

## York and Chester among 11 counties with court minutes from late 1700s

What was it like in the years 1785 to 1799?

The Revolutionary War was over in 1783, leaving a heavy indebtedness. Money was in short supply, and people were still calculating in pounds, shillings and pence.

York, Chester and Lancaster counties were created out of Camden District in 1785 and each had a sheriff, a judge and juries drawn from the ranks of the militia. Each had a clerk of court whose major duty was to serve as the recorder of the court minutes.

South Carolina used a county court system from 1785 until 1799 when counties were discarded in favor of districts, a system that lasted until after the Civil War. Pre-1799 court minutes from 11 counties have survived. York and Chester counties happen to be two counties with minutes that still exist. Lancaster's were destroyed by Union troops in 1865.

It is interesting to compare the minutes of the adjoining counties of York and Chester.

Each county had men appointed by the governor to set up the county government. They, in turn, chose the sheriff and justice of the peace.

Chester's first court session was held in April 1785. York's first court session did not occur until January 1786.

In both counties the first item of court business was licensing tavern keepers. In Chester, Patrick McGriff, John Pewe and John Adair put up bonds of 100 pounds sterling each. In York County James Barron, Hugh Quinn, James Mitchell, John Waterson and John Milling were licensed to operate taverns in their homes. There is no mention of a bond in the York minutes.

However, each county established ceilings on the price of all of the taverns' alcoholic drinks and services, such as providing pasture, forage and horse stabling, as well as the price of meals and lodging.

Rum, whiskey, wine, brandy, gin, cider and beer all had posted prices. The price of drinks varied, with Chester's either the same or

### NEAR BY HISTORY

Louise  
Pettus



higher than York's prices.

In Chester, McGriff was brought before court by John Walker for charging higher than the established rates. McGriff's fine of a shilling and a half was divided, with Walker getting half and the county half.

Surveyors were appointed to lay out roads in each county. In York, "road overseers" were ordered to see to it that landowners along the road be required to provide labor (either their own or hired) to keep the road in repair.

In Chester the term "male tithables" was used to describe road overseers. Chester required each road be at least 30 feet wide.

The state issued the franchises for ferries because frequently rivers served as boundary lines of counties and the ferry owner had to have landing space on each side of the river.

The state, rather than the counties, set the ferry fees.

Each county moved to build a courthouse and a gaol, or a jail. In Chester, "Edward Lacey Gentleman Sheriff" was assigned to hire workmen and purchase the needed materials. Lacey was not given any limits, but simply the instruction that he should apply to the Clerk for the necessary funding.

In York, three county commissioners, Capt. Andrew Love, William Fergus and John Currence were appointed to supervise the building of the courthouse and gaol. Dimensions were established for each building with the gaol to have "square logs double built." The sheriff was ordered to erect "a pair of Stocks & a Whipping post before next Court."

In the beginning, there were no taxes in either county. Instead, the county expected to operate on fines paid by lawbreakers and fees paid for recording deeds, mortgages and other legal instruments.

Having no taxes sounds lovely, but do remember that in 1785 there were no social services, no free schools, no paved roads, no health departments and no county hospitals.

# First item on docket. Taverns