

Ye  
Olde Dobbs  
Trails

Dec 1984

Rick Hartman



December 1984

Dear Members,

1984 has been a year of growth for our society. We have seen a steady increase in members, with an equal number of local members and out-of-county and out-of-state members.

In October the members voted to separate from the Wayne County Historical Society as our goals and aims were different. We so informed the Board of the Historical Society and they asked that we remain under the "umbrella" of the Historical Society until the end of their fiscal year (June 30th). We have agreed to this and will use the bulk mailing rate of the Society until that date.

In order to use this special rate we have to have 200 pieces to send out. That is why you will be receiving both your Sept. & Dec. issue at the same time. In order that we will not have to double up in the future we ask that society members supply us with the names and addresses of libraries or societies that they would like us to send copies of our newsletter. We are always happy to exchange with other societies.

We have also voted to buy a duplicating machine in order to cut down on our cost of putting out the newsletter. We ask that any society member who would like to do so to contribute to a fund to pay for the cost of the machine. Any such donation would be tax deductible. Please send any such donations directly to our treasurer:

{address removed}

Society members, Frances Deans and Elliott Futrelle, have donated 7 volumes of the abstracted court minutes of Johnston County to the Local History Collection. Society member, Fannie Widener, has donated The Descendants of Duncan Campbell McPhail to the collection. They may be sure that these books will be enjoyed by anyone visiting the collection.

Included in this newsletter is a copy of the map that was used during the cemetery survey. We made sure that it overlapped so that you would have no "edge to edge" joints. Please put your map together and see if you know where a cemetery is located that has been missed. Also if you have a copy of the cemetery book it will help you locate the exact site of the cemetery.

Speaking of books...do you have a copy of the Wayne County Heritage Book? We have just over 300 copies left. For our out of state and out of county members we highly recommend it. It includes the history of the county, church and school histories and family articles submitted by descendants. If you want a copy send a check made out to the Heritage Book Committee in the amount of \$35.00 plus \$2.70 for mailing, and if a residents of N. C. add \$1.65 for tax. Send you orders to our Society, P. O. Box 617, Goldsboro, N. C. 27533-0617.

Charlotte R. Carrere

## North Carolina Court System

by Charlotte R. Carrere

Prior to 1868 the county court was the county governmental unit. The court consisted of at least three justices who settled those matters presented to the court.

The jurisdiction of the court covered all civil causes whatsoever, personal actions not exceeding damages and/or fines of £50 sterling. Cases that involved treason, murder, or any offense punishable by death was not dealt with by the county court-these cases being heard and judged by higher courts.

The proper term for the county court prior to 1738 was the Precinct Court, after 1738 it was called the Inferior Court of Pleas and Quarter Sessions. This title identified it as the Inferior - or county level-in which pleas (cases) were made on the Quarterly (every 3 mos.) calender. Generally the sessions were called in Jan., Apr., July, and Oct. with each session noted in the minutes by it's month-for example: the Jan. Term of Court. You may also see a county whose court terms were other than Jan., Apr., July, and October, but in those instances the court still met every three months. In all instances the court minutes identify the month that the court met is clearly noted.

At the beginning of the county court system it's primary function was judicial with administrative, magistrative and ministerial functions following. Gradually the role of administration became the primary role of the court. In fact the court took the role of loco parentis -in lieu of the parents- in the life of the county.

It's wide ranging influence can be measured by it's responsibilities which were: appointing or qualifying various office holders such as: clerks of court, registrars of deeds, justices of the peace, wardens of the poor, sheriffs, coroners, surveyors, constable road and bridge overseers, standard keepers, patrollers, tax officials, lawyers admitted to the bar, granting of licenses for ordinaries (another term for taverns) and the setting of the fees that could be charges by these establishments. Additionally the court, after the presentation of witness statements, ordered the recording of deeds, probate of wills, granted letters of administration, appointed guardians to minors, audited the accounts of executors, administrators, guardians and public officials. authorized the indentures of adults and children, the children usually referred to as "bound" for a specified time, summonsed juries, heard cases of bastardy, had jurisdiction over slave affairs, authorized the raising of local militia units, set the taxes for the county and implemented collection of those taxes, heard the first claim for military pensions, and petitions of all sorts.

While this is not a complete list of the responsibilities of the county court it does give you an idea of the wide ranging authority of the county court.

The Clerk of the Court can be identified in the minutes (and in deed records) by the initials CC for Clerk of Court, CCC Clerk of the County Court or even CIC Clerk of the

Inferior Court, the most generally used designation was CC

The Court of Pleas and Quarter Sessions reflect the daily life of a county as well as the political events on a local level. Often ignored by the most ardent of genealogists it remains an excellent source of information. Much of it's neglect is due to the fact that the minutes are not indexed and therefore require extensive reading. There are some short cuts to using them. If for instance your ancestors loose originals estate papers has only an inventory in it that record id dated and gives you a time to start reading the minutes. Remember that inventories, especially the perishable inventories, were filed with the court as soon as it sat following the death of the person. The minutes of the court would include the following: inventories of the estate, the recording of the probate and qualifying of the executors in Testated cases, appointment of administrators in Intestate cases, appointment of guardians of minor heirs, and the yearly accounts of executors, administrators and guardians. In the cases of minors by following the guardian accounts you can determine when the child becomes of age by the final account settlement of the guardian.

You may say that's all well and good except my ancestor seemingly had no estate. If that is the case you may find references to the orphans being bound out-this reference usually says "the orphan of John Smith to wit James aged 11 is bound to Joseph Pate for a term of 10 years. This establishes an excellent circa date for the father's death, the age of your ancestor, who he was bound to and the length of service. Be aware that a child could and would be refered to as an orphan even if his mother was living. Additionally the mother did not have to give permission for her child to be bound out as the county court could make this decision based on evidence that the child was likely to become a public charge on the county.

For an in-depth study of the county court system I highly recoment the County Court in North Carolina Before 1750 by Paul M. McCain.

In 1806 the North Carolina General Assembly established a Superior Court in each county.

Originally called Superior Courts of Law and Equity operated concurrently with the court of Pleas and Quarter Sessions until the consitutional changes of 1868 when they replaced the court of P's & Q's.

From 1868 the court remained unchanged until 1966 when some functions were again changed.

The jurisdiction of the Superior Court dealt with more serious matters and included appeals of lower court rulings and the hearing of change of venue cases.

The minutes of the Superior Court are also referred to as minute books or minute dockets are generally very techincaI and concise requiring an understanding of the meaning of legal terms of that period.

Generally the superior court net twice a year at sessions usually called Spring and Fall term. Clerks of Superior court (CSC) usually started their minutes by citing the

date, place, and judge presiding of that term of court.

The courts jurisdiction included the internal affairs of the court such as the appointment of the court's clerk, the calling of the grand jury, impanelling of the grand jury. Civil actions which often state family relations. These civil suits often included questions of land ownership, suits for dower, debts, slander, etc.

Many abbreviations are used in these minutes and in order to facilitate our members understanding of these abbreviations we include in the Old Dobbs newsletter a list of the more commonly used ones.

Other civil matters attended to by the Superior Court included alien records and naturalizations of foreigners, the legitimizations of bastard children, the manumission of slaves.

The criminal jurisdiction of the court included: riot, rape, murder, adultery, fornication, bastardy, assault and battery, larceny, forgery, housebreaking, dealing with a slave, making and selling liquor without a license, barn burning, removing another man's crops, killing another's livestock and even careless and reckless driving of wagons and buggies.

Another important case heard by the court was contested wills. If the plaintiff was successful in preventing the probate of the will, referred to as a caveat in the minutes, the only place you will find a record of that will is in the minutes of the court.

After it's inception the Superior Court also often heard the petitions of Revolutionary War soldiers for a pension.

The Court of Equity's jurisdiction was in matters dealing with what was fair and just under the law, it did not deal with violations of the law.

The Court of Equity was created by the Superior Court in 1806 and except for some interruptions during the War Between the States continued until abolished by the constitution of 1868.

The minutes of the Equity Court contain a great deal of genealogical information as most of the cases involved heirs to estates. Often giving several generations of births, deaths, and marriages in order to establish the right of heirship. The minutes also identify family members who had moved to other locations.

## North Carolina Court System Continued

### The Value of Court Minutes

#### Court of Pleas and Quarter Sessions:

Due to the lack of indexes these minutes are often ignored, but there are literally thousands of pages of information buried in these minutes.

The bound volumes of the County Court minutes that have survived damage and loss are mainly in the custody of the N. C. State Archives. Those few not in the Archives are in the custody of the Clerks of the Superior Court.

Those in the Archives are listed in the individual county records in the search room. The card catalogue will give the years covered in each volume.

Should you find something in these minutes that you want a copy of they will photocopy it for you. The cost is \$2.75 a page. Due to the fact that they are bound volumes and many are in fragile condition they can not be zeroxed.

The court minutes have been microfilm but in many cases the older court minutes, in the original books, are so faint that they did not microfilm very well. These microfilm copies can be inter library loaned. If readable these films can save you many a trip to Raleigh.

#### Superior Court Minutes:

These minutes often contain many references to persons, interfamily relationships, and even dates of death. If a juror, witness, defendant, plaintiff, lawyer, or judge died during the term of court this information is recorded in the minutes. The minutes may also include the text of contested wills and the statements of Revolutionary War veterans attempting to qualify for pensions.

#### Equity Court Minutes:

The minutes normally record only the court orders and verdicts. The details are in the related papers of the court. Some of these papers may be found in the estate papers of the family involved. These will be found in the Archives. (Note: these loose estate papers have not been microfilmed). Other papers can be found in civil action papers and in deed records, and a few can still be found in the custody of the Clerk of Superior Court.

The most important of the file papers are: the bills of complaint, defendant's answer, testimony by witnesses, reports of the Clerk and Master of Equity and final judgements.

After 1868 some functions of the Equity Court was assumed by the Superior Court and can be found in the Special Proceedings of the court.

