COUNTY GOVERNMENT IN COLONIAL NORTH CAROLINA

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By

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"No people can have a proper self respect who are not familiar with the deeds of their ancestors".—Battle.

"This system imparts to the State the character of a confederacy of counties".—McMahon.

"There are other places at which, like some of the foregoing, the laws have said there shall be towns; but nature has said there shall not".—Jefferson.

COUNTY GOVERNMENT IN COLONIAL NORTH CAROLINA.[1]

The proprietary government of North Carolina began in 1663, with the royal grant to eight noblemen, who were constituted its "true and absolute lords and proprietors," through royal favor, and concluded in 1729, amidst public rejoicing, with the sale of the property to the Crown. It was the purpose of the Lords Proprietors to erect certain distinct governments, eight in number, each one of which was to be directly dependent upon one of them, and they termed these governments "counties." It was their intention that these governments should be consolidated into an imperial government, but the slow growth of the northern part of the province prevented a consummation of their plan, and finally brought about the division of the province into North and South Carolina. In their concessions of 1665, they interpreted the term "county" to refer to the subdivisions of their vast territory, which they had received, and it was their design that each of these so-termed "counties" should have its governor, with the necessary administrative associates and assembly. In the concessions referred to, the proprietors spoke of the "County of Clarendon, County of Albemarle, and the County of ——— ——— which latter is to be to the southward or westward of Cape Romania, all within the province aforesaid." Each was to be a county palatine, rather than a county in the modern sense of the term. Craven was the name attached to the territory blanked in the concessions of the Lords Proprietors, and comprised the territory immediately south of Cape Romania, wholly without the region that later became North Carolina, and therefore is not to be dealt with here. Clarendon, the district to the south of the mouth of the Cape Fear, though within the territory of North Carolina, was early abandoned that its inhabitants might unite

[1]This paper was awarded the first prize offered by the North Carolina Society of Colonial Dames of America for the year 1910-1911.

with those of Craven county a considerable time before there was materialized in the units of either of these sections anything resembling the county of the modern sense, the government of which, prior to 1776, is the consideration of this inquiry.

The earliest successful municipal corporation in North Carolina was Albemarle county, comprising the entire area around Albemarle Sound, some 1600 square miles. This government was at first smaller than either Clarendon or Craven, but it steadily extended its domain over the surrounding territory, until at the close of the 17th century it became known as North Carolina, and embraced that part of the province that extends north and east of the Cape Fear. The plan, as I have suggusted, was to have very large counties, and these were to be composed of "Precincts." Albemarle, and Bath, which was created in 1696 from the region to the south of Albemarle, were the only counties of this type which were created, the former being early composed of the "Precincts" Currituck, Pasquotank, Perquimans, Chowan, Edgecomb and Bertie, and the latter of Beaufort, Hyde, Craven, Carteret, New Hanover, Bladen and Onslow. These counties, with their "Precincts" which were to be the units of local government in North Carolina, along with the others that were subsequently created along the same plan, continued to exist until 1738, when the larger division was abolished, and in its place the old precinct, which now was denominated county, became the regular local administrative and judicial unit.

THE CHARACTER OF THE POPULATION

That the correct importance and appreciation may be attached to the local government in North Carolina, that its method may be best understood, and accounted for, a brief survey of the type of persons with which it dealt, their character and condition, which will prepare us for the insight into their conception of justice and their methods of administering it — for the laws which were enacted were characteristic of the men of the times — is not improper here.

North Carolina certainly cannot be called a "Receptacle of Dissenters and an Amsterdam of religion," as New England was,

It was no "Nursery of Quakers", as Pennsylvania; it was, to be sure, no "Retirement of Catholics", as Maryland; it cannot, I think, be peculiarly characterized as the "Delight of Buccaneers and Pirates" as South Carolina is accused; it may in no sense of the word be "justly esteemed the happy retreat of true Britons and true Churchmen", as Virginia claims to have been; but it cannot, I think, be justly termed the absolute "Refuge of Runaways", as Jones characterizes it in his "Present State of Virginia". Nor do I think that the celebrated Colonel William Byrd had sufficient justification for saying, that the inhabitants of the province of North Carolina "pay no tribute either to God or to Caesar." That both of these statements are partially true no one denies; that they are merely half truths and nothing more, the candid and impartial students of that period largely confess. Bancroft says that North Carolina was settled by the freest of the free; men to whom the restraints of other colonies were too severe. The settlers of North Carolina were by no means a class of people particularly fond of a rigid government, and they have never been exuberant about the exactions of taxation, local or otherwise. Lack of means partially accounts for the latter characteristic. They were however, says Bancroft again, "gentle in their tempers, of serene mind, enemies to violence and bloodshed." They were "restless and turbulent in their very imperfect submission to government imposed upon them, but their own administration was firm and tranquil."

The early settlers of the New England Colonies belonged to the great middle class of Old England and came chiefly from the towns, while the early colonists of Virginia, purely English, belonging to the upper and middle classes of the mother country came in the main from the rural districts, and brought with them a large body of "servants," who were sprung from the very lowest classes of England. This approach to white slavery in Virginia was abandoned with the introduction of negroes, but the poor whites then occupied a condition of life scarcely preferable to that of the slave. The result was that in Virginia the upper class grasped the reins of government at the start and held them, while in New England, on the contrary, the mass of the people,

from the very earliest time, seized the control of affairs, and in that respect Carolina somewhat resembled New England. North Carolina was settled by no distinctive class, however, as New England and Virginia, but by a heterogeneous population, and thus the local organization of Colonial North Carolina was of a mixed character such as would naturally have been produced by the manner of its settlement, and the character of its settlers.

Colonial North Carolina was often turbulent; whether justified through good reasons or not, there were frequent social disorders among the people. The condition of the masses is partially responsible for this, for religious instruction was scant and there was unfortunately considerably less of education. No printing press was introduced into the colony until 1749, "without the advancement of which" said Charles Dickens, in his speech at a reception tendered him in New York in 1868, "little real advancement can take place anywhere." But coupled with this condition of the masses, was the bad administration and the excessive demands of the mother country. In their submission to this the inhabitants were "restless and turbulent." Any government but one of their own institution was rather oppressive. Thus the county governments were more quiet and better regulated, because the administration of local affairs was not so closely subjected to a foreign sway, a fact which should be borne in mind through a major part of the treatise, for local self-government, though to be sure it only partially existed in Coloinal North Carolina and was precluded by the "fundamental constitutions," is conceived to be conducive to a liberty loving spirit.

