



STATE OF NORTH CAROLINA
Department of Cultural Resources
Raleigh 27611

James E. Holshouser, Jr.
Governor

May 15, 1975

Division of Archives and History
Robert E. Stipe, Director

Grace J. Rohrer
Secretary

Mr. Edward J. Spanski, Jr. Executive Director
Surry County American Revolution Bicentennial Commission, Inc.
P. O. Box 1776
Dobson, North Carolina 27017

Dear Mr. Spanski:

We of the staff of the Division of Archives and History, Department of Cultural Resources and in behalf of the North Carolina Historical Commission would like to take this opportunity to thank you for the presentation which you made on or assisted in making at the Commission's public hearings on May 7. The hearings went exceedingly well because all organizations whose bills came before the Commission had prepared their materials carefully and arrived promptly for their presentations to be heard.

The Commission heard presentations on sixteen separate appropriations bills, some of them posing considerations which had never come to the attention of the Commission members. In arriving at its recommendations to the General Assembly, the Commission weighed each project on its merits and came to its final decision often only after lengthy discussion and reference to the criteria and statutory authority under which it operates. No stone was left unturned as the Commission probed each project for historical authenticity, statewide historical significance, sufficient financial planning and support, adequate plans for continued maintenance and operation, and realistic budgetary planning.

Following the presentation of your organization, the Commission adopted the following recommendation on your project:

The Historical Commission did not find that an adequate plan for the operation and maintenance of the historic properties in Rockford had been developed. Following the adoption of its recommendation that Senate Bill 670 not be passed, the Commission adopted the following resolution:

Be it Resolved: That the North Carolina Historical Commission finds the Rockford Historic District authentic;

Mr. Edward J. Spanski, Jr., May 15, 1975--page 2

however, the Commission chooses at this time not to make a statement concerning the statewide historical and architectural significance of the district.

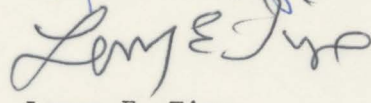
It is the opinion of the Commission that a feasible and practical plan has not been devised for the maintenance and operation of the district for public edification.

The North Carolina Historical Commission does commend the Surry County American Revolution Bicentennial Commission and the Rockford Preservation Committee for their efforts, and recommends that a plan be devised by the sponsoring organizations using 701 funds and the advice of the Division of Archives and History in developing a feasible plan for the preservation and use of the extant structures within the Rockford Historic District.

The Commission further recommended that at such time as a plan has been devised that the Rockford Preservation Committee should report to the Commission its projected plans.

Sincerely yours,


Robert E. Stipe


Larry E. Tise
Assistant Director

cc: Senator Wesley D. Webster
Senator George W. Marion, Jr.
Representative P. C. Collins, Jr.
Representative J. Worth Gentry
Representative David H. Diamont



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Mr. Edward J. Spanski, Jr., Executive Director
Surry County American Revolution
Bicentennial Commission, Incorporated
and The Rockford Preservation Committee
P.O. Box 1776
Dobson, North Carolina 27017

Dear Mr. Spanski:

Re: Rockford Historic District
Time: May 7, 1975, 12:15 P.M.

Under provisions of G.S. 121-11, 121-12(c), and 143-31.2, the North Carolina Historical Commission will be happy to hear a presentation by the sponsoring group on behalf of the special bill seeking a grant-in-aid for this project at the time indicated above. The hearing will be held in the Conference Room (Room 211) of the Archives and History-State Library Building, 109 East Jones Street, Raleigh.

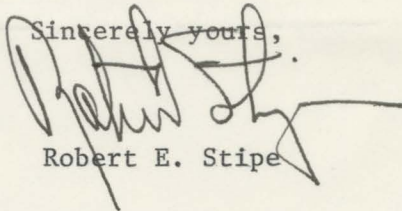
Because of the number of bills to be considered and groups to be heard, it is essential that the presentation for each bill be limited to 15 minutes, including time for questions from Commission members. We have attempted to consider travel time in preparing the schedule; even so, some of you will need to leave early in the morning in order to make the appointment. Please keep in mind that parking is a serious problem in the Capitol area when the General Assembly is in session. May we suggest that you use the new visitor's parking lot immediately in front of the Legislative Building or else street parking north and east of the Executive Mansion. Give yourself ample time for parking and walking to the building prior to the time that has been scheduled for your presentation.

If you wish to use slides in connection with your presentation, please have them in our hands no later than Monday, May 5, so that our staff may set them up. The slides should be numbered and be accompanied by a list showing the order in which you wish them shown. Any other graphic materials may be brought with you, keeping in mind the speed with which they can be distributed or posted.

This letter is being addressed to the person who, at the present time, we assume to be in charge of the presentation. However, so that we will have the necessary information, please fill out and return the enclosed form as soon as possible or forward this letter to the appropriate individual. You are free to designate someone else to make the presentation, and to bring others with you. The room is small, however, and there is not any particular advantage in bringing a large delegation. We are, of course, sending a copy of this letter to the members of your legislative delegation, and we hope that they will be able to attend and to show their support.

We look forward to hearing from you and to seeing you on May 7.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert E. Stipe", written over the typed name below.

Robert E. Stipe

Copies to:

Senator Wesley D. Webster
Senator George W. Marion, Jr.
Representative P. C. Collins, Jr.
Representative J. Worth Gentry
Representative David H. Diamont

STATE OF NORTH CAROLINA
DEPARTMENT OF CULTURAL RESOURCES
DIVISION OF ARCHIVES AND HISTORY

ARCHIVES INFORMATION CIRCULAR

Number 9 (July, 1973)

Raleigh, N. C.

Twenty-five Cents

NORTH CAROLINA COURTS OF LAW AND EQUITY PRIOR TO 1868

By George Stevenson and Ruby D. Arnold

Almost every researcher who visits the North Carolina State Archives soon familiarizes himself with the minute dockets of the Courts of Pleas and Quarter Sessions, but the enormous wealth of information to be found in other surviving court records is scarcely realized. A suit in equity involving the shares of heirs in an estate may include a detailed account of family relationships over a period of two or three generations. Often it is only by examination of signed documents and other evidence found in loose court records that the researcher can distinguish one person from another of the same name and thus make positive identification of his subject. Date of death can be established when the suit of a litigant in whom one is interested was abated by his death. Frequently one discovers that the subject of his research appears several times in records of civil and criminal litigation but practically never appears in other county records. In short, it is the generally unexamined court records which contain the information necessary to "flesh out" the subject of research with more intimate data than can be found in deeds, wills, estates records, tax lists, and census records.