## North Carolina Court System Continued

### Dockets

Dockets can best be described as an index of the business of the court and the Clerk of the Court. They may often include information on cases that were settled out of court. When court minutes are missing and the dockets have survived they can fill in the gaps for you.

While there is a great variation in kinds and extent of dockets that have survived they can be invaluable to the historian as well as the genealogist.

After 1868 the dockets became more uniform in nature.

Civil matters were entered first in the Appearance Dockets which were called Summons Dockets after 1868.

The Recognizance Docket listed all persons required to attend the court hearings. This would include the defendant, plaintiff, and witnesses.

Next came the Trial Docket, sometimes called the Civil Docket, and after 1868 it was called the Civil Issue Docket.

The Reference Docket contained cases referred to umpires for decisions and also listed cases that were continued to the next session of court.

The Execution Docket, contrary to its name, was not a list of execution per se, rather it listed judgements, fines, court costs and orders issued for these actions and the returns to the court. After 1868 these were called Judgements Dockets and often were concerned with tax sales.

#### Criminal Dockets:

Generally criminal matters required only one docket. Before the Revolutionary War they were called Crown Docket. From 1776 to 1868 they were called State Dockets and after 1868 they are called the Criminal Docket.

You may also see the names: Prosecution, Indictment, State Trial, and Sessions. Note that the term Indictment always referred to a criminal matter.

Enrolling Dockets were used by the Courts of Equity, while the Minute Dockets were used by the County Court.

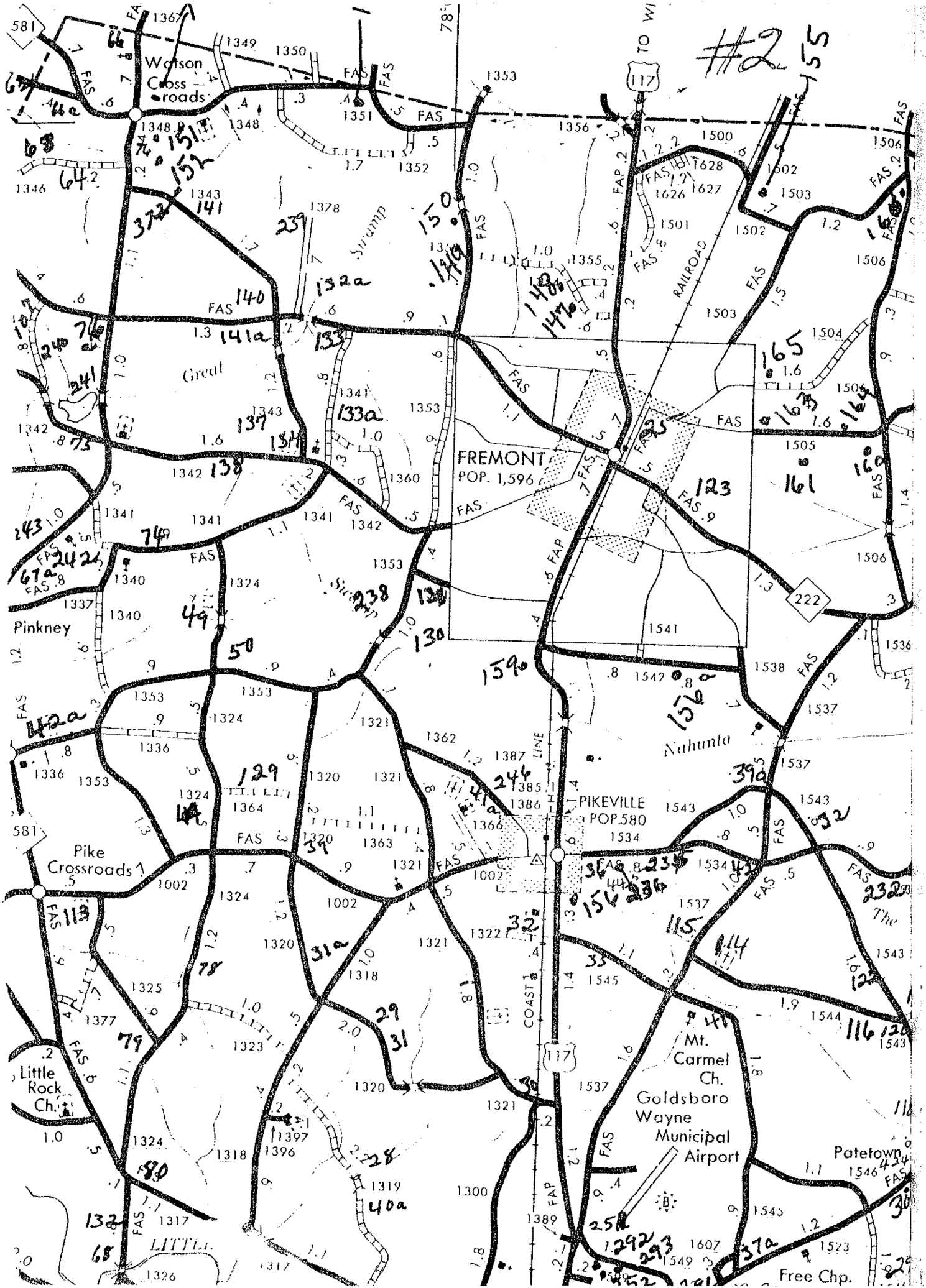
These Dockets are in the custody of the Archives and are in the individual county card catalogue at the search room. Additionally these dockets are on microfilm, and can be inter library loaned.

You can determine what minutes and what dockets have survived by checking A Guide To Research Material in the North Carolina State Archives: Section B, County Records. This book, which is for sale in the search room and in the Museum Gift Shop on the first floor, cost \$8. It is the one essential book that you will need for N. C. research. If you order it by mail include an additional \$1.75 for mailing cost.

Hopefully this talk will make you more comfortable when dealing with court records.







#2

Watson Cross roads

FREMONT  
POP. 1,596

PIKEVILLE  
POP. 580

Goldboro Wayne  
Municipal Airport

Patetown

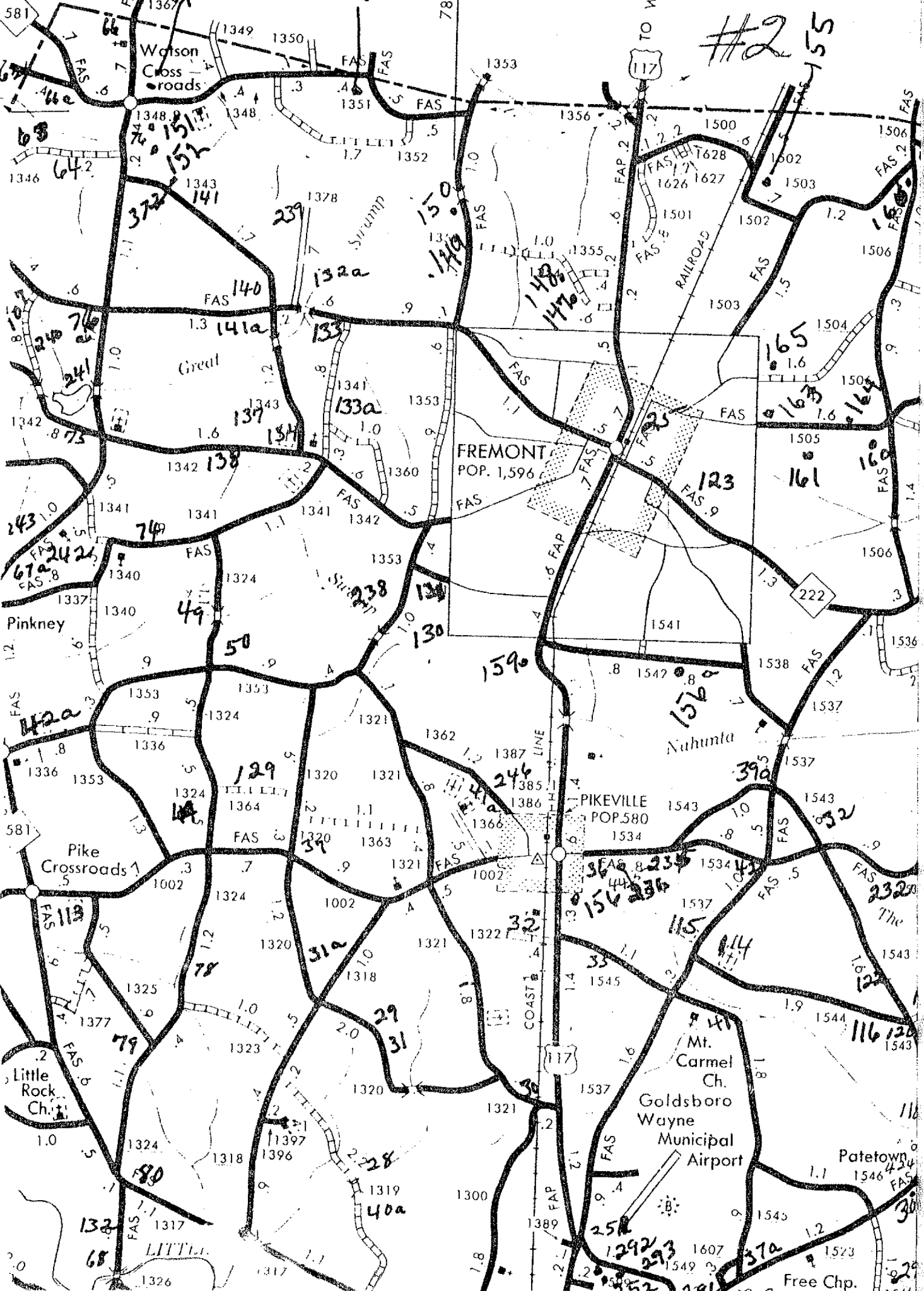
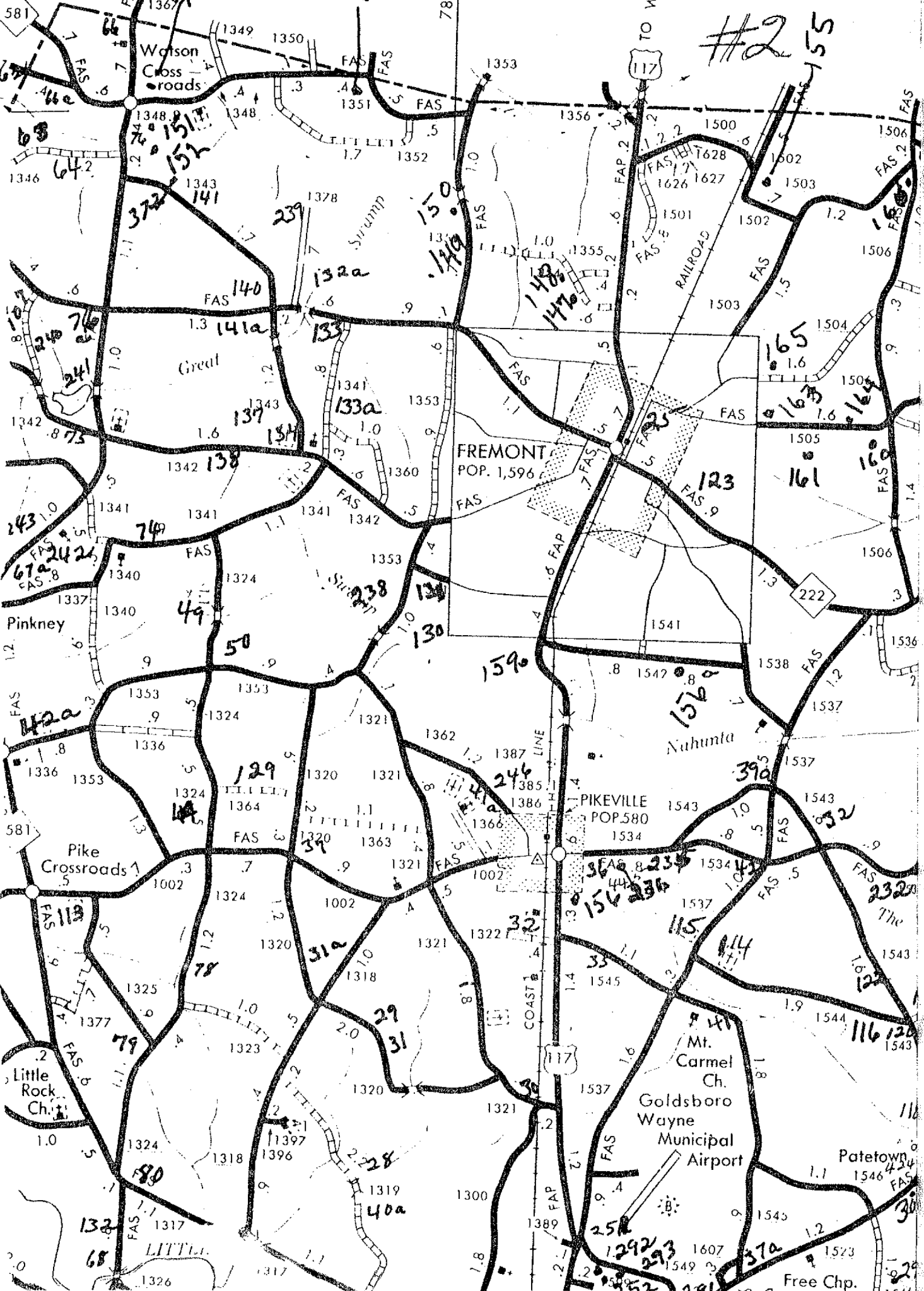
Free Chp.

