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INVENTORY
-- of the --
COUNTY ARCHIVES OF WEST VIRGINIA

Prepared by
The Historical Records Survey
Division of Women's and
Professional Projects
Works Progress Administration

NO. 31. MONROE COUNTY (UNION)

Charleston, West Virginia
The Historical Records Survey
November, 1938

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November, 1938

The Historical Records Survey

Luther H. Evans, National Director
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FOREWORD

The Inventory of County Archives of West Virginia is one of a number of bibliographies of historical materials prepared throughout the United States by workers on the Historical Records Survey of the Works Progress Administration. The publication herewith presented, an inventory of the archives of Monroe County, is number 31 of the West Virginia series.

The Historical Records Survey was undertaken in the winter of 1935-36 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. The archival guide herewith presented is intended to meet the requirements of day-to-day administration by the 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 attempt to do more than give merely a list of records - they attempt further to sketch in the historical background of the county or other unit of government and to describe precisely and in detail the organization and functions of the government agencies whose records they list. The county, town, and other local inventories for the entire country will, when completed, constitute an encyclopedia of local government as well as a bibliography of local archives.

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

The Survey was organized and has been directed by Luther H. Evans, and operates as a nation-wide project in the Division of Women's and Professional Projects, of which Mrs. Ellen S. Woodward, Assistant Administrator, is in charge.

HARRY L. HOPKINS
Administrator

PREFACE

The Historical Records Survey, as a part of a nation-wide undertaking, was instituted in West Virginia April 17, 1936. Operating as a part of the Works Progress Administration under the national direction of Dr. Luther H. Evans, the West Virginia project came into existence under the immediate supervision of the Federal Writers' Project, of which L. W. Burns was then state director. In November 1936, the Survey became an independent part of Federal Project No. 1, and Mrs. Eva Margaret Carnes, formerly assistant state director of the Federal Writers' Project, became the state director of the Survey.

The objective of the Survey in West Virginia is to prepare complete inventories of the records of state, county, city, or other governmental units and of church records, newspapers, manuscript collections, and business records. Although a condensed form of entry is used, information is given as to the limiting dates of all extant records, contents of individual series and the location of records in the county courthouses and other depositories. The records are arranged under the office of origin and by subject, although reports are arranged under the office to which the report is made; in the index they are arranged alphabetically but with cross references. The chronological index forms a guide to the records by the beginning date of each series. Preceding the record entries of each office is a brief statement as to the history, functions, and records of the office.

The Inventory of County Archives of West Virginia will, when completed, consist of a separate numbered volume for each county in the state. The units of the series are numbered according to the respective position of the county in an alphabetical list of counties. Thus, the inventory here presented for Monroe County is No. 31. The inventories of state, municipal, and other records will constitute separate publications.

The Survey in Monroe County was opened May 1, 1936 under the local supervision of Grace Linton. Assisting her in the initial survey were Lucy Mitchell and Gray Wylie. Work was completed and the project closed in December 1936. The county was re-opened in the winter of 1937-38 for a re-check by Monnie Reed, Greenbrier County local supervisor. Miss Linton and her team, and Miss Reed were splendid workers and cooperated with the state office in every way. Throughout the entire work the county officials were courteous and were at all times willing to assist in any way in which they could. The workers, under Miss Linton's supervision also completed a survey of all church records in the county. The kind cooperation of ministers and lay members of all denominations is gratefully acknowledged.

Preface

Legal history for the inventory was prepared by Herbert W. Richardson; the assemblage of inventory entries and other parts of the book were done by the state editorial staff under the direction of Mary E. Auld, editor-in-chief.

The various units of the Inventory of County Archives of West Virginia will be issued in mimeograph form for free distribution to state and local public officials in West Virginia and to a number of libraries and governmental agencies outside the state. Inquiries regarding particular units of the inventory should be addressed to the State Director, 307 Smallridge Building, Charleston, West Virginia.

Particular appreciation for cooperation in our undertaking is expressed to the officials of the Works Progress Administration in West Virginia. Mr. Joseph N. Alderson, State Administrator and Mrs. Florence H. Wilkinson, State Director of the Women's and Professional Projects have kindly given their assistance at all times.

EVA MARGARET CARNES
State Director
The Historical Records Survey

Charleston, West Virginia
November 1, 1938

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(First entry, p. 31)

1. HISTORICAL SKETCH

Monroe County was formed by act of the Virginia Assembly from Greenbrier County in 1799 (Statutes at Large, New Series, 1792-1806, ch. 41, sec. 1, p. 169). It was named in honor of James Monroe, who, although at the time of the formation of the county was a prominent Virginian, did not become a national figure until many years later. The seat of government is at Union, a town of 331 population. The county is bounded on the north by Greenbrier County, West Virginia; on the east and southeast by Alleghany, Giles, and Craig Counties, Virginia; on the south by Giles County, Virginia; and on the west by Summers County, West Virginia. The area of the county is 473.80 square miles. Monroe County in 1890 had a population of 12,429. The population increased slightly until in 1910 the number of inhabitants was 13,055; since that time the population has decreased and the 1930 census showed 11,949 (W. Va. Blue Book, 1937, p. 620). The county is divided into six magisterial districts; Red Sulphur, Second Creek, Springfield, Sweet Springs, Union, and Wolf Creek (ibid., p. 363.)

The earliest county in which the territory now in Monroe County was included was Spottsylvania County, Virginia. Spottsylvania County was the first to claim jurisdiction to any portion of the valley west of the Blue Ridge Mountains and to "the uttermost limits", embracing all of what is now West Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, and all of western Virginia. (Charles H. Ambler, A History of West Virginia, p. 54.) In 1738 the District of Augusta and the District of Frederick were formed from Orange County. This left a large unorganized territory known as the District of West Augusta (4 Hening, p. 450).

Augusta County, in which was included the present Monroe County, was formally organized in 1745 with the county seat at Staunton (Ambler, A History of West Virginia, p. 55; Morgan P. Robinson, "Virginia Counties", in Va. State Library Bulletin p. 74). Monroe County remained a part of Augusta until January 31, 1770, when the Virginia Assembly created Botetourt County from Augusta territory and the present Monroe County became a part of the newly created county (Ambler, A History of West Virginia, p. 132). Three years later the assembly created from Botetourt a new county to be known as Fincastle. Most of the Monroe territory remained in Botetourt, only a small corner of the new county being taken from what is now Monroe County (8 Hening, pp. 600, 601). In 1776 Fincastle County ceased to exist when the assembly created three counties, Montgomery, Washington, and Kentucky. (Oren F. Morton, History of Monroe County, pp. 29, 30).

In October 1777, the assembly created from Botetourt and Montgomery Counties a new county which was designated as Green Brier, which included all the territory now in Monroe (9 Hening, p. 420 et seq.). The vast extent of the newly created county

early gave rise to petitions for the establishment of several counties and in 1790 the citizens of what is now Monroe County presented their first petition asking for the creation of a new county from the southern part of Greenbrier. The assembly received a second petition in 1795 and the same year a counter petition was filed by citizens who did not desire a new county. The third petition and a counter petition were filed early the following year and in December a fourth petition requested the formation of a new county. (Morton, pp. 103-105.) For two years there seems to have been a lull in the petitions for the fifth petition was not presented until 1798 and in the following year the new county, to which the assembly gave the name of Monroe, was created (Statutes at Large, New Series, 1792-1806, ch. 41, sec. 1, p. 169).

In spite of the fact that the county had been officially created, the feeling against the division of Greenbrier remained intense and a long series of petitions were presented to the assembly requesting that the two counties be reunited, that the act creating the county be withdrawn, that a new county be formed with different boundary lines, that the county seat be removed to another more convenient location and finally that the Greenbrier-Monroe county line be moved to a distance of 15 miles from Lewisburg (Morton, pp. 109-111).

The boundary lines of the new county, in spite of the storm of petitions which were descending upon the assembly, remained the same until January 2, 1802, when the first of many boundary changes began. By act of the aforesaid date the assembly added a part of Botetourt County to Monroe County (Statutes at Large, New Series, 1792-1806, ch. 45, p. 345). The second change came with the formation of Giles County from Montgomery, Monroe, and Tazewell, May 1, 1806 (ibid., ch. 53, pp. 244, 245). On January 5, 1822, the assembly created Alleghany County from Bath, Monroe, and Botetourt Counties; and Monroe again lost a part of her territory (Va. Acts, 1822, ch. 28, pp. 28-30). Four years later a small part of Monroe was added to Greenbrier (Morton, p. 133). By act of February 2, 1829, the assembly ordered that a part of Monroe be added to Giles County (Va. Acts, 1829, ch. 121, p. 119). A part of Monroe was added to Alleghany County by act of January 11, 1843 (Va. Acts, 1843, ch. 56, pp. 40, 41). Morton mentions an addition to Craig County from Monroe in 1853 (Morton, p. 134), and a second contribution was made to that county in 1856 (Va. Acts, 1856, ch. 112, pp. 97, 98). The last curtailment of the territory was made in 1871, after West Virginia had become a state, when Summers County was created from parts of Greenbrier, Monroe, and Mercer Counties (W. Va. Acts, 1871).

The first court in Monroe County convened at the home of George King, as ordered by the act which created the county. The act provided that court be held on the third Tuesday of each month, and that it be composed of commissioned justices.

Historical Sketch (First entry, p. 31)

(Statutes at Large, New Series, 1792-1806, ch. 41, sec. 1, p. 169.) It was composed of the following justices of the peace who presented their commissions and took the oath of fidelity to the commonwealth; William Hutchinson, James Alexander, Isaac Estill, William Haynes, John Hutchinson, John Gray, John Byrnsides, William Graham, James Hanly, and William Vawter (Order Books, No. 1, p. 1, see entry 1). Isaac Estill presented a commission from the governor and after giving bond, was sworn sheriff of the new county (ibid.). After formal organization the court was ordered "to adjourn from the dwelling house of George King to his barn for conveniency." John Hutchinson was appointed clerk; John Woodard was named as prosecutor; John Byrnsides was recommended to the governor for the place of surveyor; and John Arbuckle was appointed deputy sheriff (ibid., p. 2).

The court met the second day (apparently in the barn) and "the court having fixed upon the Land of James Alexander Gent., on which he reissues the plan for holding the court of this County on the terms and under the Restrictions proposed by the said James Alexander on his giving Bond to comply therewith. It is ordered that the Court house be built thereon accordingly." (Ibid.) The militia organization was set up with recommendations to the governor for the various military titles. James Graham was recommended for appointment to the office of coroner at the third meeting of the court. (Ibid., pp. 3, 4.)

At the meeting of May 23, the record shows: "The court proceeded to ascertain the land for the Public Building also twenty acres agreeable to the proposals of James Alexander Gent. and having personally taken a view of the ground, postponed a final decision thereof until the next court.

"Isaac Estill Gent. Sheriff of this County excepts to the Consequinces which may happen for want of a jail for securing prisoners that may be in his custody." (Ibid., p. 6.)

The objections to the choice of the county seat were immediate, numerous, and emphatic. The chief complaint of the people living within the new county was that the seat of government was not in the center of the county as the law required. Some, said to have been led by disgruntled Greenbrier citizens who had opposed the formation of the county, even went so far as to petition the assembly to disband the new county and reunite it with Greenbrier. (Morton, p. 110.)

Court was held at the home of James Alexander for more than a year and the meeting in October 1801, was held at the home of Humphrey Keyes. The following month it was ordered that the court occupy the new courthouse. The same year the jail was accepted and the purchase of a "county seal" ordered. In 1803 a clerk's office was ordered built. The order stated that the office was to be constructed of stone, "14 x 16 feet in the clear," and fireproof; and that the plans were to be

made by Alexander Dunlap and John Hutchinson. At the same meeting the sheriff protested the insufficiency of the jail. (Morton, pp. 142-148.)

The log courthouse, completed in 1801, soon became too small for the needs of the county and in 1818 money was appropriated toward the construction of a new building, however, actual work was not started until 1820. The new courthouse, of brick construction, was accepted by the court the following year and was used until the erection of the present building in 1881. (Ibid.)

During the War between the States, Monroe County and its government remained loyal to Virginia. The county was represented in the secession convention at Richmond and did not send delegates to the various Wheeling conventions which formed the reconstructed government of Virginia and prepared the way for the formation of the state of West Virginia. Monroe County was included in the state, not because of the sentiments of its people, but because of natural geographical boundary lines. Thus the county government continued to be Virginian for two years after Monroe had become a part of the new state and it was not until 1865 at the end of the war that Monroe County accepted the verdict of the courts, disbanded its county court, and set up a board of supervisors. No attempt was made during the Civil War to establish the township form of government, created by the first constitution of West Virginia. (Morton, pp. 156, 157.)

The territory included in Monroe County was settled soon after the French and Indian War although there were some settlements made in the section prior to that time. The first expedition of exploration which may have touched Monroe County was that of the famed Batts-Fallam Expedition, sent out by Major Abraham Wood, the dean of Virginia fur traders. The expedition left Fort Henry (now Petersburg) September 1671. The party consisted of Thomas Batts, Robert Fallam, Thomas Wood, Jack Neasom, and an Appomattox Indian named Perecute. Just how far this expedition traveled is a disputed question among historians. It is known that they reached the New River and that they may have entered what is now West Virginia through the gap in Peters Mountain in Monroe County. West Virginia historians have long claimed that the falls which they reported seeing were those of the Great Kanawha, but more recent historical verdicts have been that if they penetrated West Virginia at all, it was a very short distance, and most historians contend that they did not quite reach the Virginia-West Virginia line. (Morton, pp. 20, 21; Ambler, A History of West Virginia, pp. 43-45; Callahan, Semi-Centennial History of West Virginia, p. 18; Encyclopedia Britannica, 1937 edition.)

Records of later expeditions which touched the Monroe territory are those of Dr. Thomas Walker, manager of the Loyal Land Company, in 1750, and that of Christopher Gist in the following year (Morton, pp. 24, 25).

Historical Sketch (First entry, p. 31)

Augusta County was settled in 1732 by the Lewis family, the founders of Staunton, and a number of Scotch Presbyterians who had been exiled to Ireland and made their way thence to America. It was natural that these Scotsmen should penetrate the territory to the west and south to take up the land which was offered them by the state of Virginia. The Lewis family early became prominent throughout the section and were instrumental in the formation of the Greenbrier Land Company which was organized in 1749. This company was made up of John Robinson, treasurer of the state and speaker of the house as president; William Beverly; Beverly Robinson; John Robinson Jr.; Henry Weatherburne; Thomas Nelson Jr.; John Craig; John Wilson; Robert Lewis; John Lewis; and Charles Lewis. The company was granted a tract of 100,000 acres in what is now Pocahontas, Greenbrier, and Monroe Counties. As settlers were forced to pay a fee of three pounds ($10) for the surveying of each one hundred acres, John Lewis, with his two sons Thomas and Andrew, both of whom were surveyors, were on their way toward a fortune when the French and Indian War interrupted settlement and sent even the most adventuresome pioneers back to safety in the eastern communities. Many of the early Monroe County grants can be traced to this company and to the Loyal Land Company, formed in 1749, the lands of which company extended from the Greenbrier River to the North Carolina boundary line. (Morton, p. 23, Callahan, Semi-Centennial History of West Virginia, p. 19; Ambler, A History of West Virginia, p. 82.)

Greenbrier County suffered from border Indian raids during the French and Indian War and settlement was retarded. What is believed to have been one of the earliest settlements within the present boundaries of the county was made at Sweet Springs by James Moss in 1760. James Byrnside settled at the Sinks of Monroe about 1763. For the following six years there is no record of any settlement within the territory and it was not until 1769 that permanent settlement was made. From that date the frontier moved westward and the population grew. It was from this section that the army, under General Lewis, moved to Point Pleasant to fight the only pitched battle of Lord Dunmore's War, October 10, 1774. During the Revolution the county suffered constant Indian raids and sent militia members to the western defense at Pittsburgh and along the Ohio. (Morton, pp. 33-53; Thwaite and Kellog, Documentary History of Dunmore's War, Revolution of the Upper Ohio, Frontier Defense on the Upper Ohio.)

As the frontier moved on toward the Ohio River in the days which followed the Revolution, the Greenbrier and Monroe sections settled down to a more cultured life. Lying in the heart of a limestone country rich in bluegrass; and a good farming country, the two counties soon became agricultural in nature. The limestone which produced the bluegrass, also produced mineral springs of a high sulphur content. Tradition says that the Indians early knew the medicinal value of these waters and brought their sick

and wounded to the springs for healing. Early settlers, too, realized that the waters had unusual qualities and developed many of the springs into health resorts which became the summer resort for many of the leading families of the south. Sweet Springs, the oldest and best known of these resorts, was developed by the Lewis family. The property itself was patented by William Lewis in 1774 and following the Revolution he began to develop the springs as a resort. The story of his acquisition of the courthouse for the superior court of law is told in the essay on the District Superior Court, page 64. The resort soon became popular and remained one of the most aristocratic of the southern watering places until the Civil War. It continued to be used as a resort until within the past ten years, when it was closed. (Morton, pp. 201-205.) The hotel building is said to have been designed by Thomas Jefferson.

Other springs which were popular as resorts for many years were Red Sulphur and Salt Sulphur Springs. Both suffered heavily during the War between the States and never regained their popularity. (John J. Moorman, Virginia Springs; David B. Reger, Geological Survey of Monroe, Mercer and Summers Counties; Morton, ch. 21.)

Union, the county seat of Monroe County, was established by act of the Virginia Assembly, January 6, 1800. The act stated that: "twenty-five acres of land, the property of James Alexander, at the courthouse in the county of Monroe, as the same have been laid off into lots and streets, shall be established a town by the name of Union; and that William Haynes, John Gray, John Byrnside, James Hanley, Michael Erskine, John Hutchinson, and Isaac Estill, gentlemen, shall be and are hereby constituted trustees thereof." (Morton, p. 192.) It is interesting to note that not only did the county seat give rise to the growth of the town but that the county court constituted the trustees of the town. (For town records see App. 7.)

The town was incorporated by the state of West Virginia, August 14, 1868 (ibid. 195). Other towns include Peterstown, established in 1803; Sweet Springs; Red Sulphur Springs; and a number of rural communities. Monroe has maintained its agricultural status and is one of the leading counties in the production of grain and the raising of cattle and sheep.

2. GOVERNMENTAL ORGANIZATION AND RECORDS SYSTEM

Early Organization

The third oldest county in southern West Virginia, Monroe County, was formed from Greenbrier County in 1799 and its organization was established under the first constitution of Virginia.

(First entry p. 31)

Governmental Organization and Records System

The user of Monroe records should consult also the Greenbrier County, West Virginia, records, 1777-99; Botetourt County, Virginia, records 1770-1777; and the Augusta County, Virginia, records for earlier dates.

The county system of government grew from the early colonial days and changed with the needs of an ever-westward-moving people. Originating in the monthly courts, the county court, as it has come to be known, has been the principal judicial and administrative body in the county system. This system was well established by 1776 when Virginia wrote her first constitution. Counties were formed upon the petitions of the residents of the section and the act of the assembly which established the county designated the name which should be given and the location of the intended county seat. Full administrative powers were vested in the county court, composed of justices of the peace who had judicial jurisdiction on an equality with the district and circuit courts which were established from time to time. This body exercised the right of recommendation for the appointment of sheriff and the appointment of all minor county officials as well as the recommendations to the governor for appointment of additional justices. Concurrent in jurisdiction of legal matters were the district courts, 1788-1809; the circuit superior court of law, 1809-31; the circuit superior court of chancery, 1777-1831; the circuit superior court of law and chancery, 1831-51; and the circuit court, 1851-63, 1872-78. Callahan, Semi-Centennial History of West Virginia, ch. 6; Oliver Perry Chitwood, Justice in Colonial Virginia, Johns Hopkins Series, 1905; Ambler, A History of West Virginia, ch. 11.)

The county court had full administration of finances, construction and maintenance of roads, administration of estates, care of the poor, and in 1818 the management of school affairs was made a part of its duties by the literary fund act. Some jurisdiction was exercised over the county militia of which every man in the county, between the ages of 18 and 45, was a member. Field officers received their commissions from the governor but these commissions were required to be presented to the county court and were consequently entered as a part of the regular business of the county. The court also heard petitions for service in the Revolution on which claims for pensions were based and these too, became a part of their records (see entry 5).

Formal organization of Monroe County took place at the home of George King, which had been designated in the act which created the county as the proper meeting place, and nine gentlemen justices were present. Many of these had received their commission under the Greenbrier County government and a commission as sheriff was presented by Isaac Estill and approved by the court. A clerk was appointed and militia officers recommended to the governor. (Order Books, No. 1, pp. 1-5, see entry 1.)

(First entry, p. 31)

Governmental Organization and Records System

The abuse of the justice membership of the court, which grew out of the recommendation made by the court for appointment of new or additional justices, early gave rise to much criticism along the western border counties where democracy in all its meaning was essential to the life of the individual and his government. The fact that the membership was thus limited to the few leading families of the community, and that membership often passed from father to son, caused demands to be made in the early nineteenth century for a reform in this court. When the eastern counties reluctantly agreed to call a constitutional convention in 1829, the delegates from the western counties were instructed to make demands for an elective membership in the county court. When the east refused to recognize these and other demands made by the western representatives, the western delegation withdrew from the convention, met at a Richmond boarding house, and seriously discussed the formation of a new state west of the Alleghanies. Realizing the impracticability of such a move at that time, the delegates further considered withdrawal from Virginia to become a part of Maryland or Pennsylvania. The division, which had been discussed since the Revolution, now became an open question and from that time until the War between the States when the new state was created, provided material for frequent western Virginia newspaper editorials. Inasmuch as the convention, without western representation, rewrote the constitution, little relief was given the insurgent counties, and no relief was given in the matter of the county court. The superior court of chancery established in 1777; and the circuit superior court of law, which had replaced the old district court in 1809, were replaced by the superior court of law and chancery in 1831. For particulars of the district court at Sweet Springs the reader is referred to the essay on District Superior Court, page 64. (Callahan, Semi-Centennial History of West Virginia, pp. 126-136; Ambler, Sectionalism in Virginia, 1776-1861, ch. 5.)

Although the eastern counties and the Virginia government attempted to satisfy the wilful counties by the construction of numerous turnpikes, establishment of preparatory schools for the University of Virginia, and in other ways, the western counties continued to cry out for court reform. Thus in 1850 a third constitutional convention was called, and this time the government gave heed to the demands of the western counties.

Constitution of 1851

Under the constitution of 1851 while the membership of the county court remained in the hands of justices of the peace, these justices were elected by popular vote and their number was limited to four in each magisterial district. Three to five of these justices served at certain terms of the year, so that the membership of the county court was not cumbersome but attendance was assured. It is interesting to note from Monroe County records that the first election of justices reinstated as members

of the county court, most of the justices who had held commissions under the former constitutions and that the membership of the body was not materially changed until the voters had gone to the polls for at least two general elections (see Appendix, C, List of County Officers p.155).

The offices of coroner and escheator continued to be filled by appointment of the governor upon recommendation of the county court, the superintendent of the infirmary, a school commissioner for each district, and the road supervisor continued to be appointed by the county court. The office of overseers of the poor remained elective. However, the Virginia constitution of 1851 provided that the county clerk, county surveyor, commissioners of revenue, commonwealth attorney, sheriff, circuit court judge, and circuit clerk be elected. In 1852 the assembly of Virginia created the office of general receiver to be filled by appointment of the circuit court. The same year it was provided that the constables be elected by the voters of the county.

The superior court of law and chancery, whose judge had been appointed and served ex officio as judge of the general court was replaced by the circuit court whose judge was elected by the voters. The latter court exercised jurisdiction in both law and equity cases (ibid.).

Constitution of West Virginia, 1863-72

With the outbreak of the War between the States the western counties found the needed impetus to bring about the separation from Virginia which had been openly discussed since the convention of 1829. With Pierpont's Reconstructed Government of Virginia to authorize the secession, the state of West Virginia was formed and admitted to the Union on June 20, 1863. So strong had been the feeling against the county system of government that the constitution of the new state made an attempt to break away entirely. While county boundaries and names remained unchanged, the magisterial district divisions were abolished and townships substituted. Names of these townships commemorated practically the entire Union army. (Callahan, Semi-Centennial History of West Virginia, ch. 7; Ambler, A History of West Virginia, chs. 15-17.)

Monroe County had not sent representatives to the Wheeling conventions which led to the formation of West Virginia or its constitution, but remaining loyal to the South, operated as a Virginia county. It was not until the end of the war in 1865 that this county accepted its position in the new state; and in May of that year the Virginia county court ceased to function. (Morton, p. 156.)

The constitution of the new state abolished the county court. The board of supervisors, made up of a supervisor from each township, had charge of the administration of financial

affairs of the county, supervision of the roads, and care of the poor (W. Va. Const., 1863, art. 7, secs. 2-4). Serving the body was a clerk, appointed by the board, who acted in the capacity of secretary. The justices of the peace and constables were elected by the township, the former serving only in a judicial capacity (ibid.). Other elected township officers included a supervisor who served as a member of the county board of supervisors, a clerk of the township, a surveyor of roads for each precinct in the township, and an overseer of the poor. A township board of education made up of three commissioners was also elected. The various boards were held together to some extent by a county elected superintendent of schools (W. Va. Acts, 1863, ch. 137, secs. 1, 3; W. Va. Code, 1868, ch. 45, sec. 51).

The circuit court judge was elected by the voters of the counties in his circuit. In him were lodged the judicial powers, and also the probate of wills and administration of estates. (W. Va. Const., 1863, art. 6, sec. 4.) Serving the circuit court was an elected clerk who acted in the same capacity as today (ibid., art. 6, sec. 15). A new addition was the officer of recorder, elected by county vote and responsible to the circuit court. His duty was the recordation of required legal papers and he acted in vacation of the court in the administration of estates. (Ibid., art. 7, sec. 5.)

The offices of prosecuting attorney, sheriff, surveyor of lands, and assessor continued to be elective (ibid.). The sheriff, recorder, surveyor of lands, and the assessor composed the board of correction for the review and equalization of taxes (W. Va. Code, 1870, ch. 29, sec. 8). A school land commissioner, appointed by the judge of the circuit court, whose duty it was to ascertain and care for delinquent lands liable to be taken over by the state for school purposes was added to the list of county officers by legislative enactment in 1865 (W. Va. Acts, 1865, p. 80, secs. 2-6).

The legislature on February 25, 1865, passed an amendment which read: "No person, who, since the first day of June, 1861, has given or shall give aid or assistance to the rebellion against the United States shall be a citizen of this state or allowed to vote in any election held therein, unless he has volunteered into the military or naval service of the United States and has been or shall be honorably discharged therefrom." This amendment naturally prevented large numbers of citizens from voting and was enforced by the establishment of a county registration board. In 1868 it was alleged that the registration boards were intimidated by members of the Ku Klux Klan and others, and national troops were called in to guard the Monroe County elections. (Morton, p. 157.)

The amendment was repealed by the passage of the so-called Flick Act in 1870 and the following year the Flick Act was ratified and proclaimed by the governor (Callahan, pp. 163-166).

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Governmental Organization and Records System

Constitution of 1872

With the return of the franchise a demand was immediately made for a reform in county and state government. A constitutional convention was called at Charleston in January 1872. It is interesting to note that the conventions which had created the state and its first constitution were made up of men whose sympathies were with the north, while those in the second convention with the exception of twelve delegates, were southern sympathizers. These twelve delegates were known as the "twelve apostles."

The constitution, written at this convention and later ratified by the people of the state, remains today the governing document of the state. Amendments have been made from time to time, but the form remains essentially the same.

The new constitution abolished the township and restored the magisterial district. It abolished the board of supervisors and the office of recorder; in their stead it re-established the county court, composed of three elected justices of the peace, one of whom was elected by that body as president. Each justice in the county served on the court at certain specified terms each year. The court had charge of the administration of financial affairs of the county, jurisdiction of probate of wills and administration of estates, supervision of roads, care of the poor, and concurrent original jurisdiction with the circuit court in all actions at law where the controversy exceeded twenty dollars. (W. Va. Const., 1872, art. 8, secs. 23-29.)

The court was served by a clerk, elected by popular vote, who acted as secretary to the court and as recorder of all papers filed for recordation, of which he was custodian for the court (ibid., art. 8, sec. 30).

Appointed by the court was a coroner, a superintendent of the infirmary, an overseer of the poor for each district, a road supervisor for each precinct, and not more than four commissioners of accounts to assist the body in the administration of estates (ibid., art. 9, sec. 2). The appointment of the commissioner of school lands remained in the hands of the circuit court.

The circuit court judge, clerk, prosecuting attorney, surveyor of lands, sheriff, assessor, constable, and county superintendent of schools remained elective and with the same duties which they had under the constitution of 1863, with the exception of the curtailment of power in the circuit court as indicated in the preceding paragraph. The township board of education became the district board, elected by district vote.

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Governmental Organization and Records System

Monroe County immediately established the offices provided for by the new constitution. The old magisterial districts were re-established and today bear the names of Second Creek, Wolf Creek, Union, Sweet Springs, Springfield, and Red Sulphur.

Amendments

The vast power lodged in the county court soon became objectionable to the voters of the state and since the formation of the constitution of 1872, amendments have been added which have definitely curtailed this power. Beginning with full authority over the school system, the roads, the care of the poor, trial powers equal to those of the circuit courts, and the administration of wills and estates, the court has gradually lost most of these powers until today it exists only as a body to administer the finances of the county, probate wills, administer estates, care for the poor, and act as an election board. The responsibility of the schools became a state function with the constitution of 1863; the judicial power passed to the circuit court by the amendments of 1879; the county roads became a part of the state's duties by enactments of 1909, 1911, and finally entirely so by act of 1933; the social security act of 1936 has considerably relieved the court of its care of the poor, and proposed amendments will, if passed, place the administration of wills and estates in the hands of the circuit court.

The first amendments to be made were those of 1879. These amendments changed the membership of the county court from justices of the peace to three county-wide elected commissioners, one of whom was chosen by the court itself to act as president. Trial powers in legal cases were removed to the circuit court. (W. Va. Const. Amends., 1879, art. 8, secs. 12, 22.)

The circuit court, too, underwent changes by these amendments and the number of circuits in the state was increased from nine to thirteen. While the county court remained judicial in the matter of disputed elections and the probate of wills, the circuit court became the appeal body in these cases. (Ibid., art. 8, sec. 10.)

At the same time the civil jurisdiction of the justice of the peace was extended to cases involving not more than three hundred dollars (ibid., art. 8, sec. 28).

In 1881 provision was made for a county health board, with the county health officer as its executive head (W. Va. Acts, 1881, ch. 60, sec. 6; W. Va. Code, 1931, ch. 16, art. 2, sec. 1). The act provided that the individual counties might exercise the right to establish this board, although the appointment of a health officer was obligatory and was made by the state health department. (See essay, Health Officer, p.140)

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Governmental Organization and Records System

The office of jury commissioners was established in 1891, the appointments being made by the circuit court (W. Va. Acts, 1891, ch. 42, sec. 3). The same year the board of ballot commissioners was created and was composed of the clerk of the circuit court and two persons appointed by him (ibid., ch. 89, sec. 32).

In 1915 the office of county probation officer was created (W. Va. Acts, 1915, ch. 70, sec. 6). The juvenile probation officer was appointed by the circuit court judge. Under the social security act of 1936, the county director of public assistance became, by virtue of his office, the juvenile probation officer (W. Va. Acts, 1936, First Ex. Sess., ch. 49, art. 5, sec. 17, Amending Act 1915). The sheriff of the county acts as criminal probation officer.

The same year, 1915, the county farm bureau, with the county agent and home demonstration agent, was established (W. Va. Acts, 1915, ch. 89, sec. 28). The act provided for the establishment, by the county court, with the assistance of the county farm bureau and the Extension Division of West Virginia University, of the offices of farm and home agents.

The mental hygiene commission was established in 1915 and consists of the president of the county court, prosecuting attorney and the clerk of the county court (W. Va. Code, 1931, ch. 27, art. 3, secs. 1-13). The same year the office of divorce commissioner was created, and was to be filled by appointment of the circuit court.

In 1933 the county school unit act created the county board of education by which the magisterial district boards cease to exist and all school matters come under the supervision of one board, composed of five elected members, who appoint a superintendent of schools for the county (W. Va. Acts, 1933, First Ex. Sess., ch. 8).

By act of 1936 a county public assistance council was created. This council appoints the county director of public assistance. (W. Va. Acts, 1936, First Ex. Sess., ch. 9, art. 4, sec. 9.)

More detailed information on all constitutional and statutory offices will be found in the essay under the title of the office.

Proposed Changes

There has been recent opinion in favor of changing the county government in West Virginia, which has remained materially unchanged since the constitutional amendments of 1879. Commissioners, appointed by the legislature to study the con-

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stitution and submit a report thereon, filed with the governor, December 1, 1930, a report recommending the re-drafting of articles 8 and 9 (Comm. Report on Const. of W. Va., 1930, p. 36). A recent report, January 1938, made by the interim committee of the state legislature verified the commission's report and recommended changes in the office of probation officer.

It is recommended that wider power be lodged in the legislature in respect to the number of circuit judges to a circuit. Also it has been suggested that the circuit court take over the original powers now belonging to the county court in respect to all matters of probate, appointment and qualifications of personal representatives, guardians, committees and curators, and the settlement of their accounts.

A summary judge is suggested who would largely replace the justice of the peace in counties exceeding 20,000 population. In counties of less population the justice might be retained to hear civil cases but all criminal action would come under the jurisdiction of the summary judge or the circuit courts. It is further suggested that all intermediate courts, which have been established in a few counties, be abolished and an adequate number of circuit courts be established to take care of all cases. Appeals from these courts could be taken directly to the West Virginia Supreme Court of Appeals.

Uniformity of Records and Recordkeeping

Prior to January 1, 1909, there was no state examiner nor inspector with authority to prescribe a system of bookkeeping for county officers or to instruct such officers in the proper method of keeping a record of accounts. For that reason there were as many methods as there were accounts. Lack of uniformity was the rule. The legislature of 1908 enacted a statute declaring the state tax commissioner ex officio the chief inspector and supervisor of public offices with authority to engage such assistants and clerical help as might be necessary. He formulates, prescribes and installs a system of accounting and reporting, which must be uniform for all public offices (including district offices and justices of the peace) and for all public accounts and statements for all public funds collected, received and expended. Separate accounts are kept for every appropriation or fund. The chief inspector requires from every taxing body and public institution annual reports of collections made or receipts received, of all accounts due but not collected, and of all expenditures. Such reports must be verified as to their correctness, and their substance is published as a public document in a biennial report of comparative statistics. The chief inspector of public offices has power to examine all financial affairs of every office and must make such examination at least once a year, if practicable. The cost of any service or act performed by the chief inspector is paid

by the respective county court, county board of education, or municipality. (W. Va. Acts, 1908, ch. 33, secs. 1-8; W. Va. Code, 1931, ch. 6, art. 9, secs. 1-7.)

Upon seeing the excellent statutory provision for a uniform system of bookkeeping for fiscal affairs, one would have the impression that there might also be a similar provision requiring a uniform system for the recordation of deeds, deeds of trust, wills, and such papers. Unfortunately there is very little uniformity of such records and recordkeeping among the state's fifty-five counties. Although the statutes require certain records and reports to be kept by the several county and district officials, they do not specify, generally speaking, any specific system, form, or method. For this reason each county court has complete control as to what system is used. Since the membership of the county court may change at regular elections, a county may use one system for a number of years and then change to another and altogether different system.

A few of the counties have adopted the photostat method of recording instruments but Monroe County continues to use the typewriting system. Undoubtedly the photostat method has many arguments in its favor, one of these being that it reproduces verbatim the instrument and by so doing reproduces errors or mistakes that may appear in the original, and eliminates errors which may occur in copying.

Throughout Monroe County offices the Cott and Perma-flex systems of indexing are in use. These systems of indexing were not installed until 1935, but indexes cover records from the formation date of the county. Monroe County took advantage of a re-indexing project and had the deeds, trust deeds, and marriages re-indexed by the Perma-flex method. A general index to real estate conveyances covers the deeds and deeds of trust. Files are arranged by years and by alphabetical arrangement.

The greatest degree of non-uniformity of records is found, naturally, among the older records, of which there are many in Monroe County. There are records found in one county that will not be found in other counties. The frequency of the change of county officials has a tendency to keep the records from being uniform. The type of records kept change with time, often due to changes made in procedure of business, and as the county officials are faced with more and more duties due to the increase in governmental functions and activity, they are required to keep more different types of records.

One of the greatest evils in the system of county recordkeeping is the great amount of waste. In almost every courthouse there may be found stored in some vault, blank volumes purchased but never used. A large well-bound volume may have entries on a few of the first pages and the remaining hundreds of pages will be blank; perhaps the volumes have been discarded for others, either to begin a new year or a new system.

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Governmental Organization and Records System

Because Monroe is one of the oldest counties in the state, and its records have not been destroyed by fire or war, many interesting records exist in the old courthouse. This county is one of the few in the state where marriage bonds, covering the period 1799-1850 are to be found. These bonds, in files and open to public inspection, have been depleted to some extent by persons who, finding the bond of an ancestor, have removed it from the files (see entry 122). Pension applications for Revolutionary services are found here, many are recorded in the order books (entry 1) and the originals of seventy-five applications are found in a file box (see Pensioner's Declarations, entry 5). Interesting historically are the minute books of the district superior court which was held at Sweet Springs, 1796-1806 (see entry 157). The story of William Lewis, who provided the courthouse and jail and then dispossessed the jailor and his charges during the summer season at the springs so that visitors might occupy the buildings, is told in the court records of the district and Monroe County courts. The county, always as an agricultural district, reflects its life in its records. An estray record exists but no bottlers' or timber dealers' trade-mark records can be located. There are many farm bureau and agent records but few that can be placed under the heading of business and industrial records.

Changes in established offices are reflected in the records so that road records will be found to cease in 1933 when the state road commission took over all maintenance and construction of roads. Records of the board of review and equalization end with 1933 when the county court became the correction board. District school board records cease the same year when these boards were replaced by the county board. Divorce records which are found in the office of the clerk of the circuit court, are filed with chancery cases but are sealed and are not open to general public inspection as are other records. Such records are available only to a qualified group of persons, such as attorneys, litigants of particular suits, and court officials.

Because of the extreme importance and value of records kept in the county clerk's office and elsewhere, and because of the practical impossibility of restoring such records in the event of loss or destruction by fire, flood, et cetera, the state legislature in 1933 enacted that any state, county, or other official, except the state historian and archivist, who is the lawful custodian thereof, may turn over to the division of documents of West Virginia University, with its consent, as custodian, for permanent preservation and record, any official books, records, documents, original papers, or files, or any printed books, records, documents, or reports, not in current use in his office. Transcripts of the same may be certified by the head of said division and mailed to any person desiring the same upon the payment of a nominal sum to defray costs. (W. Va. Acts, 1933, Second Ex. Sess., ch. 92; W. Va. Code, 1937, Michie, secs. 1891-1892.)

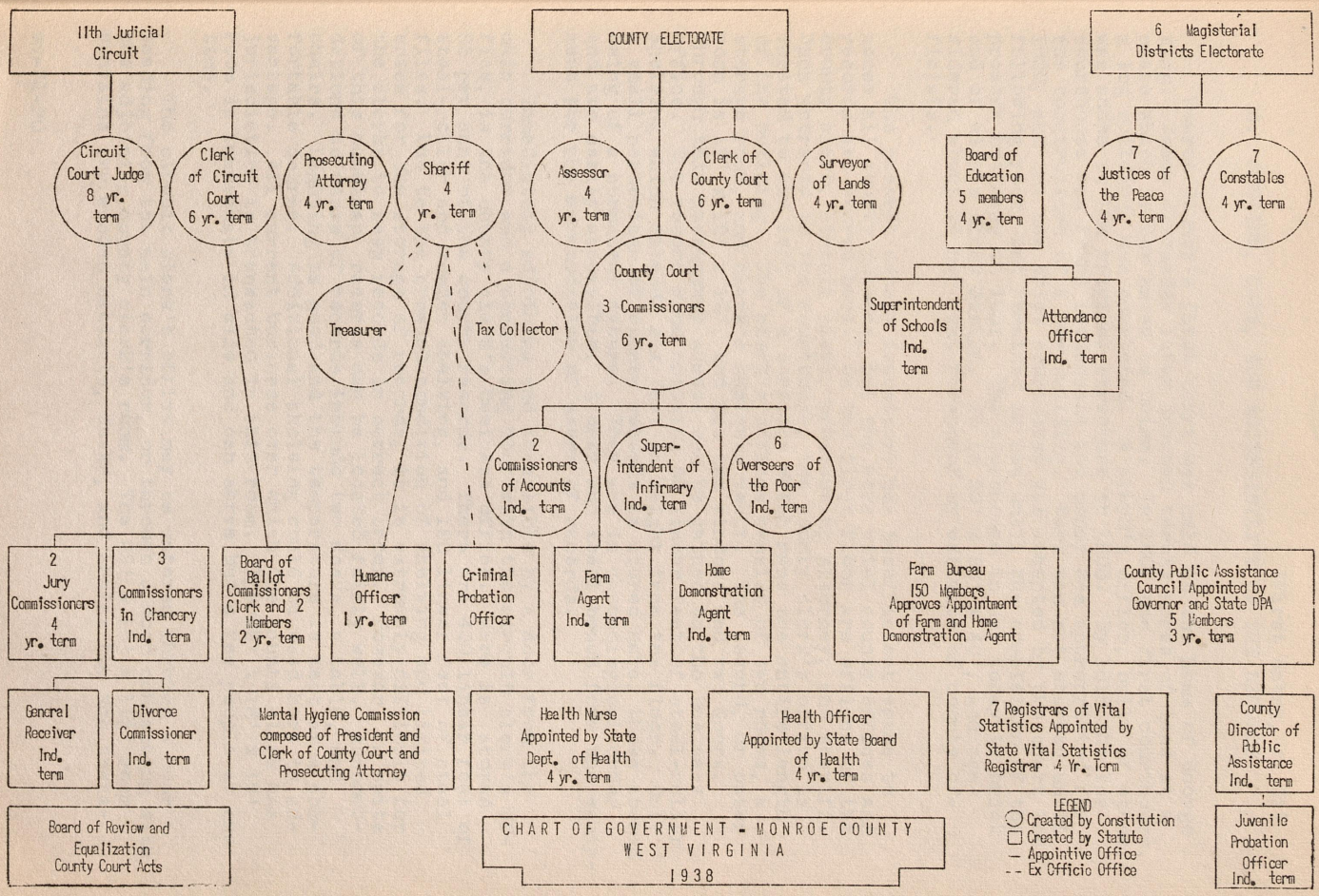

CHART OF GOVERNMENT - MONROE COUNTY
WEST VIRGINIA
1938

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3. HOUSING, CARE, AND ACCESSIBILITY OF THE RECORDS

Monroe County's first court was held at the home of George King. James Alexander later donated twenty acres of land at a place which is now known as Union. In 1801 the first courthouse, a log building, was completed. A clerk's office, built of stone, was added to the original structure in 1803. By 1818 the log courthouse was found inadequate and money was appropriated for the construction of a new building. Work was not started until 1820, and the new brick courthouse was accepted by the court the following year, and remained in use until the completion of the present building in 1881. The courthouse in use today is brick and of simple block design. It is 50' x 60' x 40', and considered about 25 per cent fireproof by estimate of county officials.

The present county depository has insufficient space to house all county records, but the more vital county offices and records are stored here. On the first floor are offices of the county clerk, circuit clerk, prosecuting attorney, and sheriff. Upon entrance to the courthouse, the county clerk's office is located to the left of a corridor which runs the entire length of the building. The clerk's offices consist of two rooms, a storage room, and clerk's business vault. The record, or outer room is 12' x 12' x 12', and has two windows and two doors. Through this passageway access can be gained to the business office. The record room contains 62 linear feet of steel-roller shelving which extends six feet in height from the floor. Only a small percentage of county records is stored here, those stored being of a permanent nature. They are in chronological order and are easily accessible. A desk and steel bench form the equipment for the accommodation of users of records.

Immediately adjoining and accessible by a door from the main corridor and a connecting door with the circuit clerk's office, is the county clerk's business office. Here is stored 85 per cent of the county records. There are 400 linear feet of steel-roller and wooden shelving, and 120 linear feet of steel files. Due to the crowded condition of shelving and limited space for the storage of records, it is extremely difficult for the clerks to keep records in correct order. However, in spite of this handicap, records can be located fairly well. Accommodations to users of records include two desks, a table, and chairs. Lighting is good and the temperature is kept at a comfortable degree. Additional shelving could be used here to advantage. All current business over which the county clerk has jurisdiction is transacted in this room. The 22' x 18' x 12' room is inadequate in size and can serve but a few people at one time.

