTS, 1795, 1800, 1804, 1830, 1836, 1841, 1845, 1850-58, 1872-82. 9 bundles.

Original reports of land processioners showing date of processioning, name of landowner, description of land and marks of corners, names of persons present, lands not processioned, date of report, signatures of processioners. Arr. chron. by date of report. No index. Hdw. on hdr. forms. Aver. 8x4x4. Clk. off., storage.

For record of processioners' reports, see entry 23.

23. PROCESSIONERS' REPORTS, 1836-1910. 2 vols.
Record of determining and re-marking of land boundaries in the districts by processioners under orders of the county and circuit courts showing district number, date of processioning, name of landowner, descriptions and marks of corners, names of persons present, lands not processioned and reasons thereof, signatures of processioners. 1836-91 arr. num. by district and chron. thereunder by date of processioning; 1890-1910 arr. by district and chron. thereunder by date of processioning. No index. Hdw. Aver. 174 pp. 14½x9x1. Clk. off., record va. annex.
For original processioners' reports, see entry 22.

24. PLAT BOOK, 1906--. 3 vols. (1 also labeled 2; 3, 4).
Recorded plats of lots and subdivisions showing name of owner, boundaries, houses, trees, rivers, roads, number of lots, acreage, name of surveyor, date of survey, scale. Arr. chron. by date of plat. Separate index, entry 25. Blueprinted and hdr. Aver. 200 pp. 20x25x2. Clk. off., record va. annex.
For original plats, see entry 12; for other record of plats, see entry 15.

25. GENERAL INDEX TO PLATS, 1906--. 1 vol.
General index to record of plats, entry 24, showing name of landowner, volume and page of record. Arr. alph. by first letter of surname of landowner. Hdw. 100 pp. 17x15x1. Clk. off., record va. annex.

Liens

Real Property

26. TRUST DEED BOOK, 1886--. 37 vols. (1-37). 1749-1885 in Deed Book, entry 15.
Record of deeds of trust on real estate constituting notice to prospective purchasers or creditors showing names of grantor, trustee, and beneficiary, amount of debt secured, terms of paymont, legal description of property, names of witnesses or date of acknowledgment and signature of person taking acknowledgment, date of recordation, clerk's attestation. Also contains Miscellaneous Liens, 1886-1920, entry 32. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of grantor and beneficiary and chron. thereunder; also separate index, entries 16, 17. 1886-1907 hdw.; 1908-- typed. Aver. 600 pp. 18x12x3. Clk. off., record va.
For original deeds of trust, see entry 12.

27. LAND BANK, LAND BANK COMMISSIONER, HOME OWNER'S LOAN, PRODUCTION CREDIT, 1919--. 2 vols. (1, 2). Title varies: Federal Farm Mortgage Book, 1919-34.
Record of mortgages and deeds of trust on real estate given to secure loans by Federal lending agencies. Record of mortgages shows date, names of mortgagor and mortgagee, amount of debt, rate of interest, when and how payable, description of land, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, clerk's attestation. Deeds of trust show date, names of grantor, trustee, and beneficiary, amount of debt, rate of interest, when and how payable, description of land, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of mortgagor and mortgagee and grantor and beneficiary and chron. thereunder. Typed on ptd. forms. Aver. 500 pp. 18x12 x3. Clk. off., record va.

28. RELEASE DEEDS, 1884--. 3 vols. (1-3). 1749-1883 in Deed Book, entry 15.
Record of deeds of release to trust deeds showing names of grantor, and grantee, and trustee, amount paid, date of payment, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of trustee and chron. thereunder; also separate index, entries 16, 17. 1884-1925 hdw.; 1926-- typed. Aver. 500 pp. 18x12x3. Clk. off., record va.
For original release deeds, see entry 12.

29. MECHANICS LIENS, 1875-91. 1 bundle.
Original claims for payment for services and materials filed to create a lien on the property on or for which such services or materials were applied showing date of claim, name of laborer or dealer (lienor), name of lienee, nature of supplies or services for which lien is security, terms of contract or agreement, description of property on which claim is placed, date of service, date of payment due, date lien takes effect, amount involved. Arr. chron. by date of claim. No index. Hdw. 8x3x2. Clk. off., storage.
For record of mechanics liens, see entry 32.

Personal Property

30. RESERVATION, CROP LIENS AND ETC, 1909-35. 2 file boxes.
Original instruments recorded but not withdrawn by parties entitled thereto including conditional sale contracts and crop lien agreements. Conditional sale contracts show 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. Crop lien agreements show 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. Arr. chron. by date of docketing. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

31. CONDITIONAL SALES BOOK, 1890--. 13 vols. (1-13). Title varies: Reservation of Title To Personalty, 1890-1930; Reservation of Title To Personal Property, 1930-37.
Record of contracts of sale in which there is reservation of title conditioned upon fulfilment of certain obligations of the vendee for public record of contracts and to give notice to prospective purchasers or creditors showing names of vendor and vendee, date of contract, amount due, how and when payable, description of property, terms of reservation, date of docketing, date satisfied. Arr. chron. by date of docketing. Indexed alph. by first letter of surnames of vendor and vendee and chron. thereunder. Hdw. on ptd. forms. Aver. 200 pp. 18x12x2. Clk. off., record va. annex.

32. MISCELLANEOUS LIENS, 1921--. 8 vols. (1-8). Title varies: Miscellaneous Lien Book, 1921-28. 1886-1920 in Trust Deed Book, entry 26.
Record of liens affecting personalty and realty including crop mortgages, chattel mortgages, mechanics liens, and all other liens not specifically directed to be recorded elsewhere showing names of lienor and lienee, de-

scription of property, subject of lien, 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. Indexed alph. by first letter of surnames of lienor and lienee and chron. thereunder; also separate index, entries 16, 17. Typed. Aver. 500 pp. 18x12x3. Clk. off., record va.

For original mechanics liens, see entry 29.

33. CROP LIEN DOCKET, 1892--. 9 vols. (1-9).
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 first letter of surnames of lienor and lienee and chron. thereunder. Hdw. on ptd. forms. Aver. 125 pp. 18x12x1. Clk. off., record va.

34. FEDERAL FARM CREDIT LIEN BOOK, 1936--. 1 vol. (1).
Record of liens on personal property held by Federal farm credit agencies showing names of grantor, trustee, and beneficiary, date of lien, amount advanced, limit of credit, date of docketing, names and addresses of assignor and assignee, date of assignment, amount of debt when assigned, date of filing of assignment, date of release, brief description of property and premises on which located. Arr. chron. by date of docketing. Indexed alph. by first letter of surnames of grantor and beneficiary and chron. thereunder. Typed on ptd. forms. 300 pp. 18x12x3. Clk. off., record va.

35. SOUTHSIDE VIRGINIA PRODUCTION CREDIT ASSOCIATION, 1937-38. 1 file box.
Crop lien agreements showing names of parties, acres of land to be cultivated, metes and bounds of land, amount of credit, how to be received, date of loan, date due, corporate seal of lienor, signature and seal of lienee, names and addresses of witnesses. Arr. chron. by date of loan. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

Taxation

Real Property

36. GENERAL REASSESSMENT OF REAL ESTATE, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925, 1938. 12 vols. Title varies: Reassessment of Lands, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925.
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 tract and description of 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. 1875, 1880, 1885, 1890 arr. by district and alph. thereunder by first letter of surname of landowner; 1895, 1900, 1905, 1910, 1915, 1920, 1925, 1938 arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No

index. 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925 hdw. on ptd. forms; 1938 typed on ptd. forms. Aver. 175 pp. 16½x23xl. 2 vols., 1875, 1938, clk. off., record va. annex; 10 vols., 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925, storage.

For commissioner of revenue's copy, see entry 200.

37. TRANSFERS, 1929--. 1 file box.
List of transfers or partitions of land by deed (other than deeds of trust and mortgages made to secure the payment of debt) prepared by the clerk to aid the commissioner of revenue in correcting the land book showing date of deed, date of recordation, names of grantor and grantee, race, quantity of land conveyed, specified value thereof, description of land. Arr. chron. by date of recordation. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

38. LAND BOOK, 1851--. 61 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 land per acre (including the value of standing timber, if owned by owner of land), value of land or lot and timber owned by the same person or value of land or lot exclusive of trees not owned by owner of land or lot, value of buildings and improvements, value of standing timber owned by others than owners of the land or lot, total value of land or lot and trees owned by the owners of land or lot, county and district levies, remarks. 1851-90 arr. by district and alph. thereunder by first letter of surname of landowner; 1891-- arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. 1851-1927 hdw. on ptd. forms; 1928-- typed on ptd. forms. Aver. 200 pp. 15x20xl. Clk. off., record va. annex.

For commissioner of revenue's copy, see entry 202; for treasurer's copy, see entry 232.

39. REPORT OF FRANKLIN TOWN DELINQUENT LAND, 1927-38. 1 file box.
List of land delinquent for the nonpayment of taxes and levies assessed thereon by the town of Franklin returned by the town treasurer to the county clerk to be recorded in the record of delinquent town taxes showing date, name of person assessed with taxes, race, post office address, lot number, amount delinquent not including penalty, date, penalty, interest, cost, total, amount uncollected not including penalty, land sold to the Commonwealth, improper assessments. Arr. chron. by year, thereunder by race, and alph. thereunder by first letter of surname of landowner. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

40. TOWN OF BOYKINS, DELINQUENT TAXES, 1931-34. 1 file box.
Lists of land delinquent for the nonpayment of taxes and levies assessed thereon by the town of Boykins returned by the Mayor to the county clerk to be recorded in the record of delinquent town taxes. For full description, see entry 39. Arr. chron. by year, thereunder by race, and alph. thereunder by first letter of surname of landowner. No index. Typed. 10x5x14. Clk. off., record va.

41. TOWN OF IVOR, DELINQUENT TAX LIST, 1933-38. 1 file box.
Lists of land delinquent for the nonpayment of taxes and levies assessed thereon by the town of Ivor returned by the town treasurer to the county clerk

to be recorded in the record of delinquent town taxes. For full description, see entry 39. Arr. chron. by year, thereunder by race, and alph. thereunder by first letter of surname of landowner. No index. Typed. 10x5x14. Clk. off., record va.

42. DELINQUENT LAND SALES, TOWN OF FRANKLIN, 1929-38. 1 vol. (1). Record of land delinquent for the nonpayment of taxes and levies assessed thereon by the town of Franklin and of such land sold by the town treasurer in satisfaction thereof, compiled by county clerk from lists submitted by town treasurer in order to give notice of tax liens to purchasers and creditors, showing name of person charged with taxes, quantity of land charged, description of land, amount of taxes and levies, penalty, total, quantity of land sold, date of sale, name of purchaser, amount of purchase money, remarks. Arr. alph. by first letter of surname of landowner. No index. Hdw. on ptd. forms. 200 pp. 11x16x2. Clk. off., record va.

43. DELINQUENT LAND SALES, TOWN OF BOYKINS, 1933-35. 1 vol. (1). Record of land delinquent for the nonpayment of taxes and levies assessed thereon by the town of Boykins and of such land sold by the town officials in satisfaction thereof, compiled by the county clerk from lists submitted by the town officials in order to give notice of tax liens to purchasers and creditors. For full description, see entry 42. Arr. alph. by first letter of surname of landowner. No index. Hdw. on ptd. forms. 200 pp. 12x18x2. Clk. off., record va.

44. DELINQUENT LAND SALES, TOWN OF IVOR, 1933-37. 1 vol. Record of land delinquent for the nonpayment of taxes and levies assessed thereon by the town of Ivor and of such land sold by the town officials in satisfaction thereof, compiled by the county clerk from lists submitted by the town officials in order to give notice of tax liens to purchasers and creditors. For full description, see entry 42. Arr. alph. by first letter of surname of landowner. No index. Hdw. on ptd. forms. 200 pp. 13x9x2. Clk. off., record va.

45. DELINQUENT (Land) TAXES, 1928--. 10 bundles, 1 vol. Lists of land delinquent for nonpayment of taxes and levies delivered to the county clerk by the treasurer to be copied into the record of delinquent land showing name of commissioner of revenue, name of landowner, post office address, location of property, number of acres, page and line on land book, amount delinquent not including penalty, amount collected, date of treasurer's oath, signatures of treasurer and notary public. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. Typed on ptd. forms. Bundles aver. 20x17x½; vol. 50 pp. 20x17x½. Clk. off., record va.

For record of delinquent real estate, see entry 46; for treasurer's copy, see entry 234.

46. LIST OF DELINQUENT REAL ESTATE FOR THE NON-PAYMENT OF TAXES, 1928--. 1 vol. Record of land delinquent for nonpayment of taxes and levies assessed thereon showing name and address of person charged with taxes, description and quantity of land, years for which delinquent, amount, date paid. Arr. chron. by years,

thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of person charged with taxes. No index. Hdw. on ptd. forms. 360 pp. 20x15x3. Clk. off., record va.

For original lists of delinquent land, see entry 45.

47. LANDS SOLD FOR TAXES AND PURCHASED BY OTHERS THAN THE COMMONWEALTH, 1886--. 1 vol. (2).

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, years for which delinquent, amount of taxes due, interest, expense of sale and commission, quantity and description of land sold, date of sale, amount of purchase money, name of purchaser, when and by whom redeemed (if redeemed), to whom redemption money paid. Arr. chron. by date of sale. Indexed alph. by first letter of surname of person charged with taxes. Hdw. on ptd. forms. 300 pp. 16x11x2. Clk. off., record va.

For original lists, see entry 153.

48. DELINQUENT LAND BOOK, COMMONWEALTH, 1916--. 1 vol.

Record of delinquent land sold to the Commonwealth for nonpayment of taxes showing year delinquent, name of person charged with taxes, quantity of land charged, district, description of land, amount of taxes, interest, costs, date of sale, amount paid clerk, date redeemed, by whom redeemed. Arr. alph. by first three letters of surname of landowner and chron. thereunder by date delinquent. No index. Hdw. on ptd. forms. 200 pp. 17x19x2. Clk. off., record va.

For original lists, see entry 153.

49. APPLICATION TO PURCHASE DELINQUENT LANDS, 1898. 1 bundle.

Applications filed with county clerk by persons desiring to purchase delinquent land previously sold to the Commonwealth for nonpayment of taxes and levies assessed thereon, and to obtain deeds to delinquent land purchased by them, used to guide the clerk in giving to persons entitled to redeem the land notice of the proposed transfer, showing date of application, name of applicant, description of land, name of person to whom it is charged on tax books (owner at time of tax sale or ultimate purchaser from him), names of creditors and other persons having a recorded beneficial interest, orders of publication if such persons cannot be found within the State, amount of delinquent and accrued taxes and deposit paid to the clerk, orders of court to survey land. Arr. chron. by date of application. No index. Hdw. on ptd. forms. 6x3x3. Clk. off., storage.

Personal Property

50. PERSONAL PROPERTY BOOK, 1851--. 163 vols.

County clerk's copy of the record of tax assessments on personal property of individuals and property controlled by fiduciaries. Assessments on personal property of individuals show name of commissioner of revenue, district, 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, county capitation levy (if any), tangible personal property, machinery and tools and merchants' capital, total county and district levies. Assessments on property controlled by fiduciaries show name of commissioner of revenue, district, name of examiner of records, name of

fiduciary, character of fiduciary, name of decedent or title of suit, date of qualification, residence of fiduciary, value and taxes on tangible personal property, value and taxes on intangible personal property, total district and county levies. 1851-85 arr. alph. by first letter of surname of person assessed, 1886-90 arr. by district and alph. thereunder by first letter of surname of person assessed; 1891-- arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. 1851-1927 hdw. on ptd. forms; 1928-- typed on ptd. forms. Aver. 200 pp. 15x24xl. 155 vols., 1851-1930, clk. off., storage; 8 vols., 1931--, record va. annex.

For commissioner of revenue's copy, see entry 208; for treasurer's copy, see entry 236.

Corporations
(See also entry 203)

51. CHARTER BOOK, 1882--. 4 vols. (1-4).
Record of certificates of incorporation issued to corporations having their main office in the county showing name of corporation, location of main office, purpose for which corporation is formed, capital stock, names and residences of officers and directors, acknowledgment of notary public or clerk, signature of judge, date of application. Arr. chron. by date of application. Indexed alph. by first letter of name of corporation and chron. thereunder. Hdw. Aver. 200 pp. 14x8xl. Clk. off., record va. annex.

52. ANNUAL REPORT OF CORPORATIONS, 1907-28. 1 file box.
Reports of corporations made to circuit court clerk for the purpose of declaring the duly elected officers of the corporation showing date of report, name of corporation, names of officers, post office addresses, positions in corporation, names and post office addresses of directors, signature of officer of corporation. Arr. chron. by date of report. No index. Typed. 10x5x14. Clk. off., record va.

Partnerships

53. PARTNERSHIP CERTIFICATES, 1922-38. 1 file box.
Original certificates of partnership recorded but not returned to persons entitled thereto showing names of partners, post office addreses, residences, name and style of firm, duration of partnership, location of place of business, date of acknowledgment before notary public, signatures of partners, signature of notary public, date filed, clerk's attestation. Arr. chron. by date filed. No index. Hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

For record of certificates, see entry 54.

54. CERTIFICATE OF PARTNERSHIP, 1922--. 1 vol. Last entry 1938.
Record of certificates of partnership kept for protection of creditors showing names of partners, post office addresses, residences, name and style of firm, location of place of business, duration of partnership, date of acknowledgment before notary public, date recorded, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of name of firm and chron. thereunder. Typed. 300 pp. 12x18x2. Clk off., record va.

For original certificates, see entry 53.

Conservation

55. APPLICATIONS FOR HUNTING AND FISHING LICENSES, 1938--. 1 file box.
Original applications made to county clerk for hunting and fishing licenses, permits, and stamps, showing kind of license applied for, date of application, name, address, age, race, and description (hair, eyes, height) of applicant, resident or nonresident of State, signature of applicant. Arr. chron. by date of application. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

56. RECORD OF LICENSES AND PERMITS SOLD, 1916-23, 1929--. 5 vols.
Title varies: Clerk's Record Hunting and Fishing Licenses, 1916-23; Clerk's Record Hunting, Trapping and Fishing Licenses and Button Record, 1929-33; Clerk's and Agent's Record Hunting and Trapping, Fishing Licenses and Permit Sales Record, 1933.
Record of sales of hunting, fishing, and trapping licenses kept by the county clerk for accounting with the Commission of Game and Inland Fisheries showing date license issued, name, address, age, and race of licensee, serial number of license, type of license, gross amount received. Arr. chron. by date of issuance. No index. Hdw. on ptd. forms. Aver. 100 pp. 12x12x½. 4 vols., 1916-23, 1929-35, clk. off., storage; 1 vol., 1936--, clk. private off.

57. HUNTING LICENCES REPORT, 1929--. 1 file box.
Copies of reports sent by the county clerk to the Commission of Game and Inland Fisheries on hunting and fishing licenses sold showing date of report, types of licenses, number of last license shown on last report, number of last license shown on present report, total number of licenses sold since last report, value of licenses sold less value of those destroyed, net value of licenses sold, total sales of each class of license, inclusive numbers of licenses not sold, quantity and kind of licenses not sold, fees due on licenses sold less fees due on those spoiled, total number of licenses on which fees are due, amount, number of spoiled licenses returned (type, serial number, value), certification of clerk. Arr. chron. by date of report. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

Vital Statistics

Births

58. (REPORT OF BIRTHS AND DEATHS), 1853-65. 13 vols.
Commissioner of revenue's annual report to the county clerk of births and deaths in the county. Report of births shows date of birth, name of child (if named), white, Negro (free, slave), sex, born dead or alive, place of birth, father's name in full if child is free and born in wedlock, name of owner if child is born a slave, father's occupation, father's residence, mother's name in full, number at birth, deformity or any circumstance of interest, name of person giving information of birth, relation of informant to person born (whether of kindred and its degree, head of family, friend, doctor, or midwife). Report of deaths shows name in full, white, Negro (free, slave), name of owner of slave, sex, place of death, name of disease or cause of death, age (years, months, days), names of parents, where born, occupation, consort of, or unmarried, name of person giving information of death, designation of informant (physician, surgeon, coroner, head of the family, or friend). Arr. by subject and chron. thereunder by date of birth

or death. Hdw. on ptd. forms. Aver. 50 pp. 18x14x½. Clk. off., storage.

For record of births, see entry 60; for record of deaths, see entry 63; for subsequent record of births, see entry 59; for subsequent record of deaths, see entry 62.

59. BIRTH CERTIFICATES, 1912-17. 149 vols.
Carbon 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, state; registration district number, primary district number; 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; certificate of attending physician or midwife (whether born alive or still-born, hour of birth, signature and address of attending physician or midwife), date filed, signature of registrar. Arr. chron. by date of birth. No index. Hdw. on ptd. forms. Aver. 50 pp. 8x6½x½. Clk. off., storage.

For prior records, see entries 58, 60.

60. REGISTER OF BIRTHS, 1853-70. 1 vol.
Clerk's record of births showing date of birth, name of child if named, white, colored (free or slave), sex, born dead or alive, place of birth, father's name in full if child be free and born in wedlock, name of owner if child be born a slave, father's occupation and residence, mother's name in full, number at birth, deformity or any circumstance of interest, source 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, 1853-67, see entry 61; 1868-70 not indexed. Hdw. on ptd. forms. 500 pp. 20x15x4. Clk. off., record va. annex.

For original lists, see entry 58; for subsequent records, see entry 59.

61. INDEX TO REGISTER OF BIRTHS, MARRIAGES AND DEATHS, 1853-67. 1 vol.
Index to record of births, entry 60, record of deaths, entry 63, record of marriages, entry 68. Index to record of births shows name of free-born child, names of parents of free-born child when child has no name, name of owner of slave born, date of birth, page of record. Index to record of deaths shows name of deceased 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 record of births arr. alph. by first letter of surname of child and chron. thereunder by date of birth; index to record of deaths arr. alph. by first letter of surname of deceased and chron. thereunder by date of death; index to record of marriages arr. alph. by first letter of surnames of contracting parties. Hdw. on ptd. forms. 200 pp. 20x15x2. Clk. off., record va. annex.

Deaths (see also entry 58)

62. OFFICIAL COPIES OF DEATH CERTIFICATES, 1912-17. 119 vols.
Carbon copies of death certificates delivered to the clerk by the local registrar of vital statistics kept as a permanent record showing place of death (county, district, town), registration district number, primary district number, file number, registration number, full name, sex, color, single, married, widowed or divorced, date of birth (month, day, year), age

(years, months, days), occupation, trade, profession, or particular kind of work, general nature of industry, business, or establishment in which employed, birthplace (state or county), name of father, birthplace of father (state or county), maiden name of mother, birthplace of mother (state or county), name and post office address of informant, date filed, signature of registrar; medical certificate (date of death, cause of death and contributory causes, signature of attending physician, place of burial or removal, name of undertaker, address of undertaker, date of burial). Arr. num. by registration no. and chron. thereunder by date of death. Hdw. on ptd. forms. Aver. 30 pp. 8½x7½x½. Clk. off., storage.

For prior records, see entries 58, 63.

63. REGISTER OF DEATHS, 1853-70. 1 vol.
Record of deaths showing name in full, white, colored (free or slave), name of the owner if slave, sex, date of death, place of death, name of disease or cause of death, age (years, months, days), names of parents, where born, occupation, name of husband or wife, name of informant, designation of informant (physician, surgeon, coroner, head of family or friend). Arr. chron. by date of death. For index, 1853-67, see entry 61; 1867-70 not indexed. Hdw. on ptd. forms. 500 pp. 20x15x4. Clk. off., record va. annex.

For original lists, see entry 58; for subsequent records, see entry 62.

Marriages

64. MARRIAGE BONDS, SOUTHAMPTON COUNTY, 1750-1853. 25 boxes.
Original marriage bonds, letters of consent, and ministers' returns deposited by county clerk in Virginia State Library. Marriage bonds show date and amount of bond, names of husband and wife, parent or guardian of husband and wife, surety, and witnesses. Letters of consent show date, name of minor, signature of parent or guardian. Ministers' returns show date of marriage, names of husband and wife, signature of officiating minister, denomination. Arr. chron. No index. Hdw. 14x12x1. Vi., archives stack-rm.

For compilation of marriage bonds, see entry 69.

65. APPLICATIONS FOR MARRIAGE LICENSES, 1937--. 1 file box.
Original applications for marriage licenses showing application number; full name of groom, residence, post office address, age, race, single, widowed, divorced, number of times previously married, occupation, birthplace, father's full name, mother's full name; present name of bride, residence, post office address, age, race, single, widowed, divorced, number of times previously married, birthplace, father's full name, mother's maiden name; date of proposed marriage, place of proposed marriage, signatures of contracting parties, attestation of clerk. Arr. chron. by date license issued and num. thereunder by application no. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

66. MARRIAGE LICENSES, 1854-60, 1865--. 93 bundles (labeled by inclusive letters of alphabet), 1 file box.
Original marriage licenses returned to the county clerk by the minister or other person performing ceremony, bearing certificate of time and place of marriage showing full name of groom, clerk's number, present name of bride; personal record of groom - age, race, single, widowed or divorced, number times previously married, occupation, birthplace, father's full name, mother's maiden name, residence, post office address; personal record of bride - age,

race, single, widowed or divorced, number times previously married, maiden name, birthplace, father's full name, mother's maiden name, residence, post office address; date of proposed marriage, place of proposed marriage, date of issue, signature of clerk; name of celebrant, denomination, date of ceremony, place of ceremony, address and signature of celebrant; names of contracting parties, marriage register and page number of record. 1854-60, 1865-1937 arr. alph. by surname of groom; 1938-- arr. chron. No index. 1854-60, 1865-1937 hdw. on ptd. forms; 1938-- typed on ptd. forms. Bundles aver. 7x4x4; file box 10x5x14. 93 bundles, 1854-60, 1865-1937, clk. off., storage; 1 file box, 1938--, record va.

For record of marriages, see entry 68.

67. MARRIAGE LICENSES, 1850-61. 1 vol.
Record of marriage licenses issued by the county clerk showing date license issued, names of contracting parties. Arr. chron. by date license issued. Indexed alph. by first letter of surnames of contracting parties. Hdw. 148 pp. 16x11x1. Clk. off., record va. annex.

68. MARRIAGE REGISTER, 1853--. 23 vols. (1-22; one not labeled).
Title varies: Register of Marriages, 1853-72.
Record of marriage licenses kept by county clerk to provide a prompt and permanent record of all marriages showing date license issued, date and place of marriage, names, race, age, birthplace, residence and condition before marriage of contracting parties, names of parents, occupation of husband, name of minister performing ceremony, date of return of license. 1853-61 arr. chron. by date of marriage; 1861-- arr. chron. by date of license. For index, 1853-61, see entry 61; 1861-- indexed alph. by first letter of surnames of husband and wife. Hdw. on ptd. forms. Aver. 545 pp. 12x18x3. 22 vols., 1853-1929, clk. off., record va. annex; 1 vol., 1929--, record va.

For original marriage licenses, see entry 66.

69. MARRIAGE REGISTER (Compilation From Original Marriage Bonds), 1750-1853. 2 original vols. (pt. 1, pt. 2), 2 photostats.
Record of marriages compiled in Virginia State Library from original marriage bonds, ministers' returns on marriage licenses, and accompanying papers loaned by county clerk. Marriage bonds show date of bond, names of husband and wife, parents or guardian of husband and wife, surety, and witnesses. Statements of consent show date, name of minor, signature of parent or guardian. Ministers' returns show date of marriage, names of husband and wife, signature of officiating minister, denomination. Arr. chron. For index, see entry 70. Ministers' returns, 1750-1853, hdw.; marriage bonds, 1750-1853, hdw. on ptd. forms; 1750-1853 photostat. Aver. 739 pp. 18x12x4. Originals, 1750-1853, Vi., archives stack-rm.; photostats, 1750-1853, clk. off., record va.

For original marriage bonds, see entry 64.

70. INDEX TO MARRIAGE REGISTER, 1750-1853. 1 original, 1 photostat.
Index to compilation of original marriage bonds, entry 69, showing names of contracting parties, page of record. Arr. alph. by first letter of surnames of husband and wife. Hdw. on ptd. forms and photostat. 299 pp. 18x12x2. Original, 1750-1853, Vi., archives stack-rm.; photostat, 1750-1853, clk. off., record va.

Registers

71. CERTIFICATE OF ESTRAYS, 1791-1862. 1 bundle.
Certificates of the appointment of committees to examine and appraise lost

property at the request of persons finding such property on their land, and the returns of the committees, kept to protect the finder from an unjust valuation by the owner, showing name of finder, where property found, name of justice of the peace, names of freeholders forming committee, date of examination, description of property, appraised value of property, date of recordation, signature of justice and members of committee, clerk's attestation. Arr. chron. by date of recordation. No index. Hdw. 8x3x3. Clk. off., storage.

For record of estrays, see entry 72.

72. ESTRAYS, 1836-65. 1 vol.
Record of the appointment of committees to examine and appraise lost property at the request of persons finding such property on their land, and the returns of the committees, kept to protect the finder from an unjust valuation by the owner, showing name of finder, where property found, name of justice of peace, names of freeholders forming committee, date of examination, description of property, appraised value of property, date of recordation, signatures of justice and members of committees, clerk's attestation. Arr. chron. by date of recordation. No index. Hdw. 150 pp. 12x8x1. Clk. off., record va. annex.

For original certificates, see entry 71.

73. (REGISTER OF FREE NEGROES), 1794-1864. 2 vols.
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, whether born free or emancipated, number of certificate, age at time of granting certificate, description (height, complexion, marks or scars). 1794-1832 arr. num. by certificate no.; 1833-64 arr. chron. by date of registration and num. thereunder by certificate no. No index. 1794-1832 hdw.; 1833-64 hdw. on hdr. forms. Aver. 150 pp. 13½x8x1. Clk. off., record va. annex.

74. MEDICAL REGISTER, 1888--. 2 vols. (1, 2). Last entry 1937.
County clerk's record of licenses to practice medicine, dentistry, and surgery issued by the State Board of Medical Examiners and kept to prevent practice by unlicensed persons showing name and residence of licensee, place and date of birth, source of license, license number, date of license, school of practice, oath and signature of licensee, certificate of clerk, date sworn to, subscribed, and recorded, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of licensee and chron. thereunder. 1888-1912 hdw.; 1913-- hdw. on ptd. forms. Aver. 100 pp. 10x6x1. Clk. off., record va. annex.

Military
(See also entry 309)

75. (ROSTER OF CONFEDERATE SOLDIERS), 1909. 1 vol.
Roster of officers and men in Company G and field officers in the Third Virginia Infantry of the Confederate Army showing names and rank of commissioned officers, names and rank of noncommissioned officers, names of privates, and post office addresses of those living in 1909. Arr. alph. by first letter of surname of soldier. No index. Hdw. 50 pp. 5½x3½x½. Clk. off., record va. annex.

76. MUSTER ROLL IN THE WAR WITH GERMANY, 1917-18. 1 vol.
Record of certificates of honorable discharge, enlistments, and clerk's recordation. Honorable discharge record shows name of soldier, army unit, cause of discharge, place of birth, age when enlisted, color of eyes, hair, and complexion, height, date of discharge, signature of commanding officer. Enlistment record shows name of soldier, grade, date enlisted, place enlisted, enlistment period, rank, marksmanship rating, horsemanship rating, battles participated in, vocational training, wounds received, physical condition when discharged, prophylaxis examination, mental status, character, remarks, signature of soldier, signature of commanding officer. Clerk's recordation shows date filed and recorded and signature of clerk. Arr. chron. by date mustered. Indexed alph. by first letter of surname of soldier and chron. thereunder. Hdw. on ptd. forms. 300 pp. 16x11x2. Clk. off., record va.

Elections
(See also entry 245)

Candidates

77. NOTICES OF CANDIDACY AND OATHS OF OFFICE, 1932--. 1 file box.
Original notices of candidates for office in incorporated towns in the county sent to the county clerk for use of electoral board in having names of candidates included upon printed ballot showing name of candidate, name of town, office, date election is to be held, date of notice, signatures of candidate and witnesses. Also contains (Oaths of Office), 1932--, entry 138. Arr. chron. by date of notice. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

78. EXPENSE ACCOUNT OF CANDIDATES IN PRIMARY, 1933. 1 file box.
Original statements of expenses of candidates filed for inspection to prevent corrupt practices such as undue use of funds for other than legitimate expenses of candidacy showing name of candidate, date of election, itemized list of expenditures, signature of candidate, acknowledgment before notary public, date filed. Arr. chron. by date filed. No index. Typed. 10x5x14. Clk. off., record va.

Voters

79. GENERAL REGISTRATION, 1902-3. 2 vols.
County clerk's permanent record of voters registered in Southampton County showing date of registration, name, race, 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 a prerequisite to voting; if naturalized, date of papers and by what court issued; if transferred, when and to what precinct and district. Arr. by race and chron. thereunder by date of registration. No index. Hdw. on ptd. forms. Aver. 200 pp. 16x11x2. Clk. off., record va. annex.

80. LIST OF QUALIFIED VOTERS (Towns), 1934, 1938. 1 file box.
List of qualified white and colored voters of incorporated towns registered in Southampton County compiled by the county treasurer from capitation tax records and filed in the clerk's office showing name of town, name of voter, Arr. chron., thereunder by race, and alph. thereunder by first letter of surname of voter. No index. Typed. 10x5x14. Clk. off., record va.

81. LIST OF VOTERS REGISTERED AT OAK GROVE PRECINCT, IN BOYKINS TOWNSHIP, 1870-71. 2 vols.
Record of registered voters showing name, age, occupation, and residence of voter, length of residence in State, county, or town; if naturalized, date of papers and by what court issued. Arr. alph. by first letter of surname of voter. No index. Hdw. on ptd. forms. Aver. 50 pp. 20x15x½. Clk. off., storage.

82. REPORT OF REGISTRARS, 1890--. 1 file box. Last entry 1937.
Lists of qualified voters added to the registration rolls compiled by the registrars and filed in clerk's office showing name of registrar, names of persons added to the registration books, date, signature of registrar. No obvious arr. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

83. POLLS AT ELECTION, 1811-13, 1815-20, 1827-46, 1850-58, 1860-61, 1864-66. 27 bundles.
Record of the viva voce of each elector at county, State, and National elections used to compute the total votes received by each candidate showing name and number of precinct, date of election, names of candidates and office sought, names of persons voting for each, signatures of commissioners of election, number of votes cast for each candidate, total votes cast. Arr. chron. by year of election and thereunder by precinct. No index. Hdw. on hdr. forms. Aver. 8x3x6. Clk. off., storage.

84. COUNTY POLL BOOKS, 1870, 1930-35, 1938. 187 vols.
Original poll of voters at general and special elections delivered to the county clerk after each election showing names of judges of election, date of election, precinct, magisterial district, oaths of judges and clerks of election, numbers and names of voters, total number of votes cast, names of candidates, office, number of votes received by each candidate, signatures of judges and clerk. Arr. by district and precinct and num. thereunder by order of voting. No index. Hdw. on ptd. forms. Aver. 20 pp. 14x8x½. Clk. off., storage.

III. CIRCUIT COURT

The inconvenience of having to remove appealed cases from the county courts to the single General Court located at the capitol 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 "great 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

1. Hening, Statutes, II, 64-66.
2. Ibid., II, 179.

Circuit Court (Next entry 85, p. 106)

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 replaced by three Superior Courts of Chancery more conveniently situated;[5] and by subsequent division of districts, there were ultimately nine such courts, the same chancelor in some cases sitting in three different districts in rotation. Southampton County fell in Williamsburg District.[6] In 1809 the accessibility of justices 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 older 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 murder cases (an authority denied the county court), felonies, treasons, and misdemeanors. It also took cognizance of cases in which the value of the suit 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 a year in the county court might be removed on the application of either party;[10] and an act of 1849 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 legislature.[14] One judge for each circuit is now chosen by

---

3. Ibid., IX, 389-391.
4. Ibid., XII, 730-763.
5. Shepherd, Statutes, II, 320-322.
6. Code 1803, p. 426; Code 1849, p. 617 (revisors' note).
7. Shepherd, Statutes, III, 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.

Circuit Court (Next entry 85, p. 106)

joint vote of the two houses of the General Assembly, for a term of 8 years.[15] He must subscribe the usual oaths for all officers of the State, but no bond is required of him.[16]

The judges are compensated by an 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.[17] The salaries paid at present amount to $4,500 per annum,[18] 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 was given 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 now retained general probate authority in addition to that authority especially granted it by statute; thereafter, its chancery jurisdiction was of little consequence.[25]

Upon the abolition of the county court (by legislation following its omission from the Constitution of 1902), the circuit court immediately assumed all of its former powers, duties, and jurisdiction, and received its records and 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,

---

15. Const. 1902 (as amended 1928), art. VI, sec. 96.
16. Code 1919, secs. 269-273, 5978; Acts 1926, p. 318; Code 1936, secs. 269, 273, 5978.
17. Acts 1852, pp. 23, 25.
18. Acts 1938, p. 797.
19. Const. 1902 (as amended 1928), art. VI, sec. 103.
20. Acts 1902-3-4, p. 609; Const. 1902 (as amended 1928), art. VI, sec. 96; Code 1936, sec. 5977.
21. Acts 1852, p. 51; Const. 1902 (as amended 1928), art. VI, sec. 96; Code 1936, secs. 5973, 5978.
22. Acts 1924, p. 310; Code 1936, sec. 5889.
23. Const. 1902 (as amended 1928), art. VI, sec. 104.
24. Ibid., art. VII, secs. 110, 112.
25. Acts 1872-73, pp. 383-384.
26. Acts 1902-3-4, p. 626.

Circuit Court (Next entry 85, p. 106)

The latter civil cases are now in the province of the trial justice, but the court may hear appeals even from these.[27] It appoints land assessors,[28] reviews erroneous assessments and directs refunds where necessary,[29] amends the charters of towns within its jurisdiction on petition of a majority of the qualified voters,[30] and acts in all respects as the protector of widows, infants, noncompetents, idiots, and lunatics, in fiduciary relationships.[31] The court, which originally met semiannually, was required in 1873 to meet thrice a year, and since 1903 bimonthly.[32]

In the field of recording, the circuit court has, from its establishment, been subject to more detailed and specific regulation than the county court ever was. In 1831, so strong was the impression of the duality of the court in its common law and chancery jurisdictions (more or less natural, in view of the fact of its origin in the union of two separate agencies which had divided those jurisdictions)[33] that the establishing act directed the clerks of the new courts to procure two complete sets of books - one for law and one for chancery records.[34] The unnecessary nature of this complete separation of records (in some courts extending even to the clerk's fee books), however, seems to have been early recognized, for in 1849 the provisions are made less general.[35] Except in minor details, the records and proceedings at common law and in chancery conform very closely one to the other; it would therefore be a mere repetition to trace the two separately. Thus, the outline given below is (with the exceptions noted) to be taken as applicable equally to recording procedure on both "sides"[36] of the court. Records mentioned are kept separately for the two jurisdictions unless otherwise stated.

All papers filed in each case pending before the court are laid away together - at first in the pending file, and later, when a final decree or judgment has been entered, in the ended file.[37] However, the papers in condemnation proceedings,[38] those in which delinquent taxes are collected in

---

27. Ibid., p. 766; Acts 1934, pp. 469-470; Code 1936, secs. 3102-3106; Acts 1938, pp. 153-154.
28. Acts 1902-3-4, p. 610; Code 1919, sec. 2233; "Tax Code" 1936, sec. 241.
29. Acts 1936, pp. 253-254; "Tax Code" 1936, sec. 414.
30. Acts 1920, p. 588; Code 1936, sec. 2885(a).
31. Acts 1908, pp. 45-46, 551; Acts 1920, p. 361; Acts 1932, pp. 135, 788-790; Code 1936, secs. 1050-1052, 6299.
32. Acts 1830-31, p. 42; Acts 1872-73, p. 383; Acts 1902-3-4, p. 766; Code 1936, sec. 5893.
33. See above.
34. Acts 1830-31, pp. 47, 67, 70.
35. Code 1849, pp. 625, 633, 699.
36. The terms "law side," "Chancery side," have been commonly used in Virginia and elsewhere in referring to courts which had both jurisdictions, or might sit either as a court of law or a court of chancery: Black, Dictionary of Law, p. 1096.
37. Hening, Statutes, III, p. 511; Code 1936, sec. 3386 (all papers preserved); the division is not required by law, and the fourfold classification, law and chancery, pending and ended, while it is almost universally adopted, is apparently so as a matter of convenience and general consent.
38. Code 1936, sec. 4385 et passim (these records are kept separately only as a matter of practice).

chancery suits,[39] and those pertaining to the adoption of minor children are kept separately.[40] Pending and ended law cases are in the same series of file boxes.[41] In some instances one may appear in person or by attorney and confess the obligation, and such "confessed judgment" has the effect of a judgment of the court. They are recorded like other judgments and, in addition, in a separate book.[42] They are also, in practice, filed separately. Reports of coroners' inquests are returned to court for such further proceedings as may be necessary.[43] The trial justice retains the papers in cases coming before him for 1 year, or for as long as 3 years if a fine is paid in installments; then he returns them to the circuit court.[44]

Record of the issuance and return of process was formerly, and still may be, kept in a separate book[45] but in practice is now included as part of the standard docket. Process is returnable on a certain rule day, and after the lapse of a certain number of such days, during which further pleadings are entered, the case is matured for entry in court. A separate docket was formerly kept for these proceedings,[46] but now this docket is likewise merged in the general docket.[47]

Cases matured at rules were formerly entered upon a separate court docket in the order in which they were to be heard - a method which necessitated recopying for each successive session of court.[48] This record, as well as the process book and rule docket, is now very largely superseded by the new loose-leaf dockets. Under the present system, most of the proceedings in each case are noted briefly upon a single sheet in the docket, and this sheet is transferred, first from the "rules" section of the current docket to the section reserved for matured cases, and later (upon final determination of the case) from the current docket to the ended, thus obviating the former trouble of recopying the entry from session to session. The current chancery docket is kept separately, and the civil and criminal law cases are combined in the same volume. All ended cases are now kept in the same volume, although the older cases are separated.[49] Records of the proceedings of the court are kept in a series of order books, a set for law and a set for chancery.[50]

---

39. Acts 1918, p. 561; "Tax Code" 1936, sec. 403; Acts 1938, pp. 157-158 (these records are kept separately only as a matter of practice).
40. Acts 1893-94, p. 75; Code 1936, sec. 5333.
41. See footnote 37.
42. Hening, Statutes, I, 304; ibid., V, 501-502; Acts 1839-40, pp. 46-47; Code 1849, pp. 651-652; Code 1936, secs. 6130, 6131.
43. Code 1887, sec. 3944; Acts 1926, p. 461; Code 1936, sec. 4812.
44. Acts 1934, p. 472; Acts 1936, pp. 625-626; Code 1936, sec. 4987(j).
45. Acts 1830-31, p. 67; Code 1887, sec. 3187; Code 1919, sec. 3403; Acts 1923, pp. 97-98; Code 1936, sec. 3403.
46. Acts 1830-31, p. 47; Code 1919, sec. 6075; Acts 1923, pp. 97-98.
47. Acts 1923, pp. 97-98 (the substitution is not mandatory, but the use of the loose-leaf docket is); Code 1936, sec. 6245.
48. Acts 1830-31, p. 47; Code 1849, p. 670; Code 1887, sec. 3378; Code 1919, secs. 6243, 6245.
49. Acts 1923, pp. 97-98; Code 1936, secs. 6243, 6245.
50. Code 1819, I, 237; Acts 1830-31, pp. 47, 70, 75; Code 1849, pp. 625, 646; Code 1887, sec. 3114; Code 1919, sec. 5962; Acts 1926, pp. 750-751; Acts 1936, pp. 301-302, 557-558; Code 1936, sec. 5962(a).

Circuit Court (Next entry 85, p. 106)

The papers[51] in civil cases disposed of by the trial justice, when sent to the circuit court after a period of 1 year, become and are proceeded upon as judgments of the circuit court.[52] A record of criminal case papers so returned is entered into a separate volume which serves as the basis for collecting unpaid fines and costs by execution or other means. The same procedure was formerly used in the case of criminal judgments of the justice of the peace.[53] All judgments of the courts of the county, and of any other court in the State when an abstract is delivered to the court clerk, must be recorded in a docket. Thereafter, they constitute liens on any land in the county owned by the judgment debtor.[54] These abstracts, and in some instances original papers, are filed separately, and each indicates the place where recorded. In 1916 the judgment lien docket was combined with the execution book, and the combined record is in use today.[55] The judgment docket and the combined volumes are served by a general index.[56]

Executions issued on judgments of any sort are usually returned by the serving officer with a notation of the service, satisfaction, or failure to satisfy; they may be filed among the case papers, but in Southampton County are in separate series of file boxes.[57] Returned distress warrants are handled in the same manner as executions.[58] Such a warrant is issued by a justice on affidavit of the landowner that rent is due, and is served by a constable, sheriff, or sergeant;[59] the warrant may be levied on any goods of the tenant found on the premises or removed within 30 days, or on goods of under tenant to amount he owes the tenant, subject in all cases to special provisions as to liens.[60] When the warrant is returned, the clerk issues a writ directing the sheriff to sell the goods levied upon.[61] However, the officer levying the distress warrant, or any other execution on personal property, may take bond from the debtor that the goods will be forthcoming at the date and place of sale, and allow the goods to remain in the possession of the debtor.[62] If the goods are not so brought forth, the officer returns the bond to court, where it becomes a judgment against the makers and sureties; no execution may be issued[63] but the amount must be recovered by suit.[64] It is in this suit that a tenant against whom a distress warrant has been issued may for the first

---

51. The following records are not subject to the law - chancery division, unless so stated.
52. See footnote 44.
53. Code 1819, II, 59-60; Acts 1902-3-4, p. 615; Code 1936, secs. 2552, 4989.
54. Acts 1842-43, pp. 51-52; Code 1849, pp. 708-709; Acts 1872-73, p. 17; Acts 1902-3-4, p. 777; see footnote 55.
55. Acts 1916, p. 122; Code 1936, secs. 3393, 3394, 6461, 6464.
56. Ibid., sec. 3394.
57. Code 1849, pp. 711, 713; Acts 1881-82, p. 200; Code 1887, secs. 3581, 3591; Acts 1897-98, p. 586; Acts 1916, p. 765; Code 1936, secs. 6480, 6491.
58. Acts 1897-98, p. 755; Code 1936, sec. 5528.
59. Ibid., sec. 5522.
60. Ibid., sec. 5523.
61. Black, Dictionary of Law, p. 1212; see footnote 58.
62. Code 1936, sec. 6518; Black, Dictionary of Law, p. 491.
63. Code 1936, sec. 6520.
64. Ibid., sec. 6521.

time assert his defenses against the warrant.[65] Such forfeited forthcoming bonds, when returned to court, are recorded in a separate book and thereupon they constitute a lien on the land of the obligor.[66] Executions issued by a justice of the peace were, if unsatisfied, returned to the court for issuance of further execution,[67] and as a matter of practice recorded in a separate book. A separate execution book was also formerly kept for executions issued by the court, in order to systematize their satisfaction and to determine the date from which the lien is effective.[68] This record was for some time divided as to law and chancery proceedings,[69] but later combined in one,[70] and later still fused with the former separate judgment lien docket.[71]

Grand jurors and jurors in civil cases are paid the same amount.[72] A certificate is given the juror, to be paid by the county treasurer on demand, and the clerk retains a stub or copy.[73] Witnesses in criminal cases[74] and civil cases are paid in substantially the same manner as jurors are paid.[75]

The probate authority formerly vested in the county court and shared by the superior and circuit courts[76] has since 1904 been transferred entirely to the circuit court and its clerk, who, in a sense, partly fill the vacancy created by the county court in these matters.[77] Consequently, the circuit court has inherited all the original wills and the records appertaining to probate and fiduciary affairs. In addition to the clerk, commissioners assist the court in its purely administrative function in this respect.[78] The original will or a duly authenticated copy of a lost will is required to be recorded as soon as admitted to probate and to remain in the clerk's office unless taken to another court by court order. A certified copy of a will duly admitted to record in the court in which it was probated must also be recorded in the court of the county wherein the testator has any real estate.[79]

---

65. Ibid., sec. 6522.
66. Code 1887, sec. 3626; Code 1936, sec. 6527.
67. Shepherd, Statutes, III, 287; Code 1819, I, 253; Acts 1859-60, p. 139; Code 1887, secs. 2949, 2950; Code 1919, secs. 6030, 6031; (repealed as to justice of the peace) Acts 1934, p. 469; Code 1936, secs. 6030, 6031.
68. Hening, Statutes, VIII, 123; Shepherd, Statutes, I, 12-13; see footnote 69.
69. Acts 1830-31, p. 70.
70. Code 1849, p. 633; Code 1887, sec. 3182.
71. Acts 1916, p. 122; Code 1936, sec. 6463.
72. Ibid., sec. 4863.
73. Hening, Statutes, XII, 749, 757; Code 1819, I, 518-519; Code 1936, secs. 6009, 6010.
74. Ibid., secs. 4957, 4958.
75. Ibid., sec. 3530.
76. See footnote 25.
77. Const. 1902, art. VI, sec. 101; Acts 1902-3-4, p. 386; Code 1936, sec. 5249; see footnote 26.
78. Acts 1869-70, pp. 442-444; Code 1936, secs. 5401-5434.
79. Hening, Statutes, I, 302-303; Code 1936, sec. 5262.

Circuit Court (Next entry 85, p. 106)

In addition to the original wills, there is a series of will books in which the wills and other matters pertaining to decedents' estates are recorded.[80] These volumes are served by a general index.[81] Executors, administrators, guardians, and other fiduciaries are under the control and supervision of the court, assisted by commissioners and the clerk.[82] Fiduciary accounts and inventories and appraisements are submitted to the commissioner and, after remaining for 30 days or longer for exceptions, are recorded in the will book or fiduciary account book. After being approved and recorded, the originals are filed together.[83] A separate book has been permitted except for a short period following the revision of the Code in 1919;[84] in Southampton County a special set had been in use since 1885, and previous records are in the will book series and in a few separate volumes. A list of the possible heirs of a deceased person is now returned by the personal representative and recorded in the will book; this provision has undergone several changes, but the place of record, before being changed to will book, was consistently in the deed book.[85] Actions of the clerk acting in probate affairs under the Constitution of 1902 are recorded in a set of books known as "Clerk's Fiduciary Order Book."[86] The clerk until 1870 was required to keep a record of the official acts of every fiduciary; thereafter the record was kept by the commissioner of accounts.[87]

Oaths of county officials are taken before the court;[88] some are filed with official bonds and later among election papers. Official, fiduciary, and all other bonds taken before a court are acknowledged in court and recorded by its clerk.[89] A special book for officers' bonds was first required in 1887 and in 1919 all bonds were directed to be recorded in the bond book.[90] Special bonds such as ministers',[91] special commissioners',[92] bail,[93] peace,[94] and liquor license bonds,[95] are handled under these blanket provisions.

Returned to court for preservation are the reports of the commission called to examine a person thought to be insane, epileptic, feeble-minded, or

---

80. Hening, Statutes, I, 302-303; Code 1936, secs. 3393, 5262.
81. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 3394.
82. Ibid., secs. 5249, 5359, 5360, 5428; see footnote 78.
83. Code 1887, sec. 2698; Acts 1904, p. 268; Code 1936, sec. 5428.
84. Hening, Statutes, XII, 195-196; Acts 1869-70, pp. 442-443; Code 1919, sec. 5428; Acts 1922, p. 873; Acts 1928, pp. 23-24; Code 1936, secs. 3393, 5428.
85. Acts 1912, p. 453; Code 1919, sec. 5379; Acts 1922, p. 647 (in will book); Code 1936, sec. 5379 (in will book).
86. Const. 1902, art. VI, sec. 101; Acts 1902-3-4, p. 386; Acts 1926, pp. 750-751; Acts 1936, pp. 556-557; Code 1936, secs. 5249, 5962(a).
87. Code 1849, p. 547; Acts 1869-70, pp. 442-444; Code 1887, sec. 267; Code 1936, sec. 5401.
88. Hening, Statutes, X, 22-23; Acts 1878-79, p. 318; Code 1936, sec. 2696.
89. Acts 1842-43, p. 22; Code 1936, sec. 279.
90. Code 1887, sec. 812; Code 1919, sec. 3393; Code 1936, secs. 2696, 3393.
91. Hening, Statutes, XI, 503-505; Code 1936, sec. 5079.
92. Acts 1883-84, p. 213; Code 1936, sec. 6269.
93. Code 1887, sec. 3971; Code 1936, sec. 4847.
94. Acts 1847-48, p. 127; Code 1936, sec. 4789.
95. Acts 1876-77, pp. 246, 251; Acts 1883-84, p. 605; Code 1887, sec. 579 (act of 1884 continued in force).

addicted to the use of drugs. For a time the report included the questions and answers taken at the hearing, but today consists of the warrant of arrest and application therefor, medical certificate, and order of commitment. The reports are filed and the essential information abstracted into a record book.[96]

Today, the circuit court's functions in tax matters are largely confined to confirming the treasurer's reports of land paid before sale and of land sold for taxes. Other reports which formerly went to it, now go to other agencies.[97]

If any city or town desires to issue bonds for certain purposes, its governing body frames a proper resolution and transmits a copy to the circuit or corporation court having jurisdiction. The court thereupon orders an election, held like regular elections; the result is certified to the judge, and if the votes favor the bond issue, the judge so orders.[97] Papers pertaining to such elections in several towns in the county are preserved in a separate file box. Other financial records include some of the clerk's fee books,[99] copies of the court clerk's report to the Auditor (Comptroller) of claims for court services payable out of the State Treasury,[1] and justices' monthly reports to the circuit court of fines and costs imposed, collected and in order for collection.[2] A more important set of financial records - by statute made a record of the court - serves to account for all money collected or which should have been collected for the Commonwealth.[3] In recent years this record consists of duplicate and triplicate receipt forms supplemented by a set of account books.[4]

Reports by persons dealing with alcoholic beverages, designed to account therefor under the former law, complete the records of the circuit court.[5]

Chancery

Case Papers (see also entry 99)

85. CHANCERY SUITS (Pending), 1911--. 46 file boxes (labeled by inclusive letters of alphabet).

Original papers and correspondence pertaining thereto filed in pending chancery cases concerning divorces, minors, persons of unsound mind, and other equity matters showing case number, names of plaintiff and defendant, names of

---

96. Acts 1899-1900, pp. 1040-1042; Acts 1902-3-4, pp. 126-128; Code 1919, secs. 5, 1017, 1019; Acts 1936, pp. 50-51; Code 1936, secs. 5, 1017, 1019.
97. See County Treasurer, pp. 173-176.
98. Acts 1902-3-4, pp. 412-437; Code 1936, secs. 3082-3088.
99. Code 1849, p. 699; Code 1936, secs. 3484, 3494.
1. Ibid., sec. 2187.
2. Acts 1877-78, p. 376; Acts 1902-3-4, p. 605; Code 1936, sec. 2550.
3. Acts 1897-98, pp. 847-848; Acts 1926, pp. 29-30; "Tax Code" 1936, sec. 406.
4. See entries 160-169.
5. Acts 1916, pp. 225-226; Code 1919, secs. 4601, 4603; Acts 1934, pp. 100-136.

attorneys, nature of case, date filed. Arr. alph. by first letter of surname of plaintiff. No index. Typed. 10x5x14. Clk. off., record va.

