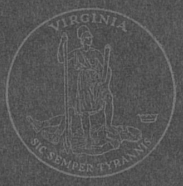
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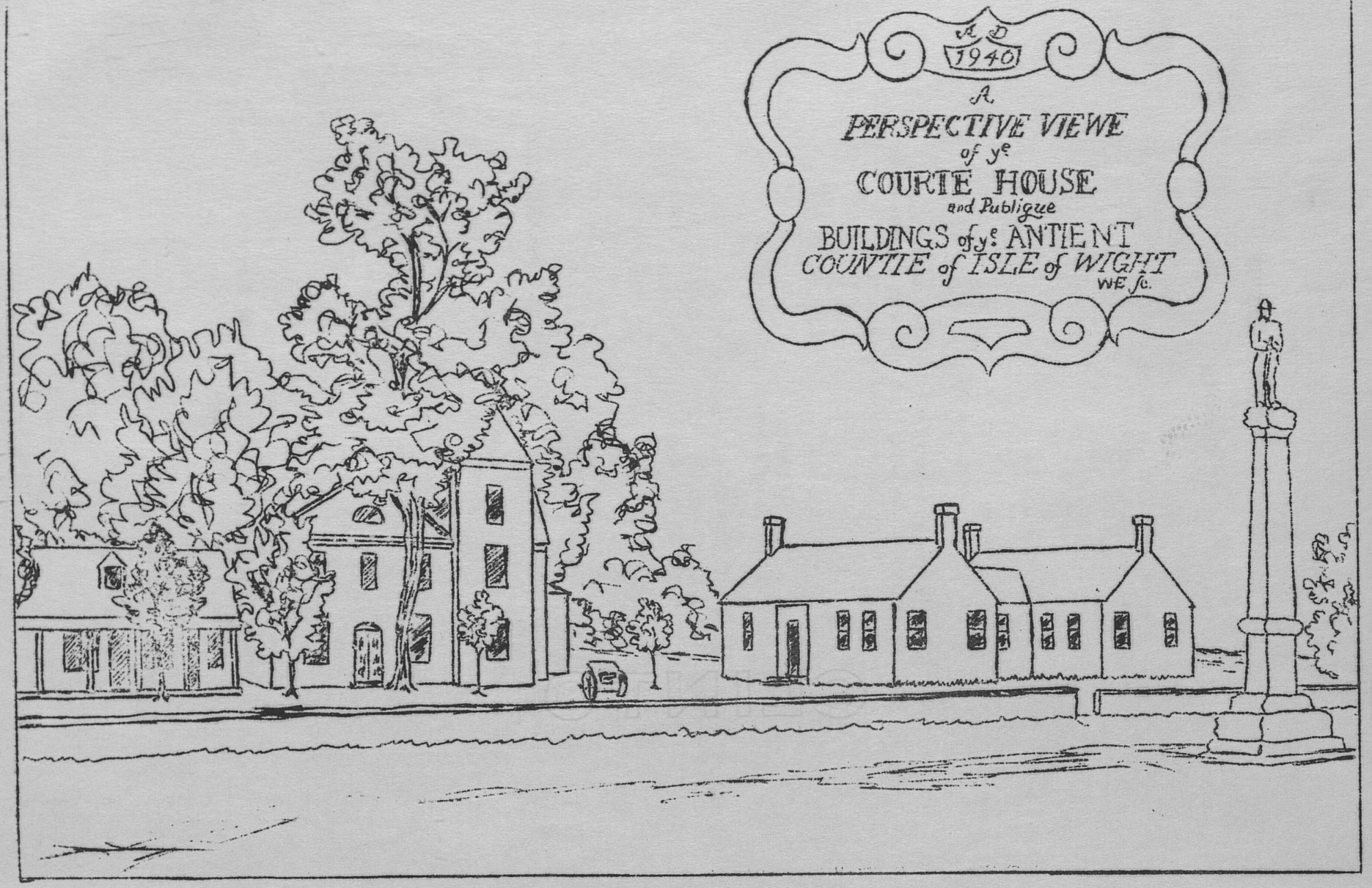
INVENTORY
of the
COUNTY ARCHIVES
of
VIRGINIA



No. 47

ISLE OF WIGHT

HISTORICAL RECORDS SURVEY
WORK PROJECTS ADMINISTRATION


A.D.
1940
A
PERSPECTIVE VIEWE
of ye
COURTE HOUSE
and Publique
BUILDINGS of ye ANTIENT
COUNTIE of ISLE of WIGHT
WE fc.

INVENTORY OF THE COUNTY ARCHIVES

OF VIRGINIA

Prepared by

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

Sponsored by
The Virginia Conservation Commission

NO. 47. ISLE OF WIGHT COUNTY (ISLE OF WIGHT COURT HOUSE)

Richmond, Virginia
The Virginia Historical Records Survey
April 1940

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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 Isle of Wight County, is number 47 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carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political,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 enclyclopedia of local government as well as a bibliography of local archives.

The successful 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 by Luther H. Evans, who served as Director until his appointment as Director of the Legislative Reference Service of the Library of Congress. He was succeeded on March 1, 1940, by Sargent B. Child, who had served in the capacity of Field Supervisor since the inauguration of the Survey. The Survey Program 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. 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 Isle of Wight County is number 47. 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 268.

Under the supervision of Elizabeth B. Parker, the original inventory was undertaken in May 1938 by two workers, Clyde P. Sirles and John E. Baucom who completed their work in June 1938. In addition to listing the official records of the county, these two young men assorted and labeled a quantity of unbound material for the clerk and also aided him in rearranging records which were transferred from the old clerk's office to the new record vault recently completed. From April 1939 to September 1939, Frances L. Beasley made a complete recheck of all the county records under the supervision 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.

Preface

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. Miss Mabel S. Brodie, editor in charge of public records inventories, of the Library of Congress Project staff in the District of Columbia, 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 Isle of Wight 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 clerk of the county for making possible this publication through the co-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

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(First entry, p. 76)

I. HISTORICAL SKETCH

Isle of Wight County, one of the eight original shires, was formed in 1634[1] from the plantation of Waraskoyack and bore that name until 1636,[2] at which time it was changed to Isle of Wight in honor of the English locality of that name.[3]

The bounds given for the plantation of Waraskoyack in 1625 were "downe wards from Hogg Island xiiij th [14] miles by ye River side."[4] The subject of bounds, however, was a controversial one from 1640 to 1705, at which date an act was passed for settling the bounds, stating that "many inconveniencys attended the inhabitants . . . by reason of the uncertainity of the bounds of the said Counties on the south side of the Black Water Swamp."[5] The entire county of Southampton was cut from Isle of Wight County in 1749,[6] while a few years earlier a small part had been taken from this and Surry Counties and added to Brunswick County because "the poll taxes must necessarily be very grievous and burthensome" to the small number of tithables in the newer county.[7] On two occasions small parts of Nansemond were added to Isle of Wight County.[8]

Lying on the south side of the James River, this county is grouped with the Tidewater counties on what is sometimes referred to as the Southside or Seventh Peninsula.[9] The northeastern bounds of Isle of Wight County reach to the James River, while the Blackwater River forms its westerm boundary and the counties of Nansemond and Surry bound it on the southeast and northwest respectively.[10] The area of the county, comprising 314 square miles, is intersected by many swamps; among them are Blackwater, MacCadoodle, Champion, Rattlesnake, Carawaugh, and Beaver Dam Swamps.[11]

A point of interest concerning Isle of Wight County lies in the fact that it was early settled by Puritans. The first Puritan settlement, in 1619, was

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1. William Waller Hening, compiler, The Statutes at Large . . . (1619-1792), 1st ed., Richmond, etc., 1809-23 [hereinafter cited as Hening, Statutes, for complete citation, see Bibliography], I, 224.
2. Patents, No. 1, Part 1, 1623-1643 [ms. vols. in State Land Office, Richmond, Va.], p. 414.
3. Morgan Poitiaux Robinson, Virginia Counties, Virginia State Library Bulletin, IX, nos. 1-3, Richmond, 1916, p. 182.
4. Susan M. Kingsbury, ed., The Records of the Virginia Company of London, Washington, 1935, IV, 556.
5. Hening, Statutes, I, 228; ibid., II, 318; ibid., III, 480.
6. Ibid., VI, 214.
7. Ibid., IV, 355.
8. Ibid., VIII, 405, 602.
9. Jedediah Hotchkiss, compiler and editor, Virginia: A Geographical and Political Summary . . ., Richmond, 1876, pp. 5, 11.
10. Rand McNally Commercial Atlas and Marketing Guide, Chicago, 1939, [hereinafter cited as Commercial Atlas], p. 407.
11. Fifteenth Census of the United States, 1930, Population, I, Number and Distribution of Inhabitants, Washington, 1931, p. 1121 (table 3); Joseph Martin, A New and Comprehensive Gazetteer of Virginia, Charlottesville, 1836, p. 197; conversation with Mr. R. A. Edwards, Clerk of the Circuit Court, Isle of Wight County.

that of Capt. Christopher Lawne, on the creek which still bears his name.[12] Captain Lawne was a member of the first assembly which met at Jamestown that year and together with Ensign Washer represented the plantation.[13] However, Captain Lawne died the following year[14] and his patent was renewed by his associates who requested "that the said Plantation shall from henceforth be called Isle of Wight Plantation, Provided that the heirs of the said Christopher Lawne be in no way prejudiced thereby."[15] Two years later (1621) Edward Bennett, a wealthy merchant of London, settled a group of Puritans on Lawne's Creek, placing in charge Robert and Richard Bennett, his nephews.[16] Richard Bennett became Governor of Virginia (1652-55) under Cromwell.[17] Numbered among his descendants are John Randolph of Roanoke and Gen. Robert E. Lee.[18] Capt. Nathaniel Basse, one of the associates of Christopher Lawne, settled at Basse's Choice[19] near the Bennett Plantation in 1622,[20] he and his associate, Arthur Swayne, having received patents for the transportation of 100 persons early that year.[21]

Both Basse's Choice and Bennett's Plantation suffered a severe blow in the Massacre of Good Friday 1622, when more than 50 persons were slain by the Indians at Bennett's Plantation alone.[22] These plantations must indeed have presented a pitiful sight in April when Capt. Ralph Hamor was ordered to "bring all the people and goods of Waraskoyack up to James Cittie,"[23] and as late as June 1623 there were mentioned only three households at Waraskoyack.[24] A list of persons in Virginia, dated "Feby. 1623," shows only 29 white persons and 4 Negroes at Waraskoyack, while there were 20 whites at Basse's Choice.[25] In spite of the massacre, as well as the great losses by disease (26 died between March 1622 and February 1623),[26] the Puritan settlements grew and prospered. Both Waraskoyack and Basse's Choice were represented at the assembly of 1623 and 1624,[27] and from an account of some goods received, the trade of Mr. Robert Bennett would seem to have flourished. A few of the more interesting items were" . . . 19 Buttes of excellent good wynes, 750 jarse

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12. John Smith, Travels and Works of Captain John Smith . . ., Arber ed., Edinburgh, 1910, II, 540; John Holladay Latane, The Early Relations Between Maryland and Virginia, Johns Hopkins University Studies in Historical and Political Sciences, XIII, 3-4, Baltimore, 1895, 36.
13. H. R. McIlwaine and J. P. Kennedy, eds. and compilers, Journals of the House of Burgesses (1619-1776), Richmond, 1905-15 (vols. not numbered), (1619-59), p. vii.
14. Latane, The Early Relations Between Maryland and Virginia, p. 36; Records of the Virginia Company, I, 414.
15. Ibid., I, 414.
16. Latane, The Early Relations Between Maryland and Virginia, p. 37.
17. Margaret V. Smith, Virginia, 1492-1892 . . ., Washington, 1893, p. 100.
18. John Bennett Boddie, Seventeenth Century Isle of Wight Virginia, Chicago, 1938, pp. 79-80.
19. Records of the Virginia Company, I, 414.
20. Latane, The Early Relations Between Maryland and Virginia, p. 37.
21. Records of the Virginia Company, I, 561.
22. Colonial Records of Virginia, Senate Document, Extra, Richmond, 1874, p. 66
23. Records of the Virginia Company, III, 610.
24. Ibid., III, 537; ibid., IV, 158.
25. Colonial Records of Virginia, pp. 48-49, 51.
26. Ibid., p. 58.
27. McIlwaine, Journals of the House of Burgesses, 1619-1658/9, p. viii.

of oylle, 16 Barelles of Resones of the Sonne . . . tooe halfe hoghedes of Allmondes . . . 18 hoghedes of Olives . . . 1 chest and tooe barelles of Candells . . . ."[28]

The appearances are that the Puritans suffered not in the least because of their religious beliefs at this early date, for a few years prior to this, Master Whitaker had written to his "Cosen M. G.," minister of London, "But I much more muse, that so few of our English Ministers that were so hot against the Surplis and subscription: come hither where neither is spoken of."[29] Richard Bennett and his Puritan Colony appear to have moved on from Isle of Wight County to Upper Norfolk County just before 1635.[30]

Waraskoyack, about this time (1634), had 522 inhabitants.[31] Among the early landowners were Mrs. Martha Key, Rice Jones, and Phettiplace Clause, all of whom had received grants in 1628,[32] as well as Giles Jones and Justinian Cooper, as is shown by a deed of 1629, by which deed Justinian Cooper and "Anne his now wife" lately the widow of James Harris, sell unto Wassell Webley and George Fawden, for 7,000 pounds weight of tobacco, "One Hundred acres of Land, lying and being in the Bottom of Warwicksqueake Bay," site of the late mansion house of Giles Jones.[33]

The early land grants were, however, for small acreages[34] and it was not until after the formation of the county that John Upton, Justinian Cooper, Arthur Smith and Thomas Butler patented more than 1,000 acres each. The first named two had, by the end of 1640, patented 9,400 acres of land in Isle of Wight County; and of the seven grants made prior to this date for 1,000 acres or more of land, five had been issued to these two gentlemen.[35]

While the Puritans had settled in Isle of Wight County in the very early Colonial Period, we have seen that they, in a large majority, had moved on to Upper Norfolk County and later we learn that their remnants moved to Maryland.[36] As a result of the Civil Wars in England, the migration to Virginia greatly increased. Isle of Wight County received her part of these new immigrants,[37] and it would appear that the wealth of the immigrants between 1650 and 1660 was much greater than before. As has been stated, there were prior to 1641 only 7 land grants for 1,000 acres or more of land in Isle of Wight County,[38] while between 1656 and 1666 there were at least 17 grants made

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28. Records of the Virginia Company, IV, 220.
29. Samuel Purchas, Purchas His Pilgrimage, or Relations of the World and the Religious . . ., London, 1626, IV, 1770-1771.
30. Boddie, Seventeenth Century Isle of Wight, p. 77.
31. Colonial Records of Virginia, p. 91.
32. Patents, No. 1, Part I, 1623-1643, pp. 66-68.
33. Deeds, Wills, Guardian Accounts, vol. A (1629-67), Sept. 29, 1629, p. 103, in Guardian Accounts, see entry 131.
34. Patents, No. 1, Part I, 1623-1643, pp. 1-161.
35. Ibid., pp. 210, 222, 380, 454; Patents, No. 1, Part II, 1637-1643, pp. 471, 482-483, 529, 605, 681.
36. Boddie, Seventeenth Century Isle of Wight, pp. 77-79.
37. Ibid., pp. 105-106.
38. See footnote 35.

for comparable acreages within the county of Isle of Wight.[39]

Among the Cavaliers who found their way to Isle of Wight County were Col. Nathaniel Bacon, Thomas Woodward, John Pyland, John Hammond, and Col. Joseph Bridger.[40] Thomas Woodward had been Assay Master of the Mint; James Pyland was expelled from the Virginia House of Burgesses for "abetting" Thomas Woodward.[41] John Hammond was also expelled for his Royalist sympathies.[42] Thomas Woodward, clerk of the court from 1652 to 1662, a fiery Royalist, became the first Surveyor General of North Carolina and a member of the first Council of that Colony;[43] Col. Nathaniel Bacon was president of the Council and Acting Governor of Virginia from October 1688 to October 1690.[44]

The population and wealth of Isle of Wight County grew with these new settlers, for in 1655 courts were ordered to be held in both parishes of the county on account of the great inconvenience caused by the division of Isle of Wight County by the Pagan Creek.[45] However, this order was repealed 5 years later.[46] The population reached approximately 2,019 persons,[47] and the wealth of the inhabitants is shown by the wills and inventories of the period; gold rings, silver tankards, "Dram Cupp," and sugar dishes are shown, not to speak of the usual number of spoons.[48] With the formation of Southampton County in 1749,[49] Isle of Wight County suffered a severe blow. The older county lost not only nearly two-thirds of her territory[50] but since the levy of 1748 shows 3,273 tithables and that of 1749 shows only 1,619,[51] it would appear that slightly more than half of the taxpayers had been lost as well. The county levy increased from 2 pounds of tobacco per poll in the earlier year to 19 pounds of that same staple product in 1749.[52]

In June 1680, the assembly authorized the building of a town or storehouse for tobacco at Pates Field at the parting of Pagan Creek.[53] The population of the county reached approximately 2,766 persons, of which number

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39. Patents, No. 4, 1655-1664, pp. 357, 613-614; Patents, No. 5, 1661-1669, pp. 3, 183-184, 200, 254, 429, 460, 462, 626, 628, 637, 669; Patents, No. 6, 1666-1679, pp. 24, 232.
40. Boddie, Seventeenth Century Isle of Wight, pp. 107-110.
41. Ibid., pp. 109-110; Hening, Statutes, I, 374-375.
42. Ibid., I, p. 374.
43. Boddie, Seventeenth Century Isle of Wight, p. 127; Samuel A'Court Ashe, History of North Carolina, Greensboro, 1908, I, 60.
44. Smith, Virginia, p. 128.
45. McIlwaine, Journals of the House of Burgesses, 1619-1658/9, p. 98; Hening, Statutes, I, 409.
46. Ibid., I, 550.
47. Evarts Boutell Green and Virginia D. Harrington, American Population Before the Federal Census of 1790, New York, 1932, p. 145.
48. Wills, Deed, Etc., vol. 2 (1661-1719), June 9, 1668, p. 55; Aug. 9, 1666, p. 46; Feb. 9, 1693, p. 331, et passim, in Will Book, see entry 124.
49. Robinson, Virginia Counties, p. 206.
50. Commercial Atlas, p. 409.
51. Order Book (1746-52), Jan. 12, 1748, p. 145; Dec. 7, 1749, p. 201; in Co. (County) Court Order Book, see entry 179.
52. Ibid., Jan. 12, 1749, p. 145; Dec. 7, 1749, p. 202.
53. Hening, Statutes, II, 472.

781 were tithables and the county militia numbered 450 men of whom 129 were mounted about the year 1700.[54]

The town of Smithfield was incorporated by an act of 1752 with Robert Burwell, Arthur Smith, William Hodsden, James Baker, James Dunlop, James Arthur, and Joseph Bridger named as the first trustees.[55] In 1797, numerous persons petitioned for an election of trustees for the town, but as late as 1809 the town remained without trustees.[56] The number of slaves in the county reached 2,212 in 1810 as is shown by the tax lists for that year, reflecting the relative prosperity of the surrounding region.[57]

Smithfield and Windsor are today the only incorporated towns within the county.[58] The former is prettily situated on the south side of Pagan Creek, 3 miles from the James River,[59] and has a population of 1,179.[60] Windsor is located in the southeastern part of the county on the Norfolk and Western Railroad.[61] The county seat has since 1800, or shortly thereafter, been located near the center of the county.[62]

The history of the white man begins early in this county, for in 1607 Capt. John Smith, returning from a trading expedition, discovered the town and country of Waraskoyack.[63] Two years later, Smith visited the chief of the Waraskoyacks and from his country sent an expedition to Roanoke Island in quest of information concerning the earlier settlement at that location. It was this friendly chieftain who tried to divert Captain Smith from seeing Powhatan, warning him of the treachery of that famous Indian.[64]

The outbreak of Bacon's Rebellion (1676) brought to the front several of Governor Berkeley's supporters in this county, as well as a number of Bacon's followers. When Bacon captured Jamestown and the Governor was forced to flee to the Eastern Shore with a few faithful adherents, Col. Joseph Bridger of Isle of Wight County[65] was among them. One of Bacon's letters stated that he was informed that a great many men were "up" for him in Isle of Wight and Nansemond Counties.[66] The journal of the ship, "The Young Prince," also tells of various unfriendly overtures with the Rebels in Waraskoyack Bay. After the departure of Governor Berkeley for England the people of Isle of

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54. Green and Harrington, Population Before 1790, pp. 148, 151.
55. Hening, Statutes, VI, 274.
56. Legislative Petitions [ms. in Vi., archives], Dec. 20, 1797, Dec. 9, 1809.
57. Personal Tax, Isle of Wight County, 1810 [ms. vols. in Vi., archives].
58. Fifteenth Census of the United States, 1930, Population, I, 1127 (table 4).
59. Martin, Gazetteer of Virginia, p. 197.
60. Fifteenth Census of the United States, 1930, Population, I, 1127.
61. Commercial Atlas, p. 407.
62. Samuel Shepherd, compiler and editor, The Statutes at Large of Virginia . . . (1792-1808), 3 vols., Richmond, 1835-36 [hereinafter cited as Shepherd, Statutes], II, 205.
63. John Smith, Travels and Works, II, 393.
64. Ibid., I, 132; ibid., II, 448-449.
65. Boddie, Seventeenth Century Isle of Wight, p. 146.
66. Ibid., p. 146.

Wight County, encouraged, presented a list of grievances which was replied to by many of the supporters of Berkeley; however, an even larger number of persons signed a petition for the release of William West, who had headed a Rebel force.[67] John Jennings, clerk of the court and follower of Bacon, was ordered banished from the Colony, by the Council, but was reprieved for a time, dying before its expiration. Col. Joseph Bridger was spoken of at this time as "a very Resolute Gentilman who (though forced to fly in the heat of war from his own Country) yet on his return was very active and instrumental in reducing the South part of James River." James Powell was also well spoken of by the commissioners.[68]

During the first half of the eighteenth century, Isle of Wight County prospered. Ships plied the Nottoway and Meherrin Rivers, for in May 1723 the Governor and Council set aside the petition of sundry inhabitants who asked that persons be appointed to enter and clear the vessels on these rivers, until the boundaries of North Carolina might be settled.[69] The vestry book of Newport (Upper) Parish, of Isle of Wight County, shows 865 tithables in that parish in 1724. The parish levy that year was 46 pounds of tobacco per poll. In 1727 the parish vestry appointed certain persons to make a true list of all the tithables together with the number of tobacco plants of each; the minister who served in that parish received, for each of the several sermons preached during 1727, 350 pounds of tobacco.[70]

With the outbreak of the American Revolution, Isle of Wight County was the scene of patriotic activities. As early as July 27, 1775 Mr. George Purdie, a merchant of the town of Smithfield, was accused of violating the orders of the Continental Association and was summoned to appear. However, Mr. Purdie was informed that he was to be tarred and feathered, guilty or not guilty, and begged for protection. The committee of safety granted this only if he were found not guilty.[71]

Under an act of May 1777, Henry Pitt and Samuel Hunt were appointed managers of the salt works in Isle of Wight and Nansemond Counties.[72] Mr. Brewer Godwin was also connected with the valuable salt stores as is evidenced by a warrant which was issued to him by order of the Committee of Safety of Virginia on June 22, 1776. The following November, Mr. Godwin was appointed sheriff of Isle of Wight County.[73]

The Revolution over, Isle of Wight County settled down to enjoy the usual easy life which is afforded by nature to all that section of Virginia; the revival of normal trade is shown by the fact that certain inhabitants de-

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67. Ibid., pp. 146, 150-158, 162-163.
68. Ibid., pp. 161-162, 164.
69. H. R. McIlwaine, ed., Executive Journals of the Council of Colonial Virginia (1680-1737), Richmond, 1925-30, IV, 38.
70. Newport Parish Vestry Book (1724-72), pp. 18, 23, 29, see entry 275.
71. Proceedings of Committee of Safety, p. 8, in Miscellany, 1775-1852, see entry 80.
72. Hening, Statutes, IX, 310.
73. H. R. McIlwaine, ed., Journals of the Council of the State of Virginia (1776-81), Richmond, 1931-32, I, 35, 222.

sired the reestablishment of the tobacco warehouse at Waraskoyack Bay.[74]

Isle of Wight County, and Smithfield in particular, was not long to enjoy peace, for on July 27, 1812 a notice appeared in a Norfolk newspaper stating that this last named town had been established a place of general rendezvous for the officers and privates of the infantry detached from seven regiments as well as two companies of artillery.[75] A year later vessels were burned by the British about 4 miles up Lawnes Creek.[76] Isle of Wight County was much shaken also by the Southampton Insurrection of August 1831, when the county militia was called to service and rushed to the aid of Southampton.[77] This insurrection, it has been said by one author, was a forerunner of the great slavery debates which resulted in its abolition.[78]

In regard to the courthouse, it was "Ordered by the Consent of all Parties that for the future Ease of the Inhabitants the Justices of Isle Wight cause a New Court House to be Erected and built on the Land of Joseph Godwinns, Commonly called Joseph Godwinn of Barrets Neck on the North Side of Blackwater River, near the place called Quinny's Bridge and that as soon as the said Court House shall be Erected and Finished the Court for the said County be Constantly held there and the Former Court House disused and discontinued." This was by order of the Governor in Council on September 12, 1734.[79] No doubt it was considered necessary to change the location of the courthouse because the settlements had spread across the Blackwater River.

In 1740, there were two warehouse locations in Isle of Wight County, one at Wainwrights and the other at Waraskoyack; 2 years later, three new warehouses were planned.[80] It must have been felt necessary to change the location of the courthouse about this time also, for from a writ issued by His Majesty's Governor dated May 1749, we learn that the justices were to hold court at a place where the courts were formerly held "called the Quakers Meeting House."[81] This was probably the courthouse referred to in 1694, at which time Mr. Richard Reynolds agreed to "new shingle this Courte-house with good durable Cypresse shingles & to putt the porch belonging to the said courte-house in good and sufficient repair."[82] In December of that year (1749), however, it was "Ordered That a Courthouse, Prison, and Stocks be erected and built on the Land of Capt. Arthur Smith at a Place called Hoggards, near the House of Mr. Joseph Baker,"[83] and the following

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74. Legislative Petitions, May 20, 1783.
75. Norfolk Gazette and Public Ledger, July 27, 1812.
76. The Enquirer (Richmond), July 9, 1813; July 13, 1813.
77. (Richmond) Constitutional Whig, Aug. 25, 1831; Aug. 29, 1831.
78. William Sidney Drewry, The Southampton Insurrection, Washington, 1900, pp. 181-182.
79. McIlwaine, Executive Journals of the Council, IV, 332.
80. McIlwaine, Journals of the House of Burgesses, 1727-30, 409; Hening, Statutes, V, 142.
81. Order Book (1746-52), May 11, 1749, p. 169, in Co. (County) Court Order Book, see entry 179.
82. Deed Book, vol. 1 (1688-1704) and Orders (1693-95), Aug. 9, 1694, p. 49, in Bargain & Sale Deed Book, see entry 28.
83. Order Book (1746-52), Dec. 7, 1749, p. 201, in Co. (County) Court Order Book, see entry 179.

June it was ordered that it be let in the town of Smithfield.[84]

On October 5, 1780 certain persons were appointed to let the repair of the courthouse, which had been greatly damaged by the "Enemy during their several Invasions," and in December 1782 returns were made of the depredations of the enemy in Isle of Wight County and the same were ordered sent to Richmond. The following March, Mr. Francis Young, clerk of the court, was paid 1,750 pounds of tobacco for "his trouble and expense in Listing the Certificates for property impressed for the use of the Army and sending them to Richmond."[85]

In 1799 a petition was sent to the Virginia Assembly for the removal of the courthouse, and the following year two petitions were received by that body concerning the courthouse, one petitioning its removal and the other petitioning that it remain in Smithfield. There was much discussion concerning the merits of the ideas held by both groups of citizens.[86] Evidently the persons in favor of the move either had the best argument or made the most noise, for an act was passed in 1800 authorizing the removal of the courthouse to its present location.[87] We do, however, find one petition later, which shows that the clerk's office was in Smithfield in the latter part of 1802.[88]

In the summer of 1815 certain persons were appointed to superintend the remodeling of the courthouse; in July of that year the commissioners were ordered to let to the lowest bidder the agreement for enlarging the courthouse "to make it two story, devide and finish the same inside in such manner as their opinion may be best for the convenience of the Public"; a new jail was also to be built.[89]

Only five decades later, by order of the county court May 5, 1862, the clerk was authorized to remove the records of Isle of Wight County when he deemed it necessary to do so, "But he is not to be held responsible for any loss thereby incurred."[90] The records at this time had already suffered much because of warfare, for Mrs. Francis Young had buried them during the Revolution and they had not been restored until the surrender of Yorktown.[91] During the War Between the States, it was found necessary for Col. Nathaniel Peyton Young to move them first to Greensville County and later to Brunswick.[92]

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84. Ibid., June 7, 1750, p. 239.
85. Order Book (1780-83), Oct. 5, 1780, p. 16; Dec. 6, 1782, p. 119; Mar. 7, 1783, p. 144, in Co. (County) Court Order Book, see entry 179.
86. Legislative Petitions, Dec. 9, 1799; Dec. 13, 1800.
87. Shepherd, Statutes, II, 205.
88. Legislative Petitions, Dec. 16, 1802.
89. Order Book (1814-16), July 8, 1815, p. 176, in Co. (County) Court Order Book, see entry 179.
90. Co. (County) Court Order Book (1861-66), May 5, 1862, p. 186.
91. Frederick Johnston, compiler, Memorials of Old Virginia Clerks . . ., Lynchburg, 1888, p. 224; Historical and Personal Sketches Relating to . . ., Isle of Wight Counties, Virginia, New York and Richmond, 1885, p. 411.
92. Ibid., p. 411.

Historical Sketch (First entry, p. 76)

Today the records of Isle of Wight County are among the best preserved in the Commonwealth, and for this, much credit is due the board of supervisors and clerk of the county for the interest taken in their restoration.[93]

In 1634, the Colony of Virginia was divided into shires,[94] in place of the plans of Dale in 1611 (date of formation of hundreds) and of the Virginia Company in 1619 (date of formation of corporations),[95] for it was then that the territorial divisions of the young Colony were made in most respects as those divisions had been in England, since the act stated that the government of each shire should be as it was in England.[96] The Burgesses from Isle of Wight County, during its first decade as such, were John Upton, Anthony Jones, George Harddie, John Moone, James Tuke, Joseph Salmon, Richard Death, Peter Hull, and Arthur Smith.[97]

Some of the county officers of this period were Lt. Col. John George, Nicholas Smith, Adj. Nicholas Hill, Capt. Joseph Bridger, Daniel Boucher, Capt. Anthony Fulgham, James Powell, Thomas Taborer and John Hardy, justices for the county;[98] Sylvister Colton and John Spackman, sheriffs,[99] and John Jennings, John Bromfield, and John Pitts, clerks of the county.[1]

In pursuance of an ordinance of the General Convention, a new commission of the peace was issued to Daniel Herring, John Lawrence, Benjamin Ely, Daniel Herring, Jr., Goodrich Willson, and James Allin Bridges in August 1776, at which time Richard Hardy was admitted high sheriff.[2] Among the officers of the county militia in 1777 were Willis Wills, Daniel Herring, Robert Holland, Thomas Fern, William Hodsden, William Gay, Goodrich Willson, and James Wills, captains; Thomas Everit and Jesse Herring, lieutenants. Oaths of allegiance were ordered administered on August 7, 1777 to the inhabitants of this county.[3]

Samuel Hardy, Member of Congress and one of those persons who signed the deed of Cession of the Northwest Territory to the United States, was one of the most prominent sons of Isle of Wight County. Hardy County, West Virginia, was named for this patriot.[4] Among other important citizens were

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93. See Housing, Care, and Accessibility of the Records, pp. 60-61.
94. Hening, Statutes, I, 224.
95. Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century, New York, 1910 [hereinafter cited as Bruce, Institutional History], II, 246, 288.
96. Hening, Statutes, I, 224.
97. McIlwaine, Journals of the House of Burgesses, 1619-1658/9, pp. xv-xviii.
98. Wills, Deeds, Etc., vol. 2 (1661-1719), Aug. 23, 1667, p. 49; May 1, 1668, p. 54, in Will Book, see entry 124.
99. H. R. McIlwaine, ed., Minutes of the Council and General Court of Colonial Virginia, 1622-1632, 1670-1676 . . ., Richmond, 1924, p. 491.
1. Wills, Deeds, Etc., vol. 2 (1661-1719), May 1, 1666, p. 43; Dec. 9, 1678, p. 169; Sept. 19, 1679, p. 205, in Will Book, see entry 124.
2. Order Book (1772-80), Aug. 1, 1776, p. 356, in Co. (County) Court Order Book, see entry 179.
3. Ibid., pp. 396-398.
4. Virgil A. Lewis, History of West Virginia, Philadelphia, 1889, pp. 555-556.

Col. Josiah Parker and Lt. Francis Boykin.[5]

Since 1870, Isle of Wight County has operated under the board of supervisors' plan of local government. The first board, consisting of Messrs. James Thomas, William A. Womble and Edgar Rawles, met in October of that year and represented the townships of Newport, Hardy, and Windsor, respectively.[6] The townships of 1870 to 1875 are remembered in the names of the magisterial districts of today.[7] This county, together with Princess Anne and Surry Counties and the city of Portsmouth, constitutes the twenty-eighth judicial district,[8] which has been presided over by Judge Benjamin D. White since May 12, 1908.[9] Isle of Wight County is entitled to one member in the Virginia House of Delegates, and with Southampton and Nansemond Counties and the city of Suffolk constitutes the fifth senatorial district.[10]

Isle of Wight County, favored by mild climate and an excellent rainfall (precipitation of 32 to 44 inches per year),[11] is chiefly agricultural with 2,357 persons engaged in this pursuit.[12] The soil is gray, medium to light sandy, and the principal crops are peanuts, potatoes, and cotton.[13]

A large part of the history of any Colonial county in Virginia could be written about the culture and commerce of tobacco. An account of tobacco in Virginia (now North Carolina) written by Mr. Thomas Harriot, who visited "thither" in 1586, reports that "There is an herbe which is sowed apart by itselfe, and is called by the inhabitants uppowoc: . . . the Spanyards generally call it tobacco: . . . This uppowoc is of so precious estimation amongst them, that they thinke theyr gods are marvelously delighted therewith."[14] Of the tobacco trade during the early Colonial Period we read, from a letter dated August 1621 from the Earl of Southampton and "the worthy Adventurers" of the Virginia Company of London, "we cannot but condemn the use that is made of our boats, that are employed in trading in the bay for corn. Almost every letter tells of that trade, which we only approve of in case of necessity; Magazine is suddenly to follow this ship, wherein there are much greater proportion of things sent than were in the last: . . . we desire you to give notice to the Colony, that after this year they expect no farther supply of any necessaries to be exchanged with them for their darling tobacco . . . it is by us and the adventurers ordered, that

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5. Boddie, Seventeenth Century Isle of Wight, pp. 211, 240.
6. Supervisors Record (Minutes), (1870-96), Oct. 14, 1870, p. 1, see entry 3.
7. See Governmental Organization and Records System, p. 24; Acts of the General Assembly of the State of Virginia, 1809--, Richmond, 1810-- [hereinafter cited as Acts], 1938, p. 1058.
8. The Virginia Code of 1936, Charlottesville, 1936 [hereinafter cited as Code 1936], sec. 5888.
9. Common Law Order Book, vol. 5 (1807-14), June 1, 1908, p. 55, see entry 107.
10. Code 1936, secs. 78, 79.
11. Hotchkiss, Virginia, pp. 51, 57.
12. Commercial Atlas, p. 409.
13. Charlotte Allen, ed., Virginia, Richmond, 1937, p. 181.
14. William Tatham, Historical and Practical Essay on the Culture and Commerce of Tobacco, London, 1800, pp. 134-135.

the Cape merchant accept of none but leaf tobacco."[15] From this record it is apparent that the colonists were so "allured by the extraordinary price of three shillings per pound" for tobacco that they forgot the chief purpose of their migration to Virginia. So forgetful were they, indeed, that in 1639 an act was passed to control the production of this commodity.[16] Isle of Wight County was divided into 6 precincts and the viewers numbered 18; among them were Henry King, Justice Cooper, Peter Hull, Arthur Smith, Joseph Salmon, and John Lewin.[17] When the surrender of Virginia to the Cromwellian representatives took place in 1651, among the "Articles" agreed upon, number seven dealt with the trade of the Colony, and we find that "ye people of Virginia" were permitted to enjoy free trade with all nations, as was the case with England.[18]

All through the Colonial Period tobacco was grown in Isle of Wight County. The levies of both parish and county were payable in this tender as late as 1759 and 1783, respectively.[19] However, the methods of growing tobacco were, at best, subject to adverse criticism. We read that "a Virginian" never thought of "reinstating or manureing his land with economy untill he can find no more new land to exhaust."[20]

No doubt tobacco was cultivated by this method in Isle of Wight County as elsewhere. In 1801 Mr. Strickland, an Englishman, in an article on "Agriculture in America," spoke of Virginia as being in a decline. This State was the southernmost limit of his inquiry since agriculture here had already reached its lowest state of degradation.[21]

The organization of a state agricultural society, about 1822, was one of the first concentrated efforts to make the need of a change in method felt by the planters.[22] The census of 1820 shows 2,925 persons engaged in agricultural pursuits within Isle of Wight County.[23] Many decades later, when the tobacco regions of Virginia were given, it was stated that tobacco had been raised over the greater part of the Tidewater section, but many years before the planters had abandoned its production in favor of crops more suited to its soil and climate.[24] The production of tobacco was evidently abandoned by 1850 as the census taken at that time shows only 44 pounds of

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15. Ibid., pp. 140-142.
16. Ibid., pp. 142-143; Hening, Statutes, I, 224-225.
17. Tatham, Historical and Practical Essay, pp. 159-160.
18. Ibid., p. 187.
19. Order Book (1780-83), Mar. 7, 1783, p. 144, in Co. (County) Court Order Book, see entry 179; Newport Parish Vestry Book (1724-74), Oct. 27, 1759, p. 250, see entry 270.
20. Tatham, Historical and Practical Essay, p. 6.
21. John Taylor, Arator; Being a Series of Agricultural Essays, Practical and Political, 3rd ed., Baltimore, 1817, p. 13.
22. "The Status of Virginia Agriculture in 1870" in Report of the Commissioner of Agriculture for the Year 1870, Washington, 1871, p. 268.
23. "Census of Virginia for 1820" in Journal of the House of Delegates . . . 1824-25, Richmond, 1824-25, p. 289.
24. Census of the United States, 1880, III, Report on the Productions of Agriculture . . ., Washington, 1883, p. 196.

tobacco raised within this county.[25]

The more suitable crops referred to above were corn, sweet potatoes, peas and beans; 315,699 bushels of corn, 89,713 bushels of sweet potatoes, and 31,319 bushels of peas and beans were raised on the farms of Isle of Wight County. These farms were valued at slightly less than a million dollars plus $37,637 worth of implements and machinery. The value of the slave population (3,395) is not shown, but no doubt much of this labor was employed on the farms of the county.[26]

Isle of Wight County has long been justly famous for her "Smithfield Hams." As early as January 1836 an excellent recipe was given for curing meat in this fashion.[27] No doubt much of the corn raised in this county was used in feeding the livestock which was valued at $184,920 a decade before the War Between the States.[28]

Little is known of the early history of the peanut. It was brought to this country during the slave trade and was successfully raised along the James River. However, it was of no commercial value until 1870. Prior to this, peanuts were raised in gardens and were considered a treat for children when parched.[29] The soil of Isle of Wight County being perfectly suited to their growth, peanuts soon became a staple crop.[30] In 1872, 40,000 bushels of this commodity were sent to market from this county.[31] Peanuts have held their place ever since, for the census of 1890 reported 202,870 bushels raised that year while the most recent date (1935) credits this county with 912,539 bushels of the total crop, placing Isle of Wight County third in the State.[32]

The agricultural data given in 1935 for that year and the preceding one shows the following rather interesting facts: Corn, one of the staple crops, was raised on 16,749 acres and the crop for that year (1934) was 370,430 bushels;[33] on January 1, 1935, swine numbered 19,661, which was a slight decrease in the 1930 figures,[34] but cattle increased 25 percent in

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25. 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. 277.
26. Ibid., pp. 256, 273, 275, 277.
27. Edmund Ruffin, ed., The Farmer's Register, a Monthly Publication Devoted to the Improvement . . ., III, Petersburg, Va., 1834-43, 553-554.
28. Seventh Census of the United States, 1850, p. 275.
29. W. R. Beattie, The Peanut, U. S. Department of Agriculture, Farmers' Bulletins 431, Washington, 1911, p. 5.
30. Allen, Virginia, p. 181.
31. Hotchkiss, Virginia, p. 81.
32. Census of the United States, 1890, V, Reports on the Statistics of Agriculture in the United States . . ., Washington, 1893, p. 494 (table XXII); United States Census of Agriculture, 1935, II, Reports for States, with Statistics for Counties, Washington, 1936, 443-447.
33. Ibid., I, 421.
34. Ibid., I, 414.

the same 5-year period.[35] Cotton, another crop of this county, was grown on 1,906 acres in 1934 while the total number of bales produced was 1,143. In agriculture, Isle of Wight County ranked seventh among the Virginia counties.[36] The total acreage of the 1,416 farms in this county was shown at 147,992, and the farm population, 8,241 persons.[37]

Joining the numerous communities are 70.61 miles of primary and 384.83 miles of secondary highways,[38] the principal ones being U. S. Routes 460 and 58 and State Routes 158 and 10. The famous James River Bridges, the last link of which was opened on November 17, 1928 by President Coolidge, connect this county with Warwick County and the coastal highway system.[39] Serving the county are the Norfolk and Western, Virginian, Seaboard Air Line, and Southern Railroads, numerous telegraph and railway express agencies and banks.[40] The density of population is 42.7 and in 1930 the total population was shown as 13,409.[41] In numbers the Negro race slightly surpasses the white, but only 16 persons of foreign birth were reported in 1930.[42]

Several years before Governor Berkeley made his historic reply to the English Commissioners concerning public schools and printing presses in Virginia,[43] at least two citizens of Isle of Wight County considered the education of the public to be of great enough importance to make provisions for it in their wills. Capt. John Moone, in his will dated 1655, left certain stocks of cattle to be used for the education of the poor[44] and in 1668 Mr. Henry King bequeathed certain lands (100 acres) toward the maintenance of a free school.[45] Among those who provided in their wills or by deed for the education of their own sons were Humphrey Clark (1656) and Anne Griffen

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35. Ibid., II, 440.
36. Ibid., I, 417-424.
37. Ibid., II, 433.
38. List accompanying letter from Burton Marye, Jr., Manager Planning Survey, Virginia Department of Highways, Oct. 27, 1939.
39. Virginia, State Department of Highways, County Maps of the Primary and Secondary Highway Systems, 1936, Richmond, 1936, p. 47; Richmond Times - Dispatch, Nov. 18, 1928; conversation with Mr. R. A. Edwards, Clerk of the Circuit Court, Isle of Wight, Virginia, Feb. 14, 1940.
40. Commercial Atlas, pp. 407, 410-415; Thirty-Fifth Annual Report of the State Corporation Commission, Showing Condition of the Incorporated State Banks . . ., 1938 (compiled by Bureau of Banking), Richmond, 1939, p. 34 (table 21).
41. Fifteenth Census of the United States, 1930, Population, I, 1121 (table 3).
42. Fifteenth Census of the United States, 1930, Population, III, Reports by States . . ., pt. 2, Washington, 1932, 1164 (table 13).
43. Virginia School Report, 1871, First Annual Report of the Superintendent of Public Instruction . . ., Richmond, 1871, p. 85.
44. Deeds, Wills, Guardian Accounts, vol. A (1629-67), Aug. 12, 1655, pp. 80-81, in Guardian Accounts, see entry 131.
45. Record of Wills, Deeds, Etc., vol. 2 (1661-1719), May 3, 1669, p. 61, in Will Book, see entry 124.

(1670).[46]

During the first quarter of the eighteenth century we read of certain schools in Isle of Wight County. The report of Mr. Thomas Baylye to the Bishop, dated 1724, states that there were four schools in Newport Parish for the education of the youth, and at that time the masters of these schools were Messrs. Hurst, Irons, Gills and Reynolds.[47]

In 1753, Mrs. Elizabeth Smith gave Richard Baker, Miles Cary and Richard Kello, in trust, 145 pounds for the establishment of a free school in Smithfield,[48] and in her will, probated in Surry County in 1774, she (then Mrs. Elizabeth Stith) bequeathed an additional 120 pounds to "my Free School at Smithfield" interest of which sum was to be used "for the schooling of any six poor Children." The trustees at that time (1774) were Richard Kello, Arthur Smith, Thomas Pierce and William Hodsden.[49] Of this school we learn that certain alterations were made in 1788. "Upon the Motion of Wm. Hardy Gent.; on behalf of the Fraternity of Free & Accepted Masons of the Smithfield Union Lodge No. 18, It is Ordered (by & with the consent of Richard Kello, Surviving trustee to the Free School house in the said town) that they have leave to build a new story upon the top of the old one, & an addition of 12 feet to end of the said school house, with winding stairs, for the use of the Freemasons belonging to the said Lodge, & to be called the Mason's Hall, on their paying to the said trustee, his heirs &c, the sum of one shilling current on the 1st day of Jan'y in every year ensuing."[50]

The records of the Masonic Lodge show that this work was completed and that the Lodge took possession on December 3, 1788. Unfortunately the history of the decline of the Smithfield free school, said to have been caused by a condition of the gift requiring a clergyman of the Established Church to be principal, was omitted when the history of the Masonic Lodge of Smithfield was published in 1880, but it is sufficient to say that the Smithfield Union Lodge, No. 18 became owner in fee of this property.[51]

In the report of the president and directors of the Literary Fund, dated 1816, a system of public education for Virginia is outlined. It was suggested that the primary schools should be partially supported by the pupils and that the Lancastrian System of education be used when practicable.

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46. Deeds, Wills, Guardian Accounts, vol. A (1629-67), Mar. 3, 1655, p. 70, in Guardian Accounts, see entry 131; Record of Wills, Deeds, Etc., vol. 1 (1662-1715), Feb. 1, 1670, p. 230, in Bargain & Sale Deed Book, see entry 28.
47. William Stevens Perry, ed., Historical Collections Relating to the American Colonial Church, Vol. I, Virginia, Hartford, 1870, pp. 274-275.
48. Deed Book, vol. 9 (1752-58), Feb. 1, 1753, pp. 78-83, in Bargain & Sale Deed Book, see entry 28.
49. Surry County Wills &c., vol. 11 (1768-79), (photostat vol. in Vi., archives), Feb. 22, 1774, pp. 361-367.
50. Proceedings of the 103rd Annual Communication of the M. W. Grand Lodge of Virginia of Ancient York Masons . . ., 1880, Richmond, 1880, p. 380.
51. Ibid., p. 380.

It was expected that the primary schools should only teach the rudiments of learning.[52] Under the act of 1818, providing for the distribution of the Literary Fund, school commissioners were appointed in each county with the power to determine the number of poor children who were to receive its benefits and to send these to such schools as were convenient.[53] By 1822 the commissioners of Isle of Wight County appear to have selected 20 schools for this purpose. The report of the commissioners for that year shows that out of 163 poor children within the county, 61 had been sent to school at a cost of $548.27 to the Literary Fund. The tuition ranged from $9 to $20 per annum.[54] However, the following year when the tuition had been fixed at $12 per annum in the 19 schools selected, 61 children received schooling at a cost of only $292.37 to the Literary Fund.[55]

The commissioners of Isle of Wight County reported that in their opinion the class of persons who received most benefit from the Literary Fund were those who had before been neglected - namely the middle class, or the honest and industrious farmers who were not financially able to educate their children in academies, colleges, or the university nor yet so poor as to receive benefits of the free primary schools. "These people, by the assistance of a few poor children, can have a school established in almost every neighborhood in the County."[56] The report of 5 years later shows that 50 poor children received schooling at a cost of $302.62 to the Literary Fund.[57]

In 1829, Smithfield Academy was incorporated with Robert Butler, George Wilson, John Womble, Arthur Smith, James Chalmers, Willis H. Woodley, Joel Holleman, William H. Day, Mallory M. Todd, Francis M. Boykin, and Archibald Atkinson as trustees.[58] Writing in the thirties Martin states that there was a male and female academy in Smithfield,[59] and the census of 1850 shows two academies in Isle of Wight County at that time;[60] so it is possible that there were two academies at the earlier date. In 1850 the academies enrolled 56 pupils, while the 9 public schools had enrolled only about 3 times as many. The entire number of children in school in 1850 was shown at 479.[61]

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52. Sundry Documents on the Subject of Public Education . . ., Richmond, 1817, pp. 18-22 (under the Lancastrian System, pupils in each class acted as instructors of that next lower in grade, so that one teacher, teaching the most advanced students, might suffice for quite a large school.
53. Acts 1817-18, pp. 11-14.
54. "Governor's Letter Communicating Certain Information Relating to the Proceedings of the School Commissioners" in Journal of the House of Delegates . . . 1823-24, Richmond, 1823, p. 3.
55. "Governor's Letter Transmitting a Statement of the Accounts of the Literary Fund" in Journal of the House of Delegates . . ., 1824-25, Richmond, 1824-25, p. 15.
56. Ibid., p. 22.
57. "Second Auditor's Report of the Accounts of the Literary Fund" in Journal of the House of Delegates . . . (1829), Richmond, 1829, p. 16.
58. Acts 1828-29, pp. 121-122.
59. Martin, Gazetteer of Virginia, pp. 196-197.
60. Seventh Census of the United States, 1850, p. 266.
61. Ibid., pp. 264, 266, 268.

Historical Sketch (First entry, p. 76)

The Report of the Superintendent of Public Instruction for the year 1871 shows that the number of schools at that time was 25, of which 5 were for pupils of the Negro race. There were enrolled in these schools 27.5 percent of the school population (928 pupils). Isle of Wight County had at that time 3 private schools in which were enrolled 80 pupils.[62]

Isle of Wight County always had in it many people who were interested in public education. It is, therefore, small wonder the progress this county has made since 1871. The present school system, with 5 accredited high schools, libraries consisting of 13,968 volumes, property valued at nearly a half million dollars, classes in adult education including 230 night students and 3,106 day students, shows the giant strides made in public education since the report of 1871.[63]

Here, as all through the Colony of Virginia, much of the social life centered about the Church of England, the Established Church in Colonial Virginia. No doubt the "Old Brick" church of Isle of Wight County, said to have been erected in 1632,[64] was the center of many of the most colorful gatherings of all periods. A deed of 1667 refers to an earlier instrument dated 1638, and by that deed (1667) we learn that the "then Church" (presumably 1638) was situated near the "deep Swamp" in what was termed in the later deed as the Lower Parish of Isle of Wight County.[65] The ministers of the two parishes of this county were, in 1680, Robert Park and William Housden. At that time, these parishes bore the names of Isle of Wight and Lower Parish.[66] Sometime before 1714, Lower Parish of Isle of Wight County was named Newport as is shown by "The Present State of Virginia for the year 1714." The ministers at that time were "Alex: Forbes and And^{w} Monroe."[67]

The parishes of Isle of Wight County were divided by an act of 1734, at which time all parts of both parishes which lay on the north side of the Blackwater River were united and called the parish of Newport, while parts which lay on the south side of the said river were united and called Nottoway Parish.[68]

Prior to the Revolution, much of the welfare of the community was handled by the churchwardens of these parishes. It was their duty to bind out the poor orphans, care for the morals of the parish, and see that those

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62. Virginia School Report, 1871, pp. 163, 193.
63. Annual Report of the Superintendent of Public Instruction 1938-39, State Board of Education Bulletin XXII, no. 3 (Sept. 1939), Richmond, 1939, pp. 46, 213, 227, 251, 257.
64. Boddie, Seventeenth Century Isle of Wight, p. 177.
65. Record of Wills, Deeds, Etc., vol. 1 (1662-1715), Jan. 1, 1667, p. 121, in Bargain and Sale Deed Book, see entry 28.
66. A List of the Parishes in Virginia June 30, 1680 [photostat of ms. in Vi., archives].
67. The Present State of Virginia for the Year 1714 with Respect to the Countys in Particular [photostat of ms. in Vi., archives].
68. Hening, Statutes, IV, 444.

who failed to live up to their rigid standards suffered.[69] As late as 1782 we find that they were still performing at least one of these duties.[70] After the vestries were stripped of their power, the care of the poor fell to the overseers of the poor.[71]

Some attention was evidently paid to health during the third and fourth decades of the nineteenth century. Edmund Ruffin, writing in 1854, states that great improvements have been made in general health in Tidewater since 1834.[72] It was nearly 20 years, however, before a general law was passed prohibiting children with contagious diseases from attending school and making vaccination of school children compulsory.[73]

Immediately preceding the passage of an act of 1936 which provided for State aid to the counties, the board of superivsors had in their charge publicly financed aid to the poor. At present, all relief work is handled by the county superintendent of public welfare. This officer, of course, refers to other agencies that work which falls in the field of each. Among these the State Board of Public Welfare. Besides the actual relief work, the county superintendent of public welfare interviews many persons and helps them plan their work.[74]

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69. Order Book (1746-52), passim, in Co. (County) Court Order Book, see entry 179.
70. Order Book (1780-83), Feb. 7, 1782, p. 40, in Co. (County) Court Order Book, see entry 179.
71. Order Book (1797-1801), Jan. 5, 1801, p. 587, in Co. (County) Court Order Book, see entry 179.
72. Edmund Ruffin, Essays and Notes on Agriculture, Richmond, 1855, p. 342.
73. Acts 1869-70, p. 414.
74. Acts 1936, pp. 374-377; Acts 1938, pp. 638-669.

(First entry, p. 76)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Legal Status of the County

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 governmental unit took over much of the civil work of the parish."[2]

Although the town is subordinate to the county in Virginia and the southern states,[3] there are at present 24 cities in Virginia which are not in any county.[4] In 1928 there were 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 divisions 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

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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, Muncipal Corporations,], I, 226-227.
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, 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.

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 administration are invested with a few functions characteristic of corporate existence. They are local sub-divisions of a state, created by the sovereign power of the state, of its own sovereign will, without the particular solicitation, consent, or concurrent action of the people who inhabit them.' Hamilton County v. Mighels, 7 Ohio St. 109.

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

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

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

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

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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.
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.

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 board of supervisors, as the representatives of the political body, the county, are clothed with certain legislative and discretionary powers,"[18] and are supreme within the limits of their statutory jurisdiction and authority,[19] "the board of supervisors, like every other quasi corporate body, being the mere creature of the statute, . . . has only such powers as are expressly conferred upon it, or necessarily implied in furtherance of the object of its creation."[20]

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

Structural Development of County Government

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

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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.
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, p. 20; William Stith, The History of the First Discovery and Settlement of Virginia, New York, 1865, pp. 152-153.

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 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]

After the division of the Colony into counties in 1634 the need of jurisdictional subdivisions of lesser extent became evident. Practices in this matter varied; the lesser areas were sometimes purely geographical (as in the case of Charles City County, divided by the James River for the holding of monthly courts),[35] but later more often on the basis of parish bounds (since many counties contained more than one parish). As a consequence, when counties were divided to form new ones, the separation was frequently on the line previously named as bounding one of the parishes within the former county.[36]

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25. Ibid., pp. 152-153, 162; Records of the Virginia Company, 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., 130-133, 168-170, et passim.
30. Bruce, Institutional History, I, 592-594.
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, 426 (1656), 497 (1658).
36. Robinson, Virginia Counties, passim; see also the Acts of Assembly establishing new counties, prior to 1785; Hening, Statutes, II, 396 (provides for representation on a parish basis for laying of parish levy, 1677).