The circuit clerk's office may be entered through a door leading from the main corridor, or through a door connecting with the adjoining county clerk's room. The 22' x 18' x 11½' room contains two wooden cabinets, desks, and chairs for the trans-

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Housing, Care, and Accessibility of the Records

action of business, 198 linear feet of bound volumes and 162 linear feet of steel files. Lighting is inadequate and space is insufficient for both the filing of records and research. Much old, interesting, and invaluable historical data is located in this room, among the papers being a saloon record, 1867-68; adquodamnum writs, 1836-43; miscellaneous papers, 1843-59, including advertisements of sales of Negroes; one file box of Revolutionary pensioners' declarations, 1832; overseers of poor record, 1822-62; and apprentice indentures expired, 1803-48. Most of the above records are in bundles. Some of them should be transferred to the custody and care of the county clerk under whose jurisdiction they rightfully belong, where they could be preserved indefinitely as valuable historical material. Others, belonging under the custody of the circuit clerk, should be labeled, assorted, and stored in containers to preserve the paper and ink.

Directly across the hall from the circuit clerk's office is that of the sheriff. The room, 18' x 16' x 12', is accessible only by a door from the corridor. All business of the sheriff's office is transacted in this room. Three windows provide adequate day-lighting facilities. Bound records are stored on 63 linear feet of shelving. Records are correctly arranged on shelves. Worn slip covers detract from the attractiveness of the arrangement. The small office accommodates only a limited number of people at one time without crowding.

The remaining county office on the first floor is that occupied by the prosecuting attorney. The 21' x 16' x 12' room contains one filing cabinet for the preservation of records in current form. Permanent records of this office are recorded in the circuit clerk's office. Two windows and electric bulbs provide adequate lighting facilities. Records are neatly filed. Accommodations for visitors and persons having business to transact with the prosecutor are inadequate. An additional room should be provided for privacy.

On the second floor of the courthouse is the office of the assessor. In the 12' x 9' x 12' room all official business by the assessor's office is conducted. The few records of this office are stored on 20 linear feet of shelving. Permanent records are transferred to the custody of the county clerk and are kept under his supervision. The very small room is insufficient to accommodate more than a few people at one time.

The department of public assistance is located in the Wylie Building on Main Street. The offices, consisting of a suite of five rooms, are on the second floor. The brick building, erected about 1900, can adequately accommodate visitors to this office and proper storage of records maintained by it. The lighting, ventilation, space, and equipment are sufficient for the transaction of business. Records of the juvenile probation officer are filed here.

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Housing, Care, and Accessibility of the Records

The office of the farm agent is located on the second floor of the Wylie Building. The 16' x 12' x 12' room contains office space for the home demonstration agent who serves Greenbrier County in addition to the service rendered to Monroe County. Records of the farm bureau and both agents are kept in desks, in a filing cabinet, and on tables and shelves. The room is attractive and well arranged, bulletins concerning the work of these agents being displayed on shelves. Space is limited but adequate for the transaction of business.

The board of education maintains three rooms on the second floor of the Caldwell Building, directly opposite the courthouse. The superintendent of schools has a private office, a storage room, and a business office. The entrance is a business office which is occupied by the secretary to the superintendent. Here, in the 12' x 10' x 8' room, is conducted all business with the general public. No records are filed in this room. The private office of the superintendent adjoins, and no records are kept in his office. The office is well arranged, and accommodations for visitors are comfortable. Lighting and ventilation are good. All records pertaining to the superintendent of schools and the board of education are stored in the adjoining room which completes the suite. The record storage room is 12' x 10' x 8'. Records are filed loosely in cardboard boxes. No arrangement is used, and no shelving is provided. Lighting and ventilation are sufficient. Shelving and filing cabinets are needed.

Justices of the peace conduct official business in their various offices throughout the county: in Red Sulphur District, D. H. Cassell has his office in his residence at Linside; the office in Wolf Creek District is occupied by S. W. Bare in the Old Federal Building at Alderson; Union District office is maintained by I. H. Tomlinson who has his office in the Monroe Bank Building in Union; Sweet Springs District is served by O. C. Rowan at his residence at Gap Mills; Springfield District office is located in the residence of W. W. Sims at Rock Camp. Constables who serve under justices of the peace make reports to them, such reports becoming a part of the justices' permanent records.

Various other county officers do not have office space in the courthouse. Among these are the superintendent of the infirmary who keeps his records in his office at the infirmary located two miles from Union on Gap Mills Road; ballot and jury commissioners, who hold their meetings in the office of the circuit clerk; commissioners of accounts, who transact business in their private offices; the mental hygiene commission, which meets in the county clerk's office; and the surveyor of lands, who has his office in his private office. There is no appointed coroner, and justices of the peace assume this duty in Monroe County. Registrars of vital statistics work in their own offices or homes. The records of the general receiver, commis-

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Housing, Care, and Accessibility of the Records

sioners in chancery, and divorce commissioner are found filed among the chancery cases in the office of the circuit clerk. The humane officer keeps no permanent record, but works from the sheriff's office. Records of the criminal probation officer are in the sheriff's custody. The attendance officers make reports to the superintendent of schools. Records of the overseers of the poor are filed in the county clerk's office. The health officer is a physician who serves Monroe and Greenbrier Counties, and maintains his private office in Lewisburg. He files reports with the state board of health. The health nurse maintains an office in the Caldwell Building. Reports of the road supervisor are made to the state road commission. The county court acts as the board of review and equalization, using the circuit court room on the second floor of the courthouse for the transaction of business.

One part of the purpose of the Survey is to suggest possible improvements in the care and storage of records. Throughout this courthouse more space is needed. At least one additional room could be used to advantage in every county office for privacy in the conduct of business. In some instances, were new shelving and additional filing cabinets provided, more floor space would be available. There are no fireproof vaults in the entire building and these are needed to protect records which would be irreplaceable in case of destruction or mutilation. Some bundles of historical material referred to as being in the circuit clerk's office should be transferred and placed in the proper bureau under custody of the office where they rightfully belong. All records should be carefully assorted, labeled, and placed in dust-proof containers. A new furnace would provide better heating facilities, and new lighting could be used to advantage. Slip covers are needed on the bindings of volumes in several offices.

Should the courthouse be remodeled, additional floor space could be provided, many county offices now located outside the county depository could be housed in the courthouse, and the degree to which the building is fireproof could be increased. Another suggestion is the purchase of a photostating machine for recordation purposes. In view of the fact that Monroe County is comparatively small in size, a photostating machine might be purchased jointly with an adjoining county. This method of recordation eliminates any errors which might occur in the copying of records, besides decreasing the length of time formerly taken by the typing system.

These suggestions are made merely to facilitate the order of county business and in no way to reflect upon county officials. The conditions cited are not due to negligence of county officers, but to the recordation of increased numbers of required county records. County officials were helpful and gave much valuable assistance to Survey workers. Records are accurately and faithfully kept, reflecting the capability of the officers under whose custody they are recorded.

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4. LIST OF ABBREVIATIONS, SYMBOLS, AND EXPLANATORY NOTES

Abbreviations

alph.	alphabetical(ly)
amend.(s)	amendment(s)
app.	appendix
approx.	approximate(ly)
arr.	arranged
art.	article
assr.(s)	assessor(s)
bldg.	building
bsmt.	basement
ch.	chapter
chron.	chronological(ly)
cir.	circuit
clk.	clerk
co.	county
comm.	commission(ers)
consc.	consecutive(ly)
const.	constitution
dept.	department
dist.	district
DPA	Department of Public Assistance
et seq.	and the following
ex.	extraordinary
fms.	forms
hd.	head
hdw.	handwritten
ibid.	the same reference
ind.	indefinite
j.p.	justice of the peace
mimeo.	mimeographed
no.	number
numer.	numerical(ly)
off.	office
p.	page
pp.	pages
pr.	printed
rec.	record
res.	residence
rm.	room
S. E.	Southeastern Reporter
sec.(s)	section(s)
sess.	session
shf.	sheriff
strm.	storeroom
supp.	supplement
supt.	superintendent
USES	United States Employment Service
Va.	Virginia
vol.(s)	volume(s)
vs.	versus

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List of Abbreviations, Symbols, and Explanatory Notes

vt. ..... vault
WPA ..... Works Progress Administration
W. Va. ..... West Virginia
yr.(s) ..... year(s)

Symbols

x by
-- placed after a year means from that year to the current date.
' feet
" inches

Explanatory Notes

Subject arrangement of entries is the plan of arrangement used throughout this book. Each office is given a separate division and all records of the same subject within the office, or all records dealing with one type of business have been listed under a subject heading. An attempt has been made to group related subject headings within offices together. For instance, all judicial agencies have been placed together and all subject headings within an office dealing with county court business have been grouped together. In the main, records have been listed under the office of issue. However, there are some notable exceptions to this principle; reports made by one office to another office are arranged under the office to which the report is made. Records starting in one office and ending in another are listed under the last office entered, those records made up by order of one office and compiled by another office, are listed under the office which ordered the record made.

In the individual entries, the titles appearing in solid capitals are the actual titles carried on the records; the titles appearing in initial capitals and parentheses are assigned explanatory titles, by the editor; those titles in solid capitals and parentheses indicate that the records are in a container which has no title on the outside, or the record is a part of a miscellaneous collection of records.

If there are entries in subject headings which might also have been placed under other subject headings within an office, or entries related in subject matter to another subject heading, they are cross referenced under these headings by the words "see also entries (numbers of entries)." Where only one entry is closely related to another entry, or where the information in one entry completes the information given in another the cross reference is from one entry to another.

Title line cross references are used to complete series for records kept separately for a period of time, and in other records for different periods of time, as in entry 25, "1924-25 in

Settlements of Estates, entry 24." They are also used in all artificial entries - records which must be shown separately under their proper office or section heading even though they are kept in files or records appearing elsewhere in the inventory, as in entry 37, "In Court Papers, entry 3." In both instances, the description of the master entry shows the title and entry number of the record from which the cross reference is made as in entry 3, "Contains (Mothers Pension Petitions), 1920-34, entry 37." Dates shown in the description of the master entry are only for the part or parts of the record contained therein, and are shown only when they vary from those given in the title line of the master entry.

If the records, in volume or unbound form, have numbered or lettered labeling, it is designated on the first line of the entry in parentheses and the word "numbered" or "lettered" will be omitted.

Since measurements are always given in inches the symbol for inches (") has been omitted after the numbers.

The dimensions for volumes and bundles are always given in sequence of height, width, thickness; for file boxes, cases, and other containers, height, width, and depth.

A citation such as "45 W. Va. 236" is used when referring to West Virginia Cases, the first number being the volume number and the second the page number. Thus the above citation would refer to volume 45 of the West Virginia Cases, page 236. In referring to the acts of the Virginia assembly a citation such as "1 Hening, p. 24" is used. The first number represents the volume of W. W. Hening's Statutes at Large.

Failure to comment on the principle of arrangement followed within an entry indicates that the material included is not arranged. Also, failure to comment on the indexing of a record indicates that the record is not indexed. The number of pages given for more than one volume is the average number, and the dimensions given for more than one container is the average size.

The physical condition of records is assumed to be good unless otherwise designated in the individual entry. Records covering the same dates are not duplicates unless so mentioned.

The locations given for the entries are those at the time the survey was made. These are subject to change, as it has been found that the records are frequently moved from one office to another.

(First entry, p. 31)

I. COUNTY COURT

The administrative power of the county is centered around the county court, which is composed of three commissioners, elected by popular vote for a term of six years. No two commissioners can be from the same magisterial district.

As a unit it is the oldest governmental organization in the present system, having had its beginning in the monthly courts established by the general assembly of Virginia in 1623-24. The act of this year provided that the several monthly courts should be composed of justices of the peace who were appointed by the governor of Virginia (1 Hening, pp. 125, 126, 131). The name, county court, was established by the assembly in 1643 (ibid., pp. 273, 462). From the custom of requiring that applicants should be adjudged "gentlemen" before this appointment could be made came the term "gentlemen justice court" which was so long prevalent in Virginia.

Under the Virginia constitution of 1776 the county courts had full administrative powers, trial powers in both civil and criminal actions, control of roads, care of poor, administration of finances, and the right to appoint county officers, make recommendations for commissions of justice of the peace and confirm appointments of militia officers (ch. 2, art. 15). In 1818 the literary fund act, which had been established in 1810, became effective, and the appointment of school commissioners and the general supervision of education were added to the duties of the court (Va. Acts, 1802-11, ch. 44, sec. 1 et seq.).

It was under this constitution that the first county government in Monroe County was established. Many of the justices had held their commissions under the administration of Greenbrier County and the organization of the court included the formal presentation of these commissions. The first court met at the home of George King, May 21, 1799, and the following justices presented their commissions: William Hutchinson, James Alexander, Isaac Estill, William Haynes, John Hutchinson, John Gray, John Byrnside, William Graham, James Hanley, and William Vawter. John Hutchinson was named clerk of the court. (Order Books, No. 1, p. 1; entry 1.)

The constitution of Virginia of 1851 made the membership of the court elective but did very little to change the power of the court itself. Justice members were elected by popular vote with a limitation of four to each magisterial district, three to five of whom served at each term of court so that membership of the court was rotated among the justices and a quorum assured for each meeting. (Art. 6, sec. 27.) The court retained the right to appoint a road supervisor for each precinct, one school commissioner for each district, and the superintendent of the infirmary; but all other officers became elective. (Ibid.)

County Court (First entry, p. 31)

In 1852 with the first election under the new constitution, Monroe County elected the following justices: Nimrod Boggess, George Caperton, Floyd Chrisman, Joseph P. Wickline, Andrew Campbell, Lewis E. Caperton*, Alexander Clark, Madison McDaniel*, Isaac Campbell*, Samuel Hamilton, Josiah Hoke, John Holsapple*, William Ellis*, William Haynes*, Jesse Jones, Sylvester Upton, Andrew Gwinn, William Hinchman*, Peter Hinton*, John Woodram, William Adair, Joseph Ellis, Fielding Fleshman, John Hunter, Samuel C. Humphreys, Henry Pence, Joel Riffe, and James Swinney (Morton, p. 465). The first meeting under this constitution was held July 19, 1852 (ibid., p. 148).

The first constitution of West Virginia, adopted in 1863, abolished the county court as a body and gave part of its former power to the newly created board of supervisors. The old districts within the county became townships, of which there were to be not less than three nor more than ten in each county. Each township elected a supervisor, and all the supervisors within the county formed the membership of this new board. This board had charge of the administration of financial affairs of the county, supervision of roads, and care of the poor. The clerk of the board of supervisors was appointed, and served only as a secretary to that body. (Art. 7, secs. 1-3.) As Monroe County had had no representation in the conventions which preceded the formation of the state, and the constitutional convention, nor even any desire to become a part of the new state, she failed to recognize the sovereignty thus forced upon her and remained, in act at least, a part of Virginia. No attempt was made to establish the new form of government until the end of the Civil War, and the county court continued to meet, the last session being held May 15, 1865. (Morton, pp. 156-165.)

The board of supervisors in Monroe County was organized and their first meeting held on Nov. 29, 1865 (ibid.).

The second constitution of West Virginia, ratified in 1872, abolished the township and re-established the district. It abolished the board of supervisors and re-established the county court which was composed of two justices and the president. One and not more than two justices were elected in each district and served at appointed times as members of the county court. The president of the county court was elected to that office by county-wide vote. Full trial powers were returned to the court, as was also the administration of estates, care of the poor, administration of county finances, and of roads. The management of school matters had been placed in the hands of the district school boards by the constitution of 1863, and no change was made in this connection. (Art. 8, secs. 23-25.) The court was given authority to appoint the overseers of the poor for each district and continued to appoint a road surveyor for each precinct, and a coroner (art. 9, sec. 2).

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* Also commissioned as justices by governor previous to 1852 as provided for under constitution of 1776.

County Court (First entry, p. 31)

The first session of the re-established court was held at Union February 10, 1873, and the following justice members were present: John W. Gray, president, John Wickline, J. M. Shanklin, James S. Harvey, Archibald Miller, George W. Nickell, S. I. Warren, and Napoleon Patton (Morton, p. 184).

A few years proved that this system, once so satisfactory, was no longer sufficient. In 1879 amendments were adopted which changed the membership of the court from justices of the peace to three commissioners, elected by county-wide vote for a term of six years each. One of the commissioners was elected by the court to serve as president. The former jurisdiction of the court as a trial body was given to the circuit court, however the county court remained judicial in the matter of disputed elections and the probate of wills, and the circuit court became the appeal body in these cases. The county court retained full administration of fiscal affairs; the administration of estates; probate of wills; the custody of all documents and other papers, such as leases, deeds, and judgments; supervision of roads and bridges and care of the poor. (W. Va. Const. Amends., 1879, art. 8, secs. 22-24.) The court continued to appoint a coroner, one overseer of the poor for each district, and one road surveyor for each precinct (ibid., art. 9, sec. 2)

This system has continued from 1879 to the present, but with several changes in jurisdiction and authority. The county court has always had charge of the poor. In 1872 the overseers of the poor ceased to be elective and since that time the court has appointed them to advise it relative to the care and support of public charges. Although the public welfare act of 1936 made provision to care for the aged, for delinquent children, and for the blind, it did not remove the county court's supervision over the county infirmary except in cases where the court desired to relinquish this control to the public assistance council (W. Va. Acts, 1936, First Ex. Sess., ch. 9, art. 7, sec. 1). In Monroe County the county court has not chosen to relinquish control of the infirmary and it is operated and maintained under the supervision of the court, who appoints a superintendent to manage the infirmary.

This body has the authority to appoint a coroner, whose duties are set out in the essay under the title of that office. (W. Va. Const., 1872, art. 9, sec. 2; W. Va. Code, 1931, ch. 61, art. 12, sec. 1.)

From its creation the county court has had among its duties the construction and maintenance of all roads, waterways, ferries, and bridges. In 1909 the state road commission was created and this body assumed responsibility for the building and maintenance of primary roads (W. Va. Acts, 1909, ch. 58). In 1933 full jurisdiction was vested in this commission over all secondary roads as well as the primary road system (W. Va. Acts, 1933, First Ex. Sess., ch. 40, art. 4, secs. 1-19).

County Court (First entry, p. 31)

From 1802 to the present, with the exception of the years 1863-72, the county court has appointed commissioners of accounts (see p. 62). The county court of each county where there exists a separate tribunal for police and fiscal purposes appoints not more than four commissioners of accounts. (W. Va. Code, 1879, ch. 22, secs. 1, 2a; W. Va. Code, 1931, ch. 44, art. 3, sec. 1.)

In 1933 the county court replaced the county board of review and equalization (1909-33). It meets annually to review and equalize tax assessments made by the assessor for the current year. It continues to correct errors in the assessment books from time to time, and gives final approval to the sheriff's delinquent tax list and financial statements (W. Va. Acts, 1933, ch. 41, art. 3, secs. 24-27).

This body, through its clerk, has custody of all deeds and other papers presented to it for record; jurisdiction of matters of probate; the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts; the superintendence and administration of all internal police and financial affairs within the county the establishment of bridges and ferries and the authority to lay and disburse all levies (W. Va. Const. Amends., 1879, art. 8, sec. 24; W. Va. Code, 1931, ch. 7, art. 1, sec. 3). It has full charge of the regulation of elections, the appointment of election officials, and the establishment of voting precincts (W. Va. Const. 1863, art. 7, sec. 4; W. Va. Const., 1872, art. 8, sec. 24; W. Va. Code, 1931, ch. 3, art. 1, secs. 9, 10).

Each county has a mental hygiene commission composed of the president of the county court, prosecuting attorney, and clerk of the county court (W. Va. Code, 1931, ch. 27, art. 3, secs. 1-13).

The recent report of the interim committee of the state legislature has recommended several changes which will vitally affect the county court. The report suggests that all matters of probate and the administration of estates be lodged with the circuit court and further suggests the abolition of the appointive offices of coroner, overseers of the poor, and superintendent of the infirmary. If this change is made, the county court will become purely an administrative body. It is suggested that the user refer to the essay on Justices of the Peace, page 94 for additional history on the early membership of the court.

The numerous transactions of the county court are recorded by its clerk and become a part of the general records of the office of the clerk of the county court. Though the actions of this body are included in various reports, an effort has been made to segregate those actions in which the court plays some direct part.

County Court - General Administration (1)

The following records in which the county court plays some immediate part are required by statute and are generally kept by the clerk of the county court in connection with his duties as custodian and recorder of records. The reference is to the West Virginia Code, 1931, unless otherwise noted. Order Book (ch. 51, art. 3, sec. 4); Levies by County Court (ch. 11, art. 8, sec. 3); Settlements by Sheriff (ch. 6, art. 8, sec. 6); Wills (ch. 41, art. 5, sec. 17); Index to Wills (ch. 41, art. 5, sec. 17); Appraisements of Estates (ch. 44, art. 4, sec. 3); Inventories and Sales by Fiduciaries (ch. 44, art. 4, sec. 3); Settlement of Fiduciaries (ch. 44, art. 4, sec. 23); Sales Bills, Settlements, and Inventories (ch. 44, art. 4, sec. 5); Report of Claims (ch. 44, art. 2, sec. 16); List of Heirs and Distributees (ch. 44, art. 1, sec. 13); Financial Road Record (ch. 17, art. 10, sec. 3); Rights-of-Way (ch. 17, art. 12, sec. 7); Road Supervisor's Annual Estimate of Road Funds (ch. 17, art. 11, sec. 1); Report of Road Viewers (ch. 17, art. 12, sec. 1); Petitions for Construction or Repair of Roads, (ch. 17, art. 12, sec. 1); Road Contracts (ch. 17, art. 12, sec. 13); Annual Report of Road Engineer or Supervisor (ch. 17, art. 11, sec. 1); Report of Road Engineer or Supervisor (ch. 17, art. 13, sec. 6); Reports of Overseers of Poor to County Court (ch. 9, art. 1, sec. 22); Reports of Superintendent of the Infirmary to County Court (ch. 9, art. 1, sec. 22); Petitions for Mother's Pensions (ch. 9, art. 2, sec. 4); Order for Payment of Mother's Pensions (ch. 9, art. 2, sec. 7); Record of Appointment of Election Registrars (ch. 3, art. 2, sec. 3); Election Precinct Record (ch. 3, art. 1, sec. 11); Record of Bonds (ch. 6, art. 2, sec. 12); Bonds Filed (ch. 6, art. 2, sec. 12).

The following records are found, unless otherwise noted, in the record room of the clerk of the county court.

General Administration

Orders

1. ORDER BOOKS, 1799--. 19 vols. (nine vols. not numbered, 10-19).

Orders issued by county court in session, with record of all transactions of that body, including road administration, 1799-1933; care of poor; administration of estates; administration of county finances; and administration of schools, 1818-65. Also contains: (Minutes of Board of Supervisors), 1865-72, entry 4; County Court Book, 1799-1865, 1872-79, entry 170. Arr. chron. by meeting dates of court. Hdw., 1799-1936; typed, 1937--. 550 pp. 18 x 12½ x 3.

For vacation orders, see entry 2; for supplementary order book, see entry 8; for road orders, see entries 27, 29; for classification record, see entry 114; for county court cases, see entries 170, 171; for witnesses, see entry 208.

County Court - General Administration (2-5)

2. VACATION ORDER BOOKS, 1881--. 6 vols. (1-6).
Record of orders issued by clerk of county court while court not in session and verified by that body at next meeting date. Includes orders in probate of wills, appointment of fiduciaries, administration of roads, bonds and all other matters over which court has jurisdiction. Arr. chron. Indexed alph. by names appearing in record. Hdw. 500 pp. 18 x 12 x 3.

3. COURT PAPERS, 1895--. 24 file boxes. Title varies: Miscellaneous Papers.
Original orders and papers of the county court recorded in order books or other appropriate records. Includes: (Insurance Policies), 1933--, entry 7; (Levy Estimates), entry 10; Settlements of Estates, entry 24; (Road Matters), 1895-1933, entry 29; (Mothers' Pension Petitions), 1920-34, entry 37; (Orders for Payment of Mothers' Pensions), 1920-34, entry 38; (Poor Claims), entry 39; (Lists of Election Officials), entry 41; (Depository Bonds), 1915--, entry 49; (Mechanics' Liens), 1929--, entry 71; (Lis Pendens), 1929--, entry 77; Delinquent (Real Property) Lists, entry 83; (Delinquent Personal Property Lists), entry 94; Sheep Claims Allowed, entry 106; County Officials' Monthly Statements, 1927--, entry 107; Justice of the Peace Reports, 1933--, entry 108; (Monthly Depository Statements), 1933--, entry 110; Candidates' Expense Accounts, 1914-28, entry 136; (Conservation Commission License Receipts), 1933--, entry 149; (Conservation Commission License Report), 1936--, entry 150; Tax Exonerations Granted, entry 248; (Applications for Review of Taxes), 1933--, entry 249; (Report of Commissioner of School Lands), 1927-33, entry 263; Lunacy (Commission) Papers, 1915--, entry 333. Arr. chron. Hdw., typed, hdw. on pr. fms., and typed on pr. fms. 13 x 11 x 5.

4. (MINUTES OF BOARD OF SUPERVISORS), 1865-72. In Order Books, entry 1.
Record of board of supervisors which existed for above shown period. Shows all proceedings and transactions of business in administration of county finances, care of the poor, and construction and maintenance of roads.

Pensioners' Declarations

5. PENSIONERS' DECLARATIONS, 1832. 75 declarations in 1 file box.
Declaration made by soldiers who claimed pensions for service in the Revolutionary War under act of Congress, June 7, 1832. Declarations made to county court showing name of applicant, date and place of enlistment, service record with names of commanding officers, various enlistments with length of enlistment, battles, injuries if any, age at time of application, names of dependents if any, date and place of discharge, and affidavits of neighbors and fellow soldiers as to accuracy of claim. Arr. alph. by name of applicant. Hdw. 13 x 11 x 5. Cir. clk. rec. rm.
For record of service, see entry 142.

County Court - Administration of Finance (6-11)

Commissions

6. COMMISSIONS OF SHERIFF, JUSTICE OF THE PEACE, 1799-1845. 1 bundle.
Original commissions issued by governor of Virginia to county officials during period when county offices were filled in this manner. Includes commissions of sheriffs, justices of the peace, surveyors of land, and county and circuit clerks. Shows bonds approved with names of sureties. Signed by governor and sealed with state seal. Arr. chron. Hdw. on pr. fms. 8 x 3 x 3. Cir. clk. rec. rm.

Insurance

7. (INSURANCE POLICIES), 1928--. In Bonds Filed, entry 43; 1933-- also in Court Papers, entry 3.
Insurance policies issued on county property showing name of building or description of property insured, name of insurance company, amount and date of policy, terms of premium, coverage, and expiration date.

Administration of Finance
(See also entries 98-114, 264-272)

Levies (See also entries 33, 34, 281)

8. SUPPLEMENTARY ORDER BOOK, 1928--. 1 vol.
Orders for levy of taxes made by county court at annual levy session; show levy estimates, and amounts allocated to various district and county funds. Arr. chron. Typed. 225 pp. 18 x 12 x 2½.

9. COUNTY LEVIES, 1904--. 3 vols. (1-3).
Record of estimates of levies prepared annually by county court in levy session; shows total amount necessary to be raised by levy of taxes for operation of county expenses for coming year and the rate of levy in cents on each $100 assessed property valuation. Record shows order of approval and date of recordation. Copy is certified by clerk to state tax commissioner. Arr. chron. Indexed alph. by name of magisterial district. Hdw., 1904-28; typed, 1929--. 275 pp. 18 x 12 x 2.

10. (LEVY ESTIMATES), 1895--. In Court Papers, entry 3.
Original levy estimates prepared by county court at annual levy session; for description, see entry 9.

Settlements

11. SHERIFF'S SETTLEMENTS, 1873-1927. 5 vols. Discontinued as record, 1927.
Annual settlement made by sheriff to county court of all county funds received and disbursed by him; shows source of all funds, date of receipt and fund to which allocated with itemized list

of all disbursements, showing date, amount and to whom paid, fund to which charged, number of order, and explanation of payment. Arr. chron. Hdw. on pr. fms. 400 pp. 18 x 12 x 2.
For subsequent original instruments, see entry 12.

12. SHERIFF'S SETTLEMENTS, 1826-50, 1920--. 1 bundle. 17 file boxes.
Original sheriff's settlements made to county court and approved by that body. For description, see entry 11. Arr. chron. Hdw. on pr. fms. Bundle, 8 x 3 x 3; boxes, 13 x 11 x 5. Bundle, 1826-50, cir. clk. rec. rm.; boxes, 1920--, co. clk. rec. rm.

Administration of Estates
(See also entries 42-44, 78-80)

Wills

13. WILL BOOKS, 1799--. 15 vols. (1-15).
Record of wills entered for probate showing name of devisor and devisees, date of will, description of property in estate, name of executor if any given, names of witnesses, signature of devisor, date will admitted to probate by court, and date of recordation. Also contains Appraisement Record, 1800-1881, entry 18; Sale Bills, 1829-81, entry 22; Settlements of Fiduciaries, 1875-81, entry 23; Register of Marriages, 1850-60, entry 120. Arr. chron. Wills indexed alph. by name of decedent. Hdw. 500 pp. 18 x 12 x 3.

14. WILLS, 1787--. 15 file boxes (1-15). 1798-1826 also in Wills and Appraisements, entry 15.
Original wills entered with county court for probate; for description, see entry 13. Also contains (Surveys of Land), 1796-1836, entry 340. Arr. to correspond with number of Will Books, and chron. thereunder. Hdw. 13 x 11 x 5.

15. WILLS AND APPRAISEMENTS, 1798-1826. 1 bundle.
Original papers filed for recordation. Includes Wills, entry 14; Appraisements, entry 20. Arr. chron. Hdw. 8 x 3 x 3. Cir. clk. rec. rm.

Appointments

16. APPOINTMENTS, 1925--. 1 file box.
Orders issued by county court confirming appointment of executors, appointing administrators, curators, committees, and guardians. Shows date of appointment, name of personal representative, capacity in which he acts, and name of estate or minor for whom he acts. Also contains (Oaths of Personal Representatives), entry 17. Arr. chron. Hdw. and typed. 13 x 11 x 5.
For record of orders, see entries 1, 2.

County Court - Administration of Estates (17-22)

17. (OATHS OF PERSONAL REPRESENTATIVES), 1925--. In Appointments, entry 16.
Oaths administered by county court to personal representatives upon appointment and posting of bond. Oath states that will presented for probate is correct or, in case of decedent being intestate, that no will has been found; and that representative will faithfully perform all duties.

Appraisements

18. APPRAISEMENT RECORD, 1935--. 1 vol. 1800-1881 in Will Books, entry 13; 1885-1935 in Appraisements and Sale Bills, entry 19.
Record of appraisements of estates consisting of itemized lists of all property in estates with appraised valuation as made by appraisers and reported to the commissioner of accounts who examines appraisement and certifies it to county court for approval and release of appraisers. Shows date of appraisement, description and location of all property with individual appraisements, signatures of appraisers, commissioner of account's confirmation, and county court's confirmation. Arr. chron. Indexed alph. by name of decedent. Hdw. 500 pp. 18 x 12 x 4.

19. APPRAISEMENTS AND SALE BILLS, 1885--. 8 vols. (1-8).
Contains: Appraisement Record, 1885-1935, entry 18; Sale Bills, 1885-1931, entry 22. Arr. chron. Indexed alph. by name of decedent. Hdw., 1885-1935; typed, 1936--. 500 pp. 18 x 12 x 3.

20. APPRAISEMENTS, 1926--. 2 file boxes. 1798-1826 in Wills and Appraisements, entry 15; 1831-- in Settlements of Estates, entry 24.
Original appraisements submitted to commissioner of accounts for confirmation and presented by him to county court. For description, see entry 18. Also contains Sale Bills, entry 21. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

Sale Bills

21. SALE BILLS, 1933--. 1 file box. 1926-- also in Appraisements, entry 20; 1831-- in Settlements of Estates, entry 24.
Report of sales made by fiduciary to commissioner of accounts. Lists all sales made of property in estate with date of sale, name of purchaser, description of property, amount received, date report made to commissioner, and date reported by him to county court. Arr. chron. Hdw. 13 x 11 x 5.

22. SALE BILLS, 1931--. 1 vol. 1829-81 in Will Books, entry 13; 1885-1931 in Appraisements and Sale Bills, entry 19.
Record of sale bills submitted to commissioner of accounts by fiduciaries. For description, see entry 21. Arr. chron. Hdw. 500 pp. 18 x 12 x 3.

County Court - Administration of Estates (23-26)

Settlements

23. SETTLEMENTS OF FIDUCIARIES, 1872--. 8 vols. (1-8). 1875-81 also in Will Books, entry 13.
Record of final settlements of personal representatives made to commissioner of accounts, certified by him, and presented to county court for final approval and release of fiduciary. Shows name of estate, name of personal representative, dates and amounts of all receipts and disbursements, final total of all receipts and disbursements, and balance of estate remaining in hands of fiduciary. Shows court order confirming report, order to distribute funds and release fiduciary. Arr. chron. Indexed alph. by name of estate or ward. Hdw., 1872-1934; typed, 1935--. 550 pp. 18 x 12 x 3.

24. SETTLEMENTS OF ESTATES, 1831--. 1 bundle, 17 file boxes. Title varies: Fiduciary Settlements; Fiduciary Papers; Old Vouchers. Also 1895-- in Court Papers, entry 3; 1905 in Virginia Public Service Corporation, entry 155; 1917-- in List of Heirs, entry 26.
Original fiduciary settlements filed with commissioner of accounts and presented by him to county court. For description, see entry 23. Also contains: Appraisements, 1831--, entry 20; Sale Bills, entry 21; Report of Claims, 1924-25, entry 25; List of Heirs, 1842--, entry 26; Report of Roads, 1842-1933, entry 30; (Surveys of Land), 1900, entry 340. Arr. chron. Hdw. and typed. Bundle, 8 x 3 x 3; file boxes, 13 x 11 x 5.

Report of Claims

25. REPORT OF CLAIMS, 1933--. 1 file box. 1924-25 in Settlements of Estates, entry 24.
Original reports made by commissioner of accounts to county court of all claims against estates in administration. Shows name of estates and fiduciary, name of claimant, date of claim and explanation, date of order for payment made by commissioner to fiduciary, date and amount of payment. Attached is all evidence of claim presented, vouchers, and receipt for payment. Arr. chron. Typed. 13 x 11 x 5.

List of Heirs

26. LIST OF HEIRS, 1917--. 8 file boxes. 1842-- also in Settlements of Estates, entry 24.
Original lists of all heirs and distributees to estates prepared by personal representatives and presented to county court. Shows name and address of each heir or distributee, relationship to deceased, date list prepared, name of fiduciary and estate for which he acts. Also contains Settlements of Estates, entry 24. Arr. chron. Typed on pr. fms. 13 x 11 x 5.

Administration of Roads
(See also entries 101, 103, 104, 111, 113, 128-131, 270)

Orders

27. ROAD ORDERS, 1799-1854. 5 bundles (labeled by inclusive years).
Original orders issued by county court for inspection of proposed road sites, inspection of established roads, and report of care in maintenance of same. Arr. chron. Hdw. 7 x 4 x 2.
For record of orders, see entries 1, 2.

28. COUNTY ROAD FUND, 1928-33. 12 vols. Discontinued.
Stubs of vouchers issued for payment of labor, supplies, and materials in construction and repair of county roads. Shows name of payee, date, amount and number of order, explanation of payment, and district road fund to which charged. Arr. chron. and numbered consc. Hdw. on pr. fms. 200 pp. 18 x 16 x 1.
For road warrants, see entry 103; for sheriff's record of road funds, see entry 270.

29. (ROAD MATTERS), 1895-1933. In Court Papers, entry 3. Discontinued.
Orders issued by county court for payment of road claims. Shows name of person paid, date, amount and number of order, explanation of payment, and road fund to which charged.
For record of orders, see entries 1, 2.

Reports

30. REPORT OF ROADS, 1808-62. 8 bundles (labeled by inclusive years). Discontinued. 1842-1933 in Settlements of Estates, entry 24.
Reports of road viewers appointed by county court, who together with the road supervisor have inspected proposed bridge and road sites. Show grade and bearing of proposed road and maps thereof, whether such road should be established, examination of other possible routes or locations, accommodation of proposed road to general public, and recommendations. Arr. chron. Hdw. 8½ x 3½ x 3. Cir. clk. rec. rm.

Rights-of-Way (See also entry 128)

31. (RIGHTS-OF-WAY), 1799-1933. In Deeds, entry 52. Discontinued.
Record of deeds to property obtained by county court for construction of roads and bridges. Shows all information pertinent to deeds.

32. (RIGHTS-OF-WAY), 1799-1933. In Deeds, entry 54.
Original rights-of-way deeds to county court. For description, see entry 31.

Care of the Poor
(See also entries 316-331)

Overseers of the Poor

33. SETTLEMENTS OF OVERSEERS OF THE POOR, 1822-62. 1 bundle, 1 vol.
Annual report made at levy session of county court by overseers of the poor of annual expenditures in care of indigent persons. Shows names of persons, amount of provision, date of expenditure, and explanation. Also shows amount of annual levies, parish levy, sale of county plantation, and distribution of inmates to private families. Arr. chron. Hdw. Bundle, 8 x 3 x 3. Bundle, 1822-62, cir. clk. rec. rm.; vol., 1861, State Library, Richmond, Va.

Infirmary Superintendent

34. POOR FARM RECORD, 1917-26. 1 vol.
Annual report made at levy session of county court by superintendent of the infirmary of all receipts and disbursements of funds in operation of county infirmary. Shows source of funds, itemized list of expenditures with dates, explanation, and amount of balance due to county court. Arr. chron. Hdw. 200 pp. 10 x 8 x 1.
For original, 1921-25, 1932--, see entry 35.

35. COUNTY INFIRMARY REPORTS, 1932--. 1 file box. 1921-25 in Capitation Tax Lists, entry 96.
Original annual reports made by superintendent of county infirmary to county court. For description, see entry 34. Also has attached to each report vouchers showing receipts and disbursements as proof of statement. Arr. chron. Hdw. 13 x 11 x 5.

Apprentice Indentures

36. APPRENTICE INDENTURES EXPIRED, 1803-48. 2 bundles.
Original indentures executed by overseers of the poor on order of the county court in which indigent minors were "bound out" or apprenticed in order to provide for their maintenance and instruction. Shows name of minor, person to whom bound, date and conditions of indenture, and signature of overseer making indenture. Arr. chron. Hdw. 8 x 3 x 3. Cir. clk. rec. rm.

Mothers' Pensions

37. (MOTHERS' PENSION PETITIONS), 1920-34. In Court Papers, entry 3.
Petitions for relief filed by mothers unable to support minor children on which petitions county court holds hearings to determine whether relief should be administered. Show name of

applicant for relief, address, age, number of dependent children with age of each, and date of application.

38. (ORDERS FOR PAYMENT OF MOTHERS' PENSIONS), 1920-34. In Court Papers, entry 3.
Orders issued by county court to sheriff after hearing on petition for mothers' pension. Gives name of mother, amount of money to be paid, and date payments are to be made.

Claims

39. (POOR CLAIMS), 1895--. In Court Papers, entry 3.
Orders issued by county court for payment of claims against poor fund. Shows name of payee, date, amount and number of order, and explanation of payment.

Regulation of Elections
(See also entries 132-137, 198-201)

40. ELECTION PRECINCT RECORD, 1893--. 1 vol. (1).
Record of all county court transactions relating to the establishment of precincts and voting places, change in precinct lines, establishment of new precincts from old when justified by population increase, and changes in voting places. Arr. chron. Indexed alph. by name of precinct. Hdw. 240 pp. 18 x 14 x 2.

41. (LISTS OF ELECTION OFFICIALS), 1895--. In Court Papers, entry 3.
Lists of appointment made by county court of commissioners, poll clerks, and registrars for each election held in county. Shows date of appointment, name of precinct for which appointed, names of appointees, and political affiliation of each.

Bonds
(See also entries 111, 122, 194-197)

42. BONDS, 1852--. 16 vols. (labeled by inclusive years).
Record of all bonds given before county court including official bonds of officers of that court with exception of clerk, and of all fiduciary bonds executed before the county court, board of education bonds, and bonds of municipal officers. Shows name of principal and sureties, date, amount, and condition of bond. Arr. chron. Indexed alph. by name of principal. Hdw. on pr. fms. 600 pp. 14 x 10 x 3.
For record of guardians' bonds, circuit court, see entry 196.

43. BONDS FILED, 1928--. 1 file box.
Original county officials' bonds filed for recording. Show name of principal and surety; date, amount, and conditions of bond. Also contains: (Insurance Policies), entry 7; Bonds

(Personal Representatives), entry 44; (Depository Bonds), entry 49. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.
For commissioners' of revenue bonds, see entry 194.

44. BONDS (Personal Representatives), 1799-1859. 10 bundles (labeled by inclusive years). Title varies: Guardians' Bonds; Executors and Administrators. 1928-- in Bonds Filed, entry 43.
Original bonds given before county court by personal representatives showing name of principal; name of estate or ward for which he acts; name of surety; date, amount, and conditions of bond. Arr. chron. Hdw. and hdw. on pr. fms. 8 x 3 x 3. Cir. clk. rec. rm.

45. SHERIFF'S BONDS, 1799-1852. 3 bundles (labeled by inclusive years).
Bonds given by sheriff to county court upon appointment to office by governor of Virginia. Show names of sheriff and surety; date, amount, and conditions of bond. Arr. chron. Hdw. on pr. fms. 6½ x 3 x 3. Cir. clk. rec. rm.
For record of subsequent bonds, see entry 42; for sheriff's commissions, see entry 6.

46. CONSTABLE BONDS, 1805-52. 4 bundles (labeled by inclusive years).
Original bonds given by constables upon appointment by sheriff and county court. Show name of constable and surety, date, amount, and conditions of bond. Arr. chron. Hdw. on pr. fms. 7½ x 2½ x 2. Cir. clk. rec. rm.

47. NOTARY PUBLIC BONDS, 1921--. 1 file box.
Original notary public bonds given before county court, showing name of principal; name of sureties; date, amount, and conditions of bond. Includes oath administered to notary. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

48. ORDINARY BONDS, 1803-53. 2 bundles (labeled by inclusive years).
Original bonds given before county court by persons licensed to operate an ordinary or tavern. Show name of principal; names of sureties; date, amount, and conditions of bond. Arr. chron. Hdw. on pr. fms. 8 x 3 x 3. Cir. clk. rec. rm.
For ordinary licenses, 1807, see entry 146.

49. (DEPOSITORY BONDS), 1915--. In Court Papers, entry 3; 1928-- also in Bonds Filed, entry 43.
Bonds given by depositories in which county funds are deposited to insure payment of said funds. Show name of depository, agent, and surety; date, amount, and conditions of bond. Certified by prosecuting attorney.
For monthly depository statements, 1933--, see entry 110.

(Next entry 50, p. 43)

II. CLERK OF COUNTY COURT

The office of clerk of the county court had its inception soon after the creation of the early monthly courts (see essay on County Court, p. 27). It existed under colonial government in Virginia and with the formation of that state was made an appointive office, the candidates being nominated and elected by the "gentlemen justice court" (Va. Const., 1776, ch. 2, art. 15). It became an elective office in 1851 (Va. Const., 1851, art. 6, sec. 30). The duties of the clerk during this long period were that which the name implies, a clerk or secretary to the county court. He recorded all actions of the court, kept a minute and order book, and acted as general custodian of papers entered for recordation and filing with the county court.

The first clerk of Monroe County was elected by the county court at the first meeting of that body and the office has been in existence continuously since that time with the exception of the period of 1865-72 when the office was abolished. The first clerk was John Hutchinson (Order Book, No. 1, p. 1, see entry 1).

With the change of government in 1863, when West Virginia became a state, the former duties of the clerk of the county court were divided between the clerk of the board of supervisors and the newly created county recorder. The clerk of the board of supervisors was appointed and served as secretary to that body, keeping minutes of its meetings and a record of its orders. The recorder, elected by county-wide vote, had custody of all deeds, wills, and other papers entered for recordation and acted as an agent of the circuit court in the administration of estates. Commissioners of accounts were no longer appointed by the county court, but the office was filled by appointment of the recorder until 1872, when the county court again took over the duty. The recorder made no change in the former method of recordation, so that today little evidence is shown of the existence of this office. (W. Va. Const., 1863, art. 7, secs. 3, 5, 6.)

The second constitution of West Virginia, 1872, abolished the office of recorder and the board of supervisors with its clerk and re-established the elected clerk of the county court. He was elected for a term of six years with the same duties as he had had under the Virginia system (art. 8, sec. 30). While the constitutional amendments of 1879 did much to change the powers of the county court, they left untouched the office of the clerk. The office exists today in the same form that it has had since 1851 with the exception of the years of 1865-72, and the clerk is elected by the county electorate for a term of six years.