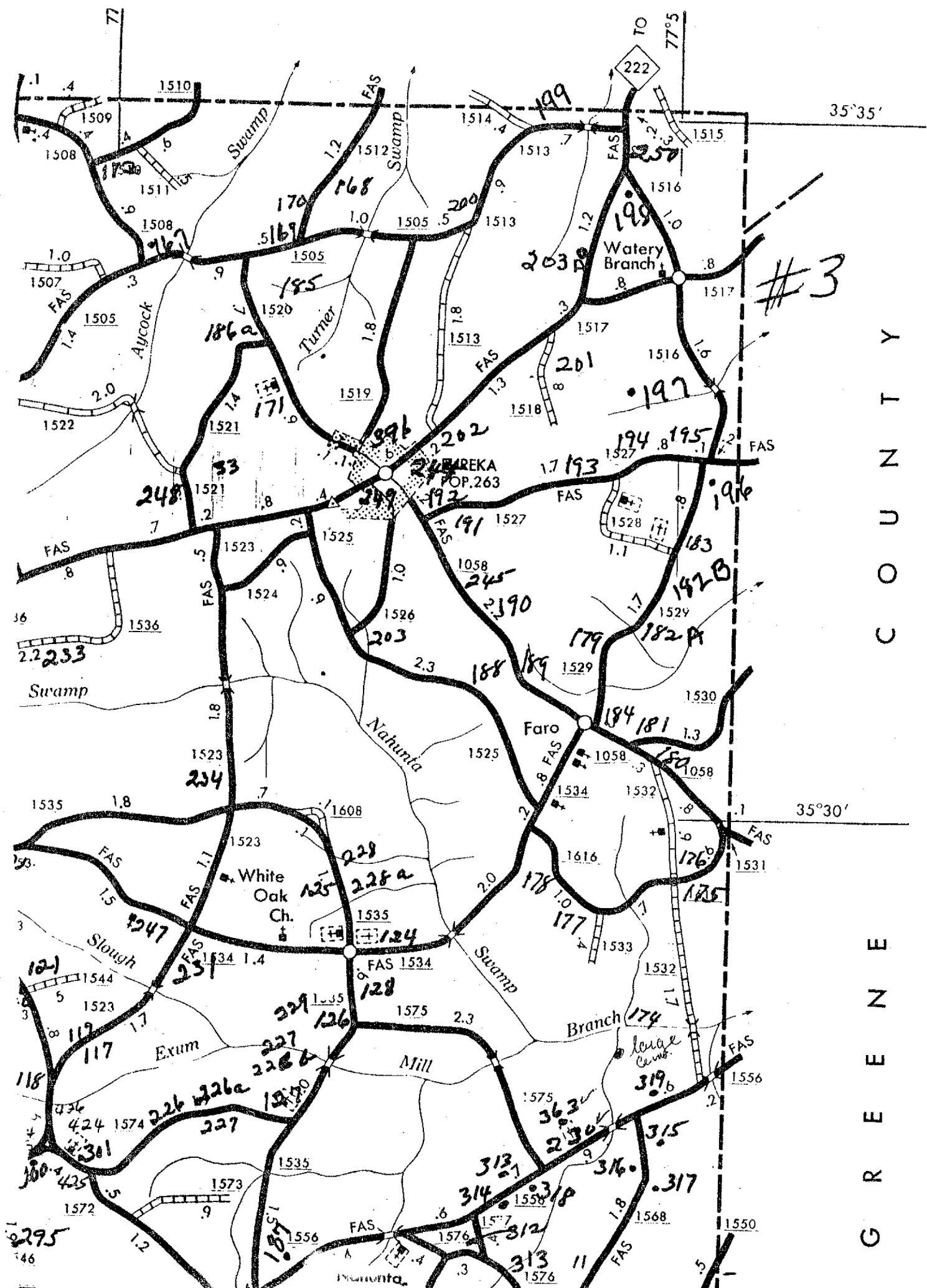
Great

Nahunta

Mt. Carmel Ch.

