

In the late 1700s, courts set prices, doled out lashes

Each county seat was also responsible for ordering roads built

Following the American Revolution, the S.C. legislature decided that the state would be divided into counties, none larger than 40 miles square and all to have the county seat in the exact center of the county.

Each county would have a court of "inferior jurisdiction." This meant that courthouses and jails were to be built in each county. It was mandated that courts were to be in session four times a year.

The court minutes of York County for 1786-97 show us how the courts operated following the mandates of the new S.C. Constitution.

First, the counties were to be responsible for issuing licenses and franchises. Franchises were issued for intercounty business such as authority to operate ferries on rivers shared by two counties. Licensing mostly governed the operation of taverns, which were often in private homes.

By 1790, there were 11 licensed taverns in York County. All taverns in the county had to conform to prices established by the court for meals served and lodging for man and beast. The price of corn, hay, oats and pasturage for the horses was determined by the court as well as prices for various types of rum, wine, brandy and "good Whiskey that sinks tallow." Obviously, the "law of supply and demand" was not practiced. The prices were set in the British system of pounds, shillings and pence. Thomas Jefferson had not yet convinced the nation to use the decimal system.

The county court was given the task of looking after orphans and determining when they were eligible for apprenticeship and who should be their employers. An example of the practice comes from the October session of 1788. Moses Burns, age 13, was bound to James Gordon until he was 21 years of age "to learn the trade or mystery of a Black Smith." Gordon was also directed to supply Moses with "Sufficient Meat,

Drink, Apparel, Washing and Lodging, and give him one year and half's schooling." The court records are full of apprenticeships of boys to become carpenters, joiners, millers, hatters, wagon makers, etc. Girls were usually house servants, spinners or seamstresses.

In the October session of 1786, it was ordered that Alexander Farries Sr. and John Garrison be appointed overseers to open a road from Punch's Landing on the northeast side of the Catawba River and to find "the nighest & best way to the North Carolina line."

Farries and Garrison were given the authority to force the landholders along the route to furnish adequate labor to build the roads and to keep them in good repair. In that fashion, each community began to build roads, but it was an unwieldy system.

Stocks were ordered built to punish criminals who were guilty of minor crimes and could not pay the fines. The wooden structure that was designed to clamp over the person's wrists was placed in a public place with the intention of shaming the guilty party.

The first person to receive 10 lashes on his bare back was William Davis for petit larceny. The following year, Catherine Wason received 20 lashes on her bare back, also for petit larceny, after Henry Wason (documents don't indicate whether he's her husband) delivered her to the court "in discharge of himself as bail."

Land deeds and sale of property, including slaves, were to be recorded in the courthouse. Attorneys submitted their requests to practice law. Personal property such as Ben McKenzie's "pistol and two holsters" was "exposed to publick Sale by Sheriff," after McKenzie's failure to pay a debt to Daniel Brown, Esq. The court supervised the settlement of estates, ordered inventories of estate property and put it to public sale if the deceased owed any debts (it was rare to find an estate that was not publicly auctioned).

The S.C. Assembly abolished the court system in 1799, saying that the county courts were inefficient. Counties were changed to districts and were so called until a new constitution was adopted following the end of the Civil War.

Louise Pettus is a retired Winthrop University history professor. Her column appears Sundays.

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