For record of pending chancery cases, see entry 95.

86. CHANCERY SUITS DISMISSED, 1832--. 45 bundles, 132 file boxes (15 labeled by inclusive letters of alphabet; 117 not labeled). Title varies: Chancery Causes Decided, 1832-60; Chancery Suits Decided, 1861-1928; Chancery Suits Removed, 1893.

Original papers concerning divorces, minors, persons of unsound mind and other equity matters and correspondence pertaining thereto filed in ended chancery cases showing case number, term of court, names of plaintiff and defendant, names of attorneys, date filed, date of trial, disposition of case. 1832-60 arr. chron. by term of court; 1861-1908, 1910-23, 1925-37, 1939-- arr. chron. by date of trial; 1909, 1924, 1937-38 arr. alph. by first letter of surname of plaintiff. No index. Hdw., typed, hdw. and typed on ptd. forms. Bundles aver. 8x4x4; file box 10x5x14. Bundles, 1832-60, clk. off., storage; file boxes, 1861--, record va. annex.

For record of ended chancery cases, see entry 96.

87. CONDEMNATION PROCEEDINGS, NORFOLK AND WESTERN RAILWAY COMPANY, 1905-15. 1 file box.

Original chancery proceedings to condemn land for railroads filed in circuit court, including petitions for condemnation of land, notices of suit, appointments of commissioners to assess damage, reports of commissioners, and final orders of the court. Petitions for condemnation of land show date, intended use of land, location of land, name of landowner, signatures of petitioners. Notices of suit show name and address of landowner, location and description of land under consideration, purpose of suit. Appointments of commissioners to assess damage show names of commissioners, date of order, date assessment to be made, clerk's signature. Reports of commissioners show damages allowed landowner, oaths and signatures of commissioners, signature of clerk. Final orders of court show approval and confirmation of the commissioners' report, date of confirmation, amount of compensation allowed, date and manner of payment, judge's signature. Arr. chron. by date of confirmation. No index. Typed. 10x5x14. Clk. off., record va.

88. CONDEMNATION PROCEEDINGS, STATE HIGHWAY COMMISSION, 1921-34. 4 file boxes.

Original chancery proceedings to condemn land for roads filed in circuit court, including petitions for condemnation of land, notices of suit, appointments of commissioners to assess damage, reports of commissioners, and final orders of court. For full description, see entry 87. Arr. chron. by date of confirmation. No index. Typed. 10x5x14. Clk. off., record va.

89. VIRGINIA RAILWAY AND POWER COMPANY, CONDEMNATION PROCEEDINGS, 1925-26. 1 file box.

Original chancery proceedings to condemn land for public uses filed in circuit court, including petitions for condemnation of land, notices of suit, appointments of commissioners to assess damage, reports of commissioners, and final orders of court. For full description, see entry 87. Arr. chron. by date of confirmation. No index. Typed. 10x5x14. Clk. off., record va.

90. CONDEMNATION PROCEEDINGS, BOARD OF SUPERVISORS, 1935. 1 file box.

Original chancery proceedings to condemn land for public uses filed in circuit court including petitions for condemnation of land, notice of suit, appoint-

ment of commissioners to assess damage, report of commissioners, and final order of court. For full description, see entry 87. Arr. chron. by date of confirmation. No index. Typed. 10x5x14. Clk. off., record va.

91. COMBS, COMPTROLLER, TAX SUITS, DECREES ENTERED, 1935--. 2 file boxes.
Original papers constituting the record of suits in chancery brought by the Comptroller for collection of delinquent State taxes showing date filed, name of person assessed with taxes, amount of taxes due, description and location of property, date, nature of each decree entered, name of presiding judge. Arr. chron. by date of filing. No index. Typed. 10x5x14. Clk. off., record va.

92. ADOPTION PAPERS PENDING, 1939--. 1 file box.
Original papers concerning the adoption of minors filed in the circuit court including petitions, consent of natural parents or guardian, orders requiring sheriff to investigate all parties concerned, sheriff's reports of findings, orders of court placing minor in custody of foster parent for period of 1 year pending final disposition of case. No obvious arr. No index. Typed. 10x5x14. Clk off., record va.

Dockets and Proceedings (see also entry 108)

93. CHANCERY PROCESS BOOK, 1831-83. 1 vol. (1).
Record of issuance of process in chancery cases and returns thereon showing names of attorneys, names of plaintiff and defendant, kind of process, date issued, return day, date delivered and to whom, date process returned, officer's receipt, officer's return. Arr. chron. by date issued. No index. Hdw. on hdr. forms. 250 pp. 15x10x2. Clk. off., record va. annex.
For subsequent records, see entries 95, 96.

94. CHANCERY RULE BOOK, 1832-1922. 4 vols. (1; three not labeled).
Title varies: Chancery Rule Docket, 1832-76, 1870-77; Chancery Record, 1877-1910.
Record of proceedings at successive rules in chancery 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 of attorneys for plaintiff and defendant, names of plaintiff and defendant, date process issued, date returnable, date returned, actions at successive rules. Arr. chron. by date of return. 1832-1910 not indexed; 1910-22 indexed alph. by first letter of surname of plaintiff. 1832-76 hdw. on hdr. forms; 1870-77 hdw.; 1877-1922 hdw. on ptd. forms. Aver. 300 pp. 18½x14½x2. Clk. off., record va. annex.
For subsequent records, see entries 95, 96.

95. CURRENT CHANCERY DOCKET, 1925--. 2 vols.
Record of suits in equity instituted in circuit court, of process issued, and of proceedings at rules 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. Arr. alph. by first letter of surname of plaintiff. No index. Typed on ptd. forms. Aver. 250 pp. 8x12x2. Clk. private off.
For original pending chancery cases, see entry 85; for prior record of processes, see entry 93; for prior record of proceedings at rules, see entry 94.

Circuit Court - Common Law (96-100)

96. ENDED CHANCERY AND COMMON LAW DOCKET, 1934--. 2 vols.
Record of suits in equity determined by circuit court, of process issued, and of proceedings at rules showing same information as in entry 95, and also 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, allowances to witnesses, total costs). Also contains Ended Law Docket, 1934--, entry 106; Criminal Docket (Ended), 1934--, entry 107. Arr. alph. by first letter of surname of plaintiff. No index. Typed on ptd. forms. Aver. 400 pp. 10x12x3. Clk. off., record va. annex.

For original ended chancery cases, see entry 86; for prior records of processes, see entry 93; for prior record of proceedings at rules, see entry 94.

97. CHANCERY ORDER BOOK, 1832--. 12 vols. (1-11; one not labeled).
1831-32 in Common Law Order Book, entry 109.
Record of court proceedings in chancery cases including history of trial and disposition of each case showing term of court, names of plaintiff and defendant, names of attorneys, summary of case, orders of court, signature of judge. Arr. chron. by term of court. Indexed alph. by first letter of surname of plaintiff and chron. thereunder. 1832-1926 hdw.; 1926-- typed. Aver. 500 pp. 18x12x3. Clk. off., record va. annex.

Common Law

Case Papers

98. COURT PAPERS (Common Law), 1859, 1866--. 111 file boxes.
Title varies: Judgments, 1859, 1866-1901; Common Law Cases Decided, 1902-24.
Original court papers including attachments, summons, declarations, notices of motion for judgment, indictments, and other pleadings, 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. 1859, 1866-67, 1885-86, 1893-95 arr. alph. by first letter of surname of plaintiff; 1868-84, 1887-92, 1896-1901 arr. chron. by years and alph. thereunder by first letter of surname of plaintiff; 1902-- arr. chron. by date of disposition of case. No index. Hdw., typed, and typed on ptd. forms. 10x5x14. 45 file boxes, 1859, 1866-1924, clk.off., record va. annex; 66 file boxes, 1925--. record va.

For record of ended common law cases, see entries 105-107.

99. CONFESSION OF JUDGMENT, 1922, 1927--. 3 file boxes.
Original judgments rendered upon the confession of the defendant in circuit court clerk's office showing names of plaintiff and defendant, names of attorneys, nature of action, amount of judgment, date of judgment, signature of clerk. Arr. chron. by date of judgment. No index. Typed on ptd. forms. 10x5x14. 1 file box, 1922, clk. off., record va. annex; 2 file boxes, 1927--, record va.

100. INQUESTS, 1802-1909, 1927--. 3 bundles, 1 file box. Title varies: Inquisitions, 1802-1909.
Original returns of coroners' inquests to the court showing time and place of inquest, testimony of witnesses, statement of examining physician, name

of deceased, signature of coroner. Arr. chron. by date of inquest. No index. 1802-1909 hdw.; 1927-- hdw. and typed. Bundles aver. 8x6x4; file box 10x5x14. Bundles, 1802-1909, clk. off., storage; file box, 1927--, record va.

101. (ENDED CRIMINAL WARRANTS), 1934-38. 12 bundles.
Original warrants of arrest issued by trial justice or justice of peace and returned to the court by trial justice after a period of 1 year showing names of complaining witnesses, defendant, and justice, date of warrant, warrant number, offense charged, names of witnesses, disposition of case, signature of issuing justice. Arr. chron. by date of warrant and num. by warrant no. No index. Aver. 8x4x4. Clk. off., storage.
For subsequent records, see entry 191.

Dockets and Proceedings

102. LAW PROCESS BOOK, 1836-1930. 6 vols. Title varies: Process Book, 1836-68; Common Law, Mesne & Final Process Book, 1869-1911.
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, officer's receipt, date process returnable, and return day. Also contains (Process Book, County Court), 1869-1904, entry 176. Arr. chron. by date of issuance. No index. 1836-68 hdw. on hdr. forms; 1869-1930 hdw. on ptd. forms. Aver. 250 pp. 15x10x1½. 1 vol., 1836-68, clk. off., record va.; 4 vols., 1869-1922, record va. annex; 1 vol., 1922-30, storage.
For subsequent record of processes, see entries 105, 106.

103. COMMON LAW RULE DOCKET, 1843-1922. 2 vols. (2, 3).
Record of proceedings at successive rules in common law cases not yet matured for entry in circuit court, kept for the orderly recording of such proceedings and determination of order of appearance upon court docket, showing names of attorneys and plaintiff and defendant, date of docketing, nature of action, sheriff's returns, and proceedings at successive rules. Arr. chron. by date of docketing. No index. 1843-85 hdw. on hdr. forms; 1885-1922 hdw. on ptd. forms. Aver. 400 pp. 18x12x3. Clk. off., record va. annex.
For subsequent record of rules, see entries 105, 106.

104. COMMON LAW ORDER BOOK, CONFESSION OF JUDGMENTS, 1927--. 1 vol.
Record of judgments rendered upon confession of the defendant in circuit court clerk's office showing names of plaintiff, defendant, and attorneys, nature of action, amount of judgment and costs, date of judgment. Arr. chron. by date of judgment. Indexed alph. by first letter of surname of plaintiff and chron. thereunder. Typed. 162 pp. 18x12x3. Clk. off., record va. annex.

105. CURRENT LAW DOCKET, 1936--. 1 vol.
Record of civil and criminal cases at law instituted in circuit court in which final judgment has not been entered, of process issued, and of proceedings at rules. Civil cases show case number, file number, names of plaintiff, defendant, and attorneys, nature of suit, date docketed, process to commence suit, memorandum of serving process, proceedings at rules. Criminal cases show case number, file number, names of attorneys, date

docketed, indictment or appeal, style of prosecution (name of defendant, felony or misdemeanor), offense charged, registration and description (address, race, height, eyes, hair, weight, marks, age, occupation, date of offense). Arr. alph. by first letter of surname of plaintiff or complainant. No index. Typed on ptd. forms. 250 pp. 10x12x2. Clk. private off.

For prior record of processes, see entry 102; for prior record of proceedings at rules, see entry 103.

106. ENDED LAW DOCKET, 1922-33. 1 vol. 1934-- in Ended Chancery and Common Law Docket, entry 96.

Record of cases at law determined by the circuit court, including process issued and proceedings at rules showing same information as civil cases in entry 105, and also 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, allowances to witnesses, total costs). Arr. alph. by first letter of surname of plaintiff. No index. Typed on ptd. forms. 600 pp. 10x12x4. Clk. off., record va. annex.

For original ended common law cases, see entry 98; for prior record of processes, see entry 102; for prior record of proceedings at rules, see entry 103.

107. CRIMINAL DOCKET (Ended), 1925-33. 1 vol. 1934-- in Ended Chancery and Common Law Docket, entry 96.

Record of criminal cases determined by circuit court showing same information as criminal cases in entry 105 and also memorandum of orders and proceedings, date of conviction, sentence, jail term, fine, volume and page of record of conviction in order book, notation of judgment reversed or pardon granted and date thereof, statement of costs recovered against accused, receipts and disbursements of costs by clerk. Arr. alph. by first letter of surname of defendant and chron. thereunder by date docketed. No index. Typed on ptd. forms. 300 pp. 10x12x2. Clk. off., record va. annex.

For original ended cases, see entry 98.

108. COURT DOCKET, OLD SUITS, 1911-18, 1924. 2 vols. (one not labeled; 2). Title varies: Court Docket, Circuit Court, 1911-18. 1904-11, in County Court Docket, entry 179.

Docket of cases coming before circuit court, showing names of attorneys, names of plaintiff and defendant, kind of action, proceedings at last term, proceedings at this term, docket number. 1911-18 arr. chron. by term of court; 1924 arr. chron. by term of court and num. thereunder by docket no. No index. Hdw. on ptd. forms. Aver. 200 pp. 14x9x1½. Clk. off., record va. annex.

109. COMMON LAW ORDER BOOK, 1809--. 14 vols. (one not labeled; 2-14). Title varies: Order Book, 1809-28; Law and Chancery, 1831-51.

Record of common law proceedings and orders of circuit court in regular sessions and in vacation including nature 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, examination of accounts against the Commonwealth. Also contains Chancery Order Book, 1831-32, entry 97. Arr. chron. by term of court. Indexed alph. by first letter of surname of plaintiff, appointee, or subject of order, and chron. thereunder. 1809-1910 hdw.; 1910-- typed. Aver. 500 pp. 17x11x3. Clk. off., record va. annex.

Judgments

110. TRIAL JUSTICE, CIVIL JUDGMENTS FILED BUT NOT DOCKETED, 1934-38. 5 file boxes.
Original civil judgments of trial justice filed in the circuit court and executions issued thereon by circuit court clerk. Judgments show names of parties, date of judgment, amount of judgment exclusive of costs, amount of interest and costs. Executions show names of parties, date of execution, date delivered and to whom, amount of judgment, interest and costs, date returnable, return. Arr. chron. by date of judgment. No index. Hdw. and typed on ptd. forms, 10x5x14. Clk. off., record va.
For subsequent records, see entry 190.

111. TRIAL JUSTICE CRIMINAL JUDGMENTS RETURNED TO COURT, 1934-38. 1 vol. (1).
Circuit court clerk's record of criminal cases disposed of by trial justice and returned to court showing date of judgment, name of 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, amounts due witnesses, clerk's fees, total amount of all costs), notation as to payment or issuance of execution, date of return on execution, officer's return, return day. Arr. chron. by date of conviction. Indexed alph. by first letter of surname of accused and chron. thereunder. Hdw. on ptd. forms. 151 pp. 17x14x2. Clk. off., record va.

112. JUDGMENTS, 1904--. 22 file boxes.
Abstracts of judgment and original case papers from the circuit court, trial justice, and other courts throughout the State delivered to the circuit court clerk to be entered in the record of judgment liens, showing name of court or justice, names of plaintiff and defendant, amount claimed, date of action, date and amount of judgment, amount of costs, rate of interest, volume and page of record. Arr. chron. by date of judgment. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

113. JUDGMENT DOCKET, 1893-1916. 2 vols. (3, 4).
Record of judgments docketed in the circuit court showing names of attorneys, names of plaintiff and defendant, date and amount of judgment, alternative value of any specific property recovered, court in which rendered, date of docketing, amount and date of credits, date of final discharge of judgment, case number. Arr. chron. by date of docketing and num. by case no. Indexed alph. by first letter of surname of plaintiff and chron. thereunder; also separate index, entries 115, 116. Hdw. on ptd. forms. Aver. 224 pp. 16x14x2. Clk. off., record va.
For subsequent records, see entry 114.

114. JUDGMENT LIEN DOCKET AND EXECUTION BOOK, 1916--. 7 vols. (5-11).
Record of abstracts of judgments constituting liens on property and proceedings in executions thereon kept to systematize the satisfaction of judgments for money or property and to provide a public record of liens showing names of attorneys, names of plaintiff and defendant, date of judgment, court in which rendered, date docketed (day and hour), amount of judgment and date from which it bears interest, alternative value of any specific property recovered, amount of cost recovered, notation of homestead exemption, amounts 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 first letter of surname of plaintiff and chron. thereunder; also separate index, entries 115, 116. Hdw. on ptd. forms. Aver. 200 pp. 18x12x2. Clk. off., record va.

For prior record of judgment liens, see entry 113; for prior record of executions, see entries 121, 122.

115. GENERAL INDEX TO JUDGMENT LIEN DOCKET AND EXECUTION BOOK (Plaintiff), 1893--. 2 vols. (labeled by inclusive letters of alphabet).

Plaintiff index to record of judgments, entry 113, and to record of judgments and executions, entry 114, showing names of plaintiff and defendant, volume and page of record. Arr. alph. by first three letters of surname of plaintiff and chron. thereunder. Typed on ptd. forms. Aver. 200 pp. 18x14x3. Clk. off., record va.

116. GENERAL INDEX TO JUDGMENT LIEN DOCKET AND EXECUTION BOOK (Defendant), 1893--. 2 vols. (labeled by inclusive letters of alphabet).

Defendant index to record of judgments, entry 113, and to record of judgments and executions, entry 114, showing names of defendant and plaintiff, volume and page of record. Arr. alph. by first three letters of surname of defendant and chron. thereunder. Typed on ptd. forms. Aver. 300 pp. 18x14x3. Clk. off., record va.

Executions

117. EXECUTIONS, 1855--. 9 file boxes.

Original executions on judgments issued to the sheriff or constable on judgments of the circuit court and returned to court showing names of plaintiff and defendant, date of judgment, amount of judgment and costs, date of execution, to whom delivered, when returnable, date returned, date satisfied. Arr. chron. by date of execution. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va. annex.

118. DISTRESS WARRANTS, 1932-37. 1 file box.

Original distress warrants issued by justices to collect rent in arrears, returned to court by executing officer, showing name of landlord, name of tenant, date issued, date executed, location of premises, amount due, amount collected, name of justice issuing warrant, name of officer executing warrant. Arr. chron. by date executed. No index. Typed and typed on ptd. forms. 10x5x14. Clk. off., record va.

119. FORFEITED FORTHCOMING BONDS, 1889-1927. 1 vol.

Record of forthcoming bonds given to secure the amount of a debt, and forfeited in order to procure hearing in court, showing names of principal and sureties, return endorsed thereon, amount of penalty, amount required to discharge penalty, signatures and seals of principal and sureties, signature of clerk. Arr. chron. by date of bond. Indexed alph. by first letter of surname of principal. Hdw. on ptd. forms. 100 pp. 12x9x1. Clk. off., record va. annex.

120. CONSTABLES EXECUTIONS, 1829-94. 1 vol.
Record of executions on justices' civil judgments returned by constables showing number of execution, parties' names, dates of execution and docketing, amount of execution, when returnable, return day, return of constable. Arr. chron. by date of docketing. Indexed alph. by first letter of surname of plaintiff. Hdw. 200 pp. 13x8x2. Clk. off., record va. annex.

121. CHANCERY EXECUTION BOOK, 1832-1902. 1 vol. (1). 1902-16 in Circuit Court Execution Book, entry 122.
Record of executions issued by circuit court in chancery showing kind of execution, plaintiff's attorney, names of parties, date of execution, when returnable, to whom delivered, when delivered, amount of judgment, officer's return, case number. Arr. chron. by date of execution. Indexed alph. by first letter of surname of plaintiff. Hdw. on hdr. forms. 300 pp. 15x9x2. Clk. off., record va. annex.
For subsequent records, see entry 114.

122. CIRCUIT COURT EXECUTION BOOK, 1809-1916. 6 vols. (five not labeled; 2). Title varies slightly. No title, 1809-42.
Record of executions issued on judgments of the circuit court showing 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, officer's return. Also contains Chancery Execution Book, 1902-16, entry 121. Arr. chron. by date of execution. 1809-94 indexed alph. by first letter of surname of plaintiff; 1894-1916 indexed alph. by first letter of surnames of plaintiff and defendant. 1809-94 hdw. on hdr. forms; 1894-1916 hdw. on ptd. forms. Aver. 300 pp. 15x11x3. Clk. off., record va.
For subsequent records, see entry 114.

Jurors and Witnesses

123. GRAND JURY (Warrants Issued), 1898-1924. 1 vol.
Stubs of warrants issued to individuals in payment for serving as grand jurors showing term of court, number of warrant, date of warrant, payee, amount of allowance, amount for mileage, total. Arr. chron. by term of court and num. by warrant no. No index. Hdw. on ptd. forms. 300 pp. 14x16x2. Clk. off., storage.

124. CIVIL JURY (Warrants Issued), 1907-36. 1 vol.
Stubs of warrants issued to individuals in payment for serving as petit jurors in circuit court showing term of court, number of warrant, date of warrant, payee, amount of allowance, amount for mileage, total. Arr. chron. by term of court and num. thereunder by warrant no. Hdw. on ptd. forms. 300 pp. 14x16x2. Clk. off., storage.

125. (WITNESS BOOK), 1923-34. 3 vols.
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. Arr. chron. by term of court. No index. Hdw. Aver. 100 pp. 15x6x½. Clk. off., Storage.

Probate

Wills

126. WILLS, 1749--. 41 file boxes (labeled by inclusive letters of alphabet).
Original wills showing name of testator, bequests and provisions, names of executors, date of instrument, names of witnesses, signatures of witnesses, signature and seal of testator, date of recordation. Also contains Accounts, Inventories, Guardians and Administrators, 1749-1902, entry 130. Arr. alph. by first letter of surname of testator. No index. 1749-1896 hdw.; 1896-- hdw. and typed. Aver. 10x5x14. Clk. off., record va. annex.
For record of wills, see entry 127.

127. WILL BOOK, 1749--. 24 vols. (1-24).
Recorded copies of wills probated in county court and continued in circuit court at the expiration of county court showing date of instrument, name of testator, bequests and provisions, signatures of testator and witnesses, date of recording, clerk's attestation. Also contains Account Current, Inventories & Etc., 1749-1884, entry 131; (Record of List of Heirs), 1924--, entry 132. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of decedent and chron. thereunder; also separate index, entry 128. 1749-1923 hdw.; 1924-- typed. Aver. 600 pp. 17x11x3. Clk. off., record va.
For original wills, see entry 126.

128. GENERAL INDEX TO WILLS, 1749--. 2 vols. (1, 2).
Index to record of wills, entry 127, record of inventories and appraisements and fiduciary accounts, entry 131, and record of lists of heirs, entry 132, showing date of recording, name of decedent or ward, volume and page of record. 1749-1935 arr. alph. by first three letters of surname of decedent or ward and chron. thereunder; 1935-- arr. alph. by first two letters of surname of decedent or ward and chron. thereunder. Hdw. on ptd. forms. Aver. 300 pp. 12x18x2. Clk. off., record va.

Fiduciary

129. ACCOUNTS TO BE RECORDED, 1939--. 1 file box.
Original guardians' accounts and inventories and appraisements of estates submitted to the commissioner of accounts and retained in the clerk's office for 30 days or until all exceptions have been heard and investigated before being recorded. Guardian accounts show date, name of guardian, name of ward, itemized account of receipts and disbursements, balance, certification of commissioner of accounts. Inventories and appraisements show date, name of deceased, name of fiduciary, name of appraiser, itemized list and appraised value of property, signatures of appraisers, clerk, and commissioner of accounts. No obvious arr. No index. Typed. 10x5x14. Clk. off., record va.

130. ACCOUNTS, INVENTORIES, GUARDIANS AND ADMINISTRATORS, 1903--. 9 file boxes (five not labeled; four labeled by inclusive letters of alphabet). 1749-1902 in Wills, entry 126.
Original guardian accounts and inventories and appraisements of estates returned to circuit court to prevent fraud and misappropriation on part of fiduciaries. Guardian accounts show name of guardian, name of ward, date of

account, itemized statement of receipts and disbursements, balance, signature of guardian. Inventories and appriasements show names of appraisers, name of decedent, date, itemized list of property with appraised value, signatures of appraisers. Also contains Guardians Reports, 1903-7, entry 133. 1903-23 arr. chron. by date of account or inventory and appraisement; 1924-- arr. alph. by first letter of surname of decedent or ward. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

131. ACCOUNT CURRENT, INVENTORIES & ETC., 1885--. 9 vols. (1-9). 1749-1884 in Will Book, entry 127.
Record of inventories and appraisements and fiduciary accounts. Inventories and appraisements show date, name of decedent, names of appraisers, articles appraised and value of each, certification of commissioner of accounts, date of recordation, clerk's attestation. Fiduciary accounts show date, itemized receipts and disbursements, balance, name of fiduciary, date of recordation, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of decedent and chron. thereunder; also separate index, entry 128. Hdw. Aver. 500 pp. 18x12x3. Clk. off., record va. annex.

132. (RECORD OF LISTS OF HEIRS), 1912--. 1912-24 in Deed Book, entry 15; 1924-- in Will Book, entry 127.
List of devises and heirs recorded by circuit court clerk for notification of persons interested in property as to transfer of property by will or inheritance showing name of decedent, names, ages, and addresses of devisees or heirs, relationship of heir to decedent, signature of executor, date of recording, signature of clerk. For index, 1912-24, see entries 16-19; 1924--, see entry 128.

133. GUARDIAN'S REPORTS, 1759-1810, 1820-1900, 1908--. 31 bundles (labeled by inclusive letters of alphabet), 3 file boxes. Title varies: Guardians Accounts, 1759-1810, 1820-1900. 1903-7 in Accounts, Inventories, Guardians and Administrators, entry 130.
Original accounts of guardians submitted to circuit court showing name of guardian, name of ward, itemized statement of receipts and disbursements, date of settlement of account, date of order of recordation, signatures of guardian, commissioner of accounts, and clerk. 1759-1810, 1820-1900 arr. alph. by first letter of surname of ward; 1908-- arr. chron. by date of order of recordation. No index. 1759-1810, 1820-1900 hdw.; 1908-- typed. Bundles aver. 9x4x4; file boxes 10x5x14. Bundles, 1759-1810, 1820-1900, clk. off., storage; file boxes, 1908--, record va.

134. GUARDIANS (and Administrators') ACCOUNTS, 1779-1810. 1 vol.
County court clerk's record of settlements of estates of decedents and wards by guardians and administrators kept as a record of such transactions for the prevention of fraud or misappropriation showing names of decedent and administrator or guardian and ward, statement of receipts, disbursements, and balance, date of recording, signature of clerk. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of guardian or administrator. Hdw. 387 pp. 15x10x2. Clk. off., record va. annex.

135. GUARDIANS' ACCOUNT BOOK, 1810--. 8 vols. (1-8). Title varies: Guardians' Accounts, 1836-1908. No title, 1810-36.
Record of accounts of guardians submitted to court for approval showing names of guardian, ward, and decedent, total value of estate, itemized accounts of

receipts and disbursements, balance, certification and signature of commissioner of accounts, date of recordation, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of ward and chron. thereunder. Hdw. Aver. 600 pp. 17x11x3. Clk. off., record va. annex.

136. CLERK'S FIDUCIARY ORDER BOOK, 1904--. 3 vols. (one not labeled; 2, 3).
Record of orders and proceedings of 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, lists of heirs, inventories, and appraisements. Arr. chron. by date of order. Indexed alph. by first letter of surname of decedent or living person whose estate is represented and chron. thereunder. 1904-34 hdw.; 1935-- typed. Aver. 500 pp. 18x12x3. Clk. off., record va.

137. LIST OF FIDUCIARIES, 1850-1911. 1 vol.
Record of fiduciaries authorized to act in such capacity by circuit and county courts showing name of fiduciary, name of decedent for whom he acts or name of living person for whom he is guardian, curator, or committee, penalty of his bond, names of sureties, date of court order conferring authority, date of court order revoking authority. Arr. chron. by date of order conferring authority. Indexed alph. by first letter of surname of decedent or living person for whom he acts and chron. thereunder. Hdw. 250 pp. 17x12x3. Clk. off., record va. annex.

Oaths
(See also entry 247)

138. (OATHS OF OFFICE), 1885-1913, 1932--. 1885-1913 in Bonds, entry 140; 1932-- in Notice of Candidacy and Oaths of Office, entry 77.
Original oaths of office of county officials filed in circuit court clerk's office showing name of officer, kind of oath, date of oath, signatures of witnesses, signature and seal of person taking oath.

Bonds

Official

139. (Coroners' and Ministers') BONDS, 1798-1863. 1 bundle.
Original bonds of coroners, and of ministers authorized to perform marriage ceremonies. Coroners' bonds show names of principal and surety, amount of bond, date of bond, condition of obligation, signatures and seals of principal and surety, signatures of witnesses. Ministers' bonds show name of minister and surety, amount of bond, date of bond, condition of obligation, denomination, signatures and seals of minister and surety, signatures of witnesses. Arr. chron. by date of bond. No index. Hdw. 6x2x4. Clk. off., storage.

140. BONDS, 1885-1913, 1919--. 4 bundles, 8 file boxes. Title varies: Officer's Bonds and Oaths of Office, 1885-1903; Officers Bonds, Oaths of Office, Vacation Orders, 1904-13.
Original bonds of county officers showing names of principal and sureties,

date of bond, office, amount of bond, condition of obligation, signatures and seals of principal, signatures of surety and witnesses, clerk's attestation. Also contains (Oaths of Office), 1885-1913, entry 138. Arr. chron. by date of bond. No index. 1885-1903 hdw. on ptd. forms; 1903-13, 1919-- hdw. and typed on ptd. forms. Bundles aver. 6x4x4; file boxes 10x5x14. Bundles, 1885-1903, clk. off., storage; file boxes, 1904-13, 1919--, record va.

For record of officers' bonds, see entry 141.

141. OFFICERS' BONDS, 1863--. 5 vols. (4, 7, 11, 14, 17).
Record of county officers' bonds showing names of principal and surety, office, amount of bond, condition of obligation, date of bond, whether elected or appointed, term of office, signatures of principal and surety, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of officer and chron. thereunder. 1863-89 hdw.; 1889-- hdw. on ptd. forms. Aver. 300 pp. 15x9x2. Clk. off., record va. annex.

For original officers' bonds, see entry 140.

Fiduciary

142. ADMINISTRATORS' BONDS, 1752-1860. 17 bundles (labeled by inclusive letters of alphabet).
Original bonds of administrators showing name of administrator, name of surety, amount of bond, date of bond, condition of obligation, name of decedent, signatures and seals of administrator and surety, signature of clerk. Arr. alph. by first letter of surname of decedent. No index. Hdw. on ptd. forms. Aver. 6x4x2. Clk. off., storage.

For subsequent records, see entry 144; for record of administrators' bonds, see entry 145.

143. GUARDIANS' BONDS, 1750-1850. 17 bundles (labeled by inclusive letters of alphabet).
Original bonds of guardians showing names of guardian and surety, amount of bond, date of bond, condition of obligation, name of deceased, name of ward, signatures and seals of guardian and surety, signature of clerk. Arr. alph. by first letter of surname of ward. No index. Hdw. Aver. 6x4x2. Clk. off., storage.

For subsequent records, see entry 144; for record of guardians' bonds, see entry 145.

144. BONDS, 1904--. 9 file boxes. Title varies: Fiduciary Commissioners' Bonds, 1904-18.
Original bonds of administrators and guardians showing names of administrator or guardian and surety, capacity in which he serves and name of person for whom he acts, amount of bond, date of bond, condition of obligation, signatures of principal and sureties, clerk's attestation. Arr. chron. by date of bond. No index. 1904-18 hdw. and typed on ptd. forms; 1919-- typed on ptd. forms. 10x5x14. 2 file boxes, 1904-18, clk. off., record va.; 7 file boxes, 1919--, record va. annex.

For prior administrators' bonds, see entry 142; for prior guardians' bonds, see entry 143; for record of administrators' and guardians' bonds, see entry 145.

145. BOND BOOK, 1850-56, 1884--. 10 vols. (1, 5, 6, 8-10, 12, 13, 15; one not labeled). Title varies: Bonds, 1850-56, 1884-88; Fiduciary Bonds, 1897-1908. No title, 1888-96.
Record of bonds of administrators, executors, guardians, curators, and committees recorded in county and circuit courts showing names of fiduciary, principal, and surety, 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 and witnesses, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of decedent or person for whom fiduciary acts and chron. thereunder. Hdw. on ptd. forms. Aver. 300 pp. 16x9x2. Clk. off., record va. annex.
For original fiduciary bonds, see entries 142-144.

146. (SPECIAL COMMISSIONERS' BOND BOOK), 1875--. 4 vols.
Record of bonds of special commissioners appointed by circuit court in chancery suits showing names of principal and sureties, capacity in which principal serves (style of suit), amount and date of bond, condition of obligation, signatures of principal and sureties, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of plaintiff and chron. thereunder. Hdw. on ptd. forms. Aver. 250 pp. 16x10x1. Clk. off., record va. annex.

Bail

147. BAIL BONDS, 1905-31. 1 bundle, 1 file box. Title varies: Bail Bonds and Peace Bonds, 1905-21.
Original bail and peace bonds executed before bail commissioner and filed in clerk's office. Bail bonds show names of principal and surety, condition of obligation, amount and date of bond, crime with which principal is charged, date set for appearance, signatures of principal, surety, and bail commissioner. Peace bonds show names of principal and surety, name and title of person accepting bond, amount and date of bond, period of time for which principal is bonded, signatures of principal, surety, and officer accepting bond. 1905-21 arr. chron. by date of bond; 1921-31 no obvious arr. No index. Hdw. on ptd. forms. Bundle 8x4x4; file box 10x5x14. Bundle, 1905-21, clk. off., storage; file box, 1921-31, record va.

Liquor Liconse

148. BONDS TO RETAIL ARDENT SPIRITS, 1878-1903. 17 bundles.
Original bonds of persons licensed to retail ardent spirits showing name of licensee, names of sureties, amount and date of bond, condition of obligation, signatures and seals of licensee and sureties. Arr. chron. by date of bond. No index. Hdw. on ptd. forms. Aver. 6½x4x3½. Clk. off., storage.

Lunacy

149. REPORT OF COMMISSION OF INSANE PERSONS, 1903-21. 1 bundle.
Interrogatories for commitment of insane, inebriates, and drug addicts showing date of hearing, name of judge or justice, names of doctors, name of person being examined, age, color, sex, place of birth, present address, length of present residence, place of residence for past 2 years, if of foreign birth length of residence in United States, port of landing, date of landing, name of ship, birthplaces of father and mother, occupation of patient, former occupation; education (liberal, good, professional, read, write, none);

marital status; number of children (if female), age of youngest, name of guardian, nearest relative, or friend, address, relation to patient, nearest telegraph and railroad station or steamboat landing to patient; value of property of self or husband, of parents if patient a minor, salary; extent of intemperances; moral habits; jail record; physical symptoms and affections, nature of symptoms; daily consumption of alcohol or drugs in past 10 days; when present infirmity began, nature and duration of attack; if not in jail, name and address of custodian; symptoms and character of previous attacks of insanity, duration and intervals of attacks of drunkenness; causes of attacks of insanity, name and address of attending physician, treatment given, effects; standard of intelligence; appearance, manner during examination; signatures and seals of witnesses and medical examiners, hospital to which committed, type of infirmity, signatures of judge or justice and physician. Arr. chron. by date of hearing. No index. Hdw. on ptd. forms. 8x4x4. Clk. off., storage.

150. LUNACY COMMISSION, 1919--. 5 file boxes (labeled by inclusive letters of alphabet).
Reports of lunacy commission to circuit court clerk on persons adjudged insane showing name, age, financial status, and physical condition of patient, date of report, signatures of justices or circuit court judge, and doctors, order of commission for confinement of patient in State institution. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.
For record, see entry 151.

151. RECORD OF PERSONS ADJUDGED INSANE, 1903--. 1 vol.
Record of proceedings committing lunatics and inebriates to institutions showing name, age, color, birthplace, residence, occupation, education, and civil condition of patient, name and address of guardian, nearest relative, or friend, names of judge or justices and physician comprising commission, date of proceedings before commission, name of institution to which committed, date of commitment. Arr. alph. by first letter of surname of patient and chron. thereunder by date of proceedings. Hdw. on ptd. forms. 200 pp. 17x11x2. Clk. private off.
For original returns, 1919--, see entry 150.

Delinquent Land Sales

152. (LIST OF LAND PAID BEFORE SALE), 1924, 1926, 1928--. 6 bundles.
Treasurer's original lists sent to circuit court, of land advertised for sale to satisfy unpaid taxes, upon which the unpaid taxes and costs were paid by owner or other interested person before sale occurred, showing date of sale, name of person charged with taxes, local description of land, amount of taxes, interest, costs due, name of person redeeming, date paid. No obvious arr. No index. Typed on ptd. forms. Aver. 18x20x1. Clk. off., record va.

153. (LAND SALES), 1928--. 6 bundles.
Original lists made by the treasurer after every sale of real estate for nonpayment of taxes and levies reported to the circuit court showing name of person charged with taxes, quantity of land, local description of land, amount of tax, penalty, and interest, advertising cost, total, quantity of land sold, date of sale. No obvious arr. No index. Typed on ptd. forms. Aver. 18x20x1. Clk. off., record va.
For record of sales, see entries 47, 48.

Financial

Bonds

154. BOND ISSUES, CAPRON AND BOYKINS (Towns), 1926-27. 1 file box.
Original papers pertaining to bond issues of incorporated towns filed in circuit court clerk's office, including ordinance of town council setting forth need of bond issue and resolution that copy of ordinance be presented to circuit court, order of circuit court that election be held for purpose of voting on bond issue, clerk's certificate of abstract of votes cast, and order of court allowing issuance of bonds. Arr. by towns and chron. thereunder. No index. Typed. 10x5x14. Clk. off., record va. annex.

Fees

155. (CLERK'S FEE BOOK), 1866-70. 2 vols.
Clerk's record of fees charged individuals for recording deeds, contracts, and other instruments showing date of recordation, name of person charged with fee, amount of fee. Arr. chron. by date of entry. No index. Hdw. Aver. 256 pp. 15x6x1½. Clk. off., storage.

156. CLERK'S FEE BOOK, 1915. 1 vol.
Record of fees, allowances, commissions and salary, and other compensation charged (collected and not collected) by clerk showing date of charge, date of payment, name of person charged, by whom paid, fees collected from others than State for recording deeds, contracts, probating wills, granting administrations, in chancery suits, for issuing marriage licenses, in criminal cases, other fees; fees collected from State in criminal matters, for examining books of commissioner of revenue, recording sales and redemption of lands, reporting marriages, commission on taxes collected, total charges, amount collected, amount uncollected, remarks. Arr. chron. by date of entry. No index. Hdw. on ptd. forms. 150 pp. 20x12x1. Clk. off., record va. annex.

Fines and Costs

157. COURT CLAIMS, 1922--. 7 file boxes.
Copies of accounts against the Commonwealth payable out of the State Treasury to sheriff, jurors, witnesses, and individuals other than jurors and witnesses showing term of court, name of claimant, itemized statement of services rendered, and aggregate amount due. Arr. chron. by term of court and thereunder by type of allowance. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

158. JUSTICE OF PEACE REPORTS, 1925--. 6 file boxes.
Original lists of fines and costs imposed by justice in criminal cases, reported monthly to circuit court as a guide to the judge in issuing execution for the collection thereof showing name of defendant, offense charged, date of trial, disposition of case, amount of fine imposed, date and amount of fines and costs paid justice, detailed account of costs, amount paid clerk by justice, whether judgment for costs rendered against defendant, prosecuting witness, or Commonwealth, remarks, date of report, signature of justice. Arr. chron. by date of report. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

Circuit Court - Financial (159-163)

Collections and Disbursements

159. CLERK'S RECEIPT BOOK, 1909-36. 2 vols., 17 bundles. No title, 1919-36.
Record of all money collected or which should have been collected by the clerk for the Commonwealth kept for his accounting with the State 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, sales of forfeited property, delinquent capitations, 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 accounts, monthly summary of taxes, annual summary of fees. Arr. chron. by date of collection. No index. Hdw. on ptd. forms. Aver. 274 pp. 15x12½x2. Vols., 1909-18, 1936, clk. private off.; bundles, 1919-35, storage.
For subsequent records, see entries 160-164.

160. PLAIN RECEIPT, 1937--. 9 vols.
Carbon copies of receipts issued to individuals upon payment of fees for marriage licenses, making certified copies of records, and recording liens, showing date of receipt, name of payer, account credited, amount, service rendered, receipt number, signature of clerk. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 50 pp. 11x10x½. 4 vols., 1937, clk. off., storage; 5 vols., 1938--, clk. private off.
For prior records, see entry 159.

161. DELINQUENT RECEIPTS, 1937--. 3 vols.
Triplicate copies of receipts issued upon payment for redemption or sale of delinquent land showing receipt 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, total, account number, redemption fee, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. 50 pp. 11x10x½. 1 vol., 1937, clk. off., storage; 2 vols., 1938--, clk. private off.
For prior records, see entry 159.

162. DEED RECEIPT, 1937--. 12 vols.
Carbon copies of receipts issued by circuit court clerk upon payment of fees for recording deeds showing date and number of receipt, name of payer, account credited, amount, names of grantor and grantee, brief description of property, date of recordation, kind of instrument, consideration, amount of tax, transfer fee, clerk's fee, revenue stamp, total, deed number, signature of clerk. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 50 pp. 11x10x½. 6 vols., 1937, clk. off., storage; 6 vols., 1937--, clk. private off.
For prior records, see entry 159.

163. WILL RECEIPTS, 1937--. 1 vol.
Carbon copies of receipts issued by circuit court clerk in payment of fees for probating and recording wills showing number and date of receipt, name of payer, account credited, amount, value of estate, amount of personal property and real estate, total value, amount of tax, transfer fee, clerk's fee, total tax, name of personal representative, volume and page of bond

book, signature of clerk. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. 50 pp. 11x10x½. Clk. private off.
For prior records, see entry 159.

164. LAW AND CHANCERY RECEIPTS, 1937--. 5 vols.
Carbon copies of receipts issued by circuit court clerk upon payment of writ tax and deposit fees in common law and chancery cases showing receipt number, date issued, name of payer, account credited, amount, names of plaintiff and defendant, whether chancery or law, amount of writ tax, amount of deposit, total, signature of clerk. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 50 pp. 11x10x½. 2 vols., 1937-38, clk. off., storage; 3 vols., 1938--, clk. private off.
For prior records, see entry 159.

165. DELINQUENT TAX RECEIPTS, 1925-37. 4 file boxes. 1937-- in Receipts, entry 166.
Carbon copies of receipts issued by circuit court clerk upon payment of delinquent taxes, showing date taxes were paid, amount of taxes, name of person assessed with taxes, for what years delinquent, signature of clerk. Arr. chron. by date of receipt. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

166. RECEIPTS, 1937--. 3 file boxes.
Carbon copies of receipts issued by circuit court clerk upon payment for recording instruments, issuing process, court costs, and general services, showing name of payer, receipt number, date issued, account credited, amount, service rendered, signature of clerk. Also contains Delinquent Tax Receipts, 1937--, entry 165. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

167. CLASSIFICATION OF REVENUES, 1937--. 1 vol.
Record of classification of State and local revenues collected and fees received by clerk. Classification of State revenues shows month, date of collection, total, tax on deeds, wills and administrations, chancery causes, actions at law, fines on forfeited recognizances, costs, sale of forfeited property, hunting and fishing licenses, marriage licenses, land redemptions, penalty, interest, commonwealth's attorney's fees. Classification of local revenues shows month, date of collection, total, local fines, costs, commonwealth's attorney's fees, transfer fees, land redemptions, other revenue, town fines and costs, town taxes, other town revenue. Classification of clerk's fees shows month, date of collection, fees on deeds, wills and administrations, chancery causes, actions at law, criminal cases, commissions and fees on land redeemed, commissions on State revenues, commissions on hunting and fishing licenses, issuing marriage licenses, making descriptive lists of criminals, reporting marriages and divorces, collections for commissioner of revenue, preparing and printing voting lists, miscellaneous fees, salary. Arr. by subject, thereunder by months, and chron. thereunder by day of collection. No index. Hdw. on ptd. forms. 200 pp. 12x20x2. Clk. off., record va. annex.

168. RECEIPTS AND DISBURSEMENTS, 1937--. 1 vol.
Clerk's record of cash receipts and disbursements. Cash receipts show month, amount received, date received, reason for payment, docket or deed number, collections for State, county, clerk's fees, revenue stamps, other

collections (for whom collected, amount, deposits in suits, miscellaneous), total. Cash disbursements show month, date of disbursement, amount deposited or paid over counter, bank accounts (name of bank, deposits, checks, cash voucher deposit or check number, name of payee), other collections disbursed (description, amount; deposits in suits refunded, docket number, chancery or common law, miscellaneous, amount); total. Arr. by receipts and disbursements, thereunder by months, and chron. thereunder by day of receipt or disbursement. No index. Hdw. on ptd. forms. 250 pp. 10x14x2. Clk. off., record va. annex.

169. (GENERAL LEDGER), 1937--. 1 vol.
Clerk's general ledger, subsidiary ledger, and journal. General ledger shows date, cash in office (description, posting reference, debits, credits, balance), cash in bank (deposits, checks, amounts for State, county, clerk's fees, revenue stamps, other collections), deposits (chancery, common law, other accounts). Subsidiary ledger shows sheet number, terms, rating, business credit limit, date, item, and folio of debits and credits, account number, name and address of person having account. Journal shows date, description, posting reference, debits, credits, balance. Arr. by type of record and chron. thereunder by date of entry. No index. Hdw. on ptd. forms. 200 pp. 10x12x2. Clk. off., record va. annex.

Miscellaneous

170. ALCOHOL REPORTS, 1917-20, 1934. 1 bundle, 1 file box. No title, 1917-20.
Reports of alcohol and liquors used for nonbeverage purposes by holders of permits under Federal and State laws showing date of report, permit number, articles in the manufacture or compounding of which alcohol or liquor is used, medicated alcohol, alcoholic medicinal preparations unfit and fit for beverage use, antiseptic solutions, toilet preparations, perfumes, food products, flavoring extracts and syrups, tax-paid alcohol consumed in laboratory and technical use, total; liquors sold on physicians' prescriptions, quantity; quantity alcohol and liquors on hand first of month, preparations fit for beverage use manufactured during month, alcohol recovered and received during month, total used in manufacturing and compounding during month, sold on physicians' prescriptions, sold on permits, lost by theft, leakage or breakage, on hand last of month, total, signature and business address of person holding permit. Arr. chron. by date of report. No index. 1917-20 hdw. and typed on ptd. forms; 1934 hdw. on ptd. forms. Bundle 9x4x5; file box 10x5x14. Bundle, 1917-20, clk. off., storage; file box, 1934, record va.

VI. COUNTY COURT

When Southampton County was formed, the county court had already well over a century 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

---

1. Hening, Statutes, V, 489-508.
2. Ibid., VIII, 138; Code 1803, p. 190.

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 and 1850-51, and after 1851 the court was required to select a presiding justice, learned in the law, to head the court at each session.[5] 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 abolished, its remaining powers passing to the circuit court.[8]

Appointment to the court was until 1851 by commission from the Governor, and 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, being limited to eight at the end of the seventeenth century,[10] but not specified thereafter until 1852, when the county was laid off in election districts, and four justices elected from each.[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 the county court a single judge chosen by joint vote of both houses of the General Assembly, an arrangement which continued until the end of the agency.[15]

Since about the date of the foundation of Southampton County the justices have 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 there was a general oath for the faithful performance of the office

---

3. Shepherd, Statutes, III, 355-360.
4. Acts 1830-31, pp. 42-76.
5. Proceedings and Debates, 1829-30, pp. 626-630; Virginia Reform Convention, (1851), no. 60, "Debates of June 5, 1851"; Const. 1851, art. VI, sec. 13.
6. Const. 1869, art. VI, sec. 13.
7. Acts 1872-73, pp. 382-383.
8. Acts 1902-3-4, p. 626.
9. Hening, Statutes, I, 125, 132-133, 402; Const. 1776, art. XV; Const. 1830, art. V, sec. 7; see footnote 11.
10. Hening, Statutes, II, 21, 69-70; ibid., III, 504-505.
11. Const. 1851, art. VI, sec. 27; Acts 1852, p. 64.
12. See footnote 10; Hening, Statutes, V, 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.
15. Const. 1869, art. VI, secs.11, 13; Const. 1869 (as amended 1874), art. VI, secs. 11, 13.

and a special oath to cover the handling of chancery causes.[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. There appears to have been no requirement of a bond.[17]

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 diem 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 were to serve in more than one county.[19] This sum was later reduced, and for Southampton County varied from $240 to $460 with changes in population and the manner of computation.[20] To offset this small compensation, the judge was, after 1873, allowed to practice law in any case not involving his own court.[21]

No particular provision for the vacation or removal of county justices had 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 save 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 position, having been discussed in the article devoted to him, will not be reconsidered here.

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]

---

16. Hening, Statutes, V, 489-490; see footnote 17.
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, p. 172; Code 1887, sec. 185; Report of the Secretary of the Commonwealth (1936-37), p. 240.
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.
25. Hening, Statutes, II, 171-172, 396, 441-442.
26. Ibid., V, 470.
27. Code 1819, I, 263; Acts 1877-78, p. 317.

County Court (Next entry 171, p. 131)

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, punished those who did not plant sufficient corn for their own and their families' support,[28] provided for the inspection of tobacco and the maintenance of standards of quality,[29] and acted as a sort of bureau of standards in keeping 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 in part from that date to 1904.[32]

Early in the history of the Colony, the importance of land communications was recognized, and an act of 1658 provided that surveyors of highways be appointed annually in each county court, and "all gennerall wayes from county to county and all churchwaies . . . be laied out and cleared yeerly . . .," respect being had "to the course used in England to that end."[33] According to Blackstone, these appointments of surveyors of roads were made by the constable and churchwardens of each parish until late in the eighteenth century, when they were to be by two neighbouring justices, so that Virginia must in this detail have been ahead of the mother country. These surveyors were required to remove annoyances or obstructions from the roads, and to call together the residents of his precinct or district to work a stated number of days per year. All able-bodied males between the stipulated ages had to work, find a laborer, or "compound" with the surveyor at fixed rates, and all who owned teams were compelled to lend them for road work. The surveyors might make disbursements for tools or materials, and be reimbursed by the court, or, if the amount of personal labor was insufficient, a special levy might be laid.[34] The same system, with elaborations, continued in force until 1870, when much of the court's authority passed to the township board and its agents (later, the board of supervisors).[35] The court, however, exercised a very considerable authority over the road affairs until its end in 1904, including the right to pass on applications for changes in the road system, the appointment of viewers or commissioners for that purpose, and the regulation of contracts for the maintenance and construction of county or intercounty roads and bridges.[36]

---

28. Hening, Statutes, I, 161-163, 211-213.
29. Ibid., I, 204, 211; ibid., VI, 181.
30. Ibid., I, 195, 473; Code 1860, p. 471.
31. Hening, Statutes, I, 199; ibid., II, 455-456; ibid., III, 473; ibid., VI, 69; ibid., VII, 577; ibid., XII, 174-175; Shepherd, Statutes, II, 317; Code 1819, II, 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 1876-77, p. 204; Code 1887, secs. 945-951, 988-991; Acts 1889-90, p. 99; (repealed) Acts 1904, p. 204.
33. Hening, Statutes, I, 436.
34. Blackstone, Commentaries, I, sec. 358; Hening, Statutes, II, 103, 261; ibid., III, 392-395.
35. Code 1803, pp. 26-28, 423; Code 1819, II, 233-240; Code 1849, pp. 266-276; Code 1860, pp. 297-307; Acts 1869-70, pp. 80, 596-598; see Board of Supervisors, pp. 69-70.
36. Code 1873, pp. 496-508; Acts 1874-75, pp. 177-186; Code 1887, secs. 945-991; Acts 1904, pp. 191-204.

County Court (Next entry 171, p. 131)

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 Southampton County was established.[37] 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.[38] 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 sheriff was more usually selected.[39] The court continued to exercise authority over the levy until the board of supervisors took over that power in 1870.[40]

It also had the same sort of authority over the public buildings and property as is now exercised by the board of supervisors. The court required to provide prisons, courthouses, and clerks' offices, to maintain the same, and to lay off prison bounds, or "rules" (within which prisoners were formerly permitted to go more or less freely).[41]

Before the parish vestry was well established as a welfare agency in the seventeenth century,[42] and again after the vestry lost its temporal powers, the court functioned in the relief of the indigent and of orphaned and neglected children, provided for teaching them useful trades, and 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.[43]

The court was a major unit in the system for the warehousing and inspection of tobacco, being required to select the place or places where storage houses should be built, superintend the erection and maintenance of the necessary buildings, and examine the accounts of the inspectors.[44] 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.[45] Licenses to hawkers and peddlers, permits to build mills, retail merchants'

---

37. Hening, Statutes, I, 242, 267, 306, 329, 376; ibid., II, 292, 310; ibid., III, 43-44, 259-260.
38. Ibid., VI, 41-42, 499.
39. Ibid., IX, 133; Code 1803, p. 252; Code 1819, II, 65.
40. Acts 1863-65, p. 55; Acts 1869-70, pp. 270-273.
41. Hening, Statutes, I, 265; ibid., II, 77; ibid., IV, 82; ibid., V, 425, 507; ibid., VIII, 120; Code 1819, I, 250-251; Acts 1822-23, pp. 32-33; Code 1860, p. 289.
42. Hening, Statutes, I, 336; ibid., II, 239, 266-267, 298; ibid., VI, 32, 132.
43. Code 1819, II, 264-279; Acts 1828-29, p. 24; Acts 1831-32, p. 25; Acts 1861-62, p. 59; Acts 1863, p. 21; Acts 1863-64, p. 46.
44. Hening, Statutes, I, 204, 211; ibid., III, 55; ibid., VI, 60, 181; ibid., VII, 389; ibid., VIII, 13, 82-83, 510; Acts 1825-26, p. 14.
45. Hening, Statutes, I, 287, 411, 522; ibid., II, 269.