The usual reason these records are not fully utilized is that the researcher is either unaware of the existence of other courts, is bewildered by the unfamiliar forms which the records take, or is inattentive to court records other than minutes. The purpose of this information circular is to provide in an extremely brief form information relating to North Carolina courts of law and equity prior to 1868 which may help the researcher more fully use the documents and records which were the outgrowth of litigation during that period. Courts maritime and courts martial have been excluded from consideration in this information circular.

The fact that the system of justice in North Carolina was that of the common law until 1868 means that the researcher will encounter unfamiliar records and terminology in the course of his research. Under common law, parties who engaged in legal controversy had to state the complaint and pleadings in specified formalized terms which have passed out of usage; the kinds of action a plaintiff could bring against a defendant were limited to forms which had evolved at common law but which are now obsolete. For example, a suit brought because of breach of

STATE OF NORTH CAROLINA
DEPARTMENT OF CULTURAL RESOURCES

a sealed contract was called "Covenant"; a suit brought because of breach of an unsealed contract was called "Assumpsit." One will find it useful and sometimes necessary to have ready access to a legal dictionary when using records created under the common law.

Not every injury which a plaintiff could suffer was covered by the common law forms. Consequently, another system existed concurrently with common law, and it was called equity. Equity attempted to determine what was fair and just in the dealings of one party with another in those cases for which there was no remedy at common law. For example, legatees endeavored to alter the provisions of a will in equity when strict adherence would cause injury to the devisees; defendants applied in equity to stop proceedings at law when it could be shown that the suits brought against them were manifestly unjust (though legally correct) or ruinous out of proportion to the cause giving rise to the suit.

During the colonial period the principle of equity was vested in certain executive courts erected by the governor as the representative of the king, the ultimate fount and source of law and justice; some examples are the Court of Chancery, Court of Ordinary, and the Court of Claims. Civil suits brought at common law and criminal proceedings were heard in courts of law erected by statutes enacted by the General Assembly of North Carolina; the primary courts of law were the Courts of Pleas and Quarter Sessions and the General Court and its successors, the Supreme Courts of Justice and the District Superior Courts. After the Revolution, power to erect all courts was vested exclusively in the General Assembly, and the assembly provided a system of law courts and equity courts which lasted until 1868. In that year, North Carolina adopted a civil code of law which ended the distinction between law and equity and brought to a close the old forms of pleadings under the common law.

One will encounter the term "court of record" in this circular from time to time. The term is used to designate either those courts with power to fine or imprison, or those courts established as courts of record by law. Courts of record are those in which the proceedings are enrolled, as Blackstone says, "for a perpetual memorial and testimony . . . and are of such high and super-eminent authority that their truth is not to be called in question." In North Carolina court records prior to 1868, these enrolled proceedings usually are found in four kinds of dockets, and a brief statement about the dockets will be made below. The information entered in the various dockets was obtained either from loose records or from oral orders, rules, and decrees of the court. The loose records were diverse and included among many other forms: writs for the arrest of defendants; subpoenas for witnesses; appearance bonds; prosecution bonds; narratios, declarations, and petitions (all of which stated the grievance giving rise to the action); interrogatories and depositions of witnesses; bills of indictment; and documentary evidence in the form of notes of hand, book debts, unpaid bills, surveyors' plats, and transcripts of such

germane records as wills, deeds, or proceedings in other courts.* It is probably not necessary to warn the researcher that not all the court records prior to 1868 have survived, and there is no general rule that can be stated about the possibility of survival.

Before briefly explaining the most common of the various dockets to be encountered among court records, it may be useful to say something about five of the major aspects of legal jurisdiction to be found in North Carolina courts prior to 1868.



JURISDICTION

Civil actions at common law were suits brought by one private person against another and were heard in any court designated as a court of law. Generally these were the Courts of Pleas and Quarter Sessions, the County Superior Courts, the General Court, the Supreme Courts of Justice, the District Superior Courts, and, upon appeal, the Supreme Court of North Carolina. Until 1808 the jurisdiction of the Courts of Pleas and Quarter Sessions did not extend to civil suits involving a value of more than £100, but after that date it had concurrent jurisdiction with the County Superior Courts over all original civil suits in excess of £100.

Equity, as has been noted, sought relief for complaints irremediable at common law. Equity jurisdiction was vested in executive courts presided over by the governor during the colonial period. In 1782 the General Assembly assumed authority to grant jurisdiction over equity proceedings and vested it first in the District Superior Courts and subsequently in the County Courts of Equity.

Criminal actions at law were suits brought in the name of the king or in the name of the state after 1776 against persons charged with public offenses. Lesser felonies and misdemeanors could be heard and determined in the Courts of Pleas and Quarter Sessions, but serious felonies punishable by loss of life or member properly belonged to the jurisdiction of one of the higher courts of law.

* Examples of most of the legal forms referred to above can be found published in the volumes of the new series of colonial records of North Carolina edited by Mattie Erma Parker: North Carolina Higher-Court Records, 1670-1696 (Raleigh: State Department of Archives and History, 1968), and North Carolina Higher-Court Records, 1697-1701 (Raleigh: State Department of Archives and History, 1971).

Proceedings by petition were common to the Courts of Pleas and Quarter Sessions and were related for the most part to decedents' estates, to petitions of orphaned minors above the age of fourteen to choose a guardian, to petitions for roads and erection of mills, etc. Petitions were usually presented to the court directly by the suppliant.

Proceedings by motion were similarly common to the Courts of Pleas and Quarter Sessions. Examples are motions for probate of a will or for the grant of letters of administration, for the appointment of guardians to orphans below the age of fourteen, and for various kinds of licenses such as tavern, ferry, or peddler's licenses. Motions were introduced in the court by attorneys.



RECORDS

The kind of jurisdiction being exercised by a court determined the kinds of dockets in which the record was to be enrolled. Numerous and varied dockets were used in North Carolina courts prior to 1868. The assumption is that the kinds and forms of dockets could and did differ from clerk to clerk. The principal dockets are briefly explained as follows.

When a plaintiff made his complaint and a writ was issued against the defendant, or when a case was appealed from a lower court, record was made in an appearance docket (sometimes called the new actions docket); proceedings by petition were occasionally separated from the causes at law and listed in a petitions docket, but they more frequently made their first appearance in the appearance docket. Sometimes petitions were recorded in neither the appearance docket nor in a petitions docket. In criminal proceedings the first docket of record was usually called the crown or state appearance docket or new prosecutions docket; sometimes one will find an indictments docket separate from the usual first docket of record for criminal proceedings. The appearance docket, whether for civil or criminal proceedings, assigned a number to the case, named the plaintiff and the defendant, stated the form of the action, reported the disposition of the writ issued against the defendant, and recorded any rule or action taken at the term of court for which the docket was made. When the appearance docket was for record of criminal proceedings and was accompanied by no separate indictments docket, an additional column was provided to show the grand jury's return on the bill of indictment. Causes successfully concluded at the appearance term appear in no further dockets.