LAND SYSTEM

Closely allied and firmly interwoven with the social and political institutions of any government, local or otherwise, is its land system. No people can properly find their place in the ranks of government until they are settled within some definite area, have a fixed abode, have acquired land, which they hold as the property of individuals or which is held by the people as a whole. Before a land system is developed, however simple it may be, a people strong and numerous constitute scarcely more than

"a nomadic horde deserting one region after another." The land system is one of the most important elements, almost the fundamental principle of the institutional life of any country or section, and its influenee is particularly traceable in the history of the English race. Local government in Colonial North Carolina cannot, therefore, be properly studied without some investigation into its land system.

The proprietors, being early empowered through their charters, announced to those who would become North Carolina colonists, the conditions under which they could obtain and hold land. With a view of encouraging a rapid settlement special inducements were offered to large families. In 1663, in their document entitled "the declarations and proposal" the proprietors offered one hundred acres of land to every "present undertaker," fifty acres for every man servant, and thirty acres for every woman servant whom he should bring or send into the province. The early lands were not sold, but leased forever, as it were, the proprietors being compensated in the shape of quit rents. One halfpenny per acre was the amount established by the proprietors as the quit rent, and from three to five years were allowed for its payment. Lands were granted however during 1663 at lower rates still, only one farthing per acre being exacted. These low rates were aimed at attracting large numbers to Carolina, and were unquestionably a distinct advantage to poor colonists.

In 1663, the proprietors reached a special agreement with the unsuccessful settlers at Cape Fear. It provided that 500 acres of land should be granted in return for every thousand pounds of sugar which were subscribed toward the enterprise, and more or less in proportion to the amount of the subscriptions. About the same time, the Concession and Agreement of 1665 made provision for an elaborate system of head rights, varying considerably between 1665 and the close of 1667, which were applicable for the entire colony, including Clarendon. Within that county the maximum for freemen was to be one hundred acres and the minimum fifty acres. It was provided that the larger amount was to be bestowed upon those who arrived in 1665, and the smaller on those who delayed until 1667. In Albemarle, the maximum and minimum offers were eighty and forty acres respectively.

The Fundamental Constitutions, though they only designated the areas of the baronial grants, were in the nature of an immense territorial concession for the entire province. In the celebrated scheme of government, there was provision for eight Seniories in each county—each consisting of twelve thousand acres—and these were to be proprietary reserves. The eight baronies in each county were to be given, of course, to the provincial nobility. In order that these estates might be kept together, it was provided that after 1701 neither the proprietors nor the provincial nobles should have the power of dividing their estates. It was permitted that tracts of land consisting of twelve thousand acres might be erected into manors. Thus the "Inalienable and Indivisible" property of the nobility—which consisted in one landgrave or earl, and two caciques or barons for each county—comprised ninety thousand acres, or one fifth the entire land of the province. The proprietors were to retain as their "Inalienable and Indivisible" property a like amount of the lands. The remainder of the territory, three-fifths of the entire amount, comprising some two hundred and eighty-eight thousand acres, was reserved for what was termed "the people." A very successful application of the feudal land system set forth in the Fundamental Constitutions fell flat, but merits attention as the only continued attempt within the United States to connect political power with hereditary wealth. Carolina, however, refused alike an hereditary nobility and the dominion of wealth. It is interesting also for its partial influence upon the proprietors in their early territorial system as applied to the colonists, a system which was not, in its essence, materially altered when the Crown purchased the territory from the proprietors in 1729.

As a matter of fact, the land holdings granted by the patentees to the common people were very small as early as 1669, for the provisions of the Fundamental Constitutions were modified conconsiderably at that time, and although there were exceptions, large grants were very rare. That policy continued on through the colonial period. Six hundred and forty acres was usually the maximum quantity, although the Assembly passed a law in 1669 which restricted, for five years land holdings to six hundred and

sixty acres. But, as has been shown, this law did not extend to "Proprietors," "Land Graves," and "Caciques." The law was early made in order to prevent dispersion of the inhabitants over too large an area. The amount which one man could lay hold of without purchase in 1669 was sixty acres for himself and fifty or sixty acres for each person he brought with him. A little later it was fifty acres for each person that came without any distinction. In 1709 the Proprietors declared that no more than six hundred and forty acres should be sold to one man without permission. In 1702 the restriction allowed no more than five hundred acres, though six hundred and forty acres seem to have been the usual maximum holding permitted to one person from a little after that date on through 1737, and thereafter, the policy of issuing small grants under the Crown, as under patentees, being adhered to. No inconsiderable man therefore, under the system of land holdings, could accumulate anything approaching a very extensive estate.

In 1665 the proprietors provided that "Registers or Secretarys were to keep exact enterys in faire bookes of all publicke affares of the said countyes and to avoid deceiptes and law suits shall record and enter all graunts of the Land howse or howses from man to man, As also all leases for Land howse or howses . . . " This provision, now so common, was then unknown to English law. It was a marked improvement on the English system of ascertaining and perpetuating titles. All grants and deeds for land were to be acknowledged or proved by oath of two witnesses and recorded, and the conveyance first recorded was to be effectual, notwithstanding the prior unrecorded conveyance.

All the laws passed from time to time in regard to registration, alienation, transfer, title by occupation, validity of occupation, validity of patents, resurvey, escheat, rent-rolls, and the number of acres to be granted to any one person, were enacted by the governor, in cooperation with the two houses of the legislature. The governor was empowered to exercise a very careful oversight over the settlement of all land granted. It was emphasized that he should not allow larger grants than could be well settled and cultivated and this was usually a very small amount. In con-

junction with the council he decided whether lands had been settled in accordance with the terms of the grants and whether they escheated or forfeited, and he was forbidden to issue grants without a clause reserving the right to vacate the occupants unless the quit-rents were paid and cultivation properly carried on, but the colonists were often excused for non-compliance with the regulations. Subsequent provisions concerning the territorial system were provided for when the occasion demanded, though they were better planned than executed, for much looseness and even abuses prevevailed. From 1729 however, when the Crown purchased the territory, the abuses seem to have been less prevalent, though the crown officers were not always very active or particularly intelligent in the discharge of their duties.

Thus it has been observed that under the patentees and the Crown, the policy was to grant the land in small holdings, and this system and policy concerning land determined to a very considerable extent the economic, political and social life of the colonists. The sytem of land holdings tended to keep North Carolina a poor colony, while in Virginia and South Carolina, where it was the custom to make large grants, a predominant landed aristocracy soon sprang into existence. The North Carolina colonists did not escape the influence of the environment, and the nature of the local government was, of course, materially influenced by its territorial system—a system which tended to check the colonists in the accumulation of wealth. The consequence of a small and not wealthy population scattered over a large area was that the county, or precinct, as originally designated, obtained predominance as a political unit.