County Court (Next entry 171, p. 131)

licenses, and licenses of other types were early granted by the courts,[46] but this power passed for the most part to the commissioner of the revenue after 1798.[47] The court continued to grant or authorize the commissioner to grant permits to tobacco manufacturers, bowling alleys, and saloons or bars and other places where hard liquors were to be retailed.[48]

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.[49] Records of legal proceedings had been required from the beginning.[50]

The county court was, in spite of its wide administrative powers, chiefly a judicial agent. Its jurisdiction was at first limited to petty cases, but afterward became quite extensive, and after the Revolution no maximum was fixed for the value of causes heard at quarterly sessions.[51] Trial by jury in the county courts dates from 1642, and the assembly of a grand jury from 1645.[52] The court acted as an appellate court in relation to the justices of the peace, and was subject in turn to the appellate jurisdiction of the higher courts.[53] The court had authority to hear and determine a wide variety of cases, both at law and in chancery. The scope of its jurisdiction increased steadily during the seventeenth and eighteenth centuries, until in 1785 (when the court sat monthly, four quarterly terms being designated for the more important parts of its business) no upper limit was fixed as to the value of cases heard at quarterly sessions on either side of the court.[54] During the nineteenth century, however, the extension of the higher judiciary into the counties resulted in a gradual encroachment upon this wide jurisdiction, until in 1873 practically the whole chancery authority of the county court was transferred to the circuit court,[55] which already had concurrent and appellate jurisdiction with and over the old agency in most of its judicial functions,[56] and was soon to supersede it entirely.[57]

The county court assumed jurisdiction over the 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 came probate authority, hitherto confined to the General Court.[58] Thereafter

---

46. Ibid., V, 54-55; ibid., VI, 58; ibid., XII, 286; Shepherd, Statutes, II, 94.
47. Ibid., II, 202, 306; see Commissioner of the Revenue, p. 157.
48. Code 1819, II, 168; Acts 1848-49, p. 6; Code 1873, p. 326.
49. Hening, Statutes, I, 248, 302-303.
50. Ibid., I, 132-133.
51. Ibid., XII, 468.
52. Ibid., I, 273, 304.
53. Ibid., I, 345-346, 435; ibid., IX, 414-415; Code 1803, p. 176; Code 1849, pp. 596-599, 685.
54. Hening, Statutes, XII, 32-33, 468; the expressions "chancery side", "law side" (of a court), have been commonly used in Virginia.
55. Acts 1872-73, pp. 382-384.
56. Code 1849, pp. 618, 685.
57. Acts 1902-3-4, p. 626.
58. Hening, Statutes, I, 260-261, 302-303.

County Court (Next entry 171, p. 131)

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.[59]

Another important duty of the court was in the appointment of minor county officials, largely in the carrying out of its administrative functions. Among these may be mentioned inspectors of various agricultural and animal products,[60] surveyors and overseers of roads (not county surveyors),[61] and master commissioners in chancery.[62] The court took and recorded the oaths and bonds of these as well as elective officers and the appointees of other agencies,[63] and might displace local officers for breach of duty,[64] or fill vacancies in office when they occurred.[65]

The judicial duties and procedures of the county court were so similar to those described above in connection with the circuit court, and the records so like in form, that only those which differ materially in arrangement or content will be described here; for the full description of the procedures involved, see the article on the circuit court. For a very short period, a separate docket was kept for the record of cases in which the defendant failed to appear within the proper number of rule days.[66] Another departure is that the orders of the county court were taken in rough form in a series of minute books before being transcribed in final form into the order books.[67]

Before and shortly after the township period, roads and bridges were under the control of the county court through surveyors and commissioners appointed by it. The officials returned various reports of their findings, actions, and accounts to the court. The road records also included the notices served on road surveyors when they were appointed.[68]

---

59. Ibid., IV, 12-21, 282-287; ibid., V, 454, 462; ibid., XII, 195; Code 1819, I, 406; Code 1860, p. 589; Acts 1872-73, p. 178; Code 1887, secs. 2581, 2599, 2602, 2603.
60. Hening, Statutes, III, 76; ibid., V, 164, 352; ibid., VI, 233-234; ibid., VIII, 254; Shepherd, Statutes, I, 371; ibid., III, 61; Acts 1855-56, p. 103; Acts 1869-70, p. 531.
61. Hening, Statutes, II, 103; Code 1819, II, 234; Acts 1855-56, p. 153.
62. Shepherd, Statutes, II, 412-413; Code 1819, I, 200; Code 1860, p. 720; Acts 1871-72, p. 466.
63. Hening, Statutes, VIII, 254; Acts 1852, p. 12; Acts 1855-56, p. 99; Code 1860, pp. 188, 279, 282-283.
64. Code 1819, I, 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.
65. Hening, Statutes, XIII, 262; Shepherd, Statutes, II, 36, 82, 460; Code 1819, I, 274, 324; Const. 1830, art. V, sec. 7; Code 1860, pp. 535, 695; Acts 1869-70, p. 600.
66. Code 1819, I, 214, 255, 507; Code 1849, pp. 651-652.
67. The distinction between "minutes" and "order" books has never been clearly drawn in the law; records of proceedings are required, but the details are not given: Hening, Statutes, I, 303-304; Code 1819, I, 251; Acts 1902-3-4, p. 626.
68. Code 1819, II, 234-235; Acts 1834-35, p. 58; Code 1849, p. 270; Acts 1874-75, pp. 180-185; Acts 1883-84, pp. 459-465; Code 1887, secs. 963-1004.

Chancery

Case Papers

171. CHANCERY CAUSES DECIDED, 1751-1873. 79 bundles (78 not labeled; 1 labeled by inclusive letters of alphabet).
Original papers and correspondence pertaining thereto filed in ended county court chancery cases showing case number, names of plaintiff and defendant, names of attorneys, date filed, date of trial, date of decision, disposition of case. 1751-1872 arr. chron. by date of decision; 1873 arr. alph. by first letter of surname of plaintiff. No index. Hdw. and hdw. on ptd. forms. Aver. 6x4x4. Clk. off., storage.
For record of chancery cases, see entry 173.

Docket and Proceedings

172. (CHANCERY RULE DOCKET), 1802-60. 2 vols.
Record of proceedings at successive rules in chancery cases not yet matured for entry in county court kept for the orderly recording of such proceedings and determination of order of appearance upon court docket showing case number, names or initials of attorneys, names of plaintiff and defendant, nature of suit, sheriff's return, action at successive rules, dates of rules. Arr. num. by case no. 1802-36 indexed alph. by first letter of surname of plaintiff; 1836-60 not indexed. Hdw. on hdr. forms. Aver. 150 pp. 12x8x1. Clk. off., record va. annex.

173. CHANCERY ORDER BOOK, 1871-75. 1 vol. 1749-63, 1768-1870 in Order Book, County Court, entry 181.
Record of proceedings in chancery cases showing term of court, name of presiding judge, names of plaintiff and defendant, purpose of suit, appointment of commissioners, motions, decrees, and orders of court. Arr. chron. by term of court. Indexed alph. by first letter of surname of plaintiff or commissioner. Hdw. 250 pp. 16x11x2. Clk. off., record va. annex.
For original case papers, see entry 171.

Common Law

Case Papers

174. COUNTY COURT PAPERS, 1752, 1760, 1768, 1771-72, 1777-79, 1784, 1786, 1791, 1793, 1797-1807, 1809, 1812, 1815-44, 1848, 1850, 1852-53, 1855, 1857-58, 1863, 1887-89. 122 bundles. Title varies slightly.
Original miscellaneous papers in common law cases disposed of in county court including motions for judgment, declarations of debt, attachments, indictments, judgments, and orders concerning juries, official oaths and bonds, licenses, deeds, and officers' fees. No obvious arr. No index. Hdw. Aver. 6x5x4. Clk. off., storage.
For record of common law cases, see entry 181.

175. GRAND JURY PRESENTMENTS, 1812-47. 1 bundle.
Original presentments of grand jury showing term of court, date of presentment, name of defendant, date and nature of offense, signature of foreman of grand jury. Arr. chron. by term of court. No index. Hdw. 8x6x3. Clk. off., storage.

Dockets and Proceedings

176. (PROCESS BOOK, COUNTY COURT), 1869-1904. In Law Process Book, entry 102.
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.

177. RULE DOCKET, 1793-1800, 1812-16, 1829-73. 5 vols. No title, 1793-96, 1812-16, 1840-73.
Record of proceedings at successive rules in common law cases not yet matured for entry in county court kept for the orderly recording of such proceedings and determination of order of appearance upon court docket showing names or initials of plaintiff's and defendant's attorneys, names of plaintiff and defendant, nature of case, case number, sheriff's returns, rule dates, and action at successive rules. Arr. num. by case no. No index. 1793-96, 1812-16 hdw.; 1797-1800, 1829-73 hdw. on hdr. forms. Aver. 205 pp. 14x10x2. Clk. off., record va. annex.

178. JOURNAL FORT (Docket of Default Judgments), 1818-29. 1 vol.
Record of judgments rendered wherein the defendant failed to appear after being served with due notice or after appearance failed to answer within the required number of rule days, showing attorney for plaintiff, attorney for defendant (if any), names of plaintiff and defendant, nature of action, date of office judgment, date of confirmation, amount of judgment, credits. Arr. chron. by date of office judgment. Indexed alph. by first letter of surname of plaintiff. Hdw. on hdr. forms. 400 pp. 18x12x3. Clk. off., record va. annex.

179. COUNTY COURT DOCKET, 1897-1911. 1 vol.
Record of cases in order set for hearing before county court and notes on proceedings therein showing term of court, names of attorneys, names of plaintiff and defendant, nature of suit, actions taken on case. Also contains Court Docket, Old Suits, 1904-11, entry 108. Arr. chron. by term of court. No index. Hdw. on ptd. forms. 250 pp. 14x9x2. Clk. off., record va. annex.

180. MINUTE BOOK, COUNTY COURT, 1752-55, 1759-63, 1771-74, 1786-90, 1802-5, 1811-24, 1835-48. 15 vols. Title varies: County Court, 1752-55, 1759-63, 1771-74, 1786-90. 1775-78 in Proceedings of the Committee of Safety, Minute Book, entry 309.
Record of administrative and judicial proceedings and orders of the county court usually transcribed in better form in order books including laying of county levy, construction and maintenance of roads and bridges, health and welfare administration, appointments and qualifications of county officers, lists of justices of peace, grand jury appointments, cases tried and continued, actions on wills, inventories, and other fiduciary matters, lists of deeds admitted to record. Arr. chron. by term of court. 1752-55, 1759-63, 1771-74, 1786-90, 1802-3, 1805, 1811-12, 1816-19, 1842-48 not indexed; 1803-5, 1813-16, 1819-24, 1835-42 indexed alph. by first letter of surname of plaintiff, appointee, or person concerned in order. Hdw. Aver. 350 pp. 14x9x2. Clk. off., record va. annex.

181. ORDER BOOK, COUNTY COURT, 1749-63, 1768-1904. 35 vols. (1, 2, 5-8, 18, 20, 24, 25, 29; twenty-four not labeled). Title varies: County Court, 1790-93, 1803-4, 1807-9, 1811-13; Minute Book, County Court, 1793-1807, 1809-11, 1816-19, 1824-35, 1849-70.
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 Chancery Order Book, 1749-63, 1768-1870, entry 173. Arr. chron. by term of court. 1749-59, 1790-99, 1803-4, 1807-9, 1811-13, 1816-24, 1839-43 not indexed; 1759-63, 1768-89, 1799-1807, 1809-11, 1814-16, 1824-39, 1843-49, 1855-1904 indexed alph. by first letter of surname of plaintiff, appointee, or person concerned in order. Hdw. Aver. 500 pp. 15x10x3. Clk. off., record va. annex.
For original case papers, see entry 174.

Executions

182. (EXECUTION BOOK), 1791-95, 1814-20, 1825-31. 3 vols.
Record of executions on judgments of county court showing names of plaintiff and defendant, names of attorneys, date of execution, kind of execution, date returnable, to whom delivered, amount of judgment, sheriff's returns. Arr. chron. by date of execution. Indexed alph. by first letter of surname of plaintiff. Hdw. on hdr. forms. Aver. 167 pp. 14x9x1. Clk. off., record va. annex.

Witnesses

183. (WITNESS ATTENDANCE), 1832-75. 1 vol.
Record of witnesses summoned and appearing before county court showing term of court, names of plaintiff and defendant, names of witnesses for plaintiff and defendant, days' attendance, mileage. Arr. chron. by term of court. No. index. Hdw. on hdr. forms. 150 pp. 12x8x1. Clk. off., record va. annex.

Roads

184. BRIDGE REPORTS, 1880-83. 2 bundles.
Reports of committes appointed by the county court to let contracts for repair and construction of bridges showing date of appointment, name of bridge, amount of contract, name of contractor, conditions of contract, signatures of commissioners, date of report. Arr. chron. by date of report. No index. Hdw. Aver. 8x4x2. Clk. off., storage.

185. SURVEYORS OF ROADS, 1875-93. 1 bundle.
Notices of appointment of road surveyors by county court, returned to court by sheriff after service, showing name of appointee, date of appointment, boundaries of roads, precinct, magisterial district, date issued, signature of clerk, names of hands assigned to work on roads, signature of sheriff serving notice. Arr. chron. by date of appointment. No index. Hdw. on ptd. forms. 150 pp. 8x5x2. Clk. off., storage.

186. ROAD REPORTS, 1857-65, 1875-77. 2 bundles.
List of road precincts in each magisterial district showing name, number, and

boundaries of district, name of surveyor, name of hands responsible for work on roads, date of report, signature of road commissioner. Arr. by districts and chron. thereunder by date of report. No index. Hdw. Aver. 6x4x3. Clk. off., storage.

187. ROAD BOOK, 1811-68. 1 vol.
Record of road surveyors appointed by county court showing date of appointment, name of surveyor, names and boundaries of road districts for which appointed. Arr. chron. by date of appointment. No index. Hdw. on hdr. forms. 100 pp. 8x6x½. Clk. off., record va. annex.

V. COMMONWEALTH'S ATTORNEY

While the office of attorney for the commonwealth, as known today, was not formally established until the year 1788, according to Bruce certain individuals were appointed in several of the counties of Virginia as early as 1643, by the Attorney General, to prosecute for the Crown.[1] In 1748 an attorney, appointed to act in the county court for the Crown, was ordered by law to prosecute cases involving hog stealing and seconds in tobacco.[2] Forty years later attorneys for the commonwealth were appointed by the Attorney General to prosecute in his behalf in such courts as he could not attend.[3]

In 1800 the law provided that attorneys for the commonwealth be appointed by the court in which they were to serve.[4] Two commonwealth's attorneys, one each for the Superior Court of Law and the county court, were appointed in 1819 by the judges of the respective courts to prosecute for the Commonwealth.[5] In 1831, while the appointment was still in the hands of the judges of the courts, no attorney for the commonwealth in any circuit superior court of law and chancery was at liberty to resign his appointment without the leave of the court, unless he had given the judge of the court at least 30 days notice.[6]

The next change in the manner of the appointment of this officer occurred in 1851 when one such attorney was 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, 1870-75, the 4-year term was restored when that period ended and continues today.[8]

No person holding the office of attorney for the commonwealth has been allowed to hold any other elective office and if any person should be elected to two or more offices at the same election, his qualification in one of them constitutes a bar to his right to qualification in either of the others.[9]

---

1. Bruce, Institutional History, I, 570-571.
2. Hening, Statutes, VI, 52, 122.
3. Ibid., XII, 758.
4. Shepherd, Statutes, II, 215.
5. Code 1819, I, 241, 272; Code 1849, p. 637.
6. Acts 1830-31, p. 61.
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. 1902 (as amended 1928), art. VII, sec. 110; Code 1936, sec. 123.
9. Acts 1883-84, p. 671; Code 1887, sec. 818; Code 1936, sec. 2702.

Commonwealth's Attorney (Next entry 188, p. 136)

Attorneys for the commonwealth, if practicing attorneys, are exempt from serving on juries.[10]

No exception has been made in the case of attorneys for the commonwealth in the matter of taking the oaths and entering into the bonds required of other county officers as prescribed by the Code of Virginia. The official bonds and oaths required to be administered and executed in any circuit court may be taken before the judge of such court in vacation and proper orders evidencing due qualification entered of record, after the official bonds have been certified to the proper officers of the court.[11]

In 1934 the attorney for the commonwealth became a salaried officer. Prior to that date he was paid mainly by fees.[12] The amount of his fee was specified by law, varying with the type of case.[13] A small annual allowance for office expenses had also been granted him ranging in amount from $300 to $1,000. Today, allowance, expenses, and salary are paid, one-half by the State and one-half by the county, in an amount set by the State Compensation Board with the approval of the board of supervisors.[14]

In case of vacancy in the office of commonwealth's attorney, the circuit court, or the judge in vacation, appoints a successor for the unexpired term.[15]

From the creation of the office, the general duty of the attorney for the commonwealth has been that of defending the Commonwealth and of prosecuting in its behalf. Later legislation has enumerated specific cases within his jurisdiction and added special duties. He represents various State and county agencies in prosecutions by them 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's attorney to defend the Board.[16] He represents the county before the local board of equalization in proceedings for the correction of erroneous assessments.[17] Since the creation of the board of supervisors in 1870, the commonwealth's attorney has represented the county before the board and has given legal opinions when required.[18] Upon receipt of information from the commissioner of the revenue, sheriff, constable, or other officer, of the violation of any penal law, the attorney for the commonwealth is authorized to institute

---

10. Acts 1932, pp. 161-162; Code 1936, sec. 5985.
11. Acts 1852, p. 67; Code 1919, sec. 2696; Code 1936, sec. 2696.
12. Acts 1866-67, p. 910; Acts 1877-78, p. 377; Code 1887, secs. 3527, 3528; Acts 1934, p. 733; Code 1936, secs. 3504, 3505, 3516(b), 3516(f).
13. 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; Code 1919, sec. 3505; Acts 1922, p. 549.
14. Acts 1878-79, p. 347; Acts 1883-84, p. 469; Acts 1920, p. 219; see footnote 12.
15. Code 1936, sec. 136.
16. Code 1803, p. 398; Code 1819, I, pp. 241, 272; Code 1849, pp. 140, 229, 369, 375, 497; Acts 1912, p. 529; Code 1919, sec. 2989; Code 1936, sec. 1614.
17. Acts 1884, p. 115; Code 1887, sec. 444; Acts 1924, p. 590; "Tax Code" 1936, secs. 414, 415.
18. Acts 1869-70, pp. 271-272; Code 1936, sec. 2759.

and prosecute all necessary and proper proceedings in such case whether in the name of the Commonwealth or of a county, and in such proceedings he may summon any witness, whose testimony he deems material, to appear before the grand jury; while he himself may not go before any grand jury during their deliberations unless duly sworn to testify as a witness, he may advise the foreman of the grand jury regarding the discharge of his duties.[19]

In any case of felony or misdemeanor in which the attorney for the commonwealth is so situated that it is improper for him to act, the court of its own motion has the authority to appoint a special prosecuting attorney, having all the powers and privileges of the regular attorney for the commonwealth and receiving the fees formerly paid the regular commonwealth's attorney.[20] From 1877 to 1884 and from 1887 to 1928, he served as a member of the school trustee electoral board.[21]

In 1916 one of the duties of the acting attorney for the commonwealth was to enforce the provisions of the act prohibiting the manufacture, use, sale, transportation for sale, keeping for sale, and giving away of ardent spirits, and his failure so to do was deemed misfeasance in office.[22] This duty was held in force and effect during the period of national prohibition in 1922 and in 1924, according to the acts passed in those years.[23]

No permanent records are required of the commonwealth's attorney; those papers which he makes out in the course of his duties become records of the court before which he prosecutes.

Although some reports are by law directed to be made to this official,[24] the law requires him to keep few records. However, he does keep a file of information relating to cases handled, and of general correspondence.

188. (PAPERS PERTAINING TO COMMONWEALTH CASES), 1936--. 2 file drawers. Papers pertaining to criminal cases handled by the commonwealth's attorney showing date of indictment, offense charged, name of defendant, and personal notes of commonwealth's attorney. Arr. alph. by first letter of surname of defendant. No index. Hdw. and typed. Aver. 12x12x24. Commonwealth's attorney's off.

189. GENERAL CORRESPONDENCE, 1936--. 4 file drawers. Original letters to the commonwealth's attorney and carbon copies of his replies thereto pertaining to cases in which he acts officially. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. 12x12x24. Commonwealth's attorney's off.

---

19. Code 1849, p. 637; Code 1936, sec. 2759.
20. Acts 1897-98, p. 929; Acts 1902-3-4, p. 568; Code 1936, sec. 4970.
21. Acts 1876-77, p. 9; Acts 1883-84, p. 177; Acts 1887, pp. 305-306; Acts 1928, pp. 1202-1203.
22. Acts 1916, p. 242.
23. Acts 1922, pp. 583-584; Acts 1924, p. 610.
24. Acts 1910, p. 36; Code 1936, sec. 5074.

(Next entry 190, p. 139)

VI. TRIAL JUSTICE COURT

The trial justice court was established for certain densely populated counties as early as 1912,[1] but Southampton County was not affected by this nor any of the subsequent acts until 1934, in which year this court began to function in the county.[2] By the enactment of 1912 the trial justice was required to be a practicing attorney and a resident of the county in which the court was located, but at present he may reside in either county if he serves for more than one, and he is no longer required to be an attorney.[3]

The term of office of the trial justice is fixed at 4 years, and his appointment made by the circuit court or the judge thereof in vacation. The justice in Southampton serves that county only, and was appointed at the June term 1934, to take office July 1, 1934.[4]

The trial justice is paid the salary set by the judge making the appointment with the approval of the board of supervisors, which salary may be increased or diminished, at the discretion of such judge, with the same approval.[5]

Provision is made for filling a vacancy created by the inability of a trial justice to perform the duties of his office, when a substitute justice can be appointed.[6] Any vacancy in the office of the trial justice is filled for the unexpired term by the circuit court of the county or the judge thereof in vacation.[7] In the event of disability of the clerk of the trial justice court to perform the duties of his office by reason of sickness or otherwise, the court may appoint a substitute clerk.[8] Having given bond as required of the clerk, the substitute clerk may perform the duties of the office during the disability of the regular clerk, and he receives one twenty-fifth of a monthly installment of the salary of the regular clerk.[9]

The clerk of the trial justice can issue warrants, processes, abstracts of judgment, and subpoenas for witnesses, and grant bail in misdemeanor cases. He keeps the dockets and accounts of the trial justice and performs any other duties the trial justice may prescribe. He has the authority to take affidavits and administer oaths and affirmations.[10]

The trial justice is a conservator of the peace within the limits of the county for which he is appointed and has exclusive original jurisdiction for

---

1. Acts 1912, pp. 685-686.
2. Acts 1934, p. 466; Report of the Secretary of the Commonwealth (1937-38), p. 153.
3. See footnote 1; Acts 1912, p. 685; Acts 1934, p. 466; Acts 1936, pp. 615-616; Code 1936, sec. 4987(a).
4. Common Law Order Book, no. 14 (1933--), June 13, 1934, p. 74, see entry 109; Acts 1936, pp. 615-616; Code 1936, sec. 4987(a).
5. Acts 1933, p. 74; Acts 1936, p. 618.
6. Ibid., p. 617; Code 1936, sec. 4987(b).
7. Acts 1936, p. 616; Code 1936, sec. 4987(a).
8. Acts 1936-37, p. 39.
9. Ibid., p. 39.
10. Acts 1934, pp. 470-471; Acts 1936, pp. 623-624; Code 1936, sec. 4987(g).

Trial Justice Court (Next entry 190, p. 139)

the trial of all offenders against the bylaws or ordinances of said county. In criminal cases the jurisdiction was the same as provided for civil and police justices of cities. In addition he was given power to issue subpoenas and jurisdiction to try attachments and warrants in both civil and criminal cases.[11] In 1936 the trial justice was given original jurisdiction over all civil cases involving claims not exceeding $200, and concurrent jurisdiction with the circuit court on claims not less than $200 nor more than $1,000. He also has original jurisdiction over actions of unlawful detainer or entry.[12] At the same time, his powers were further extended to give this court concurrent jurisdiction with justices of the peace in lunacy proceedings, in administering oaths and affirmations, and issuing all appropriate orders and writs.[13]

When the trial justice court was established, it assumed jurisdiction of juvenile and domestic relations cases.[14] An act of 1922 had established a juvenile and domestic relations court to hear cases involving dependent, delinquent, and neglected children, and cases concerning marital troubles.[15] When the trial justice court was established, its justice combined with his other duties those of judge of the juvenile and domestic relations court. Because of the nature of the cases involved, and in order to protect the reputation of the parties, the trial justice court does not allow its records in these cases to be seen by the public.[16]

The papers connected with cases tried by the trial justice remain in his office for 1 year or as long as 3 years if a fine is paid in installments (except in those cases removed or appealed, or otherwise directed to be returned to the court before that time). During this period, abstracts of judgment may be granted and original and additional executions may be issued in accordance with the general laws of the State. At the end of this period they are directed to be 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.[17] Papers in juvenile and domestic relations cases are not covered by these provisions, since the trial justice is serving in this respect as judge of a separate court.[18]

The trial justice is required to keep a docket, uniform throughout the State, furnished by the State in the form approved by the Auditor of Public Accounts. It contains the full record of all causes coming or prosecuted before him and the final disposition, together with an account of all fines and costs imposed.[19] In Southampton County, there are separate civil, criminal, and juvenile and domestic relations dockets. The latter includes a docket inherited from the court established under the act of 1922. At that

---

11. Code 1919, sec. 3102; Acts 1934, pp. 469-470; Code 1936, sec. 3102.
12. Acts 1936, p. 620; Code 1936, sec. 4987(f).
13. Acts 1936, p. 622; Code 1936, sec. 4987(f).
14. Acts 1934, p. 473.
15. Acts 1922, pp. 835-839; Common Law Order Book, no. 11 (1920-24), July 17, 1922, p. 382, see entry 109.
16. Acts 1934, p. 473; Code 1936, secs. 1953(g), 4988(n).
17. Acts 1934, p. 472; Acts 1936, pp. 625-626; Code 1936, sec. 4987(j); see entries 101, 110, 190, 191.
18. Acts 1934, p. 473; Acts 1936, p. 626; Code 1936, sec. 4987(l).
19. Acts 1934, p. 472; Acts 1936, p. 625; Code 1936, sec. 4987(i).

time, the form was prescribed by the State Board of Public Welfare, and the book was directed to remain in the office of the judge of the court.[20] The present docket is a continuation of the former one.[21]

The trial justice's clerk is directed to keep the accounts of the office[22] as a basis for accounting for fines and costs collected.[23] These accounts consist of a record of collections and a general ledger.[24]

Case Papers

190. CIVIL WARRANTS, 1938--. 2 file boxes.
Original civil warrants in cases handled by trial justice filed in office of trial justice for 1 year after trial showing names of plaintiff and defendant, number and date of warrant, amount claimed, date of trial, amount of judgment exclusive of costs, amount of interest and costs, name of issuing justice. Arr. chron. by date of warrant and num. by warrant no. No index. Hdw. on ptd. forms. 12x5x12. T. J. off.
For prior records, see entry 110; for record of civil cases, see entry 193.

191. CRIMINAL WARRANTS (Not Fully Satisfied), 1938--. 2 file boxes.
Original warrants of arrest held by trial justice for a period of 1 year or until fine imposed has been fully paid showing name of complaining witness, name of defendant, name of trial justice, date of warrant, warrant number, offense charged, names of witnesses, disposition of case, amount of fine, when and how payable, signature of issuing justice. Arr. chron. by date of warrant and num. by warrant no. No index. Hdw. on ptd. forms. 12x5x12. T. J. off.
For prior records, see entry 101; for record of criminal cases, see entry 194.

192. JUVENILE AND DOMESTIC RELATIONS, 1934--. 1 file box.
Original warrants issued in juvenile and domestic relations cases showing name of complainant, name of defendant, nature of offense or complaint, name of issuing justice or judge, date and number of warrant, disposition of case. Arr. chron. by date of warrant and num. by warrant no. No index. Hdw. on ptd. forms. 12x5x12. T. J. off.
For record of juvenile and domestic relations cases, see entry 195.

Dockets

193. CIVIL DOCKET, 1934--. 5 vols.
Record of civil cases disposed of by trial justice showing name of trial justice, names of plaintiff and defendant, names of attorneys, purpose of suit, case number, date of warrant, date of trial, amount of claim, amount of judgment and date from which it bears interest, amount of interest, can homestead be claimed, date of execution, names of witnesses for plaintiff

---

20. Acts 1922, p. 838; see footnote 18; Southampton County apparently did not have a separate judge for such cases, which were handled by the judge of the circuit court (see above).
21. See entry 195.
22. Acts 1934, p. 471; Acts 1936, p. 624; Code 1936, sec. 4987(g).
23. Acts 1934, p. 471; Acts 1936, p. 627; Code 1936, sec. 4987(m).
24. See entries 196, 197.

and defendant, fee, name of officer issuing warrant, name of officer serving papers, date of service, statement of costs for: issuing and serving warrant, trial, continuance, witnesses of plaintiff and defendant, issuing and serving summons, attorneys, total costs; amount of judgment, amount of interest, total amount of judgment and costs, judgment rendered (plaintiff or defendant). Arr. num. by case no. Indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on ptd. forms. Aver. 500 pp. 12x12x4. T. J. off.

For original civil warrants, see entry 190.

194. CRIMINAL DOCKET, 1934--. 5 vols.

Record of criminal cases tried by trial justice showing name of trial justice, case number, name of defendant, place of birth, age, race, marital status, occupation, names of witnesses for Commonwealth, mileage, fees, total, names of witnesses for defendant, mileage, fees, total, name of arresting officer, name of officer issuing warrant; whether defendant convicted, sent to grand jury, or acquitted; amount of fine, cost of prosecution. Arr. chron. and num. by case no. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. forms. Aver. 500 pp. 12x12x4. T. J. off.

For original criminal warrants, see entry 191.

195. JUVENILE AND DOMESTIC RELATIONS COURT DOCKET, 1923--. 2 vols.

Title varies: Juvenile and Domestic Relations Docket, 1923-33.

Record of juvenile and domestic relations cases showing docket number, name of complainant, name, age, race, marital status, occupation, address, place of birth of defendant, names of dependent children, brief description of offense, date of complaint, date of trial, name of officer issuing warrant, name of officer making arrest and serving papers, date of service, amount of fine, statement of costs, notations as to payment of fine and costs. 1923-33 arr. alph. by first letter of surname of defendant; 1934-- arr. num. by docket no. 1923-33 not indexed; 1934-- indexed alph. by first letter of surname of defendant. Hdw. on ptd. forms. Aver. 300 pp. 18x12x2. T. J. off.

For original juvenile and domestic relations warrants, see entry 192.

Financial

196. (CASH RECEIPTS), 1934--. 1 vol.

Record of county and State revenue collected by trial justice. Record of collections for county shows date, name of payer, docket number, amount of fines, costs, trial fees, bail fees, warrant fees, arrest fees, commonwealth's attorney's fees, continuance fees, fees for abstracts, fees for renewal of execution, subpoenas, rules, court orders, bonds, other fees, filing and indexing fees in civil cases, total. Record of collections for State shows date, name of payer, account number, amount of fines, costs, cash depository bonds, circuit court clerk's fees, sheriff or sergeant's fees, partial fine collections, fees for issuing justice, fees in domestic relations cases, other fees collected, total. Arr. chron. by date of collection. No index. Hdw. on ptd. forms. 200 pp. 14x18x2. T. J. off.

197. GENERAL LEDGER, 1935--. 1 vol.

Record of cash received by trial justice classified as cash in office, cash in bank, filing fees, receipts due Commonwealth, cash deposited, clerk's fees, sheriff's fees, partial fines, justices' fees, fees collected for others, payments in domestic relations cases and sundry, showing date of transaction, description, posting reference, total debits and credits, balance. Arr. by subject and chron. thereunder by date of transaction. No index. Hdw. on ptd. forms. 200 pp. 12x12x1. T. J. off.

(Next entry 198, p. 147)

VII. JUSTICE OF THE PEACE

Following a tradition centuries old in England, and founded in this country some years before the formation of counties in Virginia, the office of justice of the peace functioned independently in minor matters, while the justices were also privileged to act as members of the bench of the monthly (later county) court. In 1658 the justices' jurisdiction had been limited to cases involving no more than the value of 350 pounds of tobacco, but, by associating himself with another justice, he might, in this way, 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 suit, and the justices against whose decision the appeal was taken were excluded from the bench for the trial of the appeal.[1]

In the early part of the seventeenth century no person could be appointed to serve as commissioner (original designation of the justice of the peace) except such as might be "desired by the court and appointed by the Governour and Council."[2] In 1661 the number of justices of the peace (commissioners) was restricted to the number of eight (of which the sheriff was to be one).[3] One hundred years later the Governor still had the power to appoint justices of the peace, with the advice of the Privy Council and this power remained in his hands until 1851.[4] In case of vacancies, or a need of increasing the number, such appointments were to be made upon the recommendation of the respective county courts.[5] By the Constitution of 1851 each county was laid off into districts and in each district four justices of the peace, elected by the voters, were to be commissioned by the Governor. These officers had to reside in their respective districts, and of their number, one was to be the presiding justice of the county court.[6] By the Constitution of 1869, three justices of the peace were elected in each magisterial district for a term of 3 years, but the county court was thereafter presided over by a single judge, and the justices retained only their petty jurisdiction.[7] Southampton County had six townships originally; now seven (magisterial districts).[8] In 1875, when the townships were abolished, the magisterial district again became the basic electoral division, and the justice's term was again reduced by a year.[9]

The Constitution of 1902 left the election and tenure of the justice to the discretion of the assembly and the term of office was increased by that body to 4 years.[10]

As early as 1632, every person commissioned to execute the office of

---

1. Hening, Statutes, I, p. 435.
2. Ibid., I, 376, 402, 480.
3. Ibid., II, 21.
4. Ibid., IX, 117; Code 1819, I, 143-144; Const. 1830, art. V, sec. 7; Code 1849, p. 243.
5. Const. 1776, art. XV.
6. Const. 1851, art. VI, sec. 27; Acts 1852, p. 64.
7. Const. 1869 (as amended 1874), art. VII, sec. 2.
8. Acts 1869-70, p. 634 (Boykins, Newsoms, Drewryville, Franklin, Jerusalem, and Berlin and Ivor); see Board of Supervisors, p. 63 (Capron added).
9. Acts 1874-75, p. 134.
10. Const. 1902, art. VI, sec. 108; Acts 1902-3-4, pp. 506, 743; Code 1936, sec. 127.

 (Next entry 198, p. 147)

justice of the peace was required to take the oath prescribed by the British Parliament.[11] In 1793,[12] as well as later,[13] an oath of office was compulsory and for failure to comply, the justice (until 1849) had to forfeit and pay $1,000, one-half to the use of the Commonwealth and the other half to the informer, to be recovered by action of debt. After 1838, in case of failure to take the proper oath within 6 months (in 1852, within 30 days) after the date of his commission, the appointment automatically became void.[14]

The compensation of justices of the peace, as individuals rather than as members of the county court, remained largely the same as that prescribed by the laws in force when the Constitution of 1869 was adopted, and consisted mainly of fees for certain services, taxed as other costs.[15] When serving on a lunacy commission, each justice of the peace received the sum of $1 for his services until 1918, when the compensation was changed to $2.[16]

As to vacancies, the office was declared vacant not only upon the death, resignation or removal, but also upon failure to qualify within 30 days after the receipt of his commission or, today, before the beginning of his term.[17] 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.[18] If a vacancy existed in this office before an election, the same was filled by appointment of the Governor.[19]

A justice of the peace had, in his jurisdiction of criminal cases, the power of arresting and binding over lawbreakers and 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.[20]

The justices individually after 1871 had concurrent jurisdiction with the county court in cases of petit larceny, or assault and battery without felonious intent,[21] 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.[22] In 1898 the justices were granted

---

11. Hening, Statutes, I, 169; ibid., V, 489.
12. Ibid., XIII, 449; Code 1819, I, 245-246.
13. Code 1849, p. 244; Acts 1852, p. 67.
14. Code 1819, I, 245-246; Acts 1838, p. 67; Code 1849, p. 244; Acts 1852, p. 67; see below.
15. Acts 1869-70, p. 281; Code 1919, sec. 3481 (fees in judicial functions, largely discontinued on appointment of trial justice, see Trial Justice, pp. 137-138).
16. Acts 1887-88, p. 549; Code 1919, sec. 1021; Acts 1918, p. 504; Code 1936, sec. 1021.
17. Acts 1821-22, p. 26; Acts 1852, p. 67; Acts 1857-58, p. 31; Code 1887, sec. 813 (must qualify before July 1 next after his election); Acts 1902-3-4, p. 652 (before term begins); Code 1936, secs. 2697, 2704.
18. Acts 1852, p. 66.
19. Acts 1869-70, p. 17.
20. Hening, Statutes, I, 440, 483.
21. Acts 1870-71, p. 362; Acts 1877-78, pp. 375-376; Code 1887, sec. 4106; Acts 1902-3-4, p. 615 (concurrent with circuit court); Code 1919, sec. 4987.
22. Code 1873, p. 1003; Acts 1891-92, pp. 975-976.

 (Next entry 198, p. 147)

concurrent jurisdiction with the county (after 1904, the circuit) court in all violations of the revenue laws of the State, and original jurisdiction in the trial of misdemeanor cases within their districts. Appeal to the court was allowed at any time within 10 days after verdict.[23] Civil jurisdiction in small claims continued substantially the same,[24] but in 1926 it was provided that any case involving misdemeanors punishable by a jail sentence of 3 months or more might be removed to the circuit court on application of the defendant.[25] The law creating trial justices in all counties stripped this formerly potent officer of the law of most of his remaining powers and jurisdiction.[26] Besides being a conservator of the peace, he sits in lunacy proceedings and may take acknowledgments in the same manner as a notary public,[27] but little else remains today of the former dignity and authority of the office.[28] The actions of the justices as members of the county court are set forth at length in the court books; of their jurisdiction and proceedings as individuals few traces are left.

In 1776, the justice of the peace was required to certify the name and usual place of abode of every person refusing to take oaths of allegiance to the Government and to subscribe the required test at the next court to be "holden" for the county for which he served as such justice of the peace.[29] Among the many and varied general duties of the justice of the peace in the early days was that of recovering by warrant a fine of $2 to be paid by every master or skipper of a river or bay craft who refused to obey the directions of the harbor master, which fine was applied to lessening the county levies.[30] Another unusual duty was to grant written certificates to masters or skippers of vessels transporting Negroes or mulattoes, and before the justice could grant such certificates, he had to have the certificates of freedom granted by the court, or the written direction of the owner or owners, if still slaves.[31]

The justices kept no permanent records. All of their papers and books were returned sooner or later to the county or circuit court to become records of that agency. These records have been discussed above, in the article on the circuit court.

---

23. Acts 1897-98, pp. 289-290; Acts 1902-3-4, pp. 615-616; Code 1919, sec. 4987.
24. Acts 1902-3-4, p. 615-616.
25. Acts 1926, p. 83.
26. Acts 1934, pp. 466-474.
27. Ibid., pp. 469-470; Code 1936, secs. 1017, 4789, 5205; Acts 1938, p. 361.
28. N. Y. Bureau of Municipal Research, County Government in Virginia, p. 50.
29. Hening, Statutes, VII, 36.
30. Shepherd, Statutes, II, 106-107.
31. Ibid., II, 78.

(Next entry 198, p. 147)

VIII. SHERIFF

The office of sheriff was created in the year 1634. Provost marshals had performed the duties of sheriffs prior to the creation of this county agency.[1] Twenty years after the creation of the office of sheriff (1654), three or more persons were recommended by the commissioners of every county to the Governor, who appointed out of this number such as he deemed "most meet and fitt for the place."[2] In 1660 commissioners (later justices of the peace) in each county were restrained to the number of eight, of which the sheriff was to be one, and after that year the position of sheriff was to be conferred on the first in commission, and then upon each member in rotation.[3]

The office of sheriff has continued in force and effect through the years and the Governor usually commissioned such of those recommended as he considered best suited to perform the duties of the office.[4] In the year 1851 the sheriff was for the first time elected by the qualified voters of the county.[5] According to the Constitution of 1869 (as amended in 1874), a sheriff could not hold any other office, and the Code of 1919 makes the same restriction.[6] A violation of the law against dueling might also disqualify a person for holding the office of sheriff.[7] During the early part of the seventeenth century the term of office of the sheriff was for 1 year.[8] His tenure was extended to 2 years in 1705.[9] In 1785 tenure was set at 1 year with a 2-year term provided the incumbent so desired and the Governor approved.[10] In 1851 the tenure was fixed at 2 years,[11] but his term of office was extended to 3 years in 1869 and to 4 years in 1874. No other changes have occurred.[12]

As early as 1644 sheriffs were required to give "security" for the faithful performance of the duties of the office, especially for the receiving and discharging of all public duties, King's rents, and officers' fees committed to their charge for collection.[13] In 1705 the qualification was made at the court of the county and the person commissioned to be sheriff was required to take the oath and enter into a bond "to our sovereign lady, the Queen, her heirs and successors, with two good and sufficient sureties at the least, in the sum of 1,000 pounds sterling, for his true and faithful performance

---

1. Hening, Virginia Justice, p. 628.
2. Hening, Statutes, I, 392.
3. Ibid., II, 21.
4. Ibid., III, 246-247.
5. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64.
6. Const. 1869 (as amended 1874), art. VII, sec. 5; Code 1919, sec. 2702; Code 1936, sec. 2702.
7. Code 1919, sec. 289; Acts 1926, p. 318 (anti-dueling oath, formerly required by all officers, repealed); Const. 1902 (as amended 1928), art. II, sec. 23; Code 1936, sec. 289.
8. Hening, Statutes, I, 259; ibid., V, 515.
9. Ibid., III, 246-247.
10. Ibid., XII, 98.
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. Hening, Statutes, I, 284.

of his office."[14] In the year 1792 the sheriff was required to enter into a bond before the justices of his county court, payable to the Governor of this Commonwealth, in the sum of $30,000, which bond had to be acknowledged in open court and recorded.[15] The same requirement has been made of all sheriffs through the intervening years, only varying in form according to the custom of the respective periods and in amounts from time to time. Today the penalty of the bond amounts to $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.[16] 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 within 60 days, his office was declared vacant.[17]

As far back as 1792 there were deputy sheriffs and at that time they were authorized to collect and make distress for taxes which might be due at the time of the death of their high sheriffs. In 1831 the high sheriff of any county could delegate one of his deputies to attend at each place of holding a poll within his county, and it became the duty of this deputy to carry with him the property and land books of the commissioner, and perform all the duties at such separate poll as were required of a sheriff conducting the election at the courthouse of his county. In the performance of these election duties the deputy sheriff was not to rely upon his own judgment in the admission or rejection of votes, but to confer with superintendents of election. At the present time the sheriff is allowed to appoint one or more deputies who may discharge the duties of their principal during his [the principal's] continuance in office, unless it be some duty the performance of which by a deputy is expressly forbidden by law.[18]

As to the compensation of the sheriff, he was paid by fees during a long period of years. By an act of 1642 these fees were regulated by law and a regular scale was prescribed.[19] In 1796 a bonus was paid a sheriff for collecting taxes and paying them into the treasury on time, the officer receiving a fixed percentage of the total amount of taxes, in addition to his regular commission on the total amount collected.[20] In 1802 an allowance of $1.67 was received by the sheriff for the day on which he attended elections to compare the different polls, together with his ferriage.[21] In 1870 this rule was still in force and effect although the percentage was reduced.[22] In 1914 it was ruled that the compensation of the sheriff must be limited in amount dependent upon the size of the county. By this system, the population

---

14. Ibid., III, 247.
15. Shepherd, Statutes, I, 44.
16. Acts 1924, pp. 684-685; Code 1936, sec. 2698.
17. Hening, Statutes, I, 284; ibid., III, 247, 264; ibid., V, 111; ibid., VII, 395; ibid., IX, 222; Code 1819, I, 279; Code 1849, p. 246; Acts 1852, p. 67; Acts 1869-70, pp. 18, 257-258.
18. Shepherd, Statutes, I, 59; Acts 1830-31, p. 33; Code 1936, sec. 2701; Acts 1938, p. 17.
19. Hening, Statutes, I, 266; ibid., IV, 502-503; ibid., V, 48-50, 337-339.
20. Shepherd, Statutes, II, 19.
21. Ibid., II, 330.
22. Acts 1869-70, pp. 251-252.

of Southampton County being between 26,000 and 27,000 from 1910 to 1920, the sheriff of this county might receive $4,000 per year.[23] 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 1776 the county court was given the power to appoint a sheriff pro tempore in case of vacancy by death, who could exercise all the powers of the sheriff until a new one was appointed.[24] When the sheriff refused to enter into a qualifying bond, the court could appoint another in his stead.[25] Later, if there was no sheriff or coroner, the Executive appointed a collector of revenue for the purpose of tax collecting.[26] In 1851, where a vacancy occurred for other causes than death, the county court could appoint a collector to take over the financial duties of the sheriff.[27] Removal from the county by a sheriff constituted a vacation of the office.[28] Later, vacancies were filled by appointment from the county court (later circuit) or by the judge thereof in vacation.[29] The sheriff could be removed from office for refusing to collect taxes,[30] and he could be fined for refusing to serve as sheriff, when once appointed.[31]

The duties of the sheriff may be divided into three categories. As a law-enforcing officer he made arrests, suppressed unlawful assemblies, executed writs and other processes, served subpoenas and attachments, attended the meetings of the county court and carried out its orders, and served as jailer. Earlier he also raised a force to apprehend runaway or mutinous slaves. As a financial officer the sheriff collected the county levies and State taxes, officers' and other fees, militia and other fines, amercements, forfeitures, and the poor rate (upon the request of the overseer of the poor), and disbursed the taxes according to the provisions of the annual levy. He made an accounting of all levies collected by him. Before 1786, 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.[32]

Additional duties have been imposed upon the sheriff from time to time. In 1829 one of his duties was to deliver to the clerk of his county, within 10 days after the election returns came in, the original poll books taken at

---

23. Acts 1914, p. 707; Report of the Secretary of the Commonwealth (1936-37), p. 240 (Southampton County had a population of 26,302 in 1910 and 27,555 in 1920).
24. Hening, Statutes, III, 500; ibid., VIII, 525; ibid., IX, 169; Code 1819, I, 277; Code 1936, sec. 136.
25. Hening, Statutes, IX, 358; Code 1936, sec. 2698.
26. Code 1819, II, 34-35.
27. Acts 1850-51, p. 9.
28. Acts 1852, p. 67; Code 1936, sec. 136.
29. Acts 1869-70, p. 18; Acts 1902-3-4, p. 745; Code 1936, secs. 136, 138.
30. Hening, Statutes, X, 13.
31. Ibid., III, 501; ibid., V, 516.
32. Bruce, Institutional History, I, 598; Hening, Statutes, I, 264-265, 300; ibid., II, 292; ibid., III, 86, 239; ibid., IV, 130; ibid., VII, 97; ibid., VIII, 309, 311-312; ibid., IX, 361, 527; ibid., XII, 122-125.

the election.[33] In 1831 he was authorized to purchase delinquent lands for the Commonwealth, and was required to return a list of such lands to the county court. He was further required to return a list of delinquent 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.[34] In the year 1848, in any county where there was no escheator duly authorized to act, it became the duty of the sheriff to perform all the duties of escheator, and he was liable to all the penalties and responsibilities imposed by law upon escheators, and entitled to the same fees.[35] The sheriff is held responsible for his own acts and the county which he serves is never liable.[36]

In 1870 the office of sheriff lost one of its primary functions, when to the newly created office of treasurer were delegated his tax-collecting duties.[37] He had previously lost to special election officials his election powers, except that of appointing certain election officials and posting notices.[38] At present he may post lists of persons who have paid their poll tax.[39]

New duties were later imposed upon 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.[40] He also takes into custody persons declared insane,[41] and may act as administrator of an estate in case no one has been appointed.[42] The sheriff and his deputies may also be ex officio game wardens.[43]

The sheriff is required to keep few records except a fee book,[44] especially important since his compensation has been limited,[45] and a detailed record of the commitment and conduct of each prisoner in his care as jailer.[46]

198. RECORD OF CASH RECEIVED, 1936--. 1 vol., 12 sheets. Title varies: Day Book, 1936-38.
Record of fees collected by the sheriff kept for the purpose of accounting for collections in excess of maximum compensation allowed showing date and amount of collection, from whom collected, purpose of collection. Arr. chron. by date of collection. No index. 1936-38 hdw.; 1938-- hdw. on ptd. forms. Vol. 500 pp. 15x6x2; sheets aver. 18x12. Sheriff off.

---

33. Acts 1828-29, p. 19; Code 1936, sec. 109.
34. Acts 1831-32, pp. 61-64.
35. Acts 1847-48, p. 61.
36. Const. 1869, art. VII, sec. 6; Const. 1902 (as amended 1928), art. VII, sec. 114.
37. Acts 1869-70, p. 257; "Tax Code" 1936, sec. 354.
38. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
39. Const. 1902 (as amended 1928), art. II, sec. 38; Code 1936, sec. 109.
40. Code 1887, sec. 3403; Acts 1893-94, p. 941; Code 1936, sec. 6278.
41. Acts 1902-3-4, p. 126; Code 1936, secs. 1023, 1024.
42. Acts 1902-3-4, p. 595; Code 1936, sec. 5811.
43. Acts 1916, p. 260; Acts 1930, p. 639; Code 1936, sec. 3305(15).
44. Code 1936, sec. 3494.
45. Acts 1920, p. 827; Acts 1926, p. 351; Code 1936, sec. 3516.
46. Acts 1910, pp. 374-375; Acts 1932, p. 815; Code 1936, secs. 2860, 2861.

199. JAIL REGISTER, 1928--. 1 vol.
Record of the description, conviction, and conduct of each prisoner kept by the sheriff or jailor for the purpose of computing time to be deducted from sentence and to preserve information as a basis for executive clemency showing commitment number, name of prisoner, race, sex, age, offense charged, character of offense, whether State, city or town case, reason for being in jail, date of trial, sentence (days, months, years), fine, costs, date to be released, reason for release, actual date committed, actual date released, remarks. Arr. chron. by date of commitment and num. thereunder by commitment no. No index. Hdw. on ptd. forms. 300 pp. 12x10x2. Residence of Mr. T. B. Bell, sheriff.