These subdistricts were used in the collection of taxes and the appointment of minor local officers, such as collectors of tithes[37] and constables.[38] After the Revolution, customs in this regard varied considerably; the use of the parishes continued in some places, although the division had ceased to have its original (churchly) significance,[39] while in others the militia districts (the counties having been laid off under the militia law of 1792 in company, battalion, regimental and brigade districts, according to adult male population)[40] were employed for the same purpose.[41] An act of 1786 prescribed the number of commissioners of the revenue per county, and required that the court lay off the districts within which each was to be active,[42] and two decades later a similar provision was applied to the appointment and powers of constables.[43] Under the Constitution of 1851 (the first which provided generally for the election of county officers) the counties were to be divided into numbered districts for the election of justices and other officers;[44] these may be regarded as prototypes of the modern magisterial districts, with the townships of 1870-75 constituting a much more elaborately organized intermediate stage.[45]

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.[46] The Church of England always stood in close relationship with the government of Virginia;[47] the county was early divided into parishes,[48] and the parish vestry, chosen from among the parishioners,[49] 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.[50] For the latter purpose they were empowered to levy a special tax and their agents, the churchwardens, acted as welfare officers.[51] The church also recorded christenings, weddings, and burials in the parish register and reported these events to the county court annually.[52] The first surveyor arrived in the Colony in 1621,[53] and by 1655

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37. Ibid., I, 342-343 (collectors of public levies appointed for certain districts, 1647).
38. Bruce, Institutional History, I, 602-603.
39. See the original land-tax books of this period in the Archives Department, Virginia State Library.
40. Hening, Statutes, XIII, 343; Code 1803, pp. 283-284, 332.
41. See footnote 39.
42. Hening, Statutes, XII, 244; Code 1803, p. 128; Code 1819, II, 16; Acts 1840-41, p. 6; Code 1849, p. 178.
43. Shepherd, Statutes, III, 296; Code 1819, I, 300-301; Code 1849, p. 247.
44. Const. 1851, art. VI, secs. 27, 30, 31; Code 1860, pp. 76-77.
45. See above; Const. 1869, art. VII, secs. 2-4; Const. 1869 (as amended 1874), art. VII, secs. 2-4.
46. Hening, Statutes, I, 129-130, 363-368, 371-372, et passim.
47. Bruce, Institutional History, I, 37, 42, et passim.
48. Ibid., I, 55-61; Hening, Statutes, I, 228-229, 237, 249, 400, 478.
49. Ibid., I, 291; Bruce Institutional History, I, 62-72.
50. Ibid., I, 73-75, 81-91, 98-100; Colonial Records of Virginia, pp. 26-28; Hening, Statutes, I, 160-161, et passim.
51. Bruce, Institutional History, I, 74-78, 81-93, 98, 104-105.
52. Hening, Statutes, I, 155, 158, 180, 182-183, 433.
53. Records of the Virginia Company, III, 477, 486.

the county court was permitted to select one for each county.[54] In 1646 commissioners (forerunners of the present commissioners of the revenue) were appointed to take lists of tithables,[55] and in 1647 collectors of the tax (temporarily relieving the sheriff of this part of his duties)[56] were appointed. These appointments recurred intermittently thereafter until the American Revolution.[57] 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.[58]

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.[59] 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,[60] 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.[61] 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,[62] the commissioner of the tax (commissioner of the revenue),[63] and the assessors.[64] In 1785 the board of overseers of the poor took the place of the parish vestry as welfare agency,[65] the church having lost all temporal power and much of its property in the disestablishment following the Revolution.[66] The District Superior Court of Law, formed in 1788, received most of the common law jurisdiction formerly assigned to the General Court.[67] These courts, like the High Court of Chancery and the District Superior Courts of Chancery later established,[68] 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.[69] In 1800 the

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54. Hening, Statutes, I, 404.
55. Ibid., I, 305-306.
56. Ibid., I, 342.
57. Ibid., II, 19; ibid., VII, 78, 80, 641; Bruce, Institutional History, II, 551-552.
58. Hening, Statutes, I, 436.
59. Bruce, Institutional History, I, 263-264; Hening, Statutes, I, 543-551; ibid., II, 41-148.
60. 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.
61. Ibid., IV, 247-271; ibid., V, 10; ibid., VII, 387.
62. Ibid., IX, 389.
63. Ibid., IX, 351-352, 363-364.
64. Ibid., IX, 352-355, 549; ibid., X, 252, 501-503.
65. Ibid., XII, 27-29, 273-274.
66. William Meade, Old Churches, Ministers and Families of Virginia, Philadelphia [ca. 1938], I, 16-17 (as to disestablishment).
67. Hening, Statutes, XII, 730-763.
68. Shepherd, Statutes, II, 320-322.
69. Hening, Statutes, XII, 730; see Circuit Court, pp. 90-92.

first regular appointments by statute of prosecutors (commonwealth's attorneys) for the local courts took place,[70] although there is ample evidence of the existence of similar functionaries during the Colonial Period.[71]

The first attempt at the inauguration of a free-school system came in 1796,[72] 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,[73] and in 1829 some of the counties were laid off in school districts.[74]

After the Constitutional Convention of 1829-30, the electoral districts were reapportioned and the freehold requirements reduced.[75] The first regular election officials were appointed at this time, relieving the sheriff of most of his duties in that line.[76] 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)[77] were combined to form the circuit superior courts of law and chancery.[78]

Before 1851, no officer of State or local government except the Burgesses or Assemblymen had been elected by popular vote, but within 2 years after the constitutional revision effective that year, nearly all officers of importance were elected and the freehold restriction was entirely removed. This resulted in free white male suffrage.[79] Attacks on the county court during the revising convention[80] resulted in the requirement that a presiding judge be present at all sessions.[81]

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.[82] 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

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70. Shepherd, Statutes, II, 215.
71. Hening, Statutes, VI, 52, 122; Bruce, Institutional History, I, 570-572.
72. Shepherd, Statutes, II, 3-5.
73. Acts 1817-18, pp. 11-12.
74. Acts 1828-29, pp. 13-14.
75. Constitution of Virginia, 1830 [hereinafter cited as Const. 1830], art. III, in The Code of Virginia, Richmond, 1849 [hereinafter cited as Code 1849].
76. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
77. Shepherd, Statutes, III, 355-360.
78. Acts 1830-31, pp. 42-76.
79. 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]; Acts 1852, pp. 64-68.
80. "Debates of June 5, 1851" in Virginia Reform Convention [Proceedings and Debates], Supplement to the [Richmond Newspapers], no. 60.
81. Const. 1851, art. VI, sec. 27.
82. Third Edition of the Code of Virginia . . ., Richmond, 1873 [hereinafter cited as Code 1873], pp. 24-30.

some cases appointed for two counties jointly, and the justices of the peace were to retain only their petty authority.[83] 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.[84] The counties were divided into townships somewhat upon the New England plan, and one supervisor, one township clerk (also ex officio the treasurer), one assessor (replacing the commissioner of the revenue), one collector (who performed the sheriff's former tax-collecting function), one commissioner of the roads, one or more overseers of roads, one overseer of the poor, three justices, three school trustees (see footnote), and three constables were elected for each division.[85] The supervisor, commissioner of roads, and assessor of each township constituted a township board in their division,[86] while the supervisors of the local units met together as the county board of supervisors, attended by the county clerk.[87] This officer, as well as the sheriff and the county treasurer, was elected by the voters of the county at large.[88]

The details of the township system were abolished by an amendment in 1875,[89] but the geographical and electoral divisions persisted as magisterial districts,[90] 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.[91] The commissioner of the revenue resumed his former status,[92] and the supervision of roads fell once more in the province of the county court.[93]

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.[94] 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 Isle of Wight County in 1884 or shortly thereafter.[95] The twentieth century has been marked by two in-

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83. Constitution of Virginia, 1869 [hereinafter cited as Const. 1869], art. VI, sec. 13, in Code 1873.
84. Ibid., art. VII, sec. 2; Acts 1869-70, pp. 270-273.
85. Const. 1869, art. VII, secs. 2-4; Code 1873, pp. 421, 461, 686, 689 (under the enabling act, contrary to the constitution, the school trustees were appointed by the State Board of Education).
86. Acts 1869-70, pp. 274-275.
87. Ibid., pp. 269-274.
88. Const. 1869, art. VII, sec. 1.
89. Acts 1872-73, pp. 274-277; Acts 1874, pp. 95-98, 208-212; Acts 1874-75, p. 56.
90. Constitution of Virginia, 1869 (as amended 1874), art. VII, sec. 2, in The Code of Virginia . . ., Richmond, 1887 [hereinafter cited as Code 1887].
91. Ibid., art. VII, secs. 1, 2; Acts 1878-79, pp. 320-323; Code 1887, secs. 602-605.
92. Acts 1874-75, pp. 216-218.
93. Ibid., pp. 177-178; Code 1887, secs. 945-954.
94. Acts 1902-3-4, p. 626.
95. Acts 1883-84, pp. 459-465; Code 1887, secs. 963-1004; see Board of Supervisors, pp. 72-73.

teresting 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[96] 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.[97] 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,[98] became mandatory in 1934 in all counties.[99] The jurisdiction of the special justice appointed under an act of 1922 to hear juvenile and domestic relations cases[1] was transferred to the new court at that time.[2] In 1938 the Virginia Public Assistance Act[3] 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.[4] The Board of Supervisors of Isle of Wight County, which had previously exercised direct supervision over welfare expenditures, appointed a superintendent in 1936. The local welfare agencies,[5] like the county agricultural agent (appointed intermittently since 1913, to conduct agricultural extension work and education),[6] 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 those may be mentioned the authority to establish and maintain sewerage systems,[7] to enact local legislation in accord with the constitution and general laws,[8] and to set up zoning ordinances for the regulation of industry and construction within the county.[9]

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

Functional Development of County Government

General Administration

When Isle of Wight County was created, the monthly, later county court,

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96. The State Highway Commission, from 1922 to 1932, had gradually taken over the maintenance of the primary road system.
97. Acts 1932, pp. 872-880.
98. Acts 1921, pp. 685-686.
99. Acts 1934, pp. 466-474.
1. Acts 1922, pp. 835-839.
2. Acts 1934, p. 473.
3. Acts 1932, pp. 638-669; see Local Board of Public Welfare, pp. 216-217.
4. See footnote 6.
5. Acts 1938, pp. 642-670; see Local Board of Public Welfare, pp. 216-217.
6. See County Agricultural Agent, pp. 238-239; Acts 1914, pp. 710-712.
7. Acts 1914, p. 714; Acts 1924, p. 640.
8. Acts 1918, pp. 461-462; Acts 1926, p. 665.
9. Acts 1938, pp. 777-778.
10. Constitution of Virginia, 1902 (as amended 1928) in Acts 1928 [hereinafter cited as Const. 1902 (as amended 1928)], art. VI, sec. 110.

was its principal administrative agency and within the century its duties and powers became 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 in turns and the court appointed the constables. Thus, it also held the reins of law enforcement.[11] Furthermore, it appointed commissioners to list the tithables (persons subject to the capitation tax),[12] apportioned the county levy, supervised its collection, and disbursed it.[13] 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.[14] Appointees of the court supervised the construction and maintenance of roads and bridges;[15] the court licensed ferries[16] and, in many instances, exercised a regulatory function over such matters as agriculture, standards of measurement, quality, and price.[17]

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.[18] 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.[19]

Registration of Title to Property

Throughout the history of Isle of Wight County the county clerk has been the principal recording agent[20] and, as he was ex officio the clerk of the county court[21] and generally also of the superior or circuit court,[22] 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.[23] The county surveyor (or any other employed by the parties) records exact boundaries and returns plats of his surveys for record.[24] The law in Virginia has long provided that conveyances

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11. See County Court, pp. 134-140.
12. See Commissioner of the Revenue, pp. 168-169.
13. See County Court, pp. 134-137.
14. Hening, Statutes, I, 316, 450; see Parish Vestry, pp. 223-225, and Local Board of Public Welfare, pp. 216-217.
15. See County Court, pp. 137-138.
16. Hening, Statutes, III, 469; ibid., IV, 45, 92-94, 113, 170.
17. See County Court, 137-139.
18. See Board of Supervisors, pp. 70-74.
19. See above, pp. 20, 25-26.
20. See County Clerk, pp. 81-82.
21. See County Court, p. 136.
22. See Circuit Court, p. 106.
23. See above p. 21, and Circuit Court, p. 112.
24. See County Clerk, pp. 83-84, and County Surveyor, pp. 230-233.

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.[25]

Although the record of court proceedings was required by the early charters,[26] 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,[27] with an almost forgotten exception.[28] 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.[29] This gave some measure of public notice, as did the more ancient Saxon custom of transacting all conveyances at the county court.[30] With the introduction, after 1535, of conveyance by deed, secret and often fraudulent transactions became possible.[31] 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,[32] and is not regarded by subsequent authorities as a general recording act; in fact, it is rarely mentioned.[33]

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.[34] This rule was later modified in certain sections of England. An act for one district was passed in 1663[35] and registration was required in two or three English counties in 1705, 1708, and 1735.[36] 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.[37] 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.[38]

As early as 1626, an order of the General Court of Virginia required all

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25. See County Clerk, pp. 82-90.
26. Hening, Statutes, I, 71 (1606).
27. Bruce, Institutional History, I, 548-549; see footnotes 28, 30, 37, 40, 42, 43.
28. David S. Garland and Lucius F. McGehee, eds., American and English Encyclopaedia of Law, Northport, N. Y., 1896-1905, XXIV, 75-76.
29. Blackstone, Commentaries, II, 312, 313.
30. Ibid., II, 338, 339, 342.
31. See footnote 30.
32. Blackstone, Commentaries, II, 338, 339; see footnote 28.
33. See footnotes 30, 35, 37, 38.
34. See footnote 32.
35. Earl of Halsbury, Halsbury's Laws of England, London, 1937, XXIX, 427, note n.
36. See footnotes 30, 37.
37. Halsbury's Laws of England, XXIII, 533; ibid., XXVII, 790-792; see footnote 21.
38. Halsbury's Laws of England, XXIX, 417-418, 468.

deeds to be recorded within a year and a day at Jamestown,[39] and the first Virginia general recording act, passed in 1640,[40] antedated by about 23 years the earliest English law (the Statute of Enrollments having fallen into disuse).[41] Although this and the law of 1643[42] 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."[43] These early Virginia laws formed the basis for an unbroken series of recording acts relating to land[44] and personal property.[45]

Judiciary

Civil jurisdiction within the county from the beginning of the county until 1809 resided exclusively in the county court and its individual justices, the latter having petty jurisdiction only.[46] 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.[47] The authority of the county court was not limited as to civil causes for some years before the Revolution.[48] In 1785 a distinction between quarterly and monthly terms was set up, and the quarterly sessions were not restricted as to maximum value.[49] The same situation continued after 1831,[50] when the superior court of law was replaced by the circuit superior court of law and chancery,[51] 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.[52] During the same period the jurisdiction of the justices increased from $5 to $20 and in certain cases to $50.[53] In 1904 the county court passed out of existence, and all of its jurisdiction was transferred to the circuit court,[54] which is today the principal local judicial authority. The justices in Isle of Wight 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.[55] This officer now has exclusive jurisdiction in civil cases up to $200, and concurrent jurisdiction with the circuit court

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39. Bruce, Institutional History, I, 548-549.
40. Hening, Statutes, I, 227.
41. See footnotes 28, 35.
42. Hening, Statutes, I, 248-249.
43. Ibid., I, 417-418.
44. Code 1803, p. 158; Code 1819, I, 367; Code 1849, p. 514; Code 1887, secs. 2465, 2505; Code 1936, secs. 3393, 5194.
45. Code 1819, I, 372; Code 1936, secs. 5188, 5194.
46. See County Court, pp. 139-140, and Justice of the Peace, pp. 152-156.
47. Shepherd, Statutes, III, 355-360.
48. Hening, Statutes, V, 489-491; see County Court, pp. 139-140.
49. 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.
50. Code 1849, pp. 615-616.
51. See Circuit Court, pp. 104-105.
52. Const. 1869, art. VI, sec. 13; Acts 1869-70, p. 35.
53. Code 1873, p. 1003.
54. Acts 1902-3-4, p. 626.
55. Acts 1930, pp. 447-450, 783; Acts 1934, pp. 466-471; Code 1936, sec. 4987(f).

in civil cases from $200 to $1,000.[56]

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.[57] Misdemeanors and petty offenses were tried by the justices of the peace, and more serious crimes by the county court,[58] while the latter might constitute itself of a court of oyer and terminer with power of life and death, only for the trial of slaves accused of felonies.[59] The superior court was the first to exercise the general power of life and death in the county,[60] and the present circuit court succeeded to it.[61] The county court never gained this power with regard to free persons, although the courts of oyer and terminer continued to function until after the War Between the States.[62] The jurisdiction over misdemeanors formerly residing in the justices of the peace has, since 1934, belonged to the trial justice.[63]

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.[64] There was until 1831 no superior court with equity jurisdiction within Isle of Wight County, but from that time to 1873 the circuit court had concurrent powers with the local court.[65] In 1873, the county court lost the majority of its chancery authority to the circuit court,[66] and what remained of it went the same way in 1904.[67] The trial justice today performs the same function as the justices of the peace formerly did, but with increased jurisdiction as to amount.[68]

Probate authority, which was first bestowed upon the county court in 1645,[69] continued to be exercised by that agency until its termination in 1904,[70] and until 1809 there was no other local court of probate in Isle of Wight County. Thereafter the circuit superior court of law (later the modern circuit court) shared in this jurisdiction,[71] and the Constitution of 1902,

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56. Acts 1936, p. 620; Code 1936, sec. 4987(f).
57. Except those particular counties in which district courts of law were held.
58. Hening, Statutes, V, 491, 495; A Collection of . . . Acts of the General Assembly of Virginia . . ., Richmond, 1803 [hereinafter cited as Code 1803], p. 84.
59. Hening, Statutes, VIII, 138; Code 1803, p. 190.
60. Shepherd, Statutes, III, 355-360.
61. Acts 1830-31, pp. 42-76.
62. Code 1849, p. 787; Code 1860, p. 847; (repealed) Acts 1866-67, p. 915.
63. See footnote 55.
64. See footnote 49.
65. Acts 1830-31, pp. 47-48.
66. Acts 1872-73, pp. 382-384.
67. Acts 1902-3-4, p. 626.
68. See footnote 24 (established in 1934 in all counties where such courts had not already been set up).
69. Hening, Statutes, I, 302-303.
70. Code 1887, sec. 2533; Acts 1902-3-4, p. 626.
71. Shepherd, Statutes, III, 361; Acts 1830-31, p. 48.

from which was omitted any reference to the county court, conferred similar powers upon the clerk of the circuit court.[72] 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.[73]

Authority over juvenile and domestic relations cases had long been exercised in a general way by both county[74] and circuit courts,[75] 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.[76] This authority was joined to the position of trial justice when that agency was established in Isle of Wight County in 1934.[77]

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.[78] In 1705 the Governor was empowered to naturalize aliens who took before him the various oaths prescribed by Parliament.[79] 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.[80] 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."[81] 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,[82] except that of holding office, which was subject to certain further restrictions.[83] The Constitution gave Congress the power to establish uniform naturalization laws, which were enacted in 1790.[84] Since that date,

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72. Constitution of Virginia, 1902 [hereinafter cited as Const. 1902], art. VI, sec. 101, in Acts 1902-3-4.
73. Acts 1902-3-4, p. 386; Code 1936, secs. 5249, 5962(a).
74. Hening, Statutes, I, 157, 182, 269; Code 1803, pp. 181-182.
75. Code 1887, sec. 2261; Code 1936, secs. 1905-1930, 1954-1961.
76. Acts 1922, pp. 835-839; see Trial Justice, pp. 148-150.
77. See footnote 55.
78. 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.
79. Hening, Statutes, III, 434-435.
80. Ibid., V, 58, 79-80.
81. Ibid., IX, 112.
82. Ibid., X, 129-130.
83. Ibid., XI, 322-323; ibid., XII, 261-265.
84. Constitution of the United States, art. I, sec. 8; The Statutes at Large of the United States (1789-1873), Boston, 1845-73, I, 103.

naturalization jurisdiction has been exercised by state courts, without specific state legislation upon the subject.[85] Under the Federal Statute of 1790, "any common law court of record,"[86] or by the later act (1795) a "supreme, superior, district or circuit court of some one of the states"[87] 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.[88] 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."[89]

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,[90] 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.[91] The following year, appeals from this court were directed to the "American Congress," an apparent recognition of the superior right of the central government to adjudicate admiralty affairs,[92] but in 1778 the new Court of Appeals of Virginia became the appellate authority.[93] 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.[94] 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.[95]

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

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85. 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).
86. Statutes at Large of the United States, I, 103.
87. Ibid., I, 414.
88. Commonwealth vs. Towles, 5 Leigh (32 Va.) 743 (1835).
89. The Statutes at Large of the United States, vols. XVIII--, Washington, 1873--, XXXIV (1905-7), pt. 1, 596.
90. Hening, Statutes, I, 537; ibid., II, 512; ibid., VI, 28.
91. Ibid., IX, 103-104.
92. Ibid., IX, 205.
93. Ibid., IX, 522-525; ibid., X, 89-92.
94. Ibid., X, 98, 101.
95. Ibid., XII, 736, 769-770.

subject of Bankruptcies throughout the United States."[96] 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.[97] 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.[98]

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 of an insolvent debtor imprisoned for debt. In force at least as early as 1748, they provided that such a debtor could take an oath of 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 or subsequent, could levy on any real or personal property thereafter vesting in the debtor.[99] These laws were repealed when imprisonment for debt was abolished at the revision of 1849.[1]

Today, bankruptcy jurisdiction is vested in the Federal District Courts[2] 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.[3] Virginia is in the Fourth Circuit with Maryland, West Virginia, North Carolina, and South Carolina.[4] The Chief Justice of the United States serves (nominally) as presiding justice.[5]

The first provision for appeals from the decisions of the justices of the peace appears in an act of 1658 (during the Commonwealth Period), which 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

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96. Constitution of the United States, art. I, sec. 8.
97. William J. Hughes, Federal Practice, Jurisdiction, and Procedure, Civil and Criminal, St. Paul, Minn., 1931, III, 6, and note.
98. 8 Michie's Digest, 495, 498, et passim.
99. Hening, Statutes, V, 537-539; Code 1803, pp. 303-305, 324, 391; Code 1819, I, 536-541; ibid., II, 585.
1. Code 1849, pp. 643, 716, notes.
2. Hughes, Federal Practice, III, 4-6.
3. Report of the Secretary of the Commonwealth (1937-38), p. 38.
4. 103 F. 2, vi.
5. Ibid., vii; see footnote 71.

decrees.[6] This act, however, was nullified in the general repeal of 1662, and not thereafter reenacted.[7] 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,[8] with some few exceptions.[9] 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.[10] 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 regulations as to appeals from civil and criminal judgments, but there were further special rules applicable to slaves or free Negroes convicted of misdemeanors,[11] to property of which the title was in dispute, affected by judgment or distress warrant,[12] to judgments in actions of unlawful entry or detainer,[13] and to the judgment of a justice interested in the case.[14] To avoid needless elaboration, it may simply be noted that from 1807 to 1904 the general course of appeal both criminal[15] and civil[16] 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),[17] 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.[18] After 1904, of course, the circuit court succeeded to the appellate authority of the older agency,[19] and continues today to hear causes appealed from the decisions of the trial justice.[20]

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

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6. Hening, Statutes, I, 435.
7. Ibid., II, 147, et passim.
8. Ibid., III, 508; ibid., V, 491; Shepherd, Statutes, II, 275; Code 1803, p. 405.
9. 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).
10. Shepherd, Statutes, III, 286; Code 1819, I, 252.
11. Acts 1827-28, p. 30; Acts 1847-48, p. 163; Code 1849, p. 788.
12. Acts 1839, pp. 43-44; Code 1849, pp. 598-599; Code 1873, p. 1007; Code 1919, sec. 6035.
13. Acts 1870-71, p. 174; Code 1873, pp. 956-957; Acts 1902-3-4, p. 675; Code 1919, sec. 5449.
14. Acts 1912, p. 574; Code 1919, sec. 6019.
15. 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.
16. 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.
17. Code 1849, pp. 596-597; Acts 1872-73, pp. 82-83; Code 1887, sec. 2956.
18. Acts 1870-71, p. 351; Acts 1872-73, pp. 82-83.
19. Acts 1902-3-4, pp. 616, 671-672, 675, 748.
20. Acts 1936, p. 619; Code 1936, secs. 4987(f), 4989, 4990.

Council (later to be known as the General Court), and the same system continued in use throughout the Colonial Period.[21] 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,[22] or, after 1788, to the District Superior Courts of Common Law,[23] and, still later, to the circuit superior courts of common law (1809).[24] 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[25] (successors to the High Court of Chancery)[26] to form the present circuit courts, which received appeals from the county court until the end of the latter's authority.[27]

From the circuit court, as from its predecessors the superior courts, appeal might be taken to the Supreme Court of Appeals,[28] or, during the period 1852-69, to the District Courts which served as adjuncts of the Supreme Court, with only slightly less authority.[29] 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.[30]

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.[31] These officers continue to exercise the same authority, but only the sheriff has any great importance in this respect today.[32] 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.[33] This arrangement of course lapsed after 1865.[34]

The coroner has always presided over inquests, and until recently was em-

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21. Hening, Statutes, I, 125, 272, 345, 376, 398, 477; ibid., III, 550; ibid., V, 471-472, 481-482; ibid., VI, 329-330, 338-339.
22. Hening, Statutes, IX, 391, 412.
23. Ibid., XII, 753-754; ibid., XIII, 446-447.
24. Shepherd, Statutes, III, 355-360; Code 1819, I, 239, 259.
25. Acts 1830-31, pp. 50, 53.
26. Code 1849, p. 617 (revisors' note).
27. Ibid., p. 685; Code 1860, p. 747; Acts 1869-70, p. 223; Code 1873, pp. 1138-1139; Code 1887, secs. 3468, 3469.
28. 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.
29. Const. 1851, art. VI, secs. 8-12; Acts 1852, pp. 53-54; Code 1860, pp. 746-749; omitted from Const. 1869.
30. Const. 1902 (as amended 1928), art. VI, sec. 88; Acts 1928, p. 1409.
31. Hening, Virginia Justice, pp. 202, 417-418; Code of Virginia . . ., Richmond, 1918 [hereinafter cited as Code 1919], sec. 4789.
32. Ibid., secs. 1539, 2144, 4864.
33. Code 1803, pp. 287-288, 406; Code 1860, pp. 491-492, 794-795.
34. Acts 1865-66, pp. 84-85 (repealing c. 98 of Code 1860).

powered to call upon the sheriff or constables to bring together a coroner's jury.[35] He returns reports of his findings to the court (formerly the county court, now to the circuit court).[36]

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.[37] The attorney for the commonwealth may also direct the presentment of a lawbreaker before court or grand jury.[38] Prosecutions for felony must be by indictment.[39] 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.[40]

Although the coroner is still charged with the duty of directing the pursuit of persons implicated in homicide,[41] 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.[42]

The sheriff or his deputy acts as jailer and has custody of prisoners.[43] He served in this capacity long before the establishment of the county.[44]

Prosecution of criminals in the Colonial Period was carried on generally by attorneys for the Crown.[45] 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.[46] Soon after the Revolution regular attorneys for the commonwealth were appointed to prosecute lawbreakers and to represent the Commonwealth in the courts.[47] The office and its duties remain much the same today.[48]

The execution of minor sentences imposed by any of the local courts has usually been entrusted to the sheriff.[49] Capital punishment is now unknown in the counties, executions being generally by the electric chair in the State Penitentiary at Richmond.[50]

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35. Hening, Virginia Justice, pp. 209-212; Code 1919, secs. 4806, 4809; Acts 1926, p. 461.
36. Code 1803, p. 125; Code 1919, sec. 4812.
37. Hening, Statutes, I, 304, 463; Code 1919, secs. 4851-4864.
38. Ibid., sec. 4864.
39. Ibid., secs. 4865, 4866.
40. Hening, Statutes, I, 126, 240-241, 309-310; ibid., IV, 244.
41. Code 1919, sec. 4813.
42. Ibid., secs. 2819, 4882, 6055.
43. Ibid., sec. 2868.
44. Hening, Virginia Justice, pp. 393-396; see Sheriff, pp. 157, 161.
45. Bruce, Institutional History, I, 570-572.
46. Hening, Statutes, VI, 52, 122.
47. Shepherd, Statutes, II, 215.
48. Code 1919, secs. 4864, 4969, 6217, et passim.
49. Hening, Virginia Justice, pp. 285-289.
50. Acts 1908, pp. 684-685; Code 1919, sec. 4941.

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,[51] and the parish vestry was similarly guided as to its special levy for church and charitable uses.[52] Today those agencies - the board of supervisors,[53] school board (through the division superintendent),[54] and local board of welfare[55] - 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.[56] 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.[57] 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.[58] 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.[59] 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.[60] 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.[61] The land-tax books have their origin in the reassessment land books made out by the assessors in the years of periodical reassessment,[62] but they are recopied annually by the commissioner,[63] who incorporates in them all transfers of title, par-

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51. Code 1849, p. 277.
52. Bruce, Institutional History, I, 92, et passim; see also published vestry books of Virginia parishes before 1785.
53. Code 1919, sec. 2768.
54. Ibid., sec. 646; Acts 1928, p. 1204.
55. Acts 1938, p. 644.
56. Code 1919, sec. 2721; Acts 1938, p. 644.
57. Acts 1914, p. 87; Code 1919, sec. 2726.
58. "Tax Code" 1936, sec. 7, in Appendix, Code 1936.
59. Ibid., secs. 8, 50, 72, 90.
60. Code 1919, secs. 646, 2720, 2721; Acts 1928, p. 1204; Acts 1938, p. 644.
61. Code 1919, secs. 2279, 2300, 2337, 2720, 2770.
62. Ibid., secs. 2244, 2247, 2251, 2271.
63. Ibid., secs. 2299, 2305, 2306.

titions, devises, corrections (certified by other agencies), increases or reductions in value, and other changes occurring between reassessments.[64] 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,[65] and in 1915 a special agency, the local board of review, was created with concurrent powers.[66] The local board of review was abolished in 1922, and replaced in 1924 by the local board of equalization, having similar jurisdiction concurrent with that of the circuit court.[67] It is to function, however, only when its services are called for by the supervisors.[68] 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.[69] The original remains with the commissioner, and copies go to the State, to the county clerk, and to the county treasurer.[70] The treasurer, as soon as he receives the tax books, commences to collect the State and local revenues.[71] 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.[72] 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.[73] The treasurer also returns several lists of various classes of taxes which he has been unable to collect.[74] 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.[75] 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.[76] 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.[77] In case a sufficient sum is not bid, the land is "sold to

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64. Ibid., secs. 2274-2278, 2281-2288, 2292, 2294-2297.
65. Acts 1840-41, p. 13; Code 1849, p. 194; Acts 1902-3-4, pp. 613-614; Code 1919, secs. 2385-2391.
66. Acts 1915, pp. 94-98; Acts 1916, pp. 415-422.
67. Acts 1922, p. 514; Acts 1924, pp. 574-577.
68. Ibid., p. 574; Acts 1930, p. 870; Acts 1936-37, pp. 73-74.
69. Code 1919, secs. 2299, 2300, 2342.
70. Ibid., sec. 2342; Acts 1926, p. 996; Acts 1928, pp. 172, 194; "Tax Code" 1936, secs. 255, 328.
71. Ibid., sec. 2410.
72. Ibid., sec. 2408.
73. Ibid., secs. 2410, 2412; Acts 1932, p. 832.
74. Ibid., sec. 2414.
75. 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. 188-194.
76. Code 1919, sec. 2419; "Tax Code" 1936, secs. 393, 394.
77. Code 1919, secs. 2461, 2462.

the Commonwealth" (bid in by the treasurer).[78] 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.[79] The sums arising from the redemption of lands are paid into the public treasury in the same manner as other revenues collected by the clerk.[80]

License taxes on businesses and individuals are assessed by the commissioner of the revenue (at rates fixed by law) upon the value or volume of business, or at a flat annual rate, according to the nature of the privilege involved.[81] 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.[82] Sums arising from license taxes are accounted for under separate heads monthly, but otherwise in the same manner as other forms of revenue.[83]

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.[84] This fund is administered by the board of supervisors, and any unexpended balance (formerly devoted to road or school expenses at will)[85] now reverts to the general fund.[86] The State Literary Fund, derived from escheats, forfeitures, confiscations, fines, and penalties was created in 1810[87] 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.[88] 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.[89] 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.[90] 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.[91]

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,

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78. Ibid., secs. 2489, 2490.
79. Ibid., secs. 2475-2477, 2491.
80. Ibid., secs. 2491, 2492.
81. Ibid., sec. 2366.
82. Ibid., sec. 2360; "Tax Code" 1936, sec. 129.
83. Code 1919, secs. 2372, 2381.
84. Ibid., secs. 2316, 2318-2322.
85. Ibid., sec. 2318.
86. Code 1936, sec. 3305(81).
87. Acts 1809-10, p. 15; Acts 1810-11, pp. 9-10.
88. Code 1919, secs. 738, 739.
89. Ibid., sec. 707.
90. Ibid., secs. 648, 671.
91. Acts 1938, pp. 641, 649, 655, 664-667.

out of the respective funds.[92] Claims for allowances by the circuit court are handled by the clerk of the court, but the board must levy the amounts needed.[93] 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.[94] Warrants are paid by the treasurer, in the order of their presentation, to the amount of the fund upon which they are drawn.[95] Canceled paid school 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.[96]

The accounts of county officers may be examined at any time by agents of the Auditor of Public Accounts, formerly the State Accountant.[97] 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.[98] 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.[99]

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.[1] 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.[2] Such bonds might formerly be issued for road construction,[3] 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.[4] The board of supervisors may retire outstanding bonds and issue new bonds therefor.[5]

Elections

Since the constitutional amendments of 1928, any citizen of the United States, 21 years of age or over, who has been a resident of the State 1 year, of the county, city, or town 6 months, and of the precinct 30 days, is qualified to vote in Virginia if he has been registered and has paid his poll tax

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92. Code 1919, secs. 2724, 2729, 2759.
93. Ibid., sec. 2758.
94. Ibid., secs. 2724, 2782.
95. Ibid., secs. 2781, 2782.
96. Ibid., sec. 728; Acts 1928, p. 1221; Acts 1932, pp. 831-835; Acts 1936, p. 513 (the return being no longer required by law).
97. Acts 1914, p. 202; Code 1919, sec. 565; Acts 1936, pp. 83-84.
98. Code 1919, sec. 2719.
99. See County Finance Board, pp. 200-201.
1. Code 1919, secs. 2735-2740.
2. Ibid., sec. 2741.
3. Ibid., secs. 2110-2119.
4. Ibid., secs. 614, 765-773.
5. Ibid., sec. 2735.

as required by law.[6] The registrars appointed to each electoral district 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.[7] 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.[8] The registration books, being af a permanent nature, are required to be revised or "purged" periodically. This must be done at least once every 6 years, and the registrar posts a list of names which, from his own information or the motion of three qualified voters of his district, appear to be proper for removal from the books, and may after a hearing strike them out.[9]

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 bylaw.[10] 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.[11] The electoral board proceeds immediately to have the proper ballots printed by a sworn printer and sealed in bundles until election day.[12]

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 times 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.[13] The same officers who function in the general elections are required to attend to the special, under the same regulations and penalties.[14] 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.[15]

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.[16] The constitution also provides that voting machines may be used,

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6. Const. 1902 (as amended 1928), art. II, sec. 18.
7. Ibid., art. II, sec. 25; Code 1919, secs. 86, 98.
8. Const. 1902 (as amended 1928), art. II, sec. 23; Code 1919, secs. 82, 93, 99.
9. Ibid., secs. 107, 108.
10. Const. 1902 (as amended 1928), art. II, sec. 32.
11. Code 1919, sec. 154.
12. Ibid., secs. 155, 156.
13. Ibid., secs. 140, 141.
14. Ibid., sec. 197.
15. 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.
16. Ibid., sec. 160.

subject to regulation by law,[17] but the counties have rarely availed themselves of this privilege.

It is to be noted that the sheriff was the only regular election official in the counties until 1831. At that time, in line with the increase in the electorate by the reduction of the freehold requirement at the late constitutional revision, five freeholders were to be appointed by the county court to superintend the polls in each election district, and three commissioners chosen to meet with the county clerk, sheriff, and commissioner of the revenue for the examination of the poll books.[18] In 1852 the duties of these election officials were greatly augmented by the removal of freehold requirements and the extension of the electoral principle to virtually all State and local offices,[19] and after 1869 the agencies for the conduct of elections had assumed somewhat their present form.[20] 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.[21] 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.[22] 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.[23] 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.[24] This is in decided contrast to the elections of antebellum 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.[25] 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.[26]

At the opening of the polls the judges of election open the ballot box,

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17. Const. 1902 (as amended 1928), art. II, sec. 37.
18. 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.
19. Const. 1851, art. III, sec. 1; ibid., art. V, secs. 2, 8, 11, 14; ibid., art. VI, secs. 6, 10, 27, 30; Acts 1852, pp. 64-68; Acts 1857-58, p. 18.
20. Acts 1869-70, pp. 55-57, 82-89; Acts 1870-71, pp. 371-372; Acts 1871-72, p. 244.
21. Const. 1902 (as amended 1928), art. II, sec. 31; Code 1919, secs. 86-88, 148, 149, 158.
22. Ibid., sec. 182.
23. Ibid., sec. 193.
24. Ibid., sec. 167.
25. Hening, Statutes, I, 300, 333-334, 411, 475; Const. 1851, art. III, sec. 4; Const. 1869, art. III, sec. 2.
26. Acts 1916, pp. 633-634; Code 1919, secs. 202-220.

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.[27] 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.[28] At the closing of the polls, the canvass commences in the presence of at least four persons representing the political parties concerned.[29] Fraudulent or imperfect ballots are cast out, and the remainder counted by the judges, credited to the respective candidates in the poll books by the clerk, and strung or bundled and sealed.[30] 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.[31]

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.[32] 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.[33] 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.[34] Those very persons upon whom its existence most depended, the justices, selected generally from 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.[35]

A partial remedy was sought in the creation (1810) of the Literary Fund[36] (see below), and the election (in this instance, obligatory, and widely carried out) in 1818 of a board of school commissioners for each county,

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27. Ibid., secs. 172, 173.
28. Ibid., secs. 173-175.
29. Ibid., secs. 177, 178.
30. Ibid., secs. 178-180.
31. Ibid., secs. 180-186.
32. A. J. Morrison, The Beginnings of Public Education in Virginia, 1776-1860, Richmond, 1917, pp. 7-9, 20-21, 35-37.
33. Ibid., pp. 17-19.
34. Ibid., pp. 22-25; Shepherd, Statutes, II, 3-5.
35. Morrison, Beginnings of Public Education, pp. 8-9, 24.
36. Ibid., pp. 9, 25; Acts 1809-10, p. 15; Acts 1810-11, pp. 8-9.

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.[37] This plan was subject to much discussion and criticism, but its cheapness recommended it to many who would have supported no other.[38] 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 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).[39]

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.[40] While this placed the means of education within the reach of the middle class (the freehold requirement as to suffrage was still in force),[41] popular indifference did not admit of wide-spread changes,[42] and it was not until 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 instruction 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.[43]

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.[44] 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

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37. Acts 1817-18, pp. 11-12; Code 1819, I, 87-90; see County School Board, pp. 205-207.
38. Morrison, Beginnings of Public Education, pp. 40-53.
39. Ibid., pp. 12-57; Acts 1828-29, pp. 13-14.
40. Morrison, Beginnings of Public Education, pp. 12-15, 58-72; Acts 1845-46, pp. 29-44; Code 1849, pp. 371-381.
41. Const. 1830, art. III, sec. 14.
42. Morrison, Beginnings of Public Education, pp. 15, 59, 61, 73-75.
43. Const. 1869, art. VIII, secs. 1-12; Acts 1869-70, pp. 402-417.
44. 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.

county school board approved.[45] 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,[46] 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.[47] The development of this idea was rather rapid, once inaugurated. In 1908 normal school departments were provided for, a maximum of one in each county,[48] 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 then coming into prominence, and were of considerable assistance in this work.[49]

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.[50] 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,[51] while since 1882 children actually living in another state (which reciprocates in this matter) may attend a school in this State.[52] 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.[53]

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.[54]

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45. Acts 1874-75, p. 269; Code 1887, secs. 1498, 1499; Acts 1902-3-4, p. 818.
46. Ibid., p. 818.
47. Acts 1906, p. 350; Acts 1916, p. 396; Code 1919, secs. 703-704.
48. Acts 1908, p. 69; Code 1919, secs. 709-712.
49. Acts 1910, p. 328; Acts 1912, p. 56; Code 1919, secs. 713-718; see County Agricultural Agent, pp. 234-236.
50. Acts 1869-70, p. 414; (repealed) Acts 1871-72, p. 461; see below, as to consolidation and transportation.
51. Acts 1869-70, p. 413; Acts 1871-72, p. 461; Code 1873, p. 694; Code 1887, sec. 1492; Code 1919, secs. 719, 720.
52. Acts 1881-82, p. 37; Code 1887, sec. 1493; Code 1919, sec. 720; Acts 1928, p. 1218; Code 1936, sec. 693.
53. 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.
54. Acts 1902-3-4, pp. 383, 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.

Governmental Organization and Records System (First entry, p. 76)

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 unlawful.[55] Any white person meeting with Negroes to that end might be fined $100 or imprisoned for 6 months.[56] 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;[57] 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.[58] 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 feeling among the whites against large expenditures for Negro education.[59]

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55. 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.
56. 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.
57. 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.
58. See footnote 59.
59. The population of the state of Virginia by the 1930 census was 2,421,851, of which 650,165, or 26.8 percent, were Negroes. Of the assessed value of real property in the State in 1938-39 (exclusive of independent cities), the smaller group held $33,577,406 (6.5 percent); including the cities, the average is still lower (4.9 percent), so that, in proportion to their number, the Negroes hold little property and pay consequently less in taxes. Negroes, however, form 29.2 percent of the total school-age group (7 to 19 years) according to the State school census of 1935 (this percentage must be higher in Isle of Wight County, where the Negroes are 51.6 percent of the total population but own only 11.3 percent of the real property assessed). In actual attendance (counting all forms of public schools) the Negroes formed 26.5 percent of the total (of attendance in regular day schools of elementary grades, 29.3 percent, and of secondary grades, 15.7 percent); this represented only 70.3 percent of the entire number of school age of that race who might have attended. Among the high school graduates of the 1938-39 school year, only 13.5 percent were Negroes; it may thus be seen that relatively fewer Negroes than whites complete the public school course, although a comparatively high percentage enroll in the primary grades. In per capita cost of instruction (these rates are for the counties alone), the average for elementary grades ran: White, $26.38, Negro, $17.81, while for the secondary schools the figures are $47.35 and $29.08 respectively. So far as the number of school buildings is concerned, 36.1 percent of the State's total number were occupied by Negroes, but this is no index to actual facilities. There were employed 13,031 white teachers and 4,057 colored; the average pay (in the counties only) of the former was $751 per year; of the latter, $455: Report of the Department of Taxation . . . (1938-39), Richmond, 1939 pp. 29-30, 34-35; Report of the Superintendent of Public Instruction (1938-39), State Board of Education Bulletin XXXI, no. 3 (Sept. 1939), Richmond, 1939, pp. 178, 204-216, 236, 246-249; Fifteenth Census, 1930, Population, III, pt. 2, p. 1141 (table 2).

Governmental Organization and Records System (First entry, p. 76)

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,[60] 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.[61] 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 considerable attention.[62] 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.[63]

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.[64]

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 forfeiture, escheats (properly accruing to the Commonwealth because no rightful owner could be

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60. Hening, Statutes, II, 266-267.
61. 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; G. F. Wells, Parish Education in Colonial Virginia, New York, 1923, pp. 70-89 (the use of apprenticeship in Colonial Virginia seems to have been more for the purpose of support, keeping indigent children off the parish, than actually for the learning of a trade, there being few tradesmen to receive apprentices, and little occupation for them when trained).
62. Statutes at Large of the United States, XXXIX (1915-17), pt. 1, p. 929; ibid., XL (1917-19), pt. 1, p. 345; Acts 1918, pp. 131-133; Code 1936, secs. 1003(b)-1003(l).
63. Acts 1914, p. 144; Code 1919, sec. 663; Acts 1928, p. 1207; Code 1936, sec. 666.
64. 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.

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.[65] 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.[66] 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.[67] So far as is known, few or no local levies for school purposes were 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-school system in one form or another before 1860.[68] 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.[69]

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.[70] 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

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65. Acts 1809-10, p. 15; Acts 1811-12, p. 16; Code 1819, I, 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.
66. Acts 1938, pp. 1080-1081.
67. 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.
68. Morrison, Beginnings of Public Education, pp. 12, 14-15.
69. 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.
70. Acts 1906, pp. 446, 448; Acts 1908, pp. 103, 106; Code 1919, secs. 757-773; Acts 1928, p. 1211; Code 1936, sec. 675.

land grants in the past.[71]

The problem of employing suitable teachers in the antebellum 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.[72] 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 school in the State in return for their education - not, however, without the usual compensation.[73] 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 moral character" and showed other qualifications; such an examination of any teacher to whom indigent children were sent was afterward required.[74] 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.[75] After 1870, of course, in the presence of a uniform system of public education, regulation 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,[76] 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.[77] Today teachers are employed by written contract with the county school board, and assigned or transferred by the superintendent.[78]

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.[79] In 1785

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71. 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).
72. Morrison, Beginnings of Public Education, pp. 12-13, 16, 30-31, 39, et passim.
73. Ibid., pp. 12-13, 40, 54-55, 58, 62, 77-83, et passim; Code 1849, p. 176; Acts 1855-56, p. 80.
74. Code 1819, I, 88; Acts 1828-29, p. 14; Acts 1840-41, p. 51.
75. Acts 1845-46, pp. 29-30; Acts 1846-47, pp. 23-25; Code 1849, pp. 372-379.
76. Acts 1869-70, p. 411.
77. 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 1938, p. 1205; Code 1936, sec. 660.
78. Acts 1928, pp. 1205-1206; Code 1936, secs. 660, 664.
79. Hening, Statutes, I, 266-267, 433; ibid., VI, 30-32, 475-478; Bruce, Institutional History, I, 87-88.

overseers of the poor were instituted, replacing the parish vestry.[80] A superintendent of the poor was elected in 1870 to cooperate with the overseers in relief work,[81] but from 1875 to the abolition of the county court, this court appointed him, as did the circuit court until 1939, when, the office becoming vacant, no appointment was made.[82] 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[83] and, with the establishment of this agency, the office of overseer of the poor was abolished in 1938.[84]

Since 1936, Isle of Wight County has had a superintendent of public welfare appointed by the board of supervisors under the former law, but the appointment is now in the hands of the local board of welfare.[85]

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,[86] 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.[87] The right of summary arrest was repealed in 1692,[88] 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.[89]

Inoculation for the smallpox, more or less properly regarded as dangerous,

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80. Hening, Statutes, XII, 27-29, 273-274, 574, 713.
81. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
82. Acts 1874-75, pp. 133, 355; Const. 1902, art. VII, sec. 110; Acts 1902-3-4, p. 506; see Superintendent of the Poor, pp. 222-223.
83. Acts 1938, pp. 643-645.
84. Ibid., p. 214.
85. Ibid., pp. 642-646; see Local Board of Public Welfare, pp. 216-217.
86. The original of this act is lost, but its provisions are recited in a subsequent enactment which refers to it; see below.
87. Hening, Statutes, I, 316, 450; ibid., II, 109-110.
88. Ibid., III, 103-104.
89. Ibid., III, 379; ibid., IV, 509-510.

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.[90] In 1777 a license or the consent of neighbors within a 2-mile radius (except those separated by a quarter-mile of marsh or stream) was sufficient, but prominent notices had to be posted for the warning of passers-by,[91] 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.[92] 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 State Board of Health.[93] After 1832 the county court (or, in 1853, any three justices) was empowered to erect, purchase, or rent hospitals for temporary or permanent use,[97] but in 1887 this authority (as to permanent establishments) was transferred to the board of supervisors.[95] 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.[96]

Free vaccination has been provided for many years - from 1853 to 1882 by the overseers of the poor,[97] 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.[98] The school board also, after 1870, might require the same protection in the schools, and refuse admittance to unvaccinated pupils or, later, teachers (1894).[99] Since the creation of the local

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90. Ibid., VIII, 372.
91. Ibid., IX, 372.
92. Code 1919, II, 290; Acts 1831-32, p. 25; Code 1849, pp. 396-397.
93. 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.
94. 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.
95. Code 1887, sec, 1719; Code 1936, sec, 1555.
96. Code 1887, sec. 1721; Acts 1902-3-4, p. 734; Code 1936, sec. 1557.
97. Acts 1852-53, p. 128; Code 1860, p. 447; Code 1873, p. 732.
98. Acts 1881-82, pp. 169-170; Code 1887, sec. 1733; Acts 1893-94, p. 232; Code 1919, sec. 1530; (repealed) Acts 1928, p. 1226.
99. 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.

board of health, in 1900, it too has had the authority to enforce vaccination as need arises,[1] 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,[2] as may the board of supervisors in certain cases,[3] and cooperates with the latter body in such matters as the erection and management of local sanatoria for tuberculosis victims.[4] Isle of Wight County now has also a complete and well equipped local health unit, established under the auspices of the State.[5]

Public Works

The management of roads, bridges, and related matters was originally in the province of the county court,[6] which supervised their construction and maintenance and appointed surveyors as its agents.[7] The county court remained the controlling factor until about 1884 except for temporary management by township officers in the period between 1870 and 1875.[8] The board of supervisors was given control over roads in Isle of Wight County in or after 1884. The board of supervisors continued to levy the road tax until 1932 when all the county road agencies were abolished.[9] Since 1932 the county road system has been under control of the State.[10]

The function of the county surveyor since the early days of the Colony has been to plot and record the boundaries of lands.[11]

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 1877 known as sampler, has recently ceased to be an officer of the State. The oyster inspector, active since 1856, and the comparatively newly appointed home demonstration agent, perform the duties implied in their titles.[12]

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1. Acts 1899-1900, p. 1250; Code 1936, sec. 1493.
2. Acts 1899-1900, pp. 1250-1252; Code 1936, secs. 1493-1495, 1497, 1498.
3. Ibid., sec. 1544.
4. Acts 1916, p. 698; Code 1936, secs. 1507-1510.
5. See Local Health Unit, p. 227.
6. Hening, Statutes, I, 199.
7. Ibid., I, 436; ibid., II, 103.
8. 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. 73-74.
9. Acts 1932, pp. 872-880; see Board of Supervisors, pp. 73-74.
10. Acts 1932, pp. 872-880.
11. Bruce, Institutional History, I, 387; Code 1919, secs. 2480, 2842.
12. Hening, Statutes, IV, 261; Acts 1876-77, pp. 314-318; Code 1936, secs. 1348, 1350, 1364; see Tobacco Inspector, pp. 238-239; Oyster Inspector pp. 245-247; Home Demonstration Agent, pp. 241-242.

Governmental Organization and Records System (First entry, p. 76)

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. Isle of Wight County has had a county appointed county agent intermittently since 1913.[13] 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.[14]

At the time of Isle of Wight's foundation, local military affairs were handled by the county lieutenant, who was answerable to the Governor as first commander in chief, and who, in turn, controlled the minor officers of the county militia units, which were made up of all the free white men fit for duty.[15] 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.[16] The Constitution of 1869 abolished compulsory military service,[17] and the volunteer militia provided for thereafter was never organized upon a county basis.

Records System

Perhaps the outstanding feature of the records system of Virginia is the successful attempt to reduce all official records to permanent bound volumes, which then have the same force and effect as the originals from which they were copied.[18] Judgments, decress, orders - in fact all essential parts of a court proceeding - are entered in the order books,[19] the original case papers then becoming of little importance. Lists of delinquent lands,[20] returns of tax sales,[21] and other matters pertaining to the collection of taxes by summary proceedings,[22] are copied by the clerk into sets of books, even though the originals may be preserved.

Except for a short period following the revision of the 1919 Code, the index has not been a part of the record,[23] but has merely been imposed upon the clerk as a duty.[24] However, the clerk is required to prepare general

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13. Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, pp. 372-374; see County Agricultural Agent, pp. 234-235.
14. See Game Warden, pp. 243-244.
15. Hening, Statutes, I, 277; ibid., VI, 531; Bruce, Institutional History, II, 18.
16. Statutes at Large of the United States, I, 271-274; Hening, Statutes, XIII, 340-356; Shepherd, Statutes, I, 203-207.
17. Const. 1869, srt. IX, secs. 1, 2.
18. Code 1919, sec. 6197.
19. Code 1936, sec. 5962(a).
20. "Tax Code" 1936, sec. 390.
21. Code 1936, secs. 2469, 2489.
22. Ibid., secs. 2469, 2489, 2491, 2495, 2497.
23. Code 1919, sec. 5194; (repealed) Acts 1922, p. 474.
24. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 3394.

indexes "to all deed books, miscellaneous liens, will books, judgment dockets and court order books" in his office.[25] The general indexing of the order books is within the discretion of the court.[26]

This index is required to be a "modern, family name, or ledgerized alphabetical key-table general index."[27] 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.[28]

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. Photostats, if used, must be on the best quality paper.[29]

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,[30] except on court order for rebinding.[31] If any records have become illegible, they may be corrected from any writings which were in the books.[32] 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.[33]

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.[34]

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.[35] The land books, and possibly other books of which more than one copy is required, are generally made up on loose sheets and then

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25. See footnote 24.
26. Acts 1936, p. 83.
27. Code 1936, sec. 3394.
28. Acts 1916, p. 394; Code 1936, secs. 3395-3398.
29. Acts 1934, pp. 174-175; Code 1936, sec. 3399.
30. Ibid., secs. 3387, 4516-4518.
31. Ibid., secs. 5979-5982.
32. Ibid., sec. 6201.
33. Ibid., sec. 3401.
34. Acts 1923, pp. 97-98; Code 1936, secs. 6245, 6461-6464.
35. Acts 1936, p. 51; Code 1936, sec. 1019.

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);[36] 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 photostat 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.[37] The State Librarian is required to certify, on the last page of the photostat copies, that they are true and correct copies of the contents of the books, "and such photostatic copy, or extracts or copies of any matter therein contained, duly certified by the lawful custodian thereof, are . . . made primary evidence to the same effect as the original records, in any courts, or otherwise, in the Commonwealth of Virginia."[38]

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,[39] will book,[40] delinquent land book,[41] 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."[42] 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.[43] The latest amendment specified 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.[44] The record of conditional sales of personal property was in the deed book until 1920, when a separate book was established.[45] Until 1918 "all plats, schedules and other papers" were recorded with the instrument to which they related.[46] Plats of land, therefore, would be recorded in the deed book.[47] An act of 1918 recited that a "large number of plats have been recorded in

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36. Acts 1936, p. 110; Code 1936, sec. 354.
37. See footnote 36.
38. Acts 1936, pp. 110-111; Code 1936, sec. 355.
39. Hening, Statutes, XII, 156.
40. Ibid., XII, 145-146.
41. Code 1887, sec.645.
42. Code 1819, II, 60; Acts 1883-84, pp. 27-28.
43. Code 1919, sec. 3393.
44. Acts 1932, pp. 333-334; Code 1936, sec. 3393.
45. Acts 1893-94, p. 422; Acts 1920, p. 399; Code 1936, sec. 5189.
46. Code 1819, I, p. 367; Code 1849, p. 514; Code 1887, sec. 2505.
47. See footnote 46; Code 1919, secs. 3392, 3393.

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." As a result, these books were made a part of the official records of the office. The act provides, however, that the clerk must refer on the margin of each instrument to the volume and page of the record to which it relates.[48] The recorded plat of a subdivision has a special effect, in that it secures public title to streets, alleys, and other property to which the public is to have free access.[49]

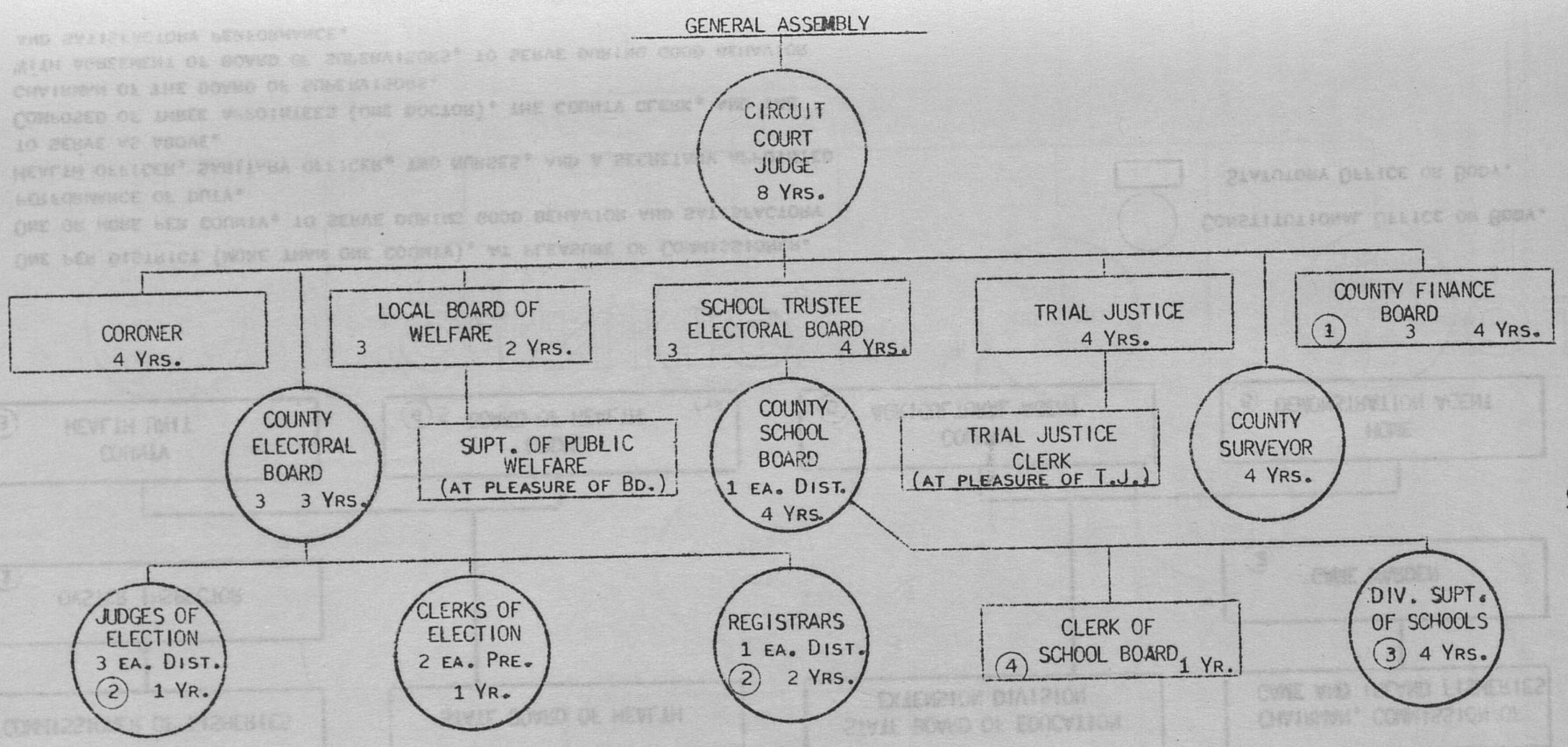
Besides standardizing the location of records, these statutes have the important legal effect of invalidating the record as notice unless recorded in the book specified.[50]

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48. Acts 1918, p. 504; Code 1936, sec. 3393(a).
49. Code 1919, secs. 5217-5220; Acts 1922, p. 233; Code 1936, secs. 5217-5220.
50. Ibid., sec. 3393; People's National Bank vs. Merchants and Farmers Bank, 152 Va. 520; 147 S. E. 220 (1929).