ABSENCE OF LOCAL INSTITUTIONS.

Among all the American Colonies, town life was least developed in North Carolina. With the absence of manufactures and with commerce entirely undeveloped, and with a population without wealth, towns would have been an unnatural growth. In early North Carolina there were very few hamlets, and in certain localities, a house within sight of another was rare. Amidst these situations, in a boundless forest, there were not even roads, ex-

cept as the paths from house to house were distinguished by notches on the trees. As late as 1754, North Carolina with twice as many inhabitants as its southern neighbor, South Carolina, had not one considerable village. Indeed in 1776 New Bern and Wilmington were villages of only five or six hundred inhabitants each. A town became entitled to a representative in the legislature when it was composed of sixty inhabitants, but even with this slight requirement the number of towns represented in the legislature never became very great. This of course was to some extent due to the fact that the governor was chary of granting borough representation, but the population consisted merely of small farmers, the climate being especially suited to a rural life. Where such conditions prevailed, towns did not spring into being at once, nor could men be "forced, bribed, nor persuaded to live in them when founded." The circumstances which prevented the development of town life, and consequently the institution of town government, aided the growth of the county system in North Carolina and caused it to prevail.

Towns were thus absent in colonial North Carolina, but more than this, there were no territorial distinctions, such as the plantation, hundred, township and district, as in certain of the other colonies, though provisions were made for them in 1665. The parish did not come into the colony until it was fairly settled, and through the proprietary period it was without uniformity and not fully established. In the small number of parishes in which there were efforts to maintain the establishment, the sole civil functions were to care for the poor and assess the local rate. The vestry and church-wardens were clothed with the power to raise money by poll-tax not exceeding five shillings in currency a tithable for these purposes. The former of these functions was not particularly important, because the rich and almost inexhaustible soil of the fertile sections along the rivers which had for ages been preparing the soil for easy cultivation by the rich alluvial deposits, produced an abundance of food in the colony. The latter function was usually confined to expenditure for religious purposes, and this being poorly paid by Dissenters, it became little more than a voluntary offering by the Established Church. The

other significant function of the parish, the care of the highways, was, a considerable time before the introduction of the civil parish, confided to officers appointed by the precinct courts, and it so remained. A law of the legislature of 1703 directed that the church-wardens should provide weights and measures for the use of the precincts, together with "one fair and large book of common prayer.'" The "select vestry" of the proprietary period and the "open vestry" of the royal period performed certain insignificant functions, but in the main, other than the above, all local matters were referred to the jurisdiction of the county governments, a fact which attaches more significance and interest to this study. The climate, natural environment, land-system, and the habits of life of the North Carolina colonists evolved the county as the natural type of their local government.

THE NORTH CAROLINA COUNTY A SURVIVAL OF THE ENGLISH SYSTEM.

County government in colonial North Carolina bears many points of resemblance to the English common law parish of the sixteenth century, though the Carolina plan of local government seems to have been much less fashioned according to the parish idea than most of the American colonies, the local governments in many of them being a distinct survival of the sixteenth century parish, as those of Virginia and even of Massachusetts.

It was an early idea of the Lords Proprietors that the large divisions of Albemarle, Clarendon, and Bath should be institutions similar to the county Palatine of Durham, but that idea, as has been seen, was inapplicable to North Carolina. The early Precinct Courts in North Carolina, however, correspond very closely to the Durham Halmote Courts. They were held entirely under the control of the Proprietors, and had the same local jurisdiction over the same tenants of the Proprietors of the Government. The Precinct Courts unquestionably bear marked resemblance to the local courts in Durham, in composition as well as in jurisdiction.

Though the local system of government in North Carolina seems to have resembled the English common law parish of the sixteenth century, and the early courts to have been fashioned

after the Durham Halmote Courts, the county system was, however, probably a more distinct survival of the regular English county than were the local systems in any of the American colonies. Though county government in colonial North Carolina bore many traits of other influences, in essence it was the old English county in the New World.

THE CREATION OF COUNTIES.

Before a fairly minute study of the actual jurisdiction and operation of a county government is begun, it might be well to consider rather briefly here the manner of the erection of the precincts previous to 1736, and of the counties from that time to the close of the colonial period. Counties are created for the convenience of the people who reside in them, and were erected in North Carolina in accordance with the population in the particular districts in the province. Unfortunately the rectangular construction of the local units had not at that early day been conceived of, and perhaps would have inconvenienced the people if it had, since the population was widely scattered throughout a large area. The counties were therefore erected in accord with the distribution of the population and were fashioned largely by natural boundaries.

The manner of the erection of the precincts, and later of the counties, occasioned many disputes, The first of significance seems to have arisen with Governor Burrington in 1733. The Assembly claimed that the governor and the council alone did not have the right of creating new precincts. Burrington had a controversy with two members of the council about this point and succeeded in showing that, save in the case of one precinct formed in 1722, all had been erected by the governor without the cooperation of the legislature. By an act of 1715 the legislature recognized as legal units of representation the precincts which down to that time had been established by ordinances.

In 1754 Governor Dobbs was instructed to erect counties in the southern and western part of the province whenever he and the council deemed it fit. This was to be done by charters of incorporation which gave the counties the privilege of sending representatives to the assembly, but with absolute disregard of the

assembly itself. This right of the governor was denied by many of the colonists, and for some time after his administration began, Governor Dobbs was not enabled to carry out his intentions. In 1759 the council ordered that the governor issue a proclamation to the effect that, upon the dissolution of the assembly elected at that time, no writs of election could be issued to the several counties unless they took out charters of incorporation from the governor. After 1759 the right of representation apparently depended upon the charters issued by the governor, and the colonists at that time relinquished their claim in the matter.

The manner of the creation of the counties seems thus to have remained largely unsettled. Controversies and disputes over the question were frequent. The indications are that the precincts, and later the counties, were erected by the governor and the council with considerable disregard for the assemby, though that plan was not strictly adhered to.

Since we have observed the general character of the population of colonial North Carolina, have examined the land system which determined to a very considerable extent the economic, political and social life of the colonists, noted the absence of any important territorial division save the county, taken a passing glance at English local governments of which the North Carolina county is a survival, and seen the manner in which counties were created in North Carolina, we now reach the main object of this study and turn to an examination of the actual operation of colonial county government.

