

OLD STOKES HISTORY

T. S. Petree Continues His Accounts As Gathered From Records

(BY T. S. PETREE.)

A special term of court was called for October 28th, 1864. The court was in session for only one day. The first thing done was to rescind the order previously made to pay each member of soldier's families \$2.00 each per month.

It was further ordered "that the County Commissioners be authorized to borrow on the faith and credit of the County a Sum Sufficient to purchase cotton, leather, to clothe & shoe the indigent families of soldiers in this County, and that the same, when purchased shall be distributed among them under the same rules and regulations as provided for the distribution of provisions."

It was further ordered that "Lafayette Smith, salt agent for the county use all diligence in getting a supply of salt for the needy of this county - - - that Z. L. Wall be directed to sell peas & other provisions which is in a damaging condition - - - that the takers of the last tax lists for 1864 be allowed \$2.00 per day."

The court next met on March 20, 1865. We note the following in the minutes, "that Commissioners be appointed to contract for the building of a Ferry boat to be used in crossing persons over the river near Danbury and also employ some suitable person to keep the same; "William A. Laah was appointed agent to receive from the State the quota of Scythe blades which is due to this county and sell the said blades to the best advantage of the county; "that J. J. Martin, card Commissioner, be authorized to sell the wool cards for Citizens and to individuals in different parts of the county & to citizens of other counties."

On Tuesday, March 21st, 1865, this court adjourned. The last entry made on the minutes of this court appears at the bottom of the page in large letters: "LAST COURT UNDER CONFEDERATE RULE."

Suppose we turn back the pages of history and review some of the laws that governed our people, prior to, and after the Revolutionary war. We ran across an old law book in the Clerk's office which we presume was placed there for the convenience of the courts, and notice that laws were cited that were enacted years before the Revolution and while we were under British rule.

The last acts in this book were those laws that enacted during the year 1792. We will begin in the year 1741 when "His Majesty's council, and General Assembly", met at Edenton. We quote briefly:

"That all and every person and persons whatsoever, on the Lord's day, commonly called Sunday - - - shall upon the land or water, do exercise any labor, business or work - - - employ themselves either in hunting of fishing, or fowling - - - use any game, sport or play - - - of the age of four-

teen years and upward, shall forfeit and pay the sum of ten shillings."

"That if any person or persons, shall profanely swear or curse, in the hearing of any justice of the peace - - - shall forfeit and pay the sum of two shillings and six pence - - - and if any person, executing any public office, shall profanely swear or curse - - - shall forfeit and pay the sum of five shillings, for each and every oath or curse - - - that if any person or persons shall profanely swear and curse, in the presence of any court of record in this government, shall immediately pay the sum of Ten shillings for each and every oath or curse.

"That every person convicted of drunkenness on the Lord's day, pay the sum of five shillings; but if on any other day, the sum of two shillings and six pence, for each and every such offence - - - that this act shall be publicly read, in all parish churches and chapels, by the minister, clerk or reader of each parish, immediately after divine service, on the first or second Sunday in September, under the penalty of twenty shillings, proclamation money, for every such omission or neglect.

"That the keeper of the public gaol shall, by direction of the court, let out any negro runaway to hire, to any persons, the said keeper shall, at the time of his delivery, cause an iron collar to be put on the neck of such negro, or runaway, with the letters P. G. stamped thereon; and that thereafter the said keeper shall not be answerable for any escape of the said negro or runaway.

"That when any runaway servants or slave shall be brought before any justice of the peace within this government, shall commit the said runaway to the next constable, and order him to give so many lashes, not exceeding thirty nine lashes, well laid on, on the bare back, then carried home, or to the public gaol as aforesaid.

"That no slave shall go armed with gun, sword, club or other weapon, or shall hunt or range with a gun in the woods whatsoever, if any slave so found, shall be given twenty lashes, on his or her bare back and be sent home.

"That no slave shall go from off the plantation, without a certificate of leave, in writing, for so doing, from his master or overseer, (negroes wearing liveries always excepted).

"That where any negro, mulatto, or Indian, bond or free, give false testimony in the County Court, without further trial have one ear nailed to the pillory, and there stand for the space of one hour, and the said ear to be cut off, and thereafter the other ear nailed in like manner, and cut off at the expiration of one other hour; and moreover, to order every such offender thirty nine

lashes, well laid on, on his or her bare back, at the common whipping-post."

Among the laws passed by the General Assembly, held at Newbern (New Bern), March 17, 1749, we observe the following:

"That the Justices of each county court, shall have power and authority to purchase the latest editions of the law books following, to wit: Nelson's Justice, Cary's Abridgment of the Statutes, Swinburn of Wills, or Godolphin's Orphans Legacy, and Jacob's Law Dictionary or Wood's Institutes; which books provided, shall be forever after, for the use of the county court, kept in the office of the clerk, and laid by the clerk on the court table, for the use and perusal of the Justices of such court, and of all such as may have matters depending in court."

On Dec. 12, 1754, the Assembly was again in session at Newbern. The following law was passed:

"1. Whereas many mischievous and illdisposed persons have of late, in a milicious and barbarous manner, maimed, wounded and defaced many of his majesty's subjects.

"2. Be it enacted, that if any person or persons, shall on purpose cut out or disable the tongue, put out an eye, slit the nose, bite or cut off a nose or lip, bite or cut off, or disable, any limb or member of any subject, shall suffer as in case of felony."