IX. CONSTABLE

The constable as a county officer antedates the formation of Southampton County by about a century, as is shown by some of the earlier acts; in 1643, for instance, a statute set forth some of the duties assigned to constables.[1]

As to eligibility, no person could be chosen and appointed by any court of this Commonwealth unless such court was of opinion that he was a man of honesty, probity, and good demeanor, and entered a statement of record to that effect at the time of his appointment.[2] Justices had the authority to make the appointments as early as 1776 and continued to have this power[3] until in the year 1851 provision was made for the election of constables in each magisterial district by the qualified voters. From that time on it has been an elective office.[4] Later, additional constables might be elected if needed in any district, after notice published in the district before the next succeeding general election.[5]

Constables held office for a term of 2 years almost until the beginning of the twentieth century,[6] but in 1903 this term was set at 4 years[7] and continues the same today.[8] The term of office of any constable elected at a special election should expire at the end of the term for which his predecessor was elected and such a constable has the same powers and performs the same duties as other constables.[9]

Before assuming the duties of his office, a constable has to take the oath of qualification before a justice of the peace, a requirement in force

---

1. Hening, Statutes, I, 246.
2. Acts 1820-21, p. 33.
3. Const. 1776, art. XV; Hening, Statutes, IX, 117; Shepherd, Statutes, II, 403; Acts 1817-18, p. 62.
4. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64; Acts 1857-58, p. 28; Acts 1874-75, p. 134; Code 1936, sec. 127.
5. Acts 1875-76, p. 210; Acts 1902-3-4, p. 743; Code 1936, sec. 128.
6. Shepherd, Statutes, II, 403; Acts 1852, p. 67; Code 1860, p. 281; Acts 1874, pp. 97-210; Code 1887, sec. 104.
7. Acts 1902-3-4, p. 506.
8. Acts 1930, p. 124; Code 1936, sec. 127.
9. Acts 1852, p. 75; Code 1936, sec. 133.

as early as 1730.[10] He is also required to give bond, and in 1896 the penalty of this qualification bond was fixed at not less than $2,000.[11] In 1924, however, the amount was specified as not less than $500.[12]

For the compensation of the constable in the early part of the eighteenth century, there was levied on every tithable person in each county 1 pound of tobacco to be distributed to the respective constables in proportion to the number of tithables in their respective precincts.[13] For a considerable period the compensation has been paid by fees.[14] In 1803 it was lawful for the accounts of fees allowed constables for services rendered persons residing out of his county or district to be delivered to the sheriff for collection, and such fee bills may still be collected by any sheriff or constable.[15]

The removal of a constable from the district in which he was elected constituted a vacancy in his office, and upon the death, removal, or refusal to act of any constable assigned by the court of any county to any particular district, it was lawful for any other constable of such county to perform the duties within that district.[16] The person so appointed was required to take the oaths prescribed by law and enter into bond with proper security, which bond was recorded in the court wherein it was executed.[17] In 1870 vacancies were filled in the office of constable by appointment of the Governor (at present, the circuit court) until the office could properly be filled by appointment or election.[18]

For misconduct or neglect of duty, the constable has always been held liable to fines and penalties prescribed by law.[19] Such penalties in recent years have ranged from suit on his bond to a fine of $5 for failure to destroy unlicensed dogs.[20]

The duties of the office of constable have been many and varied. By an act of 1643 he was required to view all of the corn in his precinct and report to the commissioners of the monthly courts any person failing to plant 2 acres. Such failure carried a fine.[21] By an act of 1658 the constable was

---

10. Hening, Statutes, IV, 242; Code 1819, I, 300-301; Acts 1852, p. 67; Acts 1869-70, pp. 281-282; Code 1887, sec. 812; Code 1936, sec. 2696.
11. Acts 1895-96, p. 825.
12. Acts 1924, p. 685; Code 1936, sec. 2698.
13. Hening, Statutes, IV, 243.
14. Hening, Statutes, IV, 73, 504; ibid., V, 50, 340; Shepherd, Statutes, II, 404-405; Acts 1916, p. 810; Code 1936, sec. 3487.
15. Shepherd, Statutes, II, 405; Code 1919, secs. 3495, 3498, 3499; Code 1936, secs. 3498, 3499 (although sec. 3495 apparently has not been repealed, it is omitted from the unofficial Code of 1936).
16. Acts 1808-9, pp. 20-21.
17. Code 1819, I, 301.
18. Acts 1869-70, p. 17; Code 1936, sec. 136.
19. Hening, Statutes, IV, 243; Acts 1852, p. 67; Code 1887, sec. 335; Code 1936, secs. 1060, 2825, 4510, 4519.
20. Code 1919, secs. 2317, 2429, 2707, 2819, 6033, 6045, 6395; Acts 1928, p. 243 (sec. 2429 repealed); Acts 1930, p. 664 (sec. 2317 repealed); Code 1936, secs. 2707, 2819, 6033, 6045, 6395.
21. Hening, Statutes, I, 246.

entrusted with the duty of taking into custody runaway servants, punishing them, and passing them on to the constable of the adjoining county until such runaways were returned to their masters.[22] At this time if any person retailing wines or strong waters were to mix or currupt his wares, the commissioners were authorized to command the constables to stave the adulterated liquors.[23] Another duty of the constable was to view tobacco for slips or suckers, and if any were found he was required to cut up and destroy them.[24] The constable was likewise required to weigh all the hemp raised in his county and to give a certificate to the county court of the true quantity weighed and the name of the maker or owner.[25] One of the most important duties of the constable in the eighteenth century was that of serving as aid to the tobacco inspector to the extent of having to take oath at the first court that they would "make information" to the next justice of the peace of any tobacco that might be pressed or packed in any cask, or put on board any boat without being inspected, or any that was carried out of this Colony into Carolina or Maryland without a permit for so doing.[26]

By an act of 1879 it was specifically stipulated that when any attachment or distress warrant was issued by a justice of the peace, and there was no constable in that particular district, the justice issuing such warrant was authorized to appoint a special constable to execute it.[27]

The constable today is a conservator of the peace, serves warrants, until recently summoned coroners' juries (no longer required) and witnesses, serves attachments, and conveys prisoners to jail.[28] 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.[29]

Few if any records are or have been required of the constable, and none were found in Southampton County. Of executions served by the officer, a record was made by the circuit court clerk when the return was made to the court, and this record is preserved in the clerk's office.[30]

X. CORONER

The coroner had been an officer in Virginia long before Southampton County was established and, like the sheriff, was appointed by the Governor

---

22. Ibid., I, 483.
23. Ibid., I, 300.
24. Ibid., IV, 242.
25. Ibid., VI, 145; ibid., VIII, 363.
26. Ibid., V, 12-13; ibid., VI, 183-184.
27. Acts 1878-79, p. 252.
28. Hening, Virginia Justice, pp. 205-206; Shepherd, Statutes, II, 404; Code 1936, sec. 3487.
29. Shepherd, Statutes, III, 296; Acts 1857-58, p. 28; Code 1860, p. 81; Code 1873, p. 470; Code 1936, secs. 2822, 6020, 6030.
30. See entry 120.

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 then 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, and negligence in the conduct of his official duties, intoxication in public, conviction of gambling, or moral turpitude.[12]

---

1. Hening, Virginia Justice, p. 209; Bruce, Institutional History, I, 603.
2. Const. 1776, art. XV.
3. Shepherd, Statutes, I, 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, 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, 73; Code 1860, p. 101; Code 1887, sec. 169; Code 1919, sec. 270; (repealed) Acts 1926, p. 318.
10. Hening, Statutes, II, 419.
11. Acts 1877-78, p. 325; Code 1936, secs. 3487, 3508, 4818.
12. Ibid., secs. 2705, 2815.

Coroner (Next entry 200, p. 159)

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 a vacancy in 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, and 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 persons have met sudden, violent or unnatural deaths. He is required to hold

---

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

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.

Except for the returns of inquests, which may be found among the records of the circuit court,[28] no records of a permanent nature are required of this officer.

XI. COMMISSIONER OF THE REVENUE

The office of commissioner of the revenue[1] as such did not come into being until 1777, although special officers, appointed by the county court to list all taxable property, had served irregularly since the middle of the seventeenth century.[2] In 1660, for instance, counties were divided into tax precincts and special commissioners (sometimes the justices themselves) were appointed in each to list the tithables.[3]

The first actual appointments were made in 1777, when three commissioners of the tax were elected annually. If no election was held, however, the county court might appoint them.[4] In 1780 the commissioners of the tax were chosen

---

24. Hening, Virginia Justice, pp. 210-211; Shepherd, Statutes, I, 49-50; Code 1819, I, 288-289; Acts 1910, pp. 338-339; Code 1936, secs. 4806-4808, 4810-4815.
25. Acts 1934, p. 498.
26. Code 1936, sec. 1727.
27. Shepherd, Statutes, I, 50; Acts 1902-3-4, p. 840; Acts 1926, p. 461.
28. See entry 100.

1. The name was not used until 1792; see below.
2. Hening, Statutes, I, 305-306.
3. Ibid., II, 19; ibid., VI, 41-42, 499; Bruce, Institutional History, II, 551-552.
4. Hening, Statutes, IX, 351-352, 363-364.

Commissioner of the Revenue (Next entry 200, p. 159)

for and had to serve 2 years instead of 1.[5] The office became an appointive one in 1782, when the number of commissioners of the tax was reduced to two and the term of office extended to 3 years.[6] The number was again altered in 1786, being limited to one for each county.[7] In 1792 an act imposing a public tax designated the person holding this office as "commissioner of the revenue" for the first time.[8] In the same year it was decided that no commissioner, after having served 1 year, should be again compelled to serve.[9] Under the Code of 1819 any person appointed to the office of commissioner of the revenue who refused to serve, not having a reasonable excuse in the opinion of the court, was subject for every such refusal to a fine of $100.[10] There were no important changes until the Constitutional Convention of 1851 made the office an elective one, with a term of 2 years.[11] 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 (then) six townships of Southampton County.[12]

When the township form of government was abolished in 1875, the township assessors were replaced by two commissioners of the revenue elected for a 4-year term. The first commissioners for Southampton County, after the township period, were elected in the latter part of May 1875, and their term of office commenced in June of that year.[13] The Constitution of 1902 provided for either the appointment or election of the commissioner of the revenue for a 4-year term. 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 elected by the qualified voters of the county and his tenure is for 4 years.[14]

The authority to appoint deputies dates back almost to the creation of the office of the commissioner of the revenue. Such deputies have to take the proper oaths and the principal commissioners are held liable for the conduct of their assistants.[15]

As early as 1777, before entering upon the duties of the office entrusted

---

5. Ibid., X, 252.
6. Ibid., XI, 142-143.
7. Ibid., XII, 244.
8. Ibid., XI, 142; ibid., XII, 244; ibid., XIII, 336.
9. Shepherd, Statutes, I, 56.
10. Code 1819, II, 31.
11. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64, 67; Code 1860, p. 81.
12. Const. 1869, art. VII, sec. 2; Acts 1869-70, p. 631.
13. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 215; Order Book, County Court, no. 24 (1870-75), Apr. 19, 1875, p. 632; June 21, 1875, p. 648, see entry 181; Common Law Order Book, no. 12 (1924-28), Nov. 8, 1927, p. 508 (two districts combined and one commissioner elected for both), see entry 109.
14. 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.
15. Shepherd, Statutes, III, 65; Code 1819, II, 31-32; Acts 1847-48, p. 10; Acts 1852, p. 9; Acts 1865-66, p. 4; Acts 1869-70, p. 47; Acts 1938, p. 17.

Commissioner of the Revenue (Next entry 200, p. 159)

to him, the commissioner of the revenue was required to take the oath of office before a justice of the peace and give the bond prescribed by law for the faithful discharge of his duties.[16] In 1819 the commissioner gave bond in the penalty of $1,000, upon his qualification, conditioned upon the faithful performance of his duties, which bond was made payable to the Governor in the county court.[17] From 1852 to the present time he has usually taken the oath before the county or circuit court.[18] His bond has varied from $1,000 to $5,000, and now ranges from $1,000 to $3,000, at the discretion of the court or judge before whom he qualifies.[19]

In the year 1777 each commissioner accepting the trust was allowed the sum of 10 shillings for each day he served.[20] In 1779, instead of this allowance of 10 shillings, the commissioners of the tax were entitled to be paid the sum of 30 shillings per diem for their future services.[21] Two years later this rate of compensation was changed to 15 shillings per day, for the time the commissioners were actually engaged in the performance of their duties, an account of which on oath was allowed by the court of the county.[22] In 1783 the commissioners were paid in warrants on the treasury the sum of 400 pounds sterling "for the services of themselves and their clerks in the business to them assigned," which warrants were to be receivable in taxes in the same manner as were civil list warrants.[23] From 1782 to 1932 the commissioner was paid by fees, varying in amount from $1 per day[24] to a certain percentage on the amount of taxes assessed by him.[25] In certain instances he was paid fees on licenses issued,[26] and for many other services rendered according to the scale of fees then in use.[27] In 1932 the fee system in this office was abolished, and the commissioner of the revenue was paid a regular salary.[28] 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, and this same stipulation has continued in force.[29]

Originally, 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,

---

16. Hening, Statutes, IX, 352; ibid., X, 10.
17. Code 1819, II, 16.
18. Acts 1852, p. 67; Code 1919, sec. 2696.
19. 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.
20. Hening, Statutes, IX, 364.
21. Ibid., X, 14.
22. Ibid., X, 503.
23. Ibid., XI, 193.
24. Shepherd, Statutes, III, 65; Acts 1932, p. 892.
25. Acts 1857-58, pp. 8-9.
26. Acts 1869-70, p. 252; Acts 1874-75, p. 246.
27. Acts 1869-70, pp. 298-299; Acts 1870-71, p. 120; Acts 1881-82, p. 388; Code 1887, sec. 509.
28. Acts 1932, p. 892; Acts 1934, pp. 734, 737, 740.
29. Ibid., p. 740; Acts 1936, pp. 363-364; Acts 1938, p. 991.

by warrant under his hand and seal, to appoint other reputable freeholders in his county to act in their stead.[30] Vacancies were supplied in later years by the county courts and the clerks of such courts were directed to call upon the preceding commissioner for all the papers belonging to the office and deliver them to the newly appointed commissioner.[31] In the event of the death of a commissioner before he fully performed the services to be rendered by him during any 1 year, the sum to be paid for the entire services of the commissioners in that year was proportioned between the commissioners according to services actually performed.[32] For misdemeanor, neglect, or incapacity in office, he could be removed by the Auditor of Public Accounts, and vacancies so created might be filled by the Auditor for the unexpired term.[33]

From time to time penalties have been imposed upon the commissioner of the revenue. In 1792 for failure to serve, after appointment, without reasonable excuse, he was required to forfeit and pay the sum of $100.[34] He was amenable to a penalty of $20 for failure to send in a list of free Negroes and mulattoes,[35] and he was required to forfeit and pay to the Commonwealth $200 for the benefit of the Literary Fund for failure to return to the clerk of the court the assessor's books.[36] For other misconduct or neglect of duty, he was also liable to penalties in amounts prescribed by law.[37] For failure to deliver the original of each of his books to his successor and to make the required number of copies thereof, he had to forfeit $50. For false entry on any of his books, the penalty was $200. For failure to perform the duties of his office, he was subject to a fine of not less than $100 nor more than $500, and the Auditor of Public Accounts had the power to suspend the payment of his compensation. These or like penalties and fines followed the office of the commissioner of the revenue through the years.[38]

The principal duty of the commissioner of the revenue is, 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.[39] 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.[40] In addition to his assessment of taxes on land, his duties

---

30. Hening, Statutes, X, 502.
31. Code 1819, II, 32.
32. Acts 1865-66, pp. 26-27.
33. Acts 1869-70, p. 48; Acts 1874-75, p. 217.
34. Shepherd, Statutes, I, 56.
35. Ibid., II, 301.
36. Acts 1850-51, p. 6.
37. Acts 1857, p. 67.
38. Acts 1859-60, pp. 30, 32; Acts 1865-66, p. 25; Acts 1874-75, p. 232; Code 1887, sec. 506; Acts 1901-2, pp. 197-198; Acts 1928, p. 193.
39. Hening, Statutes, IX, 357; ibid., X, 250.
40. Shepherd, Statutes, III, 65-66; Code 1919, secs. 2252-2342; Acts 1926, p. 875; "Tax Code" 1936, secs. 251-277, 280, 281.

included making a report to the Commissioner of Agriculture and Immigration of the number of horses, mules, cattle, sheep, and hogs assessed by him in his county for the year.[41]

Another important duty of the commissioner pertains to the issuance of all types of licenses. There has been considerable expansion of his powers in this respect. In 1797 he could issue licenses for the sale of merchandise of foreign growth or manufacture;[42] in 1814, to manufacturers or workers in salt, pig iron, and lead;[43] and, in 1843, to insurance agents, retail liquor dealers, and merchants.[44] Today, business, trade, and professional licenses are issued by him.[45]

Proceedings of escheat and forfeiture were instituted by the commissioner with the assistance of the commonwealth's attorney.[46] In 1804 the commissioners were required to furnish to the escheators of their county a list of all lands within their precincts of which the owner had died intestate and without heir, known to the commissioners, or to which no person was entitled, to their knowledge.[47] This duty was also incumbent upon commissioners in 1819, and in 1860.[48]

Since this officer's primary duties relate to the assessment of property for taxation, most of his records relate to taxation. From the record of the general reassessment of land, a copy of which he receives from the assessors,[49] he notes changes in ownership and valuation of real estate. For his convenience in handling the numerous transactions occurring in a busy office, he keeps a card file on which such matters are noted. From these and from the former land books, he compiles the land book each year.[50] Of this book he retains the original and sends copies to the clerk, treasurer, and Department of Taxation.[51]

All property of public service corporations is assessed for taxation by the State Corporation Commission on the basis of reports sent to the Commission by an official of the corporation. A certified copy of the assessment is sent to the Comptroller (formerly Auditor of Public Accounts), the head of the corporation, and to the county board of supervisors.[52]

---

41. Acts 1930, pp. 782-783.
42. Shepherd, Statutes, II, 74-75.
43. Acts 1814-15, pp. 23-25.
44. Acts 1842-43, p. 13.
45. Code 1919, sec. 2360.
46. Hening, Statutes, X, 67.
47. Shepherd, Statutes, III, 59.
48. Code 1819, II, 502-503; Code 1860, p. 255.
49. Code 1887, secs. 437, 443; Code 1919, sec. 2247; "Tax Code" 1936, secs. 242, 247.
50. "Tax Code" 1936, secs. 253-264; for full discussion, see County Clerk, pp. 78-79.
51. Code 1849, pp. 189-191; Code 1919, secs. 2341, 2342; Acts 1926, p. 996; Acts 1928, p. 172; Acts 1932, p. 416; "Tax Code" 1936, sec. 255.
52. Acts 1902-3-4, pp. 167-169, 171-172, 175-176; Acts 1915, pp. 197-209; Acts 1916, pp. 800-804; Acts 1926, pp. 650-654; Acts 1928, pp. 141-145, 147-149, 152-153, 156-161; Acts 1934, pp. 199-201; "Tax Code" 1936, secs. 215, 216(a), 217, 218, 221, 225, 228.

The board examines the record for correctness,[53] then uses it as a guide in laying the county levy; the rate must be uniform on such corporations and on other corporations and individuals.[54] The act then provides that the commissioner of the revenue extend, on this list, the proper local levies on the tangible personal property, rolling stock, real estate,[55] and, apparently, merchants' capital.[56] It is for this reason that the record is found in the commissioner's office. The commissioner certifies a copy of the assessment, with the levies extended thereon, to the county treasurer for collection.[57]

Any person aggrieved by an assessment made by the commissioner of revenue may request him to correct it[58] or may petition the court for the same purpose.[59] If the erroneous assessment is caused by a mistake on the part of the assessing officer, such officer may petition the court to have it corrected.[60] The commissioner keeps a record of such corrections.

Each taxpayer makes an annual return to the commissioner of all his property, except real estate.[61] To check against the returns, he keeps a volume in which names of persons making returns the previous year are noted. The capital of banks is not taxed. Instead, a tax is levied on each stockholder proportionate to the taxable value of shares owned. Each bank or trust company is required to make an annual report to the commissioner of the taxable value of all outstanding shares, the names and addresses of stockholders, and the number and actual value of shares owned by each.[62] The commissioner assesses a set amount on each hundred dollars, sends one copy to the bank, one to the Department of Taxation (formerly, Auditor), and retains one. The bank withholds any dividends accruing to stockholders after receiving a copy of the assessment. This is a State tax, but an incorporated town, or certain cities, may tax such shares within certain limits.[63] The bank pays the State taxes into the State Treasury, and the town taxes into the town treasury.[64] The commissioner retains a copy of the personal property book which he compiles from the returns and other records,

---

53. Code 1919, sec. 3704; Acts 1928, p. 163; "Tax Code" 1936, sec. 233.
54. See footnote 52; "Tax Code" 1936, secs. 216, 217, 219, 222, 226, 229.
55. Acts 1928, pp. 163-164; "Tax Code" 1936, secs. 216, 217 (rolling stock only), 219 (real estate and tangible personal property only), 222 (same), 226 (same), 229 (same), 234 (commissioner to extend).
56. See entry 203.
57. See footnote 55.
58. Acts 1928, pp. 227-228; "Tax Code" 1936, sec. 413.
59. Acts 1928, pp. 228-229; "Tax Code" 1936, sec. 414.
60. Acts 1928, pp. 229-230; "Tax Code" 1936, sec. 415.
61. Acts 1852-53, p. 13; Code 1860, p. 202; Code 1919, sec. 2254; Acts 1924, p. 572; Acts 1928, p. 189; "Tax Code" 1936, secs. 307, 315, 316.
62. Acts 1902-3-4, pp. 163-164; Acts 1915, pp. 211-212; Acts 1928, pp. 73-74; "Tax Code" 1936, sec. 90.
63. Acts 1902-3-4, pp. 163-164 (no town tax allowed); Acts 1915, pp. 211-212 (town tax allowed); Acts 1928, p. 74; Acts 1930, pp. 24-25 (towns and certain cities allowed to tax); "Tax Code" 1936, sec. 91.
64. Acts 1902-3-4, pp. 163-164; Acts 1928, p. 75; "Tax Code" 1936, sec. 93.

and sends copies to the clerk, treasurer, and Department of Taxation (formerly to the Auditor).[65] The assessment of individual incomes is directed to be made in a separate book, and kept under lock and key by the commissioner and other officers who have a copy of the book.[66] Capitation taxes are included on the tax returns and the personal property book;[67] omitted assessments, however, are handled differently. Any person not assessed with a capitation tax, either because it was omitted or because he did not come of age until after a certain date, may apply to the commissioner of revenue and have himself assessed therewith. The person receives a certificate from the treasurer, pays the amount to the treasurer, and is given a receipt therefor. The commissioner keeps a record of assessments and makes to the proper State agency a periodical report which is the basis for charging the treasurer with the amount collected. The commissioner keeps a duplicate of this report.[68]

License taxes are computed by the commissioner, and he issues a license which, when receipted by the treasurer, constitutes a license to prosecute the desired business or profession. Formerly, a more cumbersome procedure was required, but the commissioner still issued the license.[69] A special type of license is that for persons desiring to pick peanuts by machines. Such licenses are handled in a similar manner.[70] The commissioner retains copies of all licenses assessed, and makes a periodical report of license assessments to the Department of Taxation.[71] This list may be used to charge the collecting officer with the amount of taxes shown thereon.[72] Copies of these reports are retained.

The offices of the treasurer and commissioner of revenue are in different towns; for this reason it has been found convenient to allow a taxpayer to pay his taxes to the commissioner in Franklin. He keeps carbon copies of receipts issued therefor. Files of general correspondence complete the officer's records.

Tax Assessments

Real Property

200. GENERAL REASSESSMENT OF REAL ESTATE, 1938. 1 vol. Commissioner of revenue's copy of record of the general reassessment of the fair market value of tracts of land, buildings, improvements, machinery, and standing timber. For full description, see entry 36. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. Typed on ptd. forms. 190 pp. 16x24x1. Comm. rev. off., Franklin, Va.

Flr clerk's copy, see entry 36.

---

65. Code 1849, pp. 188-191 (book replaces the former list); "Tax Code" 1936, secs. 317, 318.
66. Code 1919, sec. 2343; Acts 1928, p. 49; "Tax Code" 1936, sec. 33.
67. See entries 205, 208.
68. Acts 1902-3-4, p. 559 (clerk performs duties); Acts 1910, pp. 465, 584 (commissioner performs duties); Code 1919, secs. 116, 117, 2420; Acts 1928, p. 233; "Tax Code" 1936, sec. 420.
69. Acts 1885-86, pp. 467-468; Code 1919, sec. 2360; "Tax Code" 1936, sec. 129.
70. Acts 1936, p. 750.
71. Acts 1928, pp. 100-101; "Tax Code" 1936, sec. 145.
72. Acts 1928, p. 101; "Tax Code" 1936, sec. 146.

201. REAL ESTATE CARDS, 1928--. 10 file drawers.
List of landowners made by the commissioner of revenue and used as reference in compiling land book showing year, district, name of landowner, post office address, description of land, assessed value, number of acres, value per acre, value of buildings, total value, county tax, remarks. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. Hdw. on ptd. forms. 12x12x24. Comm. rev. off., Franklin, Va.

202. COUNTY LAND BOOK, 1919--. 20 vols.
Commissioner of revenue's copy of the record of tax assessments on lands, lots, standing timber, buildings, and improvements. For full description, see entry 38. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. 1919-27 hdw. on ptd. forms; 1928-- typed on ptd. forms. Aver. 200 pp. 17x24x1. Comm. rev. off., Franklin, Va.
For clerk's copy, see entry 38; for treasurer's copy, see entry 232.

203. PUBLIC SERVICE CORPORATIONS, 1925--. 15 vols.
Record of assessment of local levies on real estate, tangible personal property, and merchants' capital of public service corporations operating in Southampton County, on values as ascertained by the State Corporation Commission, and of the distribution by districts and towns of levies assessed. Assessment of local levies shows tax year, name of corporation, post office address, class or kind of corporation, name of district or incorporated town where property is located, real estate and tangible personal property (value assessed, rate of levy, local levies extended), merchants' capital (value assessed, rate of levy, local levies extended), total value assessed on real estate, tangible personal property, and merchants' capital, total local levies extended. Distribution of levies shows tax year, name of district or town, total value of real estate, tangible personal property, and merchants' capital, county levies for general purposes, county schools, miscellaneous, total county levies, district levies for district schools, miscellaneous, total district levies, total county and district levies, oath and signature of commissioner of revenue. Arr. alph. by first letter of name of corporation. No index. Typed on ptd. forms. Aver. 200 pp. 17x24x1. Comm. rev. off., Franklin, Va.
For other records of corporations, see entries 51, 52.

204. (CORRECTION OF ERRONEOUS ASSESSMENT), 1929--. 1 desk drawer.
Record of correction of unpaid taxes and levies on real and personal property, capitations, and licenses including those corrected on motion of taxpayer and those corrected when error was due to fault of assessing officer. Record of corrected assessment on motion of taxpayer shows name and address of taxpayer, date, original assessment, abatement, corrected assessment (year, page and line on property book, class of property, value, local levy, local license tax, local capitation tax, penalty, total tax and penalty). Record of corrected assessment of taxes and levies on motion of assessing officer shows name of taxpayer, subject of taxation, year, page and line on property book, erroneous assessment (value, tax, penalty, total), exoneration, refund, facts proved as ground for correction. Arr. by type of record and chron. thereunder by date of correction. No index. Typed on ptd. forms. 5x13x22. Comm. rev. off., Franklin, Va.

Commissioner of the Revenue - Tax Assessments (205-209)

Personal Property and Income (see also entries 203, 204)

205. RETURN OF TANGIBLE AND INTANGIBLE PERSONAL PROPERTY, MACHINERY AND TOOLS AND MERCHANTS' CAPITAL FOR LOCAL (and State) TAXATION ONLY, 1936--. 3 file drawers.
Original tax returns from the property owner to the commissioner of revenue of tangible and intangible personal property. Returns of tangible personal property, machinery and tools, and merchants' capital for local taxation only show tax year, 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. Returns of intangible personal property, including money and capital for State taxation only, show tax year, 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., thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of taxpayer. No index. Hdw. on ptd. forms. 12x10x16. Comm. rev. off., Franklin, Va.

206. (LIST OF TAXPAYERS), 1939--. 1 vol.
List of taxpayers and items of personal property on which returns were made the previous year kept as an aid to the commissioner of revenue and his deputies in making up new lists. For full description, see entry 50. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of taxpayer. No index. Typed on ptd. forms. 175 pp. 11x20x2. Comm. rev. off., Franklin, Va.

207. REPORT AND ASSESSMENT OF SHARES OF STOCK ISSUED BY BANKS AND TRUST COMPANIES, 1929--. 1 file box.
Commissioner of revenue's copy of the report and assessment of shares of stock issued by banks in Southampton County showing tax year, name and location of bank, capital, surplus, individual profits, total capital, names and residences of stockholders, number of shares held by each, total taxable value of shares of each stockholder, amount of State taxes, oath of bank cashier, commissioner of revenue's certification of assessment. Arr. chron. by year of assessment and alph. thereunder by first letter of name of bank. No index. Typed on ptd. forms. 12x4x18. Comm. rev. off., Franklin, Va.

208. PERSONAL PROPERTY BOOK, 1919--. 20 vols.
Commissioner of revenue's copy of record of assessment of taxes on personal property. For full description, see entry 50. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. 1919-27 hdw. on ptd. forms; 1928-- typed on ptd. forms. Aver. 200 pp. 17x24x1. Comm. rev. off., Franklin, Va.
For clerk's copy, see entry 50; for treasurer's copy, see entry 236.

209. STATE INCOME BOOK, 1919--. 20 vols.
Commissioner of revenue's record of assessments of State taxes on individual income and income handled by fiduciaries, and summary of incomes. Assessments on individual income (other than fiduciaries) show name of commissioner of revenue, name, address, and race of person assessed with taxes, value of net

income, personal exemptions, and net income subject to taxation; tax rate and amount of taxes; penalty for failure to file return by June 1; total taxes and penalties. Assessments on income handled by fiduciaries show name of commissioner of revenue; name and residence of fiduciary; character of fiduciary; name of decedent, beneficiary, or title of suit; value of net income subject to taxation; amount of taxes; penalty for failure to file return by June 1; total taxes and penalties. Summary of incomes show name of commissioner of revenue, name of person assessed with taxes, race, page of record, value of net income subject to taxation, amount of taxes, amount of penalties, total taxes and penalties; total number of whites assessed with State income tax, total whites and fiduciaries; total colored; total whites, fiduciaries, and colored; number of returns of taxpayers whose entire taxable income is $3,000 or under, over $3,000 and not over $5,000, over $5,000, total number of returns assessed; oath of commissioner of revenue, certification of oath. Arr. by kind of assessment, thereunder by district and town,and alph. thereunder by first letter of surname of person assessed. No index. Typed on ptd. forms. Aver. 5 pp. 17x16x½. Comm. rev. off., Franklin, Va.

For treasurer's copy, see entry 237.

Capitation (See also entries 204-206, 208)

210. (OMITTED STATE CAPITATION TAXES), 1929--. 1 bundle, 1 file box. Duplicate reports of commissioner of revenue to State Department of Taxation of omitted State capitation taxes showing date, name and address of taxpayer, date certificate issued, for what year assessed, poll tax, penalty for non-payment, interest on tax and penalty, total tax, penalty and interest, signature of commissioner of revenue. Arr. chron. by year and thereunder by month. No index. Typed on ptd. forms. Bundle 5x3x3; file box 12x5x18. Comm. rev. off., Franklin, Va.

Licenses
(See also entry 204)

211. APPLICATIONS FOR STATE LICENSES, 1934--. 5 packages, 1 stack. Carbon copies of applications to the commissioner of revenue for State licenses showing date of application, duration of license, name and address of applicant, kind of business, basis, tax, fee, penalty, total amount of license, amount of State tax, total taxes, fees, and penalties, oath and signature of applicant, signature of commissioner of revenue. Arr. chron. by date of application and alph. thereunder by first letter of surname of applicant. No index. Typed on ptd. forms. Packages aver. 17x9x3; stack 17x9x3. Comm. rev. off., Franklin, Va.

212. APPLICATIONS FOR PEANUT PICKERS' LICENSES, 1936--. 3 bundles. Carbon copies of applications to the commissioner of revenue for peanut pickers' licenses kept for the purpose of having a correct mailing list for the following year showing name of applicant, post office address, date of application, signatures of applicant and commissioner of revenue, license number. Arr. alph. by first letter of surname of applicant. No index. Typed on ptd. forms. Aver. 8x7x1. Comm. rev. off., Franklin, Va.

213. LICENSE REPORTS, 1929--. 1 stack.
Copies of reports to State Department of Taxation of licenses issued used as evidence for charging collecting officer with amount of license taxes showing

name of commissioner of revenue, district, inclusive dates of reports, name of licensee, name of firm, place of business, type of business or profession licensed, date license issued, beginning and expiration dates of license, basis for verification of tax assessed, amount of tax, penalty, total tax and penalty, fee, total. Arr. chron. by year and thereunder by month. No index. Hdw. on ptd. forms. Comm. rev. off., Franklin, Va.

Financial

214. (TREASURER'S RECEIPTS), 1933--. 3 vols.
Carbon copies of treasurer's receipts issued to taxpayer for taxes paid to commissioner of revenue for convenience of the taxpayer and treasurer showing name of taxpayer, district, race, amount, in payment of (partial payment on capitations, for advance capitations, for dog tags, miscellaneous), date, signature of treasurer, signature of commissioner of revenue. Arr. chron. by date of receipt. No index. Hdw. on ptd. forms. Aver. 100 pp. 8x5x3. Comm. rev. off., Franklin, Va.

For treasurer's record, see entry 220.

Correspondence

215. CORRESPONDENCE, 1921--. 12 file boxes.
Original letters to the commissioner of revenue and copies of his letters and replies concerning matters pertaining to the proper functioning of his office. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. Aver. 10x5x12. Comm. rev. off., Franklin, Va.

XII. ASSESSORS

The formation of Southampton County antedates by a short span of years the appointment of assessors by the commissioners of tax, who were directed to "choose two discreet men in each hundred to be assessors or appraisers of such estate lying therein as is hereby subjected to taxation." These assessors in the eighteenth century had to be freeholders with the right to vote for representatives in the General Assembly, and there was a time limit set by the commissioners of tax within which the assessors had to perform the duties assigned to them and make report thereof; the time allowed was to be not less than 4 nor more than 6 weeks, and they were required to have a description of their hundreds entered in their book. The number of assessors at that time was not to be more than 16 in any 1 county.[1] In 1780 the law provided that assessors be appointed annually to make assessments every other year and to record conveyances of property during the alternate years. Three assessors were to be appointed the following year by the county court to value all lands and to make out lists of owners showing quantity and value of land, and return the lists to the county court clerk.[2] Because the land tax as charged by the commissioners was found to be unequal in the counties, and no tax could be laid with ease and certainty, an act was passed by the General Assembly in 1782, whereby the counties in this State were laid off

---

1. Hening, Statutes, IX, 352-355, 549.
2. Ibid., X, 252, 501-503.

Assessors (Next entry 216, p. 169)

into four districts, Southampton County being included in the first district. Real estate was valued and assessed, and the standard for taxation was fixed in the first district at 10 shillings per acre. The persons performing this service received the sum of 300 pounds each from the Treasurer of the Commonwealth by warrant from the Auditors.[3] In 1817 assessors again were appointed by the "Executive," not exceeding one for each commissioner's district.[4] In 1850 the county court made the appointment of assessors.[5] Assessors were appointed by the county court in 1870 and every fifth year thereafter. It was also provided in that year that every person aggrieved by the assessment on his property could apply to the court for adjustment after notifying the assessor.[6] By an act of the General Assembly passed at a special session in 1884, it became the duty of a board, consisting of the judge, commonwealth's attorney, and clerk of the county, to appoint proper persons to assess cash value of all lands and lots.[7] In 1888 the duty of making this appointment fell to the county court.[8] The Constitution 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.[9] No further changes were made until 1926, when an act was passed abolishing the office of assessor (by that title).[10] In 1928 an act was passed authorizing a reassessment of real estate in the year 1930 and every fifth year thereafter, and the Department of Taxation was to prepare and furnish forms so arranged as to show lands and lots assessable in the county.[11]

Almost concurrent with the earliest appointment of assessors was the requirement for the taking of the oath of office, by each assessor appointed, within 5 days after receipt of notice of his appointment.[12] This oath of qualification was still required in 1819,[13] and in 1850 it had to be taken and subscribed to by the appointee in open court or before a justice of the peace, the appointee affirming that he would faithfully, impartially, and to the best of his skill and understanding perform all the duties of his office. He also had to execute a bond in a penalty ranging from $2,000 to $5,000.[14] In 1870, this oath of qualification was required, and the bond carried a penalty of $5,000.[15] In 1887 the penalty was still in the sum of $5,000, with surety, and the oath could be taken and bond given before the county court or the judge thereof in vacation.[16] The same procedure was

---

3. Ibid., XI, 140; Code 1803, pp. 437-438.
4. Acts 1816-17, p. 9 (during the intervening years, land had been taxed at the uniform prevailing rate set for the district in which it lay, so that no appointment of assessors was necessary).
5. Acts 1849-50, p. 5; Acts 1855-56, p. 16.
6. Acts 1869-70, pp. 564-566; Acts 1871-72, pp. 36-39.
7. Acts 1884, p. 113.
8. Acts 1887-88, p. 551.
9. Const. 1902, art. XIII, sec. 171; Acts 1902-3-4, p. 610.
10. Acts 1926, p. 875.
11. Acts 1928, p. 169; Acts 1930, pp. 870-871; "Tax Code" 1936, sec. 242.
12. Hening, Statutes, IX, 353; ibid., X, 10.
13. Code 1819, I, 172.
14. Acts 1849-50, p. 5; Code 1919, sec. 2241.
15. Acts 1869-70, p. 336; Code 1919, sec. 2241.
16. Acts 1884, p. 114; Code 1887, sec. 438.

followed in 1903, with the bond carrying a penalty in the same amount, but at this time he was required to appear before the circuit court or the judge thereof in vacation, and the certificate and the oath had to be returned to the clerk for recordation in the minutes of the next term of his court.[17]

The compensation for the work performed by assessors has varied with the passage of the years. In 1779 the commissioners paid them "any sum not exceeding 30 pounds each for their services this present year."[18] In 1819 each principal assessor received the sum of $5 for every day he was actually engaged in the discharge of his duties, or in traveling to or from the places at which his duty required him, and he was entitled to a warrant on the treasury to be paid out of any money not otherwise appropriated. Each of the assistant assessors received the sum of $2 per day. His account had to be verified by oath and certified to be correct by the board of assessors and he was paid in the same manner as the principal assessor.[19] In 1870 each assessor and assistant assessor received the sum of $3 per day. Their accounts had to be verified and paid in the same manner as in previous years.[20] The payment of compensation was denied unless the assessor punctually performed his duties in reference to the listing of births and deaths and the assessment of property and licenses, and made all reports required within the time prescribed by law.[21] Later the compensation was $2 per day and was the same for several years.[22] In 1915 this rate of pay was increased to $4 per day.[23]

In 1819, when an assessor failed to perform the duties of his office, the Governor might remedy this situation by the appointment of an assistant assessor, who was required to perform all the duties within 4 months from the time of his appointment, or forfeit and pay to the Commonwealth, for the benefit of the Literary Fund, a fine not less than $100, and not more than $500.[24]

The primary function of the office of assessor was the assessment of the value of real estate and personal property, and the listing of tithable persons above 21 years of age.[25] He had to take an account in writing of the quantity of land belonging to all persons,[26] return a list of property owners to the clerk of his county,[27] and determine the cash value of lands and assess them accordingly.[28] One of the duties of the assessors was to

---

17. Acts 1902-3-4, p. 612.
18. Hening, Statutes, X, 14.
19. Code 1819, I, 173-174.
20. Acts 1869-70, p. 337 (during the period 1870-75, the title "assessor" was given to a township officer who combined the former duties of assessor and commissioner of the revenue, so far as his township was concerned).
21. Acts 1870-71, p. 90.
22. Acts 1884, p. 116; Code 1887, sec. 446; Acts 1902-3-4, p. 614; Acts 1906, p. 558.
23. Acts 1915, p. 137; Code 1919, sec. 2250.
24. Code 1819, I, 176.
25. Hening, Statutes, IX, 353-354; ibid., X, 187.
26. Ibid., X, 501-502.
27. Ibid., X, 503.
28. Acts 1849-50, p. 6; Acts 1869-70, pp. 336-337, 565; Acts 1889-90, p. 137.

try to satisfy persons who were aggrieved by what they considered erroneous or unfair assessments of their lands. The persons so aggrieved could, after due notice to the assessor, make application to the court for adjustment. Such applications had precedence over all other causes pending in said court. If the court decided that the assessment was too high, it was ordered to be reduced to a true value, and if found to be too low, it was ordered to be increased. If the assessment was too low, the assessor had to adopt the estimate of the owner or his agent.[29] When these revaluations were ordered by the court, the clerk of the court by which the reassessment was made had to certify such alterations to the assessor, in order that he might correct the books on file with the clerk.[30] The law required the assessor to furnish to the clerk of the court of the county, for his examination, a copy of his books by the 1st day of April, and to furnish to the Treasurer and Auditor of Public Accounts their copies by the 15th of April. In the event of his failure so to furnish these copies to the proper parties, he was forced to pay a fine varying in amount from $50 to $500, and his compensation might be withheld by the Auditor of Public Accounts.[31] Any officer charged with the duty of assessing taxes or levies upon land or other property, money, income or license, or any capitation tax, or any officer upon whose report such charge was made, could (if satisfied that such assessment was erroneous and that he was responsible for such error) apply to the circuit court of the county for the correction of such erroneous assessment.[32] Although the office of assessor as such ceased to function in 1926,[33] the duties pertaining to the assessment and reassessment of land still remain, and the responsibility of the assessment rests with the various officers (the name assessor is no longer used) appointed for this purpose as occasion arises in the counties, as will be seen by referring to the acts that deal with the assessment of land in recent years.[34]

The assessors distribute the copies of their books as required by law, but, not being themselves permanent officers, keep no records of their own.[35]

XIII. LOCAL BOARD OF EQUALIZATION

(Local Board of Review)

The duty of correcting erroneous assessments, formerly performed by the courts,[1] passed in 1915 to the local board of review, when the judge of the

---

29. Acts 1869-70, pp. 337-566; Acts 1874-75, pp. 408-409; Code 1887, sec. 444; Code 1919, sec. 2248.
30. Acts 1869-70, p. 566; Code 1919, sec. 2249.
31. Acts 1871-72, pp. 305-306; Code 1919, sec. 2247.
32. Acts 1930, p. 861; "Tax Code" 1936, sec. 415.
33. Acts 1926, p. 875.
34. Ibid., p. 871; Acts 1932, p. 119; Acts 1933-34, p. 25; "Tax Code" 1936, sec. 414; Acts 1938, p. 163.
35. See County Clerk, p. 78.

1. Acts 1869-70, pp. 335-337; Acts 1878-79, p. 350; Code 1887, sec. 437.

Local Board of Equalization (Next entry 216, p. 169)

circuit court appointed three qualified voters residing in the county to compose a local board of review of assessments. The clerk of the circuit court was ex officio clerk of the board and he was required to attend all meetings and keep a record of the proceedings in a book provided for that purpose. This board was authorized to hold sessions at such dates and for such period as was deemed necessary, not to exceed 30 days in 1 year, and reasonable notice of the date of its sessions was to be published in advance.[2] In 1916 the board was allowed to sit for not more than 60 days in the year of a reassessment, but only 30 days in other years. All information procured by local boards was regarded as confidential.[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 to handle these tax and reassessment matters seems to have continued, for, by an act passed by the General Assembly in 1924, a substitute for the local board of review was created, which from its organization was termed the local board of equalization. As in the case of the local board of review, the clerk of the circuit court was ex officio clerk of its successor, the local board of equalization. This latter agency had sittings of not more than 60 days in each year and held its sessions at such times as the law might require or as its members deemed necessary. The appointment of three qualified voters to serve as members of this board of equalization of assessments was to be made on or before the first day of June of the year of every quinquennial assessment of real estate.[6] In 1926 the circuit court, or the judge thereof in vacation, when petitioned in any year by the board of supervisors or 10 taxpayers of the county, had authority to appoint a local board of equalization of assessments.[7] In 1930 the circuit court was required to appoint in that year and every fourth year thereafter, and in 1934 and every fourth year thereafter it could appoint, at the supervisors' request, a board of equalization composed of not less than three nor more than five freeholders in the county.[8] Every board was empowered to elect one of its members as chairman and another as secretary, and to employ necessary clerical and other assistants, call in advisors, and to fix compensation.[9]

In 1915, during the life of the local board of review, the compensation of each member was $4 per day and of the clerk $2 per day for each day necessarily employed, one-half to be paid by the Commonwealth and one-half by the county. The accounts for such compensation were made out and verified by affidavit before the clerk of the circuit court, and the amounts were paid out of any money in the treasuries of the State and county not otherwise appropriated.[10] In 1924, while serving on the local board of equalization of assessments, each member was paid $5 per day for each day necessarily employed, and the clerk was paid $3 per day for his services. Such per diem to

---

2. Acts 1915, pp. 155-156; Code 1919, sec. 2226.
3. Acts 1916, pp. 416-420; Code 1919, secs. 2226, 2227.
4. Acts 1922, p. 514.
5. Acts 1928, pp. 225, 228-231; "Tax Code" 1936, secs. 410, 414, 415.
6. Acts 1924, pp. 574-575; "Tax Code" 1936, sec. 344.
7. Acts 1926, p. 255.
8. Acts 1930, p. 874; Acts 1934, p. 510; "Tax Code" 1936, sec. 344.
9. Acts 1930, p. 874; Acts 1933-34, p. 510; Acts 1936-37, p. 74; "Tax Code" 1936, sec. 344.
10. Acts 1915, p. 95.

Local Board of Equalization (Next entry 216, p. 169)

members and clerk was to be paid one-half by the Commonwealth and one-half by the county.[11] In 1936 the rate of compensation was fixed by the board of supervisors.[12]

Any vacancy occurring on any board of equalization can be filled for the unexpired term by the authority making the original appointment.[13]

The duties and powers of the members of the local board of review and of the more recent agency, the board of equalization, have remained about the same through the years. They had to give directions to the commissioner to enter omitted entries in the assessment rolls, to correct erroneous assessments, to cancel duplicate assessments, to hear and determine the complaints of all taxpayers who appeared and claimed to be aggrieved by unequal or unjust valuations or assessments, direct such corrections on the assessment books, and keep minutes of meetings of the board. It was the privilege of the local board, on behalf of the Commonwealth, to apply to the circuit court for the correction of any erroneous assessment of lands or other property in the same manner as provided by law for the correction of any assessment by which any person might be aggrieved. For all such cases the attorney for the commonwealth represented the local board. Another duty was to review reports of purchases by merchants and the annual returns of intangible personal property, income and money of all taxpayers (made to the commissioner of revenue) before the license tax of merchants was assessed and before the taxes on intangible personal property, income and money were entered on the books of the commissioner. The members of this board had the power to summon people to answer questions concerning merchants' purchases and ownership of property.[14] The board was further required to receive blank interrogatories (forms for the taxpayers' returns 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, or compel taxpayers to 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.[15] To enumerate the duties of the local board of equalization of assessments would be only to repeat the above, as will be seen by reference to the acts passed by the General Assembly in 1924 and 1928, respectively.[16]

In the minute book required to be kept by the clerk of the local board of equalization are entered notes of its actions and orders on the raising, lowering, or other adjustments of the assessment of real estate.[17]

---

11. Acts 1924, p. 575.
12. Acts 1936-37, p. 74; "Tax Code" 1936, sec. 344.
13. Acts 1933-34, p. 510; "Tax Code" 1936, sec. 344.
14. Acts 1915, pp. 156-159; Code 1919, sec. 2227; "Tax Code" 1936, secs. 345, 346.
15. Acts 1916, pp. 416-420; Code 1919, sec. 2227; "Tax Code" 1936, sec. 347.
16. Acts 1924, pp. 575-577; Acts 1928, pp. 201-202; "Tax Code" 1936, secs. 344-347.
17. Acts 1926, p. 252; Acts 1930, p. 869; "Tax Code" 1936, sec. 346.

216. (MINUTES OF LOCAL BOARD OF EQUALIZATION), 1930, 1934. 1 vol. Record of proceedings of local board of equalization on adjustment of land assessments showing date of meeting, names of members present, action taken, signatures of chairman and secretary of board. Arr. chron. by date of meeting. No index. Hdw. 50 pp. 12x8x½. Clk. off., storage.

XIV. COUNTY TREASURER

From the early part of the 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 by the qualified voters. A treasurer was elected in Southampton County November 8, 1870, and assumed the duties of his office January 1, 1871.[1]

The treasurer may hold no other office except (after 1938) that of treasurer of a town in the county.[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 county treasurer.[3] Upon abolition of the townships, these duties were transferred to the treasurer, insofar as they affected the county as a whole.[4]

In 1870 the county treasurer was to be elected for a 3-year term.[5] In 1875 the term was increased to 4 years,[6] and this tenure continues in force at present.[7]

Since the creation of the office, the county treasurer has had the privilege of appointing deputies to assist him in the proper and efficient performance of his duties; such deputies are required to give bond and are subject to removal by their principals or by the court.[8]

The county treasurer, at the time of his qualification, is required to give bond, with personal security to be approved by the judge or court before whom he qualifies, or with a surety company as security in a penalty to be determined by said court or judge, but not less in any case than 30 percent of the amount to be received annually by him in the pursuit of his duties.[9]

---

1. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79; Order Book, County Court, no. 24 (1870-75), Jan. 1, 1871, p. 106, see entry 181.
2. Acts 1869-70, p. 258; Code 1936, sec. 2702; Acts 1938, p. 98.
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. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
6. Acts 1874-75, p. 133.
7. Acts 1899-1900, pp. 926-927; Acts 1902-3-4, p. 505; Acts 1906, p. 252; Acts 1908, p. 66; Code 1936, sec. 123.
8. Acts 1869-70, p. 258; Acts 1871-72, p. 222; Acts 1877-78, pp. 181-182; Code 1936, sec. 2701; Acts 1938, p. 17.
9. Acts 1869-70, p. 258; Acts 1878-79, p. 319; Acts 1930, p. 922; Code 1936, sec. 2698.

County Treasurer

(Next entry 217, p. 176)

For any breach of the bond of the county treasurer, suit may be brought against him in the circuit or (formerly) county court of the county.[10]

The treasurer, as principal financial officer of the county, formerly received fees or commissions for various services, based on amounts collected from time to time.[11] Between the years 1869 and 1932, his commission varied from one-fourth of 1 percent to 5 percent of amounts collected by him. In 1908, for instance, the compensation of the treasurer for receiving and disbursing funds derived from the issuance and sale of school district bonds was fixed at one-fourth of 1 percent. The amount paid him for this service was to be in no case less than $15, nor more than $250.[12] In 1904 the treasurer was allowed 3 cents for each 10 words for making and certifying lists of persons who had paid their poll taxes.[13]

In 1920, in counties with a population of between 25,000 and 50,000 the total compensation of the treasurer was not to exceed $6,500 per annum, while in 1932 the old fee system was abolished and the treasurer was to receive a regular salary.[14] Since 1935, the treasurer's salary has continued to be based on population. In counties having a population of more than 25,000 but less than 30,000 inhabitants, the treasurer's salary could not be less than $4,000, nor more than $5,500. The population of Southampton County was 26,870 at the census of 1930.[15]

These salaries and the expenses of the treasurer in the counties were to be paid in the proportion of two-thirds by the respective counties and one-third by the Commonwealth.[16]

In case of a vacancy in the office of county treasurer, by death, resignation, removal, or otherwise, it is the duty of the judge of the proper local court (the county court until 1904, and the circuit court thereafter), in term time or vacation, to fill such vacancy by appointment. The person so appointed, upon qualifying and giving bond as required, holds his office for the unexpired term and until his successor is elected and qualified.[17] 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.[18] Whenever a vacancy occurs in the office of county treasurer, the court or judge making the appointment to fill the vacancy may require the officer vacating the office to turn over all books and papers in his possession, including tax tickets for taxes and levies for the then current year, to his successor; or, where no appointment is made or the officer so appointed fails to qualify, such books and papers are ordered

---

10. Acts 1871-72, p. 228; Code 1919, sec. 2789; "Tax Code" 1936, sec. 364.
11. Acts 1869-70, p. 261.
12. Acts 1908, p. 559.
13. Acts 1904, p. 132; Code 1936, secs. 109, 112.
14. Acts 1920, p. 827; Acts 1932, p. 892; Code 1936, secs. 2431, 3477(d), 3477(e).
15. Acts 1934, pp. 736-737, 740; Report of the Secretary of the Commonwealth (1936-37), p. 240; Code 1936, sec. 2431.
16. Acts 1934, p. 740; Code 1936, secs. 3477(d), 3477(e).
17. Acts 1869-70, p. 258; Code 1936, secs. 136, 138.
18. Ibid., sec. 2705.

to be deposited with the clerk of the circuit court, who is to give a receipt for them and hold them subject to the order of the court.[19] The Governor also may suspend a treasurer or other collector of State revenues for failure in his duty concerning those revenues, and appoint a substitute to collect for the State, pending the outcome of ouster proceedings. Such substitutes qualify and are compensated in the same manner as regular treasurers.[20]

Penalties have been imposed upon the treasurer for violations of the laws pertaining to the duties of his office. A fine may be exacted of him, in some instances not less than $20, or more than $100, or he may be confined in prison for a term not exceeding 3 months.[21] There is a penalty for loaning or using for his own personal purposes any of the county's money, and he is required to forfeit and pay not less than $20 nor more then $100 and may be liable on his bond.[22] According to the law as set forth in the acts of 1904, a fine of not less than $50, and not exceeding $1,000, was imposed upon the treasurer for failing or refusing to provide for lists of all persons who had paid their State poll taxes.[23] Interest at the yearly rate of 15 percent is chargeable against the treasurer for failing to pay the State revenue into the Treasury at the time prescribed by law.[24] Also, if any treasurer knowingly omits 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 renders him guilty of malfeasance in office.[25]

Among his many and varied duties, a treasurer of a county is required to supervise all sales of delinquent lands, and for this service he receives the same pay formerly allowed the sheriff. These duties remain basically the same today.[26] He must keep an account of all money received and disbursed by him for the county and State and formerly made a bimonthly report to the board of supervisors.[27]

Besides collecting county levies and State revenue,[28] he collects the license tax.[29] The county treasurer also has to pay the fees of jurors.[30]

As the treasurer is the principal financial officer of the county, all records in his office relate more or less to a system of accounting for money.

---

19. Code 1919, secs. 2779, 2791; "Tax Code" 1936, sec. 353.
20. Code 1919, sec. 2791; Acts 1934, pp. 521-522; "Tax Code" 1936, sec. 366.
21. Acts 1869-70, p. 261; "Tax Code" 1936, sec. 365; see footnote 22.
22. Acts 1869-70, p. 263; Code 1887, sec. 866; Code 1919, secs. 2412, 2789, 2790; "Tax Code" 1936, sec. 265.
23. Acts 1904, p. 132; Code 1936, sec. 113.
24. Acts 1928, p. 210; "Tax Code" 1936, sec. 375.
25. Acts 1932, p. 336; "Tax Code" 1936, sec. 402(a).
26. Acts 1872-73, pp. 378-379; Code 1919, secs. 2407-2428; Acts 1928, p. 243; Code 1936, sec. 2460.
27. Acts 1869-70, p. 259; Code 1919, sec. 2780; Acts 1922, p. 599 (bimonthly statement repealed); "Tax Code" 1936, secs. 354, 369.
28. Acts 1869-70, p. 261; "Tax Code" 1936, sec. 369.
29. Acts 1871-72, p. 198; "Tax Code" 1936, sec. 374.
30. Acts 1895-96, p. 484; Code 1936, sec. 6010.