The clerk acts not only as secretary to the county court but also as custodian of all papers admitted to that court for record. This power is exercised for the county court commissioners who have "the custody, through their clerk, of all deeds and

Clerk of County Court (Next entry 50, p. 43)

other papers presented for recordation in their counties." (W. Va. Const., 1872, art. 8, sec. 24.) His duties extend to all matters coming within the jurisdiction of the county court necessitating the recordation of fiduciary matters, probate of wills, recordation of deeds, leases, liens, sheriff's settlements, and other papers left for recordation (W. Va. Code, 1932, Michie, secs. 357, 3947, 3963, 4067, 4070, 4123; W. Va. Const. Amends., 1879, art. 8, sec. 24). He also has certain specific duties imposed by law in respect to matters concerning the issuance of marriage licenses and the recordation thereof (W. Va. Code, 1932, Michie, sec. 4689), and he keeps a register of births and one of deaths (ibid., sec. 1339). He prepares an index to each record as directed by the code, making a convenient reference to every order, record, or entry therein and provides a general index whenever required by the county court (ibid., secs. 3964-3968). He also serves as a member of mental hygiene commission and acts as secretary of that body (W. Va. Acts, 1915, ch. 51, sec. 4).

Following are the different records required by statute which are generally kept by the clerk together with reference to the W. Va. Code, 1931, unless otherwise noted. These records may not always be found, as the industry of the county will be reflected in the records. Those found in industrial counties may not be found in an agricultural county such as Monroe. Plat of Land (ch. 39, art. 1, sec. 13); Survey of Land (ch. 11, art. 10, sec. 14); Deeds (ch. 40, art. 1, sec. 9); Index to Deeds (ch. 39, art. 2, secs. 1, 2); Deeds of Trust (ch. 40, art. 1, sec. 9); Index to Trust Deeds, (ch. 39, art. 2, secs. 1, 2); Sale Under Trust Deed (ch. 38, art. 1, sec. 8); Judgment Docket (ch. 38, art. 3, sec. 5); Filed Conditional Sales (ch. 40, art. 3, sec. 9); Conditional Sales Index (ch. 40, art. 3, sec. 10); Homestead Exemption (ch. 38, art. 9, sec. 2); Federal Tax Lien Docket (ch. 39, art. 10, sec. 1); Mechanic's Lien Record (ch. 38, art. 2, sec. 27); Record of Contracts or Agreements (ch. 40, art. 1, sec. 8); Releases (ch. 38, art. 12, sec. 9); Lis Pendens Record (ch. 55, art. 11, sec. 1); Record of Fiduciaries (ch. 44, art. 5, sec. 1); Record of Delinquent Real Estate (ch. 11, art. 9, sec. 23); List of Delinquent Real Estate (ch. 11, art. 9, sec. 23); List of Delinquent Municipal Real Estate (ch. 8, art. 7, sec. 3); Record of Sales and Redemptions (ch. 11, art. 10, sec. 11); Auditor's Certificates of Redemption (ch. 11, art. 10, sec. 33); Record of Redemption of Land from State Auditor, (ch. 11, art. 10, sec. 34); List of Delinquent Personal Property (ch. 11, art. 9, sec. 23); Fee Book, (ch. 59, art. 1, sec. 19); Record of Accounts (ch. 59, art. 1, sec. 30); Record of Claims (ch. 7, art. 5, sec. 2); Monthly Depository Statements, (ch. 7, art. 6, sec. 6); Annual Settlement of Sheriff (ch. 6, art. 8, sec. 6); Copies of Birth Certificates (ch. 16, art. 5, sec. 19); Record of Births (ch. 16, art. 5, sec. 19); Copies of Death Certificates (ch. 16, art. 5, sec. 19); Record of Deaths (ch. 16, art. 5, sec. 19); Marriage Licenses (ch. 48, art. 1, sec. 10); Register of Marriages (ch. 48, art. 1, sec. 11); Consent of Parents (ch. 48, art. 1, sec. 8); Road Record

(ch. 17, art. 10, sec. 3); Registration Book (ch. 3, art. 2, sec. 2); Candidates Expense Account (ch. 3, art. 8, sec. 6); Filed Certificates of Oaths (ch. 6, art. 1, sec. 6); Record of Oaths (ch. 6, art. 1, sec. 6); Record of Soldiers, Sailors, and Marines (ch. 10, art. 4, sec. 4); Filed Licenses (ch. 11, art. 12, secs. 1, 6); Church Trustees (ch. 35, art. 1, sec. 6); Trustees of Institutions (ch. 35, art. 2, sec. 5); Record of Certificates of Incorporation (ch. 31, art. 1, sec. 10); Brands of Timber Dealers (ch. 47, art. 4, sec. 2); Bottlers' Trade Marks (ch. 47, art. 3, sec. 2); Appraisals of Estrays (ch. 34, art. 1, sec. 2); Certificates of Partnership (ch. 47, art. 9, sec. 4); Indemnity Company Statements (ch. 31, art. 5, sec. 7); Notice of Dissolution of Partnership (ch. 47, art. 9, sec. 11); Power of Attorney (ch. 39, art. 1, sec. 2); Testimony as to Lost Records (ch. 39, art. 3, sec. 10); Writings Stating Formation of Fire Companies (ch. 8, art. 6, sec. 5).

Included with the following entries are a number of records which are found in the State Library at Richmond, Virginia, covering the period when West Virginia was a part of Virginia. These records supplement and fill many missing dates in the records found in Monroe County. All records, unless otherwise shown, are to be found in the record room of the office of the clerk of the county court.

For commissions, clerk of county court, see entry 6.

Land

(See also entries 81-92, 339, 340)

50. PLATS OF LAND, 1927. 1 file box.
Survey of land condemned by United States for use in construction of the federal prison for women at Alderson. Shows surveyor's drawings with boundaries, names of adjoining owners, and other description. Hdw. 13 x 11 x 5.

51. (SURVEYS OF DELINQUENT LAND), 1927--. In Tax Deed Applications, entry 91.
Surveys made by county surveyor of delinquent land which has been sold for taxes and on which survey must be made before tax deed can be given. Shows names of adjoining owners, location and boundaries of property, date of survey and name of surveyor.

Deeds

52. DEEDS, 1797--. 92 vols. (A-Z, 27-92).
Copies of deeds filed for record. Shows name of grantor and grantee, date of deed, location and description of property, acreage, warranty, granting words, reservation if any, liens if any, date of instrument, execution, acknowledgment, consideration, estate conveyed, and date of recordation. Also

contains: (Rights-of-Way), 1799-1933, entry 31; Trust Deeds, 1799-1885, entry 57; Judgments (Docket), 1799-1841, entry 63; Register of Marriages, 1861-65, entry 120. Arr. chron. Deeds indexed alph. by names of grantees and grantors; also separate index, entry 53. Hdw., 1797-1921; typed, 1922--. 550 pp. 18 x 14 x 3.

53. GENERAL INDEX TO REAL ESTATE CONVEYANCES, 1797--. 12 vols. (6 vols., grantees; 6 vols., grantors). Grantors' and grantees' index to deed books. Shows names of parties to instrument, location of property, date of deed, and recordation reference. Also contains (Index to Trust Deeds), 1799--, entry 58. Typed. 500 pp. 16 x 16 x 3.

54. DEEDS, 1789--. 47 file boxes (16 boxes, A-Z; 30 boxes, 27-66; 1 box not labeled). Also 1798-1802 in Promiscuous Papers, entry 224; 1805 in Allotment of Judges, entry 160.
Original deeds filed for recordation. For description, see entry 52. Also contains (Rights-of-Way), 1799-1933, entry 32. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

55. COPIES OF DEEDS, 1924-27. 1 file box.
Copies of deeds recorded in other counties and certified to clerk by clerk of county in which recordation made. For description, see entry 52. Arr. chron. Typed on pr. fms. 13 x 11 x 5.

56. CONVEYANCE OF LAND, 1810-17, 1909--. 4 vols. Title varies: List of Recorded Deeds.
List prepared for assessor by county clerk, showing all transfers of real property during each year. Shows whether transfer made by deed, judgment, or decree; names of grantors and grantees; names of parties in whose favor, and against whom such judgment or decree was rendered; title of cause; nature of estate transferred; and, if part of a tract, of what tract it was a part when whole tract was transferred, and reference to the book and page showing such transfer. Also lists wills recorded, showing when admitted to record, name of devisor and devisee with description of land devised. Arr. chron. Indexed alph. by name of grantor. Hdw. 200 pp. 1 vol., 1810-17, 12 x 8 x ½; 3 vols., 1909--, 16 x 11 x 1; 1 vol., 1810-17, cir. clk. rec. rm.; 3 vols., 1909--, co. clk. rec. rm.

Security Transactions

Trust Deeds

57. TRUST DEEDS, 1886--. 16 vols. (1-16). 1799-1885 in Deeds, entry 52.
Record of lien held to secure debts and indemnify sureties. Shows date, names of grantor and trustee, description of property, granting words, description of debts to be secured or indemnified,

covenants or provisions, signature of grantor and witnesses. Arr. chron. Indexed alph. by name of grantor; also separate index, entry 58. Hdw., 1886-1922; typed, 1923--. 600 pp. 18 x 12 x 3.

For release of trust deeds, see entry 74.

58. (INDEX TO TRUST DEEDS), 1799--. In General Index to Real Estate Conveyances, entry 53.

Alphabetical index to names of grantors and trustees appearing in trust deed recorded in deed books. Shows names of parties to instrument, date of instrument, and recordation reference.

59. TRUST DEEDS (Filed), 1886--. 7 file boxes. 1806 in Allotment of Judges, entry 160.

Original trust deeds filed after recordation. For description, see entry 57. Arr. chron. Hdw., 1886-1920; typed, 1921--. 13 x 11 x 5.

60. AMORTIZATION DEED OF TRUST, 1919--. 3 vols. (1, 1, 1). Title varies: Amortization Mortgage Record.

Record of deeds of trust in which definite curtailments are made at specified times held by Greenbrier Joint Stock Land Bank and Federal Land Bank of Baltimore. For description, see entry 57. Arr. chron. Indexed alph. by name of grantor. Hdw. on pr. fms. 525 pp. 18 x 14 x 3½.

61. REPORTS OF SALES UNDER TRUST DEEDS, 1931--. 1 vol. (1).

Record of reports of sales of property at public auction by trustee when grantor has failed to satisfy lien established by trust deed. Includes inventory of property sold, date of sale, name of purchaser, and amount for which sold. Arr. chron. Indexed alph. by name of trustee. Typed. 300 pp. 18 x 12 x 12.

62. TRUSTEE'S REPORT OF SALES, 1931--. 1 file box.

Original reports of trustees in the sale of property secured by deed of trust. For description, see entry 61. Arr. chron. Typed. 13 x 11 x 5.

Judgments and Executions (See also entries 190-193)

63. JUDGMENTS (Docket), 1842--. 10 vols. (1-10). 1799-1841 in Deeds, entry 52.

Record of abstracts kept by clerk of county court of all judgments rendered in justice of the peace, circuit court, or any other court in the state affecting property in the county for which he acts. Shows name of plaintiff and defendant; amount of judgment and costs; value of any specific property to be recovered by the judgment, and the damage (if any) for its detention; court in which, or justice by whom it was rendered; date of docketing; notation of execution, if any issued. Arr. chron. Indexed alph. by name of plaintiff or firm acting as plaintiff. Hdw. 300 pp. 18 x 12 x 2.

For release of judgments, see entry 74; for sheriff's record of judgments, see entry 244.

Clerk of County Court - Security Transactions (64-69)

64. ABSTRACTS OF JUDGMENTS (Files), 1879--. 6 file boxes. Title varies: Judgments Lien Docket. Abstracts of judgments filed after recordation. For description, see entry 63. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

Conditional Sales

65. CONDITIONAL SALES, 1921-25. 1 vol. Discontinued as record, 1925.
Record of conditional sales for deferred payment of purchase of personal property. Shows name of vendee and vendor, date of sale, condition of sale, amount of deferred payments, interest or carrying charges, description of property purchased, date of recordation, and date of release or other action. Arr. chron. Indexed alph. by name of vendor. Typed. 500 pp. 18 x 12 x 3.
For release of conditional sales, see entry 74.

66. CONDITIONAL SALES, 1925--. 12 file boxes (1-12). Original conditional sales contracts filed without recordation since 1925. For description, see entry 65. Contracts have in addition an assigned file number. Arr. numer. For index, see entry 67. Hdw. on pr. fms. 13 x 11 x 5.
For release of conditional sales, see entry 74.

67. CONDITIONAL SALES INDEX, 1925--. 1 vol. (1). Alphabetical index to names of vendees in filed conditional sales contracts. Shows name of vendee and vendor, date of instrument, number of contract, date of filing, amount secured, date of cancellation, and description of property. Hdw. 500 pp. 18 x 14 x 2½.

Homestead Exemption

68. HOMESTEAD EXEMPTION, 1874--. 1 vol.
Record of real property and appurtenances thereto set aside to the amount of $1,000 which cannot be attached for debts contracted after record is made. Exemption is set aside by guardian, committee, or other responsible person. Arr. chron. Indexed alph. by name in which exemption is made. Hdw. 400 pp. 16 x 12 x 2.

Liens

69. CROP LIEN (Files), 1935--. 2 file boxes (1, 1). Chattel deeds of trust given to secure advancements of loans from production credit associations organized under the Farm Credit Act. Gives date of lien; name of grantor, trustee, and beneficiary; amount advanced, and limit thereof; description of chattels or crops affected; description of property on which crops or chattels are located; and file number. Arr. numer. For index, see entry 70. Typed on pr. fms. 13 x 11 x 5.
For release of lien, see entry 74.

70. FARM LIEN BOOK, 1935--. 1 vol.
Record of chattel deeds of trust on farm equipment and crops. For description, see entry 69. Arr. chron. Indexed alph. by name of grantor. Also indexes entry 69. Typed on pr. fms. 500 pp. 18 x 12 x 3½.
For release of farm liens, see entry 74; for farm security administration records, see entry 349; for rural rehabilitation records, see entry 350.

71. (MECHANICS' LIENS), 1929--. In Court Papers, entry 3.
Original mechanics' liens against property to insure payment for labor and materials used in construction. Shows name of lienee and lienor, amount and character of claim, when filed, when admitted to record, description of property, and amount and date of lien.

72. MECHANICS' LIEN RECORD, 1872--. 1 vol. (1).
Record of mechanics' liens. For description, see entry 71. Arr. chron. Indexed alph. by name of lienor. Hdw. 800 pp. 18 x 12 x 4.
For release of liens, see entry 74.

Agreements (See also entries 326, 330)

73. (AGREEMENTS), 1849-55, 1921, 1923. 1849-55 in (Miscellaneous Bundle), entry 223; 1921, 1923 in (Miscellaneous File), entry 222.
Agreements made by two or more persons stating terms of a contract made by them. Shows names of parties making agreement, and date and conditions of agreement.

Releases

74. RELEASE OF LIENS, 1872--. 8 vols. (1-8).
Record of releases which consist of writing given and acknowledged before one authorized to acknowledge deeds releasing any lien upon real or personal property, whether created by conveyance, judgment, decree, lis pendens, notice of attachment or otherwise. Requirement only that it show names of parties to instrument, description of lien to be released, full or partial release, and intent to discharge same. Arr. chron. Indexed alph. by name of grantor, in both vols. and files. Hdw., 1872-1928; typed, 1929--. 550 pp. 18 x 12 x 3½.
For trust deeds, see entry 57; for judgments, see entry 63; for conditional sales, see entries 65, 66; for crop liens, see entry 69; for farm liens, see entry 70; for mechanics' liens, see entry 72.

75. RELEASE OF LIENS, 1872--. 3 file boxes (1-3).
Original releases of liens. For description, see entry 74. Arr. numer. For index see entry 74. Hdw. on pr. fms. 13 x 11 x 5.

Clerk of County Court - Lis Pendens; Fiduciaries (76-80)

Lis Pendens

76. LIS PENDENS RECORD, 1922--. 1 vol. (1).
Memorandum or notice of the pendency of a suit, action, or other proceedings, whether at law or equity, to enforce any lien upon, right to, or interest in designated real estate. States title of cause, court in which pending, names of all parties to suit or other proceedings, description of real estate affected, nature of lien, right of interest sought to be enforced against same, and the name of person whose estate therein is intended to be affected. Arr. chron. Indexed alph. by name of plaintiff. Typed. 500 pp. 20 x 12 x 2½.

77. (LIS PENDENS), 1929--. In Court Papers, entry 3.
Original lis pendens papers. For description, see entry 76.

Fiduciaries
(See also entries 13-26)

78. RECORD OF FIDUCIARIES, 1931--. 1 vol. (1).
Record of fiduciaries and their appointment required to be kept by clerk of county court. Shows name of fiduciary, name of decedent; names of distributees of estates with relationship to deceased; names of living person or persons for whom he is guardian, committee or trustee; penalty of bond; names of sureties, date of order conferring authority with recordation reference; date of return of inventories and appraisements; and date of confirmation of each report of settlement. Arr. chron. Indexed alph. by name of decedent, estate, ward, or person represented by fiduciary. Typed on pr. fms. 550 pp. 18 x 12 x 3.
For list of fiduciaries, 1867-80, see entry 79.

79. EXECUTORS AND ADMINISTRATORS, 1867-80. 1 vol.
List of fiduciaries kept by recorder, 1867-72; and county clerk, 1872-80. Shows name of fiduciary, capacity, name of decedent, penalty of bond, names of sureties, date of order conferring authority, date of order revoking authority, and general remarks. Arr. chron. Indexed alph. by name of fiduciary. Hdw. 250 pp. 16 x 11 x 2.

80. FIDUCIARIES POSTED, 1850-61. 1 bundle.
List of fiduciaries whose accounts have been referred to the commissioner of accounts as kept by clerk of county court. Shows name of fiduciary, name of estate, date of list, and name of commissioner. Arr. chron. Hdw. 8 x 3 x 3. Cir. clk. rec. rm.

Taxation

Real Property

81. LAND BOOKS, 1801--. 123 vols. Title varies: Assessor's Book. 1873-- also in Land Books, entry 250.

List of real estate owners made by the assessor in triplicate form, one for the sheriff, one for the clerk of the county court and one for the state auditor. Shows name, location, description, acreage of property, assessed value, and allocation of tax to various county and state funds. Arr. by magisterial districts and alph. by names of property owners thereunder. Hdw., 1801-1933; typed, 1934--. 375 pp. 16 x 14 x 3. 14 vols., 1801-50, Va. State Library, Richmond, Va.; 58 vols., 1851--, state auditor's office, Charleston, W. Va.; 51 vols., 1886--, co. clk. rec. rm.

For land book blotters, see entry 246.

82. DELINQUENT RECORD, REDEMPTION AND SALES, 1814-15, 1855-59, 1907--. 5 vols. 1934-- also in Delinquent Real Estate, entry 254.

List of real estate returned delinquent by sheriff to county court and after court is satisfied that list is correct is entered on record by order of court; includes also list of land suspended from sale by sheriff. Also contains (List of Delinquent Municipal Real Estate), 1907--, entry 84. Arr. chron. Indexed alph. by name of person charged with tax. Hdw., 1814-15, 1855-59, 1907-30; typed, 1931--. 225 pp. 17 x 12 x 2. 2 vols., 1814-15, 1855-59, Va. State Library, Richmond, Va.; 3 vols., 1907--, co. clk. rec. rm.

83. DELINQUENT (Real Property) LISTS, 1799-1835. 2 file boxes (labeled by inclusive years). 1895-- in Court Papers, entry 3.

Original lists of delinquent real property prepared by sheriff and submitted to county court for approval. Shows name of property owner, description and location of property, amount of tax due, and period for which unpaid. Also contains (Delinquent Personal Property Lists), 1799-1835, entry 94. Arr. chron. Hdw. 13 x 11 x 5.

For other delinquent property lists, 1922-28, see entries 255, 256.

84. (LIST OF DELINQUENT MUNICIPAL REAL ESTATE), 1907--. In Delinquent Record, Redemption and Sales, entry 82.

List of delinquent municipal real estate certified to clerk of county court by city council. Shows name of property owner; date, amount, and description of property; and period and amount for which delinquent. Copies also sent to sheriff and state auditor.

For property assessment, town of Union, 1882-86, 1895, see entry 90.

Clerk of County Court - Taxation (85-90)

85. LAND SALES RECORD, 1832-45, 1929--. 2 vols. (1). Record of sales and redemptions of advertised delinquent lands made by sheriff to clerk of county court. Shows date of sale; years for which tax delinquent; name of person charged with taxes; quantity of land charged in county and districts therein; estate held; amount of taxes and interest due for state, state school, county, district school, district, and municipality; quantity of land sold, name of purchaser, amount of purchase money; fees for receipts, and costs of publication. Signed by sheriff. Arr. chron. Indexed alph. by names of property owners. Hdw. 300 pp. 20 x 18 x 2. 1 vol., 1832-45, Va. State Library, Richmond, Va.; 1 vol., 1929--, co. clk. rec. rm.

For record, 1926-28, see entry 253.

86. TAX REDEMPTIONS, 1931-32. 1 file box. Memorandum of redemptions of property advertised for sale because of delinquent taxes. Shows same contents as entry 85. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

87. AUDITOR'S CERTIFICATES OF REDEMPTION, 1931--. 1 vol. Copies of certificates issued by state auditor showing redemption of delinquent or forfeited land after purchase has been made by state. Shows name of land owner, person or persons paying tax, amount and extent of time for which tax due, interest charged, and amount and date paid. Arr. chron. Indexed alph. by name of redemptioner. Typed on pr. fms. 350 pp. 12 x 9 x 2.

88. LAND REDEMPTION CERTIFICATES, 1934--. 1 file box.
1933-- also in Tax Deed Applications, entry 91.
Copies of auditor's certificate of land redemption after delinquent land has been purchased by state. For description, see entry 87. Arr. chron. Typed on pr. fms. 13 x 11 x 5.

89. RECEIPTS REDEEMING DELINQUENT AND/OR FORFEITED LANDS, 1933--. 1 vol.
Record of receipts issued by state auditor for payment of delinquent taxes or redemption after land has been returned delinquent and forfeited to state. Shows name of owner, name of person paying tax, amount and extent of time for which tax due, interest charged, and amount and date paid. Arr. chron. Indexed alph. by name of property owners. Typed on pr. fms. 500 pp. 18 x 12 x 2.

90. PROPERTY ASSESSMENT, TOWN OF UNION, 1882-86, 1895. 2 vols.
List of real property in incorporated town of Union showing name of property owner, extent and description of property, and date and amount of assessment as prepared by town officials. Also contains (Personal Property Assessment, Town of Union), entry 95. Arr. chron. Hdw. 200 pp. 12 x 6 x 1. 1 vol., 1882-86, cir. clk. rec. rm.; 1 vol., 1895, co. clk. rec. rm.
For record of delinquent municipal real estate, 1907--, see entry 84.

Clerk of County Court - Taxation (91-95)

91. TAX DEED APPLICATIONS, 1927--. 1 file box.
Application made to sheriff for issuance of tax deeds on property sold for delinquent taxes. Shows name of applicant, date of application, and amount of property. Also contains: (Surveys of Delinquent Land), entry 51; Land Redemption Certificates, 1933--, entry 88. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

92. (LIST OF LANDS VESTED IN THE PRESIDENT AND DIRECTOR OF THE LITERARY FUND), 1815. 1 vol.
List of forfeited or waste lands which were vested in the directors of the Virginia literary fund for school purposes. Shows name of person charged with tax, acreage, period for which delinquent, amount of tax and cost due, and remarks. Includes lists for Monroe, Cabell, Greenbrier, Mason, Randolph, and Wood Counties. Arr. alph. by counties. Printed. Binding missing. 250 pp. 10½ x 8½ x 3/4. Stack rm., bsmt., Va. State Library, Richmond, Va.

Personal Property

93. PERSONAL PROPERTY BOOKS, 1799-1863, 1911--. 12 bundles, 40 vols. (dated). 1926-- also in Personal Property Books, entry 251.
List of personal property prepared by the assessor in triplicate form, one for the sheriff, one for the clerk of the county court, and one for the state auditor. Shows name of property owner, description and assessed value of property with allocation of tax to various state and county funds. Arr. by magisterial dists. and alph. by names of property owners thereunder. Hdw., 1799-1863, 1911-33; typed, 1934--. 375 pp. Bundles, 14 x 10 x 2; vols., 16 x 16 x 2. Bundles, 1799-1863, Va. State Library, Richmond, Va.; vols., 1911--, co. clk. rec. rm.

94. (DELINQUENT PERSONAL PROPERTY LISTS), 1799-1835, 1895--. 1799-1835 in Delinquent Real Property Lists, entry 83; 1895-- in Court Papers, entry 3.
List of personal property owners returned delinquent for nonpayment of taxes, prepared by sheriff and submitted to county court for approval. Shows name of owner, amount and description of property, amount of tax, and date for which tax due.
For delinquent personal property, 1922-28, see entries 255, 256.

95. (PERSONAL PROPERTY ASSESSMENT, TOWN OF UNION), 1882-86, 1895. In Property Assessment, Town of Union, entry 90.
List of personal property returned delinquent for municipality of Union. For description, see entry 93.

Clerk of County Court - Fees and Finances (96-100)

Capitation Tax (See also entry 258)

96. CAPITATION TAX LISTS, 1919--. 1 file box.
Lists of persons whose capitation tax has been paid as prepared for clerk of county court by assessor. Shows name of taxpayer, date and amount of capitation paid. Also contains County Infirmary Reports, 1921-25, entry 35. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

96a. (CAPITATION TAX RECEIPTS), 1921. In (Miscellaneous File), entry 222.
Duplicates of receipts given by assessor or his deputies for payment of capitation tax. Shows name of taxpayer, date and amount paid, number of receipt, and signature of officer issuing same

Dog Tax

97. (DELINQUENT DOG TAX), 1927. In Record of Fees and Other Collections, entry 241.
Record of dog tax returned delinquent. Shows name of owner, sex and description of dog, amount of tax due, and period for which delinquent.
For other records of this fund, see entries 105, 106.

Fees and Finances

Fees

98. RECORD OF FEES AND OTHER COLLECTIONS, 1930--. 1 vol.
Record of fees and collections for all services performed by clerk of county court including acknowledgments, recordation, filing, administering oaths, transcripts, and copying. Shows name of person charged, date, amount and explanation of charge, name of person making payment, and date and amount of payment. Arr. chron. Hdw. 249 pp. 14 x 12 x 2.
For prior records, see entries 99, 100.

99. CLERK'S RECEIPTS AND DISBURSEMENTS, 1913-33. 1 vol. (1).
Clerk's record of all receipts and disbursements in administration of his office. Shows source, date, and amount of receipt of funds; to whom paid; date, amount, and number of order paid out. Also shows to which fund receipts allocated and from which fund paid. Arr. chron. Hdw. 400 pp. 16 x 16 x 2½.
For subsequent receipt records, see entry 98.

100. FEE BOOKS, 1807-49. 6 vols.
Record of fees charged by clerk of county court for recordation of deeds, trust deeds, and other instruments; for license fees and other fees charged by that office. Shows date, amount, to whom charged, explanation of charge; date, amount, and by whom

paid. Arr. alph. by names of persons charged. Hdw. Very bad condition. 100 pp. 15 x 6 x 1. Cir. clk. rec. rm.

Claims and Warrants

101. CANCELLED VOUCHERS, 1931--. 5 file boxes.
Cancelled checks paid for construction, maintenance, supplies, and labor in administration of county finances. Includes payment from road, school, and general funds. Shows name of payee, date, amount and number of order, fund to which charged, and explanation of payment. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

102. GENERAL COUNTY FUND WARRANTS, 1928--. 9 vols.
Stubs of checks issued on general county fund for payment of services. Shows name of payee, date, amount, number of order, and explanation of payment. Arr. chron. and numbered consc. Hdw. on pr. fms. 1,000 stubs. 17 x 12 x 1.

103. ROAD WARRANTS, 1929-33. 9 vols. Discontinued.
Stubs of checks issued on road fund for payment for materials and labor. For description, see entry 102. Arr. chron. and numbered consc. Hdw. on pr. fms. 1,000 stubs. 15 x 12 x 1.

104. EXPENDITURES, COUNTY AND ROAD FUNDS, 1905-24.
2 vols.
Record of county funds showing all expenditures allocated to general county, road, and school funds. Shows to whom paid, date, amount, number of order, and explanation of payment. Arr. chron. Indexed alph. by name of fund. Hdw. 475 pp. 15 x 10 x 3.
For sheriff's records, see entries 266, 270, 271.

105. DOG FUND WARRANTS, 1925--. 1 vol.
Stubs of checks issued on dog fund in payment for sheep killed by dogs. For description of stub, see entry 102. Arr. chron. and numbered consc. Hdw. on pr. fms. 1,000 stubs. 17 x 19 x 1.

106. SHEEP CLAIMS ALLOWED, 1909-25. 1 file box. 1895-- in Court Papers, entry 3.
Original claims made for payment for sheep killed by dogs. Shows name of owner, appraiser's report of damage, and amount due owner. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

Reports

107. COUNTY OFFICIALS' MONTHLY STATEMENTS, 1921-27.
1 file box. 1927-- in Court Papers, entry 3.
Monthly statements made by all county officers to clerk of county court showing all costs of maintenance of offices, deputies' salaries, and collections and disbursements of funds received. Includes statements of circuit clerk, sheriff, assessor, and prosecuting attorney. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

Clerk of County Court - Fees and Finances (108-113)

108. JUSTICE OF THE PEACE REPORTS, 1921--. 1 file box.
1933-- also in Court Papers, entry 3.
Original quarterly reports made by justice of the peace to clerk of county court of all fines collected by him for three-month period. Gives number of receipt for each payment, executions not returned or returned unsatisfied, executions returned satisfied but without payment, name of person or officer failing to return or pay, list of fines paid by justice to sheriff. Also contains (Sheriff's Accounting of Fees), entry 109. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

109. (SHERIFF'S ACCOUNTING OF FEES), 1921--. In Justice of the Peace Reports, entry 108.
Annual accounting to county clerk by sheriff of all fee bills turned over to him for collection showing uncollectable bills and payment of such fee bills as collected.
For sheriff's record of fees, see entry 241.

110. (MONTHLY DEPOSITORY STATEMENTS), 1933--. In Court Papers, entry 3.
Monthly statements made by depositories to clerk of county court of amount of deposit to credit of the county treasurer at close of each day of each month. Shows name of depository making statement, name of sheriff, amount of deposits, withdrawals and checks, daily balance, and date of statement.
For depository bonds, see entry 49; for record of deposits, see entry 268.

Receipts for Fines and Costs

111. JUSTICE FINES, 1928--. 1 vol.
Copies of justice of the peace receipts for fines and costs made on forms provided by state tax commissioner. Shows name of person making payment, charge, amount and date of payment, number of receipt, and explanation. Prepared in triplicate, one delivered to person paying fee or fine, one to clerk, and one retained by justice as his record for state tax commissioner's inspection. Arr. chron. and numbered consc. Hdw. on pr. fms. 1,000 receipts. 16 x 12 x 2.

Miscellaneous

112. BOND ISSUE COUPONS, 1920-34. 1 file box.
Coupons of bonds issued for special funds. Shows date and explanation of bond issue, date coupon due and cancelled. Arr. by magisterial dists. Hdw. on pr. fms. 13 x 11 x 5.

113. ACCOUNTS LEVIED, 1799-1826. 2 bundles.
List of accounts ordered paid from county funds including work on county courthouse, wolf bounties, road and bridge work. Arr. chron. Hdw. 200 papers. 7 x 3 x 2. Cir. clk. rec. rm.

Clerk of County Court - Vital Statistics (114-117)

114. CLASSIFICATION RECORD, 1923--. 3 vols.
Record kept by county clerk of orders issued by county court for payment of miscellaneous items including medical care for poor, district road work, payment of jurors, burial of soldiers, justice fines, inquest expense, insurance, courthouse and jail expense, officers expenses for maintenance of offices. Arr. chron. Indexed alph. by names appearing in record. Hdw. 300 pp. 13 x 13 x 2.
For other record of orders, see entry 1.

Vital Statistics

Births

115. REGISTER OF BIRTHS, 1853--. 3 vols. (1-3).
Record of birth certificates issued by clerk of county court, 1853-1921, and by vital statistics registrars, 1921--. 1853-1921 shows name of child, date and place of birth, condition at birth, number of children born to parents, names and addresses of parents, date of report and name of physician or midwife attending birth. 1921-- shows place of birth, name of child, sex, whether single or multiple birth, legitimate or illegitimate, date of birth; names of parents, ages at last birthday, birthplaces, occupations; whether or not prophylactic was used in child's eyes, number of children born to this mother, present number of children, certification of attending physician or midwife, exact date of filing in office of local registrar, officer's signature, and registered number of birth. Arr. chron. Vol. 1, no index; vols. 2-3, indexed alph. by family name of child. Hdw. 500 pp. 16 x 16 x 3.

116. BIRTHS, 1853-1920, 1932--. 3 file boxes. 1853-61 in Register of Births, Marriages, and Deaths, entry 126.
Original birth certificates, 1853-1920; copies, 1932--. Filed after recordation. For description, see entry 115. Arr. chron. and numbered consc. Hdw. and typed on pr. fms. 200 certificates. 13 x 11 x 5.

Deaths

117. RECORD OF DEATHS, 1853--. 3 vols.
Copies of death certificates issued by clerk of county court, 1853-1921, and by vital statistics registrars, 1921--. 1853-1921 shows name of decedent, date, cause and place of death, names of parents, date and place of birth, sex, age, color, marital status, occupation, date and place of burial, name of attending physician. 1921-- shows place of death, name of decedent, age, color, sex, marital status, date of birth, occupation, birthplace, names of parents with birthplaces, signature and address of informant, date of death, certification of medical attendance, fact and time of death, cause of death,

duration of illness, length of residence in state, place and date of burial, signature and address of mortician. Arr. chron. For index, see entry 118. Hdw. 300 pp. 16 x 16 x 2.

118. INDEX TO DEATHS, 1853--. 1 vol.
Alphabetical index to names appearing in death record. Shows family name, given name, book and page reference of recordation. Hdw. 100 pp. 18 x 12 x 1.

119. DEATH CERTIFICATES, 1853-1920, 1932--. 3 file boxes. 1853-61 also in Register of Births, Marriages, and Deaths, entry 126.
Original death certificates issued by clerk, 1853-1921, and by vital statistics registrars, 1932--. For description, see entry 117. Arr. chron. Hdw. on pr. fms. 200 certificates. 11 x 8 x 5.

Marriages

120. REGISTER OF MARRIAGES, 1799--. 7 vols. (1-5, two vols. not labeled). Also 1850-60 in Will Books, entry 13; 1861-65 in Deeds, entry 52.
Record of marriage licenses issued by clerk of county court and additional information provided by applicants. Shows name of parties, date and place of birth, parents' names, date license issued, date returned, and name of minister signing return. 1799-1853 shows names of sureties on marriage bonds. Arr. chron. For index, see entry 121. Hdw. on pr. fms. 500 pp. 16 x 14 x 2.

121. GENERAL INDEX TO MARRIAGE RECORDS, 1799--. 1 vol. (A-Z).
Alphabetical index to names of males and females whose marriages are recorded in Register of Marriages. Shows names of both parties, date of marriage, and recordation reference. Typed. 350 pp. 16 x 16 x 3.

122. MARRIAGE BONDS, 1799-1850. 8 file boxes, 3 bundles.
Bonds for marriage ceremony given in the amount of $150 to state of Virginia showing names of parties and bondsmen; date of bond; and signature of groom, bondsman, and clerk of county court. Sometimes shows names of parents of one or both parties. Also contains: Marriage Certificates (Consent of Parents), entry 125; (Court Attendance Record), 1799-1817, entry 208; (Surveys of Land), 1799-1824, entry 340. Arr. chron. Hdw. on pr. fms. Bundles, 6½ x 3 x 3; boxes, 13 x 11 x 5. Boxes, 1799-1850, co. clk. rec. rm.; bundles, 1816-42, cir. clk. rec. rm.

123. MINISTERS RETURNS, 1799-1852. 1 file box.
Lists of marriages performed by ministers and sent by them to county clerk as verification of marriage. Shows names of parties, sometimes name of parents of one or both parties, date and county in which married, names of bondsmen, and name of minister submitting list. Arr. alph. by name of minister. Very poor condition. Hdw. 13 x 11 x 5.
For recordation, see entry 120.

Clerk of County Court - Roads (124-129)

124. MARRIAGE LICENSES, 1861--. 23 file boxes, 1 bundle. 1850-59 in Promiscuous Papers, entry 224; 1853-61 in Register of Births, Marriages, and Deaths, entry 126.
Marriage licenses issued by clerk of county court. Shows name of county, authorization for marriage, names of parties, date of issue, signature of clerk, endorsement of minister with date and place of marriage. Also includes Marriage Certificates, (Consent of Parents), entry 125. Arr. chron. Hdw. on pr. fms. Bundle, 8½ x 4 x 3; boxes, 13 x 11 x 5. Bundle, 1869, cir. clk. rec. rm.; boxes, 1861--, co. clk. rec. rm.

125. MARRIAGE CERTIFICATES (Consent of Parents), 1850-60. 1 bundle. 1799-1850 in Marriage Bonds, entry 122; 1861-- in Marriage Licenses, entry 124.
Written consents to county clerk from parents of minors for issuance of marriage licenses. Usually contains simple statement that parent or parents are willing that license be issued and gives names of both parties and date. Signed by parent or guardian. Arr. chron. Hdw. 8 x 3 x 3. Cir. clk. rec. rm.

126. REGISTER OF BIRTHS, MARRIAGES, AND DEATHS, 1853-61. 2 folders.
Clerk's duplicates to state of Virginia of Births, entry 116; Death Certificates, entry 119; Marriage Licenses, entry 124. Hdw. 19 x 28 x 3/8. Bsmt., Va. State Library, Richmond, Va.

Negro Register

127. FREE NEGRO REGISTER, 1850-61. 1 vol.
Register of Negroes born of free parents or liberated by masters. Shows name, age, color, height, distinguishing physical marks, and general description of Negro registered. Arr. chron. Hdw. 500 pp. 12 x 8 x 4. Cir. clk. rec. rm.

Roads
(See also entries 27-32, 270)

128. ROAD RECORD, 1922-29. 1 vol. Discontinued in 1933.
Record of all orders and papers pertaining to road matters including description of rights-of-way, reports of road engineers of orders authorized, copies of maps, plats and surveys of roads, and copies of discontinuance orders for roads. Arr. chron. Hdw. and typed. 500 pp. 18 x 12 x 3.

129. SURVEYOR'S RECORD (of Roads), 1889-1909. 5 vols.
Road surveyors' record of construction and repair of roads giving name or number of project; name of contractor; date, amount, and conditions of contract. Arr. chron. Hdw. 250 pp. 18 x 12 x 2. Shf. off.

Clerk of County Court - Elections (130-137)

130. CLASS A ROADS, 1918. 1 vol.
Payroll sheets for road workers prepared by foreman showing name, occupation, total hours for each worker, rate per hour, total amount due worker, and date. Arr. chron. by pay period. Loose leaf. Hdw. on pr. fms. 11 x 8½ x 2. Cir. clk. rec. rm.

131. CONTRACTS AND SPECIFICATIONS, 1935--. 1 file box (1).
Copies of all contracts for construction or repair of state roads, by state road commission filed with clerk of county court. Attached is copy of contractors bond. Arr. chron. Typed on pr. fms. 13 x 11 x 5.

Elections
(See also entries 40, 41, 198-201)

132. GENERAL ELECTIONS, 1928--. 1 vol.
Record of all general election returns from each precinct in county for primary, state, and national elections. Shows date of election, name of each candidate with office sought, political affiliation, number of votes received, and final results of election. Arr. chron. Indexed alph. by name of candidate. Typed on pr. fms. 550 pp. 18 x 12 x 3.

133. PRIMARY ELECTION RECORDS, 1928--. 1 vol.
Record of all election returns in primary elections in county. Shows same information as entry 132. Arr. chron. Indexed alph. by name of candidate. Typed. 500 pp. 18 x 12 x 2½.

134. ELECTION RETURNS, 1892--. 4 vols. (labeled by inclusive years).
Record of all votes received in county at all elections. Shows date of election; names of candidates; total number of votes received by each in precincts, wards, and districts; political affiliation; office sought; and final results of elections. Arr. chron. Indexed alph. by name of precinct. Hdw. 240 pp. 16 x 12 x 2.

135. ELECTIONS RETURNS, 1892--. 1 file box.
Original election returns filed for recordation. For description, see entry 132. Arr. chron. Hdw. and typed. 13 x 11 x 5.

136. CANDIDATES' EXPENSE ACCOUNTS, 1928--. 2 file boxes (1, 2). 1914-28 in Court Papers, entry 3.
Sworn statement of candidate's expense during primary election campaign. Shows source of all receipts and itemized list of all disbursements. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

137. REGISTRATION BOOKS, 1880, 1884, 1908, 1934. 37 vols. Title varies: Poll Books.
Alphabetical list of voters prepared by registrars appointed by county court. Shows name of voter; sex; color; political affili-

ation; age; place of birth; time of residence in precinct, county and state; if naturalized, date of papers and court in which issued; date of registration; and place of residence. Record may be destroyed when new list is prepared. Arr. by precincts and alph. by name of voter thereunder. Hdw. 35 pp. 13 x 8 x ½.

Oaths

138. RECORDED OATHS, 1931--. 1 file box.
Oaths of all county officials taken upon assumption of duties and of personal representatives upon appointment by court. Includes original oaths of all magisterial district and county officers, personal representatives, and judges of court of limited jurisdiction; certified copies of oaths of members of school boards and other school officials, the original being retained in the office of the secretary of the school board; certified copies of oaths of municipal officers, the original being retained in the office of the city clerk or recorder. Original oaths may be destroyed when term of office has expired. Shows name of person taking oath, kind and date of oath. Arr. chron. Hdw. and typed on pr. fms. 13 x 11 x 5.

139. RECORD OF OFFICIAL OATHS, 1931--. 1 vol. (1). 1807
also in Miscellaneous Record, entry 221.
Record of oaths of county and other officials and of personal representatives. For description, see entry 138. Arr. chron. Indexed alph. by name of official. Typed. 500 pp. 18 x 12 x 3.

Professional Register

140. REGISTER OF ACCOUCHERS AND PHYSICIANS, 1892-1931.
1 vol. Last entry 1927. (Discontinued by Code of 1931).
Register of physicians and accouchers giving name, address, place and date of graduation, general remarks, and date of recordation. Arr. alph. by family names of physicians and accouchers. Hdw. 150 pp. 16 x 10 x 1.

141. EMBALMER'S LICENSE RECORD, 1901--. 1 vol.
Record of embalmers' licenses issued annually by state board of embalmers with list of renewals. Shows name of mortician, date of license, place and date of training, address, and date of renewal. Arr. chron. Indexed alph. by name of mortician. Hdw. on pr. fms. 300 pp. 14 x 10 x 3.

Clerk of County Court - Military Records; Licenses and Applications (142-147)

Military Records
(See also entry 5)

142. OFFICERS AND ENLISTED MEN, WAR OF 1917, 1917--. 1 vol.
Record of service of officers and men in war of 1917. Gives name, residence, birthdate, age, date and place of enlistment, service record, date, place, and cause of discharge. Arr. alph. by family name of officer and man. Hdw. 400 pp. 18 x 16 x 2.

Licenses and Applications
(See also entry 124, 141)

143. PRIVILEGE LICENSE REPORTS, 1924-30. 1 file box (45).
Report of licenses issued to persons or firms to operate business or sell products. Shows name of person licensed, date of license and amount of fee paid. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

144. LICENSE STUBS, 1929-31. 1 file box.
Stubs of licenses issued by clerk of county court for hunters and fishers, 1929, and privilege licenses, 1929-31. Shows name of person licensed, date and kind of license, amount of fee, and signature of clerk or deputy. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.
For subsequent hunting and fishing licenses, see entry 149.

145. LICENSE BOOK, 1921. 1 vol.
Stubs of licenses issued for sale of soft drinks and tobacco. For description, see entry 144. Arr. chron. and numbered consc. Hdw. on pr. fms. 150 pp. 12 x 6 x 1. Cir. clk. rec. rm.

146. (HOTEL LICENSES), 1807. In Miscellaneous Record, entry 221.
Orders issued by county court granting license to operate ordinaries or inns. Shows name of applicant for license, date granted and location of inn.
For ordinary bonds, 1803-53, see entry 48; for sheriff's receipts to ordinaries, see entry 272.