CHART OF GOVERNMENT - - - ISLE OF WIGHT COUNTY, 1940
GENERAL ASSEMBLY

CHART OF GOVERNMENT - - - ISLE OF WIGHT COUNTY, 1940



(1) One member appointed. Treasurer and chairman of board of supervisors are ex officio members.

(2) The districts here mentioned are election districts. Five judges of election appointed commissioners of election.

(3) From a list submitted by the State Board of Education.

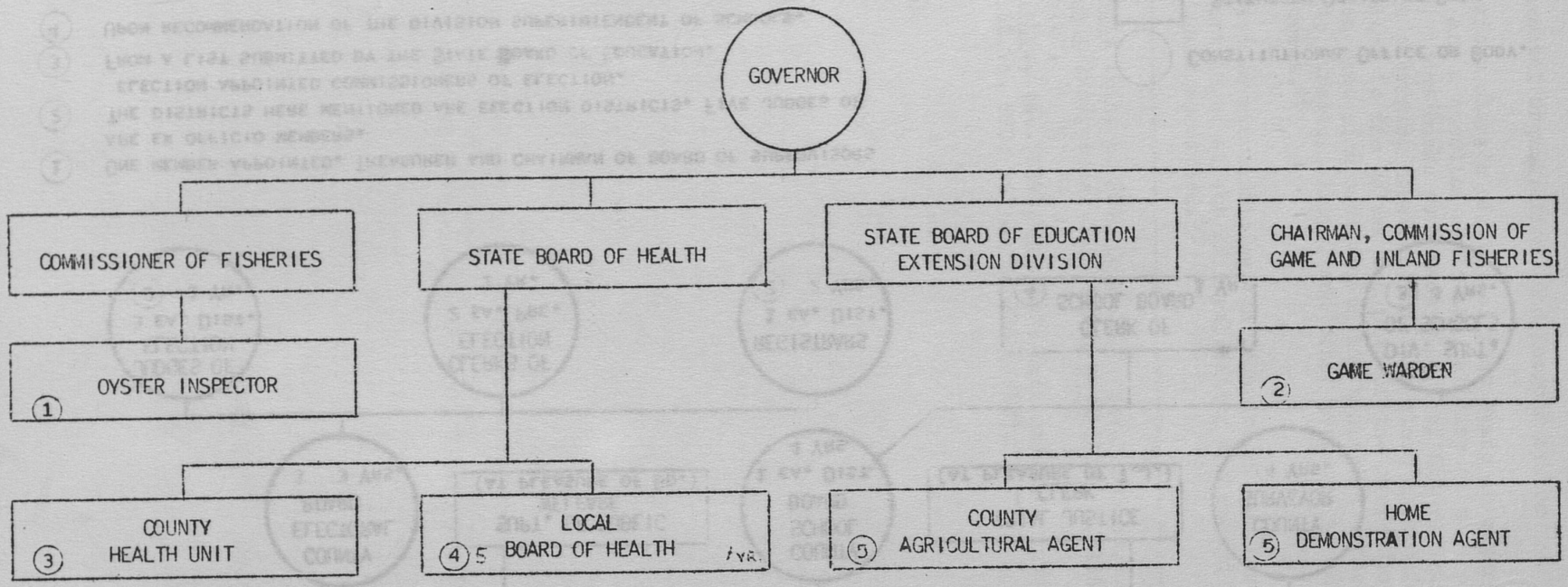
(4) Upon recommendation of the division superintendent of schools.

○ Constitutional Office or Body.

▭ Statutory Office or Body.

There are three districts in Isle of Wight County, and fourteen separate polling places.

CHART OF GOVERNMENT - - - ISLE OF WIGHT COUNTY, 1940



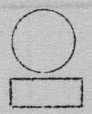
(1) One per district (more than one county), at pleasure of Commissioner.

(2) One or more per county, to serve during good behavior and satisfactory performance of duty.

(3) Health officer, sanitary officer, two nurses, and a secretary appointed to serve as above.

(4) Composed of three appointees (one doctor), the county clerk, and the chairman of the board of supervisors.

(5) With agreement of board of supervisors, to serve during good behavior and satisfactory performance.



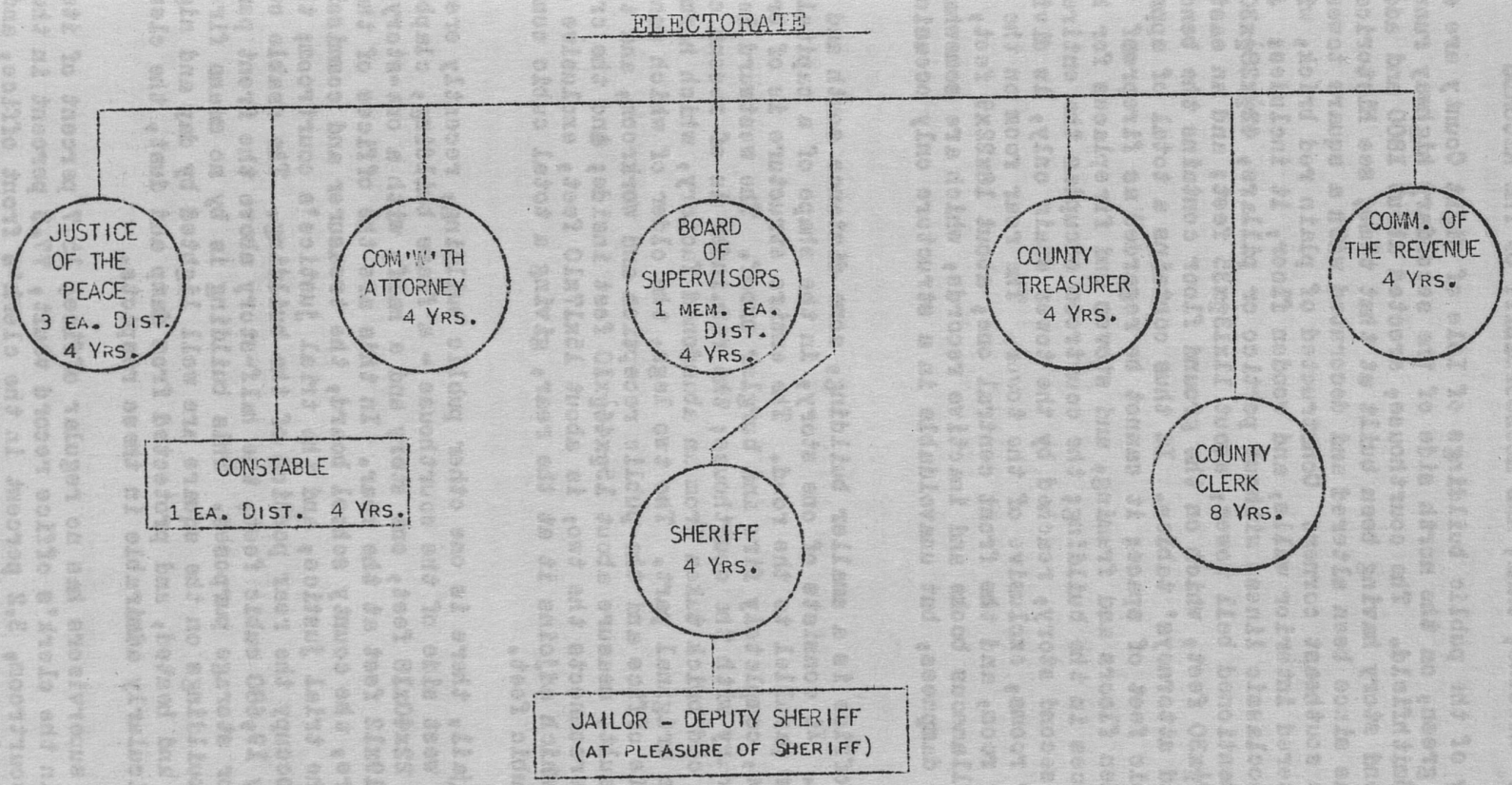
Constitutional Office or Body.

Statutory Office or Body.

CHART OF GOVERNMENT - - - ISLE OF WIGHT COUNTY, 1940

AND SATISFACTORY PERFORMANCE.

CHART OF GOVERNMENT - - - ISLE OF WIGHT COUNTY, 1940



THERE ARE THREE DISTRICTS IN ISLE OF WIGHT COUNTY.

(First entry, p. 76)

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The majority of the public buildings of Isle of Wight County are arranged around the court green, on the north side of the secondary highway running from Windsor to Smithfield. The courthouse, erected about 1800 and added to in 1815 (the second story having been built at that time; see Historical Sketch, p. 8), has since been altered and decorated with a square tower and belfry at the southeast corner. Constructed of plain red brick, with slate roof, plastered interior walls, and wooden floor, it includes: A main body of severe neoclassic lines, without portico or pillars, 42½x28½x30 feet; the above-mentioned bell tower, about 11x13½x35 feet; and an eastward projection 32½x17½x30 feet, which on the ground floor contains the bench, bar, jury box, and attorneys' tables. It thus contains a total of approximately 58,400 cubic feet of space; it cannot be regarded as fireproof since it has wooden floors and framing, and stoves and fireplaces for heat. There are no offices in the building; the courtroom occupies the entire ground floor, while the second story, reached by the tower stair only, is divided into five smaller rooms, exclusive of the tower. The rear room on the east is used as a jury room, and the front central one, about 18x22x9 feet, is a storage for miscellaneous books and inactive records, which are somewhat exposed to dust and dampness, but unavoidable in a structure only occasionally used.

The clerk's office is a smaller building, some distance south and east of the courthouse. It consists of one story, in the shape of a capital H, with the cross bar parallel to the road. The entire structure is of brick, steel and concrete, completely fire and burglar proof. The westward leg of the H is contemporary with the courthouse; the remainder is of recent construction, but of old brick taken from an abandoned factory, which harmonizes admirably with the original part. The two legs, the older of which contains the clerk's private office and the public reception and workroom, and the newer the record vault, measure about 15½x46½x10 feet inside; and the cross-member, which interconnects the two, is about 15x17x10 feet, exclusive of the furnace room which adjoins it at the rear, giving a total cubic content of about 16,965 cubic feet.

Besides the jail, there is one other public building, recently erected, close against the west side of the courthouse - a frame building, clapboard sheathed, roughly 22x40x18 feet, one story and a half, with a one-story projection about 40x19x12 feet at the rear. In this are the offices of the department of welfare, the county school board, the treasurer and commissioner of revenue, and the trial justice, and the trial justice's courtroom; the latter two rooms occupy the rear portion of the building. The usable cubic content is roughly 19,680 cubic feet, the half-story above the front part being used only for storage purposes. This building is by no means fireproof. All three public buildings on the square are well lighted by day and night, easily ventilated and heated, and protected from damp and dust, the clerk's office being particularly admirable in these respects.

The board of supervisors has no regular office; 15.7 percent of its records are kept in the clerk's office record vault, 77.3 percent in the storage over the courtroom, 3.2 percent in the clerk's front office, and 3.8 percent in the clerk's office back room.

Housing, Care, and Accessibility of the Records (First entry, p. 76)

The clerk has a private office 15½x16½x10 feet, with one door 3½x6½ feet and four windows 3x6 feet, containing, besides the usual office furniture, three large 4-drawer letter files. The remainder of the old wing of the clerk's office is taken up by an entrance hall and workroom, with 3 doors 3½x6½ feet and 6 windows 3x6 feet; it is equipped with a wide counter, desks, tables, chairs, a 4-drawer letter file and 27 smaller file drawers, 4x8 inches. The central portion of the building has a rear door, with a lavatory on each side, a hallway leading to the record vault, and a small office space (herein referred to as the clerk's office back room) set off from the hall by a railing; this small back room has two outside windows 3x6 feet and a large window with a wicket at the bottom, approximately 4½x4½ feet, opening into the record vault. The vault itself, entered by a single door 3x6 feet and fitted with double steel vault doors, has 10 windows 3x6 feet, equipped with roller fire shutters, and contains 203 linear feet of standard file drawers, 720 linear feet of roller shelving, 4 4-drawer letter files, and a double steel cabinet; 272 feet of the roller shelving are below the long tables or counters running down the main axis of the room, on which books may be spread for reference. The clerk's records include 72.4 percent in the record vault, .8 percent in the clerk's front office, 21.7 percent in the storage, 1.4 percent in the State Library, Archives Division, at Richmond, and 2.7 percent in the clerk's private office.

The circuit court sits in the courtroom; 82.5 percent of its records are filed in the clerk's office record vault, 5.2 percent in the front office, 7.8 percent in storage, and 4.5 percent in the back room.

The county court, of course, has no office space, and its records are distributed as follows: 92.5 percent in the record vault, .2 percent in the front office, 6.3 percent in storage, and 1 percent in the State archives.

The commonwealth's attorney has his office at his home, and all his records are kept there.

The trial justice has a small courtroom, with adjoining office, totaling about 18x28x10 feet, with seven windows 3x6 feet and three doors 3x7. All of his records are kept in this office.

The justices of the peace do not have, and never have had, offices on county property; the only discoverable record of these functionaries is found in the clerk's front office.

The sheriff has his office on the second floor of a privately owned store building on the main street of Smithfield, a few miles east of the courthouse. Sixty-five percent of the sheriff's records are kept here, and 35 percent in the courthouse storage room.

The jailer has no separate office; his records are kept in the clerk's front office.

No records of the constables or coroner have been found, nor do they have offices on county property.

The commissioner of the revenue shares the treasurer's office, but all of his records are kept at his home.

Housing, Care, and Accessibility of the Records (First entry, p. 76)

The assessors have neither regular offices nor permanent records.

The local board of equalization has no office, and its records are kept in the clerk's office record vault.

The office of the county treasurer, roughly 12x20x10 feet, with two doors 3x7 feet and six windows about 3x5 feet, is in the southeast corner of the new office building mentioned above. Of his records, 60.5 percent are kept here, 38.8 percent in storage, and .7 percent in the clerk's office record vault.

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

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

The school trustee electoral board has no office, and its records are kept in the office of the superintendent of schools in Windsor.

The county school board has an office adjoining that of the treasurer, and about the same size, with one door 3x7 feet and two windows 3x5 feet. This room is only occasionally used, however, and is generally occupied by the home demonstration agent. The school board records are found in two places: 25 percent in storage and 75 percent in the superintendent's office.

The division superintendent of schools has his office at Windsor, in a former bank building of red brick, about 22x40x15 feet outside, having one door 3x7 feet, two doors 4x6½ feet, four windows 3x6 feet, and one triple window 6x6 feet in front. The interior is divided by wood and glass partitions to form a main front room with a small private office and a storage or record vault at the rear. All of his records are to be found in this building.

The local superintendent of public welfare has the remaining (northwest) room in the new office building at the courthouse. Similar in dimensions to the school board office, it has one door 3x7 feet and three windows 3x5 feet. The records of this agency are kept here (84.2 percent), in the record vault (10.5 percent), and in the clerk's front office (5.3 percent).

The superintendent of the poor has no office, and no records have been found.

The parish vestry has not, and probably never had, any office space on county property; its records are divided between the clerk's office record vault and the State archives (33.4 and 66.6 percent respectively).

The local board of health has no office on county property, and all of its records are kept by its secretary on his own premises.

The county health unit occupies a brick store building of considerable size on the main street of the town of Smithfield, and all of its records are kept there.

The county surveyor maintains no regular office nor does he keep any permanent official records.

The county agricultural agent has his office in a privately owned building in Smithfield, and keeps all of his records there.

The tobacco inspectors are not known to have had offices on county property, and none of their records have been found.

The home demonstration agent, as has been noted above, uses the county school board office, which is seldom otherwise occupied, and keeps all of her records there.

The game warden, oyster inspector, and county militia, have never been supplied with office space by the county. The only regular record found for these agencies belonged to the militia, and is stored in the clerk's office record vault.

4, ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

A.	Atlantic Reporter
alph.	alphabetical (ly)
anon.	anonymous
arr.	arranged or arrangement
art (s).	article (s)
aver.	average
bd.	board
bldg.	building
c.	chapter (s)
ca.	approximately
C. C.	County Courthouse
chron.	chronologically
C. J.	Corpus Juris
C. J. S.	Corpus Juris Secundum
clk.	county clerk
co.	county or company
co. agt.	county agricultural agent
comm. rev.	commissioner of the revenue
dist.	district
div.	division
ea.	each
ed.	edition or editor (s)
et al.	and other (s)
et passim	and here and there
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)

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 7

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.

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 76)

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 5. They are also used in all artificial entries - entries for 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 127. 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 1, 2, 3, 11, 21. If there are entries related in subject matter to entries under other subject headings, cross-references are used under the subject headings as follows: Elections, see also entries 80, 170. If a record does not have a self-contained index, a cross-reference is made between the entry for that record and the entry for the separate index; for example, see entries 62, 63, 64, 66, 84, 85, 94.

On maps and plat records, the names of the author, engraver, publisher, and information on scale have been omitted only where the data were 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 Isle of Wight 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
II.	1660-1682
III.	1682-1710
IV.	1711-1736
V.	1738-1748
VI.	1748-1755
VII.	1756-1763
VIII.	1764-1773
IX.	1775-1778
X.	1779-1781
XI.	1782-1784

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 76)

XII. 1785-1788
XIII. 1789-1792

Shepherd I. 1792-1795
II. 1796-1802
III. 1803-1808

(First entry, p. 76)

I. BOARD OF SUPERVISORS

The year 1870 saw the adoption of a plan of local government which had long been considered and discussed, as the debates of previous constitutional conventions clearly show.[1] The constitution, drafted and ratified the preceding year and approved by the Federal Government as the instrument of Virginia's restoration to statehood and readmission to the Union,[2] embodied many innovations - some destined to be short-lived, and some of enduring worth. For electoral and minor administrative purposes, the counties were divided into townships;[3] in Isle of Wight there were three: Windsor, Hardy, and Newport.[4] From these townships, respectively, most of the officers of local government were elected; the supervisor and certain other township officers sat together as a township board for each, while the supervisors, one from each township, met at the courthouse as the board of supervisors of the county.[5] The minor details under this system (specifically, the division of governmental activities among township units), apparently patterned after the system used in the more populous and urbanized New England States,[6] did not long survive, being abolished by the constitutional amendments of 1874-75 as unsuited to the needs of Virginia.[7] Certain offices and features, however, which had proved their efficiency and usefulness, were continued in effect; among these were the board of supervisors, the county treasurer, and the superintendent of the poor.[8] The townships, as originally laid out, were perpetuated as magisterial districts with the same names,[9] and the board of supervisors (its members now relieved of their duties as township officers) continued to exercise those duties and powers. They covered the entire range of the administration of county affairs, which had been transferred from the county court to the board at the time of the foundation of the latter.[10]

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

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1. Proceedings and Debates of the Virginia State Convention of 1829-30 . . ., Richmond, 1830, pp. 626-630; Virginia Reform Convention [Proceedings and Debates, issued as] Supplement [to the Richmond Newspapers] (Jan. 6,-July 31, 1851), Richmond, 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. 632.
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 the 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. Const. 1869 (as amended 1874), art. VII, sec. 1.
9. Ibid., art. VII, sec. 2; Acts 1874-75, pp. 56-58, 455-458.
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.

Board of Supervisors (First entry, p. 76)

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 year;[14] 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 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] At the rate prescribed for counties having a population of not more than 20,000 (Isle of Wight has 13,409 inhabitants recorded in the 1930 census[23]), the Board of Supervisors of Isle of Wight County should not receive, in the aggregate, more than $1,200.[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

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13. Ibid., sec. 127.
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 (1934-35), p. 191.
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.

vacancies on the board of supervisors must qualify and give bond precisely as if elected.[28]

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 county treasurer's reports 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 Isle of Wight 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]

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28. Acts 1869-70, p. 287; Acts 1874-75, p. 135; Code 1936, sec. 139.
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. 81.
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.

Board of Supervisors (First entry, p. 76

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 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 eompel the inoculation or vaccination of persons threatened by disease.[40]

One of the special duties assigned to the Board of Supervisors of Isle of Wight 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 empowwred 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]

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36. Acts 1936, p. 18; Code 1919, sec. 2733; Acts 1932, p. 6; Code 1936, sec. 2733.
37. Ibid., 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.

Board of Supervisors (First entry, p. 76)

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 required 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 local agencies in the promotion of public health. It has charge of measures for the prevention of contagious and infectious diseases, may issue sanitary ordinances and fix penalties for

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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.
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 1877, 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. Ibid., 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. Ibid., 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.

disobedience,[58] as may the board of supervisors in certain cases,[59] and co-operates 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 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, 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 im-

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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.
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. 2733.
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. 2734-2759.
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.

portant 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, including schools;[74] payment of claims;[75] laying of the county levy;[76] levying of taxes to raise funds for school purposes in the amount recommended by the school board;[77] laying of a levy for court allowances;[78] laying of a levy for roads;[79] the allowance of claims against the county;[80] issuance of bonds for special purposes, such as for loans for the erection of clerk's office and jail;[81] appropriation of funds for advertising county resources,[82] and for the erection of armories.[83] 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.[84] 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.[85]

Supervision and control of the county road system, long in the hands of the county court,[86] 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.[87] Compulsory labor of all male inhabitants not incapacitated or otherwise exempt was still employed,[88] but a special road levy for each township was made annually, so that larger amounts were available for road uses.[89] In 1875, at the abolition of the township system, there was a brief reversion to the old county court system, with the

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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.
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 1869-70, pp. 272-273; Code 1873, p. 449; Code 1887, sec. 847; Acts 1902-3-4, p. 859; Acts 1906, pp. 533-534.
85. Acts 1927, p. 127; Code 1936, secs. 2577(1), 2577(m).
86. See County Court, pp. 136-137.
87. Acts 1869-70, p. 596 ff.; Code 1873, pp. 496-511; see County Court, pp. 137-138.
88. Acts 1869-70, pp. 598-599; Acts 1871-72, p. 207; Code 1873, pp. 499-501.
89. Acts 1869-70, p. 597; Code 1873, p. 498.

notable exception that the levying power for road as well as other purposes remained in the hands of the board of supervisors.[90]

Nine years later, however, the board of supervisors generally throughout the State 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.[91] The supervisors themselves acted as inspectors of the activities within their own districts,[92] and the special road levy by districts was again regularly made.[93] A special road act for Isle of Wight County was adopted in 1894 and authorized the appointment by the board (subject to the approval of the county court) of a road commissioner for each road district; the districts, laid out by the board with the court's assent, were to contain one or more magisterial districts each. The immediate supervision of road work was in the hands of road surveyors appointed by the court; the commissioners inspected and supervised their work, and both reported periodically to the board.[94] After 1906 the county was under the general road law of the State, but in 1908 the adoption at the will of the board of any special law then in forde was authorized.[95] In the interim there had apparently been a single superintendent of roads for the entire county; in 1909 or earlier, however, there were three, one for each magisterial district.[96] This system continued in use for some time; the title "superintendent" was replaced by "foreman" in 1912, while in 1914 it was ordered that there be only one road foreman for the county in the following year.[97] The board continued to manage the county's roads 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.[98] The board now meets at stated intervals with the engineers of the Department for discussion of local arrangement, 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, but has little else to do in relation to the roads and bridges of the county.[99]

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,[1] and in brief form

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90. Acts 1874-75, pp. 177-187; Order Book (1873-79), May 3, 1875, p. 243, in Co. (County) Court Order Book, see entry 179.
91. Acts 1883-84, pp. 459-465; Code 1887, secs. 963-1004.
92. Acts 1883-84, p. 460; Code 1887, sec. 972.
93. Ibid., sec. 978; Code 1919, secs. 1986, 1987.
94. Acts 1893-94, pp. 823-827; Acts 1899-1900, pp. 328-329; (repealed) Acts 1906, pp. 474-475.
95. Acts 1908, p. 321.
96. Supervisors Record (Minutes) (1909-24), Feb. 8, 1909, p. 4; Mar. 1, 1909, p. 4, see entry 3.
97. Ibid., Apr. 12, 1909, p. 7; May 6, 1912, p. 127; June 10, 1912, p. 128; Nov. 5, 1914, p. 266; et passim.
98. Code 1919, sec. 1976 ff.; Acts 1932, pp. 872-880.
99. Ibid., pp. 872-874.
1. Acts 1869-70, pp. 272, 274; Code 1919, secs. 2766, 2770; Acts 1934, p. 55 Code 1936, secs. 2766, 2770(a).

takes notes of the action by the board on these and other matters at each meeting.[2] These notes are later transcribed into a permanent, orderly record.[3] In his custody are corresponding volumes kept by the clerk of the township board of one of the townships during the period 1871-75.[4]

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 or companies,[5] just as previously (before 1870) he had done for the county court, which formerly heard, allowed and paid or disallowed such claims.[6] Claims for stock or poultry damaged or destroyed by dogs are presented under oath to the board, to be paid out of the dog fund.[7] Claims allowed have, since 1870, been paid by warrants issued on the board's order and signed by the chairman and clerk.[8] The clerk is directed to make a record of every warrant drawn by the board;[9] this was done both on stubs and in a warrant record book.[10] Since the introduction of the warrant-check system in 1936, bound duplicates, segregated as before to some extent according to the nature of the fund drawn upon, have superseded both stubs and record book.[11] For a time, the analyses of the distribution of general and special funds were recorded in separate volumes.[12] The treasurer, before the warrant-check combination, returned paid and canceled warrants to the clerk,[13] but now retains them since they are checks.[14] In order to account for county funds, the treasurer furnishes on demand an account of his receipts and disbursements and a statement of his account with the county,[15] and settles his account with the board at an annual meeting, or when he dies (in which event his personal representative settles), or is removed from office, or when his term expires.[16]

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2. See entry 2.
3. Acts 1869-70, p. 274; Code 1919, sec. 2770; Acts 1934, p. 550; Code 1936, sec. 2770(a).
4. Acts 1869-70, p. 278.
5. Ibid., pp. 272, 274; Acts 1934, p. 550; Code 1936, sec. 2766.
6. 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.
7. Acts 1901-2, pp. 401-402; Acts 1930, p. 661; Code 1936, sec. 3305(75).
8. Acts 1869-70, p. 274; Code 1919, secs. 2724, 2771, 2772; Acts 1934, pp. 472-473; Code 1936, secs. 2724, 2724(a); see County Treasurer, pp. 190-191.
9. Acts 1869-70, p. 274; Code 1919, secs. 2724, 2771, 2772; Acts 1932, pp. 472-473; Code 1936, secs. 2724, 2724(a), 2771.
10. See entries 11-20.
11. See entries 21, 22; for full discussion, see County Treasurer, pp. 190-191.
12. A similar analysis was required to be published annually or oftener: Acts 1869-70, pp. 272-273; Code 1887, sec. 847; Acts 1906, pp. 534-535; Code 1919, sec. 2768; Acts 1927, p. 127; Code 1936, sec. 2577(m)(3).
13. See entry 23.
14. See entry 225.
15. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 360.
16. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 359.

Board of Supervisors - Proceedings; Financial (1-5)

Proceedings

1. MINUTES OF BOARD OF SUP'RS. (Supervisors), 1872-1919. 93 bundles, 2 file boxes. No title, 1872-1916.
Original papers of board of supervisors including petitions, resolutions, lists of supplies and equipment to be purchased, vouchers, reports of county officers, expenditures and reports on road and school funds, lists of persons to be added to or stricken from poor list. Also contains County Bills, 1872-1916, entry 5. Arr. chron. by date of meeting. No index. Hdw. and typed. Bundles aver. 8x3x3; file boxes 10x5x14. 92 bundles, 1872-1914, storage; 1 bundle, file boxes, 1915-19, clk. off., record va.
For record of minutes, see entries 2, 3.

2. (BOARD OF SUPERVISORS MINUTE BOOK), 1914--. 2 vols.
Original record of proceedings made by clerk of board of supervisors from which is compiled the supervisors' order book showing date of meeting and actions taken. Arr. chron. by date of meeting. No index. Hdw. Aver. 200 pp. 12x9x1. Clk. front off.
For original papers, see entry 1.

3. SUPERVISORS RECORD (Minutes), 1870--. 5 vols. Title varies: Order Book, Board of Supervisors, 1902-9.
Record of proceedings of board of supervisors at regular and special meetings showing date of meeting, names of members present, orders, resolutions, petitions, motions, and action taken in relation to laying of county levy, budgets, appointments, elections, salaries, and financial reports of county officers, county expenses for courthouse and jail, appropriations for special needs, claims, allowances, bounties, roads, welfare, and other matters concerning the county. Arr. chron. by date of meeting. Indexed alph. by first letter of surname of person concerned in order or subject of order. 1870-96 hdw.; 1896-1909 hdw. and typed; 1909-- typed. Aver. 475 pp. 16x11x3. Clk. off., record va.
For original papers, see entry 1.

4. RECORD OF HARDY TOWNSHIP (Minutes), 1870-75. 1 vol.
Record of proceedings of Hardy township board at regular and special meetings showing date of meeting, names of members present, signature of chairman of board, and action taken in relation to division of township into precincts and road districts, tax levies on real and personal property for maintenance of roads, credit to taxpayers for work on roads, bonds of overseers of roads, election of road overseers, and allowances to election officials and township board members. Arr. chron. by date of meeting. No index. Hdw. 192 pp. 12x8x1. Clk. off., record va.

Financial

Claims

5. COUNTY BILLS, 1935--. 1 bundle, 4 file boxes. No title, 1937--. 1872-1916 in Minutes of Board of Sup'rs. (Supervisors), entry 1.
Original claims against the county presented to the board of supervisors by individuals and firms and allowed against the general county fund for salaries, office supplies and materials, repairs to buildings, and other general county expenses showing name of claimant, amount of claim, service

rendered, date presented, date of payment, warrant number. Also contains Poor Fund Bills, 1936--, entry 6; Dog Fund Bills, 1936--, entry 7. Arr. chron. by date of payment. No index. Hdw., typed, and hdw. and typed on ptd. forms. Bundle 14x10x3; file boxes 10x5x14. Clk. off., record va.

6. POOR FUND BILLS, 1935-36. 1 bundle. 1936-- in County Bills, entry 5.

Original claims against the county poor fund presented to the board of supervisors by merchants and allowed for supplies to poor showing date presented, name of merchant, name of person to whom supplies furnished, date and amount of purchase, total amount, date of payment, warrant number. Arr. chron. by date of payment. No index. Hdw., typed, and hdw. and typed on ptd. forms. 15x11x3. Clk. off., record va.

7. DOG FUND BILLS, 1935-36. 1 bundle. 1936-- in County Bills, entry 5.

Original claims against the county presented to the board of supervisors by individuals and allowed in payment for killing dogs and damages by dogs showing date presented, name of claimant, subject of charge, signatures of claimant, witnesses, and chairman of board of supervisors. No obvious arr. No index. Hdw. and typed on ptd. forms. 6x3x½. Clk. off., record va.

Ledgers

8. LEDGER (Distribution Record), 1905-14. 3 vols. No title, 1905-7, 1910-14.

Record of disbursements for county expenses, kept by clerk of board of supervisors for the purpose of publishing county financial statements and estimating the budget, including maintenance of bridges, attendance and mileage of board members, jury fees, salaries of county officials, allowances to election officials, fees for coroner's inquests and lunacy commissions, bounties, and purchasing of office supplies, showing date of disbursement, amount, purpose, payee. Also contains (District Road Expense Ledger), 1905-10, entry 9; (Pauper Ledger), 1905-10, entry 10. Arr. by subject and chron. thereunder by date of disbursement. 1905-7 not indexed; 1907-10 indexed alph. by first letter of surname of payee; 1910-14 indexed alph. by subject of disbursement. 1905-7 hdw. on hdr. forms; 1907-14 hdw. Aver. 210 pp. 17x11x1. 2 vols., 1905-10, clk. off., record va.; 1 vol., 1910-14, storage.

9. (DISTRICT ROAD EXPENSE LEDGER), 1910-13. 1 vol. 1905-10 in Ledger (Distribution Record), entry 8.

Record of disbursements for maintenance of roads, kept by clerk of board of supervisors for the purpose of publishing county financial statements and estimating the budget showing district, names of road officials, salary paid each; names of persons making repairs, furnishing equipment and supplies, amount paid each; warrant number, date of warrant. Arr. by subject and chron. thereunder by date of warrant. Indexed alph. by name of district. Hdw. 272 pp. 16x10x1. Clk. off., record va.

10. (PAUPER LEDGER), 1910-14. 1 vol. 1905-10 in Ledger (Distribution Record), entry 8.

Record of monthly disbursements for paupers, kept by clerk of board of supervisors for the purpose of publishing county financial statements and

estimating the budget, and charged to such accounts as almshouse superintendent's allowance, provisions, supplies and medical attention for inmates, upkeep of buildings and grounds, and individuals cared for not in almshouse, showing warrant number, amount, payee, purpose, date of warrant. Arr. by account and chron. thereunder by date of warrant. Indexed alph. by subject or first letter of surname of pauper. Hdw. 272 pp. 16x10½x1½. Clk. off., record va.

Warrants (see also entries 223-225, 246, 247, 269)

11. COUNTY FUND WARRANTS, 1871-1936. 41 vols. Title varies: County Fund, 1929-35. No title, 1871-1912, 1915-29, 1936.
Stubs of warrants issued by board of supervisors against general county fund, payable by county treasurer for general county expenses including officials' salaries, election and jury fees, office supplies, support of paupers, and repairs and upkeep of clerk's office and jail, showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 400 pp. 16x6x2. 38 vols., 1871-1929, storage; 3 vols., 1929-36, clk. off., back rm.
For subsequent records, see entry 21.

12. (POOR FUND WARRANT STUBS), 1910-36. 5 vols.
Stubs of warrants issued by board of supervisors against poor fund for maintenance and care of paupers and supplies and upkeep of almshouse showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 320 pp. 14x8x1. 3 vols., 1910-27, storage; 2 vols., 1927-36, clk. off., back rm.
For subsequent records, see entry 22.

13. (DOG FUND WARRANT STUBS), 1929-36. 1 vol.
Stubs of warrants issued by board of supervisors against dog fund in payment for killing dogs and damages by dogs showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. 100 pp. 16½x12x½. Clk. off., back rm.
For subsequent records, see entry 22.

14. BOUNTY WARRANTS (Stubs), 1928-30. 1 vol.
Stubs of warrants issued by board of supervisors against bounty fund in payment to individuals for killing hawks, owls, weasels, and crows showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. 300 pp. 9½x14½x2. Storage.

15. (COUNTY ROAD FUND WARRANT STUBS), 1910-32. 4 vols.
Stubs of warrants issued by board of supervisors against general county road fund for construction and maintenance of roads showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 200 pp. 14x6x1. Storage.

16. GAS TAX FUND WARRANTS (Stubs), 1925-32. 1 vol.
Stubs of warrants issued by board of supervisors against gas tax fund for distribution of money to district road funds and to county superintendent of roads for payrolls showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. 150 pp. 16x12x½. Storage.

17. WARRANTS (Stubs), WINDSOR DISTRICT ROAD FUND, 1912-32. 2 vols.
Stubs of warrants issued by board of supervisors against road fund of Windsor magisterial district for construction and maintenance of roads in Windsor district showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 250 pp. 14x6x1. Storage.

18. (NEWPORT DISTRICT ROAD FUND WARRANT STUBS), 1912-32. 2 vols.
Stubs of warrants issued by board of supervisors against road fund of Newport magisterial district for construction and maintenance of roads in Newport district showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 250 pp. 14x6x1. Storage.

19. WARRANTS (Stubs) HARDY DISTRICT ROAD FUND, 1912-32. 3 vols.
No title, 1922-32.
Stubs of warrants issued by board of supervisors against road fund of Hardy magisterial district for construction and maintenance of roads in Hardy district showing warrant number, payee, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 250 pp. 14x6x1. Storage.

20. WARRANT REGISTER, 1890-1909, 1926-31, 1934-36. 6 vols. Title varies: Reservation of Title, 1905-9; Analysis of Expenditures, 1929-31. No title, 1890-1905, 1926-29.
Record of warrants issued on general county, dog, and poor funds by board of supervisors in payment of county obligations showing warrant number, date issued, payee, purpose, amount, and fund on which drawn. 1890-1909 arr. alph. by first letter of surname of payee; 1926-31, 1934-36 arr. by fund and chron. thereunder by date issued and num. by warrant no. No index. 1890-1909, 1926-29 hdw. on hdr. forms; 1929-31 hdw. on ptd. forms; 1934-36 typed on ptd. forms. Aver. 300 pp. 14½x11x1½. 4 vols., 1890-1909, 1934-36, clk. off., record va.; 2 vols., 1926-31, storage.

21. (COUNTY FUND WARRANT CARBONS), 1936--. 1 vol.
Carbon copies of warrants issued by board of supervisors against general county fund, payable by county treasurer for general county expenses including officials' salaries, election and jury fees, office supplies, and repairs and upkeep of clerk's office and jail, showing warrant number, date issued, payee, purpose, amount. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. 512 pp. 4x10x2. Clk. off., back rm.

For prior records, see entry 11.

22. (DOG FUND WARRANT CARBONS), 1936--. 1 vol.
Triplicate copies of warrants issued by board of supervisors against dog fund for killing dogs and damages by dogs, 1936--, and Virginia Public

Assistance Fund for maintenance and care of paupers, 1936-38, showing warrant number, payee, fund, amount, purpose, date issued. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. 300 pp. 14x10x1½. Clk. off., back rm.

For prior record of poor fund warrants, see entry 12; for prior record of dog fund warrants, see entry 13.

23. (PAID WARRANTS), 1913-22, 1924-36. 27 bundles. 1887-1904 in (Juror and Witness Certificates), entry 120.

Canceled warrants of board of supervisors drawn on county fund, poor fund, dog fund, and road funds and returned to clerk of the board by the county treasurer for filing showing fund, warrant number, date issued, payee, amount, purpose, date paid, signatures of chairman and clerk of board, endorsement of payee. Also contains Treasurer's Reports, 1913-22, 1924-29, entry 24. Arr. by fund and chron. thereunder by date issued. No index. Hdw. and typed on ptd. forms. Aver. 3½x7x5. 9 bundles, 1913-15, 1918-19, clk. off., record va.; 18 bundles, 1913-22, 1924-36, storage.

Reports and Correspondence

24. TREASURER'S REPORTS, 1930--. 1 file box. 1913-22, 1924-29 in (Paid Warrants), entry 23.

County treasurer's monthly report to the board of supervisors of his receipts and disbursements showing classification of county and State revenues, total received, amount paid out by warrants on each fund, total disbursed, cash on hand, cash in bank, amount of balance remaining in each fund, total of all funds, signature of county treasurer. Arr. chron. by month. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

25. BOARD OF SUPERVISORS (Reports and Correspondence), 1925--. 5 file drawers.

Miscellaneous papers of board of supervisors including reports of compensation board, health department, reports and letters pertaining to forest fire control, road matters, election matters, and correspondence. Arr. alph. by subject. No index. Hdw., typed, and ptd. 10½x15½x24. 4 file drawers, 1925--, clk. private off.; 1 file drawer, 1935--, clk. front off.

II. COUNTY CLERK

The office of county clerk, although the title was of course not used, may be said to antedate by some 9 to 15 years the formation of the county in spite of the fact that Isle of Wight County was among the eight original shires, for as clerk of the monthly court, this officer was recorder for the area served by the court. Aside from gradual additions to its duties, and changes in tenure, compensation, and manner of appointment, however, the office has altered little since its establishment.[1]

At first one clerk for each county was appointed by the Governor or

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1. Bruce, Institutional History, I, 588-601; Bureau of Municipal Research, County Government in Virginia, p. 16; see County Court, pp. 134-136.

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 Isle of Wight County might not receive for his own use more than $5,000.[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]

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

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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. VIII, 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 ($5,000); Report of the Secretary of the Commonwealth (1936-37), p. 200.
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 26, p. 90)

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 for 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 may be 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 of 1919, and later restored in optional form.[28] The deed

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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. 201-202; County Finance Board, pp. 200-201.
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.
28. (Omitted) Code 1919, sec. 3394; Acts 1920, p. 106; Code 1936, sec. 3394.

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 revision added 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 lawmakers. 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 the early acts until 1792, the processioners were appointed by the parish vestry.[32] 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.[33] As practiced in Isle of Wight 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.[34] Although processioning was entirely omitted from the Code of 1849, the system was continued, probably through custom. 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 in counties whose 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 of "deeds duly recorded according to the registry acts of the state."[35] Special acts for certain counties were passed in 1884 and 1887, but these did not affect Isle of Wight County.[36] 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.[37] The 1919 Code was to the same effect, but section 3393 specifies where

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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 footnotes 31, 32.
34. Code 1819, I, 338-339.
35. Acts 1865-66, pp. 197-199; Acts 1866-67, pp. 601-602; Code 1873, pp. 884-886; Code 1887, secs. 2405-2412.
36. Acts 1883-84, pp. 210-211; Acts 1887, pp. 485-486.
37. Code 1819, I, 367; Code 1849, p. 514; Code 1887, sec. 2505.

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.[38] 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.[39] The recorded plat of a subdivision has a special effect.[40] 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.[41] Hence the record of trust deeds since 1904 and release deeds since 1886 are 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 are required to be entered in separate books unless recorded in the general set immediately.[42] Liens claimed on lands by dealers, laborers, or contractors for services or supplies used in the erection or repair of a building were for a while recorded in a separate book; beginning in 1919, the record is in the book of miscellaneous liens.[43]

Some liens on and agreements affecting personal property are found in the deed books, but today separate books of record are provided for most of them. The originals are directed to be returned to the person entitled to claim under them.[44] Contracts of conditional sale, whereby title is reserved to the 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.[45] 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.[46] Another series of volumes contains records of liens on growing crops, held to secure the payment of advances made to farmers by individuals,[47] and a further record of liens held by farm credit agencies of the Federal Government.[48]

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38. Code 1919, secs. 3392, 3393.
39. Acts 1918, p. 504; Code 1936, sec. 3393(a).
40. Code 1919, secs. 5217-5220; Acts 1922, p. 233; Code 1936, secs. 5217-5220.
41. 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 subsequently thereto).
42. Acts 1918, p. 437 (in accord with the Federal act of July 17, 1916); Code 1936, sec. 3393.
43. Acts 1842-43, p. 52; Acts 1869-70, pp. 444-445; Code 1919, secs. 3393, 6427; Code 1936, secs. 3393, 6427.
44. Code 1849, p. 514; Code 1936, sec. 3392.
45. Acts 1883-84, p. 27; Acts 1893-94, p. 422; Code 1936, secs. 3393, 5189.
46. Code 1919, sec. 3393; Acts 1920, p. 313; Code 1936, sec. 3393.
47. Acts 1891-92, p. 782; Code 1919, sec. 6452; Acts 1920, pp. 339-340; Code 1936, sec. 6452.
48. Acts 1936, pp. 540-541; Code 1936, sec. 4168(67).

County Clerk (Next entry 26, p. 90)

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.[49] For these reasons the clerk receives copies of all records relating to the taxation of land. An assessment was required in 1850, and a quinquennial reassessment was required by the Constitution of 1869, and carried into effect at once.[50] 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.[51]

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.[52] From this list the commissioner charges the land to the proper parties on the new land book;[53] the land is valued on the basis of the reassessment.[54] The commissioner retains the original land book and sends copies to the treasurer, clerk, and Department of Taxation.[55]

A list of land delinquent for nonpayment of county taxes is sent the clerk each year and from these lists the clerk makes up a record of delinquent land taxes.[56] After selling delinquent land, the treasurer returns to the circuit court and its clerk 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;[57] in practice, sales to individuals and to the State were until recent years recorded in separate sets. Today, all three records are combined.[58] In order to become the owner of

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49. Acts 1928, pp. 170-171; "Tax Code" 1936, sec. 251; see footnotes 55-59.
50. Acts 1849-50, pp. 5-6; Const. 1869, art. X, sec. 6; Acts 1869-70, p. 335.
51. 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.
52. Hening, Statutes, XI, 143; Code 1849, p. 179; Acts 1928, p. 174; "Tax Code" 1936, sec. 267.
53. Code 1849, p. 182; Acts 1928, p. 176; "Tax Code" 1936, sec. 273.
54. Code 1919, sec. 2251; Acts 1928, p. 170; "Tax Code" 1936, sec. 250.
55. Hening, Statutes, XII, 245-247; Acts 1928, p. 172; Acts 1932, p. 410; "Tax Code" 1936, sec. 255.
56. For full discussion, see County Treasurer, pp. 188-194.
57. 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.
58. See entry 48.

land sold to the Commonwealth, a person must apply in writing to the clerk and pay a certain percentage of the cost and accrued taxes in advance. The application contains material enabling the clerk to notify interested parties who might desire to save the property.[59]

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.[60] A list of delinquent capitation and personal property taxes was formerly sent to the circuit court,[61] and the clerk collected them, recording collections in a book kept for the purpose. They are now collected by the county treasurer.[62]

Commissioners of revenue or clerks were at an early date required to return to the Auditor a list of certain types of licenses granted,[63] but not until 1840 was a general list of all licenses required.[64] Beginning in 1853, the list was sent to the Auditor and sheriff or other collector, and beginning in 1860 to the clerk as well; but during the township period it went to the collecting officers exclusively, no list being sent to the Auditor or clerk.[65] At the close of the township period (1874), and until 1928, the list went only to the Auditor and clerk,[66] while from that date the commissioner has sent the list only to the Comptroller.[67] During the earlier period, the list had the sole function of serving as evidence to charge the collecting officer with the taxes shown thereon,[68] but the 1853 act added the provision that the collecting officer be guided by the list.[69] During the township period, when no list was sent the Auditor or clerk, the sole purpose was to guide the collecting officers to whom it was sent.[70] The only list sent the Auditor during that period was prepared and furnished not by the assessing but by the collecting officer, and covered only those licenses for which the collections were remitted with the report.[71] Thereafter, the list reverted to its original accounting purpose, that is,

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59. Acts 1893-94, pp. 737-738; Code 1936, sec. 2495.
60. Hening, Statutes, XI, 113 (lists); Code 1849, p. 191 (book); "Tax Code" 1936, sec. 318.
61. See County Treasurer, pp. 192-194.
62. Acts 1878-79, p. 326; Code 1919, sec. 2419; (repealed) Acts 1928, p. 243; "Tax Code" 1936, secs. 393, 394.
63. Code 1819, II, 41, 44.
64. Acts 1839-40, p. 16; Code 1849, p. 212.
65. Acts 1852-53, p. 16; Acts 1859-60, pp. 53-54; Code 1860, p. 234; Code 1873, p. 325.
66. Acts 1874, p. 346; Acts 1874-75, p. 243; Code 1887, sec. 556; Code 1919, sec. 2374; Acts 1928, p. 100.
67. Ibid., p. 100; "Tax Code" 1936, sec. 145.
68. See footnotes 63, 64.
69. Acts 1852-53, p. 16; Code 1860, p. 234.
70. Code 1873, pp. 325-326.
71. Ibid., p. 323.

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to charge the collecting officer.[72]

To protect persons dealing with corporations and partnerships, two books, one for the registration of charters[73] and another for certificates of partnership,[74] 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[75] and since 1904 has resided mainly in the State Corporation Commission.[76]

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.[77] He also records, in a special book, plats of assigned oyster planting grounds,[78] made formerly by the county surveyor,[79] but made now by that official or by any other surveyor designated by the Commission of Fisheries.[80] Today, a duplicate of the plat is filed for record in the office of the Commission of Fisheries.[81]

In the days when Virginia was a Royal Colony, the parish clerk aided the county clerk, in connection with records of vital statistics, by returning transcripts of the parish register annually or oftener.[82] 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.[83] 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.[84] 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.[85]

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72. Code 1887, sec. 557; Code 1919, sec. 2375; "Tax Code" 1936, sec. 146.
73. Acts 1852, p. 121; Acts 1870-71, p. 368; Code 1936, sec. 3851.
74. Acts 1922, p. 596; Code 1936, sec. 4722(1).
75. Acts 1852, p. 121; Acts 1853-54, p. 32; Code 1860, pp. 378-379 (notes); Acts 1870-71, pp. 367-368.
76. Acts 1902-3-4, p. 437; Code 1936, secs. 3849-3851.
77. Acts 1916, p. 262; Code 1919, sec. 3332; Acts 1936, p. 149; Code 1936, sec. 3305(29).
78. Acts 1891-92, p. 602; Code 1919, sec. 3225; Acts 1936, p. 677; Code 1936, sec. 3193.
79. Acts 1891-92, p. 601; Acts 1893-94, p. 778.
80. Acts 1910, pp. 545-546; Code 1919, sec. 3224; Acts 1936, p. 674; Code 1936, sec. 3193.
81. Acts 1936, pp. 674, 677; Code 1936, sec. 3193.
82. Hening, Statutes, I, 241.
83. Acts 1852-53, p. 41.
84. Acts 1871-72, pp. 452-453.
85. Acts 1897-98, p. 1024; Acts 1912, pp. 440, 447; Code 1919, sec. 1578; Acts 1918, p. 111; Code 1936, sec. 1578.

County Clerk (Next entry 26, p. 90)

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.[86] The new provision was that all marriages be under license, and that the officiating minister return a certificate of every marriage performed.[87] Although the return of the license itself was not required until 1861,[88] returned licenses are found as soon as marriage bonds are discontinued. The application is also kept by the clerk.[89] For a while, a separate record of each license issued was required, and is found in some offices, but this was later combined with the marriage register.[90] In the latter set is recorded pertinent information from the license and return, and this series constitutes the permanent record of marriages. In recent years, the information has been sent to the Bureau of Vital Statistics.[91] 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. Most of these records are served by a general index.

The clerk also keeps or has kept several other registers, including one of the description and previous record of convicted felons,[92] and, until 1865, a list of free Negroes permitted to reside in the county.[93] For the 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.[94]

The memorial record of various military units drawn from Isle of Wight County in the War Between the States, compiled by its surviving members after the War, is preserved by the clerk,[95] who also records the honorable discharge record of Isle of Wight County soldiers who served in the World War.[96]

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86. Hening, Statutes, II, 28, 55; ibid., VI, 82-83; ibid., XI, 505; Code 1819, I, 398-399; Code 1849, pp. 469-471, 800.
87. Ibid., pp. 469-471.
88. Acts 1861, pp. 43-44; Code 1936, sec. 5076.
89. Acts 1857-58, p. 39; Code 1936, sec. 5074.
90. 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).
91. 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).
92. Acts 1869-70, p. 546; Acts 1897-98, p. 620; Code 1936, sec. 4787.
93. Shepherd, Statutes, II, 417; Code 1819, I, 438; (repealed) Acts 1865-66, p. 84.
94. Acts 1883-84, p. 81; Code 1936, sec. 1612.
95. Acts 1897-98, pp. 290-291; Acts 1910, p. 392; Code 1936, sec. 5214.
96. Acts 1924, pp. 471-472; Code 1936, secs. 5214(b)-5214(d).

County Clerk (Next entry 26, p. 90)

Notices of candidates' intention to stand for office[97] and candidates' expense accounts[98] are submitted to the clerk and filed. 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.[99] The sheriff posts these lists throughout the county, and his affidavit to that effect is recorded in a separate book.[1] Some of the older annual registration books are in the clerk's office for preservation,[2] as is a copy of the permanent registration book.[3] The actual voting, before the changes created by the Constitution of 1869,[4] was in most cases viva voce; the vote of each elector was placed under the name of the candidate for whom he voted,[5] and after the result was compiled, the books were returned to the clerk's office.[6] Today, elections are by ballot,[7] and as each voter offers himself, his name is placed on the poll book,[8] which is then returned to the clerk's office and preserved.[9] The poll books and ballots may be destroyed after remaining 1 year in the clerk's office.[10]

In addition to a series of old fee books,[11] files of correspondence and general office matters, and duplicate prescriptions filed with the clerk by druggists,[12] there are several miscellaneous matters in the clerk's office, some of which have been mentioned above. A book with the significant title "miscellany" contains records of the first appointment of processioners by the county court, and later processioning records,[13] the first appointment by commissioners of the tax of persons to assess persons and property for taxation, their first return to the commissioners,[14] and the first record of the examination of strayed or drift property by a commission summoned for the purpose at the request of the finder.[15] This volume also contains a record of marriages, discussed above, and the minutes of the committee of safety appointed at the beginning of the Revolution, which is discussed

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97. Acts 1895-96, p. 764; Acts 1902-3-4, p. 927; Code 1936, sec. 154.
98. Acts 1902-3-4, p. 89; Code 1936, sec. 253.
99. Const. 1902, art. II, sec. 38; Acts 1904, p. 131; Code 1936, secs. 109-111.
1. Const. 1902, art. II, sec. 38; Acts 1904, p. 131; Code 1936, sec. 109.
2. Acts 1869-70, p. 59; Acts 1871-72, p. 244; Code 1887, sec. 84; Acts 1906, p. 572; Code 1936, sec. 104.
3. Acts 1902-3-4, p. 543; Code 1936, sec. 108.
4. Const. 1869, art. III, sec. 2.
5. Hening, Statutes, XII, 123; Code 1819, I, 151, 158; Code 1849, pp. 73-74; Const. 1851, art. III, sec. 4.
6. Code 1849, p. 79.
7. Const. 1902 (as amended 1928), art. II, secs. 27, 28; Code 1936, sec. 153.
8. Ibid., sec. 173.
9. Acts 1869-70, p. 87; Code 1936, sec. 180.
10. Acts 1897-98, p. 845 (3 years); Acts 1934, p. 79 (1 year); Code 1936, sec. 181.
11. Code 1849, p. 699.
12. Acts 1916, p. 242; Code 1919, sec. 4654; need not be filed if executed in accord with Federal law: Acts 1920, p. 594.
13. See footnote 32.
14. Hening, Statutes, IX, 350, 353, 355.
15. Hening, Statutes, VI, 133-134 (finder advertises in paper, but no record provided); ibid., VIII, 355 (estray register required).

in the article devoted to the county militia.[16]

The only other miscellaneous records not discussed elsewhere are parole certificates, receipts for money collected and paid into the State Treasury by the clerk, and the reports accompanying the remittance.[17] At the date of these parole records, the board of directors of the penitentiary was directed to attach to the warrant any conditions which the convict had to observe, and to send a copy to the clerk of the court in which he was convicted.[18] Earlier, however, no record was filed in the county except such conditions, if a conditional pardon had been granted.[19]

Deeds

26. (DEEDS), 1741, 1746-48, 1750-57, 1759-62, 1764, 1766-72, 1774, 1776-1854, 1856-1914. 4 file drawers, 5 bundles, 22 file boxes. 1920-- in List of Heirs, Deeds, Wills Etc., entry 172.

Original instruments recorded but not withdrawn by parties entitled thereto, including deeds, deeds of trust, release deeds, and chattel mortgages, showing date of instrument, kind of instrument, names of grantor and grantee, description of property, terms of agreement, signature of grantor, signatures of witnesses or date of acknowledgment, and signature and seal of county clerk or officer taking acknowledgment. Arr. chron. by year. No index. Hdw. and typed. File drawers 10½x15½x24; bundles aver. 8x3x2; file boxes 10x5x14. Clk. off., record va.

For record of deeds, see entry 28; for record of deeds of trust, see entry 38; for record of release deeds, see entry 39.

27. INDEX OF RECEIPT OF DEEDS FOR RECORDATION (Reception Record), 1902-10. 2 vols.

Daily record of deeds and other instruments filed for recordation to make instrument effective as notice immediately upon reception by county clerk showing date received (year, month, day, hour), names of grantor and grantee, kind of instrument. Arr. alph. by first letter of surnames of grantor and grantee and chron. thereunder. No index. Hdw. on ptd. forms. Aver. 135 pp. 15x10x1. Clk. off., record va.

28. BARGAIN & SALE DEED BOOK, 1657-1726, 1729--. 95 vols. (1 pt. 1, 1 pt. 2, 1, 2, 2 pt. 1, 2 pt. 2, 4-69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115), 6 negative photostat vols. (1, 1, 2, 6, 8, 14), 6 positive photostat vols. (1, 1, 2, 6, 8, 14). Title varies: Record of Wills, Deeds, Etc., 1657-88, 1715; Deed Book, Orders, 1688-1704; Deed Book, 1704-15, 1729-1906, 1910-12; Great Book, Deeds, Wills, 1715-26. 1629, 1636, 1639-42, 1644-59 in Guardian Accounts, entry 131.

Record of instruments, including deeds, deeds of emancipation, plats, agreements, leases, contracts, and powers of attorney, showing dates of filing and

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16. See County Militia, pp. 248-250.
17. Acts 1897-98, pp. 847-848; "Tax Code" 1936, sec. 406; see footnotes 18, 19.
18. Acts 1904, p. 112.
19. Acts 1897-98, p. 732; Acts 1902-3-4, p. 282.

recording, kind of instrument, names of grantor and grantee, terms of agreement, consideration, description of property, date of instrument, names of witnesses or date of acknowledgment and name of person taking acknowledgment, clerk's attestation. Also contains Trust Deeds, 1772-1904, entry 38; Release Deeds, 1772-1886, entry 39; Will Book, 1655, 1657-59, 1662, 1719-26, entry 124; (Record of List of Heirs), 1914--, entry 127; Fiduciary Account Book, 1719-26, entry 129; Co. (County) Court Order Book, 1693-95, 1755-57, entry 179. Arr. chron. by date of recordation. 1657-1726, 1729-81, 1786-1834 indexed alph. by first letter of surname of grantor and chron. thereunder; 1781-86, 1834-1919 indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder; also separate index, 1688--, entries 29-33. 1657-1715, 1741-44, 1747-52, 1757-81 negative photostats; 1657-1715, 1741-44, 1747-52, 1757-81 positive photostats; 1657-1726, 1729-1900, 1904-5 hdw.; 1900-- typed. Aver. 500 pp. 16x13x3. Vols. 1657-1726, 1729--, and positive photostats, 1657-1715, 1741-44, 1747-52, 1757-81, clk. off., record va.; negative photostats, 1657-1715, 1741-44, 1747-52, 1757-81, Vi., archives reading-rm.

For original instruments, see entry 26; for other record of plats, see entry 36.