After he has received the tax books from the commissioner of the revenue,[31] the treasurer makes out tax tickets in triplicate to indicate the amount of taxes charged against each taxpayer. Prior to 1928, only a receipt for payment was required;[32] when the tax was paid, the receipt was torn out and given to the taxpayer, and a record made on the stub; receipts remaining in the book represent unpaid taxes. These tickets were, until 1928, delivered to the clerk of the circuit court with the delinquent lists.[33] Tax bills or notices[34] as well as the receipt[35] have been required since that date. The present system is to send a copy to the taxpayer and place the originals in one binder[36] and the third copy in another binder.[37] The treasurer gives the original to the person paying the tax, and stamps the third copy. Delinquent tickets remain in the binder; paid and unpaid tickets are represented by the third copies. A separate receipt form is also used.[38]

The treasurer keeps sets of books in order to account for State[39] and county funds.[40] Each day's collections are entered on a daily collection form as well as on the journal, and summarized at various times. All journal entries are posted periodically in the cash books and general ledger. These books are specified by the Auditor and Comptroller, who have general supervisory power over the treasurer's records.[41] Although the State accountants may upon request set up a bookkeeping system, the arrangement is to a large extent discretionary and varies according to local situations.[42]

All county funds collected are paid to the county treasurer, and disbursed by him only upon receipt of warrants lawfully authorized and issued.[43] The treasurer is required to pay all warrants in the order presented for payment, as soon as funds are available in the account drawn upon.[44] It is the duty of the board of supervisors[45] and the circuit court[46] to examine and allow claims and draw warrants on the county treasurer for their payment. However, to be paid, they must be presented to and registered by the treasurer

---

31. See footnotes 53, 66.
32. Code 1919, sec. 2408.
33. Code 1887, sec. 608; Code 1919, sec. 2417; Acts 1924, p. 719; (repealed) Acts 1928, p. 216; see entry 217.
34. Acts 1928, p. 209; "Tax Code" 1936, sec. 371.
35. See footnote 32; Acts 1928, p. 208; "Tax Code" in 1936, sec. 370.
36. See entry 219.
37. See entry 218.
38. See entry 220.
39. Acts 1869-70, p. 261; Acts 1932, p. 327; "Tax Code" 1936, secs. 369-372.
40. Acts 1869-70, p. 259; Acts 1932, p. 832; "Tax Code" 1936, sec. 354.
41. Acts 1878-79, p. 324; Code 1936, sec. 565; "Tax Code" 1936, sec. 374; see entries 221-224.
42. Acts 1914, p. 202; Code 1936, sec. 565.
43. Acts 1926, p. 846; Acts 1928, pp. 202-203; Acts 1932, pp. 834-835; Acts 1936, p. 29; "Tax Code" 1936, sec. 350.
44. Acts 1869-70, p. 259; Code 1919, sec. 2782; "Tax Code" 1936, sec. 356.
45. Acts 1874-75, p. 356; Code 1936, sec. 2724.
46. Hening, Statutes, XII, pp. 749, 757; Code 1819, I, pp. 518-519; Code 1936, secs. 6009, 6010.

within 2 years.[47] In order to determine the order of payment, as well as keep a record of paid warrants, the treasurer has, since the foundation of the office, been required to enter in a well bound book a record of every warrant drawn upon him by the board of supervisors[48] or, formerly, the county and circuit courts.[49] Warrants drawn for purposes covered by the Public Assistance Act of 1938 are listed on forms and sent to the treasurer with the forms. He signs and returns the warrants, retaining the list as a record. The local board retains a copy of the list.[50] There are no provisions as to the disposition of canceled general warrants. When a warrant is presented for payment, the treasurer, as soon as funds are available in the account drawn upon, executes to the holder a receipt for levies due the county up to the amount of the warrant, and pays the difference[51] by check.[52] Check stubs, canceled checks, and bank statements are retained for accounting purposes.

With few exceptions, the treasurer's remaining records pertain to the collection of taxes. A copy of the book containing the assessment of real estate for taxation is sent to the treasurer by the commissioner of revenue.[53] From this book, the personal property book,[54] and supplemental assessment records,[55] the treasurer makes out tax bills for each taxpayer.[56] He collects both real estate and personal property taxes for a year; after that period, taxes on different classes of property are collected in different ways, and will be considered under the appropriate head. In dealing with real estate, he first makes out a list of land which he was unable to locate, on which the assessment was reformed, or which for any other reason was improperly assessed. This list was formerly examined by various officers, the board of supervisors, and finally went to the circuit court. The court was required to direct that a copy be sent to the commissioner of revenue, who was to correct his land books accordingly, and to the Auditor. The original list was to be preserved by the clerk in his office.[57]

At the revision and codification of the tax laws in 1928, it was simply directed that this list be submitted to the board, which might direct a copy to be sent to the commissioner of revenue for the same purpose as before.[58] Until 1934, it was resubmitted to the treasurer who was to continue collecting for a year, then resubmitted to the board, showing changes which had occurred. The board might then turn it over to a special collector, who reported collections to it. When he had exhausted his remedies, he turned it over to the board, which resubmitted it to the treasurer. The treasurer was thereafter responsible for all collections. In 1934 the act was so amended

---

47. Acts 1897-98, p. 76; Code 1919, sec. 2783; "Tax Code" 1936, sec. 357.
48. Acts 1869-70, p. 259; Code 1919, sec. 2781; "Tax Code" 1936, sec. 355.
49. Acts 1869-70, p. 259; (repealed) Acts 1878-79, p. 321.
50. Acts 1938, pp. 638-669; see entries 226, 279.
51. Acts 1869-70, p. 259; Code 1919, sec. 2782; "Tax Code" 1936, sec. 356.
52. Acts 1932, pp. 831-832; "Tax Code" 1936, sec. 350.
53. Hening, Statutes, IX, 358; Code 1849, pp. 189-190; Acts 1874-75, p. 233; "Tax Code" 1936, sec. 318.
54. See footnote 66.
55. "Tax Code" 1936, sec. 316.
56. See footnotes 32-35.
57. Acts 1831-32, p. 61; Code 1919, secs. 2414, 2417.
58. Acts 1928, p. 216; "Tax Code" 1936, sec. 389.

as to require only the first submission of this list, since it is plain that no taxes shown on it can be collected.[59]

A list of other real estate taxes which he was unable to collect was before 1928 made out and handled in the same manner except that a copy was not directed to be sent to the commissioner of revenue, and the clerk was directed to record it in a book to be kept for that purpose.[60] The revision of 1928 made the same changes as were made regarding the list of improper assessments - namely, it goes directly to the board for examination and approval[61] and is resubmitted to the treasurer for collections for 1 year, is again submitted to the board to show changes, may be given by the treasurer or special collectors for further collections, and is resubmitted to the treasurer who is thereafter responsible for collections until sold.[62] The treasurer sends a certified copy to the county clerk to be recorded in the book of delinquent land.[63]

After collecting the delinquent real estate taxes for a period usually of 2 years, the treasurer offers the land for sale at public auction, and reports the result of his sale to the Comptroller, to the circuit court to be confirmed, and to its clerk to be recorded.[64] The report of sales is accompanied by a report of land on which the taxes were paid before sale.[65]

The treasurer also receives a copy of the commissioner of revenue's personal property book[66] and the State income tax book.[67] These serve as a basis for making out tax tickets.[68] The list of delinquent personal property was, before 1928, handled in the same way as the list of delinquent land except that a recapitulation of the total State taxes due was sent to the Auditor. This list consisted of delinquent State taxes, delinquent local taxes, and delinquent State and local capitation taxes.[69]

The Constitution of 1902 allowed the General Assembly to provide for the segregation of different classes of property for State and local taxation after 1913, and provided that the rate be uniform on each class of property.[70] This apparently was impossible under the former constitution, which provided that no species of property be taxed at a higher rate than any other species of property of the same value.[71] In 1915, acting under this power, the General

---

59. See footnote 62.
60. See footnote 58; Acts 1883-84, p. 744; Code 1919, sec. 2428.
61. See footnote 58.
62. Acts 1928, pp. 218-219; Acts 1934, pp. 761-762; "Tax Code" 1936, sec. 394.
63. Acts 1928, p. 217; "Tax Code" 1936, sec. 390.
64. Acts 1872-73, pp. 378-380; Acts 1930, p. 796; Code 1936, secs. 2465, 2469, 2489.
65. Acts 1895-96, p. 489; Code 1919, secs. 2465, 2466; Acts 1920, p. 19 (sec. 2466 repealed); Code 1936, sec. 2465.
66. Acts 1869-70, p. 283; "Tax Code" 1936, sec. 318.
67. Code 1919, sec. 2343; Acts 1928, p. 49; "Tax Code" 1936, sec. 33.
68. See footnotes 32-35.
69. See footnote 57.
70. Const. 1902, art. XIII, secs. 168, 169.
71. Const. 1869, art. X, sec. 1.

Assembly segregated real estate, all tangible personal property referred to in section six of the Tax Bill, and the tangible personal property of public service corporations (except the rolling stock of steam railroads) for local taxation only.[72] Intangible personal property and all other taxable property were segregated for State taxation only, but certain State taxes were allowed to continue on subjects of local taxation, and vice versa.[73] The revision of 1919 added the capital of merchants to the subjects of local taxation, eliminated duplication, and retained a small State school tax on real estate and tangible personal property.[74] Segregation was completed in 1926 when the school tax on subjects of local taxation was repealed.[75]

The Tax Code of 1928 continued this segregation by dividing the delinquent personal property list into three separate lists: a list of uncollected taxes and levies assessed on tangible personal property, machinery and tools, and merchants' capital, or other subjects segregated for local taxation (except real estate), including local capitation taxes, if any; a list of uncollected taxes on intangible personal property and individual income, or other subjects segregated for State taxation, except the State capitation tax; and a list of unpaid State capitation taxes.[76]

The list of delinquent local personal property taxes is handled in the same way as the list of delinquent land.[77] The original provision required the treasurer to be responsible for the collections after the special collectors had exhausted their remedies (if turned over to them).[78] In 1934, however, it was provided that the board could turn the list over to the treasurer for an additional period of 2 years (or a total of 3 years' collections after making out the lists), or could turn the list over to delinquent tax collectors who then reported to the board. In either case, the treasurer is no longer held responsible for the collections after the additional 2-year period, or after the list is turned over to special collectors.[79]

A copy of the list of delinquent taxes for State taxation only is sent to the Department of Taxation to be audited and checked. It then notifies the Comptroller, who credits the treasurer with the amount shown, and puts the amount in a separate delinquent tax account charged to the treasurer.[80] The treasurer collects for 1 or 2 years, noting collections on the original list, then submits a revised list for which he is credited on the delinquent tax account.[81]

The capitation tax records are important because of their bearing on the qualification of voters. The treasurer is directed to send to the clerk,

---

72. Acts 1902-3-4, pp. 156-157; Acts 1915, pp. 119-120.
73. Ibid., p. 120.
74. Code 1919, secs. 2205, 2206.
75. Acts 1926, p. 955; Const. 1902 (as amended 1928), art. XIII, sec. 168; "Tax Code" 1936, secs. 7, 8.
76. Acts 1928, p. 215; "Tax Code" 1936, sec. 387.
77. See footnote 58.
78. Acts 1928, p. 218.
79. Acts 1934, pp. 761-762; "Tax Code" 1936, sec. 394.
80. Acts 1928, p. 218; "Tax Code" 1936, sec. 392.
81. Acts 1928, p. 219; "Tax Code" 1936, sec. 395.

at least 6 months before each regular election, a list of names of persons who have paid the State capitation taxes for the preceding 3 years and are therefore eligible for voting.[82] The treasurer is not required to keep a record of such payments, but does so, at present in a card index, for his own convenience. From this record he compiles the voting list. The list of delinquent capitation taxes is sent to the Department of Taxation and an amended report sent 1 year later; the treasurer, however, continues to collect them.[83]

Dog licenses are sold by the treasurer; a record of every sale is made in a book prescribed by the Department of Game and Inland Fisheries, and the original is sent to the game warden to provide a record of licensed dog owners.[84] A file of general correspondence contains the rest of the officer's records.

Financial

Receipts

217. (Paid) TAXES, 1922-28. 71 vols.
Stubs of paid tax tickets issued to taxpayers upon payment of State taxes and local levies showing ticket number, date, name and address of taxpayer, value of taxable property, tax rate, amount of State taxes and local levies, total State taxes and local levies. Also contains Tax Tickets, State Taxes and Local Levies (Unpaid), 1922-28, entry 219. Arr. chron., thereunder by race, thereunder by district, and num. thereunder by ticket no. No index. Hdw. on ptd. forms. Aver. 300 pp. 12x12x2. Clk. off., storage.

218. (TAX BILLS), 1929--. 46 vols.
Carbon copies of paid and unpaid tax tickets showing ticket number, name and address of taxpayer, page and line on income tax book, personal property book and land book, value of taxable property, tax rate, total State taxes, total local levies, total State taxes and local levies, credits, balance (if any), date paid (if fully paid). Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Typed on ptd. forms. Aver. 1,000 pp. 14x11x5. 34 vols., 1929-36, treas. off., storage; 12 vols., 1937--, front rm.

219. TAX TICKETS, STATE TAXES AND LOCAL LEVIES (Unpaid), 1929--.
68 vols. 1922-28 in (Paid) Taxes, entry 217.
Original unpaid tax bills showing ticket number, name and address of taxpayer, page and line on income book, personal property book, and land book, value of taxable property, tax rate, total State taxes, total local levies, total State taxes and local levies. Arr. chron., thereunder by district, and alph. thereunder by first letter of surname of taxpayer. No index. Typed on ptd. forms. Aver. 500 pp. 7x7x5. 41 vols., 1929-34, clk. off., storage; 27 vols., 1934--, treas. off., front rm.

---

82. Const. 1902, art. II, sec. 38; Acts 1902-3-4, p. 946; Code 1936, sec. 109.
83. See footnote 81.
84. Acts 1930, p. 662; Code 1936, sec. 3305(77).

220. (TREASURER'S RECEIPTS), 1930--. 10 vols.
Carbon copies of receipts issued by county treasurer to persons paying county taxes showing receipt number, name of taxpayer, district, amount paid, date, signature of treasurer. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 300 pp. 9x7½x4. 8 vols., 1930-37, clk. off., storage; 2 vols., 1938--, treas. off., front rm.
For commissioner of revenue's record, see entry 214.

Journals, Cash Books, and Ledgers

221. TREASURER SOUTHAMPTON COUNTY TAX COLLECTIONS, 1929--. 5 vols.
No title, 1929-June 1939.
Daily summary of revenue collected showing receipt number, date, name of taxpayer, district, race; State taxes (capitation, income, intangible, interest); county taxes (levy, interest, advertising costs, and penalty); miscellaneous; total for day. Arr. chron. by date of collection. No index. Hdw. on ptd. forms. Aver. 1,000 pp. 13x15x6. 3 vols., 1929-37, treas. off., storage; 2 vols., 1937--, front rm.

222. TAX COLLECTIONS, TREASURER OF SOUTHAMPTON COUNTY, 1935--.
2 vols. No title, 1937--.
County treasurer's monthly abstract of daily collections of county taxes, State taxes, omitted and specially assessed State capitation taxes, State licenses and miscellaneous State items. Record of county taxes collected shows name of district, year, month, day, tax, penalty, interest, advertising cost, summary (taxes, penalty, interest, advertising and other costs, total collections), distribution (name of fund, amount allotted to each). Record of State taxes collected shows name of district, year, month, day, amount of tax (capitation, intangible, income), penalty, interest, cost, summary (taxes, penalty, interest, cost, total collections), date paid into State treasury. Record of omitted and specially assessed State capitation taxes, State licenses, and miscellaneous State items collected shows year, month, day, omitted capitation (tax, penalty, interest), licenses, type of miscellaneous item, amount. Also contains Warrant Register, July 1939--, entry 225. 1935-37 arr. chron. by month of collections; 1937-- arr. by subject, chron. thereunder by month, alph. thereunder by district, and chron. thereunder by day. No index. Hdw. on ptd. forms. Aver. 425 pp. 12x13½x3½. 1 vol., 1935-37, clk. off., storage; 1. vol., 1937--, treas. off., front rm.

223. CASH JOURNAL, 1929--. 3 vols. No title, 1933--.
County treasurer's record of cash receipts and disbursements kept for the purpose of accounting for cash in office and bank balance. Receipts show date, amount received, name of payer, explanation of payment, current county taxes paid, delinquent county taxes paid, interest and advertising costs paid on land offered for sale, State personal property and license taxes paid, amount paid into miscellaneous account. Disbursements show date, amount deposited in bank or paid over counter, amount withdrawn from bank, check number, name of bank, amount of check, name of payee, purpose for which check drawn or cash paid, county warrants paid, State warrants paid, amount paid on miscellaneous account. Arr. by receipts and disbursements and chron. thereunder by date of transaction. No index. Hdw. on ptd. forms. Aver. 320 pp. 17½x24x2. 2 vols., 1929-32, treas. off., storage; 1 vol., 1933--, front rm.

224. SOUTHAMPTON COUNTY GENERAL LEDGER, 1929--. 3 vols. No title, 1932--.
County treasurer's record of accounts used for arranging each day's transactions under the appropriate heading in order to obtain immediately the receipts, disbursements, and balance of each account, showing name of account (cash, deferred items, uncollected county tax, uncollected State taxes, Commonwealth of Virginia general fund, dog tax fund, county school fund, treasurer's fund, bank accounts), date, explanation of transaction, posting reference (page of journal), amount of debits and credits, balance. Arr. by name of account and chron. thereunder by date of entry. No index. Hdw. on ptd. forms. Aver. 200 pp. 12x13x2. 2 vols., 1929-32, 1937--, treas. off., front rm.; 1 vol., 1933-36, treas. private off.

Warrants and Checks

225. WARRANT REGISTER, 1929-39. 10 vols. July 1939-- in Tax Collections, Treasurer of Southampton County, entry 222.
Record of warrants issued by board of supervisors, circuit court, and school board for general purposes and paid by treasurer showing date of warrant, warrant number, payee, purpose, fund, amount. Arr. by fund, chron. thereunder by date of warrant and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 200 pp. 16x13x1½. 3 vols., 1929-32, treas. off., storage; 7 vols., 1932-39, front rm.

226. (BOARD OF PUBLIC WELFARE WARRANT REGISTER), 1938--. 1 vol.
Original list sent to treasurer by local board of public welfare of warrants drawn on the public assistance fund by the board to cover expenses for the month, showing date of warrant, warrant number, payee, explanation, certificate of award number, case or code number, amount of warrant, number of items, total amount, purpose of warrants (whether for relief or administrative expenses), month covered by warrants, date of report, signatures of chairman and secretary of local board, treasurer's certificate and signature, voucher number. Arr. chron. by date of warrant and num. by warrant no. No index. Typed on ptd. forms. 100 pp. 9x13x1. Treas. private off.
For board of welfare's copy, see entry 279.

227. (Paid) GENERAL FUND WARRANTS, 1929--. 16 bundles.
Canceled warrants issued by the board of supervisors to pay general county expenses and paid by treasurer showing warrant number, date, amount, payee, purpose, signatures of chairman, clerk of board of supervisors, and treasurer. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. Aver. 8x3½x9. 12 bundles, 1929-39, clk. off., storage; 4 bundles, 1939--, treas. off., front rm.

228. (Paid) ROAD FUND WARRANTS, 1929-32. 4 bundles.
Canceled warrants issued by the board of supervisors for the maintenance and construction of roads and paid by the county treasurer showing warrant number, date, amount, payee, purpose, signatures of chairman, clerk of board of supervisors, and treasurer. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. Aver. 8x3½x4. Clk. off., sotrage.

229. (CANCELED PUBLIC WELFARE WARRANTS), 1938--. 2 file drawers.
Canceled warrants issued on the Virginia Public Assistance Fund showing date

and amount of warrant, payee, case or code number, award number, signature of chairman of board of public welfare, attestation of secretary of board, signature of treasurer. Arr. chron. by date of warrant. No index. Typed on ptd. forms. 9x5x20. Treas. off., front rm.

230. (CHECK STUBS), 1929--. 10 vols.
Stubs of checks issued by treasurer to pay warrants showing number, date, purpose, payee, amount. Arr. chron. by date of check and num. by check no. No index. Hdw. on ptd. forms. Aver. 200 pp. 14x11x1. 1 vol., 1929-30, treas. off., storage; 9 vols., 1930--, front rm.

231. (CANCELED CHECKS AND BANK STATEMENTS), 1931--. 10 bundles.
Treasurer's accounts with various banks in Southampton County including canceled checks and bank statements. Canceled checks show bank, number, date, payee, amount, signatures of treasurer and payee. Bank statements show bank, date, amounts of deposits and withdrawals, balance. Arr. by bank and chron. thereunder. No index. Typed on ptd. forms. Aver. 7x3½x3. Clk. off., storage.

Taxation

Real Property

232. COUNTY LAND BOOK, 1935--. 4 vols.
Treasurer's copy of record of tax assessments on land, lots, standing timber, buildings and improvements. For full description, see entry 38. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. Typed on ptd. forms. Aver. 200 pp. 17x24x1. Treas. private off.
For clerk's copy, see entry 38; for commissioner of revenue's copy, see entry 202.

233. IMPROPER ASSESSMENTS, 1928-32, 1938--. 1 vol., 2 bundles. 1933-37 in Delinquent Real Estate, entry 234.
Treasurer's list of real estate taxes which he was unable to collect because the land was improperly assessed or because it was not ascertainable showing district, name of commissioner of revenue, tax year, name and address of person assessed, location and description of land, number of acres, page and line on land book, amount delinquent not including penalty. Also contains Delinquent Real Estate, 1928-32, entry 234; Delinquent Tangible Property, 1928-31, entry 238; Delinquent Intangible Property and State Capitation Tax, 1928-31, entry 239; (Delinquent) State Capitation Taxes, 1928-31, entry 241. Arr. chron. by years, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of person charged with taxes. No index. Typed on ptd. forms. Vol. 300 pp. 19x16x1; bundles aver. 19x16x1. Vol., 1928-32, clk. off., storage; bundles, 1938--, record va.

234. DELINQUENT REAL ESTATE, 1933--. 5 vols. 1867-70, 1872-79, 1882-88, 1891-94, 1896-99, 1901-6 in Delinquent Land, Capitation and Personal Property, entry 9; 1928-32 in Improper Assessments, entry 233.
Lists of real estate in the county delinquent for the nonpayment of taxes and levies reported by the treasurer to the board of supervisors and resubmitted to the treasurer for further collection showing district, name of commissioner of revenue, tax year, name and post office address of person assessed, loca-

tion and description of land, number of acres, page and line on land book, amount delinquent not including penalty, collections during the first year (date, penalty, interest and cost, total collections), amount uncollected not including penalties, collections during second year, amount due on lands sold to the Commonwealth and improper assessments, totals carried forward, recapitulation (page of lists, amount of delinquents on each page, total delinquents, total penalties, total delinquent taxes and penalties shown on lists). Also contains Improper Assessments, 1933-37, entry 233; Delinquent Tangible Property, 1934, entry 238. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. Typed on ptd. forms. Aver. 100 pp. 22x17x1. 1 vol., 1933-34, treas. off., storage; 1 vol., 1935-36, clk. off., storage; 3 vols., 1937--, treas. private off.

For record of delinquent real estate, see entry 46; for clerk's copy, see entry 45.

235. (TREASURER'S RECEIPTS FOR DELINQUENT TAXES), 1929--. 10 vols.
Carbon copies of receipts issued to persons paying taxes on land advertised for sale by treasurer for nonpayment of taxes and levies assessed thereon showing name of person assessed with taxes, amount delinquent, penalty, interest, cost of advertising, total, date of collection, signature of treasurer. Arr. chron. by date of collection. No index. Hdw. on ptd. forms. Aver. 800 pp. 8x6x4. 9 vols., 1929-37, treas. off., storage; 1 vol., 1938--, front rm.

Personal Property and Income

236. PERSONAL PROPERTY BOOK, 1935--. 4 vols.
Treasurer's copy of record of tax assessments on personal property. For full description, see entry 50. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Typed on ptd. forms. Aver. 200 pp. 17x24x1. Treas. private off.

For clerk's copy, see entry 50; for commissioner of revenue's copy, see entry 208.

237. STATE INCOME BOOK, 1918--. 21 vols.
Treasurer's copy of record of assessment of State taxes on individual income and income controlled by fiduciaries. For full description, see entry 209. Arr. by type of income, thereunder by district and town, and alph. thereunder by first letter of surname of person assessed. No index. Typed on ptd. forms. Aver. 5 pp. 17x16x½. 19 vols., 1918-36, treas. off., storage; 2 vols., 1937--, front rm.

For commissioner of revenue's copy, see entry 209.

238. DELINQUENT TANGIBLE PROPERTY, 1932-33, 1935--. 1 bundle, 4 vols.
1928-31 in Improper Assessments, entry 233; 1934 in Delinquent Real Estate, entry 234.
Lists of uncollected taxes on tangible personal property, machinery and tools, and merchants' capital for local taxation only, showing district, race, name of commissioner of revenue, tax year, name and post office address of person assessed, page and line on personal property book, whether tangible personal property, machinery and tools, merchants' capital, or local capitation tax, amount delinquent not including penalty, amount collected, recapitulation, oath of treasurer. Arr. chron. by tax year, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of taxpayer.

No index. Hdw. and typed on ptd. forms. Bundle 18x20x1; vols. aver. 85 pp. 18x20x1. Bundle, 1932-33, treas. off., storage; 1 vol., 1935-36, clk. off., storage; 3 vols., 1937--, treas. private off.

For prior records, see entry 9.

239. DELINQUENT INTANGIBLE PROPERTY AND STATE CAPITATION TAX, 1932--. 4 vols. Title varies: Delinquent Intangible Property, 1932-33. 1928-31 in Improper Assessments, entry 233.

Carbon copies of the treasurer's report to the State Department of Taxation of persons in county delinquent for nonpayment of taxes and levies assessed on intangible personal property and income showing name of person assessed, post office address, page and line on commissioner's book, amounts assessed on bonds, notes, and other evidences of debt, money, moneyed capital in competition with national banks, capital not otherwise taxed, income, total State taxes. Also contains (Delinquent) State Capitation Taxes, 1934--, entry 241. Arr. by district and chron. thereunder. No index. Typed on ptd. forms. Aver. 100 pp. 14x17x½. 2 vols., 1932-36, clk. off., storage; 2 vols., 1937--, treas. off., front rm.

For prior records, see entry 9.

Capitation (see also entry 236)

240. (STATE CAPITATION TAXES PAID), 1930--. 4 file drawers.

Treasurer's card record of persons in the county who have paid the State capitation tax, used to compile the record of persons eligible to vote, showing name, race, and address of taxpayer, town or district, tax year, whether paid on time or delinquent. Arr. by race, alph. thereunder by town or district, and alph. thereunder by first letter of surname of taxpayer. No index. Hdw. on ptd. forms. Aver. 15x5x24. Treas. off., front rm.

241. (Delinquent) STATE CAPITATION TAXES, 1932-33. 1 vol. 1867-70, 1872-79, 1882-88, 1891-94, 1896-99, 1901-6 in Delinquent Land, Capitation and Personal Property, entry 9. 1928-31 in Improper Assessments, entry 233; 1934-- in Delinquent Intangible Property and State Capitation Tax, entry 239.

Carbon copies of the treasurer's report to the State Department of Taxation of unpaid State capitation taxes showing name of commissioner of revenue, tax year, district, name and race of taxpayer, amount due, date of report. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of taxpayer. No index. Typed on ptd. forms. 100 pp. 18x20x1. Treas. off., storage.

Licenses

242. DOG LICENSE RECEIPT BOOK, 193[illegible]--. 45 vols.

Triplicate copies of receipts constituting record of dog licenses sold by county treasurer showing name and address of dog owner, district, serial number of male, female, or unsexed female dog tag, receipt number, date issued, amount paid, signature of treasurer. Arr. chron. by date of issuance and num. by serial no. No index. Hdw. on ptd. forms. Aver. 150 pp. 12x8x1. 34 vols., 1931-37, treas. off., storage; 11 vols., 1938--, treas. private off.

For game warden's copy, see entry 307.

Correspondence

243. LETTERS, 1938--. 2 file drawers.
Original letters to the county treasurer concerning the collection of taxes and tax bills and copies of his letters and replies. Arr. chron. by years and alph. thereunder by first letter of surname of correspondent. No index. Hdw. and typed. Aver. 12x12x26. Treas. off., front rm.

XV. COUNTY FINANCE BOARD

In 1932 the county finance board was created to assure the proper handling of funds.[1] This board consists, in each county, of the chairman of the board of supervisors, the treasurer, and a citizen of the county of proven integrity and business ability. The chairman and the treasurer are ex officio members, and the citizen member is appointed by the circuit court of the county or the judge thereof in vacation.[2] The chairman of the board of supervisors is the chairman of the county finance board and the clerk of the board of supervisors is ex officio its clerk. The board is authorized to meet at such times and at such places as the chairman or a majority of the members may designate.[3]

In 1933 the first citizen member of the board was appointed for a term to expire December 31, 1933, and thereafter for a term of 4 years.[4]

A citizen member of the county finance board may, at the discretion of the board of supervisors, receive for each day's attendance a sum not less than $5 and mileage at the rate of 5 cents per mile traveled on the days of attendance, but this mileage must in no case exceed $2 per day. This allowance is to be paid out of the county levy on a certificate of attendance from the chairman of the county finance board. The total compensation paid is not to exceed $30 and mileage in any 1 year.[5]

The circuit court of the county, or the judge thereof in vacation, in his discretion, may remove for cause any citizen member of the finance board and appoint some other qualified citizen of the county in his stead for the unexpired portion of his term.[6]

One of the duties of the finance board is to approve the depository or depositories selected by the county treasurer for the money received by him, and this board has authority to withdraw its approval of any depository if, in its judgment, the protection and safety of the money held by such depository requires such action. If this becomes necessary, the treasurer must immediately withdraw all money on deposit in the bank so condemned and

---

1. Acts 1932, pp. 831-835; "Tax Code" 1936, sec. 350.
2. Acts 1933, p. 64; "Tax Code" 1936, sec. 350.
3. Acts 1936, p. 27; "Tax Code" 1936, sec. 350.
4. Acts 1933, p. 64; "Tax Code" 1936, sec. 350.
5. Acts 1936, pp. 98-99; "Tax Code" 1936, sec. 350(a).
6. Acts 1933, p. 64; "Tax Code" 1936, sec. 350.

redeposit it with an approved depository.[7] The depositories so chosen and ratified are required to give bond which, at all times, must be equal to the amount of the deposits.[8] 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.[9] By way of facilitating the performance of the board's 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 to be made by the treasurer in the name of his county.[10]

The only record of the county finance board is its minute book, in which are recorded the orders and proceedings of the board respecting county funds and depositories.[11]

244. (MINUTES OF THE COUNTY FINANCE BOARD), 1932--. 1 vol. Record of the orders and proceedings of the county finance board at regular and special meetings, including selection and approval of county depositories, approval of collateral of such depositories, and treasurer's monthly reports, showing date of meeting, place of meeting, names of members present, actions taken, and signature of chairman. Arr. chron. by date of meeting. No index. Typed. 250 pp. 14x9x2. Clk. private off.

XVI. COUNTY ELECTORAL BOARD

Long before the foundation of Southampton County, the sheriff had acted as an election official, as may be seen by reference to the old laws. He may have served as such at a prior date.[1] 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 setup 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 re-

---

7. Acts 1936, p. 27; "Tax Code" 1936, sec. 350.
8. Acts 1932, pp. 833-834; "Tax Code" 1936, sec. 350.
9. The Statutes at Large of the United States, XLVIII, (1933-34) pt. 1, 168; Acts 1933, p. 65; "Tax Code" 1936, sec. 350.
10. Acts 1932, pp. 831-834; Acts 1936, p. 29; "Tax Code" 1936, sec. 350.
11. Acts 1932, p. 832; Acts 1936, p. 27; "Tax Code" 1936, sec. 350.

1. Hening, Statutes, I, 411-412.
2. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59; Acts 1857-58, pp. 18-19; Code 1919, sec. 180.

County Electoral Board (Next entry 245, p. 185)

gistration 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 for 2 years. Three judges of election were appointed for each voting district. 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, from among the judges of election, five commissioners 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 as ex officio 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 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 electoral 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 judges, clerks, registrars, and commissioners of any election receive as compensation for their services the sum of $3 for each day's service rendered, and the judge carrying the returns and tickets to and from his voting place and to the county clerk's office and the commissioners of election receives the mileage allowed to jurors.[8]

---

3. Acts 1869-70, pp. 55-56, 82, 89; Acts 1870-71, pp. 371-372; Acts 1871-72, p. 244.
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; 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; Code 1936, sec. 84.
8. Acts 1869-70, p. 99; Acts 1934, p. 547; Code 1936, sec. 200.

Any clerk of election who fails to attend at the time and place appointed for such election, without good and sufficient reason, may be fined from $10 to $100.[9]

It is the duty of the electoral board of each county to appoint a registrar for each electoral district of their respective counties, who must be a discreet citizen and resident of the election district in and for which he is appointed, and such registrar is not to hold any other office by election or appointment, except that of precinct judge of election.[10]

The clerk of the board keeps a minute book in which are recorded the proceedings and orders of the board.[11]

245. (MINUTES OF COUNTY ELECTORAL BOARD), 1894--. 2 vols. Record of orders and proceedings of the county electoral board at regular and special meetings, including appointment and removal of election judges, clerks, registrars, and commissioners, showing date of meeting, place of meeting, names of members present, signature of secretary. Arr. chron. by date of meeting. No index. Hdw. Aver. 300 pp. 15x10x2. Residence of Mr. H. S. Saunders, secretary of electoral board, Ivor, Va.

For other records of elections, see entries 77-84.

XVII. 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 duty had previously been performed 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] 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 ap-

---

9. Acts 1869-70, p. 96; Code 1936, sec. 4723.
10. Acts 1932, pp. 845-846; Code 1936, sec. 86.
11. Acts 1884, pp. 149-150; Code 1919, sec. 87; Code 1936, sec. 87.

1. Acts 1876-77, p. 9.
2. Code 1873, p. 686.
3. Acts 1876-77, p. 9.
4. Acts 1883-84, p. 177.
5. Ibid., pp. 177-178; Acts 1884, p. 119; (not to be confused with the earlier board of school commissioners corresponding to the present county school board), see County School Board, p. 188, footnotes 3-5, 8.
6. Acts 1887, pp. 305-306.

School Trustee Electoral Board (Next entry 246, p. 187)

pointee 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 appointed three persons who formed 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 from 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 oaths may be taken at will before the clerk, the court, or the judge thereof in vacation.[12]

Members of the school 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 especial provision for vacating the office of school trustee elector. 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 or elect the school trustees who make up the county school board.[16] At its foundation, the board had power to remove from office any 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 the further power to summon witnesses and require the production of the records of any district school board in deciding upon the displacement of a trustee, or for any

---

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. Ibid., p. 1202; Acts 1936, p. 502; 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.
17. Acts 1876-77, pp. 9-10.

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]

The only record regularly required of the school trustee electoral board is a book of minutes, embodying a brief record of the proceedings of the board in its selection of members of the county and (former) district school board.[20] In this county, the records of this board consist of the above-mentioned series of minute books[21] and a file of official forms of the oaths of office of persons appointed district school trustees. These forms, together with the notification of appointment, were forwarded to appointees by the clerk of the school trustee electoral board and the oath was taken before the division superintendent (at that time ex officio a member of the board) or any other officer authorized to administer an oath, and certified by him to the clerk of the circuit court.[22]

246. MINUTES, SCHOOL TRUSTEE ELECTORAL BOARD, 1904--. 2 vols. Record of proceedings at regular and special meetings of the school trustee electoral board showing date of meeting, names of members present, motions, resolutions, orders, and action taken on appointment of district school trustees and members of the school board, accounts of board members for expenses incurred in performance of their duties. Arr. chron. by date of meeting. No index. Hdw. Aver. 150 pp. 12x6x½. Supt. sch. off., record va., Franklin, Va.

247. (OATHS OF OFFICE), 1904-17. 1 file drawer. Original certificates of oaths of office of district school trustees filed with the clerk of the school trustee electoral board showing name of trustee, date of oath, signatures of witnesses, seal and signature of trustee. Arr. chron. by date of oath. No index. Hdw. on ptd. forms. 12x5x15. Supt. sch. off., record va., Franklin, Va.
For other oaths of office, see entry 138.

XVIII. 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, and it seems that in many counties, if not all, the board of aldermen never came into ex-

---

18. See footnote 5.
19. Acts 1902-3-4, pp. 806-807, 815; Code 1919, sec. 632; Acts 1928, pp. 1207, 1226.
20. Acts 1883-84, p. 178; Code 1887, sec. 1456; Acts 1902-3-4, p. 807; Code 1919, sec. 634; Acts 1928, pp. 1202-1203; Code 1936, sec. 653.
21. See footnote 20.
22. Acts 1902-3-4, pp. 806-807; Code 1919, secs. 634, 638; see footnotes 7, 8.

County School Board (Next entry 248, p. 191)

istence.[1] In 1810 the Literary Fund, consisting of escheats, confiscations, fines, penalties, and forfeitures, 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 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 required in 1818 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 in 1829 were authorized at their discretion to lay off the county in school districts and, if the inhabitants of the district saw fit 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 teacher's 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 of the State capitation tax to the support of schools, while the corresponding act applied the entire sum to the same purpose.[9] In the Constitution of 1869 the assembly was directed 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 township.[13] The district school trustees collectively, with the county superintendent of schools ex officio as president, constituted the county school board.[14] After the abolition of the townships, the school district divisions were by magisterial districts, or subdivisions thereunder. Southampton County was divided into six (seven, since 1916) magisterial districts.[15] In 1877 the appointment

---

1. Shepherd, Statutes, II, 3-5; Morrison, Beginnings of Public Education, p. 24.
2. Acts 1809-10, p. 15.
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.

 (Next entry 248, p. 191)

of district trustees was delegated to the new school 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]

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 $5 per diem nor for more than 20 days each year. Formerly, upon order of the county board to the district, an allowance of not more than $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 nonfeasance 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

---

16. See School Trustee Electoral Board, pp. 185-187.
17. Acts 1922, p. 738; Acts 1928, pp. 1202-1203.
18. Acts 1930, p. 794.
19. Const. 1902 (as amended 1928), art. II, sec. 32; Acts 1928, pp. 1202-1203; Acts 1930, p. 794.
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. Ibid., 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.

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's 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 1 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] have constituted a body corporate, today known as the County School Board of Southampton 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 authority to sell, exchange, or convey school property in general.[35] The board may be represented legally by the attorney for the commonwealth, 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 is at present authorized or required to draw upon the county treasurer for expenses of operation of the school system, secure information concerning the conduct of the schools, provide for the payment of claims against the system for services, and supplies, and provide for the consolidation of schools and the transportation of pupils when this would contribute to the efficiency of education.[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] They 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]

---

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 1922, p. 738; Acts 1928, p. 1203; Code 1936, sec. 653.
35. Acts 1928, p. 1203.
36. Ibid., 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.

The clerk of the school board, as recorder, keeps a minute book in which are entered notes of the proceedings of the board,[1] a record of the status of Literary Fund loans and of the bonds,[2] stubs of warrants issued by the board for retirement of the debt and for other purposes, and a warrant register.[3] For many years, the treasurer was required to deliver canceled warrants to the school board each year; since the repeal of the provision in 1928, it has been done, probably, through custom.[4] He still renders to the county school board, at stated intervals, a report of funds in his hands available for school purposes.[5] The former county board of school commissioners was required to assemble annually, and make a full report to the Second Auditor covering the activities and requirements of the schools in their county.[6]

Proceedings

248. (MINUTES OF COUNTY SCHOOL BOARD), 1922--. 2 vols.
Record of proceedings at regular and special meetings of the school board showing date and place of meeting, names of members present, name of presiding officer, regulations, orders, resolutions, motions, and action 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. Aver. 300 pp. 16x10x2. Supt. sch. off., record va., Franklin, Va.

Financial

Bonds

249. SOUTHAMPTON COUNTY DISTRICT BOND ISSUES AND LITERARY FUND OF VIRGINIA INDEBTEDNESS, 1923--. 1 vol.
Record of school bonds issued and indebtedness of Southampton County to the Literary Fund of Virginia for loans. School bonds show date of issue, district, total amount, rate of interest, balance. Literary Fund loans show date of issue, district, rate of interest, date of maturity, amount, balance due. Arr. by districts and chron. thereunder by date of bond. No index. Hdw. 60 pp. 7x4x$\frac{1}{2}$. Supt. sch. private off., Franklin, Va.

Warrants

250. (WARRANT STUBS FOR BOND OR DEBT FUND), 1925--. 8 vols.
Stubs of warrants issued for capital outlay and debt service for schools in

---

1. Code 1919, sec. 642 (district school boards); Acts 1922, pp. 737-741 (district boards abolished); Acts 1928, p. 1189; Code 1936, sec. 614.
2. Acts 1906, p. 446; Code 1919, sec. 758; Acts 1928, pp. 1197-1199; Acts 1936, pp. 500-501; Code 1936, secs. 638, 643.
3. Warrant stubs are not required by law, but warrants issued are to be recorded in the form prescribed by the State Board: Acts 1932, pp. 548-549; Code 1936, sec. 656.
4. Acts 1902-3-4, p. 814; Code 1919, sec. 728; Acts 1928, p. 1221 (handled as other county funds); Acts 1936, p. 513 (handled as provided by the county finance board act); Code 1936, sec. 700.
5. Acts 1871-72, pp. 83-84; Code 1919, sec. 728; Acts 1928, pp. 1188-1189; Code 1936, sec. 614.
6. Code 1849, p. 379.

magisterial districts and for payment of school operating expenses, capital outlay, and debt service in the town of Franklin showing district or town, warrant number, date, payee, purpose, amount. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 150 pp. 12x25x1. Supt. sch. off., reception rm., Franklin, Va.

251. (WARRANT STUBS - SCHOOL FUNDS), 1922--. 2 bundles.
Stubs of warrants issued on school fund for general school purposes showing warrant number, payee, amount, purpose, fund, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 7x4x1. Supt. sch. off., storage, Franklin, Va.

252. (WARRANT REGISTER), 1936--. 1 vol.
County school board's record of warrants issued showing date issued, warrant number, payee, purpose, amount. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. 100 pp. 12x15x2. Supt. sch. off., record va., Franklin, Va.

253. (PAID WARRANTS), 1922--. 18 bundles.
Canceled warrants issued by school board, paid by county treasurer, and returned to school board for filing, showing warrant number, date issued, payee, purpose, amount, signatures of clerk of school board and treasurer. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 3x8x2. Supt. sch. off., storage, Franklin, Va.

Reports

254. TREASURER'S REPORT, 1919--. 1 file drawer.
County school board's copy of county treasurer's reports of receipts of county funds, State funds, and miscellaneous funds, and of disbursements from school funds. Receipts of county funds show date, district, and amount received from tax collections and land redemptions. Receipts of State funds show date and amount received from delinquent tax collections, appropriation of Alcoholic Beverage Control Board profits and capitation taxes. Receipts of miscellaneous funds show date and amount received from rents, sales of property, transfers from Public Works Administration funds, donations, and refunds. Disbursements show date, amount of warrant, payee, purpose, fund, transfers. Arr. chron. by date of report. No index. Typed. 12x5x15. Supt. sch. off., record va., Franklin, Va.

255. ANNUAL REPORT OF SCHOOL COMMISSIONER, 1849-60. 1 bundle.
Annual reports of the Board of School Commissioners of Southampton County showing date of meeting and report, names of members present, number of indigent children in county, average cost of tuition per day, statement of available funds on hand, itemized list of disbursements, balance, number of common schools, number of district schools, signatures of clerk and president of board. Arr. chron. by year of report. No index. Hdw. 8x4x4. Clk. off., storage.

(Next entry 256, p. 196)

XIX. 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 those which retained the former schools free to indigent children only.[1] The duties and powers conferred upon this officer 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 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,[6] and the county superintendents of schools were to be appointed by the State Board of Education for a term of 3 years.[7] The superintendent thus became, in a sense, an agent of the Board, and his authority increased accordingly, being exercised 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 of him - a teacher's license equivalent to a first grade certificate, teaching experience (determined by State Board of Education), or former practical services 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 appoint superintendents of schools over these divisions, although the other mechanisms of the respective county educational systems remained independent.[10] Since 1916 there have been few changes of consequence in the office of division superintendent, except that since the late constitutional amendments the superintendent is once again to be appointed by the county school boards.[11]

Eligibility for the office of division superintendent today is dependent upon the meeting of minimum requirements set up by the Board of Education as outlined in a statement published annually by that office.[12]

---

1. Acts 1845-46, pp. 29, 33.
2. Ibid., pp. 30-31; see below.
3. Acts 1845-46, p. 31.
4. Code 1849, p. 379; Minute Book, County Court (1855-61), Jan. 1, 1856, p. 55 (Southampton's first superintendent appointed by board of school commissioners), see entry 180.
5. Code 1849, pp. 380-381; Code 1860, pp. 428-429; see footnote 6.
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. Ibid., p. 501.

Division Superintendent of Schools (Next entry 256, p. 196)

One superintendent is appointed for each division; in this instance, Southampton County by itself forms a division.[13] A vote of the county school board is taken on a list of eligibles certified to it by the State Board of Education. Where a division includes more than one county, a joint meeting of the respective boards is held for the same purpose.[14] The superintendent's term of office is 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.

This officer is required to take the usual oath of office before a circuit or corporation court having jurisdiction in his division,[16] but no bond is or was required of him,[17] except under the act of 1846, when, acting as the 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 those 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 compensation was based upon the population of the county and the number of schools, but 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 hundred 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 county, 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, is subject to fines and penalties ranging from $5 to $50, or in certain cases to $100, for breaches of the school laws, and may be prosecuted by the commonwealth's attorney in the name of the Commonwealth for a misdemeanor.[22] The office is automatically vacated by his engaging in other employment, unless he is accepted on a part-time basis, or 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 board, or if the local agency fails to act within 60 days, by the

---

13. Report of the Secretary of the Commonwealth (1936-37), pp. 189, 196, 211, 240, 244.
14. Acts 1936, pp. 501-502.
15. Ibid., p. 501.
16. Code 1919, secs. 269-273; Acts 1926, p. 318; Code 1936, secs. 269, 273.
17. Code 1919, sec. 625; Acts 1930, p. 884; Code 1936, sec. 651.
18. Code 1849, p. 373.
19. Ibid., pp. 37-38, 367, 373.
20. Acts 1869-70, p. 406.
21. Acts 1928, p. 1189; Code 1936, sec. 615.
22. Acts 1928, pp. 1223-1225; Code 1936, secs. 708, 710.
23. Acts 1930, p. 884; Code 1936, sec. 651.

Division Superintendent of Schools (Next entry 256, p. 196)

State Board.[24] There is no separate provision for the oaths 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] but he is further 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, acting, in effect, as liaison officer between State and local educational agencies.[27]

The records of the division superintendent of schools reflect more or less accurately his varied duties. He preserves a file of copies of the budget made out annually by him (with the advice of the county school board), upon which is based the county school levy for each successive year,[28] and a ledger in which are entered notes of his official receipts and disbursements.[29] He also keeps a record of insurance on county school buildings,[30] a file of the reports made to him by the town treasurer (the town of Franklin being included in the school division)[31] and his own reports of receipts and disbursements by districts,[32] as well as copies of his annual combined report of school income and expenditures.[33] In addition, he receives and files copies of the Auditor's report concerning the accounts of his office,[34] and keeps records of his dealings with textbook publishing and sales houses.[35]

Although it is the duty of the school board to make contracts with teachers,[36] the superintendent has a series of reports of contracts, certificates, and previous training of teachers, and a list of names and assignments (the superintendent assigns or transfers teachers, once they are em-

---

24. Acts 1930, p. 883; Code 1936, sec. 649.
25. Acts 1930, p. 884; Code 1936, sec. 651.
26. Acts 1928, p. 1190; Code 1936, sec. 616.
27. Acts 1928, pp. 1203-1205; Acts 1930, pp. 886, 888-889; Code 1936, secs. 655, 684, 695.
28. Code 1919, sec. 646; Acts 1928, p. 1204; Code 1936, sec. 657.
29. Code 1919, sec. 644; Acts 1928, p. 1202; Code 1936, sec. 652.
30. Code 1919, secs. 670, 764; Acts 1928, pp. 1200, 1203-1204; Code 1936, secs. 645, 656.
31. Annual Report, Southampton County, Virginia (1937-38), p. 27.
32. See footnote 29.
33. Code 1919, sec. 644; Acts 1928, pp. 1202, 1205; Code 1936, secs. 652, 659; (this report may be that required of the school board with the assistance of the superintendent).
34. Acts 1914, p. 202; Acts 1936, pp. 83-84; Code 1936, sec. 565.
35. Acts 1928, pp. 1191-1192; Code 1936, secs. 619-621.
36. Code 1919, sec. 690; Acts 1928, p. 1206; Code 1936, sec. 664.

ployed). In the same connection is kept a series of letters to and from teachers,[37] with bills of all sorts which have been paid from school funds.[38]

The superintendent's office is the depository of the school census records, representing the results of the quinquennial school census, from which may be predicted the future needs and demands upon the school system.[39] Here also are filed the records of the condition and use of school buildings,[40] of exhibits at the county fair by the schools, and of Federal work-relief projects relating to the school system.[41]

The superintendent receives and files the reports of school principals as to enrollment and attendance, and the attendance of teachers,[42] miscellaneous files of reports and correspondence, and a series of cards for books borrowed from the library.[43]

Financial

Budgets

256. BUDGET FORMS, 1922--. 1 file drawer.
Annual budget of estimated receipts and disbursements prepared by division superintendent of schools as a guide to the board of supervisors in laying the county school levy. Estimated receipts show year, amounts received from State, county, district, and other funds; amounts received from loans, bonds, and investments; total receipts, balances at beginning of year, total balances, total receipts and balances. Estimated disbursements show year, amounts expended for administration, instruction, coordinate activities, auxiliary agencies, operation and maintenance of school plant, fixed charges; amounts expended for capital outlay, debt service; total expenditures, balances at close of year, total balances, total expenditures and balances; indebtedness at close of year, total indebtedness; rate of county levy, average rate of district levies. Arr. by receipts and disbursements and chron. thereunder by year. No index. Hdw. on ptd. forms. 14x11½x25. Supt. sch. off., record va., Franklin, Va.

Ledgers

257. (LEDGERS, RECEIPTS AND DISBURSEMENTS), 1924--. 5 vols.
Ledger of receipts and disbursements for schools of Southampton County. Receipts show date, source of revenue (State, county, district, other sources), total. Disbursements show warrant number, date issued, payee, to what account charged, balance. Arr. by receipts and disbursements and chron. thereunder by date of entry. No index. Hdw. on ptd. forms. Aver. 185 pp. 6x10x2. Supt. sch. off., record va., Franklin, Va.

---

37. Acts 1928, p. 1205; Code 1936, sec. 660.
38. Appraently as agent for the board; Code 1919, sec. 662; Acts 1928, pp. 1203-1204; Code 1936, sec. 656.
39. Code 1887, sec. 1462; Acts 1902-3-4, p. 808; Acts 1906, p. 439; Code 1919, sec. 653; Acts 1928, p. 1219; Code 1936, sec. 695.
40. Acts 1928, pp. 1208-1209; Code 1936, sec. 671.
41. Apparently not required by law.
42. Code 1919, sec. 689; Acts 1928, p. 1206; Code 1936, sec. 664.
43. See footnote 41.

Division Superintendent of Schools - Teachers (258-263)

258. (INSURANCE LEDGER), 1923--. 1 vol.
Record of insurance policies on school buildings in county showing name of school, policy number, date of policy, name of insurance company, amount of policy, yearly premium, expiration date, name of agent, name of person holding policy, date paid. Arr. chron. by date of policy. No index. Hdw. on hdr. forms. 150 pp. 16x9x1. Supt. sch. private off., Franklin, Va.

259. (REPORTS OF TOWN TREASURER OF FRANKLIN AND DISTRICT REPORTS), 1919--. 1 file drawer.
Reports of town treasurer of Franklin and the division superintendent's district reports of receipts and disbursements of school funds to be compiled with annual report. Receipts show date, cash balance, amount received from special school levy, State funds, delinquemt taxes collected, total receipts. Disbursements show date, amount expended for supplies, equipment, janitor service, repairs to school buildings, and insurance, literary fund bonds paid, district school bonds paid, special school debt fund. Arr. chron. by date of report. No index. Hdw. 14x11½x25. Supt. sch. off., record va., Franklin, Va.

260. ANNUAL SCHOOL REPORT, 1919--. 1 file drawer.
Annual school report of division superintendent of schools of receipts and disbursements of school funds. Receipts show name of county; year of report; name of division superintendent; amount received from State, county, district, and other funds; amount received from loans, bonds, and investments; total receipts; balance at beginning of year; total balances; total receipts and balances. Disbursements show year of report; amount expended for administration, instruction, coordinate activities, auxiliary agencies, operation and maintenance of school plant; fixed charges; capital outlay; total expenditures; balance at close of year; total expenditures and balances; indebtedness at close of year; total indebtedness. Arr. chron. by year of report. No index. Hdw. on ptd. forms. 12x5x15. Supt. sch. off., record va., Franklin, Va.

261. AUDITOR'S REPORT, 1923--. 1 file drawer.
Copy of Auditor of Public Accounts' report of receipts and disbursements of school funds. Receipts show year, amounts received from county, State, and miscellaneous funds. Disbursements show year, amount of warrant, payee, purpose, fund, transfers. Arr. chron. by date of report. No index. Typed. 12x5x15. Supt. sch. off., record va., Franklin, Va.

262. TEXT BOOK ACCOUNT, 1927--. 3 file drawers. No title, 1927-36.
Record of textbook reports sent to publishers every 3 months showing date of report, name of publisher, name of dealer, post office address, balance on account as shown on last statement, amount of invoice for current month, balance due, stock on hand unsold, title of book, number, contract price free on board at publishers, contract price delivered, total. Arr. chron. by date of report. No index. Typed on typed forms. Aver. 11½x14x25. Supt. sch. off., reception rm., Franklin, Va.

Teachers

263. TEACHERS CONTRACTED WITH, 1919--. 2 file drawers.
Reports of teachers contracted with and summary of certificates and institutional training of teachers. Reports of teachers contracted with show division, date, name of teacher, race, sex, teaching address, marital status, school, grade or subjects taught, monthly salary, number of months contracted

for, grade of certificate, expiration date, basis of issue, number years of experience, number years in division. Summary of certificates and institutional training of teachers show date and grade of certificate, number of elementary teachers, number of junior high and high school teachers, total, place of training of teachers, number trained at each, degree, status of teachers. Arr. by subject. No index. Hdw. and typed on ptd. forms. 11½x14x25. Supt. sch. off., record va., Franklin, Va.

264. LIST OF TEACHERS, 1915--. 1 file drawer.
List of teachers in Southampton County showing name of teacher, name and location of school. Arr. by race. No index. Mimeographed. 12x5x15. Supt. sch. off., record va., Franklin, Va.

265. TEACHERS' CORRESPONDENCE AND PAID BILLS, 1922--. 4 file drawers.
Original letters from teachers to the division superintendent, copies of his replies thereto, and bills paid for supplies, janitor's and bus drivers' salaries, maintenance and upkeep of busses, fuel, and other school purposes. Correspondence arr. alph. by first letter of surname of teacher; bills. arr. chron. by month. No index. Hdw. 11½x14x25. 3 file drawers, 1922--, supt. sch. off., record va.; 1 file drawer, 1934-36, reception rm., Franklin, Va.