LITTLE



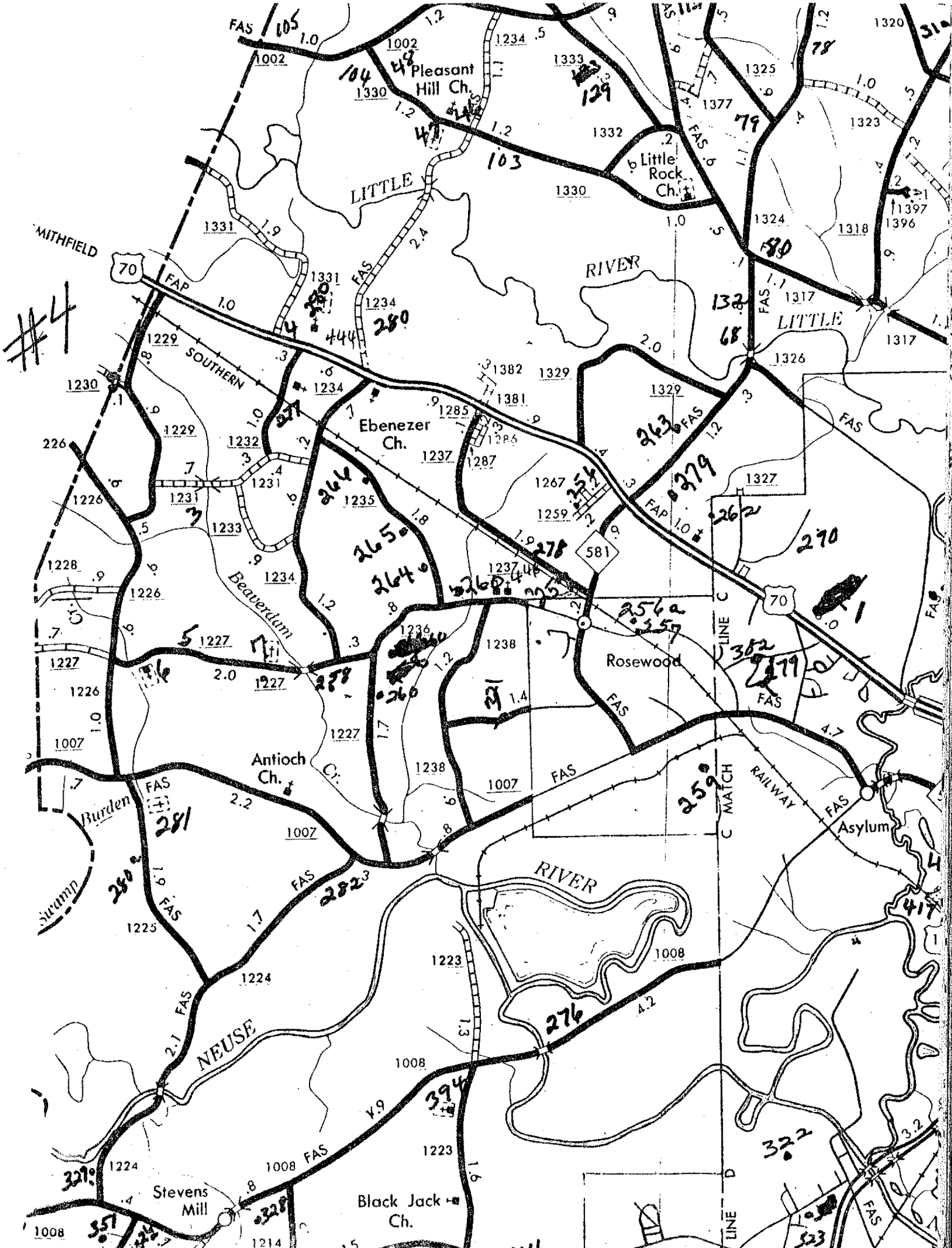


#3

35°35'

35°30'

G R E E N E C O U N T Y



#4

70

SOUTHERN

LITTLE RIVER

RIVER

LITTLE RIVER

Ebenezer Ch.

Rosewood

Antioch Ch.

Asylum

Burden

NEUSE RIVER

RIVER

Stevens Mill

Black Jack Ch.

LINE C  
MATCH RAILWAY

LINE D

226

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1229

1234

1332

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1267

1227

1326

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1224

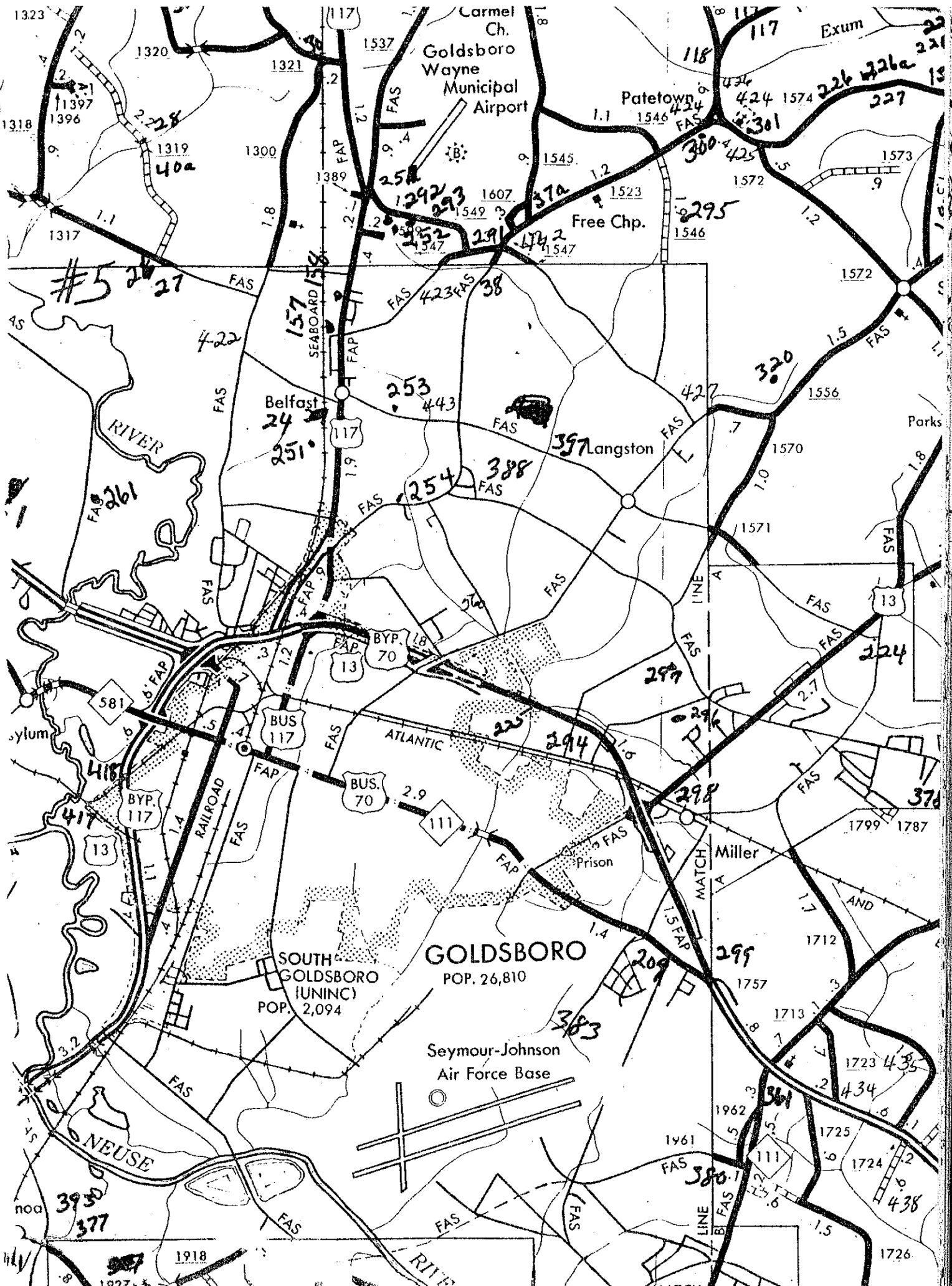
1008

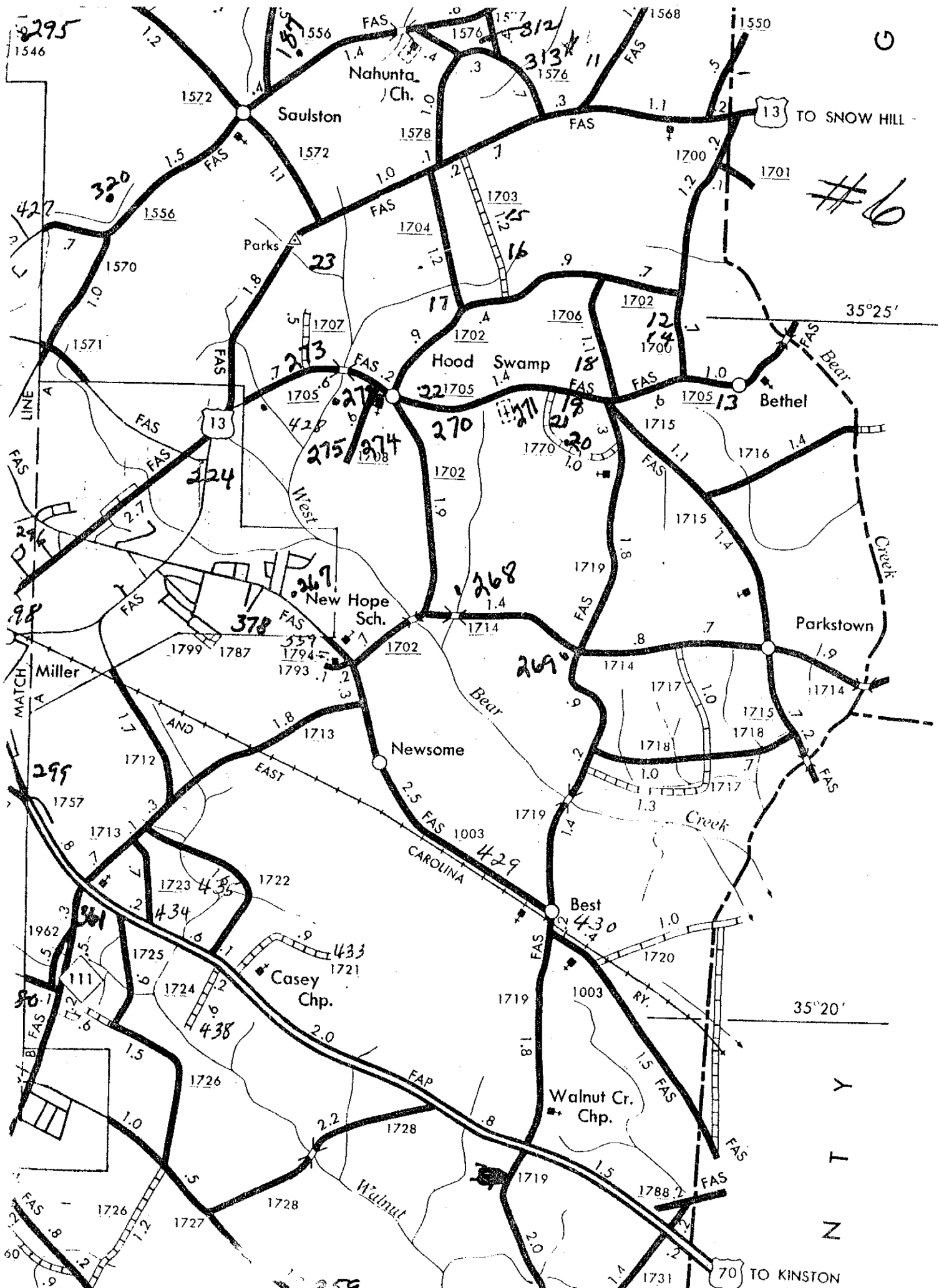
1008

1214

1225

1223





#6

13 TO SNOW HILL

35°20'

70 TO KINSTON

295  
1546

Nahunta Ch.  
1576  
1578

Saulston

Parks

Hood Swamp

Bethel

New Hope Sch.