147. OLD FORMS (Applications), 1921-27. 1 file box.
Applications made for hunting and fishing licenses, sale of soft drinks, operation of stores and restaurants. Shows name of applicant, type of license desired, place of business or kind of business and date of application. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.

Clerk of County Court - Church and Institution Trustees; Corporation and Industrial Records (148-153)

148. APPLICATIONS FOR HAWKERS AND PEDDLERS LICENSES, 1933--. 1 file box.
Original application for license for house-to-house sale of produce and dry goods. Shows name of person making application, date of application, type of business, and kind of produce to be sold. Arr. alph. by name of applicant. Hdw. on pr. fms. 13 x 11 x 5.

149. (CONSERVATION COMMISSION LICENSE RECEIPTS), 1933--. In Court Papers, entry 3.
Receipts sent by state conservation commission to clerk of county court for fees received from hunting and fishing licenses. Shows date and amount of receipt, number, name of clerk, and name of issuing officer.
For hunting and fishing licenses, 1929, see entry 144.

150. (CONSERVATION COMMISSION LICENSE REPORT), 1936--. In Court Papers, entry 3.
Report of number of fishing and hunting licenses issued in county. Shows number of licenses issued, amount of fees charged, and date of report.

Church and Institution Trustees

151. CHURCH TRUSTEES AND TRUSTEES OF INSTITUTIONS, 1931--. 1 vol. (1).
Record of reports made by churches and fraternities of the appointment or election of trustees of property belonging to the organization and appointments of trustees by circuit court. Shows name of church or organization, date of meeting at which appointment made or election held, names of trustees, length of term if for specific period, signature of president or secretary making report, date of recordation. Arr. chron. Indexed alph. by name of church or institution. Typed. 550 pp. 18 x 12 x 3.

152. TRUSTEES OF CHURCHES AND INSTITUTIONS, 1932--. 1 file box.
Original notices of election or appointment of trustees of church or institutional property. For description, see entry 151. Arr. chron. Hdw., 1932-34; typed, 1935--. 13 x 11 x 5.

Corporation and Industrial Records

153. RECORD OF TRUST COMPANY STATEMENTS, 1901--. 1 vol.
Record of annual financial statements of insurance and trust companies operating within county. Shows name of company, location of home office, names of officers, date of statement, and itemized statement of assets and liabilities. Arr. chron. No index, 1901-33; indexed alph. by name of company, 1934--. Hdw. on pr. fms., 1901-9; typed on pr. fms., 1910--. 500 pp. 18 x 12 x 3.

154. (CERTIFICATES OF INCORPORATION), 1905. In (Miscellaneous File), entry 222.
Copies of certificates of incorporation as granted to a domestic state corporation by secretary of state. Gives name of corporation, date, place, purpose, authorized capital, stock, and names of subscribers to same.

Miscellaneous

155. VIRGINIA PUBLIC SERVICE CORPORATION, 1925-26. 1 file box.
Original papers applying to property owned by above named corporation. Includes deeds of trust, reports of board of review and equalization on corporation property, and title to trucks and other equipment. Also contains Settlements of Estates, 1905, entry 24. Arr. chron. Hdw. and typed. 13 x 11 x 5.

156. ESTRAYS, 1842-69. 1 bundle. 1849-62 also in Promiscuous Papers, entry 224.
Certificates of estrayed livestock including oath taken before justice of the peace by owner and statement of description of animal with value. Includes appointment of appraisers of recovered or strayed stock, and appraisement. Hdw. 8 x 3 x 3. Cir. clk. rec. rm.

III. COMMISSIONERS OF ACCOUNTS

An act passed December 22, 1802, read: "Be it enacted by the general assembly, that the several county and corporation courts within this commonwealth shall appoint one or more master commissioners, resident within their county or corporation, and in all cases in chancery therein depending in which it may be necessary to refer the accompts (sic) of the parties litigant to a commissioner, the said courts shall direct one of the said commissioners to examine, state and return the same, with his report thereon to the court, and shall cause a reasonable allowance for his service to be taxed in the bill of costs" (Va. Acts, 1803-11, ch. 1).

This act can be considered as the parent of all laws relative to commissioners of accounts. Attention must be called to the fact that the county court, in its early history, had a vast power and very broad jurisdiction (see Governmental Organization and Records System, p. 9).

The code of Virginia, 1819, adopted the act of 1802 (vol. 1, ch. 71, sec. 63, p. 257). A statement of all the moneys which any personal representative, guardian, curator, or committee received or disbursed was to be exhibited by him before a commissioner of the court wherein the appointment was made.

Commissioners of Accounts (Next entry 157, p. 66)

After such exhibit was made, the commissioner ascertained whether such fiduciary had given bond as required. Also, any such commissioner was to appoint a time and place for receiving proof of debts or demands against the decedent or his estate. After such hearing the commissioner stated his report, together with any exception thereto, to the court appointing him. The court examined this report and either approved or recommitted it to the same or another commissioner. The clerk of the county court kept a record of every report so confirmed together with the order of confirmation. (Va. Code, 1849, vol. 2, ch. 132, sec. 7 et seq.)

With the exception of the years of 1863-1872, when West Virginia had the township form of government, the commissioners have been appointed by the county court. During the period just mentioned the county recorder, acting for the circuit court, appointed the commissioners to examine the bonds and accounts of fiduciaries and settle with them; examined reports of such commissioners, confirmed or recommitted them, or ordered them to be recorded and ordered the distribution due thereunder. In other words, the recorder replaced the county court in this respect. (Const. and Statutes, Va. and W. Va., 1861-66, ch. 36, p. 35.)

When the county court system was reestablished in 1872, the county court once more appointed and supervised the commissioners (W. Va. Const., 1872, art. 9, sec. 2), and in 1882 the term "commissioner of accounts" was adopted by the legislature. The commissioner had general supervision over all fiduciaries qualified in his county and "shall make all ex parte settlements of the accounts of said fiduciaries." (W. Va. Acts, 1882, ch. 68, sec. 6.)

Very little change has resulted since that time respecting the duties and obligations of this office. Today, as then, he has power to take depositions, to swear and examine witnesses, and certify their testimony. The county court continues to appoint such commissioners and today there cannot be more than four in any one county. (W. Va. Code, 1937, Michie, sec. 4175 et seq.) Monroe County has two commissioners (W. Va. Blue Book, 1937, p. 363). In this county, as elsewhere, a commissioner has general supervision of all fiduciary matters which are referred to him, and of the fiduciaries in charge thereof, and makes all ex parte settlements of the accounts of such fiduciaries. He is a conservator of the peace. The clerk of the county court formerly had the duty to inspect fiduciary bonds and report thereon (W. Va. Code, 1923, ch. 87, sec. 1), but the revisors of the code in 1931 thought the duty could better be performed by a commissioner of accounts. Since that time a commissioner must, at least once a month, ascertain from the county court's records what estate and fiduciary matters have been referred to him; and examine each fiduciary and if it appears that he has given no bond, that his bond is defective, that the surety therein has removed from the state, died, become insolvent, or is

bound already on too many bonds, the commissioner makes a report thereon to the county court, who requires the fiduciary to give such bond as is approved by a commissioner. (W. Va. Code, 1931, ch. 44, art. 4, sec. 7.)

Also, "whenever any controversy arises in connection with the probate of a will, or with the appointment and qualification of personal representatives, guardians, committees, or curators, or with the settlement of the accounts of any fiduciary, the county court may on its own motion, or on the motion of any party thereto, and shall, on the joint demand of the parties appearing of record to the proceedings, refer the matter to a commissioner of accounts to hear proof on the same, to make findings thereon, and to advise the court on the law governing the decision of the matter" (ibid., ch. 44, art. 3, sec. 7).

The commissioner certifies all reports and accounts to the court and keeps no records himself, all records requiring the confirmation of the court before recordation can be made. These are then recorded by the clerk of the court. For records in which the commissioners of accounts act, see entries 18-25, 78, 80.

IV. DISTRICT SUPERIOR COURT

The district court, one of the first of a long series to be created to relieve the original general court and to bring justice to a pioneering people, was established by act of the Virginia assembly December 22, 1788. The state of Virginia was divided into eighteen districts and the court for each district met at stipulated courthouses within the district at regular intervals. The court was composed, in its inception, of three judges elected by joint ballot of both houses. These three judges also became members of the general court making the membership of this court twelve. It had jurisdiction "over all persons and in all causes, matters, or things at common law now cognizable in the general court, and which shall amount to thirty pounds (sterling) or three thousand pounds of tobacco, whether brought before it by original process, habeas corpus, appeal, writ of error, supersedeas, mandamus, certiorari, or by any legal ways or means." (12 Hening, p. 730 et seq.)

On December 12, 1792, the assembly passed an act entitled "An Act Reducing Into One, the Several Acts Concerning the establishment, jurisdiction and powers of the District Courts," and as part of the act stated: "the counties of Greenbrier, Botetourt, Montgomery and Kanawha shall compose another district, and a court shall be holden for the same at Lewisburg in Greenbrier and Botetourt court house alternately, on the eighteenth day of May, and the eighteenth day of October in every year, until the proprietor of the Sweet Springs shall erect a suf-

ficient court house and prison for the purpose of this act after which time the Sweet Springs shall become the seat of the district court" (13 Hening, p. 427).

The first district court for the area met at Lewisburg, the county seat of Greenbrier, on May 18th of the following year (see entry 157). At this time William Lewis, owner of the Sweet Springs which had already gained a wide reputation as a summer and health resort, was engaged in constructing the public buildings which were later to cause so much comment. Sweet Springs was located within the territory which six years later in 1799 was to become a part of Monroe County. The court continued to meet at Lewisburg and at the county seat of Botetourt County. Three years later an act of the assembly entitled "An Act Concerning the district court to be holden at the Sweet Springs," indicates that Lewis had reported that the buildings were complete. It says in part: "and whereas it has been represented to this present general assembly, by the proprietor of the Sweet Springs, that he hath erected a sufficient court house and prison: Be it therefore enacted that Thomas Edgar, William Hayns, Nicholas Carper, David Kean and William Wilson, gentlemen, shall be, and they, or any three of them, are hereby empowered and required, on or before the first day of May next, to view and examine the courthouse and prison built at the said Sweet Springs, and report to the court to be holden for the said district, the form and strength of the said buildings; and if the judge ... be of the opinion that the same are sufficient ... the court for the said district shall be constantly held at the said place." (Statutes at Large, New Series, vol. 1, p. 375.)

The buildings at Sweet Springs were occupied, but criticism of Lewis and his custom of using the public buildings as rooming houses for his guests at the springs was soon rife. The fact that the court sat at a resort, where not even a town had been established and several miles distant from the county seats of the counties in the district gave rise to the charge of favoritism.

In a report made to the court October 18, 1799, by a committee composed of Samuel Blackburn, George Hancock, Augustus Woodard, Thomas Rowland, Allen Taylor, William Hunter Cavendish, and John Hutchinson it was shown that, in the opinion of the committee, Lewis had failed to provide adequate buildings, and strongly hinted that the proprietor of the springs had been unduly favored by the assembly. (For text of this report see Appendix, p. 275.) The failure on the part of Lewis to give title to the property, his use of the buildings as a part of his resort, the failure to provide an office and record room for the clerk, the fact that Lewis had requested the jailer and his prisoners to vacate the jail building (perhaps to provide room for his paying guests), the inconvenience of the location, the distance which the clerk must travel and carry his records are all brought out as arguments for the committee's recommendation that the court be removed from Sweet Springs.

District Superior Court (157)

Four days later Lewis countered the charge with a statement to St. George Tucker, judge of the court, offering title to the property if he were assured that the court would continue to be held at his resort (see Appendix, p. 280).

In spite of the investigation of committees and the rather constant complaints of the citizens of the district, the court continued to be held at Sweet Springs until the assembly passed an act, December 22, 1806, which ordered that the court be removed to Lewisburg in Greenbrier County, that commissioners be appointed to appraise the buildings at Sweet Springs, and that Lewis be reimbursed. A hint of the criticisms which had existed for many years is given in the act: "the commissioners ... shall proceed on or before the first day of May next, to value the jail and other buildings erected by the said proprietor for the use of the district court, or any officers thereof, taking into view the use to which such buildings, or any of them have been, or hereafter may be appropriated other than for the accommodations of the said court, or any officers thereof ...." (Statutes at Large, New Series, vol. 3, ch. 43.)

By act of 1807 the district court was ordered to be abolished in 1809 and the court, which had caused so much trouble in Greenbrier and Monroe Counties came to an end. In its place came the superior court of law in 1809, and with the extension of the superior court of chancery in 1812 the civil court met in Union. (Va. Acts, 1803-11, chs. 120, 121, pp. 148, 154.)

It is evident, from the records that follow, that when the court was removed to Lewisburg in 1806, the records of the district court were transferred to the courthouse at Union. It is highly probable that the clerk of the county court also served this court and that he is responsible for the records which exist today.

For list of judges assigned to the court, see Appendix, page 263; for original papers in law cases, see entry 161; for minute books, see entry 162; for record of rule days, see entry 167; for judgments, see entry 190; for executions, see entry 193; for bonds, see entry 197; for witness records, see entries 207, 208.

157. SWEET SPRINGS DISTRICT COURT, 1793-1809. 1 vol. Record of district court for western Virginia held at Sweet Springs for period above shown. Shows names of judges present at each session of court, list of cases heard, names of plaintiffs and defendants, style of case, date heard, and action taken by court. Includes also list of witnesses for each session with amount allowed for mileage. Arr. chron. by sessions of court. Hdw. 150 pp. 13 x 8 x 1. Co. clk. rec. rm.

158. COMMONWEALTH PLEAS, 1793-1802. 1 bundle.
Original papers in cases in district court for western Virginia, held in Lewisburg, 1793-96 and in Sweet Springs, 1796-1806. Shows names of plaintiffs and defendants, style of case, action, and date of paper. Arr. chron. Hdw. 8 x 3 x 3. Cir. clk. rec. rm.

159. REFERENCE DOCKET, 1805. 1 vol.
Docket of district court cases showing names of plaintiffs and defendants, style of suit, amount of debt and damage, names of attorneys, amount of bail, sheriff's comments, and under what rules case is filed. Arr. chron. by term of court. Hdw. 100 pp. 16 x 10 x ½. Cir. clk. rec. rm.

160. ALLOTMENT OF JUDGES, 1789-1807. 1 bundle.
Miscellaneous assortment of papers including list of judges appointed to serve at various terms of the district superior court for Prince Edward, New London, Montgomery, Washington, Greenbrier, and Botetourt Counties. Includes original report of committee to investigate Sweet Springs courthouse, 1799 (see Appendix, p. 275 et seq.). Also contains: Deeds, 1805, entry 54; Trust Deeds, 1806, entry 59. Arr. chron. Hdw. 75 papers. 9 x 4 x 3. Cir. clk. rec. rm.
For a complete list of judges, see Appendix, p. 160.

V. CIRCUIT COURT

The present day circuit court had its inception in the earliest courts of Virginia. Its jurisdiction has passed through many changes and these changes have emphasized the need of bringing the courts to the people.

The court's earliest predecessor, the general court of colonial Virginia, consisted of the governor and his council, any five of whom constituted a court for the transaction of business. It had jurisdiction "to hear and determine all causes, matters and things whatsoever, relating to, or concerning any person or persons, ecclesiastical or civil, or to any person or thing, of what nature soever the same shall be, whether brought before them by original process, appeal from any inferior court, or by any other way or means whatsoever." Its jurisdiction, both original and appellate, was limited to controversies to the value of ten pounds sterling or two thousand pounds of tobacco. (5 Hening, p. 467 et seq.; 6 Hening, p. 325.) It had original jurisdiction of all cases wherein the judgment on conviction was loss of life or member (6 Hening, pp. 327, 328), and of all offenses of blasphemy and irreligion, where the punishment was incapacity of any sort, or imprisonment, and of proceedings in cases of incestuous marriages (Va. Acts, 1730, ch. 2, secs. 4, 5). In 1788 the general court consisted of twelve judges. An act of 1807 provided that the general

court should consist of thirteen judges to be elected by the joint vote of both houses of the general assembly (Va. Acts, 1803-11, ch. 3). This court, in 1818, consisted of fourteen judges and met at Richmond or at such other places as directed by the general assembly (Revised Code of Va., 1819, vol. 1, ch. 67, sec. 1 and footnote).

The general court was abolished in 1831 when the circuit superior court of law and chancery was established.

District Courts

The general court was found to be inadequate to serve the needs of the people and often amounted to a denial of justice. To remedy its shortcomings the general assembly, on December 22, 1788, passed an act establishing the district courts. What is now Monroe County was included in the district composed of Botetourt, Greenbrier, Montgomery, and Kanawha Counties; and court was held at Lewisburg in Greenbrier County and at Sweet Springs in Monroe County. For a complete essay on this court see District Superior Court, page 64.

Circuit Superior Court of Law

By act of 1807, which was to become effective in 1809, the circuit superior courts of law were substituted for the district courts (Va. Acts, 1803-11, ch. 3, Act of 1807; ch. 120, p. 148, Act of Feb. 1, 1808; ch. 121, p. 154, Act of Feb. 10, 1808; ch. 6, Act of Feb. 4, 1809). This act stipulated that the general court should consist of thirteen judges to be elected by the joint vote of both houses of the general assembly. The state was then divided into thirteen circuits, and one judge of the general court was assigned to each circuit. He was to hold court twice each year at the courthouse of each county in his circuit. (Ibid., ch. 6, sec. 1, p. 9, Act of 1809.)

As the demand increased for more circuit courts of law the general assembly would increase the number of judges of the general court, create new circuits, and assign the newly elected judges to hold court in the newly created circuits. This act marks the beginning of the present day circuit court system.

The circuit superior court of law had jurisdiction over legal matters as distinguished from equity matters which belonged to the superior court of chancery (see following paragraph). It had concurrent jurisdiction with the quarterly courts in all matters of detinue and trover (ibid., ch. 6, sec. 19, p. 15). This court continued to exist until 1831, when the general assembly abolished it and the superior courts of chancery and

Circuit Court (Next entry 161, p. 74)

established a circuit superior court of law and chancery (Supp. to Revised Code, Laws of Va., 1819-31, ch. 109, sec. 1, p. 136 et seq.). For a record of the circuit superior court of law see entry 162.

Superior Court of Chancery

The superior court of chancery, as first established by act of 1777, consisted of three judges who were also members of the general court (Va. Acts, 1785, ch. 15, p. 66; 9 Hening, p. 389). The number was reduced to one by act of 1788 (Va. Acts, 1788, ch. 69). The jurisdiction of this court extended over the whole commonwealth (Va. Acts, 1776-1802, ch. 64, p. 63), until, by act of 1801, the state was divided into three districts; a superior court of chancery was established for each district; and a chancellor was appointed for each district court (Va. Acts, 1801-14, ch. 14, p. 12, Act of 1801). The seats of these courts were at Richmond, Williamsburg, and Staunton; the latter named court served the territory now in Monroe County. Records for this period may be found in the court records of Augusta County, Va. (see Inventory of the County Archives of Virginia, Augusta County; Lyman Chalkley, Extracts from the Records of Augusta County, Virginia, 1745-1800.)

These chancery courts had general jurisdiction over all persons and in all causes of chancery within the respective districts (Revised Code of Va., 1819, vol. 1, ch. 66, sec. 27, p. 201). Whereas the circuit superior court of law sat at definite intervals at the courthouse of each county composing the circuit, the superior court of chancery sat at one place only and never held court at all in the respective courthouses of the counties composing the district.

The act of 1812 which extended the superior court of chancery divided the state into four districts (Supp. to Acts of General Assembly of Va., Passed Since 1807, ch. 95, sec. 3). Monroe was included in the first district with Augusta, Rockingham, Pendleton, Bath, Rockbridge, Greenbrier, Mason, Cabell, Kanawha, Amherst, Nelson, Albemarle, and Botetourt Counties. Court met at Staunton. (Ibid.)

Circuit Superior Court of Law and Chancery

The general assembly, by act passed April 16, 1831, united the common law and chancery jurisdiction in the same judges. The system created was formed from the chancery courts, circuit superior courts of law, and the general court. The same individuals who composed the new courts, known technically as the circuit superior court of law and chancery, had been judges of

the general court, chancellors, and common law judges, and, had held all the courts at different periods. (Supp. to Revised Code of Va., 1819-31, footnote, p. 136.)

The commonwealth of Virginia was divided into ten districts and each district into two circuits. Each circuit had a circuit superior court of law and chancery, presided over by one judge, who exercised both law and chancery jurisdiction. (Ibid., ch. 109, sec. 1.) This court, like the circuit superior court of law, held session twice a year at the courthouse of every county within the respective circuit. The judge was required, as today, to reside within the district of which his circuit formed a part. (Ibid., sec. 15.)

Monroe County was included in the sixteenth circuit which also included Floyd, Montgomery, Giles, and Wythe Counties; and court was held at Union for Monroe County. For records of this court, see entries 161-164, 166-169.

The rules and dockets in and of causes and matters in chancery, and the rules and dockets in and of causes and matters at law in the courts pending were kept separate and distinct from each other. The decrees and orders in chancery were to be entered in separate and distinct order books from those in which the judgment and orders at common law or in other matters were entered. The rules for causes in chancery and the rules for causes at law were held in the clerk's office on the same days. (Ibid., sec. 18.)

This court, sitting in chancery, had general jurisdiction in all causes in chancery, whether by original process, appeal, certiorari, or other legal means (ibid., sec. 22). Sitting as a court of common law, it had power to hear and determine all treasons, felonies, and other crimes and misdemeanors; and civil jurisdiction where the amount, exclusive of costs, amounted to fifty dollars or fifteen hundred pounds of tobacco, whether brought by original process, habeas corpus, writ of error, supersedeas, mandamus, certiorari, or other legal means (ibid., sec. 23).

The Circuit Court

The Virginia constitution of 1851 declared there should be a supreme court of appeals, district courts, and circuit courts (art. 6, sec. 1). This meant the abolition of the circuit superior courts of law and chancery. This constitution divided the state into twenty-one judicial circuits, ten districts, and five sections. Power was given the general assembly to rearrange the circuits, districts, and sections at intervals of eight years. A circuit judge was elected by the voters of each circuit and held office for a term of eight years. (Ibid., art. 6, secs. 2-6.)

Circuit Court

(Next entry 161, p. 74)

The West Virginia constitution of 1863 adopted this system for the newly created state, however, the term was changed to six years (W. Va. Const., 1863, art. 6, sec. 4). Since 1851 the circuit judge has been elected by the voters of the circuit; and in 1872 it was again provided that he be elected for a term of eight years. The constitutions of 1863 and 1872 and the amendments of 1879 variously provided that the legislature had power to arrange, increase, or decrease the number of circuits, but the constitution of 1872 expressly provided that "no re-arrangement could have the effect of depriving the judge of his office" (art. 8, sec. 15).

The constitutional amendments of 1879 provide for one elected judge in each circuit except that two judges shall be elected for the first circuit (art. 8, sec. 10). The legislature, since 1888, may increase or diminish the circuits at the session next preceding the elections of the judges of said circuits (ibid., art. 8, sec. 14).

The judicial authority of the circuit judge has remained materially unchanged since 1831. He is restricted from holding other office (Va. Const., 1831, art. 5, sec. 1); he must reside within the circuit which he serves (W. Va. Const., 1863, art. 6, sec. 4; W. Va. Const. Amends., 1879, art. 8, sec. 11). In case of vacancy in the circuit judgeship the office is filled by appointment by the governor until the next general election (W. Va. Const. Amends., 1879, art. 8, sec. 10). The legislature has wide discretion in the establishment of new courts in that it may establish courts of limited jurisdiction within any county, incorporated city, town or village with the right to appeal to the circuit court (ibid., art. 8, sec. 19).

The present jurisdiction of the circuit court, the highest within the county, extends to the supervision and control of all proceedings before justices of the peace and other inferior tribunals, by mandamus, prohibition, and certiorari; original and general jurisdiction in all matters at law where the amount in controversy, exclusive of interest, exceeds fifty dollars; of all cases of habeas corpus, mandamus, quo warranto, and prohibition; of all cases in equity; of all crimes and misdemeanors; and appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error, or supersedeas may be allowed to the judgment or proceedings of any inferior court (W. Va. Code, 1931, ch. 51, art. 2; W. Va. Code, 1937, Michie, sec. 5196). The circuit court has exclusive jurisdiction to hear and determine all proceedings concerning delinquent children (W. Va. Code, 1931, ch. 49, art. 2, sec. 1; W. Va. Acts, First Ex. Sess., 1936, ch. 49, art. 5, sec. 2).

Monroe County is included together with Greenbrier and Pocahontas Counties in the eleventh judicial circuit (W. Va. Code, 1931, ch. 51, art. 2, sec. 1). Court meets at Union for Monroe County on the first Tuesday of April, July, and November (W. Va. Blue Book, 1937, p. 363).

Clerk of Circuit Court (Next entry 161, p. 74)

There are several subordinate officers of the circuit court who are appointed by the judge and who administer the mechanical details of judicial matters. These are chancery commissioners (see essay, p. 88), who hold office at the court's pleasure and have power to take depositions, to swear and examine witnesses, and to certify their testimony (W. Va. Code, 1931, ch. 51, art. 5, sec. 1); the general receiver (see essay, p. 86) who holds office at the court's pleasure and whose duty it is to receive, take charge of, and invest as the court may direct all moneys paid into the court under any judgment, decree, or order (ibid., ch. 51, art. 6, sec. 1); the court reporter who is appointed by the circuit judge to take and report the proceedings and testimony in any case, either civil or criminal, or in any other proceedings had in the circuit court, and otherwise to aid the judge in the performance of his official duties (ibid., ch. 51, art. 7, sec. 1); and the divorce commissioner (see essay, p. 89), who likewise holds office at the court's pleasure, who is appointed to investigate divorce cases, to appear at all such trials, examine witnesses, and when necessary to defend the interests of the state, and generally take all necessary steps to prevent fraud and collusion in divorce proceedings (ibid., ch. 48, art. 2, sec. 24).

The records of this court are in the custody of the clerk of the circuit court and will be found in the section under that title.

For list of judges, see Appendix, p. 160.

VI. CLERK OF CIRCUIT COURT

The clerk of the circuit court today, confined as he is to the recordation of all court pleadings in litigation, is unlike the original clerk of the district court in 1788, the early predecessor of this office. The early clerks were appointed by the judges of the general court and held office during good behavior (Va. Acts, 1776-1802, ch. 66, secs. 12-17, Act of Dec., 1792), whereas the clerk of today is elected by the county electorate.

In 1809 when the district court was replaced by the circuit superior court of law, court was held in each county in the respective circuits. The clerk of the county court served this court in connection with his other official duties. However, in those counties where the district court had a clerk he was retained to serve the newly established circuit superior court. (Va. Acts, 1803-11, ch. 6, sec. 6, p. 13, Act of 1809.)

Clerk of Circuit Court (Next entry 161, p. 74)

The Virginia constitution of 1830 provided that vacancies in the different clerkships should be filled by appointment of the judge of the respective courts wherein the vacancies occurred.

With the changes made by the constitution of 1851, the circuit clerk became an elective office. No other constitutional change was made at that time in respect to this office, and the West Virginia constitutions of 1863 and 1872, with the constitutional amendments of 1879 left the office unchanged (W. Va. Const., 1872, art. 8, sec. 18). The clerk's duties and compensation are matters of legislative action. He is elected for a term of six years, and as the recorder of the circuit court, has under his control all records pertaining to the court, suits and actions taken, and pleadings filed in the preparation of cases (ibid.).

Voters absent from the state on election day may make application to the circuit clerk for an official absentee voter's ballot (W. Va. Code, 1931, ch. 3, art. 6, sec. 3). The clerk, upon receipt of such voted ballot, places it in the hands of the election commissioners on election day (ibid., ch. 3, art. 6, secs. 8, 9). He delivers all ballots and election supplies to the election commissioners and takes a receipt therefor, filing said receipt in his office (ibid., ch. 3, art. 5, sec. 13).

Persons desiring to announce their candidacy for a county or magisterial district office do so by filing their announcements with the clerk of the circuit court (ibid., ch. 3, art. 4, sec. 6). Certificates nominating candidates for county and magisterial districts are filed with the circuit clerk (ibid., ch. 3, art. 4, sec. 30).

As clerk, he has certain definite and important duties to perform regarding jurors and jury commissioners. He is custodian of the jury list and the jury box. At least thirty days before any term of the court, the clerk issues a venire facias for thirty jurors, unless otherwise instructed by the court, as well as a summons requiring the jury commissioners to attend the clerk's office for the purpose of drawing the ballots for the number of jurors directed by the writ. He issues orders upon the county treasury for compensation for jurors after the adjournment of the court. (W. Va. Code, 1931, ch. 52, art. 1.)

The following records in addition to those previously mentioned are required by law to be kept by the clerk of the circuit court. The reference is to the West Virginia Code, 1931, unless otherwise stated. Record of proceedings in Order Book (ch. 51, art. 3, sec. 4); Orders in Vacation (ch. 56, art. 6, sec. 39); Execution Book (ch. 51, art. 4, sec. 10); Rule Docket (ch. 56, art. 4, sec. 2); Receiver's Book (ch. 51, art. 7, sec. 1); Report to State Auditor of Claims (ch. 51, art. 4, sec. 11); Record of Accounts (ch. 59, art. 1, sec. 30); List of Licenses to Carry Weapons (ch. 61, art. 7, sec. 2); Record of Bonds

(ch. 6, art. 2, sec. 12). When required by the county court he keeps a general index for the law and chancery order books or other record books (ch. 39, art. 2, sec. 1).

The Virginia code of 1849 provided that the circuit court shall annually appoint two or more persons to examine the clerk's office, and, after an examination of the fee books and other records, report whether the clerk has faithfully discharged his duties (ch. 163, sec. 8). This provision was adopted successively by each code which followed (Va. Code, 1860, ch. 163, sec. 6; W. Va. Code, 1868, ch. 117, sec. 1; W. Va. Code, 1875, ch. 73, sec. 1; W. Va. Code, 1923, ch. 117, sec. 1; and W. Va. Code, 1931, ch. 51, art. 4, sec. 12). Unfortunately this provision is seldom enforced.

All records of the clerk of the circuit court in Monroe County are found in his record room in the courthouse. For commissions by governor of Virginia, see entry 6; for monthly statements, see entry 107.

Law

Cases

161. JUDGMENTS (Cases), 1799--. 319 bundles, 103 file boxes (labeled by years). Title varies: Judgments Omitted; Suits Decided; Criminal Prosecutions. 1910, 1912 also in (Miscellaneous File), entry 222.
Original papers in cases at law. Includes all orders, pleadings, and decrees. Shows names of plaintiffs and defendants, style of case, attorneys for each, disposition of case, and all pleadings entered. Arr. chron. Hdw., 1799-1918; typed, 1919--. Bundles, 8 x 3 x 3; file boxes, 13 x 11 x 5.
For law cases in county court, see entries 170, 171.

Minutes and Dockets

162. MINUTE BOOKS, 1799--. 6 vols.
Record of district court, circuit superior court of law, circuit superior court of law and chancery, and circuit court actions in law and chancery giving dates of sessions, names of plaintiffs and defendants, cause of action, list of jurors, and verdict in case. Arr. chron. by terms of court. Hdw. 350 pp. Vols., 1799-1912 in very poor condition. 15 x 8 x 2.

163. (ORDER BOOK), 1831-36. 1 vol. (by inclusive years).
Record of superior court of law and chancery actions, giving dates of sessions, names of plaintiffs and defendants in cases tried, cause of action, list of jurors, and verdict in case. Arr. chron. Hdw. 450 pp. 18 x 12 x 3.
For subsequent record, 1836-51, see entry 162.

Clerk of Circuit Court - Law (164-169)

164. COMMON LAW MINUTE BOOKS, 1817-44. 2 vols. (labeled by inclusive years).
Day-by-day record of common law cases tried in superior court of law. For further description of cases, see entry 161. Arr. chron. by terms of court. Hdw. 200 pp. Poor condition. 15 x 10 x 1.

165. JUDGE'S LAW DOCKET, 1882--. 4 vols. (2, three vols. not labeled).
Judge's record of law cases to be tried in circuit court. Shows style of case, names of parties, and state of pleadings with date of each. Arr. chron. by term of court. Hdw., 1882-1914; typed, 1915--. 157 pp. 18 x 12 x 2.

166. ISSUE DOCKET, 1809-1901. 5 vols.
Record of pleading in law and chancery cases tried to determine a point of law. Gives all information pertinent to law and chancery cases. Also contains Judgments, entry 190. Arr. chron. Hdw. 300 pp. 14 x 9 x 2½.

167. RULE DOCKET, 1799--. 5 vols. Title varies: Clerk's Law Docket.
Record of rule days in law court. Shows cases at rules, style of case, date of process, return date, execution of process, pleading filed by plaintiff, rules thereon, pleading if any filed by defendant. Also contains Chancery Rule and Process Docket, 1799-1903, entry 180. Arr. chron. Hdw., 1799-1914; typed, 1915--. 200 pp. 17 x 11 x 2.
For rules, 1873-78, county court, see entry 171.

168. CIRCUIT COURT MEMO BOOKS, 1832--. 4 vols. (1, 2, two vols. by inclusive years).
Clerk's record of law and chancery cases tried in circuit court. Gives name of plaintiff and defendant, style of case, date, pleadings, action taken by court, whether or not bail is required for defendant, and under what rule case is decided. Arr. chron. by term of court. No index, 1832-85; indexed alph. by name of plaintiff, 1886--. Hdw., 1832-1913; typed, 1914--. 375 pp. 12½ x 8½ x 2 - 16 x 12 x 2½.
For other law cases, county court, see entry 170.

Orders

169. COMMON LAW ORDERS, 1847--. 10 vols. (1-10).
Record of law orders of court in all legal actions. Shows names of parties to suits, names of attorneys, style of case, order of decree issued, date of order and recordation. Arr. chron. Indexed alph. by name of plaintiff and defendant. Hdw., 1847-1927; typed, 1928--. 450 pp. 18 x 12 x 3 - 13 x 8 x 1.

County Court

170. COUNTY COURT BOOK, 1824-78. 1 vol. 1799-1865, 1872-79 also in Order Books, entry 1.
Record of law and chancery cases to be tried in county court when that body had concurrent jurisdiction with circuit court. Shows names of plaintiff and defendant, style of case, names of attorneys, cause of action, state of pleadings, witnesses, and orders made at each term of court with date. Arr. chron. by term of court. Hdw. 400 pp. 17 x 11 x 2.
For other law and chancery cases, see entries 167, 175.

171. COUNTY COURT DOCKET, 1873-78. 1 vol.
List of law and chancery cases scheduled to be tried in county court when that body had concurrent jurisdiction with circuit court. Gives all information shown in preceding entry and disposition of case. Arr. chron. by date tried. Hdw. 175 pp. 14 x 13 x 2. Co. clk. off.
For other tried law and chancery cases, see entries 168, 180.

Juvenile

172. JUVENILE RECORD, 1920-27. 1 vol. (1).
Record of findings of circuit court in all cases of juvenile delinquency. Shows name of minor, date of hearing, evidence, and disposition of case. Arr. chron. Typed. 300 pp. 16 x 10 x 2.
For other juvenile cases, see entry 161.

Naturalization

173. NATURALIZATION ORDER BOOK, 1924. 1 vol. (1). Discontinued as county record, 1927.
Record of persons becoming naturalized citizens of United States. Gives name of alien, place of residence, date of naturalization, seal of judge, prosecuting attorney and circuit clerk. Arr. alph. by name of alien. Hdw. on pr. fms. 212 pp. 18 x 12 x 2.

174. (DECLARATION OF INTENTION TO BECOME CITIZEN), 1844-45. In Promiscuous Papers, entry 224. Discontinued as county record, 1927.
Applications of aliens to become citizens of United States showing name of alien, birthplace, age, occupation, nationality, names of parents, length of residence in United States, county, and state, and date of application.

Chancery
(See also entries 162, 163, 166, 168, 183, 220)

Cases

175. CHANCERY CAUSES, 1810--. 3 bundles; 93 file boxes (labeled by inclusive years). Title varies: Chancery Causes Omitted. 1910 in (Miscellaneous File), entry 222.
Original papers in chancery cases. Includes all orders, pleadings, and decrees. Shows names of plaintiffs and defendants, style of case, attorneys for each, disposition of case, and all pleadings entered. Also contains: Decrees, 1810-79, entry 176; (Summons), 1810-79, entry 184; (Receiver's Reports), 1880--, entry 229. Arr. chron. Hdw., 1810-1903; hdw. and typed, 1904--. Bundles, 8 x 3; files, 13 x 11 x 5.
For record of chancery cases in county court, see entries 1, 170, 171.

176. DECREES, 1834-57. 30 bundles (by inclusive years). 1810-79 also in Chancery Causes, entry 175.
Decrees issued in chancery court. Shows names of plaintiffs and defendants, style of case, attorneys for each, disposition of case, and all pleadings entered. Arr. chron. by term of court. Hdw. 8 x 3.

177. CHANCERY HEARING DOCKET, 1885--. 4 vols. (2, three vols. not labeled).
Record of hearings of chancery cases tried by jury. Shows style of case, names of parties to suit, state of pleadings with date of each. Arr. chron. by term of court. Hdw., 1885-1914; typed, 1915--. 18 x 12 x 2.

178. JUDGE'S CHANCERY DOCKET, 1903--. 3 vols. (2, two vols. not labeled).
Judge's docket of chancery cases scheduled for trial. Shows names of plaintiff and defendant, style of case, state of pleadings, date entered, orders issued. Arr. chron. by term of court. Hdw., 1903-14; typed, 1915--. 300 pp. 18 x 12 x 2.

179. CHANCERY MEMORANDUM BOOK, 1887--. 3 vols. (A, B, 1).
Clerk's record of suits brought in chancery court with names of parties to suit, style of case, fees charged, date of order or decree. Arr. alph. by name of plaintiff. Hdw. and typed. 430 pp. 16 x 12 x 3.
For other chancery cases, county court, see entry 170.

180. CHANCERY RULE AND PROCESS DOCKET, 1903--. 1 vol. (A). 1799-1903 in Rule Docket, entry 167.
Record of rule days in chancery court. Clerk's docket of rule days showing cases at rules. Sets forth style of case, date of process, return date, execution of process, pleadings filed by

plaintiff, rules thereon, and pleadings if any filed by defendant. Also contains (Chancery Process Docket), entry 183. Arr. chron. Hdw. 292 pp. 20 x 14 x 3.

For chancery rules, 1873-78, county court, see entry 171.

Orders

181. CHANCERY ORDER BOOKS, 1848--. 14 vols. (1-14). Record of orders issued in circuit court in chancery cases. Shows names of parties to suit, type of order, and copies of papers relating to suits. Includes orders pertaining to divorces, adoptions, settlements of accounts and estates, and payment of county claims. Arr. alph. by name of plaintiff. Indexed alph. by names of plaintiff and defendant. Hdw., 1848-1907; typed, 1908--. 600 pp. 18 x 12 x 3.

182. ORDERS OF PUBLICATION, 1931--. 1 vol. Orders issued in chancery to make public suits scheduled for trial or decided in chancery court. Includes publication orders of divorces, land sales, judgment enforcements, assignment of widows' dowers, adjudication of debts, settlements of accounts and foreclosure of deeds of trust. Arr. chron. by term of court. Typed. 400 pp. 18 x 12 x 3.

Process

183. (CHANCERY PROCESS DOCKET), 1903--. In Chancery Rule and Process Docket, entry 180. Record of issuance of process, orders, or decrees showing nature, date and return day, person to whom and time delivered, or if mailed, time thereof and person to whom it was mailed with receipt from officer making delivery.

184. (SUMMONS), 1810-79. In Chancery Causes, entry 175. Original summons issued for person charged with offense to appear in court. Shows name of person summoned, date, nature of charge and date returnable.

185. AD QUOD DAMNUM, 1836-43. 2 bundles (labeled by inclusive years). Writs issued out of and returnable into chancery directed to sheriff, commanding him in inquire by jury what damage will be accrued on property to grant a liberty, fair, market, highway, etc. Arr. chron. Hdw. 6½ x 3 x 3.

Transcripts

186. JUSTICES' TRANSCRIPTS, 1867-96. 2 bundles. Transcripts of cases tried in justice of the peace courts showing names of parties to suit, style of case, date tried, action taken by justice, name of justice, and costs. Arr. chron. Hdw. 8 x 3 x 3.

Clerk of Circuit Court - Petitions and Appeals; Judgments and Executions (187-192)

Petitions and Appeals

187. PETITION DOCKET, 1805-29. 1 vol.
Record of attorneys' petitions to circuit court to docket cases for trial by jury. Shows name of attorney, names of parties to suit, whether or not petition is granted, and date. Arr. chron. by term of court. Hdw. 100 pp. 13 x 8 x ½.

188. SCHEDULES, 1829-37. 1 bundle (labeled by inclusive years).
Petition to circuit court by justice of peace asking for release of prisoners after schedule of estate is covered and subject to deed of trust. Gives name of justice, name of prisoner, date committed, date property schedule closed, and date of petition. Arr. chron. Hdw. 8 x 3½ x 3.

189. OLD APPEALS, 1813-47. 1 bundle.
Lists of cases appealed to higher courts including attachment and damages involved. Gives names of plaintiff and defendant, style of case, date tried by lower court, decision of lower court, date appealed, and action taken by higher court. Arr. chron. Hdw. 8 x 3 x 3.

Judgments and Executions
(See also entries 63, 64)

190. JUDGMENTS, 1805-9. 2 vols, 1809-1901 in Issue Docket, entry 166.
Record of abstracts of judgments issued in circuit or justice courts. Shows names of parties to suit, amount of judgment, interest, and total costs. Arr. chron. by term of court. Hdw. 100 pp. 8 x 6½ x 1.

191. (JUDGMENTS), 1836-61. In Promiscuous Papers, entry 224.
Original abstracts of judgments issued in circuit or justice courts. For description, see entry 190.

192. EXECUTION BOOKS, 1819--. 4 vols. (1, three vols. not labeled).
Record of executions issued on judgments in superior court of law, 1819-31, circuit superior court of law and chancery, 1831-51, circuit court, 1851--, and justice courts. Shows names of judgment debtor and creditor, names of attorneys, amount of judgment, court in which rendered, date of judgment, date and amount of execution, date of service, and officers' returns on service. 1819-31 arr. alph. by name of plaintiff; 1832-- arr. alph. by names of plaintiffs and defendants. Hdw. 212 pp. 18 x 12 x 2.

Clerk of Circuit Court - Bonds; Elections (193-198)

193. EXECUTIONS, 1794-1860. 145 bundles (35 bundles labeled by inclusive years; 102 bundles by vol. numbers, 1-7; 6 bundles by inclusive numbers; 2 bundles not labeled). Title varies: Executions Returned by Constables.
Executions issued on judgments in justice, and circuit courts. For description, see entry 192. Hdw. 8 x 4 x 2.

Bonds

194. COMMISSIONER'S BONDS, 1812-52. 1 bundle.
Bonds given for the sum of $1,000 by persons elected to office of commissioner of revenue in the several districts in Monroe County. Shows name of commissioner, name of surety or sureties, date, amount and conditions of bond. Arr. chron. Hdw. 8 x 3 x 4.

195. SPECIAL COMMISSIONER'S BOND RECORD, 1881--. 3 vols. (1-3).
Record of bonds given by special commissioners appointed under decree of the circuit court showing name of commissioner, and capacity in which appointed, date, amount, and conditions of bond; and name of surety. Arr. chron. Indexed alph. by name of person or case for whom commissioner acts. Hdw. on pr. fms. 400 pp. 14 x 10 x 2.

196. GUARDIAN AND INJUNCTION BOND RECORD, 1925--. 1 vol.
Record of injunction bonds and guardians bonds given before circuit court. Shows name of principal and surety; date, amount, and conditions of bond. Arr. chron. Indexed alph. by name of person giving bond. Hdw. on pr. fms. 400 pp. 14 x 9 x 2.

197. (MISCELLANEOUS BONDS), 1800-1864. 8 bundles.
Original bonds given before circuit court including attachment bonds, 1850-62; replevin bonds, 1809-10; delivery bonds, 1804-48; indemnifying bonds, 1829-64; suspension bonds, 1810-18; recognizance bonds, 1852-64; supersedeas and injunction bonds, 1800-1810. Arr. chron. Hdw. 8 x 3½ x 6.

Elections
(See also entries 40, 41, 132-137)

198. CERTIFYING OF CANDIDATES, 1934--. 1 file box.
Certified lists of all candidates whose names are to appear on official ballots transmitted by secretary of state to clerk of circuit court 30 days before primary election. Gives name and residence of each candidate, political affiliation, and ballot on which name is to be printed. Arr. alph. by name of office sought. Hdw. on pr. fms. 13 x 11 x 5.