29. GENERAL INDEX TO DEEDS, 1865-1914. 2 vols. (labeled by inclusive letters of alphabet).

Grantor and grantee index to record of deeds, entry 28, and to record of deeds of trust, entry 38, showing names of grantor and grantee, date of instrument, date recorded, kind of instrument, volume and page of record. Arr. alph. by all letters of surnames and given names of grantor and grantee. Typed on ptd. forms. Aver. 500 pp. 18½x12x3. Clk. off., record va.

For subsequent records, see entries 30, 31.

30. GENERAL INDEX TO DEEDS, GRANTOR, 1914--. 1 vol.

Grantor index to record of deeds, entry 28, and to record of deeds of trust, entry 38, showing names of grantor and grantee, date of instrument, kind of instrument, volume and page of record. Arr. alph. by first two letters of surname of grantor and chron. thereunder. Hdw. on ptd. forms. 600 pp. 14½x18x5. Clk. off., record va.

For prior records, see entries 29, 32.

31. GENERAL INDEX TO DEEDS, GRANTEE, 1914--. 1 vol.

Grantee index to record of deeds, entry 28, and to record of deeds of trust, entry 38, showing names of grantee and grantor, date of instrument, kind of instrument, volume and page of record. Arr. alph. by first two letters of surname of grantee and chron. thereunder. Hdw. on ptd. forms. 600 pp. 14½x18x5. Clk. off., record va.

For prior records, see entries 29, 32.

32. GENERAL INDEX TO DEEDS, 1688-1914. 3 vols. (1-3).

Grantor and grantee index to record of deeds, entry 28, and to record of deeds of trust, entry 38, showing date of instrument, names of grantor and grantee, kind of instrument, volume and page of record. Arr. alph. by first letter of surnames and given names of grantor and grantee and chron. thereunder. Hdw. on ptd. forms. Aver. 718 pp. 18x13x3½. Clk. off., record va.

For subsequent records, see entries 30, 31.

33. (INDEX TO INSTRUMENTS OF MANUMISSION), 1782-83, 1801. 1 vol. Index to record of deeds of emancipation of slaves, entry 28, and to record of emancipation by will, entry 124, showing volume and page of record, name of owner, date of instrument. Arr. num. by page no. of deed and will book. Hdw. on ptd. forms. 250 pp. 16x11½x2½. Clk. off., record va.

34. PROCESSIONERS REPORTS, 1820, 1824, 1828-29, 1832, 1836, 1840, 1848, 1852, 1854, 1858, 1867, 1875, 1882, 1888-89. 15 bundles. Original reports of bounds of land as found by processioners appointed by county court showing district, date of processioning, name of landowner, description and marks of corners, names of persons present, lands not processioned and reasons therefor, signature of processioner. Arr. chron. by year. No index. Hdw. Aver. 8x3x2. Clk. off., record va.

For record of processioners' reports, see entry 35; for appointment of processioners, see entry 80.

35. PROCESSION OF LANDS, 1824-44, 1848-75, 1882-89. 3 vols. (two not labeled; 2). Title varies: Processioners Record, 1824-44, 1848-75. 1824 in Miscellany, entry 80.
Record of determining and re-marking of land boundaries by processioners by order of county court showing date of processioning, name of landowner, name of processioner, names of persons present, description and marks of corners, lands not processioned and reasons, date report recorded, signatures of processioner and clerk. Arr. chron. by date of recordation. No index. 1824-44, 1848-75, 1883-89 hdw. on hdr. forms; 1882 hdw. Aver. 450 pp. 16½x11x2. Clk. off., record va.

For original processioners' reports, see entry 34; for appointment of processioners, see entry 80.

36. PLAT BOOK, 1915--. 2 vols. (1, 2).
Plats of lots and subdivisions showing boundaries, houses, trees, rivers, roads, directions for all rivers and roads, number of lots, acreage of each, name of surveyor, date of survey, declination, scale, clerk's attestation. No obvious arr. For index, see entry 37. Blue printed and hdr. Aver. 175 pp, 24x29½x1½. Clk. off., record va.

For other record of plats, see entry 28.

37. (INDEX TO PLAT BOOKS), 1915--. 1 vol.
Index to record of plats, entry 36, showing name of landowner, description of land, volume and page of record. Arr. alph. by first letter of surname of owner. Typed. 100 pp. 11½x9½x½. Clk. off., record va.

Liens

Real Property

38. TRUST DEEDS, 1904--. 22 vols. (70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112). Title varies: Trust Deed Book, 1904-6, 1913-16; Trust Deed, Deed Book, 1906-8; Trust Deeds and Mortgages, Deed Book, 1908-9. 1772-1904 in Bargain and Sale Deed Book, entry 28.
Record of deeds of trust on land constituting notice to prospective purchasers or creditors showing date of instrument, names of grantor, creditor, and trustee, amount of debt secured, terms of payment, legal description of

property, names of witnesses or date of acknowledgment and name of person taking acknowledgment, date of recording, clerk's attestation. Arr. chron. by date of recordation. 1904-19 indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder; also separate index, 1904--, entries 29-32. 1904-5 hdw.; 1905-- typed. Aver. 500 pp. 16x13x3. Clk. off., record va.

For original deeds of trust, see entry 26.

39. RELEASE DEEDS, 1886--. 3 vols. (1-3). Title varies: Release Deed Book, 1901-14. 1772-1886 in Bargain & Sale Deed Book, entry 28.

Record of deeds of release to trust deeds kept separately as a matter of convenience showing names of grantor, grantee, and trustee, date of release, amount paid, description of property, date of payment, date of released trust deed, names of witnesses, date of acknowledgment and name of person taking acknowledgment, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder. 1886-1900, 1903-5 hdw.; 1900-1903, 1905-- typed. Aver. 600 pp. 18½x12½x3. Clk. off., record va.

For original release deeds, see entry 26.

40. (RECORD OF MECHANICS LIENS), 1882-1907. 1 vol.

Record of obligations for services and materials which constitute a lien upon real or railroad property to effectuate the lien and give notice to third parties showing 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 payment due, date lien takes effect, amount involved, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of lienor and lienee and chron. thereunder. Hdw. 180 pp. 13x7½x½. Clk. off., record va.

Personal Property

41. CONDITIONAL SALES BOOK, 1891--. 10 vols. (two not labeled; 3-10). Title varies: Reservation of Title, 1891-1905, 1912-15; Reservation of Title to Personalty, 1905-12, 1915-20.

Record of contracts of sale in which there is reservation of title conditional 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, description of property, when and how payable, date docketed. 1891-1902, 1905-- arr. chron. by date docketed; 1902-5 arr. alph. by surnames of vendor and vendee and chron. thereunder. 1891-1902, 1912-- indexed alph. by first letter of surnames of vendor and vendee; 1902-12 not indexed. 1891-1902 hdw. on hdr. forms; 1902-37 hdw. on ptd. forms; 1937-- typed on ptd. forms. Aver. 270 pp. 17x10x2. Clk. off., record va.

42. MISCELLANEOUS LIENS, 1920--. 4 vols. (1-4).

Record of instruments affecting personalty and realty, including, at various times, all liens on personalty, and all other liens not specifically directed to be recorded elsewhere, kept to validate such liens against subsequent purchasers showing names of lienor and lienee, subject of lien, description of property, amount due, names of witnesses or date of acknowledgment and name of person taking acknowledgment, date of recording, clerk's

attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder. Typed. Aver. 476 pp. 18½x12x2½. Clk. off., record va.

43. CROP LIENS, 1892-1903. 1 bundle.
Original agreements creating liens on growing crops showing date of lien, location and description of land on which crop is seeded, kind of crop, names of lienor and lienee, amount advanced, condition of payment, signature of lienee. Arr. chron. by date of lien. No index. Hdw. 8x4x3. Clk. off., record va.
For record of crop liens, see entry 44.

44. CROP LIEN DOCKET, 1892--. 9 vols. (1-9).
Record of agreements concerning loans or advances secured by liens on growing crops showing names of lienor and lienee, date of lien, kind of crop, location of land on which crop is seeded, 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. 1892-1938 hdw. on ptd. forms; 1938-- typed on ptd. forms. Aver. 120 pp. 18x12x2. Clk. off., record va.
For original crop lien, see entry 43.

45. FEDERAL FARM CREDIT LIEN BOOK, 1936--. 1 vol. (1).
Record of claims on 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, name and address of assignor, name and address of 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 docketed. Indexed alph. by first letter of surnames of grantor, trustee and beneficiary and chron. thereunder. Typed on ptd. forms. 300 pp. 18½x12x2½. Clk. off., record va.

Taxation

Real Property

46. REASSESSMENT BOOK, 1850, 1870, 1875, 1880, 1890, 1895, 1900, 1905, 1910, 1920. 10 vols. Title varies: Re-Assessment, 1850; Reassessment of Lands, 1870, 1875, 1890, 1895, 1900; Assessment of Lands, 1905, 1910.
County clerk's 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. 1850 arr. alph. by surname of landowner; 1870, 1875, 1880, 1890, 1895, 1900, 1905, 1910, 1920 arr. by race, thereunder by district, and alph. thereunder by surname of landowner. No index. 1850 hdw. on hdr. forms; 1870, 1875, 1880, 1890, 1895, 1900, 1905, 1910, 1920 hdw. on ptd. forms. Aver. 75 pp.

17x21x1. 2 vols., 1850, 1920, clk. off., record va.; 8 vols., 1870, 1875, 1880, 1890, 1895, 1900, 1905, 1910, storage.

47. LAND BOOK, 1824-63, 1865--. 65 vols.
County clerk's copy of land book, including land, lots, standing timber, buildings and improvements assessed for taxes, showing name of owner, post office address, legal description of land, number of acres in each tract, value of land per acre (including the value of standing timber, if owner of the land owns same), value of land or lot and timber owned by the same person or value of land or lot exclusive of trees not owned by owner of land or lot, value of buildings and improvements, value of standing timber owned by others than owner of the land or lot, total value of land or lot and trees owned by owner of the land or lot, county and district levies, remarks. 1824-63, 1865-69 arr. chron. and alph. thereunder by first letter of surname of landowner; 1870-90 arr. chron., thereunder by district, and alph. thereunder by first letter of surname of landowner; 1891-- arr. chron., thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. 1824-56 hdw. on hdr. forms; 1857-63, 1865-1934 hdw. on ptd. forms; 1935-- typed on ptd. forms. Aver. 200 pp. 17x21x1. Clk. off., record va.

For commissioner of revenue's copy, see entry 211; for treasurer's copy, see entry 226.

48. DELINQUENT LAND AND LAND SOLD, 1916--. 2 vols.
County clerk's record of delinquent land and land sold for the nonpayment of taxes or redeemed before sale showing district, year delinquent, name of person delinquent, description of land, number of acres, local levies, date of sale, name of purchaser, amount sold for, date redeemed, amount of redemption, by whom redeemed. Arr. alph. by surname of delinquent and chron. thereunder by year delinquent. No index. 1916-26 hdw. on ptd. forms; 1927-- typed on ptd. forms. Aver. 400 pp. $18\frac{1}{2}$x$14\frac{1}{2}$x$2\frac{1}{2}$. Clk. off., record va.

For prior record of delinquent land, see entry 49; for original lists of delinquent land sales, see entry 147; for original lists of delinquent real estate, see entry 227.

49. DELINQUENT LAND BOOK, 1884-1931. 4 vols. Title varies: Record of Delinquent Lands, 1884-1926.
County clerk's record of real estate delinquent for the nonpayment of taxes assessed showing district, year delinquent, name and address of delinquent, page and line in commissioner's book, location and legal description of land, number of acres, amount of taxes, penalty, total due, date and by whom paid. Arr. alph. by first letter of surname of delinquent and chron. thereunder by year delinquent. No index. Hdw. on ptd. forms. Aver. 18x13x2. Clk. off., record va.

For subsequent record, see entry 48; for original list of delinquent land, see entry 227.

50. DELINQUENT LAND SALES (to the Commonwealth), 1876-1931. 2 vols. Title varies: Land Purchased by the Commonwealth, 1876-1926.
Record of real estate sold to the Commonwealth for nonpayment of taxes and levies assessed thereon showing name of person charged with taxes, in whose name land is sold, quantity of land charged, description of land, amount due for local levies, penalties, interest, advertising costs, total

amount due, quantity of land sold, date of sale, amount of purchase money, year delinquent, remarks (if redeemed, date and by whom). Arr. chron. by year delinquent and alph. thereunder by first letter of surname of landowner. 1876-1926 indexed alph. by first letter of surname of landowner; 1927-31 not indexed. Hdw. on ptd. forms. Aver. 300 pp. 17x12½x2. Clk. off., record va.

For original lists, see entry 147.

51. LAND SOLD FOR TAXES TO OTHERS THAN THE COMMONWEALTH, 1876-1930. 1 vol.

Record of real estate sold to individuals for the nonpayment of taxes and levies assessed thereon showing name of person charged with taxes, in whose name land is sold, quantity of land charged, description of land, amount due for local levies, penalties, interest, advertising costs, total amount due, quantity of land sold, date of sale, name of purchaser, amount of purchase money, year delinquent, remarks (if redeemed, date and by whom). Arr. chron. by year delinquent and alph. thereunder by first letter of surname of landowner. Indexed alph. by first letter of surname of landowner. Hdw. on ptd. forms. 200 pp. 16x11x2. Clk. off., record va.

For original lists, see entry 147.

52. (TAX ACCOUNTS), 1894-98. 1 vol.

Record of delinquent taxes compiled by county clerk in order to account for collections showing name of person charged with tax, district, year for which taxed, amount due. Arr. by race, thereunder by districts, and chron. thereunder by year assessed. No index. Hdw. 252 pp. 13x8x1. Clk. off., record va.

53. (DELINQUENT TAX RECEIPTS), 1934. 1 vol.

Carbon copies of receipts issued by circuit court clerk upon payment of delinquent land taxes showing number of receipt, date issued, name of payer, name of delinquent, district, description of property, years delinquent, amount paid, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. 100 pp. 11x8x½. Clk. front off.

Personal Property

54. PROPERTY BOOK, 1829-30, 1833, 1841, 1845-52, 1854-55, 1857-62, 1865-91, 1893-95, 1897-1924, 1927--. 98 vols. Title varies: Personal Property Book, 1902-3, 1911-24, 1927-34.

County clerk's copy of the record of tax assessments on personal property showing name of property owner, post office address, State capitation tax, intangible personal property for State taxation only (bonds, notes, other evidences of debt, demands and claims, money, moneyed capital coming into competition with the business of national banks, capital not otherwise taxed), total State taxes and penalties, county capitation levy (if any), tangible personal property, machinery and tools and merchants' capital, total county and district levies. 1829-30, 1833, 1841, 1845-52, 1854-55, 1857-62, 1865-70 arr. alph. by first letter of surname of property owner; 1871-75 arr. by district and alph. thereunder by first letter of surname of property owner; 1876-78 arr. alph. by first letter of surname of owner, thereunder by district, and thereunder by race; 1879-91, 1893-95, 1897-1901 arr. by district, alph. thereunder by first letter of

surname of owner, and thereunder by race, 1902-24, 1927-- arr. by race, thereunder by district, and alph. thereunder by first letter of surname of property owner. No index. 1829-30, 1833, 1841 hdw. on hdr. forms; 1845-52, 1854-55, 1857-62, 1865-91, 1893-95, 1897-1924, 1927-34 hdw. on ptd. forms; 1935-- typed on ptd. forms. Aver. 150 pp. 15x18x1. 91 vols., 1829, 1841, 1845-52, 1854-55, 1857-62, 1865-91, 1893-95, 1897-1924, 1927-33, storage; 7 vols., 1830, 1833, 1934--, clk. off., record va.

For commissioner of revenue's copy, see entry 213; for treasurer's copy, see entry 228.

55. RECORD OF INSOLVENT CAPITATION AND PROPERTY TAX, 1885-86. 1 vol. Record of persons delinquent for the nonpayment of taxes and levies assessed against personal property for State and local taxation, and for nonpayment of State and local capitation taxes, copied by the clerk from lists sent to circuit court by county treasurer, showing name of person charged with tax, page and line on personal property book, amount of capitation tax, amount of property tax for support of government and public schools, total State tax, county levy for schools, total county levy, reason returned insolvent. Arr. alph. by first letter of surname of person charged with tax. No index. Hdw. on ptd. forms. 200 pp. 17x14½x1½. Clk. off., record vs.

Licenses

56. (LICENSE REPORTS), 1899-1901, 1904-7. 1 bundle. Clerk's copy of commissioner of revenue's semiannual report of all persons assessed with taxes on licenses other than liquor licenses showing inclusive dates of report, date license issued, name of person, firm, business, or profession licensed, name of county treasurer to whom money paid, date license expires, information or data upon which tax assessed (especially in cases of purchases and sales), amount of such purchases or sales, amount of tax on license, amount of tax on class or subject, remarks, commissioner's oath and certificate of notary public administering oath. Arr. alph. by surname of person or firm licensed. No index. Hdw. on ptd. forms. 16x18x4. Storage.

Corporations and Partnerships
(See also entry 214)

57. CHARTER BOOK, 1870--. 2 vols. No title, 1870-1905. Record of certificates of incorporation and charter amendments showing names of persons forming corporation, name and purpose of corporation, location of principal office, amount of capital stock, names of officers and directors, date of application, date charter granted, date of recordation, clerk's attestation. Arr. chron. by date of recordation. 1870-1905 not indexed; 1905-- indexed alph. by first letter of name of corporation. 1870-1901, 1904-5, 1916-- hdw.; 1902-3, 1906-15 typed. Aver. 350 pp. 16x9x2. Clk. off., record va.

58. RECORD OF PARTNERSHIP, 1922--. 1 vol. Record of certificates of partnership for prevention of secret or fraudulent combinations and for protection of creditors showing names of partners, post office addresses, residences, name and style of firm, duration

of partnership, location of place of business, date of attestation by notary public, signatures of partners, signature of notary public, date of recording, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by name of company. Typed. 400 pp. 16½x11½x3. Clk. off., record va.

Conservation

59. RECORD OF LICENSES AND PERMITS ISSUED, 1916--. 5 vols. Title varies: Clerks Record of Hunting, and Fishing Licenses, 1916-28; Clerks Record Hunting, Trapping, Fishing License and Button Record, 1928-34.

Record of sales of hunting, fishing, and trapping licenses kept by the county clerk for accounting with the Commission of Game and Inland Fisheries for money so received and for computing the commissions due him 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 issued and num. by license no. No index. Hdw. on ptd. forms. Aver. 100 pp. 15½x15x½. 2 vols., 1916-28, storage; 3 vols., 1928--, clk. front off.

60. (LICENSE REPORTS), 1929--. 1 folder.

Duplicates of county clerk's quarterly report to the Comptroller and the Commission of Game and Inland Fisheries of license, permit and stamp sales showing license year, date of report, kind and price of license, last number detached last report, last number detached this report, quantity detached, value of detached licenses this report, value of spoiled licenses detached, net value of licenses sold this report, opening number of unsold licenses, closing number of unsold licenses, quantity on hand, fees due clerk, kinds of spoiled licenses returned, serial numbers, value, clerk's certification. Arr. chron. by date of report. No index. Typed on ptd. forms. 14x12. Clk. off., record va.

61. OYSTER BOOK, 1893--. 2 vols. (one not labeled; 2).

Clerk's record of plats and transfers of oyster planting ground assigned to individuals by the oyster inspector showing name of person to whom assigned, boundary and area, name of surveyor, to whom and on what date if transferred, signature of oyster inspector, date of recordation, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of person to whom ground assigned and chron. thereunder. 1893-1914 hdw.; 1914-- typed. Aver. 447 pp. 17x12x2. Clk. off., record va.

For original oyster surveys, see entry 81.

Vital Statistics

Births

62. REGISTER OF BIRTHS, 1853-76. 1 vol. 1723-48 in Newport Parish Vestry Book, entry 276.

County clerk's record of births showing date of birth, name of child if named, color, sex, whether born dead or alive, place of birth, father's name in full if child is born in wedlock, or owner's name if child is born

a slave, father's occupation and residence, mother's name in full, number at birth, deformity or any circumstance of interest, sources of information (name of person giving information of birth, relation of informant to person born). Arr. chron. by year of birth. For index, see entry 63. Hdw. on ptd. forms. 300 pp. 20x15x3. Clk. off., record va.

63. INDEX TO BIRTHS, INDEX TO DEATHS, INDEX TO MARRIAGES, 1853-1900. 1 vol.

Index to record of births, entry 62, to record of deaths, entry 64, and to record of marriages, entry 66. Index to record of births shows names of freeborn children, names of parents of freeborn children when children have no names, names of slaveholders when children born slaves, volume and page of record. Index to record of marriages shows names of contracting parties, page of record. Index to record of deaths shows name of deceased or owner of deceased slave, page of record. Index to births arr. alph. by first letter of surname of children or slaveholders, or father's surname if child not named; index to deaths arr. alph. by first letter of surname of deceased or slaveholder; index to marriages arr. alph. by first letter of surnames of contracting parties. Hdw. on ptd. forms. 250 pp. 19½x15x2. Clk. off., record va.

Deaths

64. REGISTER OF DEATHS, 1853-74. 1 vol.

County clerk's record of deaths showing name, sex, race, age, and occupation of deceased, whether free or slave, names of parents or slaveholder, date, place, and cause of death, place of birth, consort of or unmarried, sources of information (name of person giving information of death, designation of informant, whether physician, surgeon, coroner, head of the family or friend). Arr. chron. by year and alph. thereunder by first letter of surname of deceased. For index, see entry 63. Hdw. on ptd. forms. 350 pp. 20x15x3. Clk. off., record va.

Marriages

65. MARRIAGE LICENSES, 1854-63, 1865--. 4 file drawers.

Applications for marriage licenses made to county clerk and marriage license certificates returned to him by minister or other persons performing ceremony for filing showing name of wife, address, names of parents, condition before marriage (widow, single, divorced); name of husband, address, names of parents, occupation, condition before marriage; signatures of contracting parties, clerk, and minister, Arr. chron. by date of license. No index. 1854-63, 1865-1907 hdw. on ptd. forms; 1908-- typed on ptd. forms. 10½x15½x24. Clk. off., record va.

For record of marriages, see entry 66.

66. MARRIAGE RECORD, 1853--. 5 vols. (A, 1-4). Title varies: Marriage Register, 1853-1900.

Record of marriages kept by the county clerk to enforce the requirement that all marriages be licensed and to provide a prompt and permanent record of all marriages showing date license issued, date and place of marriage, names, race, ages, birthplaces, residences, condition before marriage of contracting parties, names of parents, occupation of husband, name of minister performing ceremony. 1853-67 arr. chron. by year of marriage; 1867-- arr. chron. by date license issued. For index, 1853-1900, see

entry 63; 1900-- indexed alph. by first letter of surnames of contracting parties. Hdw. on ptd. forms. Aver. 450 pp. 18x13x3. Clk. off., record va.

For original marriage license certificates, see entry 65; for prior records, see entry 67.

67. MARRIAGE REGISTER (Compilation from Original Marriage Bonds), 1772-1853. 1 original vol., 1 photostat.
Record of marriages compiled in Virginia State Library from original marriage bonds and ministers' returns on marriages. Marriage bonds show date of bond, names of contracting parties, surety, witnesses, and parent or guardian. Ministers' returns show name of minister, denomination, date of service, names of contracting parties. Arr. chron. Indexed alph. by surnames of contracting parties. 1772-1853 hdw. on ptd. forms; 1772-1853 photostat. 691 pp. 13x9x2½. Original, 1772-1853, Vi., archives stack-rm.; photostat, 1772-1853, clk. off., record va.

For subsequent records, see entry 66.

Registers

68. NEW FREE REGISTER (of Negroes), 1852-62. 2 vols. No title, 1852-59.
Record of certificates issued to free Negroes and mulattoes by order of county court permitting residence in State from which identification cards required by law were issued showing name and description of Negro or mulatto, date of court order granting certificate, date registered, number of certificate, date copy furnished, date of renewal. Arr. chron. by date of court order. No index. Hdw. on hdr. forms. Aver. 50 pp. 13x8x½. Clk. off., record va.

69. REGISTER OF CONVICTS, 1871-1922. 1 vol.
Record of persons convicted of felony, constituting prima facie evidence of former conviction in award of heavier sentence to old offenders and in refusal of suffrage to convicts, showing name and aliases, residence, race, description (height, eyes, hair, marks or scars), age, and occupation of felon, offense, court in which convicted, date of conviction and page of record, whether judgment reversed or pardon granted and date thereof. Arr. chron. by date of conviction. No index. Hdw. on ptd. forms. 79 pp. 16x10½x1. Clk. off., record va.

70. MEDICAL REGISTER, 1912--. 1 vol. Last entry 1934.
County clerk's record of licenses to practice medicine, dentistry, and surgery issued by the State Board of Medical Examiners and used to prevent practice by unlicensed persons showing name and residence of licensee, place and date of birth, source of license, number of license, date of license, school of practice, oath and signature of licensee, certification of clerk, date sworn to and subscribed, clerk's attestation, record of expiration of license. Arr. chron. by date sworn to and subscribed. Indexed alph. by first letter of surname of licensee. Hdw. on ptd. forms. 252 pp. 16x11x1½. Clk. off., record va.

Military
(See also entries 80, 303)

71. (ROSTER OF CONFEDERATE SOLDIERS), undated. 1 vol.
Roster of soldiers mustered in Isle of Wight County for the Confederate

Army showing name and rank of soldier, branch of service, company and regiment in which served. Arr. alph. by surname of soldier and thereunder by company. No index. Hdw. on ptd. forms. 30 pp. 17x10½x½. Clk. off., record va.

72. DRAFT RECORD, 1917-18. 1 vol.
County clerk's record of persons from Isle of Wight County who enlisted or were drafted for service during the World War, and certificates of honorable discharges. Enlistment and draft record shows full name of person, age, race, date of birth, serial number, and draft order number. Honorable discharge record shows name of person discharged, serial number, branch of service, cause of discharge, place of birth, age when enlisted, color of eyes, hair and complexion, height, date of discharge, service record such as character, commissions, wounds, battles participated in, name of commanding officer. Arr. num. by draft order no. Indexed alph. by surname of person serving. Typed. 700 pp. 9x11x3½. Clk. private off.

Elections

(See also entries 81, 170, 239)

73. LIST OF VOTERS REGISTERED, 1902-9. 2 vols. Title varies: General Registration, 1902-3.
County clerk's permanent record of voters registered showing name, age, date of birth, residence, and occupation of voter, date of registration, district, precinct, 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, date and to what precinct. 1902-3 arr. by precincts, thereunder by race and alph. thereunder by surname of voter; 1904-9 arr. alph. by surname of voter. No index. Hdw. on ptd. forms. Aver. 150 pp. 16½x11x2. Clk. off., record va.

74. (GENERAL REGISTRATION OF VOTERS), 1902-3. 27 vols.
General registration of voters undertaken after the Constitution of 1902 became effective for the purpose of unifying the State election machinery and of obtaining a record of all persons eligible to vote. For full description, see entry 73. Arr. alph. by surname of voter. No index. Hdw. on ptd. forms. Aver. 20 pp. 15½x10½x½. Clk. off., record va.

75. (LIST OF PAID CAPITATIONS), 1903, 1905, 1906, 1909, 1911. 4 bundles.
County clerk's copy of treasurer's lists of all persons who paid their poll taxes showing name of person paying tax, name of district, date paid. Arr. chron. No index. 1903, 1905, 1906, 1909 hdw.; 1911 typed. Aver. 3x9x½. Clk. off., record va.

76. SHERIFF'S RETURN ON VOTERS POSTED, 1904--. 1 vol.
County clerk's record of sheriff's return of posting of lists of those having paid capitation taxes showing oath of sheriff, voting place, where posted, date of posting, signature of sheriff, date of oath, date of recording, clerk's attestation. Arr. chron. by date of recordation. No index. Hdw. on ptd. forms. 100 pp. 14x9x1. Clk. off., record va.
For original sheriff's returns, see entry 81.

77. (COUNTY POLL BOOKS AND BALLOTS), 1905-9. 1 carton.
County poll books and ballots used in general and local elections. Poll books show signed oaths of judges of election as to proper performance of duty, number and name of elector, name of voter, number of electors elected and number of votes received by each, names of candidates for office and number of votes received by each, signatures of judges of election. Ballots show date of election, offices to be filled, names of candidates for each office. No obvious arr. No index. Hdw. on ptd. forms. 18x12x10. Storage.

Financial

78. FEE BOOK, 1844-96. 5 vols.
County clerk's record of fees charged for services rendered individuals and firms showing name of person charged, date service rendered, subject of charge, amount. Arr. by name of person or firm charged and chron. thereunder. 1844-82, 1890-96 indexed alph. by first letter of surname of person or firm charged; 1883-89 not indexed. Hdw. on hdr. forms. Aver. 100 pp. 15x7½x½. Storage.

Correspondence

79. LETTERS TO AND FROM, 1933--. 4 file drawers.
Original letters to the clerk relating to county matters and carbon copies of his replies thereto. Arr. alph. by first letter of surname of correspondent and chron. thereunder. No index. Hdw. and typed. 10½x15½x24. Clk. private off.

Miscellaneous

80. MISCELLANY, 1775, 1778, 1783-1838. 1 vol., 1 photostat.
Miscellaneous records of county clerk, containing:

i. Appointment of processioners, 1795-1804, showing date of court, names of justices present, names of processioners appointed, boundaries of each processioner's district.
For records of processioners, see entries 34, 35.

ii. Appointment of tax assessors, 1778, showing date of meeting, names of commissioners present, names of assessors appointed, number and boundaries of each assessor's district, signatures of commissioners.

iii. Assessment of taxes by tax assessors, 1778, showing name of person assessed, quantity, value, and tax rate on acres of land, slaves, servants, horses, mules, ounces of silver plate, money, annuities, carriages, cattle, free tithables, gallons of liquor, total amount of tax, signatures of assessor and clerk.

iv. Lists of marriages returned by ministers, 1785-1838, showing name of minister, names of parties married, date and place of marriage.

v. Proceedings of the committee of safety, 1775, showing date of meeting, names of members present, resolutions and orders concerning assistance offered town of York in case of attack, premiums to be paid on salt, purchase of gunpowder and applications for contributions to pay for same, training militia for defense purposes, premium offered first person making gunpowder.
For other military records, see entries 71, 72, 303.

vi. Record of estrays, 1783-1832, showing name of finder, where found, name of justice of peace, names of freeholders forming commission, date of examination, description and appraised value of property, signatures of justice, freeholders, and clerk.

Also contains Procession of Lands, 1824, entry 35. Arr. by type of record. No index. 1775, 1778, 1783-1838 hdw. and hdw. on hdr. forms; 1775, 1778, 1783-1838 photostat. 100 pp. 16x11x1½. Original, 1775, 1778, 1783-1838, clk. off., record va.; photostat, 1775, 1778, 1783-1838, Vi., archives reading-rm.

81. (MISCELLANEOUS PAPERS), 1903-16, 1 carton.

Original papers filed with circuit court clerk, containing:

i. Abstract of votes cast, 1903-5, 1911, 1914, showing date of election, offices to be filled and names of candidates for each, number votes received by each candidate, signatures of commissioners of election and clerk of circuit court.
For other election records, see entries 73-77, 170, 239.

ii. Convict paroles, 1906-9, showing name and number of convict, length of sentence, name of court sentenced by, date sentenced, date paroled, reason paroled, signatures of president and clerk of penitentary board, convict, and witness to convict's signature.

iii. Oyster surveys, 1903-4, showing name of person holding oyster planting ground, number and area of planting ground, angles, distances and marks of boundaries, date recorded, clerk's attestation.
For record of oyster surveys, see entry 61.

iv. Receipts from Auditor of Public Accounts, 1906-9, showing date of receipt, name of clerk and name of court money received from, amount received, signature of Auditor of Public Accounts.

v. Report of taxes and other money belonging to the Commonwealth, 1906-9, showing date of report, itemized statement of collections, deductions for commissions, signatures of clerk and commonwealth's attorney.

vi. Sheriff's return on voters posted, 1904-10, showing name of sheriff, voting place, where posted, date posted, date recorded, signatures of sheriff and clerk.
For record of sheriff's returns, see entry 76.

Also contains (List of Heirs), 1912-16, entry 126; Bonds, 1904-9, entry 135. Arr. by type of record. No index. Hdw., typed, hdw. and typed on ptd. forms. 9x10x18. Clk. off., record va.

82. CLERK'S OFFICE MATTERS, 1919--. 13 file drawers. Title varies slightly.

Miscellaneous papers of the county clerk, including lists of county officers, county budgets, financial statements to Auditor of Public Accounts, reports of county agricultural agent, audits of clerk's office, notices of candidates, copies of wills and deeds, old indexes, account books, and insurance policies. Arr. alph. by subject. No index. Hdw., typed, and ptd. 10½x15½x24. Clk. private off.

83. (PRESCRIPTIONS FOR ARDENT SPIRITS), 1919-20. 1 file box (220).

Duplicate prescriptions and affidavits for regulating sales of ardent spirits for medicinal and other legitimate purposes under the State Pro-

hibition laws, made out by merchants selling the spirits and filed once a month with the clerk. Prescriptions show name of prescribing physician or dentist, name of patient, quantity of pure alcohol, whiskey, or brandy, use for which prescribed, date filled, name of person filling prescription. Affidavits show that the spirits are for scientific or other legal purpose or that wine is for sacramental use, that affiant is not a minor, or intemperate, or addicted to narcotics. Arr. chron. by date filed. No index. Hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

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 at the next session on account of the "greate charge to the country,"[2] and nothing further of this kind (except the establishment of courts of oyer and terminer for emergent cases) was attempted until the American Revolution. Although the old General Court continued in force, one of the first acts of the Virginia Assembly under the Commonwealth was to set up a High Court of Chancery in 1777, with appellate authority over the county court in chancery causes.[3] In 1788, 18 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. Isle of Wight County fell in Williamsburg District.[6] In 1809 the accessibility of justice was still further served by the creation of 12 judicial circuits and the creation of a circuit superior court of law, meeting twice annually, in each county. The circuits were attended by the same judges of the General Court who formerly had held the District Courts of Law.[7] These circuits provided an established framework when, in 1831, the District Superior Courts of Chancery and the circuit superior courts of law were combined and modified to form the circuit superior courts of law and chancery. They followed the same circuits and inherited the records as well as the authority and jurisdiction of the older superior courts.[8] The new court had concurrent juris-

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1. Hening, Statutes, II, 64-66.
2. Ibid., II, 179.
3. Ibid., IX, 389-391.
4. Ibid., XII, 730-763.
5. Shepherd, Statutes, II, 320-322.
6. Code 1803, p. 426; Code 1819, I, 196-197; Code 1849, p. 617 (revisors' note).
7. Shepherd, Statutes, III, 355-360.
8. Acts 1830-31, pp. 43-76.

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diction 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 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 may hold no other office, and must by law reside within his circuit, and his removal therefrom automatically vacates the office,[20] as does his failure to qualify or give his oath of office within

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9. Ibid., pp. 42, 46-48.
10. Acts 1838, pp. 61-62.
11. Acts 1848-49, pp. 42-43.
12. Const. 1902 (as amended 1928), art. VI, secs. 91, 96.
13. Const. 1830, art. V, sec. 4; Acts 1830-31, p. 39.
14. Const. 1851, art. VI, sec. 6; Acts 1852, pp. 51-52; Const. 1869, art. VI, sec. 11; Const. 1902, art. VI, sec. 96; Acts 1902-3-4, p. 31.
15. 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. Code 1849, pp. 43, 619; Code 1887, sec. 3064; Acts 1902-3-4, pp. 608-609; Const. 1902 (as amended 1928), art. VI, sec. 96; Code 1936, secs. 5897, 5976, 5977.

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Circuit Court

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 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 principle, but from time to time modifications have been made to meet the requirements of modern government. The circuit court has original jurisdiction in civil and criminal cases, except misdemeanors or civil cases wherein the amount in question does not exceed $200. The latter civil cases 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 relationship.[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

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21. Acts 1852, p. 51; Acts 1857-58, p. 27; Code 1936, sec. 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.
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.

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 quite closely one to the other; it would therefore be a mere repetition to trace the two separately. 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.

In addition to the division into chancery and law, the latter is further broken down into civil and criminal case papers, and miscellaneous term papers relating to matters handled generally by the court. The papers relating to each case are bundled together and filed, and others are filed by terms.[37] An index serves civil cases,[38] but there seems to be no practical way of getting into criminal papers, since the docket which would ordinarily serve this purpose has no index.[39] The warrants and other papers in cases tried by justices of the peace were returned to court at once,[40] and since the trial justice has taken over their jurisdiction, papers are likewise returned. Now, however, the trial justice retains them for a year or, if a fine is paid in installments, for as long as 3 years.[41]

The clerk of any court in the State is directed, on request, to prepare an abstract of any judgment rendered by his court or filed therein as provided by law. These abstracts may then be proceeded on by any court to which delivered.[42] Affidavits for search warrants are also separate. In order to obtain a search warrant, a person must state on oath that the property has

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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: Henry Campbell Black, A Dictionary of Law . . ., St. Paul, Minn., 1891, p. 1096.
37. Hening, Statutes, III, 511; Code 1936, sec. 3386 (all papers preserved); the division is not required by law, and the classification law and chancery while it is almost universally adopted, is apparently so as a matter of convenience and general consent.
38. Apparently for convenience of users only; see entry 85.
39. See entry 104.
40. Acts 1870-71, p. 362; Acts 1902-3-4, p. 616; Code 1919, sec. 4989.
41. Acts 1934, p. 472; Acts 1936, pp. 625-626; Code 1936, sec. 4987(j).
42. Code 1819, I, 213-214, 507; Acts 1830-31, pp. 50, 75; Acts 1839-40, p. 46; Code 1849, p. 651; Code 1873, p. 1165; Code 1887, sec. 3559; Acts 1897-98, p. 507; Code 1936, secs. 6130, 6131, 6461, 6463, 6470.

been stolen, embezzled, or obtained by false pretenses, and that it is believed to be concealed in a particular house or other place.[43] It may also be issued, among other purposes, to search specified places for certain evidence of forgery, obscene matter, lotteries, or gambling.[44] Although the disposition of the affidavit is not mentioned, the goods, if any are found, and the person in whose possession found, must be returned to a court having cognizance of the case.[45] Some of these affidavits are on file in the county.[46] To the grand jury, drawn by the clerk from a list of names selected annually by the circuit court and summoned by the sheriff, falls the duty of presenting or indicting felonies, misdemeanors, and violation of penal laws for which corporal punishment or a fine exceeding $5 is imposed.[47] Special grand juries may be convened if needed.[48] Some of the lists compiled by the clerk before each term of court are on file in the county.[49] The order committing an accused to jail must in certain instances be delivered to the clerk of the circuit court.[50]

The usual method of taking testimony in chancery proceedings is by depositions[51] before a justice, notary public, or commissioner in chancery.[52] There are some special cases in which depositions are used, such as a contested election on the question of issuing bonds for certain purposes;[53] and a will may be proved by the depositions of the attesting witnesses who are unable to attend personally.[54] In certain specified cases, depositions may be read in civil cases at law.[55] Since the deposition takes the place of oral testimony, it may usually be used only in a pending case.[56] However, it may be taken in at least two other instances. First, when an appeal has been or might be taken to a judgment, decree, or order, any party may take depositions to be read at any future trial that may be directed.[57] Second, the testimony of witnesses may be perpetuated when no suit is pending. The deposition for this purpose is taken by a commissioner in chancery and returned to the clerk's office of his court.[58] Other depositions are certified and returned by the officer taking them, or certified and sealed and sent by mail or public carrier to the clerk of the court in which the proceeding is pending, or to the commissioner or person before whom it is to be read; the clerk or commissioner endorses the time of reception and is directed to file

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43. Ibid., sec. 4819.
44. Ibid., sec. 4820.
45. Ibid., sec. 4821.
46. See entry 95.
47. Code 1936, secs. 4851-4853, 4859.
48. Ibid., sec. 4854.
49. Ibid., sec. 4852; see entry 95.
50. Code 1936, sec. 4846.
51. Ibid., sec. 6096.
52. Ibid., sec. 6225.
53. Ibid., sec. 2754.
54. Ibid., sec. 5252.
55. Ibid., sec. 6231.
56. Ibid., sec. 6225; Bouvier's Law Dictionary, pp. 547-548.
57. Code 1936, sec. 6234.
58. Ibid., sec. 6235.

it among the papers of the suit or other proceeding.[59] In Isle of Wight County, some depositions are in a separate file drawer.[60]

When a suit is to be instituted or further process issued, the party or his attorney notifies the clerk of the process desired and names of persons to be served.[61] The clerk records these notices in a memorandum book.[62] Record of the issuance and return of such process was formerly kept in a separate book,[63] but is now included as part of the standard docket. Process is returnable to a certain rule day, and after the lapse of a certain number, during which further pleadings may be entered, the case is matured for entry in court. A separate docket was formerly kept for these proceedings,[64] but this docket is likewise merged in the general docket.[65]

Cases matured at rules were formerly entered upon a separate court or "issue" docket in the order in which they were to be heard, and a copy was sometimes made for the use of the judge.[66] These records, as well as the process book and rule docket, are 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) may be transferred to a separate section or volume reserved for ended cases, or the disposition merely noted on the sheet, thus obviating the former trouble of recopying the entry from session to session.[67] Records of the proceedings in court on every case are taken in rough form in the minute book, law and chancery together, and later segregated and copied in better style in the appropriate order book.[68]

In 1873 all cases over which the county court no longer had jurisdiction were removed to the circuit court. The clerk was directed to note the disposition thereof and state all orders, rules, proceedings, and acts not found

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59. Ibid., sec. 6232.
60. See entry 98.
61. By custom only, and not by legal enactment; however, typical forms of memoranda may be found in Alexander H. Sands, Practical Forms, Richmond, 1872, p. 283 ff.
62. See entry 100.
63. Acts 1830-31, pp. 67, 70; Code 1887, sec. 3187; Code 1919, sec. 3403; Acts 1923, pp. 97-98; Code 1936, sec. 3403.
64. Acts 1830-31, p. 47; Code 1919, sec. 6075; Acts 1923, pp. 97-98.
65. Ibid., pp. 97-98 (the substitution is not mandatory, but the use of the loose-leaf docket is); Code 1936, sec. 6245.
66. Acts 1830-31, p. 47; Code 1849, p. 670; Code 1887, sec. 3378; Code 1919, secs. 6243, 6245.
67. Acts 1923, pp. 97-98; Code 1936, secs. 6243, 6245.
68. The distinction between "minute" and "order" books has never been clearly drawn in the law; records of proceedings are required, but the details are not given: 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).

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in the original papers.[69] One such record remains for chancery cases.[70]

Such records[71] as were kept by the justices of the peace in their minor judicial function were to be returned to and filed or recorded in the court. The right of the magistrates to issue executions on their own judgments was limited; any execution in a civil case, issued by a justice and not returned to and renewed by him within a year, was to be returned to the clerk's office of the county (later circuit) court to be filed,[72] and after 1898 the same return was required for all the papers of a case heard before an individual justice, including an abstract of the judgment rendered.[73] The papers 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.[74] Each justice of the peace also was required to keep a docket in which was entered every judgment rendered and execution issued by him; these volumes, when filled up, or when the justice died or left office, were returned to and became records of the court.[75] All judgments for money rendered by the courts of the county or in the clerk's office, and by 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.[76] On January 1, 1917 (in accord with an act of the previous year) the judgment lien docket was combined with the execution book, and the combined record is in use today.[77] The judgment docket and the combined volumes are served by a general index.[78]

Executions issued on judgments of any nature 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 Isle of Wight County they are in separate series of file boxes.[79] Handled in the same manner as executions, are returned distress warrants.[80] Such a warrant is issued by a justice on affidavit of the landowner that rent is due, is

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69. Acts 1872-73, pp. 382-384; Code 1873, p. 1029 and notes; Code 1887, secs. 2533, 3046, 3048.
70. See entry 91.
71. Neither these nor the following records are subject to the law-chancery division, unless so stated.
72. Shepherd, Statutes, III, 287; Code 1819, I, 253; Acts 1859-60, p. 139; Code 1887, secs. 2949, 2950; Code 1919, secs. 6030, 6031; (repealed) Acts 1934, p. 469.
73. Acts 1897-98, p. 638; Acts 1901-2, pp. 371-372; Code 1919, sec. 6030; (repealed) Acts 1934, p. 469.
74. Code 1819, II, 59-60; Acts 1902-3-4, p. 615; Code 1936, secs. 2552, 4989.
75. Acts 1820-21, p. 33; Code 1849, p. 596; Code 1887, sec. 2944; Code 1919, sec. 6024; (repealed) Acts 1934, p. 469.
76. Acts 1842-43, pp. 51-52; Code 1849, pp. 708-709; Acts 1872-73, p. 17; Acts 1902-3-4, p. 777; see footnote 77.
77. Acts 1916, p. 122; Code 1936, secs. 3393, 3394, 6461, 6464.
78. Ibid., sec. 3394.
79. 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.
80. Acts 1897-98, p. 755; Code 1936, sec. 5528.

served by a constable, sheriff, or sergeant,[81] and may be levied on any goods of the tenant found on the premises or removed within 30 days, or on goods of an under tenant to the amount he owes the tenant, subject in all cases to special provisions as to liens.[82] When the warrant is returned, the clerk issues a writ directing the sheriff to sell the goods levied upon.[83] 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.[84] 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[85] but the amount must be recovered by suit.[86] It is in this suit that a tenant against whom a distress warrant has been issued may for the first time assert his defenses against the warrant.[87] Such bonds (known as "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.[88] Executions issued by a justice of the peace were, if unsatisfied, returned to the court for issuance of further execution,[89] and as a matter of practice recorded in a separate book. A separate execution book was also formerly kept for executions issuing from the court, in order to systematize their satisfaction and to determine the date from which the lien is effective.[90] This record was for some time divided as to law and chancery proceedings,[91] but later combined in one,[92] and later still fused with the former separate judgment lien docket.[93]

Grand jurors and jurors in civil cases are paid the same amount.[94] A certificate is given the juror, to be paid by the county treasurer on demand, and the clerk retains a stub or other record.[95] Witnesses in criminal cases[96] and civil cases are paid in substantially the same manner as jurors are paid.[97]

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81. Ibid., sec. 5522.
82. Ibid., sec. 5523.
83. See footnote 80; Black, Dictionary of Law, p. 1212.
84. Ibid., p. 491; Code 1936, sec. 6518.
85. Ibid., sec. 6520.
86. Ibid., sec. 6521.
87. Ibid., sec. 6522.
88. Code 1887, sec. 3626, sec. 6527.
89. 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.
90. Hening, Statutes, VIII, 123; Shepherd, Statutes, I, 12-13; see footnote 91.
91. Acts 1830-31, p. 70.
92. Code 1849, p. 633; Code 1887, sec. 3182.
93. Acts 1916, p. 122; Code 1936, sec. 6463.
94. Ibid., sec. 4863.
95. Hening, Statutes, XII, 749, 757; Code 1819, I, 518-519; Code 1936, secs. 6009, 6010.
96. Ibid., secs. 4957, 4958.
97. Ibid., sec. 3530.

Circuit Court (Next entry 84, p. 115)

The probate authority formerly vested in the county court and shared by the superior and circuit courts,[98] has since 1904 been transferred entirely to the circuit court and its clerk, who, in a sense, partly fills the vacancy created by the abolition of the county court in these matters.[99] The circuit court has consequently 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.[1] 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.[2] 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.[3] These volumes, except the separate circuit court will book, are served by a general index.[4] Executors, administrators, guardians, and other fiduciaries are under the control and supervision of the court, assisted by commissioners and the clerk.[5] Fiduciary accounts and inventories and appraisements are submitted to the commissioner and, after laying over 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.[6] A special book has been permitted except for a short period after the 1919 revision;[7] in Isle of Wight County a special set has been in use since the earliest days, but some records are in the deed and 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.[8] 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,"[9] or simply as clerk's order book. 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.[10]

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98. See footnote 25, above.
99. Const. 1902, art. VI, sec. 101; Acts 1902-3-4, p. 386; Code 1936, sec. 5249; see footnote 26, above.
1. Acts 1869-70, pp. 442-444; Code 1936, secs. 5401-5434.
2. Hening, Statutes, I, 302-303; Code 1936, sec. 5262.
3. Hening, Statutes, I, 302-303; Code 1936, secs. 3393, 5262.
4. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 3394.
5. Ibid., secs. 5249, 5359, 5360, 5428; see footnote 1.
6. Hening, Statutes, I, 302, 551; Code 1887, sec. 2698; Acts 1904, p. 268; Code 1936, sec. 5428.
7. 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.
8. Acts 1912, p. 453; Code 1919, sec. 5379; Acts 1922, p. 647 (in will book); Code 1936, sec. 5379 (in will book).
9. 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).
10. Code 1849, p. 547; Acts 1869-70, pp. 442-444; Code 1887, sec. 2671; Code 1936, sec. 5401.

Circuit Court (Next entry 84, p. 115)

Oaths of county officials are taken before the court,[11] and filed together. Official, fiduciary, and all other bonds taken before a court are acknowledged in court and recorded by its clerk.[12] A special book for officers' bonds was first required in 1887 and by the 1919 revision all bonds, official and fiduciary, were directed to be recorded in the bond book.[13] Special bonds such as ministers',[14] special commissioners',[15] bail,[16] peace,[17] and liquor license bonds,[18] 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 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 were filed and the essential information abstracted into a record book.[19] Since 1936, however, the originals may be placed in a loose-leaf binder,[20] and this system is used in Isle of Wight County.

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. Reports of delinquent taxes which formerly went to it now go, since 1928, to other agencies.[21]

Although most financial records required of the circuit court or its clerk are designed for accounting purposes, at least one is also a taxation record. From that record, of money on deposit by order of court, a report is made to the Auditor and Examiner of Records in order that the fund may be assessed for taxation.[22] For the collection of fees due the clerk and court, a set of fee books for chancery[23] and a set for law[24] were formerly required. Separate sets for law and chancery were discontinued by the revisors of the Code of 1849, and instead it was merely provided that the clerks

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11. Hening, Statutes, X, 22-23; Acts 1878-79, p. 318; Code 1936, sec. 2696.
12. Acts 1842-43, p. 22; Code 1936, sec. 279.
13. Code 1887, sec. 812; Code 1919, sec. 3393; Code 1936, secs. 2696, 3393.
14. Hening, Statutes, XI, 503-505; Code 1936, sec. 5079.
15. Acts 1883-84, p. 213; Code 1936, sec. 6269.
16. Code 1887, sec. 3971; Code 1936, sec. 4847.
17. Acts 1847-48, p. 127; Code 1936, sec. 4789.
18. Acts 1876-77, pp. 246, 251; Acts 1883-84, p. 605; Code 1887, sec. 579 (act of 1884 continued in ferce).
19. 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.
20. Acts 1936, pp. 50-51; Code 1936, sec. 1019.
21. See County Treasurer, pp. 188-194.
22. Acts 1897-98, p. 758; Code 1936, sec. 6310.
23. Acts 1825-26, p. 18; Acts 1830-31, pp. 70-75.
24. Code 1819, I, 233-234, 318; Acts 1830-31, pp. 70, 75.

of the circuit courts keep fee books.[25] A space for court fees is provided on the uniform docket established in 1923; after this date fee books may be discontinued.[26] Fines and costs collected by justices are accounted for by means of numbered and registered receipts which are distributed to and accounted for by them,[27] and periodical reports. For a short period of time (1877-87) the justices could issue execution to recover fines and costs they imposed[28] but at other times the justice had to certify to court each month all fines and costs imposed,[29] and the clerk recorded them in a fee book and issued execution to satisfy them.[30] The same procedure is followed in collecting fines and costs imposed by the trial justice.[31] All money collected by the clerk on account of the Commonwealth has since 1898 been directed to be recorded in a special set of books,[32] known variously as Tax Book, Clerk's Receipt Book,[33] and Waring System.[34] So important is this record that it is made by statute a record of each court which the clerk serves.[35] The book is now furnished by the Comptroller[36] and has since 1936 been in the form of duplicate and triplicate receipts for the various classes of collections.[37] Three general account books complete the agency's financial records.

After each term of court, the clerk must prepare a list of all sums allowed by the court against the Commonwealth. This is sent to the Auditor, who draws warrants on the State Treasurer in payment.[38] The clerk enters a record of such allowances in a book.[39] Jurisdiction in cases of contested elections, which shifted between the county and circuit courts, was vested in the circuit court after 1903.[40] The papers relating to one such case are bundled separately.[41] There are several file boxes which contain records which have been discussed elsewhere, or which are of a general and discretionary nature.[42] In those file boxes are a few specific records, such as the Department of Taxation's certificate that the inheritance tax has been paid

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25. Code 1849, p. 699; Code 1936, secs. 3484, 3494.
26. Acts 1923, pp. 97-98; Code 1936, secs. 6243, 6245.
27. Acts 1904, p. 225; Code 1936, sec. 2546.
28. Acts 1877-78, p. 376; (repealed) Code 1887, sec. 718.
29. Code 1887, sec. 718; Code 1936, sec. 2550.
30. Code 1819, II, 60; Code 1887, sec. 719; Code 1936, sec. 2552.
31. Code 1936, secs. 2550, 2552.
32. Acts 1897-98, pp. 847-848; Acts 1918, p. 773; "Tax Code" 1936, sec. 406.
33. See entries 157, 158.
34. Acts 1918, p. 773.
35. See footnote 32.
36. Acts 1926, p. 588; "Tax Code" 1936, sec. 406.
37. See entries 159-165.
38. Acts 1895-96, pp. 672-673; Code 1936, sec. 2187.
39. See entry 169.
40. Acts 1869-70, pp. 95-97; Acts 1872-73, p. 383; Code 1873, pp. 172, 1040; Code 1887, sec. 160; Acts 1902-3-4, p. 583; Code 1936, sec. 267.
41. See entry 170.
42. See entries 171, 172.

or that none is due,[43] and the original memoranda that a suit affecting the title to real estate is pending.[44]

Chancery

Case Papers

84. CHANCERY PAPERS, 1839--. 94 file boxes (1-94), 6 bundles. Original papers and correspondence pertaining thereto filed in pending and ended chancery cases concerning wills and administrations, divorces, minors, persons of unsound mind, and other equity matters. Pending cases show case number, names of plaintiff and defendant, names of attorneys, nature of case, date filed. Ended cases show case number, names of plaintiff and defendant, names of attorneys, nature of case, date of trial, disposition of case. 1839-1900 arr. chron. by years; 1901-- arr. num. by case no. For index, see entry 85. Hdw. and typed. File boxes 10x5x14; bundles aver. 8x4x2. Clk. off., record va.

85. GENERAL INDEX TO CHANCERY AND LAW CASES, 1839--. 1 vol. General index to chancery case papers, entry 84, and to law papers, entry 94, showing names of plaintiff and defendant, and file number. Arr. by type of jurisdiction and alph. thereunder by first letter of surnames of plaintiff and defendant. Typed on ptd. forms. 500 pp. 12x9⅓x3. Clk. off., record va.

Dockets and Proceedings

86. MEMORANDUM OF CHANCERY SUITS, 1936--. 1 vol. Clerk's memorandum of chancery suits filed showing parties names, service to be rendered by clerk, rules returnable, purpose of suit, name of plaintiff's attorney, amount of deposit, amount of writ tax, total, date paid, case number, date process or order of publication issued. Arr. num. by case no. No index. Hdw. on ptd. forms. 100 pp. 11½x10x1⅓. Clk. front off.

87. CHANCERY PROCESS BOOK, 1831-1910. 4 vols. No title, 1855-1904. Record of issuance of process in chancery cases and returns thereon showing names of plaintiff and defendant, plaintiff's attorney, kind of process, date of issuance, return date, date delivered and to whom, date process returned, officer's receipt, return on process. Arr. chron. by date process issued. No index. Hdw. on hdr. forms. Aver. 150 pp. 13x9x1. Clk. off., record va.

88. CIRCUIT COURT CHAN'Y (Chancery) RULE BOOK, 1832-60, 1871-1902. 3 vols. Record of proceedings at successive rules upon chancery cases not yet matured for entry in court for the orderly recording of such proceedings and determination of order of appearance upon court docket showing name of attorney for plaintiff, names of plaintiff and defendant, date process issued, date returnable, actions at successive rules. Arr. chron. by date of rules. 1832-60 not indexed; 1871-1902 indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on hdr. forms. Aver. 100 pp. 20x16x1. Clk. off., record va.

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43. Acts 1924, p. 465; "Tax Code" 1936, sec. 108.
44. Code 1849, p. 709; Code 1936, sec. 6469.

89. ISSUE DOCKET, 1912-18. 1 vol.
Record of common law and chancery cases set for hearing before circuit court showing names of plaintiff's and defendant's attorneys, title of suit, kind of action, present standing, date of last order, proceedings at present term. Arr. chron. by term of court and thereunder by type of case. No index. Hdw. on ptd. forms. 200 pp. 16½x10x1½. Clk. off., record va.

90. CIRCUIT COURT CHANCERY DOCKET, 1833-34, 1841-60, 1866-1903, 1906-13, 1917--. 6 vols. Title varies: Chancery Court Docket, 1833-34, 1841-60, 1866-70; Chancery Docket Circuit Court, 1884-1903; Chancery Docket of Rules, Proceedings & Costs, 1906-13. No title, 1917-24. 1862-65 in Common Law Process Book, entry 101; 1910-20 in Criminal and Law Docket, entry 103.
Record of suits in equity determined by 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 process, proceedings at rules, memorandum of orders and proceedings in court, 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). 1833-34, 1841-60, 1866-1903 arr. chron. by term of court; 1906-13 arr. chron. by rule dates; 1917-- arr. chron. by date docketed. 1833-34, 1841-60, 1866-1903, 1917-24 not indexed; 1906-13, 1922-- indexed alph. by first letter of surnames of plaintiff and defendant. 1833-34, 1841-60, 1866-1903 hdw. on hdr. forms; 1906-13, 1917-24 hdw. on ptd. forms; 1922-- typed on ptd. forms. Aver. 450 pp. 11½x14½x5. 1 vol., 1833-34, 1841-60, 1866-70, storage; 4 vols., 1871-1903, 1906-13, 1922--, clk. off., record va.; 1 vol., 1917-24, clk. front off.