The reference docket was used for two purposes. It recorded those causes referred by the court to umpires, and during the colonial period the reference docket was specially used for keeping record on suits which were not successfully

concluded on the appearance docket, but which were not ready to come to trial. Causes were sometimes carried on the reference dockets for several years, only to be discontinued or abated by the death of one of the parties; in such cases, the cause will be found neither among the court minutes nor on any further docket. One useful aspect of the reference docket during the colonial period is that, in addition to carrying the same kind of information as that found in the appearance docket, it may reveal agreements and arrangements by attorneys for the parties in the suit, and it usually provides invaluable geographical information relating to the defendant's whereabouts. After 1778 the reference docket was used almost exclusively as a record of causes referred to umpires or referees, their names, and their decisions.

Once causes were expected to come before the court, record was made in a trial docket. In criminal proceedings this docket may be named the crown or state trial docket, prosecutions docket, or sessions docket. As in the appearance and reference dockets, the trial docket recorded a number assigned to the case, the names of the parties, the form of action, pleadings by the defendant, and the last rule or order of the court. In addition, the record of judgments and final orders of the court were enrolled in the trial docket.

After suits were determined at law or otherwise adjudicated, record was made of what money was due to the successful litigant and of what money was due to officers of the court (fees, fines, forfeitures, costs, damages, awards, etc.). Writs were issued to recover that amount. These writs were recorded in the executions docket. This docket recorded the names of the parties (usually listing first the one from whom money was due), the kind of writ issued, an analytical breakdown of the various amounts to be recovered, and a record of when the writ was executed and the judgment satisfied.

Naturally, many motions and orders were made during the proceedings of the terms of court, especially of the Courts of Pleas and Quarter Sessions, which did not properly belong to any of the dockets discussed above. Record of those actions of the court were enrolled in the minute docket. Examples of information enrolled in the minute dockets and not in other dockets are record of proceedings by motion and petition, probate and fiduciary matters, and concerns relating to county administration (for instance: The appointment of constables, road overseers, patrollers, and other minor officials; the levying and collection of taxes; division of the county into administrative units; maintenance of public buildings, etc.). On the other hand, when the researcher is interested in a specific piece of litigation and has found the last entry relating to the suit enrolled in a trial docket, he may or may not find a corresponding entry in the minute docket of the same date; when there is a corresponding entry it will be found to include a list of the jurors by name and a report of their verdict in the case. There appear to be periods, especially during the eighteenth century when the minute dockets of the Courts of Pleas and Quarter Sessions contain no

records of civil or criminal proceedings. One should remember, further, that even when the clerks did insert such record in the minute docket it was done only for those cases successfully concluded before the court. This means that probably well over a third of the various suits instituted in North Carolina prior to 1868 were never alluded to in the court minutes. Additionally, a number of suits of major importance were conducted over a period of ten to twenty years but were mentioned briefly in the minute docket, if at all, only upon successful determination.

Proceedings in equity prior to 1776 will be found among the Chancery Court records, but so few dockets have survived that they cannot be spoken of with confidence. After equity was revived in 1782 the dockets used in equity proceedings appear in general to have been: an equity enrolling docket which recorded the text of the petitions of plaintiffs and the answers of defendants; an equity trial docket which resembled the civil trial docket and which recorded temporary orders of the court; an equity minute docket which included not only the orders of the court but the final decrees as well; and an equity execution docket which performed the same function as other such dockets.

When loose records from suits have been preserved and subsequently transferred to the North Carolina State Archives, they are unfolded and sorted into two major categories: "civil action papers" and "criminal action papers." Loose records of suits in equity can be found among "civil action papers" except when they relate to estates, and sometimes land. In the latter case they are occasionally to be found either with "civil actions concerning [or involving] land" or with "miscellaneous land records;" the major civil actions involving land, i.e., ejectments, are usually arranged as a separate series of records. As a rule, loose records from civil suits and equity proceedings relating to or brought against decedents' estates are arranged alphabetically by surname of the decedent and filed with the true estates records (i.e., inventories, sales, accounts, divisions, etc.). "Civil action papers," "civil actions concerning land," and "criminal action papers" are arranged by the date shown on the loose record. In order for the researcher to locate all the existing declarations, petitions, writs, bonds, subpoenas, depositions, etc., which constitute the loose records in a case, it is usually necessary to consult the appearance, reference, trial, and execution dockets to determine the years in which records were entered at particular stages of the suit, to learn the names of witnesses who may have made depositions, and to ascertain other identifying information.



COUNTY COURTS

Courts of Pleas and Quarter Sessions, 1670-1868. These courts were the chief local courts in North Carolina. Courts of Pleas and Quarter Sessions were the major institutions of local government and had the same jurisdiction (though of lesser degree) as any other court of law. Suits under common law (pleas) and criminal proceedings for misdemeanors and lesser felonies (sessions) were heard by at least three justices of the peace who formed the court four times a year (quarters). They were courts of record with designated clerks who were responsible not only for civil and criminal suit records, but for records of other activities of the court. From the earliest days the Courts of Pleas and Quarter Sessions had jurisdiction over probate matters, proceedings by motion, and proceedings by petition. In addition, the justices acted in many of the capacities now held by county commissioners and other county officials. Moreover, the Court of Pleas and Quarter Sessions had jurisdiction over appeals from the Magistrates Courts; matters appealed from the Court of Pleas and Quarter Sessions went to the appropriate higher court.

The date of original establishment of the Court of Pleas and Quarter Sessions is unknown; the earliest surviving record from a court of this kind is 1679. The assumption, however, is that establishment dates from at least as early as 1670 if not earlier. Each county (precinct prior to 1739) had a Court of Pleas and Quarter Sessions until 1868. When the new state constitution, ratified that year, failed to provide for them the Courts of Pleas and Quarter Sessions were terminated.

Magistrates Courts, 1670-1868. Magistrates Courts were not courts of record. They were presumably established concurrently with the Courts of Pleas and Quarter Sessions and were comprised of one or two justices of the peace sitting as a court out of term. Magistrates Courts were given jurisdiction over small debts and petty differences between parties. With the consent of the presiding magistrate, cases heard in Magistrates Court could be appealed after judgment to the Court of Pleas and Quarter Sessions. Since Magistrates Courts were not courts of record, the researcher can expect to find loose records and entries in dockets only for those cases which were appealed to Courts of Pleas and Quarter Sessions, which were courts of record.