Clerk of Circuit Court - Juries; Witnesses (199-205)

199. APPLICATIONS FOR ABSENT VOTERS BALLOTS, 1936--. 2 file boxes.
Application made to circuit clerk by voter absent from voting place at time of election requesting absent voter's ballot. Shows name of voter, temporary address, legal address, and date of application. Arr. alph. by name of magisterial district in which legal residence held. Hdw. on pr. fms. 13 x 11 x 5.

200. LIST OF ABSENT VOTERS, 1922--. 2 vols.
List of absent voters to whom absent voter's ballots were furnished. Shows date and style of election, name of voter, legal address, temporary address, date of receipt of application, date of mailing ballot to voter, date ballot received from voter, number of ballots marked, precinct number, and name of district in which ballot voted. Arr. alph. by name of magisterial district in which legal residence held. Hdw. 300 pp. $12\frac{1}{2}$ x 10 x 2.

201. (VOTE CERTIFICATES), 1936. 4 bundles.
Certificates of results of election showing number of votes cast for each candidate in precinct voting places, names of receiving board clerks, names of election commissioners, and counting clerks. Arr. numer. by precinct numbers. Hdw. on pr. fms. 17 x 14 x 2.

Juries

202. PETIT JURY CERTIFICATES, 1902--. 3 vols.
Duplicate copies of certificates issued in payment for service on petit jury. Shows name of payee, case, number of days served, amount for attendance, amount for mileage, date, and number of certificate. Certified by sheriff and signed by clerk of circuit court. Arr. chron. and certificates numbered consc. Hdw. on pr. fms. 200 pp. 17 x 13 x 2.

203. GRAND JURY CERTIFICATES, 1903--. 2 vols.
Duplicate copies of certificates issued in payment for service on grand jury. For description, see entry 202. Arr. chron. and certificates numbered consc. Hdw. on pr. fms. 200 pp. 17 x 13 x 2.

204. JURY CERTIFICATES, 1935--. 1 vol.
Duplicates of certificates issued for payment of jury service on state cases. For description, see entry 202. Arr. chron. and certificates numbered consc. Hdw. on pr. fms. 125 pp. 17 x 12 x 1.

Witnesses

205. WITNESS RECORD, 1886--. 2 vols.
Record of witnesses summoned to attend various terms of court. Shows name of witness, number of days in attendance, mileage,

amount paid, date drafts issued, and names of plaintiff and defendant in case for which witness. Arr. chron. by terms of court. Hdw. 500 pp. 14 x 8 x 3.

206. WITNESS CERTIFICATES, 1921--. 2 vols.
Duplicate of certificates issued to witnesses in payment for attendance at felony and misdemeanor cases. Shows name of witness, style of case, number of days in attendance, mileage, amount due, date, and number of certificate. Arr. chron. and numbered consc. Hdw. on pr. fms. 200 pp. 18 x 13 x 1.
For checks issued for payment of witnesses, 1921-30, see entry 216.

207. ORDERS, ATTENDANCE, 1796-1808. 1 bundle.
Orders of payment for witness service. Shows name of witness, style of case, days in attendance, mileage, amount, and date paid. Arr. chron. Hdw. and hdw. on pr. fms. 8 x 2 x 2.
For checks issued for payment of witnesses, 1921-30, see entry 216.

208. (COURT ATTENDANCE RECORDS), 1799-1817. In Marriage Bonds, entry 122.
Lists of witnesses summoned for county court attendance showing name of witness, days in attendance, mileage, style of case for which called, date, and amount of payment of fees.
For list of witnesses, 1793-1809, see entry 157.

209. (LIST OF WITNESSES FOR GRAND JURY), 1910. In (Miscellaneous File), entry 222.
List of witnesses summoned to appear before grand jury for presentation of evidence. Shows name and address, case for which summoned, and date of summons.

210. WITNESS PROCESS BOOK (Subpoenas), 1868--. 4 vols. (1-4). 1807 also in Miscellaneous Record, entry 221.
Record of subpoenas issued to witness showing name of witness, names of plaintiff and defendant, style of case, whether witness is summoned for plaintiff or defendant, date of issuance, date and to whom delivered, and return day. Arr. chron. by term of court. Hdw. 350 pp. 17 x 12 x 2.

Fees
(See also entries 202-204, 206, 207)

211. TAXATION OF COSTS, 1908--. 4 vols.
Clerk's record of fees charged and collected in administration of his office. Shows to whom charged, explanation of service, amount charged, amount and date collected. Arr. chron. Hdw. 1908-24; typed, 1925--. 600 pp. 18 x 12 x 3.

212. RECORD OF FEES AND OTHER COLLECTIONS, 1921--. 1 vol. (1).
Record of fees and all receipts kept by clerk of circuit court. Shows date and style of case, name of person charged, explanation of suit or recordation charge, cash received with date and name of person making payment, and date and amount of disbursements. Arr. chron. Hdw. on pr. fms. 250 pp. 14 x 14 x 2.
For rough memorandum, 1909-20, see entry 215.

213. TRANSFER FEE RECORD, 1907-32. 4 vols.
Record of chancery and fee case charges showing names of plaintiff and defendant, attorneys, case number, page number, plaintiff's costs, fees earned, fees collected, deposits collected, and deposits applied or refunded. Arr. chron. by years and alph. by name of plaintiff thereunder. Hdw. 800 pp. 14 x 13 x 3.

214. ACCOUNT BOOK (Fee Record), 1914-20. 1 vol.
Personal record kept by R. P. Boyds, circuit clerk for above period, of fees charged and collected. Shows names of parties to suits, date and amount paid for circuit clerk's, attorney's, and witness' fees. Arr. chron. by terms of court and alph. by name of plaintiff thereunder. Hdw. 300 pp. 16 x 10 x 2.

215. CASH AND JOURNAL, MONROE COUNTY, 1909-20. 1 vol.
Rough memorandum of fees charged and collected by circuit clerk showing to whom charged, whether law or chancery suit, amount, date paid, and recordation reference to fee book. Arr. chron. Hdw. 200 pp. 24 x 18 x 2.
For record of fees, 1921--, see entry 212.

216. CHECKS (Filed), 1921-30. 1 file box.
Cancelled checks issued by clerk of circuit court for service as witness, office supplies, furniture, and other expenditures in the administration of his office. Arr. chron. Hdw. on pr. fms. 13 x 11 x 5.
For certificates of payment of witnesses, see entry 206.

217. CLERK'S RECEIPTS, 1808-21. 1 bundle.
Receipts given by clerks of superior court of law and superior court of chancery for cases transmitted to them from the western Virginia district court at Lewisburg. Shows style of case, date received, and clerk's signature. Arr. chron. Hdw. $7\frac{1}{2}$ x $3\frac{1}{2}$ x 3.

218. (COSTS RECEIPTS), 1921-30. In (Miscellaneous File), entry 222.
Duplicates of receipts given by clerk of circuit court for payment of costs charged in law and chancery cases and for delivery. Shows amount and to whom charged; date, amount, and name of person making payment. Signed by clerk.

Clerk of Circuit Court - Miscellaneous (219-225)

219. (RECEIPTS TO CIRCUIT CLERK FOR SUPPLIES), 1922. In (Miscellaneous File), entry 222.
Receipts given to circuit clerk by county offices for supplies furnished by him, including supplies for elections. Shows date, nature of supplies, and signature of receiving officer.

220. CHANCERY FEE BOOK, 1832-52. 3 vols. (labeled by inclusive years).
Record of fees charged in chancery cases and recorded by clerk. Shows by whom paid, amount charged, and amount and date collected. Includes charge for process, recording, and transcripts. Arr. chron. by term of court. Hdw. 200 pp. 16 x 6½ x 1.

Miscellaneous

221. MISCELLANEOUS RECORD, 1807. 1 vol.
Record of examination of insane persons by county court. Contains: Record of Official Oaths, entry 139; (Hotel License), entry 146; Witness Process Book (Subpoenas), entry 210. Arr. by style of instrument. Hdw. 150 pp. 12 x 8 x 1.

222. (MISCELLANEOUS FILE), 1905-30. 1 file box.
Contains: (Agreements), 1921, 1923, entry 73; (Capitation Tax Receipts), 1921, entry 96a; (Certificates of Incorporation), 1905, entry 154; Judgments (Cases), 1910, 1912, entry 161; Chancery Causes, 1910, entry 175; (List of Witnesses for Grand Jury), 1910, entry 209; (Costs Receipts), 1921-30, entry 218; (Receipts to Circuit Clerk for Supplies), 1922, entry 219. Hdw. and typed. 13 x 11 x 5.

223. (MISCELLANEOUS BUNDLE), 1843-59. 1 bundle.
Miscellaneous collection of papers including receipts given by workers for funds paid in construction of Male Academy at Union; settlement of church funds, 1857; advertisements of sales of Negro slaves; list of subscribers for fencing and walling cemetery at Union. Also contains: (Agreements), 1849-55, entry 73; Tax Receipts, entry 259. Arr. chron. Hdw. 8 x 3 x 3.

224. PROMISCUOUS PAPERS, 1798-1863. 1 bundle.
Contains: Deeds, 1798-1802, entry 54; Marriage Licenses, 1850-59, entry 124; Estrays, 1849-62, entry 156; (Declaration of Intention to Become Citizen), 1844-45, entry 174; (Judgments), 1836-61, entry 191; (Surveys of Land), 1834, entry 340. Arr. chron. Hdw. 8 x 6 x 3.

225. (LETTERS), 1840-96. 3 bundles.
Letters to clerk of circuit court requesting copies of deeds or other instruments, payment of costs, and other miscellaneous correspondence. Shows date of letter, clerk to whom addressed, and signature of author. Arr. chron. Hdw. 8 x 3 x 2.

226. ATTORNEYS' RECEIPTS FOR SUITS, 1897--. 1 vol. (1). Receipts given by attorneys for removal of papers from files in preparation of cases. Shows name of attorney, style of suit, instrument or instruments removed, date removed, and date returned to file. Arr. chron. Hdw. 350 pp. 14 x 9 x 2.

227. AUDITS, 1921-28. 2 vols. Reports of audits of records and accounts of clerk of circuit court as prepared by state tax commissioners' office. Arr. alph. by name of account. Typed. 35 pp. 14 x $8\frac{1}{2}$ x $\frac{1}{4}$.

VII. REGIMENTAL COURT OF INQUIRY

The Regimental Court of Inquiry, is one of the military courts which was established by act of the Virginia assembly in 1738. These courts were abolished when the county militia system was done away with by the constitution of West Virginia in 1863. (Oren F. Morton, History of Monroe County, p. 98.)

The act which established these military courts states: "Be it enacted that the field officers, and captains (of the militia), of every county, or the major part of them" be required to meet at the courthouse of their counties, respectively, on the next day following the general muster to hold a court martial. This court had power to adjourn from day to day; to inquire into the age and abilities of all persons listed (for military service), and to exempt such as they judged incapable of service; and of all delinquents returned by the captains for absence from muster, or appearing without arms and accoutrements, and to order fines upon delinquents. Upon collection of these fines the money was used to buy drums, trumpets, trophies, and arms for the militia. The court had full power and was required to keep a register of all proceedings; and for that purpose was to appoint a clerk and allow him such salary as it was thought reasonable. (5 Hening, p. 19.)

Enactments of 1755 and 1762 extended the membership to nine officers, none of whom should be of rank below a commissioned officer. The court was given power to administer oaths to witnesses; and the act further provided for the appointment of a clerk to keep a register of the proceedings. All members of the court, as well as its clerk, were required to take oath to administer the respective duties as well as to refrain from disclosing the vote or opinion of any particular member of the court. No sentence of death could be imposed unless two-thirds of the officers present concurred in the pronouncement. A transcript of the proceedings had to be sent to the governor, or commander in chief, and execution of sentence and judgment was suspended until the pleasure of the governor or the commander in chief could be known. (6 Hening, pp. 560-562; 7 Hening, p. 503 et seq., Act of 1762.)

General Receiver

(Next entry 228, p. 87)

During the Revolution the regimental court was very active and by act of 1777 its authority was extended to cover mutiny, desertion, disobedience of command, absence from duty or quarters, neglect of guard, and cowardice. Punishment was fixed by degrading, cashiering, drumming out of the army, fines not to exceed two months pay, or imprisonment not to exceed one month. (9 Hening, p. 295, Act of 1777.)

The number of officers necessary to constitute the court continued to be at least nine until 1824 when an act was passed which provided that every court martial, whether in time of peace or war, should consist of not less than five or more than nine members, at the discretion of the officer by whose authority it should be ordered. It was further provided that in time of peace no court martial for the trial of any militia officer arrested under the laws of the commonwealth could be ordered unless by the governor's authority. (Supp. to Revised Code Va., 1819-31, ch. 59, p. 64 et seq.)

These laws governing the regimental court of inquiry remained in effect until the West Virginia constitution of 1863 abolished compulsory militia service.

VIII. GENERAL RECEIVER

The legislature of Virginia created the office of general receiver on June 3, 1852. The act of this year stated that each circuit court or inferior court of record might appoint a general receiver of the court, whose office was to be for the will and pleasure of the court and whose duty it was to receive, take charge of, and invest in certificates of debt of the state of Virginia, or in such stock or other security as the court might specifically order, all moneys theretofore paid into the court and all moneys thereafter so paid. Upon the order of the court, such receiver paid out as ordered. All bonds, stocks, and other securities were taken in the name of the general receiver. He had power to sell, transfer or collect thereon only as specifically ordered by the court. He collected the dividends and interests on all bonds, stocks, and securities. He was required to keep an accurate and particular account of all moneys received, invested, and paid out. Such report showed the credit of each case in the court.

He was required to make a report to his court on the first day of each term. A bond, the amount of which was subject to the court's approval, had to be posted and the general receiver was liable for all moneys which came into his hand. He received as compensation for his service such per centum of the amount received, invested, or paid out as the court directed, not exceeding one per centum on such an amount. Any failure to keep

the account, or to make out and return the statements subjected him to a fine of not less than $100 nor more than $1,000 to be imposed by the court. At the first day of the opening of the term the judge required one of the commissioners in chancery to state and settle the account of the receiver of the court. Upon the recommendation of the said commissioner in chancery, the court would direct the circuit clerk to record the reports in a book expressly provided for the purpose and designated as "Receiver's Book." (Acts of Va., 1852, ch. 80, p. 71 et seq.; Va. Code, 1860, ch. 179, sec. 25 et seq.; W. Va. Code, 1868, ch. 133, sec. 15 et seq.; W. Va. Code, 1891, ch. 133, sec. 15 et seq.; W. Va. Code, 1913, ch. 133, sec. 15 et seq.)

The act of 1852 has been found to be sufficient and no changes of importance have been made by succeeding legislatures. Today, as then, the general receiver is appointed by the judge of the court he serves. He continues to hold office at the court's pleasure; to receive, invest, and pay out as directed by the court; to be liable for funds and interest thereon entrusted to him; to receive as compensation such per cent of the amount handled as the court directs; he must post a receivers' bond with surety, and make accounts and reports to the court on the first day of the regular terms; failure to keep such accounts or to make such statements continue to subject him to the same fine. The settlements of his accounts are made to one of the commissioners in chancery and such settlements are recorded in the receiver's book. (W. Va. Code, 1931, ch. 51, art. 6.)

The only change noted in this office was enacted in 1935, when it was provided for the application of funds in bonds of the general receiver that have been unclaimed for a period of twenty years. Such act states that such unclaimed funds may be applied to loss or shrinkage in the investments of such receiver due to economic conditions. (W. Va. Acts, 1935, ch. 40.)

Reports of the general receiver in Monroe County have not been recorded since 1880 as directed by the code, but are filed with chancery cases.

228. RECEIVER'S BOOK, 1848-80. 1 vol. Discontinued as record.

Record of reports to court of sales made under court decree by special commissioner appointed to make such sale, 1848-52, and by general receiver, 1852-80. Shows name of commissioner, date of sale, how proceeds of such sale have been applied by him, and record of court's approval of sale and report. Arr. chron. by terms of court at which report made. Hdw. 300 pp. 15 x 9 x 2.

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229. (RECEIVER'S REPORTS), 1880--. In Chancery Causes, entry 175.
Original reports of general receiver. For description, see entry 228.
For record of reports of sales, 1848-80, see entry 228.

IX. COMMISSIONERS IN CHANCERY

The office of commissioner in chancery is first mentioned in an act for amending the several acts of the general assembly, concerning the high court of chancery, passed December 22, 1788. Such act provided as follows: "It shall be lawful for the high court of chancery in such cases as may require a report, which cannot be performed by the court without great delay of business, to employ one or more commissioners and to cause a reasonable allowance to be taxed in the bill of costs." (12 Hening, p. 767; Va. Acts, 1811, ch. 15, sec. 19.)

An act of 1805 provided for the swearing of witnesses, and also gave the commissioners the right to subpoena witnesses. Failure of any witness to attend as subpoenaed consisted of default and amounted technically to contempt. Such commissioners were empowered to administer oaths whenever it became necessary, and any person so sworn by such commissioners who gave evidence as would have constituted the same as perjury if given in a court of record, it was deemed perjury to all intents and purposes. (Revised Code of Va., ch. 66, sec. 24; Va. Acts, 1805, ch. 30, sec. 2.)

In 1831 when the common law and chancery jurisdiction was combined in the same judge under the term of circuit superior court of law and chancery (see p. 69), it was provided that such superior courts could appoint not more than two commissioners in chancery for each court (Va. Acts, 1831-32, ch. 11, sec. 76, p. 68).

The legislature of 1834 required commissioners in chancery, before entering upon the duties of their office, to take an oath for the faithful performance of their duties (Va. Acts, 1834, ch. 60, sec. 1).

The number of commissioners was increased from two to three for each court in 1848 (Va. Code, 1848, ch. 175, sec. 2; W. Va. Code, 1868, ch. 129, sec. 1).

An act passed March 28, 1873, read as follows: "Each court may, from time to time, appoint commissioners for executing its orders and decrees, and for stating and settling accounts of fiduciaries, who shall be removable at its pleasure;

Divorce Commissioner

(Next entry 230, p. 91)

and such commissioners shall have no other powers, and exercise no other authority; and there shall not be more than three such commissioners at the same time, for the same court. The office of commissioner in chancery is abolished" (W. Va. Acts, 1872-73, ch. 65, sec. 1, p. 159).

The office was never abolished however, for on November 25, 1873, the same legislature amended and re-amended chapter sixty-five so as to retain the office as it had formerly existed. The number of commissioners was increased to four for each court of record (ibid., ch. 138, secs. 1, 3).

The legislature of 1901 left the number of commissioners at four but provided that the circuit court of any county whose population exceeds fifty thousand may appoint not more than eight such commissioners (W. Va. Acts, 1901, ch. 37, sec. 1). This act was amended in 1907 so that the circuit court of any county whose population exceeds 30,000 and is less than 50,000, may appoint not more than six such commissioners; and the circuit court of any county whose population exceeds 50,000 may appoint not more than eight (W. Va. Acts, 1907, ch. 42, sec. 1). This later act governs the number of such commissioners today (W. Va. Code, 1938, Michie, sec. 5231). Thus Monroe County appoints three commissioners in chancery.

Today the commissioners continue to be appointed by the judge of the court they represent and serve at his pleasure. They continue to have power to take depositions, subpoena and swear witnesses, and certify their evidence. Such commissioners must take the oath prescribed by section five, article four of the constitution of West Virginia. (Ibid., secs. 5231, 5232.)

The records and reports of the chancery commissioners become a part of the records of the court they serve and will be found in the chancery files in the office of the clerk of the circuit court (W. Va. Code, 1931, ch. 56, art. 7).

X. DIVORCE COMMISSIONER

Prior to 1915 there existed no special office to represent the state in matters of divorce. In that year, however, the legislature enacted that the judge of the circuit court may in his discretion appoint a competent attorney in each county as a commissioner in chancery, to investigate divorce cases and this commissioner shall be known as the "divorce commissioner." The act required that such commissioner "be a man of good moral character, of standing in his profession, and a resident of the county for which he is appointed." Such commissioner is appointed by the circuit judge and holds his office at the court's pleasure. (W. Va. Acts, 1915, ch. 73, sec. 16.)

Jury Commissioners

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There has been no change in this office since its inception although the revisers of the code in 1929 recommended the abolition of the office. Such revisers would have placed the duties of the office on the prosecuting attorney, and would have allowed him a fee for his services. The reasons advanced by the revisers for the elimination of the office were that such office "seems to be a sinecure without much benefit to the state"; and the fact that the prosecuting attorney obtains through nonsupport, juvenile, and other cases considerable information that in many divorce cases would be of much assistance to him in representing the interests of the state, which information any other person acting for the state does not have and will not obtain. (W. Va. Code, 1931, Revisers' Note, ch. 48, art. 2, sec. 24.) The revisers did not prevail, however, and the provisions already existing were retained in the language appearing in the code of 1923 and the acts of 1915.

Today, as formerly, it is the duty of the divorce commissioner to investigate all divorce suits, to appear at all trials, to examine witnesses when necessary, to defend the interests of the state, to bring before the court at the trial all witnesses necessary to develop the true facts, and generally take all necessary steps to prevent fraud and collusion in divorce cases (W. Va. Acts, 1915, ch. 73, sec. 16; W. Va. Code, 1931, ch. 48, art. 2, sec. 24).

Generally, in those cases which are uncontested the court hears the evidence and the divorce commissioner represents the interests of the state. If the case is contested the court may, instead of hearing the evidence itself, refer it to one of the commissioners in chancery of such court (see essay on commissioners in chancery, p. 88) or to a special commissioner, who shall take and return the testimony in such cause, together with a report of all such facts as the commissioner may be able to obtain as to property rights of the parties, their income, character, conduct, health, habits, children, and any other matter deemed necessary by the court; and all such facts so reported are then considered by the court in passing on the merits of the cause. (Ibid.)

The divorce commissioner, as such, keeps no records. His findings and reports are filed in the circuit clerk's office as records of the circuit court. All divorce cases are filed with chancery cases and are available only to parties interested, their attorneys, and court officials.

XI. JURY COMMISSIONERS

The legislature of 1891 created the office of jury commissioners, the appointment being made by the circuit court (W. Va. Acts, 1891, ch. 42, sec. 3). The act of that year has

not been materially changed through the succeeding years and the present statutory provision provides that each circuit court of every county shall have two jury commissioners, who shall be of opposite politics, citizens of good standing, and residents in the county for which they are appointed. Commissioners are appointed by the circuit judge for a term of four years, and are not eligible for reappointment after having served four consecutive years. They may be removed from office by the court or the judge having the power of appointment, for official misconduct, incompetency, habitual drunkenness, neglect of duty, or gross immorality. They receive a per diem for each day necessarily employed as such jury commissioners. (Ibid.; W. Va. Code, 1931, ch. 52, art. 1, secs. 3-12.)

Every court of limited jurisdiction is entitled to two such jury commissioners, who are appointed by the judge of such court and such commissioners perform in this respective court the obligations and duties of the jury commissioners of the circuit court (W. Va. Code, 1931, ch. 52, art. 1, secs. 3-12).

The jury commissioners keep in a well-bound book a record of the proceedings to be preserved by the clerk of the circuit court in his office. The commissioners prepare annually, at the levy term of the county court thereof, a list of inhabitants of the county whom they think qualified to serve as jurors. Such list shall include not less than two hundred and not more than one thousand persons and, upon completion, is delivered to the clerk of the circuit court for safe keeping. From each list, the jury commissioners prepare ballots and deposit them in a secure box which is known as the "jury box" and is kept by said clerk until opened by order of the jury commissioners. All jurors required for the trial of cases are selected by drawing ballots from the "jury box" and the persons whose names are written on the ballots are returned to serve as petit or grand jurors. The jury commissioners do the drawing of the ballots at the order of the respective court. (Ibid.)

Following the act of the legislature which created this office, Monroe County established the office of jury commissioners in 1891. Their record books are a part of the records of the clerk of the circuit court, which, in Monroe County, is the only court making appointments for this office.

230. JURY COMMISSIONER'S RECORD, 1891--. 1 vol.
Record of annual meetings of jury commissioners showing date of meeting and commissioners present; lists not less than 200 nor more than 1,000 inhabitants of the county of good moral character who may be employed as petit jurors and not less than 100 nor more than 200 who may be employed as grand jurors from which names of jurors are drawn as needed. This record is available only to judge of circuit court, jury commissioners, and clerk of circuit court. Arr. chron. by court terms. Hdw. 320 pp. 18 x 12 x 2½. Cir. clk. rec. rm.

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XII. PROSECUTING ATTORNEY

The prosecuting attorney, as an enforcer of the state's criminal laws and civil chancellor for the state or county, was not expressly mentioned in the Virginia constitution of 1776. However, as early as 1711, it was necessary to appoint prosecuting attorneys for each county court as deputies of the Crown's attorney general (Oliver Perry Chitwood, Justice in Colonial Virginia, p. 120 et seq.).

Prior to 1711 breaches of the penal law were prosecuted in the counties of Virginia by the person or persons who had reported them to the courts. Such person was called an "informer" and received one-half of all fines imposed for offenses reported by him. Frequently, however, the informer would compound with the accused for his half of the fine and thus prevent prosecution. Such practice caused the case to be removed from the docket and a loss to the Crown of the fine. Consequently, assistants to the attorney general were provided for in each county in 1711 (ibid., p. 120; 4 Hening, pp. 545, 546).

In the Virginia Gazette of 1766 Pevidie in writing about a trial states that: "... his prosecutor was chosen in the prevailing custom by lot" (William and Mary College Quarterly, First series, vol. 2, p. 236). In 1788 it was provided by the Virginia assembly that: "it shall be the duty of the attorney general to nominate and appoint proper persons to prosecute for the commonwealth, in such courts as he cannot attend himself" (12 Hening, p. 758).

In 1800 provision was made for the appointment by the district court and other inferior tribunals (i. e. county courts) of all attorneys prosecuting on behalf of the commonwealth before their respective courts (Va. Acts, 1776-1802, ch. 260, sec. 1, Act of 1800).

The code of Virginia, 1819, provided that the judges of the superior courts of law had power to appoint attorneys to prosecute for the commonwealth and to allow such compensation as they deemed reasonable; not exceeding, however, the sum of one hundred dollars per annum. No such attorney for the commonwealth was at liberty to resign his appointment without leave of the court. (Va. Code, 1819, vol. 1, ch. 69, secs. 66, 68.) County and corporation courts likewise could appoint attorneys to prosecute on behalf of the commonwealth (ibid., ch. 76, sec. 18).

When the common law and chancery jurisdiction were united in the same judges in 1831 under the title of circuit superior courts of law and chancery, the judges of such courts were given the power to appoint attorneys to prosecute for the commonwealth (Supp. to Revised Code, 1819-31, footnote, p. 136; Laws of Va., 1831-32, ch. 11, sec. 57).

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The sections of the law which prescribed the method of appointing attorneys for the commonwealth were repealed by the adoption of the Virginia constitution of 1851, which provided that the voters of each county should elect an attorneys for the commonwealth to hold his office for a term of four years. It was expressly provided in this constitution that such attorneys need not reside in the counties for which they were respectively elected. (Va. Const., 1851, art. 6, secs. 30, 31.) This provision continues in effect today (W. Va. Const. Amend., 1879, art. 9, sec. 2).

The West Virginia constitution of 1863 changed the name of the office from attorney for the commonwealth to prosecuting attorney. The prosecuting attorney continued to be elected by the voters of the county for a term of four years. (Art. 7, sec. 5.)

No changes were made by the constitution of 1872 nor by the amendments of 1879 in the election and term of this office (W. Va. Const., 1872, art. 9, sec. 1; W. Va. Const. Amends., 1879, art. 9, sec. 1).

Today, as he has done since 1851, the prosecuting attorney attends to all criminal business for the state (W. Va. Code, 1931, ch. 7, art. 4, sec. 1; W. Va. Code, 1937, Michie, sec. 371). He attends all civil suits in the county in which the state or any department, commission, or board thereof is interested; and acts as general counsel for the county in matters wherein legal services are required (ibid.). In those counties having a population of one hundred thousand or more the county court and the judge of the circuit court, have authority to employ such local counsel as they may deem necessary for the purpose of advising such county court touching all matters of a civil character, and to conduct any litigation of a civil character to which the county is party (W. Va. Code, 1937, Michie, sec. 373). The purpose of such provision is to relieve the prosecuting attorney in the more populous counties of his civil responsibility. The prosecuting attorney is a member of the mental hygiene commission, and in the absence of the president of the county court, or other member thereof chosen in his stead, is the chairman of the commission (ibid., sec. 2654). The prosecuting attorney, the county health officer, and the president of the county court constitute the board of health (ibid., sec. 1278).

The records of this office are part of those of the circuit court and only such personal records as the prosecuting attorney desires to keep are found in his office. For commissions by the governor of Virginia, see entry 6; for depository bonds certified by prosecuting attorney, see entry 49; for monthly statements, see entry 107; for law cases, see entry 161.

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XIII. JUSTICES OF THE PEACE

English in origin as protectors of the king's peace, the justices of the peace, or the "conservators of the peace," early became an integral part of the Virginia government. They were known as the "commanders of the plantations" in 1623-24 and as military officers, were appointed by the governor's council. Each justice has certain judicial functions, acting separately as a judge, and serving as a member judge or commissioner of the monthly court created in 1623-24. (1 Hening, pp. 125, 126, 131; Va. Colonial Decisions, vol. 1, "Barton's Introduction to Randolph's and Barradall's Reports," pp. 71, 72.)

The early judicial duties of the predecessor of the present justice of the peace were more particularly concerned with his membership as a commissioner of the monthly court and the trier of petty civil and criminal cases. These commissioners had authority "to doe and execute whatever a justice of the peace or two or more justices of the peace may doe" (1 Hening, p. 169), although it was not until an act of 1661 that it was expressly provided that they be called justices of the peace (2 Hening, pp. 69, 70, and footnote).

Upon the creation of counties to replace the shires in 1643, the monthly court became known as the county court. When this court's jurisdiction was extended to include both civil and criminal cases in order to meet needs of the colony, it became expedient, in order to give cheaper litigation, to lodge authority in the "nearest justice or commissioner" to hear suits for debts under twenty shillings (1 Hening, p. 273). Certain criminal jurisdiction was also exercised by the magistrates (Oliver Perry Chitwood, Justice in Colonial Virginia, p. 81; 1 Hening, pp. 255, 488).

Thus in 1643 for the first time on a scale of defined jurisdiction, we have a justice sitting as a magistrate, separate and apart from his greater duties as a member of the county court. The object of the law was twofold: first, to avoid expense which, by a suit in the monthly or county court would have required both parties to travel a great distance and to lose much time attending its sessions; second, to discourage unnecessary litigation in the county court where a contest involving less than twenty shillings would have absorbed as much time and required as many costly witnesses as a dispute involving many pounds. (George W. Atkinson, Bench and Bar of West Virginia, preface, pp. 16, 17.)

By 1710 the justices of the peace had jurisdiction to hear and determine all causes whatsoever, within their respective counties, cognizable at common law, or in chancery, except criminal causes wherein the judgment, upon conviction, was loss of life or member, and except the prosecution of causes of outlawry against any person (3 Hening, p. 508). The justices sat together as one court and had jurisdiction singly only where

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the cause of action involved less value than twenty shillings sterling or two hundred pounds of tobacco (ibid.; 10 Hening, p. 352). This single jurisdiction was changed to twenty dollars by act of December 23, 1806 (Va. Act, 1806, ch. 7, sec. 1).

The Virginia constitution of 1776 stipulated that the governor continue to appoint the justices (Va. Const., 1776, ch. 3, sec. 15). A single justice continued to have jurisdiction where the amount involved was less than twenty dollars or four hundred pounds of tobacco (Va. Code, 1819, vol. 1, ch. 71, sec. 20). The constitution of 1830 made no changes in the appointment or duties of the justices. Each justice was given the authority to appoint his own constables. (Art. 5, secs. 7, 8.)

Neither of these constitutions prevented the legislature from providing by law that the justices should not be increased beyond a certain number (Va. Code, 1849, footnote, p. 243). Deeming some limitation upon the number expedient, the Virginia code of 1849 provided that the number in any county should not exceed seven (ibid., ch. 48, sec. 3).

The justices of the peace continued to compose the county court under the Virginia constitution of 1851, which stipulated "there shall be in each county of the commonwealth a county court, which shall be held monthly, by not less than three nor more than five justices, except when the law shall require the presence of a greater number" (art. 6, sec. 25).

The justices of the peace were first elected in 1851. The constitution of that year provided: "In each district there shall be elected by the voters thereof, four justices of the peace, who shall be commissioned by the governor, reside in their respective districts, and hold their offices for the term of four years. The justices so elected shall choose one of their own body, who shall be to attend each term of said court. The other justices shall be classified by law for the performance of their duties in court" (ibid., art. 6, sec. 27). Justices no longer appointed their own constables (ibid., sec. 30). A list of elected justices is made in the Appendix, page 155.

In the constitution of 1863 the county court was abolished and was partially replaced by the board of supervisors. The justice became a purely judicial office elected by the township vote, one or two being allowed to each township. From 1863-1872 justices of the peace took over the duty of holding inquests and summoned a jury of twelve to ascertain the cause of deaths. (W. Va. Const., 1863, art. 7, secs. 2, 5.) Justices of the peace remained in this position until 1872 when they were again restored to their membership in the court. The West Virginia constitution of 1872 provided that one, and not more than two justices of the peace, be elected in each magisterial district for a term of four years and that their duties be unchanged from those established in the Virginia constitution of 1851. (W. Va. Const., 1872, art. 8, secs. 23, 25.) With the constitu-

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tional amendments of 1879 the membership of the county court was taken from the justice and lodged in three elected county commissioners. The justice became the purely judicial officer which he remains today. The provision concerning the election of justices remains in effect today. In those districts containing a population of less than twelve hundred, one justice is elected; if the population exceeds that number, two justices are elected and hold office for a term of four years. (W. Va. Const. Amend., 1879, art. 8, sec. 27.) Monroe County has six magisterial districts with the privilege of electing eight justices, however at the present there is one vacancy and only seven justices are in office.

Today justices of the peace have civil jurisdiction over all actions of assumpsit, debt, detinue, and trover where the amount involved does not exceed $300 (W. Va. Const. Amend., 1879, art. 8, sec. 1). They have jurisdiction over cases of unlawful entry or detainer (W. Va. Code, 1931, ch. 50, art. 11, sec. 1). Their territorial jurisdiction is not restricted to the districts wherein elected but extends throughout the county. They are still conservators of the peace within the county (W. Va. Const., 1872, art. 8, sec. 7). They have criminal jurisdiction over assault and battery, trespass to personal property, adultry and fornication, petit larceny, carrying dangerous or deadly weapons, and in any case where the punishment is limited to a fine not exceeding ten dollars, or to imprisonment for not more than ten days.

The code provides that in case of failure of the court to appoint a coroner, or in his absence, the justice of the peace may issue warrants, summon a jury, and conduct an inquest over unusual deaths (W. Va. Code, 1931, ch. 61, art. 12, sec. 1). The court in Monroe County does not appoint a coroner, and the justices assume his duties.

Every justice must keep a "docket" used exclusively for entering therein his judicial proceedings (W. Va. Code, 1931, ch. 50, art. 16, sec. 1), and an alphabetical index to all judgments entered in said docket. Such docket and other papers received by him in his official capacity must be turned over by him to his successor in office (ibid., ch. 50, art. 16, secs. 6, 7). Transcripts of judgments from the justice court are entered by the clerk of the circuit court in the judgment lien docket (ibid., ch. 50, art. 13, sec. 7); a fee book is kept showing all fees collected by the justice and his constable with allocation to suit in which charge is made (ibid., ch. 50, art. 17, sec. 9); he must give a receipt for all fines and costs paid to him, the receipt being prepared in triplicate: one copy to be delivered to the person paying fee or fine, one to the clerk of the county court, and one to be retained in the receipt book by the justice for inspection by the state tax commissioner (ibid., ch. 50, art. 17, sec. 13). Every justice must make a quarterly report to the county court of all fines imposed and collected by him (ibid., ch. 50, art. 17, sec. 16).

Justices of the Peace - Red Sulphur District; Springfield District (231-233)

At the present time Monroe County is allowed two justices in Red Sulphur District, one in Second Creek District, two in Springfield District, one in Sweet Springs District, one in Union District, and one in Wolf Creek District. However, one vacancy exists in Red Sulphur District, making a total of seven justices at the present time.

The entries which follow show records of five justices. It was impractical to survey all justices offices; the following entries, however, are typical of those found in all justices offices throughout the county. The entries are arranged under the name of the magisterial district which the justice serves.

For commissions by the governor of Virginia, see entry 6; for quarterly reports to county court, see entry 108; for copies of receipts for fines, see entry 111; for transcripts of cases, see entry 186; for petitions to circuit court, see entry 188; for circuit clerk's transcripts of judgments, see entries 190, 191.

Red Sulphur District

231. CRIMINAL DOCKET, 1910--. 1 vol.
Record of all criminal cases heard in justice of the peace court showing pleadings, title of action, names of parties to suit, date of action, crime, date of summons and return, names of attorneys appearing for plaintiff and defendant, filing of complaint, continuances if any, verdict of jury, judgment of justice, appeal if taken, and final action. Arr. chron. Indexed alph. by names of plaintiffs. Hdw. on pr. fms. 500 pp. 19 x 12 x 3. Res., D. H. Cassell, Lindside.

232. CIVIL DOCKET, 1903--. 2 vols. (1, 2).
Record of all civil cases heard in justice of the peace court. Includes appointment of special deputies, title of action, parties to suit, date of action, amount involved, date of summons and return thereon, names of agents or attorneys for plaintiff and defendant, filing of complaint, continuances if any, verdict, judgment of justice, appeal if taken, bond filed for stay of execution, satisfaction of judgment, and other action. Arr. chron. Indexed alph. by name of plaintiff. Hdw. 500 pp. 18 x 12 x 3. Res., D. H. Cassell, Lindside.

Springfield District

233. CRIMINAL DOCKET, 1913--. 1 vol.
For description, see entry 231. Arr. chron. Indexed alph. by name of defendant. Hdw. on pr. fms. 500 pp. 18 x 12 x 3. Res., W. W. Sims, Rock Camp.

Justices of the Peace - Sweet Springs; Wolf Creek; Union Districts (234-240)

234. JUSTICE CIVIL DOCKET, 1925--. 1 vol. For description, see entry 232. Arr. chron. Indexed alph. by name of plaintiff. Hdw. on pr. fms. 500 pp. 18 x 12 x 3. Res., W. W. Sims, Rock Camp.

Sweet Springs District

235. CRIMINAL DOCKET, 1919--. 1 vol. For description, see entry 231. Arr. chron. Indexed alph. by name of defendant. Hdw. 504 pp. 18 x 12 x 3. Res., O. C. Rowan, Gap Mills.

Wolf Creek District

236. CRIMINAL DOCKET, 1909--. 1 vol. For description, see entry 231. Arr. chron. Indexed alph. by name of defendant. Hdw. on pr. fms. 500 pp. 18 x 12 x 3. Off., S. W. Bare, Old Federal Bldg., Alderson.

237. CIVIL DOCKET, 1871--. 8 vols. For description, see entry 232. Arr. chron. Indexed alph. by name of defendant. Hdw., 1871-1903; hdw. on pr. fms., 1904--. 500 pp. 18 x 12 x 3. Off., S. W. Bare, Old Federal Bldg., Alderson.

Union District

238. JUSTICE CIVIL DOCKET, 1903--. 8 vols. (labeled by inclusive years). For description, see entry 232. Arr. chron. Indexed alph. by names of plaintiffs. Hdw. and hdw. on pr. fms. 500 pp. 18 x 12 x 3. Off., I. H. Tomlinson, Monroe Bank Bldg., Union.

239. CRIMINAL DOCKET, 1909--. 3 vols. For description, see entry 231. Arr. chron. Indexed alph. by name of defendant. Hdw. on pr. fms. 500 pp. 18 x 12 x 3. Off., I. H. Tomlinson, Monroe Bank Bldg., Union.

240. JUSTICE CIVIL AND CRIMINAL DOCKET, 1929--. 2 vols. Combined civil and criminal docket, one-half of each volume being used for civil cases and the other half for criminal cases. For descriptions, see entries 231, 232. Arr. chron. Civil docket indexed alph. by name of plaintiff; criminal docket indexed alph. by name of defendant. Hdw. on pr. fms. 500 pp. 18 x 12 x 3. Off., I. H. Tomlinson, Monroe Bank Bldg., Union.

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XIV. CONSTABLES

The Virginia constitution of 1776 gave the justices of the peace authority to appoint constables (ch. 2, art. 15), and all fees of the office were regulated by law as today (Va. Acts, 1776-1802, ch. 115, p. 219). The constables continued to be appointed by the justices until 1852, when the assembly of Virginia provided for the election every two years of a constable in each district of the county (Va. Acts, 1852, ch. 71, sec. 1). The constables were given authority to perform the duties of their office in districts other than those in which they were elected.

When West Virginia became a state in 1863, its constitution provided for the election of constables. Each township was allowed as many constables as justices, one or two justices being allowed to each township. (W. Va. Const., 1863, art. 7, sec. 2.) The term of office continued to be two years (Const. and Statutes, Va. and W. Va., 1861-66, Act of 1863, ch. 122, sec. 4).

In 1872 one constable was elected in each district for a four year term, and, "if the population of any district shall exceed twelve hundred, an additional constable, and whose powers as such shall extend throughout their county" (W. Va. Const., 1872, art. 9, sec. 2). Every constable is required to give a bond to be approved by the county court (W. Va. Code, 1931, ch. 6, art. 2, sec. 10). This provision continues in force today, and Monroe County in 1937 had seven constables, there being one vacancy (W. Va. Blue Book, 1937, pp. 363, 364).

Very little change has occurred in the duties of this office. It was created to expedite the business of the justices as well as to provide police protection and aid within the districts of the county. The constable attends all trials in his district in which he may have served processes, preserves order, and enforces the lawful commands of the justice during the trials (W. Va. Acts, 1863, ch. 122, sec. 230; W. Va. Code, 1931, ch. 50, art. 1, sec. 9). It is his duty to serve any summons, orders, executions, or other process issued by a justice, and to make a true return thereof (ibid., ch. 50, art. 1, sec. 1). In serving and executing such orders and process issued by a justice, the constable may exercise the same authority over persons and property as it would be lawful for a sheriff to exercise under like orders or process from the circuit court (ibid., ch. 50, art. 1, sec. 11). No constable shall act as agent or attorney for a party to an action, proceeding, or prosecution before a justice (ibid., ch. 50, art. 1, sec. 8). All official papers which he may have are given by him to his successor in office (W. Va. Code, 1932, Michie, sec. 4917). He keeps no records of his office but reports to the justice of the peace who enters his acts as official duties in the justice's record. For constables' bonds, see entry 46.

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XV. SHERIFF

Since the early days of Virginia history, the sheriff has been an agent subservient to the courts. Prior to 1634 he had been known as a "provost marshal" (1 Hening, pp. 176, 223, 224). The term "sheriff" was first applied in 1634, after the division of the colony into eight shires following the English form of government, and stood for protector of the peace (1 Hening, p. 224, Act of 1634).

Making arrests, imprisoning defendants, and inflicting upon convicted prisoners such punishment as whipping, pillory, and ducking, as well as having custody of the jail, were included in the duties of the "provost marshal" (1 Hening, p. 176 et seq.).

Later acts which more particularly defined the duties and fees of the sheriff, provided in 1642-43 that no writ or process be directed to more than one sheriff (ibid., p. 257); "that all warrants and other suits in law shall be issued by the secretary or clerk, either for the quarter or county court, and the sheriff to summons on said actions as formerly" (ibid., p. 434). He was to serve executions, make attachments for arrest, and serve subpoenas (ibid., p. 465).

However, the sheriff was not the only officer vested with authority to serve process. As late as 1644-45 it was provided "that it shall be lawful for subpoenas to be served by the party procuring the same, and by their appointment and not by the sheriff, unless it be so desired" (ibid., p. 295).

Also, provision was made for a marshal in the superior court of chancery, appointed by the chancellor thereof, who held his office during the pleasure of the court and executed and transacted the duties of his office as deputy (Revised Code of Va., 1819, ch. 66, secs. 62-70, p. 209 et seq.).

The act creating the superior court of law and chancery in 1831 abolished the office of marshal and provided that "all process of the said circuit superior court of every nature or kind, original, mesne, or final, as well in chancery as at law, shall be issued to the sheriff of any county or the sergeant of any corporation" (Supp. Va. Code, 1819-31, ch. 109, secs. 70, 71). Since that time the duties of the sheriff as a deputy of the court have been clearly defined and remained materially unchanged.

