

# Upstate counties created as sites for courthouses

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Nine Upstate counties, including Chester, Lancaster and York, were created after the American Revolution out of Craven District, whose seat was Camden.

One of the reasons Upstate men fought the British was dissatisfaction over the lack of convenient places to vote, to register land deeds and to take grievances, especially cases of horse thievery.

The new counties were created as places to locate courthouses. It was ordered that the courthouses be as close to the center of the county as practical.

Chester's first courthouse was at the Old Puritan Church site; Lancaster's, at the home of James Ingram below Heath Springs; and York County's, at Fergus' Crossroads, now the town of York.

In 1791 the duties of each county were broadened by making each an election district. By being able to elect representatives to the legislature, each county came to have a precise identity in the minds of residents.

But to residents, the most important function of government was to provide law and order. The major officer of the county in the pre-Civil War period was the sheriff.

Using York County as an example, we can look at the minutes of the county court and see how a county came into being. The first York County court met in January 1786. It was composed of seven men who were commissioned as justices by Gov. William Moultrie — Col. William Bratton, Col. William Hill, John Moffet, David Leech, Francis Adams, James Wilson of Kings Creek and John Drennan.



## Nearby history

LOUISE  
PETTUS

The governor also appointed James Hawthorne as sheriff for two years. The next sheriff, Adam Meek, was the first sheriff elected by the people of York County.

The first business of the county commissioners was to elect a clerk of court. John McCaw was unanimously elected. There were to be two courts, one a court of law to try criminal cases and another called court of equity, which was to handle civil cases. Jacob Brown was appointed the first county attorney.

Following the old English custom, jurors were selected from "freeholders," men who owned land. The jurors for some time came from the ranks of the militia (they probably were the group in frontier society considered to be vigorous enough to endure the hardships of travel to court).

In spite of the state law, militiamen from Indian Land who were leaseholders, not freeholders, served on the juries and participated in all government functions.

The state required that each county build a set of stocks and a whipping post for prisoners. York County records show that stocks were built, but only one prisoner, a man by the name of Reuben Duling, was ever placed in the stocks,

a wooden contraption for publicly punishing a prisoner by holding the prisoner's arms and legs in place. Duling spent 15 minutes in the stocks for contempt of court.

Those who committed petty larceny were punished by being whipped on the bare back. The first York County resident to be sentenced was William Davis, who received 10 lashes in July 1786. Such cases were fairly rare, and the number of lashes varied.

In the only case of a woman being whipped, Catherine Wason was given 20 lashes on her bare back in April 1787. In 1788, Adam Young was given "39 lashes well laid on the Bare Back," the most lashes recorded.

In April 1786, the first trespass, assault and battery case resulted from an assault made by James Kincaid on Robert Patterson. The jury found Kincaid guilty and ordered him to put up a secured bond of 25 pounds to be forfeited if he failed to "keep the peace" with Patterson.

There were a fair number of trespass, assault and battery cases that sometimes were described as "Riotous actions," indicating that our ancestors had hot tempers.

An estimate is that, in the 1790s, a man was about 10 times as likely to lose his temper and hit someone than he was to steal.

In some cases, slander was the charge. An examination of the cases leads us to believe that the court made a distinction between quarrels involving violence and those involving name-calling. The slanderer was likely to pay only a small fine if found guilty. Often the case was dismissed.