Miller

Newsome

Parkstown

Casey Chp.

Walnut Cr. Chp.

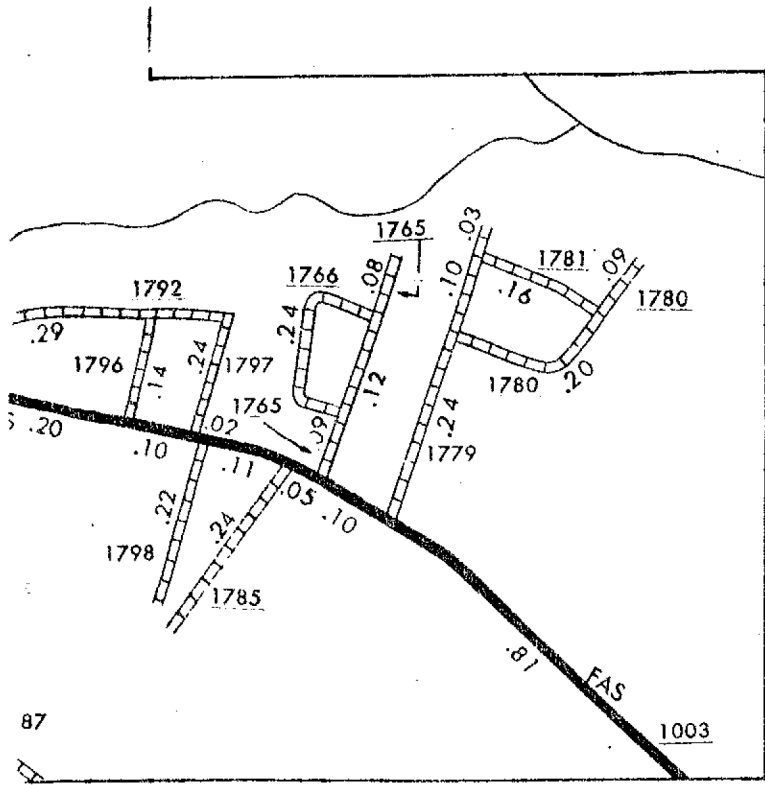
Walnut

MATCH LINE

MATCH LINE

MATCH LINE

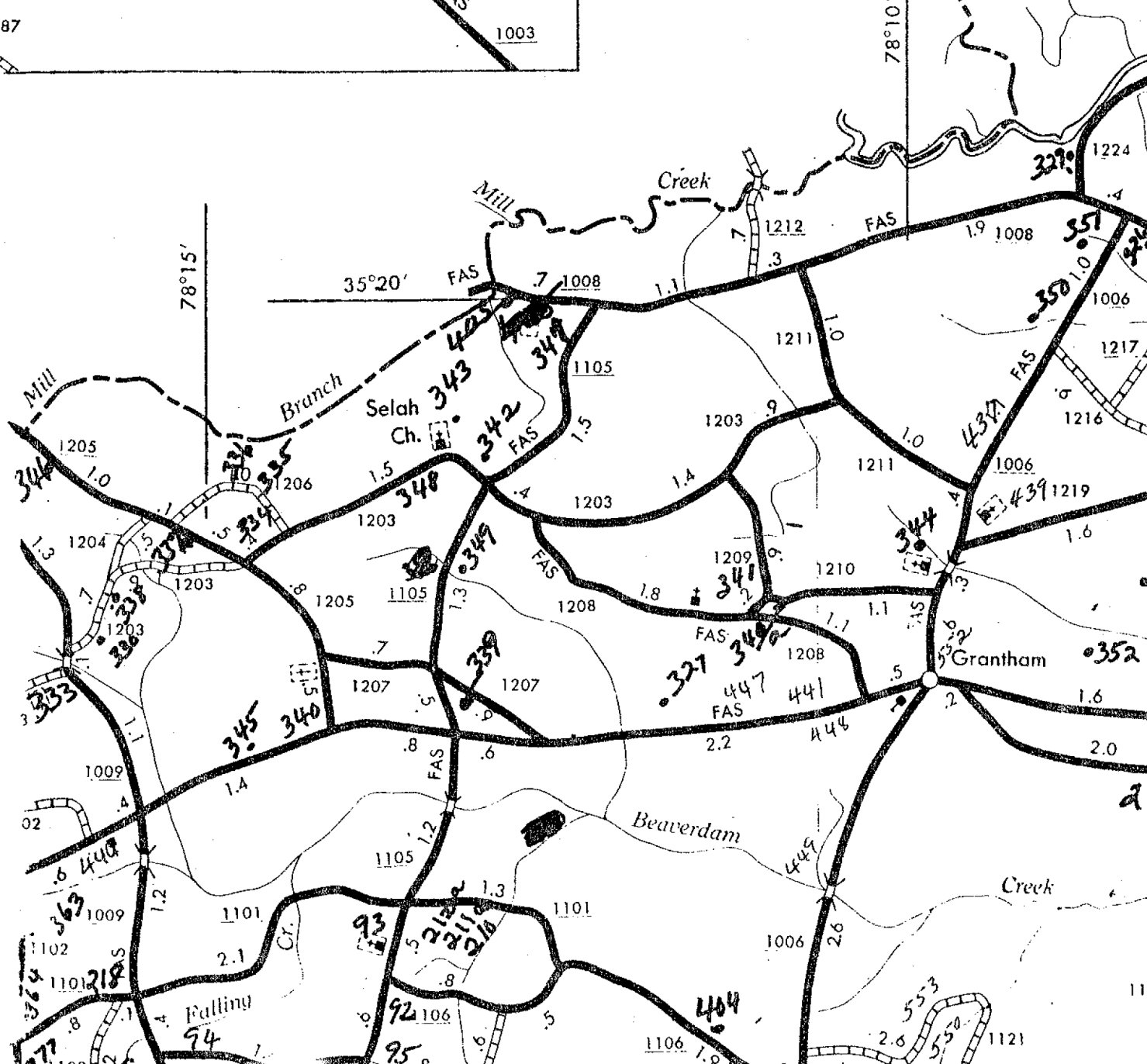
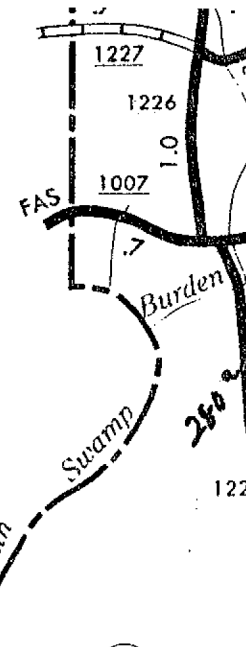
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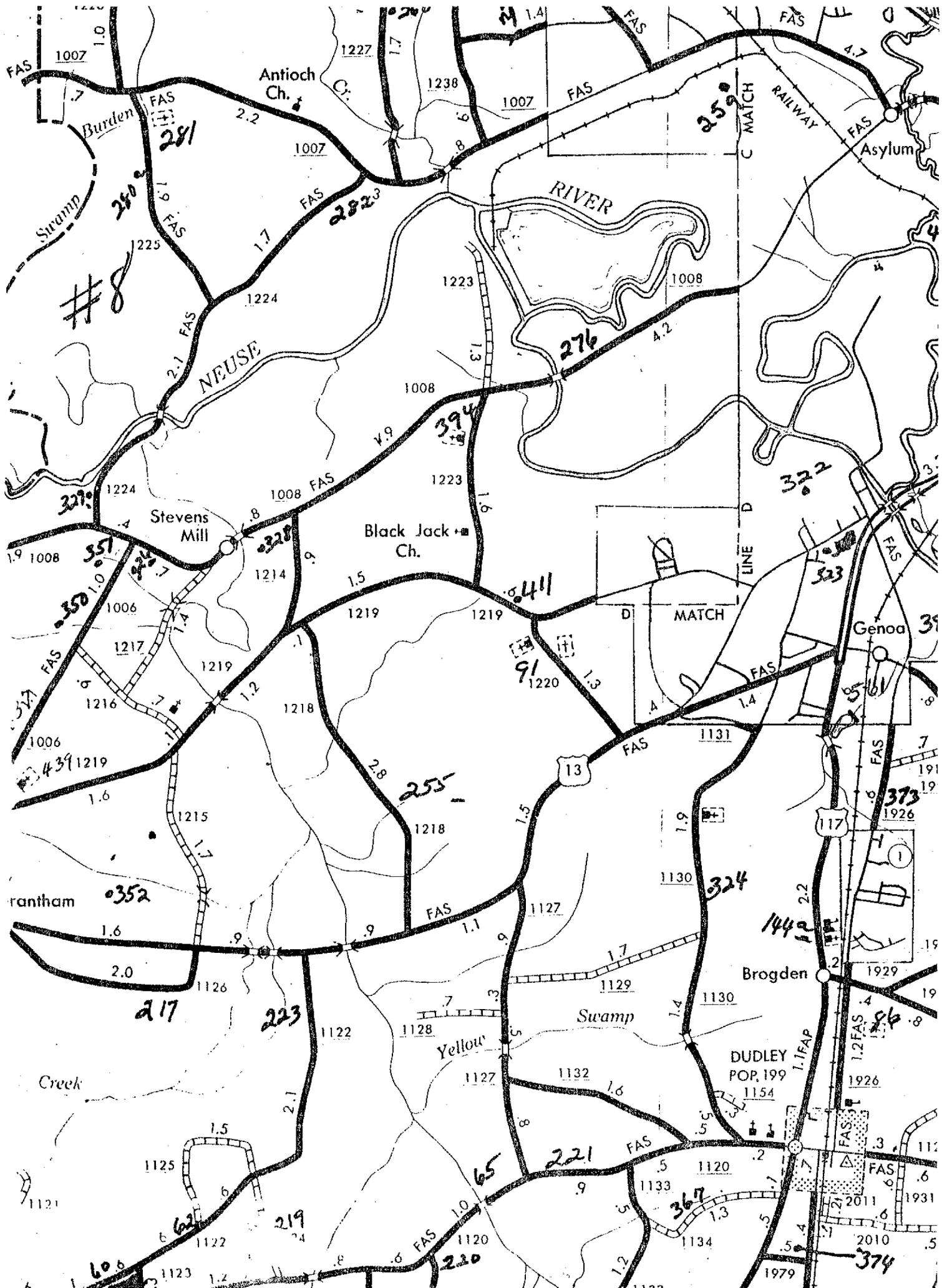