Magistrates and Freeholders Courts, 1715-1793. These were special or called courts to try slaves and were courts of record. The courts were comprised of three justices of the peace and four slaveowning freeholders; jurisdiction extended to felonies punishable by death. Though there was no appeal from these courts, their decisions were subject to review by the higher courts. Records of the Magistrates and Freeholders Courts are interspersed in many record groups in the North Carolina State Archives, but a list of sources of records of the Magistrates and Freeholders Courts is available to researchers.

Jurisdiction for trials of slaves was transferred to the Courts of Pleas and Quarter Sessions in 1793; jurisdiction over crimes of slaves punishable by death was transferred to the County Superior Courts in 1816.

Orphans Courts, 1755-1868. Though jurisdiction over orphans and their estates had been shared with the Court of Ordinary and the higher courts of law by the Courts of Pleas and Quarter Sessions from the earliest days, an act of 1755 codified the existing practices and required every county court to hold an Orphans Court on January 1 yearly. The purpose of the courts was to appoint guardians and receive their security bonds, to receive annual accounts from guardians, and to apprentice indigent orphans. The Orphans Courts were constituted by the regular justices of the Courts of Pleas and Quarter Sessions; naturally, those justices continued to regulate the affairs of orphans at the usual quarterly terms of the county court in addition to the separate sessions as an Orphans Court. The principal advantage of the Orphans Court was that it created an annual review of the estates and conditions of orphans. The standard practice in most counties seems to have been to hold the Orphans Court in conjunction with the first quarterly term of the Court of Pleas and Quarter Sessions, and from 1776 until 1868 this was the practice throughout the state. Until 1776 one may find separate dockets for Orphans Courts among the records of a few of the counties; otherwise proceedings of the Orphans Courts will be found enrolled on the regular dockets of the Courts of Pleas and Quarter Sessions.

County Superior Courts, 1806-1868. Under provisions of chapters 1 and 2, Laws of North Carolina, 1806, the District Superior Courts were closed, and a superior court was erected in every county of the state. Jurisdiction over serious felonies remained with the County Superior Courts. On the other hand, jurisdiction over suits and demands relative to legacies, filial portions, and estates of intestates, as well (after 1808) as all other civil actions involving \$100 and upwards was shared conjointly by the County Superior Court and the Court of Pleas and Quarter Sessions.

Equity Court, 1806-1868. Courts of equity were erected for every county in the state in 1806. These courts retained jurisdiction over suits irremediable at common law and over questions of what was fair and just in the dealings of one party with another. Formerly these had been elements of jurisdiction in the Court of Chancery from 1670 to 1775, and in the District Superior Courts (as equity courts) from 1782 to 1806.



HIGHER COURTS

The General Court System, 1670-1754. The highest court of justice with common law and criminal law jurisdiction, the General Court included every county in North Carolina within its venue. It had exclusive jurisdiction over civil actions involving a value of more than £50 and over criminal proceedings in which the punishment could entail loss of life or member. Though the General Court sat at different places, it was usually held in Perquimans County until 1716 when it was moved to Edenton. In 1738 three circuits were added; circuit courts were held at Bath, New Bern, and Newton (later renamed Wilmington), and the general sessions continued to be held at Edenton. In 1746 the offices and general sessions of the General Court were moved to New Bern, and the circuit sessions were held in Edenton, Edgecombe Courthouse, and Wilmington. The General Court system came to an end in 1754.

Supreme Courts of Justice, 1755-1759. Under this system North Carolina was divided into five districts, and each district had its own independent court. Each of the five courts had the same jurisdiction over civil and criminal matters as the General Court, but the venue of each was restricted to counties specified as comprising each district. Seats of these courts were in Edenton, Enfield, New Bern, Salisbury, and Wilmington. The act erecting Supreme Courts of Justice was disallowed by the crown and repealed by proclamation in 1759.

District Superior Courts, 1760-1772; 1778-1806. This system was essentially the same as the Supreme Courts of Justice system. The five district courts, which retained the same civil and criminal jurisdictions as the General Court and the Supreme Courts of Justice, were held in Edenton, Halifax, New Bern, Salisbury, and Wilmington. Hillsborough was added in 1768.

The District Superior Court system collapsed in November, 1772, when the court law expired and the royal government refused to allow another to be passed. During 1773, 1774, 1775, and 1777, serious crimes were tried in special courts of oyer and terminer; civil suits involving more than a value of £50 could not be heard in North Carolina between 1772 and 1778.

In 1778 the District Superior Court system was resurrected by law, and the old districts were reestablished. Certain changes were introduced in the powers of the court. Power of probate of deeds and wills was no longer vested in the District Superior Courts. Jurisdiction over equity matters, formerly exercised by the Court of Chancery, was transferred to the District Superior Courts in 1782. Exclusive jurisdiction over civil suits involving a value of £100 rather than £50 was reserved to the District Superior Courts. Additional districts were created as needed: Morgan (1782); Washington (1784); Davidson (1785); Fayetteville (1787); Mero (1788). In 1806 a superior court was erected in every county in the state, and the District Superior Courts were closed.

The Court of Conference and the Supreme Court, 1800-1868. The Court of Conference was established by a law of 1799, and it enabled all the superior court judges to sit in conference to hear difficult cases which could not be settled in the districts. In 1805 the name of the court was altered to the Supreme Court of North Carolina. In 1818 the superior court judges were relieved of attendance on the court, provision was made for the election of three judges of the Supreme Court by the General Assembly, and the jurisdiction of the court was restricted to appellate matters.

Courts of Oyer and Terminer, 1773-1777. When the District Superior Court system collapsed in 1772, there was no way of trying serious crimes and major civil suits. In order to hear criminal cases special commissions of oyer and terminer were issued in 1773, 1774, 1775, and 1777. Only criminal cases were heard by these courts. A special finding aid has been prepared to help the researcher locate the records of these courts; it is available in the Search Room.

Court of Chancery, 1670-1775. Because suits brought under the common law had to be stated in set forms, and because forms had not been developed for every injury, the common law did not offer relief for every cause. Such causes were heard by the Court of Chancery originally. The function of this court was not to determine what was the legal right of a party under the law but was to ascertain what was impartially fair and just in each case which came before it. Members of the court were the governor and his council. When Governor Josiah Martin fled North Carolina in 1775, the Court of Chancery came to an end. Equity function was vested in the District Superior Courts in 1782 and in the County Courts of Equity in 1806.

Court of Ordinary, 1670-1775. This court shared jurisdiction over matters relating to wills, probate, administration of estates, guardianship, etc., with the courts of law. It had jurisdiction over all the counties and was the highest probate court in the colony of North Carolina. The governor and his council formed this court, and when the last royal governor fled in 1775, the Court of Ordinary came to an end. Probate matters were vested exclusively in the Court of Pleas and Quarter Sessions after 1777.