91. COUNTY COURT CHANCERY DOCKET, 1841-73. 1 vol.
County court chancery docket of all causes that were pending in county court at the time when chancery jurisdiction was taken from the county court and transferred to circuit court, including such causes as had been previously decided by the county court from 1841 showing parties names, case number, decision, date of decision, date transferred, to what court transferred. Arr. num. by case no. No index. Hdw. on hdr. forms. 25 pp. 13½x8x½. Clk. off., record va.

92. CIRCUIT COURT (Judge's) CRIMINAL AND CHANCERY DOCKET, 1919-24. 1 vol. 1875-1919 in Judge's Docket, entry 105.
Circuit court docket of criminal and chancery cases kept for the convenience of the judge showing number of case, kind of case, names of plaintiff, defendant, and attorneys, proceedings. Arr. num. by case no. No index. Typed. 200 pp. 9x11½x2. Clk. front off.

93. CHANCERY ORDER BOOK, 1831--. 9 vols. (one not labeled; 2-9).
Record of proceedings in circuit court sitting as a court of equity, including motions, orders, exceptions by attorneys to rulings of the court, and disposition of case, showing dates of court term, name of judge, date of proceedings, names of plaintiff and defendant, names of attorneys, nature of proceeding or order, signature of judge. Arr. chron. by date of court term. 1831-52 indexed alph. by first letter of surname of plaintiff; 1853-- indexed alph. by first letter of surnames of plaintiff and defendant. 1831-1905 hdw.; 1905-- typed. Aver. 470 pp. 15x11x2½. Clk. off., record va.

Common Law

Case Papers

94. (ENDED COMMON LAW PAPERS), 1810-1904, 1907--. 49 file boxes (97-114, 141-171).
Criminal case papers of the circuit court, including summons, declarations, motions, affidavits, subpoenas, pleas, judgments, and other documents and correspondence pertaining thereto filed in common law cases tried and disposed of in circuit court, showing case number, names of plaintiff and defendant, names of attorneys, date of trial, and disposition of case. 1810-1904 arr. chron.; 1907-- arr. num. by case no. For index, 1907--, see entry 85. Hdw., typed, and hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

95. OLD FI. FAE. & ABSTS. & (Fieri Facias and Abstracts and) COMMITMENTS, 1917, 1923, 1932, 1934--. 1 file box.
Miscellaneous papers filed in circuit court clerk's office, containing:

i. Abstracts of judgment, 1939, showing court in which rendered, names of plaintiff and defendant, nature of action, date of judgment, amount of judgment and date from which it bears interest, signature of clerk.
ii. Affidavits for search warrants, 1937, showing date, name of affiant, name of person whose property is to be searched, reason why warrant should be issued, signature of affiant.
iii. Grand jury lists, 1923, showing term of court, date summoned, names of grand jurors.
iv. Jail commitments, 1934-38, showing name of prisoner, date convicted, offense, term of imprisonment, name of officer in whose care committed, signature of clerk.

Also contains Executions, 1917, 1932, 1937--, entry 116. No obvious arr. No index. Hdw., typed, and hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

96. (ENDED COMMONWEALTH CASES), 1907--. 10 file boxes (88-97).
Original indictments, subpoenas, arrest warrants, motions, pleas, orders of commitment, and other documents filed in criminal cases tried and disposed of in circuit court showing style and manner of case, names of defendant and attorneys, offense charged, date of trial, disposition of case. 1907-9 no obvious arr.; 1910-15 arr. chron. by term of court; 1915-- arr. num. by case no. No index. Hdw. and typed. 10x5x14. Clk. off., record va.
For record of criminal cases, see entry 104.

97. (CIRCUIT COURT PAPERS), 1907--. 8 file boxes (99, 115-121).
Original miscellaneous papers of the circuit court other than case papers including jury lists, petitions, orders, reports, and accounts allowed. Arr. chron. by court term. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

98. DEPOSITIONS, 1919--. 1 file drawer.
Interrogatories and answers relating to civil cases in which the witness was unable to attend court showing names of plaintiff and defendant, name of witness, date and place of examination, name of examining officer, names of attorneys present, questions, answers, signature of witness, signature and seal of examining officer, date received in clerk's office, clerk's attesta-

tion. No obvious arr. No index. Typed. 10½x15½x24. Clk. off., record va.

99. CRIMINAL WARRANTS, 1934--. 2 file boxes.
Original warrants of arrest issued by trial justice and returned to circuit court showing date of warrant, name of officer to whom directed, date executed, name of defendant, offense charged, names of witnesses, date of trial, disposition made of case by trial justice, signature of trial justice. Arr. chron. by date executed. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

Dockets and Proceedings (see also entries 89, 92)

100. MEMORANDUM OF LAW SUITS, 1936--. 1 vol.
Clerk's memorandum of law suits filed showing parties' names, service to be rendered by clerk, rules returnable, purpose of suit, amount of deposit, amount of writ tax, total, date paid, case number, date process or order of publication issued. Arr. num. by case no. No index. Hdw. on ptd. forms. 100 pp. 11½x10x1½. Clk. front off.

101. COMMON LAW PROCESS BOOK, 1831-1911. 6 vols. Title varies: Circuit Court Common Law Process Book, 1849-61, 1863-69. No title, 1839-49, 1870-1905.
Record of issuance of process in common law cases and returns thereon showing names of plaintiff and defendant, names of attorneys, kind of process, date of issuance, return date, date delivered and to whom, date process returned, officer's receipt, return on process. Also contains Circuit Court Chancery Docket, 1862-65, entry 90. Arr. chron. by date of process. No index. Hdw. on hdr. forms. Aver. 250 pp. 14x10½x1. Clk. off., record va.

102. COMMON LAW RULE BOOK, 1809-1905. 4 vols. (three not labeled; 3).
Record of proceedings at successive rules upon common law cases not yet matured for entry in court, for the orderly recording of such proceedings and determination of order of appearance upon court docket showing name of attorney for plaintiff, names of plaintiff and defendant, sheriff's return, nature of case, proceedings at successive rules. Arr. chron. by date of rules. 1809-85 indexed alph. by first letter of surname of plaintiff; 1885-1905 indexed alph. by first letter of surnames of plaintiff and defendant. 1809-31 hdw.; 1831-85 hdw. on hdr. forms; 1885-1905 hdw. on ptd. forms. Aver. 190 pp. 16x14½x1½. Clk. off., record va.

103. CRIMINAL AND LAW DOCKET, 1831--. 8 vols. Title varies: Cir. Ct. Com. Law Docket, 1859-1905; Law Docket of Rules Proceedings & Costs, 1906-12; Circuit Court Law Docket, 1920-23. No title, 1831-58, 1912-20.
Record of civil cases at law determined by circuit court, of process issued, and proceedings at rules and in court showing 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, memorandum of orders and proceedings in court, clerk's fees against plaintiff and defendant, amounts 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 Circuit Court Chancery Docket, 1910-20, entry 90; Ended Law Cases Civil and Criminal, 1831-1921, entry 104. 1831-1905 arr. chron. by term of court;

1906-12 arr. chron. by date of rules; 1912-20 arr. num. by case no.; 1920-- arr. chron. by date docketed. 1831-1905, 1912-20 not indexed; 1906-12, 1921-- indexed alph. by first letter of surnames of plaintiff and defendant. 1831-1905 hdw. on hdr. forms; 1906-20 hdw. on ptd. forms; 1920-23 hdw.; 1921-- hdw. and typed on ptd. forms. Aver. 400 pp. 10x13x4. 3 vols., 1831-1905, clk. off., record va.; 5 vols., 1906--, clk. front off.

104. ENDED LAW CASES CIVIL AND CRIMINAL, 1922--. 1 vol. 1831-1921 in Criminal and Law Docket, entry 103.

Record of criminal cases determined by circuit court showing case number, file number, names of plaintiff, defendant, and attorneys, nature of suit, date docketed, indictment or appeal, date of trial, memorandum of orders and proceedings, registration and description (address, race, height, eyes, hair, weight, marks, age, occupation, date of offense), statement of costs recovered against accused. Arr. chron. by date docketed. No index. Hdw. and typed on ptd. forms. 800 pp. 10x12½x4. Clk. off., record va.

For original criminal cases, see entry 96.

105. JUDGE'S DOCKET, 1875-1923. 7 vols. Title varies: Circuit Court Docket, 1883-87. No title, 1875-82, 1888-99, 1912-23.

Circuit court docket of civil cases kept for the convenience of the judge showing case number, kind of action, names of plaintiff, defendant, and attorneys, date docketed, proceedings. Also contains Circuit Court (Judge's) Criminal and Chancery Docket, 1875-1919, entry 92. 1875-1912 arr. chron. by term of court; 1912-23 arr. chron. by date docketed. No index. 1875-1912 hdw. on hdr. forms; 1912-23 typed. Aver. 200 pp. 13x11½x1½. 5 vols., 1875-1912, clk. off., record va.; 2 vols., 1912-23, clk. front off.

106. COURT MINUTES, 1908--. 4 vols. Title varies: Record, 1908-14.

Memorandum of proceedings and orders made by clerk of circuit court from which is compiled the court order book, including examination of accounts against the Commonwealth, qualification of county officials, and appointments of fiduciaries, showing term of court, style of case; motions and orders. Arr. chron. by date of court. No index. Hdw. Aver. 275 pp. 12½x9x1. 1 vol., 1908-14, clk. off., record va.; 3 vols., 1914--, clk. front off.

107. COMMON LAW ORDER BOOK, 1809-61, 1865--. 11 vols. (1-9; two not labeled). Title varies: Sup. Court Order Book, 1809-28; Order Book, 1828-31; Cir. Court Order Book, 1855-61, 1865-1907.

Record of common law proceedings and orders of circuit court in regular sessions and in vacation including style and disposition of cases, appointments of jury commissioners, list of jurors for each term of court, qualifications of attorneys and county officers, orders for appointment of county officers, examination of accounts of fiduciaries and accounts against the Commonwealth. Arr. chron. by term of court. 1809-31 indexed alph. by first letter of surname of plaintiff or person or subject concerned and chron. thereunder by term of court; 1831-61, 1865-- indexed alph. by first letter of surnames of plaintiff and defendant or person or subject concerned and chron. thereunder by term of court. 1809-61, 1865-1901 hdw.; 1901-- typed. Aver. 500 pp. 17x11x2. Clk. off., record va.

Judgments

108. (JUSTICES JUDGMENTS), 1899-1934. 7 file boxes (173, 175, 177, 179, 181, 183, 185).
Original papers constituting the record of civil cases tried and disposed of by individual justices of the peace returned to circuit court for issuance of execution including warrants, judgments, notes and bills. Warrants show date and purpose of warrant, name of defendant, time and place of appearance, amount of judgment, signature of justice. Judgments show date of judgment, names of plaintiff and defendant, amount of judgment, amount of costs, date docketed, signature of justice. Notes and bills show names of debtor and creditor, date, amount, purpose, signature of debtor. Arr. chron. by date docketed. No index. Hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

109. T. J. (Trial Justice) JUDGMENTS, 1934--. 2 file boxes.
Trial justice's civil warrants, judgments, and executions docketed and filed in clerk's office and duplicate trial justice fine receipts. Warrants show name of person summoned, date to appear, name of plaintiff, subject of complaint, date warrant issued, signature of trial justice. Judgments show names of parties, date and amount of judgment, amount of costs, date docketed, book and page of record, signatures of trial justice and clerk. Executions show names of parties, date issued, date returnable, amount of judgment and costs, signature of trial justice. Fine receipts show name of court, date, from whom received, for whose account, classification of fine and costs, total, signature of trial justice. Arr. chron. by date docketed. No index. Hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

110. JUSTICES JUDGMENT AND EXECUTION BOOK, 1888-1917, 1920-34. 8 vols.
No title, 1892-1917.
Records kept by individual justices of the peace of judgments rendered and executions issued and returned to circuit court showing names of parties, date of judgment, amount of judgment, date from which it bears interest, amount of costs, date of execution, date delivered, to whom delivered, date returnable. Arr. chron. by date of judgment. 1888-1917, 1920-30 not indexed; 1931-34 indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on ptd. forms. Aver. 50 pp. 14x8x1. Storage.

111. JUDGMENT LIEN DOCKET, 1842-1916. 3 vols. (one not labeled; 2, 3), 1 duplicate vol. (2). Title varies: Judgment Docket, 1842-97.
Record of judgments and decrees rendered by courts or justices in various counties and cities, kept to obtain liens for the satisfaction thereof on real estate situated in the county showing date of judgment and court in which rendered, names and residences of plaintiff and defendant, date of docketing, value of property recovered, amount of judgment or decree, date paid. Arr. chron. by date of docketing. Indexed alph. by first letter of surnames of plaintiff and defendant; also separate index, 1897-1916, entry 113. Hdw. on hdr. forms. Aver. 230 pp. 15x10x2. Clk. off., record va.
For subsequent records, see entry 112.

112. JUDGMENT LIEN DOCKET AND EXECUTION BOOK, 1917--. 4 vols. (4-7).
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 costs recovered, notation of homestead exemption, amounts and dates of credits, date of execution, nature of execution, person to whom execution delivered, additional costs incident to issuing and docketing execution, return date of execution, nature of return, date of payment or discharge, name of person by whom payment made. Arr. chron. by date of docketing. 1917-38 indexed alph. by first letter of surnames of plaintiff and defendant; also separate index, entry 113. Hdw. on ptd. forms. Aver. 200 pp. 18x12x2. Clk. off., record va.

For prior record of judgment liens, see entry 111; for prior record of executions, see entries 118, 119.

113. GENERAL INDEX TO JUDGMENTS, PLAINTIFF AND DEFENDANT, 1897--. 1 vol.
General index to record of judgment liens, entry 111, and to record of judgment liens and executions, entry 112, showing date of judgment, names of plaintiff and defendant, volume and page of record. Arr. alph. by first two letters of surnames of plaintiff and defendant. Hdw. on ptd. forms. 500 pp. 12x18½x3. Clk. off., record va.

Executions

114. (JUSTICES' EXECUTIONS), 1884-1928. 5 file boxes (172, 176, 178, 180, 182).
Original executions on judgments issued by justices of the peace and returned to clerk of circuit court for docketing showing names of parties, amount due plaintiff, amount of costs taxed, date interest starts, date issued, date of return, date docketed, signatures of justice and circuit court clerk. Arr. chron. by date docketed. No index. Hdw. and typed on ptd. forms. 10x4½x14. Clk. off., record va.

115. CONSTABLES EXECUTIONS, 1842-1916. 3 vols. Title varies: List of Executions Returned by Constables, 1842-85; Executions Returned, 1885-98.
Record of executions issued by justices of the peace on judgments rendered by them, and returned to clerk of the court by officer serving them, to be proceeded on as judgments of the court showing names of parties, amount of judgment, date of return, date execution docketed, officer's return. Arr. chron. by date of return. Indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on hdr. forms. Aver. 100 pp. 13x8½x1. Clk. off., record va.

116. EXECUTIONS, 1908-13. 1 bundle. 1809-11, 1814-16, 1818-50, 1852-62, 1867-77, 1879-80, 1884-85, 1887-99 in (County Court) Executions, entry 180; 1917, 1932, 1937-- in Old Fi. Fae. & Absts. & (Fieri Facias and Abstracts and) Commitments, entry 95.
Original executions on judgments issued by clerk of the circuit court showing names of plaintiff and defendant, date of judgment, amount of judgment and costs, date of execution, to whom delivered, date returnable. Arr. chron.

by year. No index. Hdw. and typed on ptd. forms. 8x4x2 Clk. off., record va.

117. FORFEITED FORTHCOMING BONDS, 1889-1909. 1 vol.
Record of bonds given by owners of property which has been taken under a distress warrant or execution to obtain possession of the property and to contest the legality of seizure showing date of bond, names of obligor and obligee, amount of penalty, amount required to discharge penalty, date returned and recorded. Arr. chron. by date of bond. Indexed alph. by first letter of surnames of obligor and obligee and chron. thereunder. Hdw. on ptd. forms. 99 pp. 14x8½xl. Clk. off., record va.

118. CHANCERY EXECUTION BOOK, 1833-59, 1869-1908. 1 vol.
Record of executions delivered to officers for satisfaction of judgments and decrees rendered by circuit court sitting as a court of equity showing name of plaintiff's attorney, parties' names, kind and date of execution, for what issued, reference to judgment by date, book and page number, date returnable, to whom delivered, return date. Arr. chron. by date of execution. Indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on hdr. forms. 125 pp. 15½xl0xl. Clk. off., record va.
For subsequent records, see entry 112.

119. CIR. (Circuit) COURT EXECUTION BOOK, 1831-1932. 4 vols. (one not labeled; 1, 2, 2). Title varies: Com. Law Execution Book, 1831-42; Execution Book, 1842-70; Cir. Court Execun's, 1870-1908.
Record of executions issued by circuit court including new executions issued on judgments rendered prior to 1917 showing name of plaintiff's attorney, names of plaintiff and defendant, date of judgment, amount of judgment and costs, date and nature of execution, to whom delivered, date returnable, date of return. Arr. chron. by date of execution. Indexed alph. by first letter of surnames of plaintiff and defendant and chron. thereunder. 1831-1908 hdw. on hdr. forms; 1908-32 hdw. on ptd. forms. Aver. 196 pp. 17xllx2. Clk. off., record va.
For subsequent records, see entry 112.

Jurors and Witnesses

120. (JUROR AND WITNESS CERTIFICATES), 1887-1904. 16 bundles.
Original certificates issued by circuit court clerk as payment to individuals for serving as jurors and witnesses in circuit court showing date issued, term of court, whether juror or witness, payee, mileage claimed, days served, amount, signature of clerk. Also containe (Paid Warrants), 1887-1904, entry 23; (County Court Juror and Witness Certificates), 1887-1904, entry 182. Arr. chron. by date issued. No index. Hdw. on ptd. forms. Aver. 4xl0x5. Storage.
For record of jurors and witnesses, see entries 121, 122.

121. COUNTY CT. (Court) RULE BOOK CHANCERY (Juror and Witness Book), 1906-9. 1 vol.
Record of compensation certificates issued persons serving as jurors or witnesses in circuit court showing name of person, date of court, whether juror or witness, date and manner of delivery of certificate. Arr. alph.

by first letter of surname of juror or witness. No index. Hdw. on hdr. forms. 175 pp. 16x11x1. Clk. off., record va.

For original juror and witness certificates, see entry 120.

122. COM. (Common) LAW WITNESS BOOK, 1831-62, 1865-1910, 2 vols. No title, 1871-1910.

Record of witnesses summoned to testify in circuit court showing date of court term, name of witness, style of suit, days served, miles traveled, sheriff's receipt of subpoena. Arr. chron. by date of court term. No index. Hdw. on hdr. forms. Aver. 100 pp. 13x8x1. Clk. off., record va.

For original witness certificates, see entry 120.

Probate

Wills

123. (WILLS), 1768, 1770-91, 1793--. 32 file boxes (186-217).

Original wills showing date, name of testator, bequests and provisions, signature and seal of testator, signatures of witnesses, date recorded. Also contains Fiduciary Records, 1768, 1770-91, 1793-1912, entry 128. Arr. chron. by date of recordation. No index. Hdw. and typed. 10x5x14. Clk. off., record va.

For record of wills, see entry 124.

124. WILL BOOK, 1661-1719, 1726-1802, 1804--. 35 vols. (2 pt. 1, 2 pt. 2, 3-35), 8 positive photostats (2, 3,6pt. 1, 6 pt. 2, 7 pt. 1, 7 pt. 2, 8 pt. 1, 8 pt. 2), 8 negative photostats (2, 3, 6 pt. 1, 6 pt. 2, 7 pt. 1, 7 pt. 2, 8 pt. 1, 8 pt. 2). Title varies: Record of Wills, Deeds Etc., 1661-1719; Wills and Accounts, 1734-52, 1785-96, 1815-17, 1824-44. 1640, 1647, 1650-56 in Guardian Accounts, entry 131; 1655, 1657-59, 1662, 1719-26 in Bargain & Sale Deed Book, entry 28.

Recorded copies of wills probated and settled in the county court and continued in the circuit court at the expiration of the county court showing name of testator, bequests and provisions (including emancipation of slaves), signatures of testator and witnesses, date of recording, clerk's attestation. Also contains Fiduciary Account Book, 1661-1719, 1726-1802, 1804-1905, entry 129. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of decedent; also separate index to emancipations by will, 1782-83, 1801, entry 33. 1661-1719, 1726-1802, 1804-1900, 1903-5 hdw.; 1661-1719, 1726-33, 1752-79 photostat; 1900-1903, 1905-- typed. Aver. 575 pp. 16½x11½x3. Negative photostats, 1661-1719, 1726-33, 1752-79, Vi., archives stack-rm.; positive photostats, 1661-1719, 1726-33, 1752-79, and original vols., 1661-1719, 1726-1802, 1804--, clk. off., record va.

For original wills, see entry 123.

125. COMMON LAW WILL BOOK, 1833-36, 1844-55, 1869-1902. 1 vol.

Recorded copies of wills, inventories and appraisements of estates, and fiduciary accounts probated and settled in circuit court. For full description, see entry 124. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of decedent and chron. thereunder. Hdw. and typed. 300 pp. 15x10½x2. Clk. off., record va.

126. (LIST OF HEIRS), 1912--. 1912-16 in (Miscellaneous Papers), entry 81; 1916-- in List of Heirs, Deeds, Wills Etc., entry 172.
Original lists of heirs of persons dying intestate, and of those who would have been heirs of testator if he had died intestate, compiled by the personal representative, showing name of decedent, name of representative, names, addresses, and ages of heirs, degree of relationship of each to decedent, signed oath of representative, signature of clerk administering oath.
For record of list of heirs, see entry 127.

127. (RECORD OF LIST OF HEIRS), 1914--. In Bargain & Sale Deed Book, entry 28.
List of devisees and heirs recorded by circuit court clerk for notification of persons interested in property as to transfer of property by will or by inheritance showing name of decedent, names, ages, and addresses of devisees or heirs, relationship of heir to decedent, name of executor, date of recording, clerk's attestation.
For original lists of heirs, see entry 126.

Fiduciary

128. FIDUCIARY RECORDS, 1912--. 3 file boxes (1-3). 1768, 1770-91, 1793-1912 in (Wills), entry 123.
Original documents filed in circuit court clerk's office relating to administering and settling estates of deceased persons, including inventories and appraisements, receipts of distributees, accounts current, accounts of sales, and reports of fiduciaries. Also contains (Guardian Accounts), 1912--, entry 130. Arr. chron. by date recorded. No index. Hdw. and typed. 10x5x14. Clk. off., record va.
For record, see entry 129.

129. FIDUCIARY ACCOUNT BOOK, 1912--. 3 vols. (1-3). 1661-1719, 1726-1802, 1804-1905 in Will Book, entry 124; 1719-26 in Bargain & Sale Deed Book, entry 28; 1905-12 in Guardian Accounts, entry 131.
Circuit court clerk's record of inventories and appraisements, and accounts of fiduciaries kept as a record of such transactions for the prevention of fraud or misappropriation. Inventories and appraisements show name of decedent, names of appraisers, articles appraised, appraised value, date of recording, clerk's attestation. Accounts show names of decedent and fiduciary, itemized receipts and disbursements, balance of funds handled, date of account, signature of fiduciary, date of recording, clerk's attestation. Also contains Guardian Accounts, 1912--, entry 131. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of decedent. Typed. Aver. 500 pp. 18x12x3. Clk. off., record va.
For original fiduciary papers, see entry 128.

130. (GUARDIAN ACCOUNTS), 1761-1905. 16 file boxes (122-137), 2 bundles. 1912-- in Fiduciary Records, entry 128.
Original accounts of guardians of estates of wards showing name of guardian, name of ward, itemized accounts of receipts, disbursements, balances, signatures of guardian and commissioner of accounts. Arr. chron. by years.

Circuit Court - Oaths (131-134)

No index. 1761-1899 hdw., hdw. on hdr. forms; 1900-1905 hdw. and typed, hdw. and typed on hdr. forms. File boxes 10x5x14; bundles aver. 8x3x2. Clk. off., record va.

For record of accounts, see entry 131.

131. GUARDIAN ACCOUNTS, 1629, 1636, 1639-42, 1644-59, 1741-1812, 1818-46, 1851-1912. 13 vols. (A, 1-3; nine not numbered). Title varies: Deeds, Wills, Guardian Accounts, 1629, 1636, 1639-42, 1644-59, 1741-67; Orphans Records, 1767-82; Guardian Book, 1782-1807; Guardian Record, 1807-12; Guardian Record Book, 1818-26, 1833-46. 1912-- in Fiduciary Account Book, entry 129.

Circuit court clerk's record of accounts of guardians of estates of wards, including certification of court's reception of account, notations of exceptions, order for recording of account, notation of date of record and final settlement, and inventories of such estates, showing name of guardian, name of ward, date of order for recordation, itemized accounts of receipts, disbursements, and balances. Also contains Bargain & Sale Deed Book, 1629, 1636, 1639-42, 1644-59, entry 28; Will Book, 1640, 1647, 1650-56, entry 124; Fiduciary Account Book, 1905-12, entry 129. Arr. chron. by date of recordation. 1629, 1636, 1639-42, 1644-59, 1741-82, 1789-1812, 1818-46 indexed alph. by first letter of surname of guardian; 1782-89 not indexed; 1851-1912 indexed alph. by first letter of surname of ward. 1629, 1636, 1639-42, 1644-59, 1741-82, 1789-1807, 1818-33 hdw.; 1782-89, 1807-12, 1833-46, 1851-1900 hdw. on hdr. forms; 1900-1912 typed. Aver. 500 pp. 15x10x2½. Clk. off., record va.

For original accounts, see entry 130.

132. CLERKS ORDER BOOK, 1902--. 2 vols. (21, 22). Title varies: County Court and Circuit Court Clerks Order Book, 1902-31.

Record of orders and proceedings of circuit court clerk in fiduciary matters, wherein he functions in the same manner as the court, including appointment and qualification of fiduciaries, statements that wills and accounts have been admitted to record, notation of admission of wills to probate, list of heirs, inventories, appraisements, and qualification of notaries. Also contains Co. (County) Court Order Book, 1902-4, entry 179. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of fiduciary and notary public. Typed. Aver. 600 pp. 18½x12½x3. Clk. off., record va.

133. FID. ACC'TS. (Fiduciary Accounts), 1850-1907. 2 vols. Title varies: Record of Fiduciaries, 1850-70.

Record of fiduciaries authorized to act in such capacity by the circuit court showing name of fiduciary, name of decedent for whom he acts, name of living person for whom he is guardian or committee, penalty of his bond, names of sureties, date of order conferring authority, date of return of inventory and accounts of sales, date of each settlement of account, date of revocation of authority. Arr. chron. by date of order conferring authority. Indexed alph. by first letter of surname of decedent. Hdw. on hdr. forms. Aver. 200 pp. 16x11x1. Clk. off., record va.

Oaths

134. (OATHS OF OFFICE), 1920--. 1 file box.

Original oaths of county officials and fiduciaries showing name of officer or fiduciary, date of oath, purpose of oath, signatures and seals of person

taking oath and clerk. Arr. chron. by date of oath. No index. Typed on ptd. forms. 10x5x14. Clk. off., record va.

Bonds

Official

135. BONDS, 1800-1801, 1829, 1842, 1875-1904, 1909, 1911--. 7 bundles, 5 vols. (1-5). 1904-9 in (Miscellaneous Papers), entry 81.
Original miscellaneous bonds of fiduciaries, county officers, notaries public, ministers, injunction, liquor license, attachment, receivers, and special commissioners, showing names of principal and sureties, amount of bond, date of bond, condition of obligation, signatures of principal, sureties, and clerk. Arr. chron. by date of bond. 1800-1801, 1829, 1842, 1875-1904, 1909 not indexed; 1911-30 indexed alph. by first letter of surname of principal; 1930-- indexed alph. by first letter of surname of principal or person represented by fiduciary. Hdw. and typed on ptd. forms. Bundles aver. 8x3x2; vols. aver. 300 pp. 16½x11½x2½. Clk. off., record va.
For record of official and fiduciary bonds, see entry 137; for record of special commissioners' and receivers' bonds, see entry 143; for record of liquor license bonds, see entry 186.

136. (Official) BOND BOOK, 1850-56, 1862-68, 1875-1903. 9 vols.
Original bonds of county officers showing names of principal and sureties, office, amount of bond, date of bond, condition of obligation, signatures of principal, sureties, and witnesses. Also contains Fiduciary Bonds, 1850-56, 1862-68, 1875-1903, entry 142. Arr. chron. by date of bond. No index. Hdw. on ptd. forms. Aver 200 pp. 14x8½x1½. Clk. off., record va.

137. BOND BOOK, 1850-1907. 7 vols. (1, 2, 2, 4; three not labeled). Title varies: Bond Book County Court, 1884-89. 1908-10 in Circuit Court Bond Book, entry 143.
Record of official and fiduciary bonds executed in county and circuit courts. Official bonds show date of bond, names of principal and sureties, amount of bond, condition of obligation, date of recording, clerk's attestation. Fiduciary bonds show name of fiduciary, character of fiduciary, name of person represented, date and amount of bond, condition of obligation, date of recording, clerk's attestation. Arr. chron. by date of bond. 1850-84, 1889-1901, 1904-7 indexed alph. by first letter of surname of person represented by fiduciary or officer; 1884-89 not indexed; 1901-4 indexed by type of bond and chron. thereunder. 1850-89, 1901-7 hdw.; 1889-1901 hdw. on ptd. forms. Aver. 400 pp. 14x10x1½. Clk. off., record va.
For original official bonds, see entries 135, 136; for original fiduciary bonds, see entries 139-142.

138. BOND BOOK, 1904-8. 1 vol. (2).
Record of bonds for which various bonding companies act as surety showing name of principal, name of bonding company, date of bond, amount of bond, condition of obligation, signatures of principal and authorized attorney of bonding company. Arr. chron. by date of bond. Indexed alph. by first letter of surname of principal. Hdw. on ptd. forms. 251 pp. 13x10x1. Clk. off., record va.

Circuit Court - Bonds (139-143)

Fiduciary

139. ADMINISTRATORS BONDS, 1773-80, 1784-88, 1792, 1795, 1798-99, 1801, 1803-10, 1813-43. 33 bundles, 1 vol.
Original bonds of administrators showing names of administrator and sureties, name of decedent, amount of bond, date of bond, condition of obligation, signatures and seals of administrator and sureties, signatures of witnesses and clerk. Arr. chron. by date of bond. No index. Hdw. and hdw. on ptd. forms. Bundles aver. 8x3x1½; vol. 200 pp. 12½x8x1. Clk. off., record va.
For subsequent records, see entry 142; for record of fiduciary bonds, see entry 137.

140. EXECUTORS BONDS, 1837-43. 1 vol.
Original executors' bonds showing names of executor and sureties, name of decedent, amount of bond, date of bond, condition of obligation, signatures and seals of executor and witnesses. Arr. chron. by date of bond. No index. Hdw. on ptd. forms. 200 pp. 12½x8x1. Clk. off., record va.
For subsequent records, see entry 142; for record of fiduciary bonds, see entry 137.

141. GUARDIANS BONDS, 1837-43. 1 vol.
Original guardians' bonds showing names of guardian and sureties, name of orphan, name of decedent, amount of bond, date of bond, condition of obligation, signatures and seals of guardian, sureties, and witnesses. Arr. chron. by date of bond. No index. Hdw. on ptd. forms. 200 pp. 12½x8x1. Clk. off., record va.
For subsequent records, see entry 142; for record of fiduciary bonds, see entry 137.

142. FIDUCIARY BONDS, 1844-50, 1856-57, 1869-75. 2 vols. Title varies: Admors., Exers., & Gdns. Bonds, 1844-50. No title, 1856-57. 1850-56, 1862-68, 1875-1903 in (Official) Bond Book, entry 136.
Original bonds of fiduciaries showing names of fiduciary and sureties, capacity in which fiduciary acts, name of person represented, amount of bond, date of bond, condition of obligation, signatures and seals of fiduciary, sureties, and witnesses. Arr. chron. by date of bond. No index. Hdw. on ptd. forms. Aver. 500 pp. 13x8x2. Clk. off., record va.
For prior records, see entries 139-141; for record of fiduciary bonds, see entry 137.

Suit

143. CIRCUIT COURT BOND BOOK, 1841-1910. 2 vols. Title varies: Common Law Record, 1841-89.
Record of bonds given by parties, special commissioners, and receivers in court actions showing date of bond, names of principal and sureties, amount of bond, condition of obligation, date of recording, clerk's attestation. Also contains Bond Book, 1908-10, entry 137. Arr. chron. by date of bond. 1841-89 indexed alph. by first letter of surname of plaintiff; 1889-1910 indexed by type of bond and chron. thereunder. 1841-1900 hdw.; 1900-1910 typed. Aver. 300 pp. 15½x10½x2. Clk. off., record va.
For original special commissioners' and receivers' bonds, see entry 135.

Lunacy

144. (PAPERS OF LUNACY COMMISSIONS), 1905-36. 3 file boxes (138-140). Original reports of commissions appointed to examine and determine whether persons suspected of being insane, epileptic, inebriate or feeble-minded should be confined in institutions, including warrants of arrest and applications therefor, medical certificates, orders of commitment, and certificates of discharge returned to circuit court. Warrants of arrest and applications therefor show name, race, age, and address of person suspected, name of person making application, date of application, actions of person causing complaint, signatures of person making complaint and officer taking acknowledgment. Medical certificates show names of persons comprising lunacy commission, date held, findings and adjucation of commission, signatures of members of commission. Orders of commitment show name of person committed to institution, name of institution, date committed, signature of judge or justice. Certificates of discharge show name of person discharged, name of institution, name of place admitted from, date of admission, date of discharge, reason for discharge, signature of superintendent of institution from which patient discharged. Arr. chron. by date of proceedings before commission. No index. Hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

For subsequent records, see entry 146.

145. RECORD OF PERSONS ADJUDGED INSANE, 1902-36. 1 vol. Record of proceedings committing lunatics, epileptics, inebriates and feeble-minded persons to institutions showing name, age, race, birthplace, residence, education, and civil condition of patient, name and address of guardian, nearest relative or friend, name of judge or justice and physician comprising lunacy commission, date of proceedings before commission, name of institution to which committed, date of commitment. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. 200 pp. 18x12x1. Clk. off., record va.

For subsequent records, see entry 146.

146. RECORD BOOK OF INSANE, EPILEPTIC, INEBRIATE & FEEBLE MINDED PERSONS, 1936--. 1 vol. Original reports of commissions appointed to examine and determine whether persons suspected of being insane, epileptic, inebriate, or feeble-minded should be confined in institutions, including warrants of arrest and applications therefor, medical certificates, orders of commitment and certificates of discharge returned to circuit court. For full description, see entry 144. Arr. alph. by first letter of surname of person suspected and chron. thereunder. No index. Hdw. on ptd. forms. 50 pp. 11½x10x1½. Clk. off., record va.

For prior records, see entries 144, 145.

Taxation

147. (REPORTS OF DELINQUENT LAND SALES), 1905-6, 1910-27, 1929, 1932-36. 1 bundle, 5 vols. Lists of delinquent land on which taxes were paid before sale, lists of land sold to Commonwealth, and lists of land sold to individuals, reported after each sale by county treasurer to circuit court to be confirmed and to its clerk to be recorded. Lists of land paid before sale show name and address of person charged with taxes, location and legal description of land, number

of acres, amount of taxes, penalty, interest, total, date and by whom paid. Lists of land sold to Commonwealth show name and address of person charged with taxes, location and legal description of land, amount delinquent, amount uncollected, quantity of land sold, date of sale, signature of treasurer. Lists of land sold to individuals show name and address of person charged with taxes, location and legal description of land, amount delinquent, amount uncollected, quantity of land sold, amount of purchase price, name of purchaser, and signature of treasurer. Arr. chron. by date of sale, thereunder by district, thereunder by race, and alph. thereunder by surname of person charged with tax. No index. Hdw. on ptd. forms. Bundle 27x18x½; vols. aver. 100 pp. 16½x21½x2. Bundle, 1905-6, storage; vols., 1910-27, 1929, 1932-36, clk. off., record va.

For record of sales, see entries 48, 50, 51.

148. INSOLVENT CAPITATION AND (Personal) PROPERTY, 1896-98, 1900-1904. 1 bundle.

Original lists of the county treasurer of delinquent capitation and personal property sent to the circuit court showing name of person delinquent, amount of State capitation tax, tax on tangible personal property, intangible personal property, money, income, total State tax and penalty, total county levy and penalty, reason returned insolvent. No obvious arr. No index. Hdw. on ptd. forms. 18x3xl. Storage.

Financial

Banks

149. MONEYS DEPOSITED, ORDER OF COURT, 1906. 1 vol.

Record of money deposited for safe keeping by order of court in pending cases to prevent loss or waste showing names of plaintiff and defendant, date of order of deposit, page and volume of order book, amount and place of deposit, amounts and dates of disbursements, to whom paid, for what purpose. Arr. chron. by date of deposit. Indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on ptd. forms. 252 pp. 18xl2½xl½. Clk. off., record va.

Fees, Fines, and Costs

150. CHANCERY FEE BOOK, 1832-75. 1 vol.

Record of services and charges in chancery proceedings showing name of person charged, date, subject of charge, amount. Arr. by names of persons charged and chron. thereunder. Indexed alph. by first letter of surname of person charged. Hdw. on hdr. forms. 200 pp. 16½x6½xl. Storage.

151. CLERK'S FEE BOOK, 1823-42, 1856-93, 1913-29. 12 vols. Title varies: Fee Book for Superior Court, 1823-31; Com. Law Fee Book, 1831-42. No title, 1856-74, 1889-93, 1916-19, 1921-27.

Record of services and charges kept by the clerk of the circuit court for the collection of fees due him for issuing process, copying, drawing up, and recording instruments, showing name of person charged, date service rendered, subject of charge, amount. 1823-42, 1856-93 arr. by individual accounts and chron. thereunder; 1913-19, 1921-29 arr. chron. by date of service; 1920-23 arr. alph. by first letter of surname of person charged and chron. thereunder.

1823-42, 1856-93 indexed alph. by first letter of surname of person charged; 1913-29 not indexed. 1823-42, 1856-93 hdw. on hdr. forms; 1913-29 hdw. Aver. 200 pp. 14½x7xl. 10 vols., 1823-42, 1856-93, storage; 2 vols., 1913-29, clk. off., front rm.

152. (FINE RECEIPTS), 1904-21. 4 vols.
Stubs used for accounting to the Auditor of Public Accounts of receipts issued upon payment of fines and costs showing number of receipt, date issued, name of person fined, signature of payer and witness. Arr. by amounts and chron. thereunder by date issued. No index. Hdw. on ptd. forms. Aver. 100 pp. 3½xllxl. Clk. off., record va.

153. (REPORTS OF CRIMINAL CASES), 1892-93. 2 bundles.
Original reports of justices of the peace to clerk of circuit court of criminal cases disposed of showing name of justice, name of person tried, offense charged, date of conviction, term of imprisonment, amount of fine, itemized statement of costs of prosecution, remarks. Arr. chron. by date of report. No index. Hdw. on ptd. forms. Aver. 9x4xl. Storage.
For record of reports, see entry 154.

154. JUSTICES' REPORTS, 1888-1923. 4 vols. Title varies: Justices' Criminal Record, 1888-1910.
Record of monthly reports of justices of the peace to clerk of circuit court of criminal cases disposed of showing name of person tried, date of trial, offense charged, disposition of case, name of justice, arresting officer, and witnesses, fee for each, total fees, total paid justice, total paid clerk by justice, whether costs assessed against defendant, complainant, or payable by Commonwealth, oath of justice, date of report. Arr. chron. by date of report. No index. Hdw. on ptd. forms. Aver. 150 pp. 17xl9xl½. Clk. off., record va.
For original reports, see entry 153.

155. JUSTICES JUDGMENTS, 1879-88, 1899-1901, 1927-30. 2 vols. Title varies: County Chy. Docket, 1879-88.
Record of misdemeanor cases tried by justices of the peace, mayor, or aldermen compiled by circuit court clerk in order to issue further execution for satisfaction showing style of prosecution, offense for which prosecuted, judgment (term of imprisonment, amount of fine, amount of costs, other disposition), certificate of officer making return, date of return, signature of officer, clerk's attestation. Arr. chron. by date of return. No index. 1879-82 hdw. on hdr. forms; 1882-88 hdw.; 1889-1901, 1927-30 hdw. on ptd. forms. Aver. 200 pp. 14x9xl. 1 vol., 1879-88, clk. off., record va.; 1 vol., 1899-1901, 1927-30, storage.

156. TRIAL JUSTICE CRIMINAL JUDGMENTS RETURNED TO COURT, 1934--. 1 vol.
Abstracts of criminal judgments returned to clerk of circuit court for issuance of executions showing date of trial, name of person tried, docket number, offense charged (felony or misdemeanor), disposition of case, statement of fine and costs (amount of fine, fees of commonwealth attorney, issuing justice, sheriff or constable, witnesses, trial justice, clerk of circuit court, other costs, total fine and costs), date paid trial justice, disposition of collections (amount paid witnesses and others, amount remitted to treasurer, amount remitted to circuit court clerk), names of witnesses (number of days attended, mileage, ferriage, amount due witnesses), signature

of trial justice. Arr. chron. by date of trial. Indexed alph. by first letter of surname of person tried. Typed on ptd. forms. 100 pp. 18x15x2. Clk. front off.

Collections and Disbursements

157. TAX BOOK CIRCUIT COURT, 1898-1904. 1 vol.
Record of taxes and other money belonging to the Commonwealth collected by circuit court clerk on suits showing date, names of parties, amount collected. Arr. chron. by date of collection. No index. Hdw. on ptd. forms. 25 pp. 17x14x½. Clk. front off.

158. CLERK'S RECEIPT BOOK, 1912-36. 2 vols., 1 bundle. No title, 1920-36. 1904-12 in (County Court Clerk's Tax Book), entry 189.
Record of all money received or collected for the Commonwealth by circuit court clerk kept for the purpose of accounting with the State Auditor of Public Accounts or State Comptroller including taxes and fees from deeds, contracts and other instruments, wills and administrations, chancery suits, actions at law, motions, appeals, removed warrants, fines, forfeited recognizances, costs, sale of forfeited property, delinquent capitations, personal, and real property taxes, fees paid by others than State (criminal cases, marriage licenses, allowances, salary or other compensation received from county), fees paid by State, fees charged, expense accounts, monthly summary of taxes, annual summary of fees. 1912-20 arr. chron. by date of collection; 1920-36 arr. by type of collection and chron. thereunder by date of collection. No index. Hdw. on ptd. forms. Vols. aver. 500 pp. 15x13x1; bundle 12½x10½x2. 1 vol., 1912-20, clk. off., record va.; 1 bundle and 1 vol., 1920-36, clk. front off.
For subsequent records, see entries 159-164.

159. PLAIN RECEIPTS, 1936--. 13 vols.
Triplicate copy used for auditing of circuit court clerk's receipts issued upon payment for general services rendered by him showing receipt number, date issued, name of payer, account credited, subject of charge, amount, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 100 pp. 10½x11x½. 12 vols., 1936-39, clk. off., back rm.; 1 vol., 1939--, clk. front rm.
For prior records, see entry 158.

160. DELINQUENT TAX RECEIPTS, 1936--. 3 vols.
Triplicate copies used for auditing of circuit court clerk's receipts issued upon payment of delinquent land taxes showing receipt number, date issued, name of payer, name of delinquent, district, description of property, years delinquent, amount of tax, interest, and total, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 100 pp. 11x8x½. Clk. off., record va.
For prior records, see entry 158.

161. WILLS & ADMINISTRATIONS RECEIPTS, 1936--. 1 vol.
Triplicate copies used for auditing of circuit court clerk's receipts issued upon payment for probating and recording wills showing receipt number, date issued, name of payer, account credited, amount, value of estate, amount of personal property and real estate, total, amount of tax, transfer fee, clerk's fee, total tax, name of executor, name of devisor, signature of clerk. Arr.

chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. 100 pp. 10½x11x½. Clk. front off.
For prior records, see entry 158.

162. DEED RECEIPTS, 1936--. 14 vols.
Triplicate copies used for auditing of circuit court clerk's receipts issued upon payment for recording deeds showing receipt number, date issued, name of payer, account credited, names of grantor and grantee, description of property, time of recordation, kind of conveyance, consideration, amount of tax, transfer fee, clerk's fee, amount revenue stamp, number of deed, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 100 pp. 10½x11x½. 13 vols., 1936-39, clk. off., back rm.; 1 vol., 1939--, clk. front off.
For prior records, see entry 158.

163. CHANCERY & LAW RECEIPTS, 1936--. 2 vols.
Triplicate copies used for auditing of circuit court clerk's receipts issued upon payment of fees for writ tax (or pleadings) in law and chancery showing receipt number, date issued, name of payer, account credited, names of plaintiff and defendant, amount of writ tax, amount of deposit, total, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 100 pp. 10½x11x½. Clk. front off.
For prior records, see entry 158.

164. OFFICIAL RECEIPTS FOR FINES & COSTS, 1936--. 1 vol.
Triplicate copies used for auditing of circuit court clerk's receipts issued upon payment of fines and costs in Commonwealth cases showing receipt number, date issued, name of payer, amount, signature of clerk. Arr. chron. by date issued and num. by receipt no. No index. Hdw. on ptd. forms. 100 pp. 10½x11x½. Clk. front off.
For prior records, see entry 158.

165. (RECEIPTS FOR FINES AND COSTS), 1936--. 1 file box, 1 bundle.
Duplicate copies used as posting reference of circuit court clerk's receipts issued upon payment of fines and costs, fees for probate of wills, taxes on suits, fees for recording deeds, delinquent taxes, and miscellaneous receipts. Arr. by type of receipts and chron. thereunder by date issued and num. by receipt no. No index. Hdw. on ptd. forms. File box 10x5x14; bundle 3x8x6. Clk. off., record va.

166. CLASSIFICATION OF REVENUES, 1936--. 1 vol.
Record of revenue collections, including State revenue, local revenue, and clerk's fees, showing date of collection, taxes and fees on deeds, wills and administrations, chancery causes, actions at law, marriage licenses, hunting and fishing licenses, land sales and redemptions, State and local fines and costs, penalties, interest, total collections. Arr. by subject and chron. thereunder. No index. Hdw. on ptd. forms. 100 pp. 11½x15x1. Clk. front off.

167. RECEIPTS AND DISBURSEMENTS, 1936--. 1 vol.
Journal of receipts and disbursements. Receipts show date, amount received, person from whom received, State or county, clerk's fees, revenue stamps, other collections, miscellaneous account and amount. Disbursements show date, amount deposited or paid over counter, bank accounts (deposits, checks), cash

voucher or check number deposited, payee, other collections disbursed (description, amount), deposits in suits refunded (docket number, chancery or law), miscellaneous account and amounts. Arr. by receipts and disbursements and chron. thereunder by date of transaction. No index. Hdw. on ptd. forms. 100 pp. 11½x18x1½. Clk. front off.

168. GENERAL LEDGER, 1936--. 1 vol.
Running accounts of circuit court clerk classified as cash in office, cash in bank, receipts due and allowances against Commonwealth, receipts due and allowances against county, clerk's fees, receipts and disbursements for revenue stamps, collections for others, deposits in cases in chancery, deposits in cases at law, miscellaneous accounts, showing date, nature of transaction, posting reference, debits, credits, balance. Arr. by subject of account and chron. thereunder. No index. Hdw. on ptd. forms. 200 pp. 11½x13x1½. Clk. front off.

Allowances

169. ALLOWANCES AGAINST COMMONWEALTH OTHERS THAN JURORS AND WITNESSES, 1915--. 1 vol.
Duplicate lists of claims for services and charges allowed by circuit court and sent by the clerk to the Auditor of Public Accounts after each term of court, including lists of jurors in criminal cases, Commonwealth witnesses, allowances other than jurors and witnesses. Lists of jurors in criminal cases show date of court order confirming allowance, name of juror, certificate number, number days attendance allowed, miles traveled, nonresident juror allowance for board, aggregate amount allowed. Commonwealth witness lists show date of court order confirming allowance, name of witness, certificate number, whether felony, misdemeanor or prohibition, number days attendance allowed, total number miles traveled beyond 10 at 5 cents per mile, aggregate amount allowed. Lists of allowances other than jurors and witnesses show date of court order confirming allowance, name of person to whom made, nature of service, total amount allowed. Arr. by subject and chron. thereunder by court term. No index. Hdw. on ptd. forms. 300 pp. 17½x16½x3½. Clk. off., record va.

Elections
(See also entries 73-77, 81, 239)

170. (CONTESTED ELECTION PAPERS), 1887. 8 bundles.
Depositions, ballots and poll books concerning a contested election. Depositions show date, name of person giving deposition, name of person taking deposition, questions, answers, signature and seal of officer taking deposition. Ballots show date of election, office to be filled, candidate for each office. Poll books show signed oath of election judges, name of voter, names of electors, names of candidates for offices, number votes received by each, signatures of election judges. No obvious arr. No index. Hdw., typed, and ptd. Aver. 10x6x3. Clk. off., record va.

Miscellaneous

171. (MISCELLANEOUS PAPERS), 1872-1937. 3 boxes.
Miscellaneous unfiled papers including depositions, reports of county officers, summons, accounts rendered, supervisors papers, fiduciary accounts, invento-

ries, appraisements, insurance policies, and correspondence. No obvious arr. No index. Hdw., typed, ptd., and hdw. and typed on ptd. forms. Aver. 12x36x24. Storage.

172. LIST OF HEIRS, DEEDS, WILLS ETC., 1916--. 4 file boxes (222; three not labeled).

Miscellaneous papers filed with circuit court clerk, containing:

i. Arrest warrants for nonpayment of dog licenses, 1919, showing name of game warden, name of issuing justice, year for which delinquent, number of dogs, sex of dogs, name of owner, date of warrant, signature of justice of peace.

ii. Certificates showing inheritance tax paid, 1924--, showing date of certificate, name of deceased, date of death, signature of inheritance tax clerk.

iii. Certificates showing no inheritance tax assessable, 1924--, showing name of deceased, date of certificate, date of death, signature of inheritance tax clerk.

iv. Memorandum of lis pendens, 1921--, showing names of plaintiff and defendant, court in which pending, description of land, name of person whose estate is affected, date of notice, date of recordation, volume and page of record, clerk's attestation.

v. Qualifications of fiduciaries, 1917--, showing name of fiduciary, character of fiduciary, name of decedent for whom he acts, name of living person for whom he is guardian or committee, date authority conferred, amount of bond, signature of clerk.

vi. Wills certified for record from other counties, 1920--, showing county in which probated, date of will, name of testator, bequests and provisions, signature and seal of testator, signatures of witnesses, date of recordation.

Also contains Deeds, 1920--, entry 26. (List of Heirs), 1916--, entry 126. No obvious arr. No index. Hdw., typed, and hdw. and typed on ptd. forms. 10x5x14. Clk. off., record va.

IV. COUNTY COURT

When Isle of Wight County (at first known as Warrosquyoake, to use one of the many variant spellings) was formed, the monthly court, later to be called county court, was already well established. The exact date of its foundation is questionable, but there can be little doubt that the first local courts were held between 1619, the first year of civil government in the Colony, and 1624, when extant orders of the House of Burgesses, or Assembly, require that they be held at certain places remote from Jamestown, then seat of the more powerful General Court.[1] In those early days the court did not have the comprehensive jurisdiction later granted it; its history thenceforward was to be one of gradual accretion of powers until about 1785, and of gradual decline thereafter to its end in 1904.[2] The court had weathered the Revolution with few changes, but thereafter suffered a diminution of powers, as the superior courts increased in number and importance.

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1. See Governmental Organization and Records System, p. 21.
2. See below.

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 middle of the eighteenth century 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 and

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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.

(Next entry 173, p. 141)

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 Isle of Wight County varied from $200 to $350 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 has been found in the early acts. Vacancies were filled, as they occurred, by appointment of the Governor upon recommendation of the court.[22] Later the office might be vacated by death, resignation, removal from office, holding any other office 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, it 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

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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 ($200); Acts 1875-76, pp. 152-153 ($350); Acts 1877-78, p. 172 ($280); Acts 1881-82, pp. 171-172 ($300); Code 1887, sec. 185 ($300); Report of the Secretary of the Commonwealth (1937-38), p. 200.
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.

as the judge who displaced them, were named conservators of the peace, with the power to take security for good behavior from "persons . . . not of good fame."[27]

The county court, until 1870, was the principal and almost the sole administrative power in the county. In Colonial days, as well as later, the court supervised agricultural and commercial activities, punished those who did not plant sufficient corn for their own and their familes' 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 generall 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 road affairs until its end in 1904, including the right to pass on applications for changes in the road system, the appointment of

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27. Code 1819, I, 263; Acts 1877-78, p. 317.
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, 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. 73-74.

viewers or commissioners for that purpose, and the regulation of contracts for the maintenance and construction of county or intercounty roads and bridges.[36]

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.[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 public buildings and property as is now exercised by the board of supervisors. The court was required to provide prisons, courthouses, and clerks' offices, to maintain the same, and to lay off prison bounds, or "rules" (within which certain 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

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36. Code 1873, pp. 496-508; Acts 1874-75, pp. 177-186; Code 1887, secs. 945-991; Acts 1904, pp. 191-204.
37. Hening, Statutes, I, 242, 267, 305, 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 1863-64, 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.

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' 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 maximum amount 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

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45. Hening, Statutes, I, 287, 411, 522; ibid., II, 269.
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. 172.
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; see Governmental Organization and Records System, Judiciary, pp. 32-33.
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.

most of its judicial functions,[56] and was soon to supersede it entirely.[57]

The county court assumed jurisdiction over fiduciary affairs first in 1643, when the accounts of guardians with the estates of their wards were required to be submitted to the commissioners for record, and 2 years later came probate authority, hitherto confined to the General Court.[58] Thereafter until its abolition, the court exercised comprehensive powers in the proof of wills, the appointment of administrators, executors, guardians, curators, and other fiduciaries, and the supervision of their accounts and transactions with the estates committed to them in trust.[59]

Another important duty of the court was in the appointment of minor county officials, largely in the carrying out of it 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 county court, despite its wide judicial purview, was in general forbidden to try cases in which the punishment might involve the loss of life or member; it might, however, in special instances, constitute itself a court of oyer and terminer, and as such impose extreme penalties in emergent cases - usually only upon Negroes or slaves found guilty of insurrection or other serious offences. These sessions were held as occasion arose until 1865, when the repeal of all the laws dealing with slavery brought them to an end.[66]

The judicial duties and procedures of the county court were so similar to those described above in connection with the circuit court, and the rec-

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56. Code 1849, 618, 685.
57. Acts 1902-3-4, p. 626.
58. Hening, Statutes, I, 260-261, 302-303.
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. Hening, Statutes, VIII, 138; Code 1803, p. 190; see Governmental Organization and Records System, Judiciary, p. 29.

ords so like in form, that only those which differ materially in arrangement or content will be described here; for the full and particular description of the procedures involved, the article on the circuit court may be referred to.

The county court, as an agency of wider administrative authority than the circuit court has ever had, kept a record of appointments of surveyors of roads.[67] The court was the licensing agency so far as ordinaries (and other places where strong drink was sold) were concerned, and copies of these licenses are often found among the county records,[68] as are the copies of bonds given by licensees,[69] and the commissioner of revenue's periodical reports of such licenses sold.[70]

The court received the quarterly report of the oyster inspector; this record is discussed more at length in the article devoted to the inspector himself.[71] The bimonthly financial report of the treasurer also went to the county court,[72] and this is the last major difference between the records of the county and circuit courts, except for the less marked distinction between chancery and common law records observable in the older agency.

Case Papers

173. JUDGMENTS, 1773-1843, 1846, 1849-50, 1857-65. 434 bundles. Original county court judgments showing date of judgment, names of attorneys, names of plaintiff and defendant, nature of suit, motions, amount of judgment, amount of costs. Arr. chron. by year. No index. Hdw. and hdw. on ptd. forms. Aver. 7x3x2. Clk. off., record va.

174. COURT PAPERS, 1818, 1828, 1838-62, 1865-1903. 141 bundles. Original miscellaneous papers relating to proceedings of and cases in county court including pleadings, evidences, indictments, jury lists, witness subpoenas, motions, judgments, court minutes, claims against Commonwealth, appointment of fiduciaries, lists of deeds admitted to record, and reports of road surveyors. Arr. chron. by year. No index. Hdw. Aver. 8x3x2. Clk. off., record va.
For record of cases, see entry 179.

175. CHANCERY PAPERS, 1801, 1806, 1809, 1812-13, 1816, 1820-22, 1826, 1828-32, 1834-35, 1841, 1844. 19 bundles.
Original court papers pertaining to ended chancery cases, including bills, answers, reports, depositions, bonds, and decrees, showing case number,

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67. A list of such appointments was required to be posted annually, but no separate record book was specified: Code 1819, II, 234-235; Acts 1834-35, p. 58; Code 1849, p. 270.
68. Code 1819, II, 279-281.
69. Acts 1876-77, pp. 246, 251; Acts 1883-84, p. 605; Code 1887, sec. 579.
70. Code 1873, pp. 335-336, 343; Acts 1876-77, pp. 251-252; Acts 1879-80, pp. 149-150; Code 1887, sec. 556; Code 1919, sec. 2374.
71. See Oyster Inspector, pp. 245-247.
72. Acts 1869-70, p. 259; Code 1873, p. 428; Acts 1878-79, p. 321; Code 1887, sec. 858; Acts 1902-3-4, p. 621 (now to board of supervisors).

names of plaintiff and defendant, names of attorneys, cause of action, and date filed. Arr. chron. by year. No index. Hdw. Aver. 7x3x2. Clk. off., record va.

For record of cases, see entry 179.

Dockets and Proceedings

176. COUNTY COURT PROCESS BOOK, 1836-65, 1870-1903. 4 vols. Title varies: County Court Common Law Book, 1836-45.

Record of issuance and service of processes showing names of attorneys, names of plaintiff and defendant, kind of process, date issued, return date, sheriff's receipt, return on process. Arr. chron. by date issued. No index. Hdw. on hdr. forms. Aver. 425 pp. 13x8x1. Clk. off., record va.

177. COUNTY COURT RULE BOOK, 1796-1807, 1825-36, 1852-73. 7 vols. Title varies: Rule Book, 1796-1803. No title, 1803-7, 1825-31.

County court clerk's record of the progress at successive rule days of law and chancery cases not yet matured for entry in court because no issue of law or fact has been joined between the parties showing orders entered at prior rules, returns made to subsequent rules, names of attorneys, names of plaintiff and defendant, dates of rules. Arr. chron. by date of rules. 1796-1807, 1825-36, 1870-73 not indexed; 1852-71 indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on hdr. forms. Aver. 125 pp. 15x11x1. 6 vols., 1796-1807, 1828-36, 1852-73, clk. off., record va.; 1 vol., 1825-31, storage.

178. COUNTY COURT COM. (Common) LAW DOCKET, 1786-90, 1845-89, 1894-1904. 5 vols. Title varies: County Court Docket, 1845-70. No title, 1786-90, 1894-1904.

Record to determine order of appearance of causes or motions set for hearing before county court in the presence of a jury showing term of court, names of attorneys, names of plaintiff and defendant, cause of action, pleas. Arr. chron. by term of court and thereunder by type of case. 1786-90 indexed alph. by first letter of surname of plaintiff and num. by case no.; 1845-89, 1894-1904 not indexed. Hdw. on hdr. forms. Aver. 100 pp. 13x8½x½. Clk. off., record va.

179. CO. (County) COURT ORDER BOOK, 1746-52, 1759-65, 1768-69, 1772-83, 1795-1902. 38 vols. (thirty-three not numbered; 15, 17-20). Title varies: Order Book, 1746-52, 1759-63, 1772-83, 1795-1829, 1830-38, 1845-49, 1852-54, 1868-81; Records, 1764-65; Judgments and Orders, 1768-69; Minute Book, 1838-45; Minute Docket C. C., 1849-52; County Ct. Min. Book, 1854-60. 1693-95, 1755-57 in Bargain & Sale Deed Book, entry 28; 1902-4 in Clerks Order Book, entry 132.

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. Arr. chron. by court term. 1746-52, 1759-65, 1768-69, 1772-83, 1795-1801, 1810-13, 1821-26, 1834-42, 1845-52 indexed alph. by

first letter of surname of plaintiff or person or subject concerned in order; 1801-9, 1814-20, 1826-34, 1842-45 not indexed; 1852-1902 indexed alph. by first letter of surnames of plaintiff and defendant or person or subject concerned in order. 1746-52, 1759-65, 1768-69, 1772-83, 1795-1900 hdw.; 1900-1902 typed. Aver. 500 pp. 16x10½x2½. 9 vols., 1746-52, 1759-65, 1768-69, 1772-83, 1795-1801, 1806-9, Vi., archives stack-rm.; 29 vols., 1801-6, 1810-1902, clk. off., record va.

For original case papers, see entries 174, 175.

Executions

180. (County Court) EXECUTIONS, 1784, 1788-89, 1791-1806, 1808-11, 1814-16, 1818-50, 1852-62, 1867-77, 1879-80, 1884-85, 1887-1904. 158 bundles, 3 file boxes (172, 174, 176). Title varies: Capias, 1801, 1827. No title, 1887-1904.

Original executions on judgments issued by the county court clerk and justices of the peace showing names of parties and attorneys, date and amount of judgment, kind of execution, date of execution, return day, to whom delivered. Also contains Executions, 1809-11, 1814-16, 1818-50, 1852-62, 1867-77, 1879-80, 1884-85, 1887-99, entry 116. 1784, 1788-89, 1791-1806, 1808-11, 1814-16, 1818-50, 1852-62, 1867-77, 1879-80, 1884-85, 1887 arr. chron. by year; 1887-1904 arr. chron. by date of execution. No index. 1784, 1788-89, 1791-1806, 1808-11, 1814-16, 1818-23 hdw.; 1823-50, 1867-77, 1879-80, 1884-85, 1887-1904 hdw. on ptd. forms. Bundles aver. 8x4x2; file boxes 10x5x14. Clk. off., record va.

For record of executions, see entry 181.

181. CO. (County) COURT EXECU'NS (Executions), 1770-72, 1838-1904. 4 vols. Title varies: Execution Docket, 1770-72; Execution Book, 1838-44; County Court Rule Book, 1844-72.

Record of executions on judgments showing names of plaintiff and defendant, names of attorneys, date of judgment, amount of judgment, kind of execution, date of execution, date returnable, to whom delivered, sheriff's return. Arr. chron. by date of execution. 1770-72 not indexed; 1838-44 indexed alph. by first letter of surname of plaintiff and chron. thereunder; 1844-1904 indexed alph. by first letter of surnames of plaintiff and defendant and chron. thereunder. Hdw. on hdr. forms. Aver. 150 pp. 15x10x1½. Clk. off., record va.

For original executions, see entry 180.

Jurors and Witnesses

182. (COUNTY COURT JUROR AND WITNESS CERTIFICATES), 1887-1904. In (Juror and Witness Certificates), entry 120.

Original certificates issued by county court clerk to individuals serving as jurors and witnesses in county court showing date issued, term of court, whether juror or witness, name of court, payee, mileage claimed, days served, amount, signature of clerk.

For record of witnesses, see entry 183.

183. ORDER BOOK (Witness Docket), 1832-1903. 5 vols. Title varies: County Court Witness Docket, 1832-36, 1875-91; County Court Witness Book, 1845-75. No title, 1837-45.

Record of persons subpoenaed and appearing before county court as witnesses showing term of court, date of subpoena, names of plaintiff and defendant,

names of witnesses, number days attended, mileage, amount of certificate, sheriff's receipt. Arr. chron. by term of court. No index. Hdw. on hdr. forms. Aver. 250 pp. 13½x8x1½. Clk. off., record va.

For original witness certificates, see entry 182.

Roads

184. COUNTY ROAD SURVEYORS, 1822-93. 1 vol.
Record of surveyors appointed for county roads showing name of surveyor, date of appointment, boundary of each surveyor's territory and number of precinct in which located, date of replacement of surveyor, name of person replacing. Arr. chron. by date of appointment. No index. Hdw. on hdr. forms. 150 pp. 13x9½x1. Clk. off., record va.

Intoxicating Beverages

185. ORDINARY LICENSES, 1821-23. 1 bundle.
Copies of licenses issued by the court to persons conducting ordinaries showing name of licensee, location of business, seal of court granting license, date, amount paid, signature of commissioner of revenue. Arr. chron. by date of license. No index. Hdw. 8x3x1. Clk. off., record va.

186. (Liquor License) BOND BOOK, 1887-1903. 2 vols.
Record of bonds given in county court by persons licensed to retail alcoholic beverages to guarantee obedience to all laws relating thereto showing date of bond, names of principal and sureties, amount of bond, condition of obligation, signatures and seals of principal and sureties, clerk's attestation. Arr. chron. by date of bond. No index. Hdw. on ptd. forms. Aver. 200 pp. 14x8½x1. Clk. off., record va.

For original bonds, see entry 135.

187. (LIQUOR LICENSE REPORTS), 1894-95, 1897-1900, 1905. 1 bundle.
Clerk's copy of commissioner of revenue's semiannual report of all corporations, persons, or firms to whom liquor licenses were issued by him showing date of report, date license issued, expiration date, name of treasurer to whom tax paid previous to issuance of license, name of person, corporation, or firm licensed, location of business, kind of business (whether wholesale dealer, manufacturer, distiller), remarks, oath of commissioner of revenue, certificate of notary public or justice administering oath. Arr. chron. by date of report. No index. Hdw. on ptd. forms. 6x8x1. Storage.

Financial

188. FEE BOOK, 1773-84, 1791-99, 1820-40, 1843-1901. 51 vols. No title, 1791-92, 1875-1901.
Account of services and charges kept by clerk of county court for the collection of fees due him for issuing process, copying, drawing up, and recording instruments showing date charged, name of person charged, purpose for which charged, and amount charged. 1773-84, 1791-99, 1820-40, 1843-80, 1885-1901 arr. by individual account and chron. thereunder; 1881-84 arr. chron. by date service rendered. Indexed alph. by first letter of surname of person charged. 1773-84 hdw.; 1791-99, 1820-40, 1843-1901 hdw. on hdr. forms. Aver. 75 pp. 14½x6x½. Storage.

189. (COUNTY COURT CLERK'S TAX BOOK), 1898-1912. 1 vol.
Record of all money collected or which should have been collected for the Commonwealth by county court clerk kept for the purpose of accounting with the State Auditor of Public Accounts or State Comptroller including taxes and fees from deeds, contracts, and other instruments, wills and administrations, chancery suits, actions at law, seals, fines and costs, redemption of lands heretofore purchased by State at tax sale, sales of land heretofore bought by State at tax sale, insolvent capitation and property tax, remarks. Also contains Clerk's Receipt Book, 1904-12, entry 158. Arr. chron. by month of collection. No index. Hdw. on ptd. forms. 250 pp. 17x14x1½. Clk. front off.

190. OYSTER INSPECTORS REPORT, 1883-92. 1 vol.
Record of oyster inspector's quarterly report to county court of fees, fines, and taxes collected, and of boats registered showing name of inspector, name and residence of person whose ground inspected, water course, kind of boat, name of culler, number prescribed for boat, date of registry, for what period registered, amount refunded, total amount collection, date recorded, clerk's attestation. Arr. chron. by date recorded. Indexed alph. by first letter of surname of inspector. Hdw. on ptd. forms. 147 pp. 16x11x1. Clk. off., record va.

191. (TREASURER'S BIMONTHLY REPORTS), 1871-88, 1899-1904. 3 bundles.
County treasurer's bimonthly statements to county court clerk of his receipts and disbursements and a list of all warrants paid by him during the 2 months. Arr. chron. by date of report. No index. Hdw. on ptd. forms. Aver. 12x4x3. Storage.

V. COMMONWEALTH'S ATTORNEY

Although the office of attorney for the commonwealth as we know it today was not established by statute until the end of the eighteenth century, there are definite indications that a similar agency must have been functioning long before that time. Entries in Colonial records examined by P. A. Bruce refer to persons appointed by the Attorney General as early as 1643 in several Virginia counties, to prosecute for the Crown, and his conclusion is that they were appointed regularly.[1] In 1748 there are two references in the statutes to ". . . the attorney, appointed to prosecute in such court for his majesty . . ." or ". . . the person appointed to prosecute for the king . . .," directing his action in specific cases; from this it may be supposed that there was a regular prosecutor in each county at that time.[2]

An act of 1788 required the Attorney General to appoint others to prosecute in behalf of the Commonwealth in such district courts as he was himself unable to attend,[3] while in 1800 it was provided that attorneys for the commonwealth be appointed everywhere by the courts in which they were to serve; it is obvious, however, that there had been one in each county for some

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1. Bruce, Institutional History, I, 570-571.
2. Hening, Statutes, VI, 52, 122.
3. Ibid., XII, 730, 758.

Commonwealth's Attorney (Next entry 192, p. 148)

time before, as an act of 1794 prescribed their duties in connection with the escheat of lands.[4] Appointments by the judge of the proper court continued, until 1851,[5] with an added proviso after 1831 forbidding attorneys for the commonwealth in any circuit superior court of law and chancery to resign without the leave of the court, or 30 days previous notice to the judge.[6] There is nothing in the statute which forbids the same persons acting in both county and circuit courts.

In 1852 the commonwealth's attorney was to be elected by popular vote for a term of 4 years, and was to serve in both courts alike.[7] His tenure of office was reduced to 3 years during the township period, but restored to the original figure in 1875, and so remains today.[8]

No person holding the office of attorney for the commonwealth may hold any other elective office; any person elected to two or more offices at the same time, qualifying in one, is automatically barred from the others.[9] Attorneys for the commonwealth (if practising attorneys - the statute does not require that they shall be) are exempt from jury duty.[10]

There is no general provision for deputies to this officer, but in any case of prosecution for felony or misdemeanor in which the incumbent is so situated that it would be improper for him to act, the court may of its own motion appoint a special prosecuting attorney with all the privileges and powers of the regular attorney for the commonwealth, receiving all the compensation due the regular attorney if he had acted.[11]

The usual qualification by taking the oaths of office and giving bond has long been required of the commonwealth's attorney under the general law governing all county officials. Oaths and bonds may be administered and executed before the circuit court or its judge in vacation, orders evidencing the qualification being entered of record and the bonds certified to the proper officers of the court.[12]

The earliest act providing specifically for the appointment of attorneys for the commonwealth also refers to their compensation - by salaries for those acting in the district courts, and by fees or allowances levied by the court in the case of the county and other inferior courts.[13] Compensation mainly by fees continued the rule until 1934, when the attorney became

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4. Shepherd, Statutes, II, 215; Code 1803, pp. 328, 398.
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.
10. Acts 1932, pp. 161-162; Code 1936, sec. 5985.
11. Acts 1897-98, p. 929; Acts 1902-3-4, p. 568; Code 1936, sec. 4970.
12. Acts 1852, p. 67; Code 1919, sec. 2696; Code 1936, sec. 2696.
13. Shepherd, Statutes, II, 215; Code 1803, p. 398.

a salaried officer.[14] An allowance for office expenses had been granted him for many years, ranging from $300 to $1,000 annually at various times and places.[15] Today, allowance, expenses, and salary, in an amount fixed by the State Compensation Board with the approval of the board of supervisors, are paid in equal shares by the State and the county.[16]

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.[17] 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.[18] He represents the county before the local board of equalization in proceedings for the correction of erroneous assessments.[19] 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.[20] 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 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.[21]

The commonwealth's attorney acted, incidentally, as a member of the school trustee electoral board from 1877 to 1884, and once more from 1887 to 1928.[22] During the period of State prohibition, and for a number of years if not for the entire duration of national prohibition, he was also especially charged to prosecute violators of the ban against the manufacture, use,

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14. Acts 1828-29, p. 7; Acts 1842-43, p. 57; Acts 1847-48, p. 158; Acts 1865-66, p. 211; Acts 1866-67, p. 910; Acts 1869-70, p. 255; Acts 1877-78, p. 377; Code 1887, secs. 3527, 3528; Code 1919, sec. 3505; Acts 1922, p. 549; Acts 1934, p. 733; Code 1936, secs. 3504, 3505, 3516(b).
15. Acts 1878-79, p. 347; Acts 1883-84, p. 469; Acts 1920, p. 219.
16. Acts 1934, p. 740; Code 1936, secs. 3504, 3505, 3516(b).
17. Ibid., sec. 136.
18. Code 1803, p. 398; Code 1819, I, 241, 272; Code 1849, pp. 190, 229, 369, 375, 497; Acts 1912, p. 529; Code 1936, secs. 1614, 2989.
19. Acts 1884, p. 115; Code 1887, sec. 444; Acts 1924, p. 590; "Tax Code" 1936, secs. 414, 415.
20. Acts 1869-70, pp. 271-272; Code 1936, sec. 2759.
21. Code 1849, p. 637; Code 1936, sec. 4864.
22. Acts 1876-77, p. 9; Acts 1883-84, p. 177; Acts 1887, pp. 305-306; Acts 1928, pp. 1202-1203.

sale, transportation for sale, keeping for sale, and giving away of ardent spirits. Failure to do so was regarded as misfeasance in office.[23]

The records of the commonwealth's attorney are covered by no statute, but are such as he in his own discretion keeps for his guidance in his official duties. Those papers which he presents in court (indictments prepared by him for the grand jury, presentments submitted to him for trial, and other writings incidental to his principal duty as prosecutor) are filed there, as part of the case papers; his personal files contain only miscellaneous papers and correspondence relating to his official duties, and a record of pertinent facts concerning cases in which he has acted as prosecutor. His records are all located in his own office.

192. COMMONWEALTH CASES, 1936--. 1 file drawer.
Miscellaneous papers and correspondence relating to criminal cases, enforcement of alcoholic beverage control law, and other legal matters, including copies of indictments, notes on testimony and on instructions to the jury, resumes of alcoholic beverage control licenses issued in the county, bulletins from Alcoholic Beverage Control Board regarding changes in alcoholic beverage control law, opinions from Attorney General on the construction of statutes, and correspondence pertaining thereto. Arr. by subject. No index. Hdw., typed, and ptd. 11½x15½x22½.

193. (RECORD OF CASES TRIED), 1936--. 1 drawer.
Card record of commonwealth's attorney of cases prosecuted by him in circuit and trial justice courts. Circuit court cases show style of suit, court, offense charged, date indicted, date of trial, disposition of case. Trial justice court cases show style of suit, court, offense charged, date of trial, disposition of case. Arr. by court and alph. thereunder by first letter of surname of person tried. No index. Typed. 4½x12x23.

VI. TRIAL JUSTICE COURT

The trial justice court was at first established for certain densely populated counties, in one instance as early as 1912,[1] but Isle of Wight 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]

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23. Acts 1916, p. 242; Acts 1922, pp. 583-584; Acts 1924, p. 610.

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).

Trial Justice Court (Next entry 194, p. 151)

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 Isle of Wight County serves that county only, and was appointed at the June term 1934, to take office July 1, 1934. A substitute trial justice was appointed at the same time, and qualified in the same manner.[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.[9]

The clerk of the trial justice can issue warrants, processes, abstracts of judgment, 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 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

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4. Common Law Order Book, vol. 8 (1930-37), June 30, 1934, pp. 466-467, see entry 107; 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).
11. Code 1919, sec. 3102; Acts 1934, pp. 469-470; Code 1936, sec. 3102.
12. Acts 1936, p. 620; Code 1936, sec. 4987(f).

Trial Justice Court (Next entry 194, p. 151)

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]

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.[18] In Isle of Wight County, there are separate civil, criminal, and juvenile and domestic relations dockets.

The justice or his clerk, or a justice of the peace is required to give a receipt in the form prescribed by law to any person paying any fines or costs. The duplicate pages of used receipt books may be returned to the clerk of the circuit court; the trial justice clerk has the book currently in use.[19] As a basis for accounting for fines and costs collected,[20] the trial justice's clerk is directed to keep the accounts of the justice.[21] These accounts consist of the usual journal and ledger.[22] All of the trial justice's records are located in his office.

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13. Acts 1936, p. 622; Code 1936, sec. 4987(f).
14. Acts 1934, p. 473.
15. Acts 1922, pp. 835-839; these duties were assumed by the judge of the circuit court in addition to his own, in this county.
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 109-113.
18. Acts 1934, p. 472; Acts 1936, p. 625; Code 1936, sec. 4987(i).
19. Acts 1904, p. 225; Code 1936, sec. 2546.
20. Acts 1934, p. 472; Acts 1936, p. 627; Code 1936, sec. 4987(m).
21. Acts 1934, p. 471; Acts 1936, p. 624; Code 1936, sec. 4987(g).
22. See entries 200, 201.

Dockets

194. CIVIL DOCKET, 1934--. 3 vols. Title varies: Ended Civil Cases, 1934-38.
Record of civil cases determined by the trial justice showing case number; name of trial justice; names of plaintiff and defendant; object of action; dates of warrant, trial, and continuances; date papers filed in clerk's office; names of codefendants; amount of claim, amount of judgment, date from which it bears interest, amount of interest, date of executions; names, mileage, and amounts due plaintiff's and defendant's witnesses; name of officer issuing warrant and amount of his fee; name of officer serving papers in case, date served, kind of paper served, amount of fee for each service; amount of costs and date paid for issuing warrant, serving warrant, trial fee, continuances, witnesses for plaintiff, witnesses for defendant, issuing summons, serving summons, attorneys' fees, other fees; total costs; amount of judgment, amount of interest, total judgment and costs; names of plaintiff's attorneys; names of defendant's attorneys; statement whether judgment for plaintiff or defendant; remarks. Arr. chron. by date of trial and num. by case no. Indexed alph. by first letter of surnames of plaintiff and defendant. Typed on ptd. forms. Aver. 200 pp. 12x13x2½.

195. CRIMINAL DOCKET, 1934--. 3 vols. Title varies: Ended Criminal Cases, 1934-38.
Record of criminal cases determined by trial justice court showing case number; name of trial justice; style of case (names of plaintiff and defendant); place of birth, age, race, marital status, and occupation of defendant; brief description of offense charged; dates of warrant, appearance, and continuances; names, mileage, and fees of witnesses for the Commonwealth, for the defense, and of arresting officer admitting accused to bail, name of bondsman, date admitted to bail, when to appear, amount of bail, fee for bail; disposition of case (whether convicted, sent to grand jury for indictment for felony, or acquitted), jail sentence (if any); amount of fine, date paid, amount and date of payment of costs for trial, bail, warrant, arrest, commonwealth's attorney, clerk of court, sheriff, witnesses, other costs, total fine and costs; remarks. Arr. chron. by date of trial and num. by case no. Indexed alph. by first letter of surname of defendant. Typed on ptd. forms. Aver. 300 pp. 11½x12½x3.

196. JUVENILE AND DOMESTIC RELATIONS DOCKET, 1934--. 1 vol.
Record of juvenile and domestic relations cases showing name of complainant, name of defendant, address, age, race, occupation, marital status, number of children, brief description of offense charged, date of complaint, date of trial, names of witnesses, name of officer issuing warrant, name of officer making arrest and serving papers, itemized statement of costs, total amount of costs, date paid, judgment of court. Arr. chron. by date of trial. Indexed alph. by first letter of surname of defendant. Typed on ptd. forms. 150 pp. 12x12½x2.

Financial

197. (STUBS OF RECEIPTS FOR FINES AND COSTS), 1934-36. 4 vols.
Stubs of receipts given upon payment of fines and costs imposed by trial justice showing number of receipt, date, name of person fined, name of person making payment, name of person given receipt, amount of fine, amount of costs,

total, signature of person to whom receipt given. Arr. by amount and chron. thereunder by date of receipt. No index. Hdw. on ptd. forms. Aver. 50 pp. 5½x4x½.

198. OFFICIAL RECEIPTS FOR FINES AND COSTS, 1936--. 4 vols.
Triplicate copies used for auditing of receipts issued upon payment of fines and costs imposed by trial justice showing name of office, name of county, number and date of receipt, of whom received, account credited, amount of fine, amount of costs, total, signature of trial justice. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 150 pp. 10½x10½x½.

199. (TRIAL JUSTICE RECEIPT BOOK), 1935--. 6 vols.
Carbon copies of receipts given by trial justice upon payment to him of all money other than fines and costs showing number and date of receipt, of whom received, account credited, purpose of payment, amount, signature of trial justice. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 300 pp. 16x10½x½.

200. (CASH RECEIPTS AND DISBURSEMENTS), 1934--. 1 vol.
Trial justice's journal of cash receipts and disbursements. Receipts show date collected, from whom collected, docket number, classification of collections, total. Disbursements show cash credit, deposits, checks drawn, check number, payee, amount, purpose, classification of disbursements. Arr. by receipts and disbursements and chron. thereunder. No index. Typed on ptd. forms. 200 pp. 14½x18x2.

201. GENERAL LEDGER, 1934--. 1 vol.
Trial justice's record of fees, fines, and other money collected and disbursed, including cash in bank, cash in office, county revenues, Commonwealth revenues, filing fees in civil cases, cash depository bonds, circuit court clerk's fees, sheriff's fees, issuing justice's fees, payments in domestic relations cases, partial fines, and fees for others, showing total amount collected, date and number of trial justice's check, payee, amount. Arr. by type of revenue and chron. thereunder by date of trial justice's check. No index. Hdw. on ptd. forms. 200 pp. 11½x12½x1½.

VII. JUSTICE OF THE PEACE

The office of justice of the peace, originally one of considerable dignity and authority in Virginia, stems on the one hand from an English tradition already old when the first settlers arrived in Virginia, and on the other from the position of military commander (and, consequently, judge of the military tribunal) under the martial regime of the Virginia Company before 1619.[1] When, at some time after that date, the monthly courts were set up (at least as early as 1632 in Warrosquyoake, not yet a county),[2] there

1. Hening, Virginia Justice, p. iii; N. Y. Bureau of Municipal Research, County Government in Virginia, p. 49; Bruce, Institutional History, I, 478-483, et passim.
2. Hening, Statutes, I, 169.

is no evidence to show that the members of the courts acted individually; indeed, the total jurisdiction of the court was limited to what fell within the purview of a single justice of the peace, or two or more together, according to the laws of England.[3] The first extant statute granting jurisdiction expressly to a single commissioner (as the judges of the local courts were early called) was enacted in 1643, and has the appearance of having originated at that time, rather than of being a mere reenactment.[4]

The justices or commissioners were originally assigned and appointed by the Governor; their names were usually listed in the commission for holding monthly or county courts.[5] In 1652, during the Commonwealth Period, the House of Burgesses assumed the right of appointment, but returned it the year following to the Governor and Council who were, however, to be guided by the recommendation of the county court.[6] It is not to be understood that any person was appointed as justice of the peace individually; appointments were to the bench of the court, and the members of that body acted severally in the capacity of local magistrates. There was at first no set number per county; from 1661 to 1710 eight were to be appointed, while thereafter the number was more or less at the discretion of the Governor until the mid-nineteenth century.[7] The right of recommendation of persons to fill vacancies, exercised by the county court during the Commonwealth Period, seems to have continued in effect by tacit consent, although there is no further statutory mention of it until 1776, when it is affirmed in the first State Constitution (as it was also in the second, that of 1830).[8] In 1852, the year in which county officials in general were first elected by the people, the counties were laid off in districts, and four magistrates elected in each for a term of 4 years[9] - incidentally, the first mention of a term of office for these officers, who had hitherto served for life, or during good behavior.[10] In 1870, when the counties were divided into townships, three per township were elected for overlapping 3-year terms, so arranged that one would be elected or reelected annually;[11] at the same time, the position of justice of the peace was first divorced from the county court, which was henceforward presided over by a single judge, leaving the justices only their petty jurisdiction.[12] Five years later, at the end of the township period, three justices per magisterial district were to be elected for concurrent terms of 2 years each; the term was extended to 4 years (the present

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3. Ibid., I, 168-169, 186.
4. Ibid., I, 273.
5. Ibid., I, 125, 141, 169.
6. Ibid., I, 372, 376.
7. Ibid., II, 21, 69; ibid., III, 504-505; ibid., V, 489; ibid., IX, 127; Const. 1776, art. XV; Shepherd, Statutes, I, 9; Code 1819, I, 143-144; Const. 1830, art. V, sec. 7; Code 1849, p. 243.
8. Bruce, Institutional History, I, 486-487, 490-495; Const. 1776, art. XV; Const. 1830, art. V, sec. 7.
9. Const. 1851, art. VI, sec. 27; Acts 1852, p. 64; Code 1860, p. 81.
10. There is no prior provision as to term; as to removal for cause, see footnotes 21-24, below.
11. Const. 1869, art. VII, sec. 2; Acts 1869-70, p. 80.
12. See County Court, pp. 135-136.

figure) after the adoption of the new constitution in 1902.[13]

Since early in the seventeenth century the justices have been required to take certain oaths before assuming their duties, but no evidence has been found to indicate that they were ever bonded. In 1632 the commissioners of the monthly courts were called upon to take the "prescribed" oaths (not specified);[14] in 1662 the oaths of allegiance and supremacy and the oath of a justice of the peace (presumably that used in England) are mentioned, while in 1710 and 1748 the statute demands the oaths required by Parliament in place of those of allegiance and supremacy, as well as the "prescribed" oaths, whatever they may have been. At the latter date the abjuration and test oaths were also mandatory, all oaths being taken publicly in the court-house.[15] In 1776 a form was adopted which combined an oath of fidelity to the Commonwealth with the oath of office, but these were separated in 1792 and so continued through 1819.[16] Not long after (in 1849), the general provision affecting the oaths of all county officers was applied to the justice; the justice is still governed by the general law as to qualification.[17]

There was at first no compensation allowed the justices; the position was honorary and honorable, while a term as sheriff (which office devolved upon the justices in regular rotation throughout much of Virginia's early history) might prove profitable in a prosperous year.[18] Fees and salaries were first provided in 1852; from that date forward regular tables of fees allowable for various duties and services have been published. The salaries provided were for service as members of the county court, and of course came to an end in 1870, as did the majority of their fees in 1934, at the general appointment of trial justices in the counties.[19]

The office of justice of the peace has been subject to various regulations as to vacancies and removal from office. In 1677, for instance, any justice might be removed from the bench if he were three times" . . . soe notoriously scandalous upon court dayes at the court house, to be soe farre

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13. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 134; Code 1887, sec. 96; Const. 1902, art. VI, sec. 108; Acts 1902-3-4, pp. 506, 743; Code 1919, sec. 127; Const. 1902 (as amended 1928), art. VI, sec. 108; Code 1936, sec. 127.
14. Hening, Statutes, I, 169.
15. Ibid., II, 70; ibid., III, 505; ibid., V, 489.
16. Ibid., IX, 126; ibid., XIII, 449; Code 1803, p. 83; Code 1819, I, 245-246.
17. Code 1849, pp. 86, 244; Acts 1869-70, pp. 20-21; Code 1887, sec. 168; Const. 1902, art. II, sec. 34; Acts 1902-3-4, p. 584; Code 1919, sec. 269; Code 1936, sec. 269.
18. Hening, Virginia Justice, p. iv; Proceedings and Debates, 1829-30, pp. 486-487 (as to possible aggrandizement of sheriffs and deputies), 503-504 (that the justices occupy and monopolize all officers of profit), 507-508 (Jefferson's objections to this system).
19. Const. 1851, art. VI, sec. 28; Acts 1852, p. 68; Code 1860, p. 277; Const. 1869, art. VI, sec. 13; Code 1873, p. 120; Code 1887, sec. 3500; Code 1919, sec. 3481; Code 1936, sec. 3481; see footnote 35.

overtaken in drinke that by reason thereof he shalbe adjudged . . . to be uncapable of that high office, and place of trust proper and inherent in a justice of the peace . . . ."[20] In 1776, and until 1788, the Governor might remove a justice for cause - general misconduct or neglect.[21] In the early nineteenth century, for misbehavior or neglect in office, a charge might be brought by any competent officer against a justice, and he might consequently be put out of the commission,[22] while later (1851) these officials were made subject to indictment for malfeasance or misfeasance, their offices being deemed vacant upon conviction.[23] In 1870 they were subject to removal by the county court for similar causes, and aside from a transfer of the power of removal to the circuit court in 1904, the same is true today.[24] Since 1822, also, removal from the county, or since 1852 from the district, for which he was appointed or elected, has constituted a vacation of the office,[25] and since 1838 failure to qualify within the proper interval has reacted in the same way.[26] Various pains and penalties - principally in the nature of fines, varying from time to time and according to the gravity of the offense or omission, have been set for breaches not serious enough to occasion the removal of the delinquent justice.[27]

Vacancies were until 1851 filled in the same manner as the original appointments were made - by appointment by the Governor[28] but thereafter by the court, or (until 1903) by a special election for the remainder of the unexpired term.[29]

The duties and powers of the justice of the peace, like those of the county court, partook of judicial and administrative character. As has been indicated above, the justices apparently had no power or jurisdiction apart from the court until 1643, in which year they commenced to take cognizance of minor civil causes, such as did not exceed 20 shillings or 200 pounds of

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20. Hening, Statutes, II, 384.
21. Ibid., IX, pp. 127, 478; (repealed) ibid., XII, p. 507.
22. Apparently under the common law only, which during this period was adopted to make up the deficiency of the statute: Hening, Virginia Justice, p. 420. Note that the Constitution of 1851 utilizes practically the same words.
23. Const. 1851, art. VI, sec. 32.
24. Acts 1869-70, p. 93; Code 1887, sec. 821; Acts 1902-3-4, p. 655; Acts 1916, pp. 767-768; Code 1919, sec. 2705; Code 1936, sec. 2705.
25. Acts 1821-22, p. 26; Code 1849, p. 244; Acts 1852, p. 67; Code 1860, p. 87; Acts 1869-70, pp. 93, 354; Acts 1874-75, p. 135; Code 1887, sec. 820; Acts 1902-3-4, p. 655; Code 1919, sec. 2704; Code 1936, sec. 2704.
26. Acts 1838, p. 67; Code 1849, p. 244; see footnote 24; Code 1887, sec. 813; Acts 1902-3-4, p. 652; Code 1919, sec. 2697; Code 1936, sec. 2697.
27. Shepherd, Statutes, III, 74; Acts 1811-12, p. 16; Code 1819, II, 60; Code 1849, pp. 228, 596, 598, 738; Code 1887, secs. 718, 723, 2944, 2951, 3776; Code 1919, secs. 1060, 2546, 2550, 2556, 4529, 6024, 6032.
28. See footnotes 5-8.
29. Acts 1857-58, p. 31; Code 1860, p. 86; Code 1873, p. 461; Acts 1883-84, pp. 432-433; Code 1887, secs. 106-108; Acts 1902-3-4, p. 508; Code 1919, secs. 136, 138, 139; Code 1936, secs. 136, 138, 139 (appointment by court if not otherwise provided for).

(Next entry 202, p. 157)

tobacco, to relieve the press of relatively unimportant business in the courts.[30] This petty civil jurisdiction continued to constitute the main part of the justice's duties,[31] although certain types of trials for slight offenses against the laws of the State or local ordinances were from time to time placed in his hands.[32] The amount of his jurisdiction in civil cases was never great, and various slight increases from time to time may perhaps be assigned to changing standards of value, necessitating a readjustment.[33] In 1871 a general authority to hear petty criminal cases added to the judicial duties of the justice, giving him concurrent jurisdiction with the county court in the trial of persons guilty of certain listed offenses;[34] these powers were afterward extended to cover the whole range of misdemeanors, and continued in force (concurrent with the circuit court after 1904) until the appointment of the trial justice, when virtually all the civil and criminal jurisdiction of the justices of the peace was shifted to that official.[35]

The administrative duties of the justices were generally performed by them as agents of the court, and have been mentioned briefly under that head. Since the State-wide establishment of the office of trial justice, little remains of the once rather extensive jurisdiction of the justices save their power to issue warrants, act on lunacy commissions, take acknowledgments, and carry out a few other duties of trifling importance.[36]

The justices of the peace were required to keep few records of their activities as individuals, and, of such as they kept, the great majority were returned to the county (later, circuit) court for further action (executions, satisfaction of judgments, and so on).[37] The only record found in the archives of Isle of Wight County which can be regarded as a justice's record pure and simple is a fee book kept by an individual justice, which for some reason was deposited in the clerk's office. This record, required by law for the collection of fees charged is of only semipublic nature, and seldom found among the county records.[38]

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30. Hening, Statutes, I, 273.
31. Ibid., I, 435; ibid., III, 508; ibid., V, 491; Shepherd, Statutes, II, 275; ibid., III, 286; Code 1803, p. 405; Code 1819, I, 252; Code 1849, pp. 596-597; Code 1860, pp. 641-642; Acts 1872-73, p. 82; Code 1887, sec. 2947.
32. Hening, Statutes, V, 230, 354; Code 1803, p. 176; Code 1819, I, 252; Acts 1827-28, p. 30; Acts 1847-48, p. 163; Code 1849, p. 788.
33. See footnote 31.
34. Acts 1870-71, p. 362; Code 1873, p. 464; Code 1887, sec. 4106; Acts 1893-94, p. 431; Acts 1902-3-4, p. 615; Code 1919, sec. 4987; Code 1936, sec. 4987.
35. Code 1919, sec. 4987; Acts 1934, pp. 469-470; Acts 1936, p. 622; Code 1936, secs. 4987, 4987(f).
36. Code 1919, secs. 3481, 4823; N. Y. Bureau of Municipal Research, County Government in Virginia, p. 50; Code 1936, secs. 1021, 3481, 4823.
37. See Circuit Court, pp. 110-111.
38. Code 1919, secs. 3481, 3494; Code 1936, secs. 3481, 3494.

202. (JUSTICE OF PEACE FEE BOOK), 1925-31. 1 vol. Account of services and charges kept by justice of the peace for collection of fees due him for issuing warrants and attachments, taking acknowledgments, and other services showing name of person charged, date charged, purpose of charge, amount, date paid. Arr. by individual account and chron. thereunder by date charged. Indexed alph. by first letter of surname of person charged. Hdw. 288 pp. $12\frac{1}{2}x7\frac{1}{2}x\frac{1}{2}$. Clk. front off.

VIII. SHERIFF

The office of sheriff in Virginia 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 1852 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] After 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]

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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; Acts 1852, p. 64.
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.

Sheriff (Next entry 203, p. 161)

As early as 1643 sheriffs were required to give "good caution" to the county court, and in 1644 had 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 one thousand pounds sterling, for his true and faithful performance 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 is from $10,000 to $60,000 when personal security is given. When the surety on his bond is a guaranty or surety company, the penalty is fixed at $5,000 to $30,000.[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 the latter'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 has always been paid by fees. 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

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13. Hening, Statutes, I, 259, 284.
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.

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 provided that beginning in 1916 the compensation of certain officers, including the sheriff, be limited in an amount dependent upon the county's population. In counties such as Isle of Wight, with a population of below 15,000 the compensation was limited at first to $4,000 and later to $5,000 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 by failure of an appointee to qualify, 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

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20. Shepherd, Statutes, II, 19.
21. Ibid., II, 330.
22. Acts 1869-70, pp. 251-252.
23. Acts 1914, p. 707; Acts 1916, pp. 825-826; Acts 1918, pp. 220-221; Acts 1920, p. 827; Report of the Secretary of the Commonwealth (1936-37), p. 196.
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.

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 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]

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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.
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).

The history of the office of jailer in Virginia parallels very closely that of sheriff; in fact, there has never been any provision in law for the separation of the two offices. The provost marshals, who had duties like those of the later sheriffs, are also known to have acted as jailers, and at intervals since 1634 (when the first sheriffs so called were appointed) the keeping of the jail has been mentioned among the duties of the sheriff. In Isle of Wight County, as in many other localities, this part of the sheriff's activities has been assigned to a deputy, who is responsible to his principal in the same degree as the sheriff is to the State, receives the same fees and allowances as the sheriff would for these official acts, and is subject to the same penalties.[44]

Aside from a fee book to be used as evidence in the collection of fees due him,[45] the sheriff (as such) is not required to keep any permanent records, and seldom does so. The present officeholder in Isle of Wight County, however, of his own volition keeps an admirable and even elaborate system of records of his official acts, comprising a card file of case records of persons arrested, separate books of accounts of collections made for others (by levy or attachment) and for himself (fees and compensation, see above), as well as his correspondence upon matters of official business. Stored at the courthouse are the old fee books kept by former sheriffs, as required by law.[46] The jail records, which would otherwise be required of the sheriff, are kept by his deputy, the jailer. The jailer is required to keep a commitment register of information covering the conviction, description, commitment, term, and release of all prisoners consigned to his care,[47] and a record of the conduct of prisoners so committed, as a basis for reductions in sentence for good behavior.[48]

Arrest and Levy

203. (RECORD OF ARRESTS), 1928--. 1 file box.
Card record of persons arrested by sheriff on criminal charges showing name of person arrested, date of arrest, offense charged, disposition of case. Arr. alph. by first letter of surname of person arrested. No index. Hdw. 5x6x4. Sheriff's off., Smithfield, Va.

204. (COLLECTIONS FOR INDIVIDUALS), 1928--. 1 vol.
Record of money collected by sheriff for individuals by levy or attachment on property showing name of person from whom collected, name of person for whom collected, amount and date collected. Arr. chron. by date of collection. Indexed alph. by first letter of surname of person for whom collected. Hdw. 150 pp. 12x8x1. Sheriff's off., Smithfield, Va.

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44. Bruce, Institutional History, I, 598; Records of the Virginia Company, III, 120-121, 490; Hening, Virginia Justice, pp. 393-404; Code 1819, I, 235, 260, 540-541; Blackstone, Commentaries, I, 346 (that jailers are at the common law, servants of the sheriff, and he is responsible for their conduct); Code 1919, secs. 2868, 4506.
45. Code 1849, p. 699; Code 1887, sec. 3514; Code 1919, sec. 3494; Code 1936, sec. 3494.
46. See footnote 45.
47. See footnote 3.
48. Acts 1910, pp. 374-375; Code 1919, secs. 2859-2862; Acts 1932, p. 815; Code 1936, secs. 2859-2861.

Compensation

205. (SHERIFF'S CASH BOOK), 1928--. 2 vols.
Record of compensation received by the sheriff for services rendered the county and individuals and of disbursements for automobile upkeep, gas, oil, and office expenses. Receipts show source of revenue, date received, amount, nature of service. Disbursements show date of disbursement, amount, and purpose. Arr. by receipts and disbursements and chron. thereunder. Indexed alph. by source of revenue. Hdw. Aver. 150 pp. 12x8x1. Sheriff's off., Smithfield, Va.

206. LEDGER (Sheriff's Fee Book), 1852-56, 1873-84, 1908-15. 7 vols.
No title, 1852-56, 1873-84, 1908-10.
Record of fees charged by sheriff for serving and executing writs and processes, kept to provide a basis for collecting money due for such services showing name of person charged with fee, date and nature of service, amount charged, whether paid or not. 1852-56, 1873-77 arr. chron. by date of service; 1877-84, 1908-15 arr. by name of person charged and chron. thereunder by date of service. 1852-56, 1873-77, 1883-84 not indexed; 1877-82, 1908-15 indexed alph. by first letter of surname of person charged with fee. 1852-56 hdw. on hdr. forms; 1873-84, 1908-15 hdw. Aver. 200 pp. 14x9x1. Storage.

207. (SHERIFF'S COLLECTIONS), 1929-34. 1 vol.
Sheriff's record of all fees and other money collected for individual services showing date and purpose of collection, name of payer, amount. Arr. alph. by first letter of surname of person or firm and chron. thereunder. No index. Hdw. 200 pp. 8x10x2½. Sheriff's off., Smithfield, Va.

Jail

208. JAIL REGISTER, 1929. 1 vol.
Record kept by jailer of description and offense of every person committed to jail showing name and description of prisoner, date committed, offense charged (felony, misdemeanor, prohibition), character of charge, reasons for being in jail, date of trial, sentence, amounts of fine and costs, date to be released, reason for release, actual date of release, remarks. Arr. chron. by date of commitment. No index. Hdw. on ptd. forms. 6 pp. 12½x10½x½. Clk. front off.

209. RECORD OF CONDUCT OF PRISONERS IN JAIL, 1910-15. 1 vol.
Record of the conduct of each prisoner kept by the sheriff or jailer for the purpose of computing time to be deducted from sentence and to preserve information as a basis for Executive clemencies showing name of prisoner, date of commitment, length of term, conduct of prisoner each month. Arr. alph. by first letter of surname of prisoner. No index. Hdw. on ptd. forms. 100 pp. 16x11x1. Clk. front off.

Correspondence

210. (CORRESPONDENCE), 1928--. 8 letter files.
Original letters to the sheriff and copies of his letters and replies pertaining to the proper functioning of his office. Arr. alph. by first letter of surname of correspondent and chron. thereunder. No index. Hdw. and typed. 12xllx3½. Sheriff's off., Smithfield, Va.

IX. CONSTABLE

The constable as a county officer probably dates from the formation of Isle of Wight County, 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 was published in the district prior to the next succeeding general election.[5]

Constables held office for a term of 2 years until almost 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 as early as 1730.[10] He is also required to give bond, and in 1896 the penalty

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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.
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.

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of this qualification bond was fixed at not less than $2,000.[11] In 1924, however, the amount was specified at 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 entrusted with the duty of taking into custody runaway servants,

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11. Acts 1895-96, p. 825.
12. Acts 1924, p. 685; Code 1936, sec. 2698.
13. Hening, Statutes, IV, 243.
14. Ibid., 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.

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 corrupt 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 he 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; he serves warrants, attachments, conveys prisoners to jail, and until recently summoned coroners' juries (no longer required) and witnesses.[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]

Constables have never been required to keep any permanent records; an occasional fee book hardly constitutes an exception, and not even this was found in Isle of Wight County. The activities of these officers are reflected, however, in a record of the circuit court, in which executions entrusted by justices of the peace to the constables were entered when, failing of satisfaction, they were returned to the court for its further action.[30]

X. CORONER

The coroner had been an officer in England and Virginia long before Isle of Wight County was established and, like the sheriff, was appointed

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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 115.

Coroner (Next entry 211, p. 175)

by the Governor from among the members of the county court to hold office in an ex officio capacity.[1]

The first State Constitution (1776) provided that coroners be nominated by the respective courts, approved by the Governor with the advice of the Privy Council, and commissioned by the Governor.[2] In 1792, the Governor was authorized to approve and commission one of two persons recommended by the county court to hold office during good behavior. If the county court felt the need of additional coroners, it could send further recommendations to the Governor.[3] This remained the law until 1896 when the county court judge took over the appointive power, naming one or more coroners for a tenure of 2 years. In 1903 this function was transferred to the circuit court judge.[4] Since 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

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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.

turpitude.[12]

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

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

In case of 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 was 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 in 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

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12. Ibid., secs. 2705, 2815.
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.

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 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. His returns and reports of inquests upon dead bodies are filed with and become records of the circuit court.

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 commission-

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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.

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.

ers 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 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.[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 compelled to serve again.[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) three townships of Isle of Wight County.[12]

When the township form of government was abolished in 1875, the township assessors were replaced by a commissioner of the revenue elected for a 4-year term. The first commissioner for Isle of Wight County, after the township period, qualified by taking oath and giving bond in the sum of $3,000, on June 7, 1875, to enter upon the duties of his office July 1, 1875.[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 prinipal commissioners are held liable for the conduct of their assistance.[15]

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4. Hening, Statutes, IX, 351-352, 363-364.
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, pp. 64, 67; Code 1860, p. 81.
12. Const. 1869, art. VII, sec. 2; Acts 1869-70, p. 632; Acts 1870-71, pp. 415-418.
13. Const. 1869 (as amended 1874), art. VII, secs. 1, 2; Acts 1874-75, p. 215; Order Book (1873-79), June 7, 1875, p. 255, in Co. (County) Court Order Book, see entry 179.
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 211, p. 175)

As early as 1777, before entering upon the duties of the office entrusted 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, one-third by the State and two-thirds by the county.[28] In the year 1934 it was stipulated that the salaries and expenses of commissioners of the revenue were to be paid in proportion to population, 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

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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, pp. 892-895; Acts 1934, pp. 734, 737, 740.
29. Ibid., p. 737; Acts 1936, pp. 363-364; Acts 1938, p. 991.

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said commissioners, the first magistrate acting in the county was empowered 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 commissioners.[31] In the event of the death of a commissioner before he fully performed the services to be rendered by him during any 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]

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.[33] He was amenable to a penalty of $20 for failure to send in a list of free Negroes and mulattoes,[34] 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.[35] For other misconduct or neglect of duty, he was also liable to penalties in amounts prescribed by law.[36] 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.[37]

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.[38] 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.[39] In addition to his assessment of taxes on land, his duties 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

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30. Hening, Statutes, X, 502.
31. Code 1819, II, 32.
32. Acts 1865-66, pp. 26-27.
33. Shepherd, Statutes, I, 56.
34. Ibid., II, 301.
35. Acts 1850-51, p. 6.
36. Acts 1857, p. 67.
37. 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.
38. Hening, Statutes, IX, 357; ibid., X, 250.
39. Shepherd, Statutes, III, 65-66; Code 1919, secs. 2252-2342; Acts 1926, p. 875; "Tax Code" 1936, secs. 251-277, 280, 281.

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his county for the year.[40]

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;[41] in 1814, to manufacturers or workers in salt, pig iron, and lead;[42] and, in 1843, to insurance agents, retail liquor dealers, and merchants.[43] Today, business, trade, and professional licenses are issued by him.[44]

Proceedings of escheat and forfeiture were instituted by the commissioner with the assistance of the commonwealth's attorney.[45] 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.[46] This duty was also incumbent upon commissioners in 1819, and in 1860.[47]

Since this officer's primary duties relate to the assessment of property for taxation, most of his records relate to that subject. From the former land books and supplemental records, he compiles the land book each year.[48] Of this book he retains the original and sends copies to the clerk, treasurer, and Department of Taxation.[49]

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.[50] The board examines the record for correctness,[51] then uses it as a guide in laying the county levy.[52] The act then provides that the commissioner of the revenue extend, on this list, the proper local levies on the tangible

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40. Acts 1930, pp. 782-783.
41. Shepherd, Statutes, II, 74-75.
42. Acts 1814-15, pp. 23-25.
43. Acts 1842-43, p. 13.
44. Code 1919, sec. 2360.
45. Hening, Statutes, X, 67.
46. Shepherd, Statutes, III, 59.
47. Code 1819, II, 502-503; Code 1860, p. 255.
48. "Tax Code" 1936, secs. 253-264; for full discussion, see County Clerk, pp. 85-86.
49. 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.
50. 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.
51. Code 1919, sec. 3704; Acts 1928, p. 163; "Tax Code" 1936, sec. 233.
52. See footnote 51; "Tax Code" 1936, secs. 216, 217, 219, 222, 226, 229.

personal property, rolling stock, and real estate.[53] 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.[54]

Any person aggrieved by an assessment made by the commissioner of revenue may request him to correct it[55] or may petition the court for the same purpose.[56] 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.[57] The commissioner keeps a record of such corrections. In addition, copies of any orders of the board of equalization relating to the increase or decrease of assessments are sent by the board to the commissioner and the taxpayer, and were formerly sent likewise to the attorney for the locality and the Auditor of Public Accounts.[58]

Examiners of record, first appointed in 1896, were until 1898 required to examine all causes pending in the courts of their circuits and the records thereof and report to the commissioner all money, notes, bonds, choses in action, or other evidences of debt, held by any bank, receiver, fiduciary, or other person, or held subject to the order of the court; the commissioner then assessed the taxes due thereon. In 1898 the language was broadened so as to include all species of money, personal property, and income held by any person, firm, or corporation, however or by whomever appointed, and there was added the duty of examining State and Federal records and reporting on water craft and their equipment.[59] They may call upon any fiduciary or shipowner for a return under oath and must make an additional report of returns and investigations to the commissioner of the revenue.[60]

Each taxpayer makes an annual return to the commissioner of all his property except real estate.[61] The capital of banks is not taxed. Instead, a tax is levied on each stockholder proportionate to the taxable value of the 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

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53. 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).
54. See footnote 53.
55. Acts 1928, pp. 227-228; "Tax Code" 1936, sec. 413.
56. Acts 1928, pp. 228-229; "Tax Code" 1936, sec. 414.
57. Acts 1928, pp. 229-230; "Tax Code" 1936, sec. 415.
58. Acts 1924, p. 576; Acts 1926, p. 257; "Tax Code" 1936, sec. 346.
59. Acts 1895-96, pp. 773-774; Acts 1897-98, pp. 335, 756-757; Code 1919, sec. 2220; "Tax Code" 1936, sec. 332.
60. Code 1919, secs. 2221, 2256; "Tax Code" 1936, secs. 313, 333.
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.

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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 and reports, 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 books;[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. He 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] There are special types of licenses for persons desiring to pick peanuts by machines[70] or to operate slot machines. In addition to the specified State license on legal slot machines, the locality may impose and collect a license tax on such machines.[71] Such licenses are handled in a similar manner. The commissioner retains copies of all licenses assessed, and makes a periodic report of license assessments to the Department of Taxation.[72] This list may be used to charge the collecting officer with the amount of taxes shown thereon.[73] Copies of these reports are retained.

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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.
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 212, 213.
68. Acts 1902-3-4, p. 559 (clerk performs duties); Acts 1910, pp. 465, 584 (commissioners 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. "Tax Code" 1936, sec. 198.
72. Acts 1928, pp. 100-101; "Tax Code" 1936, sec. 145.
73. Acts 1928, p. 101; "Tax Code" 1936, sec. 146.

Commissioner of the Revenue - Tax Assessments; Miscellaneous (211-214)

Tax Assessments

211. COUNTY LAND BOOK, 1923-33, 1935--. 16 vols.
Commissioner of revenue's copy of the record of tax assessments on land, lots, standing timber, buildings and improvements. For full description, see entry 47. Arr. by race, thereunder by district, and alph. thereunder by surname of landowner. No index. 1923-33 hdw. on ptd. forms; 1935- - typed on ptd. forms. Aver. 150 pp. 17x24x1. Comm. rev. home, Smithfield, Va.

For clerk's copy, see entry 47; for treasurer's copy, see entry 226.

212. (INTERROGATORIES), 1920--. 168 bundles.
Original tax returns from property owners to commissioner of revenue of tangible personal property, machinery and tools, merchants' capital for local taxation only, of individual incomes, and intangible personal property including money and capital for State taxation only. Return of tangible personal property, machinery and tools, and merchants' capital for local taxation only shows name of taxpayer, post office address, district, local capitation tax (if any), amount and fair market value of tangible personal property, fair market value of machinery and tools, fair market value of merchants' capital, oath of taxpayer, signatures of taxpayer and commissioner of revenue. Individual income tax returns show county, name of taxpayer, post office address, district, occupation or business, personal data, income from salaries, wages, commissions, and all other compensation for personal services, net profit from business or profession, interest on bonds, notes, and bank deposits, rents and royalties, profit from sale of real estate and income from stocks, bonds, dividends, estates and trusts; deductions for interest paid, taxes paid, losses by fire and storm, bad debts, deductible dividends, contributions, personal exemption, total deductions; net income subject to oath of taxpayer. Return of intangible personal property, including money and capital for State taxation only shows name of taxpayer, post office address, demands and claims, money, moneyed capital coming into competiton with business of national banks, capital not otherwise taxed, signatures of taxpayer and commissioner of revenue. Arr. by district, by race, and alph. thereunder by surname of taxpayer. No index. Hdw. on ptd. forms. Aver. 17x10x5. 158 bundles, 1920-38, storage; 10 bundles, 1939--, comm. rev. home, Smithfield, Va.

213. PERSONAL PROPERTY BOOK, 1931, 1933--. 8 vols.
Commissioner of revenue's copy of record of assessment of taxes on personal property. For full description, see entry 54. Arr. by race, thereunder by district, and alph. thereunder by surname of property owner. No index. 1931, 1933 hdw. on ptd. forms; 1934-- typed on ptd. forms. Aver. 150 pp. 17x24x1. Comm. rev. home, Smithfield, Va.

For clerk's copy, see entry 54; for treasurer's copy, see entry 228.

Miscellaneous

214. (MISCELLANEOUS RECORDS), 1916--. 4 file drawers.
Miscellaneous records filed by commissioner of revenue, containing:

i. Applications for peanut pickers licenses, 1936--, showing name and address of applicant, oath that capitation tax is paid, signatures of applicant and officer administering oath.

ii. Applications for slot machine licenses, 1935--, showing name and address of applicant; name of firm; number of years applicant

has operated slot machines in State; location of each slot machine; type of machine (vending, amusement, musical, etc.); denomination of coin; tax, fee, penalty, total; taxes prescribed by law; fees; total taxes and fees; penalties; total taxes, fees and penalties; oath of applicant; date of oath; signatures of applicant and officer administering oath.

iii. Applications for State licenses (other than slot machine), 1935--, showing county in which application made; place where business, employments, or professions are to be prosecuted; name and address of applicant; name of firm; kind of license applied for; basis for assessment; tax; fee; penalty; totals; taxes prescribed by law; fees; total taxes and fees; penalties; total taxes, fees and penalties; oath of applicant; date of oath; signatures of applicant and officer administering oath.

iv. Classification of licenses, 1916--, showing name of commissioner of revenue, name of county, month covered by report, types of licenses, number of each type issued, total taxes and penalties, fees, total taxes, penalties and fees on each type, total on all types.

v. Correspondence, 1916--, including letters and carbon copies of replies thereto of commissioner of revenue.

vi. Examiner of record's report of property held by fiduciaries, 1916--, showing name and address of fiduciary; capacity in which he acts; name of decedent, beneficiary, or title of suit; classification of the fair market value of intangible personal property for State taxation; classification of fair market value of tangible personal property for local taxation; date of report; signature of examiner of records.

vii. Fiduciaries' returns to examiner of records, 1916--, showing name of fiduciary, name of estate or living person for whom he acts, tax year, date of return, fair market value of each class of property, total value, signature of fiduciary.

viii. Income book, 1916--, showing individual incomes and incomes handled by fiduciaries. Individual incomes show name and address of person assessed, net income, personal exemptions, net income subject to tax, 1.5 percent on first $3,000, 2.5 percent on next $2,000, 3 percent on all in excess of $5,000, penalty for failure to file return, total taxes and penalties. Income handled by fiduciaries shows name and residence of fiduciary, character of fiduciary, name of decedent, beneficiary, or title of suit, net income subject to tax, rates of tax, penalty for failure to file return, total amounts of taxes and penalties.

ix. License reports, 1916--, showing name of commissioner of revenue, name of county, month of report, name of each applicant, name of firm, place of business, kind of business or profession licensed, date issued, date license begins, date of expiration, amounts of tax, fee, penalty, total.

x. Memorandum of corrected assessments of unpaid local levies, 1916--, showing name and address of taxpayer, original assessment, abatement, corrected assessment, class of property, value, year of assessment, page and line on commissioner's book, local levy and penalty, total tax and penalty.

xi. Reports of assessment on shares of stock issued by banks and trust companies, 1928--, showing name and location of bank, capital, surplus, undivided profits of each bank as of January 1;

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total capital, surplus, and undivided profits as of Januray 1, allowable deductions, name and residence of each stockholder, number shares held by each, amount of State taxes at $1 on each $100 of taxable value of shares, oath of bank officer, date of oath, signatures of bank officer and person administering oath.

xii. Reports of board of equalization, 1925, 1930, 1934, 1938, showing name and address of landowner, description of land, page and line on land book, district in which land is located, assessment on land book, and equalized assessment on number acres in each tract, value per acre including standing timber trees if owned by owner of land, value of land and standing timber trees owned by same person, value of land exclusive of standing timber trees not owned by owner of land, value of buildings and improvements, value of standing timber trees owned by others than owner of land, total value.

xiii. Report of omitted State capitation tax, 1930--, showing name and address of persons assessed, date certificate issued, year for which assessed, tax, penalty, interest, total.

xiv. Reports to Department of Taxation of local levies assessed on public service corporations, 1925--, showing name of corporation, class or kind of corporation, district or town in which located, value, rate of levy, amount of tax on real estate, amount of tax on tangible personal property, total tax.

For other records of corporations, see entry 57.

Arr. alph. by subject. No index. Hdw., typed, and hdw. and typed on ptd. forms. 11x11½x24. Comm. rev. home, Smithfield, Va.

XII. ASSESSORS

Assessors were first appointed in 1777 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 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 into four districts, Isle of Wight County being included in the first district. Real estate was valued and assessed, and the standard for

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1. Hening, Statutes, IX, 352-355, 549.
2. Ibid., X, 252, 501-503.

Assessors

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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 to exceed 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 of 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, and the oath could be taken and bond given before the county court or the judge thereof in vacation.[16] The same procedure was followed in 1903, with the bond carrying a penalty in the same amount, but at this time

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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. (These reassessment officials are not to be confused with the popularly elected township assessors, corresponding to the present commissioner of revenue).
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.

the assessor 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 thirty 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. 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 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 try to satisfy persons who were aggrieved by what they considered erroneous

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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.

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 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 exclusively by the courts,[1] was shared by the local board of review in 1915, when the judge of the 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

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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, pp. 85-86, and entry 46.

1. Acts 1869-70, pp. 335-337; Code 1887, sec. 444.

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 1st 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 assistance, call in advisers, 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 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

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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 1934, p. 510; Acts 1936-37, p. 74; "Tax Code" 1936, sec. 344.
10. Acts 1915, p. 95.
11. Acts 1924, p. 575.

Local Board of Equalization (Next entry 215, p. 183)

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]

The only record required of the local board of equalization is a minute book, or record of its official proceedings, usually kept by its clerk.[17] The same book also contains the comparable records of the acts of the local board of review, its predecessor organization.[18]

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12. Acts 1936-37, p. 74; "Tax Code" 1936, sec. 344.
13. Acts 1934, 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. 257; Acts 1930, p. 875; "Tax Code" 1936, sec. 346.
18. Acts 1915, pp. 94-95; Acts 1916, pp. 416-419; Code 1919, secs. 2226, 2227; (repealed) Acts 1922, pp. 513-514.

215. RECORD OF LOCAL BOARD OF REVIEW, 1915-22, 1926--. 1 vol. (1). Last entry 1938.

Record of proceedings relating to the equalization and adjustment of assessments, containing:

i. Minutes of local board of review, 1915-22, showing date of meeting, names of members present, and actions taken.

ii. Original orders of local board of equalization, 1926--, showing name and address of landowner, district, description of land, number of acres, original value and equalized value per acre, total original value and equalized value of land, trees, buildings, improvements, date of order, page and line on land book, signature of chairman of board.

Arr. chron. by date of meeting. Indexed alph. by first letter of surname of landowner. 1915-22 typed; 1926-38 typed on ptd. forms. 150 pp. 18½x12x2. Clk. off., record va.

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.[1] The Constitution of 1869 provided for a county treasurer to be elected by the qualified voters for a 3-year term[2] and Isle of Wight County elected its first officer November 8, 1870. He qualified by giving bond in the sum of $30,000 on December 5, 1870, to begin his duties January 1, 1871.[3] The board of supervisors first ordered him to collect the levy in February 1871.[4]

Although in the beginning the county treasurer apparently could hold any other office except that of attorney for the commonwealth, judge of the county court, clerk of the county or circuit courts, or sheriff, later he could not hold any other elective office. Since 1938, however, he may be treasurer of a town in the county.[5]

The original term of 3 years was increased to its present length of 4 years at the close of the township period in 1874.[6] For a brief period (1902 to 1910), the Constitution prohibited the treasurer from serving more than two consecutive terms or serving as deputy to his successor[7] but otherwise

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1. Hening, Statutes, I, 288, 383 (Isle of Wight County); Code 1803, p. 123; (all counties) Code 1860, p. 212; Supervisors Record (1870-96), Oct. 1870, p. 6, see entry 3; see footnote 2.
2. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
3. Bond Book (1868-77), Dec. 5, 1870, p. 94, see entry 136.
4. Supervisors Record (1870-96), Feb. 1871, p. 11, see entry 3.
5. Acts 1869-70, p. 258; Code 1887, secs. 818, 819; Acts 1889-90, p. 111; Code 1936, secs. 2702, 2703; Acts 1938, p. 98.
6. Const. 1869 (as amended 1874), art. VII, sec. 1; Acts 1874-75, p. 133; Const. 1902 (as amended 1928), art. VII, secs. 110, 112; Code 1936, sec. 123.
7. Const. 1902, art. VII, secs. 110, 112; Acts 1910, pp. 38, 141 (amendment proposed, submitted to people at election of Nov. 8, 1910); Const. 1902 (as amended 1928), art. VII, secs. 110, 112.

County Treasurer

(Next entry 216, p. 195)

the tenure has remained unchanged.

One or more deputies have been allowed since the formation of the office. They are subject to removal by the treasurer or the court, continue in office during their principal's continuance, and must take an oath[8] and give bond payable to the principal. The amount is set by the treasurer, who may recover from it any deficiency caused by the deputies' misconduct or failure to pay over levies, plus damages of 10 percent per month.[9]

In addition to the oath of allegiance and oath of office required of all officers,[10] the treasurer, at the time of his qualification, is required to give bond with surety[11] payable to the Commonwealth, conditioned for the faithful discharge of all duties imposed upon him by law.[12] Until 1896 the amount was fixed by the court or judge before whom he qualified, but it could not be less than double the amount to be collected annually. At that date he was allowed to give as security a surety company doing business in the State, approved by the court or judge; in that event, the penalty was not to exceed the amount to be collected; personal security, if given, still had to double the amount to be collected. Repealed at the same session, the provision was reenacted by the next Assembly, effective in 1898. Thereafter the face of the bond was decreased from 75 percent of the amount to be collected in 1903 to 50 percent in 1926; the present penal amount of 30 percent was provided in 1930. Given permission in 1928 to pay the premium on the surety bond, the county was required to pay two-thirds of it in 1930, the remaining one-third to be paid by the State. For a brief period (1926-28) the officer was required to give a surety company, but except for that period he has been able to give personal surety, and since 1926 the minimum penal amount has been the same, in either case.[13]

Since 1879 the court has been required to have the bond examined periodically (at present every year) by the commissioner of accounts or commissioner in chancery. They are to report on the form and sufficiency of the bond and the solvency of its sureties. The court may thereupon require a new bond. Since 1926 this examination has not been necessary when a surety company is given as security.[14]

The protection afforded by the bond extends to individuals, the county, and the State. Any party injured by reason of a violation in regard to the county levy may recover double damages.[15] For a breach in failing to account

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8. Acts 1869-70, p. 258; Acts 1871-72, pp. 222, 251; Code 1936, sec. 2701; Acts 1938, p. 17.
9. Acts 1869-70, p. 258; Acts 1877-78, p. 181; Acts 1928, p. 203; "Tax Code" 1936, sec. 352.
10. Acts 1869-70, pp. 20-21; Code 1936, sec. 269.
11. Acts 1869-70, p. 258; Code 1936, sec. 2698.
12. Acts 1842-43, p. 22; Code 1936, sec. 279.
13. Acts 1869-70, p. 258; Acts 1895-96, pp. 682, 824; Acts 1897-98, p. 308; Acts 1902-3-4, p. 723; Acts 1926, p. 894; Acts 1928, p. 1113; Acts 1930, p. 922; Code 1936, sec. 2698.
14. Acts 1878-79, p. 319; Acts 1926, p. 26; Acts 1928, p. 203; "Tax Code" 1936, sec. 351.
15. Acts 1869-70, p. 261; Acts 1928, p. 207; "Tax Code" 1936, sec. 365.

for and pay money collected or in failing to pay collections over to his successor, suit may be brought in the circuit court of the City of Richmond for the use of the State, or in the court of the county for the use of the county.[16] After he has left office, the treasurer may obtain a court order discharging him from liability, upon notice published and given the officials with whom he had an account.[17]

The treasurer's compensation was, until 1932, based upon the amount collected for the county and State. The early provisions allowed him 3 percent on local revenue collected[18] and, on State revenue, 5 percent on amounts of $5,000 and less, 2 percent on excess to $30,000, 1½ percent on additional amounts up to $50,000, and 1 percent on all revenue over that amount.[19] In 1875 the sliding scale was adopted for both State and local revenue and from that date additional compensation was in some instances allowed for the collection of delinquent taxes.[20] In addition, various miscellaneous fees were allowed.[21]

An act limiting his compensation by fees to a certain amount was passed in 1914, but was not effective until 1916. In counties such as Isle of Wight (population 14,929 in 1910), compensation from fees could not exceed $4,000; in 1920 the county was in the classification of counties below 15,000, and the compensation could not exceed $5,000, subject to certain exceptions.[22] When in 1932 the fee system was abolished as a method of compensating commissioners of revenue and treasurers, the salary was to equal the amount received from fees in 1930, subject to revision by the board of supervisors. Office expenses were to be allowed by the State Fee Commission of the total compensation, one-third was paid by the State and two-thirds by the county.[23] The Compensation Act of 1934, still in force, provides that in counties with the population of Isle of Wight, the salary be between $2,500 and $4,000. It and the expense allowance are fixed by the Compensation Board and approved by the board of supervisors. This compensation is paid in the same proportion by the State and county.[24]

As in the case of all county officers, the office is vacated by removal

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16. Acts 1871-72, p. 228; Code 1887, sec. 865; "Tax Code" 1936, sec. 364.
17. Acts 1902-3-4, p. 293; Acts 1928, p. 207; "Tax Code" 1936, sec. 367.
18. Acts 1869-70, p. 261.
19. Ibid., p. 263.
20. Acts 1874-75, pp. 345, 349; Acts 1875-76, p. 259; Acts 1878-79, pp. 323, 328; Acts 1901-2, p. 789; Acts 1904, p. 310; Code 1919, secs. 2430 (State revenue), 2431 (local revenue).
21. Ibid., secs. 112, 114 (poll tax lists), 2439 (levying on and distraining property for taxes), 2464 (giving receipt to purchaser at tax sale), 2501 (purchasing land in name of Commonwealth), 2431 (general provisions).
22. Acts 1914, p. 707; Acts 1916, p. 792; Acts 1918, pp. 220-221; Acts 1920, pp. 827-828; Report of the Secretary of the Commonwealth (1937-38), p. 200.
23. Acts 1932, pp. 892-895.
24. Acts 1934, pp. 736, 738-742; Code 1936, secs. 3477(d), 3477(j); Report of the Secretary of the Commonwealth (1937-38), p. 200.

from the county[25] or failure to qualify and give bond within the time provided by law.[26] Specifically, the office of treasurer is deemed vacant when he fails to give new bond if required to do so by the court,[27] or holds other office (except that of treasurer of a town in the county, since 1938).[28] The Governor may suspend him for lapses in the collection of State revenue, pending the outcome of ouster proceedings.[29] In common with other officers, he may be removed by the local court for malfeasance, misfeasance, incompetency, or gross neglect of official duty, or for knowingly or wilfully neglecting to perform any duty imposed upon him.[30] Vacancies in the office of treasurer were originally filled under an act relating specifically to that official. It provided that when vacancy occurred by death, resignation, removal, or otherwise, it was the duty of the county court to fill it by appointment. The appointee held office until the next general election or until his successor was elected. Between 1884 and 1903, vacancies generally were filled by a special election after a writ issued by the judge of the county court, who temporarily filled it by appointment. Such appointees had to give bond and qualify within 30 days. The only change made at the revision of 1903 was that the vacancy be filled by the circuit court, without an election, and the 1919 revision provided for the appointment when there was no other provision for filling the vacancy. The appointee's term begins as soon as he qualifies and continues for the unexpired term.[31] An outgoing treasurer or his personal representative is required to deliver to his successor all the books and papers of his office, taking a receipt therefor. When no appointment is made, or the officer fails to qualify, the books are deposited with the clerk to hold subject to court order. The receipt serves as a credit for tax tickets in his final settlement, and the amount is charged against his successor.[32]

In addition to suits on his bond for general breach as mentioned above, the treasurer is or has been subjected to specific penalties for doing certain prohibited acts or for failing to do other acts. He is not allowed to buy county warrants; if he does so, the amount is not allowed in his annual settlement. Furthermore, if he fails to pay a warrant on demand and there are funds in his hands with which to pay it, he is liable for the amount of the warrant plus 10 percent damages per month, plus an attorney's fee of $5.[33] For violating provisions relating to the county levy he may be tried for a misdemeanor (unless the violation amounts to a felony) and upon con-

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25. Acts 1869-70, p. 93; Code 1936, sec. 2704.
26. Acts 1857-58, p. 32; Code 1936, sec. 2697.
27. Acts 1869-70, p. 262; Acts 1928, p. 203; "Tax Code" 1936, sec. 351;
28. Acts 1869-70, p. 258; Code 1936, sec. 2702; Acts 1938, p. 98.
29. Acts 1887, p. 427; Acts 1928, p. 207; "Tax Code" 1936, sec. 366.
30. Acts 1869-70, p. 93 (county court); Acts 1902-3-4, p. 655 (circuit court); Code 1936, sec. 2705.
31. Acts 1869-70, p. 258; Acts 1883-84, pp. 432-433; Code 1887, secs. 106-108; Acts 1902-3-4, p. 508; Code 1919, secs. 136, 138, 139; Code 1936, secs. 136, 138, 139.
32. Acts 1872-73, p. 372; Acts 1877-78, p. 182; Code 1887, secs. 857, 862; Code 1919, sec. 2779; "Tax Code" 1936, sec. 353.
33. Acts 1869-70, p. 260; "Tax Code" 1936, sec. 361.

viction may be removed from office, subjected to a fine of from $20 to $100, and given a jail sentence of 3 months. In addition, he and his sureties are liable for double damages to the aggrieved party.[34] He may not purchase delinquent land which he offers for sale; if he attempts to do so, the purchase is void and he forfeits $50 for each act.[35] For other violations in relation to the collection of delinquent taxes, he may be fined from $50 to $500.[36] Using or lending public funds is likewise prohibited; such an act formerly subjected his bond to a penalty of from $100 to $500 to the use of State or county, depending upon which funds were used. The Tax Code of 1928 makes the punishment more drastic by classifying the offense as misdemeanor or felony. If the amount involved is less than $50, he is guilty of a misdemeanor; if over $50, he may be fined from $250 to $1,000 and imprisoned in the penitentiary from 1 to 5 years.[37] Under general law, misuse or misappropriation of public funds of any amount by an officer is an offense punishable by confinement in the penitentiary for 1 to 10 years,[38] and any offense punishable by imprisonment in the penitentiary is a felony.[39] The only possible significance of the distinction between a misdemeanor and the higher offense set up by the special statute as to the amount of $50 is that embezzlement by any other than a public official is treated as larceny,[40] and the additional fact that $50 marks the distinction between petit larceny (a misdemeanor) and grand larceny (a felony).[41] Other penalties include guilt of misdemeanor and a fine not exceeding $5,000 for failure to account for interest on funds,[42] $50 for failure to make an annual statement of receipts and disbursements to the State Accountant,[43] conviction of a misdemeanor for falsely certifying prepayment of the poll tax,[44] the same punishment plus a fine of $50 to $1,000 for failure to make a list of paid poll taxes,[45] and a charge of malfeasance in office and misdemeanor with a fine of $100 to $500 for omitting any names from a delinquent list.[46]

The legal status of the county treasurer appears to be of a dual nature. He collects State funds[47] and collects and disburses county funds.[48] Salary and expenses are paid partly by the State and partly by the county.[49] He is under control of both the State[50] and local officials.[51] In a more general

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34. Acts 1869-70, p. 261; "Tax Code" 1936, sec. 365.
35. Code 1887, sec. 640; Code 1936, sec. 2463.
36. Code 1887, sec. 671; Code 1936, sec. 2503.
37. Acts 1869-70, p. 263; Acts 1928, p. 206; "Tax Code" 1936, sec. 362.
38. Code 1936, sec. 4452.
39. Ibid., sec. 4758.
40. Ibid., sec. 4451.
41. Ibid., sec. 4440.
42. Acts 1922, p. 544; "Tax Code" 1936, sec. 363.
43. Acts 1922, p. 618; Code 1936, sec. 2775.
44. Acts 1904, p. 309; Code 1919, sec. 115; Acts 1938, p. 190.
45. Acts 1904, pp. 131-132; Code 1936, sec. 113.
46. Acts 1932, p. 336; "Tax Code" 1936, sec. 402(a).
47. See footnote 62.
48. See footnotes 59, 60.
49. See footnote 24.
50. See footnote 29.
51. See footnote 30; see Board of Supervisors, pp. 72-73.

sense, however, the treasurer and all other county officials are officers of the State. This conclusion is based upon the status of the county itself, which is that of a mere arm of the State with no independent sovereignty.[52] Fundamentally, therefore, the county treasurer is solely and exclusively an officer of the State. Further evidence is furnished by the wording of the section requiring an oath. The Constitution provides that "members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect" take a prescribed oath.[53] The act and code section provide that the oath be taken by "every person before entering upon the discharge of any function as an officer of this State."[54]

The duties of the county treasurer are so fully represented by the officer's records that to detail them here would cause subsequent repetition. Therefore only a general outline will be given. He was required, at the county's expense, to provide suitable books and stationery, but today the board of supervisors furnishes them.[55] His office may be kept at the county seat or at some other suitable place in the county selected by the board of supervisors.[56] In the care of funds entrusted to his care, he is guided by the county finance board act of 1932.[57] He receives the taxes not only at his office but at various places in the county where he states in a public advertisement that he will be for the purpose.[58] County funds are collected by[59] or paid to the county treasurer and disbursed only on warrants legally authorized and issued.[60] These funds are placed in approved banks and drawn out by check after the warrant has been presented.[61] He collects State revenue and pays it into the State Treasury and accounts therefor[62] each month or oftener if called upon by the Comptroller.[63] Pending remittal to the State, these funds are likewise deposited in approved banks.[64] Warrants are drawn by the board of supervisors[65] and if presented to and registered by the treasurer within 2 years[66] must be paid by the treasurer in the order drawn as soon as funds are available in the account drawn upon.[67] He pays witnesses and jurors on order of the circuit court, and if the sum is allowable against the State, he is reimbursed therefor from the State Treasury.[68] However, in the latter event the treasurer deducts

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52. See Governmental Organization and Records System, pp. 18-20.
53. Const. 1902, art. II, sec. 34.
54. Acts 1902-3-4, p. 584; Code 1936, sec. 269.
55. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 299.
56. "Tax Code" 1936, sec. 349.
57. Acts 1932, pp. 831-835; "Tax Code" 1936, sec. 350; see County Finance Board, pp. 200-201.
58. Acts 1878-79, p. 323; "Tax Code" 1936, sec. 372.
59. Acts 1869-70, p. 258; "Tax Code" 1936, sec. 369.
60. Acts 1926, p. 846; Acts 1932, p. 834; "Tax Code" 1936, sec. 350.
61. Acts 1932, p. 834; "Tax Code" 1936, sec. 350.
62. Acts 1869-70, p. 261; "Tax Code" 1936, sec. 369.
63. Ibid., sec. 374.
64. See footnote 61.
65. Acts 1874-75, p. 356; Code 1936, sec. 2724.
66. Acts 1897-98, p. 76; "Tax Code" 1936, sec. 357.
67. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 356.
68. Acts 1871-72, pp. 34-35; Acts 1877-78, p. 379; Code 1936, secs. 3512, 6010.

any taxes due the State before paying the allowance.[69] In addition to the settlement with the State, mentioned above, he must exhibit an account and list of warrants when required by the circuit court or board of supervisors,[70] and make an annual and final settlement with the board.[71]

In 1900 a special act enabled the Board of Supervisors of Isle of Wight County to appoint a special collector for delinquent county taxes for the years 1894-98.[72] This procedure, however, is now general for all delinquent county taxes.[73] Special powers are conferred on the treasurer in the collection of delinquent taxes, such as the power to distrain on goods and chattels,[74] or timber and wood,[75] and to rent the land of the delinquent taxpayer.[76] In the latter function, he is endowed with the powers of a sheriff under proper writ.[77] Until 1886, the treasurer sold delinquent land from a list submitted to him by the Auditor; from that date until 1928, the clerk certified the list to the treasurer and sale was held 60 days thereafter. The Tax Code adopted in 1928 provided that the treasurer compile the list from records in his own office.[78]

Among special duties or powers may be mentioned that of paying, upon order of the Auditor or the Superintendent of Public Instruction, any installment of principal or interest on a Literary Fund loan when the board of supervisors fails to do so,[79] selling and accounting for dog licenses,[80] and validating business and professional licenses by accepting payment and receipting the license.[81] Most of these duties as well as others not mentioned above will be more fully discussed in connection with the officer's records, which clearly reflect the nature and extent of his duties.

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. After he has received the tax books from the commissioner of the revenue,[82] the treasurer makes out tax tickets in triplicate to indicate the amount of taxes charged against each taxpayer.[83] Prior to 1928, only

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69. Acts 1897-98, p. 439; "Tax Code" 1936, sec. 358.
70. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 360.
71. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 359.
72. Acts 1899-1900, p. 943.
73. "Tax Code" 1936, sec. 394.
74. Acts 1871-72, p. 490; "Tax Code" 1936, sec. 378.
75. Acts 1889-90, p. 13; "Tax Code" 1936, sec. 378.
76. Acts 1895-96, p. 154 (farming or grazing land); Acts 1897-98, p. 931 (real estate); "Tax Code" 1936, sec. 378.
77. Acts 1897-98, p. 931; "Tax Code" 1936, sec. 378.
78. Code 1849, pp. 200-202; Acts 1872-73, p. 378 (treasurer assumes sheriff's duties); Acts 1885-86, p. 280; Acts 1928, p. 217; "Tax Code" 1936, sec. 391.
79. Acts 1906, pp. 446-447; Acts 1928, pp. 1199-1200; Code 1936, sec. 644; Acts 1938, p. 96.
80. Acts 1901-2, pp. 401-402; Acts 1930, pp. 662-663; Code 1936, secs. 3305(78), 3305(81).
81. "Tax Code" 1936, sec. 129.
82. See footnotes 9, 22.
83. Code 1919, sec. 2408; "Tax Code" 1936, sec. 370; see footnotes 84-87.

County Treasurer

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a receipt for payment was required;[84] 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 represented unpaid taxes. These tickets were, until 1928, delivered to the clerk of the court with the delinquent lists.[85] Tax bills or notices[86] as well as the receipt[87] have been required since that date. The present system is to send a copy to the taxpayer and place the two other copies in a binder. So long as they are in the binder, the taxes or a part thereof are unpaid. When payment is made in full, the receipt is duplicated on the final copy; this receipt is then filed to serve as a record of payments.[88]

The treasurer keeps sets of books as a basis for accounting for State[89] and county funds.[90] Each day's collections are entered on a daily collection form as well as on the journal. All journal entries are periodically posted to the cash books and general ledger. These books are specified by the Auditor or Comptroller, who have general supervisory power over the treasurer's records.[91] 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.[92]

All county funds collected are paid to the county treasurer, and disbursed by him only upon receipt of warrants lawfully authorized and issued.[93] In order to determine the order of payment, as well as to 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[94] or, formerly, the county and circuit courts.[95]

Prior to 1932, a record of each warrant was entered in the warrant register, the treasurer paid it in cash or by check,[96] and the warrant was canceled and returned to the agency which issued it. In that year the county finance board was created, and the method of payment was limited to checks drawn upon an authorized depository (payment of cash being permitted in a few instances).[97] In place of the heavily bound books previously used

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84. Code 1919, sec. 2408.
85. Code 1887, sec. 608; Code 1919, sec. 2417; Acts 1924, p. 719; (repealed) Acts 1928, p. 216.
86. Ibid., p. 209; "Tax Code" 1936, sec. 371.
87. See footnote 85; Acts 1928, p. 208; "Tax Code" 1936, sec. 370.
88. See entry 217.
89. Acts 1869-70, p. 261; Acts 1932, p. 327; "Tax Code" 1936, secs. 369, 372.
90. Acts 1869-70, p. 259; Acts 1932, p. 832; "Tax Code" 1936, sec. 354.
91. Acts 1878-79, p. 324; Code 1936, sec. 565; "Tax Code" 1936, sec. 374.
92. Acts 1914, p. 202; Code 1936, sec. 565.
93. Acts 1926, p. 846; Acts 1928, pp. 202-203; Acts 1932, pp. 834-835; Acts 1936, p. 29; "Tax Code" 1936, sec. 350.
94. Acts 1869-70, p. 259; Code 1919, sec. 2781; "Tax Code" 1936, sec. 355.
95. Acts 1869-70, p. 259; (repealed) Acts 1878-79, p. 321.
96. Acts 1869-70, p. 259; Code 1919, sec. 2782; "Tax Code" 1936, secs. 355, 356.
97. Acts 1932, pp. 831-835; "Tax Code" 1936, sec. 350.

was substituted a series of loose-leaf post binders, uniform in size for most of the treasurer's financial records.[98]

An important change in the treasurer's warrant records occurred in 1936. No law has been found for it, but it is possibly a result of the finance board act of 1932. Subdivision j provides that money in depositories shall be disbursed only upon checks "drawn in payment of lawfully issued and properly drawn orders or warrants . . ." but it "shall not be construed as imposing upon any depository any obligation to determine whether any [such] check . . . was issued for any purpose or purposes other than those specified herein or as imposing any liability upon any such depository for paying any check so issued."[99] The provision was reenacted in 1936.[1]

The present system seems to carry both provisions into effect. After passing on the claim, the chairman and clerk draw a draft (warrant), in triplicate, on a depository, and sign the original. There is a blank for the treasurer's signature, which he fills in when it is presented. The payee tears off the section indicating fund and purpose; the remaining portion constitutes a check or draft.[2] The board retains one copy as a warrant register[3] and another copy is placed in the hands of the treasurer to serve as warrant register and check stub.[4] These are put into loose-leaf binders, and become permanent records.

The funds provided by the former Public Assistance Act of 1936[5] had to be separately accounted for, and the above system was used. With the passage of the present public assistance act, the present form of warrant register was adopted, probably by rules of the State Board.[6] This consists of a list of warrants drawn by the local board; the list is sent to the treasurer with the warrants. A copy of the list is retained by the local board. These lists are also placed in a loose-leaf binder.[7] The complete warrant register, therefore, consists of separate binders for various funds. These duplicates have taken the place not only of the warrant register but of check stubs as well. Canceled warrants, formerly returned to the issuing officer,[8] are now generally retained by the treasurer after being paid and returned by the bank. In the treasurer's office they represent canceled checks, which are generally retained as a receipt for money paid.

Of the other records practically all 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.[9] From this book, the

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98. See entry 223.
99. See footnote 97.
1. Acts 1936, p. 29.
2. See entry 223; Code 1936, secs. 5563-5578.
3. See entries 21, 23.
4. See entry 225.
5. Acts 1936, pp. 374-377.
6. Acts 1938, pp. 638-669.
7. See entry 224.
8. See footnote 96.
9. Hening, Statutes, IX, 358; Code 1849, pp. 189-190; Acts 1874-75, p. 233; "Tax Code" 1936, sec. 318.

County Treasurer

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personal property book,[10] and supplemental assessment records,[11] the treasurer makes out tax bills for each taxpayer.[12] 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, and by the board of supervisors, and finally went to the court. The court was required tp direct a copy to 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.[13]

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.[14] It was until 1934 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 the list 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 as to require only the first submission of this list, since it is plain that no taxes shown on it can be collected.[15]

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 the list in a book to be kept for the purpose.[16] The revision of 1928 made the same changes as were made regarding the list of improper assessments - it goes directly to the board for examination and approval[17] and is resubmitted to the treasurer for collection for 1 year, is again submitted to the board to show changes, may be given to the treasurer or special collectors for further collections, and is resubmitted to the treasurer who is thereafter responsible for collections until sold.[18] The treasurer sends a certified copy to the county clerk to be recorded in the book of delinquent lands.[19]

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

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10. See footnote 22.
11. "Tax Code" 1936, sec. 316.
12. See footnotes 83-87.
13. Acts 1831-32, p. 61; Code 1919, secs. 2414, 2417.
14. Acts 1928, p. 216; "Tax Code" 1936, sec. 389.
15. See footnote 18.
16. See footnote 14; Acts 1883-84, p. 744; Code 1919, sec. 2428.
17. See footnote 98.
18. Acts 1928, pp. 218-219; Acts 1934, pp. 761-762; "Tax Code" 1936, sec. 394.
19. Acts 1928, p. 217; "Tax Code" 1936, sec. 390.

to be confirmed, and to its clerks to be recorded.[20] The report of sales is accompanied by a report of land on which the taxes were paid before sale.[21]

The treasurer also receives a copy of the commissioner of revenue's personal property book[22] and the State income tax records.[23] These serve as a basis for making out tax tickets.[24] 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.[25]

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.[26] 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.[27] In 1915, acting under this power, the General Assembly segregated real estate, all tangible personal property in section 6 of the Tax Bill, and the tangible personal property of public service corporations (except the rolling stock of steam railroads) for local taxation only.[28] Intangible personal property and all other taxable property was segregated for State taxation only; but certain State taxes were allowed to continue on subjects of local taxation, and vice versa.[29] 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.[30] Segregation was completed in 1926 when the school tax on subjects of local taxation was repealed.[31]

The Tax Code of 1928 followed out 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.[32]

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20. Acts 1872-73, pp. 378-380; Acts 1930, p. 796; Code 1936, secs. 2465, 2469, 2489.
21. Acts 1895-96, p. 489; Code 1919, secs. 2465, 2466; Acts 1920, p. 19 (sec. 2466 repealed); Code 1936, sec. 2465.
22. Acts 1869-70, p. 283; "Tax Code" 1936, sec. 318.
23. Code 1919, sec. 2343; Acts 1928, p. 49; "Tax Code" 1936, sec. 33.
24. See footnotes 83-87.
25. See footnote 13.
26. Const. 1902, art. XIII, secs. 168, 169.
27. Const. 1869, art. X, sec. 1.
28. Acts 1902-3-4, pp. 156-157; Acts 1915, pp. 119-120.
29. Ibid., p. 120.
30. Code 1919, secs. 2205, 2206.
31. Acts 1926, p. 955; Const. 1902 (as amended 1928), art. XIII, sec. 168; "Tax Code" 1936, secs. 7, 8.
32. Acts 1928, p. 215; "Tax Code" 1936, sec. 387.

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The list of delinquent local personal property taxes is handled in the same way as the list of delinquent land.[33] 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).[34] 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.[35]

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.[36] 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.[37]

The capitation tax records are important because of their bearing on the qualification of voters. The treasurer is directed to send to the clerk, 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 fot voting.[38] 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. Persons who are registered, but who have not been assessed with the capitation tax (through omission, or having come of age since the first of the current year) may apply to the commissioner of the revenue for a certificate of assessment[39] and may pay to the treasurer the amount shown. Although a special receipt for this payment was formerly required, and is still used in many counties,[40] the receipt is now covered by general law.[41] The treasurer keeps a separate record of such collections and makes a monthly report to the Comptroller (formerly Auditor).[42] 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.[43]

Most license taxes are collected by the treasurer. In accounting for

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33. See footnote 14.
34. Acts 1928, p. 218.
35. Acts 1934, pp. 761-762; "Tax Code" 1936, sec. 394.
36. Acts 1928, p. 218; "Tax Code" 1936, sec. 392.
37. Acts 1928, p. 219; "Tax Code" 1936, sec. 395.
38. Const. 1902, art. II, sec. 38; Acts 1902-3-4, p. 946; Code 1936, sec. 109.
39. Acts 1902-3-4, p. 559 (issued by clerk); Acts 1910, pp. 465, 584 (issued by commissioner of revenue); Code 1919, secs. 116, 117, 2420; "Tax Code" 1936, sec. 420.
40. Acts 1902-3-4, p. 559; (repealed) Acts 1910, pp. 465, 584;
41. Code 1819, I, 280; Acts 1908, p. 33; Acts 1910, p. 465; Code 1919, sec. 2408; Acts 1928, p. 208; "Tax Code" 1936, sec. 370.
42. Acts 1906, p. 18; "Tax Code" 1936, sec. 420.
43. Acts 1928, p. 219; "Tax Code" 1936, sec. 395.

the dog license fund, he keeps a separate account of the funds arising from the sale of licenses; this is now kept in the general ledger.[44] The separate license receipt book apparently was kept as required by general law[45] until 1930, when the present form was specified.[46] The treasurer makes an annual report[47] and quarterly reports to the Commission of Game and Inland Fisheries.[48] Under the original acts, the treasurer compiled dog tax tickets from lists compiled by the commissioner of the revenue and sent to the clerk. The treasurer gave the constables a list of such as were unpaid, and the constable was required to kill the dogs listed thereon.[49] Some of the unpaid tickets from which this list was compiled are stored in the clerk's office.

A file of general correspondence completes the officer's records.

Receipts

216. (TAX TICKETS), 1931-38. 36 vols.
Original tax tickets representing unpaid taxes and levies on real estate, personal property, and unpaid capitation taxes showing name of person charged with tax, tax year, number of ticket, page and line on personal property or land book, value of taxable property, rate of tax, amounts of State taxes and local levies, total amount of penalty added, total taxes and penalties, credits, balances. Arr. by district, by race, chron. thereunder by tax year, and alph. thereunder by first letter of surname of person charged with tax. No index. 1931-33 hdw. on ptd. forms; 1934-38 typed on ptd. forms. Aver. 550 pp. 6x12x4½. Treas. off.

217. (PAID TAX TICKETS), 1931--. 8 file boxes.
Carbon triplicates of tax bills mailed by county treasurer to each taxpayer, which have been paid by the person assessed and preserved by the treasurer as a record of taxes collected showing name and address of taxpayer, amount of State capitations assessed, value of property for State taxation, tax rate, amount of tax, value of property for local taxation, tax rate, amount of tax, credits allowed, date paid, signature of treasurer. Arr. by districts and alph. thereunder by first letter of surname of taxpayer. No index. 1931-33 hdw. on ptd. forms; 1934-- typed on ptd. forms. 7x9x16. Treas. off.

218. DELINQUENT TAX TICKETS, 1896-97, 1900-1902, 1904, 1907-10, 1912-17, 1920-26, 11 bundles, 1 carton. No title, 1896-97, 1900-1902, 1904, 1907-8.
Original tax tickets representing unpaid taxes and levies on real estate, personal property, and capitation taxes, showing name and address of

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44. Acts 1901-2, pp. 401-402; Acts 1930, p. 662; Code 1936, sec. 3305(78); see entry 222.
45. See footnote 41.
46. Acts 1930, p. 662; Code 1936, sec. 3305(77).
47. Acts 1901-2, p. 402; Acts 1930, p. 663; Code 1936 sec. 3305(80).
48. Acts 1930, p. 663; Code 1936, sec. 3305(79).
49. Acts 1901-2, p. 401; Acts 1902-3-4, p. 61; Acts 1912, p. 499; Code 1919, sec. 2317; (repealed) Acts 1930, p. 664.

person charged with tax, tax year, page and line on land book or personal property book, value of taxable property, tax rate, amount of State taxes and local levies, total State taxes and local levies, credits, balances, amount of penalty added, total taxes and penalty. Arr. chron. by tax year, thereunder by district and alph. thereunder by surname of person charged with tax. No index. Hdw. on ptd. forms. Bundles aver. 5x10x5; carton 26x12x12. 10 bundles and carton, 1896-97, 1900-1902, 1904, 1907-8, 1910, 1912-17, 1920-26, storage; 1 bundle, 1909, clk. off., record va.

Journals, Cash Books, and Ledgers

219. LICENSE COLLECTIONS, 1930--. 1 vol.
Treasurer's record of collections on business and professional licenses and taxes. License collections show date, name of license, kind of license, total collections and fee, remarks. Tax collections show number of tax ticket, name, race, district, month collected, classification of State and local taxes; amount of penalty; miscellaneous. Arr. by type of collection and chron. thereunder by date of collection. No index. Hdw. on ptd. forms. 500 pp. 14½x13x2½. Treas. off.

220. (COLLECTION REGISTER), 1932--. 1 vol.
County treasurer's monthly abstract record of the daily collection of county taxes, State taxes, omitted and specially assessed State capitation taxes, State licenses, and miscellaneous State items. Record of county tax collection shows name of district, year, month, date, 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, date of collection, amount of tax, penalty, interest, cost, summary (taxes, penalty, interest, costs, total collections), date paid into State treasury. Record of omitted and specially assessed State capitation taxes, State licenses, and miscellaneous State items collected shows month, year, date, omitted capitation (tax, penalty, interest), licenses, type of miscellaneous item, amount. Arr. by subject, chron. thereunder by month, thereunder by district, and chron. thereunder by days. No. index. Hdw. on ptd. forms. 200 pp. 12x13x2. Treas. off.

221. (CASH RECEIPTS AND DISBURSEMENTS), 1871-81, 1932--. 2 vols.
Title varies: Day Book, 1871-81.
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. 200 pp. 18x23x1. 1 vol., 1871-81, supt. sch. off., Windsor, Va.; 1 vol., 1932--, treas. off.

222. (GENERAL LEDGER), 1938--. 1 vol.
County treasurer's principal book of accounts (single entry ledger) 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 tax, Commonwealth general fund, Virginia Public Assistance Fund, local relief fund, dog tax fund, county school fund, treasurer's fund, bank accounts), date, explanation of transaction, posting reference (page of journal), amounts of debits, amounts of credits, balance. Arr. by name of account and chron. thereunder by date of entry. No index. Hdw. on ptd. forms. 150 pp. 12x13x1. Treas. off.

Warrants and Checks
(See also entries 11-23, 246, 247, 269)

223. (VOUCHER BINDER), 1938--. 1 vol.
Duplicates of warrant-checks drawn on county treasurer against county fund, dog tax fund, school funds, and Virginia Public Assistance Fund, for clerk's office supplies, salaries, supervisors' allowances, damage by dogs, killing dogs, teachers' salaries, repairs, equipment and other school expenses, maintenance and care of paupers and all other expenses of the county, showing warrant number, payee, fund, date issued, purpose, amount. Arr. by fund, chron. thereunder by date issued, and num. by warrant no. No index. Typed on ptd. forms. 2200 pp. 14x10x3. Treas. off.

224. (WARRANT REGISTER), 1938--. 1 vol.
Original list sent to treasurer by local board of public welfare of warrants drawn on the Virginia Public Assistance Fund by the board to cover expenses for the month showing month of report, date, warrant authorized, warrant number, payee, award number, case number, amount of each warrant, total amount, date of certification, signatures of chairman, secretary of board, and treasurer. Arr. chron. by month, thereunder by date authorized and num. by warrant no. No index. Typed on ptd. forms. 100 pp. 9x14x1. Treas. off.
For board of welfare's copy, see entry 269.

225. (PAID WARRANTS), 1936--. 8 bundles.
Canceled warrant checks paid by treasurer from county fund, dog fund, school funds, and Virginia Public Assistance Fund showing fund, warrant number, date issued, payee, amount, purpose, signatures of chairman, secretary or clerk of board, and treasurer, name of bank, endorsement of payee, date paid. Arr. by fund and chron. thereunder by date of warrant. No index. Typed on ptd. forms. Aver. 8x4x3. Treas. off.

Taxation

Real Property

226. COUNTY LAND BOOK, 1934--. 6 vols.
County treasurer's copy of land book including lands, lots, standing timber trees, buildings and improvements assessed for taxes. For full description, see entry 47. Arr. by race, thereunder by district and alph. thereunder by first letter of surname of landowner. No index. 1934 hdw. on ptd. forms; 1935-- typed on ptd. forms. Aver. 100 pp. 17x24x1. Treas. off.
For clerk's copy, see entry 47; for commissioner of revenue's copy, see entry 211.

227. (DELINQUENT REAL ESTATE), 1889, 1896, 1901, 1904. 50 sheets. 1934-37 in State (Delinquent Tangible Personal Property), entry 229; 1938-- in R. E. & P. P. Orig. (Real Estate and Personal Property Original), entry 231.
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, assessment year, name and post office address of person assessed, location and description of land, number of acres, page and line on commissioner's book, amount delinquent not including penalty, collections during first year (date, penalty, interest and cost, total collections), amount uncollected not including penalties, collections during second year, amount due on lands sold to Commonwealth and on improper assessments, recapitulation. 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. 27x18. Storage.
For record of delinquent land, see entries 48, 49.

Personal Property

228. PERSONAL PROPERTY BOOK, 1933-38. 6 vols.
County treasurer's copy of record of assessment on personal property used for collection purposes. For full description, see entry 54. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of property owner. No index. 1933-34 hdw. on ptd. forms; 1935-38 typed on ptd. forms. Aver. 200 pp. 17x24x½. Treas. off.
For clerk's copy, see entry 54; for commissioner of revenue's copy, see entry 213.

229. STATE (Delinquent Tangible Personal Property), 1934--, 1 vol.
Treasurer's list of tangible personal property, machinery and tools, and merchants' capital for local taxation only, on which taxes and levies have not been collected, submitted to the board of supervisors to obtain credit for the amounts shown thereon and resubmitted to the treasurer to continue collections for 2 years showing district, race, name of commissioner of revenue, assessment 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. Also contains (Delinquent Real Estate), 1934-37, entry 227. Arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Hdw. on ptd. forms. 325 pp. 17½x20½x2. Treas. off.

230. DELINQUENT (Tangible) PERSONAL PROPERTY (Windsor District), 1929-30. 1 vol.
Treasurer's record of delinquent taxes on personal property, machinery, tools and merchants' capital in Windsor District showing name of person charged with tax, page and line on property book, subjects of tax, amount of tax, whether or not paid. Arr. alph. by first letter of surname of person charged with tax. No index. Hdw. on ptd. forms. 50 pp. 18x15x½. Treas. off.

231. R. E. & P. P. ORIG. (Real Estate and Personal Property Original), 1934--. 1 vol.
Treasurer's copy of lists of persons delinquent for nonpayment of State taxes on intangible personal property, money, income, and capitations, reported to the Department of Taxation in order to receive credit for the uncollected taxes shown thereon, retained to serve as a record of subsequent collections showing district, name of commissioner of revenue, assessment year, name and address of taxpayer, page and line on commissioner's book, amount of taxes delinquent on bonds, notes, and other evidences of debt, money, moneyed capital in competition with national banks, capital not otherwise taxed, income; State capitation; total uncollected at end of first year, collections during second year, penalty, interest, total collections from each taxpayer; recapitulation (page of delinquent lists, total uncollected after first year, collections during second year, total collected, total uncollected, date of list, total delinquent taxes, total penalties, total interest, total of penalty, interest, and taxes). Also contains (Delinquent Real Estate), 1938--, entry 227. Arr. chron. by year of assessment, thereunder by kind of tax, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Hdw. on ptd. forms. 250 pp. 18x23x2½. Treas. off.

Capitation (See also entry 231)

232. (CAPITATION TAX RECORD), 1934--. 4 file boxes.
Treasurer's card record of paid capitations used for reference in compiling voting lists showing name of person assessed, year of assessment, date paid. Arr. by district and alph. thereunder by first letter of surname of person assessed. No index. Hdw. on ptd. forms. Aver. 3x5x15. Treas. off.

233. (OMITTED AND SPECIALLY ASSESSED CAPITATION TAX RECEIPTS), 1932--. 4 vols.
Carbon copies of receipts given by treasurer upon payment of omitted or specially assessed capitation taxes showing name and race of person assessed, district, tax year, amount of tax, penalty, interest, total, date paid. Arr. chron. by date paid. No index. Hdw. on ptd. forms. Aver. 100 pp. 14x8½x1. Treas. off.

234. DELINQUENT STATE CAPITATION TAXES, 1929-30. 1 vol.
Treasurer's record of persons delinquent for nonpayment of State capitation taxes in Windsor District showing name of person charged with tax, page and line on personal property book, amount of tax, date of payment. Arr. alph. by first letter of surname of person taxed. No index. Hdw. on ptd. forms. 50 pp. 18x12x½. Treas. off.

Licenses

235. DOG LICENSE RECEIPT BOOK, 1936--. 10 vols.
Treasurer's carbon copies of dog licenses sold kept to account for such sales and to provide game wardens with a record of licensed dogs showing name and address of owner, number of receipt, date of receipt, tax year, number of male, female, or unsexed female dog tag, amount received. Arr. chron. by date of receipt and num. by receipt no. No index. Hdw. on ptd. forms. Aver. 100 pp. 12x8x1½. Treas. off.

236. (UNPAID DOG TAX TICKETS), 1903-4. 1 bundle.
Original tax tickets representing unpaid dog license taxes showing number, name of owner, year of tax, number of male dogs, number of female dogs, number of unsexed female dogs, amount of tax, reason for nonpayment. Arr. by district and chron. thereunder by tax year. No index. Hdw. on ptd. forms. 3x6x3. Storage.

Correspondence

237. (CORRESPONDENCE), 1921--. 2 file drawers.
Miscellaneous correspondence relating to county treasurer's office including original letters to the treasurer and copies of his letters and replies. Arr. aliph. by first letter of surname of correspondent or subject and chron. thereunder. No index. Hdw. and typed. 10½x15½x24. Treas. off.

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 proved 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 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

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1. Acts 1932, pp. 831-835; "Tax Code" 1936, sec. 350.
2. Acts 1933, p. 64; "Tax Code" 1936, sec. 250.
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.

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 his 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 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, kept by its clerk, in which are entered, in brief, accounts of its official proceedings and its orders respecting the disposal of county funds.[11]

238. (FINANCE BOARD MINUTES), 1933-36. 1 vol.
Record of the orders and proceedings of the county finance board at regular and special sessions, including selection and approval of county depositories, approval of collateral of such depositories, treasurer's monthly reports, showing date of meeting, place of meeting, members present, and signature of chairman. Arr. chron. by date of meeting. No index. Hdw. 250 pp. 13x9x2. Clk. private off.

XVI. COUNTY ELECTORAL BOARD

From 1655, the sheriff has 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 full 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]

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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, p. 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 239, p. 203)

In 1870 the election set-up consisted of the sheriff, the county clerk, registrars, judges, clerks, and commissioners of election. The sheriff merely posted the election notices. The county clerk distributed the registration books to the registrars and poll books to the election judges appointed by the county court judge. For each voting place there was one registrar who registered voters. His term was 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 required, and the judge carrying the returns and tickets to and from his voting place and to the county clerk's office and to the commissioners

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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.

of election receives the mileage allowed to jurors.[8]

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]

239. MINUTES OF ELECTORAL BOARD, 1932--. 1 vol.
Record of the orders and proceedings of the county electoral board at regular and special sessions, including appointment and removal of election judges, clerks, registrars, and commissioners, showing date of meeting, place of meeting, members present, and signature of secretary. Arr. chron. by date of meeting. No index. Hdw. 200 pp. 16x9x2. In home of J. T. Robbins, secretary of electoral bd., Smithfield, Va.
For other election records, see entries 73-77, 81, 170.

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,

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8. Acts 1869-70, p. 99; Acts 1934, p. 547; Code 1936, sec. 200.
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, footnotes 3-5, 8, pp. 205-206.

School Trustee Electoral Board (Next entry 240, p. 205)

the duties and powers remaining the same.[6] In 1904 the place of the county judge, vacated by the abolition of the county court, was filled by an appointee of the circuit court, who could hold no other office.[7] There was no further change in the personnel of the board until 1928, when the circuit court of the county 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

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6. Acts 1887, pp. 305-306.
7. Acts 1902-3-4, p. 806.
8. Acts 1928, p. 1202; Acts 1936, p. 502; Code 1936, sec. 653.
9. Acts 1928, p. 1202.
10. 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.

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 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]

240. MINUTE BOOK, SCHOOL ELECTORAL BOARD, 1904--. 3 vols. Title varies: Ledger, 1904-21; Record Book, 1922-23.
Record of proceedings at meetings of school trustee electoral board showing date of meeting, trustees elected for each district, term elected for, beginning date of term, resolutions adopted regarding finances, repairs, transportation of pupils, other school matters. Arr. chron. by date of meeting. No index. Hdw. Aver. 134 pp. 11½x8x½. Supt. sch. off., Windsor, Va.

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 existence.[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, and more effectually, 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,

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17. Acts 1876-77, pp. 9-10.
18. See footnote 5.
19. Acts 1902-3-4, pp. 806-807, 815; Code 1919, sec. 632; Acts 1928, pp. 1207, 1226.
20. Acts 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.

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.

County School Board (Next entry 241, p. 209)

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. Isle of Wight County was divided into three magisterial districts.[15] In 1877 the appointment 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

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4. Acts 1817-18, pp. 11-12; Code 1819, I, 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; Code 1873, p. 686.
13. Acts 1869-70, p. 410; Code 1873, p. 689.
14. Acts 1871-72, p. 81.
15. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874, pp. 487-490.
16. See School Trustee Electoral Board, pp. 203-204.
17. Acts 1922, p. 738; Acts 1928, pp. 1202-1203.
18. Acts 1930, p. 794.

County School Board (Next entry 241, p. 209)

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 its 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 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

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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.
29. Ibid., p. 1203.
30. Code 1919, secs. 2705, 2706; Acts 1928, p. 1211; Code 1936, secs. 2705, 2706.

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 Isle of Wight 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 the same manner as the board of supervisors.[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 supervisros in laying the school levy.[39] The school board 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]

Proceedings of the board are noted, in brief form, in a series of minute books.[44] In addition, the board's clerk files all contracts, vouchers, and other official papers relating to matters which come before the

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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, pp. 1203, 1213.
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.
44. Acts 1871-72, p. 82; Code 1919, sec. 642; Acts 1928, p. 1189; Code 1936, sec. 614.

board,[45] as well as several account books (some of which were formerly kept by the district school board).[46] Warrants issued by the board are recorded in the manner and form required by the State Board of Education and Auditor of Public Accounts.[47] Today the warrant-check system is used, and carbon copies of each warrant supersede the warrant register.[48] All teachers are employed by the board under a written contract which the board must file,[49] and miscellaneous information pertaining to teachers is placed in a general file.[50] A daily register of facts pertaining to each pupil is kept by the teacher, and delivered to the clerk of the board (formerly, district board) at the end of the school term or of the teacher's service, whichever happens first.[51]

Proceedings

241. MINUTES OF SCHOOL BOARD, 1922--. 3 vols.
Record of orders and proceedings of the county school board at regular and special meetings showing date of meeting, names of members present, appointments of chairman, clerk, and division superintendent, action taken on contracts for services, supplies, building, improvements, insurance, and all other matters relating to schools in the county, signature of clerk. Arr. chron. by date of meeting. No index. Typed. Aver. 300 pp. 13x10½x1½. Supt. sch. off., Windsor, Va.

Financial

Claims

242. (BILLS PAID AND AUDITED), 1938--. 1 file drawer.
Original bills which have been presented to the school board, paid and audited, for miscellaneous expenses including office supplies, compensation to school board members, textbooks, vocational training supplies, laboratory supplies, freight and express, office equipment, maintenance of school busses, repairs to buildings, upkeep of grounds, janitor's supplies, equipment for buildings, and other school expenses. Arr. by account and chron. thereunder. No index. Hdw. and typed. 10½x12x24. Supt. sch. off., Windsor, Va.

Account Books

243. GENERAL LEDGER, 1927--. 2 vols.
County school board's account of money received and disbursed by the county treasurer kept to assure that each fund is expended only in accordance with the annual budget. Receipts show date, fund, account, description, debits,

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45. Acts 1928, p. 1189; Code 1936, sec. 614.
46. Acts 1869-70, p. 409 (district boards); Code 1919, sec. 657; Acts 1928, p. 1189 (county boards); Code 1936, sec. 614.
47. Acts 1932, p. 549; Acts 1936, p. 505; Code 1936, sec. 656.
48. For full discussion of this system, see County Treasurer, pp. 190-191.
49. Code 1819, sec. 690; Acts 1928, p. 1206; Code 1936, sec. 664.
50. See footnote 45.
51. Code 1887, sec. 1477; Code 1919, sec. 689; Acts 1928, pp. 1206-1207; Code 1936, sec. 664.

credit balance. Disbursements show date, fund, payee, object for which disbursed, amount, total amount. Arr. by subject and chron. thereunder by date of transaction. No index. Hdw. on ptd. forms. Aver. 600 pp. 10x13x3. Supt. sch. off., Windsor, Va.

244. (RECORD OF DISBURSEMENTS), 1923-31. 1 vol.
Record of disbursements made from school funds for payrolls, transportation, insurance, repairs and upkeep of buildings, equipment, and other school expenses showing date of disbursement, payee, fund, amount, and district. Arr. chron. by date of disbursement. No index. Hdw. 150 pp. 14x11x1. Supt. sch. off., Windsor, Va.

245. (DISTRIBUTION LEDGER), 1922-27. 1 vol.
School board's record of disbursements made in connection with schools showing date of disbursement, payee, purpose, and amount. Arr. chron. by date of disbursement. No index. Hdw. 150 pp. 13x15x1½. Supt. sch. off., Windsor, Va.

Warrants (See also entries 11-23, 223-225, 269)

246. (WARRANT REGISTER), 1933-37. 1 vol.
Record of warrants issued by county school board showing date issued, warrant number, payee, amount, and purpose. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. 250 pp. 12x13x2. Supt. sch. off., Windsor, Va.

247. (WARRANT BINDER), 1938--. 2 vols.
Duplicate warrants issued by county school board on county school funds for supplies, transportation, administrative purposes, salaries, and other school expenses, showing date issued, warrant number, amount, payee, purpose. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. Aver. 100 pp. 14x10x1. Supt. sch. off., Windsor, Va.
For treasurer's copies, see entry 223.

Teachers and Pupils

248. (MISCELLANEOUS PAPERS), 1923--. 4 file drawers.
Miscellaneous papers of school board including teachers' applications and contracts, principals' rating of teachers, questionnaries for reemployment of teachers, lists of teachers, reports on attendance, annual school reports, financial statements, paid bills, National Youth Administration papers, and general correspondence. Arr. by subject. No index. Hdw., typed, and hdw. and typed on ptd. forms. Aver. 11½x14x25. Supt. sch. off., Windsor, Va.

249. THE VIRGINIA PUBLIC SCHOOL REGISTER, 1894-98, 1905. 5 vols.
Daily attendance record kept by public school teachers showing name of school, name of teacher, names and ages of pupils, daily attendance record for each month, monthly summary of number of pupils on roll, average daily attendance, percentage of attendance, average age, number entered during month, dropped during month, over 21 years of age, from other districts, studying each subject; visits by county superintendent, district trustees, and others; term summary of number of months and days taught, pupils enrolled, average monthly enrollment, average daily attendance, percentage of attendance, average age of pupils; number from other districts, over 21 years of age, studying each subject; name and quantity of textbooks used, number furnished

Division Superintendent of Schools (Next entry 250, p. 214)

at public expense, style of schoolhouse (rented or owned by district, number of rooms, how heated, ventilated, and furnished, quantity of ground attached). Arr. chron. by year of school term, thereunder by month, and alph. thereunder by first letter of surname of pupil. No index. Hdw. on ptd. forms. Aver. 50 pp. 15x9½x½. Storage.

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 alone.[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

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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 Docket C. C. (1849-52), p. 172 (bond of what appears to have been the first school superintendent of Isle of Wight County, in 1851), in Co. (County) Court Order Book, see entry 179.
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.

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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]

One superintendent is appointed for each division; in this instance, Isle of Wight 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

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11. Const. 1902 (as amended 1928), art. IX, secs. 132, 133; Acts 1930, p. 883; Acts 1936, p. 501.
12. Ibid., p. 501.
13. Report of the Secretary of the Commonwealth (1936-37), pp. 196, 211, 240, 244, 247.
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.

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 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 educational agencies.[27]

The records of the division superintendent reflect more or less accurately his varied duties. Many records are designed to furnish statistical information to be used in his reports to the State Department of Education[28] and for his own use as administrative head of the schools.[29] In this category fall the reports containing information relative to the free transportation of pupils in school busses.[30] Purchase or approval of textbooks is under the control of this official;[31] in this connection he keeps files of correspondence, bills, and inventories.[32] The quinquennial school census is submitted to the division superintendent who in turn transmits it to the State Department of Education.[33] He retains a copy of the report in order to predict the future needs of and demands upon the school

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22. Acts 1928, pp. 1223-1225; Code 1936, secs. 708, 710.
23. Acts 1930, p. 884; Code 1936, sec. 651.
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. Acts 1928, p. 1202; Code 1936, sec. 652.
29. See above.
30. Compulsory attendance not enforced unless transportation is provided to within 1 mile of pupil's residence: Acts 1928, p. 1214; Code 1936, sec. 683.
31. Acts 1928, pp. 1191-1192; Code 1936, secs. 619-621.
32. See entry 259.
33. 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.

system, and for his use in enforcing the compulsory attendance laws. A census of the progress of high school graduates is also kept.[34] Data relating to the teaching of agriculture in the county schools are kept separately, as are Negro school records and matters pertaining to individual schools and pupils.[35] Among miscellaneous papers in his office may be mentioned the reports of school principals as to enrollment and attendance of pupils,[36] copies of the Auditor's (formerly, State Accountant's) report concerning the accounts of his office,[37] and a diary kept by one of the early county superintendents.[38] The records are all in the office of the superintendent of schools at Windsor, Va.

Transportation

250. (RECORD OF TRANSPORTATION EXPENSE), 1927-30. 2 vols.
Record of disbursements made for maintenance and upkeep of school busses and for drivers' salaries showing bus number, name of driver, engine and license numbers, date of disbursement, amount, purpose, payee. Arr. by bus no. and chron. thereunder by date of disbursement. No index. Hdw. Aver. 152 pp. 12½x10x½.