Census

266. SCHOOL CENSUS, 1910, 1915, 1920, 1925, 1930, 1935. 4 bundles, 3 file boxes. No title, 1910, 1915, 1920, 1925, 1930.
Original reports of school census showing date, district, nearest elementary school, name, address, and occupation of parent or guardian, 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, vision, or speech, and mental or physical defects. Arr. chron. by years, thereunder by districts, and alph. thereunder by first letter of surname of child. No index. Hdw. on ptd. forms. Bundles aver. 24x16x1; file boxes 11½x14x25. Supt. sch. off., storage, Franklin, Va.

Individual Schools

267. SCHOOL BUILDING RECORD, 1933--. 1 vol.
Record of school buildings in Southampton County showing enrollment of each school (high school and elementary), white or Negro, year constructed, ownership, type of construction, acres in site, facilities and general condition of each building, repairs or additions made each year. Arr. chron. No index. Hdw. on ptd. forms. 150 pp. 11x8½x1. Supt. sch. off., record va., Franklin, Va.

268. CO. (County) SCHOOL & AGRICULTURAL FAIR, 1935-38. 4 vols.
Record of exhibits sent to school fairs by schools in Southampton County showing year of fair, name of school, types of entries, names of prize winners, prizes awarded. Arr. chron. by year of fair. No index. Hdw. Aver. 100 pp. 20x7x1. Supt. sch. off., reception rm., Franklin, Va.

Division Superintendent of Schools - Reports and Correspondence (269-273)

269. P. W. A. (Public Works Administration) AND W. P. A. (Work Projects Administration), 1935--. 3 file drawers.
Reports, payrolls, contracts, and record of equipment of Public Works Administration and Work Projects Administration projects in operation in schools of Southampton County and correspondence pertaining thereto. Arr. by subject and chron. thereunder. No index. Typed. 11½x14x25. Supt. sch. private off., Franklin, Va.

Reports and Correspondence

270. PRINCIPALS' MONTHLY SUMMARY REPORTS (and Principal or Head Teachers' Enrollment Report), 1923--. 2 file drawers.
Monthly enrollment reports of head teachers and principals made to division superintendent. Head teachers' reports show name of pupil, age, grade, name and address of parent or guardian, date of report, signature of principal or head teacher. Principals' reports show name of school, race, date, names of teachers, grades taught, total number of pupils enrolled this session, number on roll during month, average daily attendance, number of cases of absence (pupils), number of cases of tardiness (pupils), number of days taught, times tardy (teacher), times absent (teacher), number of visits to homes, total for school; names of substitutes, days taught, for whom, cause of teacher's absence, signature of principal. Arr. by race and chron. thereunder by month of report. No index. Hdw. and typed on ptd. forms. 12x5x15. Supt. sch. off., record va., Franklin, Va.

271. COUNTY AND STATE, 1922--. 11 file drawers.
Miscellaneous papers of division superintendent including State treasurer's statements of indebtedness of Southampton County to the Literary Fund of Virginia, agreements, travel reports, and final results of year's work made by agricultural teachers, budgets, school bus inspection reports, bus schedules, bus drivers' contracts, health unit reports, Cooperative Educational Association reports, reports on National Youth Administration activities in and out of school, and correspondence with State Board of Education and county school officials. Arr. by subject. No index. Hdw., typed, ptd. 11½x14x25. 7 file drawers, 1922-35, supt. sch. off., storage; 4 file drawers, 1922--, record va., Franklin, Va.

272. GENERAL CORRESPONDENCE AND REPORTS, 1930--. 8 file drawers.
General correspondence of division superintendent and reports concerning adult education classes, enrollment and average daily attendance of pupils each month, estimated enrollment for year, laboratory and library supplies, teachers' applications and contracts, white term reports, Negro questionnaires, payrolls, school league reports. Arr. by subject. No index. Hdw. and typed. 11½x14x25. 2 file drawers, 1930-32, supt. sch. off., storage; 3 file drawers, 1932-36, reception rm.; 3 file drawers, 1936--, record va., Franklin, Va.

Miscellaneous

273. (LIBRARY CARDS FOR BOOKS LOANED), not dated. 1 file drawer.
Record of books loaned by division superintendent of schools showing name of author, title of book, date loaned, name of borrower, date returned. Arr. alph. by first letter of surname of borrower. No index. Hdw. on ptd. forms. 11½x14x25. Supt. sch. off., record va., Franklin, Va.

(Next entry 274, p. 203)

XX. LOCAL BOARD OF PUBLIC WELFARE

(Overseers of the Poor)

When at the end of the Revolution the parish vestry was about to be removed from participation in temporal affairs, there was an obvious need of a substitute agency to undertake the care of the poor and the other charitable activities of the vestry.[1] This substitute was found in the office of overseers of the poor, functionaries already known in English law.[2] An act of assembly in 1785 finally displaced the vestry and ordered that each county be divided into districts, under the supervision of the county court, for the election of overseers of the poor.[3] Southampton County was divided into four areas, Upper and Lower Nottoway Parish, and Upper and Lower St. Luke's Parish, but the first appointments of overseers did not occur until April 9, 1795, when the requirements of the act were complied with.[4]

From each of the districts laid out as directed, three overseers, ". . . discreet, fit, and proper persons, being freeholders of and resident within the same . . .," were to be elected for a term of 3 years.[5] The number per district was later reduced to one, and in 1852 the term of office became 4 years.[6] During the township period one overseer of the poor per township was elected annually, and at the end of the township system, while one overseer per magisterial district continued to be elected, the term was raised to 2 years, and was again raised in 1903 to 4 years, at which figure it remained until the end of the agency.[7]

An oath of office, for the true and faithful administration of his duty, was required of each overseer from 1786 on,[8] but it does not appear that an official bond was specifically demanded before 1870, although the overseers may have been bonded under the rather vague blanket clause of the election act of 1858. The penalty of his bond was in 1870 to be determined by the township board, and the bond itself filed among the board's papers, but that penalty was in no case to be less than double the amount which would pass

---

1. Eckenrode, Separation of Church and State, p. 115, et passim.
2. Blackstone, Commentaries, I, secs. 359-361 (statute 43 Eliz. c. 2; there is a very interesting identity of duties shown, and a scathing criticism of the parish system of poor relief).
3. Hening, Statutes, XII, 27-29, 272-273.
4. Minute Book, County Court (1793-99), Apr. 9, 1795, p. 158, in Order Book, County Court, see entry 181; see Governmental Organization and Records System, pp. 21, 46.
5. Hening, Statutes, XII, 27; Code 1803, p. 180; Code 1819, II, 264; Code 1849, pp. 259-260.
6. Ibid., pp. 259-260 (the court in laying out districts may provide for the election of one or more overseers in each; the number to be elected within certain towns had previously been reduced, as had that for one county, but this general change appears to have been introduced by the revisors of the code; see Acts 1831-32, p. 267; Acts 1832-33, p. 52; Acts 1839, p. 138; Acts 1848-49, p. 55); Acts 1852, p. 64; Acts 1857-58, p. 28; Code 1860, p. 81.
7. Const. 1869, art. VII, sec. 2; Code 1873, p. 487; Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 134; Code 1887, sec. 96; Acts 1902-3-4, p. 743; Code 1919, sec. 127.
8. Hening, Statutes, XII, 273; Code 1819, II, 265.

through the overseer's hands in a year. The same stipulation as to minimum amount continued in force, the penalty being fixed after 1875 by the court or judge before whom qualification took place, with the added requirement (after 1887) that the face of the bond must be at least $500.[9] From the year 1802 the overseers were allowed a percentage upon their collections and other transactions (in 1819, 6 percent), plus $1 (if demanded) per day of attendance, but after 1849 this compensation was set at only $1 for each day's attendance.[10] Later, similar allowances were made, limited to totals ranging from $20 to $75 per year.[11]

Vacancies occurring in the office of overseer of the poor were filled by appointment of the county court for the unexpired term, and the circuit court afterward performed the same function. Various fines and penalties, such as $2 per absence from any meeting of the board, were laid upon the overseers for neglect of duty or other misdeeds.[12]

In 1816 the county court was empowered to appoint one fit and responsible person to be administrative agent of the board of overseers (in addition to the president elected by the board upon its organization), and to keep its records of accounts and proceedings. This office was later (1829) known as clerk of the board.[13] To him, as to other persons appointed by the board as agents for special purposes, such allowances and compensation might be paid as were fixed by the board and the county court, not to exceed (in 1819) $20 per year.[14] The clerk was required to be bonded from the beginning of his office in 1816.[15]

The duties of the board of overseers at first included the custody and sale of glebe lands and other expropriated property of the former Established Church, as well as the more general care and support of the poor. They were required to report their expenditures and the number and condition of the poor in their districts, and to lay, and regulate the collection of, the county poor levy. They were further empowered, through their clerk or other agents, to provide housing, food, and medical care for the needy, to apprentice poor orphans, and to impress vagrants for forced labor.[16] An important part of their activities revolved around the poorhouse and poor farm, for the purchase and holding of which they were named a corporation.

---

9. Code 1849, p. 260; Acts 1852, p. 67; Acts 1857-58, p. 32; Code 1860, p. 94; Acts 1869-70, p. 281; Acts 1871-72, pp. 303-304; Acts 1874-75, pp. 354-355; Code 1887, secs. 177, 814; Acts 1895-96, p. 825; Acts 1902-3-4, p. 652; Code 1919, secs. 279, 2698; Acts 1924, p. 685.
10. Shepherd, Statutes, II, 316; Code 1819, II, 268, 271; Code 1849, p. 263.
11. Acts 1871-72, p. 302; Acts 1901, p. 73; Acts 1902-3-4, p. 609; Acts 1920, p. 568; Acts 1936, pp. 15-16.
12. Code 1803, pp. 180-181; Code 1819, II, 271-272; Code 1849, p. 260; Code 1860, p. 293; Acts 1902-3-4, pp. 504, 745; Code 1919, sec. 136.
13. Acts 1815-16, pp. 57-59; Code 1819, II, p. 271; Acts 1828-29, pp. 22-23.
14. Code 1819, II, 269, 271; Code 1849, p. 263; Code 1860, p. 295.
15. Acts 1815-16, pp. 57-59; Code 1819, II, pp. 277-278; Code 1860, p. 294.
16. Shepherd, Statutes, I, 118-120; ibid., II, 314; Code 1819, II, 264-279; Acts 1828-29, pp. 22-23.

Local Board of Public Welfare (Next entry 274, p. 203)

They sent the poor from their districts to the poorhouse, sought to prevent begging, provided for the burial of deceased paupers, and in general, as their title implies, oversaw and directed charitable works within the county.[17] There was until 1938 no general abolition of the office, but as the respective counties in turn employed local superintendents of public welfare the older agency fell into disuse and in most cases came immediately to an end. The office of overseer of the poor was abolished by an order of the board of supervisors effective January 1, 1923, and a local board and superintendent of public welfare (as suggested by a statute of 1922) appointed to take over the care of the poor. This agency was not permanent, however, and the appointment of the present superintendent took place in 1936.[18]

County superintendents and local boards of public welfare appear to have existed in some counties as early as 1922, but it was not until 1936, when State and Federal aid became readily available under the first Virginia Public Assistance Act, that these appointments were widely carried out. Southampton's present superintendent was appointed by the board of supervisors in 1936, as has been mentioned above. She was to receive a salary set by the board, and to serve at their pleasure, or, substantially, during good behavior.[19] In 1938 local boards of public welfare were set up in all counties, consisting of three members appointed by the judge of the circuit court for a term of 2 years. The county superintendent is now in effect an agent of this board, and her salary is fixed; any subsequent appointment to the superintendency would under the present act be made by the board, for a term determined by that agency. It is the duty of the local board to cooperate with State and Federal relief agencies, and to some extent to supervise the work of the county superintendent.[20] Funds for relief purposes are appropriated jointly by the United States, the State, and the county (through the board of supervisors).[21]

The local superintendent of public welfare is a county probation agent, cares for the poor, administers relief and mother's aid funds, and supervises persons paroled from corrective institutions, sending them to be trained for special work or finding employment for them. As agent for work directed by the State Board of Public Welfare, she attempts to find positions for the unemployed, investigates the condition of needy families, acts as custodian of dependent children, and has, since the abolition of the office of overseer of the poor, assumed most of the former duties of that office.[22]

The records of the local board of public welfare, and of the county superintendent, consist of a minute book in which are recorded in brief the proceedings of the board,[23] a file of cards bearing records of application for assis-

---

17. Code 1860, pp. 292-295; Acts 1871-72, p. 303; Acts 1878-79, pp. 307-309; Acts 1926, pp. 869-870; Acts 1930, pp. 939-940.
18. Acts 1922, pp. 159-162; Record of Supervisors, no. 3 (1911-23), Nov. 27, 1922, p. 582; ibid., no. 5 (1934--), Sept. 28, 1936, p. 168, see entry 2; Acts 1938, p. 214.
19. Acts 1922, pp. 160-162; Acts 1936, pp. 374-377; Acts 1938, pp. 645-669.
20. Ibid., pp. 638-669.
21. Ibid., pp. 644-661.
22. Ibid., pp. 214, 645-660.
23. Apparently not required by law.

tance,[24] files of case histories compiled by the superintendent and her aides and served by a separate card index, a volume of copies of certificates of award (relief granted),[25] a warrant register for accounting with the treasurer and the State,[26] and a file of cards with statistical information abstracted from the case records mentioned above.[27] The superintendent also keeps a file of her official correspondence.[28]

Proceedings

274. MINUTES PUBLIC WELFARE BOARD, 1938--. 1 vol. (1).
Record of orders and proceedings of the county welfare board showing date of meeting, names of 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. 500 pp. 18x12x3. Wel. off., rear rm.

275. RECORD OF APPLICATION CARDS, 1938--. 1 file drawer.
Original applications for general relief, old age assistance, aid to blind, and to dependent children showing name of applicant, address, race, code classification, date application received, action taken, remarks. Arr. alph. by first letter of surname of applicant. No index. Hdw. and typed on ptd. forms. 10x12x20. Wel. off., front rm.

276. CASE RECORDS, 1936--. 3 file drawers.
Case history records of aid to blind, aid to dependent children, general relief cases, and old age assistance, including applications for relief, family face sheets, and correspondence pertaining thereto. Applications for relief show name, address, case number, award number, type of assistance applied for, statement of circumstances entitling applicant to assistance, date of application, signature of applicant or mark of applicant and signatures of witnesses, disposition of application, signatures of superintendent and chairman of local board, attestation of secretary of local board. Family face sheets show 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, health of each; total number of persons in relief group; family physician; others in household including married children, - relatives, lodgers, and boarders -

---

24. Acts 1938, pp. 646, 651, 657.
25. The superintendent must investigate each case, and make a report in writing of such facts as the local board or the State Commissioner of Public Welfare may require: Ibid., pp. 647, 651-652, 657.
26. The State reimburses the local authorities for a certain part of their expenditures; this record may also be used in accounting with the State Welfare Board: Ibid., pp. 663-665.
27. See footnote 25.
28. Not required by law, but kept as a matter of convenience in the business of the office.

full names, 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; names of other relatives, kinship; last three regular jobs of each working member of family - name of member of family, name and address of employer, date began and ended, kind of job, weekly wages, employer's statement; legal settlement; former marriages, present marriage; military service, bonus, pension or hospitalization; name of church, denomination, minister. Arr. num. by case no. For index, see entry 277. Hdw. on ptd. forms, and typed. 12x13x24. Wel. off., rear rm.

277. (INDEX FILE), 1936--. 2 file boxes (labeled by inclusive letters of alphabet).
Index to record of cases, entry 276, showing name and address of person receiving assistance, case number, race, name of case worker. Arr. alph. by first letter of surname of person receiving assistance. Hdw. and typed on ptd. forms. Aver. 3x5x12. Wel. off., front rm.

278. 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 and num. by award no. No index. Typed on ptd. forms. 300 pp. 10½x4½x2. Wel. off., front rm.

Financial

279. WARRANT REGISTER, 1938--. 1 vol.
Superintendent of public welfare's record of warrants issued by local board of welfare showing date of warrant, warrant number, payee, explanation, certificate of award number, case or code number, amount of warrant, number of items, total amount, purpose of warrants (whether for relief or administrative expenses), month covered by warrants, date of report, signatures of chairman and secretary of local board, certification and signature of treasurer, voucher number. Arr. chron. by date of warrant and num. by warrant no. No index. Typed on ptd. forms. 20 pp. 9x13x½. Wel. off., front rm.
For treasurer's copy, see entry 226.

280. (HOUSEHOLD STATISTICAL CARDS), 1939--. 1 carton.
Household statistical record of families applying for assistance showing name, address, and race of applicant, case number, total number in relief group, general relief classification (employed, unemployed, nonresident, and those 65 years of age and over), members of household, current status, benefits, aid to blind, cash benefits (not included in preceding benefits), date and amount of cancelation. Arr. alph. by first letter of surname of applicant. No index. Hdw. and typed on ptd. forms. 9x11x20. Wel. off., rear rm.

Correspondence

281. GENERAL (Correspondence), 1936--. 1 file drawer.
Original letters to the local board of public welfare and carbon copies of letters, and replies concerning relief matters, child welfare, medical care,

institutional care, application requirements, and probation work. Arr. by subject. No index. Hdw. and typed. 12x13x24. Wel. off., rear rm.

XXI. SUPERINTENDENT OF THE POOR

The office of superintendent of the poor was among the innovations embodied in the Constitution of 1869, and continued to operate after the abolition of the township system in 1875. This agency was distinct from the overseers of the poor and had slightly different duties, although a comparison of the superintendent of the poor and the earlier clerk of the board of overseers of the poor (see article on local board of public welfare) will reveal an interesting similarity of function.

Originally, one superintendent of the poor was to be elected by the voters of the county for a term of 3 years,[1] but after 1873 his tenure was extended to 4 years.[2] In 1875 the superintendent became an appointee of the county court at the recommendation of the board of supervisors and, subsequently, of the circuit court, with the same recommendation, without change in time of service.[3]

In 1872 this officer was required, upon qualification, to enter into a bond with surety approved by the court, in a penalty of not less than $5,000.[4] In 1896 the minimum was $4,000, and the same figure held as late as 1924.[5]

The compensation of the superintendent was fixed by the board of supervisors and was not to exceed $400 a year.[6] Later, it was limited still further, and in counties which, like Southampton, had more than 15,000 population, was not to be above $400.[7] The superintendent was to hold no other official position, and acceptance of other office automatically vacated his post.[8] Vacancies created by this or other causes were filled as usual by appointment of the court for the unexpired term.[9]

The principal duty of the superintendent of the poor was to attend to the management and maintenance of the county poorhouse or farm. At the order of the board of supervisors, he provided accommodation for the poor, received paupers sent to him by the overseers of the poor, and reported to the board the amounts required for the support of those in his charge.[10]

---

1. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
2. Acts 1872-73, p. 275; Acts 1874, pp. 96, 210; Acts 1874-75, p. 133; Acts 1883-84, p. 12.
3. Acts 1874-75, pp. 133, 355; Const. 1902, art. VII, sec. 110; Acts 1902-3-4, pp. 506, 742, 855; Code 1919, sec. 126.
4. Acts 1871-72, p. 229.
5. Acts 1895-96, p. 825; Acts 1924, pp. 684-685.
6. Acts 1869-70, p. 265; Acts 1871-72, p. 230.
7. Acts 1889-90, p. 52; Acts 1902-3-4, p. 609; Code 1919, sec. 2799; Report of the Secretary of the Commonwealth (1936-37), p. 150.
8. Acts 1902-3-4, p. 654.
9. Acts 1904, p. 324; Code 1919, sec. 126.
10. Acts 1869-70, pp. 264-265; Code 1919, secs. 2794, 2798.

Southampton County has had a poorhouse or almshouse since 1824, if not earlier. The original property held for this purpose was sold in 1907, when the existing institution was established, but this too has been discontinued within the past year, and is now awaiting disposal.[11]

In Southampton County the poorhouse was known as the almshouse, and the superintendent of the poor was called superintendent of the almshouse. For all funds received for the support of the poor, the officer was required to keep an account with the board of supervisors,[12] and to make an annual report covering all phases of his activities in connection with the almshouse.[13] In order to compile this information and to run the institution efficiently, he kept several account books.

282. (RECORD OF ALMSHOUSE INMATES), 1935-39. 1 vol.
Record of persons admitted to almshouse kept by superintendent of the poor showing date admitted, name, race, age, date of death or removal from institution. Arr. chron. by date of admittance. No index. Hdw. 100 pp. 14x8x1. Residence of Mr. C. S. Newton, former supt. of poor.

283. (RECORD OF ACCOUNTS), 1935-39. 1 vol.
Itemized accounts of purchases made for almshouse kept by superintendent of the poor showing date of purchase, article purchased, name of merchant, amount. Arr. chron. by date of purchase. No index. Hdw. 75 pp. 14x8x½. Residence of Mr. C. S. Newton, former supt. of poor.

284. (REPORTS OF SUPERINTENDENT OF POOR), 1935-39. 5 bundles.
Copies of monthly reports of superintendent of the poor to board of supervisors showing date of report, amount expended for clothing, provisions, medicine, transportation, fuel, light, furniture, beds and bedding, repairs, fencing, farm machinery, wages for cook, nurse, and other employees, superintendent's salary, miscellaneous, total expended, amounts received from sale of farm produce, net cost per month, number of inmates, total number of days inmates maintained, average cost per day per inmate, signature of superintendent. Arr. chron. by date of report. No index. Hdw. on ptd. forms. Aver. 8x4x1. Residence of Mr. C. S. Newton, former supt. of poor.

XXII. PARISH VESTRY

As was inevitable in any land having a State Religion, the Established Church in Virginia had many temporal functions, and served in some respects as an arm of the government, in a relationship of mutual support. The parishes, nominally areas of ecclesiastical jurisdiction, offered convenient lines of division as the country was progressively broken up into counties[1] and, when (as often occurred) a county was made up of two parishes, served

---

11. Minute Book, County Court (1824-35), Aug. 26, 1824, pp. 23, 35, 60, see entry 180; Record of Supervisors, no. 2 (1893-1911), Oct. 29, 1907, p. 443; ibid., no. 5 (1934--), Mar. 27, 1939 (effective June 30, 1939), p. 301, see entry 2.
12. Code 1936, sec. 2795.
13. Ibid., sec. 2798.

1. Bruce, Institutional History, I, 64-65, 79; Robinson, Virginia Counties, passim.

as districts in the apportionment of temporal authority as well.[2] Each parish after 1643 had a local governing body known as the vestry, chosen by a "pluralitie of voices" among the parishioners.[3] The number to be elected was in 1661 limited to 12,[4] but as no term had ever been fixed, and it was in 1662 left to the discretion of the minister and vestry to fill the place of any departed member,[5] the vestry became in a large sense a self-perpetuating body, usually composed of the wealthiest and most influential men of the congregation. Dissatisfaction with this situation was marked, and one of the measures forced upon the assembly by the rebel Bacon called for a new election every 3 years - a stipulation immediately repealed at the end of the Rebellion, as were all the rest of "Bacon's Laws."[6]

Vestrymen were early required to take the oaths of supremacy and of allegiance to His Majesty, and of conformity to the doctrine and discipline of the Church of England,[7] but it does not appear that any bond was required of them, nor any compensation provided.

The recording agent of the vestry was usually the parish clerk, and for administrative purposes it chose (from its own body) churchwardens, generally two in number, each year. The vestrymen commonly served in rotation as churchwardens.[8]

The duties of the vestry were many and varied. From 1643 on, it was empowered to choose and compensate its ministers, but their removal was left to the assembly, or, later, to the Governor, who hotly opposed any invasion of his prerogative.[9] By an act of 1661, glebes (lands held and farmed for the support of the minister) were formed in each parish, and the vestry was directed to provide for their upkeep and for the proper housing of the minister.[10] The churchwarden kept the church in repair and collected funds (or produce) for the payment of the minister's salary.[11]

The vestry was also charged with directing the prosecution of offenders against decency, morality, or sobriety. As early as 1624 the churchwardens were sworn to "present" to the commanders of plantations (then heads of the monthly courts) violators of rules against swearing and drunkenness. In 1643 similar presentments were to be made to the county court, the vestry in this respect exercising powers similar to those of the grand jury, and

---

2. Hening, Statutes, II, 171-172 (counties and parishes authorized to make bylaws for their own government, by a majority vote of the inhabitants).
3. Ibid., I, 240, 290-291.
4. Ibid., II, 25.
5. Ibid., II, 45.
6. Bruce, Institutional History, I, 64-65, et passim; Hening, Statutes, II, 356, 380-381.
7. Ibid., II, 45.
8. Ibid., II, 44-45; Bruce, Institutional History, I, 78-79.
9. Ibid., I, 73, 131-144; Hening, Statutes, I, 241-243, 328; ms. letter of Governor Spotswood, Dec. 17, 1716, printed in Inventory of the County Archives of Virginia, No. 21, Chesterfield County, p. 13.
10. Hening, Statutes, II, 30, 45.
11. Ibid., I, 241-243, 328; ibid., II, 52.

it appears that this function continued into the eighteenth century.[12]

The laying of the parish levy was also entrusted to the vestry, which assessed each tithable person a certain sum to be used, originally in building churches and levying glebes, but later also for the support and relief of the poor.[13] In 1677, an act derived directly from one of Bacon's revolutionary laws provided that the freeholders of each parish elect annually six representatives to sit with the vestry and have a voice in the laying of the levy.[14] Special persons were nominated by the vestry from time to time to collect and receive the levies in tobacco or other produce, but eventually these duties were assigned to the sheriff as part of his general function as tax collector.[15]

As a welfare agency, the vestry assisted the county court in building and maintaining houses where poor children might be instructed in spinning and weaving, and established workhouses for the adult poor.[16] The churchwardens bound out children whose parents were dead or unable to care for them, provided for the poor of the parish, and cared for those who came from other places if they were too ill to be returned to their original settlements.[17]

In the eighteenth century, with the rise of the "dissenting" element in Virginia, the vestry was an object of attack, and at the coming of the Revolution rapidly declined in power. After 1779 the parish levy was limited to such amounts only as would serve for the support of the parish poor and the defraying of obligations contracted before January 1, 1777,[18] and in 1785, with the creation of the office of overseer of the poor, the parish vestry as a temporal agency ceased to exist, all its charitable powers being assumed by the board of overseers.[19] Since that date the vestries have been exclusively church agencies.

No records of the parish vestry have been found in Southampton County.

XXIII. LOCAL BOARD OF HEALTH

Almost from the earliest days of colonization, public health had been a matter of concern in Virginia, and various agencies, principally the county court, the overseers of the poor, and the board of supervisors, had busied themselves in the regulation of fees of "phisitians and chirugeons," the control of the use of drugs and medicines which might be dangerous, and the supervision of the conditions and places of vaccination or quarantine for

---

12. Ibid., I, 126, 240-241, 309-310; ibid., IV, 244.
13. Ibid., I, 400, 478-479; ibid., II, 396; ibid., IV, 205-206; Bruce, Institutional History, I, 92.
14. Hening, Statutes, II, 357, 396.
15. See footnote 13.
16. Hening, Statutes, II, 267; ibid., IV, 210-211; ibid., VI, 31-32, 476.
17. Ibid., II, 267; ibid., IV, 210-211; ibid., VI, 31-32, 476.
18. Eckenrode, Separation of Church and State, pp. 61-62; Hening, Statutes, X, 197-198.
19. Ibid., XII, 27-30; Eckenrode, Separation of Church and State, p. 115.

Local Board of Health (Next entry 285, p. 211)

the prevention of epidemics.[1] It was not, however, until 1900 that an agency devoted solely to promoting public health and sanitation in every county was formed. In that year the local board of health was formed, which consisted of the chairman of the board of supervisors, the county clerk, and three physicians appointed biennially by the county court upon the recommendation of the medical society of the county. If any county authorized by law to establish such a board should fail to do so, the State Board of Health was authorized to act in its stead, to appoint a health officer and exercise the authority and perform the duties of the local board until the necessary appointments were made within the county. The board thus created had charge of the sanitary affairs of the county, and of measures for the prevention and control of contagious disease.[2] In cooperation with the State Board of Health and the board of supervisors, the local board might establish quarantines, set up pesthouses for the isolation of sufferers from infectious diseases, and regulate the shipment of bodies of disease victims.[3] The local agency might be required to furnish reports to the State Board of such facts related to vital statistics in the county as were prescribed, and itself received, from practicing physicians in the county, written reports of known or suspected cases of communicable disease.[4] The board also acted as counsel to the board of supervisors in the appropriation of money for hospitalizing indigent tuberculosis patients from the county.[5]

In 1910 the three medical members of the local board were to be appointed by the State Board of Health instead of the circuit court judge, who had succeeded the county court judge as appointing agent in 1904. The tenure of the appointed members of the board and of its executive officer was at the same time reduced to 1 year.[6] Since 1924 only one of the three appointees has been required to be a physician.[7]

The secretary of the local board, elected by and from its members, receives such compensation as the board of supervisors may determine.[8] He acts as executive and recording agent of the local board, and it is his duty to enter and inspect public or private premises for sources of contagion, to collect and preserve vital statistics (as required by an act of 1912), and carry out other orders of the board.[9] The duties and powers of the local board and its officers continue much the same as at its foundation.[10]

Most records relating to health measures in the county will be found under the county health unit.[11]

---

1. Hening, Statutes, I, 316-317, 450; ibid., II, 26, 109-110; Acts 1831-32, p. 25; Code 1873, p. 732; Acts 1873-74, p. 232.
2. Acts 1899-1900, pp. 1250-1252; Acts 1901-2, pp. 329-330.
3. Acts 1902-3-4, pp. 85, 734, 952.
4. Acts 1899-1900, pp. 1250-1252; Acts 1910, p. 97.
5. Ibid., p. 334.
6. Acts 1904, p. 72; Acts 1910, pp. 539-540; Code 1936, sec. 1492.
7. Acts 1924, p. 144; Code 1936, sec. 1492.
8. Acts 1899-1900, pp. 1250-1251; Code 1936, secs. 1492, 1498.
9. Acts 1899-1900, p. 1251; Acts 1912, pp. 440-450; Acts 1928, pp. 753-754; Code 1936, sec. 1498.
10. Ibid., sec. 1493; Acts 1938, p. 537.
11. See entries 285-295.

(Next entry 285, p. 211)

XXIV. COUNTY HEALTH UNIT

Southampton is among those forward-looking counties which have made appropriations for the establishment of local health units, under the direction of the State Department of Health, Bureau of Public Nursing. Southampton's units, established in 1926, includes a health officer, sanitary officer, two nurses (one white, one colored), and a secretary.[1] The members of these field units are selected by the Department, work in close touch with it, and must meet qualifications set by the Department. The health officer must hold an M. D. degree and have special training in public health service (candidates are often sent for postgraduate work to Harvard or Johns Hopkins at the expense of the Department), the nurses are graduates, with postgraduate training in public health nursing, and the sanitation officers must hold degrees in engineering. Those workers are chosen, appointed, and, when necessary, relieved from duty by the State authorities. No term is set for their service, except by mutual satisfaction, nor is any oath or bond required. The nurses are paid from $1,500 to $1,800 per year, according to the length of their service, and receive allowances covering depreciation, gasoline, oil, tires, and reasonable repairs for the use of their own cars. The cost of a basic unit is stated as $11,000, of which $4,500 must be appropriated by the board of supervisors of the county, and the remainder by the State, out of State and Federal funds.[2]

Positions on the local health units may be vacated by resignation, or by discharge by the central authorities in case of misbehavior or incompetency, and vacancies are filled in the same manner as the original appointments were made.

The recording agent of the local unit is the clerk or secretary, employed under conditions similar to those covering the other positions.

The duties of the local health units are to administer a generalized public health program, and to endeavour to raise the standards of sanitation, cleanliness, and public knowledge of proper health practices. The work performed is chiefly preventive and instructional, little or no actual nursing being attempted. Particular emphasis is laid upon child and maternity care, the treatment of crippled children, and the eradication of venereal disease and tuberculosis. Clinics are held, tests and examinations made, and instructional leaflets distributed, as a part of the program of education in health needs and practices, while the sanitation officer examines and endeavors to correct or eliminate possible sources of infection and contagion, being given rather extensive powers in the abatement of nuisances of that sort.[3]

---

1. Record of Supervisors, no. 4 (1923-34), Aug. 30, 1926, p. 157 (to begin operating Oct. 1, 1926), see entry 2.
2. These funds were first made available for certain services through the Sheppard-Towner Act of 1921 and concurrent State legislation in 1922: Statutes at Large of the United States, XLII (1921-23), pt. 1, 224-226; Acts 1922, p. 155; conversation with Dr. L. J. Roper, Director of Rural Health, Richmond, Va., Aug. 7, 1939.
3. Conversation with Dr. L. J. Roper.

County Health Unit - Clinical (285-290)

The records of the local health unit, kept principally by its secretary-clerk, are covered by no statute, but are such as are required and prescribed by the Deaprtment of Health.[4]

Clinical

285. TUBERCULOSIS RECORDS, 1926--. 1 file drawer.
Record of examination of patients for tuberculosis at health office showing date and place of examination, name and address of patient, date of birth, age, sex, race, occupation, legal residence, name of parent or guardian, number of adults in home, number of children in home, financial status, name and address of family physician, family history of tuberculosis, contact history, result of previous tuberculin test, previous diagnosis and treatment, physical examination, recommendations. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. 12x12x20. C. C., health off.

286. TUBERCULOSIS RECORDS (Nurse's Reports), 1926--. 1 file box.
Nurse's original record of tuberculosis out-patients visited showing date of report, case number, name and address of patient, age, occupation, financial status, name and address of family physician, family history, contact history, date of physical examination, result. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. 10x6x12. C. C., health off.

287. V. D. (Venereal Disease) CLINIC RECORD, 1939--. 1 file box.
Clinical records of examination and treatment of venereal disease cases showing case number, name and address of patient, place of birth, age, sex, race, marital status, occupation, financial status, name of employer, by whom referred, date referred, date of first symptoms, previous treatment, date of examination, clinical findings, dates of treatments, kind of treatment, name of physician, date of discharge, condition when discharged, remarks. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. 8x5x12. C. C., health off.

288. ORTHOPEDIC FILE, 1927--. 2 cartons.
Record of orthopedic cases showing name, address, age, sex, and race of patient, name of parent (if child), by whom referred, name and address of family physician, financial status of patient, complaint, duration, diagnosis. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. Aver. 15x14x12. C. C., health off., storage.

289. PRENATAL CLINIC, 1937--. 1 file box.
Original clinical reports of prenatal cases showing case number, name and address of patient, age, race, marital status, date registered, family history, case history, physical examination, recommendations, date of next appointment, name of examiner. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. 9x9x12. C. C., health off.

290. PERSONNEL AND NURSES' REPORTS, 1926--. 1 file drawer.
Detailed monthly report of county nurse's activities made to the State Department of Health showing name of nurse, month of report, number of white

---

4. See footnote 3.

cases reported, number of colored cases reported, number of deaths, types of diseases, number of visits, maternity service, clinical service, infant and pre-school hygiene, activities in connection with control of communicable diseases. Arr. chron. by month of report. No index. Typed on ptd. forms. 12x12x20. C. C., health off.

Immunization

291. DIPTHERIA IMMUNIZATION, 1926--. 14 file boxes.
Record of diptheria immunizations showing name and address of patient, name of parent or guardian, school, grade, date of toxoid treatment, date of Schick test, result. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. Aver. 5x5x20. C. C., health off.

292. TYPHOID IMMUNIZATION, 1927--. 13 file boxes.
Record of typhoid immunizations showing name and address of patient, name of parent or guardian, school, grade, date of treatments, remarks. Arr. alph. by first letter of surname of patient. No index. Typed on ptd. forms. Aver. 5x5x20. C. C., health off.

General Sanitation

293. GENERAL SANITATION RECORD, 1937--. 5 file drawers.
Record of inspection of sanitary conditions in homes made by county sanitation officer showing district, name and address of property owner, name and address of occupant of home, detailed description of conditions, recommendations, date, signature of officer. Arr. alph. by first letter of surname of property owner. No index. Hdw. on ptd. forms. Aver. 10x8x12. C. C., health off.

294. FOOD ESTABLISHMENT RECORD, 1939--. 1 vol.
Record of inspection of sanitary conditions in eating establishments kept by the sanitation officer for the purpose of enforcing compliance with State and county requirements showing date of inspection, name and address of establishment, permit number, name of operator, number of employees, detailed statement of conditions. Arr. chron. by date of inspection. No index. Hdw. on ptd. forms. 200 pp. 14x12x2. C. C., health off.

Miscellaneous

295. MIDWIFE RECORD, 1926--. 1 file box.
Record of supervision of midwife activities in the county including investigation reports, personal record of midwife, and supervisor's register of midwives to be visited, showing name and address of midwife, date of investigation, name of person making investigation, conditions found, date permit issued to midwife, names of midwives visited and to be visited, names of those removed from supervision, and those with institutional training. Arr. alph. by first letter of surname of midwife. No index. Hdw. on ptd. forms. 10x6x20. C. C., health off.

(Next entry 296, p. 219)

XXV. COUNTY SURVEYOR

The first surveyor apparently came to Virginia about 1621,[1] but it was not until 1655 that any clear reference to the appointment of surveyors for counties is made in the acts. Even this, however, is couched in such terms as to make it evident that the employment of surveyors was somewhat irregular at that time, perhaps because of the scarcity of qualified persons.[2]

A candidate for this office must of course always have been one more or less skilled in the art of surveying, and it was early required that he reside in the county for which he served, but aside from the general rulings as to eligibility for local office there are no other requirements stated.[3] One surveyor has usually been chosen for each county. In 1655, during the democratic Commonwealth Period, the appointment was by the county court, upon the recommendation of "persons well experienced in the faculty,"[4] but thereafter more commonly by the Surveyor General, who received a percentage of each surveyor's fees as one of the prerequisites of his office. In 1691, when the establishment of William and Mary College was being considered, it was suggested that the college might be appointed Surveyor General and receive that office's proportion of the surveyor's fees, estimated at that time at 100 pounds sterling annually, while the students in the school of mathematics might very properly make the necessary surveys. While this suggestion was not mentioned in the settlement of the college's revenue the following year, it appears to have been acted upon, for there is ample evidence that the college performed most or all the suggested duties, either through its president and faculty or through a Deputy Surveyor General appointed by the board of visitors of the institution, which laid down regulations for the conduct of the surveyor's office. There is, however, an instance in which a surveyor was suspended by the Governor's Council for malfeasance in office, and the college authorities notified; whether this was the usual procedure or not is unknown. Although there is no statutory reference to this system until after the Revolution, it seems fairly certain that the college examined and appointed surveyors and exacted a percentage of their fees from about 1692 to 1819. There are extant records of applications to the board of visitors (1716) by interested individuals asking for positions as surveyors, accepted subjects to examination, and an order of the Council (1720) refers to the Council's approval of several persons recommended by the Surveyor General (perhaps the college-appointed deputy mentioned above). In 1779 it was enacted that the president and faculty of William and Mary examine and pass upon all applicants for the position of county surveyor, nominated by the county courts, before they received their commissions from the Governor. This provision remained in force until 1816, and the college continued to receive its sixth part of the fees of the surveyors examined by it until the revision of the laws in

---

1. Records of the Virginia Company, III, pp. 451, 477, 486.
2. Hening, Statutes, I, 404.
3. Ibid., VII, 645; ibid., X, 53; ibid., XI, 160 (western counties exempt from residence requirements); Shepherd Statutes, I, 66.
4. Hening, Statutes, I, 404.

1819.[5] After 1816, a candidate nominated by the court might be examined and passed by any two commissioned surveyors of adjoining counties.[6] Under the Constitution of 1851 the office was an elective one,[7] but after 1875 it was to be filled by the appointment of the judge of the county court, on recommendation of the board of supervisors,[8] and so continues today, the circuit court judge having taken over the appointive power on the abolition of the county court.[9] The term of office, originally conditioned only upon good behavior, was limited in 1831 to 7 years, to 6 years in 1852, and to 3 in 1870. In 1875, however, it was raised to 4 years, the present figure.[10] The surveyor has long been authorized to appoint deputies, or have them appointed for him by the court on his recommendation, and may still do so, with the approval of the circuit court of his county, as usual assuming responsibility for their acts.[11]

Since the beginning of the eighteenth century at least the usual oaths of office have been demanded of all surveyors.[12] By 1748 a bond of 500 pounds "current money"[13] was also required, and later the bond was in a penalty set by the appointing agency.[14] The bond, until 1843 payable to the Governor, but since to the Commonwealth, was according to the Code of 1887 to be not less than $2,000 and the same minimum penalty is still demanded.[15]

The surveyor's compensation, throughout the history of the office, has been by fees and mileage, originally paid in tobacco, but later in cash, on a scale fixed by law, allowing charges in proportion to the number of "courses" in the survey, the distance measured, the complexity of the calculations involved, or the number of records or copies required.[16]

---

5. Bruce, Institutional History, I, 387-388; ibid., II, 323; Hening, Statutes, X, 53; Code 1803, p. 142; Code 1819, I, footnote to p. 324 (1/6 of fees reserved to William and Mary, or, later, in three western counties, to Randolph College, until 1819, when this provision was struck out by the revisors of the Code); William P. Palmer, et als, eds., Calender of Virginia State Papers and Other Manuscripts . . . (1652-1869), Richmond, 1875-93, I, 198; Virginia Magazine, IV, no. 2 (Oct. 1896), 165-168; ibid., XXV, no. 4 (Oct. 1917), 377-378.
6. Acts 1815-16, p. 67; Code 1819, I, p. 324; Code 1849, p. 477.
7. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64.
8. Acts 1874-75, p. 133; Const. 1902, art. VII, secs. 110, 112.
9. Acts 1902-3-4, pp. 506, 742; Acts 1904, p. 324; Acts 1910, p. 144; Const. 1902 (as amended 1928), art. VII, sec. 110; Code 1936, sec. 126.
10. Acts 1830-31, p. 87; Acts 1852, p. 64; Acts 1869-70, p. 265; Acts 1874-75, p. 133; Code 1887, sec. 95; Code 1936, sec. 126.
11. Hening, Statutes, XI, 160, 353; Code 1849, p. 477; Code 1887, sec. 817; Code 1936, sec. 2701.
12. Hening, Statutes, III, 329; ibid., VI, 33; ibid., XI, 353; Code 1803, p. 142.
13. Hening, Statutes, VI, 33.
14. Code 1803, p. 142; Code 1819, I, 324; see footnote 15.
15. Acts 1842-43, p. 22; Code 1849, p. 477; Code 1860, p. 103; Code 1873, p. 178; Code 1887, secs. 177, 812, 814; Code 1936, secs. 279, 2696, 2698.
16. Hening, Statutes, I, 452; ibid., II, 235; ibid., IV, 504; ibid., V, 50-51, 340-341; Code 1803, pp. 142-143; Code 1860, p. 754; Code 1936, sec. 3479.

County Surveyor (Next entry 296, p. 219)

Vacancies in the office are filled in the same manner as the original appointments were made, and qualification conducted similarly.[17] Removal from the county may vacate the position, or the incumbent might formerly have been removed for "misbehaviour, incapacity or neglect of duty" by the Governor on recommendation of the county court, or by the county court, as he may today by the circuit court without reference to the Governor.[18]

The position of the county surveyor in the fabric of local government is an unusual one. Almost alone among county officials of long standing, he is without common-law status, being mentioned neither by Blackstone nor in Hening's Virginia Justice, and, as has been noted above, the position of surveyor was in existence some years in this country before it assumed local character as an instrument of county government. Since 1860 he has been empowered to receive oaths and affidavits bearing upon cases in which he conducts surveys under court order,[19] and in 1892 his name was added to the list of conservators of the peace, giving him the power to arrest, to take recognizances, and to issue warrants and examine witnesses upon oath.[20] In most of his duties, however, he may be supplanted by any other surveyor appointed by the court or other agency for which he acts.[21] The function most explicitly provided for, that of making surveys for locators under warrants issued by the State Land Office for taking up waste or unappropriated lands, commenced in 1779 and continues in force today, although the extent of such lands, except in the western counties, could not have been great, and the number of such warrants issued today is insignificant.[22] The surveyor was early (1710) required to assist the processioners of lands, attending with a jury to survey and settle disputed bounds when the owners refused to allow processioning,[23] and when in 1866 the custom of processioning was revived as a remedy for the loss and destruction of land records in the late war, the processioners were authorized to employ the county surveyor or another similarly skilled to aid them in re-locating lost bounds.[24] The county surveyor is also called upon to lay off parts of tracts sold piece meal for the payment of delinquent taxes,[25] and may be ordered to make surveys in actions to supply a link in a title,[26] or suits to establish the bounds of land, although the court may properly appoint some other person to act in either

---

17. Code 1936, secs. 126, 134, 136.
18. Code 1819, I, 324; Acts 1830-31, pp. 37, 87; Acts 1852, p. 67; Code 1860, p. 534; Code 1887, sec. 821; Code 1936, secs. 2705, 2706.
19. See footnotes 1, 2; Acts 1859-60, p. 140; Code 1887, sec. 173; Code 1936, sec. 274.
20. Acts 1891-92, p. 980; Code 1936, secs. 4789-4796.
21. See footnotes 26, 27.
22. Hening, Statutes, X, 52, 54, 57; ibid., XI, 353-354; Code 1803, pp. 143-144; Code 1849, pp. 480-481; Code 1936, sec. 418 ff.; conversation with Miss N. M. Nugent, State Land Office, Richmond, Va.
23. Hening, Statutes, III, pp. 531-532; Code 1819, I, pp. 339-340; (omitted) Code 1849.
24. Acts 1865-66, p. 198; Acts 1866-67, p. 601-602; Code 1887, secs. 2405, 2407; (omitted) Code 1919.
25. Hening, Statutes, XI, 116; Code 1819, II, 510; Acts 1831-32, pp. 64-65; Code 1860, p. 220; Code 1887, secs. 653, 654; Acts 1902-3-4, p. 692; Code 1936, secs. 2480, 2481.
26. Acts 1871-72, p. 268; Code 1887, sec. 2362; Code 1936, sec. 480.

instance.[27] The earliest duty of the surveyor, and his most important one in the seventeenth and early eighteenth centuries, was the survey of land grants or headright lands. Any person who imported a servant or other individuals to swell the population of the Colony was entitled to 50 acres per "head" thus brought in, and, upon a certificate from any court of record of such an importation, any surveyor working in the neighborhood might lay off the desired tract and return a survey "under his hand." This survey and the certificate mentioned above, when filed in the office of the Secretary of the Colony, entitled the claimant to a patent signed by the Governor, under the seal of the Colony. Lands so claimed were held "in common socage" from the King, who demanded an annual quitrent of 1 shilling for each 50 acres. This "headright" system, apparently introduced under the government of the Company (before 1625), is referred to (more or less in passing) in the acts of the assembly from time to time. The surveyor's duties in that connection are not clearly specified, but the assembly occasionally granted an extension of time for the "taking up" of patented lands, which otherwise reverted to the Crown if not improved within a certain number of years.[28]

No permanent records of the surveyor have been found in this county; those which he returns to the clerk's office are incorporated in the deed and plat book series.[29]

XXVI. COUNTY AGRICULTURAL AGENT

Southampton was among the earlier counties in making an appropriation for the employment of an agricultural demonstrator, having appointed its first agent in 1912,[1] 2 years in advance of the Smith-Lever Act which made Federal funds available for the purpose.[2] The office was discontinued, however, in 1916, and was not resumed until 1931. Since that time annual appropriations have been made for the employment of one (white) agent.[3]

The Virginia Agricultural and Mechanical College, a land-grant institution, had been established in 1872 and with it an experimental farm,[4] while in 1886 (apparently in anticipation of the Federal act of 1887) provision was made for further experimental work with Federally appropriated

---

27. Acts 1912, pp. 163-164; Code 1936, sec. 5490; see footnote 26.
28. Thomas Ludwell, "A Description of the Government of Virginia" (1666) in Virginia Magazine, XXI, no. 1 (Jan. 1913), 41-42; Hening, Statutes, I, 274, 414, 472, 519, 552; ibid., II, 245, 311, 397, 412, 418, 456.
29. See County Clerk, pp. 76-78, and entry 22.

1. Record of Supervisors, no. 3 (1911-23) Feb. 26, 1912, p. 27, see entry 2.
2. Acts 1910, pp. 573-576 (boards of supervisors authorized to make appropriations for agricultural demonstration work); Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, 372-374; Acts 1914, pp. 710-712.
3. Record of Supervisors, no. 3 (1911-23) Apr. 24, 1916, p. 234; ibid., no. 4 (1923-34), Aug. 24, 1931, p. 469 (to assume duties Sept. 1, 1931), et passim, see entry 2.
4. Acts 1871-72, pp. 48, 312-315, 452.

money.[5] It was not until 1907, however, that actual demonstration commenced in Virginia. Dr. Seaman A. Knapp, who had been pioneering in this work in the South was invited to inaugurate it in Virginia, and T. O. Sandy, of Burkeville in Nottoway County, became the State's first agricultural demonstration agent in 1907, operating in his own and two adjoining counties. In October of the same year Southall Farrar, of Amelia County, became his assistant. This early work was carried on with funds granted by the General Education Board (one of the Rockefeller philanthropic agencies),[6] but in 1910 a special act enabled the board of supervisors of any county to make appropriations from county funds for the support of demonstration activities; and the same act created a United Agricultural Board to act as coordinator for the college, the Agricultural Experiment Station, the Commissioner and State Board of Agriculture, and the State Board of Education to cooperate with the United States Department of Agriculture. Through the hands of this board passed the funds allotted by the Department, the General Education Board, the State Board of Education, and the General Assembly. The new central high schools then being established in many counties acted as centers for demonstration work among the boys and girls.[7] Shortly thereafter large Federal appropriations were made available under the Smith-Lever Act of 1914, and at that date 1 State agent, 4 district agents, 50 county agents, and 5 special agents were working in 52 counties. At the same time, the United Agricultural Board was abolished, and the work passed under the control of the Department of Agriculture, acting through the Virginia Agricultural and Mechanical College and Polytechnic Institute, as the college is now called.[8]

To be eligible for the post of county agricultural agent, a candidate must have been reared on a farm or have practical farming experience, and must have had a 4-year course at a recognized agricultural college, leading to a B. S. degree. An agent (or, in many instances, a Negro and a white agent) for each county is appointed by the Extension Division at Blacksburg, with the approval of the Department of Agriculture and the board of supervisors of the county (the latter only provisionally). In some cases one agent may serve two or more adjoining counties, but Southampton divides the services of her agent with no other county. No term of office is set for the county agent, although appropriations for the county's share of his salary are made periodically, and he may serve as long as his work is satisfactory. Assistant agents may be appointed and paid in the same manner, and such appointments are often made as a means of training prospective principal county agents.

Before commencing upon his duties, the agent must take a Federal oath of office, apparently in large measure because he must use franked envelopes in the conduct of his business. No official bond is required, as the county workers do not handle funds, soil conservation and other funds being in the

---

5. Acts 1885-66, p. 354.
6. Address of Dr. J. D. Eggleston at Institute of Rural Affairs, July 18, 1939 [transcript furnished by Extension Division, Virginia Agricultural and Mechanical College and Polytechnic Institute].
7. Acts 1910, pp. 573-576; see footnote 6.
8. Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, 372-374; Acts 1914, pp. 710-712; Code 1936, secs. 921-925.

County Agricultural Agent (Next entry 296, p. 219)

hands of local persons appointed or elected for that purpose. County agents receive salaries in the neighborhood of $2,900 per annum, varying to some extent from place to place according to the amount allowed by the board of supervisors and the experience, training, and length of service of the agent. These salaries are paid from county, State, and Federal funds jointly, and in certain instances contributions raised by individuals or farm organizations have been accepted when county funds were refused by the board of supervisors.

The office of county agent may be vacated upon complaint by county authorities of inefficiency, inability to cooperate with people, or personal misconduct, usually by a request from the Extension Division for a resignation. Such vacancies are filled in the same manner as the original appointments are made.

In the last few years Federal funds for the employment of secretaries to the agents have been available. These positions have generally been filled on recommendation of the agent, and in a few cases, where the number of applications was great enough to require it, examinations have been given.[9]

Since the foundation of the demonstration and extension work, the duties of this officer have been principally to conduct demonstrations of improved agricultural methods, inducing local farmers to try out for themselves the discoveries of the agricultural experiment stations in this and other states. The agent guides the activities of the 4-H Clubs for boys, as he did the Corn Clubs in the early days of the work, and since the beginning of the present national administration he has played a very important part in the conduct of the work of various Federal agricultural agencies - the Agricultural Adjustment Administration, the Soil Conservation Service, and others. He also answers queries connected with agriculture, crop pests, fertilizers, and related subjects, distributes bulletins of advice and instructions, and seeks in every way to further and to publicize the work of agricultural improvement in his county.[10]

The records of the agricultural agent are prescribed by the Extension Division and the Federal agencies with which he cooperates. He makes weekly and monthly reports to the Division of his activities on forms supplied by the State headquarters, and two annual reports - one in statistical style in a prepared booklet (see footnote 10) and one in narrative form upon an outline suggested in the above-mentioned booklet. His records in the county (other than Federal forms) are in general such as would be useful in preparing these reports, and consist mainly of papers, contracts, compliances,

---

9. Conversation with Mr. L. M. Walker, Jr., State Department of Agriculture and Immigration, Aug. 7, 1939; letter of Mr. C. A. Montgomery, Assistant Director, Extension Division, Aug. 22, 1939; Report of the Secretary of the Commonwealth (1936-37), p. 240, et passim (lists of county officers of Southampton and adjoining counties).
10. See footnote 6; United States Department of Agriculture, Bureau of Plant Industry, Farmers' Cooperative Demonstration Work, Bulletin A-75 revised, Results of Boys' Demonstration Work in Corn Clubs in 1911, Washington, 1912; Acts 1936-37, pp. 32-38; Combined Annual Report of County Extension Workers (Form 285, revised Apr. 1, 1938), supplied by Mr. C. A. Montgomery.

correspondence, and reports dealing with former and present crop limitation and soil conservation programs. These records, together with the aerial survey maps and computation sheets used in checking the areas to be devoted to various uses in compliance with the soil conservation plan, are kept under the direction of the State and Federal authorities with which the agent cooperates; hence they are covered by no Virginia statute, and the forms and procedures used are at the discretion of the above-mentioned authorities. The same observations apply to the monthly reports of the county extension workers and the records which are kept for use in compiling this report.[11]

Contracts

296. COTTON ACREAGE REDUCTION, 1934-35. 14 file drawers.
Compliance contracts on cotton crops showing date of contract, name of producer, district, base acreage, number of acres to be withdrawn from production, method of computing number of acres to be withdrawn, amount to be paid per acre, signatures of producer and Government official. Arr. by district and alph. thereunder by first letter of surname of producer. No index. Hdw. and typed on ptd. forms. Aver. 12x12x24. Co. agt. off.