Court of Claims, 1670-1775. Primarily concerned with granting out in fee-farms the land of the king or of the proprietors in the colony of North Carolina, the Court of Claims also acted as an executive board and arbiter in land disputes involving equity (but not points of law). The court settled caveats relating to land, determined resurveys, decided escheats and forfeitures, and acted on petitions for regrants of land. It was comprised of the governor and his council. The Court of Claims closed with the overthrow of royal authority.

Palatines Court, 1695-1697. This court was created by authority of the Lords Proprietors of Carolina, the senior of whom was styled the "Palatine." Of the eight Lords Proprietors, six regularly appointed deputies in North Carolina to oversee their interests in the colony. The governor, as deputy to the Palatine, and the deputies of the five remaining Lords Proprietors were members of the Palatines Court. Though one sees the term sometimes used as a generic designation for the governor and council in the late seventeenth and early eighteenth centuries, it appears that the Palatines Court sat as a firmly constituted and regularly operating body during 1695, 1696, and 1697 only. Existing records indicate that functions of the Court of Ordinary and the Court of Claims were vested in the Palatines Court during those years.

Aperiodic Courts of Oyer and Terminer, 1670-1868. These were specially authorized courts erected by commissions of oyer and terminer (to hear and determine) issued by the governor as the need arose. Their purpose was to bring swift justice in cases of sudden outrage and insurrection. There are surviving records of some of these courts from as early as 1715 for such crimes as counterfeiting and horse thievery, but the power to issue commissions of oyer and terminer was undoubtedly inherent in the office of governor from the very beginning of the colony. Perhaps the two most famous such courts were those of May, 1771, to try Regulators and July, 1801, to try defendants in the Glasgow land frauds case. During the years from 1773 through 1777, when the system of higher courts of law was in a state of collapse, all major crimes in North Carolina were tried by courts convened under commissions of oyer and terminer; since the courts held during those years were periodic and supplanted the District Superior Courts, they have been treated as a separate series of courts.

Court of Exchequer, 1732-1776. This court was established under authority of the crown by a commission in 1732. Officers of the Court of Exchequer were a chief baron, two assistant barons, an usher, and a chief remembrancer and clerk. It was the function of the Court of Exchequer to determine justice in cases arising from the administration of royal revenues in North Carolina; in this connection the court was primarily concerned with fraudulent land grants and with payment of quitrents. The Court of Exchequer was vigorously opposed by the General Assembly and probably sat only for the single term which lasted from May 13, 1735, through October 14, 1737. Chief barons were, however, regularly commissioned by the crown in order to maintain its claim of power to erect the court at pleasure. This claim vanished with the overthrow of royal authority in 1776.



NORTH CAROLINA HIGHER COURTS OF LAW:
 JURISDICTION BY COUNTY, 1670-1806

ANSON: 1750-1754 General Court, Edgecombe Circuit; 1755-1759 Supreme Court of Justice, Salisbury District; 1760-1788 Salisbury District Superior Court; 1789-1790 Fayetteville District Superior Court; 1790-1806 Salisbury District Superior Court.

ASHE: 1799-1806 Morgan District Superior Court.

BEAUFORT: 1712-1738 General Court; 1738-1746 General Court, Bath Circuit; 1747-1754 General Court; 1755-1759 Supreme Court of Justice, New Bern District; 1760-1806 New Bern District Superior Court.

BERTIE: 1722-1746 General Court; 1747-1754 General Court, Edenton Circuit; 1755-1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

BLADEN: 1734-1738 General Court; 1738-1746 General Court, Newton Circuit; 1747-1754 General Court, Wilmington Circuit; 1755-1759 Supreme Court of Justice, Wilmington District; 1760-1806 Wilmington District Superior Court.

BRUNSWICK: 1764-1806 Wilmington District Superior Court.

BUNCOMBE: 1791-1806 Morgan District Superior Court.

BURKE: 1777-1782 Salisbury District Superior Court; 1782-1806 Morgan District Superior Court.

BUTE: 1764-1779 Halifax District Superior Court.

CABARRUS: 1792-1806 Salisbury District Superior Court.

CAMDEN: 1778-1806 Edenton District Superior Court.

CARTERET: 1722-1738 General Court; 1738-1746 General Court, New Bern Circuit; 1747-1754 General Court; 1755-1759 Supreme Court of Justice, New Bern District; 1760-1806 New Bern District Superior Court.

CASWELL: 1778-1806 Hillsborough District Superior Court.

CHATHAM: 1771-1806 Hillsborough District Superior Court.

CHOWAN: 1670-1746 General Court; 1747-1754 General Court, Edenton Circuit; 1755-1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

CRAVEN: 1712-1738 General Court; 1738-1746 General Court, New Bern Circuit; 1747-1754 General Court; 1755-1759 Supreme Court of Justice, New Bern District; 1760-1806 New Bern District Superior Court.

CUMBERLAND: 1755-1759 Supreme Court of Justice, Wilmington District; 1760-1787 Wilmington District Superior Court; 1787-1806 Fayetteville District Superior Court.

CURRITUCK: 1670-1746 General Court; 1747-1754 General Court, Edenton Circuit; 1755-1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

DAVIDSON, TENN: 1783-1784 Morgan District Superior Court. (After 1784 this county was assigned to Tennessee district courts, the records of which are not in the custody of the North Carolina State Archives.)

DOBBS: 1759 Supreme Court of Justice, New Bern District; 1760-1791 New Bern District Superior Court.

DUPLIN: 1750-1754 General Court, Wilmington Circuit; 1755-1759 Supreme Court of Justice, Wilmington District; 1760-1806 Wilmington District Superior Court.

EDGECOMBE: 1741-1746 General Court; 1747-1754 General Court, Edgecombe Circuit; 1755-1759 Supreme Court of Justice, Edgecombe District; 1760-1806 Halifax District Superior Court.

FRANKLIN: 1779-1806 Halifax District Superior Court.

GATES: 1779-1806 Edenton District Superior Court.

GLASGOW: 1791-1799 New Bern District Superior Court.

GRANVILLE: 1746-1754 General Court, Edgecombe Circuit; 1755-1759 Supreme Court of Justice, Edgecombe District; 1760-1766 Halifax District Superior Court; 1767-1806 Hillsborough District Superior Court.

GREENE: 1799-1806 New Bern District Superior Court.

GREENE, TENN: 1783-1784 Morgan District Superior Court. (After 1784 this county was assigned to Tennessee district courts, the records of which are not in the custody of the North Carolina State Archives.)

GUILFORD: 1770-1806 Salisbury District Superior Court.

HALIFAX: 1759 Supreme Court of Justice, Edgecombe District; 1760-1806 Halifax District Superior Court.