251. RECEIPTS, TRANSPORTATION REPORTS, APPLICATIONS, 1930--. 1 file drawer.
Original reports of school principals to superintendent of schools on transportation of pupils showing name of school, date, name of bus driver, bus number, degree of care in driving, punctuality, personal qualities, conduct of pupils on bus, care of bus, speedometer readings, length of route, number of pupils transported, number of days operated, rate of pay per day, total amount due, remarks, principal's signature. Arr. chron. No index. Hdw. on ptd. forms. 11½x14x25.

Textbooks

252. (PURCHASE TICKETS), 1938--. 1 file box.
Carbon copies of tickets constituting a record of textbooks purchased for use in schools showing name of merchant, name of textbook, date purchased, purchase price. Arr. chron. by date of purchase. No index. Hdw. on ptd. forms. 4x5x17.

253. (PUBLISHER'S RECORD), 1924--. 1 file drawer.
Record kept by superintendent of schools of textbooks used in county including inventory of books and correspondence of publishers and superintendent's replies. Arr. by subject. No index. Hdw., typed, and hdw. and typed on ptd. forms. 11½x14x25.

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34. See entry 254.
35. See entries 256-258.
36. Acts 1928, pp. 1214-1215; Code 1936, secs. 684, 685.
37. Audit certified to board of supervisors, probably sent to superintendent for his information: Acts 1914, p. 202; Acts 1936, pp. 83-84; Code 1936, sec. 565.
38. See entry 260.

Census

254. CENSUS OF HIGH SCHOOL GRADUATES, 1917-39. 1 file box.
Census of high school graduates showing name of pupil, school, class, college attended, graduate of college, class of, present occupation, present address. Arr. by schools, chron. thereunder by year of census, and alph. thereunder by surname of graduate. No index. Hdw. on ptd. forms. 4x5x17.

255. VIRGINIA SCHOOL CENSUS, 1930, 1935. 1 file drawer.
Original reports of school census showing county, district, nearest elementary school, name, address, and occupation of head of family, 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, home), notation as to attendance for next year, notation as to literacy, special educational facilities required because of impaired hearing or vision, speech defect, mental or physical defects. Arr. chron. by year, thereunder by race, and alph. thereunder by first letter of surname of head of family. No index. Hdw. on ptd. forms. 11½x12½x24.

Individual Schools

256. (AGRICULTURE FILES), 1924--. 1 file drawer.
Correspondence, reports, and other data pertaining to the teaching of agriculture in county schools. Arr. alph. by school and alph. thereunder by subject. No index. Hdw. and typed. 11½x12½x24.

257. (COLORED SCHOOL RECORDS), 1939--. 1 file drawer.
Papers of superintendent of schools on colored students and teachers including principals' monthly reports, teachers' certificates and term reports. Arr. by subject. No index. Hdw., typed, and hdw. and typed on ptd. forms. 11½x14x25.

258. SCHOOLS (Papers), 1923--. 1 file drawer (A-Z).
Miscellaneous papers of the superintendent of schools, including transcript records of each pupil who has graduated, preliminary and annual high school reports, and correspondence pertaining thereto. Arr. by subject. No index. Hdw., typed, and hdw. and typed on ptd. forms. 11½x14x25.

Miscellaneous

259. GENERAL ACTIVE, 1923--. 2 file drawers (labeled by inclusive letters of alphabet).
Miscellaneous papers of the division superintendent of schools including record of individual school attendance, Auditor's reports, budget data, docket of matters coming before school board, summary of school census, teacher's certificates, financial statements, summary of tests, titles to busses, applications of bus drivers, bus drivers' contracts, and correspondence pertaining to school matters. Arr. by subject and chron. thereunder. No index. Hdw., typed, and hdw. and typed on ptd. forms. Aver. 11½x14x25.

Local Board of Public Welfare (260)

260. (PERSONAL DIARY), 1870-1912. 1 vol.
Personal record kept by superintendent of schools concerning election of trustees, duties performed by superintendent, proceedings at meetings of school trustees, qualified teachers, and other school matters. Arr. chron. by date of entry. No index. Hdw. 150 pp. 12x7½x1.

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 abvious 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]

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.[4] The number per district was later reduced to one, and in 1852 the term of office became 4 years.[5] 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.[6]

An oath of office, for the true and faithful administration of his duty, was required of each overseer from 1786 on,[7] but it does not appear that an official bond was specifically demanded before 1870, although the

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1. Eckenrode, Separation of Church and State, p. 115, et passim.
2. Blackstone, Commentaries, I, 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. Ibid., XII, 27; Code 1803, p. 180; Code 1819, II, 264; Code 1849, pp. 259-260.
5. 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.
6. 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.
7. Hening, Statutes, XII, 273; Code 1819, II, 265.

overseers may have been bonded under the rather vague blanket clause of the election act of 1858. The penalty of his bond in 1870 was 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 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.[8] 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.[9] Later, similar allowances were made, limited to totals ranging from $20 to $75 per year.[10]

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.[11]

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 officer was later (1829) known as clerk of the board.[12] 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.[13] The clerk was required to be bonded from the beginning of his office in 1816.[14]

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 district, 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

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8. 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.
9. Shepherd, Statutes, II, 316; Code 1819, II, 268, 271; Code 1849, p. 263.
10. Acts 1871-72, p. 302; Acts 1901, p. 73; Acts 1902-3-4, p. 609; Acts 1920, p. 568; Acts 1936, pp. 15-16.
11. 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.
12. Acts 1815-16, pp. 57-59; Code 1819, II, 271; Acts 1828-29, pp. 22-23.
13. Code 1819, II, 269, 271; Code 1849, p. 263; Code 1860, p. 295.
14. Acts 1815-16, pp. 57-59; Code 1819, II, 277-278; Code 1860, p. 294.

Local Board of Public Welfare (Next entry 261, p. 219)

orphans, and to impress vagrants for forced labor.[15] 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. 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.[16] Until 1938 there was 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.[17]

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. Isle of Wight County's present superintendent was appointed by the board of supervisors in 1936. She was to receive a salary set by the board and to serve at their pleasure or, substantially, during good behavior.[18] 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; her salary is fixed and 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.[19] Funds for relief purposes are appropriated jointly by the United States, the State, and the county (through the board of supervisors).[20]

The local superintendent of public welfare is a county probation agent, who cares for the poor, administers relief and mother's aid funds, and supervises persons paroled from corrective institutions; she sends the latter to be trained for special work or finds 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.[21]

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

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15. Shepherd, Statutes, I, 118-120; ibid., II, 314; Code 1819, II, 264-279; Acts 1828-29, pp. 22-23.
16. 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.
17. Acts 1922, pp. 159-162; Acts 1938, p. 214.
18. Acts 1922, pp. 160-162; Acts 1936, pp. 374-377; Acts 1938, pp. 645-669; Supervisors Record (Minutes) (1924--), July 1, 1936, p. 346, see entry 3.
19. Acts 1938, pp. 638-669.
20. Ibid., pp. 644-661.
21. Ibid., pp. 214, 645-660.

proceedings of the board,[22] a file of cards bearing records of applications for assistance,[23] a volume of copies of certificates of award (relief granted), a file of case histories compiled by the superintendent and her aides, served by a separate card index,[24] a warrant register and related miscellaneous records of obligations and expenditures for accounting with the treasurer and the State,[25] and a file of cards bearing statistical information abstracted from the case records mentioned above.[26] The superintendent also keeps a file of her official correspondence.[27]

Proceedings

261. MINUTES, PUBLIC WELFARE BOARD, 1938--. 1 vol.
Record of orders and proceedings of welfare board showing date of meeting, action taken on applications for aid, list of names approved for general assistance and old age assistance, signature of chairman of board. Arr. chron. by date of meeting. No index. Typed. 500 pp. 17x12x3. Wel. off.

262. (RECORD OF APPLICATIONS), 1938--. 1 file box.
Abstract record of applications for assistance and disposition of applications showing name of applicant, kind of assistance applied for, date of application, date disposed of, case number, race, district, name of case worker, status of application each month (received original, received transfer, approved, denied as ineligible, denied for other reasons, pending). Arr. by approved and pending applications and alph. thereunder by first letter of surname of applicant. No index. Hdw. on ptd. forms. 7x9x11½. Wel. off.

263. AWARD BINDER, 1938--. 1 vol.
Carbon copies of certificates of award bound into loose-leaf volume showing name of applicant, case number, class of assistance, date of award, date effective, page of minute book in which recorded, amount of award, name, address, and relation to applicant of payee other than applicant, change of address and date thereof, amount of change of award and page of minute book where recorded, date and reason for cancelation, page of minute book where cancelation recorded, amount of award for the month, attestation of secretary and signature of clerk of board of public welfare. Arr. by class of assistance and num. thereunder by case no. No index. Typed on ptd. forms. 200 pp. 15x13x2½. Wel. off.

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22. Apparently not required by law; records specifications are not at all detailed in the current acts.
23. Acts 1938, pp. 646, 651, 657.
24. 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.
25. The State reimburses the local authorities for a certain part of their expenditures; these records may also be used in accounting with the State Welfare Board: ibid., pp. 663-665.
26. See footnote 24.
27. Not required by law, but kept as a matter of convenience in the business of the office.

264. (CASE WORKERS RECORDS), undated. 2 file boxes.
Card record of cases handled, kept by individual case workers, showing name, address, race, and case number of applicant. Arr. alph. by first letter of surname of applicant. No index. Typed. 4x5½x12. Wel. off.

265. (CASE HISTORIES), 1936--. 2 file drawers.
Case histories of aid to blind, aid to dependent children, general relief, and old age assistance, including reports on eye examinations, applications for relief, household budgets of relief cases, family face sheets, and correspondence concerning cases, showing date application received, case name, code classification, marital status, aliases, Department of Public Welfare case number, civil status, race; date moved to present address, address at 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; total number of persons in relief group; family physician; others in household including married children - relatives, lodgers, boarders; full names, verified births, verified deaths, places of employment, weekly contributions; previous addresses; children not living at home - names and addresses, number in families, places of employment, wages, amounts of contributions, family status; other relatives, kinship; last three regular jobs of each working member of family; names of members of family, employers, addresses; settlement; former marriages; present marriage; military service, bonus, pension or hospitalization; name of church, religion, minister. Arr. num. by case no. For index, see entry 266. Hdw. and typed. 10½x15½x24. Wel. off.

266. MASTER FILE (Index to Case Records), undated. 1 file box.
Index to case records, entry 265, showing sex, name of head of household, race, case number, name of case worker. Arr. alph. by first letter of surname of head of household. Hdw. on ptd. forms. 5x7½x12. Wel. off.

Financial

267. PURCHASE ORDERS, DEPT. (Department) OF PUBLIC WELFARE, 1936-38. 2 file boxes.
Duplicates of purchase orders issued by local board of public welfare authorizing merchants to permit persons to purchase provisions showing name of person, name of merchant, date of order, limit of purchase, signature of superintendent of public welfare. No obvious arr. No index. Hdw. on ptd. forms. 10x5x14. Clk. off., record va.

268. REGISTER OF OBLIGATIONS INCURRED, 1936-38. 1 vol.
Record of purchase orders and warrants issued in payment therefor showing date of order, name of vendor, case number, purchase order number, total amount of order, warrant number, classification of distribution. Arr. chron. by date of warrant and num. by warrant no. No index. Hdw. on ptd. forms. 100 pp. 17½x15x1. Wel. off.

269. WARRANT REGISTER, 1938--. 1 vol.
Record of warrants issued against Virginia Public Assistance Fund for old age assistance, aid to dependent children, aid to blind, general relief,

and administrative purposes showing warrant number, date issued, payee, certification number, award number, case or code number, amount, signature of secretary and chairman of county welfare board, certification of county treasurer as to payment. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. 100 pp. 9x14x1. Wel. off.
For treasurer's copy, see entry 224.

270. GENERAL LEDGER, 1938--. 1 vol.
Welfare superintendent's ledger of receipts and disbursements showing source of receipt or disbursement, date, item, debit, credit, and balance. Arr. by receipts and disbursements and chron. thereunder by date of entry. No index. Hdw. on ptd. forms. 50 pp. 8x10x1. Wel. off.

271. HOUSEHOLD STATISTICAL CARDS, 1936--. 1 file box, 1 file drawer.
Title varies: Statistical Cards, 1936-38.
Abstracts of case records in the welfare office kept to give a complete statistical record of each applicant showing name and address of head of household, race, case number, total number in relief group at various times, general relief classification (whether employed, unemployed, nonresident, age 65 and over, blind, family with dependent children, foster home), date certified, date canceled; name, sex, and birth dates of each member of household; current status of each applicant for each type of assistance for each month (whether continued from last month, new, reopened, recurrent, transfer received, received financial aid, received surplus commodities but no financial assistance, received service only, totally inactive, transferred out, closed, or carried over to next month), total of each class of benefits received each month, date of cancelation, totals for each month and for each class of assistance. Arr. alph. by first letter of surname of head of household. No index. Hdw. and typed on ptd. forms. File box 7x9x11½; file drawer 10½x15½x24. Wel. off.

Federal Relief

272. (ELIGIBILITY CERTIFICATIONS AND ASSIGNMENT SLIPS), 1935--.
1 file box.
Duplicate eligibility certifications and assignment slips of workers on Work Projects Administration projects. Eligibility certifications show case number, case name, address, race, date, agency, relief district, county, number of persons in case, identification number, classification, names of other employable persons (Work Projects Administration and National Youth Administration), relationship to head of household, sex, marital status, date of birth, whether veteran, citizen, alien - declared intent, primary and secondary classifications, signature of field social worker. Assignment slips show employee's name, address, identification number, date, case number, relief district, age, male, female, location of project, rate of pay, description of project, occupation, signatures of placement officer, project foreman, and employee. No obvious arr. No index. Typed on ptd. forms. 6x8x11. Wel. off.

273. CLOSED F. E. R. A. (Federal Emergency Relief Administration) CASES, 1933-36. 1 file drawer.
Record of cases under the Federal Emergency Relief Administration and correspondence relating thereto showing case number, case name, financial records,

relief granted. Arr. num. by case no. Hdw., typed, and hdw. and typed on ptd. forms. 11½x15½x24. Wel. off.

274. RECORD OF C. W. A. (Civil Works Administration) WORKERS, 1933-34. 1 vol.

Record of persons applying to the Civil Works Administration for work showing name, race, and address of applicant, status (laborer, foreman or other classification), date of application, identification number. Arr. alph. by first letter of surname of applicant. No index. Hdw. 284 pp. 12x7½x½. Clk. front off.

Correspondence

275. MERCHANTS AND MISCELLANEOUS (Correspondence), 1936--. 1 file drawer.

Original letters to the local board of welfare and carbon copies of letters and replies relating to all phases of welfare work and administration. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. 11½x15½x24. Wel. off.

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 charge 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 super-

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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.

visors and originally was not to exceed $400 a year.[6] Later, it was limited still further, and the maximum depended on the county's population.[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 accomodation 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]

There is no superintendent of the poor in Isle of Wight County at present. The poorhouse farm was used until the summer of 1939, and the building was razed in the fall of the same year. The county still owns the land.[11]

No separate record of the superintendent of the poor has been found in Isle of Wight County.

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 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 "pluraltie 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

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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.
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.
11. Information supplied by county officials, Isle of Wight County.

1. Bruce, Institutional History, I, 64-65, 79; Robinson, Virginia Counties, passim.
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.

(Next entry 276, p. 225)

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. 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 churchwardens kept the church in repair and collected funds (or produce) for the payement 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 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

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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.
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.

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.

The only surviving separate record of parish activities in Isle of Wight County is the vestry book of Newport Parish, containing notes of the multifarious duties performed by the vestry according to law - in effect, a minute book.[20]

276. NEWPORT PARISH VESTRY BOOK, 1724-72. 1 vol., 1 positive photostat, 1 negative photostat.
Record of meetings of parish vestry showing date of meeting, orders for collection of tobacco from tithables and making public sale of same for the use of the parish, exemptions from levy, returns of land processioners, appointments of tobacco plant viewers, vestrymen, churchwardens, vestry clerk, and treasurer; distribution made for care of poor, ministers' fees, and other services; orders for building or repairing buildings. Also contains Register of Births, 1723-48, entry 62. Arr. chron. by date of meeting. No index. Hdw. and photostat. 250 pp. 14x19x1. Original vol. and 1 negative photostat, Vi., archives reading-rm.; positive photostat, clk. off., record va.

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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.
20. This record was apparently not required by law, but kept in one form or another in almost every parish; the parish register of births, deaths, and marriages was statutory, however: Hening, Statutes, I, 158, 542; ibid., II, 296.

(Next entry 277, p. 227)

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 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 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

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1. Hening, Statutes, I, 316-317, 450; ibid., II, 26, 109-110; Acts 1831-32, p. 25; Code 1873, p. 732; Acts 1893-94, 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.

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]

The only record of the local board of health is a minute book, containing brief notes of the proceedings and orders of the board, kept by its secretary.[11]

277. (MINUTES OF COUNTY BOARD OF HEALTH), 1925--. 1 vol. Record of orders and proceedings of the local board of health showing date of meeting, names of members present, regulations, orders, resolutions, motions, and actions taken on prevention and eradication of disease, vaccinations, and other sanitary affairs of the county. Arr. chron. by date of meeting. No index. Hdw. 100 pp. 12x8xl. In off. of Dr. Rea Parker, secretary bd. of health, Smithfield, Va.

XXIV. COUNTY HEALTH UNIT

Isle of Wight County early made appropriations for the establishment of a local health unit, now under the direction of the State Department of Health, Bureau of Public Nursing. Isle of Wight County's unit, established in 1924, included at that time a health officer and one nurse.[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. These 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]

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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. Apparently not required by law, but perhaps under regulations of the State Department of Health.

1. Supervisors Record (Minutes) (1909-24), Feb. 7, 1924, p. 464 (doctor and nurse composing county health unit have commenced work, but program not definitely accepted unless approved by the board of supervisors), see entry 3; ibid., (1924--), Aug. 7, 1924, pp. 5-6 (first payment made, part by county, part by local health associations, remaining half from State funds).
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. I, pp. 224-226; Acts 1922, p. 155; conversation with Dr. L. J. Roper, Director of Rural Health, Richmond, Va., Aug. 7, 1939.

Positions on the local health unit 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 endeavor 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]

The records of the county health unit, kept principally by its secretary-clerk, are covered by no statute, but are such as are required and prescribed by the Department of Health.[4] They are all in the health office at Smithfield, Va.

Clinical and Field Work

Tuberculosis

278. TUBERCULOSIS CLINICAL RECORDS, 1933--. 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 adults in home, number children in home, financial status, name and address of 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. and typed on ptd. forms. 10x13½x26½.

279. TUBERCULOSIS FIELD RECORD, 1933--. 2 file drawers.
Case records of tuberculosis patients compiled by county nurse as a result of visits by nurse showing name, address, race, age, sex, marital status, occupation, and employer of patient, members of household, date of diagnosis, by whom reported, by whom examined, contact history, previous illness, present complaints, clinical findings, physician's orders, dates of re-examinations. Arr. alph. by first letter of surname of patient. No index. Hdw. and typed on ptd. forms. 6x8½x15.

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3. Conversation with Dr. L. J. Roper.
4. See footnote 3.

General Nursing

280. (NURSE'S DAILY RECORD), 1939--. 1 vol.
Daily record of activities kept by the county nurse as a basis for a monthly report showing names and addresses of persons visited, remarks, hours in office, hours in field, hours in clinics, mileage covered. Arr. chron. by date of activity. No index. Hdw. on ptd. forms. 250 pp. 5x7½x1.

281. (MONTHLY REPORTS), 1928--. 1 file drawer.
Duplicates of the monthly report of activities made by the county nurse showing name of nurse, month of report (visits made in connection with control of acute communicable diseases, venereal diseases, tuberculosis, infant and preschool hygiene, school hygiene, midwife control, maternity service, orthopedic service, special clinics, miscellaneous activities). Arr. chron. by month. No index. Hdw. and typed on ptd. forms. 10x13½x26½.

Schools

282. SCHOOL REPORTS, 1933--. 1 file drawer.
Duplicates of county nurse's report on inspection of school pupils showing name of school, name of school principal, name of teacher, date of inspection, name of nurse, name of each pupil, name and address of parent, report on each pupil as to age, height, weight, teeth, tonsils, vaccination and other health conditions. Arr. alph. by name of school and chron. thereunder by date of inspection. No index. Hdw. and typed on ptd. forms. 10x13½x26½.

Immunization

283. IMMUNIZATION RECORD, 1928--. 6 file boxes (labeled by inclusive letters of alphabet).
Record of persons immunized against typhoid, diptheria, and smallpox, kept by the county nurse, showing name, address, race, sex, and age of person immunized, name of parent or guardian, school, kind of immunization, date administered. Arr. alph. by first letter of surname of person immunized. No index. Hdw. and typed on ptd. forms. Aver. 4x5x20.

284. CROSS FILE, 1939--. 1 file box.
Brief record of cases handled by local health officials showing name of head of family, address, name of patient, diagnosis of case, date admitted to treatment, date discharged. Arr. alph. by all letters of surname of head of family. No index. Typed. 4x5½x12.

General Sanitation

285. SANITATION INSPECTION RECORDS, 1937, 1939--. 3 file boxes.
Record of sanitation officer's inspection of sanitary condition of homes showing route number; name, race, and address of owner; number of occupants, type of house; number of rooms, whether or not screened and type of screen, surface protection, and drainage of water supply (method), state of repair,

and sanitary status of excreta disposal, fly breeding, other problems; recommendations, date and by whom inspected. Arr. by district and num. thereunder by route no. For index, see entry 286. Hdw. on ptd. forms. 6x8½x12.

286. CROSS FILE (Index to Sanitation Records), 1937, 1939--. 1 file box.
General index to record of sanitation inspections, entry 285, showing name of property owner, district, route number. Arr. alph. by first letter of surname of property owner. No index. Hdw. 4x5½x12.

Correspondence

287. CORRESPONDENCE, 1939--. 1 file drawer.
Original letters to the board pertaining to health and sanitary affairs and administration of the affairs of the board, and carbon copies of its letters and replies. Arr. alph. by subject matter and correspondent. No index. Hdw. and typed. 10x13½x26½.

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 surveyors' 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 of all the suggested duties, either through its president and faculty or through a Deputy Surveyor-General appointed by the

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1. Records of the Virginia Company, III, 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.

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 subject 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 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 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

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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), pp. 165-168; ibid., XXV, no. 4 (Oct. 1917), pp. 377-378.
6. Acts 1815-16, p. 67; Code 1819, I, 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.

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]

Vacancies in the office are filled in the same manner as the original appointments were made, and qualifications conducted similarly.[17] Removal from the county may vacate the position, or the incumbent might formerly have been removed for "misbehavior, 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 conducted 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

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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.
17. Ibid., 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.

was early (1710) required to assist the processioners of land, 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 person to aid them in re-locating lost bounds.[24] The county surveyor is also called upon to lay off parts of tracts sold piecemeal 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 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 individual 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]

The county surveyor keeps no permanent official records, and the plats filed by him become part of the land-title records in the clerk's office.[30]

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23. Hening, Statutes, III, 531-532; Code 1819, I, 339-340; (omitted) Code 1849.
24. Acts 1865-66, p. 198; Acts 1866-67, pp. 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.
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), pp. 41-42; Hening, Statutes, I, 274, 444, 472, 519, 552; ibid., II, 245, 311, 397, 412, 418, 456.
29. See County Clerk, pp. 83-84; see entries 28, 36.
30. See County Clerk, pp. 83-84.

(Next entry 288, p. 236)

XXVI. COUNTY AGRICULTURAL AGENT

Isle of Wight was among the earlier counties in making an appropriation for the employment of an agricultural demonstator, having appointed its first agent in 1913,[1] a year in advance of the Smith-Lever Act which made Federal funds available for the purpose.[2] The office was discontinued, however, in 1918, and was not resumed until 1930. Since that time annual appropriations have been made for the employment of agricultural demonstrators.[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 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 superivsors 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 con-

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1. Supervisors Record (Minutes) (1909-24), Jan. 15, 1913, p. 169, see entry 3.
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, pp. 372-374; Acts 1914, pp. 710-712.
3. Supervisors Record (Minutes) (1909-24), Dec. 9, 1915, pp. 291-292 (work on agricultural demonstration among Negroes commenced), see entry 3; history of office in county, compiled and in the hands of the local agent; Report of the Secretary of the Commonwealth (1936-37), p. 196; information secured from county officials.
4. Acts 1871-72, pp. 48, 312-314, 452.
5. Acts 1885-86, 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.

trol 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 Isle of Wight 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 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

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8. Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, pp. 372-374; Acts 1914, pp. 710-712; Code 1936, secs. 921-925.
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. 196, et passim (lists of county officers of Isle of Wight and adjoining counties).

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, 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] All records are located in the county agent's office at Smithfield, Va.

Contracts

288. PEANUT CONTRACTS, 1935--. 3 file drawers.
Contracts for the limitation of production of peanuts showing name of farm owner, name of tenant, location of farm, number of contract, acreage of farm, acreage planted, yield, signatures of farmer and committeeman. Arr. num. by serial no. of contract. For index, see entry 292. Hdw. and typed on ptd. forms. 10½x12½x24.

289. (WORK SHEETS), 1936--. 16 file drawers.
Agricultural program work sheets showing serial number of agreement, name of operator of farm, name of owner, location of farm, total crop acreage, acreage planted in each crop, idle land, signatures of farmer and committeeman. Arr. num. by serial no. of agreement. For index, see entry 292. Hdw. and typed on ptd. forms. 10½x12½x24.

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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.
11. Letter of Mr. C. A. Montgomery, cited above; Acts 1936-37, p. 34.

County Agricultural Agent - Reports; Maps (290-296)

290. COTTON CONTRACTS, 1928-35. 2 file drawers.
Contracts for the limitation of the production of cotton and certificates of payment issued by the government for acreage not planted. Contracts show number of contract, size and location of farm, name of owner, name of tenant, acreage planted, yield, signatures of farmer and committeeman. Certificates of payment show name of farmer, amount received, and serial number of contract. Arr. num. by serial no. of contract. For index, see entry 292. Hdw. and typed on ptd. forms. 10½x12½x24.

291. CORN-HOG CONTRACTS, 1934-35. 4 file drawers.
Corn-hog contracts for limiting production of corn and hogs showing name of farmer, number of contract, condition of contract, location and size of farm, signatures of farmer and committeeman. Arr. num. by serial no. of contract. For index, see entry 292. Hdw. and typed on ptd. forms. 10½x12½x24.

292. INDEX FILE, undated. 2 file boxes.
Index to record of peanut contracts, entry 288, work sheets, entry 289, cotton contracts, entry 290, and corn-hog contracts, entry 291, showing name and address of farmer, kind of contract, and serial number of contract. Arr. alph. by first letter of surname of farmer. Typed. 5x6x18.

Reports

293. (MONTHLY REPORT OF COUNTY AGENT), 1930--. 1 desk drawer compartment.
County agent's monthly report of daily activities showing date of activity, community, nature of work, and signature of county agent. Arr. chron. by date of report. No index. Hdw. on ptd. forms. 9x11x5.

294. (ANNUAL REPORT), 1930--. 1 desk drawer compartment.
Annual report of county agricultural agent's activities during year as to meetings, demonstrations, and accomplishments. Arr. chron. by date of report. No index. Typed. 9x11x5.

295. (LISTING SHEETS), 1936--. 3 folders.
County agent's copy of yearly summary of information regarding crops sent to State Agricultural Adjustment Administration showing name of farmer, serial number of contract, name of crop and acreage. Arr. chron. by year and num. thereunder by serial no. of contract. No index. Hdw. on ptd. forms. Aver. 24x18x½.

Maps

296. (AERIAL SURVEY MAPS), 1937--. 1 cabinet.
Aerial photographic maps of farming areas of the county taken for the purpose of determining the total arable land and total improved land subject to the soil conservation program. Photographic positives. No obvious arr. No index. 48x60x24.

Tobacco Inspector (297)

Correspondence

297. (CORRESPONDENCE), 1930--. 4 file drawers. Original letters to the county agricultural agent and carbon copies of his replies thereto relating to general and specialized farming problems. Arr. alph. by first letter of surname of correspondent and chron. thereunder. No index. Hdw. and typed. 10½x12½x24.

XXVII. TOBACCO INSPECTOR

The office of tobacco inspector is one of the very great antiquities in Virginia antedating (in precursory form) by at least 15 years the formation of counties in the Colony. The first Acts of Assembly, in 1619, include an order for the appointment of four persons per corporation, two by the Cape Merchant (representative of the Virginia Company) and two by the people of the corporation; and that such appointments were actually made is shown by the extant copies of the commissions and oaths of four "tasters" of tobacco, signed by the Governor the same year.[1] Such appointments, on one system or another, were made intermittently throughout the next century, the post of inspector being filled from time to time by the commanders of plantations,[2] by persons appointed by them,[3] by the Councillor living nearest the warehouse in question,[4] or by temporary appointees of members of the monthly (later county) courts and, in some instances, the parties interested.[5] It was not, however, until 1730 that any generally workable and permanent system was established; the plan adopted in that year, to take effect the year after, was substantially the same for almost a century and a half.[6] The office was one of real importance, for the economic life of the colony depended in large part upon maintaining a high standard of quality in the exported tobacco which was its principal product, and this was the aim and duty of the inspectors.[7]

According to the enactment of 1730, three inspectors per inspection (which might include two or more warehouses) were appointed by the Governor with the advice of his Council,[8] while in 1732 the number was fixed at two per warehouse, except where two warehouses fell under the same inspection.[9] Six years later the county courts were allowed to recommend four persons for each warehouse annually, of whom two were appointed by the same authority as before. There was, however, no limit to the number of reappointments possible, if the incumbents were again recommended.[10] Provisions were later

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1. Records of the Virginia Company, III, 228-229; Colonial Records of Virginia, pp. 23-24.
2. Hening, Statutes, I, 152.
3. Ibid., I, 165, 190.
4. Ibid., I, 204, 221.
5. Ibid., I, 488; ibid., II, 227; ibid., III, 437.
6. See below, in general.
7. John Mair, Book-Keeping Methodized, passim; this purpose is recited in the preamble to virtually every one of the earlier tobacco acts.
8. Hening, Statutes, IV, 251.
9. Ibid., IV, 331-332.
10. Ibid., V, 10-11.

(1761) made for the appointment of an additional inspector, to act in the disagreement or absence of one of the other two, while in 1819 a fourth might be chosen if necessary. This remained the case[11] until 1877, when the title of the office was changed to "sampler" and the term increased to 4 years. By that time the number of public warehouses had declined; there were in 1860, before the ravages of the war, only 36 warehouses, of which many were in the western part of the State;[12] recently the sampler has been replaced by a Federally appointed official having similar duties.[13] The first act allowing deputies to these agents is that which changed the name of office, in 1877. Any sampler might nominate a deputy who, on appointment by the Governor, qualified in the same way and performed the same duties as the principal sampler.[14]

From the origin of the system of inspection, oaths have been required of the inspector for the proper performance of his duty; these might be taken before the Governor, the General Court, or the county court, but were in any case to be certified to the clerk of the county court for record.[15] A bond was first required in 1730, for the true and faithful performance of the office, in the penalty of 1,000 pounds sterling, but this was shortly reduced to 200 pounds, and only in the days of inflation following the Revolution did it reach the fantastic sum of 10,000 pounds, Continental currency.[16] Fixed at $4,000 in 1792, the inspector's bond remained unchanged (so far as ordinary public warehouses were concerned) until 1877, when the penalty in all cases was raised to $10,000. These bonds were usually given before the nominating court, and sent or certified to the State authorities.[17]

Compensation for the tobacco inspector was at first upon a salary plus fee or commission basis, beginning with the 5 shillings per hogshead paid out and the 60 pounds per annum salary allowed under the act of 1730. In 1732 the salaries were adjusted to the business of the place, in Isle of Wight County, the pay at Warwicksqueak Bay was 30 pounds, and at Wainwright's, 40 pounds yearly. At the same time the fee was altered, being now 3 shillings for stamping an approved hogshead, and 5 shillings only if the inspectors

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11. Ibid., VII, 387; ibid., VIII, 86, 234; ibid., IX, 156-157, 495-497; ibid., X, 476; ibid., XI, 218; Code 1803, pp. 256-257; Code 1819, II, 143-145; Code 1849, pp. 402-403; Acts 1852, p. 117; Code 1860, p. 451.
12. Ibid., pp. 449-450; Acts 1866-67, p. 965; Acts 1871-72, pp. 4-5; Code 1873, p. 737; Acts 1876-77, p. 315; Code 1887, sec. 1798; Code 1919, sec. 1349.
13. Information furnished by State Department of Agriculture, Division of Markets.
14. Acts 1876-77, p. 315; Code 1887, sec. 1801; Code 1919, sec. 1352.
15. See footnote 1; Hening, Statutes, I, 134, 165, 190, 211; ibid., III, 436-437; ibid., IV, 261; ibid., V, 12-13, 131; ibid., VI, 161, 183-184; ibid., VIII, 88; ibid., IX, 157, 497-498; ibid., XI, 220; Code 1819, II, 147; thereafter under general provisions only.
16. Hening, Statutes, IV, 261; ibid., V, 130-131; ibid., VI, 161; ibid., VIII, 88; ibid., IX, 157, 497; ibid., X, 273-274; ibid., XI, 95-96, 219, 527.
17. Code 1803, p. 257; Code 1819, II, 146; Code 1849, p. 403; Code 1860, p.451; Code 1873, p. 738; Acts 1876-77, p. 315; Code 1887, sec. 1800; Code 1919, sec. 1351; see footnote 16.

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did the repacking and reprising.[18] In 1755 the salaries were abolished, leaving only the allowances of 3 shillings per hogshead of crop tobacco passed, 5 shillings per hogshead of transfer tobacco, and 6 pence per hogshead for nails; the whole amount thus received and retained, however, was not to exceed the salary formerly allowed by law.[19] In 1761 the inspector was to collect the export duties on tobacco and receive 5 percent on his collections; this commission continued until 1765, and probably later.[20] In 1765 the salaries were restored, but no inspection in Isle of Wight County is mentioned in the listing of 1769, although there was apparently at least one in operation at "Warrisqueak" Bay at that time, and another at Smithfield.[21] During the Revolution, fees and salaries went up sharply, reflecting the inflationary tendencies of that period. In 1780 these salaries and allowances were to be paid in tobacco instead of money, and the grand jury was to fix the rate of payment or commutation in money annually, but in the following year payment in currency was resumed.[22] In 1792, and until 1849, the allowance was 58 cents for nails and reprisal on each hogshead. Salaries varied little in this period; Smithfield and Fulgham's, for instance, under one inspection, received $133.33 under the 1792 act and $166.66 by that of 1819, although there is some doubt that these warehouses were still in existence in 1819, their names being omitted from the list of those established by law, and perhaps included in the salary list by error.[23]

From 1734 to 1796, three justices (after 1748, two justices) and the clerk or a deputy were required to hear complaints and take depositions or the justices themselves were to investigate alleged misconduct of the inspectors; they would then certify their findings to the Governor and Council, who might remove the offending officer and, if they saw fit, disquality him forever.[24] After 1796 annually appointed commissioners of the county court examined the office, and if they found the inspector inefficient they were to certify him to the court for punishment, or to the Governor for removal.[25] Vacancies caused by death, resignation, or removal, were filled by the Governor from the list of recommendations originally submitted by the court.[26]

Various fines and penalties have been provided for breaches of the inspector's official duty. Principal among the forbidden acts, of course, were the issuance of notes for tobacco not actually received, acting without

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18. Hening, Statutes, I, 221; ibid., III, 437; ibid., IV, 252, 262, 334-336, 385-386; ibid., V, 134, 144-145, 233; ibid., VI, 165, 175-177.
19. Ibid., VI, 567-568.
20. Ibid., VII, 391; ibid., VIII, 110; this duty was later (1784) revived (ibid., XI, 527).
21. Ibid., VIII, 92, 97-98, 110, 321, 323-324.
22. Ibid., IX, 160-161, 502, 510-511; ibid., X, 76, 180, 272-274, 355-357, 475-476; ibid., XI, 235-236, 527.
23. Code 1803, pp. 252-254, 260, 264-265, 365; Code 1819, II, 135-137, 154-155, 160-161; Code 1849, pp. 408-409.
24. Hening, Statutes, IV, 390; ibid., V, 158-159; ibid., VI, 191-192; ibid., VIII, 98-99; ibid., IX, 511-512; ibid., XI, 236-237.
25. Code 1803, p. 365; Code 1819, II, 162-163.
26. Hening, Statutes, VIII, 86; Code 1803, p. 257; Code 1819, II, 144.

taking oath and giving bond, or the acceptance of bribes[27] - while of less importance were failure to attend the warehouse at the specified hours,[28] and trading on one's own account in tobacco, beyond what was of his own growth or for his personal use.[29]

The duties and powers of the tobacco inspector were in general only what his title implies. He received cured tobacco ready for shipment, whether in full hogsheads or smaller parcels, opened and inspected it and, if it was of proper quality and condition, repacked and reprized (pressed) it (unless the owner had slaves or servants ready to do it). Tobacco so approved was weighed, stamped with weight (gross, tare, and net), quality, district, identifying marks, and owners' symbols or ciphers, and admitted to the warehouse. In return, the owner received tobacco notes - "crop" notes representing full hogsheads, and "transfer" notes for smaller quantities - specifying the amount, type, and fineness of the leaf thus received, which notes passed current in the neighborhood almost as money, and greatly facilitated trade. The warehouses, generally privately built and owned, and rented to the State, were almost invariably on or near the water, and were fitted with cranes, scales, weights, presses or "prizes," and places for burning rejected tobacco, which might, however, be repicked by or for the owner, and again offered for inspection. Merchants might buy or trade for tobacco notes and, when a sufficient amount had been accumulated, present them at the proper warehouse; it was then the duty of the inspector to issue out as much tobacco as was called for in the notes and, if enough "transfer" notes were produced, to make up the small quantities shown into a hogshead, ready for shipment overseas.[30] During those periods when an export duty was charged upon tobacco, the inspector acted as collector, and he was further to endeavor to prevent the shipping of any uninspected tobacco at any time, either abroad or to Maryland or North Carolina;[31] in this detail he had the assistance of the sheriff and constables.[32]

No record of this agency has been found in Isle of Wight County.

XXVIII. HOME DEMONSTRATION AGENT

The history of the home demonstration agent in some measure parallels that of the agricultural demonstrator. The organization of garden, canning, and poultry clubs among the girls commenced in 1910, under the State-wide

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27. Hening, Statutes, IV, 262-263; ibid., V, 13, 131, 152, 154; ibid., VI, 160-162, 185; ibid., VIII, 75, 88; ibid., IX, 509-510; ibid., X, 274-275; ibid., XI, 220, 222, 234; Code 1803, pp. 257-258; Code 1819, II, 146-147.
28. Hening, Statutes, V, 11, 131; ibid., VI, 162; ibid., VII, 533; ibid., X, 275; ibid., XI, 221; Code 1803, p. 258; Code 1849, p. 404.
29. Hening, Statutes, VI, 185; ibid., IX, 509.
30. Mair, Book-Keeping Methodized, passim; see also the tobacco acts cited above.
31. See footnotes 15, 20, 32.
32. Hening, Statutes, V, 12-13; ibid., VI, 183-184.

Home Demonstration Agent (Next entry 298, p. 243)

direction of Miss Ella Agnew, and came in 1914 under the same sponsorship as the agricultural demonstrations.[1]

The home demonstration agent must be reared on a farm or have practical experience, and must in addition be the holder of a B. S. degree in home economics from a recognized college. An agent is appointed for each county by the Extension Division for an unspecified term (substantially during good behavior and satisfactory performance of duty). There is no provision for deputies, but assistant agents are sometimes appointed, as a means of giving training and experience to future principal agents.[2] The history of the office in Isle of Wight County is not precisely clear, but it appears that home demonstration work commenced here in 1914, and there are scattered references to such activities in county records from 1915 to 1918, but it does not appear that any salary was paid from county funds for the purpose until after 1918 at least. The office was discontinued in December 1921, and not reestablished until 1938, when the present incumbent was appointed.[3] It does not appear that any oath or bond is required of the demonstration agent, except the Federal oath of office taken by all functionaries who make use of franked envelopes.

The agent receives a regular annual salary, averaging about $2,200 from county to county, appropriated (like that of the agricultural demonstrator) jointly from county, State, and Federal funds. The office may be vacated upon complaint of inefficiency, inability to cooperate, or personal misconduct, usually on demand by county authorities for a better qualified person, and a consequent request from extension headquarters for the incumbent's resignation. Such vacancies, as well as those for other causes, are filled in the same manner as the original appointments were made.

Within the last few years Federal funds have been available to employ secretarial assistants for county demonstration agents when such help is necessary, usually on the recommendation of the agent.

It is the duty of the home demonstration agent to introduce new and approved homemaking and domestic science methods, both by personal demonstrations and by inducing others to make trials for themselves. She also aids the 4-H Club program among the girls, seeks to publicize the demonstrational and extension work in every way, and cooperates with other agencies for relief and improvement purposes.[4]

The records of the home demonstration agent (more voluminous here than

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1. Address of Dr. J. D. Eggleston at Institute of Rural Affairs, July 18, 1939.
2. Letter to Mr. C. A. Montgomery, Assistant Director, Extension Service, Blacksburg, Virginia, Aug. 22, 1939.
3. Supervisors Record (Minutes) (1909-24), June 10, 1915, p. 278; July 8, 1915, p. 280; Dec. 9, 1915, p. 291 (appropriation of $150 for canning club expenses); Sept. 7, 1916, p. 315; Dec. 5, 1918, p. 354; see entry 3; history of office prepared and kept by the present home demonstration agent.
4. See footnote 2; form of statistical report (form 285, Combined Annual Report of County Extension Workers), see entry 302.

in many other counties) are covered by the provisions of no statute, but are, like those of the agricultural demonstrator, under the direction of the State and Federal agricultural authorities, particularly the Extension Division at Blacksburg (see above). The entries relating to these records are self-explanatory, and examination of them will give a rather clear idea of the scope of the domonstration agent's activities.[5] These records are located in the home demonstration agent's office.

Proceedings

298. HOMEMAKING BOARD MINUTES, 1938--. 1 vol.
Record of proceedings at quarterly meetings of homemaking board (comprised of Farm Security Administration home supervisor, county nurse, home economics teacher, county agricultural agent and home demonstration agent) for the purpose of making out a program of work to help rural people maintain and raise standards of living. Arr. chron. by date of meeting. No index. Typed. 50 pp. 11x9xl.

299. 4H (Head, Hands, Heart, Health) COUNCIL MINUTE BOOK, 1938--. 1 vol.
Record of proceedings at semiannual meetings of 4H (Head, Hands, Heart, Health) Club council, comprised of leaders of each of the 4H Clubs in the county, for the purpose of making out a schedule of programs for the individual clubs. Arr. chron. by date of meeting. No index. Typed. 25 pp. 11x9xl.

300. MONTHLY SCHEDULE, 1938--. 1 folder.
Home demonstration agent's monthly schedule of activities showing dates, topics, goals, and committees for homemaking club and 4H (Head, Hands, Heart, Health) Club. Arr. chron. No index. Typed. 12x9.

301. FIELD DIARY FOR EXTENSION WORKERS, 1938--. 18 vols.
Daily record of home demonstration agent of visits and interviews with homemakers, mileage covered, travel expenses, and meetings. Arr. chron. No index. Hdw. on ptd. forms. Aver. 30 pp. $5\frac{1}{2}$x$3\frac{1}{2}$x$\frac{1}{2}$.

Reports and Correspondence

302. (CORRESPONDENCE), 1938--. 1 file drawer.
Correspondence concerning 4H (Head, Hands, Heart, Health) Club work and homemaking club work on food, shelter, clothing, contests, and entertainments, home demonstration agent's monthly report of daily activities, annual report of home demonstration agent giving summary of individual activities, financial support of work, women's work, 4H Club work, progress made during year, and State plans and goals for coming year. Arr. alph. by subject or name of correspondent and chron. thereunder. No index. Hdw., typed, and typed on ptd. forms. $10\frac{1}{2}$x$12\frac{1}{2}$x25.

XXIX. GAME WARDEN

The office of game warden is a comparatively new one in Virginia, hav-

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5. See entries 298-302.

Game Warden (Next entry 303, p. 253)

ing originated in 1903. A warden was functioning in Isle of Wight County before 1920, since an appointee of that year took the place of a previous warden who had resigned. Another appointment was made in 1922.[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 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 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 (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 $50 per month for counties which, like Isle of Wight, had less 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 warden's pay left

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1. Acts 1902-3-4, p. 333; Common Law Order Book, vol. 6 (1914-22), Oct. 29, 1920, p. 406; Apr. 17, 1922, p. 530, see entry 107.
2. Acts 1902-3-4, 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.
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).

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 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 wild life 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]

No record of the game warden was found among the archives of Isle of Wight County.

XXX. OYSTER INSPECTOR

Since Isle of Wight County lies in the tidewater area of Virginia and has an arm of Chesapeake Bay as one of its boundaries, fisheries have played some part in its economic system.[1] The State at an early date had exercised slight control over the oyster industry,[2] but it was not until 1856 that a permanent system of rigid control was established through the creation of the office of oyster inspector.[3] The culmination of the series of acts then inaugurated came in 1936, when the entire subject of fisheries, oysters, and other shellfish was reexamined[4] and placed under the State Commission of Fisheries and the State Health Commissioner.[5]

Eligibility requirements were first introduced in 1871 when the appoint-

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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).

1. See Historical Sketch, p. 1.
2. Shepherd, Statutes, III, 47-48.
3. Acts 1855-56, p. 103.
4. Acts 1936, pp. 650-715.
5. Ibid., p. 705; Code 1936, sec. 3261.

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ees had to be "practical and experienced seamen, . . . acquainted with the waters of Chesapeake bay and its tributaries."[6] This continued to be the criterion until 1884, when there were no specified qualifications.[7] Inspectors were appointed by the county court[8] until 1867 (when 3 inspectors for the entire State were appointed by the Auditor of Public Accounts), and again between 1874 and 1884.[9] Between 1884 and 1886 appointment was by a committee composed of the county judge, commonwealth's attorney, and county clerk (as many as necessary for each county), and between the latter date and 1900 the judge of the county court of any county wherein oysters were "caught" or planted appointed as many as were necessary. Thereafter one or more were appointed by the Board of Fisheries.[10] Tenure was first limited in 1874. The figure then specified, namely 2 years, continued until 1930; in that year the appointees served at the pleasure of the Commissioner.[11] Qualification at first was based upon taking an oath that they would faithfully and impartially perform the duties assigned to them,[12] but in 1867 a bond was added. The penalty of a chief inspector's bond was $30,000 and of a district inspector's, $10,000 but 4 years later the bond of all inspectors was set at $15,000. Between 1886 and 1910 the amount was to be not less than $200 nor more than $1,000, but at the latter date it was not to be less than $500 nor more than $2,000.[13]

Between 1856 and 1873, and again between 1884 and 1930, inspectors were paid a percentage of fines, costs, and taxes collected from the oyster industry. An act of 1873 allowed a yearly salary of $1,200 (payable by the State monthly); the 1930 act allowed a basic salary of $900 and an additional sum fixed by the Commissioner of Fisheries on the basis of revenue collected. Total compensation, however, could not exceed $2,400.[14] They could be removed by the appointing officer, and the vacancy was filled in the same manner as the original appointment was made.[15] Penalties for breaches of official duty have at various times ranged from $500 to $5,000 and removal from office.[16]

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6. Acts 1870-71, p. 183.
7. Acts 1872-73, p. 319; Code 1873, p. 828; Acts 1883-84, p. 329; Code 1887, sec. 2131.
8. Acts 1855-56, p. 103; Code 1860, p. 504.
9. Acts 1866-67, p. 880; Acts 1870-71, p. 183; Acts 1872-73, p. 319; Code 1873, p. 828; Acts 1874, p. 244.
10. Acts 1883-84, p. 329; Acts 1885-86, p. 485; Code 1887, sec. 2131; Acts 1893-94, p. 841; Acts 1899-1900, p. 307; Code 1919, sec. 3153; Acts 1930, p. 97; Acts 1936, p. 653; Code 1936, sec. 3149.
11. Acts 1874, p. 244; Acts 1885-86, p. 485; Code 1887, sec. 2131; Acts 1893-94, p. 461; Code 1919, sec. 3153; Acts 1930, p. 97.
12. Acts 1855-56, p. 103; Code 1860, p. 504.
13. Acts 1866-67, p. 880; Acts 1870-71, p. 183; Code 1873, p. 828; Acts 1885-86, p. 485; Code 1887, sec. 2131; Acts 1910, p. 543; Code 1919, sec. 3219.
14. Acts 1855-56, p. 103; Code 1860, p. 504; Acts 1866-67, p. 880; Acts 1870-71, p. 183; Acts 1872-73, p. 322; Acts 1883-84, p. 329; Code 1887, sec. 2133; Acts 1910, p. 543; Code 1919, sec. 3221; Acts 1930, p. 97.
15. Acts 1866-67, pp. 880-881; Code 1873, p. 828; Acts 1885-86, p. 485; Code 1887, sec. 2131.
16. Acts 1870-71, p. 186; Acts 1883-84, p. 331-332; Code 1887, sec. 2135.

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Each inspector could in 1867 appoint as many deputies as necessary, while later the Auditor appointed one deputy charged with special duties, and the inspector could appoint as many as three if necessary. For a while after 1884, the consent of the court which appointed the principal was required, and later the consent of the Commissioner of Fisheries.[17] During a portion of that period the principal and his sureties were liable for all the deputy's acts.[18] Deputies qualified in the same manner[19] and had the same powers as their principal.[20]

That the oyster inspector was primarily a law-enforcing officer is indicated by the preamble of the original act of 1856, "an act to more effectually apprehend offenders against [the act] . . . concerning the unlawful taking of oysters and terrapins."[21] In order to enforce such provisions, he had, and still has, the power to arrest persons and seize their property if he suspects they are violating such laws.[22] In collecting taxes and fines,[23] he was endowed with the same powers at first as the sheriff and later (1873) as the treasurer.[24] His regulatory powers include those of inspecting measures and destroying those that are substandard,[25] issuing permits for the taking of seed oysters,[26] and assigning oyster grounds.[27] Prior to 1936, the commissioner of revenue could exercise the duties of the oyster inspector when there was no inspector.[28]

During the period when the inspector was appointed by the local officials,[29] and for a short time before, he made to the court a report of money collected. The clerk recorded this report and indexed it, and it was open for public inspection.[30] The clerk's record book will be found among the records of the county court.[31]

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17. Acts 1866-67, p. 880; Code 1873, p. 828; Acts 1883-84, p. 329; Code 1887, sec. 2132; Acts 1910, p. 5440.
18. Acts 1883-84, p. 329; Code 1887, sec. 2132.
19. Acts 1910, p. 544; Code 1919, sec. 3219.
20. Acts 1872-73, p. 321; Code 1873, pp. 829-830; Acts 1883-84, p. 329; Code 1887, sec. 2132; Acts 1910, pp. 543-544; Code 1919, sec. 3219.
21. Acts 1855-56, p. 103.
22. See footnote 21; Code 1919, sec. 3266; Acts 1936, p. 699; Code 1936, sec. 3239.
23. See footnote 21; Code 1860, pp. 502-504; Acts 1883-84, p. 329; Acts 1893-94, p. 778; Acts 1910, p. 544; Code 1919, secs. 3220, 3225; Acts 1928, pp. 1126-1127; Acts 1930, pp. 105-106.
24. See footnote 21 (sheriff only); Code 1860, p. 504; Acts 1866-67, p. 881; Acts 1870-71, p. 184; Acts 1872-73, p. 323 (county treasurer or other collector of public revenue); Code 1919, sec. 3220.
25. Acts 1872-73, p. 318; Code 1873, p. 827; Acts 1910, p. 543; Acts 1936, p. 690; Code 1936, sec. 3216; Acts 1938, p. 721.
26. Acts 1908, p. 177; Acts 1910, p. 556; Acts 1916, p. 164; Code 1919, sec. 3250.
27. Acts 1872-73, pp. 311-312; Code 1887, sec. 2139; Acts 1916, pp. 777-778; Code 1919, sec. 3224.
28. Acts 1910, p. 224; Code 1919, sec. 3296.
29. See footnote 10.
30. Acts 1870-71, p. 186; Acts 1872-73, p. 325; Code 1873, p. 833; Acts 1883-84, pp. 331-332; Code 1887, sec. 2135; Acts 1891-92, p. 596.
31. See entry 179.

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XXXI. 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 of 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 connection.[8]

At the time of the foundation of Isle of Wight County, there was no especial requirement for eligibility to commissioned rank, but in the middle of the eighteenth century 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

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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.
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).

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]

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 later 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

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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.
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.

headed by a captain, two lieutenants, and an ensign, were afterward officered by a captain, two first lieutenants, and two second lieutenants.[18] Non-commissioned 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; they 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]

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, provisions also appear 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

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18. Hening, Statutes, IX, 268 (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.
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.

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 "martial 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 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 rank 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 should be filled by vote of the commissioned personnel of the regiment, and vacancies in company command by election of the enlisted men of

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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, 96-97; ibid., IX, 271-272; Code 1803, pp. 288-289; Code 1819, I, 115; Acts 1833-34, pp. 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.
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.

County Militia (Next entry 303, p. 253)

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 on 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.[32] 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 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 invader's 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 an enemy advance to raise all available forces, and send messengers for aid if needed.[36]

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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.
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.

County Militia (303)

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 numbers 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]

No regular records of the militia were found in Isle of Wight 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 the chairman or clerk appointed by the committee.[39]

303. APPLICATIONS FOR EXEMPTION (from Military Duty), 1862. 1 bundle.

Original applications made by individuals to the enrolling officer for exemption from military duty in the War Between the States showing date of application, name of person making application, reason for exemption, signature of applicant. No obvious arr. No index. Hdw. 8x3x2. Clk. off., record va.

For other military records, see entries 71, 72, 80.

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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; see entry 80.
39. Hening, Statutes, IX, 57-60.

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, pp. 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., photostatic 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] H[urvis], London, [1684].

A Collection of All the Acts of Assembly, Now in Force, in the Colony of Virginia. William Parks, Williamsburg, 1733.

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

Bibliography

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 Mitchie 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

Bibliography

authority of State Legislature, Richmond, 1875-93.

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.

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 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.

Report of the Commission on Simplification and Economy of State and Local Government to the General Assembly of Virginia, January, 1924. Superin-

Bibliography

tendent of Public Printing, Richmond, 1924.

New York Bureau of Muncipal 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.

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.

State Highway Commission Report of June 30, 1938. Richmond, 1938.

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.

Report of the Department of Taxation, Commonwealth of Virginia, June 30, 1939. Division of Purchase and Printing, Richmond, 1939.

Annual Report of the Superintendent of Public Instruction . . . 1938-39. State Board of Education Bulletin XXII, no. 3 (Sept. 1939). Division of Purchase and Printing, Richmond, 1939.

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.

Bibliography

Colonial Records of Virginia, Senate Document, Extra. Superintendent of Public Printing, Richmond, 1874.

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.

Legislative Petitions, 1802, 1809 [ms. in Vi., archives].

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, Nos. 1 (pt. I and II), 4-6, 1623-44, 1655-79 [ms. vols. 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 on 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.

Bibliography

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.

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, 1935-1936. 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 Settlements [in progress], Yale University Press, New Haven, 1934--.

Bibliography

Ashe, Samuel A'Court, History of North Carolina. 2 vols. I (1584-1783), Charles L. Van Noppen, Greensboro, N. C., 1908; II (1783-1925), Edwards and Broughton Printing Co., Raleigh, N. C., 1925.

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].

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.

Lewis, Virgil A., History of West Virginia. Hubbard Brothers, Philadelphia, 1889.

Osgood, Herbert Levi, The American Colonies in the Eighteenth Century. 4 vols. Columbia University Press, New York, 1924.

Histories - Virginia

Beverly, 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.

Bibliography

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.

Special Monographs

Abernathy, 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, Farmer's 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.

Boddie, John Bennett, Seventeenth Century Isle of Wight Virginia. Chicago Law Printing Co., Chicago, 1938.

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.

Bibliography

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].

Chastellux, 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 Science, XIII, no. 1. University of Illinois, Urbana, [ca. 1926].

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.

Latane, John H., The Early Relations Between Maryland and Virginia. Johns Hopkins University Studies in Historical and Political Science, XIII, nos. 3-4. Johns Hopkins Press, Baltimore, 1895.

Bibliography

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.

Neill, Edward D[uffield], History of the Virginia Company of London . . . . J. Munsell, Albany, 1869.

Pulliam, David L., The Constitutional Convention 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.

Tatham, William, Historical and Practical Essay on the Culture and Commerce of Tobacco. T. Bensley, London, 1800.

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.

Bibliography

Articles and Essays in Periodicals, etc.

Commonwealth Magazine.

The Enquirer (Richmond).

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).

Norfolk Gazette and Publick Ledger.

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. Stanard, 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).

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, Dealware, Maine, Maryland, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. West Publishing Co., St. Paul, Minn., 1887--.

Bibliography

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.

Mack, William and Donald J. Keser, editors, Corpus Juris Secundum, a Complete Restatement of the Entire American Law . . . . American Law Book Co., Brooklyn, 1936--.

McQuillin, Eugene, The Law of Municipal Corporations. Callaghan & Co., Chicago and New York, 1928.

Michie's Digest of Virginia and West Virginia Reports. The Michie Co., Charlottesville, 1929 [supplements 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.

Bibliography

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.

Miscellaneous

Historical and Personal Sketches Relating to New Kent, Charles City, Surry and Isle of Wight Counties, Virginia. H. H. Hardesty and Co., 1885.

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.

Inventory of the County Archives of Virginia, No. 88, Southampton County, Richmond, Va., 1940.

Church Inventories

Inventory of Church Archives of Virginia: Dover Baptist Association, Richmond, Va., 1939.

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(All numbers refer to entries. A record entry number is listed under each decade which the record covers in full or 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 records ends.)

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