

---

Dissertations, Theses, and Masters Projects

Theses, Dissertations, & Master Projects

---

1937

## County Government in New Kent

William Jennings Cox  
*College of William & Mary - Arts & Sciences*

Follow this and additional works at: <https://scholarworks.wm.edu/etd>



Part of the [Public Administration Commons](#)

---

### Recommended Citation

Cox, William Jennings, "County Government in New Kent" (1937). *Dissertations, Theses, and Masters Projects*. Paper 1539624435.

<https://dx.doi.org/doi:10.21220/s2-4gv8-zb91>

This Thesis is brought to you for free and open access by the Theses, Dissertations, & Master Projects at W&M ScholarWorks. It has been accepted for inclusion in Dissertations, Theses, and Masters Projects by an authorized administrator of W&M ScholarWorks. For more information, please contact [scholarworks@wm.edu](mailto:scholarworks@wm.edu).

COUNTY GOVERNMENT

"

. in

THE STATE

by

WILLIAM J. COE

COUNTY GOVERNMENT

in

NEW KENT

by

WILLIAM J. COX

SUBMITTED IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS  
COLLEGE OF WILLIAM AND MARY  
for the degree  
MASTER OF ARTS  
1937



#### ACKNOWLEDGEMENTS

I appreciate the guidance rendered me in writing this thesis by Dr. J. E. Pate. I am thankful to the officers of New Kent County for the courteous manner in which they allowed me to study their records.

## PREFACE

It has been the purpose of the writer to give a statement of the actual operation of the government of New Kent County. The scope of the study is for the fiscal year 1936-37. An effort has been made to bring to light all weaknesses in the county's government during this year, and to recommend changes that have possibilities for greater economy and efficiency. The findings of the Commission on County Government for the State were used as a guide in all recommendations for change.

## CONTENTS

### CHAPTER I

HISTORY OF THE COUNTY	Page
The Geography of New Kent .....	1
Origin of the County .....	3
Historic Places .....	5
Summary of Military History .....	10
Resume of Social and Economic Conditions .....	12

### CHAPTER II

PUBLIC EDUCATION	
Administration and Organization .....	19
Secondary Education .....	21
Elementary Education .....	23
Financing .....	27

### CHAPTER III

THE COURTS	
Circuit Court .....	36
Disposition of Cases .....	39
Officers of the Court .....	40
Jury System .....	42
Trial Justice System .....	44
Jurisdiction .....	45
Disposition of Cases .....	46

### CHAPTER IV

PUBLIC WELFARE	
Dependents .....	53
Mental Defectives .....	53
Delinquents .....	59
Public Health .....	62

### CHAPTER V

PUBLIC WORKS	
Public Roads .....	67
Public Buildings .....	72
The Court House .....	73

	Page
The Jail .....	74
School Houses .....	76
Fair Building .....	77

## CHAPTER VI

### COUNTY FINANCES

Sources of Revenue .....	78
Segregation of Sources of Revenue .....	79
Assessment .....	84
County Levy .....	86
State Aid .....	88
Borrowing Money - County Indebtedness .....	90
Collection .....	91
County Budget .....	93
Objects of Expenditure .....	96
Auditing .....	98

## CHAPTER VII

### ELECTORAL PROCESS

The County Electoral Board .....	101
Registration .....	102
Election Officers .....	104
Candidates .....	105
The Electorate .....	106
Typical Election .....	110

## CHAPTER VIII

### COUNTY PERSONNEL

Full-Time County Officers .....	114
Commissioner of Revenue .....	114
Treasurer .....	116
Clerk .....	117
Division Superintendent of Schools .....	121
Trial Justice .....	122
Commonwealth's Attorney .....	123
Sheriff .....	125
Deputy Clerk .....	126
Deputy Sheriff .....	127
Part Time Officers .....	128
Board of Supervisors .....	128
County School Board .....	129
Judge of Circuit Court .....	130
County Electoral Board .....	131
County School Trustee Electoral Board .....	131
Justices of the Peace .....	132
Constables .....	132

	Page
Finance Board .....	133
Clerks .....	133
County Employees .....	134
Janitors .....	134
Surveyor .....	135
Home Demonstration Agent .....	136
Agricultural Agent (White) .....	136
Commissioner of accounts .....	138
Came Warden .....	139
Agricultural Agent (Colored) .....	139
Special Game Gardens .....	140

#### CHAPTER IX

CONCLUSION .....	142
BIBLIOGRAPHY .....	161

## CHAPTER I

## THE HISTORY OF THE COUNTY

## THE GEOGRAPHY OF NEW KENT

New Kent County lies near the center of the Tidewater Region, and is bounded on the north by King William County, on the east by James City County, on the south by Charles City County, and on the west by Hanover and Henrico Counties. The total area represented by the county is one hundred ninety-one square miles. Its surface is comparatively level with an average height above the sea level of nineteen feet. The soil is a composition of various marls, clay and chalk belonging to Laurentian formation, which immediately underlies the cambrium rocks. While the soil is not as fertile as that of the Piedmont Region, it is nevertheless quite productive. Verification of this fact, as early as 1810, is recorded in a memoranda made by Thomas R. Joynes on a journey to the states of Ohio and Kentucky. "In riding from York to Richmond, I observed the land to be very poor, much broken and badly cultivated, in York and James City Counties, and in the Counties of New Kent and Henrico; as I approached Richmond, I found it of better quality

and under better improvement."<sup>1</sup>

The farms of New Kent are situated, for the greater part, along the banks of rivers and creeks. Along the Chickahominy and Pamunkey Rivers and the Diascund and Warenai Creeks are found many farms and farm sites that are not surpassed in the east.

The principal productions are corn, wheat, hay, peas, cotton and potatoes. Notwithstanding the excellent farms in New Kent, three-fourths of its area is in timber. The timber consists of pine, cypress, cedar, holly, maple, oak, birch, and poplar. Nowhere do loblolly pines grow so fast as in New Kent and the surrounding counties. Nowhere do the chemical constituents of the soil prove to be as adequate for the fast growth of this crop. A conservative estimate has it that thirty thousand cords of pine wood have been cut annually for the past ten years in New Kent.

Along the entire northern boundary and flowing south is the historical Pamunkey River which, at the eastern extremity of the county, unites with the Mataponi, the two forming the York River. On the south, forming the boundary between New Kent and Charles City Counties, flows the Chickahominy River, a name as old in the geography of the Old Dominion as that of the James. Along its banks roamed Captain John Smith, the

---

1. Joynes, Thomas R., in article in, William and Mary College Quarterly. Vol. 10, January 1902. Whittet and Shepperson, Richmond, Virginia, Page 147.

father of Virginia. It was in its dreary swamps that he was taken captive and carried into the presence of Powhatan, where sentence of death was passed upon him. Along its banks marched the traitor Arnold when laying lower Virginia in ashes in the year 1781. Here, also, was laid the scene of McClelland's Peninsula Campaign in 1862, and that of Grant in 1864. This river remains today one of the few unpolluted rivers in eastern United States.

#### ORIGIN OF THE COUNTY

New Kent County was formed in 1654 from York and James City Counties.<sup>2</sup> The original county of New Kent covered a vast territory. From it three other counties have since been formed. King and Queen County, with a territory of five hundred eighty-three square miles, was taken from it in 1691. King and Queen County was itself divided in 1701 to form still another county that of King William, with a territory of two hundred sixty-three square miles. One of the largest counties in Virginia, Hanover, with a territory of five hundred twelve square miles was carved from the original New Kent in 1720.<sup>3</sup>

Dr. Lyon G. Tyler thinks New Kent County was named by Colonel William Claiborne after Kent Island, from which he was driven by Lord Baltimore.<sup>4</sup>

- 
2. Robinson, Morgan P., Virginia Counties, Supt. of Public Printing, Richmond, Virginia. 1916, p 186.
  3. Secretary of the Commonwealth, Division of Purchase and Printing, Richmond, Va., 1936
  4. Robinson, Morgan P., Virginia Counties, Supt. of Public Printing, Richmond, Virginia. 1916, p 186.



New Kent Court House or Bassetsville is thirty miles east<sup>5</sup> of Richmond and three miles south of the Pamunkey River.

What is now New Kent County was in the early Colonial Period the center of Indian habitations and the scene of many of the conflicts between them and the early settlers of North America. The Manakins, consisting of five tribes, settled between the York and the James Rivers, on the land which today comprises<sup>6</sup> the county of New Kent.

In 1644 three hundred colonists were massacred, and after two years were spent in driving the Indians from their homes into the forest it was deemed best to make a treaty with them. This treaty provided that the Indians would relinquish their<sup>7</sup> claims to the rich land between the York and James.....

The first mention of New Kent County is found in the records of the General Assembly for the year 1654. Captain Robert Abrell was its representative in this body. In this Assembly it was provided "that the uper part of Yorke Countie shall be a distinct Countie, called New Kent, from the west side of Sciminee Creeke to the heads of the Pomunkey and Mataponie Rivers and<sup>8</sup> down to the head of the west side of Propatanke Creeke."

In 1691 a bill was passed by the House which provided that "the lower end of New Kent County be added to James City County

- 
5. Howe, Henry, Virginia, W. A. Babcock, Charleston, S. C. 1847, p 389.
  6. Brock, R. A. , History of the Virginias, H. H. Hardesty and Co., Chicago, 1884, p 397.
  7. Ibid, p 398.
  8. Ibid, p 397.

and the upper end of James City County be added to New Kent for conveniences of reaching the Court Houses.<sup>9</sup> In that same year a bill was passed by the House providing for the formation of King and Queen County from New Kent.<sup>10</sup> Still another act affecting the territory of New Kent County was passed by the Assembly November 26, 1720. "Because of the great distance from the Court House of the upper inhabitants, that after the first day of May, New Kent County be divided into two counties, and that below the Parish of St. Paul be known by the name of New Kent County, and that in the Parish of St. Paul be known as Hanover County."<sup>11</sup>

There is no further record of territorial change affecting this county. Today, as stated, the county measures one hundred and ninety-nine square miles. There are only four counties smaller than this in Virginia.

#### HISTORIC PLACES

In New Kent County are many ancient estates and many old mansions, the erection of which dates back to Colonial times. These plantations have changed hands many times, but some of them have descended from father to son for many generations.

"Grove Hill" was originally settled by the Lacy family and remained in their possession for more than two hundred

- 
9. Henning, William W., Henning's Statutes at Large, Vol. 8. J and G. Cochran, Richmond, Virginia., 1821, pp 208-9.
  10. Report of the Secretary of the Commonwealth, Division of Purchases and Printing, Richmond, Va., 1935-36.
  11. Robinson, Morgan P. Virginia Counties, Supt. of Public Printing, Richmond, Va., 1916, pp 200- 201.

years. Samuel Winston Lacy, present clerk of the county, is a descendent of William Lacy the first proprietor of the plantation. There are many interesting incidents connected with this property, one of which is that Cornwallis rested his army here when on his way to Yorktown. During the war between the states the Federal army raided this neighborhood, but did no damage to this property."<sup>12</sup>

Rockahocks, located at Walkers Post Office, and lying immediately on the Chickahominy River, was owned by the Curtis family before the revolution. Its present owner is H. B. Walker.<sup>13</sup>

Windsor Shades is perhaps one of the oldest plantations in the county. It is believed to have been settled soon after the settlement of Jamestown. "This location appears to have been the site of an ancient Indian town. A short time after its settlement a good shipping port was located there from which communication was had with all the Atlantic seaboard cities."<sup>14</sup>

Orapax is the oldest homestead on the peninsula. The present building was erected about 1700. After his capture by the Indians, Captain John Smith was led to the site, which now forms this plantation where he was "kindly feasted and well used." At that time, as recorded by Mary Newton Stanard, it was a village of thirty or forty hunting houses made of mats which they remove as they please. Here in the presence of women

---

12. Op. Cit. p 398.  
 13. Op. Cit. p 398.  
 14. Op. Cit. p 398.

and children the braves entertained their captive with a fantastic drill, cast themselves into a ring, dancing and yelling out hellish sounds." <sup>15</sup> Smith said that he was fed so well at Orapax that he thought he was being fattened for the kill. <sup>16</sup>

This plantation has been recently donated by a Mr. Duval to the Methodist Orphanage of Virginia, and it is today dotted with log cabins, which serve as homes for the orphans, giving it a similar appearance to that of the Colonial or earlier period.

The plantation of Chestnut Grove was originally owned by the Dandridge family. It was in this homestead that Martha Dandridge was born, May, 1732. The burying ground of the Dandridges is situated about one hundred and fifty yards east of the mansion, while a little to the west was once located the Cumberland Quarantine Station and Maine Hospital, which was filled to capacity during the Revolution. <sup>17</sup> Dr. D. S. Freeman, in a speech at New Kent Court House in 1934, stated that "there were 200,000 soldiers camped at this station."

Providence Forge, situated midway between the James and the York Rivers, is one of the oldest Colonial settlements in Virginia. It was here that an early iron forge was located.

In order to reach this forge it was necessary to construct

- 
15. Stanard, Mary Newton, The Story of Virginia's First Century.  
J. B. Lippencott Company, Phila., 1928, p 45.
16. Op. Cit. p 45.
17. Op. Cit. P 399.

from the Chickahominy a canal a mile long. The forge was destroyed and hastily covered with earth upon the approach of the British under Tarleton in 1781. The great flood of June 10, 1898, uncovered the site and exposed to view the foundation walls, the trip hammer, and several specimens of colonial pig iron.

18

Other old houses in New Kent County are:

1. Shuttlewood, three miles east of Talleyville.
2. Ruins of foundation of White House Mansion.
3. Beech Spring Farm. Old shoe shop on plantation.
4. Cedar Grove Farm, five miles west of Providence Forge. For many years the home of the Christian family.
5. Cumberland Farm. This old house is about one-half mile back of main house.
6. Cosby's Mill. Two miles north of Quinton.
7. Rose Cottage. Southall place. South of Route 415, about five miles east of Bottom's Bridge. Rear view.
8. Rose Cottage. Southall place. Five miles east of Bottom's Bridge.
9. Hampstead. Built by Conrad Webb, 1820.
10. Peace's Place. Formerly owned by Mr. Harrison of Talleyville.
11. River View. Two and a half miles south of West Point. Now owned by Mrs. R. E. Apperson.
12. Liberty Hall, old Crump place. Near Roxbury.
13. Major Morris' Place. On old Stage Road from New Kent Courthouse to Williamsburg, seven miles west of Barhamsville. Now owned by L. C. Burrell.
14. Poplar Grove, old Chamberlayne home.
15. Meadow Farm. On Route 415 about four miles west of New Kent Court House.
16. Cedar Lane, four miles west of Court House.
17. Nat Jones' Home. On old road from New Kent Courthouse to Barhamsville, about eight miles northwest of Barhamsville.
18. Providence Forge House.
19. Anatoak, one mile west of Barhamsville.
20. Tavern at Courthouse. 19

- 
18. Brock, R. A. History of the Virginias, H. H. Hardesty and Co. Chicago, 1884, p 399.
  19. William and Mary Quarterly, Vol. 17, April, 1937. William and Mary College, Williamsburg, Va., p 284.

Few Colonial churches in Virginia have a more interesting history than old St. Peter's. The present brick building was erected in 1701 to 1703. It was in 1703 that the first services were held in the church. However, this building supplanted an older frame church. The parish records date back as far as 1684. Legend, since disproved, has it that George Washington and the widow Martha Custis were married in this church. In an article appearing in the September 30, 1934 issue of the Richmond Times Dispatch Newspaper, there is also an interesting reference relative to the situation at St. Peter's before, during and immediately after the Civil war. There was a large and prosperous congregation at the outbreak of the Civil war, but during the Civil war the church was "abominably defaced by the Federal soldiers, who stabled their horses in the church and seemed to take great pleasure in ruining it. A company of soldiers from Hartford, Connecticut, wrote their names on the walls and left other marks of their occupancy." Regular services are still held in this historic church today with the Samuel B. Chilton, of Hanover, serving it as rector.

The old historic road, leading from Richmond to Williamsburg and passing down the Peninsula through New Kent County, is one of the oldest thoroughfares in the United States. <sup>20</sup> When it was constructed there was not a mile of public road west of the

---

20. Brocks, R. A. History of the Virginias, H. H. Hardesty and Co., Chicago, 1884, p 399.

Blue Ridge. This highway has been altered within the last two decades, and is now listed as route 4 in the State Highway System.

#### SUMMARY OF MILITARY HISTORY

No locality has surpassed New Kent County in patriotism. On many bloody fields from 1765 to 1918 New Kent has been represented, but it is now impossible to learn who her representatives were in earlier wars because no rolls are extant. The records of the county were transferred to Richmond in 1863 for safe keeping and were burned at the evacuation of Richmond.

On the Historical Markers in the county the following facts concerning the Revolutionary War appear: Lord Cornwallis, on his way to Yorktown, in 1781 passed through the county, and spent one night in the Old Tavern at New Kent Courthouse. Cornwallis was closely followed by Lafayette and Baron Steuben, in pursuit of the British army. Owing to its geographical position New Kent witnessed some of the stern realities of war within her borders during the Civil War, and over her surface marched and countermarched the armies of the Confederacy.

From the excellent Historical Markers, set up by the New Kent County Citizens Association, and the State Conservation Development Commission one can easily visualize the surging drama of action in the war between the states which took place with New Kent as the theater of operations. From the markers, the tourist is enabled to reconstruct the struggle.

In 1862 the Southern troops under the command of General Joseph E. Johnson, after the evacuation of York Town, passed through the county on their way to the defences of Richmond. Johnson, was followed by General George B. McClelland, in command of the Union Army. As McClelland advanced up the Peninsula, his transport and supply ships advanced up the York River, and up the Pamunkey to the White House in New Kent, which he made his base of supplies. During the advance several battles and skirmishes occurred. General Franklin in command of a division of the Union Army disembarked his troops at Eltham Landing, and tried to cut the Confederate Army off near Barhamsville. He was met by Generals Hood and White and driven back to his transports, with a loss of nearly five hundred men. Cavalry engagements were fought at Slatersville and Talleyville. New Kent was in the path of Stuart in his famous ride around McClelland. General Stuart entered the county from the north and passed entirely across it. His cavalry attacked McClelland's base of supplies at the White House and destroyed and burned both supply ships and supplies. The charred hulls of these old transports can still be seen at White House Landing at low water. (Stuart's Cavalry also destroyed a supply train at Tunstall Station.)