HERTFORD: 1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

HYDE: 1712-1738 General Court; 1738-1746 General Court, Bath Circuit; 1747-1754 General Court; 1755-1759 Supreme Court of Justice, New Bern District; 1760-1806 New Bern District Superior Court.

IREDELL: 1788-1806 Salisbury District Superior Court.

JOHNSTON: 1746-1754 General Court; 1755-1759 Supreme Court of Justice, New Bern District; 1760-1772 Halifax District Superior Court; 1778-1806 New Bern District Superior Court.

JONES: 1779-1806 New Bern District Superior Court.

LENOIR: 1791-1806 New Bern District Superior Court.

LINCOLN: 1779-1782 Salisbury District Superior Court; 1782-1806 Morgan District Superior Court.

MARTIN: 1778-1806 Halifax District Superior Court.

MECKLENBURG: 1762-1806 Salisbury District Superior Court.

MONTGOMERY: 1779-1806 Salisbury District Superior Court.

MOORE: 1784-1787 Wilmington District Superior Court; 1787-1806 Fayetteville District Superior Court.

NASH: 1778-1806 Halifax District Superior Court.

NEW HANOVER: 1729-1738 General Court; 1738-1746 General Court, Newton Circuit; 1747-1754 General Court, Wilmington Circuit; 1755-1759 Supreme Court of Justice, Wilmington District; 1760-1806 Wilmington District Superior Court.

NORTHAMPTON: 1741-1746 General Court; 1747-1754 General Court, Edgecombe Circuit; 1755-1759 Supreme Court of Justice, Edgecombe District; 1760-1806 Halifax District Superior Court.

ONslow: 1734-1738 General Court; 1738-1746 General Court, Newton Circuit; 1747-1754 General Court, Wilmington Circuit; 1755-1759 Supreme Court of Justice, Wilmington District; 1760-1806 Wilmington District Superior Court.

ORANGE: 1752-1754 General Court, Edgecombe Circuit; 1755-1759 Supreme Court of Justice, Salisbury District; 1760-1767 Halifax District Superior Court; 1767-1806 Hillsborough District Superior Court.

PASQUOTANK: 1670-1746 General Court; 1747-1754 General Court, Edenton Circuit; 1755-1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

PERQUIMANS: 1670-1746 General Court; 1747-1754 General Court, Edenton Circuit; 1755-1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

PERSON: 1791-1806 Hillsborough District Superior Court.

PITT: 1761-1806 New Bern District Superior Court.

RANDOLPH: 1779-1806 Hillsborough District Superior Court.

RICHMOND: 1779-1787 Salisbury District Superior Court; 1787-1806 Fayetteville District Superior Court.

ROBESON: 1787 Wilmington District Superior Court; 1787-1806 Fayetteville District Superior Court.

ROCKINGHAM: 1785-1806 Salisbury District Superior Court.

ROWAN: 1753-1754 General Court, Edgecombe Circuit; 1755-1759 Supreme Court of Justice, Salisbury District; 1760-1806 Salisbury District Superior Court.

RUTHERFORD: 1779-1782 Salisbury District Superior Court; 1782-1806 Morgan District Superior Court.

SAMPSON: 1784-1787 Wilmington District Superior Court; 1787-1806 Fayetteville District Superior Court.

STOKES: 1789-1806 Salisbury District Superior Court.

SULLIVAN, TENN: 1779-1782 Salisbury District Superior Court; 1782-1784 Morgan District Superior Court. (After 1784 this county was assigned to Tennessee district courts, the records of which are not in the custody of the North Carolina State Archives.)

SURRY: 1770-1806 Salisbury District Superior Court.

TRYON: 1769-1779 Salisbury District Superior Court.

TYRRELL: 1729-1746 General Court; 1747-1754 General Court, Edenton Circuit; 1755-1759 Supreme Court of Justice, Edenton District; 1760-1806 Edenton District Superior Court.

WAKE: 1771-1806 Hillsborough District Superior Court.

WARREN: 1779-1806 Halifax District Superior Court.

WASHINGTON: 1799-1806 Edenton District Superior Court.

WASHINGTON, TENN: 1778-1782 Salisbury District Superior Court; 1782-1784 Morgan District Superior Court. (After 1784 this county was assigned to Tennessee district courts, the records of which are not in the custody of the North Carolina State Archives.)

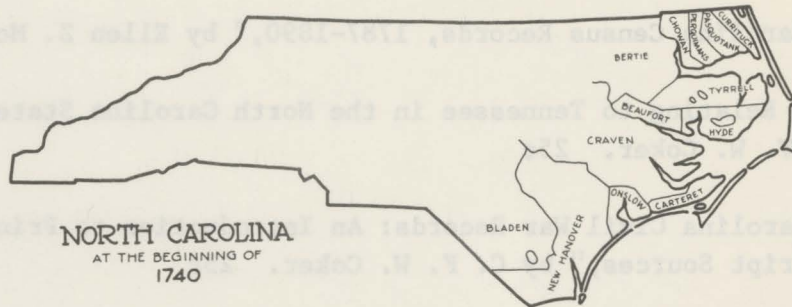
WAYNE: 1779-1806 New Bern District Superior Court.

WILKES: 1778-1782 Salisbury District Superior Court; 1782-1806 Morgan District Superior Court.

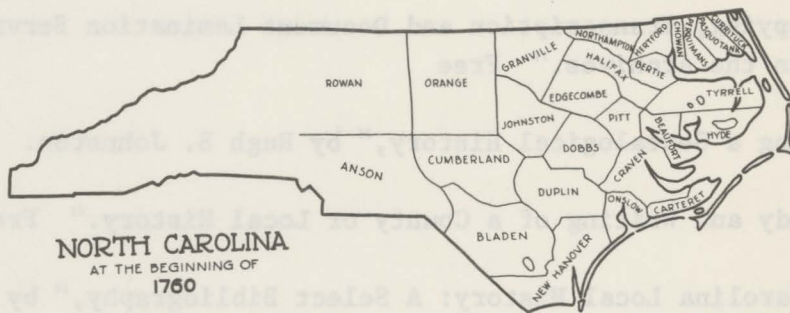


NORTH CAROLINA, 1740-1800

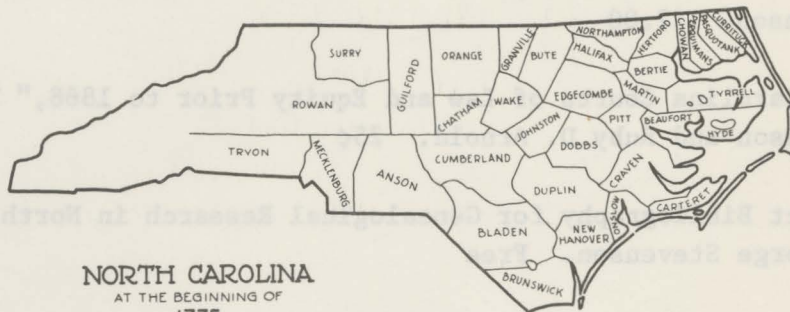
Showing Approximate County Divisions within Present State Boundaries