297. CORN-HOG PROGRAM, 1934-35. 2 file drawers.
Compliance contracts on corn and hogs grown for market showing date of contract, name and address of producer, number of acres of corn to be planted, number of hogs permitted, rate and manner of payment, signatures of producer and Government representative. Arr. by district and alph. thereunder by first letter of surname of producer. No index. Typed on ptd. forms. 12x12x24. Co. agt. off.

298. PEANUT ADJUSTMENT CONTRACT, 1935. 4 file drawers.
Agricultural Adjustment Administration contracts for limitation of production of peanuts showing date of contract, name and address of producer, number of acres allotted, number of acres planted, specified amount to be paid per pound on normal production, signatures of producer and administration official. Arr. by districts and alph. thereunder by first letter of surname of producer. No index. Hdw. and typed on ptd. forms. 12x12x24. Co. agt. off.

299. CROP CONTRACTS (Compliance Sheets), 1936--. 25 file drawers.
Original crop contracts between county agent's office and individual farmers showing utilization of land planted in cotton, peanuts, tobacco (kind, base acres, estimated yield, harvested preceding year, total acres, adjusted acres), corn (without legume, with legume), wheat, oats, potatoes, sweet sorghum, truck and vegetable crops, lespedeza, soy beans, orchards and vineyards, total crop acreage, buildings, roads, lanes, woods not pastured, woods pastured, open pasture (non-crop land), wild or marsh bog, total all land; name and yield per acre of principal soil-depleting crops other than cotton, tobacco or peanuts; name and address of operator, name and address of owner if other than operator, date, signature of owner or operator; description and location of land, number of other farms owned or operated in this county by owner or operator; base acreage and yield, acreage and yield

---

11. Letter of Mr. C. A. Montgomery, cited above; Acts 1936-37, p. 34.

of cotton, peanuts, tobacco, and other soil-depleting crops; name of person assisting in filling out work sheet, name of person checking work sheet. Arr. by district and alph. thereunder by first letter of surname of operator. No index. Hdw. and typed on ptd. forms. 12x12x24. Co. agt. off.

Allotments and Payments

300. RECORD OF FARM OPERATIONS, 1939. 7 cartons.
Record of soil conservation program including farm operation plan, maximum farm payment sheets, and acreage calculation sheets. Farm operation plans show name and address of operator, serial number, number acres of cropland, maximum payment allowed, acreage allotment (wheat, tobacco, cotton, potatoes, peanuts, commercial vegetables), other soil-depleting acreage, total acreage, goal of soil-building units, soil-building practice, amount, number of units, signatures of Government representative and operator, date. Maximum farm payment sheets show community, code and serial numbers, name and address of operator, type of crop, allotted acreage, yield, rate of compensation per acre, maximum payment, signature of person checking plan. Acreage calculation sheets show name and address of operator, name of person making computations, date, serial number, photograph number, name of person checking calculations, date, acreage correction factor, field reading, differences and average, gross deduction, net acres, total. Arr. by districts and num. thereunder by serial no. No index. Hdw. on ptd. forms. Aver. 10x12x20. Co. agt. off.

301. APPLICATIONS FOR COTTON PAYMENT, PRICE ADJUSTMENT PROGRAM, 1939. 7 folders.
Applications for cotton payment under the price adjustment program showing serial number, name of producer, district, date of application, basic data and computation of payment, acres planted in cotton, alloted acreage, normal cotton yield per acre, rate of payment per acre, gross farm payment, amount due producer, signatures of producer and of county committeeman. Arr. by district and num. thereunder by serial no. No index. Typed on ptd. forms. Aver. 12x9x4. Co. agt. off.

302. (RECEIPTS FOR COTTON MARKETING CARDS), 1939--. 7 sheets.
Receipts for cotton marketing cards issued producer showing date issued, farm serial number, marketing card serial number, local description of farm, acreage allotment, normal yield per acre, market quota, signature of producer, date. Arr. by district and alph. thereunder by first letter of surname of producer. No index. Typed on ptd. forms. Aver. 17x14. Co. agt. off.

303. COTTON PRICE ADJUSTMENT AND SOIL CONSERVATION, RECEIPTS FOR CHECKS, 1937-38. 1 file drawer.
Receipts for checks paid to farmers for complying with the cotton crop reduction program showing date of receipt, application serial number, signature and address of payee, amount of check, check number. Arr. chron. by year and num. thereunder by check no. No index. Hdw. and typed. 12x12x24. Co. agt. off.

Maps

304. AERIAL PHOTOGRAPHS, 1937--. 10 file drawers.
Mosaic of entire county and individual maps (3 square miles each), covering same area, for use in computing acreages and crop allotments under soil conservation plan. Arr. num. by map no. No index. Aerial photographs. Aver. 6x28x28. Co. agt. off.

Reports and Correspondence

305. MONTHLY REPORTS OF COUNTY EXTENSION WORKERS, 1931--. 1 file drawer.
Copies of monthly reports of daily activities of county agricultural agent showing date of report, field trips made, nature of work, assistance received from the Extension Division or other sources outside the county, signature of county agent. Arr. chron. by date of report. No index. Typed on ptd. forms. 12x12x24. Co. agt. off.

306. CORRESPONDENCE, 1934--. 13 file drawers.
Original letters to the county agent from various Federal and State officers and individuals and carbon copies of his letters and replies concerning the administration of his office. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. 12x12x24. Co. agt. off.

XXVII. GAME WARDEN

The office of game warden is a comparatively new one in Virginia, having originated in 1903.[1] There was at first no specific requirement as to eligibility except that the appointee be "suitable," but in 1916 it was stipulated that he have practical knowledge of bird, animal and fish life, and game laws of the State, while in 1930 the statute further required that he be less than 50 years of age, and be able to give satisfactory answers to an oral or written examination if the chairman of the Commission of Game and Inland Fisheries saw fit to examine him.[2] Originally, the wardens were appointed by the circuit court, or the judge in vacation, at the request of the board of supervisors (or, after 1912, without the request) and upon the application of five resident freeholders of the district, one for each magisterial district, for a term of 4 years. After 1916 the power of appointment passed to the Commissioner of Game and Inland Fisheries, who selected, from a list of 10 suitable persons furnished him by the board of supervisors of the county, such regular and special wardens as he considered necessary for the enforcement of the game laws, to serve at the pleasure of the Commissioner. After 1926 no list was submitted by the board. It was, however, mandatory until 1930 that at least one regular warden be appointed per county. In 1903 many other law enforcement officers were made ex officio game wardens; the ex officio power has since been extended so that today all sheriffs, deputy sheriffs, constables, town marshals, town sergeants, policemen, and other peace officers of the State may act as such.[3]

No special oath is required of the game warden, other than that for all officers of the State,[4] but since 1916 he has had to give a bond, in the

---

1. Acts 1902-3-4, p. 333.
2. Ibid., p. 333; Acts 1912, p. 575; Acts 1916, pp. 259-260; Code 1919, secs. 3319, 3323; Acts 1930, p. 638; Code 1936, sec. 3305(15).
3. Acts 1902-3-4, p. 333; Acts 1912, p. 575; Acts 1916, p. 259; Acts 1918, p. 438; Acts 1926, pp. 512-515; Acts 1928, p. 723; Acts 1930, p. 638; Code 1936, sec. 3305.
4. Code 1887, sec. 168; Code 1919, sec. 269; Code 1936, sec. 269.

penalty of $1,000, with surety approved by the clerk of the circuit court of his county (before which the bond is given), for the proper disposal of all money coming into his hands, for the payment of judgments against him on account of malicious prosecution, unlawful search, arrest, or imprisonment, and for the performance of his duties in general.[5]

In 1903 wardens received a fee of $2.50 for each conviction (for violation of game laws) secured by him, in addition to the proceeds of the sale of hunting licenses (not to exceed $300 per year to any one warden). In 1916 this compensation was increased to an amount (fixed by the Commissioner) not to exceed $60 per month for counties which, like Southampton, had more than 20,000 inhabitants, plus the fee of $2.50 per conviction. Six years later this maximum monthly rate was raised to $75 (provided the appointee gave his entire time to this service), while in 1928 no maximum was set and in 1930 the arrest and witness fees were abolished and the wardens' pay left at the discretion of the Commission.[6]

Failure to perform his duty was cause for dismissal or the revocation of the warden's appointment until 1926; since 1916, his tenure has been at the pleasure of the board. Such failure might further be occasion for prosecution as a misdemeanor, with fines of from $10 to $100 chargeable upon conviction.[7] Vacancies are filled in the same way in which the original appointments were made.[8]

The duties and powers of the warden are and have been to see to the enforcement of game and wildlife protective laws, as embodied in the game, inland fish and dog laws of this State and (at times) of the United States. He has powers of arrest, search, seizure, and the service of legal process in general similar to those of sheriffs and constables, but limited to the enforcement of the laws mentioned above. The general tendency since the beginning of the office has been to increase the warden's powers and add to his duties; in some instances, however (as in the case of forest fire precautions), duties formerly imposed have now been removed.[9]

Duplicates of dog licenses sold by the county treasurer are delivered to the game warden; from these duplicates the game warden compiles a list of residents who own licensed dogs.[10]

---

5. Acts 1916, p. 260; Code 1919, sec. 3322; Acts 1924, p. 254; Acts 1928, p. 724; Acts 1930, p. 638; Code 1936, sec. 3305(15).
6. Acts 1902-3-4, pp. 334-335; Acts 1916, pp. 260-261, 264-265; Code 1919, secs. 3324, 3325; Acts 1922, p. 806; Acts 1928, p. 725; Acts 1930, p. 639; Code 1936, sec. 3305(17).
7. Acts 1902-3-4, p. 335; Acts 1916, pp. 260, 264; Code 1919, secs. 3321, 3341; Acts 1926, p. 511; Acts 1930, p. 656; Code 1936, sec. 3305(56).
8. Acts 1902-3-4, p. 335; see footnote 3.
9. Acts 1902-3-4, p. 333; Acts 1916, p. 259; Acts 1918, p. 438; Code 1919, secs. 3318, 3320, 3326; Acts 1928, p. 724; Acts 1930, pp. 639, 642; Acts 1936, pp. 85-86; Code 1936, sec. 3305(16).
10. Acts 1930, p. 662; Code 1936, sec. 3305(77).

307. VIRGINIA DOG LICENSE RECEIPTS, 1938--. 1 bundle.
Game warden's copy of receipts issued by treasurer upon payment of dog licenses. For full description, see entry 242. Arr. alph. by first letter of surname of owner. No index. Hdw. on ptd. forms. 6x5½x2. Residence of Mr. G. B. Vick, game warden.
For treasurer's copy, see entry 242.

308. (LIST OF DOG OWNERS), 1938--. 1 vol.
Record of dog owners who have purchased licenses kept by the game warden for the purpose of verifying the kind of license purchased showing name and address of dog owner, kind of tag (male, female, unsexed female), tag number, serial number, date visit made to dog owner, name of person interviewed. Arr. alph. by first letter of surname of dog owner. No index. Hdw. on ptd. forms. 100 pp. 12x10x1. Residence of Mr. G. B. Vick, game warden.

XXVIII. COUNTY MILITIA

In a government and society as closely approaching military form as did that of Virginia in the first years of settlement, military organization was inevitably of great importance. Not until late in the seventeenth century was any part of the Colony completely safe from Indians,[1] and virtually every man had to be a soldier. Each of the scattered settlements or plantations had a commander, and usually a lieutenant,[2] who might have power of life and death in time of emergency,[3] but were otherwise (after 1619) enjoined to observe and enforce the civil law of England. These officers became the principal judges of the monthly courts, when they were set up.[4] It was not, however, until 1634, when the Colony was divided into counties, that a general scheme of organization for military purposes was adopted, and county lieutenants appointed, somewhat upon the plan used in England.[5] This system of arrangement exclusively by counties continued until the Revolution made obvious the need of a more closely unified structure, which was provided in the Federal act for a uniform militia, adopted by Virginia in 1792.[6] The plan outlined in the Federal act was followed in subsequent reorganizations of the Virginia Militia until after 1865, when all of the armed forces of the State were disbanded.[7] The Constitution of 1869 provided only for a volunteer militia in time of peace, and since that time there has been no compulsory military service, nor have the counties been used as units in that

---

1. Clarence W. Alvord and Lee Bidgood, The First Explorations of the Trans-Allegheny Region by the Virginians, 1650-1674, Cleveland, 1912, p. 26.
2. Hening, Statutes, I, 131-132.
3. Records of the Virginia Company, III, 623.
4. Hening, Statutes, I, 132-133, 168-169.
5. Ibid., I, 224.
6. Ibid., IV, 198; ibid., VI, 113-114; ibid., VIII, 241; Statutes at Large of the United States, I, 271-274; Hening, Statutes, XIII, 340-356; Shepherd, Statutes, I, 203-207.
7. Code 1819, I, 93; Code 1860, pp. 137-156; Code 1873, p. 22.

connection.[8]

At the time of the foundation of Southampton County, there was no especial requirement for eligibility to commissioned rank, but shortly afterward it was enacted that all commissioned officers must be residents of the county for which they served.[9] Any free white male within the age limit and not exempt by reason of his business or profession was required to serve in the ranks and attend at musters (the age limit varied from time to time - 16 to 60 years in 1705, 16 to 50 in 1777, and 18 to 45 in 1860).[10]

In the seventeenth century, the principal commander (himself appointed and commissioned by the Governor) chose his own subordinate officers, subject to the approval of Governor and Council.[11] This system of appointment may have continued well past the middle of the eighteenth century, for there are no provisions as to the selection of commissioned officers until 1775, when they were to be commissioned by the central Committee of Safety, upon the recommendation of the county committees.[12] With the adoption of a constitution the following year, this became the duty of the Governor, with the advice of his Council, and upon recommendation of the respective county courts. Under the act of 1792 the General Assembly elected and appointed the general officers by joint vote of the two houses, while the Governor continued to appoint officers of lower grades on the recommendation of the county courts.[13] The new Constitution of 1830 left the manner of appointment largely at the discretion of the legislature, and in 1834 a radical change was made in the manner of the choice of officers along lines suggested in the debates of the 1829-30 Constitutional Convention. The general officers continued to be appointed by the General Assembly, but company officers were thereafter to be elected by the noncommissioned officers and privates, and the field officers (of all grades above captain and below brigadier general) were chosen by vote of the company officers of their respective regiments. All officers, once chosen, were commissioned by the Governor. This system apparently continued in force throughout the War Between the States, but in 1864 it was provided that no new commissions be issued until the candidate had passed the inspection of an examining board appointed by the Governor for the occasion.[14]

---

8. Const. 1869, art. IX, secs. 1, 2; the subsequent constitution carries no provision for militia at all, although Virginia has a considerable National Guard establishment.
9. Hening, Statutes, VI, 530-531; ibid., VII, 93; ibid., IX, 268; Code 1860, p. 146 (refers to regimental districts, usually one or two counties in extent).
10. Hening, Statutes, III, 335-336; ibid., IX, 267-268; Code 1860, pp. 135-136 (among those exempt were important Federal, State, and county officers, millers, teachers, ministers, and ferrymen).
11. Hening, Statutes, I, 294; Bruce, Institutional History, II, 19-20.
12. Hening, Statutes, IX, 27.
13. Ibid., IX, 116-117; Code 1803, p. 283.
14. Proceedings and Debates . . . 1829-30, pp. 596-600; Const. 1830, art. IV, sec. 6; Acts 1833-34, pp. 30, 36-37 (Governor still appoints field officers of cavalry, artillery); Code 1849, pp. 129-130; Code 1860, pp. 143-146; Acts 1863-64, pp. 20-21.

County Militia (Next entry 309, p. 229)

Enlisted men for the militia were throughout the history of the service drawn from the ranks of the free white males of the county liable for duty (see above), and such persons were enrolled and assigned to duty by the commanding officers - at first, of the county, and, after the reorganization of 1792, of the company or company district.[15] Free mulattoes also were at one time enrolled, but not to serve in the ranks, being assigned to duty as musicians, pioneers, or in other noncombatant posts.[16] The troops so raised were, after 1792, organized into companies, the companies into battalions (1 or more per county), and the battalions into regiments, each of which consisted of 2 battalions (8 to 10 companies of 50 to 100 men each). Prior to that time the numbers had varied, being set in 1777 at 32 to 68 men per company, 500 to 1,000 forming a battalion (corresponding actually to the latter regiment).[17] The Revolutionary battalion, like the regiment after 1792, was commanded by a colonel, a lieutenant colonel, and a major (the two latter being designated battalion commanders), while the companies, in 1777 headed by a captain, two lieutenants, and an ensign, were afterward officered by a captain, two first lieutenants, and two second lieutenants.[18] Noncommissioned officers (sergeants and corporals) of companies were usually appointed by the company commanders, although those for volunteer companies might be elected by the members.[19] Volunteer companies were set up in addition to the regular militia establishment, and were composed of young men, 18 to 25 years of age, who chose to serve a term of years in units privileged to make their own bylaws and to drill and parade more often than the "line" companies, as the regular militia were called. Such volunteers were usually organized as special corps - light infantry, riflemen, grenadiers, artillery, or cavalry.[20]

Oaths of office and of allegiance had been required of militia officers as early as 1738, and thereafter throughout the course of the militia system's existence, but only paymasters and quartermasters in active service were required to post a bond. That of the paymaster depended upon the importance of his post, varying in 1853 from $200 (minimum) for a regimental paymaster to $50 for that of a company assistant paymaster. These bonds were filed with the clerk of the regimental court of enquiry, and the oaths, taken before the county court, were to be certified to the commandant of the regiment for record in his order book.[21]

---

15. Hening, Statutes, VI, 531; ibid., IX, 267-268; Code 1803, p. 333; Code 1849, pp. 119, 121; Acts 1852-53, p. 34 (enrollment by commissioner of revenue, repealed by Acts 1859-60, pp. 86-87); Code 1860, p. 136.
16. Hening, Statutes, IX, 268.
17. Ibid., IX, 268; Code 1803, p. 331; Code 1819, I, 99; Code 1849, p. 125.
18. Hening, Statutes, IX, 263 (the county lieutenant at that time ranked above the battalion commander); Code 1819, I, 95 (the title of ensign continued in use so far); Code 1849, p. 126; Acts 1857-58, p. 33 (two majors per regiment; number of first and second lieutenants reduced to one per company); Code 1860, p. 140.
19. Code 1803, p. 286; Acts 1833-34, p. 31; Code 1849, p. 130; Code 1860, p. 145.
20. Code 1803, pp. 284-285; Code 1849, pp. 136-137 (volunteer companies were regularly armed and uniformed, in contradistinction to the regular militia).
21. Hening, Statutes, V, 23; ibid., VI, 540; Code 1803, p. 285; Code 1819, I, 99; Code 1860, pp. 142, 145-146, 157.

(Next entry 309, p. 229)

Militia officers and men alike generally drew pay only for such time as they spent in actual service. In 1675, for instance, a mounted man was entitled to 2,000 pounds of tobacco per year, and an infantryman to 1,500, while the pay of officers ranged from 600 pounds of tobacco and cask per month for a captain to 300 for an ensign and 150 for a corporal or drummer. Four years later, and at intervals thereafter, also appear provisions for compensation to soldiers wounded or disabled in campaigning. Officers and troops continued to receive pay for active duty, and by the end of the Revolution that pay had been fixed at an amount equal to the compensation of the officers and soldiers of the Continental Army. The same relationship continued almost to the end of the militia establishment, allowances for camp equipage, pay, subsistence, and forage being the same as for similar officers and soldiers in the service of the United States.[22]

Commanders of county military forces as early as the seventeenth century were authorized to fine those who failed to appear as required for training or inspection, or offended in other ways against discipline, and such fines were always collected by the sheriff. After 1705, however, the court martial or court of enquiry assessed the fines, upon the reports of the captains, and certified them to the sheriff for collection. Corporal punishments, such as "lying neck and heels," were imposed upon enlisted men for insubordination or breach of duty, and officers were subject to fines (more or less heavy according to the gravity of the offense) for neglect of any of the requirements of their office (failure to call musters, to make reports, or to account satisfactorily for money or supplies committed to their charge).[23] Officers and men were at all times when in actual service subject to the regulations and penalties of the articles of war (earlier the "marital code").[24] Shortly after each muster a court of enquiry was called to try offenders, assess fines, examine conscripts and assign them to companies, and in general to regulate the affairs of the militia. This court was originally one with the court martial, and was composed of the county lieutenant and all the commissioned officers, but after 1792 a distinction was raised. Regimental courts of enquiry, including the lieutenant colonel commandant, the majors, and captains, were to meet after each regimental and battalion muster, while general courts martial, the composition of which varied according to the rank of the person facing trial, were convoked as occasion arose.[25] These courts were empowered to appoint a clerk to keep their records, and the clerks of courts of enquiry were the principal, although not the only, recording agents of the militia

---

22. Hening, Statutes, II, 331, 440; ibid., III, 22, 209; ibid., IV, 200; ibid., VI, 116; ibid., IX, 293; ibid., XI, 181; Code 1803, p. 287; Code 1849, pp. 150-151; Code 1860, p. 164.
23. Hening, Statutes, II, 246-247; ibid., III, 340-341; ibid., V, 20-21; ibid., VI, 114, 536, 545-546; Code 1803, p. 285; Shepherd, Statutes, III, 208; Code 1849, pp. 152-158; Code 1860, pp. 166-169.
24. Hening, Statutes, IX, 35-48; Code 1803, p. 287; see footnote 23.
25. Hening, Statutes, V, 19-20; ibid., VI, 534-535; ibid., VII, pp. 96-97; ibid., IX, 271-272; Code 1803, pp. 288-289; Code 1819, I, 115; Acts 1833-34, 37, 41-42; Code 1849, pp. 162-167 (after 1819, courts of enquiry held separately for battalions, regiments; same clerk serves both; battalion court may fine enlisted men, while regimental court tries officers, hears appeals from battalion courts); Code 1860, pp. 170-173.

establishment.[26]

Officers of the militia might vacate their offices by resignation (if in good standing), or by removal from the county, and might for misconduct be censured or cashiered by court-martial, subject to the approval of the Governor. In 1864, however, the Governor was empowered to appoint examining boards to displace incompetent officers, and pass on the fitness of candidates for commission.[27] Vacancies in commissioned ranks were filled by promotion of the next in line of rank and seniority in Revolutionary days, but after 1792 and until 1834 the replacements were made on recommendation of the county court, and commissions issued by the Governor with the advice of his Council.[28] At the latter date it was provided that vacancies among the field officers to be filled by vote of the commissioned personnel of the regiment, and vacancies in company command by election of the enlisted men of the company. However, in any instance of failure on the part of the men to carry out their election after sufficient notice, appointments were made by recommendation of the regimental commander, with the advice of the field officers of his command.[29]

The primary duty of the militia was, of course, to defend the county and the State in time of war, invasion, or insurrection, and in order to keep the local units in training, periodical "musters," or assemblies for the purpose of drill and roll call, were required to be held. In the seventeenth century these exercises were held every "holy day", and the commanders were to take a census annually, not only of their men, but of women, children, arms, and property of all sorts.[30] By 1684 companies and regiments had been organized, regimental musters being held annually, and company musters quarterly, and this arrangement continued into the eighteenth century.[31] The number of company and general musters was increased during the Revolution, but in 1792 company musters were held bimonthly, with battalion musters in May and regimental in October. There were minor changes thereafter, and musters were suspended entirely from 1853 to 1858, but in 1860 company musters were being held semiannually, regimental annually, and musters of volunteer companies (always required to drill more often than "line" companies) quarterly.[33]

The troops so trained might be called out by the Governor in time of emergency, or by their own officers if the county itself was invaded. Virginia militia was so employed in all the local Indian wars of the seventeenth century, in the French and Indian Wars, the Revolution, the War of 1812, and the

---

26. See footnote 25.
27. Code 1803, pp. 288, 290; Code 1849, pp. 131-132, 164-166; Code 1860, pp. 146, 171-173; Acts 1863-64, pp. 20-21.
28. Hening, Statutes, IX, 137; Code 1803, pp. 283, 290; Code 1819, I, 98.
29. Acts 1833-34, p. 30; Acts 1834-35, p. 23; Code 1849, p. 129.
30. Hening, Statutes, I, 175, 200 (before the appointment of county lieutenants in 1634).
31. Ibid., III, 14, 339.
32. Ibid., IX, 29, 140, 268; Code 1803, p. 285.
33. Ibid., p. 285; Code 1849, pp. 132-133; Acts 1852-53, pp. 34-35; Acts 1857-58, p. 33; Code 1860, p. 147.

(Next entry 309, p. 229)

War Between the States.[34] A notable instance is found in a letter of Thomas Jefferson (then Governor), dated March 1, 1781, in which he remarks that on January 2 of that year, having news of the approach of Arnold's force up the James, he called up one-fourth of the militia of certain counties to oppose this invasion, and soon afterward ordered out every man who could be armed, to face Cornwallis' northern movement to join Arnold. He further stated that he considered it unnecessary to notify counties lying in the invaders' way, since their forces would be raised automatically as the enemy crossed county lines.[35] It was, indeed, the duty of any officer having news of any enemy advance to raise all available forces, and send messengers for aid if needed.[36]

In peace time, also, militia might be called upon for service. Even in the seventeenth century, slave insurrections were greatly feared, on account of the large number of Negroes and others (mainly Indians) in that condition, and several bloody uprisings had given point to that alarm. In 1726, and thereafter regularly until 1865, parties of men selected from the militia, and replaced periodically by others, were required to patrol the roads of the county, break up unlawful or improper assemblages of Negroes, and arrest any wandering slave who could not give good account of himself, or produce a pass from his master or mistress authorizing his absence from the home plantation.[37]

Records of the militia, since they were for the most part kept by the clerks of courts of enquiry and the officers of the various military units, rarely appear among the papers of the county courthouses. No regular records of the militia were found in Southampton County; there is extant, however, a very interesting volume of minutes of the committee of safety for that county, which agency was in direct charge of military affairs during the early years of the Revolution. The many and varied duties of the local committees of safety, as well as the general committee at Williamsburg, are set forth at some length in the act of July 1775 for raising a force for the defense of the Colony, although this act does not originally establish the local committees, nor prescribe their records.[38] The earliest discoverable act (or, rather, ordinance of the Convention), adopted at the same time, referring to their election and organization, however, does require a journal of proceedings, kept by a chairman or clerk appointed by the committee.[39]

---

34. Hening, Statutes, II, 326-336; ibid., VII, 14, 61, 163-164, 252, 357, 495; et passim; ibid., IX, 27-35, 51, 61, 89-90, et passim; Acts 1812-13, passim; Acts 1861-62 (appendix, ordinances of the Convention, 1861, paged separately), pp. 4-8; Acts 1861-62, pp. 40-46, 57-60.
35. Hening, Statutes, X, 570-575.
36. Ibid., IV, 198; ibid., VI, 113-114; Code 1860, pp. 161-162.
37. Hening, Statutes, IV, 202-203; ibid., V, 19; ibid., VII, 104-105; ibid., IX, 273 (county lieutenants to appoint patrols); Code 1803, pp. 287-288 (battalion commanders to do so, 1792), 406 (justices of the peace may order out, 1801); Code 1849, pp. 445-446; Code 1860, pp. 491-492, 794; (repealed) Acts 1865-66, p. 84.
38. Hening, Statutes, IX, 9-35.
39. Ibid., IX, 57-60.

County Militia

309. PROCEEDINGS OF THE COMMITTEE OF SAFETY, MINUTE BOOK, 1775-78.
1 original vol., 2 photostated vols.

Record of proceedings of the committee of safety showing date of meeting, names of members present, resolutions and orders concerning laying off the county into districts for the collection of funds for suffering inhabitants of Boston, names of persons appointed as collectors, premiums to be paid on salt, powder and lead to be stored, equipment of the militia, appointments and oaths of militia officers, trials of persons said not to be patriotic, list of such persons in each district, approval of the proceedings of the convention at Richmond, list of ordinances of convention read, appointment of delegates to represent the county in the provincial Congress, appointment of officers to conduct elections. Also contains Minute Book, County Court, 1775-78, entry 180. Arr. chron. by date of meeting. No index. 1775-78 hdw.; 1775-78 photostated. Aver. 100 pp. 12x8x½. Original vol., clk. off., record va. annex; 1 positive photostat, record va.; 1 negative photostat, Vi., archives stack-rm.

For other military records, see entries 75, 76.

BIBLIOGRAPHY

Primary Sources

Constitutions

Constitution of the United States [as adopted 1789, with subsequent amendments] in Code of Virginia, 1919, pp. lxv-lxxxiii.

Constitution or Form of Government, 1776, in Hening, The Statutes at Large of Virginia . . ., vol. IX, pp. 112-119. [See below].

Constitution of Virginia, 1830, in Code of Virginia, 1849, pp. 34-35.

Constitution of Virginia, 1851, in Code of Virginia, 1860, pp. 34-58.

Constitution of Virginia, 1869, in Code of Virginia, 1873, pp. 60-101.

Constitution of Virginia, 1869 (as amended 1874), in Code of Virginia, 1887, pp. 31-50.

Constitution of Virginia, 1902, in Code of Virginia, 1919, cxxiv-clxxxvi.

Constitution of Virginia, 1902 (as amended 1928), in The Virginia Code of 1936. Appendix, pp. 2325-2398.

Brenaman, J[acob] N[eff], A History of Virginia Conventions . . . [with Constitutions 1869 and 1902 appended]. J. L. Hill Printing Co., Richmond, 1902.

Hurst, Samuel Need, editor, An Annotated Constitution of Virginia . . . . 4th ed. Hurst and Co., Capron, Va., 1920.

Long, Armistead R., editor, The Constitution of Virginia, an Annotated Edition, together with a Reprint of the Previous Constitutions of Virginia. J. P. Bell Co., Lynchburg, 1910.

Poore, Benjamin Perley, compiler, The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States. 2 vols. 1st ed. Government Printing Office, Washington, 1877.

Thorpe, Francis Newton, compiler, The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. 7 vols. Government Printing Office, Washington, 1909.

Documents of Constitutional Conventions

Proceedings and Debates of the Virginia State Convention of 1829-30 . . . . Ritchie and Cook, Richmond, 1830.

Documents Containing Statistics of Virginia Ordered to be Printed by the State Convention . . . 1850-51. W[illiam] Culley, Richmond, 1851.

Bibliography

Virginia Reform Convention [Proceedings and Debates], Supplement to the [Richmond Newspapers], Jan. 6-July 31, 1851 [2 vols., photostat copies, in Vi.].

Reports of the Proceedings and Debates of the Constitutional Convention, State of Virginia. Held in the City of Richmond, June 12, 1901, to June 26, 1902. 2 vols. Hermitage Press, Richmond, 1906.

Statutes

"The First Assembly of Virginia, held July 30, 1619" in Colonial Records of Virginia and The Records of the Virginia Company of London (see miscellaneous).

Hening, William Waller, compiler, The Statutes at Large; Being a Collection of All the Laws of Virginia . . . (1619-1792). 13 vols. 1st ed. W. W. Hening, Richmond, 1809-23. [Except vol. XIII, Philadelphia, 1823].
2nd ed. [1823, first four volumes only, same publisher, minor differences in pagination]. I and II, New York; III, Philadelphia; IV, Richmond.

Shepherd, Samuel, compiler, The Statutes at Large of Virginia . . . (1792-1807). 3 vols. Samuel Shepherd, Richmond, 1835-36.

Acts of the General Assembly of the State of Virginia . . . [titles vary] (1807--). 102 vols. [dated by years of session]. Various Public Printers, Richmond, 1808-70; Superintendent of Public Printing, Richmond, 1871-1928; Division of Purchase and Printing, Richmond, 1928--.

Public Laws of the Confederate States of America, Passed at the Fourth Session of the First Congress; 1863-64. Carefully Collated with the Originals at Richmond. James M. Mathews, ed. R. M. Smith, Richmond, 1864.

The Statutes at Large of the United States . . . 1789-1873. 17 vols. Little and Brown (later Little, Brown and Co.), Boston, 1845-73.

The Statutes at Large of the United States . . . 1873--. Vol. XVIII etc. Government Printing Office, Washington, 1875--.

Codes

A Complete Collection of all the Laws of Virginia Now in Force . . . . Printed by T. J. for J[ohn] P[urvis], London, [1684?].

A Collection of All the Acts of Assembly, Now in Force, in the Colony of Virginia. William Parks, Williamsburg, 1733.

Bibliography

An Exact Abridgment of all the Public Acts of Assembly of Virginia in Force and Use. January 1, 1758. John Mercer, editor. John Bryce and David Patterson, Glasgow, 1759.

A Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force . . . [1801]. Samuel Pleasants, Jr., and Henry Pace, Richmond, 1803.

A Collection of All Such Acts of the General Assembly of Virginia of a Public and Permanent Nature as Have Passed Since the Session of 1801 . . . Vol. II [sequel to code of 1803, above]. Samuel Pleasants, Jr., Richmond, 1808.

The Revised Code of the Laws of Virginia . . . . 2 vols. Thomas Ritchie, Richmond, 1819.

Supplement to the Revised Code of the Laws of Virginia . . . [including acts authorizing a convention, and the amended Constitution of 1829-30]. Samuel Shepherd and Co., Richmond, 1833.

The Code of Virginia . . . . William F. Ritchie, Richmond, 1849.

The Code of Virginia. Second Edition, Including Legislation to the Year 1860. Ritchie, Dunnavant and Co., Richmond, 1860.

Third Edition of the Code of Virginia: Including Legislation to January 1, 1874. Superintendent of Public Printing, Richmond, 1873.

The Code of Virginia . . . . Superintendent of Public Printing, Richmond, 1887.

Code of Virginia. Annotated edition. 2 vols. Superintendent of Public Printing, Richmond, 1919.

The Virginia Code of 1936. The Michie Co., Charlottesville, 1936.

"Tax Code" (1936) in The Virginia Code of 1936, Appendix, pp. 2394-2545.

Reports and State Papers

McIlwaine, H[enry] R[ead] and J. P. Kennedy, eds. and compilers, Journals of the House of Burgesses (1619-1776). 13 vols. Virginia State Library, Richmond, 1905-15.

McIlwaine, H[enry] R[ead], editor, Minutes of the Council and General Court of Colonial Virginia (1622-32, 1670-76). Virginia State Library, Richmond, 1924.

Calendar of Virginia State Papers and Other Manuscripts . . . (1652-1869). William P. Palmer, Sherwin McRae, Raleigh Colston, and W. H. Flournoy [at various times], editors and compilers. 11 vols. Vol. I (1652-1781), Palmer, 1875; vols. II-V (1781-92), Palmer and McRae, 1881-85; vol. VI (1792-93), McRae, 1886; vol. VII (1794-95), McRae, Colston, and Flournoy, 1888; vols. VIII-XI (1795-1869), Flournoy, 1890-93. Published by authority of State Legislature, Richmond, 1875-93.

Bibliography

McIlwaine, H[enry] R[ead], editor, Executive Journals of the Council of Colonial Virginia (1680-1739). 4 vols. Virginia State Library, Richmond, 1925-30.

McIlwaine, H[enry] R[ead], editor, Legislative Journals of the Council of Colonial Virginia (1680-1774). 3 vols. Virginia State Library, Richmond, 1918-19.

McIlwaine, H[enry] R[ead], editor, Journals of the Council of the State of Virginia (1776-81). Virginia State Library, Richmond, 1931-32.

Council Journal [Minutes of the Governor's Council] (1786-90) [ms. volume in Vi., archives].

Journal of the House of Delegates of the Commonwealth of Virginia; Begun and Holden in the City of Richmond, in the County of Henrico, on Monday, the Twelfth Day of October, in the Year of Our Lord One Thousand Seven Hundred and Eighty-Eight. Thomas W. White, Richmond, 1828.

Annual Reports of the Board of Public Works to the General Assembly of Virginia, with the Accompanying Documents . . . (1816-76). Various Public Printers, Richmond, 1817-77.

Report of the Revisors of the Code of Virginia, Made to the General Assembly . . . . 2 vols. Samuel Shepherd, Richmond, 1847-49.

Virginia School Report, 1885. Fifteenth Annual Report of the Superintendent of Public Instruction. Superintendent of Public Printing, Richmond, 1885.

Virginia School Report, 1900-1901. Biennial Report of the Superintendent of Public Instruction . . . . Superintendent of Public Printing, Richmond, 1901.

United States Department of Agriculture, Bureau of Plant Industry, Farmers' Cooperative Demonstration Work, Bulletin A-75 revised, Results of Boys' Demonstration Work in Corn Clubs in 1911. Government Printing Office, Washington, 1912.

Ninth Annual Report of the State Corporation Commission 1911, General Report and Statistics. Superintendent of Public Printing, Richmond, 1912.

Annual Report of Superintendent of Public Instruction . . . 1920-21. State Board of Education Bulletin IV, no. 2 (Sept. 1921). Superintendent of Public Printing, Richmond, 1922.

Annual Report of the Superintendent of Public Instruction . . . 1921-22 and 1922-23. State Board of Education Bulletin VI, no. 2 (Oct. 1923). Superintendent of Public Printing, Richmond, 1924.

Annual Report of the Superintendent of Public Instruction . . . 1923-24 and 1924-25. State Board of Education Bulletin VIII, no. 2 (Oct. 1925). Superintendent of Public Printing, Richmond, 1926.

Bibliography

Report of the Commission on Simplification and Economy of State and Local Government to the General Assembly of Virginia, January, 1924. Superintendent of Public Printing, Richmond, 1924.

New York Bureau of Municipal Research, County Government in Virginia. Report on a Survey Made for the Governor and his Committee on Consolidation and Simplification, January, 1927. Superintendent of Public Printing, Richmond, 1928.

Annual Report of the Superintendent of Public Instruction . . . 1930-31. State Board of Education Bulletin XIV, no. 3(Nov. 1931), Division of Purchase and Printing, Richmond, 1932.

"Report of the Commission on County Government to the General Assembly of Virginia, December 1931. Senate Document No. 3." Division of Purchase and Printing, Richmond, 1931. Bound with Senate Journal and Documents, 1932.

Annual Report of the Superintendent of Public Instruction . . . 1936-37. State Board of Education Bulletin XX, no. 3(Sept. 1937). Division of Purchase and Printing, Richmond, 1937.

Annual Report of the Superintendent of Public Instruction . . . 1937-38. State Board of Education Bulletin XXI, no. 3 (Sept. 1938). Division of Purchase and Printing, Richmond, 1938.

Annual Report, 1938, Southampton County Virginia, July 1, 1937 to June 30, 1938. News Publishing Co., Franklin, Va., 1938.

State Highway Commission Report of June 30, 1938. Richmond, 1938.

Thirty-Fifth Annual Report of the State Corporation Commission, Showing the Condition of the Incorporated State Banks and Other Institutions Operating in Virginia at the Close of Business, December 31, 1938, [compiled by Bureau of Banking]. Division of Purchase and Printing, Richmond, 1939.

Report of the Secretary of the Commonwealth to the Governor and General Assembly of Virginia . . . (1936-37). Division of Purchase and Printing, Richmond, 1937.

Report of the Secretary of the Commonwealth to the Governor and General Assembly of Virginia . . . (1937-38). Division of Purchase and Printing, Richmond, 1938.

Miscellaneous

Brown, Alexander, compiler and editor, The Genesis of the United States . . . . 2 vols. 1st ed. Houghton, Mifflin and Co., Boston and New York, 1890.

Colonial Records of Virginia, Senate Document, Extra. Superintendent of Public Printing, Richmond, 1874.

Bibliography

Edwards, Richard, ed., Statistical Gazetteer of the States of Virginia and North Carolina . . . . R. Edwards, Richmond, 1856.

Kingsbury, Susan Myra, editor, The Records of the Virginia Company of London. The Court Book . . . . 2 vols. Documents. 3 vols. Government Printing Office, Washington, 1906 and 1933.

Martin, Joseph, A New and Comprehensive Gazetteer of Virginia and the District of Columbia . . . to Which is Added a History of Virginia . . . . Moseley and Tompkins, Charlottesville, 1836.

Memoirs of the Society of Virginia for Promoting Agriculture, Containing Communications of Various Subjects in Husbandry and Rural Affairs. Shepherd and Pollard, Richmond, 1818.

Patents, No. 10, 1710-19. [Ms. vol. in State Land Office, Richmond, Va.]

Sands, Alexander H., Practical Form. First and Second Series. Randolph and English, Richmond, 1872.

Census

The Seventh Census of the United States: 1850. Embracing a Statistical View of Each of the States and Territories, Arranged by Counties, Towns . . . . J. B. D. De Bow, compiler. R. Armstrong, Washington, 1853.

Statistics of the Population of the United States . . . compiled from the Original Returns of the Ninth Census, June 1, 1870 [first of 3 vols., Reports of 9th Census]. Government Printing Office, Washington, 1872.

Report of the Commissioner of Agriculture for the Year 1870. Government Printing Office, Washington, 1871.

Report of the Productions of Agriculture as Returned at the Tenth Census, June 1, 1880, III, Embracing General Statistics and Monographs . . . . Government Printing Office, Washington, 1883.

Switzler, William F., Report of the Internal Commerce of the United States, Commerce and Navigation, II, The Commercial, Industrial, Transportation, and Other Interests of the Southern States. Government Printing Office, Washington, 1886.

Reports on the Statistics of Agriculture in the United States at the Eleventh Census: 1890, V, Agriculture By Irrigation . . . and Statistics of Fisheries . . . . Government Printing Office, Washington, 1896.

Twelfth Census of the United States . . . 1900. Vol. III, pt. 2, Crops and Irrigation. United States Census Office, Washington, 1902.

Thirteenth Census of the United States . . . 1910, III, Population 1910. Reports by States . . . Nebraska to Wyoming. Government Printing Office, Washington, 1913.

Bibliography

Fourteenth Census of the United States, 1920, Agriculture, Virginia, Statistics for the State and its Counties. Government Printing Office, Washington, 1921.

United States Census of Agriculture, 1925, Virginia, Statistics by Counties, Final Figures. Government Printing Office, Washington, 1927.

Bureau of the Census, Religious Bodies: 1926. Vol. I. Government Printing Office, Washington, 1930.

Fifteenth Census of the United States: 1930 . . . Agriculture. Vol. II, Reports by States . . ., pt. 2, The Southern States. Government Printing Office, Washington, 1932.

Fifteenth Census of the United States: 1930 . . . Population. Vol. III, Reports by States . . ., pt. 2, Montana-Wyoming [Virginia, pp. 1139-1205]. Government Printing Office, Washington, 1932.

Fifteenth Census of the United States, 1930, Manufactures: 1929. III, Reports by States-Statistics for Industrial Areas, Counties and Cities. Government Printing Office, Washington, 1933.

United States Census of Agriculture, 1935, Reports for States with Statistics for Counties and a Summary for the United States . . ., pt. 2 The Southern States. Government Printing Office, Washington, 1936.

Federal-State Crop Reporting Service, Virginia Farm Statistics, 1935-36. Published by the Service, Richmond, 1936.

Letters and Notes

Hunt, Gaillard, editor, The Writings of James Madison. 9 vols. G. P. Putnam's Sons, New York, 1900-1910.

Lipscomb, Andrew A., and Albert E. Bergh, editors, The Writings of Thomas Jefferson. 20 vols. [Library Edition]. Thomas Jefferson Memorial Association, Washington, 1903.

Secondary Sources

Histories - General

Andrews, Charles McLean, The Colonial Period in American History, vols. I-III, The Settlement [in progress]. Yale University Press, New Haven, 1934--.

Channing, Edward, A History of the United States, vol. I, The Planting of a Nation in the New World, 1000-1660. Macmillan, New York, 1927.

Chitwood, Oliver Perry, A History of Colonial America. Harper & Bros., New York and London, [ca. 1931].

Bibliography

Green, Evarts Boutell, and Virginia D. Harrington, American Population Before the Federal Census of 1790. Columbia University Press, New York, 1932.

Hesseltine, William B., A History of the South, 1607-1936. Prentice-Hall, Inc., New York, 1936.

Osgood, Herbert Levi, The American Colonies in the Eighteenth Century. 4 vols. Columbia University Press, New York, 1924.

Histories - Virginia

Beverley, Robert, The History of Virginia, in Four Parts. (Reprint of 2nd, revised ed., London, 1722). J. W. Randolph, Richmond, 1855.

Brown, Alexander, The First Republic in America; an Account of the Origin of this Nation . . . . Houghton, Mifflin and Co., Boston and New York, 1898.

Bruce, Philip Alexander, Economic History of Virginia in the Seventeenth Century. 2 vols. Macmillan and Co., New York, 1895.

Bruce, Philip Alexander, Institutional History of Virginia in the Seventeenth Century. 2 vols. Knickerbocker Press, New York, 1910.

Campbell, Charles, History of the Colony and Ancient Dominion of Virginia . . . . J. B. Lippincott and Co., Philadelphia, 1860.

Howe, Henry, Historical Collections of Virginia . . . . Babcock and Co., Charleston, 1845.

Smith, John, Travels and Works of Captain John Smith, President of Virginia, and Admiral of New England, 1580-1631. Arber ed. John Grant, Edinburgh, 1910.

Smith, Margaret Vowell, Virginia, 1492-1892 . . . . W. H. Lowdermilk and Co., Washington, 1893.

Stith, William, The History of the First Discovery and Settlement of Virginia. (Reprint of 1st ed., Williamsburg, 1747). Joseph Sabin, New York, 1865.

Wertenbaker, Thomas Jefferson, Virginia Under the Stuarts, 1607-1688. Princeton University Press, Princeton, 1914.

Biographies, Memoirs, etc.

Bruce, Philip Alexander, The Virginia Plutarch. 2 vols. University of North Carolina Press, Chapel Hill, 1929.

Dodson, Leonidas, Alexander Spottswood, Governor of Colonial Virginia, 1710-1722. University of Pennsylvania Press, Philadelphia, 1932.

Bibliography

Special Monographs

Abernethy, Thomas Perkins, Western Lands and the American Revolution. University of Virginia Institute for Research in the Social Sciences, Institute Monograph, no. 25. D. Appleton - Century Co., New York, 1937.

Allen, Charlotte, see Virginia.

Alvord, Clarence W., and Lee Bidgood, The First Explorations of the Trans-Allegheny Region by the Virginians, 1650-1674. Arthur H. Clark Co., Cleveland, 1912.

Ambler, Charles Henry, Sectionalism in Virginia from 1776 to 1861. University of Chicago Press, Chicago, 1910.

Anonymous, "The Status of Agriculture in Virginia in 1870" in Report of the Commissioner of Agriculture for the Year 1870. Government Printing Office, Washington, 1871.

Beattie, W. R., The Peanut, United States Department of Agriculture, Farmers' Bulletin 431. Government Printing Office, Washington, 1911.

Bennett, William W., Rev., Memorials of Methodism in Virginia, from Its Introduction into the State, in the Year 1772, to the Year 1829. Published by the Author, Richmond, 1871.

Brown, Alexander, English Politics in Early Virginia History. Houghton, Mifflin and Co., Boston and New York, 1901.

Bruce, Kathleen, Virginia Iron Manufacture in the Slave Era. The Century Co., New York and London, [ca. 1930].

Bryce, James, The American Commonwealth. Macmillan & Co., London and New York, 1893.

Brydon, George Maclaren, The Colonial Clergy of Virginia. Addendum to Goodwin's List. (Typewritten copy in Vi.), Richmond, 1933.

Cabell, Nathaniel Francis, Early History of Agriculture in Virginia. Lemuel Towers, Washington, [ca. 1860].

Chastellus, Jean Francois, Marquis de, Travels in North-America in the Years 1780-81-82. New York, 1828.

Chitwood, Oliver Perry, Justice in Colonial Virginia, Johns Hopkins University Studies in Historical and Political Science, XXIII, nos. 7-8. Johns Hopkins Press, Baltimore, 1905.

Craven, Avery Odelle, Soil Exhaustion as a Factor in the Agricultural History of Virginia and Maryland, 1606-1860. University of Illinois Studies in The Social Sciences, XIII, no. 1. University of Illinois, Urbana, [ca. 1926].

Bibliography

Drewry, William Sidney, The Southampton Insurrection. The Neale Co., Washington, 1900.

Eckenrode, Hamilton James, The Political History of Virginia During the Reconstruction. Johns Hopkins University Studies in Historical and Political Science, XXII, nos. 6-8. Johns Hopkins Press, Baltimore, 1904.

Eckenrode, Hamilton James, Separation of Church and State in Virginia. A Study in the Development of the Revolution. Special Report of the Department of Archives and History, Superintendent of Public Printing, Richmond, 1910.

Goodwin, Edward Lewis, The Colonial Church in Virginia, with Biographical Sketches of the First Six Bishops of the Diocese of Virginia. Morehouse Publishing Co., Milwaukee and A. R. Mowbray and Co., London, 1927.

Hening, William Waller, The Virginia Justice . . . . Shepherd and Pollard, Richmond, 1825.

Hotchkiss, Jedediah, See Virginia.

Ingle, Edward, Local Institutions of Virginia. Johns Hopkins University Studies in Historical and Political Science, III, nos. 2-3. N. Murray, Baltimore, 1885.

Jefferson, Thomas, Notes on the State of Virginia. R. T. Rawls, Philadelphia, 1801.

Johnston, F[rederick], compiler, Memorials of Old Virginia Clerks . . . . J. P. Bell Co., Lynchburg, 1888.

Lingley, Charles Ramsdell, The Transition in Virginia from Colony to Commonwealth . . . . Columbia University Studies in History, Economics, and Public Law, XXXVI, no. 2. [Columbia University], New York, 1910.

Long, Charles Massie, Virginia County Names, Two Hundred and Seventy Years of Virginia History. The Neale Publishing Co., New York and Washington, 1908.

Maddox, William Arthur, The Free School Idea in Virginia before the Civil War . . . . Teachers' College, Columbia University, Contributions to Education, no. 93. Teachers' College, Columbia University, New York, 1918.

Magruder, Frank Abbott, Recent Administration in Virginia. Johns Hopkins University Studies in Historical and Political Science, XXX, no. 1. Johns Hopkins Press, Baltimore, 1912.

Meade, William, Old Churches, Ministers, and Families of Virginia. 2 vols. J. B. Lippincott Co., Philadelphia, [ca. 1938].

Morrison, A. J., The Beginnings of Public Education in Virginia, 1776-1860. Virginia State Board of Education, special Report. Superintendent of Public Printing, Richmond, 1917.

Bibliography

Neill, Edward D[uffield], History of the Virginia Company of London . . . . J. Munsell, Albany, 1869.

Pulliam, David L., The Constitutional Conventions of Virginia, from the Foundations of the Commonwealth to the Present Time. J. L. West, Richmond, 1901.

Robinson, Morgan Poitiaux, Virginia Counties: Those Resulting from Virginia Legislation. Virginia State Library Bulletin IX, nos. 1-3 (Jan.-July 1916). Superintendent of Public Printing, Richmond, 1916.

Ruffin, Edmund, Essays and Notes on Agriculture. J. W. Randolph, Richmond, 1855.

Taylor, John, Arator; Being a Series of Agricultural Essays, Practical and Political. 3rd. ed. J. Robinson, Baltimore, 1817.

Virginia, State Department of Agriculture and Immigration, Virginia: A Geographical and Political Summary . . . . Jedediah Hotchkiss, compiler and editor. Superintendent of Public Printing, Richmond, 1876.

Virginia, State Department of Agriculture and Immigration, Virginia. Charlotte Allen, compiler and editor. Division of Purchase and Printing, Richmond, 1937.

Watson, Thomas Leonard, Mineral Resources of Virginia. Published by Virginia Jamestown Exposition Commission. J. P. Bell Co., Lynchburg, 1907.

Articles and Essays in Periodicals, etc.

Commonwealth Magazine.

The Farmer's Register, a Monthly Publication Devoted to the Improvement of the Practice, and Support of the Interests of Agriculture. Edmund Ruffin, ed. and publisher. Vols. I-X (1833-43).

Richmond Constitutional Whig.

Richmond Times-Dispatch.

Tyler's Quarterly Historical and Genealogical Magazine. Dr. Lyon G. Tyler, et als., eds. Vols. I-- (1919--).

The Virginia Magazine of History and Biography [publication of the Virginia Historical Society]. Dr. P. A. Bruce, Dr. W. G. Standard, and others, eds. Vols. I-- (1893--).

The Virginias, a Mining, Industrial and Scientific Journal, Devoted to the Development of Virginia and West Virginia. Jedidiah Hotchkiss, ed. and publisher. Vols. I-VI (1880-85).

The William and Mary College Historical Quarterly. Dr. Lyon G. Tyler and W. C. Torrence, eds. 1st series, vols. I-XXVII (1892-1918).

Bibliography

The Williamsburg Gazette.

Maps

Commonwealth of Virginia, County Maps of the Primary and Secondary Highway Systems, 1936. State Department of Highways, Richmond, 1936.

Rand McNally Commercial Atlas and Marketing Guide. 79th ed. Rand, McNally & Co., New York, Chicago, and San Francisco, [1939].

Road Map of the United States, 1938. In office of State Department of Motor Vehicles, Richmond, Va.

Works of Legal Reference

Atlantic Reporter [Cases Argued and Determined in the Courts of Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont]. West Publishing Co., St. Paul, Minn., 1887--.

Black, Henry Campbell, A Dictionary of Law, Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern. West Publishing Co., St. Paul, Minn., 1891.

Blackstone, William, Commentaries on the Laws of England, (George Sharswood, ed.). J. B. Lippincott Co., Philadelphia, 1900.

Bouvier, John, Bouvier's Law Dictionary, Francis Rawle, revisor. Boston Book Co., Boston, 1897.

Federal Reporter, Cases Argued and Determined in the Circuit Courts and District Courts of Appeals of the United States, Court of Appeals of the District of Columbia, and the United States Court of Customs and Patent Appeals. West Publishing Co., St. Paul, Minn., 1880--[vols. 1-300, 1880-1925; 2nd series, vols. 1--, 1925--].