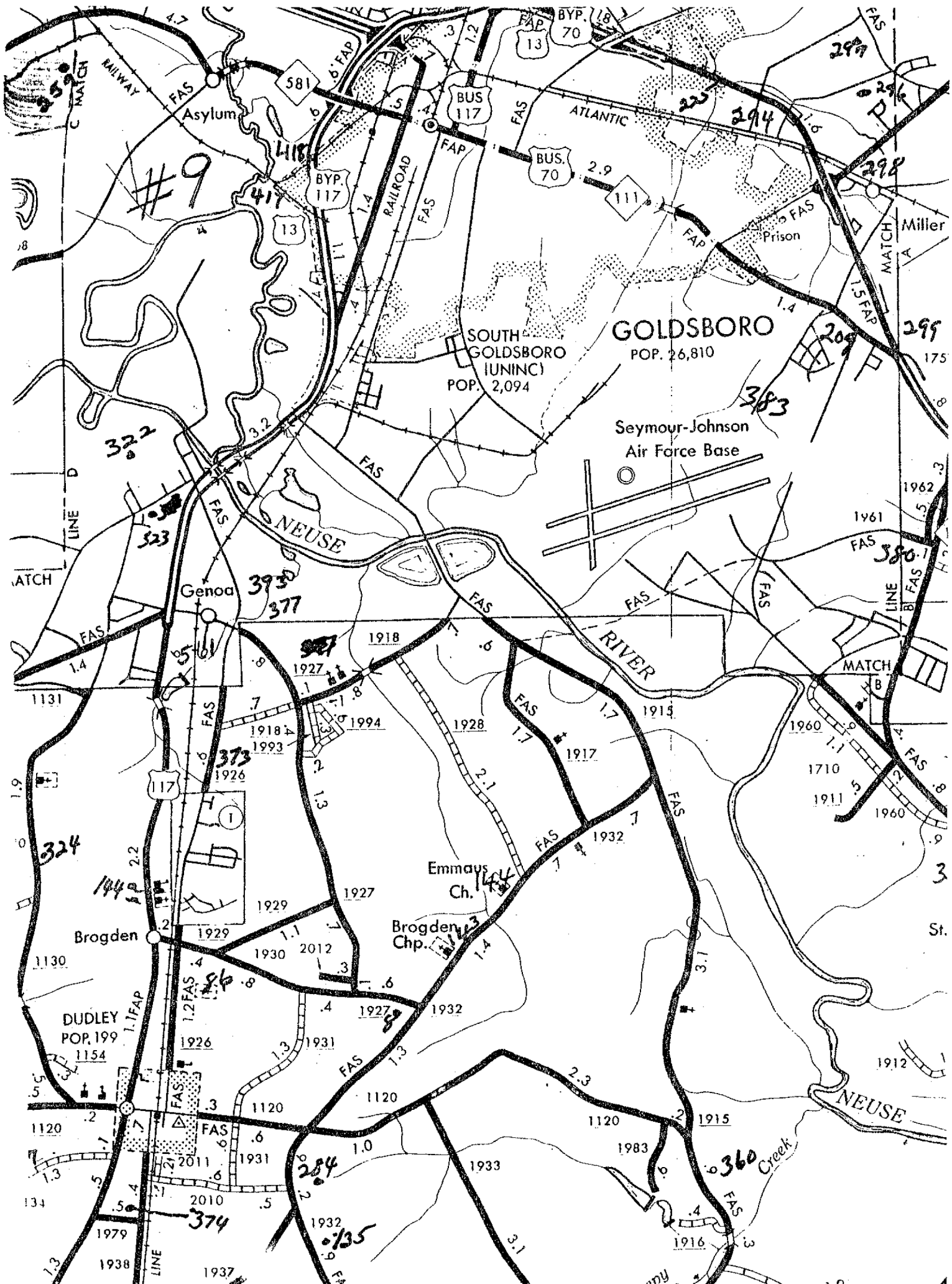
J O H N

#7

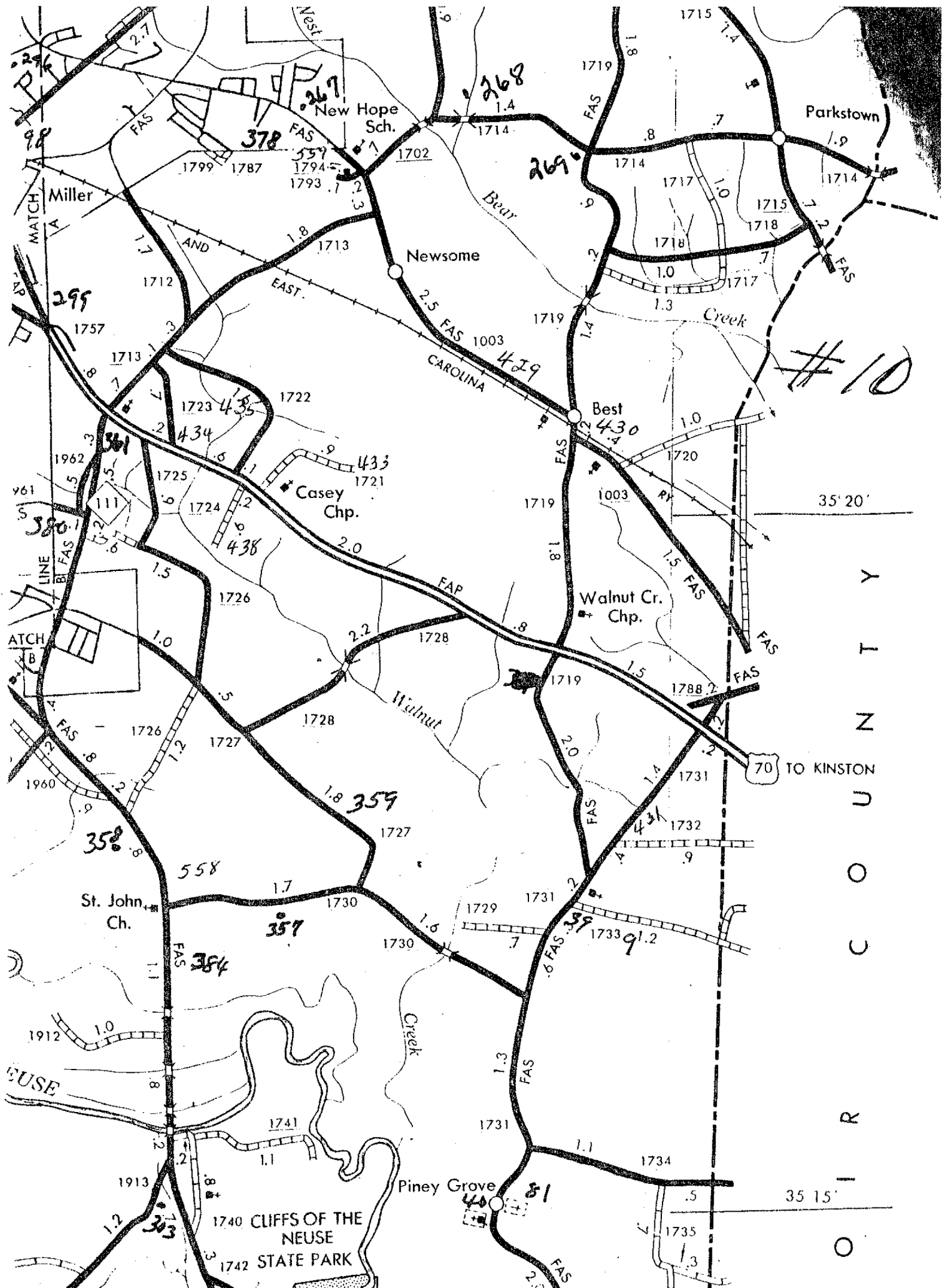
32 x 36









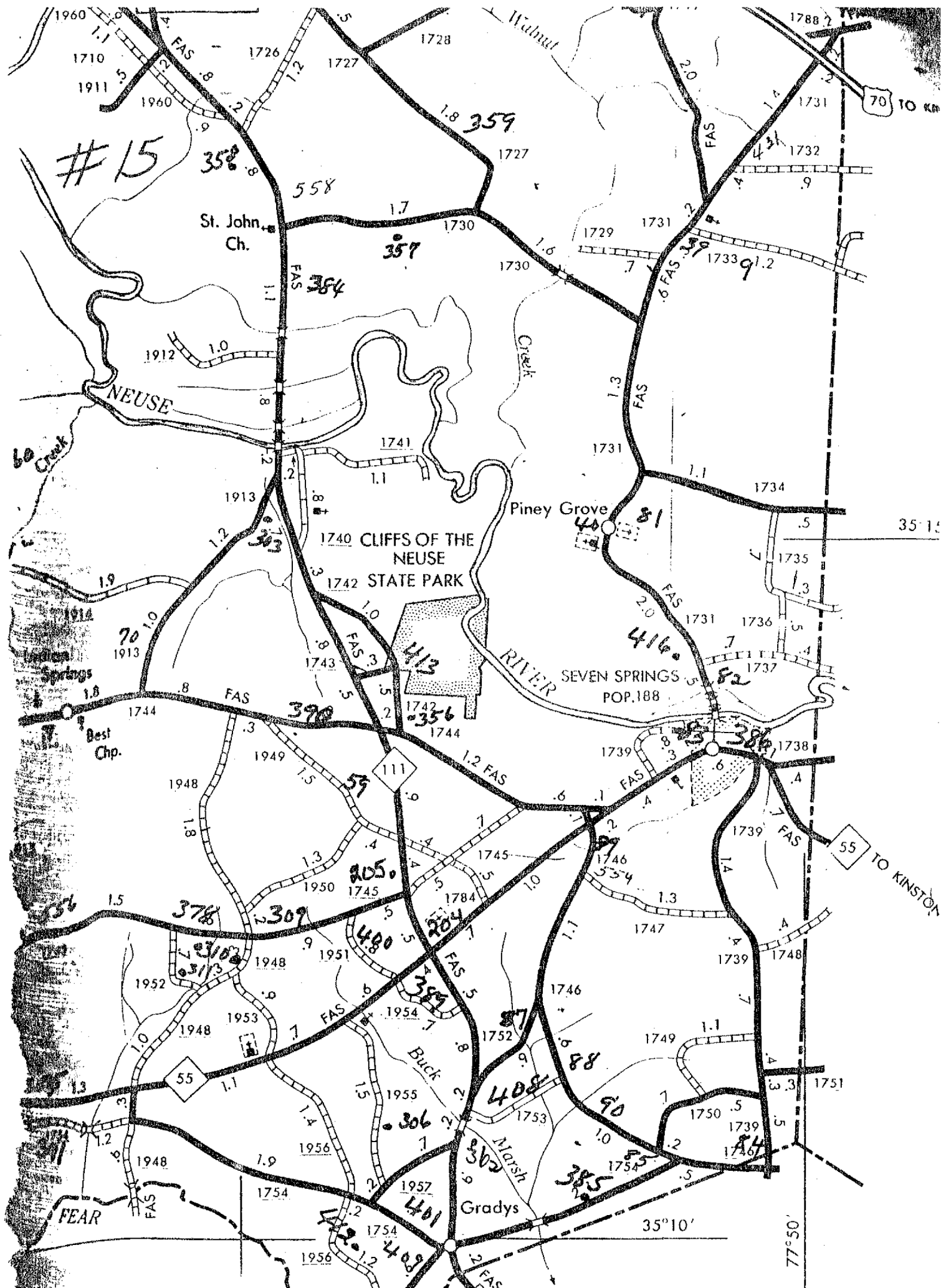


#10

35' 20"

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35' 15"



#15

358

558

1.7

357

1.8 359

354

NEUSE