Prior to 1700 there were various methods for selecting the sheriff. First, the monthly court appointed the sheriff (Accomac Records, 1632-40, p. 18). By act of 1654 the governor appointed the sheriff upon the recommendation of the monthly or county court (1 Hening, p. 392). According to act of 1662 the office devolved upon the justices in rotation for a term of one year (2 Hening, pp. 21, 78, 353). However, the old method of selecting

sheriffs was afterwards revived and from 1705 to the Revolution the sheriff was appointed for one year by the governor from a county court recommendation of three justices (3 Hening, Act of 1705, ch. 3, sec. 1 et seq.).

In 1776 it was provided by the constitution of Virginia that the sheriff be nominated by the county court from one of the commissioned justices, approved by the governor with the advice of the privy council, and commissioned by the governor (ch. 4, art. 15). In 1819 certain duties of the sheriff might be transferred to the coroner (see p. 103). In 1851 it was provided that the sheriff be elected by the voters of his county and that he serve a term of two years (Va. Const., 1851, art. 6, sec. 30).

The constitution of West Virginia of 1863 provided that the voters of every county elect a sheriff for a term of four years whose duties should be prescribed and defined by general law (art. 7, sec. 5). The constitution of 1872 provided that his term of office be four years and he not succeed himself nor act as deputy to his successor (art. 9, sec. 13). He is elected for a term of four years today and cannot succeed himself in office nor become a deputy to his successor (W. Va. Const. Amend., 1879, art. 9, secs. 1, 3).

Since 1879 the sheriff as marshal of the court has continued to execute writs, summons and process, take charge of prisoners, and act as jailor. No changes have occurred to materially alter this status.

For commissions by the governor of Virginia, see entry 6; for bonds, see entry 45; for monthly statements to county clerk, see entry 107; for accounting of fees to county clerk, see entry 109.

241. RECORD OF FEES AND OTHER COLLECTIONS, 1879-1908, 1917-27. 3 vols.

Sheriff's record of fees collected by him. Includes fees for service, clerk's collections, and other officers' fees. Shows from whom received, date of collection, and allocation to funds. Also contains record of (Delinquent Dog Tax), 1927, entry 97. Arr. chron. Indexed alph. by names of persons charged, 1897-1908; no index, 1917-27. Hdw. on pr. fms. 275 pp. 16 x 12 x 2.

For sheriff's accounting of fees, 1921--, see entry 109.

242. RECORD OF SUMMONS, 1913-16. 1 vol.

Record of summons served by sheriff or deputies. Shows date received and returnable, style of case, name of person served, by whom served, when and how served, amount of fee, date and amount paid, amount collected for three-month period, amount uncollected, amount collected from last quarter, total collected for three-month period, and total for all quarters of year. Arr. chron. Hdw. on pr. fms. 200 pp. 18 x 18 x 1.

243. JAIL REGISTER AND RECEIPTS FOR PRISONERS, 1913--. 1 vol. (1).
Record of persons committed to jail showing name, age, color, residence, birthplace, offense, date received, amount of bail bond, number of days of sentence, date of discharge, board fees, amount of fines, guard's receipt for prisoner, and general remarks. Arr. chron. Hdw. on pr. fms. 152 pp. 14 x 9 x 2.

244. JUSTICE RECORD, 1889-1908. 1 vol.
Sheriff's record of judgments found in justice court and executions issued thereon which have been turned over to him for service. Shows names of parties, style of case, date of summons or other process, amount of judgment, date and by whom rendered, date of execution, and returns thereon. Arr. chron. 200 pp. 16 x 10 x 2.

XVI. HUMANE OFFICER

The predecessor of the humane officer was an agent appointed by, and acting for, the West Virginia Humane Society. This society was established by act of the legislature in 1899 (W. Va. Acts, 1899, ch. 9; W. Va. Code, 1899, p. 1086).

This agent continued to act for the society until 1919, when the West Virginia legislature enacted that the sheriff of each county shall annually designate one of his deputies to act as humane officer for his county. It became the duty of the deputy sheriff so designated to act as humane officer and to personally see that the law relating to the prevention of cruelty to animals be enforced; failure to perform his duty in that respect constituted good cause for removal from office. The duties and powers of the office remained the same as those of the agent appointed by the West Virginia Humane Society. He was vested with power to make arrest and preserve the peace. He continued to prevent the perpetration or continuance of any act of cruelty upon any animal; to take charge of and care for abandoned, neglected, or cruelly treated animals; and have a lien against said animal for its support, which lien was enforceable by selling the animal at public auction. He also continued to have the power to lawfully destroy any animal in his charge upon the written certificate of two reputable citizens. (Ibid.; W. Va. Acts, 1919, ch. 117; W. Va. Code, 1923, ch. 149, sec. 14a et seq.)

In 1923 the law was amended and the sheriff was required to designate annually, by a record made in the office of the clerk of the county court, one of his deputies to act as humane officer; and it became this officer's duty to investigate all complaints made to him of cruel or inhuman treatment of animals within the county. Also, beside the lien upon such animal for the expense

of food, shelter, and care; the officer had an additional lien in that the expense incurred became chargeable to the owner of the animal and collectible therefrom in an auction therefor. (W. Va. Acts, 1923, ch. 47.)

This office has continued from 1923 without change (W. Va. Code, 1937, Michie, secs. 448-452). No records are required by law to be kept by the humane officer.

XVII. CORONER

It is definitely known that the office of coroner existed in Virginia before 1674. An enactment fixed the fees of the coroner, resolving that the "office of coroner be officiated as formerly by the next justice of the peace, who is empowered to direct his warrants to the constable to impanel a jury of inquest" (2 Hening, p. 325).

"The act passed at the revisal of 1792 was the first statute in Virginia regulating the duties of coroners, but the British statutes being prior to 4th Jac. 1, were in force in the colony," states Mr. Leigh, an authority on early Virginia history (Va. Code, 1849, footnote, p. 247). The coroner in 1765 was made liable for the breach of duty in a civil case (8 Hening, p. 119).

The office of coroner during the early colonial days was of far greater importance and dignity that it is today. Among his duties he exercised the sole right to arrest and take into custody the sheriff of the county in any suit, plaint, bill, or prosecution (3 Hening, Act of 1695).

The Virginia constitution of 1776 provided that the coroner be nominated by the respective courts of the counties, and that the nomination be approved by the governor with the advice of the privy council (ch. 4, sec. 15). He was to hold office during good behavior (Va. Acts, 1776-1802, ch. 81, sec. 1 et seq., Act of 1792).

By law of 1819 when a vacancy occurred in the office of sheriff the coroner was under a ten thousand dollar bond to "execute, do, and perform all the duties which appertain to the office of sheriff except such as relate to the collection of the public taxes and levies." However, should no person qualify as sheriff before June 1 in any year, so that the other duties of sheriff devolved on the coroner, the coroner had authority and was required to collect the public taxes and levies of the county "in like manner, in all respects, at the like times, and under like responsibilities, as if the said coroner were the sheriff of the county." (Va. Code, 1819, vol. 1, p. 291, secs.

27, 28.) The provision was carried over into the codes of 1849 and 1860 (Va. Code, 1849, ch. 49, sec. 21 et seq.; Va. Code, 1860, ch. 49, sec. 20 et seq.).

The office of coroner was entirely omitted from the first constitution of the state and the West Virginia code of 1863. Under that constitution and the succeeding acts of the legislature, until the constitution of 1872, the duty of holding inquests was assigned to the justices of the peace, who summoned a jury of twelve to ascertain the cause of death (W. Va. Const., 1863, art. 7, sec. 5; W. Va. Acts, 1863, ch. 130, p. 227; W. Va. Code, 1868, ch. 154, p. 704). The constitution of 1872 reestablished the office, which was to be filled by appointment of the county court. The coroner was required to be a resident of the district for which he was appointed. (Art. 9, sec. 2.)

The coroner has remained an appointive officer, being appointed at the will and pleasure of the county court today. His duty is limited to inquisitions over the body of any person who may have come to a violent or unlawful death. (W. Va. Const., 1872, art. 9, sec. 2; W. Va. Code, 1931, ch. 61, art. 12, sec. 1; Bouvier's Law Dictionary.) He is required by law to keep a book, denominated "Coroner's Record," in which he keeps a record of all inquisitions and examinations made by him, which book becomes the property of the county court (W. Va. Code, 1931 ch. 61, art. 12, sec. 10).

The code provides that in case of failure of the court to appoint a coroner, or in his absence, the justice of the peace may issue warrants, summon a jury, and conduct an inquest over unusual deaths. The court in Monroe County does not appoint a coroner, and the duties of the office are assumed by the justices. Reports of inquests of early justices and coroners will be found in the Order Books, entry 1.

245. CORONER'S RECORD, 1922--. 1 vol. (1).
Record of inquisitions and examinations of persons having met with unnatural death. Shows name of coroner, date and place of inquest, name of deceased, nationality, color, sex, when and where born, marital status, residence, occupation, date of death and probable cause, marks or scars of identification, when and where buried, name of undertaker, and report of inquest with signature of coroner and jury. Arr. chron. Indexed alph. by name of decedent. Hdw. and hdw. on pr. fms. 298 pp. 18 x 12 x 2. Cir. clk. rec. rm.

(Next entry 246, p. 106)

XVIII. ASSESSOR

The assessor, as an appraiser of taxable property in the county, did not exist as a legal entity in name until a comparatively recent period. However, the substantive nature of his duties were in existence and were discharged by other agencies even from the early date of 1654, when the county court acted as an examining board (1 Hening, p. 388).

The act of 1782 states that "whereas, the land tax, as at present charged by the commissioners in the various counties is found to be very unequal, and from experience of the past, it is certain that valuations will not produce that equality so essentially necessary: Be it enacted that two special examiners be appointed to examine the returns of the state" (11 Hening, p. 140). Also, "be it enacted that the county court shall appoint two fit persons to execute the office of commissioners of the tax within the same three years" (ibid., p. 142). This did not relieve the county court of the duty to correct all mistakes and errors (ibid., p. 143). As Monroe County was formed seventeen years after this act was passed the first commissioners were appointed by the first county court, 1799.

The commissioners of the tax, at an early date became known as commissioners of the revenue and the Virginia constitution of 1851 provided that so many commissioners of revenue be elected as provided by law for a period of two years (Va. Const., 1851, art. 6, sec. 30). The county was divided into revenue districts and a commissioner of the revenue was elected for each district (Acts of the Va. Assembly, 1852, ch. 71, sec. 2). This meant that there were more than two such commissioners for each county.

The West Virginia constitution of 1863 provided that one or more assessors should be elected for a term of two years (art. 7, sec. 5). Under this provision, Monroe County had two assessors (W. Va. Code, 1870, ch. 29, sec. 1). The constitution of 1872 provided that one and not more than two assessors should be elected for a term of four years (art. 9, sec. 1). Under this provision Monroe County retained two assessors. However, since January 1, 1909, each county in the state constitutes one assessment district irrespective of the number of magisterial districts or population (W. Va. Acts, 1904-5, p. 287), and Monroe County elects one assessor under this law.

From the formation of the state in 1863 to 1872 the assessor appointed his deputy or deputies with the consent of the board of supervisors (W. Va. Code, 1868, ch. 7, sec. 11), and since 1872 with the advice and consent of the county court (W. Va. Const., 1872, art. 9, sec. 2). The number of deputies that the assessor is entitled to depends upon the population of the county (W. Va. Code, 1931, ch. 11, art. 2, sec. 2).

Assessor

(246)

The assessor was prominent in early West Virginia history as a member of the board of correction, which, in 1909, became known as the board of review and equalization. The assessor or assessors, the recorder, sheriff, and surveyor of land composed this board and any three constituted a quorum for the transaction of business. (W. Va. Code, 1868, ch. 29, sec. 8, p. 154.)

Later, the legislature transferred the duties of the correction board to the assessor. An act was passed in 1905 to the effect that after 1908 "the assessor and his assistants, together with the clerk of the county sitting as an advisory board, meet at the county seat not later than the fifth day of July for the purpose of hearing complaints" as to assessments. Notice was to be given to all and if any person so notified did not appear, he was deemed to have waived his right to ask for a reduction in his assessments and could not thereafter be permitted to question its correctness. (W. Va. Acts, 1904-5, ch. 35.) Later enactments prevented this act from becoming effective.

Later the board of review and equalization was created, (W. Va. Acts, 1907, p. 355) and on January 1, 1909, assumed the duties above mentioned in the act of 1905. It continued to exercise such duties until 1933 when it was abolished. The county court now meets in July for the purpose of reviewing and equalizing the assessment made by the assessor for the current year. (W. Va. Acts, 1933, ch. 41, art. 3, sec. 24.)

The assessor prepares three copies of the real and personal property books; one each for the state auditor, sheriff, and county clerk (W. Va. Code, 1933, ch. 11, art. 3, sec. 19). The official books and papers of the assessor remain as the permanent records of the office and are turned over by each assessor to his successor (W. Va. Code, 1933, ch. 11, art. 2, sec. 8).

For transfer list, see entry 56; for dog and capitation receipts, see entries 96, 97; for monthly statements, see entry 107.

246. LAND BOOK BLOTTERS, 1929, 1931--. 53 vols.
Rough drafts prepared by the assessor, from which he makes up the land books. Lists real estate owners showing name, location, description, acreage of property, assessed value, and allocation of tax to various county and state funds. Arr. by dists. and alph. by names of property owners thereunder. Hdw. 100 pp. 18 x 6 x ½. Assr. off.
For land books, 1801--, see entry 81.

(Next entry 247, p. 108)

XIX. BOARD OF REVIEW AND EQUALIZATION

The session of the legislature of 1907 created the board of review and equalization for the purpose of reviewing and equalizing the assessment of the county as returned by the assessor (W. Va. Acts, 1907, ch. 80, sec. 18, p. 355).

Prior to this enactment the question of equalizing the assessment had been given considerable legislative attention. The first legislature, meeting in 1863 for the war-torn state, enacted that "if in any case a person shall consider himself aggrieved by the valuation of the assessor, such person and the assessor, respectively, shall choose two discreet voters, to whom shall be referred the matter of controversy, and this decision, or that of an umpire chosen by them, shall be final" (Const. and Statutes, Va. and W. Va. 1861-66, Act of 1863, ch. 118, sec. 65, p. 169). The code of 1870 provided for a board of correction which was composed of the assessor or assessors, the recorder, sheriff, and surveyor of land, any three of whom constituted a quorum for the transaction of business. It was this board's duty to correct all erroneous assessments by placing each tract or lot charged at its true value or quantity, when it appeared to their satisfaction that the same had been assessed either too high or too low, or that the assessment was erroneous as to quantity. Any person feeling himself aggrieved by the decision of this board had the right of appeal to the board of supervisors of the county for redress. (Ch. 29, sec. 8.) The legislature of 1875 re-enacted this section so that any person aggrieved by an entry in the land book could apply to the county court for relief and the county court determined if the tax was reasonable by considering the value of contiguous lands similarly situated (W. Va. Acts, 1875, ch. 54, sec. 8). This re-enactment abolished the board of correction.

The county court continued to correct valuation and erroneous assessments until 1909. In 1904 it was enacted that after 1908 "the assessor and his assistants, together with the clerk of the county sitting as an advisory board, shall meet at the county seat not later than the fifth day of July for the purpose of hearing complaints" of assessments. Notice was to be given to all taxpayers and if any person so notified did not appear, he was deemed to have waived his right to ask for a reduction in his assessment and could not thereafter be permitted to question its correctness. (W. Va. Acts, 1904-5, ch. 35.) This act never became effective, for a later act was enacted to cover the needs.

By act of 1907 the board of review and equalization was created and on January 1, 1909, assumed the duties above mentioned in the act of 1904.

This board was composed of three citizens of the county who were freeholders and entitled to vote, not more than two of whom could belong to the same political party. They were

appointed by the board of public works for a six year term. Each member had to execute a bond with good security in the penalty of $5,000, conditioned for the faithful performance of the duties of his office. This board held annual meetings for the purpose of reviewing and equalizing the assessment of the county as returned by the assessor. This board had authority to make additions to the property books, to alter the names, descriptions, etc. therein stated, to increase or decrease the valuation, and to correct errors. In short, this board had whatever power necessary to make assessments comply with the statutes or taxation to the end that all property be assessed at its true and actual value. The clerk of the county court was ex officio the clerk of the board of review and equalization. (W. Va. Acts, 1907, ch. 80, sec. 18; W. Va. Code, 1931, ch. 11, art. 3, sec. 25.) Any person dissatisfied with the valuation of the property as fixed by such board had the right to apply to the circuit court (ibid., sec. 129). Under this section, the supreme court held that the exclusive method of reviewing an assessment was upon application to the board of review and equalization, and in case of adverse decision from it, appeal to the circuit court (Copp vs. State, 69 W. Va. 439, 71 S. E. 580; W. Va. Nat. Bank vs. Spencer, 71 W. Va. 678, 77 S. E. 269). In 1911 the legislature enacted a law by which specific jurisdiction was conferred upon county courts to hear complaints against all sorts of improper assessments, and to correct the same, except that the county courts should not inquire into the valuation of property (W. Va. Acts, 1911, ch. 50, sec. 132a). The remedy by application to the county court, under section 132a, was not an exclusive, but a cumulative remedy, and was not inconsistent with the remedy by appeal to the circuit court given in section 129. (Re: Masonic Temple Society, 90 W. Va. 441, 111 S. E. 637; State vs. Wood, 90 W. Va. 288, 111 S. E. 634.)

The board of review and equalization continued to sit for its purpose of reviewing assessments until 1933, when it was abolished. The county court now meets in July of each year for the purpose of reviewing and equalizing the assessments made by the assessor for the current year (W. Va. Acts, 1933, ch. 41). Records of the court's actions as this board will be found in the Order Books, entry 1.

247. BOARD OF REVIEW AND EQUALIZATION, 1909-33. 1 vol.
Discontinued.
Record of meetings of board of review and equalization. Shows names of members present, date of meeting, names of petitioners for review of taxes with evidence submitted, and action taken. Arr. chron. by meeting dates. Hdw. 200 pp. 16 x 10 x 1½.
Co. clk. rec. rm.

248. TAX EXONERATIONS GRANTED, 1927--. 1 file box.
1895-- in Court Papers, entry 3.
Orders issued by board of review and equalization, 1927-33, and by county court, 1934--, to sheriff ordering correction of tax

lists after petition for correction has been heard and granted. Shows name of property owner, location and description of property, erroneous assessments, and corrected assessment with date of order, and signature of issuing officer. Arr. chron. Hdw. and typed. 13 x 11 x 5. Co. clk. rec. rm.

249. (APPLICATIONS FOR REVIEW OF TAXES), 1933--. In Court Papers, entry 3.
Applications made to county court as board of review and equalization for review of taxes. Shows name of applicant, date of application, amount and description of property, amount of assessment, and explanation of request for correction.

XX. SHERIFF AS TAX COLLECTOR

The sheriff, in ex officio capacity serves as tax collector for the county. For history of the appointment or election, the term of office and general duties of the sheriff see pages 100, 101.

In 1644 the sheriff was required to give bond for the faithful performance of his duties and the diligent accounting of funds received on behalf of the king, shire, and county (1 Hening, p. 284). In 1647, because of the great number of defaults, the duty of collecting taxes was taken from him and collectors were appointed to gather the levies (ibid., p. 342). This provision continued in force only a few years and in 1658 the sheriff was reinvested with the duty of taking tithable or tax lists (ibid., p. 521). In 1755 the giving of a bond was made a prerequisite to exercising the duties of the office. (6 Hening, p. 566.)

In 1778 the sheriff, when it was requested by the church wardens of any parish within the county, was to collect the parish levy and give a bond (9 Hening, p. 527). He then accounted to the colony treasurer (ibid., p. 368). At that time the sheriff had no right to make disbursements.

An act passed February 9, 1808, stated that it should be the duty of every sheriff and collector within the commonwealth to collect the taxes imposed by law and agreeable to the lists prepared by the commissioners of the revenue. The taxes so collected were to be paid into the commonwealth treasury before the first day of November. (Va. Acts, 1803-11, ch. 130, sec. 2, p. 161, Act of 1808; Va. Code, 1819, vol. 2, ch. 183, sec. 62.)

The code of Virginia of 1849 stated that the taxes assessed in any county shall be collected by the sheriff thereof (vol. 2, ch. 36, sec. 1). If the taxes with which any person or any estate were assessed were returned delinquent the

sheriff could distrain (ibid., sec. 4). As tax collector the sheriff prepared a list of delinquent taxes, and presented the same to the county court for examination and approval. The penalty on the sheriff for certifying a false delinquent list was ten times the amount of taxes if the return was by way of design, and two if by mistake (ibid., sec. 20). Taxes collected continued to be paid into the commonwealth treasury, less a five percent commission (ibid., sec. 22).

The West Virginia code of 1868 placed the duty of collecting taxes upon the sheriff and clothed him with the power of distraint to enforce such taxes (ch. 30, secs. 1, 7 et seq.). This officer has continued to collect taxes, fines, and other charges due the county (W. Va. Code, 1923, ch. 30, sec. 1; W. Va. Code, 1937, Michie, sec. 767 et seq.). Today after the sheriff has collected eighty-five percent of all taxes assessed, he receives, in addition to the salary authorized by law, a commission of one and one-half percent on the remainder of the taxes actually collected, exclusive of interest, if the collection be made before the delinquent list has been approved by the county court (W. Va. Code, 1937, Michie, sec. 773 (1)).

He is required to keep separate accounts in a well-bound book of all taxes received and disbursed by him. Such book is subject to inspection by the state tax commissioner, members of the county court, the county clerk, or the prosecuting attorney at all times. Such accounts must show the amounts received and disbursed by him (ibid., sec. 775). He prepares all delinquent tax lists for real and personal property. He sends such lists to the county court for approval, after which the county court directs its clerk to certify necessary copies to the state auditor. (W. Va. Code, 1931, ch. 11, art. 9, sec. 4.) He keeps a list of property owners whose property has been improperly placed on the land books or which is not ascertainable (ibid., ch. 11, art. 9, sec. 20).

Many of his records as tax collector became a part of those of the county court and usually only current records will be found in his office.

For other records pertaining to this office see entries 81-91, 93-98; for monthly statements to county clerk, see entry 107.

Real and Personal Property

250. LAND BOOKS, 1873--. 64 vols. (dated). Duplicates of entry 81. Arr. by dists. and alph. by names of property owners thereunder. Hdw. on pr. fms. 300 pp. 17 x 15 x 3.

Sheriff as Tax Collector - Real and Personal Property (251-256)

251. PERSONAL PROPERTY BOOKS, 1926--. 14 vols. (dated). Duplicates of entry 93. Arr. by dists. and alph. by names of property owners thereunder. Hdw. on pr. fms. 300 pp. 17 x 19 x 2.

252. LIST OF REAL ESTATE SOLD TO INDIVIDUALS, REDEEMED FROM SHERIFF AND SUSPENDED BY SHERIFF, 1931--. 1 vol.
Lists of sales and redemption of advertised delinquent lands made by sheriff to clerk of county court. Shows date of sale or redemption, years for which tax is delinquent, name of person charged with taxes, quantity of land charged in county and districts therein, estate held, amount of taxes and interest due for state, state school, county, district school, district and municipal taxes due, quantity of land sold, name of purchaser, amount paid for purchase money, fees for receipts, and costs of publication. Signed by sheriff. Arr. alph. by names of persons charged with taxes. Typed on pr. fms. 200 pp. 20 x 18 x 1.

253. MEMO OF REAL ESTATE SOLD AND REDEEMED, 1926-28. 1 vol.
Sheriff's rough copy of lists of land sold at public auction or redeemed prior to sale but after advertisement has been made. For description, see entry 85. Arr. chron. Hdw. on pr. fms. 200 pp. 18 x 8 x 1½.
For record of subsequent dates, see entry 85.

254. DELINQUENT REAL ESTATE, 1934--. 1 vol.
Duplicate of entry 82. Arr. alph. by names of property owners. Typed. 200 pp. 23 x 18 x 1.

255. (DELINQUENT PROPERTY), 1922-27. 6 folders.
Sheriff's copy of lists submitted to county court of delinquent real and personal property. For description, see entries 83, 94. Arr. by dists. and alph. by names of property owners thereunder. Typed. 20 x 20 x ¼.

256. LISTS OF PERSONS AND PROPERTY DELINQUENT IN COUNTY OF MONROE, 1927-28. 2 vols.
Delinquent lists for real and personal property prepared by sheriff. Shows nature and extent of property, location, assessment, name of owner, and period and amount for which delinquent. Arr. by dists. and alph. by name of property owner thereunder. Hdw. on pr. fms. 50 pp. 17 x 14 x ¼.
For delinquent lists, 1799-1835, 1895--, see entry 94; 1922-27, see entry 255.

Statements and Collections

257. TAX STATEMENTS, 1937--. 6 file books (by districts). Copies of tax statements issued on real and personal property in county. Shows name of property owner, description, location and extent of property, amount of tax allocated to each tax fund, and date of statement. Arr. alph. by name of property owner. Hdw. on pr. fms. 1,000 pp. 8½ x 6 x 4.

258. RECORD OF TAXES TO DEPUTY, 1924-28. 1 vol. (1). Record of taxes given to deputy sheriffs for collection. Shows name of property owner, date and amount of assessment, and date turned over to deputy. Includes taxes for capitation and dog tax fund. Arr. chron. Hdw. 200 pp. 15 x 10 x 1½.

For other capitation and dog tax records, see entries 96, 97.

259. TAX RECEIPTS, 1924-28. 29 vols. (dated).
1845-59 in (Miscellaneous Bundle), entry 223.
Duplicates of receipts given for payment of taxes. Shows name of payee, date and amount of tax paid, whether for real or personal property tax, and to whom paid. Arr. chron. and receipts numbered consc. Hdw. on pr. fms. 300 pp. 12 x 10 x 2½.

260. SHERIFF'S RECORD OF TAXES COLLECTED, 1914--. 8 vols. (1-8).
Record of taxes collected which have been charged to sheriff on land and personal property books. Includes state, road, dog, and capitation taxes. Shows amount of tax, number of ticket, total amount collected, amount plus interest or less discount, amount of interest charged or discount allowed, and date of collection. Arr. by dists. and chron. thereunder by date of collection. Hdw. on pr. fms. 500 pp. 16 x 16 x 2½.

261. ROUGH SETTLEMENT REVENUE, 1823-34. 2 vols.
Reports made to Virginia state treasurer of taxes collected by sheriff. Shows name of sheriff, date of report, name of county, total land tax, total number of slaves, total personal property tax, and total amount of license fees. Includes also records for Berkeley, Brooke, Cabell, Fayette, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Logan, Mason, Monongalia, Nicholas, Ohio, Pendleton, Pocahontas, Preston, Randolph, Tyler, and Wood Counties. Arr. alph. by counties. Indexed alph. by counties. Hdw. 67 pp. 12½ x 7½ x ¼. Va. State Library, Richmond, Va.

XXI. COMMISSIONER OF SCHOOL LANDS

The literary fund act, passed by the Virginia assembly in 1810, dedicated all escheated and forfeited lands and fines to the purpose of supporting a free school system which was to

become actively effective in 1818. (Va. Acts, 1802-11, ch. 44, sec. 1 et seq.) This act made it necessary that an office be established to care for delinquent lands which reverted to the state to be sold for school funds. The predecessor of the office of commissioner of school lands filled this demand and was at that time known as the "escheator". The escheator was appointed by the governor upon recommendation of the county court. Each incorporated town and each county, or so much thereof as was without the boundary of such a town, was entitled to one escheator. Each escheator gave bond in the penalty of $3,000 and continued in office until removed, or until a successor was duly appointed and qualified. (Revised Code of Va., 1819, vol. 1, p. 294, ch. 82, sec. 1; Va. Code, 1849, vol. 2, ch. 113, secs. 1, 2.) The escheator held an inquest to determine whether any land mentioned in the list furnished by the commissioners of the revenue had in fact escheated to the commonwealth. When the verdict on such inquest was for the commonwealth, any person claiming any interest in the lands might, before the sale thereof, petition the circuit court for redress. Upon advertising of the notice of sale, the escheator proceeded to sell the escheated land then accounted to the auditor of the commonwealth for the proceeds thereof. (Va. Code, 1849, vol. 2, ch. 113, secs. 5, 9, 22.) This continued to be the law in the commonwealth of Virginia and was in effect at the time of the formation of the state of West Virginia (Va. Code, 1860, ch. 113).

The West Virginia constitution of 1863 provided for all waste and unappropriated lands within the state, and all lands in the state theretofore vested in the state of Virginia, all lands forfeited to the state for non-entry on the land books, and all lands purchased by the state at a sale thereof for taxes to be sold for the benefit of the school fund (art. 10, sec. 1).

An act of 1865 provided that it was the duty of the circuit court to appoint for each county a commissioner, "to be styled the commissioner of school lands," whose duty it was to ascertain and report to the said court the quantity of land in his county subject to sale. Upon the return of said commissioner it became the duty of the court, by order entered of record, to direct the said commissioner to make sale of said lands. Upon such sale, the commissioner paid into the court all moneys collected or received by him on such sales, and the court thereupon made an order allowing him commissions and other expenses attending the surveys and sales of said lands and directed the residue to be paid into the state treasury for the benefit of the school fund. (W. Va. Acts, 1865, p. 80, secs. 2-6; W. Va. Code, 1870, ch. 105, secs. 2-5.) The term of his appointment was not definite, the statute stating that the circuit court shall "from time to time" appoint a commissioner (W. Va. Code, 1869, ch. 105, sec. 4). The legislature, in 1904, amended this provision by making the commissioner appointed for a four year term (W. Va. Acts, 1904, ch. 18, sec. 4). Failure to make re-

port to the circuit court amounted to a misdemeanor, which carried a fine of from one hundred to one thousand dollars and removal from office (ibid., sec. 14).

The law governing the duties of the commissioner of school lands in respect to sales, redemptions, and reports to the circuit court; his appointment by the circuit court for a term of four years; and his compensation and expenses continued unchanged in most part down through the official code of 1931 (W. Va. Code, 1923, ch. 105, sec. 4; W. Va. Code, 1931, ch. 37, art. 3, sec. 4 et seq.). The extraordinary session of the legislature convening in 1933 abolished the office of school commissioner and established the office of state commissioner of forfeited lands to perform the functions of the former (W. Va. Acts, 1933, Ex. Sess., ch. 18). By this act the state auditor was made ex officio state commissioner of forfeited lands. The commissioners of school lands were given until December 31, 1935 to finish all litigation instituted by them as such before the abolition of the office (ibid.). For an article discussing the duties of the office of state commissioner of forfeited lands and the "Public Land Corporation of West Virginia" which hold title to the forfeited lands, see the Inventory of State Archives of West Virginia.

For records pertaining to this office, see entry 92.

262. REPORT OF COMMISSIONER OF SCHOOL LANDS, 1926-32.
1 vol. Discontinued.
Record of report of commissioner of school lands giving list of all tracts of land lying in whole or in part in Monroe County, reported to him by proper authorities or which otherwise came to his attention, which in his opinion are liable for sale for school purposes. Shows name of property owner claiming title to such land at time report is made, acreage, location, and extent of delinquency. Arr. chron. Indexed alph. by name of property owner. Typed. 350 pp. 18 x 12 x 3. Co. clk. rec. rm.

263. (REPORT OF COMMISSIONER OF SCHOOL LANDS), 1927-33.
In Court Papers, entry 3.
Original reports of commissioner of school lands on property liable for sale for school purposes. For description, see entry 262.

XXII. SHERIFF AS TREASURER

The county system in West Virginia has no elected or appointed treasurer and the sheriff serves as ex officio treasurer in connection with his other duties. For a history of the appointment, or election, the term of office and general duties of the sheriff see pages 100, 101.

Sheriff as Treasurer (Next entry 264, p. 117)

Under colonial government, the Virginia constitution of 1776, and until 1802, the sheriff acted as tax collector only. All moneys collected by him were paid into the commonwealth treasury, and disbursed by the commonwealth treasurer.

An act of the Virginia assembly of July 1775, stated that "every sheriff or collector of the duties of taxes shall account for and pay the said taxes, due from the persons residing in the county, ... to the treasurer aforesaid (i. e. state treasurer) on or before the twentieth day of November in every year" (9 Hening, p. 66). At that time the sheriff had no right to make disbursements.

The Virginia constitution of 1776 provided that the sheriff be nominated by the county court, approved by the governor, with the advice of the privy council, and commissioned by the governor (sec. 15). This constitution made no provision for an office of county treasurer. It did, however, provide for the annual appointment, "by joint ballot of both houses" of a state treasurer. Succeeding acts indicate that he continued to be treasurer of the revenues arising from the taxes on lands and tithables, and of all public money payable into the treasury of the state for public uses.

In 1777 it was provided that "every sheriff or collector of taxes shall on or before the first day of November yearly, account with the commissioners of the taxes in his county for all the rates, taxes, and duties, put into his hands to collect for such year; and the commissioners shall adjust the said account .... certifying their having examined and passed the account. They shall also at the foot thereof state an account of what shall be due themselves, their clerk, and the several assessors in the county, for the year's service, and deduct the same from the balance in the hands of the sheriff or collector .... and the account so settled, the commissioners shall deliver to the sheriff or collector, after having entered an exact copy thereof in their book, and they shall immediately transmit a copy from their book to the state treasurer, to enable him to call upon the sheriff or collector for the money so stated to be due." (9 Hening, p. 361.)

In 1778 "the sheriff, when it was requested by the church wardens of any parish within the county, was to collect the parish levy becoming due within the same and if such sheriff shall fail to account for and pay his said collections (to the church wardens), the same proceedings shall be had for the recovery thereof in the court of the county wherein the parish is situated as is by law directed in the case of county levies" (9 Hening, p. 527).

In 1782 an act of the Virginia assembly states that the sheriff shall duly account for and pay into the treasury of the commonwealth the full amount of all taxes imposed in his county.

Sheriff as Treasurer (Next entry 264, p. 117)

Therefore, under colonial government and under the Virginia constitution of 1776 the county taxes were collected by the sheriff, paid into the commonwealth or state treasury, and disbursed by the commonwealth treasurer.

The first evidence of any disbursement being made by the sheriff is found in an act of the Virginia assembly in 1802. "The sheriff of each county shall .... pay and satisfy all drafts of the colonel or commanding officer of the regiment drawn for any purpose authorized by law" (Va. Code, 1819, vol. 1, ch. 35, sec. 78).

It was enacted in 1829, "that all moneys received into the public treasury on account of such levies, and the interest thereon, shall be considered as due the county which ordered such levies, and shall be paid according to the orders of the county court" (Va. Acts, 1829, ch. 38, sec. 2). This provision permitted the county court to draw upon the commonwealth treasury, and in the code of 1860 provision is made for the sheriff to pay public moneys as directed by the county court (ch. 53, secs. 16, 17).

The first session of the legislature of West Virginia enacted that the voters of each county should elect a county treasurer, whose term of office should be two years. Such treasurer was to "demand, collect and receive all monies and securities due to his county." Three times a year he was to settle with the sheriff or other collector and demand and receive from him the proceeds collected of all taxes levied, fines, and other demands. He was to keep the same and deliver or pay out none except to the order of the president of the board of supervisors, countersigned by the clerk. Annually he made a full report of his cash receipts; county orders paid by him; and money, securities, and other county property remaining in his hands. (W. Va. Acts, 1863, ch. 88, sec. 8.)

This office continued to function as an independent county office for only a few years and in 1868 the legislature passed the following law: "Be it enacted by the legislature of West Virginia that the office of county treasurer be and the same is hereby abolished from and after the first day of January next, and that thereafter the duties of the said office be discharged by the sheriff of the county" (W. Va. Acts, 1868, ch. 84).

The code of that year states that "the treasury of each county shall be kept by the sheriff thereof, who shall be ex officio treasurer of such county" and all money collected or received for the use of the county shall be paid to the sheriff, to be kept and disbursed by him for county purposes. As treasurer he had the custody and care of the evidences of debt and securities for money, certificates of stock, and the like and was attached to the collection of the same, and the interest and

dividends accruing thereon. (W. Va. Code, 1868, ch. 39, sec. 50; W. Va. Acts, 1872-73, ch. 114, sec. 50; W. Va. Acts, 1881, ch. 5, sec. 32.)

The legislature of 1904 enacted a law stating that "on and after the first day of January 1905, the sheriff shall be ex officio county treasurer of his county" (W. Va. Acts, 1904, ch. 8, sec. 1). Just why the code provision of 1868 was re-enacted in 1904 without even a reference to former laws on the subject, is not explained, nor is there any editor's note. This enactment of 1904 is the law in force today.

Today the sheriff, as ex officio county treasurer, receives, collects, and disburses all moneys due the county or any district thereof, including all school money. He is required to keep all county money in his office unless deposited by him in a county depository, in which case an accurate daily deposit account thereof must be kept in his office. He keeps a fair and accurate account of all receipts and disbursements, showing the time when, from whom, to whom, and on what account received and paid; and he must so arrange his books that the amount received and paid on account of separate and distinct funds or specific appropriations will be exhibited in separate and distinct accounts and makes annual settlement to the county court. (W. Va. Acts, 1904, ch. 8; W. Va. Code, 1923, ch. 39, secs. 32, 32a, 60; W. Va. Code, 1937, Michie, sec. 374.)

All disbursements of the county are made by him upon orders signed by the president and clerk of the county court (ibid., ch. 7, art. 5, sec. 4). Necessary deputies are appointed by the sheriff with the consent of the county court (ibid., ch. 6, art. 3, sec. 1).

Many of his records as treasurer become a part of those of the county court and usually only current records will be found in his office. For sheriff's settlements with county court, see entries 11, 12; for bonds, see entry 45; for monthly statements to county court, see entry 107.

264. ORDER BOOK, 1891-1906. 1 vol. (1).
Record of orders issued in payment for county expenses. Shows name of payee, date, amount and number of order, fund to which charged, and explanation of payment. Arr. chron. For index, see entry 265. 200 pp. 16 x 10½ x 2.

265. INDEX TO ORDER BOOK NO I, 1891-1906. 1 vol. (1).
Alphabetical index to names of payees appearing in preceding entry. Shows name of payee and page reference to payment. Hdw. 35 pp. 16 x 10 x ½.

266. SHERIFF'S RECEIPTS AND DISBURSEMENTS, 1920--. 10 vols. (1-10).
Record of all receipts and disbursements allocated to, and charged against general county funds. Shows source, date and amount of all receipts, and fund to which allocated; disbursements show to whom paid, date, amount and number of order, and fund against which charged with explanation of payment. Also contains: Receipts and Disbursements of Road Funds, 1920-33, entry 270; Receipts and Disbursements of School Funds, entry 271. Arr. by dists. and chron. thereunder. Hdw. on pr. fms. 500 pp. 18 x 16 x 3.
For warrants and checks, see entries 101, 102.

267. RECEIPT BOOKS, 1925--. 3 vols. (labeled by inclusive receipt numbers).
Duplicates of receipts given for payment of taxes, fees, fines, and other receipts of sheriff's office. Shows name of person making payment, date, amount received, number of receipt, and signature of receiving officer with allocation of amount to various funds. Arr. chron. and receipts numbered consc. Hdw. on pr. fms. 250 pp. 16 x 10 x $1\frac{1}{2}$.

268. SHERIFF'S RECORD OF DEPOSITS AND CHECKS, 1917--. 2 vols.
Record kept by sheriff of all deposits of county funds showing each deposit with amount and date of all disbursements by check. Arr. chron. Hdw. on pr. fms. 500 pp. 17 x 15 x $2\frac{1}{2}$. For depository bonds, see entry 49; for depository statements, see entry 110.

269. COUNTY FINANCIAL SECRETARY'S RECORD, 1915-18. 1 vol. 1932 in (Levy Estimates), entry 281.
Record of school funds kept by county financial secretary showing all receipts and disbursements of funds allocated to district schools. Shows date and amount received, district fund to which allocated; disbursements show to whom paid, date and amount, explanation of payment, and fund or district to which charged. Arr. chron. Hdw. on pr. fms. 160 pp. 19 x 16 x 2.
For other records of financial secretary, see entries 283, 284.

270. RECEIPTS AND DISBURSEMENTS OF ROAD FUNDS, 1914-31. 3 vols. Discontinued. 1920-33 also in Sheriff's Receipts and Disbursements, entry 266.
Record of all funds received and allocated to roads. Shows source, date, amount, and district fund to which allocated. Disbursements show to whom paid, date and explanation of payment, and fund to which charged. Arr. chron. Hdw. 487 pp. 20 x 16 x 3.
For vouchers and warrants, see entries 103, 104.

271. RECEIPTS AND DISBURSEMENTS OF SCHOOL FUNDS, 1914-26. 5 vols. 1920-- in Sheriff's Receipts and Disbursements, entry 266.
Sheriff's record of all funds received and disbursed for district schools. Shows source, amount, and date with receipt number; to whom, date, and amount paid; and number of order. Arr. chron. and receipts and orders numbered consc. Hdw. 250 pp. 17 x 16 x 3.
For cancelled vouchers, see entry 101; for sheriff's settlements with schools, see entry 280.

272. SHERIFF'S RECEIPTS TO ORDINARIES, 1844-62. 1 bundle.
Receipts turned over to sheriff for money collected by commissioner of revenue for payment of fees for license to operate ordinaries or taverns, and for sale of goods of foreign or domestic manufacture. Shows name of person making payment with date and amount. Arr. chron. Hdw. 225 receipts. 8½ x 4 x 3.
For ordinary bonds, see entry 48; for license, see entry 146.

XXIII. BOARD OF EDUCATION

Since the county school unit bill of 1933, management of free school education in West Virginia is lodged in the county board of education and its appointive agent, the county superintendent. This board is subject to the rules and regulations of the state board of education. (W. Va. Acts, 1933, First Ex. Sess., ch. 8, art. 5, p. 78.) Many changes have taken place in the school system since its inception.

Intended as the first school law in Virginia, the assembly passed in 1796, Thomas Jefferson's "Aldermanic Free School Law" whereby three alderman were elected by the freeholders of each county for the establishment and management of an adequate system of free schools to be secured and supported by county levies laid for the purpose (Va. Acts, 1776-1802, ch. 199, sec. 1 et seq.).

This act did not receive popular support and was set up in but few counties. It was followed by the literary fund act of 1810; by which act Virginia dedicated all escheated and forfeited lands and fines to the purpose of supporting a free school system (Va. Acts, 1802-11, ch. 44, sec. 1 et seq.). It made possible the act of 1818 which established county school commissioners, five to fifteen in number, and the county court of Monroe County immediately appointed such commissioners. These commissioners were answerable to the state literary fund directors for the proper distribution of school funds and the management of the education of the children of poor parents. (Va. Acts, 1818, ch. 11, sec. 1 et seq.)

Board of Education

(Next entry 273, p. 121)

The county school board membership remained appointive by the county court and the superintendent was appointed by this board until West Virginia became a state in 1863.

In 1863 each county in West Virginia was divided into townships, and for each of these there was a board of education consisting of three commissioners elected by the qualified township voters for a term of four years. These township boards replaced the more unified county board of school commissioners. The superintendent of schools became an elective county office. He was elected for a term of four years, and devoted his entire time to the performance of his duties. (W. Va. Acts, 1863, ch. 137, pp. 245, 256, secs. 1, 2; W. Va. Code, 1868, ch. 45 secs. 1, 5.)

Although the township division of counties was abolished in 1872, the township board system of school administration remained in effect, the only change being in name, which became district board of education. This board had general control and management of all the schools in its district. It had the authority to change the boundaries of sub-districts and to increase or diminish the number thereof. It had power to establish, close, or consolidate schools within its district. (W. Va. Code, 1931, ch. 18, art. 5, sec. 13.) This board could appoint a district supervisor to act as executive officer and to enforce the school laws, prescribe courses of study, and generally manage schools within the district. By special act of the legislature independent districts could be established with the consent of the districts out of which the same were created. (W. Va. Const. Amend., 1879, art. 12, sec. 10; W. Va. Code, 1931, ch. 18, art. 1, sec. 4.)

In 1933 the magisterial, sub-districts, and independent districts were abolished and the county board of education was created to take charge of education through the entire county. This board, created by the county school unit bill of 1933, is composed of five members, elected for a term of four years. (W. Va. Acts, 1933, First Ex. Sess., ch. 8, art. 5, p. 78; 1933 Supp. to Michie's Code, 1932, ch. 18, arts. 1, 5.) Subject to the rules and regulations of the state board of education, this board controls and manages the schools for the entire county; establishes high schools, consolidates schools, provides means of transportation for all children of school age, and insures against negligence of school bus operators. The executive officer of the county board is the superintendent of schools who is appointed by said board and serves during the will and pleasure of that body. (Ibid.)

All records of the board of education are kept by the county superintendent of schools in his record room adjoining his office in the Caldwell Building.

Board of Education - Minutes; Contracts (273-277)

Minutes

273. MINUTES OF MONROE COUNTY BOARD OF EDUCATION, 1935--. 1 folder.
Record of meetings of county board of education with all official proceedings of that body. Shows all orders issued, employment of teachers, management and consolidation of schools, and other matters. Arr. chron. Hdw. 300 sheets. 9 x 12 x ¼.

273a. (MINUTE BOOKS, DISTRICT BOARDS OF EDUCATION), 1908-33. 6 vols. Discontinued. Title varies: Record Book of Proceedings; Board Minutes.
Record of meetings of district school board showing transaction of all school administration, employment of teachers, construction and consolidation of schools. Includes minutes for boards of Union, Wolf Creek, Second Creek, Springfield, Red Sulphur, and Sweet Springs districts. Arr. chron. by meeting dates. Hdw. 250 pp. 16 x 10 x 2.

Contracts

274. TEACHERS CONTRACTS, 1936--. 1 folder (labeled by inclusive years).
Contracts by the county school board and employed teachers made for each school year upon employment of teacher. Shows name of teacher, grade and school for which assigned, monthly compensation, agreements of contract, date, and signature of teacher. Arr. alph. by name of teacher. Typed on pr. fms. 200 contracts. 9 x 12 x ¼.

275. BUS CONTRACTS, 1935--. 1 folder (labeled by inclusive years).
Contracts made by board of education for employment of bus drivers and purchase of buses. Shows name of driver, or of firm selling bus, date and agreement of contract. Arr. alph. by name of bus driver or firm. Typed on pr. fms. 9 x 12 x ¼.

276. JANITOR CONTRACTS, 1936--. 1 folder.
Contracts made by board of education for employment of school janitors. Shows name of janitor, date and agreement of contract. Arr. alph. by name of school. Typed. 150 contracts. 9 x 12 x ¼.

277. WOOD CONTRACTS, 1936--. 1 folder.
Contracts made by board of education for fire wood for schools. Shows name of school, name of person with whom agreement made, and date and conditions of agreement. Signed by president of the board and teacher of the school for which contract made. Arr. alph. by name of school. Typed. 100 contracts. 12 x 9 x ¼.

Miscellaneous

278. SCHOOL COMMISSIONERS VOUCHERS, 1827-30. 2 bundles (labeled by inclusive years).
Statements given to school commissioners by teachers employed under the literary fund act. Shows name of teacher, location and name of school, amount of salary due with date of statement. Arr. chron. Hdw. 200 statements. 8 x 3 x 5. Cir. clk. rec. rm.

279. SCHOOL OFFICERS BY DISTRICTS, 1928-32. 1 vol.
List of all members of school boards, and teachers in county arranged by school districts in which they serve. Shows name, date, and capacity in which serving. Arr. by school districts and alph. by name of teacher or board member thereunder. Hdw. 180 pp. 12 x 9 x 2.

XXIV. SUPERINTENDENT OF SCHOOLS

The first mention of this office is found in the acts of Virginia, 1846. The board of school commissioners, composed of the commissioners of the school districts within the county, elected a "superintendent of the schools for the county." He assumed the duties previously performed by the treasurer and clerk of the school commissioners. He was required to prepare a register of all children enrolled in the schools; to report annually to the board of school commissioners the condition of the school system, with such other information as he deemed useful to them; he submitted to the board his account as treasurer, which report was certified by the board to the superintendent of the literary fund; he required from the district commissioners a report of the number, ages, sexes, and names of the children of each district with the actual number of days of attendance of indigent pupils, and the amount of compensation per diem paid to the teachers. (Va. Acts, 1845-46, ch. 40, p. 29 et seq.; Thomas C. Miller, History of Education in W. Va., revised edition, 1907, p. 33.)

With the first constitution of West Virginia, came express provisions "for the establishment of a thorough and efficient system of free schools." Each county was to elect a superintendent, whose powers, duties, and compensation were to be prescribed by the legislature. (W. Va. Const., 1863, art. 10, secs. 1-3.) It was provided that the county superintendent be elected by the qualified voters for a two year term. His powers were of a supervising nature and reports were to be made to the state superintendent and the county board of supervisors. (W. Va. Code, 1868, ch. 45, secs. 51-54.) He examined all prospective teachers and issued certificates when satisfied of their

competency (W. Va. Acts, 1866, ch. 74, sec. 32). Teachers were not appointed by the superintendent, but by the trustees of each school district (ibid., sec. 21).

No constitutional provision definitely set up the office of county superintendent. The constitutions of 1863 and 1872 and the amendments of 1879 merely provided that the legislature "may" provide for the office of county superintendent (W. Va. Const., 1863, art. 10; W. Va. Const., 1872, art. 12, sec. 3; W. Va. Const. Amends., 1879, art. 12, sec. 3).

The county school unit bill gave the county school board the power to appoint the county superintendent (1933 Supp. to Michie's Code, 1932, ch. 18, art. 4, sec. 1). The bill also abolished the superintendent's capacity of financial secretary and directed the sheriff to receive, collect, and disburse all levies and other school money for the county (W. Va. Acts, First Ex. Sess., 1933, ch. 8, art. 4, sec. 6; art. 9, sec. 3).

Today the county superintendent executes, under the direction of the state board of education, all educational policies; appoints and dismisses school teachers subject to the approval of the county board; certifies all expenditures and promotes closer contact among the several schools of the county (1933 Supp. to Michie's Code, 1932, ch. 18, art. 4, sec. 10).

The county superintendent makes reports which the state superintendent requires (W. Va. Acts, First Ex. Sess., 1933, ch. 8, art. 4, sec. 11, sub-sec. 7). As secretary to the board he records that body's official proceedings; records the number of each order issued, the payee's name, the purpose for which the order was issued, and the amount; keeps all papers belonging to the board, including evidences of title, contracts, and obligations; makes an annual tabular report to the board showing all the statistics and facts required by the state superintendent; and delivers to his successor all records pertaining to his office (ibid., art. 5, sec. 25, sub-secs. 2-9).

Finances, Requisitions, and Supplies

Receipts, Disbursements, and Levies (See also entries 101, 102, 104, 266, 271)

280. SHERIFF'S RECEIPTS AND SETTLEMENTS, 1934--. 1 folder.

Annual settlement made by sheriff to school board. Shows all receipts and disbursements of funds allocated to schools, source and amount of funds, disbursements of funds, date, amount and number of each order issued. Prepared in duplicate, one copy being recorded in office of clerk of county court. Arr. chron. Hdw. on pr. fms. 100 sheets. 9 x 12 x $\frac{1}{4}$.

Superintendent of Schools - Finances, Requisitions, and Supplies (281-283)

281. (LEVY ESTIMATES), 1932--. 1 vol.
Record of levy estimates presented at annual levy session of county court showing needed school funds for coming year. Includes levy order forms, showing amount of teachers' fund orders; maintenance and value of school buildings, ground and equipment; annual enumeration reports; elementary enrollment, elementary attendance, elementary school promotions; junior high school enrollments and attendance; high school enrollment and attendance; classification of elementary, junior, and senior high schools; elementary teachers classified by grade of certificate and by experience; number of junior high school teachers classified by grade of certificate and by experience; number of high school teachers classified by grade of certificate and experience; transportation data including number of buses, bus drivers, and monthly salaries. Includes annual fiscal reports showing receipts and balances compiled from sheriff's settlement sheet, expenditures including all outstanding orders and unpaid bills. Also contains County Financial Secretary's Record, 1932, entry 269. Arr. chron. Hdw. on pr. fms. 200 pp. 12 x 12 x 1.

282. DISTRIBUTION LEDGERS, 1933--. 4 vols.
Record of cash receipts for current revenue and state aid. Shows amount of salary of members of board of education; amount paid for instructional services; operation of schools with names of persons or firms performing services and furnishing supplies; record of salaries, books, repairs, medical inspection, nurse and dental service, transportation of pupils, care of children in institutions, school lunches, community lectures and social centers, recreation and total expenses of auxiliary agencies, and other sundry activities; transportation records including salaries of bus drivers, amount expended for gas, tires, claims and repairs; insurance register showing date of policy, expiration, company in which insured, name of agent, number of policy, property protected, amount of premium, and coverage of policy. Arr. by subjects. Hdw. on pr. fms. 125 pp. 23 x 17 x 1.

283. COUNTY FINANCIAL SECRETARY'S RECORD, HIGH SCHOOL, 1928-31. 1 vol. Discontinued.
Annual report of funds expended for construction and maintenance of high schools in Monroe County as kept by superintendent of schools in his capacity of financial secretary. Shows all moneys received for allocation to this fund, amount and date of all expenditures charged. Arr. by school dists. and chron. thereunder. Hdw. 200 pp. 17 x 12 x 1½.

For financial secretary's record, 1915-18, see entry 269; for record of funds received and expended on high school fund, 1924-33, see entry 285.

Superintendent of Schools - Finances, Requisitions, and Supplies (284-289)

284. COUNTY FINANCIAL SECRETARY'S RECORD OF ELEMENTARY SCHOOLS, 1928-33. 2 vols. Discontinued.
Annual record of all funds expended for construction and maintenance of elementary schools in all districts in county. For description, see entry 283. Arr. by school dists. and chron. thereunder. Hdw. 200 pp. 16 x 27 x 2.
For record of funds received and expended, 1924-33, see entry 285.

285. RECORD OF HIGH AND ELEMENTARY SCHOOL FUNDS, 1924-33. 1 vol.
Record of all funds received and expended on construction and maintenance of high and elementary schools, and employment of teachers and janitors. Shows name of school; date, source, and amount of fund; date, explanation, and amount of all payments with fund to which charged. Arr. by school dists. and chron. thereunder. Hdw. 300 pp. 12 x 8 x 2½.
For record of high school funds expended, see entry 283; elementary, see entry 284.

286. RECEIPTS AND DISBURSEMENTS OF SCHOOLS, 1910-22. 1 vol.
Record of all receipts and disbursements of school funds showing date, amount, and source of funds; date, amount, and explanation of all expenditures. Arr. by school dists. and chron. thereunder. Hdw. 175 pp. 16 x 16 x 1½.
For subsequent record of receipts and disbursements of high and elementary schools, see entries 283-285; for record of disbursements, 1903-31, see entry 287.

287. RECORD OF DISBURSEMENTS, 1903-31. 1 vol.
Record of disbursements of funds allocated to schools. Shows date, amount, to whom paid, explanation of payment, and district fund to which charged. Arr. by school dists. and chron. thereunder. Hdw. 150 pp. 18 x 8 x 1.

288. DRAFTS ISSUED ON TEACHERS AND BUILDING FUNDS, 1894-1921. 1 vol.
List of all drafts charged to teachers' and building funds showing date and number of order, to whom paid, explanation of payment, and name of school district to which charged. Arr. chron. Indexed alph. by name of payee. Hdw. 400 pp. 14 x 10 x 3.

Invoices

289. INVOICES, 1933-35. 2 file boxes (A-Z, dated).
Original invoices for office supplies, janitor services, bus driver claims, fuel, and other expenses in maintenance of school system. Shows amount, date, and nature of invoice. Arr. chron. Hdw. and typed. 1,000 invoices. 12 x 12 x 3.

Superintendent of Schools - Reports (290-296)

290. RECORD OF INVOICES, 1934-35. 1 vol.
Record of invoices for school supplies and expenses in maintaining school system. For description, see entry 289. Also shows date, amount, and number of order issued in payment of each claim. Arr. chron. Hdw. on pr. fms. 150 pp. 12 x 10 x 1.

Requisitions and Inventories

291. REQUISITIONS, 1936--. 2 folders.
Requisitions for supplies for schools, materials for repair of buildings, and all other materials needed for upkeep of school system. Shows date, amount and description of items requisitioned, name of firm, and name of issuing officer. Arr. alph. by name of school. Hdw. on pr. fms. 175 sheets. 15 x 9 x $\frac{1}{4}$.

292. PURCHASE ORDERS, 1937--. 1 folder.
Purchase orders issued by superintendent of schools for gasoline, tires, and tubes used on school buses. Arr. chron. Hdw. on pr. fms. 50 sheets. 9 x 12 x $\frac{1}{4}$.

293. LIBRARY BOOK ORDERS, 1936--. 1 folder.
Requisitions for books for elementary school libraries. Shows title of book, name of author, name of publisher, list price, name of library for which purchased, and date of requisition. Arr. alph. by name of school. Hdw. on pr. fms. 150 requisitions. 9 x 12 x $\frac{1}{4}$.

294. GENERAL PURCHASES, 1936--. 1 file box.
Miscellaneous file including expense accounts of vocational teachers, travel allowance for county health nurse, charges for oil and gas used in operation of school buses, office equipment, and other expenses. Arr. chron. Typed and hdw. 1,500 papers. 12 x 12 x 3.

295. INVENTORY SUPPLIES, 1936--. 1 folder.
Inventory of school supplies received by various county schools showing article purchased and number of purchase order with signature of principal or teacher signing receipt. Arr. alph. by name of school. Hdw. on pr. fms. 200 sheets. 9 x 12 x $\frac{1}{4}$.

Reports

296. COUNTY SUPERINTENDENT'S MONTHLY REPORT TO STATE DEPARTMENT OF EDUCATION, 1936--. 1 folder.
Copy of monthly report made by county superintendent to state department of education showing total number of white and colored schools with enrollment, total number of days attendance, total number of days absent, total average daily attendance, percentage of attendance, number of books added to libraries, number of parent teacher associations, parent teacher membership total, number of visits by county superintendent, number of visits by assistant superintendents. Arr. chron. Hdw. on pr. fms. 12 x 9 x $\frac{1}{4}$.

Superintendent of Schools - Reports (297-302)

297. TEACHERS' MONTHLY REPORTS, 1936--. 1 folder.
Monthly reports made by principals and by teachers of one-room-schools to county superintendent. Shows name of school and teacher or principal, daily attendance, number of pupils with perfect attendance, number of tardy cases, number of reported cases of truancy, visits by patrons, home visits by teachers, visits by county superintendent or assistants, observations by principal, number of community meetings, enrollment in parent teacher associations, number of enrollment all grades, number of enrollment primary grades, number of books read all grades, number of books added to library, total books in library, enrollment in West Virginia clubs, and number of pupils transported in buses. Also contains Enumeration Reports, entry 299. Arr. chron. Hdw. on pr. fms. 1,000 pp. 8½ x 7½ x 3.

298. TEACHERS' TERM REPORTS, 1933--. 1 folder.
Teachers' term report to county superintendent showing name of teacher; name of school; date of report; survey of buildings, grounds, and equipment; gross enrollment including those enrolled from other schools during term; percentage of attendance; number of promotions; experience of teacher; activities of teacher and health supervisor; and classification of school. Arr. chron. Hdw. on pr. fms. 150 reports. 15 x 9 x 1.

299. ENUMERATION REPORTS, 1934--. 50 bundles. 1936-- in Teachers' Monthly Reports, entry 297.
Enumeration reports of all minors between the ages of six and sixteen and between the ages of fourteen and sixteen listed by teachers in county schools. Shows name, age, and address of child, whether school attendant or not, name of parent or guardian, and number of children in family. Arr. alph. by family name of child. Hdw. on pr. fms. 8½ x 3½ x 2.

300. QUESTIONNAIRE (Teacher's Reports), 1935--. 1 folder.
Report made out by all regularly employed teachers showing grade and school in which employed, number of full terms taught, average salary, dates of employment in public schools, and annual salary. Arr. alph. by name of teacher. Hdw. on pr. fms. 100 reports. 15 x 9 x 1.

301. BUS DRIVERS' DAILY-WEEKLY REPORTS, 1935--. 1 bundle.
Bus drivers' record showing name, county, date, bus number, time first child picked up, time last child discharged, number of pupils hauled, total mileage traveled, amount of oil and gas used and cost, cost of tires and tubes, and repairs. Arr. chron. Hdw. on pr. fms. 500 reports. 11 x 4½ x 3.

302. REPORT OF SCHOOL AND COMMUNITY ACTIVITIES, 1936--. 1 folder.
Report of school and community activities showing name of school, name of teacher, date of report, number enrolled in elementary grades, enrollment in pupils reading circle, number approved reading circle books in library, enrollment in West Virginia

clubs, parent teachers' association enrollment, enrollment in other school-organized clubs. Arr. alph. by name of school. Hdw. on pr. fms. 100 reports. 9 x 12 x 1.

303. REPORTS OF E. (emergency) R. (relief) A. (administration) TEACHERS, 1934--. 3 folders.
Reports of emergency education teachers made to county superintendent of schools. Shows name of teacher, date of report, location and number of classes, brief description of class activities, and attendance record. Arr. chron. Hdw. on pr. fms. 12 reports. 15 x 9 x $\frac{1}{4}$.

304. REPORT OF PARENTS' AND PUPILS' READING CIRCLES, 1934--. 2 folders.
Certificates issued to show that pupils and parents have read the books prescribed and are entitled to honors checked on card. Shows name of school, date of certificate, name of person to whom issued, and signature of county superintendent and principal or teacher. Arr. alph. by name of school. Hdw. on pr. fms. 150 certificates. 15 x 9 x 1.

305. REPORT OF AMERICAN EDUCATION WEEK, 1935--. 1 folder.
Report for American Education and Safety Education weeks showing what each school has done toward promoting interest of patrons in public meetings of the school; also shows report of teachers' activities in teaching and maintaining safety rules in school, home, and on playgounds and highways. Arr. alph. by name of school. Hdw. on pr. fms. 75 reports. 15 x 9 x 1.

306. SCORE REPORT FOR TERM TESTS, 1936--. 3 folders.
Record of term tests showing name of school, name of teacher, names of pupils taking tests with grade on each subject, and general average. Arr. alph. by name of school. Hdw. on pr. fms. 100 reports. 9 x 12 x $1\frac{1}{2}$.

307. REPORT FOR WEST VIRGINIA CLUB AWARDS, 1937--. 1 folder.
Report of names of pupils who have passed satisfactory county tests as members of West Virginia clubs and are entitled to a badge as an award. Arr. alph. by name of teacher. Hdw. on pr. fms. 100 reports. 15 x 9 x 1.

Pupils' Attendance and Credit

308. AGE-GRADE DISTRIBUTION SHEETS, 1936--. 1 folder.
Record of pupils completing grades and receiving promotion at end of each school semester. Shows name, age, and grade of each pupil. Arr. alph. by name of school. Hdw. on pr. fms. 200 sheets. 9 x 12 x 2.

Superintendent of Schools - Miscellaneous (309-315)

309. ELEMENTARY REGISTER OF ATTENDANCE AND CREDIT, 1935--. 60 vols.
Record of attendance and credits of pupils in county schools. Shows name of pupil, age, grade, days present, days absent, days non-member, times tardy, cases of truancy, grades on various subjects and average, record of promotion, name of parent or guardian with address, and name of teacher and school. Arr. alph. by name of pupil. Hdw. on pr. fms. 30 pp. 14 x 8½ x ¼

310. ELEMENTARY PUPILS WHO FAILED TESTS, 1936--. 1 folder.
List of pupils who failed eighth grade tests for promotion to high school. Shows name of pupil, subjects on which tests were taken, class and examination average, name of teacher, and name of school. Arr. alph. by name of pupil. Hdw. on pr. fms. 50 sheets. 9 x 12 x ½.

311. ELEMENTARY DIPLOMAS, 1936--. 1 folder.
Lists of pupils receiving diplomas after passing eighth grade tests. Shows name of pupil, age, grades received on each subject, final average, name of teacher, and name of school. Arr. alph. by name of school. Hdw. on pr. fms. 300 sheets. 9 x 12 x 3.

Miscellaneous

312. TEACHER'S HEALTH CERTIFICATES, 1934. 1 folder.
Certificates showing health condition of all teachers employed in county schools. Shows name of teacher, age, health conditions, and signature of medical examiner. Arr. alph. by name of teacher. Hdw. on pr. fms. 150 sheets. 19 x 9 x 1½.

313. STANDARDS FOR CLASSIFIED ELEMENTARY SCHOOLS, 1935--. 3 bundles.
Standards for classified and unclassified elementary schools showing name of school, county, number of rooms; name and address of teacher or principal, and classification as to kind of certificate, and experience; score of school building, grounds, and equipment; educational rating; and organization and administrative rating. Arr. alph. by name of school. Hdw. on pr. fms. 35 sheets. 9 x 6 x 2.

314. SCHOOL FEEDING SURVEY, 1935. 1 folder.
Questionnaires sent to teachers in county to determine number of needy children in order to establish school-feeding projects. Shows number of needy pupils in each school, age, name of teacher, date of report, and name of school. Arr. chron. Hdw. on pr. fms. 75 reports. 15 x 9 x 1.

315. FREE TEXT BOOKS, 1934-35. 1 folder.
Record of text books needed for pupils whose parents are financially unable to provide books. Shows name of school, number of

books needed, and titles of books. Arr. chron. Hdw. on pr. fms. 38 lists. 15 x 9 x ½.

XXV. ATTENDANCE OFFICER

There was no provision for an attendance officer prior to 1903. Legislation existed providing compulsory attendance at public schools (W. Va. Code, 1899, ch. 45, sec. 10a), but no specific office was charged with the duty of enforcing such legislation. It is true, however, that the teachers and trustees had the duty to report any one offending such enactment, but the duty was general and not placed specifically upon any one office (ibid.).

The legislature of 1903 recognized that the attendance law was not being enforced and enacted that the board of education of every district or independent district could appoint one or more "truant officers," whose duty it should be to enforce the provisions of the compulsory attendance act. Each officer so appointed ascertained violations of the law and made complaint against the offending parent, guardian, or custodian before a justice of the peace. Such officers were to be paid at the rate of two dollars per day for the time actually spent in the discharge of their duties. Each officer made a monthly report to the sheriff of the number of truancy cases investigated and filed a copy of such report with the secretary of the board of education. (W. Va. Acts, 1903, ch. 26, sec. 10a.)

In 1905 it became part of the truant officers' duties to enforce the law in respect to child labor (W. Va. Acts, 1905, ch. 75, sec. 3). This has continued to be a duty of the truant officers (W. Va. Code, 1923, ch. 15, sec. 74; W. Va. Code, 1931, ch. 21, art. 6, sec. 8).

The office has continued to date with no change in duties (W. Va. Code, 1931, ch. 18, art. 8, sec. 2), but since 1919 the compensation, rather than being set by statute, has depended upon the determination of the board making the appointment (W. Va. Acts, 1919, ch. 2, sec. 123). The county school unit bill of 1933 abolished the district boards of education and substituted county boards in their stead. No change was made in the duties of this office but the power of appointment was given to the newly created county board of education. Today each officer must file with the secretary of the board of education a statement of the number of truancy cases investigated. (W. Va. Code, 1937, Michie, sec. 1848.) Since 1931 the office has had the name of attendance officer rather than truant officer (W. Va. Code, 1931, ch. 18, art. 8, sec. 2). No permanent records are kept by this office; and all records, statements, and reports become a part of the records of the county board of education.

(Next entry 316, p. 135)

XXVI. OVERSEERS OF THE POOR

Early in the history of Virginia we find the people of the commonwealth assuming their responsibility for the care and support of the poor and destitute. The church warden of any parish could make a complaint before a justice of peace that some poor person had come into the parish and was likely to become a charge thereof. If the facts bore out the church warden's suspicion the justice, by warrant, could remove such person to the parish where he or she was last legally settled. This illustrates conclusively that the parish had its responsibilities and was taking legal means to relieve its own poor, but was not willing to assume the burdens of some other parish. Any housekeeper who entertained such a poor person without first giving the church warden notice thereof was subject to a fine of five pounds. To prevent the evil consequences attending the neglect or inability of poor people to rear their children, it was lawful for the church wardens, by order of the county court, to bind such children as apprentices. (6 Hening, pp. 31, 32.)

By act of 1755 it was made lawful for the vestry of every parish in the colony to erect, purchase, or rent houses within the parish for the lodging, maintaining, and employing of poor people. The vestry had full responsibility for the care of the poor and reaped all profits derived from their employment. The church wardens kept a register wherein the names of poor persons were entered, together with the date of their admission into the parish. (6 Hening, p. 475 et seq.) Every person receiving relief from the parish had to wear a badge upon the shoulder of the right sleeve of his or her uppermost garment, in an open and visible manner. This badge contained the name of the parish to which the person belonged. Failure or refusal to wear such badge was punishable either by reduction, suspension, or withdrawal of the relief allowance, or the offender was whipped, not exceeding five lashes for each offense. (Ibid., p. 478.)

The conception of "public trustee" for the protection and care of the poor, originated in early Virginia history in the form of overseers of the poor. Three overseers were elected for each county and held their office for a term of three years. They had the distinction of being one of the first elective county officials. (Va. Acts, 1776-1802, ch. 102, sec. 1, Act of 1792.)

The early overseers resembled a managing board over the affairs and care of the poor. They had power to sell and execute deeds to glebe land within each county, and to appropriate the money to aid the poor within the parish or county (ibid., ch. 289, sec. 2 et seq., p. 421). They had the status of a corporation for purchasing and selling land, providing poorhouses, employing managers, and preventing the poor from begging (Va. Code, 1849, ch. 51, secs. 17, 30).

Superintendent of the Infirmary (Next entry 316, p. 135)

The Virginia constitution of 1851 specified that overseers of the poor should be elected by the voters as prescribed by law (art. 6, sec. 30). The law later provided for "one overseer to be elected in every district by the voters without the limits of a town or such additional number as the county court may direct." Such overseers were to serve a term of four years. (Va. Code, 1860, ch. 7, sec. 3.)

The first constitution of West Virginia provided for the annual election of an overseer of the poor in each township (W. Va. Const., 1863, art. 7, sec. 2). Since 1872 the overseers are no longer elective but one is appointed in each district and serves at the will and pleasure of the county court (W. Va. Const., 1872, art. 9, sec. 2). Recent legislation has relegated the overseer to the position of a mere agent of the county court for reporting the number of needy in the community. The management and financing of poorhouses has been taken from the overseers and vested solely in the county court.

Since the social security law of 1936 this office is practically inactive. See the individual office write-ups hereinafter contained on the public assistance council and the director of public assistance.

The office of overseer of the poor was established in Monroe County with the first county organization in 1799 and has continued to exist throughout the years. Reports of the overseers, care of the poor, and similiar matters will be found in the Order Books, entry 1; the Court Papers, entry 3; and entries 33, 36.

XXVII. SUPERINTENDENT OF THE INFIRMARY

As early as 1792 the county courts were empowered to provide a poorhouse and workhouse and employ a proper person as steward or manager thereof (Va. Acts, 1776-1802, sec. 28, p. 185). Under this act the county court recognized its responsibilities to the poor and infirm and appointed a person to manage the house for it. The superintendent, as such person became known, has continued to the present day without change through the constitutions of 1851, 1863, and 1872. He is appointed by the county court and has remained under its immediate control. He receives persons into the infirmary only upon written order of the county court or overseers of the poor. (Va. Code, 1849, ch. 51, secs. 21, 22; W. Va. Code, 1868, ch. 46, secs. 19, 20, 22; W. Va. Code, 1923, ch. 46, secs. 19, 20, 23; W. Va. Code, 1931, ch. 9, art. 1, sec. 3.)

By express provision of the public welfare law of 1936 a county court may, in its discretion, maintain an existing infirmary. If the county court maintains such infirmary, it ap-

points the superintendent thereof, who holds office at the court's pleasure. The public welfare law made no changes in the responsibility of the superintendent to the county court nor in his duties. It does, however, provide that the county director may advise and consult with the county court, at its request, with respect to the management and control of the infirmary and shall make such visitations and inspections as the county court may request. (W. Va. Acts, 1936, First Ex. Sess., ch. 9, art. 7, secs. 1-12.)

The superintendent keeps a register of all persons who are cared for at the infirmary, showing the name and age of each, the date of admission, the length of stay, and the date and reason for discharge or removal (6 Hening, p. 475; W. Va., Code, 1931, ch. 9, art. 1, sec. 3). Such records, at the end of every year, become a part of the records of the county court. For the superintendents' annual report to county court, see entries 34, 35.

XXVIII. PUBLIC ASSISTANCE COUNCIL

For the purpose of assisting the newly created state department of public assistance and the state director of public assistance to effectively administer the provision of the public welfare law of 1936, the legislature provided for the creation in each county of a county public assistance council and county director of public assistance. The county council consists of four citizens of the county appointed by the governor from an approved list made by the state director. They hold office for a term of three years. The president of the county court is ex officio the fifth member of this committee. The four members appointed must have the approval of the state advisory board. They serve without compensation. (W. Va. Acts, 1936, First Ex. Sess., ch. 9, art. 4, secs. 1, 2, 5.)

The public assistance council is the administrative agency for the performance of public assistance activities within Monroe County (ibid., ch. 9, art. 4, sec. 3). It appoints the county director of public assistance from a list of persons certified by the state advisory board as qualified to perform the duties of that office (ibid., ch. 9, art. 4, sec. 9).

With the approval of the state director two or more county councils may enter into an inter-county agreement for the joint employment of a single county director and a joint staff of assistants and employees (ibid., ch. 9, art. 4, sec. 13).

In Monroe County, as in all other counties, the organization necessary for the administration of the public welfare law has been set up and welfare service is being rendered. The county director is required to keep records of all transactions.

These records are given to the county council and preserved for at least five years as public records (ibid., ch. 9, art. 4, sec. 8, sub-sec. 6; ch. 9, art. 7, sec. 13).

This council makes all of its determinations in the form of formal orders and keeps records of all transactions for preservation as public records (W. Va. Code, 1937, Michie, sec. 626, sub-secs. 41, 42). For records of this council, see entries 316-331.

XXIX. DIRECTOR OF PUBLIC ASSISTANCE

The county director of public assistance holds office at the will and pleasure of the county public assistance council and is ex officio secretary of that body (W. Va. Acts, 1936, First Ex. Sess., ch. 9, art. 4, sec. 8, sub-sec. 6; ch. 9, art. 7, sec. 13). He is the administrative officer in charge of, and responsible for, the county welfare activities. He executes the instructions of the state advisory board, the state director, and the county council. He supervises and directs the work of his subordinates and assistants (ibid., ch. 9, art. 4, sec. 12). With the approval of the state director, two or more county councils may enter into an inter-county agreement for the joint employment of a single county director and a joint staff of assistants and employees (ibid., ch. 9, art. 4, sec. 13).

Under the public welfare law, assistance in the form of periodic payments of money is given to citizens of the United States over sixty-five years of age who are in actual need; citizens of the United States who have attained the age of twenty-one years and who are blind and in actual need; and dependent children under sixteen years of age (ibid., ch. 9, art. 5, secs. 3-5). Applications for assistance are made to the county director who makes an investigation to ascertain whether the applicant is in need of aid and the amount required to provide a subsistence for the applicant compatible with decency and health (ibid., ch. 9, art. 5, secs. 6, 7).

The county director must advise and consult with the county court, at its request, with respect to the management and control of the county infirmary and shall make such visitations and inspections as the county court may request (ibid., ch. 9, art. 7, sec. 12). The director is ex officio juvenile probation officer (see p. 138).

No attempt was made to survey all public assistance offices throughout the state. These entries are prepared from forms which are pertinent to all records found in public assistance offices. Of course, since these are only descriptions of records

made from blank forms, no location will be given and the size given is of the record itself, rather than the size of the container, which is usually given for unbound records. Monroe County public assistance records are available at the office of the director in the Wylie Building, in Union.

General Relief

316. GENERAL RELIEF FILES (Index), 1936--.
Index to files of general relief cases made up for frequent use. Shows name, case number, alias if any, address, remarks, date of investigation, name of investigator, application number, date of application, date granted or denied, date aid withdrawn, and certification number. Form R-3. 3 x 5.

317. STATISTICAL SUMMARY CARD, 1936--.
File cards showing details of each case of relief prepared from forms pertaining to applicants, aid given, all details of economic status of family life. 8 x 9½.

318. APPLICATION AND SIGNATURE FOR GENERAL RELIEF, 1936--.
Shows case number, date of application, name and address of applicant, estimation of need, number in relief household, signature of applicant, notarization and signature of visitor. Reverse shows estimated monthly needs and estimated monthly income if any; budgetary deficiency; amount and date granted; and reason for filing application. Form R-1 revised. 11 x 8½.

319. REGISTER FOR APPLICATIONS FOR PUBLIC ASSISTANCE IN MONROE COUNTY, 1936--.
Register showing name and address of applicant, application number, date filed, status of applicant, case number, disposition of case.. Arranged under headings of old age, blind, dependent children and general relief. Form ABCR-2. 20 x 14.

320. INTAKE RECORD FORM, 1936--.
Lists application and case number, name of applicant and date of application; names of all members of household with birthplace and date; USES register number; occupation, disability, and last grade of school attended; relationship to applicant; if immigrant, date of arrival and date of naturalization papers; review of residence prior to application to determine legal settlement; social status; list of children away from home and other relatives; work record of each working member of the family; agencies, churches, unions, lodges, benefit societies; interested persons; military service record; name of interviewer and date of interview. Form ABCR 5-A revised. 8½ x 13.

321. CERTIFICATE OF AWARD FOR GENERAL RELIEF, 1936--.
Record of award of relief assistance showing name of recipient, address, date and number of application, date approved, case number, certificate of award number, date effective, amount to

be received, changes in award, itemized list of payments made with amount and date. Signed by county director upon order of the county council. Form R-248. 4 x 9.

322. MISCELLANEOUS AID, 1936--.
Record of aid given for cases other than those provided by forms. Lists application and case number, class, original award, changes in award with date and amount, certification number, and name of applicant and address of applicant. Reverse side of form shows certificate number; name and address of applicant; list of monthly payments, 1936-41; with date, amount, and number of warrant; and total amount for each fiscal year. Form R-243. 11 x 4½.

323. COMMODITY ORDER, 1936--.
Order to commodity supervisor to issue commodities, cancel or add name to commodity list. Shows name, address, case number, and number of dependents of applicant. 5½ x 8½.

Certification of Eligibility

324. CERTIFICATION OF ELIGIBILITY, 1936--.
Certification of eligibility for employment by WPA. Shows case name and address, case number, date of certification, relief district, name of county, number of persons in case, race or color, USES registration with date, identification number and classification; names of dependents with relationship to head of family, age, marital status, birthplace, date, and naturalization. WPA form 600. 8 x 5.

325. CANCELLATION OF CERTIFICATION OF ELIGIBILITY, 1936--.
Record of cancellation of WPA 600, showing effective date of cancellation, case name and number, address, date eligibility began, and reason for cancellation. WPA form 602. 5 x 8.

Old Age Pension

326. REIMBURSEMENT AGREEMENTS, 1937--. 1 vol.
Record of assignments made to secure payment of old age pensions; assignment of future income, real or personal property, or insurance. Shows name of pensioner, amount and description of tangible property, date of agreement, amount to be received by pensioner, date of recordation. Indexed alph. by name of pensioner. Typed on pr. fms. 500 pp. 18 x 14 x 3. Co. clk. rec. rm.

327. DATA FROM RESPONSIBLE RELATIVES, 1936--.
Form to be filled out by relatives of applicants for old age pensions and other relief. Lists application and case number, name of county, address and name of relative, name of applicant, relationship, list of regular contributions to be made by rela-

tive, signature of relative, and date. Reverse gives excerpts from the public welfare law showing liability of relatives for support. Form ABCR-8. 8½ x 11.

Physical Rehabilitation

328. PRELIMINARY APPLICATION FOR ADULT PHYSICAL REHABILITATION AID, 1936--.
Lists application and case number, date and by whom received, name of county, name and address of applicant, statement of disability, signature of applicant and of county officer, notarization. Form APR-1. 8½ x 11.

329. REPORTS OF APPLICATION FOR ADULT PHYSICAL REHABILITATION AID, 1936--.
Detailed application for assistance in receiving medical aid or appliances. Shows name of applicant, age, address, date of birth, physical disability, recommendations for hospitalization or other aid, case history, report of visitor and other detailed matter. Signed by applicant, county director, and notary. Form APR-2. 4 pp. 8 x 11.

330. AGREEMENT RELATIVE TO PROVISION OF/AND REIMBURSEMENT FOR ARTIFICIAL LIMBS, ORTHOPEDIC APPLIANCES AND OTHER PROSTHETIC APPLIANCES, 1936--.
Agreement between state of West Virginia and person receiving aid in which applicant agrees to make such monetary return for appliances as can be arranged. Shows name of applicant as party of first part and state of West Virginia, Department of Public Assistance, as party of the second part. Shows amount to be paid, date of promised payments, and signature of witnesses. Form APR-8. 8½ x 13.

Administration Expense

331. MONTHLY SUMMARY AND DISTRIBUTION OF ADMINISTRATION EXPENSES, 1936--.
Report made by county office to state office of expenditures of funds in operation of office and administration of aid. Lists date of payment, payee with allocation to old age aid, blind aid, dependent children, general relief, child welfare, and the commodity department. Report divided into sections for salaries, travel, rent, heat and light, office supplies and printing, communication and miscellaneous charges. Form ABC-274 revised. Loose-leaf form. 17 x 18.

Criminal Probation Officer (Next entry, 332, p. 140)

XXX. JUVENILE PROBATION OFFICER

In 1915 the legislature created the office of juvenile probation officer. The circuit judge, acting as juvenile judge, appointed the juvenile probation officers for the county subject to the approval of the county court and the county superintendent of schools. (W. Va. Acts, 1915, ch. 70, sec. 6, p. 414.) No change occurred in this office until 1936 when the legislature declared that the newly-created director of public assistance shall be ex officio probation officer (W. Va. Acts, First Ex. Sess., 1936, ch. 49, art. 5, sec. 17). No change took place, however, in the duties of this office.

The director of public assistance may, with the approval of the juvenile judge, designate one or more of his assistants or other employees of the public assistance council to assist him in his duties as probation officer or to act in his stead. It is the probation officer's duty to study and investigate all juvenile cases; to be present in court, or before the judge; to represent the interests of the delinquent child when the case is heard; to furnish such information as the court or judge may require; and to take charge of the child before and after the trial, as may be directed by the court or the judge (ibid., ch. 49, art. 5, sec. 18).

XXXI. CRIMINAL PROBATION OFFICER

The sheriff acts as criminal probation officer, unless the county exceeds one hundred thousand in population, in which event the judge may appoint some person other than the sheriff to act as criminal probation officer. When a minor is convicted of, or pleads guilty to, any offense not capital, or a person of any age is convicted of, or pleads guilty to a misdemeanor, the court having jurisdiction, except a justice of the peace, whenever it appears to the satisfaction of the court that the ends of justice and the best interest of the public, as well as the defendant, will be subserved thereby, may suspend the imposition or execution of sentence and place the defendant upon probation for such period and upon such terms and conditions as it deems best. The criminal probation officer investigates any case referred to him by the court, he informs each person released on probation of the conditions of probation, he keeps informed concerning the conduct and condition of each person on probation under his supervision and reports thereon to the court. He should seek to aid all such persons and bring about improvements in their conduct and condition. Twice annually he makes written reports to the court giving the names of all persons placed on probation during the preceding six months, together with a brief statement

of the conduct of each person while on probation. Copies of all such reports are filed with the pardon attorney of the state. (W. Va. Code, 1931, ch. 61, art. 11, sec. 22; W. Va. Acts, 1915, ch. 80.)

XXXII. MENTAL HYGIENE COMMISSION

Prior to 1915 the commitment of insane persons to an asylum as well as the determination of sanity was performed by the county court upon petition of any person having custody or control of the accused (W. Va. Code, 1913, sec. 3382). In that year the legislature created in each county a commission of lunacy and repealed the statutes repugnant thereto (W. Va. Acts, 1915, ch. 51, sec. 4). This commission was to be composed of the president of the county court, the clerk of the county court, and the prosecuting attorney, who were to serve as members thereof without additional compensation. The county clerk was to act as clerk of such commission. This commission continues to be composed of the aforesaid three officers and has identical duties with the original commission. The name, however, has been changed from commission of lunacy to mental hygiene commission. (Ibid.; W. Va. Acts, 1921, ch. 131, sec. 4; W. Va. Code, 1923, ch. 58, sec. 4; W. Va. Code, 1931, ch. 27, art. 3, sec. 1.)

Suspects are arrested under warrant, brought before the commission for hearing, a guardian ad litem is appointed for such suspect, and evidence taken. At least two reputable physicians make separate physical and mental examination of the suspect, and the commission, from the evidence presented, adjudges the sanity or insanity of such person. (Ibid.)

In 1929 the circuit court was given the power to adjudge a person insane. If a person be suspected to be an insane person or a mental defective by the mental hygiene commission, the circuit court of the county of which such person is an inhabitant shall, upon the applications of any persons interested, and after five days notice to the person suspected, proceed to examine into his state of mind, and if satisfied that he is an insane person or a mental defective, shall so find. If a person residing out of this state, but having property herein, be suspected to be insane; the circuit court of the county wherein the property, or a greater part of it is, shall, upon like application and being satisfied that he is an insane person or a mental defective, so find. Such finding in either case shall be authority for the appointment of a committee for such person by the county court. (W. Va. Code, 1937, Michie, ch. 27, art. 3, sec. 13.)

The county clerk as clerk of the mental hygiene commission is required to keep in a proper book a full and careful record

of all the acts, orders, and resolutions of the commission. Such record becomes a part of the permanent record of the county court. Original papers are also kept and are filed with the clerk of the county court. Records of commitments prior to the formation of the mental hygiene commission will be found in Order Books, entry 1; and court papers, entry 3.

332. RECORD OF COMMISSION OF LUNACY, 1915--. 1 vol. (1).

Record of examinations of alleged insane persons by mental hygiene commission. Shows name of person examined, name of person or persons making complaints, physician's report of examination, evidence taken, examination of patient by board, name of guardian ad litem, judgment of board, and whether admittance to state hospital is recommended. Also gives date of examination, witnesses present, and members of board. Arr. chron. Indexed alph. by name of person examined. Hdw. 300 pp. 18 x 12 x 2½. Co. clk. rec. rm.

For prior records of the examination of insane, see Order Books, entry 1; and Miscellaneous Record, entry 221.

333. LUNACY PAPERS, 1924--. 1 file box. 1915-- in Court Papers, entry 3.

Original reports of examinations of insane by mental hygiene commission, physicians' reports, requests for examinations, commitment papers, and order of commission. Arr. alph. by name of person examined. Hdw. on pr. fms. 13 x 11 x 5. Co. clk. rec. rm.

XXXIII. HEALTH OFFICER

By act of March 8, 1881, the legislature created a state board of health, consisting of two physicians from each congressional district. This board had the duty, inter alia, to appoint for a two year term, with the consent of the county court, three intelligent and discreet persons of each county to constitute a local board of health which could be established if the county so desired. This board was never established in Monroe County. One of such three persons had to be a legally qualified practicing physician, but it was not enacted that such physician member was to be the county health officer and the executive member of the board. (W. Va. Acts, 1881, ch. 60, secs. 1-6.) It was not until 1887 that it was enacted that he was to act in this capacity. At this time the prosecuting attorney and the president of the county court were added to the board making the membership five. (W. Va. Acts, 1885-90, ch. 64, sec. 6.) The term of office continued to be two years, and the physician member was to receive a yearly salary to be fixed by the county court.

(Next entry 334, p. 142)

The term for which the members were appointed was increased to four years by act of 1907 (W. Va. Acts, 1907, ch. 66, sec. 6). By act of the legislature in 1913 a minimum salary was set for the county health officer and the membership was decreased from five to three members, consisting of the prosecuting attorney, the president of the county court, and the county health officer, who continued to be appointed by the state board of health (W. Va. Acts, 1913, ch. 24, sec. 6).

In 1915 the state public health council was created. It consists of the commissioner of health and six other members, who are appointed by the governor with the advice and consent of the state senate (W. Va. Code, 1931, ch. 16, art. 1, sec. 3). It is the duty of this council to appoint, upon recommendation of the county court, the county health officer (ibid., ch. 16, art. 2, sec. 1).

The jurisdiction of the county health officer is coextensive with the county and does not include any city therein which has a full time health officer (ibid.). Today he compiles health statistics, makes weekly reports to the state department of health, and generally executes the orders of the state public health council. He enforces quarantine and other laws to prevent and control the spread of communicable and infectious diseases declared to be dangerous to the public health or when, in the opinion of the local council, a public health emergency exists within the county. (W. Va. Code, 1937, Michie, sec. 1278 et seq.) Many reports are made to the state department of health but are not permanently kept locally. Reports of venereal cases and treatments are not public records, being available only to employees of the state and Federal bureaus of venereal diseases (ibid.). The health officer in this county is employed only part time; he serves both Monroe and Greenbrier Counties, and maintains his office in Lewisburg, the county seat of Greenbrier County.