It will be remembered that in the introduction of this paper it was seen that the large divisions which the proprietors were pleased to term "counties" were abolished in 1738, and that the precincts which composed them were at that date denominated counties. Previous to that time the precincts fulfilled the local function of government, and were the actual counties of the more modern term. The operations of their government, therefore, are the ones first to be examined.

LOCAL ADMINISTRATION OF JUSTICE PRIOR TO 1738.

The pivotal factor of the county administration in colonial North Carolina was the county court. The judicial body that

constituted the local court administered certain duties, through which supreme local importance became attached to them, and to the institution in which they served. It is therefore proper to speak of the origin of the local court system in North Carolina, of the local administration of justice prior to 1738, and later of the local administration of justice from 1738 to 1776.

According to the provisions of the Fundamental Constitutions there was to be in each of the large counties a court consisting of the sheriff and four justices, one for each precinct, and all were to be commissioned by the Palatine's court. But that provision was not thus early carried into execution. The earliest records of a county court which have been preserved in North Carolina are those of Perquimans precinct, which began in 1693. With this date the actual operation of the county government properly begins.

Among the powers of the Assembly, as provided in the "concessions and Agreement" which were issued by the Carolina proprietors in 1665, was that of constituting "all courts for their respective Countyes, together with ye Lymitts, powers and jurisdiction of ye said Courts." There was also a provision for the number of officers, their titles, fees, and perquisites, and penalties for "breach of their severall respective dutyes and Trusts." Similar instructions were repeated to the governor of Albemarle, as the governor of the province was known previous to the appelation of "North Carolina," in 1667. These liberal intentions were abandoned with the Fundamental Constitutions, and there was provided for an elaborate judicial system to be established by ordinance after the plan had been accepted. The acts of the first assembly of Albemarle, that of January 1669, did not provide for the establishment of any courts, unless provisions for that end were among the lost records. The court of the governor and council in one of the records is referred to as existing, and it probably constituted the sole court of the settlement. The instructions of 1670 to the governor and council of Albemarle empowered them to establish as many courts as they should deem well until "Our Great Model of Government" could be put into execution. A similar provision was made in the instruction to

Governor Wilkinson in 1681. The instructions of 1685 provided that the governor should appoint justices and hold courts as set forth in the Constitutions. In 1691, Governor Ludwell was instructed, with the consent of three of the proprietors' deputies, to appoint a judge and four justices to try cases in any of the counties in which there were fifty freeholders qualified to serve as juries, with one justice for each precinct.

According to the Fundamental Constitutions, in every precinct there was to be a court consisting of a "Steward" and four justices of the precinct, who were to judge in all "criminal crimes," except treason, murder, and any other offences punishable with death, to judge furthermore all civil cases whatsoever, and all personal actions not exceeding fifty pounds sterling without appeal, but where the cause should exceed that value or concerned a title to land, and in all criminal causes, in such cases, either party on paying five pounds sterling to the proprietors' use, was given the liberty to appeal to the County Court. It was provided that the precinct courts should be held regularly in quarter sessions, and that the governor should permit no delay of justice.

Such were the early provisions and arrangements concerning the establishment of some type of local court system for the province of North Carolina. The several provisions as to the governor, and particularly those contained in the Fundamental Constitutions were not readily placed in operation. The development of the local courts underwent a slow, yet normal, development. Certainly there were no precinct courts in the old precincts of Carteret, Shaftesbury, and Berkely, of 1672, and so far as can be ascertained there were none in any of the precincts which were subsequently created, prior to the court of Perquimans precinct in 1693.

The precinct courts thus came into existence not later than 1693, and probably prior to that date, though the records have been lost if there were earlier courts. They were held by several justices of the peace in joint session, who were appointed by the governor with the approbation of the council, one of whom was usually denominated Judge. Frequent sessions of this court were held, Perquimans having in 1703 seven in each year, although the

number in different precincts varied, the number of courts and justices being influenced by the particular demands in the various sections. As there were no court-houses in the province prior to 1722, the courts met at the private residence of some conveniently situated planter. The scope of authority underwent many changes from time to time.

The jurisdiction of the precinct courts as finally regulated, extended over criminal offences which were punishable by fines and forfeitures, but not by the loss of life, limb or estate. They could try civil causes which did not involve over a hundred pounds except actions of ejectment. The court of the single justice disposed of all claims for less than fifty shillings. The precinct court was permitted to inflict punishment by "fines, ransoms, amercements, forfeitures or otherwise."

Similar to a board of commissioners at the present day, this court had many non-judicial duties, administrating over many matters of public concern. In the precinct courts, claims to head rights were proved. They were also empowered to take probate wills, receive entries of lands, when there was no dispute, and grant letters of administration. Owing to the late introduction of the parish, they performed many of the duties which in England were in the hands of the vestry, and which in New England were left to the selectmen. They fulfilled the functions of the English Orphans' Courts, acting as appointed guardians and binding children out as apprentices. They looked after the general management, opening roads, building bridges and appointing overseers of the public highways of the precinct, a duty which, although it must have been particularly important, was only slightly performed through the early period. Furthermore, the precinct court supervised the administration on estates, appointed constables and granted franchises for mill sites. As a matter of fact, they formed the chief center of local government in North Carolina throughout the proprietary period.

The decrees of the precinct court were executed by an officer called the provost-marshall, who was in fact merely a sheriff previous to the time when that officer was dignified with the latter term in 1738. He was a deputy of the provost-marshall of the

General Court, and in general sustained the same relation to the precinct courts as the latter did to the General Court. It was a part of his duty to summon jurymen, but this officer will be dealt with slightly more in detail in connection with the county officials.

There was also a clerk, and briefly here, it was his duty to keep and transcribe the minutes of the court. Interestingly, on the last day of any session of the court the clerk was required to read in open court the minutes of all the proceedings, and after he had duly corrected all errors, and the document had been signed by the justices, it was declared the record of the court.

There were, naturally, attorneys who took part in the trial of cases, and in early proprietary times there was the custom of allowing advocates, men not bred in the law and with absolutely no knowlege of the elements of the law, to use the precinct courts as a kind of practice ground. But after some time this practice was interfered with through an order of the General Court forbidding any person to act as attorney-at-law in the province except such as had been licensed by the Chief Justice and Judges of the Court.