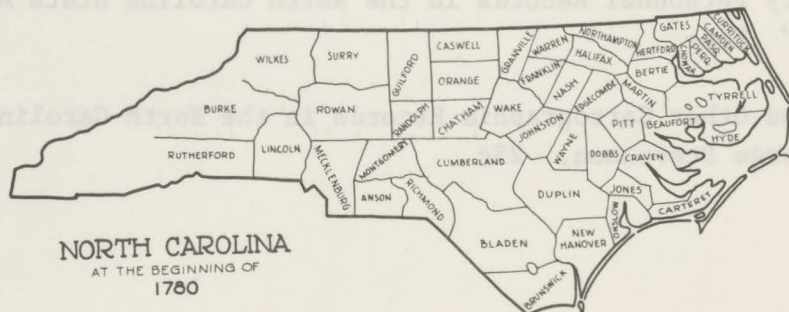
NORTH CAROLINA
AT THE BEGINNING OF
1740



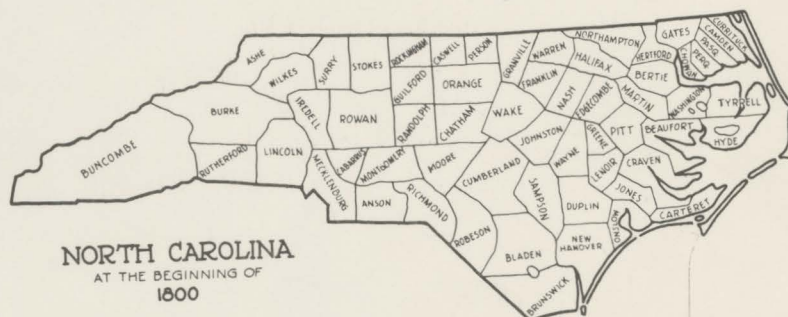
NORTH CAROLINA
AT THE BEGINNING OF
1760



NORTH CAROLINA
AT THE BEGINNING OF
1775



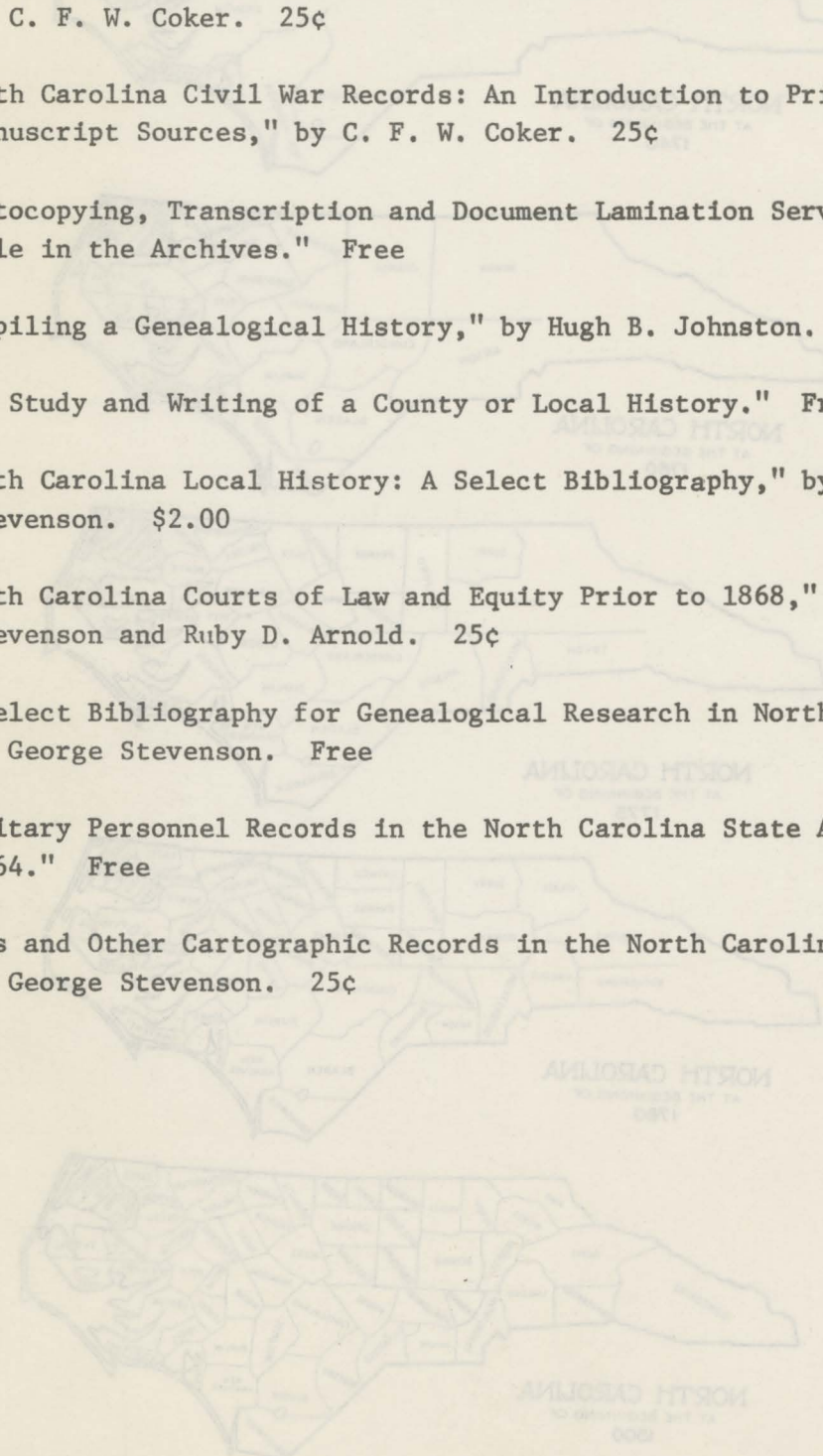
NORTH CAROLINA
AT THE BEGINNING OF
1780



NORTH CAROLINA
AT THE BEGINNING OF
1800

Maps drawn by L. Polk Denmark

0081 ARCHIVES INFORMATION CIRCULARS

- No. 1. "North Carolina's Revolutionary War Pay Records," by C. F. W. Coker and Donald R. Lennon. 25¢
- No. 2. "North Carolina Census Records, 1787-1890," by Ellen Z. McGrew. 25¢
- No. 3. "Records Relating to Tennessee in the North Carolina State Archives," by C. F. W. Coker. 25¢
- No. 4. "North Carolina Civil War Records: An Introduction to Printed and Manuscript Sources," by C. F. W. Coker. 25¢
- No. 5. "Photocopying, Transcription and Document Lamination Services Available in the Archives." Free
- No. 6. "Compiling a Genealogical History," by Hugh B. Johnston. Free
- No. 7. "The Study and Writing of a County or Local History." Free
- No. 8. "North Carolina Local History: A Select Bibliography," by George Stevenson. \$2.00
- No. 9. "North Carolina Courts of Law and Equity Prior to 1868," by George Stevenson and Ruby D. Arnold. 25¢
- No. 10. "A Select Bibliography for Genealogical Research in North Carolina," by George Stevenson. Free
- No. 11. "Military Personnel Records in the North Carolina State Archives, 1918-1964." Free
- No. 12. "Maps and Other Cartographic Records in the North Carolina State Archives," by George Stevenson. 25¢
- 

BIB Sheet
1975-9
Report, Archives & History
Assistant Director
Larry Tise

North Carolina Bicentennial
109 East Jones Street
Raleigh, North Carolina 27611
919/829-2430

COPY
RUTH MINCK

NEH Division of Research Will Support Local History Writing and Document Care

New support for state and local history will be available in 1975 through the Division of Research Grants of the National Endowment for the Humanities (NEH). The program's director, Simone Reagor, stated that NEH wants "to begin now to inform people in the field about the program and to stimulate some good applications."

Historical societies can obtain two kinds of support under the state and local history program. First, grants will be made for researching and writing interpretive history concerned with a state or locality. Secondly, funds are available for locating, organizing and preserving the archival and manuscript materials on which the research and writing are based.

"The purpose of this program is to stimulate and advance scholarship in the field of state and local history, the history of our people as defined below the national level," stated Reagor. Local and state groups are responsible for managing their own public and private records, books, and archival documents. Reagor added, "Very few locales can, however, provide support to locate and secure the historic records ... that are a necessary complement to contemporary records if one is to understand and interpret the history of an area."

Funding for fiscal 1975 is \$500,000; NEH is requesting a larger amount for fiscal 1976. The Endowment hopes the program will heighten interest and help to generate local funds so that work in state and local history can be perpetuated. Reagor stressed that funding priority will go to projects that can serve as models for other communities.

In addition to the state and local history program, the Division of Research is now funding projects that will produce research tools for the humanities. Basic references-bibliographies, atlases, dictionaries, and catalogs designed to open new areas of research-will be eligible for consideration.

Small grants can be requested to provide funding for surveys to determine the need for such references. Any organization may submit a proposal; however, those requests not originating at a research library or university must indicate that the sponsoring institution has discussed the project with appropriate scholarly societies.

The research division urges interested groups to submit draft proposals at least two months before the official deadlines. Final applications for projects beginning after January 1, 1976, must be received by May 6, 1975. Address requests for additional information or applications to the NEH Division of Research Grants (806 15th Street, N. W., Washington, D. C. 20506).



SURRY COUNTY AMERICAN REVOLUTION
BICENTENNIAL COMMISSION, INCORPORATED
POST OFFICE BOX 516
DOBSON, NORTH CAROLINA 27017
TELEPHONE: 386-8676

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J. DALE SIMMONS
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VERONA WEST
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ROXIE ROTH
CLAYBERN TAYLOR

COUNTY MANAGER
JOHN MUNN

Mr. Edward Turberg
Historic Sites and Restoration
Department of History and Archives
Raleigh, North Carolina

Dear Mr. Turberg:

Enclosed are a series of photographs you requested about the present condition of the Burrus-Grant Hotel. I am sorry about the delay but in this neck of the woods, photo developing takes at least a week. In spite of my photographic ineptitude, I hope the shots will do the job.

The Rockford Preservation Committee, the local Bicentennial Commission and other interested groups are eager to hear from your department. You mentioned that someone from your department might be in the vicinity of Rockford before Christmas. Is that still a possibility? Thank you again for your interest and cooperation.

Sincerely yours,

Edward J. Spanski, Jr.
Executive Director

P.S. I hope I have not misspelled your name--people butcher mine and pray that I do unto others as they will do unto me. If I have ignored a doctoral dignity please forgive me.



STATE OF NORTH CAROLINA
Department of Cultural Resources
Raleigh 27611

March 5, 1975

James E. Holshouser, Jr.
Governor

Grace J. Rohrer
Secretary

Division of Archives and History
Robert E. Stipe, Director

Mr. Edward J. Spanski, Jr.
Executive Director
Surry County American Revolution
Bicentennial Commission, Inc.
P. O. Box 1776
Dobson, North Carolina 27017

Dear Mr. Spanski:

I was glad to have been able to visit Rockford with you to inspect the damage at the Burrus-Grant Hotel and to see the other buildings in the area. As you will remember, my first recommendation in regard to the hotel is to dismantle it carefully and preserve those elements, such as posts, windows, doors, hardware, and mantels to be used in a display of local craftsmanship and techniques. The cost of a reconstruction—I do not mean restoration—could require funds up to \$500,000 if the building is to become a first rate project. As I saw it, some reuse as a visitor orientation center for other sites in the vicinity, using a modern reconstruction/adaption which would retain the old chimneys of the hotel and other elements from the structure, would be an alternate solution. In my statement (which was completely misunderstood by the journalist and therefore dangerously misstated) I mentioned that if the building was on the National Register of Historic Places there was a chance it could be considered for National Park Service funds and that there was then a possibility for state legislation to appropriate money for the project. However, I do not know how either of these objectives could be reached with a reconstruction project in mind. You would therefore have to plan on raising local funds for this purpose.

In reference to the Masonic Lodge, I said that you might create interest in its restoration through contact with members of the Masonic Order who last occupied the building. I understand that the Lodge has moved to Clemmons. In that way you will probably be contacting the business men of the region who are Masons and could try to raise local funds for doing that building first. Working in that way, with one restoration completed at a more modest cost, you could move on to the heavier tasks and work up to the Burrus-Grant Hotel. Whatever your course is, you will have to raise local interest to such a height that funds for the work will be forthcoming. You might check the Foundation Directory for information regarding grants from outside sources.

Mr. Edward J. Spanski, Jr., March 5, 1975—Page 2.

Please let me know how you progress. If you have further questions, a letter will bring a reply.

Again, I am glad I was finally able to visit the Rockford site and to speak with you directly.

Sincerely,

Edward F. Turberg
Edward F. Turberg
Restoration Specialist
Historic Sites Section

EFT/pc