XXXIV. HEALTH NURSE

The public health laws of West Virginia specify that each county may provide for a part of full time health officer (see p. 140). In those counties which "have not provided for a full-time health officer," since 1925, "may provide for a full-time public health nurse and the expenses of her administration and for that purpose may levy a county tax of not exceeding two cents on each one hundred dollars' assessed valuation of the taxable property in such county" (W. Va. Acts, 1925, ch. 25, sec. 3a; W. Va. Code, 1931, ch. 16, art. 2, sec. 2).

Such public health nurse is required to be a legally qualified nurse suitably trained in sanitary science and her qualifications must be satisfactory to the state public health council

(ibid.). She is nominated by the county court and appointed by the state public health council (ibid., sec. 1). She must devote her entire time to the duties of her office in protecting and supervising the general health and sanitation of her county and perform such duties in relation thereto as are prescribed by order of the county court or by order of the state public health council (ibid., sec. 2). Since the creation of this office in 1925 (W. Va. Acts, 1925, ch. 25, sec. 3a) no changes have occurred. Today, the county health nurse must devote her entire time to the duties of her office in protecting and supervising the general health and sanitation in the county (W. Va. Code, 1937, Michie, sec. 1279).

All records are found in the nurse's office in the Caldwell Building. For travel allowances, see entry 294; for record of activities, see entry 298.

334. PRE-SCHOOL HEALTH RECORD, 1938--. 1 file drawer. Pre-school child health record showing name of child, name of community, date of examination, age, race, date of child's birth, weight at birth, names of parents with address, name of family physician, number of living children in family, number of children dead if any, whether or not family has had tubercular cases, whether birth was normal, whether child breast fed, number of months bottle fed, immunizations and date of each, and summary of physical examination. Arr. alph. by name of child. Hdw. on pr. fms. 750 cards. 9 x 5 x 12.

335. CHILD HEALTH RECORD, 1937--. 1 file drawer. Health record of children of school age. Shows name of child, address, name of school, name of family physician, color, sex, date of birth, names of parents or guardian with address and occupation, and general health condition of child. Arr. alph. by family name of child. Hdw. on pr. fms. 1,500 cards. 9 x 5 x 12.

336. FAMILY FOLDERS, Mar. 1937--. 1 file drawer. Pre-natal and post-natal infant supervision and tuberculosis records, for children of pre-school age. Shows name of child, names of parents, address, examination of child with result of examination, and treatments recommended and given. Arr. alph. by family name. Hdw. 50 folders. 14 x 12 x 24.

337. COMMUNICABLE DISEASE RECORD, 1937--. 1 file drawer. Registration card of acute communicable disease showing name of patient, address, type of disease, age, color and sex, occupation if for adult, school if for child, date of onset of disease, date reported to nurse, date investigated, date immunized, number of immunizations given, number of adults and children in home, number of cases in home, occupations of wage earners in home, name of attending physician, and source of milk supply. Arr. alph. by style of disease. Hdw. on pr. fms. 300 cards. 9 x 5 x 12.

338. IMMUNIZATION CARDS, 1937--. 3 file drawers. Immunization and test cards showing name of person immunized; address; date of first, second, and third immunization; type of disease against which immunized; and signature of health nurse. Arr. alph. by name of person immunized. Hdw. on pr. fms. 5,000 cards. 7 x 5 x 15.

XXXV. REGISTRARS OF VITAL STATISTICS

Prior to 1921 the clerk of the county court performed the duties now exercised by the local vital statistic registrars. In 1921 the legislature passed an act to better provide for adequate registration of all births, deaths, and marriages. Under this legislation the county clerk continued to have the duty of registering marriages but no longer registered births and deaths. (W. Va. Acts, 1921, ch. 137, sec. 21.)

The act of that year divided the state into registration districts. Each city, each incorporated town, and each magisterial district constituted a primary registration district for births and deaths, and a registrar was appointed in each district by the state registrar for a four year term. It was provided that the state department of health might combine two or more registration districts for births and deaths or divide such districts when necessary to facilitate registration. (Ibid., ch. 137, sec. 3.) This provision continues in force today (W. Va. Code, 1937, Michie, sec. 1323), and Monroe County has seven local registrars thereunder.

Each local registrar appoints a deputy whose duty it is to act in his stead in case of absence or disability. It is the local registrars' duty to issue permits for burial, removal, or other disposition upon receiving a complete and satisfactory certificate of death. He receives certificates of birth in his district within ten days after the date of each birth. Such certificates of births and deaths are forwarded to the state registrar, who arranges the same, binds them, and permanently preserves the certificates in a systematic manner. The state registrar also prepares and maintains comprehensive and continuous index to all births and deaths registered. Such records and indexes are open to inspection by the public, subject to such reasonable conditions as the state registrar may prescribe. Local registrars receive no salary but receive twenty-five cents for each burial permit and birth certificate issued or received. Copies of the birth and death certificates are made by the state registrar and sent to the county clerk to be kept locally. (W. Va. Acts, 1921, ch. 137, sec. 4; W. Va. Code, 1937, Michie, sec. 1324.) For birth and death certificates see entries 116, 119; for records of births and deaths, see entries 115, 117.

Surveyor of Lands (Next entry 339, p. 145)

XXXVI. BOARD OF BALLOT COMMISSIONERS

The office of ballot commissioners was created by act of the legislature of 1891 (W. Va. Acts, 1891, ch. 89, sec. 32), and has continued unchanged to date. In each county in the state, the clerk of the circuit court while holding such office, and two persons appointed by him, one from each of the two political parties which cast the largest and second largest vote in the state at the last preceding general election, constitute a board of ballot commissioners, of which board the circuit clerk is chairman. The appointment of the two representatives from the two political parties is made upon the recommendation of the respective party chairman and the appointments are made by the circuit clerk for a term of two years. This board provides printed ballots for every election within the respective county as well as cards of instructions to voters, sample ballots, and other needed election paraphernalia. (W. Va. Code, 1931, ch. 3, art. 5, secs. 2, 3, 6).

It is the duty of this board of provide printed ballots for every election and cause to be printed, on the appropriate ballot, the name of every candidate whose name has been certified to or filed with, the circuit clerk. The printing of the ballots, and all other printing caused to be done by the board, is contracted for with the lowest responsible bidder. (W. Va. Code, 1937, Michie, sec. 96.) The board causes to be printed for each general election held in the county, official ballots to at least one and one-half times the number of registered voters (ibid., sec. 98). Sample ballots and cards are printed to instruct the voters in preparing their ballots (ibid., sec. 99).

For receipts for election supplies, see entry 219.

XXXVII. SURVEYOR OF LANDS

Although the surveyor of lands existed from early colonial days, it was the Virginia expansion westward at the turn of the eighteenth century that gave importance to the office. No constitutional provision was made for the office in 1776, but the acts of 1792 combined in one the several acts concerning the land office and prescribed the duties of surveyor (Va. Acts, 1776-1802, ch. 86, sec. 7).

Upon nomination by the county court and presentation of a certificate of ability from William and Mary College, the applicant was commissioned a surveyor by the governor. One-sixth of his fees went to the upkeep of the aforesaid college. (Ibid.). After 1788 surveyors of the western counties of

Monongalia, Harrison, Randolph, and Ohio gave bond and payment of one-sixth of their fees to Randolph Academy in Harrison County (ibid., ch. 86, secs. 11, 12).

The early surveyor's duties were expressly defined by law. He entered all plats in a book, subject to annual examination by appointees of the county court, and annually returned to William and Mary College or Randolph Academy and to the county clerk, a true list of all surveys made by him or his deputies (ibid., ch. 86, secs. 24, 27).

The Virginia constitution of 1851 provided that the surveyor be elected (art. 6, sec. 30). During the period when the first constitution of West Virginia was in effect (1863-1872) the voters of each county elected a surveyor of lands who held his office for two years (W. Va. Const., 1863, art. 7, sec. 5). He has continued to be an elective officer with but very few legislatively defined duties. However, the constitution of 1872 provided that his term of office be changed to four years (art. 9, sec. 1). Although he remains subject to the court's orders to survey land, these orders are not restricted to him but can be issued to any surveyor in the county (W. Va. Code, 1931, ch. 37, art. 12, sec. 2). He must file a bond of at least $1,000 (ibid., ch. 6, art. 2, sec. 10). All of the public records, books, and papers of his office are delivered to the clerk of the county court, where they constitute part of the public records of the latter office (ibid., ch. 7, art. 2, sec. 3).

For surveyor's commissions, see entry 6; for record of surveyor's reports and plats, see entry 50; for surveyor's reports of delinquent lands, see entry 51.

339. SURVEYOR'S BOOK, 1799--. 4 vols. (1-4).
Record of surveys and plats of land made by county surveyor and others and entered for recordation. Shows plat of land, name of owner, description of boundaries, acreage, names of adjoining owners, statement of purchase, and description of survey and boundaries. Book 3 contains copies of surveys recorded in Greenbrier County Survey Books for land in Monroe which was taken from Greenbrier. Arr. chron. by date of survey. Indexed alph. by names of property owners. Hdw. and hand-drawn. 400 pp. 18 x 12 x 3. Co. clk. rec. rm.

340. (SURVEYS OF LAND), 1796-1836, 1900. 1796-1836 in Wills, entry 14; 1799-1824 also in Marriage Bonds, entry 122; 1834 also in Promiscuous Papers, entry 224; 1900 in Settlements of Estates, entry 24.
Original surveys made by county surveyor and recorded in Surveyor's Book, entry 339. Shows original plat and description of property with boundaries and extent, name of owner, from whom purchased with date of purchase, date of survey, and names of adjacent property owners.

(Next entry 341, p. 149)

XXXVIII. ROAD SUPERVISOR

The general assembly of Virginia, in 1786 divided all public roads into precincts over which a road surveyor, appointed by the county court, had general supervision. It was his duty to superintend the roads in his precinct and see that the same be cleared and kept in good repair. He was to continue in office until the county court appointed another in his stead (Va. Acts, 1776-1802, ch. 19, sec. 3, Act of 1786; Va. Code, 1849, ch. 52, sec. 23; Acts of Va., 1853-54, ch. 10, sec. 1).

In 1863 when West Virginia was formed as a state, former districts were replaced by townships. The voters of each township annually elected a road surveyor. (W. Va. Const., 1863, art. 7, secs. 1, 2.) Any vacancy in the office was filled by appointment by the board of supervisors for the unexpired term (W. Va. Code, 1868, ch. 4, sec. 5). According to the code of 1868 every township constituted a road precinct, unless otherwise ordered by the board of supervisors. If any person elected or appointed (to fill an unexpired term) road surveyor refused to serve, he forfeited twenty dollars unless he had already served two consecutive terms. His duties, such as the supervision of roads and bridges and repairing and clearing of such, were definitely defined in the code of 1868 (ibid., ch. 43, secs. 1, 5, 7).

The constitution of 1872 provided that a surveyor of roads be appointed in each precinct by the county court and left the duties of the office a matter of legislative concern (W. Va. Const., 1872, art. 9, sec. 2). The act of 1872-73 apparently changed the title to road engineer or supervisor and provided that the term of office should be two years. The provision providing a penalty of twenty dollars for refusing to serve after an appointment continued to be a law but if a person had served one term (formerly two consecutive terms), he might refuse a second term without being subject to any penalty (W. Va. Acts, 1872-73, ch. 194, secs. 4, 5). The duties of the office continued to be the same as before (ibid., ch. 194, sec. 7; Revised Statutes, W. Va., vol. 2, ch. 171, sec. 7).

In 1909 the office of county road engineer was created by senate bill, 140. Such office was to be filled by appointment of the county court. He was to hold office for two years unless sooner removed by the court. He was to work according to direction of the state commissioner of public roads in the survey of the roads of his county and at the same time act as the agent of the county court. His duties were broader than, but very similar to, those of the surveyor of roads. (W. Va. Acts, 1909, ch. 52, secs. 51, 52.) Nothing was said of the latter office nor of the section of the constitutions of 1863 and 1872 creating it. Evidently the county courts merely appointed a county road engineer in conformity with the act of 1909 and ignored the constitutional provisions.

Road Supervisor (Next entry 341, p. 149)

In 1911 the legislature again provided for the creation in the several counties of the office of county road engineer. Such enactment was practically the same as that of 1909, providing for the appointment by the county court and stipulating similar duties (W. Va. Acts, 1911, ch. 38, sec. 51). No reason was given for this enactment, which provided for no changes from that of 1909. The acts of 1909 and 1911, concerning this office were codified by Charles E. Hogg, in his code of 1913 (vol. 1, ch. 43, sec. 1817). Such authority gives no historical sketch nor explanatory note of the office of county road engineer. In 1918 the legislature provided: "if a county road engineer be appointed he shall be ex officio the road supervisor for his county, and any such official so appointed or designated by the county court to have charge of road work in any county shall be deemed a surveyor of roads within the meaning of the constitution" (Supp. to W. Va. Code, 1918, secs. 1940(34)).

It will be noted that the county road engineer was to be appointed for a term of two years and the legislature went on to say "unless sooner removed by the court." This later part was of no judicial effect for the supreme court of appeals of West Virginia, in 1911, held that a road engineer appointed by the county court, whose term of office is fixed by statute, cannot be removed by the court appointing him, but such removal shall be for cause by the circuit court and after a judicial inquiry ("Helmick vs. County Court," 65 W. Va. 231). To remedy this and to make such office completely dependent upon the county court, it was provided that "the county road engineer shall serve as such during the will and pleasure of the county court" (W. Va. Code, 1931, ch. 17, art. 13, sec. 1).

The legislature, in 1933, took the construction and maintenance of secondary roads (commonly called "county district" roads) from the county court and placed it under the jurisdiction of the state road commission (W. Va. Acts, 1933, First Ex. Sess., ch. 40). Such act provided that the state road commissioner shall appoint for each county a road supervisor to serve at the will and pleasure of the commissioner (ibid.; W. Va. Code, 1937, Michie, sec. 1448(8)). This act says nothing about the provision of the constitution of 1872 relative to the engineer or supervisor of roads to be appointed by the county court. Today the county court retains jurisdiction only over the superintendence and administration of the reconstruction, repair, and maintenance of bridges and approaches to bridges situated within municipalities and over public landings. Therefore, due to legislative changes, the county court has no need for a road engineer or supervisor other than the local representative of the state road commission who is known as the road supervisor. Although the constitution allows such an office, there being no need for one in today's organization of road control, the county court merely remains silent and never makes appointments to fill the office.

(Next entry 341, p. 149)

All records of this office are made to the state road commission, as in the present county set up the county surveyor is appointed, paid, and directed by the state office.

For road surveyor's and engineer's record, see entries 128, 129.

XXXIX. FARM BUREAU

The county farm bureau was created in 1915 as a voluntary organization of fifty farmers. It is a self-governing body which enacts its own by-laws and chooses an executive council to act for it. It has for its purpose the encouragement of improved methods on the farm and in the farm home. This aim has been effected by affiliation with the extension division of the college of agriculture, West Virginia University. (W. Va. Acts, 1915, ch. 89.)

In 1920 the number of farmers necessary to organize such a bureau was increased to one hundred and fifty. Also it was necessary to file with the county clerk "a memorandum of understanding" with the extension division (W. Va. Acts, 1920, ch. 120). The executive committee consists of not less than one member from each of Monroe County's six magisterial districts (W. Va. Code, 1931, ch. 19, art. 8, sec. 1).

Upon the nomination by the extension division and written approval of at least two-thirds of all the members of the executive committee of the local farm bureau, the county court may, at its discretion, employ such approved nominees as the farm agent and the home demonstration agent. The salaries and expenses of such agents are paid out of funds appropriated by the legislature in conjunction with Federal aid. (W. Va. Acts, 1934, ch. 75.)

The bureau was organized in Monroe County in 1917 and has operated continuously since that date. A wool pool, lamb pool, and livestock market association, while not connected with the bureau, are available to its members.

All records of this organization are kept in the office of the farm agent.

XL. FARM AGENT

The extension division of the college of agriculture, West Virginia University, has charge of farm agent work in West Virginia. This extension division was provided for in the act

of Congress approved May 8, 1914, known as the "Smith-Lever Act." The farm agent in each county is the representative of the extension division and works directly through the agency.

Under the "Smith-Lever Act," the legislature, in 1915, provided that, upon the filing with the county court of a "memorandum of understanding" between the county farm bureau and the extension division, agents should be appointed to encourage demonstrations of improved methods on the farm and in the home and to give free advice and practical instruction in agriculture (W. Va. Acts, 1915, ch. 89; W. Va. Code, 1931, ch. 19, art. 8, secs. 1-3).

Until 1934 the county agent received his salary partly from the extension division and partly from county court levies. The county farm bureau, itself, guaranteed part of the field and office expenses (W. Va. Acts, 1915, ch. 89). In 1934 an act provided that the salaries and expenses of such agent be paid by the state out of funds appropriated by the legislature in conjunction with Federal aid (W. Va. Acts, 1934, ch. 75).

The West Virginia code of 1931 provided that the farm agent be nominated by the extension division subject to two-thirds approval of the executive committee of the local farm bureau, and that such nominee be employed by the county court (ch. 19, art. 8, sec. 1). In 1933 an amending act provided that the county court "may in its discretion" employ such farm agent (W. Va. Acts, 1933, ch. 75, sec. 1).

The first agent was employed in Monroe County in 1918. All records of the agent are kept in his office in the Wylie Building.

Soil

341. SOIL CONSERVATION SERVICE, 1935--. 5 folders (A-Z).

Record of soil erosion service in county. Shows amount, location, type of soil, and name of owner of land served; nature of service; reports of accomplishments; and explanation of federal service with dates. Arr. chron. Typed. 50 pp. 12 x 9 x ¼.

342. BARBERRY RADIFICATION CONTROL, 1936--. 1 folder (A-Z).

List of reports on soil conservation service given under the Barberry Radification Control Act. Shows acreage, location, type, and owner of soil serviced; reason for and nature of service; results; and date. Also contains Farm Security Administration, entry 349. Arr. chron. Typed. 100 pp. 12 x 9 x ½.

343. MONROE COUNTY AGRICULTURE CONSERVATION PROGRAM, 1935--. 5 folders (A-Z).

Agents record of conservation in county including agriculture conservation program accounts, statistical summary, non-signers

survey, and application for payment of signers. Gives names of signers and non-signers, list of land under government service, location, acreage, allotment, amount of payment applied for and received, and dates. Arr. chron. Typed. 50 pp. 12 x 9 x ½.

Seed and Fertilizer

344. LIME REPORTS, 1934--. 3 folders.
Reports on lime, fertilizer, and legumes purchased through farm bureau for farmers in county. Gives name of farmer, size and location of farm, amount of product bought, amount paid, purpose of purchase, and date. Arr. chron. Typed. 75 pp. 12 x 9 x ½.

345. FARM BUREAU, 1935--. 3 folders.
Record of seed bought through farm bureau for farmers in county. Shows amount and kind of seed, from whom purchased, amount paid, whether bought for individuals or associations, and date; amount and date of payments made to bureau for seed. Arr. chron. Hdw. and typed. 50 pp. 12 x 9 x ¼.

Poultry and Livestock

346. POULTRY, 1935--. 3 folders (P).
Record of baby chicks and turkeys purchased by farmers in county through farm bureau. Gives name of farmer, number and breed of poultry purchased, instructions and contest material, if any, and final report of results from farmer to farm agent. Arr. chron. Typed. 50 pp. 12 x 9 x ½.

347. LIVESTOCK, 1935--. 10 folders (labeled by kind of stock).
Collection of reports on livestock production, marketing, and improvement. Includes statistical livestock reports, reports on Greenbrier Valley Livestock Association, livestock improvement campaign, corn-hog program, local reports on cattle, sheep, and wool pool. Arr. chron. Hdw. and typed. 100 pp. 12 x 9 x 1.

348. BANG'S DISEASE, 1936--. 1 folder (B).
Reports and instructions from Federal department of agriculture with local reports from livestock owners on control of disease among livestock. Shows methods of control suggested, methods used, results, names of farmers cooperating with bureau, nature of disease, livestock affected, disposal of affected stock, tests made, and dates. Arr. chron. Typed. 100 pp. 12 x 9 x 1.

Farm Agent - Farm Security and Rehabilitation; Four-H Club and Vocational Agriculture Records (349-353)

Farm Security and Rehabilitation
(See also entries 69, 70)

349. FARM SECURITY ADMINISTRATION, 1935--. 3 folders (labeled by inclusive letters of the alphabet). 1936-- also in Barberry Radification Control, entry 342.
List of federal loans given by federal agencies to farmers in county. Shows name of farmer, acreage, location, value, and type of farm; amount and conditions of loan; date and amount of payments. Arr. alph. by name of client. Typed. 50 pp. 12 x 9 x ½.

350. RURAL REHABILITATION CLIENTS, 1934--. 450 folders (labeled by inclusive letters of the alphabet).
Federal farm and home plans and loan dockets, applications for rehabilitation and record of clients. Gives name of client, date, purpose and nature of application, case history of client, date application approved or rejected with explanation if rejected, nature and amount of aid given and conditions of rehabilitation agreement. Arr. alph. by name of client. Indexed alph. by name of client and case number. Typed on pr. fms. 75 pp. 12 x 9 x ½.

Four-H Club and Vocational Agriculture Records

351. FOUR-H PROGRAM, 1935--. 10 folders.
Complete record of Four-H activity in county under farm agent's supervision including list of membership, completion of projects, achievements, list of county and state camps, and minutes of meetings of clubs and leaders. Arr. chron. Typed. 100 pp. 12 x 9 x 1.
For home demonstration agent's Four-H activities, see entry 354.

352. VO-AG (vocational agriculture) COUNTY AGENT ASSOCIATION, 1935--. 5 folders (A-Z).
Reports of work done in county by county vocational agriculture teachers. Gives name of teacher, school, number of students, nature of projects, source of instruction, detailed record of completed projects with date, and name and age of student. Arr. chron. Hdw. and typed. 50 pp. 12 x 9 x ½.

353. TENNESSEE VALLEY AUTHORITY (Miscellaneous), 1936--. 15 folders (A-Z).
Miscellaneous collection of instructions, bulletins, and reports issued by Federal department of agriculture and list of Tennessee Valley Authority farms in county. Arr. chron. Hdw. and typed. 75 pp. 12 x 9 x ½.

XLI. HOME DEMONSTRATION AGENT (354)

Like the county farm agent, the county home demonstration agent is a part of the extension division of the college of agriculture, West Virginia University. The acts of the legislature and the code of 1931 treat both offices as one although in actual practice the county home demonstration agent is an office separate and apart from the county agent.

The office is filled by appointment of the county court upon recommendation of the extension division and is generally a woman especially trained in home economics and rural club work. She organizes the women on the farms into clubs and holds regular meetings at which demonstrations are conducted in cooking, canning, sewing, and home problems. It is the responsibility of this office to introduce new methods into the woman's work on the farm and thus to show rural people the way to a more abundant life.

All citations to acts of the legislature and to the code of 1931 in the essays on the county farm agent are equally applicable to the county home demonstration agent. Both maintain the same office and operate together as far as practicable.

The first home demonstration agent in Monroe County was employed in 1927. The present agent serves both Monroe and Greenbrier Counties.

All records are filed with those of the farm agent.

354. HOME DEMONSTRATION AGENT, 1935--. 3 folders. Miscellaneous assortment of home demonstration agent records. Includes reports of farm women's clubs, Four-H clubs, classes in home economics, and other activities of this agent. Arr. alph. by subject. Hdw. and typed. 30 sheets. 12 x 9 x $\frac{1}{2}$.

APPENDIX (1-7)

A. Miscellaneous Records

1. RAILROAD AND STAGE REPORTS, 1876-77. 1 vol.
Report of persons traveling by stage lines with names of passengers and amount of fare paid by each. Same report for railroad. Arr. chron. Hdw. 185 pp. 15 x 6 x 1. Cir. clk. rec. rm.

2. RAILROAD SETTLEMENTS, 1853-60. 1 bundle.
Railroad settlements with agent, and papers relative to tax. County bond also included: showing authorization by act of the assembly for subscription for stock in Virginia Central Railroad Co., or the Staunton and Covington Railroad Co. Arr. chron. Hdw. and hdw. on pr. fms. 9 x 3½ x 3. Cir. clk. rec. rm.

3. (SALOON RECORD), 1867-68. 1 vol.
Record of intoxicating liquors sold during above period. Shows name of saloon owner, name of purchaser, quantity and trade name of liquor purchased, date of purchase, and amount charged. Arr. chron. Hdw. 100 pp. 15 x 6 x ½. Cir. clk. rec. rm.

4. MODERN WOODMEN OF AMERICA PAPERS, 1914-32. 1 file box.
Miscellaneous assortment of papers belonging to Modern Woodmen of America fraternal organization. Includes by-laws, receipts for supplies, fees, assessments, and correspondence. Arr. chron. Hdw. and hdw. on pr. fms. 200 sheets. 13 x 11 x 5. Cir. clk. rec. rm.

5. PASS REPORT BOOK (Modern Woodmen), 1929. 1 vol. (1929).
Report book of Modern Woodmen of America including membership rolls, financial statements, report of new members taken, members deceased, and members suspended. Arr. chron. Hdw. on pr. fms. 65 pp. 12 x 9 x ½. Cir. clk. rec. rm

6. STOCK TRANSFERS (Bank of Monroe), 1901-8. 1 vol. (labeled by inclusive transfer numbers).
Record of stock transfers made by the Bank of Monroe showing name of stockholder, number of shares, and witness of signature. Arr. chron. and numbered consc. Hdw. on pr. fms. 200 transfers. 12 x 8 x 1. Cir. clk. rec. rm.

7. (MISCELLANEOUS RECORD, TOWN OF UNION), 1868-75. 1 vol.
Minutes of meetings of the town council of Union. Shows all business transacted, names of councilmen present, and town officers. Also contains a copy of act to amend and re-enact the charter of the town, 1868; record of capitation, dog, and hotel licenses tax. Arr. chron. Hdw. Poor condition. 144 pp. 12 x 8 x ½. Cir. clk. rec. rm.

Appendix B. (8)

8. MINUTE BOOK (Monroe County National Farm Loan Association), 1921-30. 1 vol.
Minutes of meetings of Monroe County National Farm Loan Association showing all business transacted. Arr. chron. Hdw. 100 pp. 11 x 7 x ½. Cir. clk. rec. rm.

B. List of Judges Allotted to District Courts for Prince Edward Courthouse, New London, Washington Courthouse, Montgomery Courthouse, and Greenbrier or Botetourt Courthouse in Allotment of Judges, entry 160.

Feb. 11, 1789

Henry Tazewell, Esq. Edmund Winston, Esq.

June 24, 1789

John Tyler, Esq. James Henry, Esq.

Nov. 21, 1789

Edwin Winston, Esq. Spencer Roane, Esq.

June 15, 1790

Richard Parker, Esq. Edmund Winston, Esq.

Nov. 20, 1790

James Henry, Esq. Cuthbert Bullitt, Esq.

June 21, 1791

Saint George Tucker, Esq. Spencer Roane, Esq.

June 22, 1792

Henry Tazewell, Esq. William Nelson, Jr., Esq.

Nov. 16, 1792

Joseph Prentis, Esq. Joseph Jones, Esq.

Appendix C.

June 21, 1793

Richard Parker, Esq. Edmund Winston, Esq

C. List of County Officers

1. Justice of the Peace*

	1780	
William Hutchinson		James Henderson
John Henderson		
	1783	
James Alexander		Samuel William
	1786	
Hugh Caperton		
	1790	
Isaac Estill		William Haynes
	1791	
John Hutchinson		William Johnston
	1799	
William Graham		James Alexander
John Byrnside		Isaac Estill
William Graham		John Gray
James Handley		William Haynes
William Hutchinson		John Hutchinson
Tristram Patton		William Vawter
	1807	
Michael Alexander		William McDaniel
Conrad Peters		Adam Thomas
	1810	
George Walker		
	1811	
Andrew Beirne		
	1814	
Robert Coalter		John Hinchman
Richard Johnson		Joel Stodghill
	1816	
Samuel Clark		Jacob Peck

*Appointed by governor of Virginia upon recommendation of county court, 1780-1851. Elected by county vote, 1852-1863, 1872--.

Appendix C.

1817

Hugh Caperton
John Pack
Richard Shanklin

1819

John Hinton
William Vass

1823

Henry Alexander
James M. Haynes
William Humphreys

1825

Jacob Johnson

1828

Robert Dunlap

1840

James A. Dunlap

1845

James H. Alexander
James H. Byrnside
William Ellis
Thomas Fowler
William Hinchman
John Holsapple
Madison F. McDaniel
Abner Neel
John Peters
Robert Campbell
Richard Dickson
William Erskine
James Graham
John B. Hogshead
John W. Lanius
Henry W. Moss
Franklin F. Neel
Richard V. Shanklin
John H. Vawter

1847

Lewis E. Caperton
Jacob Zoll

1848

Isaac Campbell

1849

Thomas R. Johnson

1850

Rufus Pack
Joseph Zoll

1852

Addison Perry (appointed)
George W. Caperton
Joseph P. Wickline
Lewis E. Caperton
Madison McDaniel
Samuel Hamilton
John Holsapple
William Haynes
Nimrod Bogges
Floyd Chrisman
Andrew Campbell
Alexander Clark
Isaac Campbell
Josiah Hoke
William Ellis
Jesse Jones

Appendix C.

1852 cont'd

Sylvester Upton
William Hinchman
John Woodram
Joseph Ellis
John Hunter
Henry Pence
Andrew Gwinn
Peter Hinton
William Adair
Fielding Fleshman
Samuel C. Humphreys
Joel Riffe

James Swinney

1856

Samuel Allen
Michael Beamer
Lewis Campbell
Andrew Campbell
Alexander Clark
Perry Conner
Fielding Fleshman
Alexander D. Haynes
Jesse Jones
Jacob Osborne
John Skaggs
Michael Smith
George A. Thompson
Benjamin F. Ballard
James Boyd
Isaac Campbell
James M. Christy
Riley B. Cook
John Dunn
Andrew Gwinn (president)
Peter Hinton
James M. Nickell
William Patton
Robert C. Skaggs
George W. Swope
Anderson M. Waite

Samuel M. Wallace

1860

William Adair (president)
Newton Dickson
James Gwinn
Washington Jarvis
Daniel H. Kesler
George Kouns, Jr.
John E. Morgan
John A. Nickell
David Pence
Robert C. Skaggs
Michael Smith
Richard Watts
John Woodram
Alexander Clark
Fielding Fleshman
Archibald M. Hawkins
James Johnson
Gershom Keys
Anderson McNeer
James M. Nickell
William Patton
James K. Scott
Oliver Skaggs
George W. Swope
Fielding Windle
Zachriah Woodson

1864

William Adair
Thomas E. Dickson
Joseph Ellis
Charles W. Hutchinson
Jesse Jones
D. H. Kesler
John W. Lanius
Abner H. Neel
Joseph Parker
James K. Scott
Lewis A. Shanklin
Michael Smith
Riley B. Cook
Newton Dickson
James Gwinn
Washington Jarvis
James Keatley
George Kouns
Richard T. McNeer
John A. Nickell
Nathaniel H. Roberts
Robert L. Shanklin
Oliver Skaggs
George W. Swope

Appendix C.

1876

R. A. Patton
B. S. Cook
Robert Gwinn

1880

James S. Harvey
J. W. McDowell
Granville Houchins
A. A. Cardin
B. S. Cook
Archibald Miller
Robert A. Hall
S. I. Warren
Luther C. Hale
E. P. Williams

1884

R. A. Hall
C. L. Johnson
William T. Smith
I. E. Bare
Napoleon Patton
J. W. McDowell
B. S. Cook
John A. Wallace
Archibald Miller

1888

T. E. Chambers
Beniah Reed
J. M. Reed
Archibald Miller
I. E. Bare
L. C. Hale
J. M. Willis
Jesse Arnott
George W. Ballard
John A. Wallace
James O. Miller

1892

L. C. Hale
J. W. Canterbury
J. R. Arnott
George W. Ballard
R. A. Patton
J. Henry Reynolds
George Alderson
Archibald Miller
J. O. Miller
J. M. Willis
R. A. Hall
John A. Wallace

1896

R. A. Hall
G. W. Ballard
W. M. Johnston
J. A. Holstead
J. M. Willis
J. O. Miller
J. H. Reynolds
George Alderson
James H. Adair
L. C. Hale
J. F. Miller

1900

W. McDowell Johnston
J. T. Miller
J. O. Miller
George Alderson
T. M. Hoylman
W. G. Holstead
J. P. Hinton
W. H. Scott
W. S. Broyles
G. W. Ballard

1904

J. T. Miller
R. A. Hall
J. O. Miller
W. G. Holstead
Newton Smith
W. L. Broyles

Appendix C.

1904 cont'd

Arthur Leach
Isaac E. Bare
T. M. Hoylman
Frank W. Bare

W. W. Sims

1908

J. T. Miller
A. M. Shanklin
C. C. Hoke
Preston Green
E. D. Jeffries
J. O. Miller
C. M. Nelson
C. W. Thompson

J. P. Curran

1912

C. H. Thompson
J. T. Miller
A. M. Shanklin
C. M. Hall
T. C. Houchins
J. P. Curran
C. H. Doss
E. D. Jeffries

W. W. Sims

1916

J. T. Miller
G. E. Compton
W. W. Sims
J. H. Cook
E. A. Mann
C. M. Hall
H. D. Lively
H. L. Alford

1920

J. T. Miller
Simon A. Carter
J. J. Hedrick
E. C. Baker
W. W. Sims
C. J. Green
Wiley Bower
G. C. Broyles
J. E. Keifer
L. P. Nelson

1924

J. T. Miller
W. W. Sims
Simon A. Carter
C. J. Green
G. C. Broyles
G. H. Mentz

H. T. Harless

1928

I. H. Tomlinson
W. W. Sims
Simon A. Carter
George H. Mentz

1932

J. A. McKenzie

1936

I. H. Tomlinson
J. M. Canterbury
W. W. Sims
O. C. Rowan

D. H. Cassell

Appendix C.

2. Judges of Circuit Court

James E. Brown, 1848
Edward B. Bailey, 1852
Robert M. Hudson, 1853
Nathaniel Harrison, 1865
J. M. McWhorter, 1870
Homer A. Holt, 1873
A. N. Campbell, 1889
J. M. McWhorter, 1896
L. L. Chambers, 1905
Harold A. Ritz, 1906
Isaiah C. Herndon, 1907
Summers H. Sharp, 1927
Mark L. Jarrett, 1936

3. Clerks of County Court

John Hutchinson, 1799-1808
Isaac Hutchinson, 1808-33
John Hutchinson, Jr., 1833-52
George W. Hutchinson, 1852-65
James E. Howell, 1865-67 (recorder)
Lewis Callaway, 1867-71 (recorder)
James Campbell, 1873-78
Allen A. Nickell, 1878-90
James C. McClaughtery, 1890-1908
E. S. McNeer, 1908-20
Shelton Clark, 1920-32
Fred H. Dunn, 1932--

4. Sheriffs

Isaac Estill, 1799
William Graham, 1801
James Handley, 1803
William Vawter, 1805
Joseph Alderson, 1811
Isaac Estill, 1813
William Haynes, 1815
John Gray, 1817
Alexander Dunlap, 1818
David Kean, 1820
William Graham, 1823
Conrad Peters, 1825
William McDaniel, 1827
Adam Thomas, 1828
George Walker, 1831
Tristram Patton, 1833
James Handley, 1835
John Hinchman, 1837
John Dickson, 1838
Richard Johnson, 1839
Joel Stodghill, 1841
Robert Coalter, 1844
Samuel Clark, 1845
Michael Alexander, 1848
William Vass, 1849
John Hinton, 1851
John W. Lanius, 1854
John Hinton, 1857
Henry J. Kelly, 1858
Samuel A. Clark, 1863
Lewis Ballard, 1865
Samuel A. Clark, 1867
William Adair, 1869
W. W. Pence, 1877
Richard T. McNeer, 1881
J. N. Johnson, 1885
Allen G. Neel, 1889
J. E. Hansbarger, 1893
C. E. Lynch, 1897
J. M. Vance, 1901
N. W. Loudermilk, 1905
J. R. Johnson, 1909
C. T. Sibold, 1913
George Bare, 1917
R. E. Smith, 1921
J. T. Sibold, 1924
Beirne Ellison, 1928
Estill Thomas, 1932
Charles McNeer, 1936--

5. Surveyors of Land

John Byrnsides, 1799-1815
Henry Alexander, 1816-32
J. R. McPherson, 1891
T. L. Crotshin, 1905-9

Appendix D.

Surveyors of Land cont'd

John H. Vawter, 1832-47
James Vawter, 1847-58
William Hinton, 1858-61
John Graham, 1865-68
J. N. Huffman, 1889
C. P. Lewis, 1910
T. L. Crotshin, 1911-21
John C. Lively, 1924
J. C. McGrady, 1925-26
M. Z. Whorley, 1930--

6. Assessors

Joseph Morgan, 1876
Elkanah Wilson, 1880
Joseph Morgan, 1880
W. P. Young, 1884
J. A. Conner, 1888
S. C. Peters, 1892
A. M. McNeer, 1892
John C. Campbell, 1896
Palmer Shanklin, 1900
O. L. Miller, 1900
H. T. Neel, 1904
J. W. Lynch, 1908
H. L. Neel, 1912
O. L. Miller, 1916
Opie A. Brown, 1920
J. Henry Peters, 1924
J. S. McMann, 1928
Clark Peters, 1932
Clark Peters, 1936

D. Copy of original report found in a bundle labeled Allotment of Judges, (entry 160) located in the record room of the clerk of circuit court.

"At a superior court for the District composed of the counties of Greenbrier, Botetourt, Montgomery, Kanawha and Monroe began and holden at the Sweet Springs the 18th day of October 1799. Present Saint George Tucker esq. one of the judges of the Gen. Court. Order that Samuel Blackburn, George Hancock, Augustus Woodard, Thomas Rowland, Allen Taylor, William Hunter Cavendish, and John Hutchinson, gentlemen, do examine into the title of the Common Wealth into the court house, Jail and jailors house for this district and into the situation and condition of the same and also of the clerks office and the records thereunto belonging and that they do report especially to this court all such matters respecting the same as well of law as of fact to them shall appear requisite necessary for the preservation and Security of the same or either of them.

"The subscribers who by an order of the district court holden at the Sweet Springs on the eighteenth of October one thousand seven hundred ninety nine were appointed to examine into the title of the Commonwealth to the Court house, jail, and jailors house for this district and into the situation and condition of the same, as also of the clerks office and the records thereunto belonging and to report specially to the said court all such matters respecting the same as well of law as of fact as to them shall appear requisite and necessary for the preservation and security of the same or either of them. In obedience to the said order respectfully submit the following report.

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"It is so usual in this Common Wealth to have the seat of the superior courts common with that of some particular county comprehended in their respective Districts that in the few instances which have deviated from that usage ample provision does not appear to have been made for the accommodation of the former Tribunal. This is peculiarly the case with respect to the District composed of the counties of Botetourt, Greenbrier, Kanawha, Monroe and Montgomery. The first Act of the General Assembly on this subject provided for the alternate session of the Superior Court at the Court House of Greenbrier and Botetourt until the proprietor of the Sweet Springs should at his own expense erect sufficient court house and prison after which the session of the court was to become permanent at the Latter Place. This inconvenient arrangement subsisted for some years during which the records of the court were twice in every year conveyed on horseback over a number of Mountains and many dangerous water courses. By subsequent Acts the advention of the Court to the Sweet Springs was accelerated but at no time was provision made for vesting in the Commonwealth a Title to the ground or buildings which were necessary for its use for preserving those buildings in due repair or for accommodating the clerk and jailor with such ground and buildings as were indispensibly requisite for the execution of their offices. The proprietor of the Sweet Springs now passes the free hold in the lands on which are erected the court house and jail for this district and as far as the researches of the subscribers extend the Common Wealth is destitute of any title to the said land and possesses no other claim to the Buildings or the use of them, then the provision for the courts being held at Sweet Springs after the erection of them may be conceived to bestow.

"The tenement which has been used by the jailor appears to have been erected at his private expense on the land of the proprietor, and with his verbal consent: but intervening the last and present term of the court the tenant now in the occupation of the Sweet Springs has with the concurrence of the proprietor commanded the said jailor to depart and has molested and interrupted him in the occupation of the tenement used by him, at a time when a prisoner charged with felony was in actual custody, and not considerably previous to the arrival of other prisoners to the said jail.

"The clerk of the court equally unprovided with an establishment at the site of the court house has by keeping his papers at his private residence, six miles distant from the Sweet Springs, in a solitary part of the country, and over a difficult mountain, avoided a treatment similarly inhospitable; but has by that means exposed his records in some measure to the tribune and danger which a frequent transportation of them had before occasioned, which the inaccessibility of his situation operates as a serious inconvenience to the suitors of the Court. To this cause it is owing that the subscribers have not had it in their power to examine the office and records of the clerk in compliance with the order of Court.

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"The condition of the Court House and prison is such as the subscribers with regret report to the Court. The former which is used as a dieting and lodging apartment for the visitants to the Springs in the vacation of the Court, is never in the custody of the jailor, is exposed to constant injury, and is now in the state of repair illy calculated to answer the purpose for which it is destined. The latter evinces its insufficiency from the facility with which an escape may be affected, and has in recent instances been made. The subscribers having personally inspected the prison are of opinion that it is totally insufficient for the safe custody of prisoners, and that the justice of the Common Wealth will be mocked, unless more effectual measures are taken for the detention of persons commited to the prison of this District.

"To point out a remedy for the various inconveniences which have been stated, is a task which the subscribers with great reluctance undertake. It is certain that if the present seat of the Court should be adopted for permanency measures tending to procure a title in the Commonwealth to a insufficiency of ground, and the requisite buildings, will be a proper object of legislative attention; and to this might perhaps be added the erection of a town in order to destroy the monopoly of profit, which has heretofore proved but prejuducual to the public, and oppressive to individuals. But the subscribers deem it a sacred duty which they owe to the inhabitants of this District, and to the Legislature of the Commonwealth to report it as their unanimous opinion that the present seat of the Superior Court for this District is by no means adapted for permanency, and that measures grounded on that apprehension will be productive of public embarrassment, and not improbly of private injustice. It is inconsistent with the principles of our government to presume that in passing the act holding the terms of the Superior Court at this place. The public faith was pledged to the proprietor for a continuance, of it there longer than the public good might require.

"In every country the general advantage, and not private emolument, ought to be the basis of political arrangements; and we trust that in none, more than in our own does an observance of this principle prevail. To invite the proprietor of the Sweet Springs to disbursements or to concessions in the public favor, made with a view to the advancement of his private interest is a dangerous policy; it is interposing an obstacle to a measure of public convenience, which a short time will render indespensible if it is not immediately necessary; and it is affording a ground of complaint which may become both serious and just. At present the proprietor has a slender claim on the justice of the Commonwealth. The building surrendered by him for a court house has answered and will answer his private purposes. To render the prison complete will require an expenditure little short of its present cost, or if for this he should be entitled to indemnification the amount will be small. To invite him further may subject the interest of the public to a

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dangerous association with the interest of the private citizen. Whether a full remedy for the present embarrassment will be found in the removal of the Court House of this District to a part more central, either with respect to territory or to population; or in the erection of the counties of Botetourt and Montgomery, and of Kanawha, Greenbrier and Monroe into independent districts, is a question which the subscribers must leave to the consideration of the proper power, but certain they are that the one or the other measure is the only admissable remedy for the incoveniencies to which this district is now subject."

Signed: ..... Blackburn
Geo. Hancock
Augustus Woodward
Allen Taylor
Thos. Rowland
W. H. Cavendish
John Hutchinson

"To the Hon'ble S. George Tucker Judge of the District. Court now held at the Sweet Springs -

"Whereas it is represented to the subscribers that a report hath been made unto Your Honor that the Commonwealth hath no title to the Lands at the Sweet Springs whereon is built the Court House and jail for the District of Botetourt. The subscribers ever conceived that after the said court was by law made permanent at the aforesaid place that those buildings erected for that purpose was vested absolutely in the Commonwealth so long as the said court might be holden here. But if any doubt arises on that subject he is willing to convey to the Commonwealth any title that may be required to secure to it the right, unto so much land as may be requisite for that purpose for the term and under the condition that when the Commonwealth shall judge proper to remove the holding of the District Court from hence, that then any right given or granted to it by the subscribers shall cease and determine. He is also willing to grant land under the like regulation for the erection of a clerks office and jailors house."

22nd October 1799

Signed

John Lewis Prop. of the Sweet Springs.

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