In the precinct court, as in the higher tribunal, there were juries in the trial of cases. By a law of 1679, the justices were to make known to the "sheriff or marshall of the precinct that he should cause to come before the court, to act as jurors, as many good and lawful men of the precinct, by whom the truth may there be better known and inquired of," etc. In 1723 the manner of obtaining juries was described as follows: Lists were to be made of jurymen in each precinct, and none could serve whose names were not on the lists; of these persons the sheriff was ordered to summon twenty-four, whose names were furnished to him; he was to perform this duty twenty days before the meeting of the court, and the persons summoned were bound under a penalty to attend. On the opening of the court, the names of those summoned were called, and if more than twelve appeared, the names of all those who were present were put into a box and a child under twelve years of age drew from the box, in open court, the names of twelve, who constituted the jury for that term. If

in any case to be tried any of these were challenged, then a child drew as before from the remaining names of the original twenty-four to supply their places. If, at the opening of the term, there did not appear enough of those summoned to make a jury of twelve, then the court ordered the sheriff or the marshal to summon "talesmen," who, of course, could be taken from the freeholders only, whose names were on the jury list of the precinct, and who happened to be at the court. When a person had once been drawn and had served as a juror for a term, he could not again be required until all the others on the list, who had not at that time served, had been drawn.

Mention was made in the outline of the jurisdiction of the precinct courts that a single justice had jurisdiction in civil cases which did not extend to cases involving more than forty shillings, and this action along with the observance that law and order be kept, about which they were to report, might be specified as the Justice of the Peace Court. The first record that we have of this court was likewise in Perquimans County in 1678, previous to the extant records of the precinct courts, although the Justice of the Peace Court seems to have been merely a minor division of the precinct court.

These magistrates were given quite an extended range in which to display magisterial powers, for in the enumerated powers conferring jurisdiction upon the justices in 1676, it was enacted that they should be authorized "to enquire of the goodmen of the precinct, by whom the truth may be known, of all felonies, witchcrafts, enchantments, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever." The only jurisdiction of the justice which ever became particularly significant in the province, however, was his usual jurisdiction in civil causes which did not extend to cases involving more than forty shillings, that is when acting alone.

These magistrates, as was observed in speaking of them as justices of the precinct courts, were appointed by the governor with the approbation of the council. This was usually conceded, for a later enactment boldly affirms that "it has always been the cus-

tom, time out of mind, for the Governor and Commander-in-chief to appoint all officers in this government, by and with the consent of the major part of the council."

The executive officer of this court was the constable who was annually appointed by the precinct courts, and in the main was invested with powers very similar to those of a constable in England. Besides those regular duties, they made lists of the tithables for the use of the vestry and summoned the coroner's jury.

There was an extra local tribunal of which it is proper to speak in brief, namely the court for the speedy trial of slaves. The purpose of the court was that the owner might not, by the confinement of the slave until the next court, lose the benefit of his labor. This court was composed of three justices of the precinct in which the charged crime was committed, along with three free-holders of the same precinct, who were required to be owners of slaves. The court convened at a place named by a justice whose commission was the oldest of the three, and the trial was conducted according to the same rules of procedure as were in vogue in the other courts, excepting that there was no jury, the court determining the facts as well as the law. The slave was allowed to introduce any lawful evidence in his defense, and was not prohibited by the law from having the assistance of his master or others employed for him. After a hearing, the court could pass sentence, extending to life or member, or might in their own discretion inflict any corporal punishment whatsoever or command the proper officials to execute the sentence for them.

Such were the inferior courts of colonial North Carolina previous to 1738. They were not always particularly effective as judicial tribunals, and yet from the records one is prone to believe that they were fairly satisfactory considering those austere times, dealing with a populatfon that had already acquired the reputation of being very lawless, resisting constituted authority, and above all things endeavoring to pay little or no taxes, though this condition is in itself somewhat reflective on the judicial system in general of that time. Fiske says that in the administration of justice "one might have witnessed such scenes as continued for generations to characterize American frontier life. The

courts sat oftentimes in taverns, where the tedium of business was relieved by glasses of grog, while the justices' decisions were not put on record, but were simply shouted by the crier from the inn door or at the nearest market place."

CHANGES IN COUNTY GOVERNMENT OF 1738.

As has often been referred to in this paper, in 1738 the great counties of Albemarle and Bath, which, be it remembered, were not counties of the modern term, with their marshals, deputy marshals, and separate courts, through an act passed "by his Excellency Governor Gabriel Johnson, Esquire, Governor by and with the consent of His Majesty's Council, and the General Assembly of this province" were abolished, and the precincts, which had throughout this period largely fulfilled the functions of counties, were now dignified by the appellation. The change became agitated through neglect on the part of the deputies, who at that time refused to perform their duties. Their conduct in many other respects occasioned "great murmurs, discontents and a delay of justice, greatly injurious to the tranquility of the province." These evils were partially remedied through the abolition of the office of provost-marshal of the province, and by directing a sheriff to be appointed in the newly created counties to serve instead of the ordinary deputies of the provost-marshal. Three justices of the peace in each county were to be recommended bi-ennially to the governor by the court of the county, who were to be most "fit and able to execute the office of Sheriff for their respective counties." The governor appointed the one that seemed to him "meet for the office," and he was to serve the next two ensuing years. The same act that changed the name "precinct" to "county" naturally changed the old precinct courts to county courts, but their organizations and functions remained for some years the same in essence as they had been.

After the act of 1738 changed the precincts into counties, through many subsequent acts the newly created counties underwent many divisions and alterations, others were erected from them, "and the boundaries were settled and altered from time to time as were most suitable to the circumstances of the inhabitants."

LOCAL ADMINISTRATION OF JUSTICE FROM 1738 TO 1776.

The policy of the patentees in the local judicial system was permitted to continue until 1746. The most significant factor of local government, the county court, was then reorganized, as was the superior court. By the act of 1746 the precinct or county courts were much more fully organized. "For the better establishment of the County Courts" it was enacted that they should be held four times in each year, and that the justices of the peace " shall have power and authority, as amply, and fully, to all intents and purposes as the Justices of the Peace in the counties of England as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the peace within their respective counties." Four sessions yearly were to be held in each county by three justices of the peace who were now as in the previous period appointed by the governor with the approbation of the council. The justices of the peace, when in session, had the power of hearing and deciding all matters in law wherein the amount in litigation was above forty shillings and not more than twenty pounds, acts of "trespass and ejectment and writs of formedom being excepted." These officers likewise heard "petty larcenies, assaults, batteries, trespasses, breaches of the peace, and any other offences of an inferior nature, forgery and perjury being excepted." They were furthermore to hear all cases of legacy, intestate estates and matters concerning orphans. There was a provision made for appeals from this court to the superior court. The prosecuting officer in these county courts was a deputy of the attorney-general of the colony, the deputy for each county receiving his appointment from the attorney-general.