1740 CLIFFS OF THE NEUSE  
1742 STATE PARK

Piney Grove

SEVEN SPRINGS  
POP. 188

Best Chp.

Buck

Marsh

Gradys

FEAR

70 TO KRN

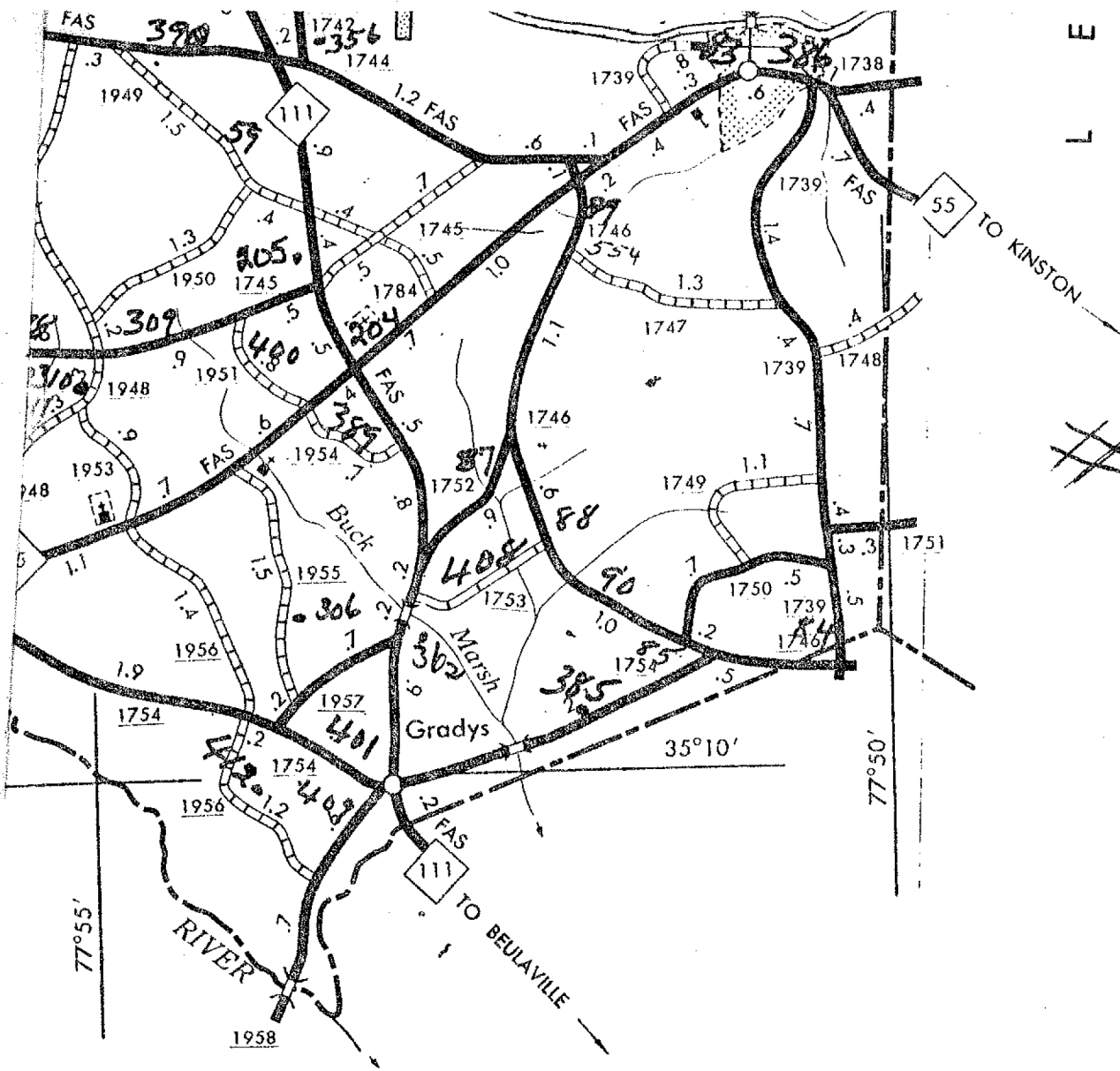
55 TO KINGSTON

35°10'

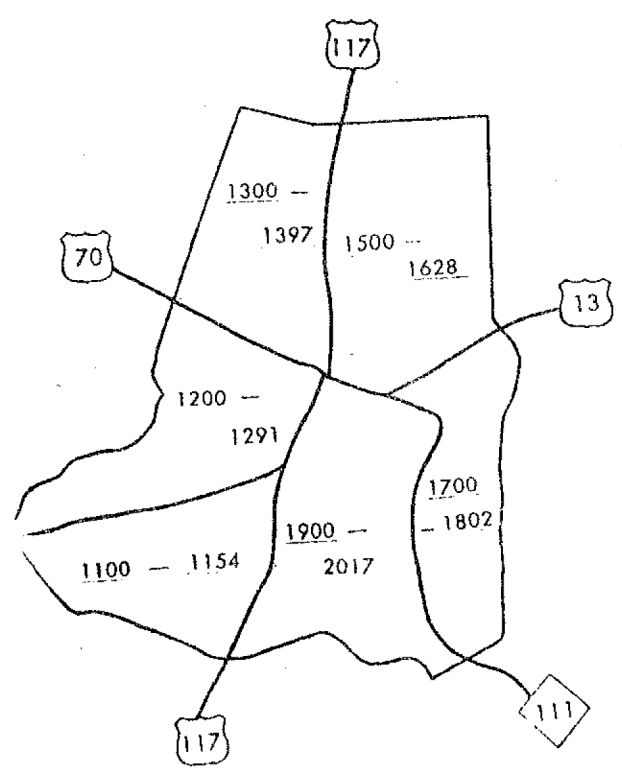
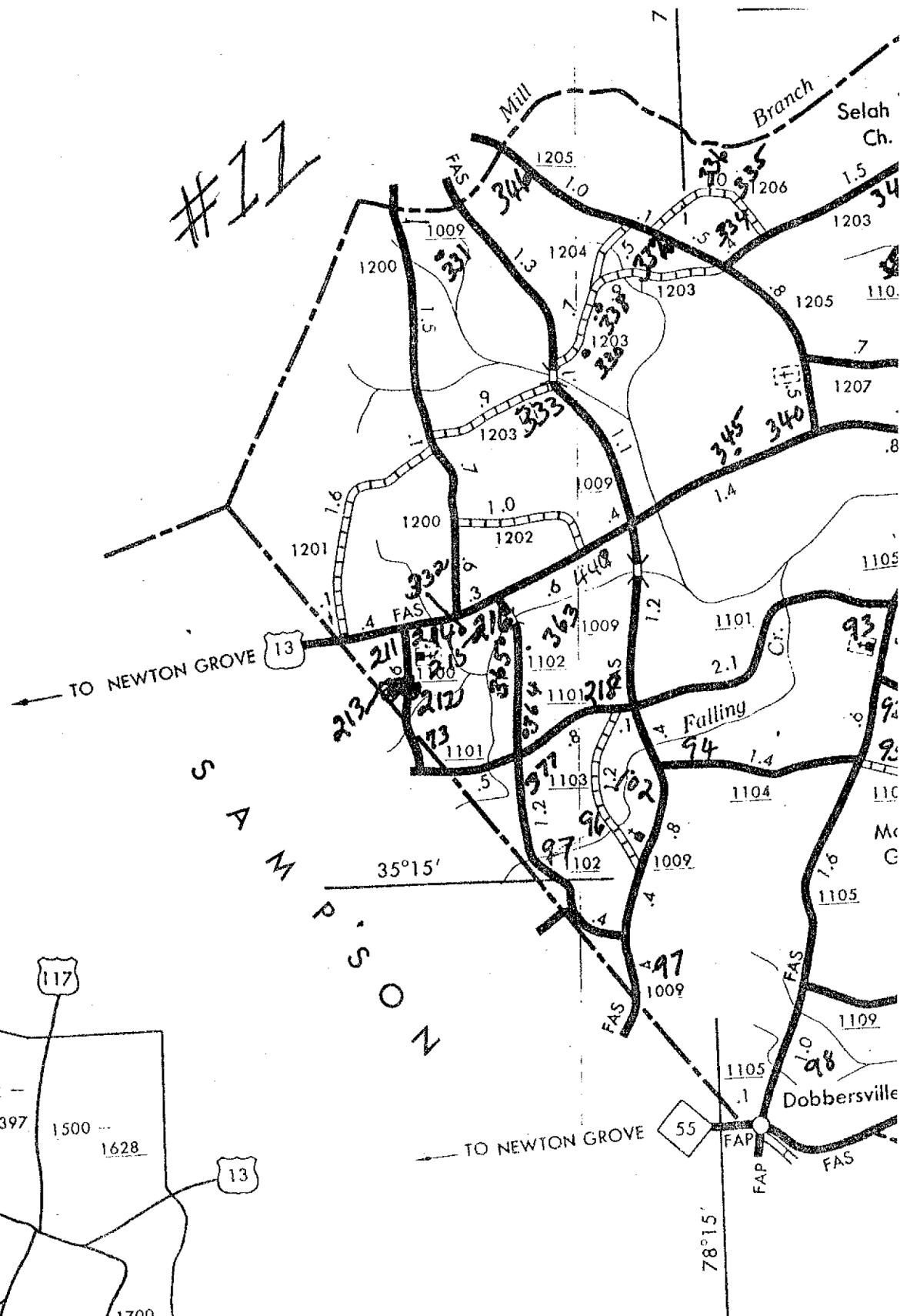
77°50'