It was not many months after the start of the Revolution that the General Assembly was in session at New Bern. On April 8, 1777, a law was passed that was in use for almost 164 years, and for sanitary reasons was abolished by the Legislature during this present year, 1941. We refer to the kissing of the Bible upon taking oath. We quote:

"1. WHEREAS lawful oaths, for the discovery of truth, and establishing right, are necessary, and highly conducive to the important ends of good government; and being most solemn appeals to Almighty God, as the omniscient witness of the truth, just and omnipotent avenger of falsehood such oath ought therefore be taken and administered with the most solemnity.

"2. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that judges, justices of the peace, and other persons, who are or shall be empowered to administer oaths, shall require the party to be sworn to lay his hand upon the holy avengelist of Almighty God, in token of his engagement to speak the truth, as he hopes to be saved in the way and method of salvation pointed out in the blessed volume, and in further token, that if he should swerve from the truth, he may justly be deprived of all the blessings of the Gospel, and made liable to that vengeance which he has imprecated on his own head, and after repeating the words "so help me God", shall kiss the holy Gospel as a seal of confirmation to the engagement."

Another law was passed regarding wills, we quote: "and provided also, that all ne-

groes, Indians, mulattoes, and all persons of mixed blood, descended from negroes and Indian ancestors, to the fourth generation inclusive (though one ancestor of each generation may have been a white person) whether bond or free, shall be deemed and taken to be incapable in law to be witnesses in any cases whatsoever, except against each other."

On November 15, 1777, the General Assembly passed the following law:

"An act to prevent domestic insurrections, and for other purposes;

"1. WHEREAS the evil and pernicious practice of freeing slaves in this state, ought at this alarming and critical time to be guarded against by every friend and wellwisher to his country;

"2. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same. That no negro or mulatto slave shall hereafter be set free, except for meritorious services, to be judged of and allowed by the county court."

It was also at this session of the General Assembly that the following act was passed:

"Whereas it is necessary to a due and regular administration of justice, that courts be established in this State."

It was then that both the Superior Court, and the Court of Pleas and Quarter Sessions were established in this State and were defined in the act.

A law directing the method of electing members to the General Assembly was passed at this time. The elections were to be held at the court house in the various counties after 20 day's notice given by the Sheriff. And the act further states: "and the returning officer shall keep the election open two days and no longer."

We notice another law that went into effect at this time:

"1. WHEREAS the peace and harmony of every neighborhood much depends on good and sufficient fences:

"2. Be it therefore enacted, &c, that every planter shall make a sufficient fence about his cleared ground under cultivation, at least five feet high, unless where some navigable stream or deep water course shall be, that may be deemed sufficient instead of a fence."

During those days, and for years after, there was no stock law. All stock roamed at will and if damage was done to those things under cultivation, regardless of who owned the land, the fault seemed to be with the man who did not keep his fence in good order.

The General Assembly again met at New Bern on April 14th, 1778, and among other laws passed we note the following:

"Whereas it is necessary that a great seal be procured, to be used by the governor for the time being as the seal of this State;

"2. Be it therefore enacted, &c, that William Tisdale, Esq., be and is hereby appointed to cut and engrave a seal - - - and the said seal - - - shall be called the Great Seal of the State of North Carolina, and shall be used and

affixed - - - to all grants, proclamations, and other public acts."

At the same session of the Assembly an act was passed to prevent the stealing of slaves, or free negroes, and dispose of them out of the State. The penalty being, "shall be guilty of felony, and shall suffer death without benefit of Clergy."

The General Assembly met at Smithfield on May 3, 1779. We set forth herewith a law passed at that time:

"That no slave shall be permitted on any pretense whatever, to raise any horses, cattle, hogs or sheep - - - that one month after passing of this act - - - they shall be seized and sold - - - one half going to the wardens of the poor, the other to the informer."

The next meeting of the Assembly was at Halifax on October 18, 1779. We wish to, briefly, produce here a law passed at that time regarding counterfeit:

"That if any person after the passing of this act shall by printing, writing, engraving or any other way or means, counterfeit, or attempt to counterfeit - - - such person or persons so offending, being thereof lawfully convicted, by confession or verdict, or standing mute on arraignment or trial, shall for the first offence stand in the pillory three hours, and have his right ear nailed to the pillory and cut off, and receive on their bare back thirty nine lashes, and be branded with a red hot iron on the right cheek with the letter 'C', and on the left cheek with the letter 'M', and be imprisoned at the discretion of the Court - - - and it is further enacted, that any person or persons - - - shall be found guilty for the second offence, he or they shall suffer death without benefit of Clergy."

The General Assembly met at Fayetteville on November 2nd, 1789. Samuel Johnston was governor at that time. It was then that an act was passed that created our county. We quote this law below:

"An act for dividing the county of Surry into two distinct counties, and for other purposes. "WHEREAS the large extent and inconvenient situation of the

county of Surry, render the attendance of the inhabitants of the extreme parts at courts, elections and general musters, difficult and expensive: For remedy whereof, and to gratify the wishes of the good people of said county:

"1 Be it enacted, &c. That from and after the passing of this act, the county of Surry shall be divided into two distinct counties, by a line beginning on the line dividing this state from the state of Virginia, at a point equidistant from the nearest parts of the counties of Rockingham and Wilkes, and running from thence until it intersects the Rowan county line, so as to leave an equal number of acres in each county.

"2. And it is further enacted, that all that part of said county, lying west of said line, shall be erected into a distinct county by the name of Surry county; and all that part lying east of said line, shall be erected into another distinct county by the name of Stokes county."

At this point suppose we track back the "Ancestry" of our county and see where we started from:

Bladen county was taken from New Hanover in the year 1734. Anson county was taken from Bladen, March 17, 1749. Rowan county was taken from Anson, March 7, 1753. Surry county was taken from Rowan, January 26, 1771. Stokes county was taken from Surry, November 2, 1789.

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