Through an act of 1754, the assembly defined the powers and duties of the Court of Quarter Sessions, and enlarged its jurisdiction. This act, however, was repealed by the Crown. The local sessions were almost entirely under the control of the provincial officers, especially of the legislature, and to extend their jurisdiction meant further limitation of the superior courts which were more directly under the Crown. The repeal of the act of 1754

was not sufficient to check the legislature, for in 1760 another act was passed extending the jurisdiction of the inferior courts to cases involving fifty pounds. This act was likewise repealed, but after it had operated for a short time. The assembly soon relinquished its demands, and passed in 1762 an act which limited the jurisdiction of inferior sessions to twenty pounds, although it passed at the same time an act providing for a trial by this inferior tribunal of the cases involving as much as fifty pounds. which had been begun but not completed according to the act of 1760. The provisions of the act of 1762 were continued, though very slightly modified through the acts of 1764 and 1768. In 1773 the question of extending the jurisdiction of the lower courts again arose. After many disputes between the lower house and the governor, an act was again passed providing that the inferior courts should have jurisdiction in cases involving amounts as large as fifty pounds. Governor Martin through force of conditions, gave assent to the act, but it received the ordinary fate with the Crown, being repealed. The Crown replied that it was willing to allow the officers of the court to be appointed by the provincial officials, that their powers, duties, and methods of procedure be defined by the assembly, that the session might be practically independent of the Crown, but this independence must be within small limits.

Below the County Court of Quarter Sessions there was, in the precinct court, a still smaller court, the court of one or two magistrates, the lowest court of the judicial department. This session of the magistrates, as we have seen in connection with the precinct courts, was one of the very oldest of the provincial courts. It continued throughout the royal period with practically the same jurisdiction as was granted it by the patentees, being provided for in the royal period by an act of 1741. Each county had several magistrates, appointed by the governor in conjunction with the council, having jurisdiction in actions of smaller amounts than those prescribed for the regular inferior sessions, and likewise had much to do in keeping the peace and in administering justice in general in an elemementary way. The executive of this court was the constable, as in the previous period.

Observations of the precinct and county courts indicate that

they were in essence the same, few changes of significance being made in the local court system after 1738, though many considerably important ones were agitated. The county courts were more fully organized than the previous ones, naturally growing with the development of the population. Both courts were held by the justices of the peace, the decrees of the precinct court being executed by an officer called the provost-marshal, while the decrees of the latter courts were executed by a like officer under the cognomen of sheriff. There was the officer of clerk in both systems, with like duties in each, though he was constituted differently under the latter system, and was later enticed to fraudulent extortions. The court of the magistrate in the precinct court was very similar to a corresponding court of the latter period, the executive officer in each being a constable. Attorneys-at-law practiced in the county court as well as in the former system. The services of a jury were, of course, as essential to the later as to the earlier tribunal. The extra local court for the speedy trial of slaves existed in the local judicial system after 1738, and was perhaps a court of more activity during those later times. It is therefore justifiable to say that in essence the local court system of the patentees continued through the colonial period, though there were many slight alterations.

The great weakness of the court system of colonial North Carolina was its instability, though the local courts were never subjected to the severe alterations that the superior courts underwent. The court laws were usually temporary and on account of political disputes between the Assembly and the governor, their existence was usually limited to a specified time, usually two years. This led to much legislation with its consequent agitation and discussions regarding courts and court systems. The courts were frequently modified, and this, through contentions and controversies between the different parties, allowed the possibility of having no courts at all. In a few instances the single court of activity in the province was the justice of the peace court. That the system and administration of justice should under the conditions be rather inefficient, and even at times chaotic, was perfectly natural. It cannot be denied that a lack of intelligence and energy on the part of the representatives of the colonists

often occasioned the absence of justice, but this is likewise attributable to a lack of intelligence in many instances on the part of the Crown, and to a lack of intelligence, industry, and character on the part of the Crown officials in the province. In 1768, during the closing years of Governor Tryon's administration, the court question was again taken up, and, while the general features were left unaltered, the duration of the same was extended to five years instead of two, as formerly, and this in itself greatly remedied the judicial system. That act constitutes the last significant change in the court system of colonial North Carolina.

COUNTY OFFICIALS.

The county officials of significance in colonial North Carolina comprised the sheriffs, justices of the peace, clerks, registers, treasurers, constables, and coroners. Nearly all the legislation relating to the county refers to the county courts or to the sheriffs as their executive officers. Whatever records of the counties have been preserved are mainly county court records. Most of the above named officers, it will be observed, were purely officers of the local court system, and most of the others were closely allied with it. In dealing with the inferior courts it was necessary to say something of the court officers in that connection, and thus we gained an insight into their duties then, and therefore they will not be dealt with in much detail here, though it should be remembered that they constituted perhaps the most important officers of the local system of government.

The most important officer of the county system was the sheriff, his principal services being connected with the county court. He was the ministerial officer of the county. Previous to 1738, this officer, as has been suggested, was called marshal, but at that date the title was changed. He secured his office through appointment by the governor, and was a freeholder residing in the county, and had to "find surety for one thousand ponnds sterling that he should faithfully discharge the duties of that office and account for and pay all publick and private moneys by him received as sheriff." The sheriff served and executed all writs issued in the name of the king, "of whatever nature they are, gainst persons, lands and goods in the county and made returns

of those writs." For serving and executing all writs the sheriff was allowed certain fees by an act of 1748, and for "all sales he had a commission not exceeding two and one half percent. of sixpence in the pound of the price of the goods sold, and for all publick moneys by him received he had a commission of eight percent. allowed him." The sheriff's duties varied from time to time, but in the main they were similar to the duties of the sheriffs of the English shires. Every county of North Carolina had a sheriff, an officer of "trust and importance in the county," though at times one sheriff would be changed to perform duties in another county. He was amenable to the governor and received his instructions from him. The earliest duties performed by him were serving writs and processes. He had custody of the county jail, imprisoned criminals and inflicted corporal punishment and attended executions. He held the elections for burgesses and summoned juries for the inferior and General Court. He was also the collector of public duties, and until coroners were appointed, he was obliged to view dead bodies and "warn the enquest." For some time his duties remained as above outlined except that he was relieved from acting as coroner.

Possibly the most important duty of the sheriff was as the collector of public duties, in the performance of which he was often subjected to severe treatment by the delinquents. The sheriff was furnished with a list of all the taxables in the county, "that is all the white males above sixteen years of age and all mulatoes, masters and slaves male and female above the age of twelve, and by this list he collected all the public or provincial poll." The sheriff was empowered to collect the poll tax by an act of the assembly with the county tax which was imposed by the justices of the peace and the inferior court "upon their several counties for contingent charges," and the parish tax which was imposed by "the vestry for the behoof of the minister and other parish charges." This officer had the power of "distraining for all these taxes and a fee of two shillings and eight pence currency for every distress."

Such were the duties of the county sheriffs of colonial North Carolina. The same person could be elected and continue in office for an indefinite number of years, with one limitation,

namely, that at the expiration of two years of service, if he could show certificates or receipts from the treasurer "by which it might appear that he had settled with that office for the publick taxes by him collected in his county," he was discontinued as sheriff.

Justices were early appointed by the governor and council of North Carolina to serve for life or during good behavior, and when any important county business was to be transacted, such as levying taxes, electing county officers, accepting their bonds, and making contracts for the county, a majority of the justices were required to be present. Other business could be transacted by a majority of the justices.

The office of justice of the peace had its origin in ancient times, and in colonial North Carolina was regarded as a dignified, honorable, and important position, and our forefathers felt highly honored when clothed with its dignified and important powers. Peace is the very end and foundation of civil society, and in the maintainance of this the justice of the peace was an indispensable officer in the administration of justice and orderly enforcement of the laws.

At common law a justice of the peace had the power, when a felony or breach of the peace had been committed in his presence, to personally arrest the offender, or command others to do so, and had the same power to prevent a breach of the peace, which was about to take peace in his presence. If, however, the crime was not committed in the presence of the justice, he could not arrest or order an arrest, except by his written warrant based upon oath or affirmation.

The justice or the magistrate was the king's main reliance for the preservation of order, and in colonial America he was the principal officer in the administration of the laws of organized local society.

As in the precinct courts, so in the county courts there were demands for a clerk, and this officer existed in each of those tribunals, receiving his appointment from the secretary of the province previous to 1762, and serving during good behavior. In 1762 a clerk for the province was appointed by the Crown, and this officer thereafter appointed the clerks of the county courts,

Evidence seems to substantiate the claim that by appointing clerks for good conduct the clerk of the Pleas of the Crown received a considerable sum of money in the shape of a bonus. These county clerks were under bond to the justices of the peace of the counties, but seem to have been more amenable to the clerk of the province than to the magistrate, since their offices more particularly resided there.

In connection with the land system in North Carolina we saw that registers were created "to keep exact enteryes in faire bookes of all publicke affaires of the said countyes," etc. The office of the register thus came into existence almost with the colony. A law of 1715 provided that the officer should be appointed by the governor from three freeholders who should previously have been selected by the voters in the precinct. There was thus at first a popular element in the selection of registers, but later they were appointed by the governor without previous nomination. The duties of the register were registering deeds, which were often for personality, and were acknowledged in the precinct courts, and until the appointment of parish clerks, the recording of births, marriages, and deaths.

Treasurers were not early provided for in North Carolina, the first bill that I have been able to find in the records establishing that office being dated 1746. The treasurers were, by law, to account with the assembly, and the constant practice was for them to do so before a committee appointed by the house, who re-examined the accounts on the report of their committees. Their duties were very similar to those of the county treasurer of the present day, though serving in territories where the population entertained no great love for taxation it seems to have been an office of much less activity than even at the present time.

The office of constable was another important office in colonial North Carolina, though that statement may seem somewhat strange to us now. The office originated in the most remote days of the past and was early introduced into North Carolina. The constable was then, as now, the ministerial officer of the justice's court. He acted when commanded by the justice, if acting within his jurisdiction.

The concessions of 1665 provided for coroners. At that time the officers were appointed by the governor and the council, and a law, which Governor Burrington declared an old one, would indicate that this method was retained throughout the proprietary period, and probably they were so selected afterwards. The office of coroner seems to have been one of inactivity during the early days. The slight mention of the holders of this office in the records would indicate that their services were never particularly significant.

EVILS IN LOCAL GOVERNMENT.

In the description of the county officers it has been seen that the magistrates, sheriffs, and constables were largely appointed by the governor, usually in conjunction with the council, but the members of that body were themselves selected by the governor. The clerks of the county courts and register of deeds were selected by an officer called the Clerk of the pleas, who having bought his office in England came to North Carolina and peddled out "county rights" at prices ranging from four to forty pounds annual rent per county. In 1772 these rents amounted to five hundred and sixty pounds per year "from an absolutely sinecure office," as Governor Martin said. It was a vested right, however. All this was done openly, for "farming out offices," as buying and selling them was called, was at that time an honorable occupation. Under that system, there was of course no responsibility to people, and an unhealthy state of affairs was soon produced. There came to be a self-perpetuating circle, composed of officers, lawyers, justices, and their dependents, controlling local affairs, and with interest widely different from those of the people. Popular discontent could not make itself felt in legal and accustomed channels.

As a result of the foregoing situation, the unlawful extortions of the county officials, and the non-performance of their duties were their characteristic traits towards the close of the colonial government. The first and perhaps primary cause of the War of Regulation was the unlawful exactions of fees by clerks and registers of deeds. There is plenary proof that the county officials

made undue extortions. Governor Tryon in his dispatch to the home government in 1768, confessed that the Register and Clerk of Orange had been found guilty of taking "too high fees." Colonel Fanning, the Register of Deeds of Orange, was prosecuted and duly convicted, and fined a penny and costs. The records do not show that he was ever subjected to any sentence whatever. As it was with the Register of Deeds, so it was with the Clerk of the Court and the Sheriff and his deputies, and as it was in Orange, so it was in Anson, Rowan, Mecklenburg, and various of the other counties.

Tryon himself said that, from various causes, partly from the embezzlement of the sheriffs, not more than one-third the tax levied was paid to the public treasury. The defalcation of the sheriffs occurred for many years, so that the total indebtedness of the various ones in the several counties amounted to more than sixty-four thousand pounds in 1770. In every county there were defalcations on the part of the sheriff or one of his deputies, and in most instances, on the part of more than one. It was a harvest time in general for county officials—a time for court-house rings and court-house cliques.