The General Assembly of 1936 passed an act which provided that the road traveled by Stuart in his ride around McClelland, be embraced in the Battlefield Park Highway. This work will be done as soon as necessary funds are available.



## RESUME OF SOCIAL AND ECONOMIC CONDITIONS

No history would be complete without giving a statement of old and new social conditions. The population of New Kent has shown a steady decline with each decennial census since 1880. The population of 5,515 in 1880 has dwindled to 4,300 in 1930. This figure of 4,300 gives New Kent the smallest population of any county in Virginia. Factors contributing to this decline in population during these years would include inferior roads and school and church facilities, plus a general exodus from the county to the city. This decline in population has continued despite the fact that the county has always had an abundant supply of natural resources, fertile soil, gravel beds, marl beds, sand beds and an abundance of timber. In addition, opportunities for making a livelihood from water, are surpassed by few Virginia counties. As mentioned before, the Pamunkey River runs along the entire northern boundary of the county, and the James along the entire southern boundary. In addition to the opportunities offered by these main rivers, there are many streams, creeks and marshes, which make their way up into the highlands. These estuaries offer great pecuniary returns to the inhabitants of New Kent in trapping, hunting and summer resorts. These facts show that good natural environment, in itself, is not sufficient to attract and hold inhabitants.

Today, accessibility of inhabitants of the county to two of the largest cities in Tidewater is easy. The Southern Railway line runs along the entire west side of the county, and the

C and O traverses the entire east side. Bus and freight transportation from Forshee on the extreme north side, through the center of the county to Bottom's Bridge on the extreme west side, and on into Richmond can be arranged daily. Only the eastern section of Henrico County, a distance of thirteen miles, separates New Kent from Richmond. Much progress has been made since 1930 toward creating a better social environment in the county. A twenty room brick building, moderately equipped, has been built for the education of New Kent youth. All secondary roads have been improved. Electric current has been made available to all except a small section of the county and a survey has been made of that section with all right of way contracted by the Virginia Electrical and Power Company at this writing. Many churches have consolidated their congregations, with plans on foot for many others to do likewise. Hundreds of clubs, lodges and auxiliaries to churches and schools have been organized and are functioning. These social changes are largely responsible for attracting many new families to the county. It is the general belief that the census of 1940 will reveal a great increase in population, which increase will possibly enable the entire county population to reach the proportions of the 5,884 population of 1860. The present goal of population set by the Citizens Association or Chamber of Commerce is 6,630 which figure represents the population of the county in 1820, and the highest recorded by any census for the county.

This Citizens Association, referred to in the preceding paragraph, was organized in the year 1931, and has done a great deal for the betterment of the county. The Association has joined the State Chamber of Commerce. A report of the Executive Secretary of the Citizens Association for the year 1936 reveals the excellent work of this progressive organization. Here follows the digest of this report:

During the year 1936, seven monthly meetings were held and at the December meeting a new and revised Constitution and By-Laws was <sup>ap</sup>proved to be voted on at the annual meeting in January, and has been recently printed for distribution among members and interested persons. Official delegations were sent to the annual meeting of the State Chamber, and to the State-Wide Safety Committee. Both of those sessions were held in Richmond, Virginia.

Considerable interest was aroused locally towards extension of rural electrification, and contact was had with government agency, known as Rural Electrification Administration. A number of committees were formed to survey territory, looking to rural electrification, and improvement of existing telephone communication. Virginia Electric Power Company then announced its willingness to extend its electric power line from Eltham Filling Station, eleven miles west to New Kent Court House, and the Chairman of the Public Relations Committee of the Association, R. W. Taylor, and members of the committee, worked long and

faithfully in the matter of free right of ways, and the extension was put in during the latter part of 1936, and is now available from Eltham to New Kent Court House. No additional comment is necessary as the value of this extension is recognized by all.

Some months ago it was realized that the New Kent Telephone and Telegraph Company was no longer able to render service in this area, and negotiations were entered into with the C and P Telephone Company, a plan being offered by which telephone service might be made available, provided free right of ways and free poles were erected. A committee has held several meetings throughout the county, obtained lists of potential subscribers, and the matter is now before the C and P Telephone Company for their reaction. In the meanwhile, Mr. Bob Hazelwood of the Toano area is figuring on purchasing the interest of the Public Telephone Corporation of Virginia in the Potts line, in the eastern end of New Kent, and there is a possibility of obtaining service through that source. This is a vital need, throughout the county, and it is hoped eventually to have local service throughout the whole county.

An announcement was made last fall by officials of the Virginia Electric Power Company, that they had reasonable hope of extending rural electrification through extension of existing Charles City lines into the Bottoms Bridge area, effective by July 1, 1937. Advice received within the last few days would

indicate possibility of this extension at an earlier date, and the Virginia Electric Power Company's field agents are surveying Route 4 today, with the view of possible extension eastward from Bottoms Bridge towards New Kent.

The Game Committee of the Association, headed by Mr. E. E. Harrison, has done noble work in matters relating to game protection, and game laws, and a sanctuary of some 2500 acres is now operating in the Talleyville area, and an additional sanctuary of 8800 acres, has recently been approved for the New Kent Court House area. Other activities of an important nature, relating to game matters, have been acted on by this committee, and reported to the Association.

The Committees on Publicity, Agriculture, Entertainment and Education were active in their various fields.

During the year 1936 there were total receipts of \$207.39, and disbursements of \$84.72, leaving a balance in the treasury, January 8, 1937, date of annual meeting, \$122.75.

The Constitution and By-Laws adopted at the meeting January 8, 1937, have been printed in sufficient volume for distribution. An important change was made to-wit: Monthly meetings were abandoned and in lieu thereof there was substituted four meetings, April, July, October, and an annual meeting in the month of January. In the interim between quarterly meetings the Board of Directors and the Executive Committee transact the business of the association, thereby obviating the necessity of monthly

meetings.

The Secretary's office answered letters on many subjects, minutes of all meetings were kept, and a number of hours were devoted to conferences with persons interested in all phases of County Government.

I would recommend to the Board of Directors and to the membership at large that a program be adopted in the nature of a five point program to embrace during the year 1937 the following objectives:

1. Rural Electrification, along route 4 and 60, and generally throughout the county.
2. Rural Telephone Service to all parts of the county.
3. 500 new families within the next five years.
4. Advertisement of historic shrines to attract the tourist trade, which has a state volume of over \$100,000,000.00.
5. Promotion of small industries, such as handle factories, furniture factories, to utilize our forests to the best advantage, and to give employment to our people.

The writer considers that this brief digest is a worthy conclusion to the discussions of the general historical background of the county. Recognizing the space limitations of the paper he has sought in the opening chapter to give a brief treatment of New Kent's location, origin, historic places, role in military combat, and, finally, a consideration of the old

social conditions in the county versus the new. The activity of the Citizens Association appears to point the way to a bright future worthy of a county as historically significant as New Kent.

## CHAPTER II

## EDUCATION

Public education is coming more and more to be considered a function of the state. State appropriations to the counties for public education are growing greater year by year, and it is only to be expected that the counties, as they accept these appropriations, shall relinquish to the state a greater share in the control of their schools. However, with these increased appropriations by the state, public education still remains the largest item in the expenditures of the counties. To give adequate discussion to public education the following subheads shall be used:

- (1) Administration and Organization
- (2) Secondary Education
- (3) Elementary Education
- (4) Financing

## ADMINISTRATIVE ORGANIZATION

The administrative organization of the county schools consists of a series of appointed officials, an arrangement which in its very nature makes it hard to fix responsibility. Futhermore, it results in long, drawn out procedure, and red tape for the principal of a school, who, under such conditions,



has difficulty in attaining both positive results, and in the settlement of breaches of administration in the operation of the school.

The circuit court judge appoints the Electoral Board, and this Board appoints the school board. The school board then appoints a superintendent of schools from a list of eligibles compiled by the State Board of Education. Finally the school board, on the recommendation of the superintendent, appoints teachers for the county. The school trustee electoral board consists of three members. Because of the insignificance of their functions and the small per diem salary of \$2.00 the existence of this board is known to comparatively few people. This board sees to it that vacancies are filled on the county school board.

The school board of New Kent County consists of four members. They are outstanding men whose opinions are respected throughout the county. One is a postmaster, one an assistant trial justice of the county and vice president of a large motor company in the county, one a farmer, and the other a merchant and lumber dealer. The principal duties of this board are:

- (1) appoint the superintendent from a list of eligibles;
- (2) appoint teachers on the recommendation of the superintendent;
- (3) prepare the school budget;
- (4) request the Board of Supervisors to fix the school levy;
- (5) manage school funds.

Provision is made that this board meet the second Monday of each

month to provide the pay roll and handle current business that might come before it. The May meeting is the busiest of this board for it is at this meeting that teachers are elected and transportation contracts accepted. The superintendent of schools acts as the clerk of the board. When he was asked why he did not have one of the board members take this position, he replied that it would not relieve his work any, since a clerk could not handle the correspondence that was an outgrowth of the decisions of the board for the meager sum of \$6.00, the per diem salary of the board members, and would just tend to complicate his work later. The superintendent of schools has three counties in his division, and although they are small counties, monthly meetings are held in each county, thus requiring three sets of bookkeeping, three sets of office equipment and three days of the superintendent's time. Immediately one sees from these facts that waste and unnecessary expense is a result of the arbitrary territorial division so provided for in horse and buggy days. Naturally, under such handicaps, the superintendent cannot give as much of his time to visiting and supervising schools as otherwise might be done. He spends 40 per cent of his time visiting and supervising schools as shown by his report for the year 1936-37. The remainder of his time is spent in the other various and sundry duties of his office.

#### SECONDARY EDUCATION

New Kent County has only one accredited high school. This

was built in 1930, and not until 1931 was it accredited. New Kent was the last county in the state to provide an accredited high school. The expense of paying tuition for its pupils in other counties was the stimulant which led to the act of providing a high school. The original building consisted of nine rooms and an auditorium. It was constructed of brick and revealed a very attractive architecture. Whether there has been an increase in population in the county or not, there has been an outstanding increase in the enrollment of the school each year since its opening in 1930. An addition of ten rooms was made with Public Works Administration assistance in 1935. There are 425 pupils enrolled in this school, but only 125 of these are high school pupils.

There is one Negro high school in the county. This school is located six miles west of the court house on the Richmond-West Point Highway. It is a frame structure, built for the most part from lumber razed from one and two room buildings located throughout the different sections of the county. It has an enrollment of eighty pupils. Four years of high school work is offered in this school, but as yet it has not been accredited due to a few technicalities, the main one being that it does not have a separate room for a library. There are four teachers, including the principal, in the school. All of these teachers have Collegiate Professional Certificates. The principal has had eleven years of experience. One teacher has had no

experience and the other two have had one year each. There are six full time high school teachers in the white high school. College preparatory courses are offered in this school, and, for the first time, a commercial course was inaugurated in the 1936-37 session. The time is not far distant when this school will be offering training in agriculture and home economics, as there seems to be a growing demand for and an interest in establishing these courses in the school. The six teachers of this school have forty-six years experience with no teacher having less than three years. There has been no turnover in teachers in the history of this school as all teachers hired are still with the school. All of these teachers have degrees from accredited colleges, and three have done work toward the Masters Degree. There is no other county in the state with as large a per centage of its white high school teachers made up of men as New Kent. The fact that fifty per cent of its high school teachers are men has been a leading factor in the rapid progress made in New Kent County's white school within the past seven years. Only one other county in the state has fewer pupils enrolled in white high schools than in New Kent, that one being the adjoining county of Charles City, which has an enrollment of approximately fifty pupils.

#### ELEMENTARY EDUCATION

Just as there is only one white high school in the county so there is only one white graded school, this one being housed

in the same building as the high school. One can readily see that New Kent County has carried consolidation to its highest pitch in its white schools. There are eight full-time teachers in the elementary school. One of these has a degree and all have had more than two years of college training. Associated with the elementary school is a supervisor who spends only a portion of her time in this school. She is hired on part-time basis, the rest of her time being consumed by Charles City and Gloucester Counties. The elementary teachers have had from two to eleven years of experience. The teacher turnover in the graded school, too, has been small, there being only three changes in the seven year's history of the school. Preference is given to home girls for positions in the graded school, six of the eight being from the county. In the writer's opinion, the slogan "It is hard to rise above one's surroundings" is true, and assuming it is true the result of appointing local teachers in the schools of a backward county is inevitable. But it is a very plain fact that this evil will never be remedied so long as appointment is left to a board of local men. Be they ever so sincere and conscientious in their task, the continuous appeal of friends on behalf of their daughters, and the possibility of building up political vantage eke into the acts of this board. Many superintendents have through some means made provision for exchanges with others of another county and are thus helping to solve this undesirable situation of having to hire resident

teachers. There are 300 pupils enrolled in the white elementary school, an average of over 37 for each teacher.

The 425 white children of New Kent County not only have the advantage of a spacious brick building in which to receive their training but they also have a playground of seven and one-half acres well equipped for playground. They also have a corps of teachers better trained and better paid than those in fifty per cent of the counties in Virginia.

There are twenty teachers in the colored elementary schools in the county. Eight of these teachers teach in one room schools, ten in two room schools and two teach in rooms housed in the Negro high school building. These buildings are distributed throughout the county and have enrollments as follows:

Location	Teachers	Enrollment
Lanexa	2	58
Cocks Mill	2	50
Cumberland	2	45
Tunstall	2	55
Mt. Pleasant	2	51
Quinton	1	41
St. Peters	1	42
Mountcastle	1	28
Zion-Providence	1	22
Warni	1	25
Mt. Nebo	1	29
Bock	1	19
Plum Point	1	41
Quinton (H.S. Bldg)	2	77
	<u>20</u>	<u>589</u>
Boulevard (W. Teacher)	1	14
	<u>21</u>	<u>603</u>

The above figures when averaged show that each teacher has an average of thirty pupils. This average is seven less than the

average pupil-teacher load of the white elementary teachers in the county. This fact can be attributed to the more decentralized system of colored schools in the county, as transportation facilities for colored elementary pupils are not provided. Therefore each village has an elementary school and often the number of pupils in walking distance to the school is small.

There is one colored supervisor in the county who works with these twenty teachers. The certificate of the colored elementary teachers are as follows: (1) Collegiate Professional, one; (2) Collegiate, one; (3) Normal Professional, eleven; (4) Professional Elementary, six; (5) Elementary, two. These teachers have had a total of 145 years of teaching experience or an average of seven years each.

The peculiar situation of a white teacher in a negro school exists in the Boulevard School. The pupils of this school class themselves as Indians, but the school is classified as a negro school by the state authorities. However, these pupils are neither Indians nor negroes, they are of mixed blood-Indians, negroid, and Caucasian. A correct classification would be that of "Bozo." The pupils of this school come from homes on the so-called "Famunkey Indian Reservation" located in the county. The parents of these children forbid their attending negro schools and the white schools of the county will not enroll these children. These facts account for these pupils having their own school with the small enrollment of fourteen.

There is a total of forty-one teachers including principals and supervisors, employed in New Kent County. Twenty-five of these are employed to teach in the colored schools and sixteen in the white schools. A total of 1008 pupils are enrolled in schools in the county, of which 683 attend colored schools and 425 attend white schools. As stated before, the population of the county is made up of three colored persons to one white. Keeping this fact in mind, a comparison of the white and colored enrollments reveals the fact that a greater percentage of the white pupils of school age are enrolled in school than there is of the colored pupils of school age.

#### FINANCING

Public education has quite generally come to be regarded as a state function. The extent, however, to which the state is obligated to assume responsibility for the financial maintenance of county schools is still an unsettled question. Public opinion is tending to crystalize in the idea that the state should provide as nearly as possible equal educational opportunity for all of its inhabitants of compulsory school age. The educational opportunities are woefully unequal among the counties of the state of Virginia. The taxable wealth of counties differs to such an extent that the poorer ones are unable to supply adequate educational facilities. The high schools, in many of Virginia's counties, are offering only the college preparatory course. It is a known fact that only about



twenty per cent of the graduates ever attend college. The other eighty per cent of the graduates in those counties have no special training for their life's work. Vocational training, commercial and agricultural instruction, necessary library facilities, and health provisions should be provided in all of Virginia's rural counties. The state should encourage progress by making grants to those counties which are unable to support their schools, and force those counties which are able to finance themselves to expend sufficient amounts to insure a minimum standard of education. Until the state of Virginia effects such program it has not fulfilled its constitutional obligation. "The General Assembly shall establish and maintain an efficient system of public free schools throughout the state...."<sup>1</sup> State grants-in-aid to the rural counties in Virginia must be on the basis of a minimum standard of efficiency to be attained in the schools, or some counties will take advantage of these grants to lower their levies for school purposes.

During the fiscal year 1936-37, New Kent County received \$16,447.66 from the state for the operation of its schools. The total disbursements of the county for operation was \$57,156.20.<sup>2</sup> On the basis of percentage, then, the county received approximately thirty per cent of its funds for the operation of schools from the state. The figure of \$57,156.20

- 
1. Constitution of Virginia, 1902, Section 120.
  2. Annual Report of the Superintendent of Schools.

for operation of schools does not include \$2,064.09 capital outlay, and \$15,486.54 debt service disbursed by the county for school purposes during the year. Otherwise, the state's appropriation to the county for school purposes would have amounted to only approximately twenty-two per cent of the total expenditure for schools. Either one of the percentages, thirty or twenty-two per cent, is low in comparison to that received by some of the counties less rural than New Kent in the state. This might be explained by the fact that New Kent receives a large tax from two railroads and a power company operating through the county. Aside from these sources, a goodly sum was derived from the rich farm lands and densely set timber lands in the county.

In order to give a clear understanding of school finances, the writer will follow the order of disbursements as they are outlined in the superintendent of school's annual report which is as follows: (1) administration, (2) instruction, (3) coordinate activities, (4) auxiliary agencies, (5) operation, (6) fixed charges, (7) maintenance, (8) capital outlay, and (9) debt service.

Administration, including the per diem expenses of the school board, \$290; the salary of the superintendent, \$280; the salary of the secretary, \$300; the superintendent's traveling expenses, \$200; office equipment and supplies, \$56.64; postage, telephone and telegrams, \$27.11; and other expenses of administration \$66.86, consumed two and one-half per cent of the total

expenditure of the county for the fiscal year 1936-37.

Instruction, including salaries of principals, teachers and supervisors, \$23,667.72, consumed forty-one and one-half per cent of the total expenditure. As stated before, the state's appropriation to the county for schools, for the fiscal year was \$16,447.66. This grant by the state is earmarked for teacher's salaries when counties accept it. A further analysis of the state's grant shows that it pays approximately sixty-six per cent of the teachers salaries in the county.

The salary of the white principal is \$1,650 for a nine month term, and that of the colored principal is \$520 for an eight months term. The average salary of white elementary teachers is \$727.22, and the average of colored teachers teaching in the county is \$387.39. The salaries of the white teachers in elementary schools range between the figure of \$675 and \$910 for the session. The salary that a teacher draws is based on her training, experience and the responsibilities connected with her position.

The salaries of high school teachers in the white schools range between the figures of \$810 and \$918, based on the training, experience, and responsibilities of their positions. The average salary of the white high school teachers is \$572.10. All negro teachers in both the high school and elementary schools receive \$50 a month, with the exception of one who receives \$45. The elementary teachers for the greater part, in white schools, receive lower salaries than the high school teachers. This is

attributed to less training on the part of the elementary teachers, but it appears to the writer as just a custom. It is customary in Virginia, to pay the lowest salaries to teachers of the lower grades with increases to teachers on up through the grades, the high school, and college.

The causes for the great difference in the salaries of white and colored teachers are many. In the first place, the standard of living of the colored is lower than that of the white people. The colored teachers have not spent as much time and money in preparation for their professions as the whites. The whites of the county, control the county's purse and since only a small proportion of the taxes come from the colored race, even though they outnumber the white people three to one, officials are prone to minimize the allotment for the training of the colored youth in the county. However, there is a prevailing feeling among the whites that the colored people of the county are getting more and more consideration at the hands of the governing bodies. This feeling is correct, for the negroes of the county are becoming better organized and are demanding more consideration with the result that it is being granted. In most cases it cannot be denied them by law, and in New Kent as in many other Virginia counties, the colored race has been meted out only that which it demanded. With the development of organization and leadership among the colored people in New Kent and with an increased intelligence of government and a greater knowledge of their rights, greater appropriations for the negro schools may be

expected.

The annual per capita cost for instruction in the white high school is \$56.60 and \$26.81 in the white elementary school, while that in the colored high school is \$22.50 and that in the elementary school is \$12.53. These figures are high as compared with some rural counties in the state. They rate with the highest twenty-five per cent. Then it is seen that New Kent, one of the most sparsely populated counties, is able to maintain a very efficient teaching personnel. Other instructional costs in the county were: free text books to indigent pupils, \$98.00; maps, globes, charts and laboratory supplies \$147.02; and miscellaneous \$521.45.

The expenditure of \$147.50 for dental inspection and \$04.05 for dental work for indigent children represents the county's outlay of funds for coordinate activities during the year.

There are eleven school buses transporting white pupils to New Kent High School. There are only four pupils who are not transported. This fact again gives one an idea of the extent to which New Kent is a rural county. These buses operate at a per diem cost of \$40.23. The county requires insurance to be carried on each bus. One of these buses is owned and operated by the county, more or less as an experiment, that the officials might be in a position to make comparison in the cost of this method with that of contracting transportation to the lowest bidders. Should county owned and operated buses prove cheaper, it is the general belief that a complete change to this method will be made.

The annual per capita cost of transportation on the ten buses operating on contract was \$21.60 and on the county owned bus it was \$11.60.

There are three buses operating to the colored schools. The cost of operation of these buses is shared by the county and the colored school organizations of the county. The county pays a per diem of \$7.50 and the balance, or \$13.25, is taken care of by the colored school organizations.

The total cost to the county for auxiliary agencies, which include transportation \$10,716.29 and the purchase of truck \$275, consumed nineteen per cent of the total expenditures.

The operation of school plants represented an expenditure of \$1,814.03. In this sum is included \$762.50 for wages of janitors; \$833.70 for fuel and water; \$66.53 for light and power; and \$96.30 for janitor's supplies.

The expenditure of \$50 rent for Boulevard school; \$804 insurance premiums; and \$406 compensation law payments represent the fixed charges for the operation of schools in the county. The so-called Boulevard Indian school is not owned by the county, and it is rented for school purposes for \$50 a year. The schools in the county are insured for a total of \$30,000. This insurance is carried in three different companies, \$26,400 is with the Century Insurance Company; \$36,000 with the Fireman Fund Insurance Company; and \$17,600 is with the United States Fire Insurance Company.

The cost of maintenance for the year was \$447.60. The

items in this expenditure were \$326.54 for repair of buildings and upkeep of grounds, and, \$121.06 for repairs and replacement of furniture and equipment.

Capital outlay during the year was \$2,004.99. The items involved in this expenditure included \$413 for a new building. This expenditure was necessitated by the burning of one of the negro elementary schools during the year. The whites of the county have a school plant adequate to take care of the white pupils enrolled in an excellent manner, while the colored pupils are crowded in flimsy and small buildings. It appears that capital outlay for the next decade will be for the construction of buildings for the negroes. Sentiment is crystalizing toward the consolidation of the negro schools into one central school and the adoption of a system very much after the manner now in operation in the white school in the county. \$923.37 was expended in equipment for new buildings. The major portion of this sum went for the purchase of new typewriters placed in the white high school. \$107 represented alterations to old buildings, and \$521.52 to improvements to sites and other capital outlay.

The total value of school property in the county is \$98,850. An analysis of this sum shows that \$68,000 is value of buildings; \$225 furniture and equipment; and \$1600 value of sites. County bonds were sold in 1930 to the extent of \$20,000, to mature in 1945. Annually the county places \$1333.33 to cover the principal and \$1,110 to cover the interest, in the bank at West Point, Virginia, to cover this debt. The principal on this debt is paid

three years in advance. In 1935 a Literary Loan of \$20,000 was made to the county. The sum of \$750 on the principal and \$563.43 on the interest was paid on this debt during the year. The principal of this debt is paid two years in advance. Another literary loan of \$6,750 was made to the county in 1930. The principal of this debt is paid two years in advance. The fact that the principals of these debts are paid in advance is accounted for in the act of the Board of Supervisors carrying the 1935, Alcohol Beverage Control money allotted to the county for school debt. The total amount paid by the county on the principal of its debt during the year was \$5,319.63 and the total amount of interest paid was \$2,092.06. At the close of the fiscal year, the total debt of the county was \$46,750.



## CHAPTER III

## THE COURTS

There are only two courts, the Circuit Court and the Trial Justice Court, that function in New Kent County.

## CIRCUIT COURT

New Kent falls in the territorial classification of the fourteenth circuit, there being thirty-four circuits in the state. The fourteenth circuit is comprised of the counties of York, Charles City, New Kent, Warwick, James City and the City of Williamsburg. The regular court days in New Kent County are the first Monday in the months of January, March, May, July, September, and November.<sup>1</sup>

Each of the thirty-four circuits is presided over by one judge, who is elected by a joint vote of both houses of the General Assembly for a term of eight years. Provision is made by the constitution whereby a judge of one circuit may be called to serve in another circuit protempore, and often this has actually happened when the regular judge deemed it inadvisable for him to sit due to peculiar circumstances of a case, and in cases

---

1. Report, Secretary of Commonwealth, 1935-36.

of illness of the regular judge. Judge Frank Armistead, of the fourteenth circuit was designated by the Governor of Virginia to sit in lieu of the regular judge in Elizabeth City County, who had disqualified himself in the September term of the court of that county. Likewise Judge Armistead disqualified himself in the New Kent County Court at the trial of the County Clerk, for malfeasance of office. The county clerk was serving as a judge appointee, and it was this fact that caused the judge to disqualify himself at his trial.

JURISDICTION. The jurisdiction of this court can be set up under six heads which are as follows: (1) has jurisdiction in proceedings by quo warrants to determine by what authority a person claims an office, or to determine the title to a corporate, or their franchises; (2) issue writ of mandamus commanding an officer to execute certain of his ministerial duties; (3) has original jurisdiction in all cases in chancery and civil cases at law except those within jurisdiction of the Trial Justice Court, which has jurisdiction in all such cases not to exceed a claim for twenty dollars for damage to person or property; (4) has appellate jurisdiction in all cases, civil and criminal, in the instance of an appeal from the lower court; (5) admits wills to probate, appoints guardians for infants, appoints committees for insane persons, and appoints trustees for incompetent

ex-service men; (6) has jurisdiction of application for change of names.

In addition, many appointive powers are vested in the Circuit Judge. He appoints the following boards and officers: (1) County Trustee Electoral Board; (2) County Electoral Board; (3) Surveyor; (4) Commissioner of Accounts; (5) Justice of the Peace; (6) Jury Commissioners; (7) Trial Justice; (8) Substitute Trial Justice; (9) Commissioner in Chancery; and (10) Citizen Members of the Finance Board. The appointive powers of this court are too many. Such appointments are often made so as to perpetuate or break a political machine. The extensive power of appointment places the Judge in a dictatorial position in the operation of county politics. Should such appointees be poorly qualified for their tasks, and should they perform their tasks poorly, the Judge never gets the disapproval of those whom they serve. Though these officials get their appointments from the Judge they are not responsible to the Judge. In fact they are not responsible to anyone. There is no single administrative head in the county. Again, if counties practice the separation of powers as provided by the Constitution of the United States for Federal, state, and local governments, there is no good reason why the court or judiciary branch should have the power to appoint scores of administrative officials in a county.<sup>3</sup>

In 1934 the General Assembly made provision for the Trial Justice System and since then the work of the Circuit Court Judge has been reduced immensely. The writer in conversation with Trial Justice E. E. Orange, of New Kent County and Charles City County, on July 20, 1936, asked to what extent the burden of the Circuit Court Judge had been reduced since the Trial Justice System had been effective, and to which question he replied, "over one-third." Many cases that were originally tried in the Circuit Court are now tried in the Trial Justice Court.

DISPOSITION OF CASES. Only 76 cases were on the Circuit Court docket during the fiscal year 1936-37. Forty-four were cases in chancery, ten were felony cases, six were misdemeanor cases and ten were civil cases.<sup>4</sup> The forty-four chancery cases were disposed of as they appeared on the docket, but five of the civil cases represent continuations due to requests of attorneys, sick witnesses, etc. The six misdemeanor cases resulted in verdicts as follows: one, not guilty; two, to pay cost and dismissed; two, fined and upon request were given time to pay fines after a bond for them had been posted; one appeal from Trial Justice Court was upheld. The felony cases were disposed of as follows: four were caused to pay debts and dismissed, one was ordered transferred to the United States District Court of Eastern Virginia, for trial; one resulted in a sheriff's sale and

---

4. Circuit Court Docket.

dismissed; one was listed as "away from county;" two resulted in orders to be placed in the insane asylum at Staunton for observation and care. These cases were directed in two separate charges against the former clerk of the county and both drew the same order of the court. The last or tenth case, with a charge of murder, resulted in a hung jury and the prisoner was remanded to Henrico jail for safe keeping until another trial. The court actually disposed of only nineteen cases during the year. The court actually sat seventy-eight hours.<sup>5</sup> The efficiency with which the court acts in the disposal of cases is less than that of the Trial Justice Court. In the light of the figures which show the small number of cases decided and the short time that the court was actually in session, an economic move to benefit counties would be to consolidate the entire thirty-four Virginia Judicial Circuits into seventeen circuits. The comparison of the degree of efficiency with which these courts operate suggests to one the great difference in the salaries paid to the judges to these two courts. The figures are reserved for a later discussion.

OFFICERS OF THE COURT. The officers of the court are: Clerk, Commonwealth's Attorney, Sheriff, and Jury Commissioner.

The Clerk attends all sessions of the court and keeps the records, impanels jurors and witnesses, and probates wills.

It is the duty of the Commonwealth's Attorney to prosecute all offenses against the state. He is responsible to the electorate of the county for his election, and it is they whose favor he must court, in order to be returned at the expiration of his term. It is a natural under this arrangement that he will do but little to prosecute local law violators when a law is unpopular locally. Before the Eighteenth Amendment was repealed, the Commonwealth's Attorney, in many cases did no more than instruct the jury of the minimum penalty for its offense.

The Sheriff opens the court, panels the petit jury, calls witnesses, and maintains order in the court room. The position of jailer is presumably held by the sheriff, and it is his duty to see that prisoners are fed, building cleaned, and fires kept in cold weather. Usually the prisoners under guard of the jailer, are made to gather materials and maintain their own fire. However, the jailer's duties in New Kent County are few due to the fact that the jail is small. It has a capacity of only four persons. Mr. E. M. Shell, the acting jailer of the county, of whose appointment no record is made, told the writer "that attending to prisoners in jail was not so hard, but he had to go there to unlock it many times a day for people to get relief commodities which were stored in there." He also said that it was used for a store room of many of the Clerk's records.

The building is a poorly built brick structure, and, in the past, prisoners have proved that escape is very easy.

Consequently, most of the county's prisoners are sent to Henrico County jail. If the sheriff in New Kent County were not able to get a deputy in the Court House vicinity to take over the jailer's duties, his whole day would have to be spent in attending to the jail. He lives fourteen miles away from the jail. The jailer gets his compensation only from the board of prisoners, and in many instances the prisoners suffer from the lack of necessary food on account of this fact. However, should one visit the local jail at meal time he would find that the prisoners in this particular jail were fed sumptuously.

There are three Jury Commissioners in New Kent County. The Jury Commissioner is appointed by the Judge of the Circuit Court. The duty of this official is to prepare the jury list. In a county as small as New Kent, this is not a big job. This office might well be abandoned and its duties consolidated with those of the Sheriff or the Clerk.

JURY SYSTEM. The two kinds of juries used in the Circuit Court of New Kent County are the Grand Jury and the Trial Jury.

In June, July or August of each year, the Circuit Judge instructs that forty-eight persons, eligible for jury duty, be impaneled for such duty during the year. At each term of court he picks from that list either five or seven persons, as he feels necessary, to serve as Grand Jury. The Grand Jury has the task of hearing all evidence of the prosecution in secret session, and determining by unanimous decision whether the accused shall

be tried for the offense.

The Trial Jury tries all criminal and civil cases in the Circuit Court with the exception of those in which the accused waives the right of trial by jury and asks for a trial by court. In criminal cases involving less than \$300, the Trial Jury consists of five persons and in cases involving more than \$300, the jury consists of seven persons. In criminal cases listed as felonies a jury of twelve persons must be used. A jury of five persons, drawn from a panel of seven, is used to try misdemeanor cases. It is the duty of the Trial Jury to weigh evidence, determine guilt and fix a penalty.

The compensation of jurors is \$2.50 for each day served, plus a traveling allowance of five cents a mile. In no case can a juror's compensation be more than \$4.50 a day. All fines in the Circuit Court, as well as half of the fees of the Commonwealth's Attorney, are payable into the State Treasury.

The Jury System, as now practiced, is bad. While the Eighteenth Amendment was in effect it was indeed hard to pick a jury who favored the enforcement of the then liquor laws. Consequently, one man could cause the report of "hung jury" and the cost of a new trial was the result. Not only did this situation exist in the enforcement of liquor laws, but also in the enforcement of many other laws. The present system would possibly be all that is desired if sentiment and ignorance could be eliminated from the jury. Jurors with a wholesome respect for law enforcement would also improve the jury system. The



most capable persons find excuses, in some manner, to be relieved of jury duty. Therefore, the majority of jurors in the counties are ignorant, backward people who use the opportunity of serving on a jury as an occasion to show their importance. The most egotistic of them glory in being contrary, thereby causing a continuation of many cases by new trial. The compensation of jurors is too low to demand the most capable in the county to serve. Their businesses are more remunerative. The type of people, then, who serve on juries are the lower class, and to whom \$2.00 a day is more than they can make at their usual labors. The present jury system, due to these facts, tend to obstruct justice. Surely a system of trial by Justices would relieve this bad situation to some extent.

#### TRIAL JUSTICE SYSTEM

The state legislature made it mandatory in 1934 that all counties adopt the Trial Justice System. The merits of this system had been perceived by many for years, but its actual use had been hampered by lack of mandatory law. The act of the legislature made provision that two or more counties might combine their Trial Justice functions, and that, with the consent of the Boards of Supervisors, the Circuit Judge might appoint one Trial Justice for two or more counties. The Trial Justice, in most cases, is a trained lawyer, and it is to be expected that his knowledge of the law will result in fewer cases being appealed than there were in the old Justice of the Peace system,

especially when the Justice's main interests were to increase their own purses. Such interest was forcefully expressed by one Justice, George Potts, of Cumberland District, New Kent County, who always rendered his decisions in reverse form, "You are found guilty; your cost will be \$----; and your fine will be \$----." The fact that the Trial Justice is a salaried official, works for the elimination of such surreptitious miscarriage of justice.

The Judge of the Circuit Court ordered, when the set up of this court was perfected in New Kent, ~~that~~ provided places could be obtained for holding court that court should be held at Providence Forge, Quinton, Barhamsville and the Court House. A station house on the Southern Railroad is used for a court room in the Quinton section; Robin's store in the Barhamsville section; the Judge's office in the Providence Forge section and the Treasurer's office in the Court House section. The nature of the buildings used as court rooms hamper the court in maintaining a high degree of dignity.

JURISDICTION. The jurisdiction of the Trial Justice as set forth by the acts of the 1936 General Assembly is as follows: He shall: (1) be a conservator of the peace; (2) have exclusive original jurisdiction in offenses against county ordinances and in misdemeanors; (3) conduct preliminary hearings; (4) have jurisdiction over any claim to specific, personal, property or any debt, fine, or other money, or to damages for breach of contract, or for any other injury done to property, real or

personal, or any injury to a person when the sum does not exceed \$200, and concurrent jurisdiction with the Circuit Court when claims exceed \$200 but do not exceed \$1000; (5) have power to try, issue and decide detachments not exceeding \$1000; (6) issue warrants, summons and subpoenas to be returnable to him; (7) act as judge of Juvenile and Domestic Relations Court.<sup>6</sup>

DISPOSITION OF CASES. The Trial Justice Court of New Kent County handled a total of 186 cases during the fiscal year of 1936-37.<sup>7</sup> Of this total, 121 or sixty per cent were criminal cases and 65 or thirty-six per cent were civil cases. Fifty-six or ninety per cent of the civil cases were for the recovery of money and were listed as debt or open account, or debts on note. The remaining seven cases were listed as follows: (1) detinue claims, two; (2) unlawful detainer, two; (3) distress warrants, three. In forty of these cases, judgment was rendered for the plaintiff; fifteen were dismissed; three were continued generally; two resulted in sheriff's sales; and one passed to Circuit Court as further jurisdiction in the Trial Justice Court was ended.<sup>8</sup>

The following table shows the number of civil and criminal cases tried monthly by the Trial Justice Court.<sup>9</sup>

Month	Civil	Criminal
July	9	21
Aug.	6	16

---

6. 1936 Acts of General Assembly.  
 7. Docket and Records of Trial Justice Court.  
 8,9. Ibid.

Sept.	6	11
Oct.	1	2
Nov.	6	4
Dec.	4	11
Jan.	6	13
Feb.	8	7
Mar.	3	6
Apr.	7	10
May	5	5
June	4	15
Total	<u>65</u>	<u>121</u>

A study of this table shows that in the months of June, July and August, 52 criminal cases came to the court for trial. Thus, we see that nearly half of all the criminal cases came to court during the three warmest months of the year. Twenty-eight per cent of the civil cases came to court during the months of December, January and February, the three coldest months of the year. In the month of October there were only three cases of any kind to come before the court. A statement of the nature of the charges placed against those brought in the court for trial in criminal cases follows:

Infraction of Automobile Laws	66
Manslaughter	6
Violation of A. B. C. Laws	4
Assault and Battery	7
Felonious Assault	4
Trespassing	2
Profane and Abusive Language	
Disorderly Conduct	19
Possession and Sale of Illegal Whiskey	3
Petit Larceny	2
Possession of Stolen Goods	1
Unlawful Threats	2
Unlicensed Dog	1
Witness to Slaying	1
Total	<u>121</u>

The fact that there are two main highways leading through the entire county from east to west, and north to south, might account for the large number of violations of the traffic laws.<sup>10</sup> An investigation showed that nearly all of the disorderly conduct charges might well have been charges of drunkenness, as the greatest number emanated from beer gardens. The court disposed of the 121 criminal cases in the following manner.<sup>11</sup> Sixty-five were convicted; thirty-eight acquitted; four were sent to grand jury; three dismissed; four continued generally; six withdrawn and one put on the state convict force for six months. There were only two jail sentences meted out by the judge in the 121 cases, and both of these were suspended sentences. When the judge was asked why he did not use the jail sentence, he replied that he did not believe in the jail sentence, and did not use it for two reasons: first, it cost the state to board these prisoners, and, second, these prisoners, in most instances, should be out earning bread for a family, and that jail confinement had never bettered anyone. He said, "I have no scruples whatsoever against sending to the road force and will do so when the crime justifies it."

The Trial Justice has under his jurisdiction all cases that originally fell in the Juvenile and Domestic Relations Court, and, in addition to the 184 civil and criminal cases mentioned

---

10. Dockets of Trial Justice Court.

11. Records of the Trial Justice.

above, four juvenile and domestic relations cases were heard by him during the year.<sup>12</sup> The total of 190 cases passing through the Trial Justice's Court in one year appears large for a small rural county, and when this fact was mentioned to the judge by the writer he said that times had been very quiet in his two counties for the past several years and that there had not been a serious crime committed. However well the judge meant in this statement, a comparison with Westmoreland County, with over twice the population of New Kent, shows that for the year 1935 only one hundred and ninety-one cases came before the Trial Justice of that county.

The entire cost of the Trial Justice Court for the year was \$773.49. In this figure is included \$750 Judge's salary and \$23.49 expenses. The items listed as expenses were office supplies and postage. The state appropriated \$600 and the balance or \$173.49 came from county funds.<sup>13</sup> The entire salary of the Judge for the year was \$1500.

The fees collected in the court and turned over to the County Treasury amounted to \$230. The Clerk's filing fees of \$15.25 for civil cases and \$56.25 for criminal cases; the justice of the Peace fees of \$24.00, and the Sheriff's fees of \$62.25 all passed through this office during the year. All fines collected are payable into the State Literary Fund, there

14

being \$667.50 turned in for the fiscal year. These figures show that the court just about finances itself by the fees turned in to the County Treasury and the fines turned in to the state. The court is handling in an efficient manner the smaller cases in the county. Such efficiency could not be attained without a trained lawyer occupying the position of Judge. He has the status of a full time officer, but one might ask, is \$1500 a fair salary for a trained lawyer to act as Judge of this court? Surely this salary paid to the Trial Justice is not commensurate with the gratifying way in which the Trial Justice System has done away with the former insidious Justices of the Peace System which was too often a disgustingly brazen exhibition of justice hampered by personal interest. Under the present Trial Justice System one encounters men who bring to bear upon questions of law, keen, alert, well trained legal minds. The Justices's of the Peace no longer have the power to muddle justice in the disposition of minor cases in the county. However, the pomp and glory with which they ruled under the old system is still remembered. No longer do they pose as "Solomons". Their only compensation, since the Trial Justice System has been effected, is fifty cents for writing a civil warrant and one dollar for writing a criminal warrant. An investigation of the work of the Justices's of the Peace in the county showed that

---

15. Files of the Trial Justice.

Justice E. E. Harrison wrote more warrants than all of the  
15  
other Justices combined in the county.

COLLEGE OF WILLIAM & MARY

---

15. Files of the Trial Justice.



## CHAPTER IV

## PUBLIC WELFARE

He who said, "The poor we have with us always," was quite right. They are still with us and appearances are that they will continue to be. Therefore, it is the task of localities to take care of their delinquent, defective and dependent people. As early as 1646 the Assembly enacted a law designed to establish a work house at James City, or Jamestown to provide for the care and vocational education of poor children.<sup>1</sup> The following year a statute was passed to govern the conditions of poor debtors. In 1653 another statute was passed to control vagrancy and begging. By 1661 the Assembly had inaugurated a governmental system of Child Welfare under the supervision of the vestries of the established church, embodying some principles which are now regarded by the superficially educated of the social work personnel as being new and modern.<sup>2</sup> By 1760 a majority of the counties had built almshouses,.... in 1869 the first state institution in America for the care of insane was built at Williamsburg.....<sup>3</sup>

---

1. James, A. W., Defining Public Welfare as a Function of the Govt. of Va., Speech in Social Forces, Vol. 6, June 1928, p 9-623.  
2,3, Ibid, pp 623.

There is a big question as to whether or not there has been much progress made in Public Welfare since the time of the aforementioned history. Then, when the institutions of Public Welfare are branded as archaic, the modern age can offer little defense.

#### DEPENDENTS

Doubtless shiftlessness and lack of thrift are the greatest causes of dependency. America's boundless opportunities are capable, it has been well said, of supporting six times the population it now has. Too often, dependency resulting from individual shiftlessness and irresponsibility, is defended by the age-old alibi of unemployment.

No man is born into the world whose work  
Is not born with him, there is always work,  
And tools to work withal, for those who will,  
And blessed are the horny hands of toil. <sup>4</sup>

By far the greatest number of persons in New Kent County needing relief are the paupers. The majority of dependents are the aged and infirm people, but who in their productive years did not have the foresight or inclination to prepare for old age. Due to the great influx of charitable organizations, and due to Federal appropriations for relief, it is quite possible that thrift will not become an ideal, but rather will

---

4. Lowell, Poem, A Glance Behind the Curtain.

be shoved into the background. Then, in order to avert our developing into a society of weaklings, one devoid of the ideal of thrift, it appears that the institutions of charity and relief must be replaced by other institutions which are more effective.

There were twenty-five dependents listed in New Kent County in July, 1937. The number varied from twenty-one to twenty-five during the months of this year. Each person on this list, regardless of conditions involved, received \$3.00 from the county in monthly payments. The total cost to the county for the granting of this aid for the fiscal year was \$765.<sup>5</sup>

The almshouse, or indoor county relief, disappeared from New Kent County in 1928 and all relief to dependents since that time has been in the form of outdoor relief. There is a big question as to the fairness in apportioning these funds to applicants. Supervisors do not go into the homes of applicants to make investigations of their needs, nor does anybody else, but each supervisor agrees to the number to be placed on relief from his district as well as the amount each "reliever" shall receive. Many who are needy do not make application and many do not know how to make applications and therefore receive no aid.

The 1936 General Assembly made provision for a state

appropriation to support the funds now being used for relief in the county provided the total sum be administered by an organized county welfare unit, headed by a trained welfare worker. The title of Superintendent of Public Welfare is given this worker, and in counties taking advantage of the offer, the appointment is made by the Board of Supervisors on the recommendation of the State Department of Welfare. Approximately eighty per cent of the counties have initiated this work. In some instances one or more counties have combined this function. It has proved valuable to the counties using it. The evils of the old system have been eliminated. Cases are investigated by welfare workers and aid is distributed to those who need it. The only task of the Board of Supervisors, after the employment of such Welfare Worker, is to set up an appropriation for the work. The expending of all appropriations is left to the worker thereby eliminating politics from relief, a much more desired reform than the majority of laymen can perceive.

The act provides that forty per cent of the total budget be appropriated by the state on the basis of population, the other sixty per cent to be appropriated by the county. The administration of the fund is limited to ten per cent.

The Superintendent of Public Welfare is accountable to the State Commissioner of Public Welfare and the accounts of the unit must be open to the State Department at all times.

The evils of unfairness of apportionment, omission of needy

cases and the pork-barrel greed of politicians would fare hard with the initiation of the unit in a county, but it is so hard for the counties to break away from old moorings and to try the new that a large per cent of them have not availed themselves of the offering. The possibility of the adoption of a unit for New Kent and Charles City Counties was discussed at a meeting of the Board of Supervisors. A field representative in explaining the set up of the institution in other counties, to the Board, said, "That in each instance the ten per cent allowed for administrative cost has proved inadequate, and the counties have supplemented the ten per cent allowed with additional county funds; that the purpose of the act was to provide funds to permit a county to create a Welfare Department, which would be charged with supervision of poor relief, mother's aid benefits, supervision of paroles from state institutions and insane asylums, and many other functions which relate to Public Welfare; that it was felt that the proper type of welfare officer would save a portion of the salary in economies and savings of several kinds; that the department was partial to trained social workers, but that local personnel who had had similar experience, such as supervisors of garden relief, had in some instances been appointed by the Department of Public Welfare, but in each instance the person selected must give bond before he could go on duty; that in any event it was the problem of the county, and the

state was only offering its cooperation and the funds to make the program most effective."<sup>6</sup>

After full discussion it was agreed that in order to make the New Kent County program effective, it would be necessary to have an additional expenditure of \$1000 out of county funds; that the county budget had only allowed \$1000 for poor relief during the year beginning July 1, 1936. As no motion was made for the grant of an additional \$1000 out of county funds for the creation of the department, the whole matter was tabled.<sup>7</sup>

Arthur W. James, Commissioner of Public Welfare, later appeared before the Board and in further explanation of the acts stated, "The Department will cooperate with all the Boards of Supervisors in developing<sup>NOT ONLY</sup> the most efficient and economical administration of the relief fund, but for all phases of a public Welfare Program, which includes, in addition, relief, care of delinquent and defective children, school attendance, parole service for the state institutions."<sup>8</sup>

The amounts of state and local allocations for New Kent were \$1,642.34 and \$985.40 respectively. Mr. James recommended a combination of New Kent, James City, York, Charles City and the City of Williamsburg to work as a unit in the set up. After all these facts had been presented to the Board, the Chairman stated that he was opposed to consolidation with other counties. As will be discussed later, the Chairman's views are highly

- 
- 6. Clerk's Records of Board of Supervisors.
  - 7. Ibid.
  - 8. Minutes of the Board of Supervisors.

respected by the rest of the Board and without further discussion  
 9  
 the matter was again tabled for later consideration.

The writer was unable to find very complete records on Public Welfare in the Clerk's office. The incompleteness of them is shown by the following facts taken from its Board of Supervisors Minutes. "The Clerk stated that the Department of Public Welfare was requesting semi-annual reports as to age, disability, etc, of people receiving poor relief, and this information is not available from the files of the Board." He recommended a survey of all poor relief cases on or before July, 1937 upon a blank to be prepared for the purpose. The Sheriff offered to make a survey of the county's poor relief cases,  
 10  
 at actual expenses.

#### MENTAL DEFECTIVES

Three mental defectives were cared for by the county during the year. All three of these were negroes. After Commissions of Lunacy were held over these persons they were committed to the State Insane Asylum at Petersburg. The only cost to the county was the expense of holding the Commission, which Commission consisted of two doctors, the Sheriff and Trial Justice as an ex-officio member. All members of the Commission received \$5.00 and traveling expenses of five cents a mile except the  
 11  
 Trial Justice, who is prohibited all fees by statute. The

---

9. Minutes of the Board of Supervisors.  
 10. Ibid.  
 11. Ibid.

actual cost for the year to the county for administering its mental defectives was \$50.45.

### DELINQUENTS

A discussion here will be devoted only to cases which have come before the Juvenile and Domestic Relations Court, and to the jail commitments. Mental defectives and defendants, phases of delinquency, have already been discussed.

The Juvenile and Domestic Relations Court of the county heard five cases during the year. These cases were heard by the Trial Justice. Under the Trial Justice Act of 1934, the duties of the Judge of the Juvenile and Domestic Relations Court were consolidated under the Trial Justice Act of 1934, with those of the Trial Justice. All records of cases heard by the Trial Justice in the capacity of Judge of the Juvenile and Domestic Relations Court are by law held to be private. However, the writer was able to get the secretary of the Trial Justice to reveal the following statistics: (1) seventeen year old negro boy, accused of assault and battery was committed to the State Department of Public Welfare; (2) seventeen year old negro boy convicted of petty larceny and disorderly conduct--was caused to pay the cost of Court and placed on probation until he reached the age of eighteen; (3) ten year old negro boy, placed in home of his grandmother after a sentence of committal to the



Department of Public Welfare had been suspended; (4) adult negro man, desertion and non-support, withdrawn; (5) adult negro man, desertion and non-support, ordered to pay \$1.50 a week. No case against a white person came to this court during the year. Violations of the school compulsory attendance law are heard in this court but not a single case for infraction of this law came to court during the year. However, in contrast with some other counties, school authorities cooperate to the fullest extent with the court in bringing violations of the law before it for trial and the fact that there were no cases is proof that there were no violations of the attendance law.

Delinquents who received jail commitments during the year  
<sup>13</sup>  
totalled twenty-three. Twenty-two of the commitments were colored and one was white. The reasons given for confinement of these twenty-three persons were: (1) drunk driving, two; (2) fighting, ten; (3) wife beating, one; (4) making whiskey, one; (5) murder, one; (6) held for asylum, one; (7) disorderly conduct, one; (8) held for Hanover County authorities, one; (9) abusive language, one; (10) felonius cutting, one. The jail was used on several occasions during this period of time as a home for itinerant vagrants who made application to the jailer. The twenty-three prisoners were held in jail a total of 128 days, an average of about five days for each prisoner.

The time spent in jail by all except one prisoner was for awaiting trial. The one exception drew a sixty day sentence for wife beating.<sup>14</sup>

All prisoners who are classed as dangerous are sent to Henrico County Jail for safe keeping. The authorities responsible for sending prisoners to Henrico Jail claim that the inadequacy of New Kent County's Jail and the fear of the prisoner's escape necessitated sending the prisoner to a substantial lock-up. At the time of this writing one New Kent County prisoner, charged with murder, is being held in the Henrico Jail. This prisoner has spent two days in the local jail. He was brought back to the county for questioning by authorities on one occasion and for trial on another. The trial resulted in a hung jury and he was again transferred to Henrico Jail to await a new trial. The Sheriff is paid mileage for transporting prisoners to and from the Henrico Jail. The total cost to the county for the operation of its local jail for the year was \$25.50.<sup>15</sup> To cover this sum the following items were listed: stove, \$6.00; laundry, \$3.00; matches, oil and soap, \$3.00; and miscellaneous, \$10.00. The state paid all board of the prisoners which was one dollar a day for each prisoner. It actually cost the state \$128 for board in the county's jail as there were never more than three incarcerated at one time.<sup>16</sup>

- 
- 14. Records of the Jailer.
  - 15. Minutes of the Board of Supervisors.
  - 16. Records of the Jailer.

The total costs to the county during the fiscal year 1936-37 for Public Welfare, not including the cost of courts, was \$361.95. The pauper list consumed 93 per cent of this total expenditure.

#### PUBLIC HEALTH

The State Board of Health was organized in 1872. The powers and authority of this Board have become broadened through statute and implication. The State Department has done all, as far as statutes would permit, to improve health conditions in the counties. In many rural sections essential biological products were in-accessable. Through the initiative of the State Board, doctors practicing in rural sections were granted power to carry diptheria anti-toxin, smallpox virus and typhoid vaccine in their medical cases.

Some counties in the state have full time health units, comprising a full time Health Officer, a Sanitary Demonstrator, and a Public Health Nurse. Those counties with such units have been the beneficiaries of much "New Deal" aid which has been denied others. It is the recommendation of the State Board that counties consolidate for the purpose of employing a Health Unit. Not since 1930 has New Kent had any Health Officer and in that year a Sanitary Officer served jointly the counties of

- 
17. Minutes of the Board of Supervisors.  
 18. Pate, James E., State Government in Va., The Appeals Press, Richmond, Virginia, 1932, p 223.  
 19. Ibid, p 225.

### Charles City and New Kent.

One would be safe in saying that Public Health is the most neglected of all responsibilities by rural counties in Virginia. The counties take little precaution in preventing the spread of contagious and communicable diseases. They permit the use of open toilets, open disposal of raw sewerage, and the dumping of dead animals without burial. The presence of stagnant pools and rubbish dumpage that serve as breeding places for mosquitoes and many other things that are obnoxious to health are to be found.

New Kent is guilty of permitting all of the above mentioned laxities within its borders. The only record of any Public Health work in the county for the year is the appropriation of \$55.00 for the burial of three paupers; \$14.00 for hospitalization of a tubercular patient for a short period of time; payment of doctor's fees in attending members of the pauper list and delinquents amounting to \$19.00; and \$12.50 to the Medical College <sup>20</sup> of Virginia for registration fees in making physical examinations.

The only health work done in the county of any consequence was accomplished through the schools. The schools of the county work to attain a high rating among the counties of the state in the number of five point pupils. A five point pupil is one who has no defects in teeth, ears, eyes, nose and throat, and is

not underweight. There were 212 five pointers in the white schools and 169 in the colored schools at the end of the 1936-37 session.<sup>21</sup> In order to reach this number the teachers carried out an educational program and spent time, effort and money of their own in administering the work. In the colored schools twenty-six pupils had vision corrected; fourteen, teeth corrected; and fifty-two, weight corrected. The white school accomplished much better results than the colored schools. In the white school there were eleven who had vision corrected; one hundred seventy-seven had teeth corrected; six had throat condition corrected and forty-nine had weight corrected.

The large number having teeth corrected can be attributed to the dental clinic held during the 1936-37 session in the white school. One hundred and forty-five children took advantage of this clinic, which was held under the auspices of the State Board of Health and sponsored by the County School Board.<sup>22</sup> Forty-one of this number had work done free of charge to them as the school board appropriated \$80.00 for this work. The children of the most needy families were selected by the teachers to be the recipients of this charity. The Board also posted<sup>23</sup> the \$100.00 required by the state to secure the clinic. The work of the clinic was a great success and Dr. Wyatt, the

- 
- 21. Principal's Report of Corrections of Health Defects.
  - 22. Report of Bureau of Child Health of Dental Conditions in New Kent County, 1936-37.
  - 23. Minutes of the Board of Supervisors.

dentist, said, "I have never had a better response to the work than I am having here, and I have been with the state for eleven years."

The work done by the white school to bring underweight children up to normal was headed by Mrs. Ed Upp. She supervised the preparation and serving free sandwiches to twenty-five children for the period of four months. Sandwiches were served particularly in the cold months of the year to help carry the undernourished pupils through these months which are so hazardous to the health of children. Mrs. Upp also supervised the serving of cocoa to fifty undernourished children through the cold months. The financing of all work for the undernourished children was done by the Red Cross Chapter of the county and the New Kent Chapter of the King's Daughters.

More than one hundred pupils were immunized against diphtheria during the year. This work was carried out by the first grade teachers of the county with the cooperation of the local doctor. There are ~~one~~ hundred seventy pupils enrolled in the colored schools who have not had diphtheria immunization and one hundred thirty-six in the white school.

As the responsibility for diphtheria immunization was taken by the first grade teachers, so was the responsibility for the program of vaccination against small pox. About fifty children were vaccinated during the year. Vaccination against small pox is required by law for all children enrolled in schools but a

check reveals that there are in the county nineteen white pupils and one hundred one colored pupils enrolled in schools in the county who have not been vaccinated.

The May Day programs held at the schools in the county were centered around health work done in the schools. A summary of the year's work was given and five point certificates were awarded. The cost to the county for the health work in the schools was \$180.00.

The teachers of the white school in the county, realizing the deplorable conditions of health existing in the county and believing that a superintendent of Public Welfare employed in the county would help relieve these bad conditions, petitioned the Board of Supervisors in May, 1937 to employ such an official, but at the time of this writing a reply to the petition has not been made.

## CHAPTER V

## PUBLIC WORKS

PUBLIC ROADS. Construction and maintenance of public roads in Virginia have progressed from a decentralized system, used in Colonial Times, through a series of steps, to the centralized system headed by the State Highway Department used today. From the Colonial Period until 1800, road construction was under local control. The period from 1800 to 1861 characterized the construction of turnpikes, built largely by private interests and maintained by tolls. From 1861 to 1907, roads were under local control, but progress in road building was slow. The introduction of the automobile in 1906 created a demand for better roads,<sup>1</sup> and, in 1908, the first provision for state-aid in money for roads was made by the General Assembly. The sum of \$250,000 was appropriated for distribution among the counties in proportion to the total state taxes paid by the counties. Upon approval of the road plans by the State Highway Commissioner, one-half of the cost of construction was paid by the state, and the remaining half was supplied by the county and districts.<sup>2</sup> Not until 1916 did the state make any provision for the maintenance and construction

- 
1. Snavely, Tipton R., Hyde, Duncan C., Briscoe, Alvin B., State Grants-In-Aid-In Virginia, The Century Co., New York, 1933.
  2. Acts of General Assembly, 1908, p 164. Ch. 76.



of highways. At that time all automobile license fees were appropriated for this purpose.<sup>3</sup> In 1923 the state levied a three cents tax on gasoline. One cent of this was to be distributed to counties in proportion to the total state taxes paid by them.<sup>4</sup> This appropriation was discontinued in 1926, and the counties were given one-third of a four and one-half cent tax on gasoline.<sup>5</sup> The year 1931 brought about the change whereby the counties would get thirty per cent of a five cents tax on gasoline.<sup>6</sup> On July 1, 1932 the state assumed full responsibility for the construction, maintenance, and financing of the county roads known as the "Secondary System of State Highways." The act of the legislature, known as the "Byrd Act," making possible this progress in the State's Highway System, also provided that any county that desired to withdraw from the provisions of the new law and to continue receiving its share of the gasoline tax was permitted to make known such desire by special election.

A special election was called in New Kent County. The writer has been unable to find any one who could give him the facts that caused the calling of this election in the county. It is possible that the Board of Supervisors on seeing their political plums about to slip from their hands, furnished the stimulus which caused the county to vote whether or not it would

---

3. Acts of General Assembly, 1916, p 933, ch. 522.

4. Ibid, 1923, p. 125, ch. 107.

5. Ibid, 1926, p. 237, ch. 137.

6. Ibid, 1930, p. 41, ch. 45.

withdraw from the "Byrd Plan." There were only fifteen counties in the state that called elections, and why such a small poor county as New Kent went to the expense of calling an election, no one, at this time, seems to know. However, the election returns resulted in a ten to one majority to remain under the provisions of the law. Consequently, today, all of the public roads in the county are a part of the State Highway System. New roads are taken under the system on the recommendation of the Board of Supervisors. Costs of all rights of way for new roads taken under the system must be paid for by the county. Sometimes the cost of obtaining rights of way has been found to be too expensive to justify the road's being taken into the Secondary System. An example of this in New Kent County follows: The Board of Supervisors had been successful in getting a section of road accepted in the Highway System. The Commonwealth's Attorney of the county learned that the land from which the right of way would have to be procured, belonged to three infant children living in New York State. He informed the Board of Supervisors that the legal procedure necessary to obtain these rights of way would be expensive. On the recommendation of the Board of Supervisors, the road was withdrawn from the Secondary System.

Provision is made in chapter 83 of the Code of Virginia for the Chairman of the State Highway Commission to employ a

Chief Engineer and such other engineers as may be needed. The duties of the engineers are prescribed and fixed by the Chairman of the State Highway Commission. The state is divided into eight construction districts, and at the head of each district is placed a Resident Engineer. The Resident Engineer meets semi-annually with the Board of Supervisors of each of the counties, in his district, to discuss the road situation in that county. During the fiscal year of 1936-37 the Department of Highways was asked frequently by the Board of Supervisors of the county to re-allocate funds for maintenance and construction that they themselves had previously been instrumental in allocating. On the basis of this confusion the Resident Engineer asked for a more definite arrangement for the year 1937-38. The board has distributed the \$6,520, allocated to the county by the state for this year, in equal portions of \$1500 to each of its four districts. In this distribution, the board, also, fixed definite sums to be spent on certain roads within each district. The remaining \$520 of the sum was earmarked by the board for construction of bridges.

The Resident Engineer expressed the desire of the Highway Department to work in harmony with the board on each of his visits. The Board in turn assured him that it was their desire to work in harmony with the Department. However, the two

---

8. Minutes of the Board of Supervisors.

following extracts from the minutes of the Board of Supervisors will show that entire harmony was not enjoyed:

In a general discussion, opinion was expressed that the State Highway Department had failed in many instances to either work Secondary Roads, or to spread sand and gravel where needed, .... The Clerk was instructed to communicate directly with the office of H. G. Shirley, State Highway Commissioner, and state that this county was dissatisfied with the policy of the Highway Department in failing entirely in some instances to properly work Secondary Roads taken over by the State in 1932.<sup>9</sup>

The policy of the Highway Department in using one truck to haul gravel was discussed, the members of the Board feeling that a battery of trucks should be put to work on a single road in order that the road be completed, rather than patching here and there; and that the unit of cost would be reduced with a corresponding saving of budgeted funds. The effectiveness of such a plan was agreed on, but the funds unexpended at this time did not permit adoption of such a program. It was agreed that this matter would be further considered at the semi-annual appearance of the Resident Engineer.<sup>10</sup>

It appears from these minutes that the Board, in its own estimation, knows more of Highway Construction than does the Highway Department. Regardless of this lack of harmony, there can be no doubt of the improvement of the road system as a result of the removal of control of the roads from the County Board of Supervisors. Memories of political manipulation during the time this Board had control of roads in the county are still too vivid in the minds of honest citizens. With the adoption of the "Byrd Road Plan" in New Kent County came the abolition of a forty cents district road levy. At least, there was no clamor for an election to decide whether the county would with-

---

9. Minutes of the Board of Supervisors. Dec., 1936.

10. Ibid.

draw from this act which was made possible by the "Byrd Road Plan."

Since the state operates on the Pay-As-You-Go basis of financing its highways, it is apparent that the revenue for the roads must come directly from taxation. The tax on gasoline and the automobile license tax supply nearly all of the state highway's funds.

#### PUBLIC BUILDINGS

Any building constructed from, and maintained by public funds for service of the public may be classified as a public building. Should any of these three requirements be shorn from the definition here given a building could not be characterized as public. Rural counties in Virginia have few public buildings due mainly to the lack of sufficient income to construct and maintain them. The only county owned public building's in New Kent are the Court House, the Jail, the School House and a Fair Building. Several buildings are rented by the county on part-time basis for public purposes. Buildings are rented for holding Trial Justice Court; for voting houses in five precincts; for the superintendent of schools office, and for the self-characterized Indian school. The state of Virginia operates a game farm within the confines of New Kent County, and the keeper's home was constructed from state funds. However, this building would not be included as one of the county's public

buildings.

COURT HOUSE. The court house is located at New Kent. County bonds to the extent of \$6,600 were sold to finance the construction of this building in 1908, and it was erected in the same year. The minutes of the Board of Supervisors for the year 1908 carry a record of the movement, by some of the citizens of the county, to move the court house to a new site at Windsor Shades. A site of several acres, for the court house, was offered by one of the citizens of Windsor Shades, free of charge, to the county. The Board of Supervisors were deadlocked in their vote whether the court house should be built at Windsor Shades or rebuilt at New Kent. The Judge of the Circuit Court was called on to break the tie, which he did by voting to rebuild it at New Kent. Many repairs were made to the court house in 1935. Approximately, the sum of six thousand dollars of county and Federal money was spent for its repair during 1935, under the Works Progress Administration. This building, the Jail, and the Fair Building were all wired, and fixtures hung at a cost of \$290 to the county during the fiscal year of 1937.

The present court house building is small. In it are housed the Clerk's office, the Commissioner of Revenue's office, the Circuit Court Room, and a Jury Room. Although the county is the smallest in the state in population, this building is not sufficient for its needs. The Treasurer's office is located in an auxiliary building on the court house grounds, and many of the

Clerk's records are stored in it. Many other records that should be in the Clerk's office are stored in the jail. The grounds of the court house are well kept, the building is in good repair, and the citizens of the county prize it as one of their beauty spots.

THE JAIL. Most authorities on the penal situation in the state of Virginia agree that our jail system is a relic of Colonial times. It was instituted primarily to meet desperate conditions in an unsettled age. Probably the chief reason that no better system has been inaugurated in Virginia is due to the fee system. This system started as early as 1631 in which year the Colonial Legislature fixed the Marshall's fee for the incarceration of a prisoner at ten pounds of tobacco for "coming" in and a like amount for "going" out, plus five pounds daily for the maintenance of every person jailed. In 1779 the jails were placed under the control of the Judges of the Circuit Courts and this system is still in use today. The jails in a county belong to that county, and are strictly local institutions, so far as responsibility for the condition of the buildings and care of inmates are concerned. The state pays the entire cost of the maintenance of all inmates. The jailer prepares his bill for food on the basis of the number of prisoners incarcerated, this bill is certified by the Circuit Court Judge and is paid by the State Treasurer, after being reviewed by the Department of Public Welfare in accordance with a statute of 1928.

The report of the Commission on Criminal costs in Virginia, submitted to the Governor and to the General Assembly of 1932, pointed out that the cost of maintaining prisoners in Virginia's jails had then risen to over half a million dollars a year. It called attention likewise to the fact that where the local community may send its law breakers to jail at the expense of the state, it must itself bear the burden of placing them on probation. It is not difficult, therefore, to understand why probation is little used, and, it might be added, why the jails are much used.<sup>11</sup> Many of the county jails in Virginia are fire traps, and quite frequently the daily papers carry news of persons having been cremated in them. Observation, by the writer, shows that many jails in the state make no provision for segregating of women, people being held as witnesses and young people. It is common for young and inexperienced persons, and even children, to be thrown into intimate association for days at a time with vicious, depraved and diseased criminals. Some findings of the Page Jail Commission, which will make a report to the Governor in an article published recently in the Richmond Times Dispatch Newspaper attested " that if the state code in respect to safety of the jails in Virginia were literally construed, there are but few lawful jails in the state."<sup>12</sup>

- 
11. Krapin, Fannye, Recidivism in Jails of Thirty-One Counties in Virginia.
  12. Report of Commission to study Prison Sentences, Intermediate Sentences, Parole, Probation, and Good-Time Allowances Submitted to the General Assembly., 1934, pp 10-12.



New Kent County's jail is located at the Court House. It was built in 1908. It is a little building constructed partially of brick and partially of timber. It is unattended at night. It is of such delicate construction that it is never safe as a lock-up for criminals guilty of serious offenses. All prisoners charged with, or guilty of serious crimes in New Kent are transported to Henrico County Jail and incarcerated there. An inventory of the jail property taken by the sheriff November 9, 1936 gives one a still better idea of the county's neglect of its jail. The investigation showed the jail to have eight blankets, one lamp, three mattresses, one chair, and one good stove, and one trash can.<sup>13</sup>

SCHOOL HOUSES. There are twenty-one buildings used for school houses in New Kent County. One of these buildings is not a public building. The Boulevard school house is rented by the county as a school. Of the remaining twenty, nineteen are used by negro children, and one by white children. Five of the buildings used by the negroes are two room structures and eight have only one room. The Negro High School has seven rooms. All of the negro schools are constructed of timber. The one other school in the county is a seventeen room brick building used by its white children. One negro school building burned during the

present year and it has just been rebuilt at a cost of \$413 to the county. The total value of public school buildings in the county is \$88,000.

FAIR BUILDING. The fair building is a frame structure. It was built in 1927 at a cost of \$2000. It is located on the Court House grounds about twenty yards away from the jail. It is used only two days in a year for a display house for the county Fair Exhibits. However, it is used as a basket-ball court for the girls in the white high school, and in it are held many public dances, entertainments, and suppers. A Works Progress Administration project for additions to be made to this building has been drawn up. The county's share will be \$667.43. The plans and blueprints have been made and a bill of \$18.41 for the same has been presented to the Board of Supervisors and ordered to be paid, but as yet work on the building has not been started.

## CHAPTER VI

## COUNTY FINANCES

Public finance may be viewed as a cycle which has to do with finding sources of revenue, collection, custody, disbursement, and an audit to see where and how the money is spent.<sup>1</sup> In the discussion of New Kent County's finance the writer will combine all of these sub-heads into three: (1) sources of revenue, (2) collection, (3) and disbursements.

## SOURCES OF REVENUE

As a result of the increasing functions of government, public expenditures are naturally greater, but this is not the only factor in the growth of governmental expenses. Among other causes may be mentioned the rising price level, which would have increased the aggregate expenditures even if the activities had remained identical; administrative inefficiency, which causes a loss in economy of operation; and an increase in population, which demand a provision of more government facilities. The increased cost of government so frequently referred to is a misnomer, for it is not the increased cost of government, but

---

1. Pate, James E., State Government in Virginia,  
The Appeals Press, Richmond, 1932, p 116.

the cost of increased government that is being experienced at this time. This government is supplying the needs of society better than the people, acting as individuals or in groups, could do for themselves. Taxation is the means by which government is financed. Taxes, then are a compulsory contribution for financing those activities which the individual or group ought not, will not, and cannot perform in their own behalf. Money that is borrowed by the county must eventually be repaid by taxation. Gifts as a source of revenue to rural counties are almost unheard of. It is to taxation that local governments must look for revenue.

SEGREGATION OF SOURCE OF REVENUE. It has been the belief of many people that real estate has had to bear a disproportionate share of the taxes. In order to relieve the burden of taxation from bearing so heavily on real estate, the tax on real estate and tangible property was abolished for state purposes by act of the General Assembly in 1926.<sup>2</sup> In order to make sure that real estate might not be reimposed by the state an amendment to the Constitution prohibiting a state levy on real property was passed and became effective in 1928.<sup>3</sup> Since Virginia has segregated real estate, tangible personal property, machinery and tools and merchants' capital for taxation in the counties, and<sup>4</sup>

---

2. Snavely, Tipton R., Hyde, Duncan C., Briscoe, Alvin B., State Grants-In-Aid in Virginia. p 32.

3. Ibid, p 32.

4. Tax Code of Virginia, 1930, Section 7, p 3.

since these sources yield revenue insufficient to support local functions in many of her counties, it seems only fair that state grants should be made to these counties to enable them to finance the necessary local activities. However, before any grant for any purpose is made, the state should satisfy itself that there exists a need that cannot be met by the county.

Regardless of the aim of segregation to relieve the burden of taxation on real estate, no substantial reduction was realized until the state took over the construction and maintenance of roads in 1932. At this time New Kent and many other counties were, for the first time, in a position to lower their levies.

Segregation did not aid in the removal of the evils in assessment by local governments. One of the most confused and unsatisfactory functions of county government is that of the assessment of property for taxation. A questionnaire sent to the one hundred Clerks in the counties of Virginia, by the commission on county government contained the question: "What, in your opinion are the outstanding weaknesses of the government of your county?" The answer given to this question by the Clerk of Orange County so forcefully expresses the writer's view as to the outstanding weakness in New Kent County that it is here quoted. "Assessment of property both real and personal.<sup>5</sup> The proper assessment of

---

5. Virginia Commission on County Government, Division of Purchases and Printing, Richmond, 1936. p. 16.

property is the foundation of all taxation, and unless there is such fair and just assessment, any increase or decrease in any tax levy cannot correct such inequality of assessment, and there can be no remedy applied to relieve the situation."

Inequalities in the assessment of property (real and personal) exist in an outstanding degree in New Kent County. Some instances of inequality within the county familiar to the writer will be stated in the following paragraphs.

(1) In reviewing the expenditure from the dog tax fund of the county, the writer found that one farmer was paid two dollars per sheep killed by dogs and another was paid five dollars per sheep killed in like manner. An investigation as to the cause of difference in payments to the two farmers revealed the fact that farmers were paid for their sheep, so destroyed, on the basis of their full assessed value. The fact of this inequality of assessment could not have been unknown to the Commissioner of Revenue. In all probability he was well aware of it, but it was, as such, political strategy to pass it by.

(2) Mrs. John Mitchell, a poor widow, owns eight acres of land in the Plum Point section. There is only a small frame structure built on the land. This land is assessed at approximately \$150 an acre, while adjoining this land there is a plot of several hundred acres, owned until recently by a Mr. Jeffries, with a fine brick building located on it. This property has a water frontage and should be far more valuable than the Mitchell

property, but it is assessed at \$8 an acre.

(3) Two homes located at New Kent Court House adjoining each other, of the same acreage, one with actual value of \$4000 is assessed at \$500, and the other with actual value of \$3000 is assessed at \$1000.

The accomplishments of the Board of Equalization, which has as its task the elimination of such inequalities of assessment, when brought before them, have been negligible. However, an act of the 1936 General Assembly has made it possible for the aggrieved to get a hearing in the Circuit Court of the county. The provision of this act follows:

Any person aggrieved by any assessment for taxation by valuation grossly in excess of, and out of proportion to, the assessed value of other acreage lands generally, in the same county, in the same year, or years, may at any time prior to December thirty-first, nineteen hundred and thirty-seven apply for relief to the Circuit Court of the county, where in such assessment was made; provided, however, application for such relief may also be made by filing a petition there for in a chancery suit pending, in any court having jurisdiction over such real estate in which the levies against the same are to be delivered.<sup>6</sup>

The first hearing under this law held in the county permitted a \$1500 accumulated tax on the property of George L. Needs

---

6. 1936 Acts of Assembly, Chapter, 435, pp 1032-33.

to be wiped out with the payment of \$250 in cash. The finding was that the land of George L. Meeds was assessed at an extremely higher rate than was the surrounding property. This property as well as the property of many other owners in the Plum Point section has an interesting history as to its present status and high assessment. In 1893 the Plum Point section was divided into lots by its owners, and a movement was made for the development of a city. Lots were bought by people scattered throughout the country. In 1915 the West Point Development Corporation bought land surrounding the Plum Point area and laid it out in lots, and again, by shrewd advertising methods many more lots were sold. Speculators, who reside in other states, bought many of these lots. This section was called the Manhattan area. A theater in New York City gave lots located in this area, to lucky ticket holders, the only cost to the lucky person was the cost of clearing up the title.

The majority of the lots of both the Plum Point area and the Manhattan area have reverted to farm land, but they are still listed as lots and the Commissioner of Revenue's books are cluttered by thousands of entries. It is hoped that this undesirable situation will be cleared up and the land placed back on an acreage assessment rather than a lot assessment. The way seems to have been opened for this correction by the afore mentioned act of the General Assembly of 1936. However,



the cost of chancery suit will prove to be too expensive for the owners of the smaller plots to take advantage of it.

Of course the inequality of assessment of the land in the sections of Plum Point and Manhattan are not directly traceable to the inefficiency of the Commissioner of Revenue, but a majority of the unfair and unequal assessments are the result of an assessor directly responsible to the people every four years for election or re-election to the office. It is natural under the circumstances that he will conduct the affairs of the office in a manner that will aid his re-election.

ASSESSMENT. The principal business of the Commissioner of Revenue is the assessment of taxes on the people's property (real and personal) for state and local purposes. The assessment is made as of the first day of January each year, and it is quite necessary that the Commissioner of Revenue receive the cooperation of the people as it is both proper and important that these assessments be fair and impartial. *New assessments are NOT permitted* except in account of new buildings, fires, or storms.

It is the duty of the Commissioner of Revenue to assess annually the tax payer and it is the duty of the tax payer to report his personal property for assessment as of the first day of January. The Commissioner should advertise and sit at various places in each magisterial district in the county to give the people an opportunity to make those returns.

The Commissioner of Revenue works under the direction of the State Tax Commissioner, who sends forms and instructions for

their use to the County Commissioners in the state. The State Tax Commissioner has the right to review or revise assessments of intangible personal property, income and licenses made by local Commissioners. Any of the above mentioned properties failing to be assessed by the Commissioner may be assessed by the State Tax Commissioner.

The form furnished to property owners in New Kent County contained nineteen headings and under each of these were listed many sub-headings for reporting personal property. For reporting machines and tools and merchant's capital many headings were listed. The following outline on form No. 750 was used for reporting property for state taxes: state capitation tax; (2) bonds, notes, other evidences of debt, demands and claims; (3) money; (4) money capital coming into competition with the business of National Banks; and (5) individual income.

The total assessed valuation of all property in New Kent, for both state and local taxation for the fiscal year was \$2,437,898. The largest item figuring in this total assessed valuation, is a \$1,553,994 valuation on real property. The total assessed valuation in the county taxable by the state is \$203,487. Three thousand dollars of this valuation was the assessment of capitation taxes. The total assessed valuation

---

7. Form No. 750, furnished by State Tax Commissioner to  
Commissioner of Revenue.

in the county has been increased by only \$10,909 within the past three years. Public Service assessed valuation in the county for 1936-37 amounted to \$653,599. The following list gives the public services that are assessable within the county, and the amount of tax derived from each corporation:

	Tax Collected	1936-37
American Telephone and Telegraph Co.	\$147.88	
Chesapeake and Potomoc Telegraph Co.	350.66	
Chesapeake and Ohio Railroad	9,180.53	
Railway Express Co.	41.48	
Southern Railroad Co.	1,120.42	
Virginia Telegraph Co.	109.00	
Virginia Electric and Power Co.	254.68	
Western Union Telegraph Co.	14.23	

COUNTY LEVY. The county levy is fixed, on the basis of the assessed valuation by the Board of Supervisors. The levy may vary from year to year, depending upon the instability of the assessed valuation, for sufficient revenue to meet the expenditures of the county for the fiscal year must be obtained. Previous to fixing a levy, the Board must draw up a budget, which is a detailed account of all county sources of revenue and expenditures. The levy in New Kent, differing from most counties, is the same in each of the four magisterial districts. Fortunately for each of these districts they had not bonded themselves for roads which soon were out under the old system of construction, and for schools which in the process of

consolidation soon became obsolete. Consequently, in each district, the general operating fund is .95; the school operating fund .50 and the school debt fund is .25. These three items total \$1.70, the county levy for each \$100 of assessed valuation.

The county levy was reduced from \$1.75 to \$1.70 in 1935. The main reason for this reduction was, not as one would suspect--that of sufficient funds or possibly a surplus in the county's treasury, it was because a group of citizens appeared before the Board of Supervisors and argued for a lower levy on the ground that the county's levy was higher than that in a number of counties.

Although the county has a high tax rate the assessments are probably one of the lowest in the state. This sequence is only natural, for a county must have sufficient funds on which to operate and a high levy in a county usually results in low assessment and a high assessment insures a low rate. Assessment in New Kent County is theoretically on the basis of fifty per cent of the true value of property. However, in practice it ranges between twenty and one hundred fifty per cent of the true value of the property. The writer built a home in the county and arrived at the value for assessment by inquiring into the assessed valuation of the homes adjoining his. On

one side a home with an actual value of \$4000 was assessed at \$500, on the other side a home of actual value of \$3,000 was assessed at \$1000. An average assessed valuation of these two homes was \$200 on a thousand or twenty per cent of the actual value.<sup>10</sup> Consequently, the Commissioner of Revenue was asked to place a valuation of \$400 on the writer's home which has an actual value of \$2000. For the asking he was gratified by the Commissioner.

There are many large estates in the county. R. E. Richardson, R. W. Taylor, Bolling Lee and the Chesapeake-Albermarle Paper Company own thousands of acres each. The writer has heard, on many occasions, remarks by citizens of the county to the effect that should such large estates be broken up into small acreages two or three times the tax now being paid on them would be derived. The reasoning of these citizens find support in the writings of W. J. Shultz, an expert on Public Finances and taxation. "Experience has shown that small properties are consistently assessed at a higher proportion of their true value than large properties, thus effecting a class or social discrimination in property tax burdens.

STATE AID. The term "grant-in-aid" and "Subsidy" are used inter-changeably. "In Virginia a grant-in-aid is a subvention payable from the Treasury of the state to a political subdivision of the state for the purpose of assisting the locality

in the execution of some or all of its local functions."<sup>11</sup>

State aid as a source of county revenue is gaining in volume almost annually. Grants made by the state for the purpose of helping counties to defray the cost of their governments have increased until they amount to about thirty per cent of the counties' annual incomes.<sup>12</sup> New Kent County received \$16,570.96 from June 30, 1936 to June 30, 1937 from the state. This figure does not include \$2500, the county's share from the state's profits realized by the Alcoholic Beverage Control Board, and \$450 the state's refund of capitation tax. All of the state grant of \$16,570.96 was placed in the school fund and represented twenty-six per cent of the county's total expenditures<sup>13</sup> for school purposes for the fiscal year 1936-37.

The county receives eighty-five per cent of the total revenue collected from the sale of dog licenses. The county received \$400 from this source for the fiscal year ending June 30, 1937.<sup>14</sup> All receipts from sale of dog tags, however, are turned into the state and the refund to the counties might be classed as state aid. After \$200 is deducted from this fund the remainder is earmarked for the payment of claims in the destruction of live stock by dogs. These claims are so great that they consume about all of this fund, therefore neutralizing

- 
11. Snavelly, Tipton R., Hyde, Duncan C., Biscoe, Alvin B., State Grants-In-Aid in Virginia. The Century Co. New York 1933, p 3.
12. Books of the County Treasurer.
13. Ibid.
14. Ibid.

the dog tax fund as a source of revenue in New Kent County.

BORROWING MONEY-COUNTY INDEBTEDNESS. If a county does not have sufficient revenue from taxes it is possible to borrow money by issuing bonds on its credit. However this source of revenue should be resorted to only in extreme cases of need. It is extremely bad policy to borrow for current expenses. Also, borrowing for projects and extending the life of the bond beyond the life of the project is extremely bad policy. Such policy places a financial burden on many people who never get any benefit from the project. County Boards of Supervisors are permitted by the acts of the General Assembly to borrow up to one-fourth of their county levy as early as June first of any year, provided bonds or notes bearing not more than six per cent interest supports the loan.<sup>15</sup> These loans must be repaid by December fifteenth of the same year. This act of Assembly was passed purposely to aid counties in securing necessary funds on which to operate until sufficient taxes could be collected in a new year. The first few months of the fiscal year usually finds many county Treasuries empty.

The Board also has power to borrow money by issuing bonds for public improvement or school capital outlay upon the approval of the electorate in the county as a whole, or in the district desiring improvement of its own. New Kent County had a total

---

15. Shultz, W. J. American Public Finance and Taxation, Princeton-Hall Inc. 1932, p 483.

debt of \$46,750 at the end of the fiscal year 1936-37. All  
of this debt was incurred in the financing of new school buildings. 16  
A levy of .25 on the one hundred dollars of assessed valuation  
in the county has been set up by the Board of Supervisors to meet  
this indebtedness as the bonds and payments come due annually.  
The county has not resorted to borrowing as a source of revenue  
since 1935 when a \$30,000 addition to the high school for white  
children was provided. At this time a loan of \$20,000 to the  
county was received from the Literary Fund of the state.

#### COLLECTION

The collection of taxes is the principal business of the  
Treasurer of a county. This official also makes payments from  
the funds of the county, but only by the request of the depart-  
ment whose funds are being disbursed and, on the recommendation  
of the Board of Supervisors.

As soon as the Commissioner of Revenue turns over the assess-  
ment books for the year it is the duty of the Treasurer to  
prepare the tax bills and commence to collect the taxes. The  
Treasurer is required to fill appointments in each magisterial  
district to give the taxpayers an opportunity to get their  
tickets and he is also required to mail tax bills to all persons  
whose taxes amount to as much as five dollars. The Treasurer has  
the power to levy on, advertise, and order the Sheriff to sell



property for the collection of all taxes except capitation taxes. The payment of capitation tax is by law a prerequisite to the purchase of any form of state licenses, except marriage licenses. Mr. C. L. Fisher, Treasurer of New Kent County, said that this law had never been enforceable. He gave the writer the following instance of its evasion which he himself had experienced: He said that persons applied to him for dog licenses and when they were asked if they had paid their capitation taxes, they would reply immediately that the licenses were for their son's dogs. (The son's were minors against whom no capitation taxes were assessable). After explaining this difficulty, Mr. Fisher then said that he asked the State Auditor of Public Accounts what action to take in regard to the law. The Auditor advised that the thing to do was to require payment of the tax when possible and when impossible to do so, merely to inform the customer of the law in this case, but to issue the licenses just the same as if all obligations had been met. If this law were enforced it possibly would be a means of greater capitation tax collection in the county.

The total county levy for the fiscal year ending June 30, 1937 was \$41,621.96. The total state levy for the fiscal year was \$4,897.72. This levy when further analyzed reveals the following sources: Capitation tax, \$3000; Bonds and notes, \$574.93; Money, \$177; and Income, \$1145.75. Only \$1300 of the

18

\$3000 capitation tax levy was collected. These figures reveal the small amount of taxes collectable by the Treasurer of the county and turned in to the state. Fortunately for the county this is not a basis for appropriation of state aid to the counties. The county received \$11,111.19 from the tax on Public Service during the fiscal year 1936-37. As stated before it is the tax from this source that has enabled the county to maintain a favorable financial situation. When the writer was collecting statistics for this paper in the Treasurer's office, Mr. Fisher, the Treasurer, said, "But for the tax we receive from Public Service assessments in the county, New Kent would be in a bad financial situation."

#### DISBURSEMENTS

COUNTY BUDGET. The scientific operation of any government demands the use of the budget. A budget may be defined as a detailed estimate of anticipated revenue and proposed expenditures. A tentative budget for New Kent is prepared annually by the Treasurer of the county and presented to the Board of Supervisors. The Board causes this budget to be published in a newspaper, which has circulation in the county, not less than thirty days prior to April 30. After publication of the budget and all requests for changes in it by citizens of the county have been heard by the Board at a public meeting, a levy sufficient to raise the necessary funds for the successful operation

of the government for the fiscal year is fixed by the Board, and a budget for the expenditure of these funds is accepted. It is then that the Board is obligated to file a copy of the county's budget with the State Director of the Budget.

The responsibility of preparing the budget, as stated before, falls to the Treasurer of the county. The writer asked Mr. Fisher, the Treasurer, how he arrived at the income of the county with the varying amounts of delinquent taxes yearly. He said that delinquent taxes did not trouble him in preparing the budget because he left without the scope of the budget a small amount of money in excess of the delinquent tax money for the preceding year. He also said that many people were of the belief that delinquent taxes were a loss to a county, but they were a benefit in that they were all, including fines and interest for late payment eventually collected. For the year 1930, ninety-nine per cent of the taxes have now been collected. The law provides that delinquent taxes are collectable by the Treasurer for the first two years and after that the delinquent payments must be paid to the Clerk of the court.

An interesting case of delinquent taxes, within the county, might well be related here, and for clarity, all the details connected with it will be given:

In the year 1908 the Virginia Land and Improvement Company purchased 5,540 acres of land in the Windsor Shades section of the county. This land was divided into lots by the Improvement

Company with the idea of establishing a Norwegian colony in the section. (Reference has been made elsewhere in these pages of a movement by the people of Windsor Shades section to have the Court House of the county moved to Windsor Shades, and to the settlement of this question by the Judge of the Circuit Court who was called upon to break the tie vote of the Board of Supervisors on the question). The Norwegian colony in the section did not materialize and 4,615 acres of this original plot of land came to be owned by J. A. Perry, of Windsor Shades. Mr. Perry borrowed \$3,300 on this estate, and after he had cut a great amount of timber from the land, the note holder ordered cutting to be ceased. Cutting was ceased and Mr. Perry did not pay any of the \$500 annual tax assessment on the land from 1930 until 1936. There was a total of \$3,300 taxes due including fines and interest on this land in 1936. In 1936 a threat of chancery suit against Mr. Perry under the 1936 acts of the General Assembly, which act for the first time makes possible the sale of land for current taxes, resulted in Mr. Perry's paying \$500 current taxes and \$600 delinquent taxes for the year 1931. Also Mr. Perry promised to pay the current tax annually and one year of delinquent taxes, until all taxes are paid in full.

Delinquent taxes, then, are not a handicap to budget making in the county. The budget is adhered to except in cases of

emergency and then the Board of Supervisors grant permission for a slight variance.

OBJECTS OF EXPENDITURE. The money expended from the general operating fund of the county for the fiscal year 1936-37 amounted to \$14,684.08. This sum was \$519.38 less than that expended, from this source, during the previous year. \$10,600 of the expenditure from the general fund in 1936-37 were for officers salaries and expenses attendant to their offices. The expenditure of \$1,184 for public welfare represented the next largest expenditure from this fund during the year. Of the total expenditure of \$42,766.47 for schools during the year, approximately \$25,000 was for salaries of administrative officers, and teachers in the school system.<sup>20</sup>

The compensation of the Commissioner of Revenue and the Treasurer represent the two largest expenditures for salaries in the county. The total cost of these officers to the county and the state for their salaries, not including expenses of their offices, was \$4,555.00. The county pays \$1166.00 on the Commissioner of Revenue's salary, and \$1,868 on the Treasurer's salary. The cost of the audit of the records of the Trial Justice is borne entirely by the state. The audit of the Treasurer's books cost the county \$250, and the audit of the Clerk's records cost the county \$22.00 for the year 1935. The

---

20. Books of the County Treasurer.

uniform accounting system, now used by county Treasurers in the state, was installed in New Kent in 1932. The Clerk of the county has been granted extra appropriation by the Board of Supervisors for the installation of the uniform system.

Because of the difficulties encountered in verifying certain items of receipts and disbursements of county offices, Mr. Downs, State Auditor, offered six recommendations to make possible more satisfactory audits.<sup>21</sup>

(1) That Commissioners of Revenue be required to prepare pre-numbered tax tickets from their assessment books to be turned over to the Treasurer for collection, as a means of preventing Treasurers from being both billing and collecting agents.

(2) That collections on account of land redemptions be received by the Treasurers on the basis of statements obtained by taxpayers from Clerks of the courts showing the charges against the property. The Treasurer's receipt would then be returned to the property owners who, in turn, could send to the Clerk. The Clerk could use this receipt as his authority for marking paid all levies against the property involved.

(3) That all deeds of conveyance be accomplished by an affidavit showing the consideration in terms of dollars and cents for property purchased or transferred, and the tax be assessed on the value as set forth in the affidavit.

---

21. L. McCarthy Downs submitted to Governor Peery, March 2, 1937 for the Fiscal Year Ending June 30, 1936. Taken from the Richmond Times Dispatch. March 3, 1937.

(4) That consideration be given to the present system of handling delinquent land taxes.

(5) That Boards of Supervisors try to work out some way to operate under the unit levy plan rather than under a number of separate fund accounts.

(6) That legislation provide for a "county bookkeeper" to keep the accounts of the Clerk, Treasurer, Sheriff and Trial Justice.

#### AUDITING

"Virginia is urgently in need of twenty more field auditors to make possible an annual check on the 660 or more units of state and local governments. While this increase in personnel will involve an additional expenditure of approximately \$75,000 annually, it is our sincere belief that the ultimate benefits will more than off-set the expenditure." <sup>22</sup> The audits of many county governments have proved the statement that the ultimate benefits from the audit more than off-set the expenditure. The audit of the Clerk's office in New Kent County in 1935 revealed an enormous shortage in funds and the bungling of the work connected with the office. The audit of 1936 revealed the records to be in better shape and a compliment was paid the present Clerk for such improvement.

Half of the cost of the audit of the Clerk's office is paid

---

22. Annual Report of State Auditor, L. McCarthy Downs Submitted to Gov. Peery, March 2, 1937, for the Fiscal Year Ending June 30, 1936. March 3, 1937 Edition of Richmond Times Dispatch.

by the state and half by the county. The entire cost of the audit of the Treasurer's office is borne by the county. The state pays the entire cost of the audit of the accounts of the Trial Justice. A. M. Pullen and Company, certified Public Accountants of Richmond, Virginia, have been hired to do the work of auditing in New Kent County for the past several years. In the audit of 1936, praise was given for the manner in which all the affairs of the county were conducted.



## CHAPTER VII

## ELECTORAL PROCESS

In the discussion of the electoral process used within the county, one must devote a consideration to:

- (1) Elections
- (2) Candidates for Office
- (3) Voters
- (4) A Typical Election

The county is an important unit in the conduct of elections and in the organization and work of political parties. Important county officials and leaders in the county party organization have great influence in the primaries and general elections for the nomination and election of state and national officers. It is the lack of satisfactory methods of filling appointive positions in county service that is most outstanding in the shortcomings of the county. It is this short-coming that gives an open field for patronage and the spoils system. It is this fact that makes possible the use of the county as a cog in the political machine. It is this fact, more than any other, that has been responsible for the many accusations of inefficiency being placed at the county's door. This fact is partially responsible for the county being characterized "The Jungle of American Politics."

## ELECTION OFFICERS

THE COUNTY ELECTORAL BOARD. In Virginia counties, the electoral boards are appointed by the Circuit Court Judge, who has, in turn, been appointed by the General Assembly, which has been in turn, elected by the people. The appointment of these officials is, thus, thrice removed from the people. To whom, one might ask, are these officials responsible? The three members that comprise the Electoral Board are not subjected to district representation, as are all other governmental boards within a county, but they may be selected from the county at large. The term of office for each member is three years, the term of office of each member expiring in separate, succeeding years. The Electoral Board in New Kent County is composed of H. P. Fisher, Chairman, L. J. Apperson, Secretary, and R. W. Taylor. Mr. Taylor is the representative of the Republican or minority party in the county. The Virginia Election laws provide that no office holder in, or employee of, the Federal government shall be eligible for appointment as a member of the Electoral Board or as a Registrar or Judge of elections. Neither shall any person holding any elective office of profit or trust in the state, or, in any county, city or town, be eligible.

---

1. Virginia Election Laws, 1934, Section 84.

It is the duty of the Electoral Board to arrange for the printing at least thirty days before primaries or general elections, of a number of ballots equal to twice the entire number of registered voters in the county. "Each Electoral Board shall appoint the Judges, Clerks and Registrars of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest votes."<sup>2</sup>

It has been the custom of the Board to place members of the Republican Party in some of the above mentioned positions even though New Kent is predominately Democratic. The compensation for Board members is \$2.00 per day, plus an allowance of five cents per mile traveled, the total to be received by a member not to exceed twenty-five dollars a year. All salaries are paid from county funds as is, also, the cost of stamps, stationery and record books used by this Board.

REGISTRATION. There are six voting precincts in New Kent County. The number has not changed within the last twenty-five years, but this is no exception to the general rule in county government in Virginia. The rapid progress made by commerce, industry and transportation within this time, has resulted in an adjustment to changed conditions, but the rapid improvement

---

2. Virginia Election Laws, Richmond, 1930, Section 31.

of roads and the enormous increase in privately owned automobiles have not been instrumental in causing local governments to decrease the number of voting precincts in the county that were used in the horse and buggy days.

The voting precincts are distributed over the county as follows: (1) Quinton, (Black Creek District) with an estimated voting list of 162. The voting place is P. P. Johnson's Garage; (2) Tallevsille, (St. Peters District) with an estimated voting list of 143. The voting place is R. E. Richardson's store; (3) Hew Kent, (Cumberland District) with an estimated voting list of 54. The voting place is the Court House Building; (4) Providence Forge, (Cumberland District) with a voting list of 60. The voting place is the Masonic Hall; (5) Walkers, (Cumberland District) with a voting list of 98. The voting place is Shorty Whitaker's residence; (6) Barhamsville, (Weir Creek District) with a voting list of 144. The voting place is the Community Building.<sup>3</sup>

Each precinct has one Registrar appointed by the Electoral Board for a term of two years. The Registrar is guided by the statutes in the acceptance or rejection of applicants for registration. In some instances the Registrars discourage colored people from making application, by means within the scope of the statutes. However, more and more of the colored people are applying for and receiving registration. "The negroes are

learning" as one Registrar said "that registration is a business proposition and no longer do they inform us, on chance meetings, that they want to register, but make it a point to come to our homes and apply in the proper manner." He continued "consequently, I have had to register many that otherwise I might have joked along." Another said "I have had to register more negroes this year than the total number who had registered in the past.

The compensation of the Registrar is \$2.00 a day for each day he sits as Registrar and one dollar for posting notices.

The following lists the Registrars in New Kent County.

	Precinct	Occupation
S. A. Pomfrey	New Kent	Farmer
R. A. Timberlake	Barhamsville	Merchant
Neil H. McKay	Quinton	Farmer
Elwood Mountcastle	Talleysville	Farmer
H. H. Stewart	Walkers	Garage Man
N. W. Spenser	Providence Forge	Farmer

ELECTION OFFICERS. Each precinct has three Judges and two Clerk's who also get their appointments from the Electoral Board for a one year term. The Judges have as their responsibility a general supervision of elections, which supervision involves checking qualifications of each voter, preserving order at the poles, opening and closing the poles, counting the votes cast, and sealing poll books and ballots cast and delivering them to the Clerk of the county. It is the task of the Clerks to enter in the poll books the names of all persons

voting. Both Judges and Clerks of election are paid three dollars a day. The Judge, who carries the ballots to and from the Clerk's office, receives five cents a mile traveled in addition to his salary. The whole of their compensation is paid by the county. Provision is made by the Virginia Election Laws whereby five of the Judges and Clerks shall be caused to be appointed as election Commissioners. These five are appointed by the Electoral Board, any three of which constitute a Board, of which the county Clerk is an ex-officio member. This Board meets at the county Clerk's office on the second day after election, canvasses all of the returns in the county, and determines who has received the largest number of votes for each office in the election. The canvass is recorded, signed by the members present, attested by the Clerk and filed in his office. Each member of this Board of Commissioners receives three dollars a day plus five cents a mile traveled, all of which, again, is paid by the county.

#### CANDIDATES

The officers elected by people in the county are the Sheriff, Clerk, Treasurer, Commissioner of Revenue, and Commonwealth's Attorney. No election for local officers was held in New Kent in 1936. However, it might be well to relate the requirements, as set up by the Virginia Election Laws, necessary to having one's name placed on the official ballot as a candidate. The requirements are as follows: (1) one must

be legally qualified to hold the office for which he is a candidate; (2) one must be eligible to vote in the election in which he seeks to be a candidate; (3) one must make and file a written declaration of candidacy; (4) one must file with the declaration of candidacy a petition signed by fifty qualified voters of his county. Such declaration of candidacy must be filed with the party Chairman whose duty it is to furnish to the Electoral Board the names of the candidates to be placed on the ballot. Within thirty days after the primary, each candidate must file with the county Clerk an itemized account of expenditures. The sum of this expenditure must not exceed "fifteen cents for every vote cast for the candidate of his party receiving the largest vote at the last preceding gubernational election....."<sup>4</sup>

#### THE ELECTORATE

The electorate, so frequently referred to as the whole of the people, is approximately one-fourth of the people recorded in a governmental unit's census. The electorate <sup>is</sup> those people who are eligible to vote. While New Kent County, at the present, has an approximate population of 4,400, it has only 671 persons eligible to cast a ballot at its polls. For one to be eligible to vote in New Kent County, as well as in any of the one hundred counties of Virginia, he or she must have met the following

---

4. Virginia Election Laws, Richmond, 1934, Section 234.

requirements: (1) be a citizen of the United States; (2) be twenty-one years of age; (3) be a resident of the state one year, of the county six months, and of the voting precinct in which he offers to vote, thirty days; (4) be registered; (5) and he must have paid his state poll taxes.

To further analyze these requirements, the Fourteenth Amendment to the Federal Constitution provides that any person born or naturalized in the United States is a citizen of the United States. All poll taxes, assessable against a person for the past three years, must be paid. A person must make application in his own handwriting, to and in the presence of the Registrar, stating his name, age, date and place of birth, residence and occupation at the time of voting and the year preceding, and whether he has previously voted and if so, where. A person must answer questions of registration as to his qualifications as an elector. Many Registrars do not adhere to these regulations. The writer well remembers when he made application to register and the only questions placed to him for answer was, "When did you first cry?" and with the reply February 1, 1901, he was dismissed with the remark, "O.K." Many Registrars, in asking questions to discern the applicant's qualifications, particularly colored applicants whom they do not wish to register, ask ridiculous and irrelevant questions. The "pet" question of one Registrar was, "Who was the father of Zebedee's children?" The following are excluded from registering: idiots, insane



persons and paupers; persons convicted of a crime and persons who have fought duels. The Constitution of Virginia exempts veterans, veteran's wives and veteran's widows of the War between the States from paying poll tax and registering, as a pre-requisite to the right to vote.

The payment of the state poll tax as a pre-requisite to registering and voting has been abandoned by some states. In such states it has been found that little has been lost, and much has been gained through a much more interested electorate. Technicalities involved in payment of this tax often disqualify many persons in a particular election. Many are disqualified because they failed to pay the tax on time, others are, by error of officials, left off the qualified list and consequently are denied a vote, as was the case of thousands of persons in a recent election held in the city of Richmond. Many who move their residence fail to transfer their registration and are thus denied a vote.

The poll taxes collected by New Kent in 1936 amounted to \$1,350.50. From this figure it can be plainly seen that as a source of revenue the poll tax is negligible. Legislation that would require many to pay their capitation tax is not enforced. Its abolition would be well recompensed by a larger number taking an active part in the operation of the government. In the opinion of the writer, political apathy would decrease with the abolition of the poll tax.

The following voting list compiled from registration districts of New Kent County for the year 1936 shows the small number who qualify themselves for the privilege of voting.

District	White	Colored	White	Colored	Total
	Males	Males	Women	Women	
Black Creek	93	33	38	8	172
St. Peters	67	33	35	4	139
Cumberland	124	23	59	10	216
Weir Creek	<u>83</u>	<u>18</u>	<u>38</u>	<u>5</u>	<u>144</u>
	367	107	170	27	671

The preceding table shows only 134 colored persons qualified to vote in the county. The remaining eighty-one per cent represents the whites. Twenty per cent of the colored were women and eighty per cent were men. Thirty-one per cent of the whites were women and sixty-nine per cent were men. These facts are interesting in the light of the fact that New Kent's population is made up of the ratio of three colored to one white.

The figures in the following table were gathered from the registration books of each precinct in the county:

Precinct	White		Colored		Total
	Male	Female	Male	Female	
New Kent	40	10	7	0	57
Providence Forge	50	23	0	0	72
Walkers	84	37	11	0	132
Barhamsville	87	40	23	9	159
Quinton	123	41	33	5	202
Talleysville	<u>77</u>	<u>35</u>	<u>37</u>	<u>5</u>	<u>154</u>
	461	186	111	19	777

A study of this table shows that seventeen per cent of those registered are colored, and eighty-three per cent are white. The

small percentage of colored people on the registration book may be accounted for in their lack of the necessary education to pass registration qualifications, and to the lack of leadership among them. There are four less negroes registered than had paid their capitation tax, and there are one hundred and ten more white people registered than had paid their poll tax for the year. Thus it is seen that fifteen per cent of those on the registration books were denied a vote in 1936 because of failure to pay their capitation tax. According to the statistics previously stated, the electorate is made up of one of every four in the census. This fact being true, New Kent should have an electorate of 1075 persons. There were only 427 votes in the general election of 1936.

#### TYPICAL ELECTION

No election for local officers was held in the county during the year. However, the Presidential election was held in November, 1936. This particular election might be classed as typical of those held in New Kent County. A comparison of the number who had paid capitation tax and registered with the number of votes cast will give one an idea of the active part taken by the county in this election. The comparison, follows: total vote cast, 427; paid capitation tax, 671; and registered, 777. These figures show that only fifty-five per cent of the number registered actually voted; and only sixty-five per cent of those who had paid their capitation, registered, and therefore

eligible to vote, actually voted. One might say that this small vote is not typical of a county election, but an investigation showed that only seventy-five per cent of those on the voting list actually voted in the hotly contested county election of 1935. The election returns for the general election of 1936 were:

	President	Votes
Democratic Electors		307
Republican Electors		<u>120</u>
Total		427

	Senate	Votes
Carter Glass		341
George Rohlsen		33
Donald Burke		7
E. L. Trinkle		<u>1</u>
Total		382

	Representatives	Votes
A. J. Montague		306
Charles W. Wilson		94
Winston Lawson		<u>6</u>
Total		406

As a rule, the county does not cast quite as large Republican vote as in this election. Dissatisfaction with Mr. Roosevelt's "alphabetical program" can be designated as the major cause for this unusually large vote. The writer visited all of the polling places in the county on election day and found all polling places orderly. Due to the small vote cast in the county, and due to the many precincts within the county, there was not much to keep the judges and clerks busy, and many of them were

found loitering around on the grounds and at nearby stores. At the New Kent precinct, the writer saw a citizen of the county challenge one "would be voter" on the time for closing the polls. When he called the attention of the poll officers to the time, the "would be voter", who was in the act of voting, was denied a ballot.

The officers of the Democratic Party and the officers of the county usually have a "get together" meeting before all National and State primaries, and decide to support as a unit certain candidates. As a result, the candidate they support usually gets an overwhelming vote in the county. If there is a court house ring within the county it is composed of the Clerk, the Commissioner of Revenue, the Treasurer and the Sheriff and the Chairman of the Democratic Party.

The Chairman of the Board of Supervisors in the county is a member of the Republican Party. He is challenged when he tries to vote in the Democratic Primary, and denied the privilege to vote. Although he is a Republican, he completely dominates the Board of Supervisors.

## CHAPTER VIII

## COUNTY PERSONNEL

Organization of no kind can bring efficiency in government without an intelligent and trained personnel—one free of the ruinous spoils system, a system that finds almost as open a field to operate in county as in city government. One is safe in saying that the elective offices of a county are not filled by the men best fitted in training and experience, for many reasons: (1) the remuneration is low, and the most capable can do better in other fields; (2) the best brains move from the counties to the cities because of better social and economic opportunities; (3) the majority of the offices are filled by men and women whose family trees can be traced back to a long period of residence. This being the case, as well as there being a small electorate, the kin of the candidate often, through solidarity of voting, place a candidate in office; (4) the well known fact that the best politician gets the job regardless of training and experience works more effectively in the rural sections, where a less intelligent electorate, more susceptible to emotional appeal resides, than in the more urban sections; (5) district lines still mark the representation of some officials in the county. If it were possible to get

a more capable personnel under the traditional system of county government at present in operation, many of its weaknesses would be lifted, but, as outlined above, such a change is not likely in the present system practiced by 98 Virginia Counties. The traditional system is working at its zenith in New Kent County, and there is little possibility of change until pressure from a higher source is brought to bear. Then, only with reluctance, will its people substitute the new for the old. It is the less informed who are the most satisfied and who would fight hardest to maintain the status quo. The following is briefly a picture of the training, experience, personality, and duties of all of the county officers and employees of New Kent County.

#### FULL TIME COUNTY OFFICERS

COMMISSIONER OF REVENUE. The Commissioner of Revenue is elected by the voters of the county for a period of four years. His authority is derived from the State Tax Commissioner. It is to this state official that he must look for final authority. It is to him he must look for decisions on matters of a controversial nature, for his word is final in duties pertaining to County Commissioners. George H. Sweet, Quinton, Virginia, a surname whose family residence in New Kent dates back for hundreds of years, was appointed Commissioner of Revenue in 1920 to fill an unexpired term. Since that time he has held the position, having little opposition at the polls. The

futility of seeking his office is realized by all, for the evidence of the small vote obtained by worthy opponents in the past stand out. Mr. Sweet attended the grade schools in the county and quit school with a very limited education. Before he was appointed to the office of Commissioner of Revenue, he was a farmer and wood dealer.

An act of the 1936 General Assembly provided for setting up a Compensation Board, which Board would have the power to fix the salaries of certain county officials. This Board tentatively fixed the salary of the Commissioner of Revenue of New Kent County at \$1,450, with an expense allowance of \$540.50. The expense allowance was itemized: (1) premium on official bond of Commissioner \$10.50; (2) Mrs. G. H. Sweet, Clerk \$250; (3) mileage \$250; and (4) postage \$30. Mr. Sweet appealed for greater allowance for mileage with the result that he received no increase in mileage, but his salary was increased by \$300 to \$1750. The total compensation of the Commissioner of Revenue, then, is \$2290.50 of which sum \$540.50 is listed as expenses of office.<sup>1</sup>

The Commissioner assesses for both state and local taxation all assessable property in the county, and issues all licenses except those for marriage, beer sale, hunting and fishing.

TREASURER. The duties of this officer are so intertwined,

---

1. Minutes of the Board of Supervisors.



from the financial viewpoint, with those of the Commissioner of Revenue that the name of one immediately suggests the other. It is to these two officers that the citizens look for advice on matters of taxation. They are in key position to bring about needed reforms in county government, but they also are in key positions to obstruct reform. At the death of his father in 1930, C. Linwood Fisher, Quinton, Virginia was appointed by the Circuit Judge to fill the unexpired term. Mr. Fisher has been elected and re-elected for the past two terms having no opposition either time. Prior to his appointment as Treasurer, Mr. Fisher held a position in Richmond, Virginia.

The Compensation Board tentatively fixed the salary of the Treasurer of New Kent County at \$2500 with an "expenses for the office allowance" of \$750. The expenses for the office allowance were itemized as follows: (1) Mary Ware Chapman, general office work, \$350, (2) mileage \$250, (3) postage \$150.<sup>2</sup>

Mr. Fisher appealed for greater allowance for mileage with the result that it was not granted, but his salary was increased by \$300, which brought it up to \$2800. The total compensation of the Treasurer is \$3550, of which, \$750 is listed as expenses of office.<sup>3</sup>

CLERK. Mr. Samuel Winston Lacy was appointed Clerk of the

---

2. Minutes of the Board of Supervisors.  
3. Ibid.

county May 10, 1935, to fill out the unexpired term of Julian N. Harris, in whose accounts a shortage had been found. Mr. Harris had previously been appointed to fill the unexpired term of his father, Newton Harris, who died the day after the election of 1927. After serving nearly eight years, the term of office of the Clerk, Mr. Harris was committed to the Western State Hospital. Mr. Lacy filled the position until the expiration of the term and was then elected for another term. Mr. Lacy was born in New Kent County, but had spent the most of his life away from the county.

Mr. Lacy on coming into the office, found the records of the office in a deplorable condition. The work of the office had been neglected by Mr. Newton Harris, and his son, Julian, permitted its condition to become even worse. The Judge of the Circuit Court was aware of the fact that the affairs of the office were not being conducted properly, but nothing was done by anyone until a great shortage was found in the funds of the office. On one occasion before the auditor's findings, Mr. Harris had been permitted to make up a shortage of \$500 which he was enabled to do by the aid of his aunt. Mr. Harris' Bonding Company deposited with the officials of the county the sum of \$400 to pay for extra hire that the Clerk's office might be put back on a current basis.<sup>4</sup> Mr. Lacy has had this money at his disposal

---

4. Files of the County Clerk.

and has used all of the fund for extra help. Even though the appropriation for putting the office on a current basis has been used, the writer while collecting data for this paper in the office, found that it was not on a current basis and mentioned to the Clerk this fact. His reply was, "The office is still a year behind in its work." It appears that only time and efficient workmen will put the office back on a current basis. The clerk is required, according to the acts of the General Assembly to keep an index of deed books, miscellaneous liens, will books, judgement dockets, and court order books.<sup>5</sup> Entries must be made daily, and all records kept up to date. He issues marriage and hunting and fishing licenses. It is his duty, as ex-officio Clerk of the Board of Supervisors, to record proceedings of the Board, to enter resolutions, to record vote if so required by any supervisor, to sign all warrants, and preserve and file all accounts of the Board. The Clerk is the custodian of all the county's records, for it is in his office that all the official business of the county is recorded and filed. The State Auditor's report of 1935 verified a general belief of the people that the county's records were in better shape, since Mr. Lacy took office, than they had been for many years.

---

5. Acts of the General Assembly.

The salary of the Clerk was fixed at \$100 a month as Clerk of the county, and \$100 a year as Clerk of the Board of Supervisors. In addition, he receives many fees, the income from this source amounting to \$1357.19 for the year 1936. He also received \$100 for handling surplus commodities distributed as relief to the poor in the county and \$12.65 as procurement officer for the Civilian Conservation Camp. These two items were paid from county funds.<sup>6</sup>

Mr. Lacy has a degree in Law from George Washington University. Before his ~~APPOINTMENT AS CLERK~~ <sup>APPOINTMENT AS CLERK</sup> he served as adjuster for the Travelers Insurance Company and as an Attorney in Virginia, for the Guardianship Division Veterans Bureau.

DIVISION SUPERINTENDENT OF SCHOOLS. The state now requires a Master's Degree for one to be eligible for a Division Superintendentship. After one has obtained this degree he can, through application to the State Board of Education, be placed on a list of eligibles for Division Superintendent. It is from this list that county school boards must elect their Division Superintendents. Once a Superintendent of Schools is elected by the school board, (sometimes a division comprises two or more counties, and the elections in such cases are made by a joint meeting of the Boards) he assumes the position of Executive Officer of the Board.

---

6. Minutes of the Board of Supervisors.

Clarence Jennings of Toano<sup>6</sup>, James City County, was appointed Superintendent of the Division of James City, Charles City and New Kent Counties by the State Board of Education in 1924. (Until 1929 Division Superintendents were appointed by the State Board of Education.) Mr. Jennings has a Master's Degree from Virginia Polytechnic Institute, and before his appointment as Division Superintendent, he had served as principal of schools in Caroline and James City Counties. In connection with his principalship duties he taught agriculture in these schools, for it was in agriculture that he took his major work while in college.

The total salary of the Superintendent for the year was \$3,043.08. The county pays only \$480 of the Superintendent's total income and \$200 of this is for traveling expenses.

The schools in the division of James City, Charles City, New Kent, or tri-county division, have prospered steadily under Mr. Jennings' supervision. He is extremely conscientious in his work and he is never too busy to lend a hand in any other worth while undertaking in his three counties. He has built up a system whereby the three counties work in extreme harmony in educational matters. The only thing remaining to keep the three counties from being one compact cooperative unit is their desire to retain their historic names and landmarks.

TRIAL JUSTICE. The counties of New Kent and Charles City united to perform the functions of Trial Justice as a unit. Judge Armistead, Circuit Court Judge, appointed Ernest E. Orange, Bolderoft, Virginia, Charles City County as Trial Justice for the two counties on June 5, 1934. The term of the Trial Justice, as set up by the acts of the General Assembly, is four years.

Mr. Orange completed the sixth grade in a rural school, and then, through tremendous effort spent in the study of a correspondence course of law and through the aid of supervised study by the Commonwealth's Attorney of his county, he passed the State Bar examination to practice law. After passing the State Bar examination, he practiced law part of the time for a period of several years before he was appointed Trial Justice. After this appointment, he resigned his position of mail carrier, but opened another mercantile business in addition to the one which he had for many years successfully operated. At the time of this writing, in addition to his Trial Justice duties, Mr. Orange operates two stores, one in each of the two counties of his Trial Justice jurisdiction. He also deals in timber.

The Trial Justice is a salaried official. The fees of his court are turned in to the county and the fines are turned in to the state. The annual salary of the Trial Justice is \$1500, of which sum \$750 is paid by New Kent County. A budget appropriation of \$50 for office supplies for his office was made for

the year 1936-37, but only \$23.49 of this appropriation was used.<sup>7</sup>

Mr. Orange is a member of one of the oldest families in Charles City County, but he is the first to represent it in public office. Regardless of his inexperience in public affairs, he has fulfilled the obligations of his office efficiently. Hints of machine manipulation have been made of some of his decisions. None of the accusations have been well founded enough to be proven. The financial burden of the Trial Justice placed on the counties was lifted somewhat in 1936-37 when the state appropriated \$600 to the payment of his salary. Previously the state had appropriated only \$400 to this cause.

COMMONWEALTH'S ATTORNEY. The Commonwealth's Attorney is elected by the voters of the county at large. Under such condition, it is natural to think of him as a county officer, but, as it is his duty to prosecute all revenue and criminal laws of the state, in practice he becomes more of a state official. His main duty as a county official is to act as adviser to the Board of Supervisors. The official title of this officer, Attorney for the Commonwealth, in the county of New Kent, suggests that he is more of a state than a county officer. Mr. Richard C. Richardson, of the aristocratic family of Richardsons in New Kent, was elected Commonwealth's Attorney in 1931, and

---

7. Trial Justice's Record of Expenditures.

was re-elected by three votes in 1935.

New Kent has only one other lawyer and he has reached a ripe old age. He, himself admits that the end of life's journey is close at hand for him. Consequently, one can account for the laxness of Mr. Richardson in courting popularity. Due to the state requirements, he holds a position for which no one else in the county is qualified.

The Commonwealth's Attorney receives an annual salary of \$900. The state pays one-half of his salary and the county one-half. This sum includes traveling expenses for the office. The Compensation Board in setting up the Commonwealth's Attorney's salary *included AN ALLOWANCE for Travel* as it had no way of distinguishing between his travel for individual practice and travel for the county.<sup>8</sup>

SHERIFF. The sheriff, elected by the voters of the county at large every four years, has the responsibility of enforcing the state laws in the county. This obligation in reality, makes him more of a state than county officer. It is the duty of the Sheriff to: (1) make arrests; (2) sell property to satisfy executions; (3) execute search warrants; (4) collect executions; (5) attend regular meetings of the Board of Supervisors; (6) open Circuit Court; (7) panel minority jury; (8) call witnesses; (9) attend arrest hearings in Trial Justice Court.<sup>9</sup>

Mr. R. L. Boswell was appointed to fill the unexpired term of Mr. Eddie Gill in 1929. He was elected to fill the office

---

8. Minutes of the Board of Supervisors.

9. Code of Virginia.



in 1931, and again in 1935. After Mr. Boswell's death in October, 1936, his twenty-one year old son, Walter H. Boswell, was appointed by the Circuit Court Judge to fill the unexpired term. Many voters were of the belief that Mr. Boswell was not mature enough to execute the duties of the office in an efficient manner. The Judge, however, in making the appointment stated that he had received many letters of recommendation for Mr. George Timberlake, Deputy Sheriff under Mr. R. L. Boswell, but that he was giving the appointment to Walter H. Boswell.

Mr. Boswell graduated from the local high school and attended William and Mary College one year, and, at the time of his appointment to the office of Sheriff he was serving as a Clerk in a grocery store in the county. Mr. Boswell now operates a farm and has an insurance agency in addition to his duties as Sheriff. Only the fact that the Sheriff is subject to call at all times makes possible the classification of this official as a full time officer. The compensation of Sheriff is still partially covered by fees. He received \$300 from this source during the fiscal year. His salary is \$1000 a year. Mr. Boswell has a very quiet disposition and assumes a "laissez faire" attitude. He is fast gaining popularity in the county and is fulfilling his duties as Sheriff in an excellent manner. He takes great interest in religious and other activities of the county.

DEPUTY CLERK. Mrs. Kate A. Wilcox Tompson was appointed Deputy Clerk on December 14, 1935 and took office January 1,

1936. Although she has a family of three infant children she finds time to work the required number of hours daily in the office of the Clerk. Mrs. Tompson moved to the county in 1931 and had held no position in the county until her present appointment. She draws a monthly salary of sixty dollars, all of which is paid by the Clerk.

DEPUTY SHERIFF. Mr. George Timberlake served as Deputy under both Sheriffs, Eddie Gill and R. L. Boswell, but after the death of Mr. R. L. Boswell in October 1936, and the appointment of Walter H. Boswell to the office, Mr. Timberlake resigned his position. The writer in conversation with Mr. Timberlake found that he was deeply hurt at his not receiving the appointment, and that he could not understand why Mr. Boswell received the appointment in the face of the fact that he, himself, had served as Deputy under the past two Sheriff's and had many endorsements for appointment. He said, "I would have had no ill feeling toward the Judge, had he, in the face of these facts, not made an appointment but called for an election to fill the unexpired term of the office." Roy Vaiden of New Kent was appointed Deputy on February 1, 1937 by the Sheriff. This position was held by Mr. Timberlake in conjunction with Deputy and Jailer. Mr. E. M. Shell has taken over the Jailer's position for the Sheriff. This position of Deputy is a very low paid position as he gets his compensation through fees. Likewise, the Jailer is paid a per diem sum for board of prisoners.

## PART-TIME COUNTY OFFICERS

BOARD OF SUPERVISORS. The Board of Supervisors is the executive as well as the legislative branch of county government. Briefly stated the duties of the Board are as follows: (1) prepare the county budget; (2) make local ordinances not in conflict with state law; (3) levy taxes for all county funds; and (4) approve the expenditure of all county general funds.

The Board is composed of four members, one from each magisterial district, elected by the voters of the district. By act of the General Assembly of 1936 the compensation of the Board members is set by the Circuit Judge.<sup>10</sup> In New Kent, Board members receive \$150 annually with the exception of the Chairman who receives \$200. George C. Woodward represents Weir Creek district on the Board. He defeated R. E. Bradenham for this position in November, 1935. This is the first public office Mr. Woodward has held. He, in addition to the duties of this office, operates a general merchandise store in his district. Henry Via represents Cumberland district on the Board. He was elected by a one-vote majority over Mr. R. B. Hazelwood in 1935. Mr. Via operates a farm in the county and markets his produce, himself, in Richmond, Virginia. Mr. Ernest Crump was elected in 1935, for the first time, to represent St. Peters district on the Board. Mr. Crump is a very successful farmer in his

---

10. 1936 Acts of General Assembly.

district. Mr. H. G. Fennell, who serves as Chairman of the Board, represents Black Creek district. He is serving his second term on the Board, having been elected in 1931 and re-elected in 1935. He is the only officer in the county who is a member of the Republican Party.

Before the election in 1935 there could be heard at almost all public gatherings rumors that New Kent had a one-man county Board. Should one remain long in the gathering, he soon found that the one man was H. G. Fennell. Possibly this feeling was reflected in the fact that the election brought in three new members to the Board. However, Mr. G. C. Woodward, a new member of the Board, stated in a conversation with the writer that he thought the county had a man mightily well prepared for the job in Mr. Fennell, that the rest of the Board did not know much and that "we have confidence that Mr. Fennell knows and will do right, and when he makes explanation or states his views we all just grunt our approval." Mr. Fennell is an "agriculturist" according to his statement. He also holds a position in an Iron Works Company in Richmond. The Board of Supervisors met fourteen times during the year ending June 30, 1937.

COUNTY SCHOOL BOARD. The county school board is the administrative head of the county school system. The members of this board, one from each magisterial district, are appointed for a term of four years by the county Trustee Electoral Board. Their duties are few and of little significance. The appointment of a

Superintendent from a list of eligibles is an easy matter, and while it is essential that a good corps of teachers be made available for instruction in the county, the members of the Board, in most cases, openly admit that they take the recommendations of the Superintendent due to their lack of acquaintance with the qualities and personalities which make for the best teachers. The request to the Board of Supervisors to fix the school levy is merely a matter of form, for the Supervisors have minds of their own, while the Superintendent is the key figure in the making of the budget.

Mr. L. E. Ellyson, Chairman of the present Board, served from 1916-1919 when members served on a district unit basis. He was again appointed, September 1, 1929 and has served on the Board ever since. He represents Black Creek district. Mr. E. E. Harrison has represented St. Peters district on the Board since August 3, 1926. Mr. R. E. Mountcastle is the representative of Cumberland district, a position that he has held since September 29, 1926. Mr. J. Winifrey Brown served on this Board for the first time March 16, 1929 and has represented Weir Creek district since that time. The pay to members is \$6.00 per day in actual attendance at the meetings, which are monthly. The Board met twelve times during the fiscal year ending June 1937. The cost to the county for such meetings was \$288.

JUDGE OF CIRCUIT COURT. Frank Armistead of Williamsburg, was appointed Judge of the Fourteenth Judicial Circuit by

Governor Harry F. Byrd on September 22, 1927. He was elected to this position in 1929 and again in 1937. Judge Armistead was a practicing Attorney before he came into his present position. He attended law school at the University of Virginia. The salary of the Circuit Judge is \$4500 a year paid by the state, one-half of which is reimbursed by the counties in the Circuit, New Kent County's share being \$290.40. Although the Judge lives in Williamsburg, he attends many social functions and funerals in the county. He is socially prominent in the county.

COUNTY ELECTORAL BOARD. This Board is composed of three members. Their duties have been outlined elsewhere in these pages. Mr. E. B. