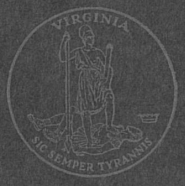
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INVENTORY
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No. 4
AMELIA COUNTY

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March 20, 1940

We are enclosing a copy of the Inventory of the County Archives of Virginia, Amelia County, No. 4, which is the sixth publication prepared and released by the Virginia Historical Records Survey Project. We shall greatly appreciate it if you will acknowledge receipt of this publication and give an evaluation thereof to the sponsor of the project, The Virginia Conservation Commission, Life Insurance Company of Virginia Building, Richmond, Virginia (attention: Mr. N. Clarence Smith, Chairman). If you care to do so, you may forward a copy of your letter to the Librarian of Congress, sponsor of the national editorial office of the Historical Records Survey.

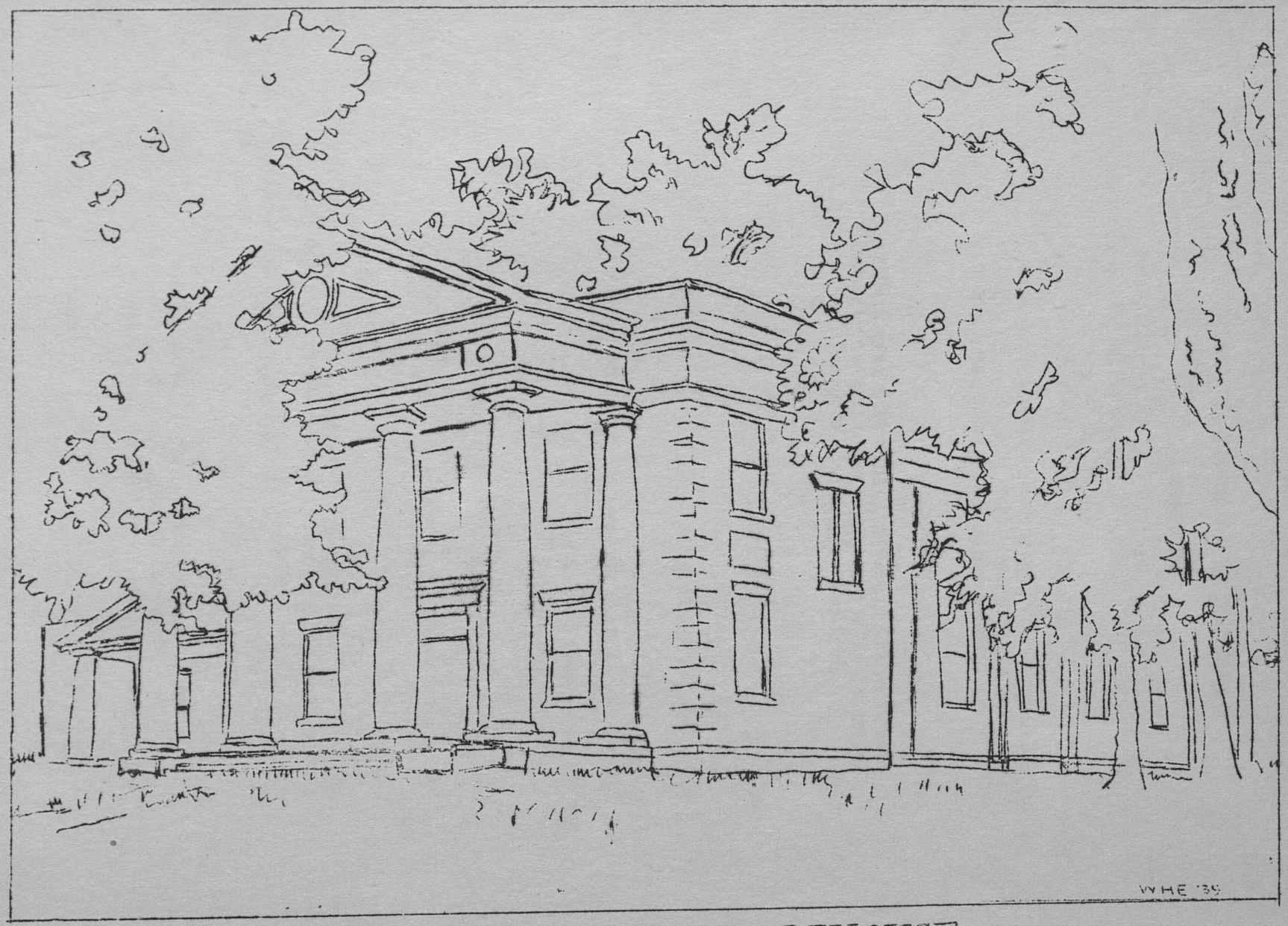
The following is a list of previous publications issued by the Virginia project:

"Inventory of County Archives of Virginia, no. 21, Chesterfield County"
"Inventory of County Archives of Virginia, no. 27, Dinwiddie County"
"Inventory of County Archives of Virginia, no. 60, Middlesex County"
"Inventory of County Archives of Virginia, no. 73, Powhatan County"
"Inventory of Church Archives of Virginia, Dover Baptist Association"

If you have failed to receive any one of the volumes listed above and wish a copy, please notify us.

enc/

The Virginia Historical Records Survey



AMELIA COUNTY COURTHOUSE

AMELIA COUNTY COURTHOUSE

INVENTORY OF THE COUNTY ARCHIVES

OF VIRGINIA

Prepared by

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

NO. 4. AMELIA COUNTY (AMELIA COURT HOUSE)

Richmond, Virginia
The Virginia Historical Records Survey Project
February 1940

The Historical Records Survey Program

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FOREWORD

The Inventory of County Archives of Virginia is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey Program of the Work Projects Administration. The publication herewith presented, an inventory of the archives of Amelia County, is number 4 of the Virginia series.

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

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

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

F. C. HARRINGTON
Commissioner

PREFACE

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

In November 1936, when the Survey became an independent unit of Federal Project No. 1, Dr. Cappon became part-time State Director and Elizabeth B. Parker, a former supervisor, Assistant State Director. Following Dr. Cappon's resignation in June 1937, Miss Parker was appointed State Director. In September 1939, the Survey became a State-wide non-Federal project.

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

The Inventory of the County Archives of Virginia will, when completed, consist of a separate number for each county. The numbering will be according to the respective position of the county in an alphabetical list of counties. Thus Amelia County is number 4. 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 234.

The original inventory was undertaken in Amelia County during the months of January and February 1938 by Clyde P. Sirles and John E. Baucom under the supervision of Elizabeth B. Parker. A careful recheck of all the records was made during the months of June and July 1939 by Harry A. Parker under the supervision of Harold A. Lovenstein, Field Supervisor. Spot rechecking of the typed draft was done by key members of the editorial and research staff - namely, W. Hamilton Enslow and Pinckney H. Walker.

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

Preface

assisted with the preparation of this volume were: Frances Beasley, Mary McMullan, and Adele Russell. Dr. Evans and his editors in the Washington office examined and criticized the manuscript before it was published, but responsibility for its completeness and accuracy lies with the Virginia staff. This volume received the approval of the official sponsor in the State, The Virginia Conservation Commission.

The Survey in Virginia is indebted to the officials of the Virginia State Law Library, The Bureau of Statutory Research and Drafting, the State Work Projects Administration officials, and to the officials of Amelia 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 of Amelia County for making possible this publication through their sponsor's contribution 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 Historical Records Survey, Richmond, Virginia.

ELIZABETH B. PARKER
State Supervisor
The Historical Records Survey

Richmond, Virginia
December 1939

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(First entry, p. 66)

1. HISTORICAL SKETCH

Amelia County, named for the youngest daughter of George II,[1] was founded in 1735 when the "upper inhabitants" of Prince George County petitioned for the division, on the grounds that they were at an inconvenient distance from the courthouse. As the line was drawn at that time, the new county, Amelia, contained a portion of both Prince George and Brunswick Counties, and the old parish lines of Bristol and Saint Andrews were changed to form Raleigh Parish with bounds coterminous with those of the county.[2] The boundaries of the county changed in 1754 when Prince Edward County was cut off[3] and again in 1789 when Nottoway County was formed from Amelia.[4]

Today Amelia County, with an area of 371 square miles, is one of the smallest counties in the State, extending to Cumberland and Powhatan Counties on the north, to Chesterfield County on the east, to Dinwiddie and Nottoway on the south and to Prince Edward on the west. This land, with its length of approximately 30 miles and mean width of 10 miles[5] lies in the Piedmont area south of the James River, sometimes called the Middle Country, an undulating plain crossed by streams which have cut deep channels and are bordered by alluvial bottom lands.[6] Its climate is determined largely by its latitude, about 37°30'N, and by its comparative proximity to the ocean.[7]

Amelia is predominantly agricultural; its total income in 1930 from crops, dairying, and live stock amounted to approximately $1,869,000.[8]

Although there are no large towns, several small towns and villages dot the countryside; of these Amelia, the centrally located county seat with a population of 887, is the largest.[9] The total population in 1930 numbered 8,979, while the density of population was 24.2 per square mile. Nearly all of the inhabitants are native born and about 50 percent are Negro. In 1936 there were 41 Federal personal income tax returns in the county.[10]

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1. Morgan Poitiaux Robinson, Virginia Counties . . ., Virginia State Library Bulletin, IX, nos. 1-3, Richmond, 1916, p. 174.
2. 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], IV, pp. 467-468.
3. Ibid., VI, p. 379; H. R. McIlwaine and J. P. Kennedy, eds. and compilers, Journals of the House of Burgesses (1619-1776), Richmond, 1905-15, VIII, p. 125 (Nov. 17, 1753).
4. Hening, Statutes, XII, p. 273; Journal of the House of Delegates . . . (1788), Richmond, 1828, p. 117 (Dec. 23, 1788).
5. Rand McNally Commercial Atlas and Marketing Guide, Chicago, 1939, [hereinafter cited as Commercial Atlas], pp. 406-407, 409.
6. William F. Switzler, Report on the Internal Commerce of the United States, Commerce and Navigation, II, The Commercial, Industrial, Transportation, and Other Interests of the Southern States, Washington, 1886 [hereinafter cited as Switzler, Report], pp. 184, 186.
7. Commercial Atlas, p. 407.
8. Ibid., p. 409; Charlotte Allen, ed., Virginia, Richmond, 1937, p. 121.
9. Commercial Atlas, pp. 410-415.
10. Fifteenth Census of the United States, 1930, Population, III, Reports by States, pt. 2, Washington, 1932, p. 1150; Commercial Atlas, p. 409.

Serving the inhabitants are various public service agencies, among which are the Western Union and four Postal Telegraph stations, eight railway express agencies, six post offices, and one bank,[11] the Union Bank and Trust Company at Amelia.[12] The county is traversed by one railroad, the Southern, which crosses the middle of the county,[13] and by approximately 80 miles of primary roads and 250 miles of secondary roads. U. S. Route 360 and Routes 49 and 38, roads which intersect at Amelia, are the main highways. Over the former the Greyhound bus travels, making approximately 36 scheduled stops per day.[14]

Comprising three magisterial districts - Leigh, Giles, and Jackson - Amelia operates under the board of supervisors form of county government.[15] With Nottoway, it had one member in the House of Delegates; with Chesterfield, Dinwiddie, Nottoway, and Powhatan Counties and the city of Petersburg, it constitutes a State judicial district. With Nottoway, Lunenburg, Prince Edward, and Powhatan it is included in the Ninth Senatorial District.[16]

Within 2 decades from the time Amelia County was established, there were 100 or more plantations in the original boundaries, stretching "so far as to take in the ridges between Roanoke and Appomattox Rivers . . ." thence "to the great mountains . . . ." These plantations varied in size, with 500 acres the average holding.[17] In 1735 or shortly thereafter many larger estates were patented, many of these containing at least 1,000 acres and some larger ones as many as 8,000 and 10,000 acres.[18] Of the earlier days in the county one writer stated: "Many years prior to this date [1789] the fertile lands along the upper parts of Deep Creek and West Creek in Amelia County had attracted the more industrious and substantial element of 'low country' planters who developed its resources to the fullest extent. An examination of the wills and inventories of the people who lived at an early day in this isolated section show them to have been possessed of extensive means; their holdings in lands and Negroes were large and their homes were not without comparative comforts. Wealth, for these people, grew with the passing of years, and at the time of the creation of Nottoway County we find within its precincts a markedly large representation of the wealthier planter class."[19]

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11. Commercial Atlas, pp. 410-415.
12. Information supplied by Virginia Bankers Association, Richmond, Virginia.
13. Commercial Atlas, p. 407.
14. Virginia, State Department of Highways, County Maps of the Primary and Secondary Highway Systems, 1936, Richmond, 1936, p. 4; Time Table, Greyhound Bus Line, Aug. 1938, p. 8.
15. Acts of the General Assembly of the State of Virginia, 1809--, Richmond, 1810-- [titles vary; hereinafter cited as Acts], 1938, p. 1067; Board of Supervisors p. 59.
16. The Virginia Code of 1936, Charlottesville, 1936 [hereinafter cited as Code 1936], secs. 78, 79, 5888.
17. The Virginia Magazine of History and Biography, XXII, no. 1, (Jan. 1914), pp. 94-96.
18. [Index to] "Patents Issued During the Regal Government, Amelia" (1735-76) in Counties, I[manuscript index to recorded patents, State Land Office, Richmond, Va.], passim.
19. The William and Mary College Quarterly Historical Magazine, first series, XXVI, no. 1, (July 1917), p. 41.

Historical Sketch (First entry, p. 66)

Where the first courthouse was located is a matter of conjecture. When the upper inhabitants of Prince George petitioned for a division, they did so because they were at a great distance from the courthouse,[20] but the earliest information concerning the erection of a courthouse was in 1746 when complaint about the location of the courthouse was again made. The court ordered a committee to "view the most convenient place near the road from Lyle's Ford [on the Appomattox River] to Nottoway River."[21] A year later an order was issued by the magistrates that the courthouse should be blocked up and the windows mended with sash glass.[22] Still later, in 1756, the court petitioned the governor for permission to erect a courthouse in that part of the county most convenient for the inhabitants in general; they further requested a writ of adjournment to the place proposed for the new courthouse but the site was not specified.[23] No information appears in the extant records of the county or of the legislature as to whether this request was granted. In 1760, a committee waited upon the Governor stating that the courthouse was situated in one corner of the county and asking for a writ of adjournment to the lands of Peter Beasly near the center of the county.[24] In 1764 an appeal was made again, the plea stating that the winter season was coming on, that the courthouse was not fit to hold court in, besides being inconveniently located, and requesting an adjournment to a place near Avery's Church.[25] There is no record as to whether the plea at this time was sanctioned or not. However, when the division of the county was discussed in 1766-67,[26] it was apparently thought best to remove the courthouse; in April of the latter year there was read for the third time an act authorizing the justices to purchase lands on which to build a courthouse.[27] When Nottoway County was formed in 1789, necessitating the location of a new central site for county buildings,[28] the lands of Henry Anderson were considered and finally chosen;[29] and until the new buildings were completed, court was held at the house of Edward Booker.[30] No further mention of a new courthouse is made in Council Journal or order books until the middle of the nineteenth century, when a new building was erected on the property of Lewis E. Harvie.[31] This courthouse was torn down to make room for a new one which was erected in 1924.[32]

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20. Hening, Statutes, IV, p. 467.
21. Order Book, no. 2 (1746-51), Mar. 20, 1746, p. 36, see entry 158.
22. Ibid., Nov. 21, 1747, p. 61.
23. Ibid., no. 4(1755-57), Jan. 22, 1756, p. 26.
24. Ibid., no. 5 (1757-60), Aug. 28, 1760, p. 46.
25. Ibid., no. 8 (1764-65), Oct. 25, 1764, p. 279.
26. McIlwaine and Kennedy, Journals of the House of Burgesses, XI, pp. 59 (December 9, 1766), 62 (December 10, 1766) 81 (March 16, 1767).
27. Ibid., p. 118 (April 8, 1767).
28. Hening, Statutes, XII, pp. 723-724.
29. Order Book, no. 19 (1788-91), Jan. 28, 1790, p. 185, see entry 158; William P. Palmer, et als, eds., Calendar of Virginia State Papers and Other Manuscripts . . . (1652-1869), Richmond, 1875-93 [hereinafter cited as Calendar], V, pp. 201-202.
30. Order Book, no. 19 (1788-91), May 28, 1789, p. 152, see entry 158.
31. Acts 1850-51, p. 28; Order Book, no. 42 (1846-50), Aug. 22, 1850, p. 488 (the new courthouse being completed, the court adjourns to that place), see entry 158.
32. Date on cornerstone of present courthouse; conversation with Mr. S. L. Farrar, Jr., county clerk, Amelia County, August 1939.

Historical Sketch (First entry, p. 66)

Among the early justices of the new county were Edward Booker, Charles Irby, Richard Booker, Abraham Green, James Clarke, John Dawson, Thomas Tabb, Henry Anderson, William Watson, Francis Anderson,[33] Thomas Jones, Robert Tucker, Richard Clarke, William Clement, Samuel Tarry, William Archer, Hezekiah Ford, William Booker, Henry Childs, Wood Jones, and James Branch.[34] The first clerk, who served until 1757, was Samuel Cobbs;[35] the first sheriff, John Burton;[36] and the first coroner of whom there is mention, Henry Anderson.[37] There were two constabular districts, John Bentley officiating above Deep Creek, and William Near below this stream. In 1736 a county surveyor, whose name is not mentioned, was appointed by William and Mary College. Among the early attorneys granted licenses by the court were Stephen Dewry, William Bottonby, Thomas Eldredy, and John Scott.[38]

A considerable portion of the time of the earliest courts was given to road affairs such as appointing road surveyors and viewers, or authorizing construction or repairs of roads and bridges or "turning" (straightening) of old roads.[39] Roads were routed to the mills, to stores which were often located at cross roads, to bridges or ferries, to churches, to the county seat and to ordinaries. Churches, stores and ordinaries, being focal points for roads, were often used as polling places.[40] Other roads were constructed to connect with roads outside the county.[41] Sign boards were erected, and at some places swinging toll gates were in operation.[42] Each section of road had its road surveyor, appointed by the court, who was assisted by "hands" from plantations adjoining the road. Neglect in keeping the road, bridges or sign posts was subject to grand jury indictment and records show a number of road surveyors discharged. The care of the more important bridges was sometimes contracted for; by one such contract, a bridge keeper was paid 4 pounds 17 shillings 6 pence for a period of 7 years.[43] Some of the more important

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33. Order Book, no. 1 (1735-46), May 9, 1735, p. 1; April 8, 1737, p. 22, see entry 158.
34. [Council Journal] (1722-73), June 10, 1741, p. 45 [ms. vol. in Vi., Richmond, Va.].
35. Order Book, no. 1 (1735-46), May 9, 1735, p. 1, see entry 158; Frederick Johnston, Memorials of Old Virginia Clerks . . ., Lynchburg, 1888, p. 37.
36. Order Book, no. 1 (1735-46), May 9, 1735, p. 1, see entry 158.
37. [Council Journal] (1722-73), October 23, 1739, p. 14 [ms. vol. in Vi., Richmond, Va.].
38. Order Book, no. 1 (1735-46), May 9, 1735, p. 1; July 11, 1735, p. 2; Nov. 14, 1735, p. 4; April 9, 1736, p. 8, see entry 158.
39. Ibid., passim.
40. Ibid., Nov. 16, 1739, p. 83; Aug. 15, 1746, p. 19; ibid., no. 11 (1768-69), Nov. 23, 1769, p. 5; ibid., no. 12 (1769-71), Mar. 22, 1770, p. 42; April 26, 1770, p. 50; May 21, 1770, p. 71; May 23, 1771, p. 207; ibid., no. 18 (1786-88), April 27, 1787, p. 100; ibid., no. 19 (1788-91), passim; ibid., no. 20 (1792-95), passim.
41. Ibid., no. 1 (1735-46), April 15, 1740, p. 117.
42. Ibid., no. 2 (1746-51), Aug. 19, 1748, p. 99; ibid., no. 13 (1772-76), May 25, 1775, p. 316.
43. Ibid., no. 1 (1735-46), Feb. 20, 1740, p. 138; ibid., no. 2 (1746-51), May 16, 1746, p. 1; ibid., no. 6 (1760-63), May 26, 1763, p. 54; ibid., no. 12 (1769-71), June 28, 1770, pp. 75, 83; Mar. 28, 1771, pp. 169, 175; ibid., no. 14 (1776-79), May 22, 1777, p. 40.

roads of the early days were the Cox Road, the Petersburg-Farmville Road, Church Road, Anderson Road and Lyle's Ford Road. There is mention from time to time of other types of ways such as cart ways, bridle ways, and race paths.[44]

Among the early representatives from Amelia to the House of Burgesses were Richard Jones and Edward Booker, both serving from 1734 to 1740 and the latter again between 1742 and 1747.[45] Samuel Cobbs served between 1742 and 1747. Between 1748 and 1758 Thomas Tabb represented Amelia; Wood Jones between 1748 and 1755. Richard Booker served from 1756 until his death in 1760, at which time (John) Winn was elected.[46]

Among the county officers of Amelia County during the Revolutionary Period were John Tabb, Vivion Brooking, Christopher Ford, William Archer, Edmund and John Booker, justices;[47] Benjamin Ward, Sr. and John Booker, sheriffs.[48]

The part played by the county of Amelia in the Revolution is shown by the various orders of the Council of Virginia. The Minutemen were armed and equipped during June and September 1776;[49] in May 1776 certain troops were ordered to Petersburg,[50] while on August 16, 1777 four companies of her militia were ordered to Williamsburg.[51]

Amelia County suffered the devastations of General Tarleton in 1781;[52] in July of that year he was at Amelia Court House,[53] and the many depredations of the British forces are shown in a petition of October 3, 1782.[54]

It was at the home of Benjamin Ward that the most famous exploit of Peter Francisco took place, when he fought 9 British cavalrymen in sight of Tarleton's troop of 400.[55]

Partly because of favorable climatic conditions and topography, Amelia has always been an agricultural region. The annual mean temperature as ob-

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44. Ibid., no. 1 (1735-46), Nov. 16, 1739, p. 83; Dec. 21, 1739, p. 85; Mar. 15, 1743, p. 311, et passim; ibid., no. 2 (1746-51), Aug. 19, 1748, p. 101; ibid., no. 6 (1760-63), Feb. 26, 1761, p. 81; ibid., no. 11 (1768-69), Nov. 24, 1768, p. 349; ibid., no. 12 (1769-71), May 23, 1771, p. 207; Aug. 22, 1771, p. 242; Joseph Martin, A New and Comprehensive Gazetteer of Virginia . . . ., Charlottesville, 1836, p. 127.
45. McIlwaine and Kennedy, Journal of the House of Burgesses, VI, pp. vii, ix.
46. Ibid., VII, pp. vii, and note, ix; VIII, pp. vii, ix; IX, p. vii, and note.
47. Order Book, no. 14 (1776-80), May 23, 1776, p. 1; July 25, 1776, pp. 5, 10; Feb. 27, 1777, p. 18, see entry 158.
48. Ibid., July 25, 1776, p. 5; Nov. 28, 1776, p. 16.
49. McIlwaine, Journals of the Council of the State of Virginia, I, pp. 19, 26-28, 162.
50. Ibid., II, p. 512.
51. Ibid., I, p. 467.
52. Amelia Legislative Petition, May 30, 1782 [ms. in Vi., Richmond, Va.].
53. Calendar, II, p. 220.
54. Amelia Legislative Petition, Oct. 3, 1782 [ms. in Vi., Richmond, Va.].
55. William and Mary Quarterly, 2nd series, XIII, p. 215.

served in the region was 59.3° in 1931[56] and 56.4° in 1935.[57] A growing season averaging 190 days,[58] a precipitation range from 32 to 44 inches per year;[59] and an abundance of drainage provided by the numerous streams[60] afford other propitious conditions. The difference in the nature of the soils lends itself to diverse farming,[61] but for long years tobacco was the chief commercial crop,[62] the county being located in the tobacco region par excellence.[63]

Much of the history of Amelia, along with that of neighboring counties, could be written around the story of tobacco. Writing of the middle of the eighteenth century, Howe states that tobacco culture below the fall line having exhausted the soil, its culture had been steadily advancing westward where fresh lands were to be had, and he adds that the tobacco-growing districts nowhere exhibited the same external face of verdue or marks of rural comfort as did the region in which its culture had been abandoned. Yet the demands and the inviting price paid for the plant encouraged the settlers to raise it to the neglect of other crops.[64] Cabell, writing also of the Colonial Period, says that the colonial policy of the mother country drove the planters against their inclination to tobacco raising as the readiest, most certain, and almost exclusive source of revenue.[65] Speaking of tobacco lands generally, Hesseltine attributes the soil depletion in part at least to the crude methods of cultivation, which, incidentally, obliged a farmer to hold more land than he actually cultivated.[66] Even until about 1870, so far as the majority of farmers were concerned, these old methods, employed almost since the first settlement, underwent little change.[67] Amelia ranked in the first district when the State was divided in 1782 into four districts on the basis of

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56. U. S. Department of Agriculture, Weather Bureau, Climatological Data, Virginia Section, F. N. Hibbard, Richmond, Va., XLI (1930-31), p. 50 (Prince Edward point of observation).
57. Ibid., XLV (1934-35), p. 50 (Prince Edward point of observation).
58. Allen, Virginia, pp. 13, 17.
59. Jedediah Hotchkiss, ed., Virginia: A Geographical and Political Summary . . ., Richmond, 1876, p. 57.
60. Switzler, Report, p. 186; Virginia State Department of Highways, County Maps, 1936, p. 4.
61. Switzler, Report, p. 188.
62. Nathaniel Francis Cabell, Early History of Agriculture in Virginia, Washington, [ca. 1860], pp. 16-17; William Stith, The History of the First Discovery and Settlement of Virginia, New York, 1865, p. 140; see also the weekly tables of exports from the James River region in the Williamsburg Gazette, commencing in 1736 and running (with gaps) to 1779.
63. "The Status of Virginia Agriculture in 1870" in Report of the Commissioner of Agriculture for the Year 1870, Washington, 1871, p. 271.
64. Henry Howe, Historical Collections of Virginia . . ., Charleston, 1845, p. 133.
65. Cabell, Early History of Agriculture in Virginia, pp. 16-17.
66. William B. Hesseltine, A History of the South, 1607-1936, New York, 1936, pp. 34-35.
67. "The Status of Virginia Agriculture in 1870", p. 268.

ability to pay land taxes,[68] and the average assessed value per acre of all land in 1790 was 10 shillings.[69]

Tobacco, from the earliest days of the county until 1787 at least, was used as money to pay tithes, levies, salaries, or fees.[70] The standard of the commodity has been a matter of importance in the Colony since 1619, when four inspectors for each "corporation" (corresponding to some of the later counties) were appointed. Five years before Amelia County was formed, an elaborate tobacco inspection act was passed. Other laws since then, even to the present century, have been passed seeking to maintain the high quality and correct packing of Virginia tobacco.[71]

By 1782 there is record that an important crop besides tobacco was grown, for Amelia was a chief source of flour for the troops of the State and the Continental forces.[72] Also, about this time, the county supplied beeves for the army.[73]

In the first quarter of the nineteenth century there is indication that Amelia was awakening to the need of better methods of cultivation, for there were at least two members of the Agriculture Society of Virginia from Amelia, Dr. Theodrick Banister and Dr. John R. Archer.[74] During the ensuing decades considerable interest and initiative were manifested by various planters who wrote to Ruffin's Farmers' Register concerning their agricultural experiments, the matter of soil impoverishment receiving the chief attention. One writer to the Register said in 1833, "The part of Virginia in which I live [Amelia] . . ., has been, and for a long time to come, must be a tobacco growing country. This we well know, and must lament, (if, as has been so often of late asserted) the culture of tobacco be incompatible with the proper care of the soil." However, various materials, such as pine leaves, corn stalks, and stone plaster, were reported as being effective fertilizers.[75]

In 1838 the more progressive farmers of Amelia joined with those of Nottoway to promote agricultural improvement, and it was proposed to hold annual meetings at Jetersville, Amelia County, for the purpose of exhibitions and discussions. In the list of exhibits were several for women as well as for men.[76] By the middle of the nineteenth century the principle of diverse farming had resulted in the following distribution: corn, 250,251 bushels; wheat, 109,960 bushels; oats, 70,075 bushels; and tobacco 1,786,788 pounds.[77]

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68. Hening, Statutes, XI, pp. 140-142.
69. Ibid., XIII, p. 157.
70. Ibid., IV, p. 48; ibid., VI, p. 137; Order Book, no. 1 (1735-46), Nov. 16, 1739, p. 84; ibid., no. 5 (1757-60), Sept. 30, 1763, p. 261; ibid., no. 15 (1780-82), Feb. 22, 1781, p. 45; ibid., no. 18 (1786-88), Feb. 22, 1787, p. 63, et passim, see entry 158.
71. See Governmental Organization and Records System, p. 44.
72. Calendar, II, p. 248.
73. Ibid., III, p. 293.
74. Memoirs of the Society of Virginia for Promoting Agriculture . . ., Richmond, 1818, pp. xi-xiii.
75. The Farmer's Register, I, pp. 441, 461, 631, 689-690; ibid., VII, pp. 180-181, 631-632, 759.
76. Ibid., VI, pp. 416-417.
77. Richard Edwards, ed., Statistical Gazetteer of the States of Virginia and North Carolina . . ., Richmond, 1856, p. 163.

Twenty years later it could be stated that the farmers were slowly improving their system of culture, and clover was being planted after a tobacco-wheat sequence, while fertilizers were widely applied. At about this date, there was a farmers' organization of 100 members.[78] Before 1890, Judge Farrar states that tobacco was the chief staple crop and that its raising, caring, and management had been carried to great perfection; however, wheat, corn, and hay were still produced, and some small quantity of grapes yielding as high as $150 per acre had been marketed in New York.[79]

In the twentieth century certain conspicious changes have taken place in contrast with earlier days in the county. Whereas in the Colonial Era there were many farms of 1,000 acres or more, today there are only 8; the farm acreage of greatest frequency is in the category of 10 to 19 acres, with farms of from 100 to 139 acres ranking about the same, while after this there is a sharp drop in frequencies as the size increases.[80] As contrasted with the period immediately following the War Between the States, Negro farm operators today almost equal in number the white farm operators. The latter, however, tend to increase more than the former.[81] In respect to farm values there has been great gain. There was a general rise to a peak price of $33.64 for 1930, the greatest gain being between 1910, when the value was $13.42, and 1930, when the value was $38.28. The census of 1935 gives the value as $18.66.[82]

Certain tendencies are apparent during the decades thus far in the century. One of the noticeable changes is in respect to the amount of improved land, which diminished to 50,560 acres in 1920, with a rise again in 1929 and 1934 to 58,901 and 59,773 acres respectively.[83]

The percentage of tenantry has remained nearly constant, with a slight downward fluctuation from 21 percent in 1910 to 20 percent in 1935.[84]

Another tendency is toward diversification of crops; among the staple crops of these decades, besides tobacco, have been wheat, corn, oats, and potatoes, both Irish and sweet. Tobacco has ranked third in respect to pounds produced, being superseded by corn and wheat. During the last few years dairying has taken first rank in respect to net value of production, while tobacco has second place.[85]

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78. "The Status of Agriculture in Virginia in 1870", pp. 276, 279.
79. F. R. Farrar, Amelia County, Virginia, an Outline of the Soil, Productions, Minerals, Etc., Richmond, 1888, pp. 1-3.
80. United States Census of Agriculture, 1935, I, Reports for States, with Statistics for Counties . . ., pt. 2, The Southern States, Washington, 1936, p. 430; see footnote 18.
81. Census of Agriculture, 1935, I, pt. 2, p. 398.
82. Ibid., p. 398; United States Census of Agriculture, 1925, Virginia, Statistics by Counties, Final Figures, Washington, 1927, p. 19.
83. Ibid., p. 8; Census of Agriculture, 1935, I, pt. 2, p. 398.
84. See footnote 83.
85. Census of Agriculture, 1935, I, pt. 2, p. 417; conversation with Mr. E. L. Wood, county agricultural agent, Amelia County, August 1939.

Part of these tendencies and improvements may be attributed to the work of county agricultural agents. About 1907 agricultural education was carried on by certain farmers who had successfully tried new policies and methods of farming. One of these, Mr. Sandy, a successful dairyman, became known as State leader in this movement, which culminated in a farmers' organization (known as the Farmers Union), and in the reviving of county fairs. However, when the Tri-State Tobacco Cooperative was formed this organization with its emphasis upon diversification of crops was killed, as it was in many other counties. The first county demonstration work commenced here in 1907, and since the passage of the Smith-Lever Act (by which Congress authorized Federal aid for extension work in the states), the county has had an agricultural agent appointed by the Virginia Agricultural and Mechanical College and Polytechnic Institute. Since that time a vigorous campaign aimed at reaching each farmer personally has been conducted. Well defined agricultural objectives have been set up, better methods have been demonstrated, and statistics kept. Although the years 1934 and 1935 showed only slight cooperation with the Agricultural Adjustment Administration, the years 1936-38 show more. In 1936, when the Soil Conservation Act replaced the Agricultural Adjustment Administration, there were 400 contracts signed and fulfilled; in 1938, 1200 contracts were signed but only 800 fulfilled.[86]

The agricultural policy today is to build up the land, over a period of years, to its early fertility and to produce more crops per acre on less land, even at the sacrifice of a potentially greater cash income.[87]

Closely associated with the county agent's work has been that of the home demonstration agent, who started the 4-H Club in the county which has twice won the State banner.[88]

Compared with agriculture throughout the years, manufacturing has played a small part in the economic life of Amelia. Though there were saw and grist mills in the Colonial Period,[89] on account of England's colonial policy these served local needs only.[90] About 1835, mention is made of a large manufactory producing wheat machines and plows, of a cotton gin, and of a cotton factory (at Paineville). An important flour mill of this time was Finney's Mill on Beaver Pond Creek which flowed into the Appomattox River; along this water route the produce of the mill reached the Petersburg market.[91] Near the middle of the nineteenth century the 37 manufacturing establishments in the county had an invested capital of $65,575 and used $128,352 worth of raw materials whose annual manufactured value amounted to $158,545. Among the products in 1876 were

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86. Federal-State Crop Reporting Service, Bulletin XII, Virginia Farm Statistics, 1935-36, Richmond, 1936, pp. 79-81, 85, 87; conversation with Mr. E. L. Wood, Aug. 1939; The Statutes at Large of the United States (1873--), Washington, 1875--, XXXVIII (1913-15), pt. 1, pp. 372-374; see County Agricultural Agent, pp. 209-211.
87. See footnote 86.
88. See footnote 86.
89. Order Book, no. 12 (1769-71), Mar. 22, 1770, p. 42; Aug. 23, 1770, p. 115; ibid., no. 15 (1780-82), Feb. 28, 1782, p. 86, et passim, see entry 158.
90. Hesseltine, A History of the South, 1607-1936, p. 116.
91. Martin, Gazetteer of Virginia, pp. 127-128.

boots, shoes, saddles, wagons, and carts.[92] About 70 years later, the number of establishments had dropped to 28, but there was a slight rise in the amount expended for raw materials and the value of manufactured products.[93] By 1935 the number of establishments was only three, while the value of the manufactured goods fell to $46,600.[94]

Mining has had a more important role, yet it too, has now dropped to an insignificant place in the economic life. Almost the entire production of mica in the State has been in Amelia County.[95] The most productive mines were the Jefferson, the Rutherford, the Berry, the Winston, and the Pinchback, most of these in the vicinity of Amelia Court House.[96] Watson states that he believes the first mining of mica in this district was in 1873 on the Jefferson property. Production in the State rose from 1,500 pounds in 1886, to 16,000 pounds in 1900, to 96,000 pounds in 1902, after which, in 1906, only 1 mine was in operation.[97] Other minerals produced were feldspar, which was shipped for use in pottery manufacturing, and soapstone, of which there was a belt of good quality in the vicinity of Amelia Court House, which had been quarried many years prior to the twentieth century. This belt of soapstone was abandoned by 1906, although another area of this mineral was then about to be quarried by a Philadelphia company. Besides those mentioned, rare minerals such as microlite, allanite, garnet, zircon, beryl, tourmaline, and others are found.[98] Even some iron ore has been noted on the northern edge of the county and kaolin of fine quality is present.[99]

Until the appearance of the railroads, the roads and the streams were the only means of transporting goods to and from the mills, factories and markets. Although not so favored with navigable streams as some neighboring counties, Amelia made use of the Appomattox River, which bordered it, and of at least one of its tributaries. Not long after the establishment of the county, the legislature authorized the inhabitants of Amelia County, who were accustomed to transport their tobacco to warehouses by way of the river, to clear the stream and prohibit further building of dams, stone stops, or hedges for catching fish. Those dams already built were to have passages or locks made by the owners, and the court was further authorized to appoint official inspectors to pass on the efficiency of such passages or locks. Ten such inspectors were subsequently appointed. By 1836 at least Deep Creek, a stream large enough to admit navigation by batteaux, was used as a route to market.[1]

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92. Hotchkiss, Virginia, pp. 98, 100-101.
93. Fifteenth Census of the United States, 1930, Manufactures: 1929, State Series, Virginia, Washington, 1932, p. 2.
94. Commercial Atlas, p. 409.
95. Thomas Leonard Watson, Mineral Resources of Virginia, Lynchburg, 1907, p. 284; Farrar, Amelia County, pp. 3-4.
96. Watson, Mineral Resources of Virginia, p. 280.
97. Ibid., pp. 280, 284.
98. Ibid., pp. 282, 284, 291-292.
99. The Virginias, a Mining, Industrial and Scientific Journal . . . ., I (1880) p. 92; ibid., V (1884), p. 185.
1. Hening, Statutes, VI, pp. 69-71; Order Book, no. 1 (1735-46), May 17, 1745 p. 321, see entry 158; Martin, Gazetteer of Virginia, p. 127.

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In common with the others in the State, these streams fell into disuse as a means of transportation after railroads became established. Today, according to the commissioner of revenue for Amelia County, there are no business concerns using the river along the borders of the county.[2]

Interest in transportation by rail was early apparent in the county. The Amelia and Nottoway Railroad and the Amelia or farmer's railroad, authorized to incorporate in 1846 and 1857 respectively,[3] apparently came to nothing, but the Richmond and Danville Railroad, chartered in 1847, attained concrete existence. By May 1851 it was in operation from Richmond to the Appomattox River (eastern boundary of Amelia County), while November of the same year saw the road ". . . in actual use to Jetersville . . . and . . . with slight work to be accomplished by December, the grading will have been finished to Burkeville . . . ."[4] This line, after many years of successful operation, was sold by foreclosure; the purchasers were authorized to incorporate themselves, and to purchase or lease other roads from time to time. The Richmond and Danville was thus the nucleus of the present Southern Railway, which is today the only rail line serving the county, and extends through many states.[5]

Although there is only one railroad, Amelia County is well served by the Greyhound passenger busses and by five hauling concerns which operate trucks. The Greyhound lines make a total of 12 scheduled stops per day at Amelia Court House. The motor freight lines connect the various points in the county with the Richmond market and freight facilities. The road system over which these vehicles travel fell under control of the State in 1932; since that time there has been expended on the primary roads in the county $514,658.49 and on the secondary, $229,686.87.[6]

Not only the pursuit of agriculture and industry but of culture as well has claimed the interest of the inhabitants of Amelia County. Religious and educational institutions were established early in the county's history and have undergone important changes.

When the county was established the Episcopal Church was the official or State church and performed certain civic duties such as taking a list of tithables, caring for the poor, and binding out children of the poor to learn

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2. Conversation with Mr. G. O. Hardy, commissioner of revenue, Amelia County, August 1939.
3. Acts 1840-41, p. 110; Acts 1845-46, pp. 92-93; Acts 1857-58, p. 121.
4. Acts 1846-47, p. 108; Switzler, Report, pp. 20-22, 36-37; Thirty-Sixth Annual Report of the Board of Public Works, 1851, Richmond, 1851, pp. 148-149.
5. Acts 1893-94, pp. 368-372; Report of the State Corporation Commission, 1911, Richmond, 1911, p. 846.
6. Timetable of Greyhound Bus Line, August, 1939, table no. 15; conversation with Mr. G. O. Hardy, commissioner of revenue, Amelia County, August 1939; Virginia, State Department of Highways, State Highway Commission, Report of, June 30, 1938, Richmond, 1938, pp. 66, 68; information supplied by State Corporation Commission.

a trade. The parish was the administrative unit and 12 vestrymen, elected by the parishioners from among the ablest and wealthiest men of the parish, constituted the governing board. A parish usually owned a glebe, a tract cultivated or otherwise used for the financial benefit of the parish or the support of its pastor.[7] When the county was formed, as has been noted above, it included parts of two other parishes; these portions were then united under the name of Raleigh Parish.[8] In 1748 at the same time that the inhabitants petitioned for division of the county, the vestrymen of Raleigh Parish petitioned for division of the parish. Though Prince Edward was not cut off until 1754, by May 19, 1749, Raleigh Parish was divided and Nottoway Parish formed from part of it.[9] Three years later, upon a petition from inhabitants stating that the former election of vestrymen was illegal, the legislature passed an act for dissolving the vestry of Nottoway Parish. It is interesting to note that at this date, besides the usual oath of conformity to the doctrines of the Church, vestrymen had to take the oath of conformity to the act of Parliament for insuring a future protestant reign and for extinguishing the monarchial hopes of the Prince of Wales.[10] Another change occurred in Nottoway Parish when Prince Edward, which although a distinct county had been still a part of this parish, withdrew its portion of the parish under the name of Saint Patrick's Parish.[11] By 1758 there is record of a new church in Nottoway Parish, while again in 1760 another petition from inhabitants of the parish requested that the vestry be dissolved and the parish divided.[12]

At the time of the formation of the county, there was a group of Scotch-Irish Presbyterians at Buffalo Creek, and though this region later became part of Prince Edward County, a "Minister of the Gospel according to the Discipline and doctrine of the church of Scotland" produced a ministerial license in the Amelia court.[13] Methodists were active by 1777 at which date their fifth conference was held and 3 ministers appointed for Amelia County, in which there were 620 communicants. Two years later there were 470 communicants.[14] John Early (later a bishop of the Methodist Episcopal Church) preached in Amelia County about 1807; in his diary he wrote in 1808, "Tuesday, 8th, to Amelia, eight miles. We had a few people and some shouted for joy."[15]

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7. Hamilton James Eckenrode, Separation of Church and State in Virginia, A Study in the Development of the Revolution, Richmond, 1910, pp. 5-19, et passim; Hugh Jones, The Present State of Virginia, New York, 1865, pp. 66-67, 71; Order Book, no. 5 (1757-60), July 28, 1757, p. 2, see entry 158; Hening, Statutes, XII, pp. 720-721; ibid., VI, p. 89.
8. Ibid., IV, pp. 467-468.
9. Order Book, no. 2 (1746-51), June 20, 1748, p. 95; May 19, 1749, pp. 141-142, see entry 158; McIlwaine and Kennedy, Journal of the House of Burgesses, VIII, p. 125; Hening, Statutes, VI, p. 379.
10. Ibid., VI, pp. 272-273.
11. Ibid., VI, p. 504.
12. Order Book, no. 5 (1757-60), Feb. 23, 1758, p. 60, see entry 158; McIlwaine and Kennedy, Journal of the House of Burgesses, IX, p. 191 (Oct. 11, 1760),
13. Virginia Magazine XVIII, no. 1 (Jan. 1910), p. 40; Order Book, no. 14 (1776-80), Jan. 22, 1778, p. 54, see entry 158.
14. Rev. William W. Bennett, Memorials of Methodism in Virginia . . . (1772-1829), Richmond, 1871, pp. 97, 103.
15. Virginia Magazine, XXXIV, no. 4 (Oct. 1926), p. 303.

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The Baptist denomination is mentioned first in the magisterial record in 1768 when a petition of the Liberal Baptists for a place of meeting was rejected. However, by 1787, at least, a member of the Christian Society of Baptists was granted permission to perform the marriage ceremony according to Baptist custom.[16] All of these denominations were still in existence in 1835; according to Martin, there were two Presbyterian churches, one Baptist church and three Methodist churches. In Paineville, each church had a union Sunday School. About this time, the Baptist church, in addition to its regular activities, maintained a Female Benevolent Society which was educational in nature; and the Presbyterian had a Tract Society.[17] By 1888, the Disciples Church was added to the list of denominations, while no neighborhood was without some church conveniences.[18] Today, not only does the county welcome any denomination, but often the denominations held union services and cooperate in civic activities.[19]

A second cultural interest of the county was education, an interest which grew with the years. Morrison, writing of the educational system of the eighteenth century generally, quotes Governor Tyler in 1809 thus: "A faint effort was made some years past to establish schools in the respective counties . . ., but . . . the courts had a discretionary power to execute the law or not, which completely defeated the object intended; for in no instance had the law been complied with, to the disgrace of the County Courts, and to the great disadvantage of the people . . . ."[20] At the beginning of the nineteenth century (December 26, 1800) Jefferson College was chartered but according to Morrison probably never became a reality.[21] About 1825, the Honorable William B. Giles, Governor of Virginia from 1827 to 1830, conducted a classical school at his home, "Wigwam", which is still standing.[22] Another school of this period was the Amelia Academy, which opened its doors about 1836 and which in 1857 was rated as a highly efficient preparatory school. Four years later Washington Academy was incorporated, and a school of that name was still in existence in 1873.[23] By mid-century there was some attempt made to educate "poor children" through the Literary Fund although comparatively few benefited from this.[24]

Various acts had sought to provide free education, but it was not until 1870 that a State-wide system of education actually began.[25] At that time a

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16. Order Book, no. 11 (1768-69), Nov. 24, 1768, p. 350; ibid., no. 18 (1786-88), June 28, 1787, p. 133, see entry 158.
17. Martin, Gazetteer of Virginia, pp. 127-128.
18. Farrar, Amelia County, p. 8.
19. Conversation with Mr. S. L. Farrar, Jr., county clerk, Amelia County, August 1939.
20. A. J. Morrison, The Beginnings of Public Education in Virginia, 1776-1860, Richmond, 1917, p. 24.
21. Ibid., p. 160.
22. Martin, Gazetter of Virginia, p. 128; Morrison, Beginnings of Public Education, p. 160 [footnote]; Report of the Secretary of the Commonwealth . . . (1936-37), Richmond, 1937, p. 319; see footnote 19.
23. See footnote 21.
24. "Number of Poor Children Sent to School . . ." in Documents Containing Statistics of Virginia Ordered to be Printed by the State Convention . . . 1850-51, Richmond, 1851, (pages not numbered).
25. Acts 1869-70, pp. 402-417; see Division Superintendent of Schools, p. 188.

superintendent, a Presbyterian minister, was commissioned.[26] However, standards were low. One writer stated that at this time nearly all the prominent men were still opposed to the public school system because it was considered to be a system forced upon them by the North.[27] Fifteen years later the total expenditures for public schools was only $8,454.64. The 35 schools in the county employed 35 teachers, 10 of whom were colored, at an average monthly salary of $27.29. Among the whites, 69 percent of the population of school age was enrolled, and among the Negroes, 29 percent.[28] In addition to the public schools, some schools for Negro children were maintained by Northern churches.[29] In 1885 the school census showed 150 pupils in primary schools and 6 students enrolled in academies and colleges.[30]

In the school statistics of the present century much improvement is evident. Whereas total expenditures in 1885 for public schools were $8,454.64, in the year 1924-25 they were $65,808.94. By the year 1930-31, the number of schools had increased to 45 of which 44 were elementary, an equal number for white and Negro, with an equal number of each race enrolled.[31]

Within the century itself progress has been less marked. Receipts rose from $76,601 in 1924-25 to $80,344.36 in 1937-38, while disbursements rose from $76,601 in the former year to $78,898.05 in the latter. The average daily attendance of both white and Negro increased, the Negro slightly more than the white, the former being 91.7 percent and the later 84.5 percent in 1937-38. Although there was no Negro high school in 1930, one had been erected by 1937 as well as an agricultural school and a "Home" for the department of home economics for the use of Negro children. While white children had a home economics housekeeping room in 1935, the agricultural department had no agricultural building until 1939. There has been considerable consolidation of elementary schools, 13 busses operating for white and 6 for Negro children. A marked and significant improvement has been made in respect to teacher certification; practically all teachers now hold a professional certificate.[32] In spite of this progress, illiteracy still remains a problem for there were 946 illiterates in 1930.[33]

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26. H. T. Tucker, "History of Public Schools of Amelia County" in Virginia School Report, 1885, Fifteenth Annual Report of the Superintendent of Public Instruction . . ., Richmond, 1885, pt. III, p. 149.
27. See footnote 26.
28. Virginia School Report, 1885, pt. II, pp. 11, 14, 33, 63.
29. Farrar, Amelia County, p. 8.
30. Virginia School Report, 1885, pt. I, p. 155.
31. Annual Report of Division Superintendent of Schools, 1923-24, 1930-31, 1937-38 [In office of Division Superintendent of Schools at Amelia, August 1939]; Annual Report of the Superintendent of Public Instruction . . . 1923-24 and 1924-25, State Board of Education Bulletin VIII, no. 2 (Oct. 1925), Richmond, 1926, pp. 58, 60; Annual Report of the Superintendent of Public Instruction . . ., 1930-31, State Board of Education Bulletin XIV, no. 3 (Nov. 1931), Richmond, 1932, p. 183; Annual Report of the Superintendent of Public Instruction . . ., 1937-38, State Board of Education Bulletin XXI, no. 3 (Sept. 1938), Richmond, 1938, pp. 132, 136-137; see footnote 28.
32. See footnote 31.
33. Commercial Atlas, p. 409.

Significant changes have taken place also in matters of general welfare. In the earliest days the poor were the concern of the parish vestry, who, among other things, bound out poor children to learn a trade.[34] At least part of the maintenance of the indigent population was from fines imposed upon road surveyors for negligence in their duties.[35] In 1785 the vestry as guardians of the poor was replaced by officials elected by inhabitants of the county; as early as 1795 there were four overseers.[36] Drunkenness was a matter for indictment by the grand jury in 1763, insolvent debtors were sent to jail, and insane inhabitants were sent to the hospital for the insane at Williamsburg.[37]

Some attention was paid to health. Mill ponds were thought to be a source of ill health, while certain mineral springs in the county were regarded as having beneficial qualities. Among the Amelia County springs were the Amelia Sulphur Springs, Otterburn Springs, and the Mohican Well. The first-named was the most noted; about 1848 it is said to have had crowds of visitors, sometimes as many as 800 at one time. In 1870, by the School Act, children with contagious diseases were excluded from school and vaccination of school children was compulsory.[38]

Before the act of 1936 which provided State aid to the counties, the board of supervisors had charge of publicly financed relief work. Today all activities of this nature are handled by the county superintendent of public welfare, either directly or by reference to other agencies such as Work Projects Administration, the National Youth Administration, the Civilian Conservation Corps, the Surplus Commodities Commission, and the State Board of Public Welfare. Of the total expenditures for general relief, the county pays 37½ percent and the Nation and State provide the remainder. Besides its aid in general relief, the superintendent assists needy aged people, blind persons and orphaned children. The average relief cost per case during the second quarter of 1938 was approximately $3.60, which ranked the county low, in this respect, in the State.[39]

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34. Order Book, no. 5 (1757-60), July 28, 1757, p. 2, see entry 158.
35. Ibid., no. 12 (1769-71), June 27, 1771, p. 220.
36. Lester J. Cappon, "The Evolution of County Government in Virginia" in Inventory of the County Archives of Virginia, No. 21, Chesterfield County, Charlottesville, 1938, p. 6; Order Book, no. 18 (1786-88), April 27, 1787, p. 100; ibid., no. 20 (1792-95), July 23, 1795, p. 482, see entry 158.
37. Ibid., no. 7 (1763), May 26, 1763, p. 54; ibid., no. 18 (1786-88), April 27, 1787, p. 102; ibid., no. 20 (1792-95), May 28, 1793, p. 37, et passim.
38. Farmers Register, II, p. 579; Watson, Mineral Resource of Virginia, p. 265; William and Mary Quarterly, XXIV, no. 4 (Apr. 1916), pp. 234, 235; Farrar, Amelia County, pp. 4-5; Acts 1869-70, p. 414.
39. Acts 1936, pp. 374-377; Acts 1938, pp. 638-669.

(First entry, p. 66)

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Structural Development of County Government

Most county systems in America are copied, to some extent, from the English shire or county.[1] In Virginia, however, "the English institutions of the time of the settlement were more nearly reproduced. In that colony the county - a mere subdivision of the colony without independent life as the New England town - early became the unit of representation in judicial and financial administration. The parish . . . combined both ecclesiastical and civil functions. In time the county as a governmental unit took over much of the civil work of the parish."[2]

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

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

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

"It has been held by authorities that a county is a political subdivision of the State for the purpose of civil administration of such powers as may be delegated by the State."[10] The status may be summarized in the statement that

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1. James Bryce, The American Commonwealth, London and New York, 1893, I, p. 582; see also footnote 2.
2. Eugene McQuillin, The Law of Municipal Corporations, 2nd ed., Chicago and New York, 1928 [hereinafter cited as McQuillin, Municipal Corporations], I, pp. 226-227.
3. Ibid., I, p. 246.
4. Report of the Secretary of the Commonwealth . . . (1937-38), Richmond, 1938, pp. 257-272.
5. See footnote 3.
6. See footnote 3; Supervisors of Norfolk Co. vs. Cox, 98 Va. 270 (at p. 274), 36 S. E. 380 (1900); 3 Michie's Digest 126, sec. 13.
7. Supervisors of Norfolk Co. vs. Cox, supra; 3 Michie's Digest 126, sec. 13.
8. 15 C. J. 393.
9. Board of Supervisors of King and Queen Co. vs. Cox, 155 Va. 687 (at p. 710), 156 S.E. 755 (1931).
10. Chichester, J., in Kirkpatrick vs. Board of Supervisors, 146 Va. 113 (at p. 126), 136 S. E. 186 (1926).

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 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]

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11. Board of Supervisors of King and Queen Co. vs. Cox, supra; 15 C. J. 389.
12. McQuillin, Municipal Corporations, I, pp. 395-401.
13. Lacy, J., in Fry vs. County of Albermarle, 86 Va. 195 (at p. 197), 9 S. E. 1004 (1890); language adopted in Smith vs. Kelley, 162 Va. 645, 174 S. E. 842 (1934).
14. Camp vs. Birchett, 143 Va. 686, 126 S. E. 665 (1925); Fry vs. County of Albermarle, supra; Ferguson vs. Board of Supervisors, 133 Va. 561, 113 S. E. 860 (1922); McQuillin, Municipal Corporations, I, p. 398.
15. Christian, J., in Camp vs. Birchett, supra (at p. 692); Ferguson vs. Board of Supervisors, supra; Fry vs. County of Albermarle, supra; McQuillin, Municipal Corporations, I, p. 396.
16. Code 1936, sec. 2710.
17. Ibid., sec. 2723.

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

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

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

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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. (at p. 223) (1883); Supervisors vs. Powell, 95 Va. 635, 29 S. E. 682 (1898).
21. Code 1936, sec. 2743; McQuillin, Municipal Corporations, I, p. 400.
22. Chichester, J., in Kirkpatrick vs. Board of Supervisors, supra (at. p. 126).
23. Hening, Statutes, I, pp. 64, 69-71, 73-74, 95-96, 103, 112.
24. Ibid., I, p. 96; Colonial Records of Virginia, Senate Document, Extra, Richmond, 1874, p. 20; William Stith, The History of the First Discovery and Settlement of Virginia, New York, 1865, pp. 152-153.
25. Ibid., pp. 152-153, 162; Susan M. Kingsbury, ed., The Records of the Virginia Company of London, Washington, 1903-33, III, p. 623, et passim; Philip A. Bruce, Institutional History of Virginia in the Seventeenth Century, New York, 1910 [hereinafter cited as Bruce, Institutional History], II, pp. 242-243; Hening, Statutes, I, pp. 131-132.
26. Bruce, Institutional History, I, pp. 592-594; Records of the Virginia Company, III, pp. 91, 121.
27. Ibid., III, pp. 241, 309-310, et passim; Bruce, Institutional History, II, pp. 245-250, et passim.

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, incorporatins and hundreds, and county lieutenants (commanders of local military forces) were appointed as in England.[32] Thus the military authority was divorced from the judicial and administrative. At the same time, sheriffs replaced the provost marshals, and bailiffs and sergeants could be appointed where needed.[33] There is no statutory mention of constables until 1643 nor of coroners until 1674, but since both of these were common law officers of ancient tradition, they were probably functioning in Virginia much earlier, as is suggested by the phraseology of the first acts.[34] The shift from the government of the Company to that of the Crown occurred in 1625 without serious alteration in the fabric of government, nor was there any violent change in the Commonwealth Period, during which the Assembly ruled the Colony and selected its Governors.[35] The Church of England always stood in close relationship with the government of Virginia;[36] the county was early divided into parishes,[37] and the parish vestry, chosen from among the parishioners,[38] acted as an arm of local government for the presentment and punishment of offenders against decency, sobriety or morality, and for the achievement of religious and charitable ends.[39] For the latter purpose they were empowered to levy a special tax and their agents, the churchwardens, acted as welfare officers.[40] The church also recorded christenings, weddings, and burials in the parish register and reported these events to the county court annually.[41] The first surveyor arrived in the Colony in 1621,[42] and by 1655 the county court was permitted to select one for each county.[43] In 1646 commissioners (forerunners of the present commissioners of the revenue) were appointed to take lists of tithables,[44] and in 1647 collectors of the tax

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28. Hening, Statutes, I, p. 125.
29. Ibid., I, pp. 130-133, 168-170, et passim.
30. Bruce, Institutional History, I, pp. 592-594.
31. Hening, Statutes, I, pp. 168-169.
32. Ibid., I, p. 224.
33. Ibid., I, p. 223.
34. Ibid., I, p. 246; ibid., II, pp. 325, 419; W. W. Hening, The Virginia Justice . . ., Richmond, 1825, pp. 205, 209.
35. Hening, Statutes, I, pp. 129-130, 363-368, 371-372, et passim.
36. Bruce, Institutional History, I, pp. 37, 42, et passim.
37. Ibid., I, pp. 55-61; Hening, Statutes, I, pp. 228-229, 237, 249, 400, 478.
38. Ibid., I, p. 291; Bruce, Institutional History, I, pp. 62-72.
39. Ibid., I, pp. 73-75, 81-91, 98-100; Colonial Records of Virginia, pp. 26-28; Hening, Statutes, I, pp. 160-161, et passim.
40. Bruce, Institutional History, I, pp. 74-78, 81-93, 98, 104-105.
41. Hening, Statutes, I, pp. 155, 158, 180, 182-183, 433.
42. Records of the Virginia Company, III, pp. 477, 486.
43. Hening, Statutes, I, p. 404.
44. Ibid., I, pp. 305-306.

(temporarily relieving the sheriff of this part of his duties)[45] were appointed. These appointments recurred intermittently thereafter until the American Revolution.[46] The county court had long been required to make provision for roads and bridges, when in 1658 a statute called for the regular appointment of surveyors of highways.[47]

After the Restoration in 1660 there was a rather marked reaction against the democratic spirit of the Commonwealth, but little or no change in the actual structure of local government.[48] The only significant addition was the elaborate system of warehousing and inspection for tobacco and other commodities. There had been frequent enactments for this purpose,[49] but that of 1730 first set up a practical plan. The Governor and the county court shared authority in the erection of warehouses and the appointment of inspectors, and all tobacco exported was subject to rigid examination as to quality and packing.[50] Thus the pattern of local institutions, established in the seventeenth century, passed into the period of the Revolution almost unaltered.

In 1777 three important agencies came into being - the High Court of Chancery, with the former equity jurisdiction of the General Court,[51] the commissioner of the tax (commissioner of the revenue),[52] and the assessors.[53] In 1785 the board of overseers of the poor took the place of the parish vestry as a welfare agency,[54] the church having lost all temporal power and much of its property in the disestablishment following the Revolution.[55] The District Superior Courts of Law, formed in 1788, received most of the common law jurisdiction formerly assigned to the General Court.[56] These courts, like the High Court of Chancery and the District Superior Courts of Chancery later established,[57] were not found in every county, but only at the central courthouse in each district. They are considered here because they were directly antecedent to the later circuit courts, and exercised the same authority in relation to the counties within their respective districts.[58] In 1800 the first

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45. Ibid., I, p. 342.
46. Ibid., II, p. 19; ibid., VII, pp. 78, 80, 641; Bruce, Institutional History, II, pp. 551-552.
47. Hening, Statutes, I, p. 436.
48. Bruce, Institutional History, I, pp. 263-264; Hening, Statutes, I, pp. 543-551; ibid., II, pp. 41-148.
49. Colonial Records of Virginia, pp. 23-24; Records of the Virginia Company, III, pp. 228-229; Hening, Statutes, I, pp. 152, 165, 190, 204, 211; ibid., III, p. 436.
50. Ibid., IV, pp. 247-271; ibid., V, p. 10; ibid., VII, p. 387.
51. Ibid., IX, p. 389.
52. Ibid., IX, pp. 351-352, 363-364.
53. Ibid., IX, pp. 352-355, 549; ibid., X, pp. 252, 501-503.
54. Ibid., XII, pp. 27-29, 273-274.
55. William Meade, Old Churches, Ministers and Families of Virginia, Philadelphia [ca. 1938], I, pp. 16-17 (as to disestablishment).
56. Hening, Statutes, XII, pp. 730-763.
57. Samuel Shepherd, compiler and editor, The Statutes at Large of Virginia . . .(1792-1808), 3 vols., Richmond, 1835-36 [hereinafter cited as Shepherd, Statutes], II, pp. 320-322.
58. Hening, Statutes, XII, p. 730; see Circuit Court, pp. 90-92.

regular appointments by statute of prosecutors (commonwealth's attorneys) for the local courts took place,[59] although there is ample evidence of the existence of similar functionaries during the Colonial Period.[60]

The first attempt at the inauguration of a free school system came in 1796,[61] but it was not until 1818 that any effective action was taken on a State-wide scale. A board of school commissioners was appointed in each county at that date to effect the establishment,[62] and in 1829 the counties were laid off in school districts.[63]

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

Before 1851, no officer of State or local government except the Burgesses or Assemblymen had been elected by popular vote, but after the constitutional revision effective that year, all officers of importance were elected and the freehold restriction was entirely removed. This resulted in free white male suffrage.[68] Attacks on the county court during the revising convention[69] resulted in the requirement that a presiding judge be present at all sessions.[70]

Although there was scarcely a county which did not feel the effects of the war, there were few changes in the form of local institutions until after 1869, when a new constitution was drafted for the readmission of Virginia into the Union.[71] This constitution embodied a number of innovations which had

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59. Shepherd, Statutes, II, p. 215.
60. Hening, Statutes, VI, pp. 52, 122; Bruce, Institutional History, I, pp. 570-572.
61. Shepherd, Statutes, II, pp. 3-5.
62. Acts 1817-18, pp. 11-12.
63. Acts 1828-29, pp. 13-14.
64. Constitution of Virginia, 1830 [hereinafter cited as Const. 1830], art. III, in The Code of Virginia (1849), Richmond, 1849 [hereinafter cited as Code 1849].
65. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
66. Shepherd, Statutes, III, pp. 355-360.
67. Acts 1830-31, pp. 42-76.
68. Constitution of Virginia, 1851 [hereinafter cited as Const. 1851], arts. III, V, VI, in The Code of Virginia . . . 1860, Richmond, 1860 [hereinafter cited as Code 1860].
69. "Debates of June 5, 1851" in Virginia Reform Convention [Proceedings and Debates], Supplement to the [Richmond Newspapers], no. 60.
70. Const. 1851, art. VI, sec. 27.
71. Third Edition of the Code of Virginia . . ., Richmond, 1873 [hereinafter cited as Code 1873], pp. 24-30.

been suggested at previous revisions, but hitherto rejected by the conservative convention members. The county court was thereafter to be headed by one judge, in some cases appointed for two counties jointly, and the justices of the peace were to retain only their petty authority.[72] The court at this time lost most of its administrative authority to the newly created board of supervisors, the principal agency in the experimental township organization.[73] The counties were divided into townships somewhat upon the New England plan, and one supervisor, one township clerk (also ex-officio the treasurer), one assessor (replacing the commissioner of the revenue), one collector (who performed the sheriff's former tax-collecting function), one commissioner of the roads, one or more overseers of roads, one overseer of the poor, three justices, three school trustees, and three constables were elected for each such division.[74] The supervisor, commissioner of roads, and assessor of each township constituted a township board in their division,[75] while the supervisors of the local units met together as the county board of supervisors, attended by the county clerk.[76] This officer, as well as the sheriff and the county treasurer, was elected by the voters of the county at large.[77]

The details of the township system were abolished by an amendment in 1875,[78] but the geographical and electoral divisions persisted as magisterial districts,[79] and the board of supervisors and the county treasurer continued to exist, the latter having added to his duties those formerly required of the township collectors.[80] The commissioner of the revenue resumed his former status,[81] and the supervision of roads fell once more in the province of the county court.[82]

The new constitution adopted in 1902 omitted reference to the county court; it was abolished soon after, and all its former duties and powers were shifted to the circuit court.[83] In the majority of counties the authority to contract for and maintain roads and bridges had already passed, in whole or in part, into the hands of the board of supervisors or agencies under their control - a change which occurred in Amelia County in 1886.[84] The twentieth century has been marked by two interesting tendencies - the shifting of many of the former powers of local government to newly established offices and

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72. Constitution of Virginia, 1869 [hereinafter cited as Const. 1869], art. VI, sec. 13, in Code 1873.
73. Ibid., art. VII, sec. 2; Acts 1869-70, pp. 270-273.
74. Const. 1869, art. VII, secs. 2-4.
75. Acts 1869-70, pp. 274-275.
76. Ibid., pp. 269-274.
77. Const. 1869, art. VII, sec. 1.
78. Acts 1872-73, pp. 274-277; Acts 1874, pp. 95-98, 208-212; Acts 1874-75, p. 56.
79. Constitution of Virginia, 1869 (as amended 1874), art. VII, sec. 2, in The Code of Virginia . . ., Richmond, 1887 [hereinafter cited as Code 1887].
80. Ibid., art. VII, secs. 1, 2; Acts 1878-79, pp. 320-323; Code 1887, secs. 602-605.
81. Acts 1874-75, pp. 216-218.
82. Ibid., pp. 177-178; Code 1887, secs. 945-954.
83. Acts 1902-3-4, p. 626.
84. Acts 1885-86, pp. 396-404; see Board of Supervisors, pp. 61-62.

departments of the State government, and the increase in the county of functions and activities usually associated with town or city governments. The State Department of Highways[85] in 1932 took in the secondary roads, so that that year marks the end of the board of supervisors' activities in the construction and maintenance of roads and bridges, and the dissolution of county road agencies in general.[86] The substitution of a single trial justice for the justices of the peace in minor civil and criminal jurisdiction, permissive and in effect in certain counties between 1912 and 1934,[87] became mandatory in 1934 in all counties.[88] The jurisdiction of the special justice appointed under an act of 1922 to hear juvenile and domestic relations cases[89] was transferred to the new court at that time.[90] In 1938 the Virginia Public Assistance Act[91] provided for an elaborate system of aid to the needy. The Department of Public Welfare acts in close liaison with the local welfare boards and the county superintendents of public welfare.[92] The board of supervisors of Amelia County, which had previously exercised direct supervision over welfare expenditures, appointed a superintendent in 1936. The local welfare agencies,[93] like the county agricultural agent (appointed regularly since about 1910 at least, to conduct agricultural extension work and education),[94] act in close cooperation with various Federal agencies for work relief and crop control. From time to time the board of supervisors has been granted rather extensive powers of the sort formerly associated with chartered towns or cities. Among these may be mentioned the authority to establish and maintain sewerage systems,[95] to enact local legislation in accord with the constitution and general laws,[96] and to set up zoning ordinances for the regulation of industry and construction within the county.[97]

Since the constitutional amendments of 1928, it has been within the power of the General Assembly to establish new forms of government alternative to the board of supervisors plan,[98] and this has been done, but Amelia County maintains its former system, as do the majority of Virginia counties.