E  
L

# 16

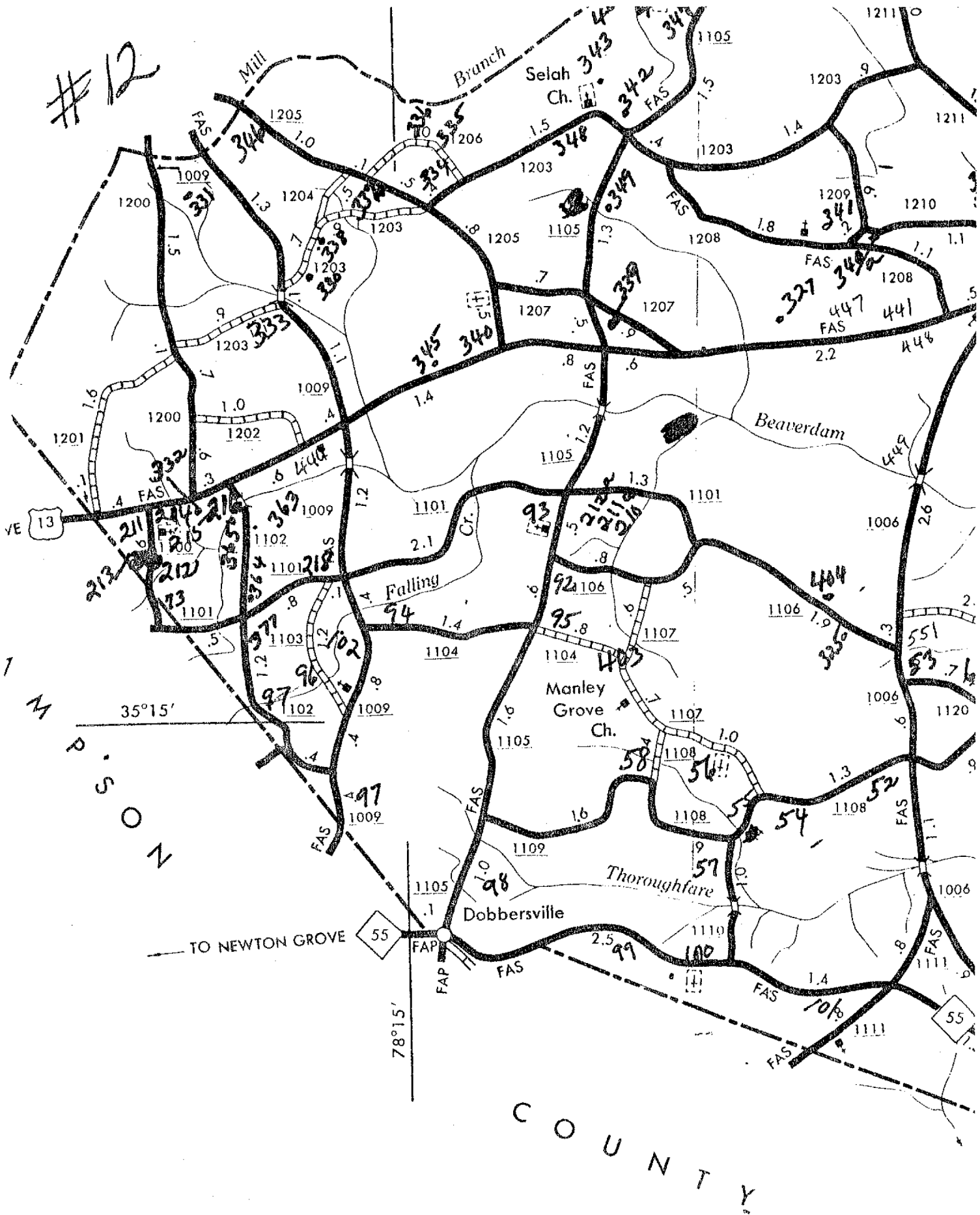


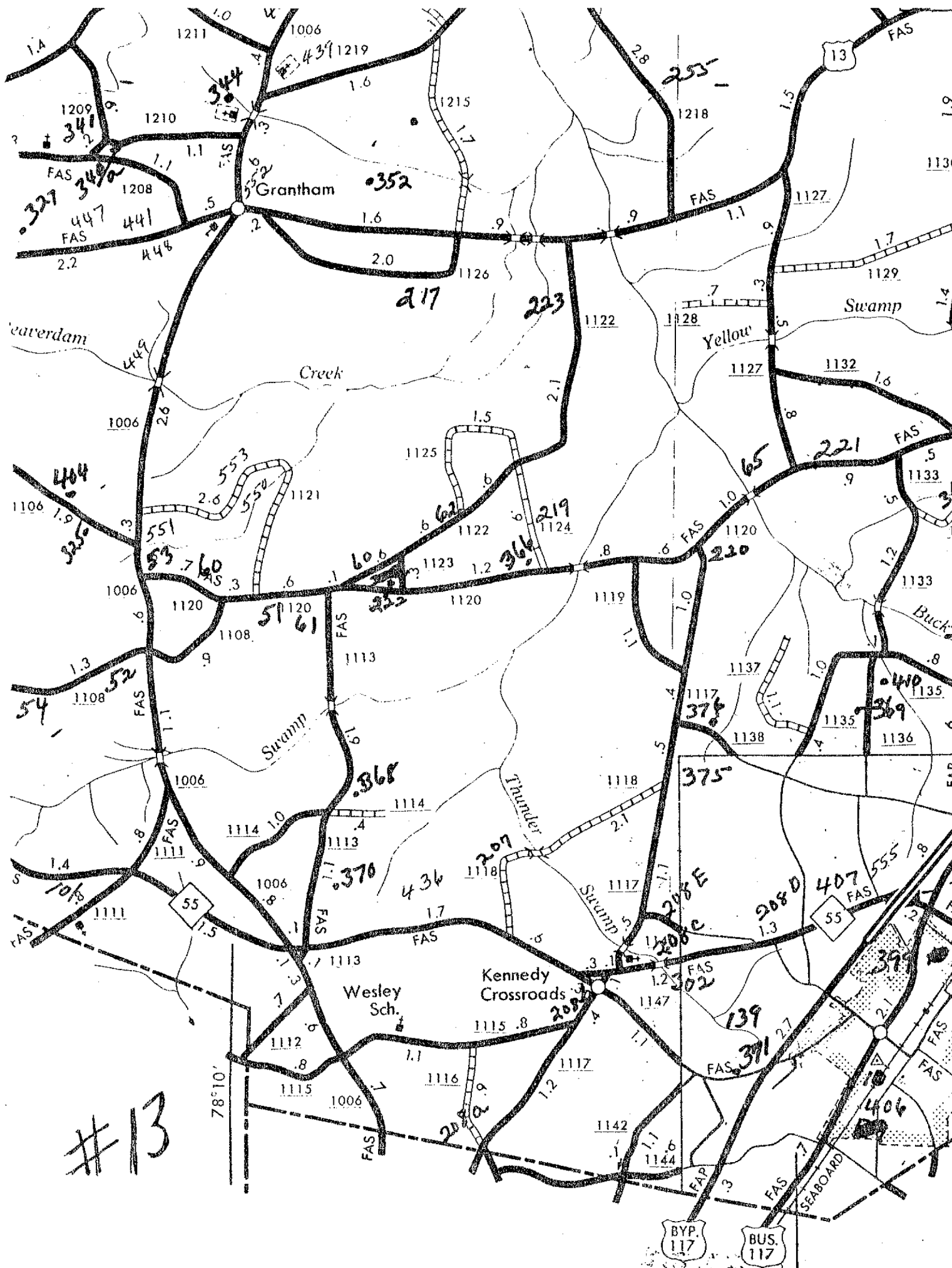
#17



KEY TO COUNTY ROAD NUMBERS

#12





#13

BYP. 117  
BUS. 117