The grievances were further hightened in communities where almost all debts were small by the manner of collecting them. Under the law at that time, all sums over forty shillings were sued for and recorded in courts of record, thereby creating an immense business for the minor courts with clerk's fees and other costs corresponding, so that the extortion of county officials, as Judge Haywood said, "fell with intolerable weight upon the people." This was undoubtedly true, for in one case on record, the cost equalled fourteen times the amount involved.

Of the thirty-four county court clerks in 1772, only eight or nine had complied with the outstanding requirement to furnish the governor with a table of their fees, accompanied by a certificate that such tables were put up in their respective offices. Treasurers failed to account with the assembly. The sheriffs confessed that they had observed several deficiencies in their collections, but they added that "in the confused state of the province, from the turbulent dispositions of factions, cabals and dangerous insurrections, it could not with reason be supposed that sheriffs,

more than magistrates and other officers could fully discharge their functions.'' Temptation to irresponsible corruption was the rule and not the exception in every office, and as a matter of course, ''Corruption stalked abroad throughout the land, unconcealed, unawed and unabashed.''

The first formal complaint was made in June, 1765, in the famous Nutbush paper of Granville County, This paper set forth the grievances under which the people professed to labor. It complained of illegal exactions of lawyers and clerks, and declared that ''few of you have not felt the weight of these iron fists.'' Fuller complaints were made in Orange and Anson in 1766. Protests were sent to the Assembly, but there was no redress of grievances. That these grievances were real and not imaginary no one denies. The mild protests of 1766 and 1767 went unheeded and the era of force and threats began. The sheriff was warned that any effort to collect tax would be at his peril. He did not heed the warning and seized a mare, bridle, and saddle for taxes and was subjected to severe punishment for his action.

The unhealthy situation, with no redress of grievances for the oppressed, resulted in the War of the Regulation, which culminated in the battle of Alamance. The local benefits which resulted from the revolt were the regulation of attorneys' fees, the directing of sheriffs in levying taxes, inferior courts were authorized to establish tobacco ware-houses wherever needed, county officers of importance were placed under bond, and provision was made for a more speedy and cheaper collection of small debts. These improvements came during the last years of colonial government. Soon there was to be a more significant revolt; the Royal Governor. Martin, was to ''seek refuge on the Wilmington sloop-of-war,'' and saner provisions of government were to be enacted.

Having seen the character of the population, the land system, the local administration of justice, the county officials and their fraudulent extortions, there remains but one other significant point in the county government of colonial North Carolina, namely, the representation of the county in the Assembly.

COUNTY REPRESENTATION IN ASSEMBLY

When Bath County was erected, it was with the provision that the precincts of the territory could send only two members each to the legislature, while those of Albemarle were allowed five each, and from this early difference in representation, though at first the precincts of Albemarle were much larger and much more populous than those of Bath, there grew up a system of unequal representation which was ever thereafter a subject of frequent disputes and controversies. The system became a gross injustice to the large and populous western counties, and contention was not out of order.

Representatives were voted for by "all freemen," the qualifications required from the electors being a freehold of fifty acres, and six months residence in the county. Foreigners born out of the king's allegiance and not "made free," (presumably naturalized) "negroes, Mulattoes, mustees, and Indians," were not allowed to vote. Every voter, then as now, was required to be twenty-one years of age. The elected were required to have a freehold of one hundred acres and to have been for twelve months a resident of the county.

The earliest elections in North Carolina are interesting enough. The sheriff presided and took the vote which the freeholders cast, and those who were absent from the polls were liable to be fined. "All voted openly and aloud without the intervention of the speaking ballot. The candidates sat on the magistrate's bench above. The sheriff stood at the clerk's table below; called every voter to come and how he voted. The favorite candidate invariably bowed to the friend who gave him his vote, and sometimes thanked him in words. All over the house were men with pens and blank paper, who kept tally, and could at any moment tell the vote that each candidate had received. . . . The election over and the result proclaimed by the sheriff, forthwith the successful candidates were snatched up, hoisted each one on the shoulders of two stalwart fellows, with two more behind to steady him, and carried thus to the tavern . . . where there was a free treat for all at the candidate's charge."

Later every voter was required to vote by ballot, signed with his name, and the returning officer was authorized to question the voter upon his oath whenever he doubted his qualifications or suspected him of having previously voted elsewhere. Whenever the returning officer knowingly received an illegal vote, he was liable to pay, first a fine of twenty pounds to the governor to be applied in building a court-house, church or chapel somewhere in the province, as the governor might direct; secondly he was answerable in damage to a like amount, recoverable by an action at law in any court of record, "at the suit of any person who by a majority of votes ought to have been returned."

CONCLUSION

The climate, natural environment, land system, and the habits of life of North Carolina colonists evolved the county as the natural type of their local government, of which the county court was the pivotal factor. County government in colonial North Carolina has been studied thus minutely inasmuch as through a correct understanding of the system of local government, the system in the administration of which the people were the least checked by the mother country, we learn their methods of admin istering justice, get an insight into their methods of government and their conception of justice, and thus the character of our forefathers is visualized to us. Dr Battle is probably correct when he says that no people can have the best "self respect who are not familiar with the deeds of their ancestors." This inquiry has been made with that thought constantly in mind. The county system of ante-Revolutionary North Carolina has been studied thus in detail, furthermore, in view of the fact that it served partially as a model, though considerably less than either Virginia or Massachusetts, for similar institutions in the South and Southwest.

In this system of government, the dominant idea was gradation of power from the governor downward, not upward from the people. There seems to have been centralization in government but decentralization in other things. The necessary tendency to strong centralization was often counteracted, however, by the

individuality of local offices. But the system offered many loopholes for corruption and possessed absolute evils. There was no responsibility to the people, and in view of that significant fact, it is not remarkable to find many instances recorded of malfeasance in office. Considerable changes have been introduced in the county system of North Carolina since the Revolution; but so long as North Carolina remains primarily an agricultural state so long will her local political life be moulded upon the plan which has prevailed for more than two centuries.

SOURCES

In the preparation of this paper, I have made constant use of the recent History of North Carolina by S. A Ashe, and of the Colonial Records, as sources. I have investigated all of the histories of North Carolina in the Library of the University of North Carolina, in fact, but I have checked the statements that I have gotten from the older of these works with the Colonial Records. I have found Dr. Raper's work on English Colonial Government particularly valuable. In dealing with the period prior to the War of Regulation, articles of Bassett, Connor, Sikes, and Weeks have been found very helpful. For specific purposes the works on the local institutions in early Virginia, Maryland, and the New England Colonies have been investigated.