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85. The State Highway Commission, from 1922 to 1932, had gradually taken over the maintenance of the primary road system.
86. Acts 1932, pp. 872-880.
87. Acts 1912, pp. 685-686.
88. Acts 1934, pp. 466-474.
89. Acts 1922, pp. 835-839 (appointment apparently not made in Amelia County).
90. Acts 1934, p. 473.
91. Acts 1938, pp. 638-669; see Local Board of Public Welfare, pp. 194-197.
92. See footnote 94.
93. Acts 1938, pp. 642-670.
94. See County Agricultural Agent, pp. 209-211; Acts 1914, pp. 710-712.
95. Acts 1914, p. 714; Acts 1924, p. 640.
96. Acts 1918, pp. 461-462; Acts 1926, p. 665.
97. Acts 1938, pp. 777-778.
98. Constitution of Virginia, 1902 (as amended 1928) in Acts 1928 [hereinafter cited as Const. 1902 (as amended 1928)] art. VII, sec. 110.

Functional Development of County Government

General Administration

When Amelia County was created, the county court was its principal administrative agency and its duties and powers were well defined and established by law as well as long custom. It was the only local judicial authority of more than petty jurisdiction, and its clerk covered the entire range of recordation and registration. Its members acted as sheriff and coroner by turns and the court appointed the constables. Thus, it also held the reins of law enforcement.[99] Furthermore, it appointed commissioners to list the tithables (persons subject to the capitation tax),[1] apportioned the county levy, supervised its collection, and disbursed it.[2] In the field of public health the court was at various times required to act, and it cooperated extensively with the local welfare agencies - first the parish vestry, and later the overseers of the poor.[3] Appointees of the court supervised the construction and maintenance of roads and bridges;[4] the court licensed ferries[5] and, in many instances, exercised a regulatory function over such matters as agriculture, standards of measurement, quality, and price.[6]

These extensive powers of the court were not substantially curtailed until 1870, when all except its judicial, appointive, and licensing authority was transferred to the newly created board of supervisors.[7] Today the board does not have the all-inclusive administrative scope of the former court, for many of its powers have been preempted by recently established agencies of the State government. The most important function of the board at present is the administration of finance (setting up budgets, laying the levy, and supervising disbursements), but it also has general authority over county buildings and other property, may pass local zoning ordinances, and provide for the construction of sewerage systems.[8]

Registration of Title to Property

Throughout the history of Amelia County the county clerk has been the principal recording agent[9] and, as he was ex-officio the clerk of the county court[10] and generally also of the superior or circuit court,[11] he was virtually the only one. To him from the earliest times have come all manner of instruments to be proved, acknowledged, and recorded, and since 1904 he has been

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99. See County Court, pp. 115-121.
1. See Commissioner of the Revenue, pp. 145-146.
2. See County Court, pp. 118-119.
3. Hening, Statutes, I, pp. 316, 450; see Parish Vestry, pp. 201-203, and Local Board of Public Welfare, pp. 194-197.
4. See County Court, p. 118.
5. Hening, Statutes, III, p. 469; ibid., IV, pp. 45, 92-94, 113, 170.
6. See County Court, pp. 117-119.
7. See Board of Supervisors, pp. 59-60.
8. See above, pp. 17-18, 22-23.
9. See County Clerk, pp. 68-70.
10. See County Court, p. 117.
11. See Circuit Court, p. 92.

authorized to act independently in the probate of wills and the appointment of personal representatives.[12] The county surveyor (or any other employed by the parties) records exact boundaries and returns plats of his surveys for record.[13] The law in Virginia has long provided that conveyances or reservations of title must be recorded to be effective against certain third parties, and in every county the clerk keeps several systems of books for the various categories of records - deeds, liens, wills and other writings.[14]

Judiciary

Civil jurisdiction within the county from the beginning of the county until 1809 resided exclusively in the county court and its individual justices, the latter having petty jurisdiction only.[15] In that year the circuit superior court of law was established in the county, with jurisdiction in cases above $100 in value brought by original process or appeal.[16] The authority of the county court was not limited as to civil causes for some years before the Revolution.[17] In 1785 a distinction between quarterly and monthly terms was set up, and the quarterly sessions were not restricted as to maximum value.[18] The same situation continued after 1831,[19] when the superior court of law was replaced by the circuit superior court of law and chancery,[20] nor was there any important alteration until 1870, when a single judge replaced the justices on the bench of the court, the jurisdiction remaining much the same.[21] During the same period the jurisdiction of the justices increased from $5 to $20 and in certain cases to $50.[22] In 1904 the county court passed out of existence, and all of its jurisdiction was transferred to the circuit court,[23] which is today the principal local judicial authority. The justices in Amelia County in 1934 lost their petty civil jurisdiction, except as to issuing warrants, to the trial justice who was appointed in that year and continues to exercise similar powers today.[24] This officer now has exclusive jurisdiction in civil cases up to $200, and concurrent jurisdiction with the circuit court in civil cases from $200 to $1,000.[25]

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12. See above, p. 22, and Circuit Court, pp. 90-91, 97.
13. See County Clerk, p. 71, and County Surveyor, pp. 205-209.
14. See County Clerk, pp. 70-71.
15. See County Court, pp. 115-121, and Justice of the Peace, pp. 132-135.
16. Shepherd, Statutes, III, pp. 355-360.
17. Hening, Statutes, V, pp. 489-491; see County Court, pp. 115-121.
18. Hening, Statutes, XII, pp. 32-36, 467-474; The Revised Code of the Laws of Virginia . . ., Richmond, 1819 [hereinafter cited as Code 1819], I, pp. 244-261.
19. Code 1849, pp. 615-616.
20. See Circuit Court, pp. 90-91.
21. Const. 1869, art. VI, sec. 13; Acts 1869-70, p. 35.
22. Code 1873, p. 1003.
23. Acts 1902-3-4, p. 626.
24. Acts 1930, pp. 447-450, 783; Acts 1934, pp. 466-471; Code 1936, sec. 4987(f).
25. Acts 1936, p. 620; Code 1936, sec. 4987(f).

From 1777 until the circuit superior courts of law became part of the pattern of local government, the county had no regular court with criminal jurisdiction extending to the loss of life or member.[26] Misdemeanors and petty offenses were tried by the justices of the peace, and more serious crimes by the county court,[27] while the latter might constitute itself a court of oyer and terminer with power of life and death, only for the trial of slaves accused of felonies.[28] The superior court was the first to exercise the power of life and death in the county,[29] and the present circuit court succeeded to it.[30] The county court never gained this power with regard to free persons, although the courts of oyer and terminer continued to function.[31] The jurisdiction over misdemeanors formerly residing in the justices of the peace has, since 1934, belonged to the trial justice.[32]

Equity jurisdiction (locally) in general was subject to the same limitations and was controlled by the same agencies as common law, except that the monthly sessions of the county court held rank in this respect equally with the quarterly terms.[33] There was until 1831 no superior court with equity jurisdiction within Amelia County, but from that time to 1873 the circuit court had concurrent powers with the local court.[34] In 1873, the county court lost the majority of its chancery authority to the circuit court,[35] and what remained of it went the same way in 1904.[36] The trial justice today performs the same function as the justices of the peace formerly did, but with increased jurisdiction as to amount.[37]

Probate authority, which was first bestowed upon the county court in 1645,[38] continued to be exercised by that agency until its termination in 1904,[39] and from 1777 to 1809 there was no other local court of probate in Amelia County. Thereafter the circuit superior court of law (later the modern circuit court) shared in this jurisdiction,[40] and the Constitution of 1902, from which was omitted any reference to the county court, conferred similar powers upon the clerk of the circuit court.[41] The circuit court in term and

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26. Except those particular counties in which district courts of law were held
27. Hening, Statutes, V, pp. 491, 495; A Collection of . . . Acts of the General Assembly of Virginia . . ., Richmond, 1803 [hereinafter cited as Code 1803], p. 84.
28. Hening, Statutes, VIII, p. 138; Code 1803, p. 190.
29. Shepherd, Statutes, III, pp. 355-360.
30. Acts 1830-31, pp. 42-76.
31. Code 1849, p. 787; Code 1860, p. 847.
32. See footnote 24.
33. See footnote 18.
34. Acts 1830-31, pp. 47-48.
35. Acts 1872-73, pp. 382-384.
36. Acts 1902-3-4, p. 626.
37. See footnote 24 (established in 1934 in all counties where such courts had not already been set up).
38. Hening, Statutes, I, pp. 302-303.
39. Code 1887, sec. 2533; Acts 1902-3-4, p. 626.
40. Shepherd, Statutes, III, p. 361; Acts 1830-31, p. 48.
41. Constitution of Virginia, 1902 [hereinafter cited as Const. 1902], art. VI, sec. 101, in Acts 1902-3-4.

its clerk in term or in vacation may now officiate in the probate of wills and the appointment and regulation of personal representatives, but the actions of the clerk are subject to appeal to the court, and the administration may at any time be transferred to the jurisdiction of the court on protest from any person concerned.[42]

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

In the seventeenth century, the county courts had been authorized to grant denization, a limited form of naturalization (conferring none of the rights of citizenship save that to take and hold property by purchase or devise, but not by descent), upon 4 years' residence and the taking of oaths of fidelity and allegiance.[47] In 1705 the Governor was empowered to naturalize aliens who took before him the various oaths prescribed by Parliament.[48] This act, as its preamble states, was for the encouragement of settlement, and somewhat later (1738) it was extended, for the benefit of certain frontier areas, to allow the Governor to grant the same privileges upon certificate from the county court that the proper oaths had been taken.[49] At some time thereafter these provisions must have been voided by the royal veto, for one of the grievances recited in the preamble to the "Constitution, or Form of Government" adopted June 29, 1776, is the King's endeavor "to prevent the population of our country, and, for that purpose, obstructing the laws for the naturalization of foreigners."[50] After the Revolution, the law was greatly liberalized. Only 2 years' residence and an oath of intention to remain in the State were required, which oath, given before any court of record and evidenced by a certificate of that court, conferred all the rights of citizenship,[51] except that of holding office, which was subject to certain further restrictions.[52] The Constitution gave Congress the power to establish uniform naturalization laws, which were enacted in 1790.[53] Since that date, naturalization jurisdiction has been exercised by state courts, without specific state legislation upon the subject.[54] Under the Federal statute of 1790, "any common law court of

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42. Acts 1902-3-4, p. 386; Code 1936, secs. 5249, 5962(a).
43. Hening, Statutes, I, pp. 157, 182, 269; Code 1803, pp. 181-182.
44. Code 1887, sec. 2261; Code 1936, secs. 1905-1930, 1954-1961.
45. Acts 1922, pp. 835-839.
46. See footnote 24.
47. John Bouvier, Bouvier's Law Dictionary, Francis Rawle, revisor, Boston, 1897; Levy et al. vs. McCarter, 31 U. S. 102, (1832) note; Jackson vs. Sanders, 2 Leigh (29 Va.) 109 (1830); Code 1819, I, p. 357.
48. Hening, Statutes, III, pp. 434-435.
49. Ibid., V, pp. 58, 79-80.
50. Ibid., IX, p. 112.
51. Ibid., X, pp. 129-130.
52. Ibid., XI, pp. 322-323; ibid., XII, pp. 261-265.
53. Constitution of the United States, art. I, sec. 8; The Statutes at Large of the United States (1789-1873), Boston, 1845-73, I, p. 103.
54. 3 C. J. S. 842-843; Holmgren vs. U. S., 217 U. S. 509 (1910); in re Clarke, 152 A. 92 (Pennsylvania, 1930); in re Fordiani, 120 A. 338 (Connecticut, 1923).

record",[55] or by the later act (1795) a "supreme, superior, district or circuit court of some one of the states"[56] may do so. This would seem to exclude the county courts unless they were construed as district courts, but their right to conduct naturalization proceedings has been affirmed.[57] Thus it appears that the General Court, the District Superior Courts of Law, the county courts, the circuit superior courts of law, and the circuit superior courts of law and chancery may properly have naturalized aliens. The current act grants such authority to "all courts of record in any State or Territory having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited."[58]

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

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

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55. Statutes at Large of the United States, I, p. 103.
56. Ibid., I, p. 414.
57. Commonwealth vs. Towles, 5 Leigh (32 Va.) 743 (1835).
58. The Statutes at Large of the United States, vols. XVIII--, Washington, 1873--, XXXIV, p. 596.
59. Hening, Statutes, I, p. 537; ibid., II, p. 512; ibid., VI, p. 28.
60. Ibid., IX, pp. 103-104.
61. Ibid., IX, p. 205.
62. Ibid., IX, pp. 522-525; ibid., X, pp. 89-92.
63. Ibid., X, pp. 98, 101.
64. Ibid., XII, pp. 736, 769-770.
65. Constitution of the United States, art. I, sec. 8.

Governmental Organization and Records System (First entry, p. 66)

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 vest jurisdiction under them exclusively in the Federal courts.[66] The State courts retain jurisdiction in equity to appoint receivers in certain cases if the parties are satisfied with their rights under State law. Such jurisdiction is not strictly bankruptcy, but is usually referred to as receivership, and may be resorted to in some cases not reached by the Federal act.[67]

During the period when there were no Federal laws on the subject, the State does not appear to have had any laws that relate to bankruptcy as we know it today. The only comparable laws, apparently, related to the discharge from jail of an insolvent debtor imprisoned for debt. In force at least as early as 1748, they provided that such 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 vested in the debtor.[68] These laws were repealed when imprisonment for debt was abolished at the revision of 1849.[69]

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

The first provision for appeals from the decisions of the justices of the peace appears in an act of 1658 (during the Commonwealth Period), and allows an increase in the jurisdiction of those officials and establishes an appeal to the county court for any person feeling injured by their judgments or decrees.[74] This act, however, was nullified in the general repeal of 1662, and not thereafter reenacted.[75] In the eighteenth century various changes

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66. William J. Hughes, Federal Practice, Jurisdiction, and Procedure, Civil and Criminal, St. Paul, Minn., 1931, III, p. 6, and note.
67. 8 Michie's Digest, pp. 495, 498, et passim.
68. Hening, Statutes, V, pp. 537-539; Code 1803, pp. 303-305, 324, 391; Code 1819, I, pp. 536-541; ibid., II, p. 585.
69. Code 1849, pp. 643, 716, notes.
70. Hughes, Federal Practice, III, pp. 4-6.
71. Report of the Secretary of the Commonwealth (1937-38), p. 38.
72. 103 F. 2, p. vi.
73. Ibid., p. vii; see footnote 71.
74. Hening, Statutes, I, p. 435.
75. Ibid., II, p. 147, et passim.

in jurisdiction took place, but it was usually provided that, within his limited scope, the determinations of the local magistrates should be final,[76] with some few exceptions.[77] The earliest permanent and general provision for appeals to the county court appears to be that of 1807, under which civil judgments up to $10 and those for fines to $5 were final, but any above these amounts respectively might be so appealed.[78] From that date forward the laws governing appeals from the justices to the court commence to ramify almost without end, and to assume the complexity which marks the subject of appeals in general in the legal history of Virginia. There were naturally separate regulations as to appeals from civil and criminal judgments, but there were further special rules applicable to slaves or free Negroes convicted of misdemeanors,[79] to property of which the title was in dispute, affected by judgment or distress warrant,[80] to judgments in actions of unlawful entry or detainer,[81] and to the judgment of a justice interested in the case.[82] To avoid needless elaboration, it may simply be noted that from 1807 to 1904 the general course of appeal both criminal[83] and civil[84] was from the justices to the county court (except in cases involving the constitutionality of an ordinance or bylaw, which went to the circuit court),[85] although there was a period (1871-73) when in civil cases a new trial before three justices was substituted for the more usual appeal to the court.[86] After 1904, of course, the circuit court succeeded to the appellate authority of the older agency,[87] and continues today to hear causes appealed from the decisions of the trial justice.[88]

The history of the right of appeal from the county court is much more regular - indeed, the earliest known official mention of the monthly court coincides with the direction that appeals may be taken to the Governor and Council (later to be known as the General Court), and the same system con-

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76. Ibid., III, p. 508; ibid., V, p. 491; Shepherd, Statutes, II, p. 275; Code 1803, p. 405.
77. Appeal to the county court was allowed from sentences for unlawful gaming (Hening, Statutes, V, p. 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, p. 354).
78. Shepherd, Statutes, III, p. 286; Code 1819, I, p. 252.
79. Acts 1827-28, p. 30; Acts 1847-48, p. 163; Code 1849, p. 788.
80. Acts 1839, pp. 43-44; Code 1849, pp. 598-599; Code 1873, p. 1007; Code 1919, sec. 6035.
81. Acts 1870-71, p. 174; Code 1873, pp. 956-957; Acts 1902-3-4, p. 675; Code 1919, sec. 5449.
82. Acts 1912, p. 574; Code 1919, sec. 6019.
83. Shepherd, Statutes, III, p. 286; Acts 1870-71, p. 362; Acts 1877-78, p. 376; Code 1887, secs. 4107, 4108; Acts 1902-3-4, p. 616; Code 1919, secs. 4989, 4990; see footnotes 75-83.
84. Shepherd, Statutes, III, p. 286; Code 1819, I, p. 252; Code 1849, pp. 596-597, 599; Code 1873, p. 1007; Code 1887, sec. 2956; Acts 1902-3-4, pp. 671-672; Code 1919, secs. 6037, 6038.
85. Code 1849, pp. 596-597; Acts 1872-73, pp. 82-83; Code 1887, sec. 2956.
86. Acts 1870-71, p. 351; Acts 1872-73, pp. 82-83.
87. Acts 1902-3-4, pp. 616, 671-672, 675, 748.
88. Acts 1936, p. 619; Code 1936, secs. 4987(f), 4989, 4990.

tinued in use throughout the Colonial Period.[89] After 1777 the appellate authority was divided, appeals in chancery being routed to the High Court of Chancery, while those at common law went to the new General Court, now composed of regular judges,[90] or, after 1788, to the District Superior Courts of Common Law,[91] and, still later, to the circuit superior courts of common law (1809).[92] Only in 1831 was this divided authority again brought to one agency, when the last-named courts were combined with the District Superior Courts of Chancery[93] (successors to the High Court of Chancery)[94] to form the present circuit courts, which received appeals from the county court until the end of the latter's authority.[95]

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

Law Enforcement

Most of the officials of county goverment in the eighteenth and nineteenth centuries were nominated conservators of the peace, but the principal functionaries in that line were the sheriff, constables, coroner, and justices of the peace.[99] These officers continue to exercise the same authority, but only the sheriff has any great importance in this respect today.[1] In the days when slave insurrection was much feared, mounted militia patrols rode the roads night and day for the apprehension of wandering Negroes and the prevention of unlawful assemblies.[2] This arrangement of course lapsed after 1865.[3]

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89. Hening, Statutes, I, pp. 125, 272, 345, 376, 398, 477; ibid., III, p. 550; ibid., V, pp. 471-472, 481-482; ibid., VI, 329-330, 338-339.
90. Hening, Statutes, IX, pp. 391, 412.
91. Ibid., XII, pp. 753-754; ibid., XIII, pp. 446-447.
92. Shepherd, Statutes, III, pp. 355-360; Code 1819, I, pp. 239, 259.
93. Acts 1830-31, pp. 50, 53.
94. Code 1849, p. 617 (revisors' note).
95. Ibid., p. 685; Code 1860, p. 747; Acts 1869-70, p. 223; Code 1873, pp. 1138-1139; Code 1887, secs. 3468-3469.
96. Hening, Statutes, XII, p. 766; Code 1819, I, p. 190; Acts 1830-31, pp. 50, 53; Code 1849, p. 685; Code 1860, pp. 746-749; Acts 1869-70, p. 223; Code 1873, p. 1139; Code 1887, secs. 3468, 3469; Code 1919, secs. 6336, 6337; Const. 1902 (as amended 1928), art. VI, sec. 88; Code 1936, secs. 6336, 6337.
97. Const. 1851, art. VI, secs. 8-12; Acts 1852, pp. 53-54; Code 1860, pp. 746-749; omitted from Const. 1869.
98. Const. 1902 (as amended 1928), art. VI, sec. 88; Acts 1928, p. 1409.
99. Hening, Virginia Justice, pp. 202, 417-418; Code of Virginia . . ., Richmond, 1918 [hereinafter cited as Code 1919], sec. 4789.
1. Ibid., secs. 1539, 2144, 4864.
2. Code 1803, pp. 287-288, 406; Code 1860, pp. 491-492, 794-795.
3. Acts 1865-66, pp. 84-85, repealing c. 98 of Code 1860.

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

The grand jury, convening semiannually or oftener in the circuit court (county court until 1904), is the source of indictments; it presents offenders on its own initiative or upon the information of any county official, as well as the testimony of witnesses.[6] The attorney for the commonwealth may also direct the presentment of a lawbreaker before court or grand jury.[7] Prosecutions for felony must be by indictment.[8] Before 1785, the parish vestry also presented offenders against decency, sobriety, or morality, as part of its general supervisory authority in matters of religion, charity and morals.[9]

Although the coroner is still charged with the duty of directing the pursuit of persons implicated in homicide,[10] he seldom functions directly, and the constables and sheriff, especially the latter, are the chief local agents in the apprehension of criminals, as they have been since the seventeenth century.[11]

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

Prosecution of criminals in the Colonial Period was carried on generally by attorneys for the Crown.[14] The only two references to these officials in the extant statutes are so ambiguous that it is uncertain whether the position was held regularly or only by special and temporary appointment.[15] Soon after the Revolution regular attorneys for the commonwealth were appointed to prosecute lawbreakers and to represent the Commonwealth in the courts.[16] The office and its duties remain much the same today.[17]

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

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4. Hening, Virginia Justice, pp. 209-212; Code 1919, secs. 4806, 4809; Acts 1926, p. 461.
5. Code 1803, p. 125; Code 1919, sec. 4812.
6. Hening, Statutes, I, pp. 304, 463; Code 1919, secs. 4851-4864.
7. Ibid., sec. 4864.
8. Ibid., secs. 4865, 4866.
9. Hening, Statutes, I, pp. 126, 240-241, 309-310; ibid., IV, p. 244.
10. Code 1919, sec. 4813.
11. Ibid., secs. 2819, 4882, 6055.
12. Ibid., sec. 2868.
13. Hening, Virginia Justice, pp. 393-396; see Sheriff, pp. 135-139.
14. Bruce, Institutional History, I, pp. 570-572.
15. Hening, Statutes, VI, pp. 52, 122.
16. Shepherd, Statutes, II, p. 215.
17. Code 1919, secs. 4864, 4969, 6217, et passim.
18. Hening, Virginia Justice, pp. 285-289.
19. Acts 1908, pp. 684-685; Code 1919, sec. 4941.

Governmental Organization and Records System (First entry, p. 66)

Finance

Although the preparation of an actual budget is a comparatively new idea, the county court in its apportionment of the county levy annually had to estimate the amounts needed for various purposes, on the basis of the accounts of expenditures for the preceding year,[20] and the parish vestry was similarly guided as to its special levy for church and charitable uses.[21] Today these agencies - the board of supervisors,[22] school board (through the division superintendent),[23] and local board of welfare[24] - which expend large sums annually are required by law to prepare closely estimated budgets of their anticipated needs and disbursements. The budgets of the two latter agencies are submitted to the board of supervisors, and are considered by that body in the laying of the general and school levies.[25] Since the levy is thus laid and appropriated on a budgetary basis, and the board is forbidden to issue warrants amounting to more than the county tax for that year and the surplus if any from preceding years, every county officer is under indirect budgetary control, and must account with the board or the court for his receipts and disbursements.[26] Only the three named, however, prepare formal budgets based on their accounts for the preceding year and their estimates of the amount likely to be needed in the succeeding year.

All taxable real estate (other than the exempt property of the State and counties, and of religious, charitable, and educational institutions), taxable tangible personal property (except that owned as above), including that of public service corporations other than steam railroads, and the capital of merchants, are segregated for local taxation only.[27] Intangible personal property, stocks, bonds, income, income or increase of estates in trust, insurance, rolling stock of railroads operating within the State, and numerous other similar subjects are segregated for State taxation.[28] After consideration of the treasurer's reports of receipts and disbursements, local tax levies are set by the board of supervisors at regular annual meetings, according to their own and the school and welfare budgets.[29] The rate of taxation, determined at that time by a comparison of the necessary revenue with the assessed valuation of land and personal property shown on the tax books for the preceding year, is certified to the commissioner of the revenue and his books for the following year are made out accordingly.[30] The land-tax books have their origin in the reassessment land books made out by the assessors in the years of periodical reassessment,[31] but they are recopied annually by the commissioner,[32] who incorporates in them all transfers of title, partitions, devises, corrections (certified by other agencies), increases or reductions in value, and other changes occurring between reassess-

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20. Code 1849, p. 277.
21. Bruce, Institutional History, I, p. 92, et passim; see also published vestry books of Virginia parishes before 1785.
22. Code 1919, sec. 2768.
23. Ibid., sec. 646; Acts 1928, p. 1204.
24. Acts 1938, p. 644.
25. Code 1919, sec. 2721; Acts 1938, p. 644.
26. Acts 1914, p. 87; Code 1919, sec. 2726.
27. "Tax Code" 1936, sec. 7.
28. Ibid., secs. 8, 50, 72, 90.
29. Code 1919, secs. 646, 2720, 2721; Acts 1928, p. 1204; Acts 1938, p. 644.
30. Code 1919, secs. 2279, 2300, 2337, 2720, 2770.
31. Ibid., secs. 2244, 2247, 2251, 2271.
32. Ibid., secs. 2299, 2305, 2306.

ments.[33] The commissioner thus functions in a sense as assessor, there being no officers permanently appointed for that purpose. The local courts long had jurisdiction as to the review and correction of erroneous assessments,[34] and in 1915 a special agency, the local board of review, was created with concurrent powers.[35] The local board of review was abolished in 1922, and replaced in 1924 by the local board of equalization, having similar jurisdiction concurrent with that of the circuit court.[36] It was to function, however, only in the year following a periodical reassessment.[37] The land tax books prepared and corrected as above, and the personal property tax books made up from the sworn returns of the taxpayers to interrogatories submitted by the commissioner, are made in multiple.[38] The original remains with the commissioner, and copies go to the State, to the county clerk, and to the county treasurer.[39] The treasurer, as soon as he receives the tax books, commences to collect the State and local revenues.[40] He is required to give a ticket, or receipt, in due form, and usually makes use of a triplicate book, one slip serving as notice, one as receipt, and the last as a record of his office.[41] He continues his collections until the following December (usually commencing in the spring). His collections of local levies remain in his hands, the treasurer being principal disbursing officer as well as collector, but the State revenue is paid into designated State depositories and accounted for by him to the State Comptroller and Treasurer monthly or oftener if required.[42] The treasurer also returns several lists of various classes of taxes which he has been unable to collect.[43] Taxes embraced in these lists (which must be approved by the board of supervisors) are receivable during the year following, but at the end of that time may be placed in the hands of the sheriff or especially appointed collectors, to be distrained for or otherwise collected.[44] The clerk was formerly the collecting and distributing agent for delinquent taxes, which were certified to him by the treasurer, but this is now largely the latter's duty.[45] The treasurer also manages the sale of lands for taxes, posts a list of delinquents for notice, and sells the tracts or parts thereof at public auction.[46] In case a sufficient sum is not bid, the land is "sold to the Commonwealth" (bid in by the treasurer).[47] At any time within 2 years after such sale, the original owner may redeem his property by paying (to the pur-

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33. Ibid., secs. 2274-2278, 2281-2288, 2292, 2294-2297.
34. Acts 1840-41, p. 13; Code 1849, p. 194; Acts 1902-3-4, pp. 613-614; Code 1919, secs. 2385-2391.
35. Acts 1915, pp. 94-98; Acts 1916, pp. 415-422.
36. Acts 1922, p. 514; Acts 1924, pp. 574-577.
37. Ibid., p. 574; Acts 1930, p. 870.
38. Code 1919, secs. 2299, 2300, 2342.
39. Ibid., sec. 2342; Acts 1926, p. 996; Acts 1928, pp. 172, 194; "Tax Code" 1936, secs. 255, 328 (in the case of the land book, only the recapitulation sheets are now sent to the State fiscal authorities).
40. Ibid., sec. 2410.
41. Ibid., sec. 2408.
42. Ibid., secs. 2410, 2412; Acts 1932, p. 832.
43. Ibid., sec. 2414.
44. Acts 1934, pp. 761-762; Acts 1936, pp. 1065-1066; "Tax Code" 1936, secs. 393-395; for details of collections of delinquent taxes, see County Treasurer, pp. 157-167.
45. Code 1919, sec. 2419; "Tax Code" 1936, secs. 393, 394.
46. Code 1919, secs. 2461, 2462.
47. Ibid., secs. 2489, 2490.

chaser, or to the clerk if the purchaser cannot be found, or to the Commonwealth) the arrears of taxes and taxes due since the sale, with interest and penalties thereon.[48] The sums arising from the redemption of lands are remitted to State fiscal agencies in the same manner as other revenues collected by the clerk.[49]

License taxes on businesses and individuals are assessed by the 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.[50] The assessment bill, presented to the treasurer, paid to him, and bearing his receipt upon its face, constitutes a license to pursue the specified occupation.[51] Sums arising from license taxes are accounted for under separate heads monthly, but otherwise in the same manner as other forms of revenue.[52]

A special tax upon dogs, assessed by the commissioner and collected by the treasurer, is the source of a fund for the reimbursement of farmers whose stock has been damaged by dogs.[53] This fund is administered by the board of supervisors, and any unexpended balance (formerly devoted to road or school expenses at will)[54] now reverts to the general fund.[55] The State Literary Fund, derived from escheats, forfeitures, confiscations, fines, and penalties, was created in 1810[56] and the income from it has since been added to that arising from special taxes (including part of the capitation tax) for the support of public free schools throughout the State.[57] The amount and extent of State aid varies, but in certain instances grants from these funds must be matched by like amounts from local revenues.[58] Donations of property are vested in and managed by the school board, and the profits managed and accounted for by the board in the interests of the school system.[59] The State Board of Public Welfare is authorized to cooperate with the Federal Social Security Board and other agencies and to receive grants from them, which are distributed through the local welfare agencies. The State and Federal funds are matched in certain proportions by local appropriations.[60]

Claims and accounts against the county for services, supplies and materials furnished, bounties for the destruction of vermin, and other causes, must be presented to the board of supervisors for examination and settlement. Those allowed by the board are then paid, by warrants drawn upon the treasurer, out of the respective funds.[61] Claims for allowances by the circuit court are

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48. Ibid., secs. 2475-2477, 2491.
49. Ibid., secs. 2491, 2492.
50. Ibid., sec. 2366.
51. Ibid., sec. 2360; "Tax Code" 1936, sec. 129.
52. Code 1919, secs. 2372, 2381.
53. Ibid., secs. 2316, 2318-2322.
54. Ibid., sec. 2318.
55. Code 1936, sec. 3305(81).
56. Acts 1809-10, p. 15; Acts 1810-11, pp. 9-10.
57. Code 1919, secs. 738, 739.
58. Ibid., sec. 707.
59. Ibid., secs. 648, 671.
60. Acts 1938, pp. 641, 649, 655, 664-667.
61. Code 1919, secs. 2724, 2729, 2759.

handled by the clerk of the court, but the board must levy the amounts needed.[62] No more warrants may be issued than will equal in amount the county tax levied for the current year, except when there is a surplus from preceding ones; and there appears to be no provision for deferred payment or time warrants, except that warrants if presented before the collection of sufficient revenue may not be paid until the levy is in. No interest is paid on such warrants.[63] Warrants are paid by the treasurer, in the order of their presentation, to the amount of the fund upon which they are drawn.[64] Canceled paid warrants were returned annually or oftener by the treasurer to the agency which issued them, to be credited to him in his settlement of accounts.[65]

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

Bond issues for county purposes may be made by the board of supervisors, with the approval of the judge of the circuit court and of the people of the county, as expressed by their ballots in a special election for or against the bond issue.[69] The board is further required to include in the annual levy a sum sufficient to pay interest on the bonds so issued, and to create a sinking fund for the payment of the principal.[70] Such bonds might formerly be issued for road construction,[71] and those for school uses issued by the local school board with the approval of the supervisors and the voters, may be purchased from the proceeds of the Literary Fund by the State.[72] The board of supervisors may retire outstanding bonds and issue new bonds therefor.[73]

Elections

Since the constitutional amendments of 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 quali-

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62. Ibid., sec. 2758.
63. Ibid., secs. 2724, 2782.
64. Ibid., secs. 2781, 2782.
65. Ibid., sec. 728; Acts 1928, p. 1221; Acts 1932, pp. 831-835; Acts 1936, p. 513 (the return being no longer required by law).
66. Acts 1914, p. 202; Code 1919, sec. 565; Acts 1936, pp. 83-84.
67. Code 1919, sec. 2719.
68. See County Finance Board, pp. 178-179.
69. Ibid., secs. 2735-2740.
70. Ibid., sec. 2741.
71. Ibid., secs. 2110-2119.
72. Ibid., secs. 614, 765-773.
73. Ibid., sec. 2735.

fied to vote in Virginia if he has been registered and has paid his poll tax as required by law.[74] The registrars appointed to each precinct by the county electoral board sit at least 2 days in each year for the registration of new voters and the correction of the former lists.[75] It is their duty to refuse to register idiots, lunatics, or other defectives, as well as persons convicted of crime and those guilty of participation in a duel, requiring a formal oath as to eligibility from each applicant.[76] The registration books, being of a permanent nature, are required to be revised or "purged" periodically. This must be done at least once every 6 years, and the registrar posts a list of names which, from his own information or the motion of three qualified voters of his district, appear to be proper for removal from the books, and may after a hearing strike them out.[77]

Every person qualified to vote is eligible to any office of the State, or of any county wherein he resides, with various exceptions established in the constitution or bylaw.[78] Any person intending to become a candidate in any election must file his notice of candidacy with the Secretary of the Commonwealth if it is a State or National election, or with the county clerk in local elections, and it is the duty of those officials respectively to notify the secretary of each county electoral board concerned.[79] The electoral board proceeds immediately to have the proper ballots printed by a sworn printer and sealed in bundles until election day.[80]

General elections are to be held on the Tuesday after the first Monday in November in the counties and cities, while special elections held in pursuance of a special law or to supply vacancies in any office may be held at such time as the law designates or the officer authorized to hold the election may prescribe in the writ of election which he must send to the sheriff of the respective county to be posted.[81] The same officers who function in the general elections are required to attend to the special, under the same regulations and penalties.[82] Since the majority of State and local officers are elected for a 4-year term, general elections are seldom held oftener, but special elections for the settlement of local questions (such as local option on liquor sales and bond issues) may be held at any time.[83]

It is the duty of the electoral board to provide in each voting precinct one or more booths or compartments, so constructed as to conceal the voter

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74. Const. 1902 (as amended 1928), art. II, sec. 18.
75. Ibid., art. II, sec. 25; Code 1919, secs. 86, 98.
76. Const. 1902 (as amended 1928), art. II, sec. 23; Code 1919, secs. 82, 93, 99.
77. Ibid., secs. 107, 108.
78. Const. 1902 (as amended 1928), art. II, sec. 32.
79. Code 1919, sec. 154.
80. Ibid., secs. 155, 156.
81. Ibid., secs. 140, 141.
82. Ibid., sec. 197.
83. Const. 1902 (as amended 1928), art. IV, secs. 41, 42; ibid., art. V, secs. 69, 77, 80, 81; ibid., art. VII, sec. 110; Code 1919, secs. 36, 131, 312, 613, 740, 765-773, 2739, et passim.

from observation, and to supply a desk or writing table, pen, and ink in each.[84] The constitution also provided that voting machines may be used, subject to regulation by law,[85] but the counties have rarely availed themselves of this privilege.

It is to be noted that the sheriff was the only regular election official in the 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.[86] In 1851 the duties of these election officials were greatly augmented by the removal of freehold requirements and the extension of the electoral principle to virtually all State and local offices,[87] and after 1869 the agencies for the conduct of elections had assumed somewhat their present form.[88] Today the circuit court appoints for each county an electoral board of three members, which appoints the other election officials - one registrar, three judges, and two clerks of election - for each election district within the county.[89] Of the judges, five are designated commissioners of election for the final canvass (see below), and with the county clerk ex-officio as its clerk, constitute the board of commissioners of election.[90] For the preservation of order at the place of election, any constable of the district may be directed to attend, or one or more persons, appointed by the judges of election in writing, may be clothed with the powers of a constable in this respect.[91] No person save the officials and the person voting is ordinarily allowed within 40 feet of the voting booth and it is unlawful for crowds to congregate within 100 feet of the voting-place.[92] This is in decided contrast to the elections of ante-bellum days, for it was not until 1870 that voting by ballot was introduced in Virginia by constitutional amendment, viva voce elections having been the rule since the seventeenth century.[93] Since 1916 absentee voting has been permitted in cases of necessity. Notice of intention must be given to the registrar in advance, and a ballot, sent by registered mail, marked, certified, and witnessed by some official, must be returned in the same manner to the registrar, who submits it to the judges of election, the greatest precautions being taken to prevent fraud or collusion at any point.[94]

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84. Ibid., sec. 160.
85. Const. 1902 (as amended 1928), art. II, sec. 37.
86. Hening, Statutes, I, pp. 300, 411-412; ibid., VII, p. 524; Code 1819, I, p. 152; Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59.
87. Const. 1851, art. III, sec. 1; ibid., art. V, secs. 2, 8, 11, 14; ibid., art. VI, secs. 6, 10, 27, 30; Acts 1857-58, p. 18.
88. Acts 1869-70, pp. 55-57, 82-89; Acts 1870-71, pp. 371-372; Acts 1871-72, p. 244.
89. Const. 1902 (as amended 1928), art. II, sec. 31; Code 1919, secs. 86-88, 148, 149, 158.
90. Ibid., sec. 182.
91. Ibid., sec. 193.
92. Ibid., sec. 167.
93. Hening, Statutes, I, pp. 300, 333-334, 411, 475; Const. 1851, art. III, sec. 4; Const. 1869, art. III, sec. 2.
94. Acts 1916, pp. 633-634; Code 1919, secs. 202-220.

At the opening of the polls the judges of election open the ballot box, turn it upside down in the presence of the people to make certain it is empty, and relock it. The box remains thereafter in plain view and is not reopened until the end of the day.[95] Each voter places his marked and folded ballot in the hand of a judge, who calls out the voter's name. If there is no challenge, the name is checked on the poll book and the ballot deposited unopened in the box.[96] At the closing of the polls, the canvass commences in the presence of at least four persons representing the political parties concerned.[97] Fraudulent or imperfect ballots are cast out, and the remainder counted by the judges, credited to the respective candidates in the poll books by the clerk, and strung or bundled and sealed.[98] Ballots and poll books are then directed to the county clerk who meets with the commissioners of election the second day after election for the final canvass. The sealed returns are then opened and checked, and an abstract of votes prepared to be sent to the Secretary of the Commonwealth. The clerk sends a certificate of election to the person receiving a majority of votes for any local office.[99]

Education

Free schools had been established by private donation in Virginia as early as the seventeenth century,[1] but no effective steps to this end were taken by the State government until 1818, when a board of school commissioners was set up in each county to provide for the education of indigent children.[2] In 1846 the existing system was altered by the addition of a county superintendent, who took over the former duties of the clerk and treasurer of the board of school commissioners, and two alternative plans were offered for choice by the electors in each county, for the establishment of tax-supported public free schools in place of the older schools for indigent children, which depended upon appropriations from the Literary Fund.[3] This optional character in local educational affairs continued until 1869, when the new constitution provided for a uniform system of tax-supported free schools in each county.[4] Since that time, although standards have been steadily heightened and the agencies involved often reorganized, the plan and intent as regards primary education have remained basically the same. A comparison of the current powers and duties of local educational agencies with those then laid down will disclose a remarkable similarity.[5]

The State government, especially since the creation of the Literary Fund in 1810,[6] has exercised an increasing influence in the management of the county

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95. Ibid., secs. 172, 173.
96. Ibid., secs. 173-175.
97. Ibid., secs. 177, 178.
98. Ibid., secs. 178-180.
99. Ibid., secs. 180-186.
1. Hening, Statutes, I, p. 252.
2. Acts 1817-18, pp. 11-14.
3. Acts 1845-46, pp. 29-33.
4. Const. 1869, art. VIII, secs. 2, 3; Acts 1869-70, p. 408; Acts 1871-72, p. 81.
5. See School Trustee Electoral Board, pp. 182-183; County School Board, pp. 184-187; Division Superintendent of Schools, pp. 188-190.
6. Acts 1809-10, p. 15; Acts 1810-11, pp. 9-10.

schools. Under the Constitution of 1851, half the proceeds of the capitation tax were devoted to the support of free schools, and the enabling act devoted the entire amount.[7] After 1869 the State contributed more and more money to the same end, in proportion to the growth of the system.[8] A great deal of legislation is concerned with education, indicating the importance attached to the subject by the assembly, and the State Board of Education exercises close supervision over the local systems, requiring numerous statistical abstracts and reports.[9]

The school trustees who compose the local school boards are chosen today, as they have been since 1877, by the school trustee electoral board.[10] The latter body, whose composition has varied greatly since its foundation, today is formed of three persons appointed by the circuit court.[11] The district school boards, which had long controlled the affairs of the school districts (corresponding in boundaries with the present magisterial districts), were abolished in 1922,[12] and there remains only the county school board, including one member from each district.[13]

The board thus appointed has general supervision over the affairs of the county school system - erection and equipment of school building, employment of a division superintendent and teachers, audit of claims, and the issuance of warrants on the school fund in the hands of the county treasurer[14] and of bonds for school purposes.[15]

The county superintendent of schools, first appointed in certain counties in 1846, was the prototype of the present division superintendent, and had much the same duties.[16] In line with the increasing participation of the State in local education, this officer became a State appointee in 1870.[17] In 1916 the division superintendent was first required to have had professional training or experience, and his appointment has since been returned to the hands of the local board, although he must be certified eligible by the State Board of Education.[18] It is the duty of the superintendent to prepare the school budget upon which the school levy is based, to hear complaints against actions of the school board, supervise compulsory school attendance and the school census, and in general to regulate and supervise the conduct of the county

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7. Const. 1851, art. IV, sec. 24; Acts 1852-53, p. 43.
8. See appropriations bills of successive General Assemblies.
9. Code 1919, secs. 596-670, et passim.
10. See School Trustee Electoral Board, pp. 182-183; County School Board, p. 185.
11. Acts 1928, p. 1202; Acts 1936, p. 502.
12. Acts 1869-70, p. 408; Acts 1922, p. 738.
13. Const. 1902 (as amended 1928), art. IX, sec. 133; Acts 1928, pp. 1202-1203; Acts 1936, p. 502.
14. Const. 1902 (as amended 1928), art. IX, sec. 133; Acts 1928, pp. 1201-1205; Acts 1932, pp. 548-549; Acts 1936, pp. 504-506.
15. Code 1919, secs. 614, 765-773.
16. Acts 1845-46, pp. 29-30.
17. Acts 1869-70, pp. 403, 406.
18. Const. 1902 (as amended 1928), art. IX, secs. 132, 133; Acts 1916, pp. 789-790; Acts 1930, p. 883; Acts 1936, p. 501; Code 1936, sec. 649.

school systems (the division superintendent being responsible for a division, containing usually two or more counties) under the guidance of the State Board of Education.[19]

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.[20] In 1785 overseers of the poor were instituted, replacing the parish vestry.[21] A superintendent of the poor was elected in 1870 to cooperate with the overseers in relief work,[22] but from 1875 to the abolition of the county court, this court appointed him, as did the circuit court in Amelia County until 1921, when, the office becoming vacant, no appointment was made.[23] 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[24] and, with the establishment of this agency, the office of overseer of the poor was abolished in 1938.[25]

Since 1936, Amelia 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.[26]

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,[27] 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

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19. Acts 1936, pp. 499-515.
20. Hening, Statutes, I, pp. 266-267, 433; ibid., VI, pp. 30-32, 475-478; Bruce, Institutional History, I, pp. 87-88.
21. Hening, Statutes, XII, pp. 27-29, 273-274, 574, 713.
22. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79.
23. Acts 1874-75, pp. 133, 355; Const. 1902, art. VII, sec. 110; Acts 1902-3-4, p. 506; see Superintendent of the Poor, pp. 200-201.
24. Acts 1938, pp. 643-645.
25. Ibid., p. 214.
26. Ibid., pp. 642-646; see Local Board of Public Welfare, pp. 194-197.
27. The original of this act is lost, but its provisions are recited in a subsequent enactment which refers to it; see below.

patient.[28] The right of summary arrest was repealed in 1692,[29] 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" (bone-setter) who had merely served an apprenticeship.[30]

Inoculation for the smallpox, more or less properly regarded as dangerous, was also under the governance of the county court. It was, in fact, forbidden, but according to an act of 1769 any person or persons believing themselves exposed 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.[31] 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;[32] 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.[33] 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.[34] After 1832 the county court (or, in 1853, any three justices) was empowered to erect, purchase, or rent hospitals for tempoary or permanent use,[35] but in 1887 this authority (as to permanent establishments) was transferred to the board of supervisors.[36] 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.[37]

Free vaccination has been provided for many years - from 1853 to 1882 by the overseers of the poor,[38] and afterward by the board of supervisors -

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28. Hening, Statutes, I, pp. 316, 450; ibid., II, pp. 109-110.
29. Ibid., III, pp. 103-104.
30. Ibid., III, p. 379; ibid., IV, pp. 509-510.
31. Ibid., VIII, p. 372.
32. Ibid., IX, p. 372.
33. Code 1819, II, p. 290; Acts 1831-32, p. 25; Code 1849, pp. 396-397.
34. Hening, Statutes, IX, p. 372; Code 1803, p. 201; Code 1819, II, p. 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.
35. 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.
36. Code 1887, sec. 1719; Code 1936, sec. 1555.
37. Code 1887, sec. 1721; Acts 1902-3-4, p. 734; Code 1936, sec. 1557.
38. Acts 1852-53, p. 128; Code 1860, p. 447; Code 1873, p. 732.

for the benefit of anyone (including school children) unable to bear the cost themselves; and between 1894 and 1928 the board had the power to enforce compulsory vaccination when it saw fit.[39] The school board also, after 1870, might require the same protection in the schools, and refuse admittance to unvaccinated pupils or, later, teachers (1894).[40] Since the creation of the local board of health in 1900, it too has had authority to enforce vaccination as need arises,[41] 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,[42] as may the board of supervisors in certain cases,[43] and cooperates with the latter body in such matters as the erection and management of local sanatoria for tuberculosis victims.[44] Amelia County has never had a regularly appointed county nurse, but is served by an itinerant nurse in the employ of the State.[45]

Public Works

Roads were originally in the province of the county court,[46] which supervised their construction and maintenance and appointed surveyors as its agents.[47] The county court remained the controlling factor until 1886 except for temporary management by township officers for the period between 1870 and 1875.[48] The board of supervisors was given control over roads in Amelia County in 1886. The board of supervisors continued to levy the road tax until 1932 when all the county road agencies were abolished.[49] Since 1932 the county road system has been under control of the State.[50]

The function of the county surveyor since the early days of the Colony has been to plot and record the boundaries of lands.[51]

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39. Acts 1881-82, pp. 169-170; Code 1887, sec. 1733; Acts 1893-94, p. 232; Code 1919, sec. 1530; (repealed) Acts 1928, p. 1226.
40. 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.
41. Acts 1899-1900, p. 1250; Code 1936, sec. 1493.
42. Acts 1899-1900, pp. 1250-1252; Code 1936, secs. 1493-1495, 1497, 1498.
43. Ibid., sec. 1544.
44. Acts 1916, p. 698; Code 1936, secs. 1507-1510.
45. See County Nurse, p. 204.
46. Hening, Statutes, I, p. 199.
47. Ibid., I, p. 436; ibid., II, p. 103.
48. 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. 59-65.
49. Acts 1932, pp. 872-880; see Board of Supervisors, pp. 59-65.
50. Acts 1932, pp. 872-880.
51. Bruce, Institutional History, I, p. 387; Code 1919, secs. 2480, 2842.

Miscellaneous

From 1730 until well into the nineteenth century, there was a regular system of tobacco warehousing and inspection, for the improvement of standards of quality. The inspector, since 1876 known as sampler, has now become a State officer.[52]

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. Amelia County has had a county-appointed county agent since about 1910, and was the scene of earlier demonstration activities.[53] The home demonstration agent, appointed in the year 1923, conducts demonstrations of approved homemaking methods.[54]

At the time of Amelia's foundation, local military affairs were handled by the county lieutenant, who was answerable to the Governor as commander in chief, and who, in turn, controlled the minor offices of the county militia units, which were made up of all the free white males fit for duty.[55] 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.[56] The Constitution of 1869 abolished compulsory military service,[57] 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.[58] Judgments, decrees, orders - in fact all essential parts of a court proceeding - are entered in the order books,[59] the original case papers then becoming of little importance. Lists of delinquent land,[60] returns of tax sales,[61] and other matters pertaining to the collection of taxes by summary proceedings,[62] are copied by the clerk into sets of books, even though the originals may be preserved.

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52. Hening, Statutes, IV, p. 261; Acts 1876-77, pp. 314-318; Code 1936, secs. 1348, 1350, 1364.
53. Statutes at Large of the United States, XXXVIII (1913-15), pt. 1, pp. 372-374; see County Agricultural Agent, pp. 209-211.
54. Acts 1914, pp. 710-712; see Home Demonstration Agent, pp. 214-215.
55. Hening, Statutes, I, p. 277; ibid., VI, p. 531; Bruce, Institutional History, II, p. 18.
56. Statutes at Large of the United States, I, pp. 271-274; Hening, Statutes, XIII, pp. 340-356; Shepherd, Statutes, I, p. 203-207.
57. Const. 1869, art. IX, secs. 1, 2.
58. Code 1919, sec. 6197.
59. Code 1936, sec. 5962(a).
60. "Tax Code" 1936, sec. 390.
61. Code 1936, secs. 2469, 2489.
62. Ibid., secs. 2469, 2489, 2491, 2495, 2497.

Although the record of court proceedings was required by the early charters,[63] 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 people,[64] with an almost-forgotten exception.[65] 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.[66] This gave some measure of public notice, as did the more ancient Saxon custom of transacting all conveyances at the county court.[67] With the introduction, after 1535, of conveyance by deed, secret and often fraudulent transactions became possible.[68] 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,[69] and is not regarded by subsequent authorities as a general recording act; in fact, it is rarely mentioned.[70]

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.[71] This rule was later modified in certain sections of England. An act for one district was passed in 1663[72] and registration was required in two or three English counties in 1705, 1708, and 1735.[73] 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.[74] 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.[75]

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

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63. Hening, Statutes, I, p. 71 (1606).
64. Bruce, Institutional History, I, pp. 548-549; see footnotes 65, 67, 74, 77, 79, 80.
65. David S. Garland and Lucius P. McGehee, eds., American and English Encyclopaedia of Law, Northport, N. Y., 1896-1905, XXIV, pp. 75-76.
66. William Blackstone, Commentaries on the Laws of England, Philadelphia, 1900, II, secs. 312, 313.
67. Ibid., II, secs. 338, 339, 342.
68. See footnote 67.
69. Blackstone, Commentaries, II, secs. 338, 339; see footnote 65.
70. See footnotes 67, 72, 74, 75.
71. See footnote 69.
72. Earl of Halsbury, Halsbury's Laws of England, London, 1937, XXIX, p. 427, note n.
73. See footnotes 67, 74.
74. Halsbury's Laws of England, XXIII, p. 533; ibid., XXVII, pp. 790-792; see footnote 81.
75. Halsbury's Laws of England, XIX, pp. 417-418, 468.

deeds to be recorded within a year and a day at Jamestown,[76] and the first Virginia general recording act, passed in 1640,[77] antedated by about 23 years the earliest English law (the Statute of Enrollments having fallen into disuse).[78] Although this and the law of 1643[79] 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."[80] These early Virginia laws formed the basis for an unbroken series of recording acts relating to land[81] and personal property.[82]

Except for a short period following the revision of 1919, the index has not been a part of the record,[83] but has merely been imposed upon the clerk as a duty.[84] However, the clerk is required to prepare general indexes "to all deed books, miscellaneous liens, will books, judgment dockets and court order books" in his office.[85] The general indexing of the order books is within the discretion of the court.[86]

This index is required to be "a modern, family name, or ledgerized alphabetical key-table general index."[87] 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.[88]

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.[89]

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,[90] except on court order for rebinding.[91] If any records have become illegible, they may be corrected from any writings which were in the books.[92] 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.[93]

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76. Bruce, Institutional History, I, pp. 548-549.
77. Hening, Statutes, I, p. 227.
78. See footnotes 65, 72.
79. Hening, Statutes, I, pp. 248-249.
80. Ibid., I, pp. 417-418.
81. Code 1803, p. 158; Code 1819, I, p. 367; Code 1849, p. 514; Code 1887 secs. 2465, 2505; Code 1936, secs. 3393, 5194.
82. Code 1819, I, p. 372; Code 1936, secs. 5188, 5194.
83. Code 1919, sec. 5194; (repealed) Acts 1922, p. 474.
84. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 3394.
85. See footnote 84.
86. Acts 1936, p. 83; in Amelia such an index was begun in 1938 - see entry 105
87. Code 1936, sec. 3394.
88. Acts 1916, p. 394; Code 1936, secs. 3395-3398.
89. Acts 1934, pp. 174-175; Code 1936, sec. 3399.
90. Ibid., secs. 3387, 4516-4518.
91. Ibid., secs. 5979-5982.
92. Ibid., sec. 6201.
93. Ibid., sec. 3401.

Of growing popularity is the use of loose-leaf binders. These have the double advantage of preserving originals in convenient, permanent books, and eliminating the possibility of errors made in copying. Most effective use of this system is found in the law and chancery dockets. A cause is first entered on a prepared loose-leaf page in the pending docket; this loose-leaf form is transferred successively to the current, then to the ended docket, superseding the rule book formerly kept by the clerk.[94]

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

Provision has been made for preserving records of any date prior to and including 1800. Public records may be deposited with the State Library at the request of any custodian of such records; or upon a court order issued at the request of the State Librarian when records are not properly cared for (except deed books and will books);[96] 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, binds and returns to the custodian the positive photostat. The originals also are returned unless the court order authorized their retention.[97] 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."[98]

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,[99] will book,[1] delinquent land book,[2] 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."[3] 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,

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94. Acts 1923, pp. 97-98; Code 1936, secs. 6245, 6461-6464.
95. Acts 1936, p. 51; Code 1936, sec. 1019.
96. Acts 1936, p. 110; Code 1936, sec. 354.
97. See footnote 96.
98. Acts 1936, pp. 110-111; Code 1936, sec. 355.
99. Hening, Statutes, XII, p. 156.
1. Ibid., XII, pp. 145-146.
2. Code 1887, sec. 645.
3. Code 1819, II, p. 60; Acts 1883-84, pp. 27-28.

specifying what instruments were to be recorded in each.[4] The latest amendment specifies nine books: deed book, miscellaneous liens, land book, will book, an optional book for other fiduciary matters, judgment docket, justices' execution book, marriage register, and writings partially proved.[5] The conditional sales book was finally established in 1920[6] and the plat book legally validated in 1918.[7]

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.[8]

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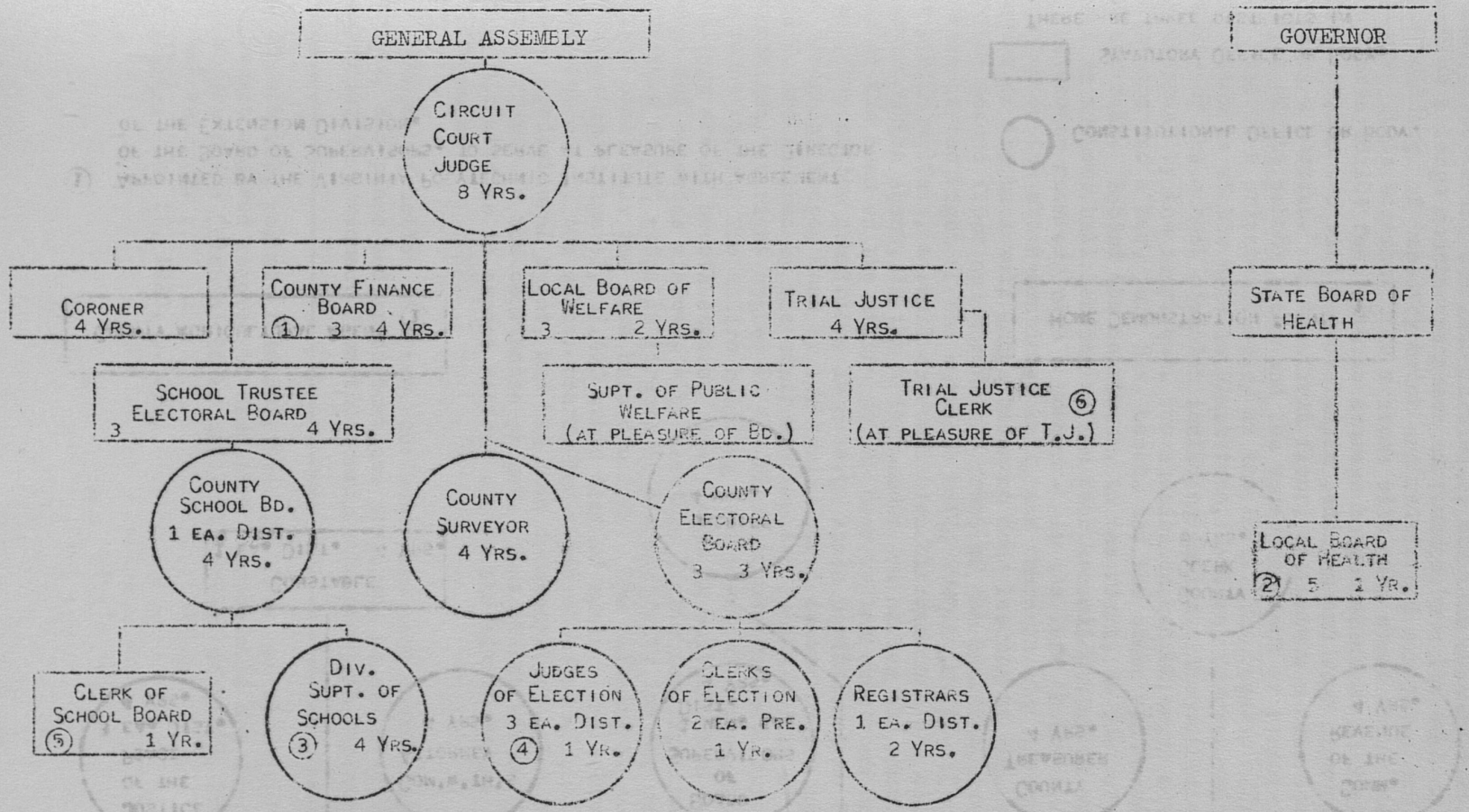
4. Code 1919, sec. 3393.
5. Acts 1932, pp. 333-334; Code 1936, sec. 3393.
6. Acts 1920, p. 399; Code 1936, sec. 5189.
7. Acts 1918, p. 504; Code 1936, sec. 3393(a).
8. Ibid., sec. 3393; People's National Bank vs. Merchants and Farmers Bank, 152 Va. 520, 147 S. E. 220 (1929).

GOVERNOR

CHART OF GOVERNMENT - - - Amelia County, 1939

GENERAL ASSEMBLY

CHART OF GOVERNMENT - - - Amelia County, 1939



(1) ONE MEMBER APPOINTED. TREASURER AND CHAIRMAN OF BOARD OF SUPERVISORS ARE EX-OFFICIO MEMBERS.

(2) COMPOSED OF THREE APPOINTEES (ONE DOCTOR), THE COUNTY CLERK, AND THE CHAIRMAN OF THE BOARD OF SUPERVISORS.

(3) BY BOARDS OF AMELIA AND NOTTOWAY FROM A LIST SUBMITTED BY THE STATE BOARD OF EDUCATION.

(4) FIVE JUDGES OF ELECTION ARE APPOINTED COMMISSIONERS OF ELECTION.

(5) UPON RECOMMENDATION OF DIVISION SUPERINTENDENT OF SCHOOLS.

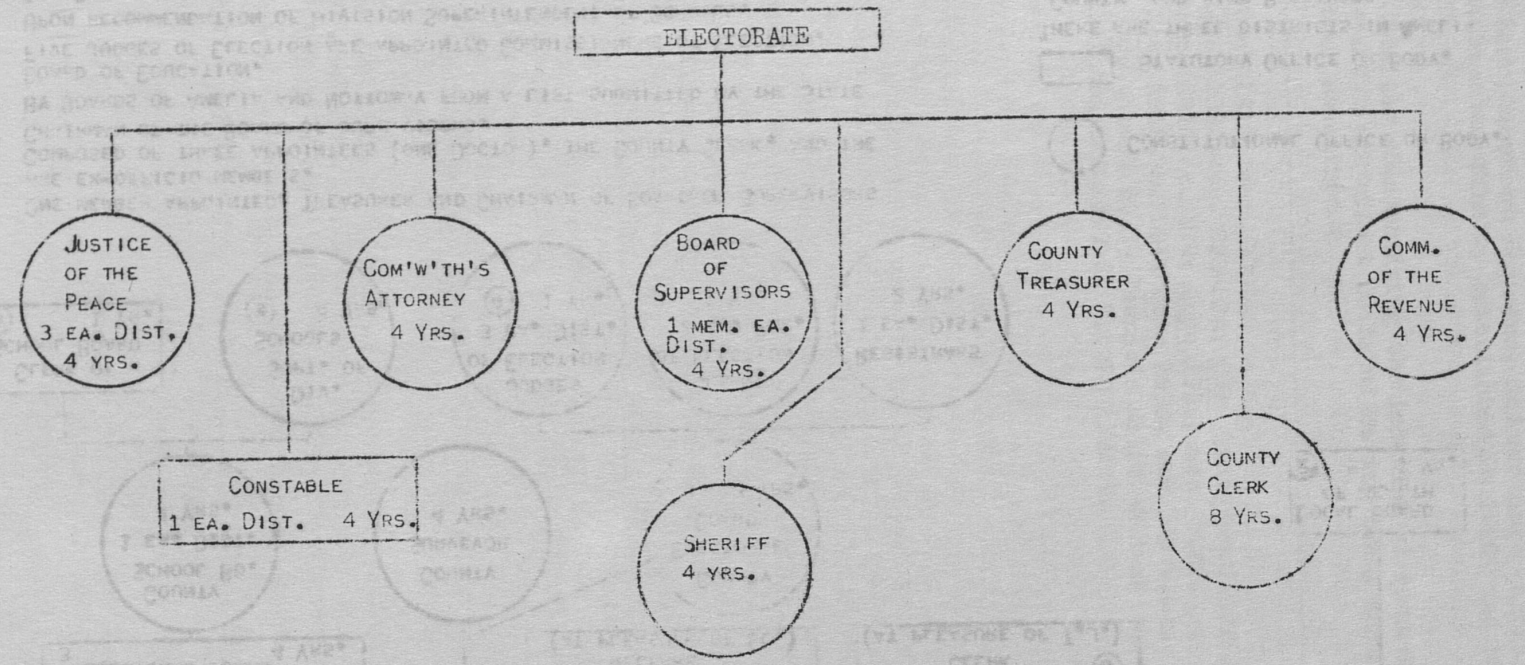
(6) THE TRIAL JUSTICE SERVES POWHATAN AND AMELIA; THE CLERK HERE IS DEPUTY.