Garland, David S. and Lucius P. McGehee, eds., The American and English Encyclopaedia of Law. 2nd edition. 32 vols. Edward Thompson Co., Northport, N. Y. and C. D. Cazenove, London, 1896-1905.

Halsbury, Earl of, Halsbury's Laws of England, Being a Complete Statement of the Whole Law of England, (Viscount Hailsham, ed.). 2nd edition. 32 vols. Butterworth and Co., London, 1931--.

Hughes, William J., Federal Practice, Jurisdiction, and Procedure, Civil and Criminal. 16 vols. West Publishing Co., St. Paul, Minn., 1931.

Mack, William, and W. B. Halo, editors, Corpus Juris, Being a Complete and Systematic Statement of the Whole Body of the Law . . . . American Law Book Co., New York; Butterworth & Co., London, 1914-35.

Bibliography

Mack, William and Donald J. Keser, editors, Corpus Juris Secondum, a Complete Restatement of the Entire American Law . . . . American Law Book Co., Brooklyn, 1936--.

McQuillin, Eugene, The Law of Municipal Corporations. Callahan & Co., Chicago and New York, 1928.

Michie's Digest of Virginia and West Virginia Reports. The Michie Co., Charlottesville, 1929 [supplement 1934, 1938].

South Eastern Reporter. Cases Argued and Determined in the Courts of Georgia, South Carolina, North Carolina, Virginia, West Virginia. West Publishing Co., St. Paul, Minn., 1887-- [vols. 1-200, 1887-1939; 2nd series, vols. I--, 1939--].

United States Reports - Cases Adjudged in the Supreme Court (including some early decisions of state courts, 1752--). Various Public Printers and Government Printing Office, Washington, Philadelphia, etc., 1806--.

The Virginia Law Register (new series). [Magazine], Charlottesville, Va.

(Virginia Reports), Cases Decided in the Supreme Court of Appeals of Virginia. Various Public Printers and Division of Purchase and Printing, Richmond, 1790--.

Technical Works

Mair, James, Book Keeping Methodized . . . . (Imperfect copy in Vi., place and date of publication unknown). Ca. 1760.

List of Publications of Virginia Historical Records Survey

County Inventories

Inventory of the County Archives of Virginia, No. 4, Amelia County, Richmond, Va., 1940.

Inventory of the County Archives of Virginia, No. 21, Chesterfield County, Charlottesville, Va., 1938.

Inventory of the County Archives of Virginia, No. 27, Dinwiddie County, Richmond, Va., 1939.

Inventory of the County Archives of Virginia, No. 60, Middlesex County, Richmond, Va., 1939.

Inventory of the County Archives of Virginia, No. 73, Powhatan County, Richmond, Va., 1939.

Bibliography

Church Inventories

Inventory of the Church Archives of Virginia: Dover Baptist Association, Richmond, Va., 1939.

CHRONOLOGICAL INDEX

(All numbers refer to entries. A record entry number is listed under each decade which the record covers in full or in part. An entry number is underlined to call attention to the initial appearance of the record; the last listing of the entry number indicates the decade within which the record ends.)

1740-49
15, 20, 21, 126-128, 181

1750-59
11, 12, 15, 20, 21, 64, 69, 70, 126-128, 133, 142, 143, 171, 174, 180, 181

1760-69
11, 12, 15, 20, 21, 64, 69, 70, 126-128, 133, 142, 143, 171, 174, 180, 181

1770-79
11, 12, 15, 20, 21, 64, 69, 70, 126-128, 133, 134, 142, 143, 171, 174, 180, 181, 309

1780-89
11, 12, 15, 20, 21, 64, 69, 70, 126-128, 133, 134, 142, 143, 171, 174, 180, 181

1790-99
11, 12, 15, 20, 21, 22, 64, 69, 70, 71, 73, 126-128, 133, 134, 139, 142, 143, 171, 174, 177, 180, 181, 182

1800-1809
11, 12, 15, 20-22, 64, 69-71, 73, 100, 109, 122, 126-128, 133, 134, 139, 142, 143, 171, 172, 174, 177, 180, 181

1810-19
11, 12, 15, 20, 21, 64, 69-71, 73, 83, 100, 109, 122, 126-128, 133, 134, 135, 139, 142, 143, 171, 172, 174, 175, 177, 178, 180-182, 187

1820-29
11, 12, 15, 20, 21, 64, 69-71, 73, 83, 100, 109, 120, 122, 126-128, 133, 135, 139, 142, 143, 171, 172, 174, 175, 177, 178, 180-182, 187

1830-39
11, 12, 15, 20-22, 23, 64, 69-71, 72, 73, 83, 86, 93, 94, 97, 100, 102, 109, 120, 121, 122, 126-128, 133, 135, 139, 142, 143, 171, 172, 174, 175, 177, 180-182, 183, 187

1840-49
12, 15, 20-23, 64, 69-73, 83, 86, 93, 94, 97, 100, 102, 103, 109, 120-122, 126-128, 133, 135, 139, 142, 143, 171, 172, 174, 175, 177, 180, 181, 183 187, 255

1850-59
3, 12, 15, 20-23, 38, 50, 58, 60, 61, 63, 64, 66-68, 69-73, 83, 86, 93,

Chronological Index

94, 97, 98, 100, 102, 103, 109, 117, 120-122, 126-128, 133, 135, 137, 139, 142, 143, 145, 171, 172, 174, 177, 181, 183, 186, 187, 255

1860-69

3, 9, 12, 15, 16, 17, 20, 21, 23, 38, 50, 58, 60, 61, 63, 66-68, 71-73, 83, 86, 93, 94, 97, 98, 100, 102, 103, 109, 117, 120-122, 126-128, 133, 135, 137, 139, 141, 142, 155, 171, 172, 174, 176, 177, 181, 183, 186, 187, 255

1870-79

2, 5, 9, 12, 15-17, 20-23, 29, 36, 38, 50, 60, 63, 66, 68, 81, 84, 86, 93, 94, 97, 98, 100, 102, 103, 109, 117, 120-122, 126-128, 133, 135, 137, 141, 146, 148, 155, 171, 173, 176, 177, 181, 183, 185, 186

1880-89

2, 5, 9, 12, 15-17, 20-23, 26, 28, 29, 36, 38, 47, 50, 51, 66, 68, 74, 86, 93, 94, 97, 98, 100, 102, 103, 109, 117, 119, 120-122, 126-128, 131, 133, 135, 137, 138, 140, 141, 145, 146, 148, 174, 176, 181, 184, 185

1890-99

2, 5, 8, 9, 12, 15-17, 20, 21, 23, 26, 28, 29, 31, 33, 36, 38, 47, 49, 50, 51, 66, 68, 74, 82, 86, 94, 97, 98, 100, 102, 103, 109, 113, 115, 116, 117, 119, 120-122, 123, 126-128, 131, 133, 135, 137, 138, 140, 141, 145, 146, 148, 176, 179, 181, 185, 245

1900-1909

2, 5, 8, 9, 12, 13, 14, 15-17, 20, 21, 23, 24, 25, 26, 28, 30, 31, 33, 36, 38, 47, 50, 51, 52, 66, 68, 74, 75, 79, 82, 86, 87, 94, 97, 98, 100, 102, 103, 109, 112, 113, 115-117, 119, 121-123, 124, 126-128, 130, 131, 133, 135, 136, 137 138, 140, 141, 144, 145, 146, 147, 148, 149, 151, 159, 176, 179, 181, 245, 246, 247

1910-19

2, 5, 12, 13, 15-17, 18, 19, 23-26, 27, 28, 30, 31, 33, 36, 38, 47, 48, 50-52, 56, 59, 62, 66, 68, 74, 76, 82, 85, 86, 87, 94, 97, 98, 102, 103, 108, 109, 112, 113, 114, 115-117, 119, 122-124, 126-128, 130, 131, 132, 133, 135-138, 140, 141, 144-147, 149, 150, 151, 156, 159, 170, 179, 202, 208, 209, 237, 245-247, 254, 259, 260, 263, 264, 266,

1920-29

2, 5, 10, 12, 13, 15-19, 24-28, 30, 31, 32, 33, 36, 37, 38, 39, 42, 45, 46, 47, 48, 50-52, 53, 54, 56, 57, 66, 68, 74, 82, 85, 86, 88, 89, 94, 95, 97, 98, 99, 100, 102, 103, 104, 106, 107, 108, 109, 112, 114-117, 119, 123, 124, 125, 126-128, 130-133, 135, 136, 140, 141, 144-147, 149-151, 152-154, 157, 158, 159, 165, 170, 195, 199, 201, 202, 203, 204, 207, 208, 209, 210, 213, 215, 217-219, 221, 223-225, 227, 228, 230, 233, 235, 237, 245, 246, 248-251, 253, 254, 256-258, 259, 260, 261, 262, 263, 264, 265, 266, 270, 271, 285, 286, 288, 290-292, 295

1930-39

1, 2, 4, 5, 6, 7, 10, 12, 13, 15-19, 24-28, 30-33, 34, 35, 36-39, 40, 41, 42, 43, 44, 45-48, 50, 51, 53, 54, 55, 56, 57, 65, 66, 68, 74, 77, 78, 80, 82, 84-86, 88, 90-92, 95, 96, 97-99, 100, 101, 102, 104, 105, 106, 107, 109, 110, 111, 112, 114-117, 118, 124-128, 129, 130-133, 135,

Chronological Index

136, 138, 140, 141, 144-147, 150-153, 157-159, 160-164, 165, 166-169, 170, 188-194, 195, 196-198, 199, 200, 201-204, 205, 206, 207-210, 211, 212, 213, 214, 215, 216, 218, 219, 220, 221, 222, 223-225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238-244, 245, 246, 248-251, 252, 253, 254, 256-266, 267-269, 270, 271, 272, 274-284, 285, 286, 287, 288, 289, 290-292, 293, 294, 295, 296-308.

Chronological Index

136, 138, 140, 141, 144-147, 150-153, 157-159, 160-161, 165, 166-169,
170, 188-194, 195, 196-198, 199, 200, 201-204, 205, 206, 207-210, 211,
212, 213, 214, 216, 218, 219, 220, 221, 222-225, 226, 227,
228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238-244, 245, 246,
248-251, 252, 253, 254, 256-260, 261-269, 270, 271, 272, 274-284, 285,
286, 287, 288, 289, 290-292, 293, 294, 295, 296-308,

SUBJECT INDEX

(Underscored figures refer to pages; others refer to entries)

A A A, see Agricultural Adjustment Administration
Abbreviations, list of, 60, 61
Abstracts
  of judgments, 103, 112, 114
  of votes, 40
Academies, 13-15, 41
Accounts, 36, 37
  See also Financial records
  of candidates' expenses, 81, 78
  against Commonwealth, 106, 157
    examination of, 109
  fiduciary, see Fiduciaries
  of purchases for almshouse, 206, 283
  welfare, 274
Administrators, see Estates; Fiduciaries
Admiralty court, 29
Adoption papers, 102, 92
  See also Case papers
Adult education, reports on, 272
Affidavits for notes or receipts lost, 13
Agent, county, see Agricultural agent, county
Agreements
  admitted to record, 77, 15
  soil conservation program, 218, 219, 300
  superintendent of schools, 271
Agricultural Adjustment Administration, 218, 219, 298
  See also Agriculture; Agricultural agent, county
Agricultural agent, county, 24, 49, 216-219
  See also Agriculture; Agricultural Adjustment Administration
  records of, 296-306
    location of, 60
    required, 218, 219
Agriculture
  See also Agricultural Adjustment Administration; Agricultural agent, county
  aerial surveys of, 219, 304
  crop limitation contracts, 218, 219, 296-299
    applications for payment under, 301
    receipts for, 303
Agriculture (continued)
  marketing cards, receipts for, 302
  products of, in county, 10-12
  soil conservation program, 218, 219, 300
Aid, see Almshouse; Parish vestry; Poor; Welfare
Alcoholic beverages
  bonds on licenses for, 105, 148
  reports on permits for, 106, 170
Alcoholics, commitment proceedings, 105, 106, 149, 151
Aliens, naturalization of, 28
Allotments, soil conservation program, 218, 219, 300
Allowances, board of supervisors', 71, 2-4
Almshouse, 16
  See also Parish vestry; Poor; Welfare
  accounts of purchases for, 206, 283
  inmates of, 206, 282
Andrews, William, 15
Animals
  certificates of estray, 81, 71
  register of estray, 81, 72
Appeals, 30-32
Applications
  for cotton payments, 301
  for licenses
    peanut pickers', 159, 212
    State, 159, 211
  to purchase delinquent lands, 79, 49
  for roads and bridges, 70, 2
Appointments
  of commissioners in condemnation proceedings, 87-90
  of election officials, 245
  of fiduciaries, 27, 136
  of grand jury, 180, 181
  of jury commissioners, 109
  of officers, county
    by circuit court, 109
    by county court, 180, 181
    by supervisors, board of, 2
  of road surveyors, 130, 185, 187
  by school trustee electoral board, 246
Appraisements, see Estates

Subject Index

(App-Bud)

Appropriations, 2
See also Financial records
Arrington, Arthur, 4
Assessments
See also Property
of bank stock, 158, 207
of fines by justice of the peace, 106, 158
on income, 159, 174, 175, 209, 237
of property controlled by fiduciaries, 50
Assessors, 21-23, 58, 163-166
Assistance, see Almshouse; Parish vestry; Poor; Welfare
Attachments, see Case papers
Attorney for the commonwealth, see Commonwealth's attorney
Attorneys, qualification of, 109
Auditor of Public Accounts, audits of, 37
Awards, 203, 278

Bail bonds, 105, 147
Bailiffs, see Sheriff
Ballots, 39, 40
Banks
assessment of stock of, 158, 207
statements of, 173, 231
Bankruptcy, 29, 30
Barrow, David, 7, 15
Barrow, Thomas, 3
Beaton, Edward, 9
Bequests, see Wills
Berlin and Ivor magisterial district, 3
Bibliography, 231-244
Bids
for construction of county buildings, 1
for office supplies, 1
Bills, see Accounts; Claims; Expenditures
Births, see Vital statistics, births
Blount, Harry, 5
Blow, Samuel, 4
Blow, Thomas, 7
Blunt, Benjamin, 7, 13
Blunt, John, 7
Blunt, Samuel, 13
Board
electoral, see Electoral board, county
of equalization, see Equalization, local board of
Board (continued)
of health, see Health, local board of
of review, see Review, local board of
school, see School board
school trustee electoral, see School trustee electoral board
of supervisors, see Supervisors, board of
welfare, see Welfare, local board of
Bogart, John H., 2, 3
Bonds, 37
See also Financial records
administrators', 105, 142, 144, 145
bail, 105, 147
committees', 105, 145
coroners', 105, 139
curators', 105, 145
executors', 105, 145
financial, 106, 154
issuance and sale of by board of supervisors, 37, 191, 2, 249
forthcoming, forfeited, 104, 119
guardians', 105, 143-145
liquor license, 105, 148
marriage, 80, 64
ministers', 105, 139
official, 105, 140, 141, 174
peace, 105, 147
for school purposes, 191, 2, 249
special commissioners', 105, 146
town, papers concerning, 106, 154
Booth, Beverly, 15
Bowen, John, Jr., 4
Bowers, Carr, 14
Boykins, Arthur, 6
Boykins, Francis, 13
Boykins magisterial district, 3
Boykins, William, 6, 13
Branch, Benjamin, 4
Bridges, see Roads
Britt, Benjamin, 4
Brown, Jesse, 4
Browne, Henry, 6
Bryant, J. F., 14
Budgets
See also Financial records
of school board, 33, 34, 195, 256, 271

Budgets (continued)
of supervisors, board of, 25, 33, 34, 2
of welfare, local board of, 33, 34
Buildings, county, construction of, 25, 1
Burges, Henry John, 7, 13, 15
Burgesses, 4
Burn, David, 8
Butts, Peter, 4
Butts, Thomas, 7

Calvert, Samuel, Jr., 7
Camron, Luke, 6
Candidates for office
expense accounts of, 81, 78
notices of, 38, 81, 77
Capitation taxes
adjustment of, 158, 204
delinquent, 71, 10
omitted, State, 159, 210
collections of, 175, 176, 222
payment of, 176, 240
unpaid, report of, 176, 241
Capron magisterial district, 3
Cary, Miles, 7
Case papers
See also Executions; Judgments
chancery
circuit court
ended, 101, 86-92
pending, 101, 85
county court, 171
common law
circuit court, 102, 103, 98-101, 112, 118
commonwealth's attorney, 136, 188
county court, 174
trial justice court, 103, 104, 138, 101, 111, 112, 190, 191
juvenile and domestic relations, 138, 192
Cash books, see Day books; Journals; Ledgers
Census
county, 2
school, 196, 266
Chancery
See also Executions; Judgments
case papers
circuit court
ended, 101, 86-92
pending, 101, 85
county court, 171
Chancery (continued)
district superior court of, see Circuit court
dockets
circuit court
current, 102, 95
ended, 102, 96
rule, 102, 94
county court, rule, 172
high court of, 21, 31
jurisdiction
of circuit court, 26, 27
of clerk, county, 27
of county court, 25, 26
of justice of the peace, 25, 26
of trial justice court, 27
orders
circuit court, 102, 97
county court, 173
process book, 102, 93
Chapman, Benjamin, 3
Chart of county government, 54, 55
Charters, certificates of, 79, 51
Chattels, see Mortgages
Checks
See also Financial records
treasurer, county
canceled, 173, 231
stubs of, 173, 230
Child welfare, see Juvenile cases; Welfare
Children, see Fiduciaries; Juvenile cases; Schools
Church, see Parish vestry
Churchwardens, see Parish vestry
Circuit court, 21-23, 25-28, 31, 32, 35, 36, 39, 46, 57, 98-106
records of, 85-170
required, 101-106
Circuit superior court of chancery, see Circuit court
Circuit superior court of law, see Circuit court
Citizenship, authority to grant, 28
Civil, see Common law
Civil warrants, trial justice court, 138, 190
Claiborne, Leonard, Jr., 4
Claims, 36
See also Financial records
against Commonwealth, 106, 157
examination of, 109
against county, 71, 2-4
for roads, 3

Clark, Thomas, 4
Clark, William C., 13
Clerk, county, 4, 7, 23-25, 27, 35, 36, 38, 40, 73-82
  records of, 11-84
    location of, 56, 57
    required, 75-82
Clerks of elections, 39
  appointment and removal of, 245
Clinical, see Health
Cloyd, Joshua, 8
Cobb, Benjamin, 13
Cobb, Jeremiah, 14
Cobb, Joseph, 4
Collections
  See also Financial records
  of court costs
    by circuit court clerk, 106, 158
    by trial justice, 138, 196, 197
  of delinquent taxes paid before sale, 174, 235
  of fees
    by circuit court clerk, 106, 155, 156, 159-169
    by sheriff, 147, 198
    by trial justice, 138, 196, 197
    for writs, 106, 164
  of fines
    by circuit court clerk, 106, 158
    by trial justice, 138, 196, 197
  from sales of dog licenses, 176, 222, 242, 307
  of school funds, 190, 191, 254
    reports of, 195, 259-261
  of superintendent of schools, 195, 257
  of taxes
    for State, 172, 173, 222
    by treasurer, county, 35, 159, 172-174, 214, 217, 218, 220-224
Commissioner of the revenue, see Revenue, commissioner of
Commissioner of the tax, see Revenue, commissioner of
Commissioners, see County, court; Justice of the peace
Commissioners of election, 38-40
  appointment and removal of, 245
Commissioners of schools, 14, 21, 40, 46
  reports of, 191, 255
Committee of safety, 5
  proceedings of, 309
Committees, see Estates; Fiduciaries
Common law
  See also Executions; Judgments
  case papers
    circuit court, 102, 103, 98-101, 112, 118
    commonwealth's attorney, 136, 188
    county court, 174
    trial justice, 103, 104, 138, 101, 111, 112, 190, 191
  dockets
    circuit court
      current, 102, 105
      ended, 102, 106, 107
      issue, 102, 108
      rule, 102, 103
    county court
      issue, 179
      rule, 177
    trial justice, 138, 193, 194
  judgments, 103, 104, 110
  jurisdiction, 25, 26
  motions, 98
  orders
    circuit court, 102, 109
    county court, 130, 180, 181
  process book, 102, 102
Commonwealth, see State
Commonwealth's attorney, 21, 32, 33, 57, 134-136
  records of, 188, 189
    location of, 57
    required, 136
Condemnation proceedings, 101, 102, 87-90
  judgments in, 15
Conditional sales, 77, 78, 30, 31
  See also Property
Confessed judgments in circuit court, 102, 99, 104
Constable, 4, 20, 23, 24, 32, 33, 39, 58, 148-150
Contracts
  for construction and maintenance of roads, 130, 184
  of corn-hog program, 218, 219, 297
  for cotton, 218, 219, 296, 299
  for peanuts, 218, 219, 298, 299
  Public Works Administration, 196, 269
  of school bus drivers, 271
  of teachers, 195, 263
  for tobacco, 218, 219, 299
  of Work Projects Administration, 196, 269

Conveyances, see Deeds
Convicts, register of, 147, 199
Cooperative Educational Association
reports, 271
Corbitt, James N., 2
Corn contracts, 218, 219, 297
Coroners, 4, 20, 21, 32, 33, 58, 150-153
Corporations
assessment of taxes on, 157, 203
charters of, 79, 51
reports of, 79, 52
Correspondence
of agent, county, 219, 306
of commissioner of revenue, 159, 215
of commonwealth's attorney, 136, 189
on court cases, 98
of superintendent of schools, 195, 196, 265, 271, 272
of supervisors, board of, 1, 280, 281
of teachers, 195, 265
of treasurer, county, 176, 243
of welfare, local board of, 203, 276
Costs
See also Financial records
circuit court, 106, 158
trial justice, 138, 196, 197
Cotton
applications for payment on, 301
contracts, 218, 219, 296, 299
receipts
for checks, 303
for marketing cards, 302
County
See also Southampton County
agricultural agent, see Agricultural agent, county
claims against, 71, 2-4
clerk, see Clerk, county
court, 4, 9, 15, 19-28, 30-33, 38, 40, 46-48, 57, 124-130
records of, 171-187
required, 130
depositories, selection and approval of, 182, 183, 244
electoral board, see Electoral board, county
finance board, see Finance board, county
health unit, see Health, unit, county
County (continued)
lieutenant, see Militia, lieutenant, county
nurse, see Health, unit, county
superintendent of schools, see Schools, superintendent of
surveyor, see Surveyor, county
treasurer, see Treasurer, county
Court dockets, see Dockets
Court martials, 20
Court papers, see Case papers
Courthouse
erection and location of, 4, 5, 7, 8, 56
Courts, see Circuit court; County, court; General Court; Justice of the peace; Trial justice court; United States, courts
Cox, Francis, 3
Cricklow, William, 7
Criminal, see Common law
Criminal warrants, trial justice court, 102, 101, 191
Crittenden, John, 6
Crop liens, 77, 78, 30, 32, 33, 35
Crop limitation program contracts, 218, 219, 296-299
Curator of estates, see Estates; Fiduciaries

Darden, Jacob, 14
Daughtrey, William H., 3
Daves, Beulah, 16
Dawson, Joshua, 8
Day book, 172, 221
See also Financial records
Deaths, see Vital statistics, deaths
Decedents, see Estates; Fiduciaries; Wills
Declarations, see Case papers
Decrees, see Case papers
Deeds
See also Property
admitted to record, 25, 75, 76, 12, 15, 174
list of, 180, 181
daily index to, 75, 76, 14
general index to, 76, 16-21
partitions by, 78, 37
receipts for recording, 106, 162
transfers by, 78, 37

Deeds (continued)
unrecorded, 75, 11
Deeds of trust
See also Property
admitted to record, 75, 77, 78, 12, 26, 28
general index to, 76, 16, 17
releases to, 77, 28
Default judgments, county court, 178
Delinquency, see Juvenile cases
Delinquent taxes
See also Property
capitation, 71, 10
income, reports of, 175, 239
paid before sale, 106, 174, 152, 235
personal property, 71, 175, 9, 10 238, 239
real property, 79, 174, 39-46, 234
receipts for, 106, 165
suits for collection of, 101, 91
Denization, 28
Dentists, register of, 81, 74
Depositions, see Case papers
Depositories, selection and approval of by finance board, 182, 183, 244
Devany, James H., 2
Devises, see Wills
Diphtheria immunizations, 291
Disbursements, see Expenditures
Distress warrants, 31, 103, 104, 118
District Superior Court of Chancery, see Circuit court
District Superior Court of Law, see Circuit court
Districts, magisterial, 3, 7, 23
Division superintendent of schools, see Schools, superintendent of
Dockets
See also Proceedings
chancery, circuit court
current, 102, 95
ended, 102, 96
civil
circuit court, 102, 105, 106, 108
trial justice, 138, 193
criminal
circuit court, 102, 106-108
trial justice, 138, 194
of default judgments, 178
domestic relations, 138, 139, 195
of executions
circuit court, 103, 114
county court, 182
Dockets (continued)
issue
circuit court, 102, 108
county court, 179
judgment lien, 103, 113, 114
general index to, 103, 115, 116
juvenile, 138, 195
rule
circuit court, 102, 94, 103
county court, 172, 177
subpoena
circuit court, 104, 125
county court, 183
Doctors, register of, 81, 74
Dogs
license receipts, 176, 222, 242, 307
owners of, 308
taxes on, 36
Domestic relations cases
See also Trial justice court
arrest warrants in, 138, 192
docket of, 138, 139, 195
jurisdiction in, 27
Drewryville magisterial district, 3
Drunks, commitment proceedings, 105, 106, 149, 151

Easements, 15
Edmonds, Howell, 4
Education, see Schools
Edwards, Micajah, 5
Elections, 37-40
See also Capitation taxes
abstracts of votes, 40
ballots, 39, 40
candidates
expense accounts of, 81, 78
notices of, 38, 81, 77
clerks of, 39
commissioners of, 38-40
judges of, 39
officials of, 22
appointment and removal of, 245
poll book, 38, 40, 82, 83, 84
registrars of, 37, 39
report of, 81, 82
voters
list of, 37, 39, 81, 80, 82
register of, 81, 79, 81
Electoral board, county, 37-39, 59, 183-185
records of, 245
required, 185

Electorate, see Elections, voters
Electors, see Elections
Equalization, local board of, 35, 58, 166-168
  records of, 216
    required, 168
Equity, see Chancery
Estates
  See also Fiduciaries; Property; Wills
  accounts of, 105, 129-131, 133-135
  appraisements of, 105, 129-131, 136
    general index to, 128
  inventories of, 105, 129-131, 136
    actions on by county court, 180, 181
    general index to, 128
Estrays
  certificates of, 81, 71
  register of, 81, 72
Executions
  See also Case papers; Judgments on judgments
    by circuit court, 103, 104, 110, 114, 117, 121, 122
      general index to, 103, 115, 116
    by county court, 182
    of justice of the peace, 104, 120
    of trial justice, 103, 110, 111
  on warrants, 103, 104, 118
Executors of estates, see Estates; Fiduciaries
Expenditures
  See also Financial records
  of circuit court clerk, 106, 168, 169
  for roads, 172, 228
  of school board, 191, 250-253
    report of, 191, 254
  of superintendent of schools, 195, 196, 257, 259-261, 265
  of supervisors, board of, 25, 71, 172, 8, 225, 227, 228
  of treasurer, county, 172, 173, 223, 230, 231
  of trial justice, 139, 197
  of welfare board, 172, 226, 229
Explanatory notes, 61, 62
Extension work, see Agricultural agent, county
Exum, Elizabeth, 4, 5
Exum, William, 8
Farm demonstrator, see Agricultural agent, county
Farmers, see Agriculture
Federal, see United States
Fees
  See also Financial records
  circuit court clerk's, 106, 155, 156, 159-169
  jury, warrants for, 104, 123, 124
  sheriff's, 147, 198
  trial justice, 138, 196, 197
  for writs, 106, 164
Fiduciaries
  See also Estates; Wills
  accounts of, 105, 129-131, 133-135
    general index to, 128
  appointments of, 27, 136
  assessment
    on income handled, 209, 237
    on property controlled, 50
  bonds of, 105, 142-146
  orders concerning, 105, 136
  qualifications of, 136
  register of, 105, 137
Finance board, county, 37, 58, 182-183
  records of, 244
    required, 183
Financial records, 33-37, 214, 220
  See also Accounts; Appropriations; Bonds; Budgets; Checks; Claims; Collections; Costs; Day book; Expenditures; Fees; Fines; Funds; Journals; Ledgers; Statements; Vouchers; Warrants
Fines
  See also Financial records
  assessment of, by justice of the peace, 106, 158
  circuit court clerk's, 106, 158
  report of, 106, 158
  trial justice receipts for, 138, 196, 197
Fishing licenses, see Licenses, fishing
Flowers, Jacob, 8
Foreigners, naturalization of, 28
Forthcoming bonds, 104, 119
Franklin magisterial district, 3
Free schools, see Schools
Funds
  See also Financial records
  appropriation of, 2

Funds (continued)
collection of
for schools, 190, 191, 254
report of, 195, 259-261
by superintendent of schools, 195, 257
distribution of
by superintendent of schools, 259, 260
by supervisors, board of, 71, 8
Literary, 36, 37, 40, 41, 44, 45
loans by, to school board, 191, 248
statements of, 196, 271
public assistance, warrants for, 172, 229
warrants on, 71, 5-7

Game warden, 49, 221, 222
records of, 307, 308
location of, 60
required, 222
Gee, James, 14
General Court, 19, 21, 28, 31
Goodwyn, William B., 14
Government, see United States
Grand jury
appointments of, 180, 181
presentments of, 32, 175
warrants for, payment of, 104, 123
Gray, James, 7
Gray, Joseph, 4
Griffen, Joseph, 8
Griffin, John C., 3
Griffin, Matthew, 8
Guardians, see Estates; Fiduciaries
Gurley, George, 7, 15

Health
county court rulings on, 180, 181
diphtheria immunizations, 291
local board of, 48, 59, 208, 209
midwife, activities of, 295
nurse, activities of, 290
orthopedic cases, 288
prenatal cases, 289
reports, 196, 271
sanitation
in homes, 293
in restaurant, 294
tuberculosis cases, 285, 286
typhoid immunizations, 292
unit, county, 210, 211
records of, 285-295
location of, 59
required, 211

Health (continued)
venereal diseases, 287
Heirs, list of, 105, 132, 136
general index to, 76, 16-19, 128
Herring, Elias, 7
High Court of Chancery, 21, 31
Highways, see Roads
Hines, William, 7
Historical sketch, 1-16
Hog contracts, 218, 219, 297
Holmes, Samuel H., 14
Hunt, Thomas, 7
Hunting licenses, see Licenses, hunting
Huttchins, Francis, 3

Improper assessments, 173, 233
Income
assessments on, 159, 174, 175, 209, 237
delinquent, 175, 239
returns on, 158, 205
Index, see Separate index
Indictments, see Case papers
Inebriates, commitment proceedings of, 105, 106, 149, 151
Inquests, coroner's return of, 32, 102, 100
Insane, see Lunacy commitments
Insurance policies, schools, 195, 248, 258
Insurrection, Nat Turner's, 8
Interrogatories, 158, 205
Inventories of estates, see Estates
Issue docket, see Dockets

Jail
building of, 5
location of, 57
register, 147, 199
Jailer, see Sheriff
Jarrett, Thomas, 4
Jerusalem magisterial district, 3
Jones, Albridgton, 4
Jones, Henry, 15
Jones, James, 4
Jones, Joseph, 8
Jones, Robert, 5
Johnson, Benjamin W., 14
Journals
See also Financial records
of circuit court clerk, 106, 169
of treasurer, county, 172, 223
Judge, see Circuit court; County, court

Judges of elections, 39
appointment and removal of, 245
Judgment lien docket and execution book, 103, 114
general index to, 103, 115, 116
Judgments
See also Case papers; Executions
abstracts of, 103, 112, 114
condemnation, 15
by confession, circuit court, 102, 99, 104
by default, county court, 178
docket of, circuit court, 103, 113, 114
general index to, 103, 115, 116
notices of motions for, 98
trial justice, 103, 110, 111
Jury
commissioners, appointment of, 109
grand
appointment of, 180, 181
presentments of, 175
warrants for, payment of, 104, 123
list of, 109
orders concerning, 174
petit jurors, warrants for, 104, 124
Justice of the peace, 4, 6, 7, 22, 23, 26, 27, 30-32, 40, 47, 48, 58, 141-143
See also County, court; Trial justice court
lists of, 180, 181
Juvenile cases
See also Fiduciaries; Trial justice court
arrest warrants in, 138, 192
docket of, 138, 195
jurisdiction in, 27

Kello, Richard, 4
Kello, Samuel, 7, 13
Kindred, Samuel, 4
Kirby, John, 6
Kirby, Richard, 8

Land, see Deeds; Deeds of trust; Plats; Real property
Law, circuit superior court of, see Circuit court
Law, district superior court of, see Circuit court

Ledgers
See also Financial records
of circuit court clerk, 106, 169
of superintendent of schools, 195, 257
of treasurer, county, 172, 224
of trial justice court, 138, 197
Legacies, see Estates; Fiduciaries; Wills
Legal status of county, 16-19
Levies
See also Taxes
laying of
by county court, 25, 33, 180, 181
by supervisors, board of, 14, 25, 34, 2
Licenses
adjustment of assessments on, 158, 204
dog
owners of, 308
receipts for, 176, 222, 242, 307
fishing
applications for, 55
report of, 79, 57
sale of, 79, 56
hunting
applications for, 55
report of, 79, 57
sale of, 79, 56
liquor
bonds for, 105, 148
reports on, 106, 170
marriage
applications for, 80, 65
register of, 80, 67
return of, 80, 64, 66, 69
merchants', 35, 36
applications for, 159, 211
peanut pickers', applications for, 159, 212
reports on, 159, 213
taxes on, 35, 36
trapping, sale of, 79, 56
Liens, 25
See also Property
crop, 77, 78, 30, 32, 33, 35
Federal farm credit, 77, 78, 34
judgment, docket of, 103, 113
general index to, 103, 115, 116
mechanics, 77, 78, 29, 32
miscellaneous, 77, 78, 32
general index to, 76, 16, 17
on personalty, 30-35

Liens (continued)
on real property, 26-29
tax, notices of, 15
Lieutenant, county, 4, 6, 19, 20, 49
Liquor
bonds for licenses of, 105, 148
reports on permits for, 106, 170
Lis pendens, 15
Literary Fund, 36, 37, 40, 41, 44, 45
loans by, to school board, 191, 249
statements of, 271
Local board of review, see Review, local board of
Lumacy commitments
interrogatories of, 105, 106, 149
proceedings in, 105, 106, 151
reports of commission on, 106, 150

Mabry, Robert, 7
McLemore, Judge James L., 3
Magisterial districts, 3, 7, 23
Magistrates, see Justice of the peace
Maps, aerial survey, 219, 304
Marriages, see Vital statistics, marriages
Mechanics liens, 77, 78, 29, 32
Medical register, 81, 74
Mercer, James, 3
Military
See also Militia
Revolutionary War, 6
committee of public safety, 5
proceedings of, 309
War Between the States, roster, 81, 75
World War
discharges, 81, 76
enlistments, 81, 76
Militia, county, 4, 6, 60, 223-228
See also Military
captain, 4, 6
colonel, 4, 6
commander, 19
commander in chief, 49
court martial, 20
ensign, 6
lieutenant, county, 4, 6, 19, 20, 49
major, 4
provost marshals, 19, 20

Militia, county (continued)
records of, 309
required, 228
Millfield Academy, 13, 15
Millson, John S., 10
Minister
bonds, 105, 139
return on marriage licenses, 80, 64
Minors, see Estates; Fiduciaries; Schools
Minutes, see Proceedings
Miscellaneous liens, 77, 78, 32
general index to, 76, 16, 17
Mitchell, John, 7
Monthly court, see County, court
Mortgages
See also Property
admitted to record, 75, 77, 78, 12, 27, 32
unrecorded, 75, 11
Motions
for judgment, notices of, 98, 174
of school board, 248
of school trustee electoral board, 246
of supervisors, board of, 2
Mulattoes, register of freed, 81, 73
Murphey, Richard, 4
Myrick, John, 6

National Youth Administration activities, 196, 271
Naturalization, authority to grant, 28
Neal, John M., 9
Negroes, register of freed, 81, 73
Nelson, Samuel, 13
Newsoms Depot magisterial district, 3
Newton, Thomas, 6
Nottoway Parish, 15
Nurse, county, see Health, unit, county

Oaths, official, 105, 187, 138, 174, 247
Office judgments
by confession, circuit court, 102, 99, 104
by default, county court, 178
Officials, county
appointment of
by circuit court, 109
by county court, 180, 181

Officials, county
appointment of (continued)
by supervisors, board of, 2
bonds of, 105, 139-141, 174
oaths of, 105, 187, 138, 174, 247
qualifications of
in circuit court, 109
in county court, 180, 181
reports of, 70, 1, 2
salaries of, 2
allowances for, 4
Officials, elections, see Elections
Orders, see Proceedings
Orphans, see Estates; Fiduciaries
Overseers of the poor, see Parish vestry; Poor, overseers of
Overseers of roads, 22

Parish vestry, 4, 15, 20, 21, 25, 33, 46, 59, 206-208
See also Almshouse; Poor; Welfare
Parker, Colonel Josiah, 6
Partitions, see Deeds
Partnership certificates, 79, 53, 54
Paupers, see Almshouse; Parish vestry; Poor; Welfare
Payrolls, see Salaries
Peace bonds, 105, 147
Peanuts
applications for pickers' licenses, 159, 212
contracts for, 218, 219, 298, 299
Permits, see Licenses
Person, John, 4
Personal property, 33, 34
See also Property
returns on, 158, 205
taxes
assessment of, 79, 157-159, 174, 50, 203, 208, 236
report of, 158, 207
adjustment of, 158, 204
delinquent, 71, 175, 9, 10, 238, 239
list of payers of, 158, 206
payments of, 217, 218
Petitions
for adoption of minors, 102, 92
for condemnation of land, 101, 102, 87-90
to supervisors, board of, 70, 1
Pierce, Spencer, 7
Plats
See also Property
Plats (continued)
admitted to record, 25, 75, 77 12, 15, 24
general index to, 77, 25
Pleadings, see Case papers
Poll books, 38, 40, 82, 83, 84
Poll taxes, see Capitation taxes
Pond, John, 6
Poor
See also Almshouse; Parish vestry; Welfare
overseers of, 21, 22, 25, 46
superintendent of, 205, 206
records of, 282-284
location of, 59
required, 206
Poorhouse, see Almshouse
Pope, John, 3
Population, county, 2
Powers of attorney, 75, 13, 15
Presentments of grand jury, 175
Prisoners, register of, 147, 199
Probate, see Chancery; Wills
Proceedings
See also Dockets
in chancery
of circuit court, 102, 97
of county court, 173
of committee of safety, 309
in common law
of circuit court, 102, 109
of county court, 130, 180, 181
of electoral board, county, 185, 245
of equalization, local board of, 168, 216
concerning fiduciaries, 105, 136
of finance board, county, 183, 244
in lunacy commitments, 105, 106, 151
concerning roads, 180, 181, 184-187
of school board, 191, 248
of school trustee electoral board, 187, 246
of supervisors, board of, 70, 2
of welfare, local board of, 202, 274
Process book
circuit court
chancery, 102, 93
common law, 102, 102
county court, 176
Processioners' returns, 76, 77, 22, 23

Property
See also Assessments; Conditional sales; Deeds; Deeds of trust; Delinquent taxes; Estates; Liens; Mortgages; Personal property; Plats; Real property; Release deeds
assessment of, 34, 35, 78, 157, 36, 200
adjustment of, 168, 204, 216
returns on, 158, 205
Provost marshal, 19, 20
Public assistance, see Welfare
Public schools, see Schools
Public Works Administration activities, 196, 269
Pupils, see Schools
Purdie, George, 13

Qualifications
of attorneys, 109
of county officers, 109, 180, 181
of fiduciaries, 136

Railroads, in county, 2, 9, 10
Real property
See also Property
assessment of, 78, 157, 36, 200
adjustment of, 158, 204, 216
improper, 173, 233
condemnation of, 101, 102, 87-90
delinquent, 79, 174, 39-46, 234
applications to purchase, 79, 49
paid before sale, 106, 174, 152, 235
sales of, 79, 106, 42-44, 47, 48, 153
receipts for, 106, 161
list of owners of, 157, 201
partitions of, 78, 38
processioning of, 76, 77, 22, 23
sales of, 35
taxes
assessment of, 78, 157, 173, 38, 202, 208, 232
payment of, 217, 218
transfers of, 78, 37
unascertainable, 173, 233
Reassessments, see Real property, assessment of
Receipts, see Collections
Records system, 50-53
Recorder, see Clerk, county

Register
of births, 80, 60
of deaths, 80, 63
of dentists, 81, 74
of doctors, 81, 74
of estrays, 81, 72
of fiduciaries, 105, 137
of marriages, 80, 68, 69
of mulattoes, 73
of Negroes, freed, 81, 73
of prisoners, 147, 199
of soldiers, 81, 75, 76
of surgeons, 81, 74,
of voters, 81, 79, 81
of warrants
school board, 191, 252
supervisors, board of, 71, 7
treasurers', county, 172, 173, 225
welfare, local board of, 173, 203, 226, 279
Registrars of elections, report of, 37, 39
Release deeds
See also Property
admitted to record, 75, 77, 12, 28
general index to, 76, 16, 17
powers of attorney to, 13
Relief, see Welfare
Reports
of bank stock issued, 158, 207
on condemnation proceedings, 101, 102, 87-90
of corporations, 79, 52
of fines and costs, 106, 158
of health units, 196, 210, 271, 289
of licenses sold, 79, 158, 159, 213
on liquor permits, 106, 170
of lunacy commission, 106, 150
of nurse's, county, activities, 290
of officers, county, 70, 1, 2
of omitted State capitations, 158, 159, 210
of processioners, 76, 77, 22
of road committees, 130, 184
schools
on adult education classes, 196, 272
on busses, 196, 271
of census, 196, 266
commissioners', board of, 191, 255

Reports
schools (continued)
of Cooperative Educational Association, 271
enrollment and attendence, 196, 272
funds, 195, 261
laboratory and library supplies, 196, 272
league, 195, 272
National Youth Administration, 196, 271
payrolls, 195, 272
principals', 196, 270
Public Works Administration, 269
superintendent's, 195, 196, 259, 260, 262, 263, 271
teachers', 196, 270
agricultural, 196, 271
applications and contracts, 195, 272
contracted with, 195, 196, 263
term, 195, 272
textbooks, 195, 262
travel, 196, 271
Work Projects Administration, 269
of treasurer, county, 71, 175, 183, 9, 10, 239, 241, 244, 254
of vital statistics, 80, 58
Reservation of title, 77, 78, 30, 31
Resolutions
school board, county, 248
school trustee electoral board, 246
supervisors, board of, 70, 1, 2
Revenue, commissioner of, 20-24, 34-36, 38, 153-159
See also Capitation taxes; Income; Personal property; Real property
records of, 200-215
location of, 58
required, 157-159
Review, local board of, 34, 35, 166-168
Ricks, Elizabeth, 4
Ricks, Robert, 5
Ricks, William, 14
Ridley, Francis, 14
Ridley, James, 4
Ridley, Nathaniel, 4
Roads
actions on, by board of supervisors, 2
applications for, 70, 2
Roads (continued)
claims for in county, 3
commissioners of, 22, 23
construction and maintenance of, 8, 25, 48, 49, 70, 130, 2, 180, 181
contracts for, 130, 184
in county, 2
county court control of, 8, 23, 48, 49
expenditures for, 172, 228
Federal highways, 2
mileage of in county, 2
overseers of, 22
precincts, list of, 186
State control of, 23, 49
State, in county, 2
supervisors' control of, 23, 49
surveyors of, 7-9, 20, 48
appointment of, 130, 185, 187
warrants for, 173, 228
Rochelle, Clements, 14
Rochelle, James, 13
Rowland, Robert, 2
Ruffin, Benjamin, 4
Ruffin, Edmund, 16
Rule docket, see Dockets

Saint Luke's Parish, 15
Salaries
allowed by board of supervisors, 2, 4
of bus drivers, 196, 265
of Public Works Administration, 169, 269
of school janitors, 196, 265
for schools, 195, 272
Work Projects Administration, 196, 269
Sanitation, see Health
Saunders, John, 14
Sergeant, see Sheriff
School board, county, 33, 34, 36, 37, 41, 42, 44-46, 48, 187-191
See also School trustee electoral board; Schools
records of, 248-255
location of, 59
required, 191
School trustee electoral board, 23, 59, 185-187
See also School board; Schools
records of, 246, 247
required, 187

Schools, 40-46
See also School board; School trustee electoral board
adult education reports, 272
agreements of superintendent, 271
bonds, issuance and sale of, 191, 2, 249
budget for, 33, 34, 195, 256, 271
buildings, 196, 267
erection and improvements of, 248
insurance on, 195, 258
bus
drivers' contracts, 271
inspections, 271
maintenance of, 265
schedules, 271
census of, 196, 266
commissioners, board of, 14, 21, 40, 46
report of, 191, 255
correspondence on, 196, 271, 272
development of, 13-15
education of Negroes in, 42, 43
expenditures for, 195, 196, 257, 265
reports on, 195, 259-261
fairs, exhibits of, 196, 268
funds for, 195, 196, 257
reports on, 191, 195, 254, 259-261
insurance policies on, 195, 248, 258
levies for, 14
library books loaned, 196, 273
Literary Fund, 36, 37, 40, 41, 44, 45
loans by, to board, 191, 249
statements of, 271
Public Works Administration projects in, 269
reports
annual, 195, 260
Cooperative Educational Association, 271
enrollment, 196, 270
health, 271
of laboratory supplies, 196, 272
of league, 196, 272
of library supplies, 196, 272
National Youth Administration activities, 271
of payrolls, 195, 272
principals', to superintendent, 196, 270

Schools
reports (continued)
Public Works Administration activities, 196, 269
pupils
attendance of, 272
transportation of, 248
questionnaires, 195, 272
teachers', 196, 270
term, 195, 272
textbooks, 195, 262
travel, 271
Work Projects Administration activities, 196, 269
superintendent of, 14, 34, 41, 42, 45, 193-196
records of, 256-273
location of, 59
required, 195, 196
supplies, purchase of, 248
teachers
agricultural, 271
applications of, 272
certificates of, 195, 263
contracts of, 195, 263, 272
correspondence of, 196, 265
list of, 195, 264
qualifications of, 45, 46
reports of, to superintendent, 196, 270
superintendent's record of, 196, 267
vocational training in, 43, 44
warrants
canceled, 191, 253
register of, 191, 252
stubs of, 191, 250, 251
Work Projects Administration projects in, 269
Scott, Exum, 4, 5
Separate index
to appraisements of estates, 128
to births, 80, 61
to case histories, 203, 277
to deaths, 80, 61
to deeds, 76, 16-21
to deeds of trust, 76, 16, 17
to inventories of estates, 128
to judgment lien docket and execution book, 103, 115, 116
to list of heirs, 76, 16-19, 128
to marriages, 80, 61, 70
to miscellaneous liens, 76, 16, 17
to release deeds, 76, 16, 17
to wills, 128

Sheriff, 4, 6, 7, 20, 22-24, 30, 32, 33, 35, 37, 38, 47, 144-147
records of, 198, 199
location of, 58
required, 147
Shires, 20
Simmonds, Benjamin, 4
Simmonds, Charles, 8
Simmons, John, 4, 6, 7
Slaves, register of freed, 81, 73
Smith, Edward, 13
Soil conservation program contracts, 218, 219, 300
Soldiers, see Military
Southampton County
See also County
agricultural products of, 10-12
banks in, 2
boundaries of, 1, 7
buildings, construction of, 25, 1
churches in, 15, 16
civil status of, 5
clerk's office, 7, 56
courthouse, 4, 5, 7, 8, 56
extent of, 1, 7
formation of, 1
historical sketch of, 1-16
jail, 5, 7
judicial district of, 3
legal status of, 16-19
livestock in, 11, 12
manufacturing in, 11, 13
named for, 1
population of, 2
public service agencies in, 2
assessment of, 157, 202
railroads in, 2, 9, 10
rivers in, 2, 9
roads in, 2, 8
senatorial district, 3
schools in, 2, 13-15, 41
soil in, 1, 11
towns in, 2, 7, 9, 10
State
claims against, 106, 157
examination of, 109
collections
by treasurer, county, 175, 222
by trial justice, 138, 196
income, assessment of, 159, 209
summary of, 209
land sales to, 79, 49
licenses
applications for, 211
collections on, 222
State (continued)
Literary Fund, 36, 37, 40, 41, 44, 45
loans by, to school board, 191, 249
statements of, 271
reports, see Reports
Supreme Court of Appeals, 32
taxes
capitations
omitted, 159, 175, 176, 210
paid, 176, 240,
unpaid, report of, 176, 241
delinquent, 71, 175, 9, 239
returns on, 158, 205
Statements
See also Financial records
of banks, to treasurer, county, 173, 231
of indebtedness to Literary Fund, 196, 271
Steuben, Baron Von, 6
Subpoenas
circuit court, 104, 125
county court, 183
Summons, see Case papers
Supervisors, board of, 2, 3, 14, 16, 22-25, 33-37, 42, 45, 46, 48, 49, 57, 63-71
records of, 1-10
required, 70, 71
Supreme Court of Appeals, 32
Surgeons, register of, 81, 74
Surveyor, county, 5, 20, 25, 49, 60, 213-216
Surveyor of roads, see Roads, surveyor
Surveys, see Plats
Symbols, 61

Taxes, 34-36
See also Levies
capitation, see Capitation taxes
collection of, by treasurer, county, 35, 159, 172-174, 214, 217, 218, 220-224
delinquent, see Delinquent taxes
income, see Income
license, see Licenses
personal property, see Personal property
real property, see Real property
unpaid, 172, 218, 219, 238
Taylor, Etheldred, 4
Taylor, Henry, 6
Taylor, John, 13

Taylor, William, 4
Teachers, see Schools, teachers
Thomas, John, 8
Thorpe, Timothy, 4, 7
Tobacco
  contracts for, 218, 219, 299
  inspector of, 21, 49
Townships, 3, 22, 23
Transfers of land, see Deeds; Wills
Trapping licenses, sale of, 79, 56
Treasurer, county, 20, 22, 23, 34-37 169-176
  records of, 217-243
    location of, 58
    required, 171-176
Trezvant, James, 14
Trial justice court, 23, 24, 26, 27, 31, 137-139
  See also Justice of the peace
  records of, 190-197
    location of, 57, 58
    required, 138, 139
Trust deeds, see Deeds of trust
Tuberculosis, 285, 286
Turner, Joshua, 3
Turner, Nat, 8
Turner, Thomas, 7
Tyler, Edmund, 13
Typhoid immunizations, 292

United States
  Agricultural Adjustment Administration contracts, 218, 219, 298
  citizenship, authority to grant, 28
  courts, 29
  farm credit liens, 78, 27, 34
  National Youth Administration activities, 196, 271
  Public Works Administration projects in schools, 196, 269
  soil conservation program, 218, 219, 300
  Work Projects Administration projects in schools, 196, 269
Urquhart, John, 14
Urquhart, William, 7, 13

Vestry, see Parish vestry
Vick, Richard, 3
Vital statistics
  births
    certificates of, 80, 59
    register of, 80, 60
      general index to, 80, 61
  births (continued)
    report of, 80, 58
  deaths
    certificates of, 80, 62
    register of, 80, 63
      general index to, 80, 61
    report of, 80, 58
  marriages
    bonds for, 80, 64, 69
    letters of consent for, 64, 69
    licenses for, 80, 66
      applications for, 80, 65
      ministers' return of, 80, 64, 66, 69
      register of, 80, 67
    register of, 80, 68, 69
      general index to, 80, 61, 70
Voters, see Elections, voters
Vouchers, 70, 1
  See also Financial records

Wall, Joseph, Jr., 3
War Between the States, roster of, 81, 75
Wards, see Fiduciaries
Warrants, 36, 37
  See also Case papers; Financial records
  arrest, trial justice, 102, 101, 191
  civil, trial justice, 138, 190
  distress, 31, 103, 104, 118
  in domestic relations cases, 138, 192
  financial
    board of supervisors', 36, 71, 7
      canceled, 71, 172, 173, 1, 227, 228
      distribution of, 71, 8
      register of, 71, 7
      stubs of, 71, 5, 6
      uncanceled, 1
    jury
      grand, 104, 123
      petit, 104, 124
    public assistance fund, 172, 229
    school board
      canceled, 191, 253
      register of, 191, 252
      stubs of, 191, 250, 251
    treasurer's, county, register of, 172, 173, 225

Subject Index

Warrants
financial (continued)
welfare
canceled, 172, 229
register of, 173, 203, 226, 279
in juvenile cases, 192
Welfare, 46, 47
See also Almshouse; Parish vestry; Poor
applications
for aid to blind, 202, 203, 275
for aid to dependent children, 202, 203, 275
disposition of, 274
for general relief, 202, 203, 275, 276
for old age assistance, 202, 203, 275
awards, certificates of, 203, 278
cases
closed, 274
histories of, 203, 276
general index to, 203, 277
correspondence, 203, 276, 280, 281
county court rulings on, 180, 181
family face sheets, 276
local board of, 16, 24, 33, 34, 46, 200-203
records of, 274-281
location of, 59
required, 202, 203
statistical cards, 203, 280
superintendent of public, 16, 24, 46, 47
location of, 59
Welfare (continued)
warrants
canceled, 173, 229
register of, 173, 203, 226, 279
Westbrooke, Thomas, 8
Whitehead, Jesse, 7
Wilkinson, James, 13
William and Mary College, 5
Williams, John R., 9
Williams, Joseph, 8
Williams, Thomas, 8
Williamson, Arthur, 5
Williamson, Thomas, 4
Wills, 25, 27, 104, 105, 126, 127
See also Estates; Fiduciaries
action on, 180, 181
general index to, 105, 128
heirs, lists of, 105, 132, 136
general index to, 76, 16-19, 128
receipts for recording, 106, 163
Wills, James, 13
Wills, John S., 13
Witness subpoenas
circuit court, 104, 125
county court, 183
Work Projects Administration activities, 196, 269
World War enlistments and discharges, 81, 76
Wriothesley, Henry, 1
Writs, receipts for, 106, 164

Yeardley, Sir George, 19