◯ CONSTITUTIONAL OFFICE OR BODY.

▭ STATUTORY OFFICE OR BODY.

THERE ARE THREE DISTRICTS IN AMELIA COUNTY, AND NINE PRECINCTS.

CHART OF GOVERNMENT - - - Amelia County, 1939



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

○ CONSTITUTIONAL OFFICE OR BODY.

▭ STATUTORY OFFICE OR BODY.

THERE ARE THREE DISTRICTS IN AMELIA COUNTY.

(First entry, p. 66)

THERE ARE THREE DISTRICTS IN AMELIA COUNTY.

3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

The present courthouse of Amelia County, which replaces an earlier one constructed during the late forties of the last century,[1] faces roughly northwest on a large courthouse green surrounded by a low wall of artificial stone. The building, of tapestry brick and reinforced concrete, has a metal roof. In plan it is somewhat like a cross with very short arms, and measures on its main axes 40x104 feet with an average height of about 18 feet. At the front, it is ornamented with a neo-classic pediment and four high concrete pillars forming a portico. On the first floor, one enters a wide entrance hall; the office of the school board and the superintendent of schools is at the right, and that of a private attorney at the left. The regular office of the superintendent is at his home in Blackstone, Nottoway County, which is the other county of the school division including Amelia. The middle of the building is occupied by the courtroom, two stories in height, with a balcony at the front end and a bar, jury box, bench, and the other appurtenances of the court at the rear. Behind the courtroom, to the right, is the jury room; at the left is a short hall leading to the rear ascending stairs, and across the hall a conference room or judge's chamber. At the left or east side is a side door opening on the above-mentioned hall, and there is also a rear entrance in the center of the back wall and a basement door leading to the heating plant. On the second floor and across the front of the building, reached by the stairs at the right of the entrance hall, are the office of the superintendent of public welfare, a small demonstration kitchen, and the office of the home demonstration agent, in the order named; and across the short transverse hallway at the head of the stairs is the door to the courtroom balcony; at the rear, beyond the courtroom, is a large space partitioned to form four offices of irregular shape, used by the agricultural demonstration agent and his staff, and reached by the staircase located in the middle of that end of the courthouse, at right angles to the short transverse hall into which the side entrance opens. The entire building is floored with wood, and the walls and ceilings are of smooth stucco. Every room is well lighted and ventilated by large and numerous windows, with electric lights for night use; and, while the structure is not actually fireproof, its modernity and the method of heating (steam heat) make the fire hazard slight. The building is county property and occupies approximately 57,400 cubic feet of space. The school trustee electoral board, the school board, the superintendent of public welfare, the county agricultural agent, and the home demonstration agent have records in their offices in the courthouse proper. None of the rooms of this building is so situated as to expose records stored therein to damage by dust, soot, or dampness.

The construction of a new courthouse had been considered, an architect engaged, and plans and specifications prepared, as early as 1919,[2] and in 1920 responding to a request from the board,[3] the county's representatives in the

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1. Order Book, no. 42 (1846-50), Oct. 25, 1849, p. 398; Aug. 22, 1850, p. 488 (court ordered removed to completed courthouse), see entry 158.
2. Supervisor's (Minute) Book, no. 2 (1910-24), Sept. 25, 1919, p. 307, see entry 2.
3. Ibid., Jan. 12, 1920, p. 319.

legislature secured the passage of an act enabling the board to issue bonds upon the county's credit to finance the work, and arrange for the retirement of such bonds, upon a stated plan, out of the county levy.[4] Here the matter appears to have rested until 1921, when, upon recommendations of the State Board of Health, the circuit court appointed a committee to examine the courthouse and jail.[5] Their report was ". . . that the sanitary conditions were horrible & dangerous to public health, that the Co. Ho. is dangerous to human life in its present condition and immediate attention thereto is necessary . . . ." The board was of the opinion that repairs would be useless, and that a new courthouse was needed; they accordingly petitioned the circuit court for approval of the proposed bond issue, and for an order for a special election on that subject.[6] Nothing seems to have been done at this time, for there is recorded (1922) an order from the court to the board to repair the jail and render it a ". . . decent and habitable place . . . .",[7] and a complaint from the State Department of Welfare in 1923 indicates that little if any improvement had been made.[8]

In 1924 a rule of the circuit court required the board to show cause why a preemptory mandamus should not be issued to compel the necessary repairs to courthouse and jail; the board replied that, while the court might order repairs, the board alone could arrange for a new building, which seemed much more desirable, and again requested approval of the bond issue.[9] On this occasion the approval was granted and the election, actually held, indicated the assent of the people of the county.[10] After a conference with B. R. Regan, the original architect, the board decided upon certain changes in the plans and specifications; these changes were made, and the rest of the work supervised by Mr. Coopee Lai, architect.[11] Bids were advertised, and that of D. P. Bass ($27,462) accepted.[12] The bond issue was then made according to the original plan; 25 bonds of $1,000 each were issued to mature in 5 equal groups, 8, 9, 10, 11, and 12 years after issue.[13] Work proceeded according to schedule, and the board gathered on March 11, 1925, to examine and accept the present excellent building, just 8 months after the date of the contractor's bond.[14]

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4. Acts 1920, p. 33.
5. Com. (Common) Law Orders, no. 9 (1915-24), June 1921, p. 276, see entry 104.
6. Supervisors' (Minute) Book, no. 2 (1910-24), July 4, 1921, p. 365; July 11, 1921, p. 367, see entry 2.
7. Com. (Common) Law Orders, no. 9 (1915-24), June 5, 1922, p. 302, see entry 104.
8. Supervisors' (Minute) Book, no. 2 (1910-24), Oct. 8, 1923, p. 437, see entry 2.
9. Ibid., Jan. 14, 1924, p. 448; Com. (Common) Law Orders, no. 9 (1915-24), Jan. 12, 1924, p. 429; Jan. 14, 1924, p. 434, see entry 104.
10. Ibid., p. 440; Apr. 10, 1924, p. 464.
11. Supervisors' (Minute) Book, no. 2 (1910-24), Feb. 1, 1924, p. 449; Apr. 28, 1924, p. 459; May 12, 1924, p. 462, see entry 2.
12. Ibid., June 2, 1924, p. 463; June 9, 1924, p. 465; Oct. 13, 1924, p. 484.
13. Ibid., July 14, 1924, pp. 468-469; July 22, 1924, p. 470; Aug. 15, 1924, pp. 473-477; Sept. 11, 1924, pp. 480-482.
14. Ibid., Oct. 13, 1924 (bond executed June 16, 1924), p. 484; ibid., no. 3 (1925-35), March 11, 1925, p. 6.

Housing, Care, and Accessibility of the Records (First entry, p. 66)

At the left, or eastern side of the courthouse, stands the clerk's office, a somewhat older structure of yellow brick, rectangular in plan, with a plain pediment and square brick columns in front. Fifty-two by forty-one and one-half feet over all, it contains approximately 21,912 cubic feet of space (exclusive of the porch). At the right, or west side in front, is a storage room used for inactive records; at the left, across a small recess or entrance area, is the door of the clerk's private office, a room like the former in size and shape. The record vault, extending across the entire rear of the building, can be entered only through the clerk's office. This building has concrete floors and smooth stucco walls, and hence is safe from fire, even though the heating is still by woodburning stoves. All its rooms are well lighted and ventilated by windows, and electric lights are adequate for night use. No room is exposed to possible serious damage by dust, soot, or dampness; even the storage room, which is least protected of the three, is fairly dry and clean. There is ample room in the clerk's office for the records now stored there, and the equipment and arrangement are both good. For future expansion, there is still unoccupied space in the record vault, and little new equipment will probably be needed for some time.

The board of supervisors, the county clerk, the circuit court, the county court, the trial justice, the sheriff, the commissioner of the revenue, the local board of review, the county finance board, the county electoral board, the division superintendent of schools, the local board of public welfare, the local board of health, the county nurse, and the county militia all have or have left records in one or more of the rooms of the clerk's office.

This clerk's office replaces an earlier one belonging to the county but built on private property. On April 13, 1907, a committee of one was appointed by the board of supervisors to investigate the probable cost of building a new office,[15] and on May 4, 1907, it was recorded that two persons appointed by the circuit court, as well as the members of the board themselves, had inspected the existing building and reported it not fireproof, and the county records in danger. The board accordingly directed that an office be built, 36x40x12 feet, of brick, granite rubble, and concrete.[16] Payments totaling $3,000 or a little over were made for this purpose in the course of the next year and a half,[17] and on February 6, 1909, the board sat for the first time in the new building, one of its first acts being to tender a vote of thanks to the commissioners who had supervised the construction, and to approve the plan and its execution.[18] The old office was then sold to the owner of the land on which it stood since the board decided that it was inadvisable to attempt to move it into the courthouse square.[19]

The only other separate office building in the neighbourhood of the courthouse square is the treasurer's office, across the street to the northwest of the courthouse. Privately owned (by the treasurer himself), it is of one-story frame construction 32x16 feet, with an added room 6x7 feet at left rear, and a wide porch in front; his office space aggregates, 1,060 cubic feet.

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15. Ibid., no. 1 (1870-1909), Apr. 13, 1907, p. 478.
16. Ibid., May 4, 1907, p. 480.
17. Ibid., pp. 485, 489, 512, 515.
18. Ibid., Feb. 6, 1909, p. 522.
19. Ibid., Mar. 6, 1909, p. 524; July 3, 1909, p. 532; Sept. 4, 1909, p. 536.

Housing, Care, and Accessibility of the Records (First entry, p. 66)

The board of supervisors has no regular office, but usually meets in the record room of the clerk's office, described below. Of its records, about 92 percent are in the vault, 2 percent in the clerk's private office, and 6 percent in the clerk's office storage room.

The clerk of the circuit court has a private office, briefly mentioned above, about 18x20x12 feet, with two doors 3x7 feet and two windows 3½x6 feet. This room contains two desks, and filing equipment totaling 10 linear feet of standard file boxes 15" deep, 50 linear feet of roller shelving with bound volumes, 26 linear feet of miscellaneous file drawers with unbound records, and 29 linear feet of ordinary wood and steel shelving, including a large steel safe-cabinet. The record vault, with one door 3x7 feet and four windows 3½x6 feet, is equipped with files and shelving on all four walls and has desks, tables, and other furniture adequate for all users in the middle of the floor. The vault contains 172 linear feet of file boxes with unbound records, 533 linear feet of roller shelving with bound volumes, one four-drawer letter file, a separate steel cabinet 42"x36"x20", a built-in safe cabinet 22"x24"x15", and two built-in steel cabinets 34"x24"x37". There are also 40 linear feet of plain steel shelving and 12 document boxes 12"x8"x18", with unbound records. The clerk's records are distributed roughly as follows: 33 percent in the record vault, 65 percent in the storage room,.1 percent in the clerk's private office,.7 percent in the archives of the State at Richmond, and.3 percent in the storage room of the treasurer's office.

The circuit court sits in the courtroom in the main courthouse building, but its records are in the hands of its clerk, except during sessions, and are kept in his office, 84 percent in the record vault, 7 percent in his private office, and 9 percent in storage.

The records of the defunct county court remain in the clerk's office - 36 percent in the record vault and 64 percent in storage.

The commonwealth's attorney has no office in the county buildings, nor is he required to keep any records; most of his papers and proceedings become records of the court in which he prosecutes.

The trial justice, who acts for Amelia and Powhatan conjointly, has his residence in Powhatan and maintains no office in Amelia County. His records of causes arising in Amelia County are deposited in toto in the record vault of the clerk's office.

The justices of the peace have never had offices on county property, nor do they keep permanent records, all their books and papers being returnable to the office of the clerk of court (at present, the circuit court, among whose records these items will be found, or the trial justice, before whom warrants issued by the justices of the peace are now commonly heard).

Such records as were kept by the sheriff (mainly in his capacity of jailor of the county) are filed in the record vault; this official has no regular office; and neither have the constables and the coroner; the constables have never kept any records, while the latter's reports to the circuit court are to be found among the papers of that office.

Housing, Care, and Accessibility of the Records (First entry, p. 66)

The commissioner of the revenue for Amelia County uses as his office a room in his home, located in the town of Amelia Court House. Above 3 percent of his records remain there; 29 percent are in the record vault of the clerk's office, and 68 percent in the storage room. The assessors, as their office is not of a permanent nature, have no office, and are required to keep no records; they merely distribute copies of their books of land assessment to the proper authorities.

The office of the treasurer, as has been noted above, is the property of that official. There are three rooms: a front room, 16x16x10 feet, with two doors 3x7 feet and two windows 3½x6 feet; a rear room almost identical in size, shape, and construction; and an added storage room 6x7x10 feet, with one door 3x7 feet and one window 3½x6 feet, at left rear. These rooms contain tables, desks and chairs ample for all users, and are equipped with 33 linear feet of wooden shelving, holding about 17 feet of bound volumes and 16 of unbound records (not arranged separately). So far as the treasurer's needs are concerned, the space provided is sufficient, and will probably be so for a long time to come, but a little more record storage space might be of advantage. The entire building is of wood, and, as heating is by wood stoves, there is an unavoidable fire hazard, although all due care is observed by the officer in charge. Of the treasurer's records, approximately 15 percent are in the front room, 28 percent in the rear room, 33 percent in the storage room, 2 percent in the basement of his home nearby, 1 percent in the clerk's office record vault, and 21 percent in the clerk's office storage. Those in the treasurer's basement are only slightly exposed to dust, soot, or dampness; those in his office almost not at all.

The county finance board and the county electoral board have no offices; all their known records are deposited in the record vault and the clerk's office storage room respectively.

The school trustee electoral board, the county school board, and the division superintendent of the schools, when he is in the county, share an office at the right of the courthouse on the first floor of the front. This room is roughly 9x10x13 feet, with one door, 3x7 feet, and two windows, 4x6 feet; it contains a bookcase, two four-drawer files, a large steel cabinet and other office equipment. All of the records of the school trustee electoral board and county school board are kept in this office, while those of the superintendent are kept, for the most part (57 percent), at his home in Blackstone and the remainder (43 percent) in the record vault.

The office of the superintendent of public welfare is a similar room directly above the school board office. It has two windows, 4x6 feet, and two doors, 3x7 feet, one of which opens into the home demonstration kitchen. In this room are 20 feet of wooden shelving and two four-drawer letter files. Seventy-five percent of the records of this agency are kept here and 25 percent in the clerk's office storage room.

The superintendent of the poor and the parish vestry, both defunct, have left no records in the county.

The local board of health has no office and all of its records are kept in the clerk's private office.

The county nurse, since she serves several counties, has no office here and her records are kept all together in the record vault.

The county surveyor does not have an office in any of the county buildings and such records as he prepares are considered a part of the deed book and plat book series.

The county agricultural agent, whose office in this county is a very busy one, occupies a large room at the rear of the courthouse on the second floor which has been divided by temporary match-board partitions to form four interconnecting rooms; in all, there are five windows, 4x6 feet and five doors, 3x7 feet. The rear room at the east of the building, approximately 9x13x10 feet, contains one four-drawer letter file and the adjoining room on that side, referred to as the front room, roughly 12x13x10 feet, contains six similar files. Twenty-six percent of the records of this agency are to be found in the front room and 74 percent in the rear.

The home demonstration agent has a room about 19x13x10 feet in the front east corner of the courthouse on the second floor, equipped with one four-drawer file and 59 linear feet of wooden shelving, and an adjoining kitchen, 10x10x10 feet. All the records of this agency are kept in the same room.

The county militia, now defunct, has left only two records, both of which are filed in the record vault.

4. ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

A.	Atlantic Reporter
alph.	alphabetical (ly)
anon.	anonymous
arr.	arranged or arrangement
art (s).	article (s)
aver.	average
bd.	board
bldg.	building
c.	chapter (s)
ca.	approximately
C. C.	County Courthouse
chron.	chronologically
C. J.	Corpus Juris
C. J. S.	Corpus Juris Secundum
clk.	county clerk
co.	county or company
co. agt.	county agricultural agent
comm. rev.	commissioner of the revenue
dist.	district
div.	division
ea.	each
ed.	edition or editor (s)
et al.	and other (s)
et passim	and here and there
F. 2	Federal Reporter, second series

Abbreviations, Symbols, and Explanatory Notes (First entry, p. 66)

ff.	and following pages
hdr.	handdrawn
hdw.	handwritten
ibid.	the same reference
i. e.	that is
j. p.	justice of the peace
ms (s).	manuscript (s)
n. d.	no date of publication
n. p.	no publisher's name
no (s).	number (s)
off.	office
op. cit.	work cited
p (p).	page (s)
passim	here and there
pre.	precinct
pt.	part
ptd.	printed
rm.	room
sch.	school
S. E.	South Eastern Reporter
sec (s).	section (s)
ser.	series
suppl.	supplement
supra	above or before
supt.	superintendent
t. j.	trial justice
treas.	treasurer
U. S.	United States Reporter
va.	vault
Va.	Virginia Reports
Vi.	Virginia State Library
vol (s).	volume (s)
vs.	versus (against)
wel.	welfare
yr (s).	year (s)

Symbols

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

Explanatory Notes

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

Records have been arranged under the agencies to which they are sent or

which are directed to keep them, so far as is consistent with the main use and purpose of the record.

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

Title line cross-references are used to complete series for gaps, see entry 13. They are also used in all artificial entries - records which must be shown separately under their own proper office or section heading even though they are kept in records appearing elsewhere in the inventory, see entry 153. 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 5, 7, 12, 15. If there are entries related in subject matter to other entries or to subject headings, cross-references are used under the subject headings as follows: Military, see also entries 278, 279.

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

The locations given for the records are the locations at the time the survey was made. These are subject to change as records are often moved. The Amelia 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
XII.	1785-1788
XIII.	1789-1792
Shepherd I.	1792-1795
II.	1796-1802
III.	1803-1808

(First entry, p. 66)

I. BOARD OF SUPERVISORS

The Constitution of 1869, under which Virginia reentered the Union, included certain reforms in the administration of county government long recognized as necessary.[1] For minor administrative purposes, the counties were to be divided into townships, compactly and conveniently bounded, not less than three in number, and from these townships, respectively, most of the officers of the county were elected.[2] Those powers of administration formerly concentrated in the hands of the county court were transferred, almost in toto, to a board composed of the supervisors of the townships. In Amelia County there were three: Leigh, Giles, and Jackson.[3] The township plan, suitable in such heavily populated and industrialized areas as New England, where it was indigenous, proved impracticable in rural Virginia and was abandoned in 1875.[4] But the board of supervisors had taken hold of the business of the county so capably that the board, its members now relieved of their duties as township officers[5] but with authority otherwise unimpaired, continued to serve as the principal administrative organ of the county. The townships were perpetuated, as originally laid out, only as magisterial districts for convenience in the division of elective power, tax collections, and other general functions.[6]

To be eligible for election as supervisor, the candidate must have resided at least a year within the county and 30 days in his district, and he must give up any other office held at the time.[7]

One supervisor for each magisterial district is elected by the voters of the respective districts.[8] In the year 1870 his term was 1 year,[9] and in 1875 he was elected for a term of 2 years.[10] In 1903 he was elected to serve 4 years.[11] The duration of his term of office continues to be 4 years, being regulated by the Constitution of Virginia.[12]

At the time of his qualification each supervisor is required to enter into a bond, in the penalty of not less than $1,000 nor more than $2,500 for the faithful performance of his duties.[13]

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1. Proceedings and Debates, 1829-30, pp. 626-630; Virginia Reform Convention (1851), no. 60, "Debates of June 5, 1851"; Const. 1869, art. VII, sec. 2.
2. Const. 1869, art. VII, sec. 2; Acts 1869-70, pp. 37-39.
3. Ibid., pp. 269-271, 631.
4. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 56.
5. The supervisors acted, 1870-75, as heads of the township board of supervisors, which consisted of the officers of the township, and stood in the same relationship to the township as the board of supervisors did to the county: Acts 1869-70, pp. 274-279.
6. Acts 1874-75, pp. 56-58; Code 1936, sec. 127; "Tax Code" 1936, sec. 253.
7. Code 1936, secs. 2702, 2703.
8. Code 1936, sec. 127.
9. Acts 1869-70, p. 80.
10. Acts 1874-75, p. 134.
11. Acts 1902-3-4, pp. 506, 743.
12. Const. 1902 (as amended 1928), art. VII, secs. 111, 112.
13. Acts 1869-70, p. 273; Acts 1871-72, p. 296; Acts 1895-96, p. 825; Acts 1924, p. 685; Code 1936, sec. 2698.

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In the year 1870 the compensation of each member of the board of supervisors was fixed at the rate of $2 per day for his services in attending the meetings of the board, for the time he should actually attend, and an allowance of 5 cents per mile for his mileage, but this compensation and allowance could not be drawn for more than 10 days' attendance on the county board in any 1 year.[14] This rate of pay was later raised to $3 per day, with the same rate for mileage.[15] In 1934 this rate was increased to $6 per day, plus mileage.[16] In 1936 the total amount allowed as compensation for the entire membership of the board of supervisors of each county was fixed by the judge of the circuit court, in term or vacation, by an order entered in the common law order book, determined by the population of such county. In 1930 the population of Amelia County was 8,979. Consequently, at the rate prescribed for counties of not more than 20,000, the Board of Supervisors of Amelia County would receive in the aggregate, not more than $1,200.[17] The annual compensation to be allowed each member of the board of supervisors is determined by dividing the total amount allowed the entire board, in accordance with the scale above referred to, by the number of supervisors in the county.[18]

If a supervisor fails to give bond and take the oath as required before the first day of his term, the office is declared vacant,[19] and filled, like vacancies for other causes, by appointment of the circuit court, which inherited this power from the county court in 1903. Those appointed must qualify and give bond exactly as if elected.[20] Removal from the district,[21] or acceptance of another position, automatically vacates the office.

The county clerk, ex-officio the clerk of the board of supervisors, has as many important duties as the chairman elected from and by the board, for in his custody are all the papers of the board, and all official reports, lists, and correspondence.[22] Being already heavily bonded, the clerk is required to give no additional security for the performance of his duties as clerk of the board. His compensation, above that allowed him for other services, was in 1870 limited to $25 annually, while today it must not exceed $150.[23]

According to the report, County Government in Virginia, made for the Governor and his committee on consolidation and simplification, the board might well be granted greater local legislative powers for the relief of the General Assembly and the satisfaction of purely regional problems which

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14. Acts 1869-70, p. 273.
15. Code 1887, sec. 848; Acts 1895-96, p. 343.
16. Acts 1934, p. 481; Code 1936, sec. 2769.
17. Acts 1936-37, p. 42; Code 1936, sec. 2769(a).
18. Acts 1936-37, p. 43; Code 1936, sec. 2769(a).
19. Acts 1869-70, p. 269; Acts 1874-75, pp. 354-355; Code 1887, secs. 177, 812-814; Code 1936, secs. 279, 2696-2698.
20. Acts 1869-70, p. 287; Acts 1874-75, p. 135; Code 1936, sec. 139.
21. Acts 1874-75, p. 135; Acts 1878-79, p. 303; Acts 1889-90, p. 111; Code 1936, secs. 2702-2704.
22. Acts 1869-70, p. 274; Acts 1934, p. 550; Code 1936, secs. 2766, 2770(a).
23. Acts 1869-70, p. 274; Code 1919, sec. 2773; Acts 1938, p. 219; as to the clerk's bond, see the article devoted to him as clerk of the county.

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inevitably arise.[24] Although the board may sue and be sued in the name of "The Board of Supervisors of Amelia County",[25] 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.[26] The attorney for the commonwealth acts as its legal representative in cases involving allowances and claims.[27]

The principal duties of the board of supervisors have been of a financial nature. The reports and accounts of treasurer, sheriff, clerks, and all other officers concerned in the receipt or disbursement of county funds are audited and settled;[28] claims against the county are examined and allowed or disallowed; warrants are issued on the treasurer for their payment;[29] 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.[30]

At the foundation of the township system, control of county roads and bridges had passed in great part from the domain of the county court, which had always hitherto been supreme in that field,[31] to the township boards and their respective commissioners of roads, each of whom, elected annually from the township in which he lived, sat as a member of the board. Every township was further divided into road districts and an overseer of roads was elected annually from each district to supervise the construction and maintenance of roads. As before, every able-bodied male between 16 and 60 years of age not especially excepted was called on for labor on the roads, but a special road levy was now raised by the township board, and each workman received, in compensation, certificates receivable in the payment of this tax.[32] In 1875 these powers in general reverted to the county court, but the special levy for road purposes was not altogether discontinued;[33] and in 1886 there was enacted a particular road law for Amelia County, under which the board of supervisors, in close cooperation with the county court, assumed control. Surveyors or overseers of roads were to be appointed by the court at the recommendation of the board for a term of 2 years, which they were compelled to serve. As inspectors over them, instead of the former commissioners of roads, stood the supervisors themselves, each of whom was responsible for the roads of his own magisterial district. The road levy was revived in full force and each overseer received $1 for every day spent summoning hands to work, and 75 cents for each day above 2 spent in working the roads. Each supervisor received $2 per day actually employed in inspecting, but not above $30 per year, in addition to his

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24. N. Y. Bureau of Municipal Research; County Government in Virginia, p. 13.
25. Acts 1878-79, p. 299; Code 1919, sec. 2710.
26. Supervisors vs. Powell, 95 Va. 635, 637, 29 S. E. 682.
27. Acts 1878-79, p. 302; Code 1919, sec. 2759.
28. Acts 1869-70, p. 270; Code 1936, sec. 2719.
29. Acts 1869-70, pp. 270-271; Code 1936, secs. 2724, 2759.
30. 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.
31. See County Court, p. 118.
32. Acts 1869-70, pp. 604-607; Acts 1871-72, p. 208; Code 1873, pp. 500-508.
33. Acts 1874-75, pp. 177-187.

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regular pay. Overseers were subject to presentment, and to fines of $5 to $30, for neglect of their duty. Applications to establish a new road or alter an old one, however, were still addressed to the county court, which appointed viewers to pass on the desirability of the change.[34] Reports by the supervisors of their inspections under this law were made to the board at special sessions, and recorded in their order book.[35]

This system continued in use until 1896, when there was enacted a special road law for Brunswick, Nottoway, and Amelia Counties. Under this act the board recommended and the county court appointed one superintendent of roads and bridges annually, to have complete charge of such matters in the county, reporting and accounting bimonthly to the board. The first superintendent in Amelia County was appointed and qualified June 25, 1896, posting the required bond of $2,000. He was to receive a salary fixed by the board, not above $500, paid from the general levy instead of the road fund, and his term commenced and ended August 1 of each year. These appointments were kept up (with some irregularity at the change in 1903-4 from county court to circuit court as appointing agency)[36] until 1908, when Amelia's special road act was repealed.[37] In May 1909 the office of county superintendent of roads and bridges was abolished by an order of the board, and in the same year (under one of the alternative plans offered by the General Assembly) the board selected three district superintendents, one for each magisterial district, to undertake in their more limited scope the same duties.[38] In 1910 it was directed that the district superintendents continue in office until notified otherwise, but they were to vacate immediately at the will of the board, and in 1912 the board abolished the office of district superintendent and appointed a county superintendent. At the end of the term (1 year) for which he was appointed, this superintendent tendered his resignation, which was refused, but nothing more was heard of the office, and it appears to have ended at this point.[39] In the same year the board appointed a superintendent for Giles District only, and this

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34. Acts 1885-86, pp. 396-404.
35. Supervisors Book, no. 1 (1870-1909), Dec. 4, 1886, June 4, 1887, Dec. 4, 1887, pp. 550-565, see entry 2.
36. Acts 1895-96, pp. 712-715; Bonds (1888-98), June 25, 1896, p. 193; Aug. 26, 1897, p. 224; July 28, 1898, p. 245; Bond Book (1899-1904), July 27, 1900, p. 15; Aug. 23, 1900, p. 34; July 25, 1901, p. 61; July 30, 1902, p. 75; July 23, 1903, p. 98, in Officers Bonds, see entry 133; Bond Book (1902-17), Dec. 22, 1904, p. 20, in Administrators Bonds, see entry 134; Supervisors Book, no. 1 (1870-1909), Nov. 5, 1904, p. 435, see entry 2; Officers Bonds (1904-35), Aug. 28, 1905, p. 18; May 23, 1907, p. 28, see entry 133.
37. Acts 1908, p. 103.
38. Ibid., pp. 408-412; Supervisors Book, no. 1 (1870-1909), May 1, 1909, p. 526; June 5, 1909, pp. 528-529; Aug. 7, 1909, p. 535; Oct. 2, 1909, pp. 539-540, see entry 2; Officers Bonds (1904-35), July 17, 1909, p. 50; Aug. 10, 1909, p. 51; Oct. 2, 1909, p. 54, see entry 133.
39. Supervisors Book, no. 2 (1910-25), Jan. 1, 1910, p. 2; Feb. 12, 1912, p. 53; May 13, 1912, p. 61; June 9, 1913, p. 94, see entry 2; Officers Bonds (1904-35), June 1, 1912, p. 76, see entry 133.

officer continued to function at least until 1925.[40]

Compulsory service on the roads ended in 1904, and after that date the board was authorized to maintain its road system either by hired day labor or by contract - the latter not a new provision at all, as the county court had had similar authority at a very early date,[41] and the board was merely taking over this among other former powers of the court in relation to roads.[42] State aid in highway construction commenced with the establishment of the State Highway Commission in 1906, and the following year we find the supervisors of Amelia County applying to the Commissioner for the services of an engineer to view the line of a proposed highway.[43] Monetary aid was also received from time to time, and in 1912 the county applied for the use of a State convict road force on its roads. Work by this force commenced the following year and continued until 1918, when there was a petition to have the road force removed to work on State roads only, and to have the road running from Goode's Bridge (over the Appomattox) to Burkeville in Nottoway County (present Route 360) declared part of the State system of primary roads, no part of which then lay within the county.[44] From that time forward, as in other counties, there was a gradual assumption by the State of the care of the county's roads, culminating in 1932 with the taking over of the secondary systems throughout the State, and the end of the board of supervisors' authority in that connection except in the raising of funds to pay off past indebtedness incurred in the upkeep of roads. The board today meets periodically in advisory session with an engineer of the State Highway Department, and road work in the counties is financed principally by the county's quota of the gasoline tax.[45]

The board at present functions in widely varied capacities. Since it has control of the corporate property of the county, it provides for the construction and repair, rental and insurance of public buildings,[46] and, although a general election is required for the assumption of new obligations by the county, the board may take in and reissue at the same or a lower rate of interest such county bonds as are already current, setting such time for their redemption as seems desirable within a 50-year limit.[47]

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40. Ibid., (1904-35), Sept. 11, 1913, p. 78; Supervisors Book, no. 2 (1910-25), Sept. 8, 1913, p. 103; other dates, passim; ibid., no. 3 (1925-35), Apr. 13, 1925, p. 9 (apparently last mention of superintendent for Giles District), see entry 2.
41. Acts 1904, p. 204; see County Court, p. 118; Supervisors Book, no. 1 (1870-1909), June 5, 1909, pp. 528-529, see entry 2.
42. Acts 1874-75, pp. 177-187; Code 1887, secs. 945-1012; Acts 1904, pp. 191-204.
43. Acts 1906, p. 72; Supervisors Book, no. 1 (1870-1909), Mar. 23, 1907, p. 478, see entry 2.
44. Ibid., no. 2 (1910-25), Feb. 12, 1912, p. 53; Feb. 14, 1913, pp. 86, 87; Apr. 14, 1913, p. 92; July 8, 1918, p. 265; Sept. 9, 1918, p. 271; et passim.
45. Ibid., no. 3 (1925-35), passim; Acts 1932, pp. 872-876; Code 1936, sec. 1975 hh.
46. Acts 1869-70, p. 270; Code 1936, secs. 2723, 2725, 2738.
47. Acts 1902-3-4, p. 136; Code 1936, sec. 2735.

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In 1916 the board of supervisors of the county of Amelia was authorized to borrow from time to time the necessary money for the purpose of continuing the work of road improvement.[48] In 1918 the board of Amelia County was authorized to increase the salary of the county clerk, to be paid out of the county levy of said county.[49] The said board was, in 1920, authorized to levy, in accordance with section 173 of the Constitution of Virginia, an additional capitation tax not exceeding $1 per annum, on every male citizen in said county not less than 21 years of age, except those who are exempted from the payment of State capitation tax.[50] In the same year, by an act of the legislature, the Amelia County Board of Supervisors was given power and authority to issue the bonds of the county for the purpose of raising money with which to build a new courthouse for the county.[51]

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 attorney for the commonwealth, are empowered to make such equitable settlement without regard to strict legal rules as may seem appropriate. This is subject always to the approval of the judge of the circuit court.[52]

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, while others include the powers to adopt quarantine and other regulations to prevent the spread of disease;[53] to compel the inoculation or vaccination of persons or cattle threatened by disease and pass such other local orders for public health and sanitation as are immediately necessary;[54] to provide against and prevent the pollution of water supplies;[55] to limit or prohibit the destruction of game, fish, and wildfowl;[56] to provide for the poor of the county, establishing farms or houses for their accommodation and appointing overseers, superintendents, doctors, and nurses to care for and supervise the indigent in illness and health;[57] and, finally, to adopt such general measures as seemed likely to secure and promote the health, safety and welfare of the people of the county.[58] While many of these powers are still

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48. Acts 1916, p. 11.
49. Acts 1918, p. 498.
50. Acts 1920, pp. 212-213.
51. Ibid., p. 33.
52. Acts 1902-3-4, p. 235; Code 1936, sec. 2737.
53. Code 1919, sec. 1533; Code 1936, sec. 2743.
54. Acts 1881-82, p. 169; Code 1919, sec. 1530; (repealed) Acts 1928, p. 1227.
55. Code 1936, sec. 2743.
56. Acts 1902-3-4, p. 333; Code 1919, secs. 2743, 3356; (repealed) Acts 1930, pp. 664-665.
57. Acts 1878-79, pp. 307, 331; Code 1887, sec. 870; Code 1936, secs. 2794, 2796, 2800.
58. Ibid., sec. 2743.

granted to the board, they are in general applied in cooperation with State and Federal agencies - principally, the agricultural, welfare, health, and conservation agencies.

The board, as it levies and apportions the tax for schools as well as other purposes, maintains considerable authority over the school system. After 1920, and until 1928, this power was augmented to permit the board to advance or withhold additional sums from its general funds.[59] It also has recently acquired control over zoning within the county, regulating through ordinance, within the limits of the statute, the places and areas to be devoted to residence, agriculture, forestry or industry, and the sizes of buildings acceptable within each zone.[60] The board pays bounties on the scalps of hawks, crows, foxes, and other pests,[61] which serve as evidence for collection; and, furthermore, levies and administers a special fund, derived from the dog license tax, for indemnifying persons whose stock or poultry has been damaged or destroyed by dogs.[62]

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,[63] copies of the budget estimate made annually by the board on the basis of the previous year's expenditures and revenues,[64] and a bound volume in which is entered an abstract record of the action taken on these and other matters at each meeting.[65] He also has in his custody the corresponding volumes kept by the clerks of township boards of two of the three townships during the period 1871-75.[66]

In his capacity as fiscal agent of the board the clerk keeps a record of each warrant drawn by the board, both on the stub of the warrant and in a bound warrant record book. After 1936, he retains the warrant duplicates, classified according to the fund drawn upon.[67] The warrants themselves, paid and canceled by the county treasurer, were returned to the hands of the clerk, to be credited to the treasurer in his settlement with the board. Since 1936, the treasurer generally keeps the canceled

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59. Acts 1871-72, p. 444; Acts 1916, pp. 725-726; Acts 1920, p. 74; (repealed) Acts 1928, p. 1226.
60. Acts 1938, pp. 777-778.
61. Code 1936, sec. 2729.
62. Acts 1901-2, pp. 401-402; Code 1919, secs. 2318, 2319; Acts 1930, pp. 661-663; Code 1936, secs. 3305(75), 3305(81).
63. Acts 1869-70, pp. 272, 274; Code 1919, secs. 2766, 2770; Acts 1934, p. 550; Code 1936, secs. 2766, 2770(a).
64. Acts 1869-70, pp. 272, 274; Acts 1906, pp. 534-535; Code 1919, sec. 2768; Acts 1927, p. 127; Code 1936, sec. 2719; see footnote 63.
65. Acts 1869-70, p. 274; Code 1919, sec. 2770; Acts 1934, p. 550; Code 1936, sec. 2770(a).
66. Acts 1869-70, p. 278.
67. Acts 1869-70, p. 274; Code 1919, secs. 2724, 2771, 2772; Acts 1932, pp. 472-473; Code 1936, secs. 2724, 2724(a), 2771; for full discussion, see County Treasurer, pp. 160-167.

warrants, because they represent checks.[68]

The treasurer's list of delinquent personal property was formerly reported to the circuit court for examination, correction, and approval. After 1928, it has been divided into three separate lists. One of them, the list of delinquent tangible personal property, is now reported to the board, then reported again after 2 years to show collections, and turned over finally to the board for such further collections as may be desired. The list for the current and the 2 preceding years are retained by the treasurer until he has completed his collections.[69]

The county superindtendent of roads appointed in 1896[70] was required to report his transactions to the board every 2 months, accompanied by an itemized statement and his vouchers. For the purpose, he kept a record of all his transactions in a bound book.[71]

Proceedings

1. BOARD OF SUPERVISORS (Papers), 1870--. 103 bundles, 8 file boxes. Title varies: Rough Minutes and Vouchers of Board of Supervisors, 1870-1930.

Original papers constituting rough minutes of the board of supervisors, including financial reports to the board by county officers, annual county budget compiled by the board, vouchers, petitions to the board by individuals or officers. Arr. chron. by date of meeting. No index. Hdw. Bundles aver. 10x4x3; file boxes 10½x4½x13. Clk. off., record va.

For record of minutes, see entry 2.

2. SUPERVISORS (Minute) BOOK, 1870--. 4 vols. (one not labeled; 2-4). Record of proceedings of board of supervisors at regular and special meetings showing date of meeting, names of members present, orders, motions, resolutions, and action taken in relation to appointment, election, salaries, and financial reports of county officers, tax levies, county expenses for courthouse and jail, appropriations for special needs, claims, allowances, bounties, roads, welfare, health, budgets, and other matters concerning the county. Arr. chron. by date of meeting. Indexed alph. by first letter of subject or surname of person concerned. 1870-1935 hdw.; 1935-- typed. Aver. 500 pp. 18½x13x3. Clk. off., record va.

For original papers, see entry 1.

3. (MINUTES OF GILES TOWNSHIP BOARD), 1871-75. 1 vol. Record of proceedings and orders of the board of Giles Township at regular and special meetings showing date of meeting, names of members present, names of township officers, orders, motions, resolutions, and action taken on township matters, signature of township clerk. Arr. chron. by date of meeting. No index. Hdw. 180 pp. 18x12x2. Clk. off., record va.

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68. Acts 1869-70, p. 274; Code 1936, secs. 2724, 2766; for full discussion, see County Treasurer, pp. 160-167.
69. See County Treasurer, pp. 160-167.
70. See footnote 36.
71. Acts 1895-96, p. 714; (repealed) Acts 1908, p. 103.

4. (MINUTES OF JACKSON TOWNSHIP BOARD), 1871-75. 1 vol.
Record of proceedings and orders of the board of Jackson Township at regular and special meetings. For full description, see entry 3. Arr. chron. by date of meeting. No index. Hdw. 240 pp. 8½x14x1. Clk. off., storage.

Warrants
(See also entries 197-201, 206, 207, 235, 251)

5. (Stubs of) WARRANTS, 1906-36. 25 vols.
Stubs of warrants issued by board of supervisors on county treasurer in payment of claims, allowances, expenses, salaries and other county expenditures showing warrant number, date issued, payee, amount, purpose. Arr. chron. by date issued and num. by warrant no. No index. Hdw. on ptd. forms. Aver. 200 pp. 16x14x1. 9 vols., 1906-22, clk. off., storage; 16 vols., 1920-36, clk. off., record va.
For subsequent records, see entry 7.

6. (WARRANT REGISTER), 1932-36. 1 vol.
Record of warrants issued by board of supervisors in payment of general and special county obligations showing fund, warrant number, date, payee, amount, purpose. Arr. by fund and chron. thereunder by date of warrant. No index. Typed on ptd. forms. 500 pp. 14x11x3. Clk. off., record va.
For subsequent records, see entry 7.

7. (WARRANT DUPLICATES AND REGISTER), 1936--. 3 vols.
Duplicates of warrants issued by board of supervisors in payment of general and special claims and expenses, and preserved by clerk of the board as a record of warrants issued showing warrant number, date issued, amount, payee, bank on which issued, purpose. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. Aver. 1000 pp. 8x8½x3½. Clk. private off.
For prior records of warrants, see entries 5, 6.

8. PAID WARRANTS, 1930-36. 6 bundles.
Original warrants issued by board of supervisors on the county treasurer in payment of claims, allowances, expenses, salaries and other county expenditures, and returned by treasurer to clerk of board after payment showing warrant number, date issued, payee, amount, purpose, date of payment, endorsement of payee, signature of treasurer. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. Aver. 9x4½x3. Clk. off., record va.
For subsequent canceled warrants, see entry 207.

Delinquent Taxes

9. DELINQUENT LAND CAP. (Capitation) & (and) PERSONAL PROPERTY LIST FOR 1925, 1893-1906, 1908-21, 1923, 1925, 1927. 10 file boxes.
Title varies slightly. 1907, 1922, 1924, 1926 in List of Collections Made before Sale by Treasurer, List of Land Purchased by Treasurer in Name of Comptroller for Non Payment of Taxes (Reports of Sale), entry 138.
Treasurer's list of delinquent personal property for State and local taxation and of delinquent capitation taxes, reported by the treasurer to the circuit court to be corrected and approved showing page and line of commissioner's book, name of person assessed, State capitation tax, tangi-

ble and intangible personal property for State taxation, money and income for State taxation, total State taxes, amount of penalty, local capitation tax, local levies, local road tax on intangibles, amount of penalty, total local levies delinquent, total State taxes and local levies delinquent. Also contains (List of Land Improperly Assessed or Not Ascertainable), 1915, 1917, 1920-21, 1923, entry 209; Delinquent Real Estate, 1893-1906, 1908-18, 1922, 1924, 1926, entry 210. No obvious arr. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

For subsequent lists of delinquent personal property for local taxation only, see entries 10, 214; for subsequent lists of delinquent personal property for State taxation only, see entry 216; for subsequent lists of delinquent State capitation taxes, see entry 222.

10. DELINQUENT (Tangible) PERSONAL PROPERTY, 1928-36. 2 vols. Treasurer's bound lists of tangible personal property, machinery and tools, merchants' capital, and local capitations, for local taxation only, delinquent for the nonpayment of taxes and levies, submitted by treasurer to board of supervisors in order to receive credit for the taxes shown thereon, resubmitted to board of supervisors after collecting for 2 years, and preserved by clerk of the board of supervisors in order to provide for further collections as the board orders, showing district; race; name of commissioner of revenue; year of assessment; name and post office address of person assessed; page and line on personal property book; whether tangible personal property, machinery and tools, merchants' capital, or local capitation tax; amount delinquent not including penalty; collections during first year (date paid, penalty, interest, total collections); collections during second year, amount uncollected at end of each year; totals; recapitulation (page of list, total delinquent on each page, total of all pages, total penalties, total delinquent taxes and penalties). Arr. chron. by year of assessment and alph. thereunder by first letter of surname of person assessed. No index. Hdw. and typed on ptd. forms. Aver. 85 pp. 18x20x1. Clk. off., record va.

For prior records, see entry 9; for subsequent records, see entry 214; for treasurer's duplicates, see entry 215.

Roads
(See also entry 160)

11. LEDGER (Road Book), 1896-1907. 1 vol.
Record of payments for materials purchased and hands employed by county superintendent of roads kept for the purpose of making bimonthly settlements with the board of supervisors showing date of warrant, amount, date of purchase or employment, items purchased, names of workers and amounts paid, signature of chairman of board of supervisors. Arr. chron. by date of warrant. No index. Hdw. 225 pp. 32x8x1. Clk. off., record va.

II. COUNTY CLERK

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

County Clerk (Next entry 12, p. 75)

little since its foundation.[1]

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

The clerk today, as in the past, is compensated by the fees he receives, which are specified by statute, but he is subject to more supervision in this respect than ever before. The amount he may retain is limited to a sum proportionate by a fixed rule to the population of his county. In 1920, for instance, the clerk of Amelia County might not receive 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]

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1. Bruce, Institutional History, pp. 588-601; Bureau of Municipal Research, County Government in Virginia, p. 16.
2. Hening, Statutes, I, p. 305; Bruce, Institutional History, I, pp. 588-589.
3. Const. 1776, art. XV.
4. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64; Const. 1902 (as amended 1928), art. VII, secs. 110, 112; 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, pp. 826-827 ($4,000); Acts 1920, p. 827 ($5,000).
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.

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County Clerk

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

The principal recording activities of the clerk center around the recordation of instruments relating to land and other property. Most important in this respect is the deed book series. Original deeds and other instruments brought in for recording may, when recorded, be returned to the person entitled to claim under them,[22] 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,[23] and the originals are filed, since the clerk is forbidden to destroy any record without a court order.[24] 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.[25] It was discontinued by omission from the Code of 1919 and restored later in optional form.[26] The deed books themselves are most important, and contain all manner of recorded instruments; they were among the earliest mandatory records.[27] Since the prime purpose of recorda-

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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. 180-181; County Finance Board, pp. 178-179.
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. 364-375; Code 1936, sec. 2482.
21. Acts 1840-41, p. 28; Code 1887, sec. 664; Code 1936, secs. 2476, 2477, 2491.
22. Code 1849, p. 514; Code 1936, sec. 3392.
23. Code 1936, secs. 3393, 4349, 5203, 5215, 5223.
24. Code 1819, I, pp. 272-276, 510-511; Code 1936, sec. 3386.
25. Acts 1901-2, p. 304; Acts 1916, p. 394.
26. (Omitted) Code 1919, sec. 3394; Acts 1920, p. 106; Code 1936, sec. 3394.
27. Hening, Statutes, I, pp. 248-249; Code 1936, sec. 5194.

tion is to publicize property transactions, these records are open to public inspection, and volume indexes were formerly kept. The law since 1828 has provided for general indexes to deed records.[28] A general index serving the volumes up to and including 1912 was compiled;[29] from that date until 1928, the record was continued in a set of books until they were filled;[30] then, apparently, a general index was compiled serving all volumes to the date of the index (1928).[31] This index is continued in another series of volumes.[32] Maps and plats of land may be recorded with the conveyances to which they apply, or may be placed in a separate series of volumes provided that a cross-reference is made from one to the other.[33] Mortgages and deeds of trust to secure loans to farmers made by the Federal Land Bank must be recorded in a separate volume unless recorded in the deed book immediately and the original returned to the Bank. In Amelia County a separate series of books is used. These are indexed in the general index to deeds.[34]

Any person or firm who has furnished labor or materials for the erection of any building may obtain a lien upon the premises subject to the payment of his bill by recording in the clerk's office his intention to claim such a lien. A separate record is no longer required, these instruments now forming part of the miscellaneous liens series.[35] Contracts of conditional sale (in which there is a reservation of title contingent upon the performance of conditions expressed in the instrument) affecting personal property are recorded in a separate series of volumes,[36] while miscellaneous liens of other types, filed for record with the clerk, are now entered in a series of volumes entitled "Miscellaneous Lien Book",[37] served by a separate general index.[38] Another series of volumes contains records of liens on growing crops, held to secure the payment of advance made to farmers by individuals,[39] and a further individual record of deeds of trust on personal property securing loans made by the farm credit agencies of the Federal government. Also kept apart in a particular volume are the contracts of the local tobacco growers' cooperative.[40]

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28. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 5194.
29. See entries 19, 20.
30. See entry 21.
31. See entries 16, 17.
32. See entry 18.
33. Hening, Statutes, I, p. 125; ibid., XI, pp. 354, 356; Acts 1852, p. 71; Acts 1918, p. 504; Code 1936, sec. 3393.
34. Acts 1918, p. 437 (in accord with the Federal Statute of July 17, 1916); Code 1936, sec. 3393.
35. Acts 1842-43, p. 52; Acts 1869-70, pp. 444-445; Code 1919, secs. 3393, 6427 (revisors' note); Code 1936, sec. 3393.
36. Acts 1883-84, pp. 27, 235; Acts 1893-94, pp. 422-423; Code 1919, secs. 3393, 5189; Acts 1920, p. 399; Code 1936, secs. 3393, 5189.
37. The filing of originals is covered only by the general duty of the clerk: Code 1919, sec. 3393; Code 1936, sec. 3393.
38. Code 1919, sec. 3394; Code 1936, sec. 3394.
39. Acts 1891-92, p. 782; Code 1919, sec. 6452; Acts 1920, pp. 339-340; Code 1936, sec. 6452.
40. Acts 1924, p. 39; Acts 1936, pp. 540-541; Code 1936, secs. 1265(33), 4168(67).

County Clerk

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In the assessment and collection of taxes, the clerk's function is chiefly a supervisory one. He receives from the assessors copies of the reassessment land books in the years of the quadrennial (formerly quinquennial) reassessment,[41] and from the commissioner annually a copy of the land tax book.[42] The treasurer certifies to the clerk lists of lands and lots upon which taxes remain unpaid,[43] and the clerk makes up from these lists a book of delinquent land records, largely for notice of the liens arising as a result of taxes remaining unpaid.[44] The present books supersede an earlier and less well-arranged record, and contain information (compiled from the treasurer's original lists) of earlier date than the former series as well as subsequent entries. Since the present record is so constituted as to be self-indexing, the old general index to delinquent land records[45] is no longer needed, and is discontinued.

Back taxes were formerly payable to the clerk for a certain period.[46] He still receives money for the redemption of lands sold for taxes if the purchaser refuses to accept the money or cannot be found.[47] He may also receive the amount paid by a person purchasing or redeeming land which had been bought at a tax sale by the treasurer in the name of the Comptroller for the benefit of the Commonwealth. He gives a receipt for any money so collected.[48] For these collections, he is required to settle periodically with the State fiscal agencies.[49] From lists submitted to the circuit court by the treasurer, the clerk formerly compiled a list of lands on which delinquent taxes had been paid before sale;[50] the record of lands sold has been required since 1887, but in Amelia County it dates from 1875.[51] In order to become the owner of land sold to the Commonwealth, a person must apply in writing to the clerk; the application contains material enabling the clerk to notify interested parties who might desire to save the property.[52] These applications are filed by the clerk.

The clerk receives a copy of the personal property book, originally to guide the court in laying the levy, but now for preservation or to make the

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41. Acts 1884, p. 115; Code 1887, secs. 437, 443; Code 1919, sec. 2247; Acts 1930, p. 870; "Tax Code" 1936, secs. 242, 247.
42. Hening, Statutes, XII, p. 245; "Tax Code" 1936, sec. 255.
43. Hening, Statutes, XIII, p. 115 (to court); Code 1919, secs. 2414, 2417 (to court, preserved by its clerk); Acts 1928, pp. 215-217 (to board of supervisors, copy to county clerk to be recorded); "Tax Code" 1936, secs. 387, 389, 390.
44. Acts 1883-84, p. 744; "Tax Code" 1936, sec. 390; see footnote 43.
45. Acts 1883-84, p. 744; Code 1919, sec. 2428; "Tax Code" 1936, sec. 390; see entry 37.
46. Acts 1878-79, p. 325 (secs. 26, 29); Code 1887, sec. 608; Code 1919, sec. 2419.
47. Code 1849, p. 202; Code 1936, sec. 2477.
48. Code 1887, secs. 664, 666, 670; Code 1936, sec. 2491, 2495 par. 3, 2502.
49. Code 1887, secs. 664, 670; Code 1936, secs. 2491, 2502.
50. These are to be noted on the record of delinquent land; no separate record is required: Code 1887, sec. 642; Code 1936, sec. 2465.
51. Code 1887, sec. 645; Code 1936, sec. 2469; see entry 41.
52. Code 1887, sec. 666; Code 1936, sec. 2495.

information contained therein available to the public,[53] and certificates from the Department of Taxation that no inheritance tax is due on various estates.[54]

Since 1904, charters of corporations have been granted by the State Corporation Commission, and copies recorded in a special book by the clerk of the county wherein the principal office is located.[55] A separate volume for partnership agreements is likewise kept, although the volume contains only a few such records for 1 year only.[56] The clerk sells hunting, fishing, and other wildlife licenses;[57] he makes a quarterly report of such sales to the Comptroller and the Commission of Game and Inland Fisheries.[58]

Lists of births and deaths were until 1898 reported annually to the clerk by the commissioner of revenue[59] and until about 1870 were transcribed into separate volumes for births and deaths.[60] The registration acts were repealed in toto in 1898[61] and not reenacted 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.[62] Since 1918, no report has been made to the clerk, but the records in Richmond are available to the public.[63] A list made by the Federal census officers in 1860 is also filed in the clerk's office. Marriage records originally consisted only of the bond, payable to the Commonwealth, given by any man applying for a license,[64] but the provision for bond was omitted from the Code of 1849.[65] Some of the mutilated bonds have been transcribed. Until 1861, only a certificate of every marriage was to be returned by the officiating clergyman, but after that date the certificate and license were returned. The clerk was required to make a note of licenses issued in a separate volume and any ministers failing to return the licenses were reported to the attorney for the commonwealth to be prosecuted.[66] Later, the note was made on the marriage register[67] which also contains the detailed information

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53. Code 1849, p. 191; "Tax Code" 1936, sec. 318.
54. Acts 1924, p. 465; Acts 1928, p. 82; "Tax Code" 1936, sec. 108.
55. Acts 1902-3-4, p. 437; Code 1936, secs. 3849-3851.
56. Acts 1922, p. 596; Code 1936, sec. 4722(I).
57. Acts 1916, p. 262; Code 1919, sec. 3332; Acts 1936, p. 149; Code 1936, sec. 3305(29).
58. See footnote 57.
59. Acts 1852-53, p. 41; Code 1887, sec. 2237; (repealed) Acts 1897-98, p. 1024.
60. Acts 1852-53, pp. 40-41; Acts 1871-72, pp. 452-453 (separate registers no longer required, but the original lists are preserved by the clerk).
61. Acts 1897-98, p. 1024.
62. Acts 1912, pp. 440, 447; Code 1919, sec. 1578.
63. Acts 1918, p. 111; Code 1936, sec. 1578.
64. Hening, Statutes, VI, pp. 82-83; Code 1819, I, pp. 398-399.
65. Hening, Statutes, XI, p. 505; Code 1819, I, p. 398; Code 1849, p. 469; Acts 1861, pp. 43-44; Code 1936, sec. 5076.
66. Code 1849, p. 469; Acts 1910, p. 36; Code 1936, sec. 5074.
67. Acts 1861, p. 43 (suggests the possibility of combining record with the register of marriages); Code 1919, sec. 5075 (combined).

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appearing on the marriage certificates[68] and license,[69] which are combined after 1913.

The clerk also keeps or has kept numerous other registers, including a record of the report of the commission summoned by a justice at the request of the finder to examine lost or strayed property,[70] and (until 1865) a list of free Negroes permitted to reside in the county.[71]

Applications of Confederate veterans or their dependents for pensions were filed with the clerk; in the same file are minutes of the pension board[72] and miscellaneous records of Revolutionary days and shortly thereafter. The memorial record of various military units drawn from Amelia County in the War Between the States, compiled by surviving members after the War, is preserved by the clerk,[73] who also recorded the list of persons enrolled in the draft of 1917-18[74] and the discharge record of Amelia soldiers serving in the World War.[75]

The clerk is custodian of the older registration books used at each precinct,[76] receives a copy of the permanent registration roll of persons who are qualified to vote in the county,[77] records the sheriff's sworn statement that he has posted the lists of persons who have qualified to vote by paying the poll tax,[78] preserves the poll books and sealed ballots returned to him after the election is over,[79] and files candidates' notices of intention to stand for office[80] and the final abstract of the votes cast.[81]

This officer's financial records consist of stubs of receipts issued for recording various instruments,[82] copies of his settlements with and

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68. See footnote 65.
69. See footnote 65.
70. Hening, Statutes, VIII, p. 355; Code 1819, I, pp. 445-447; Code 1849, p. 449; Code 1936, sec. 3565.
71. Shepherd, Statutes, II, p. 417; Code 1819, I, p. 438; (repealed) Acts 1865-66, p. 84.
72. Acts 1899-1900, p. 1257; Acts 1901-2, p. 472; Code 1919, secs. 2648, 2657.
73. Acts 1897-98, pp. 290-291; Acts 1910, p. 392; Code 1936, sec. 5214.
74. Apparently by Federal law or regulation only; there are no Virginia laws on the subject.
75. Acts 1924, pp. 471-472; Code 1936, secs. 5214(b), 5214(c), 5214(d).
76. Acts 1906, p. 572; Code 1936, sec. 98.
77. Acts 1902-3-4, p. 543; Code 1936, sec. 108.
78. Acts 1904, p. 131; Acts 1908, pp. 162-163; Code 1936, sec. 109.
79. Acts 1870-71, p. 371; Acts 1897-98, p. 845; Code 1936, sec. 181 (poll books may be destroyed by order of court after remaining 1 year in clerk's office).
80. Acts 1895-96, p. 764; Acts 1902-3-4, p. 927; Code 1936, sec. 154.
81. Code 1887, sec. 136; Code 1936, sec. 185.
82. Hening, Statutes, VIII, p. 525; Code 1887, sec. 903; Acts 1908, p. 33; Code 1936, sec. 2829; "Tax Code" 1936, sec. 370.

reports to various county and State officers,[83] and check stubs and the canceled checks returned by the bank which pays them.

In addition to a file of general correspondence and several old form books, miscellaneous records of the clerk include the list of taxable dogs sent to the clerk by the commissioner of the revenue[84] and druggists' duplicate prescriptions for ardent spirits and affidavits as to the propriety of making the sale under the State prohibition law, which the clerk formerly pasted in a book.[85]

Deeds
(See also entry 139)

12. DEEDS, 1734--. 61 file boxes (1-61; also labeled by inclusive letters of alphabet).

Original instruments recorded but not withdrawn by parties entitled thereto, including deeds of conveyance, deeds of partition, quit claim deeds, mortgages and deeds of trust, release deeds, plats of land embraced therein, and accounts of sales under deeds of trust, showing names of parties (grantor and grantee, mortgagor and mortgagee, owner, trustee and creditor), date of instrument, consideration, amount involved in transaction, description of property, signature and seal of grantor and mortgagor, signatures of witnesses or date of acknowledgment and signature of officer taking acknowledgment, date and place recorded. Also contains Power of Attorney, 1734-1935, entry 13; Guardian Accounts, 1818--, entry 129. Arr. chron. by date of recordation. No index. Hdw., typed, hdw. and typed on ptd. forms. 10½x4½x13. Clk. off., record va.

For record of instruments, see entry 15.

13. POWER OF ATTORNEY, 1936--. 1 file box (1). 1734-1935 in Deeds, entry 12.

Original powers of attorney, constituting the grantee agent for the grantor to release deeds of trust, to mark notes satisfied, to give receipt for last payment or for payments in full of conditional sales contracts, to satisfy judgments and other liens, and to deal with property in other respects in the manner specified by the instruments, and affidavits that notes or receipts have been lost or destroyed. Powers of attorney show name of person granting the power, name of person given the power, date conferred, nature, scope, and limitation of power, signature of person granting the power, signatures of witnesses or of officer taking acknowledgment, and date thereof. Affidavits show names of parties to the note or receipt, subject matter, amount, signature of affiant, date, signature and seal of notary or other officer administering oath. Arr. chron. by date filed. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

For record of powers of attorney, see entry 15.

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83. See footnote 49.
84. Acts 1901-2, pp. 400-401; Code 1919, sec. 2316; (repealed) Acts 1930, p. 664.
85. Acts 1916, p. 242; Code 1919, sec. 4654; (no longer required if Federal law complied with) Acts 1920, p. 594.

14. DAILY INDEX OF RECEIPT OF DEEDS FOR RECORDATION (Reception Record), 1904-14. 4 vols.
Daily record kept by clerk in which he listed deeds and other instruments placed in his office to be recorded in order to give notice of such instruments before recordation in deed book showing date of reception (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. Hdw. on ptd. forms. Aver. 200 pp. 12x9½x1. 3 vols., 1904-14, clk. off., storage; 1 vol., 1913-14, clk. off., record va.

15. DEED BOOK, 1735--. 90 vols. (1-86; 86A; 87-89).
Records of instruments, including deeds of conveyance, deeds of partition, quit claim deeds, mortgages and deeds of trust, release deeds, plats of land embraced therein, powers of attorney, bills of sale, and accounts of sales under deeds of trust, showing names of parties (grantor and grantee, coowners, mortgagor and mortgagee, owner, trustee and creditor, vendor and vendee), date of instrument, consideration, amount involved in transaction, description of property, seal of grantor, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, date of recordation, clerk's attestation. Also contains (Lists of Heirs), 1912-27, entry 128; (Guardian Accounts), 1750-56, 1790--, entry 130. Arr. chron. by date of recordation. 1735-1914 indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder; 1914-- not indexed in vol.; also separate index, entries 16-21. 1735-1930 hdw.; 1930-- typed. Aver. 600 pp. 10x12x3. Clk. off., record va.
For original instruments, see entries 12, 13; for other records of plats, see entry 22; for mortgages and deeds of trust held by Federal Land Bank, see entry 23.

16. GENERAL INDEX TO DEEDS, ETC., GRANTOR, 1735-1928. 8 vols. (labeled by inclusive letters of alphabet).
Grantor index to record of deeds, entry 15, record of Federal farm loan mortgages, entry 23, and record of lists of heirs, entry 128, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record. Arr. alph. by first two letters of surname of grantor and chron. thereunder. Typed on ptd. forms. Aver. 500 pp. 9½x14½x3. Clk. off., record va.
For subsequent records, see entry 18.

17. GENERAL INDEX TO DEEDS, ETC., GRANTEE, 1735-1928. 8 vols. (labeled by inclusive letters of the alphabet).
Grantee index to record of deeds, entry 15, record of Federal farm loan mortgages, entry 23, and record of lists of heirs, entry 128, showing names of grantee and grantor, kind of instrument, volume and page of record, date of record. Arr. alph. by first two letters of surname of grantee and chron. thereunder. Typed on ptd. forms. Aver. 500 pp. 9½x14½x3. Clk. off., record va.
For subsequent records, see entry 18.

18. DAILY REGISTER INDEX TO DEEDS, 1928--. 2 vols.(1, 2).
Grantor and grantee index to record of deeds, entry 15, and record of Federal farm loan mortgages, entry 23, showing names of grantor and grantee, kind of instrument, volume and page of record, date of record. Arr. alph.

by first two letters of surnames of grantor and grantee and chron. thereunder. Typed on ptd. forms. Aver. 400 pp. 10x15½x3½. Clk. off., record va.

For prior records, see entries 16, 17.

19. GEN'L. (General) INDEX DEEDS (Grantor), 1735-1912. 1 vol.
Grantor index to record of deeds, entry 15, showing volume number and dates of deed book, names of grantor and grantee, date of record, page of record. Arr. num. by deed book no. and alph. thereunder by all letters of surname of grantor. Hdw. 350 pp. 16x11x3. Clk. off., record va.

For subsequent records, see entry 21.

20. GEN'L. (General) INDEX DEEDS (Grantee), 1735-1912. 1 vol.
Grantee index to record of deeds, entry 15, showing volume number and dates of deed book, names of grantee and grantor, date of record, page of record. Arr. num. by deed book no. and alph. thereunder by all letters of surname of grantor. Hdw. 350 pp. 16x11x3. Clk. off., record va.

For subsequent records, see entry 21.

21. DAILY REGISTER INDEX DEEDS, 1913-28. 2 vols., 2 bundles. No title, 1917-24.
Grantor and grantee index to record of deeds, entry 15, showing names of grantor and grantee, kind of instrument, date of record, volume and page of record. Arr. alph. by first two letters of surnames of grantor and grantee and chron. thereunder. Hdw. on ptd. forms. Vols. aver. 400 pp. 10x15½x3½; bundles aver. 10x15½x3½. Clk. off., record va.

For prior records, see entries 19, 20; for subsequent records, see entry 18.

22. PLAT BOOK, 1911--. 2 vols. (1, 2).
Recorded plats of real estate sold, mortgaged, partitioned, or subdivided, showing name of owner, names of coterminous owners, number of acres, natural and artificial boundaries, surface features, location, date of survey, name of engineer, date of recordation, location of instrument referring to plat, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of grantor and grantee and chron. thereunder. Hdw., blueprints, and photostats. Aver. 408 pp. 22x18x3. Clk. off., record va.

For original plats, see entry 12; for other records of plats, see entry 15.

Liens

Real Property (see also entries 15, 139)

23. FEDERAL FARM LOAN MORTGAGE BOOK, 1922--. 3 vols. (1, 2; one not labeled).
Record of mortgages and deeds of trust held by Federal Land Bank of Baltimore on property in Amelia County and kept by the clerk to validate such encumbrances against subsequent purchasers or encumbrancers without notice and against judgment creditors by giving them implied notice of such encumbrances showing date of instrument, names and seals of mortgagor and mortgagee or grantor, trustee, and beneficiary, name of witness or date of acknowledgment and name of officer taking acknowledgment, attestation of clerk. Arr. chron. by date of recordation. For index, see entries 16-18. 1922-33 hdw. on ptd. forms; 1933-- typed on ptd. forms. Aver. 300 pp.

18½x12½x3. Clk. off., record va.

24. MECHANICS LIEN RECORD, 1895-1923. 1 vol. (1). 1924-- in Miscellaneous Lien Book, entry 27.
Record constituting liens on real estate for the satisfaction of debts incurred to contractors, subcontractors, or persons furnishing material for labor or material supplied in construction or repairing buildings on land showing names of lienor and lienee, date and amount of lien, location and description of property, date recorded, date satisfied. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of lienor and lienee and chron. thereunder. Hdw. 300 pp. 12x18x2. Clk. off., record va.
For original mechanics' liens, see entry 26.

Personal Property

25. CONDITIONAL SALES BOOK, 1891--. 3 vols. (1-3). Title varies: Record Conditional Sale Personal Property, 1891-1915; Reservation of Title to Personalty, 1915-26.
Record of contracts, constituting conditional sales of personalty in which title is reserved to vendor until payment of purchase price or performance of other conditions, kept for the purpose of validating such liens against subsequent purchasers showing names of vendor and vendee, date of contract, amount due, when and how payable, brief description of property, terms of reservation or condition, date docketed, date satisfied. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of vendor and vendee and chron. thereunder. Hdw. on ptd. forms. Aver. 350 pp. 11x17x2. 2 vols., 1891-1926, clk. off., record va.; 1 vol., 1926--, clk. private off.
For original contracts, see entry 26.

26. MISCELLANEOUS LIENS UNDER REVISED CODE, 1920--. 1 file box.
Original instruments affecting personalty, and mechanics' liens affecting realty, including bills of sale, conditional sales, chattel mortgages and deeds of trust, homestead deeds, leases, and other bailments of personalty, showing names of lienor and lienee, amount, date due, how and when payable, condition of reservation, description of property, signature of lienee, signatures of witnesses or date of acknowledgment and signature of officer taking acknowledgment, date docketed. Arr. chron. by date of recordation. No index. Typed. 10½x4½x13. Clk. off., record va.
For record of mechanics' liens, see entry 24; for record of conditional sales, see entry 25; for record of miscellaneous liens, see entry 27.

27. MISCELLANEOUS LIEN BOOK, 1920--. 2 vols. (1, 2).
Record of instruments affecting personal property, including bills of sale, chattel mortgages and deeds of trust, homestead deeds, leases, and other bailments of personalty, kept to validate such liens against subsequent purchasers showing names of lienor and lienee, amount, date due, how and when payable, conditions of reservation, description of property, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, date docketed, date satisfied, attestation of clerk. Also contains Mechanics Lien Records, 1924--, entry 24. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of lienor and lienee and chron. thereunder; also separate index, entry 28. 1920-35 hdw.; 1936-- typed. Aver. 600 pp. 19x12x3. Clk. off., record va.

For original contracts, see entry 26.

28. GENERAL INDEX TO MISCELLANEOUS LIENS, 1920--. 1 vol.
General index to record of miscellaneous liens, entry 27, showing date of record, names of lienor and lienee, kind of instrument, volume and page of record. Arr. alph. by first two letters of surnames of lienor and lienee and chron. thereunder. Hdw. on ptd. forms. 600 pp. 9½x14½x3. Clk. off., record va.

29. CROP LIEN BOOK, 1892--. 3 vols. (one not labeled; 2, 3).
Record of agreements creating liens on crops kept by clerk to secure advancements made by farm credit or other agencies or persons showing date of lien, location and description of land, nature of crop, names of lienor and lienee, amount advanced, credit limit, amount and date of payments, date of discharge, names of witnesses or date of acknowledgment and name of person taking acknowledgment, attestation of clerk. Arr. chron. by date of recordation. Indexed alph. by first letter of surnames of lienor and lienee and chron. thereunder. Hdw. on ptd. forms. Aver. 400 pp. 18x12x2. 1 vol., 1892-1918, clk. off., record va.; 2 vols., 1918--, clk. private off.

30. FARM LIEN CREDIT BOOK, 1936--. 1 vol.
Record of deeds of trust held by agencies of the Federal Government on personal property to secure advances to the owner, kept to effectuate such liens against third parties showing date of lien, names of grantor, trustee, and creditor, amount advanced, limit of credit, brief description of property and of premises where located, names and addresses of assignor and assignee, amount of debt at date of assignment, dates of execution and filing of assignment, names of witnesses or date of acknowledgment and name of officer taking acknowledgment, clerk's attestation. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of grantor and chron. thereunder. Typed on ptd. forms. 500 pp. 19x13x3. Clk. off., record va.

31. THE CONTRACT BOOK OF TOBACCO GROWERS COOPERATIVE ASSOCIATION, 1921-22. 1 vol.
Original contracts and agreements among tobacco raisers kept by clerk to give public notice of the rights and obligations of the parties showing date and place signed, name and address of grower, production last two years, attestation of clerk. Arr. alph. by first letter of surname of grower. Indexed alph. by first three letters of surname of grower. Hdw. on ptd. forms. 100 pp. 10x8x1. Clk. off., record va.

Taxation

Real Estate

32. REASSESSMENT OF LAND, 1856, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895, 1900, 1905, 1910, 1915, 1920, 1925. 8 vols.
Clerk's copy of volumes compiled by assessors at the quinquennial reassessment of real estate, delivered to him for a permanent record thereof, 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. 1856, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895 arr. chron., thereunder by district, thereunder by race, and alph. thereunder by first letter of surname of landowner; 1900, 1905, 1910, 1915, 1920, 1925 arr. by district, thereunder by race, and alph. thereunder by first letter of surname of landowner. No index. Hdw. on ptd. forms. Aver. 100 pp. 17x22x½. 2 vols., 1856, 1860, 1865, 1870, 1875, 1880, 1885, 1890, 1895, clk. off., record va.; 6 vols., 1900, 1905, 1910, 1915, 1920, 1925, clk. off., storage.

For commissioner of revenue's copy, see entry 176.

33. LAND BOOK, 1787-1863, 1865--. 44 vols.
County clerk's copy of record of assessment of real estate for taxation used to preserve the record of taxes and levies payable, and to provide interested parties with notice of the amount of taxes due on property, showing name of owner, post office address, legal description, number of acres in each tract, value of land per acre (including the value of standing timber, if the owner of the land owns the same), value of land or lot and timber owned by the same person or value of land or lot exclusive of trees not owned by the owner of the land or lot, value of buildings and improvements, value of standing timber owned by other than the owners of the land or lot, total value of land or lot and trees owned by the owners of the land or lot, county and district levies, remarks. 1787-1807, 1809-38, 1850-52 arr. chron. and alph. thereunder by first letter of surname of landowner; 1802-19, 1832-52 arr. by counties, thereunder chron., and alph. thereunder by first letter of surname of landowner; 1853-63 arr. by counties, thereunder chron., thereunder by districts, and alph. thereunder by first letter of surname of landowner; 1853-90 arr. chron., thereunder by districts, and alph. thereunder by first letter of surname of landowener; 1891-- arr. chron., thereunder by race, thereunder by districts, and alph. thereunder by first letter of surname of landowner. No index. 1787-1856 hdw.; 1857-63, 1865-1922 hdw. on ptd. forms; 1923-- typed on ptd. forms. Aver. 200 pp. 21½x16½x2. 41 vols., 1787-1807, 1809-38, 1850-63, 1865--, clk. off., record va.; 3 vols., 1802-19, 1832-63, Vi., archives stack-rm.

For commissioner of revenue's copy, see entry 177; for treasurer's copy, see entry 208.

34. LIST OF DELINQUENT LAND, 1928--. 2 vols.
Treasurer's list of real estate in the county delinquent for the nonpayment of taxes and levies reported by the treasurer to the county clerk to be copied into the record of delinquent land, showing name of commissioner of revenue, name of landowner, post office address, location, number of acres, page and line of land book, amount delinquent not including penalty, date of treasurer's oath, signature of treasurer, signature of notary. 1928 arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed; 1929-- arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by all letters of surname of person assessed. No index. Typed on ptd. forms. Aver. 60 pp. 17½x20x1. Clk. off., record va.

For record of delinquent real estate, see entries 35, 36; for treasurer's copy, see entry 210.

35. DELINQUENT LAND BOOK, 1876--. 2 vols. (labeled by inclusive letters of alphabet).
Record of lands and lots delinquent for the nonpayment of taxes assessed thereon, made by clerk from lists delivered him by treasurer, to give notice of tax liens to purchasers, creditors, and other persons interested

in the land, and to provide public and permanent record of delinquencies and collections, showing name of landowner, district, year delinquent, name of person assessed, local description and bearing from courthouse, number of acres, county levy, penalty, total county levy and penalty, when and by whom paid. Arr. alph. by first two letters of surname of owner and chron. thereunder. No index. Typed on ptd. forms. Aver. 550 pp. 17x10x3. Clk. off., record va.

For original lists of delinquent land, see entries 34, 210; for original delinquent land book, see entry 36.

36. DELINQUENT LANDS, 1884-1921. 5 vols. (1-5). Title varies slightly.

Record of delinquent land compiled by the clerk from lists of land delinquent for the nonpayment of taxes and levies and delivered to him by the treasurer showing district, year delinquent, name and address of delinquent, location and legal description of land, number of acres, amount of taxes, penalty, total due for State taxes and local levies, when and by whom paid. Arr. chron. by year of report and alph. thereunder by first letter of surname of person charged with taxes. 1884-1902, 1915-21 not indexed; for index, 1903-14, see entry 37. Aver. 200 pp. 14x16x1. Clk. off., record va.

For copied delinquent land book, see entry 35; for original lists of delinquent land, see entries 34, 210.

37. DELQ. (Delinquent) LAND INDEX, 1903-14. 1 vol.

General index to record of delinquent lands, entry 36, showing name of person charged with taxes, volume and page of record. Arr. alph. by first letter of surname of person charged with taxes and chron. thereunder. Hdw. on ptd. forms. 150 pp. 14x16x1. Clk. off., record va.

38. CLERK'S RECEIPTS FOR DELINQUENT TAXES, 1888--. 5 vols.

Stubs of receipts issued by county clerk to persons paying delinquent taxes or purchasing or redeeming land which had been sold to the Commonwealth for the nonpayment of taxes and levies assessed thereon showing amount of taxes and interest thereon, redemption fee, year delinquent, date of payment, by whom paid, signature of clerk. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. Aver. 250 pp. 22x16x13. Clk. off., record va.

39. STATEMENTS OF DELINQUENT TAXES PAID CLERK, 1914--. 2 file boxes (1, 2).

Carbon copies of the clerk's report to the Auditor of Public Accounts of money received by him for the redemption, by former owners or others having an interest, of lands and lots sold to the Commonwealth for the nonpayment of taxes and levies and for payment of delinquent taxes, showing date of report, name of owner of land, number of acres, years for which taxes are due, amount of tax, amount of penalty, amount of interest, total amount, date paid, receipt number. Arr. chron. by date of report. No index. Hdw. and typed. 10½x4½x13. Clk. off., record va.

40. DELINQUENT LAND REDEEMED BEFORE SALE, 1902-14. 1 vol.

Clerk's record of treasurer's list of land advertised for sale to satisfy unpaid taxes, upon which the unpaid taxes and costs were paid by owner or other interested person before the sale occurred showing date of sale, name of person charged with taxes, local description of land, amount of taxes,

interest, and costs due, name of person redeeming, date paid. Arr chron. by date of sale and alph. thereunder by first letter of surname of person charged with taxes. No index. Aver. 150 pp. 14x16x1. Clk. off., record va.

For original lists, see entry 138.

41. DELINQUENT LANDS SALE BOOK, 1875--. 2 vols. Title varies: Delq. (Delinquent) Land Sold, 1875-1901.
County clerk's record of land sold to individuals and to the Commonwealth for nonpayment of taxes and levies assessed thereon, compiled from the list submitted to the circuit court by the county treasurer showing name of person charged with taxes, quantity of land sold, local description of land, amount of tax, penalty, and interest, proportionate expense of advertising, date of sale, amount of purchase money, remarks (notation of name of purchaser and date purchase money paid if sold to individual). Arr. chron. by year of sale, thereunder by district, and thereunder by race. Indexed alph. by first letter of surname of person charged with taxes and chron. thereunder. Hdw. on ptd. forms. Aver. 300 pp. 15x22x2. Clk. off., record va.

For original lists, see entry 138.

42. APPLICATION FOR TAX TITLES, ETC., 1916--. 1 file box.
Applications filed with county clerk by persons desiring to purchase land which was sold to the Commonwealth for nonpayment of taxes and levies assessed thereon, and to obtain deeds to land purchased by them at the sale for the nonpayment of taxes and levies, used to guide the clerk in giving notice to persons entitled to redeem the land of the proposed transfer, showing date of application, name of applicant, description of land, name of person to whom it is charged on the tax books (owner at time of tax sale or ultimate purchaser from him), names of creditors and other persons having a recorded beneficial interest, orders of publication if such persons cannot be found within the State, amount of delinquent and accrued taxes and deposit paid to the clerk, orders of court to survey land. Arr. chron. by date of application. No index. Hdw. 4½x10½x14. Clk. off., record va.

Personal Property

43. PERSONAL PROPERTY BOOK, 1849-63, 1865--. 108 vols.
Clerk's record of persons and property assessed for taxation sent by commissioner of revenue showing name of person assessed, post office address, State capitation tax, bonds, notes, other evidences of debt, demands and claims, moneyed capital coming into competition with business of national banks, capital not otherwise taxed, total State taxes, penalty for failure to file return by June 1st, county capitation levy, tangible personal property, machinery and tools, merchants' capital, total county and district levies. 1849-63, 1865-90, 1905-14 arr. alph. by first letter of surname of taxpayer; 1891-1904 arr. by districts and alph. thereunder by first letter of surname of taxpayer; 1915-- arr. by race, thereunder by districts, and alph. thereunder by first letter of surname of taxpayer. No index. 1849-63, 1865-1930 hdw. on ptd. forms; 1931-- typed on ptd. forms. Aver. 200 pp. 24x17x1. 105 vols., 1849-62, 1865, 1867-1937, clk. off., storage; 2 vols., 1859-63, 1865-70, Vi., archives stack-rm.; 1 vol., 1938--, clk. off., record va.

For commissioner of revenue's copy, see entry 179; for treasurer's copy, see entry 213.

Inheritance

44. INHERITANCE TAX CERTIFICATES, 1927--. 1 file box.
Copies of certificates sent by Department of Taxation to the property owner and county clerk stating that no inheritance tax is due on estates of various deceased persons in Amelia County showing name of decedent, name of owner of estate, date of death, signature of Inheritance Tax Inspector. No obvious arr. No index. Typed on ptd. forms. 3x5x12. Clk. private off.

Corporations and Partnerships

45. CHARTER BOOK, 1904--. 1 vol.
Record of certificates of incorporation granted by the State Corporation Commission kept by the clerk to give information as to powers and officers of the corporation to persons dealing with it showing date, name of corporation, to whom granted, location of principal office, purpose for which granted, amount of stock that may be issued, amount of capital, powers of board of directors, names, titles, and residences of officers, names and addresses of directors, date of recordation. Arr. chron. by date of recordation. Indexed alph. by first letter of name of corporation. Hdw. 250 pp. 11x16x1½. Clk. off., record va.

46. RECORD OF PARTNERSHIP, 1925--. 1 vol. (1). Open record, last entry 1925.
Record of partnership agreements kept by the clerk to provide a permanent record and to give public notice of such partnerships showing names and addresses of partners, name of firm, location of place of business, date of agreement, date of recordation, purpose for which formed, attestation of notary public. Arr. chron. by date of recordation. Indexed alph. by first letter of firm name. Hdw. 300 pp. 16x11x2. Clk. off., record va.

Conservation

47. RECORD OF (Hunting, Fishing, and Trapping) LICENSES AND PERMITS SOLD, 1916--. 6 vols. Title varies slightly.
Record of hunting, fishing, and trapping licenses sold by the clerk and kept for the purpose of accounting with the Commission of Game and Inland Fisheries for money so received and for computing the commissions due the clerk showing date sold, name, post office address, age, and race of licensee, serial number of license or permit, kind of license and amount of fee, other charges, gross amount received. Arr. chron. by date sold. No index. Hdw. on ptd. forms. Aver. 150 pp. 16½x14x1. Clk. off., record va.

48. HUNTING LICENSE REPORTS, 1931--. 1 file box.
Duplicates of the county clerk's quarterly reports to the Comptroller and the Commission of Game and Inland Fisheries of hunting and trapping licenses sold showing date of report, kind of license, amount, last serial number on last report, last serial number on present report, total sold, total amount, clerk's certification. No obvious arr. No index. Typed on ptd. forms. 3x5x12. Clk. private off.

Vital Statistics

Births

49. LISTS OF BIRTHS AND DEATHS, 1856-96. 2 file boxes, 1 bundle. Lists of all births and deaths in the county made by the commissioner of revenue and sent by him to the clerk to provide a record of vital statistics and to make such information available to the public. Lists of births show date of report, date and place of birth; full name of child or full names of parents if the child has no name; sex, race; if colored, whether born free or slave; whether born alive or stillborn; full name of mother; if born free and in wedlock, full name, occupation, and residence of father; if a slave, name of owner; if more than one at a birth, number born; any other fact or circumstance of interest relating to the birth; name of persons supplying information. Lists of deaths show date of report, date of death, full name, sex, age, marital status, race; if colored, whether free or slave; occupation, if any; place of birth; names of parents; name of husband or wife; if slave, name of owner; disease or other cause of death, if ascertainable; name of person supplying information. Arr. chron. by year and chron. thereunder by date of birth or death. No index. 1856-75 hdw.; 1876-96 hdw. on ptd. forms. File boxes 10½x4½x13; bundle 14x18x½. Clk. off., record va.

For record of births, see entry 50; for record of deaths, see entry 53; for subsequent record of births, see entry 51; for subsequent records of deaths, see entry 54.

50. REGISTER OF BIRTHS, 1853-70. 1 vol.
Abstract of information relating to births, made by the clerk from lists of births and deaths sent him by commissioner of revenue, as a public record of such information and as a basis for annual reports to the Auditor showing date and place of birth; full name of child or full names of parents if child has no name; sex, race; if colored, whether born free or slave; whether born alive or stillborn; full name of mother; if born free and in wedlock, full name, occupation, and residence of father; if a slave, name of owner; if more than one at a birth, number born; any other fact or circumstance of interest relating to the birth; name of person supplying information. Arr. chron. by date of birth. No index. Hdw. on ptd. forms. 300 pp. 14x18x3. Clk. private off.

For original lists, see entry 49; for subsequent records, see entry 51.

51. (BUREAU OF VITAL STATISTICS - RECORD OF BIRTHS), 1912-17. 65 vols.
Official copies of birth certificates filed with the county clerk by the registrar of vital statistics as a permanent record showing name of county, district, town, city, State; registration number, full name of child, number in order of birth if twin or triplet, whether parents married, date of birth (month, day, year); father's full name, address, race, age at last birthday, birthplace, occupation; (same information in column opposite for mother); number of children born to mother including present birth, number of children of this mother now living including present birth. Attached certificate of attending physician or midwife shows whether born alive or stillborn, hour of birth, signature and address of attending physician or midwife, date filed, and signature of registrar. Arr. chron. by date of report to registrar. No index. Hdw. on ptd. forms. Aver. 100 pp. 8½x7x7½. Clk. off., storage.

County Clerk - Vital Statistics (52-55)

For prior record, see entries 49, 50.

Deaths (see also entry 49)

52. PERSONS WHO DIED, 1860. 1 bundle.
Abstracts from the original records of the census of 1860 relating to deaths and sent to the clerk for preservation showing district; year; name, age, sex, and race of decedent; whether free or slave, single, married, or widowed; place of birth; date of death; occupation; cause of death; duration of illness. Arr. by districts. No index. Hdw. on ptd. forms. 14x18x½. Clk. off., record va.

53. REGISTER OF DEATHS, 1853-71. 1 vol.
Abstracts of information relating to deaths, made by the clerk from lists of births and deaths sent him by commissioner of revenue and preserved as a public and permanent record and as a basis for annual reports to the Auditor showing date of death, full name, sex, and age of decedent; whether married or single; race; if colored, whether free or slave; occupation, if any; place of birth; names of parents; name of husband or wife; if slave, name of owner, disease or other cause of death, if ascertainable; name of person supplying information. Arr. chron. by date of death. No index. Hdw. on ptd. forms. 300 pp. 14x18x3. Clk. off., record va.
For original lists, see entry 49; for subsequent records, see entry 54.

54. (BUREAU OF VITAL STATISTICS - RECORD OF DEATHS), 1912-17. 64 vols.
Official copies of death certificates filed by the registrar of vital statistics with the county clerk as a permanent record showing place of death, full name and residence of decedent; personal and statistical particulars - sex, race, marital status, date of birth, age, and occupation of decedent; name and birthplace of parents; name and address of informant; signature of registrar and date of registration. Attached medical certificate of death shows date and cause of death, duration of disease, where disease contracted, former or usual residence; place of burial or removal, date of burial, name and address of undertaker. Arr. chron. by date of report of registrar. No index. Hdw. on ptd. forms. Aver. 100 pp. 8½x7x2½. Clk. off., storage.
For prior record, see entries 49, 53.

Marriages

55. MARRIAGE CERTIFICATES FOR SUNDRY YEARS AND MARRIAGE BONDS FOR 1850 AND OTHER YEARS, 1735-1859. 7 file boxes. Title varies: Marriage Bonds, 1735-1852.
Original bonds given by the prospective groom in the condition that there is no lawful impediment to the marriage showing date and amount of bond, names of parties, name of the Governor of Virginia, signatures of prospective groom and sureties. Also contains Marriage Certificates for Sundry Years, 1849-61, entry 59. No obvious arr. No index. Hdw. 10½x4½x13. Clk. off., record va.
For transcripts of old marriage bonds, see entry 56.

56. (TRANSCRIPTS OF MARRIAGE BONDS), 1735-1830. 4 bundles. Abstracts of bonds, given by the intended husband in the condition that there was no lawful impediment to the marriage, prepared to preserve the information appearing on mutilated bonds showing date of bond, names and residences of intended husband and wife, name of surety, names of parents or guardians of intended husband and wife. Arr. chron. by date of bond. No index. Hdw. Aver. 3½x3x½. Clk. off., record va.

For original marriage bonds, see entry 55.

57. MARRIAGE LICENSES, 1860--. 13 file boxes. Title varies: Marriage Licenses and Certificates, 1928-32.

Original licenses to marry issued by clerk to applicants and returned to clerk by the person performing the marriage showing names of husband and wife, date issued, volume and page of marriage register, seal of the court, date of minister's return, certificate of clerk. Also contains Marriage Certificates for Sundry Years, 1914--, entry 59. Arr. chron. by date of return. No index. 1860-70 hdw.; 1870-- hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

For record of marriage licenses, see entry 60.

58. MARRIAGE (License) REGISTER, 1850-69. 1 vol.

County clerk's register of each marriage license issued, kept to preserve a record of licenses issued in order to determine if the ministers were making returns of all ceremonies performed, showing date issued, names of parties, proposed place of marriage. Arr. chron. by date issued. No index. Hdw. on hdr. forms. 100 pp. 12x7½x1. Clk. off., storage.

59. MARRIAGE CERTIFICATES FOR SUNDRY YEARS, 1760, 1788-89, 1792-1812, 1862-1913. 3 file boxes. No title, 1862-1913. 1849-61 in Marriage Certificates for Sundry Years and Marriage Bonds for 1850 and Other Years, entry 55; 1914-- in Marriage Licenses, entry 57.

Original certificates issued to persons applying for marriage licenses and returned to the clerk by the person performing the marriage showing date and place of proposed marriage, full names of parties, age and condition before marriage (single, widowed, or divorced), race (white or colored), places of birth and residence, names of parents, occupation of husband, place and time actually solemnized, signature of person performing ceremony. No obvious arr. No index. 1760, 1788-89, 1792-1812 hdw.; 1862-1913 hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

60. REGISTER OF MARRIAGES, 1856--. 2 vols.

Record of every marriage license issued and of the ministers' return of every marriage actually performed, kept by the clerk in order to preserve a record of each marriage and to enforce the provision that all marriages be under license, showing date and place of proposed marriage, full names of parties, age and condition before marriage (single, widowed, or divorced), race, places of birth and residence, names of parents, occupation of husband, place and time actually solemnized, name of person performing ceremony, date license returned. Arr. chron. by date of return. Indexed alph. by first letter of surnames of husband and wife. Hdw. on ptd. forms. Aver. 500 pp. 20x15x3. Clk. off., record va.

For original marriage licenses, see entry 57.

Registers

61. ESTRAY BOOK, 1791-1833. 1 vol.
Clerk's record of the appointment of a commission to examine strayed or lost property and of the appraised value and description of such property, copied by the clerk from the returns of the commission summoned by a justice at the request of the person finding such property on his land, for the purpose of protecting the finder against an unjust valuation by the owner showing name of finder, where found, name of justice of the peace, names of freeholders forming the commission, date of examination, description and appraised value of property, date of recordation. Also contains Free Negro Register, 1804-33, entry 62. Arr. chron. by date of recordation. No index. Hdw. 250 pp. 6½x8x1. Clk. off., storage.

62. FREE NEGRO REGISTER, 1835-69. 2 vols. 1804-33 in Estray Book, entry 61.
Record of free Negroes and mulattoes permitted to reside in the county from which indentification cards required by law were issued and record of marriage licenses issued to free Negroes and mulattoes. Record of free Negroes and mulattoes shows certificate number, name of freedman, date of certificate, order granting certificate, age at time of granting certificate, description (height, complexion, marks or scars), signature of clerk. Record of marriages shows date, names of parties, remarks. Also contains (List of Road Surveyors), 1836-54, entry 160. Arr. by subject and chron. thereunder by date of certificate or marriage. No index. Hdw. Aver. 8x12x1. Clk. off., storage.

Military
(See also entries 278, 279)

63. PENSION APPLICATIONS, CONFEDERATE SOLDIERS, 1784-86, 1790, 1901-6. 1 file box.
Miscellaneous material relating to Revolutionary and Confederate soldiers including extract of the report of the State Treasurer contained in the Journal of the House of Delegates of November 24, 1788; letter from the Governor concerning soldiers receiving pensions in 1785; list of pensions in 1786 and 1790; letter from Edmund Randolph concerning the services of a certain soldier; pension warrant signed by the State Treasurer in 1787; printed order of Council requiring a list of all persons serving as justices of the peace in 1784; applications for pensions filed with the Confederate pension board by Confederate soldiers, sailors, or marines disabled by disease or other infirmity; minutes of meetings of the pension board. No obvious arr. No index. Hdw., ptd., and hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

64. MUSTER ROLL OF AMELIA COUNTY IN THE WAR IN DEFENSE OF VIRGINIA, 1861-65. 1 vol.
Memorial record of members who served in Company G, First Regiment of Virginia Cavalry, under Colonel J.E.B. Stuart in the War Between the States compiled after the War by the members showing names of soldiers, when and where mustered, by whom, when company was mustered in, remarks. Arr. alph. by first letter of surname of soldier. No index. Hdw. on ptd. forms. 200 pp. 17½x15x1. Clk. off., record va.

65. LIST OF REGISTRANTS INDUCTED INTO THE ARMY, 1918. 1 vol.
List of men drafted into the Army from Amelia County during the World War

sent to the county clerk by the chairman of the local draft registration board showing army order and number, name, address, age, race, height, and weight of registrant, date of draft. Arr. alph. by first letter of surname of registrant. No index. Hdw. on ptd. forms. 297 pp. 16x10½x2. Clk. off., record va.

66. RECORD OF WORLD WAR VETERANS, 1919. 1 vol.
Record of certificates of honorable discharge, enlistments, and clerk's recordation. Honorable discharge record shows name of soldier, army unit, cause of discharge, place of birth, age when enlisted, color of eyes, hair, and complexion, height, date of discharge, signature of commanding officer. Enlistment record shows name of soldier, grade, date enlisted, place enlisted, enlistment period, rank, marksmanship rating, horsemanship rating, battles participated in, vocational training, wounds received, physical condition when discharged, prophylaxis examination, mental status, character, remarks, signature of soldier, signature of commanding officer. Clerk's recordation shows date filed and recorded and signature of clerk. Arr. alph. by first letter of surname of soldier. No index. Hdw. on ptd. forms. 250 pp. 18½x15x3. Clk. off., record va.

Elections
(See also entry 231)

67. LIST OF VOTERS REGISTERED, 1888-1903, 1906. 38 vols.
Registration of voters for general and special elections delivered to the clerk for preservation showing district, precinct, date, number, name of voter, whether he has been sworn, age, occupation, residence, length of residence in county, length of residence in State, if naturalized, date of papers and name of court issuing them. Arr. by race and alph. thereunder by first letter of surname of voter. No index. Hdw. on ptd. forms. Aver. 100 pp. 15x9½x½. Clk. off., record va.

68. GENERAL REGISTRATION, 1902-3. 2 vols.
Record of general registration of all 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 67. Arr. by districts, thereunder by precincts, thereunder by race, and alph. thereunder by first letter of surname of registrant. No index. Hdw. on ptd. forms. Aver. 100 pp. 11x15x1. Clk. off., record va.

69. VOTERS LIST, 1904-24. 1 vol.
Lists of persons in the county paying the capitation tax in time to be eligible to vote in general and special elections, copied by the clerk from lists sent him by the county treasurer, and sheriff's returns of posting such lists. Lists of paid capitation taxes show date of lists, district, race, name of voter. Sheriff's returns show date of list, date posted, where posted. Arr. chron. by years, thereunder by district, thereunder by race, and alph. thereunder by all letters of surname of voter. No index. Hdw. 12x8x1. Clk. off., record va.

70. COUNTY POLL BOOK, 1905, 1907-8, 1917-29, 1935-38. 541 vols.
Original poll record used in general and local elections showing 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 offices other than President and Vice-President and number of votes received by each, signatures of judges of election. No obvious arr. No index. Hdw. on ptd. forms. Aver. 50 pp. 14x8½x½. 201 vols., 1905, 1907-8, 1921, 1923-29, clk. off., record va.; 340 vols., 1917-22, 1924, 1935-38, clk. off., storage.

71. BALLOTS, JETERSVILLE PRECINCT. 2 sealed bundles.
Ballots used at Jetersville voting place sealed by the judges of election and returned to the county clerk showing kind and date of election, offices to be filled, names of candidates. No obvious arr. No index. Ptd. Aver. 10x8x4. Clk. off., storage.

72. ELECTIONS, 1870--. 9 file boxes. Title varies: Abstracts of Votes, 1870-1915.
Original notice of candidates for office sent to the county clerk for use of electoral board in having names of candidates included upon ballots, and abstracts of votes prepared by the electoral board and sent to the county clerk. Notices of candidacy show name of candidate, office for which he intends to run, political affiliation, date. Abstracts of votes show date of election, names of candidates, number of votes cast for each, oaths stating which candidates received highest number of votes, signatures of commissioners of election and clerk. Arr. chron. by date of election. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

Financial

73. CLERK'S RECEIPTS FOR DEEDS, CONTRACTS ETC., 1907--. 12 vols.
Stubs of receipts issued by the county clerk to parties for recording instruments showing receipt number, date, name of party, kind of instrument, State tax, transfer tax, signature of clerk. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. Aver. 200 pp. 16x13x2. 8 vols., 1907-27, clk. off., record va.; 4 vols., 1928--, clk. private off.

74. CLERKS SETTLEMENT WITH AUDITOR AND TREASURER, FINES, TAXES & (and) DELINQUENT TAXES, 1861-1917. 3 file boxes (1-3).
Miscellaneous financial and statistical reports made by or to the clerk including clerk's settlement with Auditor, reports by clerk to Auditor of taxes collected on suits, deeds, and seals, annual report of the clerk of the circuit court to the Clerk of the House of Delegates of the number of actions at law and suits in equity, reports of notaries of money received from taxes on seals, reports of taxes received by the clerk, reports of the commissioner of revenue's assessments on law processes. Also contains Reports of Justices, 1873-90, entry 145. No obvious arr. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

75. CHECK BOOK, 1908--. 29 vols.
Stubs of the clerk's official checks showing number, date, payee, amount, purpose, amount deposited, total deposits, amount withdrawn, balances. Arr. chron. by date of check and num. by check no. No index. Hdw. on ptd. forms. Aver. 100 pp. 9x14x1. Clk. off., record va.

76. CLERK'S CHECK RETURNED BY BANK, 1929--. 1 file box.
Canceled official checks of the clerk showing date, number, payee, amount, purpose, signature of clerk, endorsement of payee, and banks cancellation. Arr. chron. by date returned from bank. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. private off.

Miscellaneous

77. GENERAL CORRESPONDENCE, 1937--. 1 file drawer.
Original letters to the clerk from State and Federal officials, residents of the county and State, and officials of various corporations relating to fire insurance on buildings, contracts for services and supplies, pending cases, and matters of historical interest, and carbon copies of the clerk's replies thereto. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. 12x14x28. Clk. private off.

78. (CLERK'S FORM BOOK), 1747, 1788, 1802. 3 vols.
Record of forms including deeds, wills, processes, and all other court and recording functions with notes as to procedure copied by clerk to serve as his guide in the performance of his duties. Arr. by subjects. No index. Hdw. Aver. 100 pp. 11x8x½. Clk. off., storage.

79. (LIST OF DOGS), 1908, 1910-13, 1915-19. 11 vols.
Commissioner of revenue's report to county clerk of taxable dogs in the county showing name of owner, number of male dogs, number of female dogs, amount of tax, summary for year. Also contains Merchant's Capital, 1910-13, 1915-18, entry 182. Arr. by district and alph. thereunder by first letter of surname of owner. No index. Aver. 250 pp. 15x6½x½. 2 vols., 1917, 1919, treas. off., storage; 9 vols., 1908, 1910-13, 1915-18, clk. off., record va.

80. PRESCRIPTIONS AND AFFIDAVITS, 1916-17. 1 vol. (1).
Duplicate prescriptions and affidavits for regulating sales of ardent spirits for medicinal and other legitimate purposes under the State prohibition 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, nor intemperate, nor addicted to narcotics. Arr. chron. by date of prescription. No index. Hdw. on ptd. forms. 400 pp. 13x11x3. 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 the next session on account of the "greate charge to the county",[2] and nothing further of this kind

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

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(except the establishment of courts of oyer and terminer for emergent cases) was attempted until the American Revolution. Although the old General Court continued in force, one of the first acts of the Virginia Assembly under the Commonwealth was to set up a High Court of Chancery in 1777, with appellate authority over the county court in chancery causes.[3] In 1788 eighteen districts were formed, each supplied with a District Court of Law staffed by judges from the General Court. To those courts passed most of the remaining jurisdiction of the General Court as to matters of common law.[4] In 1802 the High Court of Chancery was 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. Amelia County fell in the Richmond District.[6] In 1809 the accessibility of justice was still further served by the creation of 12 judicial circuits and the creation of a circuit superior court of law, meeting twice annually, in each county. The circuits were attended by the same judges of the General Court who formerly had held the District Courts of Law.[7] These circuits provided an established framework when, in 1831, the District Superior Courts of Chancery and the circuit superior courts of law were combined and modified to form the circuit superior courts of law and chancery. They followed the same circuits and inherited the records as well as the authority and jurisdiction of the older superior courts.[8] The new court had concurrent jurisdiction with the county court in all cases in chancery and, as a court of law, was empowered to hear and determine murder cases (an authority denied the county court), felonies, treasons, and misdemeanors. It also took cognizance of cases in which the value of the suit exceeded $50 or 1,500 pounds of tobacco, whether brought to it by original process or writ of error.[9] Further powers were soon added. In 1838 it was named a court of equity to which cases pending more than a year in the county court might be removed on the application of either party;[10] and an act of 1849 affirmed and clarified its right to issue writs of error or supersedeas to any final order issued originally by the county court (with certain minor exceptions), since the intent of the establishing act had been questioned.[11]

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

The judges of the circuit court, previously selected from the bench of the General Court (to which they were elected by the General Assembly to

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3. Ibid., IX, pp. 389-391.
4. Ibid., XII, pp. 730-763.
5. Shepherd, Statutes, II, pp. 320-322.
6. Code 1803, p. 426; Code 1849, p. 617 (revisors' note).
7. Shepherd, Statutes, III, pp. 355-360.
8. Acts 1830-31, pp. 43-76.
9. Ibid., pp. 42, 46-48.
10. Acts 1838, pp. 61-62.
11. Acts 1848-49, pp. 42-43.
12. Const. 1902 (as amended 1928), art. VI, secs. 91, 96.

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

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

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

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

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13. Const. 1831, 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. Acts 1902-3-4, p. 609; Const. 1902 (as amended 1928), art. VI, sec. 96; Code 1936, sec. 5977.
21. Acts 1852, p. 51; Const. 1902 (as amended 1928), art. VI, sec. 96; Code 1936, secs. 5973, 5978.
22. Acts 1924, p. 310; Code 1936, sec. 5889.
23. Const. 1902 (as amended 1928), art. VI, sec. 104.
24. Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
25. Acts 1872-73, pp. 383-384.

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records and pending cases for determination.[26] Since 1904 that jurisdiction has remained the same in principle, but from time to time modifications have been made to meet the requirements of modern government. The circuit court has original jurisdiction in civil and criminal cases, except misdemeanors or civil cases wherein the amount in question does not exceed $200. The latter civil cases are now in the province of the trial justice, but the court may hear appeals even from these.[27] It appoints land assessors,[28] reviews erroneous assessments and directs refunds where necessary,[29] amends the charters of towns within its jurisdiction on petition of a majority of the qualified voters,[30] and acts in all respects as the protector of widows, infants, noncompetents, idiots, and lunatics, in fiduciary relationships.[31] The court, which originally met semiannually, was required in 1873 to meet thrice a year, and since 1903 bimonthly.[32]

In the field of recording, the circuit court has from its establishment been subject to more detailed and specific regulation than the county court ever was. In 1831, so strong was the impression of the duality of the court in its common law and chancery jurisdiction (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 therefore (with the exceptions noted) to be taken as applicable equally to recording procedure on both "sides"[36] of the court. Records mentioned are kept separately for the two jurisdictions unless otherwise stated.

All papers filed in each case pending before the court are laid away

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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, p. 135, 788-790; Code 1936, secs. 1050-1052, 6299.
32. Acts 1830-31, p. 42; Acts 1872-73, p. 383; Acts 1902-3-4, p. 766; Code 1936, sec. 5893.
33. See above.
34. Acts 1830-31, pp. 47, 67, 70.
35. Code 1849, pp. 625, 633, 699.
36. The terms "law side", "Chancery side", have been commonly used in Virginia and elsewhere in referring to courts which had both jurisdictions, or might sit either as a court of law or a court of chancery: Henry Campbell Black, A Dictionary of Law . . . , St. Paul, Minn., 1891, p. 1096.

together - at first in the pending file, and later, when a final decree or judgment has been entered, in the ended file.[37] Of the two ended files, only the chancery records are served by an index, apparently as those most likely to be needed for further reference.[38] Papers thus filed may be withdrawn for use and study by attorneys or others entitled to examine them, but the clerk has kept a receipt book to prevent abuses of the privilege, and those who take out such records of the court must sign for them.[39]

By a custom of long standing in Virginia, there has been kept in every clerk's office a memorandum book, in which attorneys or parties may enter requests to the clerk to issue original or mesne (intermediate) processes (summons, subpoenas, etc.),[40] while records of the issuance and return of such processes are taken in another book.[41] The first steps in commencing a case are taken under the guidance of the clerk, and a case so begun is generally said to have been "entered at rules" in the clerk's office, certain days being fixed by law for that official's rule days. A separate docket was formerly kept for the recording of proceedings at rules and for the determination of the order of precedence of the cases so entered,[42] but this docket is now (in Amelia as in many other counties) superseded by the loose-leaf docket system.[43] In many instances, a cause may be determined at rules without appearance in court, as when the defendant appears and confesses his debt or obligation, or when, having had due notice, he fails to appear and plead (judgments issued in the latter case become final only after the passage of a prescribed period without a plea, and upon confirmation by the court). Such a determination is known as an office judgment; the original papers are filed together, and a separate record or docket of these judgments was kept at one time.[44]

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37. Hening, Statutes, III, p. 511; Code 1936, sec. 3386; the division is not required by law, and the fourfold classification, law and chancery, pending and ended, while it is almost universally adopted, is apparently so as a matter of convenience and general consent.
38. Again apparently as a matter of convenience; no legal provision covering this index to ended chancery case papers can be found, except the general rule that the court may appoint a committee to report on the advisability of indexing any record it sees fit, and may thereafter order such index made: Acts 1916, p. 394; Code 1936, secs. 3395-3398.
39. Presumably within the discretion of the court and its clerk, so long as the records so removed are not taken out of the county; this is strictly forbidden, unless in very exceptional circumstances: Code 1819, I, p. 273; Acts 1827-28, p. 22; Code 1849, pp. 632, 661; Code 1887, secs. 3178, 3337; Code 1936, secs. 3387, 6200.
40. 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. 283ff.
41. Acts 1830-31, pp. 67, 70; Code 1887, sec. 3187; Code 1919, sec. 3403; Acts 1923, pp. 97-98; Code 1936, sec. 3403.
42. Acts 1830-31, p. 47; Acts 1923, pp. 97-98; Code 1936, sec. 6075.
43. Acts 1923, pp. 97-98 (the substitution is not mandatory, although the use of the loose-leaf docket is).
44. Hening, Statutes, I, p. 304; ibid., V, pp. 501-502; Acts 1839-40, pp. 46-47; Code 1849, pp. 651-652; Code 1936, secs. 6130, 6131.

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Cases matured at rules were formerly entered upon a separate court docket, in the order in which they were to be heard - a method which necessitated recopying for each successive session of court.[45] This record, as well as the process book and rule docket, is now very largely superseded by the new loose-leaf dockets. Under the present system, most of the proceedings in each case are noted briefly upon a single sheet in the docket, and this sheet is transferred, first from the "rules" section of the current docket to the section reserved for matured cases, and later (upon final determination of the case) from the current docket to the ended, thus obviating the former trouble of recopying the entry from session to session. Three pairs of these loose-leaf books contain the records of chancery, common law,[46] and criminal[47] cases respectively. In Amelia County, however, two separate dockets (duplicate records, combining law and chancery in each) for the determination of the order of hearing in court have been kept, since the adoption of the loose-leaf system, one for the clerk, and one (now discontinued) for the convenience of the judge.[48] 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.[49] Common law orders since 1938 have been indexed in a separate general index; decrees in chancery are not so treated.[50]

Such records[51] as were kept by the justices of the peace in their minor judicial function were for the most part 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 1 year, was to be returned to the clerk's office of the county (later circuit) court to be

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45. Acts 1830-31, p. 47; Code 1849, p. 670; Code 1887, sec. 3378; Code 1936, secs. 6243, 6245.
46. Acts 1923, pp. 97-98; Code 1936, secs. 6243, 6245.
47. Code 1919, sec. 6244 (apparently introduced by revisors); Code 1936, sec. 6244; neither of these sections requires that the criminal docket be divided as to current and ended cases, but this may follow by analogy from the act of 1923, cited above.
48. See footnote 45; the keeping of such a docket in addition to the loose-leaf system is not now in any sense mandatory, nor was the separate judge's docket ever required by law.
49. The distinction between "minutes" and "order" books has never been clearly drawn in the law; records of proceedings are required, but the details are not given. The procedure mentioned is almost universally followed, except that in many courts the minutes at law and in chancery are taken separately: Code 1819, I, p. 237; Acts 1830-31, pp. 47, 70, 75; Code 1849, pp. 625, 646; Code 1887, sec. 3114; Code 1919, sec. 5962; Code 1936, sec. 5962.
50. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1919, sec. 3394; Acts 1936, p. 83 (according to the last-mentioned act, the indexing of the order book series is discretionary with the court; in the majority of instances self-contained indexes are found, seldom a general one such as this); Code 1936, sec. 3394.
51. Neither these nor any of the following records are subject to the law-chancery division, unless so stated.

filed,[52] 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.[53] Executions returned as above, if still unsatisfied, were docketed and indexed by the clerk, with a notation of the judgment on which they were issued, and such further executions issued and recorded as were necessary, it being stipulated that, once these records were filed in the office, the same proceedings might be had as if the judgment had originally been rendered in the court.[54] Each justice also was required to keep a docket in which was entered every judgment and execution issued by him; these volumes, when filled up, or upon the death or going out of office of the justice, were returned to and became records of the court.[55] Judgments in general, which since 1843 have been effective as liens on land only when recorded,[56] are entered in abstract in a series of volumes, since 1917 combined with the execution book (by a law of the preceding year).[57] An index to these abstracts, required to be kept, has recently been discontinued and replaced by a new one, which also serves the combined execution book.[58] The clerk may, at the request of any interested party, make out abstracts of any judgment so recorded; he files copies of such abstracts in his office.[59] Executions issued on judgments of any sort are usually returned by the serving officer with a notation of the service, satisfaction, or failure to satisfy; these are filed in one place temporarily, but usually are found finally among the ended case papers.[60] A separate execution book or docket was formerly kept, for the systematization of proceedings in execution, a receipt and record of service ("officer's return") being taken in it from the officer who received the execution.[61] This record was for some time (1833-1904) divided as to law and chancery proceedings,[62] but later combined in one,[63] and later still fused with the former separate judgment lien docket.[64] A separate index to the execution records was discontinued at the same time as the old in-

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52. Shepherd, Statutes, III, 287; Code 1819, I, p. 253; Acts 1859-60, p. 139; Code 1887, secs. 2949, 2950; Code 1919, secs. 6030, 6031; (repealed as to justice of peace) Acts 1934, p. 469; Code 1936, secs. 6030, 6031.
53. Acts 1897-98, p. 638; Acts 1901-2, pp. 371-372; Code 1919, sec. 6030; (repealed as to justice of peace) Acts 1934, p. 469; Code 1936, sec. 6030.
54. See footnote 52 (the separate docket is not expressly required; these records are sometimes docketed with those issuing from the court).
55. Acts 1820-21, p. 33; Code 1849, p. 596; Code 1887, sec. 2944; Code 1919, sec. 6024; (repealed as to justice of peace) Acts 1934, p. 469; Code 1936, sec. 6024.
56. Acts 1842-43, p. 51; Code 1936, secs. 3393, 6470.
57. Acts 1916, p. 122; Code 1936, sec. 6463.
58. Acts 1891-92, p. 772 (general index to judgments first required); Code 1919, sec. 3394; Code 1936, sec. 3394.
59. Code 1936, sec. 6461.
60. Code 1849, pp. 711, 713; Acts 1871-72, p. 462; Acts 1881-82, p. 200; Code 1887, secs. 3581, 3591; Acts 1897-98, p. 586; Acts 1916, p. 765; Code 1936, secs. 6480, 6491.
61. Hening, Statutes, XII, p. 738; Shepherd, Statutes, III, p. 358; see footnote 63.
62. Acts 1830-31, p. 70.
63. Code 1849, p. 633; Code 1887, sec. 3182.
64. Acts 1916, p. 122; Code 1936, sec. 6463.

dex to judgments; the new index (see above) serves both judgments and executions.

For the regulation of the payments due witnesses and jurors for their attendance, certificates of attendance, mileage, and amounts due have long been issued, while a record of the certificates granted remains in the court, in the form of stubs bearing the same information.[65] This record (as to witnesses) was formerly kept in a separate set of books, before an official form of certificate was evolved.

The probate authority formerly vested in the county court and shared by the superior and circuit courts,[66] has since 1904 been transferred entirely to the last named and its clerk, who, in a sense, partly fills the vacancy created by the abolition of the county court in these matters.[67] The circuit court has consequently inherited all the original wills and the records appertaining to probate and fiduciary affairs. Wills are now proved and filed with related original papers in this court,[68] and on being proved recorded in the will book series,[69] which is served by a separate index also applicable to other related records which may have been recorded elsewhere.[70] It is the duty of the court to supervise and regulate the conduct of the affairs of guardians, curators, committees, administrators, executors, and other fiduciaries; in this connection numerous papers and records are kept.[71] Upon the death of any person, the court appoints appraisers to value the estate; records of their appraisements are returned to the court for filing. The executor or administrator also must return an inventory, but it has long been regarded as sufficient that he merely sign the report of the appraisers; this is taken to be of the same effect as if he had submitted a separate inventory, if he does not wish to do so independently.[72] Another duty of the personal representative of any deceased person is to report a list of possible heirs to the court; these reports, formerly entered in the deed books,[73] may now be found in the will book series.[74] The court requires of every guardian within its jurisdiction exact accounts of his stewardship, embracing all his transactions with the estate of his ward. Upon approval by the court, and after having lain a specified time for inspection and exceptions by interested parties, these accounts are filed by the clerk and recorded among the records of the court.[75]

The clerk, who since 1904 has been authorized to accept the proof

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65. Code 1819, I, pp. 518-519; Code 1936, secs. 6009, 6010.
66. See footnote 25.
67. Const. 1902, art. VI, sec. 101; Acts 1902-3-4, p. 386; Code 1936, sec. 5249; see footnote 26.
68. Hening, Statutes, I, pp. 302-303; Code 1936, sec. 5262.
69. Code 1919, sec. 3393; Code 1936, sec. 3393; see footnote 68.
70. Acts 1828-29, p. 29; Acts 1876-77, pp. 220-221; Code 1936, sec. 3394.
71. See generally Code 1936, secs. 5359, 5360, 5369, and below.
72. Code 1819, I, pp. 380, 406-407; Code 1849, pp. 547-548; Code 1936, sec. 5403.
73. Acts 1912, p. 453; Acts 1916, p. 507; Code 1919, sec. 5379.
74. Acts 1922, p. 647; Code 1936, sec. 5379.
75. Hening, Statutes, XII, pp. 195-196; Acts 1869-70, pp. 442-443; Acts 1904, p. 268; Code 1936, sec. 5428.

of wills and appoint personal representatives and other fiduciaries, keeps an order book distinct from that of the court for the record of his proceedings in such matters.[76] The commissioner of accounts also is required to keep a record of the appointment, qualification, and proceedings of fiduciaries, for the regulation of their accounting and other actions.[77]

The circuit court has long been empowered to receive the bonds of officers and of administrators and other fiduciaries, but, while these bonds are directed to be recorded, there has been until recently no specific direction as to how and where it shall be done. In Amelia County, as a matter of convenience, three sets of books have been kept - one of records of officers' bonds[78] only, one mixed (now discontinued), and one for the bonds of fiduciaries only.[79]

Proceedings for the commitment of chronic drunkards or persons of unsound mind are reported to the circuit court; the reports of the commissions appointed to examine suspected persons are filed with the clerk of court and by him abstracted in a book kept for that purpose.[80]

The treasurer, when he has completed his sales of lands for taxes delinquent, must report to the circuit court, in several categories, the result of his sales and previous redemptions by payment of the taxes due. These reports are filed among the records of the court.[81]

The circuit superior court of law, forerunner of the circuit court in every county, had authority in the recording deeds and other instruments comparable to that of the county court,[82] and kept a separate deed book, but this (here as elsewhere) soon fell into disuse, and the instruments recorded therein were transcribed into the regular deed book series.

Whenever the court sees fit, it may order money involved in any case pending before it deposited in bank for safekeeping and the prevention of loss, waste, or embezzlement; such deposits and subsequent withdrawals are recorded in a special volume, with notes of the orders for deposit and withdrawal.[83]

The clerk of the circuit court, like other officers, has always been required to keep a book for the record of fees due him for the services performed by him in his official capacity, as well as of the amounts due the State on account of the writ tax, or tax on legal processes issued by

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76. See footnote 67.
77. Code 1849, p. 547 (clerk keeps the record); Acts 1869-70, pp. 442-444 (commissioner of accounts keeps the record); Code 1936, sec. 5401.
78. Acts 1842-43, p. 22; Code 1849, p. 88 (all bonds); Code 1887, sec. 812; Code 1936, sec. 2696 (officers' bonds).
79. Acts 1842-43, p. 22; Code 1849, p. 88; Code 1936, secs. 279, 3393 (all bonds).
80. Acts 1899-1900, p. 1040; Acts 1902-3-4, pp. 126, 128; Code 1919, secs. 5 (paragraph 5), 1017; Acts 1936, pp. 50-51; Code 1936, secs. 1017, 1018.
81. Acts 1872-73, p. 378; Code 1936, secs. 2465, 2489. For full discussion, see County Treasurer, pp. 160-167.
82. Code 1819, I, pp. 222, 230, 361, 377.
83. Acts 1897-98, p. 758; Code 1936, sec. 6310.

him. These records are not prescriptive as to form, but at the convenience of the clerk have been kept in various series of books, of which only that containing records of fees collectible on chancery cases continues in use, many of the fees and other charges being now entered on the pages of the loose-leaf dockets instead of in separate fee books.[84] Fines and costs, especially those due the Commonwealth, must be accounted for in a similar manner, with the added provision that no officer collecting any fine or costs should fail to give a receipt on the proper form so that the stubs of these official receipts form the necessary record.[85] Here also are filed the reports of the justices of the peace and the trial justice of fees, fines, and costs assessed by them, whether actually collected or not, for their settlement with the clerk for amounts so collected, and for the clerk's guidance in issuing executions for those unpaid. To this end he makes an abstract (in a special volume) of the justices' judgments in criminal cases returned to him as remaining unsatisfied, and records his proceedings in execution upon them.[86] A similar record is kept in connection with the fees, fines, and costs assessed by the circuit court in criminal cases, to systematize their collection by summary process when necessary.[87]

The clerk of the circuit court is also accountable for a wide variety of other fees and taxes; his general record of money which he collects or should have collected for the State, kept as the tax book or clerk's receipt book, was formerly posted into a general ledger system. It is kept in loose-leaf binders on forms printed for the purpose, so as to segregate the different classes of funds received and to be paid over to the fiscal agencies of the State.[88]

Last among the records of the court is a miscellaneous file, which serves as a catch-all for papers presented to the court regarded as important, but not related to other established series of records.

Chancery

Case Papers (see also entry 91)

81. PENDING CHANCERY CAUSES, 1909--. 14 file boxes (labeled by inclusive letters of alphabet).

Original pleadings, processes, and court orders, constituting the record of suits instituted in the circuit court sitting as a court of chancery, in which no final judgment has been entered, and memoranda and miscellaneous

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84. Hening, Statutes, V, p. 52; Code 1819, I, pp. 233-234; Acts 1830-31, p. 70; Code 1849, p. 699; Acts 1923, pp. 97-98; Code 1936, secs. 3484, 3494.
85. Acts 1904, p. 225; Code 1936, sec. 2546.
86. Code 1819, II, pp. 59-60; Acts 1877-78, p. 376; Code 1887, secs. 718, 719; Acts 1897-98, pp. 342-343; Acts 1902-3-4, pp. 605, 658; Code 1936, secs. 2550-2552, 4989.
87. (The record was probably kept as a basis for the report required by law as well as for a record of collections) Code 1887, secs. 730, 731; Code 1936, secs. 2563, 2564.
88. Acts 1897-98, pp. 847-848; Acts 1914, pp. 563-564; Acts 1918, p. 773; Acts 1926, p. 29; "Tax Code" 1936, sec. 406.

papers relating thereto showing names of attorneys, names of plaintiff and defendant, nature of case, names of officers serving process, dates of pleadings, processes, orders, amount in controversy, description of property involved, signature of judge. Arr. alph. by first letter of surname of plaintiff. No index. Hdw., typed, hdw. and typed on ptd. forms. 10½x4½x13. Clk. private off.

For record of pending chancery causes, see entries 85, 86.

82. ENDED CHANCERY CAUSES, 1832--. 85 file boxes (1-85).
Original pleadings, processes, evidences, and court orders, constituting the record of suits disposed of in the circuit court sitting as a court of chancery, and memoranda and miscellaneous papers relating thereto showing names of attorneys, names of plaintiff and defendant, nature of case, names of officers serving process, dates of pleadings, processes, orders, amount in controversy, description of property involved, final disposition of case, signature of judge. Arr. chron. by date of final order. For index, see entry 83. Hdw., typed, and hdw. and typed on ptd. forms. 10½x4½x13. Clk. off., record va.

For record of ended chancery causes, see entry 87.

83. INDEX TO ENDED CHANCERY CAUSES, 1832--. 2 vols.
Plaintiff and defendant index to ended chancery case papers, entry 82, showing names of plaintiff and defendant, date of term of court, file number. Arr. alph. by first letter of surname of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. 150 pp. 13x18x1. Clk. off., record va.

Dockets and Proceedings

84. CHANCERY RULE DOCKET, 1831-1923. 3 vols. (1; two not labeled).
Title varies: Cir. (Circuit) Court Chancery Rule Docket, 1831-54.
Circuit court clerk's record of the progress at successive rule days of 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, date of rules. Arr. chron. by date of rules. No index. Hdw. on ptd. forms. Aver. 163 pp. 19x12x1½. Clk. off., record va.

For subsequent records, see entries 86, 87.

85. PENDING CHANCERY CAUSES, 1909-25. 3 vols. Title varies: Pending Chancery Docket, 1909-15.
Record of cases instituted in the circuit court sitting as a court of equity and kept by the clerk to assure the orderly handling of such cases showing names of attorneys, names of plaintiff and defendant, file number, disposition of case, date of term of final decree. Arr. alph. by first letter of surname of plaintiff and chron. thereunder. No index. Hdw. on ptd. forms. Aver. 150 pp. 12x18x1. Clk. off., record va.

For original pending chancery causes, see entry 81; for subsequent record of pending chancery causes, see entry 86.

86. CURRENT CHANCERY DOCKET, 1924--. 1 vol.
Record of suits in equity instituted in circuit court, of process issued, and of proceedings at rules showing case number, file number, names of plaintiff and defendant, names of attorneys, nature of suit, date docketed,

process to commence suit, memorandum of serving process, proceedings at rules. Arr. by cases at rules and matured cases and alph. thereunder by all letters of surname of plaintiff. No index. Hdw. and typed on ptd. forms. 400 pp. 12½x10x2. Clk. off., record va.

For prior record of proceedings at rules, see entry 84; for prior record of pending causes, see entry 85; for original pending causes, see entry 81.

87. ENDED CHANCERY DOCKET, 1924--. 1 vol.
Record of suits in equity determined by circuit court, of process issued, and of proceedings at rules showing same information as in entry 86 and also memorandum of orders and proceedings, clerk's fees against plaintiff and defendant, amount of costs charged plaintiff and defendant (writ tax, attorneys' fees, clerk's fees, sheriff's fees, exhibits, depositions, orders of publication, reports of commissioners in chancery, guardian ad litem, allowance to witnesses, total costs). Arr. alph. by surname of plaintiff and chron. thereunder by date of final hearing. No index. Hdw. and typed on ptd. forms. 400 pp. 12½x10x2. Clk. off., record va.

For prior record of proceedings at rules, see entry 84; for original ended causes, see entry 82.

88. CHANCERY ORDER BOOK, 1832--. 9 vols. (1-9). Title varies: Cir. (Circuit) Court Chancery Orders, 1832-89; C. C. (Circuit Court) Chancery Order Book, 1889-1901; Chancery Orders Cir. (Circuit) Court, 1902-21; Chancery Orders, 1922-34.
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 date of term of court, name of judge, date of proceeding, names of plaintiff and defendant, names of attorneys, nature of proceeding or order, signature of judge. Arr. chron. by term of court and chron. thereunder by date of order or proceeding. Indexed alph. by first letter of surnames of plaintiff and defendant. 1832-1934 hdw.; 1935-- typed. Aver. 500 pp. 12x18x3. Clk. off., record va.

Common Law

Case Papers

89. PENDING COMMON LAW CASES, 1935--. 1 file box.
Original papers constituting the record of civil and criminal cases pending but not yet decided in the circuit court sitting as a court of law and papers relating thereto, including memoranda, pleadings, warrants, indictments, notices of appeal, judgments appealed from, appeal bonds, verdicts of the jury in cases which final judgment has not been entered, lists of witnesses and subpoenas for witnesses, lists of veniremen, and correspondence in reference to setting the date of trial, showing case number, names of attorneys, cause of action, date filed. Arr. chron. by date filed. No index. Hdw., typed, hdw. and typed on ptd. forms. 10x4½x13. Clk. private off.

For record of pending cases, see entries 97, 99.

90. (Ended) CIRCUIT COURT PAPERS, 1809-66, 1870--. 111 bundles, 35 file boxes. Title varies: Judgments, 1809-66; Circuit Court Judgments, 1870-1935.
Original papers constituting the record of civil and criminal cases adjudicated on the law side of the circuit court, memoranda and miscellaneous

papers pertaining thereto, filed by the clerk of the circuit court to preserve a permanent and public record of the rights of the parties as decided by the court, showing date, names of plaintiff and defendant, names of attorneys, nature of case of offense charged, amount in controversy, proceedings at rules, verdict of jury, judgment of the court, motions, orders, fees, costs, signatures of plaintiff, clerk, foreman of jury, and judge. Arr. chron. by term of court. No index. 1809-66 hdw.; 1870-1924 hdw. on ptd. forms; 1924-- hdw., typed, hdw. and typed on ptd. forms. Bundles aver. 8x3x3; file boxes 10½x4½x13. Clk. off., record va.

For record of ended cases, see entries 98, 100.

91. OFFICE JUDGMENTS, 1821--. 108 bundles.
Original judgments, rendered by confession of the defendant in the clerk's office or by default of the defendant in failing to answer, not yet confirmed by the court showing names of plaintiff and defendant, names of attorneys, nature of case, amount and date of judgment, signature of clerk. Arr. chron. by date of judgment. No index. Hdw. on ptd. forms. Aver. 8x3x3. Clk. off., record va.

For final office judgments, see entry 96.

92. RECEIPT FOR COURT PAPERS, 1929-32. 1 vol. (1).
Record of case papers taken from the clerk's office for study by attorneys showing date, names of plaintiff and defendant, description of paper taken, signature of attorney, date returned. Arr. alph. by first letter of surname of plaintiff. No index. Hdw. on ptd. forms. 100 pp. 10x12x1. Clk. off., record va.

Dockets and Proceedings

93. MEMORANDUM BOOK, 1809-18, 1827-30, 1879-86, 1902-36. 7 vols. Title varies slightly. No title, 1809-18.
Record kept by clerk of the circuit court in which attorneys or parties entered notation of original and intermediate processes to be issued by the clerk against parties, as a means of assuring that the proper parties would be summoned to court by sufficient process, showing name of attorney, date of request, name of party desiring process, name of party or witness on whom it is to be served, kind of process. Arr. chron. by date of request. No index. Hdw. Aver. 300 pp. 16x10x1½. 4 vols., 1809-18, 1827-30, 1879-86, 1902-10, clk. off., storage; 3 vols., 1910-36, clk. off., record va.

94. PROCESS BOOK, 1831-50, 1869-1936. 4 vols. Title varies slightly. No title, 1869-1904.
Circuit court clerk's record of original, intermediate, and final processes in cases at law and suits in equity kept to assure the prompt service of process and to retain a record of the exact date suits were instituted in order to determine the application of statutes of limitation and the time when a default judgment might be returned showing names of attorneys, names of plaintiff and defendant, kind of process, date entered, when returnable, signature of officer to whom delivered or statement that it was mailed out of the county for service and name of officer to whom mailed, officer's return. Also contains Witness Book, 1832-50, entry 122; (County Court Process Book), 1869-1904, entry 153. Arr. chron. by date entered. No index. Hdw. on hdr. forms. Aver. 200 pp. 14x9x1. 2 vols., 1831-50, 1869-1904, clk. off., storage; 2 vols., 1904-36, clk. off., rec-

ord va.

For record of processes, 1936--, see entries 97, 98.

95. COMMON LAW RULE DOCKET, 1809-1920. 5 vols. (four not labeled; 1). Title varies: Rule Docket, 1809-31; Circuit Court Chancery Rule, 1831-44; Superior Court Law Rule Docket, 1845-70; Circuit Court Com. (Common) Law Rule Docket, 1871-1906; Common Law Rule Docket, 1907-20.

Circuit court clerk's record of the progress of common law cases at successive rule days. For full description, see entry 84. Arr. chron. by date of rules. No index. 1809-31 hdw. on hdr. forms; 1831-1920 hdw. on ptd. forms. Aver. 160 pp. 12x19x1½. Clk. off., record va.

For subsequent records, see entries 97, 98.

96. OFFICE JUDGMENTS, CIRCUIT COURT, 1809-60, 1868-70, 1885-94. 3 vols. (two not labeled; 1). Title varies: Office Judgments, Superior Court, 1809-47; Circuit Court Office Judgments, 1844-60.

Record of confessed judgments and of the court's confirmation of default judgments showing dates of terms of court, names of plaintiff and defendant, nature of suit, date confessed or confirmed, amount of judgment, amount of costs, date from which judgment bears interest. Arr. chron. by term of court and alph. thereunder by first letter of surname of plaintiff. 1809-47, 1868-70, 1885-94 indexed alph. by first letter of surnames of plaintiff and defendant; 1844-60 not indexed. Hdw. Aver. 400 pp. 18x12½x2. 2 vols., 1809-47, 1868-70, 1885-94, clk. off., record va.; 1 vol., 1844-60, clk. off., storage.

For original office judgments, see entry 91; for subsequent record, see entry 98.

97. CURRENT LAW DOCKET, 1935--. 1 vol.

Record of cases at law instituted in circuit court in which final judgment has not been entered, of process issued, and of proceedings at rules showing case number, file number, names of plaintiff and defendant, names of attorneys, nature of suit, date docketed, process to commence suit, memorandum of serving of process, proceedings at rules, memorandum of orders and proceedings. Arr. by cases at rules and matured cases and alph. thereunder by all letters of surname of plaintiff. No index. Hdw. and typed on ptd. forms. 400 pp. 12½x10x2. Clk. off., record va.

For prior record of process, see entry 94; for prior record of rules, see entry 95; for original pending cases, see entry 89.

98. ENDED LAW DOCKET, 1924--. 1 vol.

Record of cases at law determined by the circuit court, including process issued and proceedings at rules showing same information as in entry 97 and also memorandum of orders and proceedings, clerk's fees against plaintiff and defendant, amount of costs charged against plaintiff and defendant (writ tax, attorneys' fees, clerk's fees, sheriff's fees, exhibits, depositions, orders of publication, reports of commissioners in chancery, guardian ad litem, allowances to witnesses, total costs). Arr. alph. by first letter of surname of plaintiff and chron. thereunder by date of final hearing. No index. Hdw. and typed on ptd. forms. 400 pp. 12½x10x2. Clk. off., record va.

For prior record of process, see entry 94; for prior record of rules, see entry 95; for original ended cases, see entry 90; for prior record of office judgments, see entry 96; for prior record of costs, see entry 142.

99. CURRENT CRIMINAL DOCKET, 1930--. 1 vol.
Record of criminal cases set for hearing in the circuit court to provide for the speedy conclusion of such cases showing case number, file number, names of attorneys, date docketed, indictment or appeal, style of prosecution (name of defendant, felony or misdemeanor), offense charged, registration and description (address, race, height, eyes, hair, weight, marks, age, occupation, date of conviction and offense, sentence, jail term, fine, volume and page of record of conviction in order book, notation of judgment reversed or pardon granted and date thereof), memorandum of orders and proceedings, statement of costs recovered against accused, receipts and disbursements of costs by clerk. Arr. chron. by date docketed. No index. Hdw. on ptd. forms. 12 pp. 10x12½x½. Clk. private off.
For original pending cases, see entry 89.

100. ENDED CRIMINAL DOCKET, 1929--. 1 vol.
Record of criminal cases decided by circuit court showing case number, file number, names of attorneys, date docketed, indictment or appeal, style of prosecution (name of defendant, felony or misdemeanor), offense charged, registration and description (address, race, height, eyes, hair, weight, marks, age, occupation, date of conviction and offense, sentence, jail term, fine, volume and page of record of conviction in order book, notation of judgment reversed or pardon granted and date thereof), memorandum of orders and proceedings, statement of costs recovered against accused, receipts and disbursements of costs by clerk. Arr. num. by case no. and chron. thereunder by term of court. Indexed alph. by first letter of surname of defendant and num. thereunder by case no. Hdw. on ptd. forms. 200 pp. 10x12½x½. Clk. private off.
For original ended cases, see entry 90.

101. ISSUE DOCKET, 1823-30, 1842-44, 1866-68, 1877--. 15 vols.
Title varies slightly. No title, 1842-44, 1866-68.
Circuit court clerk's record of cases set for trial or hearing in the circuit court used to arrange the order of appearance in court, to determine the status of each case, and to prepare information for the use of the judge during sessions of the court showing names of attorneys, names of plaintiff and defendant, case number, nature of case, proceedings at last term, proceedings at this term. Arr. chron. by term of court, thereunder by law and chancery, and alph. thereunder by first letter of surname of plaintiff. No index. Hdw. on ptd. forms. Aver. 165 pp. 11x16x2. 12 vols., 1823-30, 1842-44, 1866-68, 1877-1908, clk. off., storage; 3 vols., 1908--, clk. off., record va.

102. (Judge's) ISSUE DOCKET, 1922-35. 3 vols. Title varies:
Judge's Docket, Amelia Circuit Court, Beginning March Term 1922, 1922-24; Judge's Issue Docket, 1924-27.
Record of cases set for hearing at each term of court prepared by the clerk for the use of the court during the trial showing names of plaintiff and defendant, names of attorneys, nature of case, proceedings at successive terms, time set for hearing, disposition of case. Arr. chron. by term of court, thereunder by law and chancery, and alph. thereunder by first letter of surname of plaintiff. No index. Hdw. on hdr. forms. Aver. 160 pp. 11x7x2. Clk. off., record va.

103. RECORD (Minute Book), 1809-15, 1821-23, 1825-29, 1835-69, 1907--. 10 vols. Title varies: Minute Book, Superior Court, 1809-15; Superior Court Minute Book, 1821-23; Minute Book Cir. (Circuit) Court, 1848-69; Magistrates Judgment Docket, 1907-16; Rough Minutes, 1916-25.

Notes taken by clerk of the circuit court during sessions of court, from which court orders were later written, relative to the disposition of all matters coming before the court. Arr. chron. by term of court. No index. Hdw. Aver. 300 pp. 9x14x1. 7 vols., 1809-15, 1821-23, 1825-29, 1835-69, 1907-16, clk. off., storage; 3 vols., 1916--, clk. off., record va.

104. COM. (Common) LAW ORDERS, 1809--. 12 vols. (1-12). Title varies: Superior Court Orders, 1809-21; Cir. (Circuit) Court Com. (Common) Law Orders, 1822-1852, 1872-1889; Cir. (Circuit) Court Orders, 1853-72; C. C. Com. (Circuit Court Common) Law Order Book, 1889-1907.

Record of common law proceedings and orders of the circuit court at regular sessions and in vacation, including motions, orders, exceptions of attorneys to rulings of the court, disposition of case, appointment and qualification of county officers and attorneys, showing date of term of court, name of judge, date of order or proceeding, names of plaintiff and defendant, names of attorneys, names of county officers qualifying and amount of bond required, nature of order or proceeding, signature of judge. Arr. chron. by date of term of court and chron. thereunder by date of order. Indexed alph. by first letter of subject of order, surnames of plaintiff and defendant, or surname of person concerned; also separate index, 1938--, entry 105. 1809-1930 hdw.; 1931-- typed. Aver. 500 pp. 12x18x3. Clk. off., record va.

105. GENERAL INDEX TO COMMON LAW ORDERS, 1938--. 1 vol.

General index to record of common law proceedings, entry 104, showing date of order, names of plaintiff and defendant, kind of action, abstract of order, page and number of order book in which recorded. Arr. alph. by first two letters of subject of order, or surnames of plaintiff and defendant, and chron. thereunder. Hdw. on ptd. forms. 400 pp. 18x15x3. Clk. off., record va.

Judgments

106. JUSTICES CIVIL JUDGMENTS, 1869-1933. 13 file boxes. Title varies: Justices Civil Warrants, 1869-1913; Justices Judgments, 1914-1929.

Original civil warrants for small claims tried by justices of the peace and returned to circuit court for issuance of execution showing names of plaintiff and defendant, date of judgment, amount of judgment exclusive of costs, amount of interest and costs, date of execution, date delivered, to whom delivered, return date, officer's return. Arr. chron. by date of return. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

For record of justices' judgments, 1878-1933, see entry 107.

107. JUSTICES' CIVIL JUDGMENTS & (and) EXECUTIONS, 1878-1933. 2 vols. Title varies: Judgments Before Single Justices, 1878-1908.

Abstracts of civil judgments rendered by justices of the peace recorded by the clerk of the circuit court for the purpose of issuing executions thereon

showing names of plaintiff and defendant, name of justice of the peace, date of trial, amount of fees and costs paid to clerk, date of payment, dates of executions, officers' returns. Arr. alph. by first letter of surname of plaintiff and chron. thereunder. Indexed alph. by first letter of surnames of plaintiff and defendant and chron. thereunder. Hdw. Aver. 320 pp. 14x9x1. Clk. off., record va.

For original papers, see entry 106.

108. JUSTICE'S JUDGMENT AND EXECUTION BOOK, 1860-75, 1892-1933. 8 vols.

Abstracts of civil judgments kept by each individual justice of the peace and returned to the circuit court, when the book was filled or when the justice left office, for the purpose of providing a permanent record of each judgment, of systematizing the satisfaction thereof, and of giving the clerk of the circuit court a record for issuing abstracts of judgment, showing names of plaintiff and defendant, date of judgment, amount of judgment exclusive of costs, date from which judgment bears interest, amount of costs, date of execution issued by justice, name of officer to whom delivered, return day, officer's return. Arr. chron. by date of judgment. No index. Hdw. on ptd. forms. Aver. 32 pp. 14x9x½. Clk. off., record va.

109. LIEN DOCKET, 1844-1917. 3 vols. (one not labeled; 1, 2). No title, 1844-73.

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, when paid. Arr. chron. by date docketed. Indexed alph. by first letter of surnames of judgment debtor and judgment creditor and chron. thereunder; also separate index, 1873-1917, entries 111, 112. 1844-1904 hdw. on hdr. forms; 1904-1917, hdw. on ptd. forms. Aver. 227 pp. 18x14x2. Clk. off., record va.

For subsequent records, see entry 110.

110. JUDGMENT LIEN DOCKET AND EXECUTION BOOK, 1917--. 2 vols. (3, 4).

Record of judgments, decrees, and judgments for costs in criminal cases rendered by courts or justices in various counties and cities and of executions thereon kept by the county clerk for the purpose of effectuating liens for the satisfaction thereon on property in the county and of fixing the expiration dates of such liens, showing names of attorneys, names of plaintiff and defendant, date of judgment, in what court rendered, day and hour docketed, amount of judgment, interest, and costs, whether homestead can be claimed, amount 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. 1917-24 not indexed in vol.; 1925-- indexed alph. by first letter of surname of judgment creditor and chron. thereunder; also separate index, entries 111-113, 118, 119. Hdw. on ptd. forms. Aver. 227 pp. 18x13x2. Clk. off., record va.

For prior records, see entry 109; for prior records of executions, see entry 117.

111. GENERAL INDEX TO JUDGMENT LIENS, JUDGMENT CREDITOR, 1873-1926. 2 vols. (labeled by inclusive letters of alphabet).

Creditor (plaintiff) index to record of judgment liens, entries 109, 110, showing name of creditor, name of debtor, volume and page of record, date docketed. Arr. alph. by first two letters of surname of judgment creditor and chron. thereunder. Typed on ptd. forms. Aver. 400 pp. 9½x15x2½. Clk. off., record va.

For subsequent record, see entry 113.

112. GENERAL INDEX TO JUDGMENT LIENS, JUDGMENT DEBTOR, 1873-1926. 2 vols. (labeled by inclusive letters of alphabet).
Debtor (defendant) index to record of judgment liens, entries 109, 110. For full description, see entry 111. Arr. alph. by first two letters of surname of judgment debtor and chron. thereunder. Typed on ptd. forms. Aver. 400 pp. 9½x15x2½. Clk. off., record va.

For subsequent records, see entry 113.

113. INDEX TO JUDGMENTS (and Executions), 1926--. 1 vol.
General index to record of judgment liens and executions, entry 110, showing date of docketing, names of creditor and debtor, volume and page of record. Arr. alph. by first two letters of surnames of creditor and debtor and chron. thereunder. Hdw. on ptd. forms. 400 pp. 9½x15x2½. Clk. off., record va.

For prior index to record of judgment liens, see entries 111, 112; for prior index to record of executions, see entry 118, 119.

114. JUDGMENTS CURRENT YEAR, 1931-33. 1 file box.
Copies of abstracts of judgments compiled by clerk of the circuit court at the request of interested parties showing name of court or justice, names of plaintiff and defendant, nature of case, date of judgment, amount of judgment, amount of costs, date of certification. No obvious arr. No index. Typed on ptd. forms. 3x5x12. Clk. private off.

Executions

115. EXECUTION RETURNED CURRENT YEAR, 1929--. 2 file boxes. Title varies: Executions Returned, 1929-38.
Original satisfied and unsatisfied executions on judgments returned to clerk of the circuit court by the sheriff or other officer executing them showing date, names of plaintiff and defendant, nature of execution, return of case, amount of judgment, name of officer to whom delivered, officer's return, date of return. Arr. chron. by date of return. No index. Hdw. on ptd. forms. Aver. 7x5x12. 1 file box, 1929-38, clk. off., record va.; 1 file box, 1939--, clk. private off.

116. CIRCUIT COURT CHANCERY EXECUTION DOCKET, 1833-1904. 1 vol. (1).
Record of executions delivered to officers for the satisfaction of judgments and decrees rendered by the circuit court sitting as a court of equity showing names of plaintiff and defendant, kind and date of execution; amount of judgment or decree, date returnable, to whom delivered for service, officer's return. Arr. chron. by date of execution. Indexed alph. by first letter of surname of plaintiff. Hdw. on hdr. forms. 100 pp. 8x12x1. Clk. off., storage.

117. EXECUTION BOOK, 1809-1917. 7 vols. (five not labeled; 1, 2).
Title varies: Circuit Court Common Law Execution Docket, 1831-43; Com. (Common) Law Executions, Circuit Court, 1843-52; Circuit Court Executions, 1853-72. No title, 1809-22.
Record of executions issued for satisfaction of judgments rendered in circuit court or recorded in county clerk's office, kept for the purpose of fixing and determining the priority of liens on personal property and the expiration of liens on real property and for proper satisfaction of such judgments showing names of creditor and debtor, date of judgment, amount of judgment, court in which rendered, kind of execution, officer to whom delivered, date delivered to officer, return day, officer's return, dates and amounts of credits. Arr. chron. by date execution delivered to officer. Indexed alph. by first letter of surnames of debtor and creditor; also separate index, 1809-72, entries 118, 119. 1809-72 hdw. on hdr. forms; 1872-1917 hdw. on ptd. forms. Aver. 200 pp. 12x18x2½. 5 vols., 1809-72, clk. off., storage; 2 vols., 1872-1917, clk. off., record va.
For subsequent records, see entry 110.

118. INDEX TO EXECUTIONS (Creditor), 1872-1926. 2 vols. (labeled by inclusive letters of alphabet).
Creditor (plaintiff) index to record of executions, entries 110, 117, showing names of creditor and debtor, kind of execution, volume and page of record, date of record. Arr. alph. by first two letters of surname of judgment creditor and chron. thereunder. Typed on ptd. forms. Aver. 400 pp. 9½x15x2½. Clk. off., record va.
For subsequent record, see entry 113.

119. INDEX TO EXECUTIONS (Debtor), 1872-1926. 2 vols. (labeled by inclusive letters of alphabet).
Debtor (defendant) index to record of executions, entries 110, 117, showing names od debtor and creditor, kind of execution, volume and page of record, date of record. Arr. alph. by first two letters of surname of judgment debtor and chron. thereunder. Typed on ptd. forms. Aver. 400 pp. 9½x15x2½. Clk. off., record va.
For subsequent records, see entry 113.

Witnesses and Jurors

120. WITNESSES & (and) JURY CERTIFICATES, 1907-26, 1937--. 7 vols.
Title varies: Receipt for Jury and Witness Tickets, 1907-26.
Stubs of certificates issued by clerk of circuit court for payment of fees and expenses to witnesses and persons in prohibition, felony, misdemeanor, and other cases in which compensation is allowed showing certificate number, date of certificate, date of court, payee, number of days attended, mileage and ferriage, total allowed, date allowed. Arr. chron. by date of issue. No index. Hdw. on ptd. forms. Aver. 80 pp. 5x4½x½. 1 vol., 1907-26, clk. off., record va.; 6 vols., 1937--, clk. private off.

121. UNCLAIMED JUROR AND WITNESS CERTIFICATES, 1931-37. 1 file box.
Original unclaimed tickets entitling the payee to compensation for serving as witness in prohibition or felony cases showing date, payee, amount, name of defendant, offense charged, days attended, mileage, total compensation, signature of clerk. No obvious arr. No index. Hdw. on ptd. forms. 3x5x12. Clk. private off.

122. WITNESS BOOK, 1809-31, 1895-1923. 2 vols. 1832-50 in Process Book, entry 94.
Record of witnesses summoned and appearing before circuit court showing term of court, names of plaintiff and defendant, names of witnesses for plaintiff and defendant, number of days attended, mileage and ferriage, amount of certificate. Arr. chron. by term of court. No index. 1809-31 hdw.; 1895-1923 hdw. on ptd. forms. Aver. 120 pp. 12x8x1. 1 vol., 1809-31, clk. off., storage; 1 vol., 1895-1923, clk. off., record va.

Probate

Wills

123. WILLS CURRENT YEAR, 1734--. 23 file boxes (3 labeled by inclusive letters of alphabet; 20 not labeled). Title varies slightly.
Original wills admitted to probate, and original lists of heirs. Wills show name of testator, disposition of estate, names of beneficiaries, name of executor, date of will, signatures of testator and witnesses, date admitted to record, volume and page of record. Lists of heirs show name and address of personal representative, names, ages, and degrees of relationship of heirs of intestate or persons who would have been heirs of testator, affidavit and signature of personal representative. Also contains Inventories and Appraisements, 1831--, entry 127. Arr. chron. by date admitted to record. No index. Hdw. and typed. 10½x4½x13. 22 file boxes, 1734-1937, clk. off., record va.; 1 file box, 1938--, clk. private off.

For record of wills, 1736--, see entry 124; for record of lists of heirs, see entry 128.

124. WILL BOOK, 1736--. 29 vols. (1-29).
Record of instruments relating to decedents' estates including wills, inventories and appraisements, and accounts. Wills show name of testator, disposition of estate, names of beneficiaries, name of executor, date of will, names of witnesses, date of recordation, clerk's attestation. Inventories and appraisements show date, name of decedent, names of appraisers, articles appraised, appraised value, certificate of commissioner of accounts, date of recordation, clerk's attestation. Accounts show date, itemized receipts and disbursements, balance, name of fiduciary, date of recordation, clerk's attestation. Also contains (Lists of Heirs), 1928--, entry 128. Arr. chron. by date of recordation. 1736-1924 indexed alph. by first letter of surname of decedent and chron. thereunder; 1924-- not indexed in volumes; also separate index, entry 125. 1736-1934 hdw.; 1934-- typed. Aver. 500 pp. 19x13x3. Clk. off., record va.

For original wills, see entry 123; for original inventories, appraisements, and accounts, see entry 127.

125. GENERAL INDEX TO WILLS, 1736--. 2 vols.
General index to record of wills, and inventories and appraisements of decedents' estates, entry 124, and record of lists of heirs, 1928--, entry 128, showing date admitted to record, name of testator (or person concerned in other writings recorded therein), book and page of record, remarks (nature of record). Arr. alph. by first two letters of surname of testator and chron. thereunder. Hdw. on ptd. forms. Aver. 500 pp. 18x13x3. Clk. off., record va.

Circuit Court - Probate

Fiduciary

126. LETTERS AND STATEMENTS AS TO ADMINISTRATION OF ESTATE, 1937--. 3 file boxes. Title varies slightly.
Applications to probate wills, for appointment of personal representatives, and administrators' and executors' accounts filed with clerk of the circuit court showing full name, age, and last place of residence of decedent, dates of testamentary papers, name and relationship of person submitting application, value of estate, amount of bond, names of sureties, powers of executor, dates of settlements. No obvious arr. No index. Typed on ptd. forms. Aver. 3x5x12. Clk. private off.

127. INVENTORIES AND APPRAISEMENTS, 1734-1830. 12 bundles. 1831-- in Wills Current Year, entry 123.
Inventories of estates of decedents, appraisements of their value, and accounts of fiduciaries returned to court by the personal representative or other fiduciary for filing and recording to prevent misappropriation. Inventories and appraisements show date of filing, name of decedent, names of appraisers, articles appraised, appraised value, signatures of appraisers, clerk, and commissioner of accounts. Accounts show date, itemized receipts and disbursements, balance, signatures of fiduciary and clerk. Arr. chron. by date of filing. No index. Hdw. Aver. 8x3½x3. Clk. off., storage.
For record of inventories, appraisements, and accounts, see entry 124.

128. (LISTS OF HEIRS), 1912--. 1912-27 in Deed Book, entry 15; 1928-- in Will Book, entry 124.
Record of lists of heirs of persons dying intestate, and of all those who would have been the heirs of testator if he had died intestate, compiled by the personal representative before qualification, kept by clerk for the protection of persons interested in real estate owned by the decedent showing name and address of personal representative, names, addresses, ages, and degrees of relationship of heirs or persons who would have been heirs, and affidavit of personal representative. For index, 1912-27, see entries 16, 17; 1928--, see entry 125.
For original lists of heirs, see entry 123.

129. GUARDIAN ACCOUNTS, 1750-1817. 2 bundles. 1818-- in Deeds, entry 12.
Accounts of guardians rendered to the court for inspection and approval to prevent misappropriation showing names of guardian and ward, receipts, disbursements, balances, date account rendered. Arr. chron. by date of account. No index. Hdw. Aver. 7x3x3. Clk. off., storage.
For record of accounts, see entry 130.

130. (GUARDIAN ACCOUNTS), 1750--. 1750-56, 1790-- in Deed Book, entry 15; 1757-89 in Office Judgment, County Court, entry 155.
Record of accounts of guardians kept by clerk to prevent fraud and misappropriation. For full description, see entry 129.
For original guardian accounts, see entry 129.

131. CLERK'S (Fiduciary) ORDER BOOK, 1904--. 2 vols.
Record of orders and proceedings of clerk of the circuit court in fiduciary affairs, wherein he admits wills to probate and appoints personal representatives and other fiduciaries in the same manner as the court, including appointment, qualification and resignation of fiduciaries, qualification of

members of the county electoral board, statements that wills and accounts have been admitted to record, and notation of admission of wills to probate, showing names of parties, officers, fiduciaries, date of order, subject of order, amount of bond. Arr. chron. by date of order. No index. Hdw. Aver. 400 pp. 18x12x2. Clk. private off.

For commissioner of accounts' record of fiduciaries, see entry 132.

132. LIST OF FIDUCIARIES, 1853--. 2 vols.
Record of proceedings of every person authorized by order of the court to act as fiduciary reported to and compiled by the commissioner of accounts for his examination and approval showing name of fiduciary and character in which he acts, name of decedent whose estate he represents; name of living person for whom he is guardian, curator, committee; penalty of bond; names of sureties; date of order conferring authority, date of order of revocation; date of return of inventory; date of settlement of accounts. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of fiduciary. Hdw. on ptd. forms. Aver. 300 pp. 18x12x2. Clk. private off.

For clerk's record of fiduciaries, see entry 131.

Bonds

133. OFFICERS BONDS, 1876--. 5 vols. (four not labeled; 3). Title varies: Bonds, 1876-99; Bond Book, 1899-1904.
Record of bonds given by public officers to secure the faithful performance of their duties, kept by the clerk of the circuit court to provide notice of their rights to persons who might be injured by acts of the officer, showing date of bond, date recorded, name of officer and office, names of sureties, nature, condition, and amount of bond, signatures of officer and sureties, date released. Also contains Administrators Bond Book, 1876-1904, entry 135. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of officer and chron. thereunder. Hdw. on ptd. forms. Aver. 325 pp. 14½x9½x2. Clk. off., record va.

For other official bonds, see entry 134.

134. ADMINISTRATORS (And Officers') BONDS, 1902-22. 3 vols. Title varies: Bond Book, 1902-17.
Record of bonds given by fiduciaries and public officers. Fiduciary bonds show date of bond, date recorded, name of fiduciary and capacity in which he acts, name of estate for which he acts, names of sureties, nature, condition, and amount of bond, signatures of fiduciaries and sureties, date released. For full description of official bonds, see entry 133. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of principal and chron. thereunder. Hdw. on ptd. forms. Aver 325 pp. 14½x9½x2. Clk. off., record va.

For other fiduciary bonds, see entry 135; for other official bonds, see entry 133.

135. ADMINISTRATORS BOND BOOK, 1853, 1922--. 4 vols. (two not labeled; 4, 5). Title varies: Fiduciary Bonds, 1853. 1876-1904 in Officers Bonds, entry 133.
Record of bonds given by administrators and other fiduciaries to secure the faithful performance of their duties, kept by the clerk to provide notice of their rights to persons who might be injured by acts of the fiduciary showing date of bond, date recorded, name of fiduciary and

capacity in which he acts, name of estate for which he acts, names of sureties, nature, condition, and amount of bond, signatures of fiduciaries and sureties, date released. Arr. chron. by date of recordation. Indexed alph. by first letter of surname of fiduciary and chron. thereunder. Hdw. on ptd. forms. Aver. 325 pp. 14½x9½x2. Clk. off., record va.

For other fiduciary bonds, see entry 134.

Lunacy

136. COMMISSIONS OF LUNACY, 1909--. 2 file boxes.
Copies of reports of the commission committing persons found insane, epileptic, inebriate, and feeble-minded to institutions, including the warrant of arrest and application therefor, interrogatories, medical certificate, order of commitment, and order of release, showing name of patient, age, race, place of birth, residence, education, civil condition, names and addresses of guardians, nearest relative or friend, judge or justice, physicians, to whom or to what institution committed, date of commitment, date released. Arr. chron. by date of commitment. No index. Hdw. on ptd. forms. 10½x4½x13. Clk. off., record va.

For record, 1921, see entry 137.

137. RECORD BOOK OF INSANE, EPILEPTIC, INEBRIATE & (and) FEEBLE MINDED PERSONS, 1921. 1 vol.
Clerk's abstract of the returns of the commission which examine insane and intemperate persons showing name of patient, age, race, sex, place of examination, residence, occupation, education, civil condition, name and address of guardian, nearest friend, or relative, names of judge or justice and physician composing the commission, to whom or to what institution committed, date of commitment. Arr. alph. by first letter of surname of patient and chron. thereunder. 150 pp. 12x18x½. Clk. off., record va.

For original returns, see entry 136.

Delinquent Land Sales

138. LIST OF COLLECTIONS MADE BEFORE SALE BY TREASURER, LIST OF LAND PURCHASED BY TREASURER IN NAME OF COMPTROLLER FOR NON PAYMENT OF TAXES (Reports of Sale), 1888-1917, 1922--. 7 file boxes.
Title varies slightly.
Original lists made by the treasurer after every sale of real estate for nonpayment of taxes and levies reported to the circuit court, consisting of land not offered for sale because it had previously been sold to the Commonwealth, land on which delinquent taxes were paid before sale, and reports of land sold by the treasurer to individuals and to the Commonwealth for nonpayment of taxes showing name of landowner, name of purchaser, description of land, amount of taxes delinquent, amount paid. Also contains Delinquent Land Cap. (Capitation) & (and) Personal Property List for 1925, 1907, 1922, 1924, 1926, entry 9; (List of Land Improperly Assessed or Not Ascertainable), 1922, 1924, 1931, entry 209; Delinquent Real Estate, 1907, 1923, 1925, 1927, entry 210. No obvious arr. No index. Hdw. and typed on ptd. forms. 10½x4½x13. Clk. off., record va.

For record of sales, see entry 41; for record of payment before sale, see entry 40; for treasurer's copy, see entries 211, 212.

Deeds
(See also entries 12-22)

139. (DEED BOOK, SUPERIOR COURT), 1810-16. 1 vol.
Record of deeds, deeds of trust, and other instruments proved and recorded in the superior court and later copied into the deed book series. For full description see entry 15. Arr. chron. by date of recordation. No index. 200 pp. 10x15x2. Clk. off., storage.

Financial

Banks

140. MONEYS DEPOSITED BY ORDER OF COURT, 1914-33. 1 vol.
Record of money deposited for safekeeping by order of court in pending cases, to prevent loss, waste, or embezzlement, showing names of plaintiff and defendant, date of deposit, bank in which deposited, volume and page number of order of deposit in order book, amount deposited, date of withdrawal, by whose order, volume and page number of order for withdrawal, amount of withdrawal. Arr. chron. by date of deposit. Indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on ptd. forms. 252 pp. 18x12½x1½. Clk. private off.

Fees

141. (Clerk's) FEE BOOK, 1809-1904, 1907-18. 16 vols. Title varies slightly.
Account of services and charges kept by clerk of circuit court for the collection of fees due for copying and recording instruments, and other official acts showing date charged, service for which charged, name of party, amount charged, date paid. Also contains (Writ Tax) Fee Book, 1809-1904, entry 142. Arr. chron. by date charged or paid. 1809-12, 1915-18 not indexed; 1912-14 indexed alph. by first letter of surname of payer. Hdw. Aver. 384 pp. 17x7x1½. 10 vols., 1809-82, clk. off., storage; 6 vols., 1880-1904, 1907-18, clk. off., record va.

142. (Writ Tax) FEE BOOK, 1904-29. 3 vols. Title varies: Writ Tax, 1907-18. No title, 1904-6. 1809-1904 in (Clerk's) Fee Book, entry 141.
Record of fees due and paid for writs (or pleadings) in civil cases issued by the clerk of the circuit court, kept for the purpose of taxing costs against the losing party, showing names of plaintiff and defendant, nature of case, date charged, amount of fee, date paid. Arr. chron. by date charged. 1907-18 not indexed; 1904-29 indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. on ptd. forms. Aver. 141. pp. 10½x8x½. Clk. off., record va.
For subsequent records, see entry 98.

143. CHANCERY FEE BOOK, 1907--. 1 vol.
Circuit court clerk's record of fees due and fees collected in chancery suits showing names of plaintiff and defendant, names of attorneys, date of suit, debits, credits. Arr. chron. by date of suit. Indexed alph. by first letter of surname of plaintiff. Hdw. on hdr. forms. 300 pp. 18x13x2. Clk. off., record va.

Fines and Costs

144. OFFICIAL RECEIPTS OF FINES AND COSTS, 1909--. 24 vols. Title varies slightly.
Stubs of receipts given by clerk or other officer collecting any fines or costs to the person paying them for the purpose of accounting with the Auditor of Public Accounts showing receipt number, date, name of person making payment, name of person on whose account paid, amount paid, name of officer to whom paid, signature of person to whom receipt is given. Arr. by amount and chron. thereunder by date of payment. No index. Hdw. on ptd. forms. Aver. 190 pp. 8x11xl. 19 vols., 1909-27, 1937--, clk. off., record va.; 5 vols., 1928-36, clk. private off.

145. REPORTS OF JUSTICES, 1927--. 1 file box. 1873-90 in Clerks Settlement with Auditor and Treasurer, Fines Taxes & (and) Delinquent Taxes, entry 74.
Certificates of fines and costs assessed by justice of the peace (later trial justice), and of fees collected by justice of the peace, reported to the clerk of the circuit court as a basis for accounting for money so collected and for issuing executions for unpaid fines and costs showing date of report, amount, totals, signature of justice. Arr. chron. by date of report. No index. Hdw. and typed. 10½x4½xl3. Clk. private off.

146. JUSTICES CRIMINAL JUDGMENTS RETURNED TO COURT, 1924--. 1 vol.
Circuit court clerk's record of criminal judgments reported to court by justice of the peace (later trial justice), kept for the purpose of collecting by civil process the fines and costs imposed, showing date of judgment, name of accused, character of offense, whether convicted or acquitted, amount of fine, term of imprisonment, amount of cost, to whom due, kind of execution, name of officer to whom delivered, date and nature of return. Arr. chron. by date of return. Indexed alph. by first letter of surname of defendant or person liable for costs. Hdw. on ptd. forms. 125 pp. 17xl5xl. Clk. private off.

147. (Criminal) FEE (and Fine) BOOK, 1922-35. 3 vols. No title, 1928-35.
Record of fines and costs imposed in criminal cases by the circuit court and kept by the clerk of circuit court to provide for his collection by summary proceedings showing name of defendant, date of court term, offense charged, fees to officers for issuing and executing process and trying case, amount of fine imposed, total fines and costs. Arr. chron. by court term. Indexed alph. by first letter of surname of defendant. Hdw. on ptd. forms. Aver. 385 pp. 17x7½xl½. Clk. off., record va.

Collections and Disbursements

148. TRANSFER BINDER (Tax Book), 1899--. 6 vols. Title varies: Tax Book Circuit Court, 1899-1908; Clerk's Receipt Book, 1908-18; Current Binder, 1932-35. No title, 1928-32.
Record of all money collected or which should have been collected by clerk of the circuit court for the Commonwealth for his accounting with the Comptroller showing taxes and fees from deeds, contracts, and other instruments, wills and administrations, chancery suits, actions at law, motions, appeals, removed warrants, fines, forfeited recognizances, costs, sale of forfeited property, delinquent capitation, personal and real property taxes,

fees paid by others than State (criminal cases, marriage licenses, allowances, commissions, salary or other compensation received from county), fees paid by State, fees charged, expense accounts, monthly summary of taxes, annual summary of fees. Arr. chron. by date collected. No index. Hdw. on ptd. forms. Aver. 150 pp. 14x11½x1½. 1 vol., 1899-1908, clk. off., storage; 5 vols., 1908--, clk. off., record va.

For county court records, see entry 162.

149. TRANSFER BINDER (Receipts and Disbursements), 1929-38. 1 vol. Monthly account of money received and disbursed by the clerk on behalf of the circuit court. Receipts show date, amount received, person from whom received, docket or deed number, 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 deposited or check number, 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 collection. No index. Hdw. on ptd. forms. 150 pp. 15x11½x1. Clk. off., record va.

Miscellaneous

150. MISCELLANEOUS FILE, 1921-24, 1931-32. 1 file box. Original miscellaneous papers including report of an automobile accident filed with the circuit court; reports from the supervisor of census to clerk of the circuit court giving information as to the number of farmers, number of unemployed persons, and the population of the county; list of officers and directors of the Amelia County Farmers Co-operative Association; complaints and arrest warrants in juvenile and domestic relations cases. Arr. chron. by date of filing. No index. Typed. 10½x4½x13. Clk. off., record va.

For subsequent juvenile and domestic relations case papers, see entry 165.

IV. COUNTY COURT

When Amelia County was formed, the county court had already well over a century of tradition behind it. Its jurisdiction was extensive, covering the whole range of law, except trials for felonies in which the penalty might be loss of life or member.[1] Sitting as a court of oyer and terminer, it might impose the extreme penalty also, but only if the offender were a slave.[2] The court weathered the Revolution with few changes, but thereafter suffered a gradual diminution of powers, as the superior courts increased in number and importance. The circuit superior courts of law in 1809,[3] and the circuit superior courts of law and chancery in 1831,[4] invaded the county and the jurisdiction of the county court. There were violent attacks on the court in the

1. Hening, Statutes, V, pp. 489-508.
2. Ibid., VIII, p. 138; Code 1803, p. 190.
3. Shepherd, Statutes, III, pp. 355-360.
4. Acts 1830-31, pp. 42-76.

(Next entry 151, p. 122)

County Court

constitutional conventions of 1829-30 and 1850-51, and after 1851 the court was required to select a presiding justice, learned in the law, to head the court at each session.[5] In 1870 the justices of the peace, who formerly made up the court, were displaced by a single judge, who in some instances served for more than one county.[6] In 1873 the majority of the county court's chancery jurisdiction was transferred to the circuit court,[7] and at the constitutional revision of 1902 the county court was omitted from the framework of government and soon after abolished, its remaining powers passing to the circuit court.[8]

Appointment to the court was until 1851 by commission from the Governor, and during most of that period the Governor selected his appointees from a list submitted for his approval by the incumbent members.[9] The number thus appointed for each county varied widely from place to place and from time to time, being limited to eight at the end of the seventeenth century,[10] but not specified thereafter until 1852, when the county was laid off in election districts, and four justices elected from each.[11] Of this number, only four had to be present at one time for the court to function,[12] except in the laying of the county levy and certain other duties, which required the attendance of the whole membership of the bench.[13] After 1852, the presence of the presiding justice was generally required, that official being chosen by the other justices from their own number.[14] The Constitution of 1869 provided for the county court a single judge chosen by joint vote of both houses of the General Assembly, an arrangement which continued until the end of the agency.[15]

Since about the date of the foundation of Amelia County, the justices have been required to subscribe certain oaths. In 1748, for instance, not only those prescribed by Parliament, the oath of abjuration, and the "test" oath, but there was a general oath for the faithful performance of the office and a special oath to cover the handling of chancery causes.[16] After the Revolution the requirements were simpler, and at the time when the court ended, only the usual oaths for all officers of the State were demanded. There appears to have been no requirement of a bond.[17]

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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, pp. 125, 132-133, 402; Const. 1776, art. XV; Const. 1831, art. V, sec. 7; see footnote 11.
10. Hening, Statutes, II, pp. 21, 69-70; ibid., III, pp. 504-505.
11. Const. 1851, art. VI, sec. 27; Acts 1852, p. 64.
12. See footnote 10; Hening, Statutes, V, pp. 489-491; Const. 1851, art. VI, sec. 25; Code 1860, p. 661.
13. Acts 1857-58, pp. 53-54; Code 1860, p. 661.
14. Const. 1851, art. VI, sec. 27.
15. Const., 1869, art. VI, secs. 11, 13; Const. 1869 (as amended 1874), art. VI, secs. 11, 13.
16. Hening, Statutes, V, pp. 489-490; see footnote 17.
17. Code 1803, pp. 83-84; Code 1887, secs. 168-170.

County Court (Next entry 151, p. 122)

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 Amelia County varied from $360 to $750 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, will not be reconsidered here.

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

The county court, until 1870, was the principal and almost the sole administrative power in the county. In Colonial days, as well as later, the court supervised agricultural and commercial activities, punished those who did not plant sufficient corn for their own and their families' support,[28]

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18. Acts 1852, p. 68; Code 1860, p. 277.
19. Acts 1869-70, p. 115.
20. Acts 1872-73, p. 383; Acts 1875-76, pp. 152-153; Acts 1877-78, p. 172; Acts 1881-82, p. 172; Code 1887, sec. 185; Report of the Secretary of the Commonwealth (1937-38), p. 153.
21. Acts 1872-73, p. 384.
22. Const. 1776, art. XV; Const. 1831, 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, pp. 171-172, 396, 441-442.
26. Ibid., V, p. 470.
27. Code 1819, I, p. 263; Acts 1877-78, p. 317.
28. Hening, Statutes, I, pp. 161-163, 211-213.

provided for the inspection of tobacco and the maintenance of standards of quality,[29] and acted as a sort of bureau of standards in keeping official standards of measurement and stamping barrels of legal capacity.[30]

Control of roads, rivers, bridges, and ferries was also vested in the court until 1870,[31] and in part from that date to 1904.[32]

Early in the history of the Colony, the importance of land communications was recognized, and an act of 1658 provided that surveyors of highways be appointed annually in each county court, and "all gennerall wayes from county to county and all churchwaies . . . be laied out and cleared yeerly . . .," respect being had "to the course used in England to that end."[33] According to Blackstone, these appointments of surveyors of roads were made by the constable and churchwardens of each parish until late in the eighteenth century, when they were to be by two neighboring 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 viewers or commissioners for that purpose, and the regulation of contracts for the maintenance and construction of county or inter-county 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, and had assumed regular form many decades before Amelia County was established.[37] The

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29. Ibid., I, pp. 204, 211; ibid., VI, p. 181.
30. Ibid., I, pp. 195, 473; Code 1860, p. 471.
31. Hening, Statutes, I, p. 199; ibid., II, pp. 455-456; ibid., III, p. 473; ibid., VI, p. 69; ibid., VII, p. 577; ibid., XII, pp. 174-175; Shepherd, Statutes, II, p. 317; Code 1819, II, pp. 235, 259; Code 1860, pp. 301, 353; Acts 1865-66, p. 159; Acts 1869-70, p. 607.
32. Acts 1874-75, pp. 177, 180-181, 186; Acts 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, p. 436.
34. Blackstone, Commentaries, I, sec. 358; Hening, Statutes, II, pp. 103, 261; ibid., III, pp. 392-395.
35. Code 1803, pp. 26-28, 423; Code 1819, II, pp. 233-240; Code 1849, pp. 266-276; Code 1860, pp. 297-307; Acts 1869-70, pp. 80, 596-598; see Board of Supervisors, pp. 61-63.
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, pp. 242, 267, 306, 329, 376; ibid., II, pp. 292, 310; ibid., III, pp. 43-44, 259-260.

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 prisoners were formerly permitted to go more or less freely).[41]

Before the parish vestry was well established as a welfare agency in the seventeenth century,[42] and again after the vestry lost its temporal powers, the court functioned in the relief of the indigent and of orphaned and neglected children, provided for teaching them useful trades, and supervised the establishment of poorhouses and workhouses, sold or rented lands held for the benefit of the poor, and set up hospitals for the reception of smallpox victims to prevent the spread of the disease.[43]

The court was a major unit in the system for the warehousing and inspection of tobacco, being required to select the place or places where storage houses should be built, superintend the erection and maintenance of the necessary buildings, and examine the accounts of the inspectors.[44] It also functioned as a licensing and regulatory agency, issuing licenses for "ordinaries" (inns or taverns), limiting the number of such places of entertainment in the county, and fixing the rates or prices of food, drink, and lodging.[45] Licenses to hawkers and pedlars, 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,[48] and saloons or bars and other places where hard liquors were to be retailed.

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38. Ibid., VI, pp. 41-42, 499.
39. Ibid., IX, p. 133; Code 1803, p. 252; Code 1819, II, p. 65.
40. Acts 1863-65, p. 55; Acts 1869-70, pp. 270-273.
41. Hening, Statutes, I, p. 265; ibid., II, p. 77; ibid., IV, p. 82; ibid., V, pp. 425, 507; ibid., VIII, p. 120; Code 1819, I, pp. 250-251; Acts 1822-23, pp. 32-33; Code 1860, p. 289.
42. Hening, Statutes, I, p. 336; ibid., II, pp. 239, 266-267, 298; ibid., VI, pp. 32, 132.
43. Code 1819, II, pp. 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, pp. 204, 211; ibid., III, p. 55; ibid., VI, pp. 60, 181; ibid., VII, p. 389; ibid., VIII, pp. 13, 82-83, 510; Acts 1925-26, p. 14.
45. Hening, Statutes, I, pp. 287, 411, 522; ibid., II, p. 269.
46. Ibid., V, pp. 54-55; ibid., VI, p. 58; ibid., XII, p. 286; Shepherd, Statutes, II, p. 94.
47. Ibid., II, pp. 202, 306; see Commissioner of the Revenue, p. 148.
48. Code 1819, II, p. 168; Acts 1848-49, p. 6; Code 1873, p. 326.

County Court

(Next entry 151, p. 122)

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 grand jury from 1645.[52] The court acted as an appellate court in relation to the justice of the peace, and was subject in turn to the appellate jurisdiction of the higher courts.[53] The court had authority to hear and determine a wide variety of cases, both at law and in chancery. The scope of its jurisdiction increased steadily during the seventeenth and eighteenth centuries, until in 1785 (when the court sat monthly, four quarterly terms being designated for the more important parts of its business) no upper limit was fixed as to the value of cases heard at quarterly sessions on either side of the court.[54] During the nineteenth century, however, the extension of the higher judiciary into the counties resulted in a gradual encroachment upon this wide jurisdiction, until in 1873 practically the whole chancery authority of the county court was transferred to the circuit court,[55] which already had concurrent and appellate[56] jurisdiction with and over the older agency in most of its judicial functions, 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]

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49. Hening, Statutes, I, pp. 248, 302-303.
50. Ibid., I, pp. 132-133.
51. Ibid., XII, p. 468.
52. Ibid., I, pp. 273, 304.
53. Ibid., I, pp. 345-346, 435; ibid., IX, pp. 414-415; Code 1803, p. 176; Code 1849, pp. 596-599, 685.
54. Hening, Statutes, XII, pp. 32-33, 468; the expressions "chancery side", "law side" (of a court), have been commonly used in Virginia.
55. Acts 1872-73, pp. 382-384.
56. Code 1849, pp. 618, 685.
57. Acts 1902-3-4, p. 626.
58. Hening, Statutes, I, pp. 260-261, 302-303.
59. Ibid., IV, pp. 12-21, 282-287; ibid., V, pp. 454, 462; ibid., XII, p. 195; Code 1819, I, p. 406; Code 1860, p. 589; Acts 1872-73, p. 178; Code 1887, secs. 2581, 2599, 2602, 2603.

County Court (Next entry 151, p. 122)

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

The judicial duties and procedures of the county court were so similar to those described above in connection with the circuit court, and the records so like in form, except that the law-chancery division of records is nowhere observed, that only those which differ materially in arrangement or content will be described here; for the full description of the procedures involved, see the article on the circuit court.

The circuit court never had the wide administrative powers which were formerly granted the county court and passed in the main to the board of supervisors in 1870, and consequently has no records comparable to the lists of surveyors of roads appointed by the court for each road precinct,[66] nor the book in which were entered the returns of the persons appointed by the court to procession the bounds of land in company with the adjoining landowners, for the purpose of renewing lost property lines and landmarks and keeping the bounds firmly fixed in public memory, as well as in the book just mentioned.[67]

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60. Hening, Statutes, III, p. 76; ibid., V, pp. 164, 352; ibid., VI, pp. 233-234; ibid., VIII, p. 254; Shepherd, Statutes, I, p. 371; ibid., III, p. 61; Acts 1855-56, p. 103; Acts 1869-70, p. 531.
61. Hening, Statutes, II, p. 103; Code 1819, II, p. 234; Acts 1855-56, p. 153.
62. Shepherd, Statutes, II, pp. 412-413; Code 1819, I, p. 200; Code 1860, p. 720; Acts 1871-72, p. 466.
63. Hening, Statutes, VIII, p. 254; Acts 1852, p. 12; Acts 1855-56, p. 99; Code 1860, pp. 188, 279, 282-283.
64. Code 1819, I, p. 274; Acts 1857-58, p. 32; Code 1860, p. 695; Acts 1859-60, pp. 7-8; Acts 1869-70, p. 93; Acts 1870-71, p. 70; Acts 1874-75, p. 135; Acts 1875-76, pp. 123-124.
65. Hening, Statutes, XIII, p. 262; Shepherd, Statutes, II, pp. 36, 82, 460; Code 1819, I, pp. 274, 324; Const. 1831, art. V, sec. 7; Code 1860, pp. 535, 695; Acts 1869-70, p. 600.
66. List required to be posted annually; separate record book not specified; Code 1819, II, pp. 234-235; Acts 1834-35, p. 58; Code 1849, p. 270.
67. This record was not made under the original provisions for processioning (the custom is one of great antiquity, both in Virginia and England), but under a revival of the former law, which had been allowed to lapse long before, for the purpose of reestablishing boundaries which had been lost through the destruction of records during the War Between the States. Amelia had suffered little loss in this respect, and the processioning can have been of slight importance: Acts 1865-66, pp. 197-198; Acts 1866-67, p. 601; Code 1887, secs. 2405-2412; Black, Dictionary of Law, pp. 887, 947.

County Court - Case Papers; Dockets and Proceedings (151-155)

Case Papers

151. JUDGMENTS COUNTY COURT, 1734-1904. 202 bundles, 132 file boxes. Title varies: Arrest Warrants, Executions, and Miscellaneous Papers Pertaining to County Court, 1734-1868; County Court Proceedings, 1744-65.

Original records of the county court functioning in its administrative and judicial capacities, including case papers, qualifications of county officers, lists of fines imposed, and lists of county officers appointed, showing names of parties and attorneys concerned in proceedings, nature of proceeding or case, name of judge, term of court, date, disposition. Arr. chron. by term of court. No index. 1734-1868 hdw. and hdw. on hdr. forms; 1868-1900 hdw.; 1900-1904 hdw. and hdw. on ptd. forms. Bundles aver. 8x4x3; file boxes aver. 10½x5x13. Bundles, 1734-1868, clk. off., storage; file boxes, 1744-65, 1767-1904, clk. off., record va.

Dockets and Proceedings

152. COUNTY COURT MEMO. (Memorandum) BOOK, 1750-59, 1771, 1779-80, 1782-83, 1786-89, 1795-96, 1804-6, 1835, 1837-38, 1856-68. 14 vols. Title varies: Memorandum Book, 1782-83, 1786-87, 1835; Memorandum Book May Court 1795, 1795-96. No title, 1750-59, 1771, 1779-80, 1786-89, 1804-6, 1837-38.

Record kept by clerk of the county court in which attorneys or parties entered notation of original intermediate processes to be issued by the clerk against parties, as a means of assuring that the proper parties would be summoned to court by sufficient process, showing name of attorney, name of party desiring process, date of request, name of party or witness on whom it is to be served, kind of process. Arr. chron. by date of request. No index. Hdw. Aver. 200 pp. 8½x11x1. Clk. off., storage.

153. (COUNTY COURT PROCESS BOOK), 1869-1904. In Process Book, entry 94.

County court clerk's record of process delivered to officers to be served. For full description, see entry 94.

154. COUNTY COURT (Rule Book), 1794-95, 1807-73. 9 vols. Title varies: Rule Docket, 1794-95, 1809-33; Rule Book, 1807-8; Rule Docket County Court, 1834-43.

County court clerk's record of the progress of law and chancery cases at successive rule days. For full description, see entry 84. Arr. chron. by date of rules. No index. Hdw. on hdr. forms and hdw. on ptd. forms. Aver. 160 pp. 19x12x1½. 8 vols., 1794-95, 1807-43, clk. off., storage; 1 vol., 1844-73, clk. off., record va.

155. OFFICE JUDGMENT, COUNTY COURT, 1743-54, 1757-89, 1791-92, 1794-97, 1810-55, 1868-70. 8 vols. Title varies: Office Judgments, 1791-92, 1794-97, 1814-55; Office Judg't. (Judgment) 1810 to 1813, 1810-14, No title, 1743-54, 1757-89. 1802-6 in County Court Issue Docket, entry 156.

Record of judgments confessed by defendant in clerk's office and of the court's confirmation of default judgments. For full description, see entry 96. Also contains (Guardian Accounts), 1757-89, entry 130. Arr. chron. by term of court and alph. thereunder by first letter of surname of plaintiff. 1743-54, 1757-89, 1791-92, 1794-97, 1814-40 not indexed; 1810-14 indexed alph. by first letter of surname of plaintiff; 1868-70 indexed alph. by first letter of surnames of plaintiff and defendant. Hdw. Aver. 300 pp. 16x12x2.

County Court - Dockets and Proceedings (156-159)

7 vols., 1743-54, 1757-89, 1791-92, 1794-97, 1810-55, clk. off., storage; 1 vol., 1868-70, clk. off., record va.

156. COUNTY COURT ISSUE DOCKET, 1740, 1750-57, 1768-71, 1784-85, 1802-6, 1874-1902. 8 vols. Title varies: Court Docket, 1740; Amelia County Court Docket, 1768-71; Issues And O. (Office) Judgments 1802 to 1804, 1802-4; Issue And Petition Docket 1805 to 1806, 1805-6. No title, 1750-57, 1784-85.

County court clerk's record of cases set for trial or hearing in county court used to arrange the order of appearance in court, to determine the status of each case, and to prepare information for the use of the judge during sessions of the court showing names of attorneys, names of plaintiff and defendant, case number, nature of case, proceedings at last term, proceedings at this term. Also contains Office Judgment, County Court, 1802-6, entry 155. Arr. chron. by term of court, thereunder by law and chancery, and alph. thereunder by first letter of surname of plaintiff. No index. Hdw. on hdr. forms. Aver. 165 pp. 11x16x2. Clk. off., storage.

157. MINUTE BOOK, 1735-37, 1744-74, 1778-1800, 1810-55. 38 vols. Title varies: O. B. (Order Book), 1746-51, 1754-58, 1766-72; Order Book, 1751.

Record of administrative and judicial proceedings and orders of the county court usually transcribed in better form in order books including laying of the county levy, construction and maintenance of roads, health and welfare administration, appointments and qualifications of county officers, lists of justices of the peace, grand jury appointments, cases tried and continued, actions on wills, inventories, and other fiduciary matters, and lists of deeds admitted to record. Arr. chron. by term of court. No index. Hdw. Aver. 300 pp. 14x9x1½. 33 vols., 1735-37, 1744-46, 1751-54, 1758-74, 1778-1800, 1810-55, clk. off., storage; 4 vols., 1746-51, 1754-58, 1766-72, clk. off., record va.

158. ORDER BOOK, 1735-83, 1785-1904. 53 vols. (1-15, 17-25, 27-50, 52-53; three not labeled). Title varies: Minute Book, 1806-9. No title, 1804-6.

Record of administrative and judicial proceedings and orders of the county court in regular sessions and in vacation including the laying of the county levy, construction and maintenance of roads, health and welfare administrations, appointments, qualifications, oaths, and reports of county officers, lists of justices of the peace, grand jury appointments, cases tried and continued, actions on wills, inventories, and other fiduciary matters, and lists of deeds admitted to record. Arr. chron. by term of court. Indexed alph. by first letter of surname of person concerned in the order or first letter of subject of the order and chron. thereunder. Hdw. Aver. 200 pp. 15½x11x3. 50 vols., 1735-83, 1785-1804, 1810-1904, clk. off., record va.; 3 vols., 1804-9, clk. off., storage.

159. EXECUTION BOOK, 1763-65, 1768-1820, 1827-1904. 21 vols. Title varies slightly.

Record of executions issued for the satisfaction of judgments rendered or recorded in the county court, kept for the purpose of fixing and determining the priority of liens on personal property and the duration of liens on real property and for the proper satisfaction of such judgments, showing names of attorneys, names of plaintiff and defendant, date of execution, where judgment recorded, costs, when returnable, to whom delivered, officer's

return. Arr. chron. by date issued. Indexed alph. by first letter of surname of plaintiff and chron. thereunder. 1763-65, 1768-1820, 1827-42 hdw. on hdr. forms; 1842-1904 hdw. on ptd. forms. Aver. 200 pp. 9x12x2. 20 vols., 1763-65, 1768-1820, 1827-56, clk. off., storage; 1 vol., 1856-1904, clk. off., record va.

160. (LIST OF ROAD SURVEYORS), 1836-54. In Free Negro Register, entry 62.

Record of the appointment of surveyors of roads in each precinct kept to enforce the penalty prescribed for appointees' refusing to serve showing date of appointment, name of surveyor, affidavit of sheriff that a copy of order of appointment was served on appointee, and bounds of roads in his precinct.

For road records of board of supervisors, see entry 11.

Financial

161. FEE BOOK, 1746-50, 1762-91, 1794-1887, 1891-1904. 43 vols. Title varies slightly.

Account of services and charges kept by clerk of county court for the collection of fees due him personally and due the court for issuing process, copying and recording instruments, and other official acts showing date charged, service for which charged, name of party, and amount charged. Arr. chron. by date charged. 1746-50, 1762-67, 1770-71, 1775-85, 1789-91, 1804-5, 1809-10, 1813, 1833-35, 1865-73, 1900-1904 indexed alph. by first letter of surname of person charged with fees; 1767-70, 1772-75, 1786-88, 1794-1803, 1806-12, 1814-32, 1836-64, 1873-87, 1891-1900 not indexed. Hdw. Aver. 384 pp. 17x7x1½. Clk. off., storage.

162. TAX BOOK, COUNTY COURT, 1898-1905. 1 vol.

Record of all money collected or which should have been collected by the clerk for the Commonwealth for his accounting with the Auditor of Public Accounts showing taxes and fees from deeds, contracts, and other instruments, wills and administrations, chancery suits, actions at law, motions, appeals, removed warrants, fines, forfeited recognizances, costs, sale of forfeited property, delinquent capitation, personal, and real property taxes, fees paid by others than State (criminal cases, marriage licenses, allowances, commissions, salary or other compensation received from county), fees paid by State, fees charged, expense accounts, monthly summary of taxes, annual summary of fees. Arr. chron. by date collected. No index. Hdw. on ptd. forms. 100 pp. 12x11½x2. Clk. off., record va.

For circuit court records, see entry 148.

Processioners

163. PROCESSIONERS BOOK, 1881. 3 vols.

Record of the bounds of land as found by the processioners appointed by the 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, signatures of processioners. Arr. by districts and chron. thereunder by date of processioning. No index. Hdw. Aver. 200 pp. 15x9x1. 2 vols., clk. off., record va.; 1 vol., clk. off., storage.

(Next entry 164, p. 130)

V. COMMONWEALTH'S ATTORNEY

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

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

The next change in the manner of the appointment of the officer occurred in 1851 when one such attorney was to be elected by popular vote for a 4-year term.[7] Although his term of office was reduced to 3 years during the township period of government, 1870-75, the 4-year term was restored when that period ended and continues today.[8]

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

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

No exception has been made in the case of attorneys for the commonwealth in the matter of taking the oaths and entering into the bonds required of other county officers as prescribed by the Code of Virginia. The official

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1. Bruce, Institutional History, I, pp. 570-571.
2. Hening, Statutes, VI, pp. 52, 122.
3. Ibid., XII, p. 758.
4. Shepherd, Statutes, VI, p. 215.
5. Code 1819, I, pp. 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.

(Next entry 164, p. 130)

Commonwealth Attorney

bonds and oaths required to be administered and executed in any circuit court may be taken before the judge of such court in vacation and proper orders evidencing due qualification entered on record, after the official bonds have been certified to the proper officers of the court.[11]

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

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

From the creation of the office, the general duty of the attorney for the commonwealth has been that of defending the Commonwealth and of prosecuting in its behalf. Later legislation has enumerated specific cases within his jurisdiction and added special duties. He represents various State and county agencies in prosecutions by them and actions against them, - for example, if an action was brought against the Board of Medical Examiners by a person refused permission to practice medicine, it was the duty of the commonwealth's attorney to defend the Board.[16] He represents the county before the local board of equalization in proceedings for the correction of erroneous assessments.[17] Since the creation of the board of supervisors in 1870, the commonwealth's attorney has represented the county before the board and has given legal opinions when required.[18] Upon receipt of information from the commissioner of the revenue, sheriff, constable or other officer, of the violation of any penal law, the attorney for the commonwealth is authorized to institute 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; and while he himself may not go before any grand jury during its deliberations unless duly sworn to testify as a witness, he may advise the foreman of the grand jury regarding the discharge of his duties.[19]

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11. Acts 1852, p. 67; Code 1919, sec. 2696; Code 1936, sec. 2696.
12. Acts 1866-67, p. 910; Acts 1877-78, p. 377; Code 1887, secs. 3527, 3528; Acts 1934, p. 733; Code 1936, secs. 3504, 3505, 3516(b), 3516(f).
13. Acts 1928, p. 7; Acts 1843, p. 57; Acts 1848, p. 158; Acts 1865-66, p. 211; Acts 1866-67, p. 910; Acts 1869-70, p. 255; Code 1919, sec. 3505; Acts 1922, p. 549.
14. Acts 1878-79, p. 347; Acts 1883-84, p. 469; Acts 1920, p. 219; see footnote 12.
15. Code 1936, sec. 136.
16. Code 1803, p. 398; Code 1819, I, pp. 241, 272; Code 1849, pp. 190, 229, 369, 375, 497; Acts 1912, p. 529; Code 1919, sec. 2989; Code 1936, sec. 1614.
17. Acts 1884, p. 115; Code 1887, sec. 444; Acts 1924, p. 590; "Tax Code" 1936, secs. 414, 415.
18. Acts 1869-70, pp. 271-272; Code 1936, sec. 2759.
19. Code 1849, p. 637; Code 1936, sec. 4864.

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

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

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

VI. TRIAL JUSTICE COURT

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

The term of office of the trial justice is fixed at 4 years, and his appointment made by the circuit court or the judge thereof in vacation. The same justice serves Amelia and Powhatan Counties jointly, and was appointed for Amelia County at the June term 1934, to take office July 1, 1934.[4]

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

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

1. Acts 1912, pp. 685-686.
2. Acts 1934, p. 466; Report of the Secretary of the Commonwealth (1937-38), p. 153.
3. See footnote 1; Acts 1912, p. 685; Acts 1934, p. 466; Acts 1936, pp. 615-616; Code 1936, sec. 4987(a).
4. Common Law Orders, no. 11 (1931-37), June 7, 1934, p. 294, see entry 104; Acts 1936, pp. 615-616; Code 1936, sec. 4987(a).
5. Acts 1933, p. 74; Acts 1936, p. 618.

Trial Justice Court

(Next entry 164, p. 130)

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

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

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

When the trial justice court was established, it assumed jurisdiction of juvenile and domestic relations cases.[14] An act of 1922 had established a juvenile and domestic relations court to hear cases involving dependent, delinquent, and neglected children, and cases concerning marital troubles.[15]

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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; information secured from Mr. S. L. Farrar, county clerk.
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).
13. Acts 1936, p. 622; Code 1936, sec. 4987(f).
14. Acts 1934, p. 473.
15. Acts 1922, pp. 835-839. There was none in Amelia, but a county probation officer was appointed by the circuit court, March term 1929, and qualified March 26: Com. (Common) Law Orders, no. 10 (1924-30), March 1929, p. 381, see entry 104.

Trial Justice Court (Next entry 164, p. 130)

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 clerk of the trial justice uses the circuit court record vault as an office.[17] All trial justice records, therefore, are in the office of the clerk of the circuit court. On this subject the act provides that all papers connected with proceedings before the trial justice are to 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 by his clerk 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.[18] Pending cases are kept in a divided file drawer and ended papers in a similar drawer in the same cabinet.[19] The pending case papers and certain of the ended papers, therefore, are undoubtedly records of the trial justice court. To provide a clearer picture of the records of the office, the ended papers have been placed here. It should be realized, however, that all papers over 3 years old have become judgments of the circuit court; that some of those between 1 and 3 years old have the same status; and that all the rest are true records of the trial justice. The ended civil papers are served by a modern, family name, key-table index.[20]

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 is supposed to contain records of all causes coming or prosecuted before him and the final disposition, together with an account of all fines and costs imposed;[21] actually it contains a full record of the case. In Amelia County these dockets are loose-leaf post binders, a set for civil, a set for criminal, and one volume for juvenile and domestic relations cases. In the latter, pending cases are transferred from front to rear when the case is finished; in the other two sets, there is a volume each for pending and ended cases.[22]

The justice or his clerk 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 are returned to the clerk of the circuit court; the trial justice's clerk has the book currently in use.[23] The trial justice's clerk is directed to keep the accounts of the justice[24] as a basis for accounting for fines and costs collected.[25] This book is so broken down as to show fees and costs due the State, the justices of the peace, the clerk of

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16. Acts 1934, p. 473; Code 1936, secs. 1953(g), 4988(n).
17. See footnote 9.
18. Acts 1934, p. 472; Acts 1936, pp. 625-626; Code 1936, sec. 4987(j).
19. See entries 164, 165.
20. See entry 166.
21. Acts 1934, p. 472; Acts 1936, p. 625; Code 1936, sec. 4987(i).
22. See entries 167-171.
23. Acts 1904, p. 225; Code 1936, sec. 2546.
24. Acts 1934, p. 471; Acts 1936, p. 624; Code 1936, sec. 4987(g).
25. Acts 1934, p. 471; Acts 1936, p. 627; Code 1936, sec. 4987(m).

the circuit court, the county, and parties for whose benefit the fee was collected.[26]

Case Papers

164. CRIMINAL, CIVIL, AND JUVENILE CASES PENDING, 1938--. 1 file drawer. Original papers constituting the record of cases instituted in the trial justice court including arrest warrants, civil warrants, executions, summons, complaints, court orders, and appearance bonds, showing names of parties, attorneys, and officer serving process, date served, date filed, amount claimed, nature of case or offense charged, amount of bond, condition of bond, name of bondsman, signatures of parties concerned. Arr. by type of jurisdiction and chron. thereunder by date filed. No index. Hdw. and typed on ptd. forms. 11x13½x17. Clk. off., record va.

For record of pending cases, see entries 167, 169, 171.

165. (CRIMINAL, CIVIL, AND JUVENILE CASES ENDED), 1934--. 1 file drawer. Original papers constituting the record of cases determined in the trial justice court including arrest warrants, civil warrants, executions, summons, complaints, court orders, and appearance bonds, showing names of parties, attorneys, officer serving process, and trial justice, date filed, date served, amount claimed, nature of case or offense charged, amount of bond, condition of bond, name of bondsman, signatures of parties concerned, disposition of case. Arr. by type of jurisdiction and chron. thereunder by date filed. For index to ended civil cases, see entry 166. Hdw. and typed on ptd. forms. 11x13½x17. Clk. off., record va.

For prior juvenile and domestic relations case papers, see entry 150; for record of ended cases, see entries 168, 180, 171.

166. INDEX TO TRIAL JUSTICE CIVIL COURT PAPERS, 1934--. 1 vol. General index to ended trial justice civil case papers, entry 165, showing names of plaintiff and defendant, date filed. Arr. alph. by first two letters of surnames of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. 400 pp. 18x15x3. Clk. off., record va.

Dockets

Civil

167. CURRENT CIVIL DOCKET, 1934--. 1 vol.
Record of civil cases instituted before the trial justice in which final judgment has not been rendered showing case number; name of trial justice; names of plaintiff and defendant; object of action; date of warrant, trial and continuances; date papers filed in clerk's office; names of co-defendants; amount of claim. Arr. chron. by date instituted. Indexed alph. by first letter of surnames of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. 400 pp. 13x12x3. Clk. off., record va.

For original papers, see entry 164.

168. ENDED CIVIL DOCKET, 1934--. 1 vol.
Record of civil cases determined by the trial justice showing same information as in entry 167 and also amount of judgment, date from which it bears interest,

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26. See entry 173.

amount of interest, statement whether or not homestead can be claimed, dates of executions; names, mileage, and amount due witnesses for the plaintiff and for the defendant; name of officer issuing warrant and the amount of his fee; names of officers serving papers in case, date served, kind of paper served, and amount of fee for each service; amount of costs and date paid for issuing warrant, serving warrant, trial fee, continuances, witness for defendant, witnesses for plaintiff, issuing summons, serving summons, attorney's 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. num. by case no. and chron. by date of trial. Indexed alph. by first letter of surnames of plaintiff and defendant and chron. thereunder. Hdw. on ptd. forms. 400 pp. 13x12x3. Clk. off., record va.

For original papers, see entry 165.

Criminal

169. CURRENT CRIMINAL DOCKET, 1934--. 1 vol.
Record of criminal cases instituted in the trial justice court showing case number; name of trial justice; style of case (name of prosecuting witness, name of defendant); place of birth, age, race, marital status, and occupation of defendant; brief description of offense charged; dates of warrant, appearance, and continuances. Arr. num. by case no. and chron. by date of warrant. Indexed alph. by first letter of surname of defendant and chron. thereunder. Hdw. on ptd. forms. 400 pp. 13x12x3. Clk. off., record va.

For original case papers, see entry 164.

170. ENDED CRIMINAL DOCKET, 1934--. 1 vol.
Record of criminal cases determined by the trial justice court showing same information as in entry 169 and also names, mileage, and fees of witnesses for the Commonwealth, for the defense, and of the arresting officers; name of officer issuing warrant and fee charged; name of 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, jail or commitment, jail board (number of days, charge per day), witnesses, other costs, total fines and costs; remarks. Arr. num. by case no. and chron. by date of trial. Indexed alph. by first letter of surname of defendant and chron. thereunder. Hdw. on ptd. forms. 400 pp. 13x12x3. Clk. off., record va.

For original papers, see entry 165.

Juvenile and Domestic Relations

171. JUVENILE AND DOMESTIC RELATIONS DOCKET, 1934--. 1 vol.
Record of cases involving offenses by minors, neglect of dependent children by parents, and litigation between husband and wife over domestic matters, instituted before the trial justice but not settled, and of such cases determined by the trial justice showing name of trial justice; case number; name of complainant; style of case; name, address, age, race, marital status, occupation, and place of birth of defendant; brief description of offense; names, sex, and ages of dependent children; dates of complaint, trial, continuances, and dismissal (if dismissed); name of bondsman, amount of bail,

date ordered to appear in court; names, mileage, and amount of fees due witnesses for the Commonwealth and for the defense; name of officer issuing warrant and amount of his fee; names of officers making arrest and serving papers, date of service, paper served, mileage, and fee; date of payment and amount of costs for fine imposed by court, warrant fee, arrest fee, trial fee, clerk's fee, sheriff's fee, commonwealth attorney's fee, witness fee, and other fees; total fees; record of payments made under order of court (date of payment, details of payment, page of trial justice's account book, amount paid into court, amount paid to dependants by court); orders and remarks. Arr. by pending and ended cases and chron. thereunder by date instituted. Indexed alph. by first letter of surname of defendant and chron. thereunder. Hdw. on ptd. forms. 400 pp. 13x12x3. Clk. off., record va.

Financial

172. (TRIAL JUSTICE RECEIPT BOOK), 1937--. 1 vol.
Duplicates of receipts issued by the trial justice for payment of fines and costs kept for accounting purposes showing docket number, date of payment, payer, purpose, amount, name of trial justice. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. 100 pp. 16½x11x½. Clk. off., record va.

173. TRIAL JUSTICE (Cash Receipts), 1934--. 1 vol.
Running account of cash received kept by the clerk of the trial justice court showing date, cash, accounts receivable, parties' names, case number, State fines, county fines, trial justice fees in criminal cases, circuit court clerk's fees, officers' fees, commonwealth attorney's fees, old accounts, witness fees, justice of the peace fees, payment in domestic relations cases, deposited cash bonds, trial justice fees in civil cases, officers' fees, circuit court clerk's fees. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. 100 pp. 18x15x1½. Clk. off., record va.

VII. JUSTICE OF THE PEACE

Following a tradition centuries old in England, and founded in this country some years before the formation of counties in Virginia, the office of justice of the peace functioned independently in minor matters, while the justices were also privileged to act as members of the bench of the monthly (later county) court. In 1658 the justices' jurisdiction had been limited to cases involving no more than the value of 350 pounds of tobacco, but, by associating himself with another justice, he might, in this way, jointly hear cases up to 1,000 pounds of tobacco in value. The right of appeal to the court, however, was reserved to the parties to the suit, and the justices against whose decision the appeal was taken were excluded from the bench for the trial of the appeal.[1]

In the early part of the seventeenth century no person could be appointed to serve as commissioner (original designation of the justice of the peace) except such as might be "desired by the court and appointed by the Governor and Council."[2] At that time the number of justices of the peace (commissioners) was restricted to the number of eight (of which the sheriff was to be

1. Hening, Statutes, I, p. 435.
2. Ibid., I, pp. 376, 402, 480.

one).[3] One hundred years later the Governor still had the power to appoint justices of the peace, with the advice of the Privy Council.[4] In case of vacancies, or a need of increasing the number, such appointments were to be made upon the recommendation of the respective county courts.[5] By the Constitution of 1851 each county was laid off into districts and in each district four justices of the peace, elected by the voters, were to be commissioned by the Governor. These officers had to reside in their respective districts, and of their number, one was to be the presiding justice of the county court.[6] By the Constitution of 1869, three justices of the peace were elected in each magisterial district for a term of 2 years but the county court was thereafter presided over by a single judge, and the justices retained only their petty jurisdiction.[7] Amelia County had three townships - Leigh, Giles, and Jackson.[8] In 1875, when the townships were abolished, the magisterial district became the basic electoral division, and the justice's term was again reduced by a year.[9]

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

By an act of 1748 every person commissioned to execute the office of justice of the peace was required to take the oaths prescribed by the British Parliament.[11] In 1819,[12] as well as later,[13] an oath of office was compulsory and for failure to comply, the justice had to forfeit and pay $1,000, one half to the use of the Commonwealth and the other half to the informer, to be recovered by action of debt. In case of failure to take the proper oath within 6 months after the date of his commission, the office automatically became void.[14]

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

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3. Ibid., II, p. 21.
4. Ibid., IX, p. 117.
5. Const. 1776, art. XV.
6. Const. 1851, art. VI, sec. 27; Acts 1852, p. 64.
7. Const. 1869 (as amended 1874), art. VII, sec. 2.
8. Acts 1869-70, p. 631.
9. Acts 1874-75, p. 134.
10. Const. 1902, art. VI, sec. 108; Acts 1902-3-4, pp. 506, 743; Code 1936, sec. 127.
11. Hening, Statutes, V, p. 489.
12. Code 1819, I, pp. 245-246.
13. Code 1849, p. 244; Acts 1852, p. 67.
14. Code 1849, p. 244.
15. Acts 1869-70, p. 281; Code 1919, sec. 3481 (fees in judicial functions largely discontinued on appointment of trial justice, see Trial Justice, pp. 127-130.
16. Acts 1887-88, p. 549; Code 1919, sec. 1021; Acts 1918, p. 504; Code 1936, sec. 1021.

(Next entry 174, p. 139)

Justice of the Peace

As to vacancies, the office was declared vacant not only upon the death, resignation or removal, but also upon failure to qualify within 30 days after the receipt of his commission.[17] Whenever a vacancy occurred in any district, the justice elected to supply the vacancy was required to occupy the place and serve the unexpired term of the justice who preceded him.[18] If a vacancy existed in this office before an election, the same was filled by appointment of the Governor.[19]

A justice of the peace had, in his jurisdiction of criminal cases, the power of arresting and binding over lawbreakers and protecting the liberty of the person. He might also hear an indentured servant's complaint against his master, and issue warrants of hue and cry for the pursuit of malefactors.[20]

The justices individually had concurrent jurisdiction with the county court in cases of petit larceny, or assault and battery without felonious intent,[21] could hear claims for breach of contract, and could hear and determine actions for debt to the amount of $50 (later $100) or fines to the amount of $20. These cases might be transferred to the county court when the amount in controversy exceeded $20.[22] Upon the abolition of county courts, the justices were granted concurrent jurisdiction with the circuit court in all violations of the revenue laws of the State, and original jurisdiction in the trial of misdemeanor cases within their districts. Appeal to the court was allowed at any time within 10 days after verdict.[23] Civil jurisdiction in small claims continued substantially the same,[24] but in 1926 it was provided that any case involving misdemeanors punishable by a jail sentence of 3 months or more might be removed to the circuit court on application of the defendant.[25] The law creating trial justices in all counties stripped this formerly potent officer of the law of most of his remaining powers and jurisdiction.[26] Besides being a conservator of the peace, he sits in lunacy proceedings and may take acknowledgements in the same manner as a notary public,[27] but little else remains today of the former dignity and authority of the office.[28] The actions of the justices as members of the county court are set forth at length in the court books; of their jurisdiction and proceedings as individuals few traces are left.

In the year 1776, the justice of the peace was required to certify the name and usual place of abode of every person refusing to take oaths of allegiance to the Government and to subscribe the required test at the next court to be "holden" for the county for which he served as such justice of

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17. Acts 1852, p. 67; Acts 1857-58, p. 31.
18. Acts 1852, p. 66.
19. Acts 1869-70, p. 17.
20. Hening, Statutes, I, pp. 440, 483.
21. Acts 1870-71, p. 362.
22. Code 1873, p. 1003; Acts 1891-92, pp. 975-976.
23. Acts 1902-3-4, pp. 615-616.
24. Ibid., pp. 615-616.
25. Acts 1926, p. 83.
26. Acts 1934, pp. 466-474.
27. Ibid., pp. 469-470; Code 1936, secs. 1017, 4789, 5205; Acts 1938, p. 361.
28. N. Y. Bureau of Municipal Research, County Government in Virginia, p. 50.

the peace.[29] Among the many and varied general duties of the justice of the peace in the early days was that of recovering by warrant a fine of $2 to be paid by every master or skipper of a river or bay craft who refused to obey the directions of the harbor master, which fine was applied to lessening the county levies.[30] Another unusual duty was to grant written certificates to masters or skippers of vessels transporting Negroes or mulattoes, and before the justice could grant such certificates, he had to have the certificates of freedom granted by the court, or the written direction of the owner or owners, if still slaves.[31]

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

VIII. SHERIFF

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

The office of sheriff has continued in force and effect through the years and the Governor usually commissioned such of those recommended as he considered best suited to perform the duties of the office.[4] In the year 1851 the sheriff was for the first time elected by the qualified voters of the county.[5] According to the Constitution of 1869 (as amended in 1874), a sheriff could not hold any other office, and the Code of 1919 makes the same restriction.[6] A violation of the law against dueling might also disqualify a person for holding the office of sheriff.[7] During the early part of the seventeenth century the term of office of the sheriff was for 1 year.[8] His tenure was extended to 2 years in 1705.[9] In 1785 tenure was set at 1 year

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29. Hening, Statutes, VII, p. 36.
30. Shepherd, Statutes, II, pp. 106-107.
31. Ibid., II, p. 78.

1. Hening, Virginia Justice, p. 628.
2. Hening, Statutes, I, p. 392.
3. Ibid., II, p. 21.
4. Ibid., III, pp. 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 of all officers, repealed); Const. 1902 (as amended 1928), art. II, sec. 23; Code 1936, sec. 289.
8. Hening, Statutes, p. 259; ibid., V, p. 515.
9. Ibid., III, pp. 246-247.

with a 2-year term provided the incumbent so desired and the Governor approved.[10] In 1851 the tenure was fixed at 2 years,[11] but his term of office was extended to 3 years in 1869 and to 4 years in 1874. No other changes have occurred.[12]

As early as 1644 sheriffs were required to give "security" for the faithful performance of the duties of the office, especially for the receiving and discharging of all public duties, King's rents, and officers' fees committed to their charge for collection.[13] In 1705 the qualification was made at the court of the county and the person commissioned to be sheriff was required to take the oath and enter into a bond "to our sovereign lady, the Queen, her heirs and successors, with two good and sufficient sureties at the least, in the sum of 1,000 pounds sterling, for his true and faithful performance of his office."[14] In the year 1792 the sheriff was required to enter into a bond before the justices of his county court, payable to the Governor of this Commonwealth, in the sum of $30,000, which bond had to be acknowledged in open court and recorded.[15] The same requirement has been made of all sheriffs through the intervening years, only varying in form according to the custom of the respective periods and in amounts from time to time. Today the penalty of the bond amounts to $10,000 to $60,000 when personal security is given. When the surety on his bond is a guaranty or surety company, the penalty is fixed at $5,000 to $30,000.[16] When the sheriff's duties were more comprehensive, he had to give a bond for collection of public taxes, county levies, and poor rates. In case of failure to give bond within 60 days, his office was declared vacant.[17]

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

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10. Ibid., XII, p. 98.
11. Const. 1851, art. VI, sec. 30.
12. Const. 1869, art. VII, sec. 1; Const. 1869 (as amended 1874), art. VII, sec. 1; Const. 1902, art. VII, secs. 110, 112; Const. 1902 (as amended 1928), art. VII, secs. 110, 112.
13. Hening, Statutes, I, p. 284.
14. Ibid., III, p. 247.
15. Shepherd, Statutes, I, p. 44.
16. Acts 1924, pp. 684-685; Code 1936, sec. 2698.
17. Hening, Statutes, I, p. 284; ibid., III, pp. 247, 264; ibid., V, p. 111; ibid., VII, p. 395; ibid., IX, p. 222; Code 1819, I, p. 279; Code 1849, p. 246; Acts 1852, p. 67; Acts 1869-70, pp. 18, 257-258.
18. Shepherd, Statutes, p. 59; Acts 1830-31, p. 33; Code 1936, sec. 2701; Acts 1938, p. 17.

Sheriff (Next entry 174, p. 139)

As to the compensation of the sheriff, he was paid by fees during a long period of years. By an act of 1642 these fees were regulated by law and a regular scale was prescribed.[19] In 1796 a bonus was paid a sheriff for collecting taxes and paying them into the treasury on time, the officer receiving a fixed percentage of the total amount of taxes, in addition to his regular commission on the total amount collected.[20] In 1802 an allowance of $1.67 was received by the sheriff for the day on which he attended elections to compare the different polls, together with his ferriage.[21] In 1870 this rule was still in force and effect although the percentage was reduced.[22] In 1914 it was ruled that the compensation of the sheriff must be limited in amount dependent upon the size of the county. By this system, the population of Amelia County being about 8,000 between the years 1910 and 1920, the sheriff of this county might receive $4,000 per year.[23] Vacancies caused by death were filled by the Governor, who appointed one of the surviving original nominees for the office. In case of temporary vacancy the predecessor continued in office. In 1776 the county court was given the power to appoint a sheriff pro tempore in case of vacancy by death, who could exercise all the powers of the sheriff until a new one was appointed.[24] When the sheriff refused to enter into a qualifying bond, the court could appoint another in his stead.[25] Later, if there was no sheriff or coroner, the Executive appointed a collector of revenue for the purpose of tax collecting.[26] In 1851, where a vacancy occurred for other causes than death, the county court could appoint a collector to take over the financial duties of the sheriff.[27] Removal from the county by a sheriff constituted a vacation of the office.[28] Later, vacancies were filled by appointment from the county court (later circuit) or by the judge thereof in vacation.[29] The sheriff could be removed from office for refusing to collect taxes,[30] and he could be fined for refusing to serve as sheriff, when once appointed.[31]

The duties of the sheriff may be divided into three categories. As a law-enforcing officer he made arrests, suppressed unlawful assemblies, executed writs and other processes, served subpoenas and attachments, attended the meetings of the county court and carried out its orders, and served as jailor.

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19. Hening, Statutes, I, p. 266; ibid., IV, pp. 502-503; ibid., V, pp. 48-50, 337-339.
20. Shepherd, Statutes, II, p. 19.
21. Ibid., II, p. 330.
22. Acts 1869-70, pp. 251-252.
23. Acts 1914, p. 707; Report of the Secretary of the Commonwealth (1937-38), p. 178 (Amelia County had a population of 8,720 in 1910 and 7,749 in 1920).
24. Hening, Statutes, III, p. 500; ibid., VIII, p. 525; ibid., IX, p. 169; Code 1819, I, p. 277; Code 1936, sec. 136.
25. Hening, Statutes, IX, p. 358; Code 1936, sec. 2698.
26. Code 1819, II, pp. 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, p. 13.
31. Ibid., III, p. 501; ibid., V, p. 516.

Sheriff

(Next entry 174, p. 139)

Earlier he also raised a force to apprehend runaway or mutinous slaves. As a financial officer the sheriff collected the county levies and State taxes, officers' and other fees, militia and other fines, amercements, forfeitures, and the poor rate (upon the request of the overseer of the poor), and disbursed the taxes according to the provisions of the annual levy. He made an accounting of all levies collected by him. Before 1786, he also collected the parish levy when required by the churchwardens of the parish. In the role of election official the sheriff gave notice of elections, conducted the poll and certified the election of delegates and State senators. He also made returns of the elections. At one time he could name the Burgess if the election resulted in a tie.[32]

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

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32. Bruce, Institutional History, I, p. 598; Hening, Statutes, I, pp. 264-265, 300; ibid., II, p. 292; ibid., III, pp. 86, 239; ibid., IV, p. 130; ibid., VII, p. 97; ibid., VIII, pp. 309, 311-312; ibid., IX, pp. 361, 527; ibid., XII, pp. 122-125.
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 1929), 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.

The sheriff and his deputies may also be ex-officio gamewardens.[43]

Few records are required of this officer. In order to receive compensation for duties performed as jailor, he kept a record of fees due from the State for prisoners confined for violation of State laws.[44] As a basis for determining the fees he is permitted to retain as compensation, the sheriff is required to keep a detailed record of fees received for each duty; this record serves as a fee book as well.[45] An older record of the sheriff as fiscal officer of the county will be found among the treasurer's records.[46]

174. (CLAIMS AGAINST THE COMMONWEALTH), 1869-86. 1 vol.
Record of claims against the Commonwealth for board and committal fees for prisoners confined in jail for violation of State laws showing name of prisoner, total number of prisoners each day, date committed, date released, committal fees, fees for board, and for discharge. Arr. chron. by date of committal. No index. Hdw. on ptd. forms. 100 pp. 12x8x½. Clk. off., record va.

For subsequent record, see entry 175.

175. (Sheriff's Record Of Cash Received) LIST OF INSOLVENT PERSONAL PROPERTY AND CAPITATION TAX, 1935--. 1 vol.
Sheriff's record of fees collected, kept to determine the amount collected in excess of the amount he is permitted to retain as compensation, showing date, amount received for serving writs in civil cases, for carrying prisoners to jail, for board and care of prisoners, levy fees, commissions on sales, arrest fees, service fees in criminal cases, and salary. Arr. chron. by date of receipt. No index. Hdw. on ptd. forms. 50 pp. 22½x17½x½. Clk. off., record va.

For prior record of fees as jailor, see entry 174.

IX. CONSTABLE

The constable as a county officer antedates the formation of Amelia County by about 100 years, as shown by some of the earlier acts. As early as 1643 an act was passed setting 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

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43. Acts 1916, p. 260; Acts 1930, p. 639; Code 1936, sec. 3305(15).
44. Acts 1864-65, p. 63; Acts 1869-70, p. 560; Code 1873, pp. 1159-1160. (This record is not specifically required, but the acts cited indicate that detailed information was required. Prior and subsequent records were probably on loose forms of which no copy was retained).
45. Acts 1914, p. 708; Acts 1926, p. 351; Code 1936, sec. 3516.
46. See entry 192.

1. Hening, Statutes, I, p. 246.
2. Acts 1820-21, p. 33.

Constable

(Next entry 176, p. 150)

the appointments as early as 1776 and continued to have this power[3] until in the year 1851 provision was made for the election of constables in each magisterial district by the qualified voters. From that time on it has been an elective office.[4] Later, additional constables might be elected if needed in any district, after notice published in the district before the next succeeding general election.[5]

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

Before assuming the duties of his office, a constable has to take the oath of qualification before a justice of the peace, a requirement in force as early as 1730.[10] He is also required to give bond, and in 1896 the penalty of this qualification bond was fixed at not less than $2,000.[11] In 1924, however, the amount was specified 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]

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3. Const. 1776, art. XV; Hening, Statutes, IX, p. 117; Shepherd, Statutes, II, p. 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, p. 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, p. 242; Code 1819, I, pp. 300-301; Acts 1852, p. 67; Acts 1869-70, pp. 281-282; Code 1887, sec. 812; Code 1936, sec. 2696.
11. Acts 1895-96, p. 825.
12. Acts 1924, p. 685; Code 1936, sec. 2698.
13. Hening, Statutes, IV, p. 243.
14. Shepherd, Statutes, II, p. 404; Hening, Statutes, IV, pp. 73, 504; ibid., V, pp. 50, 340; Shepherd, Statutes, II, p. 405; Acts 1916, p. 810; Code 1936, sec. 3487.
15. Shepherd, Statutes, II, p. 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).

Constable (Next entry 176, p. 150)

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, 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 they would "make information" to the next justice of the peace of any tobacco that might be pressed or packed in any cask, or put on board any boat without being inspected, or any that was carried out of this Colony into Carolina or Maryland without a permit for so doing.[26]

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16. Acts 1808-9, pp. 20-21.
17. Code 1819, I, p. 301.
18. Acts 1869-70, p. 17; Code 1936, sec. 136.
19. Hening, Statutes, IV, p. 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, p. 246.
22. Ibid., I, p. 483.
23. Ibid., I, p. 300.
24. Ibid., IV, p. 242.
25. Ibid., VI, p. 145; ibid., VIII, p. 363.
26. Ibid., V, pp. 12-13; ibid., VI, pp. 183-184.

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Coroner

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

The constable today is a conservator of the peace, serves warrants, formerly summoned coroners' juries and witnesses, serves attachments, and conveys prisoners to jail.[28] When constables were appointed for precincts in 1807 their duties of serving warrants and executions were limited to their respective precincts, but since 1858 they have been permitted to act anywhere in the county.[29]

No permanent records, with the possible exception of a fee book (not precisely a public record), have ever been required of the constables, and none were found in the county.

X. CORONER

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

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

Before entering upon the duties of his office, the coroner must qualify before the circuit court by taking the oath of office and giving security for

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27. Acts 1878-79, p. 252.
28. Hening, Virginia Justice, pp. 205-206; Shepherd, Statutes, II, p. 404; Code 1936, sec. 3487.
29. Shepherd, Statutes, III, p. 296; Acts 1857-58, p. 28; Code 1860, p. 81; Code 1873, p. 470; Code 1936, secs. 2822, 6020, 6030.

1. Hening, Virginia Justice, p. 209; Bruce, Institutional History, I, p. 603.
2. Const. 1776, art. XV.
3. Shepherd, Statutes, I, pp. 48-49.
4. Acts 1895-96, p. 696; Acts 1902-3-4, pp. 574-575.
5. Acts 1910, pp. 344-345; Code 1936, sec. 2815.

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 Constitution and to perform faithfully the duties of his office.[8] Earlier it had been necessary for him to take the oath against dueling required of all officers of the State.[9]

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

The coroner may be removed from office by the circuit court for malfeasance, misfeasance, incompetency, and negligence in the conduct of his official duties, intoxication in public, conviction of gambling, or moral turpitude.[12]

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

In case of neglect or failure of the coroner to execute and make proper return of any writs, he was liable to the same penalties as the sheriff for like breaches or neglect of duty, as early as 1765.[14] In 1853, a coroner "knowingly making any false, erroneous or fraudulent entry, record, registration or written statement" was held liable to 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 of these latter provisions remain in force today.[17]

In case of vacancy of the coroner's office, the Governor filled it by appointing one of two persons nominated by the county court.[18] When the

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6. Ibid., sec. 2818.
7. Code 1819, I, pp. 287, 292; the Code of 1919 fails to mention any punishment for failure to qualify.
8. Acts 1936, p. 49; Code 1936, sec. 269.
9. Code 1819, I, p. 73; Code 1860, p. 101; Code 1887, sec. 169; Code 1919, sec. 270; (repealed) Acts 1926, p. 318.
10. Hening, Statutes, II, p. 419.
11. Acts 1877-78, p. 325; Code 1936, secs. 3487, 3508, 4818.
12. Ibid., secs. 2705, 2815.
13. Acts 1817-18, p. 17; Code 1860, p. 282.
14. Hening, Statutes, VIII, pp. 119-120.
15. Acts 1852-53, p. 42.
16. Acts 1866-67, p. 920.
17. Code 1936, secs. 4491, 4816.
18. Code 1819, I, p. 286.

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Coroner

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

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

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

The judicial duty of the coroner has remained generally the same since the institution of the office. It is confined to holding inquisitions where persons have met sudden, violent or unnatural deaths. He is required to hold 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 be 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

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19. Ibid., II, pp. 34-35.
20. Acts 1877-78, p. 324.
21. Code 1936, sec. 136.
22. Ibid., sec. 2819.
23. Shepherd, Statutes, III, p. 295; Acts 1815-16, p. 9; Acts 1817-18, pp. 16-17; Code 1819, I, p. 291; Code 1936, sec. 2817.
24. Hening, Virginia Justice, pp. 210-211; Shepherd, Statutes, I, pp. 49-50; Code 1819, I, pp. 288-289; Acts 1910, pp. 338-339; Code 1936, secs. 4806-4808, 4810-4815.
25. Acts 1934, p. 498.
26. Code 1936, sec. 1727.

all inquisitions, written testimonies, and recognizances to the circuit court,[27] there are no permanent public records kept by the coroner himself.

XI. COMMISSIONER OF THE REVENUE

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

The first actual appointments were made in 1777, when three commissioners of the tax were elected annually. If no election was held, however, the county court might appoint them.[4] In 1780 the commissioners of the tax were chosen 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 2 and the term of office extended to 3 years.[6] The number was again altered in 1786, being limited to one for each county.[7] In 1792 an act imposing a public tax designated the person holding this office as "commissioner of the revenue" for the first time.[8] In the same year it was decided that no commissioner, after having served 1 year, should be again compelled to serve.[9] Under the Code of 1819 any person appointed to the office of commissioner of the revenue who refused to serve, not having a reasonable excuse in the opinion of the court, was subject for every such refusal to a fine of $100.[10] There were no important changes until the constitutional convention of 1851 made the office an elective one, with a term of 2 years.[11] Another change was made by the Constitution of 1869, establishing the township form of government. One commissioner, called the township assessor, was elected in each of the three townships of Amelia County, Giles, Leigh and Jackson.[12]

When the township form of government was abolished in 1875, the township assessors were replaced by one commissioner of the revenue elected for a 4-year

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27. Shepherd, Statutes, I, p. 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, pp. 305-306.
3. Ibid., II, p. 19; ibid., VI, pp. 41-42, 499; Bruce, Institutional History, II, pp. 551-552.
4. Hening, Statutes, IX, pp. 351-352, 363-364.
5. Ibid., X, p. 252.
6. Ibid., XI, pp. 142-143.
7. Ibid., XII, p. 244.
8. Ibid., XI, p. 142; ibid., XII, p. 244; ibid., XIII, p. 336.
9. Shepherd, Statutes, I, p. 56.
10. Code 1819, II, p. 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. 631.

Commissioner of the Revenue (Next entry 176, p. 150)

term. The first commissioner for Amelia County, after the township period, was elected in the latter part of May 1875, and his term of office commenced July 1 of that year.[13] The Constitution of 1902 provided for either the appointment or election of the commissioner of the revenue for a 4-year term. In 1903 he was elected, but in 1906 the circuit court appointed him, while in 1908 he was again elected by the people. He is still elected by the qualified voters of the county and his tenure is for 4 years.[14]

The authority to appoint deputies dates back almost to the creation of the office of the commissioner of the revenue. Such deputies have to take the proper oaths and the principal commissioners are held liable for the conduct of their assistants.[15]

As early as 1777, before entering upon the duties of the office entrusted 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 warrants.[23] From 1782 to 1932 the commissioner was paid

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13. Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 215; Order Book (1871-75), June 23, 1875, p. 501; see entry 158.
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, p. 65; Code 1819, II, pp. 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.
16. Hening, Statutes, IX, p. 352; ibid., X, p. 10.
17. Code 1819, II, p. 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, p. 364.
21. Ibid., X, p. 14.
22. Ibid., X, p. 503.
23. Ibid., XI, p. 193.

by fees, varying in amount from $1 per day[24] to a certain percentage on the amount of taxes assessed by him.[25] In certain instances he was paid fees on licenses issued,[26] and for many other services rendered according to the scale of fees then in use.[27] In 1932 the fee system in this office was abolished, and the commissioner of the revenue was paid a regular salary.[28] In the year 1934 it was stipulated that the salaries and expenses of commissioners of the revenue were to be paid in the proportion of two-thirds by the respective counties and one-third by the Commonwealth, and this same stipulation has continued in force.[29]

Originally, in case of the death or inability of either of two commissioners first named in a county, the third one selected proceeded to act in his stead; and in case of the death or inability of any two or all of the said commissioners, the first magistrate acting in the county was empowered, by warrant under his hand and seal, to appoint other reputable freeholders in his county to act in their stead.[30] Vacancies were supplied in later years by the county courts and the clerks of such courts were directed to call upon the preceding commissioner for all the papers belonging to the office and deliver them to the newly appointed commissioner.[31] In the event of the death of a commissioner before he fully performed the services to be rendered by him during any 1 year, the sum to be paid for the entire services of the commissioners in that year was proportioned between the commissioners according to services actually performed.[32] For misdemeanor, neglect, or incapacity in office, he could be removed by the Auditor of Public Accounts, and vacancies so created might be filled by the Auditor for the unexpired term.[33]

From time to time penalties have been imposed upon the commissioner of the revenue. In 1792 for failure to serve, after appointment, without reasonable excuse, he was required to forfeit and pay the sum of $100.[34] He was amenable to a penalty of $20 for failure to send in a list of free Negroes and mulattoes,[35] and he was required to forfeit and pay to the Commonwealth $200 for the benefit of the Literary Fund for failure to return to the clerk of the court the assessor's books.[36] For other misconduct or neglect of duty, he was also liable to penalties in amounts prescribed by law.[37] For failure to de-

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24. Shepherd, Statutes, III, p. 65; Acts 1932, p. 892.
25. Acts 1857-58, pp. 8-9.
26. Acts 1869-70, p. 252; Acts 1874-75, p. 246.
27. Acts 1869-70, pp. 298-299; Acts 1870-71, p. 120; Acts 1881-82, p. 388; Code 1887, sec. 509.
28. Acts 1932, p. 892; Acts 1934, pp. 734, 737, 740.
29. Ibid., p. 740; Acts 1936, pp. 363-364; Acts 1938, p. 991.
30. Hening, Statutes, X, p. 502.
31. Code 1819, II, p. 32.
32. Acts 1865-66, pp. 26-27.
33. Acts 1869-70, p. 48; Acts 1874-75, p. 217.
34. Shepherd, Statutes, I, p. 56.
35. Ibid., II, p. 301.
36. Acts 1850-51, p. 6.
37. Acts 1857, p. 67.

Commissioner of the Revenue (Next entry 176, p. 150)

liver the original of each of his books to his successor and to make the required number of copies thereof, he had to forfeit $50. For false entry on any of his books, the penalty was $200. For failure to perform the duties of his office, he was subject to a fine of not less than $100 nor more than $500, and the Auditor of Public Accounts had the power to suspend the payment of his compensation. These or like penalties and fines followed the office of the commissioner of the revenue through the years.[38]

The principal duty of the commissioner of the revenue is, and was at the time he was known as the township assessor, the assessment of taxes on land. In 1777 a tax was put on all lands, slaves and manors, and all tithables over 21 years of age. The commissioner of the tax was required to hear appeals of persons who claimed to be unjustly assessed and to adjust such claims.[39] By an act of 1804 every person was required to deliver a list of his lands to the commissioner to be entered on the land list. His duties pertaining to the assessment of taxes on land are substantially the same today.[40] In addition to his assessment of taxes on land, his duties included making a report to the Commissioner of Agriculture and Immigration of the number of horses, mules, cattle, sheep, and hogs assessed by him in his county for the year.[41]

Another important duty of the commissioner pertains to the issuance of all types of licenses. There has been considerable expansion of his powers in this respect. In 1797 he could issue licenses for the sale of merchandise of foreign growth or manufacture;[42] in 1814, to manufacturers or workers in salt, pig iron, and lead;[43] and, in 1843, to insurance agents, retail liquor dealers, and merchants.[44] Today, business, trade, and professional licenses are issued by him.[45]

Proceedings of escheat and forfeiture were instituted by the commissioner with the assistance of the commonwealth's attorney.[46] In 1804 the commissioners were required to furnish to the escheators of their county a list of all lands within their precincts of which the owner had died intestate and without heir, known to the commissioners, or to which no person was entitled, to their knowledge.[47] This duty was also incumbent upon commissioners in 1819, and in 1860.[48]

This officer's records give a fairly comprehensive indication of his duties, most of which pertain to the assessment of persons and property for taxation. From the record of the reassessment of land every 5 years (later,

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38. Acts 1859-60, p. 30; ibid., p. 32; Acts 1865-66, p. 25; Acts 1874-75, p. 232; Code 1887, sec. 506; Acts 1901-2, pp. 197-198; Acts 1928, p. 193.
39. Hening, Statutes, IX, p. 357; ibid., X, p. 250.
40. Shepherd, Statutes, III, pp. 65-66; Code 1919, secs. 2252-2342; Acts 1926, p. 875; "Tax Code" 1936, secs. 251-277, 280, 281.
41. Acts 1930, pp. 782-783.
42. Shepherd, Statutes, II, pp. 74-75.
43. Acts 1814-15, pp. 23-25.
44. Acts 1842-43, p. 13.
45. Code 1919, sec. 2360.
46. Hening, Statutes, X, p. 67.
47. Shepherd, Statutes, III, p. 59.
48. Code 1819, II, pp. 502-503; Code 1860, p. 255.

every 4 years), a copy of which he receives from the assessors,[49] and from other records, he compiles and corrects the land book.[50] Sheriffs, justices, or specially appointed commissioners, took lists of taxes for temporary tax systems between 1646 and 1777[51] but not until the latter date was a permanent and adequate system of real estate taxation imposed. An act of that year provided for a board of three commissioners who were to appoint assessors and from their returns to compile lists of taxable property and to deliver them to the sheriff.[52] The form of the land book was specified in 1786.[53] The commissioner has been directed to retain a copy of the book since 1849, and from much earlier dates has been required to send copies to the clerk, sheriff (later, treasurer), and Auditor (until 1926).[54] By 1819 at least there was only one commissioner in Amelia County, although the number varied in certain counties.[55]

From the interrogatories returned by each taxpayer,[56] the commissioner compiles a list of persons liable for State and local capitation and personal property taxes and delivers copies to the clerk, the treasurer, and the Department of Taxation. He retains the original book in his office.[57] The commissioner of revenue also files copies of applications for merchants' and other licenses (except those granted by a court). He formerly made a record of applications for merchants' licenses in a series of books.[58] The original (or a duplicate thereof), marked with the assessment and receipted by the treasurer, constitutes the license.[59]

In the file with the commissioner's general correspondence are placed copies of the county treasurer's reports of persons in the county who have registered their motor vehicles. These reports aid the commissioner in assessing the owners for taxation.[60]

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49. Code 1887, secs. 437, 443; Code 1919, sec. 2247; Acts 1930, p. 870; "Tax Code" 1936, secs. 242, 247.
50. See footnotes 51-54.
51. Hening, Statutes, I, p. 306; (repealed) ibid., I, p. 356; ibid., VI, p. 522; ibid., VII, pp. 77-78, 540; ibid., IX, pp. 65-66; see footnote 52.
52. Hening, Statutes, IX, pp. 350-356, 358.
53. Hening, Statutes, XII, p. 253.
54. Code 1849, p. 191; Acts 1869-70, pp. 282-283 (township assessors assume duties of commissioners of revenue); Acts 1874-75, p. 215 (commissioners of revenue reinstated); Code 1919, secs. 2341, 2342; Acts 1926, p. 996; Acts 1928, p. 172; "Tax Code" 1936, sec. 255.
55. Code 1819, II, p. 15; "Tax Code" 1936, sec. 300.
56. Acts 1852-53, p. 13; Code 1860, p. 202; Code 1919, secs. 2260, 2261; Acts 1924, p. 572; Acts 1928, p. 189; "Tax Code" 1936, secs. 307, 315, 316.
57. Code 1849, pp. 188-191 (book replaces the former list); Acts 1869-70, pp. 282-283 (township assessors); Acts 1874-75, pp. 233-234; Code 1919, secs. 2300, 2341, 2342; "Tax Code" 1936, secs. 317, 318.
58. Code 1887, secs. 535, 548; Code 1919, secs. 2360, 2366; "Tax Code" 1936, sec. 188; see footnote 59.
59. Acts 1885-86, pp. 467-468; Code 1919, sec. 2360; "Tax Code" 1936, sec.129.
60. Acts 1926, p. 264; Acts 1932, p. 619; Code 1936, sec. 2154(57); (these acts provide that a list be furnished the commissioner - in practice, the treasurer as agent of the Division of Motor Vehicle furnishes the lists; see entries 183, 227).

Tax Assessments

Real Property

176. REASSESSMENT OF LAND, 1900, 1920. 2 vols.
Commissioner of revenue's copy of the books compiled by the assessors at the quinquennial reassessment of real estate, delivered to him for the purpose of compiling the land book. For full description, see entry 32. Arr. by district, thereunder by race, and alph. thereunder by first letter of surname of landowner. No index. Hdw. on ptd. forms. Aver. 100 pp. 17x22x½. Clk. off., storage.
For clerk's copy, see entry 32.

177. LAND BOOK, 1909, 1915--. 25 vols.
Original record of assessment of real estate for taxation compiled by the commissioner of revenue from the reassessment books, from previous land books, and from information supplied by other State and county officers. For full description, see entry 33. Arr. by race, thereunder by districts, and alph. thereunder by first letter of surname of landowner. No index. 1909, 1915-22 hdw. on ptd. forms; 1923-- typed on ptd. forms. Aver. 200 pp. 21½x16½x2. 13 vols., 1909, 1915-26, clk. off., storage; 12 vols., 1927--, comm. rev. off.
For clerk's copy, see entry 33; for treasurer's copy, see entry 208.

Personal Property

178. INTERROGATORIES (Tax Returns), 1924--. 63 bundles.
Original returns by taxpayers to the commissioner of revenue of intangible personal property including money and capital for State taxation only; individual incomes; and tangible personal property, machinery and tools, and merchants' capital, for local taxation only. Return of intangible personal property including money and capital for State taxation only shows name of taxpayer, post office address, district, State capitation tax, bonds, notes, other evidences of debt, demands and claims, money, moneyed capital coming into competition with business of national banks, capital not otherwise taxed, oath of taxpayer, signatures of taxpayer and commissioner of revenue. Individual income tax returns show name of taxpayer, post office address, district, occupation or business, personal data, income from salaries, wages, commissions, and all other compensations for personal service, net profit from business or profession, interest on bonds, notes, and bank deposits, rents and royalties, profit from sale of real estate and stocks, bonds, dividends, estates and trusts, deductions for interest paid, taxes paid, losses by fire and storm, bad debts, deductable dividends, contributions, personal exemption, total deductions, net income subject to tax, oath of taxpayer. 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), number and fair market value of articles constituting targible personal property, fair market value of machinery and tools, fair market value of merchant's capital, oath of taxpayer, signatures of taxpayer and commissioner of revenue. 1924-31 arr. chron. by tax year; 1932-- arr. chron. by tax year, thereunder by district, thereunder by race, and alph. thereunder by first letter of surname of taxpayer. No index. Hdw. on ptd. forms. Aver. 10x12x6. 61 bundles, 1924-37, clk. off., storage; 2 bundles, 1938--, comm. rev. off.

179. PERSONAL PROPERTY BOOK, 1883-84, 1905, 1914--. 28 vols.
Record of taxable personal property compiled by the commissioner of revenue from tax interrogatories returned to him by taxpayers and from other available information. For full description, see entry 43. 1883-84, 1905, 1914 arr. alph. by first letter of surname of taxpayer; 1915-- arr. by race, thereunder by districts, and alph. thereunder by first letter of surname of taxpayer. No index. 1883-84, 1905, 1914-30 hdw. on ptd. forms; 1931-- typed on ptd. forms. Aver. 200 pp. 24x17x1. 16 vols., 1883-84, 1905, 1914-26, clk. off., storage; 12 vols., 1927--, comm. rev. off.
For clerk's copy, see entry 43; for treasurer's copy, see entry 213.

Licenses

180. APPLICATIONS FOR STATE MERCHANTS LICENSE, 1933--. 6 bundles.
Duplicates of applications for state merchants' licenses from which the commissioner of revenue computes the amount of the license tax, and the attached copies of the licenses. Application shows duration of license; county, applicant, address; name of business, location; kind of business, number of employees, annual rental of premises, beginning and expiration date of lease, name of lessor and lessee; purchases during previous year; tax, penalty, fee, total; oath of applicant, signatures of applicant and commissioner of revenue. Attached license shows licensee, name of business, location of business, beginning and expiration dates of license, tax, penalty, fee, total, signatures of commissioner of revenue and county treasurer and dates thereof. Arr. chron. by date license issued. No index. Hdw. on ptd. forms. Aver. 17x8½x4. Comm. rev. off.
For prior records, see entry 182.

181. APPLICATION FOR STATE LICENSE OTHER THAN MERCHANTS LICENSE, 1932--. 5 bundles.
Carbon copies of applications for State licenses other than merchants' from which the commissioner of revenue computes the amount of the license tax, and the attached copies of the licenses. Application shows duration of license; county, applicant, address; nature of business or profession; gross receipts; tax, penalty, fee, total; oath of applicant, signatures of applicant and commissioner of revenue. Attached license shows county, licensee, name of business or profession, location, beginning and expiration dates, tax, penalty, fee, total, signatures of commissioner of revenue and county treasurer and dates thereof. Arr. chron. by date license issued. No index. Hdw. on ptd. forms. Aver. 17x8½x4. Comm. rev. off.

182. MERCHANT'S CAPITAL, 1919, 1921-24. 4 vols. 1910-13, 1915-18 in (List of Dogs), entry 79.
Merchants' reports to the commissioner of revenue of the purchases during the preceding year and banks' reports of their capital recorded by the commissioner of revenue for the purpose of assessing the license tax payable by such merchant or bank showing date of report, amount of purchases or capital, amount of tax. Arr. by districts and chron. thereunder by date of report. No index. Hdw. Aver. 100 pp. 12x7½x½. Clk. off., record va.
For subsequent records, see entry 180.

Correspondence

183. GENERAL CORRESPONDENCE, 1937--. 3 file drawers.
Original letters to commissioner of revenue and copies of his letters and replies concerning all matters pertaining to the assessment of taxes on prop-

(Next entry 184, p. 157)

Assessors

erty and licenses, reports of automobile licenses sold, and other matters pertaining to the proper functioning of his office. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. 14x12x28. Comm. rev. off.

XII. ASSESSORS

The formation of Amelia County antedates by a short span of years the appointment of assessors by the commissioners of tax, who were directed to "choose two discreet men in each hundred to be assessors or appraisers of such estate lying therein as is hereby subjected to taxation." These assessors in the eighteenth century had to be freeholders with the right to vote for representatives in the General Assembly, and there was a time limit set by the commissioners of tax within which the assessors had to perform the duties assigned to them and make report thereof; the time allowed was to be not less than 4 nor more than 6 weeks, and they were required to have a description of their hundreds entered in their book. The number of assessors at that time was not to be more than 16 in any 1 county.[1] In 1780 the law provided that assessors be appointed annually to make assessments every other year and to record conveyances of property during the alternate years. Three assessors were to be appointed the following year by the county court to value all lands and to make out lists of owners showing quantity and value of land, and return the lists to the county court clerk.[2] Because the land tax as charged by the commissioners was found to be unequal in the counties, and no tax could be laid with ease and certainty, an act was passed by the General Assembly in 1782, whereby the counties in this State were laid off into four districts, Amelia County being included in the first district. Real estate was valued and assessed, and the standard for taxation was fixed in the first district at 10 shillings per acre. The persons performing this service received the sum of 300 pounds each from the Treasurer of the Commonwealth by warrant from the Auditors.[3] In 1817 assessors again were appointed by the "Executive", not exceeding one for each commissioner's district.[4] In 1850 the county court made the appointment of assessors.[5] Assessors were appointed by the county court in 1870 and every fifth year thereafter. It was also provided in that year that every person aggrieved by the assessment on his property could apply to the court for adjustment after notifying the assessor.[6] By an act of the General Assembly passed at a special session in 1884, it became the duty of a board, consisting of the judge, commonwealth's attorney, and clerk of the county, to appoint proper persons to assess cash value of all lands and lots.[7] In 1888 the duty of making this appointment fell to the county court.[8] The Constitution of 1902 provided for a reassessment of land in the year 1905 and every fifth year thereafter. In 1903 the circuit court was empowered to appoint persons for this work.[9] No further changes were made until 1926 when

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1. Hening, Statutes, IX, pp. 352-355; ibid., IX, p. 549.
2. Ibid., X, pp. 252, 501-503.
3. Ibid., XI, p. 140; Code 1803, pp. 437-438.
4. Acts 1816-17, p. 9, (during the intervening years, land had been taxed at the uniform prevailing rate set for the district in which it lay, so that no appointment of assessors was necessary).
5. Acts 1849-50, p. 5; Acts 1855-56, p. 16.
6. Acts 1869-70, pp. 564-566; Acts 1871-72, pp. 36-39.
7. Acts 1884, p. 113.
8. Acts 1887-88, p. 551.
9. Const. 1902, art. XIII, sec. 171; Acts 1902-3-4, p. 610.

an act was passed abolishing the office of assessor (by that title).[10] In 1928 an act was passed authorizing a reassessment of real estate in the year 1930 and every fifth year thereafter, and the Department of Taxation was to prepare and furnish forms so arranged as to show lands and lots assessable in the county.[11]

Almost concurrent with the earliest appointment of assessors was the requirement for the taking of the oath of office, by each assessor appointed, within 5 days after receipt of notice of his appointment.[12] This oath of qualification was still required in 1819,[13] and in 1850 it had to be taken and subscribed to by the appointee in open court or before a justice of the peace, the appointee affirming that he would faithfully, impartially, and to the best of his skill and understanding perform all the duties of his office. He also had to execute a bond in a penalty ranging from $2,000 to $5,000.[14] In 1870, this oath of qualification was required, and the bond carried a penalty of $5,000.[15] In 1887 the penalty was still in the sum of $5,000, with surety, and the oath could be taken and bond given before the county court or the judge thereof in vacation.[16] The same procedure was followed in 1903, with the bond carrying a penalty in the same amount, but at this time he was required to appear before the circuit court or the judge thereof in vacation, and the certificate and the oath had to be returned to the clerk for recordation in the minutes of the next term of his court.[17]

The compensation for the work performed by assessors has varied with the passage of the years. In 1779 the commissioners paid them "any sum not exceeding 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, and he was entitled to a warrant on the treasury to be paid out of any money not otherwise appropriated. Each of the assistant assessors received the sum of $2 per day. His account had to be verified by oath and certified to be correct by the board of assessors and he was paid in the same manner as the principal assessor.[19] In 1870 each assessor and assistant assessor received the sum of $3 per day. Their accounts had to be verified and paid in the same manner as in previous years.[20] The payment of compensation was denied unless the assessor punctually performed his duties in reference to the listing of births and deaths and the assessment of property and licenses, and made all reports required within the time pre-

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10. Acts 1926, p. 875.
11. Acts 1928, p. 169; Acts 1930, pp. 870-871; "Tax Code" 1936, sec. 242.
12. Hening, Statutes, IX, p. 353; ibid., X, p. 10.
13. Code 1819, I, p. 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.
17. Acts 1902-3-4, p. 612.
18. Hening, Statutes, X, p. 14.
19. Code 1819, I, pp. 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).

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Assessors

scribed by law.[21] Later the compensation was $2 per day and was the same for several years.[22] In 1915 this rate of pay was increased to $4 per day.[23]

In 1819, when an assessor failed to perform the duties of his office, the Governor might remedy this situation by the appointment of an assistant assessor, who was required to perform all the duties within 4 months from the time of his appointment, or forfeit and pay to the Commonwealth, for the benefit of the Literary Fund, a fine not less than $100, and not more than $500.[24]

The primary function of the office of assessor was the assessment of the value of real estate and personal property, and the listing of tithable persons above 21 years of age.[25] He had to take an account in writing of the quantity of land belonging to all persons,[26] return a list of property owners to the clerk of his county,[27] and determine the cash value of lands and assess them accordingly.[28] One of the duties of the assessors was to try to satisfy persons who were aggrieved by what they considered erroneous or unfair assessments of their lands. The persons so aggrieved could, after due notice to the assessor, make application to the court for adjustment. Such applications had precedence over all other causes pending in said court. If the court decided that the assessment was too high, it was ordered to be reduced to a true value, and if found to be too low, it was ordered to be increased. If the assessment was too low, the assessor had to adopt the estimate of the owner of his agent.[29] When these revaluations were ordered by the court, the clerk of the court by which the reassessment was made had to certify such alterations to the assessor, in order that he might correct the books on file with the clerk.[30] The law required the assessor to furnish to the clerk of the court of the county, for his examination, a copy of his books by the 1st day of April, and to furnish to the Treasurer and Auditor of Public Accounts their copies by the 15th of April. In the event of his failure so to furnish these copies to the proper parties, he was forced to pay a fine varying in amount from $50 to $500, and his compensation might be withheld by the Auditor of Public Accounts.[31] Any officer charged with the duty of assessing taxes or levies upon land or other property, money, income or license, or any capitation tax, or any officer upon whose report such charge was made, could (if satisfied that such assessment was erroneous and that he was responsible for such error) apply to the circuit court of the county for the correction of such erroneous assessment.[32] Although the office of assessor as such ceased to function in 1926,[33] the duties per-

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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, p. 176.
25. Hening, Statutes, IX, pp. 353-354; ibid., X, p. 187.
26. Ibid., X, pp. 501-502.
27. Ibid., X, p. 503.
28. Acts 1849-50, p. 6; Acts 1869-70, pp. 336-337, 565; Acts 1889-90, p. 137.
29. Ibid., 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.

taining 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.

XIII. LOCAL BOARD OF EQUALIZATION

(Local Board of Review)

The duty of correcting erroneous assessments, formerly performed by the courts,[1] passed in 1915 to the local board of review, when the judge of the circuit court appointed three qualified voters residing in the county to compose a local board of review of assessments. The clerk of the circuit court was ex-officio clerk of the board and he was required to attend all meetings and keep a record of the proceedings in a book provided for that purpose. This board was authorized to hold sessions at such dates and for such period as was deemed necessary, not to exceed 30 days in 1 year, and reasonable notice of the date of its sessions was to be published in advance.[2] In 1916 the board was allowed to sit for not more than 60 days in the year of a reassessment, but only 30 days in other years. All information procured by local boards was regarded as confidential.[3] The local board was abolished in 1922,[4] and its powers in general reverted to the circuit court.[5] The need of a special agency to handle these tax and reassessment matters seems to have continued; for, by an act passed by the General Assembly in 1924, a substitute for the local board of review was created, which from its organization was termed the local board of equalization. As in the case of the local board of review, the clerk of the circuit court was ex-officio clerk of its successor, the local board of equalization. This latter agency had sittings of not more than 60 days in each year and held its sessions at such times as the law might require or as its members deemed necessary. The appointment of three qualified voters to serve as members of this board of equalization of assessments was to be made on or before the first day of June of the year of every quinquennial assessment of real estate.[6] In 1926 the circuit court, or the judge thereof in vacation, when petitioned in any year by the board of supervisors or 10 taxpayers of the county, had authority to appoint a local board of equalization of assessments.[7] In 1930 the circuit court was required to appoint in that year and every fourth year thereafter, and in

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34. Ibid., p. 871; Acts 1932, p. 119; Acts 1933-34, p. 25; "Tax Code" 1936, sec. 414; Acts 1938, p. 163.

1. Acts 1869-70, pp. 335-337; Acts 1878-79, p. 350; Code 1887, sec. 437.
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.

Local Board of Equalization (Next entry 184, p. 157)

1932 and every fourth year thereafter it could appoint, a board of equalization composed of not less than three nor more than five freeholders in the county.[8] Every board was empowered to elect one of its members as chairman and another as secretary, and to employ necessary clerical and other assistants, call in advisors, and to fix compensation.[9]

In 1915, during the life of the local board of review, the compensation of each member was $4 per day and of the clerk $2 per day for each day necessarily employed, one-half to be paid by the Commonwealth and one-half by the county. The accounts for such compensation were made out and verified by affidavit before the clerk of the circuit court, and the amounts were paid out of any money in the treasuries of the State and county not otherwise appropriated.[10] In 1924, while serving on the local board of equalization of assessments, each member was paid $5 per day for each day necessarily employed, and the clerk was paid $3 per day for his services. Such per diem to members and clerks was to be paid one-half by the Commonwealth and one-half by the county.[11] In 1936 the rate of compensation was fixed by the board of supervisors.[12]

Any vacancy occurring on any board of equalization can be filled for the unexpired term by the authority making the original appointment.[13]

The duties and powers of the members of the local board of review and of the more recent agency, the board of equalization, have remained about the same through the years. They had to give directions to the commissioner to enter omitted entries in the assessment rolls, to correct erroneous assessments, to cancel duplicate assessments, to hear and determine the complaints of all taxpayers who appeared and claimed to be aggrieved by unequal or unjust valuations or assessments, direct such corrections on the assessment books, and keep minutes of meetings of the board. It was the privilege of the local board, on behalf of the Commonwealth, to apply to the circuit court for the correction of any erroneous assessment of lands or other property in the same manner as provided by law for the correction of any assessment by which any person might be aggrieved. For all such cases the attorney for the commonwealth represented the local board. Another duty was to review reports of purchases by merchants and the annual returns of intangible personal property, income and money of all taxpayers (made to the commissioner of revenue) before the license tax of merchants was assessed and before the taxes on intangible personal property, income and money were entered on the books of the commissioner. The members of this board had the power to summon people to answer questions concerning merchants' purchases and ownership of property.[14] The board was further required to receive blank interrogatories (forms for the taxpayers' returns of personal property) from the Auditor, deliver them to the commissioner, receive them again when filled out, and

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8. Acts 1930, p. 874; "Tax Code" 1936, sec. 344.
9. Acts 1930, p. 874; Acts 1933-34, p. 510; Acts 1936-37, p. 74; "Tax Code" 1936, sec. 344.
10. Acts 1915, p. 95.
11. Acts 1924, p. 575.
12. Acts 1936-37, p. 74; "Tax Code" 1936, sec. 344.
13. Acts 1933-34, p. 510; "Tax Code" 1936, sec. 344.
14. Acts 1915, pp. 156-159; Code 1919, sec. 2227; "Tax Code" 1936, secs. 345, 346.

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 records of the local board of review consists of reports,[17] orders,[18] and rough minutes of the board's actions at meetings, together with the minute book in which these proceedings were detailed in more orderly style.[19]

184. PROCEEDINGS OF LOCAL BOARD OF REVIEW, 1915-16. 1 file box. Original papers constituting rough minutes of the local board of review, including orders for adjustment of assessments, provisions for hearings of complaints of taxpayers, review of merchants' reports and tax returns, and reports of the Examiner of Records, showing date of meeting, names of members present, name of chairman, action taken on matters before the board, signature of clerk. Arr. chron. by date of meeting. No index. Hdw. 10½x4½x13. Clk. off., record va.
For record of proceedings, see entry 185.

185. RECORD OF THE LOCAL BOARD OF REVIEW (Minutes), 1915. 1 vol. (1). Record of proceedings of meetings of the local board of review. For full description, see entry 184. Arr. chron. by date of meeting. No index. Hdw. 252 pp. 16x12x1½. Clk. off., record va.
For original minutes, see entry 184.

XIV. COUNTY TREASURER

From the early part of the seventeenth century until 1869, taxes were collected and delinquent lands sold by the sheriff or by collectors appointed for the purpose. The Constitution of 1869 provided for a county treasurer to be elected by the qualified voters. A treasurer was elected in Amelia County November 8, 1870, but refused to qualify; and was replaced by a county court appointee, who qualified at January court, 1871. No evidence of his actual functioning appears, however, until 1872.[1]

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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 1915, p. 96; Acts 1916, p. 418; Code 1919, secs. 2227, 2228; (repealed) Acts 1922, pp. 513-514.
18. Acts 1915, p. 95; Acts 1916, p. 419; Code 1919, sec. 2227; (repealed) Acts 1922, pp. 513-514.
19. Acts 1915, pp. 94-95; Acts 1916, pp. 416, 419; Code 1919, secs. 2226, 2227; (repealed) Acts 1922, pp. 513-514.

1. Const. 1869, art. VII, sec. 1; Acts 1869-70, p. 79; Order Book (1871-75), January 1871, p. 5, see entry 158; Supervisors Book, no. 1 (1870-1909), May 15th, 1872, p. 20; Dec. 2, 1872, p. 24, see entry 2.

(Next entry 186, p. 168)

County Treasurer

No person holding the office of attorney for the commonwealth, judge of the county or circuit court, or sheriff is allowed to hold the office of county treasurer.[2]

During the period of township government, the township collector, elected annually, and the township clerk, who was ex-officio the township treasurer, were endowed with duties and powers similar to those of the county treasurer.[3] Upon abolition of the townships, these duties were transferred to the treasurer, insofar as they affected the county as a whole.[4]

In 1870 the county treasurer was to be elected for a 3-year term.[5] In 1875 the term was increased to 4 years,[6] and this tenure continues in force at present.[7]

Since the creation of the office, the county treasurer has had the privilege of appointing deputies to assist him in the proper and efficient performance of his duties; such deputies are required to give bond and are subject to removal by their principals.[8]

The county treasurer, at the time of his qualification, is required to give bond, with security to be approved by the judge or court before whom he qualifies, in a penalty to be determined by said court or judge, but not less in any case than double the amount to be received annually by him in the pursuit of his duties.[9] For any breach of the bond of the county treasurer, suit may be brought against him in the circuit or (formerly) county court of the county.[10]

The treasurer, as principal financial officer of the county, formerly received fees or commissions for various services, based on amounts collected from time to time.[11] Between the years 1869 and 1932, his commission varied from one-fourth of 1 percent to 5 percent of amounts collected by him. In 1908, for instance, the compensation of the treasurer for receiving and disbursing funds derived from the issuance and sale of school district bonds was fixed at one-fourth of 1 percent. The amount paid him for this service was to be in no case less than $15, nor more than $250.[12] In 1904 the treasurer was allowed 3 cents for each 10 words for making and certifying lists of persons who had paid their poll taxes.[13]

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2. Acts 1869-70, p. 258; Code 1936, sec. 2702.
3. Const. 1869, art. VII, sec. 2; Acts 1869-70, pp. 284-286; Acts 1871-72, pp. 300-301.
4. Acts 1874-75, p. 43.
5. Const. 1869, art. VII, sec.1; Acts 1869-70, p. 79.
6. Acts 1874-75, p. 133.
7. Acts 1899-1900, pp. 926-927; Acts 1902-3-4, p. 505; Acts 1906, p. 252; Acts 1908, p. 66; Code 1936, sec. 123.
8. Acts 1869-70, p. 258; Acts 1871-72, p. 222; Acts 1877-78, pp. 181-182; Code 1936, sec. 2701; Acts 1938, p. 17.
9. Acts 1871-72, p. 222; Acts 1878-79, p. 319; Code 1936, sec. 2698.
10. Acts 1871-72, p. 228; Code 1919, sec. 2789; "Tax Code" 1936, sec. 364.
11. Acts 1869-70, p. 261.
12. Acts 1908, p. 559.
13. Acts 1904, p. 132; Code 1936, secs. 109, 112.

County Treasurer (Next entry 186, p. 168)

In 1914, in counties with a population under 32,000, the total compensation of the treasurer was not to exceed $4,000 per annum. Since 1935, the treasurer has been paid a regular salary, still based on population, but the act abolishing the old fee system revised the former statute as to amount and size of county. In counties having a population of more than 5,000 or less than 10,000 inhabitants, the treasurer's salary could not be less than $2,000, nor more than $3,500. The population of Amelia County has not exceeded 10,000 since the census of 1800.[14]

In 1932 the fee system was abolished and the treasurer was paid a regular salary,[15] and in 1934 the salaries and expenses of the treasurer in the counties were to be paid in the proportion of two-thirds by the respective counties and one-third by the Commonwealth.[16]

In case of a vacancy in the office of county treasurer, by death, resignation, removal, or otherwise, it is the duty of the judge of the proper local court (the county court until 1904, and the circuit court thereafter), in term time or vacation, to fill such vacancy by appointment. The person so appointed, upon qualifying and giving bond as required, holds his office for the unexpired term and until his successor is elected and qualified.[17] The circuit courts of counties have the power to remove any county officer, including the treasurer, for malfeasance, misfeasance, incompetency, gross neglect of duty, or for an act constituting a violation of any penal statute involving moral turpitude.[18] Whenever a vacancy occurs in the office of county treasurer, the court or judge making the appointment to fill the vacancy may require the officer vacating the office to turn over all books and papers in his possession, including tax tickets for taxes and levies for the then current year, to his successor; or, where no appointment is made or the officer so appointed fails to qualify, such books and papers are ordered to be deposited with clerk of the circuit court, who is to give a receipt for them and hold them subject to the order of the court.[19] The Governor also may suspend a treasurer or other collector of State revenues for failure in his duty concerning those revenues, and appoint a substitute to collect for the State, pending the outcome of ouster proceedings. Such substitutes qualify and are compensated in the same manner as regular treasurers.[20]

Penalties have been imposed upon the treasurer for violations of the laws pertaining to the duties of his office. A fine may be exacted of him, in some instances not less than $20, or more than $100, or he may be confined in prison for term not exceeding 3 months.[21] There is a penalty for

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14. Acts 1914, p. 707; Acts 1934, pp. 736-737; Report of the Secretary of the Commonwealth (1937-38), p. 153; Code 1936, sec. 2431.
15. Acts 1932, p. 892; Code 1936, sec. 2431.
16. Acts 1934, p. 740; Code 1936, sec. 2431.
17. Acts 1869-70, p. 258; Code 1936, secs. 136, 138.
18. Ibid., sec. 2705.
19. Code 1919, secs. 2779, 2791; "Tax Code" 1936, sec. 353.
20. Code 1919, sec. 2791; Acts 1934, pp. 521-522; "Tax Code" 1936, sec. 366.
21. Acts 1869-70, p. 261; "Tax Code" 1936, sec. 365; see footnote 22.

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County Treasurer

loaning or using for his own personal purposes any of the county's money, and he is required to forfeit and pay not less than $20 nor more than $100 and may be liable on his bond.[22] According to the law as set forth in the Acts of 1904, a fine of not less than $50, and not exceeding $1,000, was imposed upon the treasurer for failing or refusing to provide for lists of all persons who had paid their State poll taxes.[23] Interest at the yearly rate of 15 percent is chargeable against the treasurer for failure to pay the State revenue into the treasury at the time prescribed by law.[24] Also, if any treasurer knowingly omits any taxes or levies from a delinquent list, he is deemed guilty of a misdemeanor and, upon conviction, is subject to a fine of not less than $100 nor more than $500 for each offense. This offense renders him guilty of malfeasance in office.[25]

Among his many and varied duties, a treasurer of a county is required to supervise all sales of delinquent lands, and for this service receives the same pay formerly allowed the sheriff. He was also charged with the duties of the sheriff as to collections imposed by chapter 37 of the Code of 1860 and these duties remain basically the same today.[26] He must keep an account of all money received and disbursed by him for the county and State and formerly made a bimonthly report to the board of supervisors.[27]

Besides collecting county levies and school funds,[28] he collects the license tax.[29] The county treasurer also has to pay the fees of jurors.[30]

As the treasurer is the principal financial officer of the county, all records in his office relate more or less to a system of accounting for money. After he has received the tax books from the commissioner of the revenue,[31] the treasurer makes out tax tickets in triplicate to indicate the amount of taxes charged against each taxpayer.[32] One copy serves as the tax bill or notice required by law[33] and the second as the receipt required to be given any person paying a tax;[34] as long as it is in the treasurer's office, it indicates that the taxes shown thereon are unpaid. When payment is made, the receipt is duplicated on the final copy; this receipt then serves as a record of payments.[35]

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22. Acts 1869-70, p. 263; Code 1887, sec. 866; Code 1919, secs. 2412, 2789, 2790; "Tax Code" 1936, sec. 365.
23. Acts 1904, p. 132; Code 1936, sec. 113.
24. Acts 1928, p. 210; "Tax Code" 1936, sec. 375.
25. Acts 1932, p. 336; "Tax Code" 1936, sec. 402(a).
26. Acts 1872-73, pp. 378-379; Code 1919, secs. 2407-2428; Acts 1928, p. 243; Code 1936, sec. 2460.
27. Acts 1869-70, p. 259; Code 1919, sec. 2780; Acts 1922, p. 599 (bimonthly statement repealed); "Tax Code" 1936, secs. 354, 369.
28. Acts 1869-70, p. 261; "Tax Code" 1936, sec. 369.
29. Acts 1871-72, p. 198; "Tax Code" 1936, sec. 374.
30. Acts 1895-96, p. 484; Code 1936, sec. 6010.
31. See footnotes 70, 84.
32. Code 1919, sec. 2408; "Tax Code" 1936, sec. 370; see footnotes 33-35.
33. Acts 1928, pp. 208-209; "Tax Code" 1936, sec. 371.
34. Acts 1908, p. 33; "Tax Code" 1936, sec. 370.
35. See entry 187.

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The treasurer keeps sets of books as a basis for accounting for State[36] and county funds.[37] Probably as a matter of convenience, the funds collected from each district are accounted for separately. 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.[38] 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.[39] The treasurer was formerly required to make a bimonthly settlement with the board of supervisors,[40] and is still required to settle with the board annually[41] and exhibit an account[42] and list of warrants[43] when required by the board or court.[44] For this purpose, a combination warrant register and account book was kept.[45] Since the sheriff preceded the treasurer as fiscal officer of the county, his collection records are placed among the treasurer's records.

All county funds collected are paid to the county treasurer, and disbursed by him only upon receipt of warrants lawfully authorized and issued.[46] The treasurer is required to pay all warrants in the order presented for payment, as soon as funds are available in the account drawn upon.[47] It is the duty of the board of supervisors,[48] and apparently of the circuit court,[49] to examine and allow claims and draw warrants on the county treasurer for their payment. However, to be paid, warrants must be presented to and registered by the treasurer within 2 years.[50] 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[51] or, formerly, the county and circuit courts.[52]

Although he was formerly required to keep a separate account of school

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36. Acts 1869-70, p. 261; Acts 1932, p. 327; "Tax Code" 1936, secs. 369, 372.
37. Acts 1869-70, p. 259; Acts 1932, p. 832; "Tax Code" 1936, sec. 354.
38. Acts 1878-79, p. 324; Code 1936, sec. 565; "Tax Code" 1936, sec. 374; see entries 188-191, 193, 194, 196.
39. Acts 1914, p. 202; Code 1936, sec. 565.
40. Acts 1869-70, p. 259 (to clerk); Acts 1902-3-4, p. 621 (to board of supervisors); Code 1919, sec. 2780; (repealed) Acts 1922, p. 599.
41. Acts 1869-70, p. 260; "Tax Code" 1936, sec. 359.
42. Acts 1869-70, p. 259; "Tax Code" 1936, sec. 360.
43. See footnotes 40, 42.
44. See entry 195.
45. Code 1860, pp. 212-223; Acts 1872-73, p. 378; see footnotes 36, 37.
46. Acts 1926, p. 846; Acts 1928, pp. 202-203; Acts 1932, pp. 834-835; Acts 1936, p. 29; "Tax Code" 1936, sec. 350.
47. Acts 1869-70, p. 259; Acts 1871-72, p. 223; Code 1919, sec. 2782; "Tax Code" 1936, sec. 356.
48. Acts 1874-75, p. 356; Code 1936, sec. 2724.
49. Hening, Statutes, XII, pp. 749, 757; Code 1819, I, pp. 518-519; Code 1936, secs. 6009, 6010.
50. Acts 1897-98, p. 76; Code 1919, sec. 2783; "Tax Code" 1936, sec. 357.
51. Acts 1869-70, p. 259; Code 1919, sec. 2781; "Tax Code" 1936, sec. 355.
52. Acts 1869-70, p. 259; (repealed) Acts 1878-79, p. 321.

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County Treasurer

funds (all of which he handles),[53] it is now provided that he handle all such funds as other county funds are handled.[54] The record of school warrants, however, is still kept separately under the modern bookkeeping form.[55]

Prior to 1932, a record of each warrant was entered in the warrant register, the treasurer paid it in cash or by check,[56] 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).[57] In place of the heavily bound books previously used was substituted a series of loose-leaf post binders, uniform in size for most of the treasurer's financial records.[58]

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."[59] The provision was reenacted in 1936.[60]

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.[61] One copy the board retains as a warrant register[62] and another copy is placed in the hands of the treasurer to serve as warrant register and check stub.[63] These are put into loose-leaf binders, one for each separate fund, and become permanent records.

The funds provided by the former public assistance act of 1936[64] 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.[65] This consists of a list

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53. Acts 1869-70, pp. 415-416; Code 1919, sec. 276.
54. Acts 1928, p. 1221; Acts 1936, pp. 26, 29, 513; Code 1936, sec. 700; "Tax Code" 1936, sec. 350.
55. See entry 199, and below.
56. Acts 1869-70, p. 259; Code 1919, sec. 2782; "Tax Code" 1936, secs. 355, 356.
57. Acts 1932, pp. 831-835; "Tax Code" 1936, sec. 350.
58. See entry 197; the volume 1932-36 contains pages from the general ledger and from various warrant registers.
59. See footnote 57.
60. Acts 1936, p. 29.
61. See entries 199, 207; Code 1936, secs. 5563-5578.
62. See entry 7.
63. See entry 200.
64. Acts 1936, pp. 374-377.
65. Acts 1938, pp. 638-669.

of warrants drawn by the local board; this 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.[66] To provide for cases not covered by the 1938 act, the board maintains a small local relief fund. Warrants drawn on this fund are handled as in the case of other warrants.[67]

A portion of the fund arising from the sale of dog licenses is reserved to reimburse persons whose stock or poultry is killed or damaged by dogs. In keeping a separate account of this money, the treasurer keeps all warrant duplicates in a separate binder.[68] Also kept separately are the warrant duplicates issued by the board of supervisors on the general fund. The complete warrant register, therefore, consists of separate binders for school, public assistance, local relief, dog, and general 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,[69] 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.

Practically all of the rest of the treasurer's records pertain to the collection of taxes. A copy of the book containing the assessment of real estate for taxation is sent to the treasurer by the commissioner of revenue.[70] From this book, the personal property book,[71] and supplemental assessment records[72] the treasurer makes out tax bills for each taxpayer.[73] He collects both real estate and personal property taxes for a year; after that period taxes on different classes of property are collected in different ways, and will be considered under the appropriate head. In dealing with real estate, he first makes out a list of land which he was unable to locate, on which the assessment was reformed, or which for any other reason was improperly assessed. This list was formerly examined by various officers, the board of supervisors, and finally went to the circuit court. The court was required to direct 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.[74]

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.[75] It was until

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66. See entries 201, 251.
67. Acts 1897-98, pp. 326-327; Code 1936, sec. 2805; see entry 202.
68. Acts 1901-2, p. 401; Code 1919, sec. 2318; Acts 1930, pp. 662-663; Code 1936, sec. 3305(78).
69. See footnote 56.
70. Hening, Statutes, IX, p. 358; Code 1849, pp. 189-190; Acts 1874-75, p. 233; "Tax Code" 1936, sec. 318.
71. See footnote 84.
72. "Tax Code" 1936, sec. 316.
73. See footnotes 32-34.
74. Acts 1831-32, p. 61; Code 1919, secs. 2414, 2417; Com. (Common) Law Orders, no. 10 (1925-30), Sept. 16, 1927, p. 242, see entry 104.
75. Acts 1928, p. 216; "Tax Code" 1936, sec. 389; Supervisors Book, no. 4 (1935--), July 8, 1935, p. 3; Aug. 10, 1936, p. 52; Aug. 9, 1937, p. 91; Aug. 8, 1938, p. 135; Aug. 14, 1939, p. 169, see entry 2.

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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 it over to a special collector, who reported collections to it. When he had exhausted his remedies, he turned it over to the board, which resubmitted it to the treasurer. The treasurer was thereafter responsible for all collections. In 1934 the act was so amended as to require only the first submission of this list, since it is plain that no taxes shown on it can be collected.[76]

A list of other real estate taxes which he was unable to collect was before 1928 made out and handled in the samemanner except that a copy was not directed to be sent to the commissioner of revenue, and the clerk was directed to record it in a book to be kept for the purpose.[77] 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[78] and is resubmitted to the treasurer for collections 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.[79] In practice, the treasurer collects for 2 years before proceeding to sell.[80] Another change is that the treasurer sends a certified copy to the county clerk to be recorded in the book of delinquent lands.[81]

After collecting the delinquent real estate taxes for a period usually of 2 years, the treasurer offers the land for sale at public auction, and reports the result of his sale to the Comptroller, to the circuit court to be confirmed, and to its clerk to be recorded.[82] The report of sales is accompanied by a report of land on which the taxes were paid before sale.[83] The treasurer retains copies of these lists in storage.

The treasurer also receives a copy of the commissioner of revenue's personal property book.[84] This serves as a basis for making out tax tickets.[85] 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

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76. See footnote 79.
77. See footnote 75; Acts 1883-84, p. 744; Code 1919, sec. 2428.
78. See footnote 75.
79. Acts 1928, pp. 218-219; Acts 1934, pp. 761-762; "Tax Code" 1936, sec. 394; Supervisors Book, no. 4 (1935--), July 8, 1935, p. 3 (1934 delinquent list reported to board); June 25, 1936, p. 48 (same list presented, together with collections for the year), see entry 2.
80. See entry 10; although this is a list of delinquent personal property, the form is similar and it is covered by the same laws.
81. Acts 1928, p. 217; "Tax Code" 1936, sec. 390; see entry 34.
82. Acts 1872-73, pp. 378-380; Acts 1930, p. 796; Code 1936, secs. 2465, 2469, 2489; Com. (Common) Law Orders, no. 10 (1925-30), Mar. 23, 1925, p. 10; Mar. 22, 1926, p. 130; Mar. 28, 1927, p. 212; Mar. 25, 1929, p. 370; June 23, 1930, p. 467; ibid., no. 12 (1938--), Jan. 3, 1938, p. 2, see entry 104.
83. Acts 1895-96, p. 489; Code 1919, secs. 2465, 2466; Acts 1920, p. 19 (sec. 2466 repealed); Code 1936, sec. 2465.
84. Acts 1869-70, p. 283; "Tax Code" 1936, sec. 318.
85. See footnotes 32-34.

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State taxes, delinquent local taxes, and delinquent State and local capitation taxes.[86]

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.[87] 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.[88] In 1915, acting under this power, the General Assembly segregated real estate, all tangible personal property in sections 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.[89] 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.[90] 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.[91] Segregation was completed in 1926 when the school tax on subjects of local taxation was repealed.[92]

The Tax Code of 1928 followed 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.[93]

The list of delinquent local personal property taxes is handled in the same way as the list of delinquent land.[94] 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).[95] 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.[96] Probably

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86. See footnote 74.
87. Const. 1902, art. XIII, secs. 168, 169.
88. Const. 1869, art. X, sec. 1.
89. Acts 1902-3-4, pp. 156-157; Acts 1915, pp. 119-120.
90. Acts 1915, p. 120.
91. Code 1919, secs. 2205, 2206.
92. Acts 1926, p. 955; Const. 1902 (as amended 1928), art. XIII, sec. 168; "Tax Code" 1936, secs. 7, 8.
93. Acts 1928, p. 215; "Tax Code" 1936, sec. 387.
94. See footnote 75.
95. Acts 1928, p. 218.
96. Acts 1934, pp. 761-762; "Tax Code" 1936, sec. 394.

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County Treasurer

as a result of this legislation, the delinquent personal property lists for 1928 through 1936 were turned over to the board of supervisors in 1938.[97] The practice is for the treasurer to collect for 2 years after compiling and submitting the list, then to submit it finally to the board of supervisors. The treasurer still (in September 1939) has the lists from 1937 to date, and is collecting the taxes shown thereon.[98] He retains copies of these delinquent lists in storage.[99]

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.[1] 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.[2] For this purpose, he keeps a third copy in storage to be revised and sent to the Department.[3]

For a short period of time, the treasurer compiled a list of tangible personal property on which the delinquent taxes were paid before it was levied on, or collected by other summary proceeding.[4]

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 and persons who have paid the State capitation taxes for the preceding 3 years and are therefore eligible for voting.[5] 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[6] and may pay to the treasurer the amount shown. Although a special receipt for this payment was formerly required, and is still used in Amelia,[7] the receipt is now covered by general law.[8] The treasurer keeps a separate record of such collections[9] and makes a monthly report to the Comptroller (formerly,

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97. Supervisors Book, no. 4 (1935--), Aug. 8, 1938, p. 135, see entry 2; see entry 10.
98. See entry 214; the entries refer to these lists as of the year of assessment, but the record, is made in the year in which the taxes are delinquent, 1 year later.
99. See entry 215.
1. Acts 1928, p. 218; "Tax Code" 1936, sec. 392.
2. Acts 1928, p. 219; "Tax Code" 1936, sec. 395.
3. See entry 217.
4. See entry 128; this is an informal record apparently not required by law.
5. Const. 1902, art. II, sec. 38; Acts 1902-3-4, p. 946; Code 1936, sec. 109.
6. 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.
7. Acts 1902-3-4, p. 559; (repealed) Acts 1910, pp. 465, 584; see entry 221.
8. Code 1819, I, p. 280; Acts 1908, p. 33; Acts 1910, p. 465; Code 1919, sec. 2408; Acts 1928, p. 208; "Tax Code" 1936, sec. 370.
9. See entry 191.

Auditor).[10] He receives a copy of the commissioner of the revenue's report of the assessment of omitted capitation taxes.[11] 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.[12]

Most license taxes are collected by the treasurer. In accounting for the dog license fund, the treasurer keeps a separate account of the funds arising from the sale of licenses; although this is now kept in the general ledger, at one time a separate account was also kept.[13] The separate license receipt book apparently was kept as required by general law[14] until 1930, when the present form was specified.[15] The treasurer makes an annual report[16] and quarterly reports to the Commission of Game and Inland Fisheries.[17] He was formerly paid a fee for issuing merchants' licenses assessed by the commissioner of the revenue; to compute and account for this fee he kept a record of all such licenses issued.[18] In 1926 a special license tax of $1 was imposed upon all pistols and revolvers, and a separate register and account required, but this provision was soon discontinued.[19]

In the sale of motor vehicle licenses, the treasurer of Amelia County acts as agent of the Director of the Division of Motor Vehicles. In 1926 it was provided that the county treasurer act as such agent;[20] the present act merely provides that the Director appoint agents in such places as may be necessary.[21] The agent is required to give bond in an amount determined by the Director, and is compensated by a fee determined by the Director, not exceeding 25 cents for each set of registration plates issued. From this compensation he must pay freight and other expenses incident to the agency.[22] He submits a weekly statement of collections when he remits the money to the Division (in practice, he deposits the amount in a bank to the credit of the Director).[23] In order to aid the commissioner of the revenue in assessing automobile owners for taxation, the treasurer, in practice, sends to the commissioner a weekly report indicating the name of each licensee and type of vehicle.[24]

The rest of the treasurer's records, including reports made to him and reports he makes to various State and county officers, are kept in a steel filing cabinet along with correspondence relating thereto. Most of these records have been considered above.[25]

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10. Acts 1906, p. 18; "Tax Code" 1936, sec. 420; see entry 229.
11. Acts 1910, pp. 465, 584; "Tax Code" 1936, sec. 420; see entry 229.
12. Acts 1928, p. 219; "Tax Code" 1936, sec. 395.
13. Acts 1901-2, pp. 401-402; Acts 1930, p. 662; Code 1936, sec. 3305(78); see entries 196, 223.
14. See footnote 8.
15. Acts 1930, p. 662; Code 1936, sec. 3305(77).
16. Acts 1901-2, p. 402; Acts 1930, p. 663; Code 1936, sec. 3305(80).
17. Acts 1930, p. 663; Code 1936, sec. 3305(79); see entry 229.
18. Acts 1874-75, pp. 241, 243; Code 1919, sec. 2366; Acts 1928, pp. 120-122.
19. Acts 1926, pp. 285-286 (for benefit of the diseased and crippled childrens' hospital fund).
20. Acts 1926, p. 263.
21. Acts 1932, p. 617; Code 1936, sec. 2154(51).
22. Acts 1926, p. 263; Acts 1932, p. 617; Code 1936, sec. 2154(51).
23. See footnote 21; see entry 228.
24. Acts 1926, p. 263; Acts 1932, p. 617; Code 1936, sec. 2154(57); see entries 183, 227.
25. See entry 229, and above.

Financial

Receipts

186. (TAX BILLS), 1928--. 54 vols. (labeled by inclusive letters of alphabet).
Carbon copies of bills made out in triplicate by the county treasurer from tax books and sent to each taxpayer as a notice of taxes due showing amount of capitation tax, value of taxable property for State taxation only, tax rate, amount of tax; value of taxable property for local taxation only, tax rate, amount of tax; total local levies, total State taxes, total State and local levies, credits allowed. Arr. alph. by first letter of surname of taxpayer. No index. Typed on ptd. forms. Aver. 1,000 pp. 6x6x5. 42 vols., 1928-35, clk. off., storage; 12 vols., 1936--, treas. off., front rm.

187. (PAID TAX TICKETS), 1930--. 7 file drawers.
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 capitation tax 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. 1930-32 arr. chron. by tax year, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of taxpayer; 1933-- arr. by race, thereunder by fistrict, and alph. thereunder by first letter of surname of taxpayer. No index. Typed on ptd. forms. Aver. 7½x9½x17. Treas. off., rear rm.

Journals, Cash Books, and Ledgers

188. COLLECTION REGISTER, GILES DISTRICT, 1909-32. 3 vols. Title varies: Collection Record, Giles Dist. (District), 1909-16; Collections, Giles Dist. (District), 1916-23.
Treasurer's daily record of taxes and levies collected from Giles Magisterial District used to credit the district account with the amount of taxes collected therefor showing date, name of taxpayer, amount collected for State property taxes, State capitation taxes, county road taxes, county property taxes, penalty. Arr. chron. by days and alph. thereunder by first letter of surname of taxpayer. No index. Hdw. on ptd. forms. Aver. 250 pp. 17x15x1½. 2 vols., 1909-23, treas. off., storage; 1 vol., 1923-32, treas. home.
For collection record, Jackson District, see entry 189; for collection record, Leigh District, see entry 190; for prior records, see entry 192; for subsequent record, see entry 191.

189. COLLECTION REGISTER, JACKSON DISTRICT, 1909-32. 3 vols. Title varies: Collection Register, Jackson Dist. (District), 1909-16.
Treasurer's daily record of taxes and levies collected from Jackson Magisterial District used to credit the district funds with the proper amounts. For full description, see entry 188. Arr. chron. by days and alph. thereunder bu first letter of surname of taxpayer. No index, Hdw. on ptd. forms. Aver 250 pp. 17x15x1½. 1 vol., 1909-16, treas. off., storage; 2 vols., 1916-32, treas. home.
For collection record, Giles District, see entry 188; for collection record, Leigh District, see entry 190; for prior records, see entry 192; for subsequent record, see entry 191.

190. COLLECTION REGISTER, LEIGH DISTRICT, 1909-32. 3 vols. Title varies: Collection Record, Leigh Dist. (District), 1909-16. Treasurer's daily record of taxes and levies collected from Leigh Magisterial District used to credit the district funds with the proper amounts. For full description, see entry 188. Arr. chron. by days and alph. thereunder by first letter of surname of taxpayer. No index. Hdw. on ptd. forms. Aver. 250 pp. 17x15x1½. 1 vol., 1909-16, treas. off., storage; 2 vols., 1916-32, treas. home.

For collection record, Giles District, see entry 188; for collection record, Jackson District, see entry 189; for prior record, see entry 192; for subsequent record, see entry 191.

191. (COLLECTION REGISTER), 1932--. 2 vols.
County treasurer's monthly abstract record of the daily collection of county taxes, State taxes, omitted land specially assessed, State capitation taxes, State licenses, and miscellaneous State items. Record of county taxes collected 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, thereunder chron. by month, thereunder by district, and chron. thereunder by days. No index. Hdw. on ptd. forms. Aver. 200 pp. 12x13x1. Treas. off., front rm.

For prior records, see entries 188-190, 192.

192. (SHERIFF'S COLLECTION RECORD), 1826. 1 vol.
Record of taxes and levies collected by the sheriff as chief financial agent of the county showing date collected, name of taxpayer, amount collected, fund. Arr. chron. by date of collection. No index. Hdw. 200 pp. 6½x8x1½. Clk. off., storage.

For subsequent records, see entries 188-191.

193. JOURNAL, 1916--. 3 vols. No title, 1932--.
County treasurer's running daily account of receipts and disbursements of county and State funds, later transferred into general ledger under proper account, showing date, description of transaction, posting reference (page of general ledger), amount paid or received. Arr. chron. by date of transaction. No index. Hdw. on ptd. forms. Aver. 130 pp. 12x12x1. 1 vol., 1916-32, treas. off., storage; 2 vols., 1932--, front rm.

194. (CASH BOOK), 1932--. 2 vols.
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. 16x24x1½. Treas. off., front rm.

195. TREASURER'S ACCOUNTS, 1886-1915. 1 vol.
Treasurer's record of disbursements by warrant, and summary of receipts, serving as a general ledger and warrant register and used to settle with the board of supervisors, showing name of account, name of payee, warrant number, amount, summary of receipts, balance of receipts for year, balance due county for year, date of settlement with board of supervisors, signature of chairman of board of supervisors, amount of jury tickets and names of jurors paid. Arr. chron. by date of entry. No index. Hdw. on ptd. forms. 430 pp. 13x15½x2. Treas. off., storage.

For subsequent warrant register, see entry 197; for subsequent general ledger, see entry 196.

196. GENERAL LEDGER, 1916-32, 1936--. 2 vols. No title, 1936--.
1932-36 in Warrant Record Book, entry 197.
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 of Virginia general fund, State 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), amount of debits, amount of credits, balance. Arr. by name of account and chron. thereunder by date of entry. 1916-32 indexed alph. by first letter of name of account; 1936-- no index. Hdw. on ptd. forms. Aver. 230 pp. 12x14x1½. 1 vol., 1916-32, treas. off., storage; 1 vol., 1936--, front rm.

For prior records, see entry 195.

Warrants and Checks (see also entries 5-8, 235)

197. WARRANT RECORD BOOK, 1916-36. 3 vols. Title varies: County Warrants, 1916-25. No title, 1932-36.
Record wherein the treasurer listed each warrant drawn and paid by him, for the purpose of accounting with the board of supervisors and State fiscal agencies, showing date, name of payee, warrant number, amount, fund drawn upon. Also contains General Ledger, 1932-36, entry 196; School Warrants, 1932-36, entry 198. 1916-32 arr. chron. by date paid and thereunder by fund drawn upon; 1932-36 arr. chron. by date paid. No index. Hdw. on ptd. forms. Aver. 700 pp. 14x11x3. 2 vols., 1916-32, treas. off., storage; 1 vol., 1932-36, back rm.

For prior records, see entry 195; for subsequent records, see entries 203, 204.

198. (Register of) SCHOOL WARRANTS, 1871-1932. 4 vols. Title varies slightly. 1932-36 in Warrant Record Book, entry 197.
Record of warrants drawn on the treasurer by the county school board in payment of school expenses kept by the treasurer to account for such warrants, to provide a record of payments, and to settle with the division superintendent of schools, showing warrant number, date, amount, payee, account debited, purpose of warrant. 1871-91 arr. by districts and chron. thereunder by date of warrant; 1891-1932 arr. chron. by year, thereunder by State, county, and district fund, and chron. thereunder by date of payment. No index. 1871-91 hdw. on hdr. forms; 1891-1932 hdw. on ptd. forms. Aver. 195 pp. 18½x13½x2.

1 vol., 1871-91, clk. off., storage; 3 vols., 1891-1932, treas. off., storage.
For subsequent record, see entry 199.

199. SCHOOL WARRANTS, 1936--. 3 vols. Title varies: School Check Stubs, 1936-37; Check Stubs, Co. (County) Schools, 1937-38.
Duplicates of warrant-checks issued by the county school board for payment of school expenses, sent to the treasurer to serve as a record of checks drawn and warrants paid, showing warrant number, date issued, amount, payee, bank on which issued, purpose for which issued. Arr. chron. by date issued and num. by warrant no. No index. Typed on ptd. forms. Aver. 1,251 pp. 6½x8x5½. Treas. off., rear rm.
For prior record of school warrants, see entry 198; for prior record of checks, see entry 205.

200. PUBLIC ASSISTANCE FUND CHECK STUBS, METHOD DISCONTINUED SEPT. 1938, 1936-38. 2 vols., 1 bundle. Title varies: General Fund, Va. (Virginia) Public Assistance Fund, Dog Fund - Check Stubs, 1936-37; Check Stubs - Gen. (General) Fund, Va. Pub. Asst. (Virginia Public Assistance) Fund, Dog Fund, 1937-38.
Duplicates of warrant-checks issued by the board of supervisors on the public assistance fund of 1936, sent to the treasurer as a record of checks drawn and of warrants paid. For full description, see entry 199. Also contains Dog Fund (Warrants), 1936-38, entry 203; General Fund (Warrants), 1936-38, entry 204. 1936-38 arr. by fund and chron. thereunder dy date issued; 1938 arr. chron. by date issued. No index. Typed on ptd. forms. Vols. aver. 1,000 pp. 8x8½x3½; bundle 7x8½x½. Treas. off., rear rm.
For subsequent record of warrants, see entry 201.

201. (BOARD OF PUBLIC WELFARE WARRANT REGISTER), 1938--. 1 vol.
Original list sent to treasurer by local board of public welfare of warrants drawn on the public assistance fund by the board to cover expenses for the month, upon which the treasurer indicates the date on which the paid warrants were returned to the board, showing number of report, date of warrant, warrant number, explanation, certificate of award number, case or code number, amount of warrant, number of items, total amount, purpose of warrants (whether for relief or administrative expenses), month covered by the warrants, signature of chairman and secretary of the local board, date of each signature, treasurer's certificate of date of return, signature of treasurer, sheet number, total number of sheets for the month. Arr. chron. by date of report and chron. thereunder by date drawn. No index. Typed on ptd. forms. 75 pp. 9x13x1. Treas. off., rear rm.
For prior records, see entry 200; for board of welfare copy, see entry 251.

202. (WARRANTS, LOCAL RELIEF FUND), 1939--. 1 vol.
Duplicates of warrant-checks, drawn by the board of supervisors on a special county fund to provide for needs not covered by the Public Assistance Act of 1938, sent to the treasurer to serve as a record of checks drawn and warrants paid. For full description, see entry 199. Arr. chron. by date drawn. No index. Typed on ptd. forms. 400 pp. 8x8½x3½. Treas. off., rear rm.

203. DOG FUND (Warrants), 1938--. 1 vol. 1936-38 in Public Assistance Fund Check Stubs, Method Discontinued Sept. 1938, entry 200.
Duplicates of warrant-checks drawn on the dog fund by the board of supervisors to compensate persons whose stock or poultry was killed by dogs, sent to the

treasurer to serve as a record of checks drawn and of warrants paid. For full description, see entry 199. Arr. chron. by date drawn and num. by warrant no. No index. 500 pp. 8x8x3½. Treas. off., rear rm.

For prior record of warrants, see entry 197; for prior record of checks, see entry 205.

204. GENERAL FUND (Warrants), 1938--. 1 vol. 1936-38 in Public Assistance Fund Check Stubs, Method Discontinued Sept. 1938, entry 200.

Duplicates of warrant-checks drawn by the board of supervisors for payment of general county expenses, sent to the treasurer as a record of checks drawn and of warrants paid. For full description, see entry 199. Arr. chron. by date drawn and num. by warrant no. No index. Typed on ptd. forms. 500 pp. 8x8½x3½. Treas. off., rear rm.

For prior record of warrants, see entry 197; for prior record of checks, see entry 205.

205. (CHECK STUBS), 1916-36. 41 vols.

Stubs of checks drawn by the county treasurer on various banks in the county to pay warrants presented him by the holder, kept as a record of the county's bank balance, showing date and number of check, name of payee, purpose for which drawn, amount of check, dates and amounts of deposits, balance. Arr. chron. by date of check and num. by check no. No index. Hdw. on ptd. forms. Aver. 300 pp. 8x5x½. Treas. off., storage.

For subsequent records, see entries 199, 203, 204; for canceled checks see entry 206.

206. (CANCELED CHECKS), 1915-36. 8 bundles.

Original canceled checks drawn by the treasurer on various funds to pay warrants drawn by the board of supervisors, circuit court, school board, and other county agencies, showing name of bank, check number, date, name of payee, amount of check, signature of treasurer, endorsement of payee, bank's cancelation. Arr. chron. by date drawn. No index. Hdw. on ptd. forms. Aver. 7½x4x15. Treas. off., storage.

For subsequent canceled checks, see entry 207; for record of checks, see entry 205.

207. (CANCELED WARRANT-CHECKS), 1936--. 16 bundles.

Original canceled warrant-checks drawn by the board of supervisors to pay general or special accounts showing date, name of bank drawn upon, amount, name of payee, signature of clerk and chairman of the board of supervisors and of treasurer, endorsement of payee, bank's cancelation. Arr. chron. by date drawn and num. by warrant no. No index. Hdw. and typed on ptd. forms. Aver. 7½x4x10. 2 bundles, 1936-38, treas. off., storage; 14 bundles, 1938--, front rm.

For prior canceled warrants, see entry 8; for prior canceled checks, see entry 206.

Taxation

Real Property

208. LAND BOOK, 1919, 1922, 1925, 1927--. 15 vols.

Copy of the record of assessment of real estate for taxation delivered to the treasurer by the commissioner of revenue as a guide in making out tax bills

and collecting taxes assessed. For full description, see entry 33. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of landowner. No index. 1919, 1922 hdw. on ptd. forms; 1925, 1927-- typed on ptd. forms. Aver. 200 pp. 21½x16½x2. 7 vols., 1919, 1922, 1925, 1927-30, clk. off., storage; 5 vols., 1931-35, treas. off., rear rm.; 3 vols., 1936--, front rm.

For clerk's copy, see entry 33; for commissioner of revenue's copy, see entry 177.

209. (LIST OF LAND IMPROPERLY ASSESSED OR NOT ASCERTAINABLE), 1932. 1 sheet, 1 duplicate. 1915, 1917, 1920-21, 1923 in Delinquent Land Cap. (Capitation) & (and) Personal Property List for 1925, entry 9; 1922, 1924, 1931 in List of Collections Made Before Sale by Treasurer, List of Land Purchased by Treasurer in Name of Comptroller for Non Payment of Taxes (Reports of Sale), entry 138; 1936-38 in Delinquent Real Estate, entry 210.

Treasurer's list of real estate taxes which he was unable to collect because the land was improperly assessed on the land book or because it was not ascertainable, reported to the board of supervisors to obtain credit for the amounts shown thereon, showing district, name of commissioner of revenue, assessment year, name and address of person assessed, location and description of land, number of acres, page and line in land book, amount delinquent not including penalty. Arr. by race, thereunder by district, and alph. thereunder by all letters of surname of person charged with taxes. No index. Typed on ptd. forms. 10x4½. Treas. off., storage.

210. DELINQUENT REAL ESTATE, 1928--. 3 vols. Title varies: Delinquent Land Book, 1928-33; Delinquent Land Tax, 1934-36. 1893-1906, 1908-18, 1922, 1924, 1926 in Delinquent Land Cap. (Capitation) & (and) Personal Property List for 1925, entry 9; 1907, 1923, 1925, 1927 in List of Collections Made Before Sale By Treasurer, List of Land Purchased by Treasurer in Name of Comptroller for Non Payment of Taxes (Reports of Sale), entry 138.

Treasurer's lists of real estate in the county, delinquent for the nonpayment of taxes and levies reported by the treasurer to the board of supervisors in order to receive credit for the taxes shown thereon and resubmitted to the treasurer for further collection by sale and other means 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 in the commissioner's book, amount delinquent not including penalty, collections during the first year (date, penalty, interest and cost, total collections), amount uncollected not including penalties, collections during second year, amount due on lands sold to the Commonwealth and improper assessments, totals carried forward, recapitulation (page of lists, amount of delinquents on each page, total delinquents, total penalties, total delinquent taxes and penalties shown on lists). Also contains (List of Land Improperly Assessed or not Ascertainable), 1936-38, entry 209. 1928 arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed; 1929-- arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by all letters of surname of person assessed. No index. Typed on ptd. forms. Aver. 60 pp. 17½x20x1. Treas. off., back rm.

For record of delinquent real estate, see entries 35, 36; for duplicate lists, see entry 215; for clerk's copy, see entry 34.

211. DEL. (Delinquent) TAXES COLLECTED BY TREASURER BEFORE SALE, 1932, 1937. 2 bundles. Title varies: 1930 Tax Collected By Treas. (Treasurer) before Sale, 1932.
Duplicate copies of lists made by the treasurer for circuit court of delinquent real estate taxes collected by the treasurer before sale showing name of commissioner of revenue, assessment year, date of sale, name of person assessed, date paid, amount paid, description of land. No obvious arr. No index. Typed on ptd. forms. Aver. 6½x8xl. Treas. off., storage.
For original lists, see entry 138.

212. LAND SALES FOR 1936 TAX, 1931-35, 1937, 1939. 7 bundles. Title varies slightly.
Duplicate copies of lists made by the treasurer for the commissioner of revenue of land sold by the treasurer for nonpayment of taxes and levies assessed thereon. For full description, see entry 138. No obvious arr. No index. Typed on ptd. forms. Aver. 11x6x½. Treas. off., storage.
For original lists, see entry 138.

Personal Property

213. PERSONAL PROPERTY BOOK, 1927--. 12 vols.
Copy of the personal property book sent to the treasurer by the commissioner of revenue as a guide in making out tax bills and collecting taxes. For full description, see entry 43. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of taxpayer. No index. 1927-30 hdw. on ptd. forms; 1931-- typed on ptd. forms. Aver. 200 pp. 24x17xl. 4 vols., 1927-30, clk. off., storage; 8 vols., 1931--, treas. off., front rm.
For clerk's copy, see entry 43; for commissioner of revenue's copy, see entry 179.

214. DELINQUENT (Tangible) PERSONAL PROPERTY, 1937--. 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 in personal property book, whether tangible personal property, machinery and tools, merchant's capital, or local capitation tax, amount delinquent not including penalty, amount collected, recapitulation, oath of treasurer. Arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by all letters of surname of taxpayer. No index. Hdw. and typed on ptd. forms. Aver. 85 pp. 18x20xl. Treas. off., front rm.
For prior records, see entry 9; for duplicate lists, see entry 215.

215. 3rd COPY 1937 DEL. P. P. (Delinquent Personal Property), 1928, 1931-38. 13 bundles. Title varies slightly. No title, 1936.
Duplicate copies of lists made by treasurer for the board of supervisors of delinquent tangible personal property, machinery and tools, and merchants' capital and delinquent real estate. List of delinquent tangible personal property, machinery and tools, and merchants' capital shows district, race,

name of commissioner of revenue, assessment year, year of report, name and post office address of person assessed, page and line of personal property book, whether tangible personal property, machinery and tools, or merchant's capital, amount delinquent not including penalty. For full description of list of delinquent real estate, see entry 34. No obvious arr. No index. Typed on ptd. forms. Aver. 17x2x2. Treas. off., storage.

For original of delinquent tangible personal property, see entries 10, 214; for original lists of delinquent real estate, see entry 210.

216. DELINQUENT STATE TAX, 1935--. 2 vols. 1934 in Delinquent Capitation Tax, entry 222.

Treasurer's copy of the lists of persons delinquent for nonpayment of State taxes on intangible personal property, money, and income, 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 of 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 taxes, 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 Capitation Tax, 1935--, entry 222. 1935-37 arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by all letters of surname of person assessed; 1938 arr. chron. by year of assessment, thereunder by district, thereunder by race, and alph. thereunder by all letters of surname of person assessed; 1939-- arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Typed on ptd. forms. Aver. 214 pp. 17½x20x1. Treas. off., rear rm.

For prior record, see entry 9; for duplicate lists, see entry 217.

217. COPIES, DEL (Delinquent) CAPITATION & (and) INTANGIBLES, 1939. 1 bundle.

Duplicates of the list of persons delinquent for the nonpayment of the State capitation tax and State taxes assessed on intangible personal property, money, and income, to be retained by the treasurer for one year after the date of the original lists and then revised and sent to the Department of Taxation to guide the Department in collecting through State-employed collectors, showing district, name of commissioner of revenue, assessment year, name and address of taxpayer, page and line of personal property 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 taxes. Arr. by race, thereunder by district, and alph. thereunder by first letter of surname of person assessed. No index. Typed on ptd. forms. 17½x11x1. Treas. off., storage.

For original list, see entry 216.

218. DELINQUENT PERSONAL PROPERTY REDEEMED, 1929-32. 1 bundle.

Treasurer's record of delinquent tangible personal property paid before levy showing date of record, name of taxpayer, date paid, district, tax year, amount of tangible personal property, tax, penalty, interest, total payment. Arr. chron. by date of payment. No index. Typed on ptd. forms. 8½x11x½. Treas. off., storage.

County Treasurer - Licenses (219-223)

Capitation

219. DAY BOOK (Paid Capitation Taxes), 1913-23, 1928-31. 2 vols.
Title varies: Record of Capitation Taxes, 1913-23.
Treasurer's record of persons in the county who paid the State capitation tax, used to compile the record of persons eligible to vote, showing name, date of payment, amount of tax. 1913-23 arr. by district, alph. thereunder by first letter of surname of taxpayer, and chron. thereunder by tax year; 1928-31 arr. chron. by date of payment. No index. Hdw. Aver. 175 pp. 15½x9x1. 1 vol., 1913-23, treas. home; 1 vol., 1928-31, treas. off., storage.
For subsequent records, see entry 220.

220. (PAID CAPITATION TAXES), 1935--. 4 file drawers.
Treasurer's card index of persons in the county who have paid the State capitation tax, used to compile the record of persons eligible to vote, showing name, tax year, whether capitation tax has been paid or the person is not liable for payment in that year. Arr. by district, thereunder by race, and alph. thereunder by first two letters of surname of taxpayer. No index. Hdw. on ptd. forms. Aver 3x6x13½. Treas. off., rear rm.
For prior records, see entry 219.

221. (OMITTED CAPITATION TAXES PAID), 1931--. 3 vols.
Duplicates of receipts issued by the county treasurer for payment of omitted capitation taxes assessed by commissioner of revenue showing name, race, district, year of tax, amount of tax, penalty, interest, total, date of receipt, signature of treasurer. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. Aver. 75 pp. 14x8½x½. 1 vol., 1931-35, treas. off., rear rm.; 2 vols., 1935--, front rm.

222 DELINQUENT CAPITATION TAX, 1928-34. 2 vols. 1935-- in Delinquent State Tax, entry 216.
Treasurer's copy of the lists of persons in the county delinquent for non-payment of the State capitation tax, reported to the Department of Taxation to receive credit for the uncollected taxes thereon, showing amount of tax, penalty, interest, total collected, total penalty, interest and taxes, recapitulation (page of delinquent list, amount shown on each page, collections during the year, collections since filing revised list, total collections and total uncollected on lists, oath of treasurer). Also contains Delinquent State Tax, 1934, entry 216. Arr. chron. by year of assessment, thereunder by race, thereunder by district, and alph. thereunder by all letters of surname of person assessed. No index. Typed on ptd. forms. Aver 200 pp. 17x11½x1. Treas. off., storage.
For prior records, see entry 9.

Licenses

223. (RECORD OF DOG LICENSES SOLD), 1920-25. 2 vols.
Treasurer's record of dog licenses sold, kept for the purpose of accounting for the dog fund and to retain a permanent record of licensed dogs, showing name of owner, number of male dogs, number of female dogs, amount of tax, date of payment. Arr. chron. by date of payment. No index. Hdw. on ptd. forms. Aver 200 pp. 14x10x1. Treas. off., storage.

224. DOG LICENSE RECEIPT BOOK, 1908, 1910-14, 1928--. 36 vols. Title varies: Dog Tax, 1908, 1910-14; Dog License Sales Record, 1928-32. Treasurer's duplicates of each dog license sold, used to account for such sales and to provide game wardens with a record of licensed dogs, showing name of owner, amount of tax, date of sale, district, sex of dog, kind of license. Arr. by type of license and chron. thereunder by date of sale. No index. Hdw. on ptd. forms. Aver. 150 pp. 13x12x1. 4 vols., 1908, 1910-12, clk. off., storage; 3 vols., 1913-14, record va.; 2 vols., 1928-29, treas. home; 3 vols., 1930-32, treas. off., storage; 23 vols., 1933-39, rear rm.; 1 vol., 1939--, front rm.

225. RECORD (Of Merchants' Licenses), 1930-31. 2 vols. Record of merchants' license taxes paid to the treasurer, kept for the purpose of computing the fees due for issuing such licenses, showing type of business, name of merchant, address, beginning and expiration dates, business address, amount purchased previous year, amount of tax, date of payment, amount of treasurer's fee, total fees collected. Arr. alph. by first letter of surname of merchant, thereunder by type of business, and chron. thereunder by date of payment. Hdw. on hdr. forms. 150 pp. $14\frac{1}{2}$x$8\frac{1}{2}$x$\frac{1}{2}$. Treas. off., storage.

226. (RECORD OF PISTOL OR REVOLVER LICENSES), 1926-30. 1 vol. Record of persons licensed to own pistols and revolvers kept by the treasurer to identify such weapons showing license year, name of treasurer, date issued, license number, amount of license tax, name and address of licensee, make of pistol, factory number, caliber, style (automatic or revolver), from whom purchased, date of purchase. Arr. chron. by date of license. No index. Hdw. on ptd. forms. 100 pp. $12\frac{1}{2}$x20x1. Treas. off., storage.

227. STATEMENT OF (Automobile) LICENSES ISSUED, 1930--. 37 bundles. Duplicates of the county treasurer's weekly report to the commissioner of revenue and the Division of Motor Vehicles of automobile licenses sold to residents of the county as license agent of the Division of Motor Vehicles showing location of agent's office, name of agent, date of report, date of license, license number, name of licensee, address, make of vehicle, motor number, model (type, year), weight or tonnage, title fee, license fee collected (vehicle fee, for hire fee, total). Arr. chron. by week of report and num. thereunder by license no. No index. Typed on ptd. forms. Aver. 11x17x$\frac{1}{2}$. 7 bundles, 1930-37, treas. off., storage; 30 bundles, 1934--, rear rm.

228. (LICENSE AGENT'S WEEKLY REPORT), 1933--. 7 vols. Duplicates of the summary of automobile license sold in the county, made weekly by the county treasurer as license agent to the Division of Motor Vehicles, showing book and page number, name of license agent, location of agent's office, date of report, number of sales each day of each type of license, amount collected, inclusive numbers of licenses sold, statement of bank account, total sales for week, miscellaneous collections. Arr. chron. by week of report. No index. Hdw. on ptd. forms. Aver. 52 pp. 13x22x$\frac{1}{2}$. Treas. off., rear rm.

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County Finance Board

Reports and Correspondence

229. (REPORTS, ACCOUNTS, AND CORRESPONDENCE), 1931--. 2 file drawers. Treasurer's monthly reports to the Department of Taxation of omitted capitation tax payments; reports to the Division of Accounts and Control of monthly collections of State moneys; reports to the Department of Taxation of collections of delinquent State capitation taxes; financial reports and statements to the Auditor and Comptroller; correspondence from the Comptroller and carbon copies of the treasurer's replies; receipts from the Commission of Game and Inland Fisheries for dog license tags returned unsold; quarterly reports to the Commission of Game and Inland Fisheries of dog license sales; receipts from the State Treasurer for money paid into the State treasury by the county treasurer; communication from the Department of Taxation of delinquent taxes to be credited to the county treasurer; statements from Comptroller of amounts due the State as shown by the tax books less amounts shown on delinquent lists; duplicates of notice sent by the Department of Taxation to the Division of Accounts and Control of amounts assessed by the commissioner of revenue and charged to the county treasurer for collection; statements of claims against the State paid by the county treasurer to be refunded by the Auditor; original letters from the State Department of Taxation and carbon copies of the county treasurer's replies thereto relating to accounts and insurance; statements from the Virginia Commission for the Blind and from the State Department of Public Welfare of amounts paid for public assistance to be reimbursed to the county from the State; copies of receipts by the county treasurer to the State treasurer for amounts received by the county from the State Public Assistance Fund; copies of the treasurer's statements to the State Compensation Board of expenses of the treasurer for the preceding year; copies of statements by the State Compensation Board to the board of supervisors giving the tenative amount of the treasurer's salary and expense allowance for the year; inventories of equipment owned by the county in the treasurer's office submitted to the Compensation Board; commissioner of revenue's monthly statement of omitted capitation taxes assessed; copies of the commissioner of revenue's report to the Department of Taxation of the property of public service corporations assessed for local taxation by him; supplemental assessments of property for State and local taxation by the commissioner of revenue; clerk of the circuit court's monthly statements accompanying his checks in payment of taxes collected by the clerk; rough summaries of the treasurer's collection of delinquent taxes; rough summaries of treasurer's collection of State taxes; statements of the balance at various times for the school fund. 1931-34 arr. chron. by years; 1934-- arr. chron. by years, and thereunder by subject. No index. Hdw., typed, hdw. and typed on ptd. forms. Aver. 11x13½x17. Treas. off., rear rm.

XV. COUNTY FINANCE BOARD

In 1932 the county finance board was created in order that the county funds might be taken care of properly.[1] This board consists, in each county, of the chairman of the board of supervisors, the treasurer, and a citizen of the county of proven integrity and business ability. The chairman and the treasurer are ex-officio members and the citizen member is appointed by the

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1. Acts 1932, pp. 831-835; "Tax Code" 1936, sec. 350.

circuit court of the county or the judge thereof in vacation.[2] The chairman of the board of supervisors is the chairman of the county finance board and the clerk of the board of supervisors is ex-officio its clerk. The board is authorized to meet at such times and at such places as the chairman or a majority of the members may designate.[3]

In 1933 the first citizen member of the board was appointed for a term to expire December 31, 1933, and thereafter for a term of 4 years.[4]

A citizen member of the county finance board may, at the discretion of the board of supervisors, receive for each day's attendance a sum not less than $5 and mileage at the rate of 5 cents per mile traveled on the days of attendance, but this mileage must in no case exceed $2 per day. This allowance is to be paid out of the county levy on a certificate of attendance from the chairman of the county finance board. The total compensation paid is not to exceed $30 and mileage in any 1 year.[5]

The circuit court of the county, or the judge thereof in vacation, in his discretion, may remove for cause any citizen member of the finance board and appoint some other qualified citizen of the county in his stead for the unexpired portion of his term.[6]

One of the duties of the finance board is to approve the depository or depositories selected by the county treasurer for the money received by him, and this board has authority to withdraw its approval of any depository if, in its judgment, the protection and safety of the money held by such depository requires such action. If this becomes necessary, the treasurer must immediately withdraw all money on deposit in the bank so condemned and 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 records of the county finance board consists solely of the minutes of meetings and records of the orders of the board concerning the safe bestowal of county funds,[11] kept, in this county, on separate sheets in a particular file box rather than in a regular minute book.

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2. Acts 1933, p. 64; "Tax Code" 1936, sec. 350.
3. Acts 1936, p. 27; "Tax Code" 1936, sec. 350.
4. Acts 1933, p. 64; "Tax Code" 1936, sec. 350.
5. Acts 1936, pp. 98-99; "Tax Code" 1936, sec. 350(a).
6. Acts 1933, p. 64; "Tax Code" 1936, sec. 350.
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 1936, p. 27; "Tax Code" 1936, sec. 350.

230. COUNTY FINANCE BOARD, 1932--. 1 file box. Open record, last entry December 1938.
Record of orders and proceedings of the county finance board at regular and special meetings kept to provide a permanent record regarding custodians of public funds showing date of meeting, selection of depositories for county funds, amount of bonds to be pledged by such depositories, and signature of clerk. Arr. chron. by date of meeting. No index. Typed. 4½x10½x14. Clk. off., record va.

XVI. COUNTY ELECTORAL BOARD

Nearly 100 years before the foundation of Amelia County in 1734, the sheriff acted as an election official, as may be seen by reference to the old laws. He may have served as such at a prior date.[1] His powers remained in force until 1831 when the county court was required to appoint five freeholders to superintend the separate polls in each election district and three commissioners who, with the county clerk, sheriff, and commissioner of the revenue, were to examine the poll books. It was, however, still the duty of the sheriff to appoint election writers and take charge of the poll books, which, as is the case today, were to be deposited finally in the clerk's office. In 1857 the term of the commissioners of election was increased to 2 years; they had been appointed annually.[2]

In 1870 the election 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 election, 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]

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2. Acts 1830-31, pp. 19-22, 33; Acts 1833-34, p. 59; Acts 1857-58, pp. 18-19; Code 1919, sec. 180.
3. Acts 1869-70, pp. 55-56, 82, 89; Acts 1870-71, pp. 371-372, see entry 72; Acts 1871-72, p. 244.
4. Acts 1884, pp. 150-154; Acts 1885-86, pp. 541-542; Acts 1893-94, p. 782.

County Electoral Board (231)

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, clerk, registrars, and commissioners of any election receive as compensation for their services the sum of $3 for each day's service rendered, and the judge carrying the returns and tickets to and from his voting place and to the county clerk's office and the commissioners of election receives the mileage allowed to jurors.[8]

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]

231. MINUTES OF THE COUNTY ELECTORAL BOARD, 1884-93. 1 vol. Record of orders and proceedings of the county electoral board at regular and special meetings, including appointment and removal of election judges, clerks, registrars, and commissioners, showing date of meeting, place of meeting, members present, and signature of secretary. Arr. chron. by

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5. Const. 1902, art. II, sec. 31; Acts 1902-3-4, pp. 922-925; Code 1936, sec. 148.
6. "Registration Ordinances of the Constitutional Convention" in Code 1919, pp. clxxvi-clxxxviii; Const. 1902 (as amended 1928), art. II, sec. 31; Acts 1932, pp. 845-846; Code 1936, secs. 86, 148.
7. Const. 1902, art. II, sec. 31; Acts 1902-3-4, p. 563; Code 1936, sec. 84.
8. Acts 1869-70, p. 99; Acts 1934, p. 547; Code 1936, sec. 200.
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.

School Trustee Electoral Board (Next entry 232, p. 183)

date of meeting. No index. Hdw. 100 pp. 14x8½x1. Clk. off., storage.
For other election records, see entries 67-72.

XVII. SCHOOL TRUSTEE ELECTORAL BOARD

The school trustee electoral board was created in 1877 to appoint the district school trustee who composed the district school boards and, collectively, the county school board.[1] This duty had previously been performed by the State Board of Education.[2] The local agency at first consisted of the county superintendent of schools, the county judge, and the attorney for the commonwealth; the first named acted as clerk, and the second as chairman.[3] In 1884 the General Assembly elected three citizens of each county, for a 4-year term, to form a board of school commissioners with the same duties and powers as the former group,[4] and some added authority.[5]

In 1887 there was a return to the former composition and organization of the board, and the title "school trustee electoral board" was restored, the duties and powers remaining the same.[6] In 1904 the place of the county judge, vacated by the abolition of the county court, was filled by an 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

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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.
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.

actually employed.[13]

There is no especial provision for vacating the office of school trustee elector. Vacancies caused by the expiration of a term or otherwise are filled by appointment of the circuit court, or of the judge in vacation.[14]

Formerly, a clerk was chosen from and by the board, or one of the members acted in ex-officio capacity as recording agent. No such provision appears expressly in the present act, nor is there any specific requirement as to records.[15]

The duties and powers of the board since 1928 have been drastically curtailed; it now has authority only to appoint or elect the school trustees who make up the county school board.[16] At its foundation, the board had power to remove from office any school trustee who failed to qualify upon appointment, or who did not conduct himself properly in office, and to fine the clerks of district school boards for failure to make the required annual reports.[17] The board of school commissioners had the further power to summon witnesses and require the production of the records of any district school board in deciding upon the displacement of a trustee, or for any 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 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 boards.[20]

232. (MINUTES OF SCHOOL TRUSTEE ELECTORAL BOARD), 1884-1936. 1 vol. Record of proceedings at meetings of the school trustee electoral board held for the purpose of appointing the members of the county school board showing date of meeting, names of members present, names, addresses, districts and terms of appointees. Arr. chron. by date of meeting. No index. Hdw. 136 pp. 8x10½x½. C. C., sch. bd. off.

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13. Acts 1928, p. 1202; Acts 1938, p. 468.
14. Ibid., p. 468.
15. Code 1919, secs. 629-634; Acts 1928, p. 1202.
16. Ibid., pp. 1202-1203; Code 1936, sec. 653.
17. Acts 1876-77, pp. 9-10.
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.

(Next entry 233, p. 187)

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, the county court was required in 1818 to appoint between 5 and 15 persons to be school commissioners, to attend to all the details of free school establishment and management in the county, and administer through their treasurer the sums appropriated from the Literary Fund for those purposes.[4] The commissioners in 1829 were authorized at their discretion to lay off the county in school districts and, if the inhabitants of the district saw fit to contribute toward the erection of district schools, to appropriate $2 to every $3 thus raised, and to match dollar for dollar in paying the teacher's salary. The schools so jointly constructed were controlled by three trustees, two appointed by the contributors and one by the commissioners.[5] In 1846 several alternative systems of public education were offered for choice by the voters of each county.[6] Only one of these involved the levying of a special school tax.[7] The board of school commissioners and the boards of district trustees outlined at this time were the forerunners of the county and district school boards respectively.[8]

The Constitution of 1851 devoted half of the State capitation tax to the support of schools, while the corresponding act applied the entire sum to the same purpose.[9] In 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]

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1. Shepherd, Statutes, II, pp. 3-5; A. G. Morrison, Beginnings of Public Education in Virginia, 1776-1860, p. 24.
2. Acts 1809-10, p. 15.
3. Acts 1810-11, pp. 8-9.
4. Acts 1817-18, pp. 11-12; Code 1819, I, pp. 87-90.
5. Acts 1828-29, pp. 13-14; Code 1860, p. 420.
6. Acts 1845-46, pp. 29-44.
7. Ibid., p. 34.
8. Ibid., pp. 32-34; Order Book, no. 42 (1846-50), Oct. 22, 1846 (Amelia County laid out in school districts and commissioners appointed), pp. 86-87; see below.
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.

County School Board (Next entry 233, p. 187)

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. Amelia County was divided into three magisterial districts, namely: Leigh, Giles, and Jackson.[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 likewise be a qualified voter and a bona fide resident of the district which he represents.[19]

The county school board now consists of one member from each school district (coterminous with the magisterial districts). These members are appointed for a 4-year term by the school trustee electoral board. There is no provision for the appointment of deputies.[20] Members of district boards were formerly appointed, three from each district for overlapping terms of 3 years, so arranged that one was appointed every year.[21]

All county school trustees must qualify before the county clerk by taking the oath prescribed for State officers, but no bond is required.[22]

The board may, at discretion, provide compensation for its members, not to exceed $5 per diem, nor for more than 20 days each year. Formerly, upon order of the county board to the district, an allowance of not more than $10 per year might be made to each district trustee for his attendance at county board meetings.[23]

Failure to qualify upon appointment, by taking oath,[24] removal from the

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12. Acts 1869-70, pp. 403, 408.
13. Ibid., p. 410.
14. Acts 1871-72, p. 81.
15. Const. 1869 (as amended 1874), art. VII, sec. 2.
16. See School Trustee Electoral Board, pp. 182-183.
17. Acts 1922, p. 738; Acts 1928, pp. 1202-1203.
18. Acts 1930, p. 794.
19. Const. 1902 (as amended 1928), art. II, sec. 32; Acts 1928, pp. 1202-1203; Acts 1930, p. 794.
20. Acts 1928, pp. 1202-1203; Code 1936, sec. 653.
21. Acts 1876-77, p. 69; Code 1919, sec. 636.
22. Acts 1928, p. 1203.
23. Acts 1902-3-4, p. 804; Code 1919, sec. 645; Acts 1928, p. 1203; Acts 1936, p. 502; Code 1936, sec. 653.
24. Ibid., sec. 2697.

County School Board

(Next entry 233, p. 187)

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 non-feasance in office; offenses against the school code are punishable as misdemeanors by fines rangingfrom $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 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 Amelia County. The board may sue or be sued, contract or be contracted with, and otherwise exercise such powers and perform such duties as may be laid upon it by law, including the authority to sell, exchange, or convey school property in general.[35] The board may be represented legally by the attorney for the commonwealth, or, in cases in which he is not required to act, may employ counsel and (with the approval of the court) pay attorneys' fees.[36]

The duties and powers of the county board today are a combination of its former ones with those of the district boards. The county school board is at present authorized or required to draw upon the county treasurer for expenses of operation of the school system, secure information concerning the conduct of the schools, provide for the payment of claims against the system for services, and supplies, and provide for the consolidation of schools and the transportation of pupils when this would

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25. Acts 1930, p. 794.
26. Acts 1928, pp. 1223-1225.
27. Ibid., p. 1224; Acts 1930, p. 794.
28. Acts 1928, p. 1224.
29. Ibid., p. 1203.
30. Code 1919, secs. 2705, 2706; Acts 1928, p. 1211; Code 1936, secs. 2705, 2706.
31. Acts 1928, p. 1203; Code 1936, sec. 655.
32. Acts 1934, p. 231; Code 1936, sec. 655.
33. Code 1887, sec. 1482; Code 1919, sec. 652.
34. Ibid., sec. 639; Acts 1922, p. 738; Acts 1928, p. 1203; Code 1936, sec. 653.
35. Acts 1928, p. 1203.
36. Ibid., p. 1212; Code 1936, sec. 676.

contribute to the efficiency of education.[37] With the assistance of the division superintendent, the board makes an annual report to the State Board of Education,[38] and the superintendent, with the advice of the board, establishes a budget for the following year to guide the board of supervisors in laying the school levy.[39] They may also provide for the funding or refunding of extant school bonds,[40] or (with the approval of the electorate) for the issue of new ones.[41] The board also makes contracts with teachers, may expel pupils,[42] and in general conducts all the business affairs of the county school system, working in close cooperation with the division superintendent, who is now selected by the board from a list of eligibles certified to it by the State Board of Education.[43]

The records of the county school board consist of a minute book containing brief records of the orders and proceedings of the board,[44] a set of ledgers in which the clerk keeps his accounts of receipts and disbursements from the county school fund,[45] and a warrant register indicating what warrants have been drawn upon that fund by the board, and for what purposes.[46]

233. (MINUTES OF COUNTY SCHOOL BOARD), 1930--. 2 vols.
Record of orders and proceedings of the county school board at regular and special meetings showing date of meeting, names of members present, appointment of chairman, clerk, and division superintendent, action taken on contracts for services, supplies, buildings, 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. 248 pp. 9x11½x1½.
C. C., sch. bd. off.

234. (GENERAL LEDGER), 1917--. 4 vols.
County school board clerk'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, credits, balance. Disbursements show date, fund, activity,

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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. Code 1919, sec. 657; Acts 1928, p. 1189; Acts 1936, p. 499; Code 1936, sec. 614.
45. These accounts were kept (1870-1922) by the clerks of the several district boards, and thereafter (1922-28) still separately by districts under the clerk of the county school board until consolidated in a form prescribed by the State Board of Education: Acts 1869-70, p. 409; Code 1887, sec. 1464; Acts 1902-3-4, p. 808; Code 1919, sec. 657; Acts 1922, p. 737; Acts 1928, p. 1189; Acts 1936, p. 499; Code 1936, sec. 614.
46. Form of warrant and record thereof since 1932 prescribed by the State Board: Acts 1932, p. 549; Acts 1936, p. 505; Code 1936, sec. 656.

object, warrant number, appropriation, expenditures, unexpended appropriation. 1917-28 arr. alph. by district and chron. thereunder by date of entry; 1928-- arr. chron. by date of entry. No index. 1917-22, 1928-- hdw. on ptd. forms; 1923-28 hdw. on hdr. forms. Aver. 288 pp. 14x11½x2. 1 vol., 1917-22, clk. off., record va.; 3 vols., 1923--, C. C., sch. bd. off.

235. (WARRANT REGISTER), 1932--. 2 vols.
Record of warrants drawn by the county school board on the county treasurer in payment of claims allowed by the board showing date of warrant, number of warrant, payee, explanation, fund drawn upon, amount. Arr. chron. by date of warrant. No index. Hdw. on ptd. forms. Aver. 200 pp. 16x14½x1½. C. C., sch. bd. off.

XIX. DIVISION SUPERINTENDENT OF SCHOOLS

The first superintendents of schools for counties were appointed in 1846 by the county boards of school commissioners, not in those counties which adopted the new free-school system, but only those which retained the former schools free to indigent children only.[1] The duties and powers conferred upon this officer by the original act were strikingly similar to those of today.[2] There was no corresponding officer in either of the two alternative free-school plans, although any county might adopt any plan already in operation for the establishment of free schools.[3] In 1849, however (at the revision of the laws), the appointment of a superintendent was required in the free-school system as well.[4] In counties which had established free schools, a referendum might be called to decide upon the continuance or abolition of the system, and this optional character of the plan of local education persisted until 1869.[5] In that year a uniform system of public free schools was made mandatory by constitutional provision,[6] and the county superintendents of schools were to be appointed by the State Board of Education for a term of 3 years.[7] The superintendent thus became, in a sense, an agent of the Board, and his authority increased accordingly, being exercised largely in a supervisory capacity over the clerks of district school boards and school officers and employees in general.[8] In 1902 the superintendent's tenure was increased to 4 years, and in 1916 an important change in the law required professional qualifications of him - a teacher's license equivalent to a first grade certificate, teaching experience (determined by State Board of Education), or former practical services as a superintendent.[9] The title "division superintendent of schools" dates from 1903, when the State Board of Education was first authorized to lay off the State in school divisions containing one or more

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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.
5. Ibid., 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.

Division Superintendent of Schools (Next entry 236, p. 191)

counties each, and appoint superintendents of schools over these divisions, although the other mechanisms of the respective county educational systems remained independent. Amelia and Nottoway Counties are linked together as one of these school divisions.[10] Since 1916 there have been few changes of consequence in the office of division superintendent, except that since the late constitutional amendments the superintendent is once again to be appointed by the county school boards.[11]

Eligibility for the office of division superintendent today is dependent upon the meeting of minimum requirements set up by the Board of Education as outlined in a statement published annually by that office.[12]

One superintendent is appointed for each division. In this particular instance Amelia and Nottoway Counties constitute 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

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10. Const. 1902, art. IX, sec. 132; Acts 1902-3-4, pp. 383-384, 806-810; Report of the Secretary of the Commonwealth (1937-38), pp. 153, 221-222.
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 (1937-38), pp. 153, 221-222.
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.

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the board of supervisors from the general fund of the county, although the school board may appropriate small sums for traveling expenses from the school fund.[21]

The division superintendent, like other school officers, is forbidden to be interested in any contract or financial transaction involving the school system, is subject to fines and penalties ranging from $5 to $50, or in certain cases to $100, for breaches of the school laws, and may be prosecuted by the commonwealth's attorney in the name of the Commonwealth for a misdemeanor.[22] The office is automatically vacated by his engaging in other employment, unless he is accepted on a part-time basis, or may be vacated by resignation or removal from office by the State Board of Education or the county school board.[23] Any vacancy in the office may be filled by the board, or if the local agency fails to act within 60 days, by the State Board.[24] There is no separate provision for the oaths of appointees in vacancies; the general act is inclusive.[25]

The duties and powers of the division superintendent of schools today are in general such as are prescribed by the State Board of Education,[26] but he is further specifically required to attend every meeting of the school board, to compel attendance of children of school age not otherwise exempt (checking attendance lists against the reports of the quinquennial school census), to supervise the taking of that census, to recommend a clerk to the school board, to prepare (with the advice of the board) the school budget for each successive year, to assist the board in making out its annual report to the State Board of Education, to assign and reassign teachers and principals employed by the board, and to perform various other duties in cooperation with the county school board, acting, in effect, as liaison officer between State and local educational agencies.[27]

The records of the division superintendent very aptly reflect the multifarious nature of his work. In his office are filed copies of the school budget, made out annually by him with the advice of the county school board, for the guidance of the board of supervisors in laying the levy.[28] His predecessor, the county superintendent, received reports of the attendance of pupils in the county schools from the clerks of district school boards,[29] and the superintendent at present retains copies of his reports to the State Department of Education regarding library facilities,[30]

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21. Acts 1928, p. 1189; Code 1936, sec. 615.
22. Acts 1928, pp. 1223-1225; Code 1936, secs. 708, 710.
23. Acts 1930, p. 884; Code 1936, sec. 651.
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. 1204; Acts 1936, p. 505; Code 1936, sec. 657.
29. Acts 1871-72, p. 86; Code 1887, sec. 1466; Code 1919, sec. 664.
30. This and the following reports are apparently at the discretion of the State Board of Education, under the general provision requiring the superintendent to keep records and make reports of all information required of him by the Board: Code 1887, sec. 1439; Acts 1902-3-4, p. 803; Code 1919, sec. 644; Acts 1928, p. 1202; Code 1936, sec. 652.

his preliminary[31] and final annual reports of statistics relating to high schools in the county,[32] and of his annual general report of information covering all the schools of the county.[33]

As head of the teachers of the county, the superintendent receives their reports of the schedules to be followed in high school teaching,[34] keeps a list of teachers employed in the school system,[35] and makes a report to the county school board and the State Board of Education of contracts with teachers, approved.[36] To him, also, come the final returns of the school census, used in the enforcement of the compulsory attendance law and the forecasting of the educational needs of the county.[37]

Financial

236. (ANNUAL COUNTY SCHOOL BUDGET), 1928--. 1 file drawer. Annual budget prepared by the division superintendent with the advice of the county school board and submitted to the board of superivsors as a guide in levying the amount needed for school purposes during the next year showing estimated expenditures for the current school year and budget request for the suceeding school year for administration (expenses of school board, salary of clerk of school board, salary of superintendent paid by county, salary of superintendent paid by State, supplement to superintendent's salary by school board, salary of secretary of the school board, travel and office expense, other expenses of administration); costs of instruction in regular day schools; costs of instruction in evening and part-time schools and substitute teachers; other instructional costs; coordinate activities (medical inspection, compulsory attendance); auxiliary agencies (transportation, libraries, tuition, purchase of textbooks); operation of school plant (janitors' wages, telephone service, fuel, water, light); fixed charges (rent, insurance, treasurer's commissions); maintenance of school plant (building repairs, furniture replacement); capital outlay; debt service; estimated receipts for the current school year and estimated receipts for the succeeding school year from State for superintendent's salary, from State school funds, from county school funds, from district school funds, from other funds; date

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31. See footnote 30.
32. See footnote 30.
33. Code 1919, sec. 644; Acts 1928, pp. 1202, 1205; Code 1936, secs. 652, 659, (this report may be that required of the county school board with the assistance of the superintendent).
34. Apparently under the regulations of the State Board of Education, no statutory requirement having been found; the Board (or the Superintendent of Public Instruction) has the power to prescribe the duties of the division superintendent: Code 1887, sec. 1439; Acts 1902-3-4, p. 803; Code 1919, sec. 628; Acts 1928, p. 1195; Code 1936, sec. 631.
35. See footnote 34.
36. Although the board is the contracting authority, the superintendent recommends and assigns the teachers, making such explanations and reports as are required of him by the board: Acts 1922, p. 740; Acts 1928, p. 1205; Acts 1936, p. 506; Code 1936, sec. 660.
37. 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.

of submission to the board of supervisors, signature of division superintendent. Arr. chron. by date of filing. No index. Typed on ptd. forms. 12x18x28. Supt. sch. off., Blackstone, Va.

Reports

237. VIRGINIA PUBLIC SCHOOL REGISTER, 1886-93. 4 vols.
Reports on pupil attendance made by the district school board of Giles District to the county superintendent of schools on forms furnished by him, from which he compiled his annual report to the Superintendent of Public Instruction showing date, names of pupils, age, summary of studies pursued, number of pupils on roll, average daily attendance, percentage of attendance, days present, days tardy, sum of ages, average age, number of new pupils entered during month, number dropped during year, number over 21 years of age, number from other districts, seating capacity of room. Arr. chron. by year of report, thereunder by race, and alph. thereunder by all letters of surname of pupil. No index. Hdw. on ptd. forms. Aver. 200 pp. 16x10½x1½. Clk. off., record va.

238. ANNUAL LIBRARY REPORT FOR HIGH AND ELEMENTARY SCHOOLS, 1920--. 1 bundle.
Copies of the annual school library report of the division superintendent to the State Department of Education showing date, names of schools, enrollment in each, number of rooms and equipment, finances, expenditures, number and training of librarians, number of books, general organization. Arr. chron. by year of report. No index. Hdw. on ptd. forms. 8½x11x2. Supt. sch. off., Blackstone, Va.

239. PRELIMINARY ANNUAL HIGH SCHOOL REPORT TO STATE DEPARTMENT OF EDUCATION OF RICHMOND, VA., 1920--. 1 bundle.
Division superintendent's record of statistics from which is made the annual report to the State Department of Education showing race; session, date of closing; location of high school, post office address; date of report; names of teachers, dates of teachers' certificates, subjects taught, number of hours taught, salary, average salaries; number of pupils (number of boys and girls in each grade), number graduates of previous sessions; seating capacity of auditorium, size of lot on which school is located, cost of laboratory equipment. Arr. chron. by year of report. No index. Hdw. on ptd. forms. 9½x11x2. Supt. sch. off., Blackstone, Va.

240. FINAL ANNUAL HIGH SCHOOL REPORT TO STATE DEPARTMENT OF EDUCATION, RICHMOND, VA., 1920--. 1 bundle.
Copies of division superintendent's annual report to the State Department of Education of high school statistics showing race; session, date of closing; location of high school, post office address; date of report; high school enrollment (number of boys and girls in each grade), total number of students; number students graduated, number graduated who returned for additional work; elementary enrollment at end of year; actual number of days taught in high school departments and elementary grades; aggregate days on roll in high school; per-capita cost of instruction in high school and elementary school; percent dropped, percent failures; list of names of graduates of current year (boys, girls), ages; date of certification and signatures of principal and division superintendent of schools. Arr. chron. by school session. No index. Hdw. on ptd. forms. 8½x11x2. Supt. sch. off., Blackstone, Va.

241. (ANNUAL SCHOOL REPORT), 1910--. 1 file drawer.
Copies of the general annual report of the division superintendent to the State Department of Education showing amount levied for school purposes during the year, balance of each fund on hand (name of district, State school funds, county school funds, district school funds, other funds, total), remarks, date of certification and signature of superintendent; name of district, amount disbursed during year, balance on hand for each district, itemized amount disbursed; school population, number of schools, number of days in session, enrollment and attendance of pupils by races and districts; number of teachers, salaries, and other information relating to teachers; statistics relating to schoolhouses, consolidation of schools, value of school property, debts; date of performance of official duties by division superintendent, salary and expenses, visits of school officials, names of parent-teacher and other associations, teacher-training programs; number of schools, number of days in sessions, enrollment of pupils; institutions of higher learning and private schools in operation during year, and presidents of teachers' associations and improvement leagues. Arr. chron. by school year. No index. Hdw. on ptd. forms. 12x18x28. Supt. sch. off., Blackstone, Va.

Teachers

242. DAILY SCHEDULE OF HIGH SCHOOL RECITATIONS, 1920--. 1 bundle.
Teachers' reports to the division superintendent of schedules to be followed in teaching each subject showing date, teacher's name, time of periods, number in class, subject, grade, percent of pupils taking full courses. Arr. chron. by date of report. No index. Hdw. on ptd. forms. 8½x11x2. Supt. sch. off., Blackstone, Va.

243. (LIST OF TEACHERS), 1936--. 1 folder.
Division superintendent's record of white and colored teachers in Amelia County showing name of school, name of teacher, address. Arr. alph. by first letter of name of school. No index. Typed. 9x12x1. Supt. sch. off., Blackstone, Va.

244. DIVISION SUPERINTENDENT'S REPORT OF TEACHERS CONTRACTED WITH, 1923--. 1 bundle.
Copies of the division superintendent of schools' reports to the county school board and the State Board of Education of teachers whose contracts have been approved, filed and preserved by the division superintendent to provide a permanent record of each teacher, showing date, name of teacher, address, sex, marital status, school, grade, salary per month, number months contracted for, grade of certificate, date certificate expires, basis of issue, number of years experience, number of years in this division. Arr. chron. by date of report. No index. Typed on ptd. forms. 16x11x2. Supt. sch. off., Blackstone, Va.

Census

245. DISTRICT CLERK'S RETURNS OF SCHOOL CENSUS OF 1910, 1910. 2 vols.
School census of 1910 of all persons of school age in Giles and Leigh Districts taken by the clerk of the district school board, delivered to the district school board for correction and revision and sent by it to the county school board which delivered it to the division superintendent of schools as a basis for enforcement of the compulsory attendance law, showing

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race, district, nearest elementary schools; parents' or guardians' names, address, occupation, distance in miles from school; names and data for all persons in family between the ages of 6 and 20; names of children, dates of birth, ages in years, school grade attained, sex, whether attending school (public, private, none), expecting to attend after next year, unable to read or write, requiring special educational facilities because of impaired hearing or vision, speech defect, crippled condition, or mental deficiency. Arr. by race and alph. thereunder by all letters of surname of child. No index. Hdw. on ptd. forms. Aver. 100 pp. 16x10½x½. Clk. off., record va.

XX. LOCAL BOARD OF PUBLIC WELFARE

(Overseers of the Poor)

When at the end of the Revolution the parish vestry was about to be removed from participation in temporal affairs, there was an obvious need of a substitute agency to undertake the care of the poor and the other charitable activities of the vestry.[1] This substitute was found in the office of overseers of the poor, functionaries already known in English law.[2] An act of assembly in 1785 finally displaced the vestry and ordered that each county be divided into districts, under the supervision of the county court, for the election of overseers of the poor.[3] On March 23, 1786, notice was issued by the sheriff of Amelia County for a meeting of freeholders and housekeepers for the purpose of the election. This was a rather noteworthy occasion, as the popular election of any officers except members of the assembly was a rarity in Virginia even for almost three-quarters of a century after the Revolution.[4]

From each of the districts laid out as directed, three overseers, " . . . discreet, fit, and proper persons, being freeholders of and resident within the same . . .," were to be elected for a term of 3 years.[5] The number per district was later reduced to one, and in 1852 the term of office became 4 years.[6] During the township period one overseer of the poor per township was elected annually, and at the end of the township system, while one overseer per magisterial district continued to be elected, the

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1. Eckenrode, Separation of Church and State, p. 115, et passim.
2. Blackstone, Commentaries on the Laws of England, I, secs. 359-361 (statute 43 Eliz. c. 2; there is a very interesting identity of duties shown, and a scathing critism of the parish system of poor relief).
3. Hening, Statutes, XII, pp. 27-29, 272-273.
4. Order Book, no. 17 (1785-86), Mar. 23, 1786, pp. 98, 100; see Governmental Organization and Records System, p. 21.
5. Hening, Statutes, XII, p. 27; Code 1803, p. 180; Code 1819, II, p. 264; Code 1849, pp. 259-260.
6. Code 1849, 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.

term was raised to 2 years, and was again raised in 1903 to 4 years, at which figure it remained until the end of the agency.[7]

An oath of office, for the true and faithful administration of his duty, was required of each overseer from 1786 on,[8] but it does not appear that an official bond was specifically demanded before 1870, although the overseers may have been bonded under the rather vague blanket clause of the election act of 1858. The penalty of his bond was in 1870 to be determined by the township board, and the bond itself filed among the board's papers, but that penalty was in no case to be less than double the amount which would pass through the overseer's hands in a year. The same stipulation as to minimum amount continued in force, the penalty being fixed after 1875 by the court or judge before whom qualification took place, with the added requirement (after 1887) that the face of the bond must be at least $500.[9] From the year 1802 the overseers were allowed a percentage upon their collections and other transactions (in 1819, 6 percent), plus $1 (if demanded) per day of attendance, but after 1849 this compensation was set at only $1 for each day's attendance.[10] Later, similar allowances were made, limited to totals ranging from $20 to $75 per year.[11]

Vacancies occurring in the office of overseer of the poor were filled by appointment of the county court for the unexpired term, and the circuit court afterward performed the same function. Various fines and penalties, such as $2 per absence from any meeting of the board, were laid upon the overseers for neglect of duty or other misdeeds.[12]

In 1816 the county court was empowered to appoint one fit and responsible person to be administrative agent of the board of overseers (in addition to the president elected by the board upon its organization), and to keep its records of accounts and proceedings. This office was later (1829) known as clerk of the board.[13] To him, as to other persons appointed by the board as agents for special purposes, such allowances and compensation might be paid as were fixed by the board and the county court, not to exceed (in 1819) $20 per year.[14] The clerk was required to be bonded from the

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7. Const. 1869, art. VII, sec. 2; Code 1873, p. 487; Const. 1869 (as amended 1874), art. VII, sec. 2; Acts 1874-75, p. 134; Code 1887, sec. 96; Acts 1902-3-4, p. 743; Code 1919, sec. 127.
8. Hening, Statutes, XII, p. 273; Code 1819, II, p. 265.
9. Code 1849, p. 260; Acts 1852, p. 67; Acts 1857-58, p. 32; Code 1860, p. 94; Acts 1869-70, p. 281; Acts 1871-72, pp. 303-304; Acts 1874-75, pp. 354-355; Code 1887, secs. 177, 814; Acts 1895-96, p. 825; Acts 1902-3-4, p. 652; Code 1919, secs. 279, 2698; Acts 1924, p. 685.
10. Shepherd, Statutes, II, p. 316; Code 1819, II, pp. 268, 271; Code 1849, p. 263.
11. Acts 1871-72, p. 302; Acts 1901, p. 73; Acts 1902-3-4, p. 609; Acts 1920, p. 568; Acts 1936, pp. 15-16.
12. Code 1803, pp. 180-181; Code 1819, II, pp. 271-272; Code 1849, p. 260; Code 1860, p. 293; Acts 1902-3-4, pp. 504, 745; Code 1919, sec. 136.
13. Acts 1815-16, pp. 57-59; Code 1819, II, p. 271; Acts 1828-29, pp. 22-23.
14. Code 1819, II, pp. 269, 271; Code 1849, p. 263; Code 1860, p. 295.

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foundation of his office in 1816.[15]

The duties of the board of overseers at first included the custody and sale of glebe lands and other expropriated property of the former Established Church, as well as the more general care and support of the poor. They were required to report their expenditures and the number and condition of the poor in their districts, and to lay, and regulate the collection of the county poor levy. They were further empowered, through their clerk or other agents, to provide housing, food, and medical care for the needy, to apprentice poor orphans, and to impress vagrants for forced labor.[16] An important part of their activities revolved around the poorhouse and poor farm, for the purchase and holding of which they were named a corporation. They sent the poor from their districts to the poor house, sought to prevent begging, provided for the burial of deceased paupers, and in general, as their title implies, oversaw and directed charitable works within the county.[17] There was until 1938 no general abolition of the office, but as the respective counties in turn employed local superintendents of public welfare the older agency fell into disuse and in most cases came immediately to an end. Amelia County, which formerly had a poorhouse and poor farm, acquired partly in 1818 and partly in 1846, sold both in 1928, and appointed its superintendent of public welfare September 14, 1936.[18]

County superintendents and local boards of public welfare appear to have existed in some counties as early as 1922, but it was not until 1936, when State and Federal aid became readily available under the first Virginia Public Assistance Act, that these appointments were widely carried out. Amelia's first superintendent was appointed by the board of supervisors in 1936, as has been mentioned above. She was to receive a salary set by the board, and to serve at their pleasure, or, substantially, during good behavior.[19] In 1938 local boards of public welfare were set up in all counties, consisting of three members appointed by the judge of the circuit court for a term of 2 years. The county superintendent is now in effect an agent of this board, and her salary is fixed 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.[20] Funds for relief purposes are appropriated jointly by the United States, the State, and the county (through the board of supervisors).[21]

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15. Acts 1815-16, pp. 57-59; Code 1819, II, pp. 277-278; Code 1860, p. 294.
16. Shepherd, Statutes, I, pp. 118-120; ibid., II, p. 314; Code 1819, II, pp. 264-279; Acts 1828-29, pp. 22-23.
17. Code 1860, pp. 292-295; Acts 1871-72, p. 303; Acts 1878-79, pp. 307-309; Acts 1926, pp. 869-870; Acts 1930, pp. 939-940.
18. Deed Book, no. 24 (1815-19), Aug. 28, 1818, p. 461; ibid., no. 37 (1845-48), Sept. 1, 1846, p. 174; ibid., no. 81 (1928-30), Apr. 10, 1928, p. 298, see entry 15; Supervisors Book, no. 3 (1925-35), Mar. 26, 1928, p. 114; ibid., no. 4 (1935--), Sept. 14, 1936, p. 54, see entry 2; Acts 1938, p. 214.
19. Acts 1922, pp. 160-162; Acts 1936, pp. 374-377; Acts 1938, pp. 645-699.
20. Ibid., pp. 638-669.
21. Ibid., pp. 644-661.

Local Board of Public Welfare - Proceedings (246-247)

The local superintendent of public welfare is a county probation agent, cares for the poor, administers relief and mother's aid funds, and supervises persons paroled from corrective institutions, sending them to be trained for special work or finding employment for them. As agent for work directed by the State Board of Public Welfare, she attempts to find positions for the unemployed, investigates the condition of needy families, acts as custodian of dependent children, and has, since the abolition of the office of overseer of the poor, assumed most of the former duties of that office.[22]

The records of the local board of public welfare, and of the county superintendent, consist of a minute book in which are recorded in brief the proceedings of the board,[23] a file of cards bearing records of applications for assistance,[24] files of case histories compiled by the superintednent and her aides, served by a separate card index, a volume of copies of certificates of award (relief granted),[25] a warrant register for accounting with the treasurer and the State,[26] and a file of cards with statistical information abstracted from the case records mentioned above.[27] Also included among these papers are the disused files and index kept by the field workers of the Virginia Emergency Relief Administration, a Federally sponsored State relief agency, antedating the appointment of the county superintendent of public welfare.[28] The superintendent also keeps a file of her official correspondence.[29]

Proceedings

246. MINUTE BOOK LOCAL BOARD OF PUBLIC WELFARE, 1938--. 1 vol. (1). Record of proceedings and actions of the local board of public welfare including applications for old age assistance, and general relief, granting or rejecting of awards, cases closed, administrative bills, and changes in status, showing date of meeting, names of members present, names of officers elected or appointed, names of applicants for assistance, type of assistance requested, nature and amount of assistance given, assistance canceled and reason therefor, signature of clerk. Arr. chron. by date of meeting. No index. Typed. 500 pp. 18x12x2½. C. C., wel. off.

247. APPLICATION CARDS, 1938--. 1 file box. Abstract record of applications for assistance and of disposition of application 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

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22. Ibid., pp. 214, 645-660.
23. Apparently not required by law.
24. Acts 1938, pp. 646, 651, 657.
25. The superintendent must investigate each case, and make a report in writing of such facts as the local board or the State Commissioner of Public Welfare may require: Ibid., pp. 647, 651-652, 657.
26. The State reimburses the local authorities for a certain part of their expenditures; this record may also be used in accounting with the State Welfare Board: Ibid., pp. 663-665.
27. See footnote 25.
28. No statute covering this agency or its records has been found.
29. Not required by law, but kept as a matter of convenience in the business of the office.

transfer, approved, denied as ineligible, denied for other reasons, pending). Arr. alph. by first letter of surname of applicant. No index. Hdw. on ptd. forms. 8x10x6. C. C., wel. off.

248. CASE RECORDS, 1936--. 2 file drawers (labeled by inclusive case numbers).

Original case histories including applications for general assistance and referral for regular Work Projects Administration employment. Application for general assistance shows name, address, case number, award number, type of assistance applied for, statement of circumstances entitling applicant to assistance, date of application, signature of applicant or mark of applicant and signatures of witnesses, disposition of application, signatures of superintendent of public welfare and chairman of local board, and attestation of secretary of local board. Referral for regular Work Projects Administration employment shows case name, race, address, telephone number, case number, date, industrial classification, height, weight, identification number, relation to head of relief group, sex, marital status, date and place of birth, whether a veteran, citizenship status; relation, sex, marital status, date of birth, whether or not a veteran, citizenship status, primary classification and secondary classification of other employable persons in relief group, physical condition of each employable member of group, relationship of all members to head of group, previous private employment record and highest school or college grade of person first entitled to aid, financial set-up of group; reasons for referring case to Work Projects Administration; date of acceptance or rejection; signature of superintendent of public welfare. Arr. num. by case no. For index, see entry 249. Hdw. on ptd. forms. Aver. 10x12x26. C. C., wel. off.

For prior records, see entry 253.

249. MASTER CARD FILE, 1936--. 1 file drawer.

General index to case records, entry 248, showing sex, name of head of household, race, case number, name of worker, names and addresses of children, cross-references (where additional information may be found). Arr. alph. by first letter of surname of head of household. Typed on ptd. forms. 4x6x12. C. C., wel. off.

For prior records, see entry 254.

250. (CERTIFICATES OF AWARD), 1938--. 1 vol.

Carbon copies of certificates of award bound into a 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 cancellation and page of minute book where cancellation recorded, amount of award for the month, attestation of secretary and signature of clerk of board of public welfare. Arr. chron. by date of award. No index. Typed on ptd. forms. 200 pp. 14x15x1. C. C., wel. off.

Financial

251. (WARRANT REGISTER), 1938--. 1 vol.

Carbon copies, bound into a loose-leaf book, of the monthly report sent to the county treasurer along with the warrants drawn to pay administrative

costs and relief awarded for the next month showing number of report, date of warrant, warrant number, explanation, certificate of award number, case or code number, amount of warrant, number of items, total amount, purpose of warrants (whether for relief or administrative expenses), month covered by the warrants, signature of chairman and secretary of the local board, date of each signature, sheet number, total number of sheets for the month. Arr. chron. by date of report, thereunder num. by warrant no. No index. Typed on ptd. forms. 150 pp. 10x15x1. C. C., wel. off.

For treasurer's copy, see entry 201.

252. STATISTICAL CARDS, 1938--. 1 file box.
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, non-resident, age 65 and over, blind, family with dependent children, foster home), date certified, date canceled, name, sex, and date of birth 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 cancellation, totals for each month and for each class of assistance. Arr. alph. by first letter of surname of head of household. No index. Hdw. on ptd. forms. 10x12x5. C. C., wel. off.

Federal Relief

253. V. E. R. A. (Virginia Emergency Relief Administration), 1933-36. 2 file drawers.
Records of cases under the Virginia Emergency Relief Administration and correspondence relating thereto showing case number, case name, financial records, relief granted. Arr. num. by case no. For index, see entry 254. Hdw., typed, hdw. and typed on ptd. forms. Aver. 12x15x24. Clk. off., storage.

For subsequent records, see entry 248.

254. (VIRGINIA EMERGENCY RELIEF INDEX), 1933-36. 1 file box.
Work assignment, transfer, and termination records serving as general index to case records, entry 253, showing case name, case number, classification, project to which recipient assigned for work, classification, date of assignment, date of transfer, date of termination. Arr. alph. by first letter of case name. Hdw. and typed on ptd. forms. 8x6x12. Clk. off., storage.

For subsequent records, see entry 249.

Correspondence

255. (GENERAL CORRESPONDENCE), 1936--. 1 file drawer.
Original letters to the local board and carbon copies of replies thereto relating to all phases of welfare work and administration. Arr. alph. by first letter of surname of correspondent. No index. Hdw. and typed. 10x12x26. C. C., wel. off.

(Next entry 256, p. 204)

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 county superintendent of public welfare) will reveal an interesting similarity of function.

Originally, one superintendent of the poor was to be elected by the voters of the county for a term of 3 years,[1] but after 1873 his tenure was extended to 4 years.[2] In 1875 the superintendent became an appointee of the county court at the recommendation of the board of supervisors and, subsequently, of the circuit court, with the same recommendation, without change in time of service.[3]

In 1872 this officer was required, upon qualification, to enter into a bond with surety approved by the court, in a penalty of not less than $5,000.[4] In 1896 the minimum was $4,000, and the same figure held as late as 1924.[5]

The compensation of the superintdndent was fixed by the board of supervisors and was not to exceed $400 a year.[6] Later, it was limited still further, and in counties which, like Amelia, had less than 10,000 population, was not to be above $240.[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 poor farm. At the order of the board of supervisors, he provided accommodation for the poor, received paupers sent to him by the overseers of the poor, and reported to the board the amounts required for the support of those in his charge.[10]

There is at present no superintendent of the poor in Amelia County, this office having been abandoned in 1921. The superintendent's last settle-

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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.
6. Acts 1869-70, p. 265; Acts 1871-72, p. 230.
7. Acts 1889-90, p. 52; Acts 1902-3-4, p. 609; Code 1919, sec. 2799; Report of the Secretary of the Commonwealth (1936-37), p. 150.
8. Acts 1902-3-4, p. 654.
9. Acts 1904, p. 324; Code 1919, sec. 126.
10. Acts 1869-70, pp. 264-265; Code 1919, secs. 2794, 2798.

ment of accounts was made July 11, 1921,[11] and the county poor farm, which consisted of two parcels of land totaling 223 1/3 acres and purchased in 1818 and 1846, respectively, was sold at public auction March 26, 1928.[12]

Notations of the settlements and accounts of the superintendent of the poor occur regularly in the supervisors' minutes throughout the existence of the office in Amelia County,[13] but no permanent records of this agency were found.

XXII. PARISH VESTRY

As was inevitable in any land having a State Church, 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 "pluralitie of voices" among the parishioners.[3] The number to be elected was in 1661 limited to 12,[4] but as no term had ever been fixed, and it was in 1662 left to the discretion of the minister and vestry to fill the place of any departed member,[5] the vestry became in a large sense a self-perpetuating body, usually composed of the wealthiest and most influential men of the congregation. Dissatisfaction with this situation was marked, and one of the measures forced upon the assembly by the rebel Bacon called for a new election every 3 years - a stipulation immediately repealed at the end of the Rebellion, as were all the rest of "Bacon's Laws."[6]

Vestrymen were early required to take the oaths of supremacy and of allegiance to His Majesty, and of conformity to the doctrine and discipline of the Church of England,[7] but it does not appear that any bond was required

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11. Supervisors Book, no. 2 (1910-24), July 11, 1921, p. 366, see entry 2.
12. Deed Book, no. 24 (1815-19), Aug. 28, 1818, p. 461; ibid., no. 37 (1845-48), Sept. 1, 1846, p. 174; ibid., no. 81 (1928-30), Apr. 10, 1928, p. 298, see entry 15; Supervisors Book, no. 3 (1925-35), Mar. 26, 1928, p. 114, see entry 2.
13. See entry 2.

1. Bruce, Institutional History, I, pp. 64-65, 79; Robinson, Virginia Counties, passim.
2. Hening, Statutes, II, pp. 171-172 (counties and parishes authorized to make by-laws for their own government, by a majority vote of the inhabitants).
3. Ibid., I, pp. 240, 290-291.
4. Ibid., II, p. 25.
5. Ibid., II, p. 45.
6. Bruce, Institutional History, I, pp. 64-65, et passim; Hening, Statutes, II, pp. 356, 380-381.
7. Ibid., II, p. 45.

(Next entry 256, p. 204)

of them, nor any compensation provided.

The recording agent of the vestry was usually the parish clerk, and for administrative purposes it chose (from its own body) churchwardens, generally two in number, each year. The vestrymen commonly served in rotation as churchwardens.[8]

The duties of the vestry were many and varied. From 1643 on, it was empowered to choose and compensate its ministers, but their removal was left to the assembly, or, later, to the Governor, who hotly opposed any invasion of his prerogative.[9] By an act of 1661, glebes (lands held and farmed for the support of the minister) were formed in each parish, and the vestry was directed to provide for their upkeep and for the proper housing of the minister.[10] The churchwarden kept the church in repair and collected funds (or produce) for the payment of the minister's salary.[11]

The vestry was also charged with directing the prosecution of offenders against decency, morality, or sobriety. As early as 1624 the churchwardens were sworn to "present" to the commanders of plantations (then heads of the monthly courts) violators of rules against swearing and drunkenness. In 1643 similar presentments were to be made to the county court, the vestry in this respect exercising powers similar to those of the grand jury, and it appears that this function continued into the eighteenth century.[12]

The laying of the parish levy was also entrusted to the vestry, which assessed each tithable person a certain sum to be used, originally in building churches and levying glebes, but later also for the support and relief of the poor.[13] In 1677, an act derived directly from one of Bacon's revolutionary laws provided that the freeholders of each parish elect annually six representatives to sit with the vestry and have a voice in the laying of the levy.[14] Special persons were nominated by the vestry from time to time to collect and receive the levies in tobacco or other produce, but eventually these duties were assigned to the sheriff as part of his general function as tax collector.[15]

As a welfare agency, the vestry assisted the county court in building and maintaining houses where poor children might be instructed in spinning and weaving, and established workhouses for the adult poor.[16] The churchwardens bound out children whose parents were dead or unable to care for them, provided for the poor of the parish, and cared for those who came

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8. Ibid., II, pp. 44-45; Bruce, Institutional History, I, pp. 78-79.
9. Ibid., I, pp. 73, 131-144; Hening, Statutes, I, pp. 241-243, 328; ms. letter of Governor Spotswood, December 17, 1716, printed in Inventory of the County Archives of Virginia, No. 21, Chesterfield County, p. 13.
10. Hening, Statutes, II, pp. 30, 45.
11. Ibid., I, pp. 241-243, 328; ibid., II, p. 52.
12. Ibid., I, pp. 126, 240-241, 309-310; ibid., IV, p. 244.
13. Ibid., I, pp. 400, 478-479; ibid., II, p. 396; ibid., IV, pp. 205-206; Bruce, Institutional History, I, p. 92.
14. Hening, Statutes, II, pp. 357, 396.
15. See footnote 13.
16. Hening, Statutes, II, p. 267; ibid., IV, pp. 210-211; ibid., VI, pp. 31-32, 476.

from other places if they were too ill to be returned to their original settlements.[17]

In the eighteenth century, with the rise of the "dissenting" element in Virginia, the vestry was an object of attack, and at the coming of the Revolution rapidly declined in power. After 1779 the parish levy was limited to such amounts only as would serve for the support of the parish poor and the defraying of obligations contracted before January 1, 1777,[18] and in 1785, with the creation of the office of overseer of the poor, the parish vestry as a temporal agency ceased to exist, all its charitable powers being assumed by the board of overseers.[19] Since that date the vestries have been exclusively church agencies.

No records of the parish vestry have been found in Amelia County.

XXIII. LOCAL BOARD OF HEALTH

Almost from the earliest days of colonization, public health had been a matter of concern in Virginia, and various agencies, principally the county court, the overseers of the poor, and the board of supervisors, had busied themselves in the regulation of fees of "phisitians and chirurgeons", 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 the board of supervisors, the local board might establish quarantines, set up pesthouses for the isolation of sufferers from infectious diseases, and regulate the shipment of bodies of disease victims.[3] The local agency might be required to furnish reports to the State Board of such facts related to vital statistics in the county as were prescribed, and it-

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17. Ibid., II, p. 267; ibid., IV, pp. 210-211; ibid., VI, pp. 31-32, 476.
18. Eckenrode, Separation of Church and State, pp. 61-62; Hening, Statutes, X, pp. 197-198.
19. Ibid., XII, pp. 27-30; Eckenrode, Separation of Church and State, p. 115.

1. Hening, Statutes, I, pp. 316-317, 450; ibid., II, pp. 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.

self received, from practicing physicians in the county, written reports of known or suspected cases of communicable disease.[4] The board also acted as counsel to the board of supervisors in the appropriation of money for hospitalizing indigent tuberculosis patients from the county.[5]

In 1910 the three medical members of the local board were to be appointed by the State Board of Health instead of the circuit court judge, who had succeeded the county court judge as appointing agent in 1904. The tenure of the appointed members of the board and of its executive officer was at the same time reduced to 1 year.[6] Since 1924 only one of the three appointees has been required to be a physician.[7]

The secretary of the local board, elected by and from its members, receives such compensation as the board of supervisors may determine.[8] He acts as executive and recording agent of the local board, and it is his duty to enter and inspect public or private premises for sources of contagion, to collect and preserve vital statistics (as required by an act of 1912), and carry out other orders of the board.[9] The duties and powers of the local board and its officers continue much the same as at its foundation.[10]

The only extant record of the local board of health is the minute book in which are entered in brief the orders and proceedings of the board and the registration of embalmers' licenses approved by them.[11]

256. (Minutes of) BOARD OF HEALTH, 1931--. 1 vol.
Record of orders and proceedings of the local board of health at regular and special meetings and registers of embalmers' licenses showing date of meetings, names of members present, action taken on prevention and eradication of communicable and infectious diseases, names of licensed embalmers, dates of license, signature of chairman. Arr. chron. by date of meeting. No index. Hdw. 85 pp. 7½x12½x½. Clk. private off.

XXIV. COUNTY NURSE

Amelia County was not among those counties which appointed and employed county nurses under the Sheppard-Towner Act as adopted in Virginia,[1] nor has it a local public-health unit, but it is served by one of the eight itinerant

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4. Acts 1899-1900, pp. 1250-1252; Acts 1910, p. 97.
5. Ibid., p. 334.
6. Acts 1904, p. 72; Acts 1910, pp. 539-540; Code 1936, sec. 1492.
7. Acts 1924, p. 144; Code 1936, sec. 1492.
8. Acts 1899-1900, pp. 1250-1251; Code 1936, secs. 1492, 1498.
9. Acts 1899-1900, p. 1251; Acts 1912, pp. 440-450; Acts 1928, pp. 753-754; Code 1936, sec. 1498.
10. Ibid., sec. 1493; Acts 1938, p. 537.
11. No statutory provision for this record has been found; it may be under the directive authority of the State Board of Health: The registration with the local board of embalmers' licenses, however, is required; Acts 1926, p. 325; Acts 1936, p. 223; Code 1936, sec. 1720.

1. Statutes at Large of the United States, XLII (1921-23), pt. 1, pp. 224-226; Acts 1922, p. 155; conversation with Mr. S. L. Farrar, Clerk of Amelia County.

tuberculosis nurses employed by the State Health Department, Bureau of Rural Health, to cover those areas not otherwise supplied. These nurses, like all of those employed by the Bureau, must be graduate nurses with postgraduate training in public health nursing, selected and appointed by the Department of Health. They serve without set term, as long as their work is satisfactory, and receive from $1,500 to $1,800 per year (according to length of service), plus allowances for gasoline, oil, tires, repairs, and depreciation on their cars, which are not public property. Their duties are principally preventive and instructional, no bedside nursing being required. The tuberculosis nurses conduct clinics and seek to educate the public in the proper measures for the prevention, isolation, and control of that disease. Until 1935 the public-health service throughout the State was financed by State and Federal funds, with small local appropriations by the boards of supervisors of certain counties; since that date the work has been greatly aided by grants from Social Security funds, made available through the Federal Government.[2]

The records of the field nurse in this county comprise two files of miscellaneous papers and correspondence related to her activities, and two books of records of visits with accompanying data, case histories, and other pertinent information regarding tuberculosis cases visited and handled.[3]

257. LETTERS (And Case Records), 1924--. 2 file boxes. Miscellaneous papers of the tuberculosis nurse including clinical reports, reports of laboratory examinations, closed case histories, and correspondence relating thereto. Arr. alph. by first letter of surname of patient or correspondent. No index. Typed and hdw. and typed on ptd. forms. Aver. 12x12x3. Clk. off., record va.

258. AMELIA (Tuberculosis Records), 1933--. 2 vols. (1, 2). Tuberculosis nurse's record of visits to and the progress of tuberculosis cases in the county showing name, address, race, sex, physical surroundings, and marital status of patient, dates of symptoms, diagnosis, dates of visits, history of exposures, condition at first visit, disposition of case, case history, summary of doctors' orders. Arr. alph. by first letter of surname of patient. No index. Hdw. on ptd. forms. Aver. 300 pp. 6x8x1. Clk. off., record va.

XXV. COUNTY SURVEYOR

The first surveyor apparently came to Virginia about 1621,[1] and 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]

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2. Conversation with Dr. L. J. Roper, Director of Rural Health, 628 State Office Bldg., Richmond, Va., Aug. 7, 1939; Acts 1922, p. 155.
3. These records are covered by no statute, but are dictated by the State health authorities under whose direction the nurse works. See above.

1. Records of the Virginia Company, III, pp. 451, 477, 486.
2. Hening, Statutes, I, p. 404.

(Next entry 259, p. 212)

County Surveyor

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 or all the suggested duties, either through its president and faculty or through a Deputy Surveyor-General appointed by the board of visitors of the institution, which laid down regulations for the conduct of the surveyor's office. There is, however, an instance in which a surveyor was suspended by the Governor's Council for malfeasance in office, and the college authorities notified; whether this was the usual procedure or not is unknown. Although there is no statutory reference to this system until after the Revolution, it seems fairly certain that the college examined and appointed surveyors and exacted a percentage of their fees from about 1692 to 1819. There are extant records of applications to the board of visitors (1716) by interested individuals asking for positions as surveyors, accepted 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

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3. Ibid., VII, p. 645; ibid., X, p. 53; ibid., XI, p. 160 (western counties exempt from residence requirements); Shepherd, Statutes, I, p. 66.
4. Hening, Statutes, I, p. 404.
5. Bruce, Institutional History, I, pp. 387-388; ibid., II, p. 323; Hening, Statutes, X, p. 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); Calendar, I, p. 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, p. 324; Code 1849, p. 477.
7. Const. 1851, art. VI, sec. 30; Acts 1852, p. 64.

supervisors,[8] and so continues today, the circuit court judge having taken over the appointive power on the abolition of the county court.[9] The term of office, originally conditioned only upon good behavior, was limited in 1831 to 7 years, to 6 years in 1852, and to 3 in 1870. In 1875, however, it was raised to 4 years, the present figure.[10] The surveyor has long been authorized to appoint deputies, or have them appointed for him by the court on his recommendation, and may still do so, with the approval of the circuit court of his county, as usual assuming responsibility for their acts.[11]

Since the beginning of the eighteenth century at least the usual oaths of office have been demanded of all surveyors.[12] By 1748 a bond of 500 pounds "current money"[13] was also required, and later the bond was in a penalty set by the appointing agency.[14] The bond, until 1843 payable to the Governor, but since to the Commonwealth, was according to the Code of 1887 to be not less than $2,000 and the same minimum penalty is still demanded.[15]

The surveyor's compensation, throughout the history of the office, has been by fees and mileage, originally paid in tobacco, but later in cash, on a scale fixed by law, allowing charges in proportion to the number of "courses" in the survey, the distance measured, the complexity of the calculations involved, or the number of records or copies required.[16]

Vacancies in the office are filled in the same manner as the original appointments were made, and qualification conducted similarly.[17] Removal from the county may vacate the position, or the incumbent might formerly have been removed for "misbehaviour, incapacity or neglect of duty" by the Governor on recommendation of the county court, or by the county court, as he may today by the circuit court without reference to the Governor.[18]

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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, pp. 160, 353; Code 1849, p. 477; Code 1887, sec. 817; Code 1936, sec. 2701.
12. Hening, Statutes, III, p. 329; ibid., VI, p. 33; ibid., XI, p. 353; Code 1803, p. 142.
13. Hening, Statutes, VI, p. 33.
14. Code 1803, p. 142; Code 1819, I, p. 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, p. 452; ibid., II, p. 235; ibid., IV, p. 504; ibid., V, pp. 50-51, 340-341; Code 1803, pp. 142-143; Code 1860, p. 754; Code 1936, sec. 3479.
17. Code 1936, secs. 126, 134, 136.
18. Code 1819, I, p. 324; Acts 1830-31, pp. 37, 87; Acts 1852, p. 67; Code 1860, p. 534; Code 1887, sec. 821; Code 1936, secs. 2705, 2706.

(Next entry 259, p. 212)

County Surveyor

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 was early (1710) required to assist the processioners of lands, attending with a jury to survey and settle disputed bounds when the owners refused to allow processioning,[23] and when in 1866 the custom of processioning was revived as a remedy for the loss and destruction of land records in the late war, the processioners were authorized to employ the county surveyor or another similarly skilled to aid them in relocating lost bounds.[24] The county surveyor is also called upon to lay off parts of tracts sold piece meal for the payment of delinquent taxes,[25] and may be ordered to make surveys in actions to supply a link in a title,[26] or suits to establish the bounds of land, although the court may properly appoint some other person to act in either 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 head-right 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,

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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, pp. 52, 54, 57; ibid., XI, pp. 353-354; Code 1803, pp. 143-144; Code 1849, pp. 480-481; Code 1936, sec. 418 ff.; conversation with Miss N. M. Nugent, State Land Office, Richmond, Va.
23. Hening, Statutes, III, pp. 531-532; Code 1819, I, pp. 339-340; (omitted) Code 1849.
24. Acts 1865-66, p. 198; Acts 1866-67, pp. 601-602; Code 1887, secs. 2405, 2407; (omitted) Code 1919.
25. Hening, Statutes, XI, p. 116; Code 1819, II, p. 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.

entitled the claimant to a patent signed by the Governor, under the seal of the Colony. Lands so claimed were held "in common socage" from the King, who demanded an annual quitrent of 1 shilling for each 50 acres. This "headright" system, apparently introduced under the government of the Company (before 1625), is referred to (more or less in passing) in the Acts of the Assembly from time to time. The surveyor's duties in that connection are not clearly specified, but the assembly occasionally granted an extension of time for the "taking up" of patented lands, which otherwise reverted to the Crown if not improved within a certain number of years.[28]

No permanent records of the surveyor have been found in this county; those which he returns to the clerk's office are incorporated in the deed and plat book series.[29]

XXVI. COUNTY AGRICULTURAL AGENT

The history of the office of county agricultural agent in Amelia County is one of peculiar interest, in that Amelia was one of the first counties in the State to enjoy the benefits of agricultural demonstration work, and among the earliest in the country. The Virginia Agricultural and Mechanical College, a land-grant institution, had been established in 1872 and with it an experimental farm,[1] while in 1886 (apparently in anticipation of the Federal act of 1887) provision was made for further experimental work with Federally appropriated money.[2] 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, of which Amelia was one. 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),[3] but in 1910 a special act enabled the board of supervisors of any county to make appropriations from county funds for the support of demonstration activities; and the same act created a United Agricultural Board to act as coordinator for the college, the Agricultural Experiment Station, the Commissioner and State Board of Agriculture, and the State Board of Education, and 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

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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, pp. 274, 444, 472, 519, 552; ibid., II, pp. 245, 311, 397, 412, 418, 456.
29. See County Clerk, pp. 70-71, and entry 22.

1. Acts 1871-72, pp. 48, 312-315, 452.
2. Acts 1885-86, p. 354.
3. 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.

 (Next entry 259, p. 212)

schools then being established in many counties acted as centers for demonstration work among the boys and girls.[4] 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 control of the Department of Agriculture, acting through the Virginia Agricultural and Mechanical College and Polytechnic Institute, as the college is now called.[5]

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 Amelia, which has both a white and a colored agent, divides the services of her agents 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 nieghborhood 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 applica-

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4. Acts 1910, pp. 573-576; see footnote 3.
5. 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.

tions was great enough to require it, examinations have been given.[6]

Since the foundation of the demonstration and extension work, the duties of the officer have been principally to conduct demonstrations of improved agricultural methods, inducing local farmers to try out for themselves the discoveries of the agricultural experiment stations in this and other states. The agent guides the activities of the 4-H Clubs for boys, as he did the Corn Clubs in the early days of the work, and since the beginning of the present national administration he has played a very important part in the conduct of the work of various Federal agricultural agencies - the Agricultural Adjustment Administration, the Soil Conservation Service, and others. He also answers queries connected with agriculture, crop pests, fertilizers, and related subjects, distributes bulletins of advice and instructions, and seeks in every way to further and to publicize the work of agricultural improvement in his county.[7]

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 7) 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 the extinct crop limitations program of the Agricultural Adjustment Administration and the current soil conservation campaign, which has taken its place. 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 combined annual reports of the county extension workers (made up by the agricultural and home demonstration agents jointly) and the records that are kept for use in compiling this report.[8]

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6. 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 (1937-38), p, 153, et passim (lists of county officers of Amelia and adjoining counties).
7. See footnote 3; 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 April 1, 1938), supplied by Mr. C. A. Montgomery.
8. Letter of Mr. C. A. Montgomery, cited above; Acts 1936-37, p. 34.

County Agricultural Agent (259-264)

Agricultural Adjustment and Soil Conservation Records

259. (AGRICULTURAL ADJUSTMENT ADMINISTRATION), 1934-37. 5 file drawers. Record of persons participating in soil conservation and crop limitation programs including contracts, allotment sheets, records of payment, applications for payment, summary of supervisors' farm reports, statements of allowances, reports of performance, work sheets, and correspondence relating thereto. Arr. num. by serial no. For index, see entry 261. Hdw. on ptd. forms. 11½x15x25. C. C., co. agt. off., north rm.

For subsequent records, see entry 260.

260. (SOIL CONSERVATION PROGRAM), 1938--. 4 file drawers. Record of persons participating in the soil conservation and crop limitation program, including contracts, agreements to participate in program, summaries of the progress of the program, farm supervisors' reports, and correspondence relating thereto, showing name of operator, community, code and serial number, address, soil-depleting acreage, non soil-depleting acreage, soil-depleting and non soil-depleting practices, itemized yield, factors affecting recommended acreage, rate of payments, and soil building goal. Arr. num. by serial no. For index, see entry 261. Hdw. on ptd. forms. 11½x14x25. C. C., co. agt. off., north rm.

For prior records, see entry 259.

261. (INDEX TO SOIL CONSERVATION PROGRAM), 1934--. 2 file drawers. General index to record of persons participating in the Agricultural Adjustment Administration, soil conservation, and crop limitation programs, entries 259, 260, showing name of operator, serial number. Arr. alph. by first letter of surname of operator. Hdw. on ptd. forms. 3x5x14. C. C., co. agt. off., south rm.

262. (SOIL CONSERVATION PLANS AND REPORTS), 1938--. 1 file drawer. Plans and reports relating to the soil conservation plan compiled as a guide to the procedure and progress of the program, including farm plans, reports of supervisors regarding operators' eligibility and compliance with the program, and supervisors' work sheets. No obvious arr. No index. Hdw, on ptd. forms. 11½x15x25. C. C., co. agt. off., north rm.

263. 1938 PROGRAM, INSTRUCTIONS, ETC., 1938--. 1 file drawer. Papers relating to the county agent's activity in connection with the tobacco and cotton limitation and improvement program including listing sheets, recommendations, and allotments of flue-cured and other tobacco acreage, allotment requests, cotton allotments, reports of the tobacco referendum of 1938, listing sheets and flue-cured marketing quotas for 1938, and correspondence pertaining thereto. No obvious arr. Hdw. on ptd. forms. No index. 11½x14x25. C. C., co. agt. off., north rm.

Maps

264. (AERIAL SURVEY MAPS), 1937--. 1 box. Aerial photographic maps of farming area of the county taken for the purpose of determining the total arable land and total improvement land subject to the Soil Conservation Program. No obvious arr. No index. Photographic positives. 36x48x48. C. C., co. agt. off., north rm.

County Agricultural Agent (265-268)

Extension Work

265. EXTENSION WORK, 1931--. 1 file drawer.
Records of the activities of the county agent in extension work including summaries of 4-H (head, hands, heart, health) Club livestock reports, reports covering general agricultural products produced by 4-H (head, hands, heart, health) Club members, financial statements, membership records, records and reports of agricultural extension work, correspondence relating to wildlife conservation, and monthly summaries of tests given to determine the amount and quantity of milk products produced. No obvious arr. No index. Hdw. and typed on ptd. forms, hdw. on mimeographed forms, hdw., and typed. 11½x14x25. C. C., co. agt. off., south rm.

Reports and Correspondence.

266. (GENERAL REPORTS), 1931--. 1 file drawer.
Copies of travelling expense voucher, monthly report of county extension workers, and combined annual report of county extension workers, prepared by the county agent and sent to the State Director at Blacksburg. Travelling expense voucher shows destination, mileage, itemized costs, purpose of trip. Monthly report of county extension workers shows name and title of extension worker, month and year of report, location and returns of work each day, names of persons or agencies outside of county furnishing assistance, type of assistance, agent's certificate of number of days on duty, agent's signature, summary of number of days devoted to each type of extension work during the month, and total to date of report. Combined annual report of county extension workers shows names of workers whose combined activities are summarized, inclusive dates of report from each worker, date of approval and signature of State Extension Director, yearly summary of work done, demonstrations, and farmers following recommendations with reference to cereals, legumes and forage crops, potatoes, cotton, tobacco, and other special crops, fruits, vegetables, and beautification of home grounds, forestry, wildlife conservation, and agricultural engineering, poultry and bees, dairy cattle, beef cattle, sheep, swine, and horses, agricultural economics, foods and nutrition, clothing, home management and house furnishings, home health and sanitation, extension organization and community activities, other activities and work in cooperation with other Federal agencies. No obvious arr. Typed and hdw. and typed on ptd. forms. 11½x14x25. C. C., co. agt. off., south rm.

267. (ADMINISTRATIVE RECORDS), 1936--. 2 file drawers.
Copies of the county agent's monthly reports to the State Director of Extension Work of money expended by the county agent and the county agent's office for administrative purposes, and requests for office forms and supplies, and correspondence relating thereto. No obvious arr. No index. Typed, and typed on ptd. forms. 11½x15x25. C. C., co. agt. off., north rm.

268. (CORRESPONDENCE), 1939--. 1 file drawer.
Original letters to the county agricultural agent and carbon copies of his replies thereto relating to questions as to farm problems, suggestions from residents of the county relating to farming methods, office procedure, and organization and functions of Rural Electrification Authority. No obvious arr. No index. Hdw. and typed on ptd. forms, hdw., and typed. 11½x14x25. C. C., co. agt. off., south rm.

(Next entry 269, p. 215)

XXVII. 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 direction of Miss Ella Agnew, and came in 1914 under the same sponsorship as the agricultural demonstrations.[1]

The home demonstration agent must be farm-raised or have practical experience, and must in addition be the holder of a B. S. 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 first home demonstration agent under the present system in Amelia County was appointed February 12, 1923, and commenced her duties May 1 of the same year.[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 home-making 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 local agencies for relief and improvement purposes.[4]

The records of the home demonstration agent, like those of the county agricultural agent, are covered by no known statute, but are prescribed by

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1. Address of Dr. J. D. Eggleston at Institute of Rural Affairs, July 18, 1939.
2. Letter of Mr. C. A. Montgomery, Assistant Director, Extension Service, Blacksburg, Virginia, Aug. 22, 1939.
3. Supervisors Book, no. 2 (1910-24), Feb. 12, 1923, p. 419, see entry 2.
4. See footnote 2; form of statistical report (form 285, Combined Annual Report of County Extension Workers), see entry 266.

the controlling State and Federal agencies. They deal mainly with her work in connection with the 4-H clubs for girls and the home demonstration meetings for older women, and are kept in forms for the most part prescribed by the extension service headquarters and the cooperating Federal agencies. From these records is compiled the home demonstrator's share of the combined annual report, which she makes up conjointly with agricultural agent.[5]

Proceedings

269. (ENROLLMENT CARDS), 1933-37. 1 file box.
Enrollment cards into 4-H (head, hands, heart, health) Clubs showing date of application, name of project, name of school, name of applicant, grade, age, address, signature of member, signature of parent or guardian. Arr. chron. by date of application. No index. Hdw. on ptd. forms. 5x4x12. C. C., home dem. agt. off.

270. 4-H (Head, Hands, Heart, Health) CLUB MINUTE BOOKS, 1933--. 3 letter files.
Secretary's minutes of 4-H (head, hands, heart, health) Club meetings showing date of meeting, names of officers, names of members, age and address, type of project, record of attendance, proceedings. Arr. chron. by date of meeting. No index. Hdw. on ptd. forms. 7x3x9. C. C., home dem. agt. off.

271. H. D. (Home Demonstration) MINUTE BOOKS & (and) 4-H, 1935-37. 1 letter file.
Secretary's minutes of home demonstration meetings showing date of meeting, names of officers, names of members, age and address, type of project, record of attendance, proceedings. Arr. chron. by date of meeting. No index. Hdw. on ptd. forms. 7x3x9. C. C., home dem. agt. off.

Reports and Correspondence

272. (INDIVIDUAL REPORTS), 1937-38. 1 bundle.
Reports made by individual members of 4-H (head, hands, heart, health) Club on personal improvements and those made in home in accordance with 4-H (head, hands, heart, health) Club programs. No obvious arr. No index. Hdw. on mimeographed forms. 7x3x9. C. C., home dem. agt. off.

273. RECORDS, 1933-36. 1 letter file.
Reports made by members of 4-H (head, hands, heart, health) Clubs on home improvement and clothing projects showing name of member, year, age, name of leader, name of club, improvements made. Arr. chron. by date of report. No index. Hdw. on ptd. forms. 7x3x9. C. C., home dem. agt. off.

274. 4-H (Head, Hands, Heart, Health) CLUB LETTER, EXTENSION NEWS, NATIONAL CLUB LETTER, GARDEN CLUB LETTER, 1938--. 1 file drawer.
Correspondence and monthly reports of Home Demonstration agent. Arr. by subject. No index. Hdw., typed, and hdw. on ptd. forms. 11x13½x17. C. C., home dem. agt. off.

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5. Letter of Mr. C. A. Montgomery, cited above.

275. HOME DEMONSTRATION CLUBS, ORGANIZATIONS, ADVISORY BOARD, POULTRY-GARDENING, 1923-38. 1 file drawer.
Summary of home demonstration work in Amelia County including reports, suggestions and recommendations of home demonstration activities. Arr. alph. by subject. No index. Typed. 11x13½x17. C. C., home dem. agt. off.

276. 4-H (Head, Hands, Heart, Health) CLUBS, CLUB COUNCIL, CONTESTS, ca. 1928-34. 1 file drawer.
Miscellaneous reports of activities and contests of 4-H (head, hands, heart, health) Clubs. Arr. alph. by subject. No index. Hdw. on ptd. forms. 11x13½x17. C. C., home dem. agt. off.

277. RECREATIONAL, MUSIC, CANNING, 1923-38. 1 file drawer.
Monthly reports of county extension work, weekly and annual reports and membership enrollments. Arr. alph. by subject. No index. Hdw. on ptd. forms. 11x13½x17. C. C., home dem. agt. off.

XXVIII. COUNTY MILITIA

In a government and society as closely approaching military form as did that of Virginia in the first years of settlement, military organization was inevitably of great importance. Not until late in the seventeenth century was any part of the Colony completely safe from Indians,[1] and virtually every man had to be a soldier. Each of the scattered settlements or plantations had a commander, and usually a lieutenant,[2] who might have power of life and death in time of emergency,[3] but were otherwise (after 1619) enjoined to observe and enforce the civil law of England. These officers became the principal judges of the monthly courts, when they were set up.[4] It was not, however, until 1634, when the Colony was divided into counties, that a general scheme of organization for military purposes was adopted, and county lieutenants appointed, somewhat upon the plan used in England.[5] This system of arrangement exclusively by counties continued until the Revolution made obvious the need of a more closely unified structure, which was provided in the Federal act for a uniform militia, adopted by Virginia in 1792.[6] The plan outlined in the Federal act was followed in subsequent reorganizations of the Virginia Militia until after 1865, when all of the armed forces of the State were disbanded.[7] The Constitution of 1869 provided only for a volunteer militia in time of peace, and since that time there has been no compulsory military service, nor have the counties been used as units in that connection.[8]

At the time of the foundation of Amelia County, there was no especial

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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, pp. 131-132.
3. Records of the Virginia Company, III, p. 623.
4. Hening, Statutes, I, pp. 132-133, 168-169.
5. Ibid., I, p. 224.
6. Ibid., IV, p. 198; ibid., VI, pp. 113-114; ibid., VIII, p. 241; Statutes at Large of the United States, I, pp. 271-274; Hening, Statutes, XIII, pp. 340-356; Shepherd, Statutes, I, pp. 203-207.
7. Code 1819, art. IX, secs. 1, 2; the subsequent constitution carried no provision for militia at all, although Virginia has a considerable National Guard establishment.

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requirement for eligibility to commissioned rank, but shortly afterward it was enacted that all commissioned officers must be residents of the county for which they served.[9] Any free white male within the age limit and not exempt by reason of his business or profession was required to serve in the ranks and attend at musters (the age limit varied from time to time - 16 to 60 years in 1705, 16 to 50 in 1777, and 18 to 45 in 1860).[10]

In the seventeenth century, the principal commander (himself appointed and commissioned by the Governor) chose his own subordinate officers, subject to the approval of Governor and Council.[11] This system of appointment may have continued well past the middle of the eighteenth century, for there are no provisions as to the selection of commissioned officers until 1775, when they were to be commissioned by the central Committee of Safety, upon the recommendation of the county committees.[12] With the adoption of a constitution the following year, this became the duty of the Governor, with the advice of his Council and upon recommendation of the respective county courts. Under the act of 1792 the General Assembly elected and appointed the general officers by joint vote of the two houses, while the Governor continued to appoint officers of lower grades on the recommendation of the county courts.[13] The new Constitution of 1830 left the manner of appointment largely at the discretion of the legislature, and in 1834 a radical change was made in the manner of the choice of officers along lines suggested in the debates of the 1829-30 constitutional convention. The general officers continued to be appointed by the General Assembly, but company officers were thereafter to be elected by the non-commissioned 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

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9. Hening, Statutes, VI, pp. 530-531; ibid., VII, p. 93; ibid., IX, p. 268; Code 1860, p. 146 (refers to regimental districts, usually one or two counties in extent).
10. Ibid., III, pp. 335-336; ibid., IX, pp. 267-268; Code 1860, pp. 135-136 (among those exempt were important Federal, State, and county officers, millers, teachers, ministers, and ferrymen).
11. Hening, Statutes, I, p. 294; Bruce, Institutional History, II, pp. 19-20.
12. Hening, Statutes, IX, p. 27.
13. Ibid., IX, pp. 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.

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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 non combatant 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 1,00 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 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, and were composed of young men, 18 to 25 years of age, who chose to serve a term of years in units privileged to make their own by laws 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]

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15. Hening, Statutes, VI, p. 531; ibid., IX, pp. 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, p. 268.
17. Ibid., IX, p. 268; Code 1803, p. 331; Code 1819, I, p. 99; Code 1849, p. 125.
18. Hening, Statutes, IX, p. 268 (the county lieutenant at that time ranked above the battalion commander); Code 1819, I, p. 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, p. 23; ibid., VI, p. 540; Code 1803, p. 285; Code 1819, I, p. 99; Code 1860, pp. 142, 145-146, 157.

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Militia officers and men alike generally drew pay only for such time as they spent in actual service. In 1675, for instance, a mounted man was entitled to 2,000 pounds of tobacco per year, and an infantryman to 1,500, while the pay of officers ranged from 600 pounds of tobacco and cask per month for a captain to 300 for an ensign and 150 for a corporal or drummer. Four years later, and at intervals thereafter, also appear provisions for compensation to soldiers wounded or disabled in campaigning. Officers and troops continued to receive pay for active duty, and by the end of the Revolution that pay had been fixed at an amount equal to the compensation of the officers and soldiers of the Continental Army. The same relationship continued almost to the end of the militia establishment, allowances for camp equipage, pay, subsistence, and forage being the same as for similar officers and soldiers in the service of the United States.[22]

Commanders of county military forces as early as the seventeenth century were authorized to fine those who failed to appear as required for training or inspection, or offended in other ways against discipline, and such fines were always collected by the sheriff. After 1705, however, the court-martial or court of enquiry assessed the fines, upon the reports of the captains, and certified them to the sheriff for collection. Corporal punishments, such as "lying neck and heels," were imposed upon enlisted men for insubordination or breach of duty, and officers were subject to fines (more or less heavy according to the gravity of the offense) for neglect of any of the requirements of their office (failure to call musters, to make reports, or to account satisfactorily for money or supplies committed to their charge).[23] Officers and men were at all times when in actual service subject to the regulations and penalties of the articles of war (earlier the "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

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22. Hening, Statutes, II, pp. 331, 440; ibid., III, pp. 22, 209; ibid., IV, p. 200; ibid., VI, p. 116; ibid., XI, pp. 293-8, ibid., XI, p. 181; Code 1803, p. 287; Code 1849, pp. 150-151; Code 1860, p. 164.
23. Hening, Statutes, II, pp. 246-247; ibid., III, pp. 340-341; ibid., V, pp. 20-21; ibid., VI, pp. 114, 536, 545-546; Code 1803, p. 285; Shepherd, Statutes, III, p. 208; Code 1849, pp. 152-158; Code 1860, pp. 166-169.
24. Hening, Statutes, IX, pp. 35-48; Code 1803, p. 287; see footnote 23.
25. Hening, Statutes, V, pp. 19-20; ibid., VI, pp. 534-535; ibid., VII, pp. 96-97; ibid., IX, pp. 271-272; Code 1803, pp. 288-289; Code 1819, I, p. 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.

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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 be filled by vote of the commissioned personnel of the regiment, and vacancies in company command by election of the enlisted men of the company. However, in any instance of failure on the part of the men to carry out their election after sufficient notice, appointments were made by recommendation of the regimental commander, with the advice of the field officers of his command.[29]

The primary duty of the militia was, of course, to defend the county and the State in time of war, invasion, or insurrection, and in order to keep the local units in training, periodical "musters", or assemblies for the purpose of drill and roll call, were required to be held. In the seventeenth century these exercises were held every "holy day", and the commanders were to take a census annually, not only of their men, but of women, children, arms, and property of all sorts.[30] By 1684 companies and regiments had been organized, regimental musters being held annually, and company musters quarterly, and this arrangement continued into the eighteenth century.[31] The number of company and general musters was increased during the Revolution, but in 1792 company musters were held bimonthly, with battalion musters in May and regimental in October.[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

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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, p. 137; Code 1803, pp. 283, 290; Code 1819, I, p. 98.
29. Acts 1833-34, p. 30; Acts 1834-35, p. 23; Code 1849, p. 129.
30. Hening, Statutes, I, pp. 175, 200 (before the appointment of county lieutenants in 1634).
31. Ibid., III, pp. 14, 339.
32. Ibid., IX, pp. 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.

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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 (of which Amelia County was one) to oppose this invasion, and soon afterward ordered out every man who could be armed, to face Cornwallis' northern movement to join Arnold. He further stated that he considered it unnecessary to notify counties lying in the invaders' way, as 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]

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]

Records of the militia, since they were for the most part kept by the clerks of courts of enquiry and the officers of the various military units, rarely appear among the papers of the county courthouse.

In Amelia, however, two records of this agency survive - a regimental court martial book, containing orders and proceedings of the military tribunal,[38] and a roll of conscripts drafted under the militia laws of Virginia and the draft acts of the Confederate States, for service in the armies of the Confederacy.[39]

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34. Hening, Statutes, II, pp. 326-336; ibid., VII, pp. 14, 61, 163-164, 252, 357, 495, et passim; ibid., IX, pp. 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, pp. 570-575.
36. Ibid., IV, p. 198; ibid., VI, pp. 113-114; Code 1860, pp. 161-162.
37. Hening, Statutes, IV, pp. 202-203; ibid., V, p. 19; ibid., VII, pp. 104-105; ibid., IX, p. 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, XIII, pp. 352-353; Code 1803, pp. 337-338; Code 1819, I, pp. 115-116.
39. This record was kept by the enrolling officer for Amelia County, probably a local militia officer; it appears that the Confederate States Government merely requisitioned the necessary number of troops from the respective states, leaving the actual levy to be conducted under the militia laws of the states: Acts 1861-62, pp. 40-44; Ordinances Adopted by the Convention of Virginia at the Adjourned Session in November and December 1861, (no date, no publisher, bound with Acts 1861-62), pp. 4-5; Acts 1863 (adjourned session), pp. 39-41 (state troops and rangers transferred as units to the Confederate Government); Public Laws of the Confederate States of America . . . 1863-4, Richmond, 1864, pp. 211-215.

278. PROCEEDINGS OF COURTS MARTIAL FROM 1794 to 1809, 1794-1809. 1 vol. Record of proceedings and orders of the militia courts of enquiry and courts martial recorded by the clerk of the court of enquiry, including rosters of companies, lists of persons eligible for service in each company district, lists, grades, and dates of commission of field officers of the First Regiment, copies of brigade orders, lists of persons fined for failure to attend muster, lists of such persons who have no property which can be sold in satisfaction of fines or who have moved from the county. Arr. chron. by date of meeting. No index. Hdw. 200 pp. 8x13x1. Clk. off., record va.

For other military records, see entries 63-66.

279. (CONFEDERATE CONSCRIPTION RECORD), 1864. 1 vol. Record of persons conscripted by the county enrolling officer for service in the War Between the States including list and description of members of the Amelia Mounted Guard, lists of public officials exempt from service, lists of persons exempt under an act of the Confederate congress, lists of persons exempt because they owned 15 or more hands, applications for exemption, lists of conscripts enrolled, lists of free Negroes enrolled, and lists of absentees and deserters. No obvious arr. No index. 100 pp. 6½x15½x1. Clk. off., record va.

For other military records, see entries 63-66.

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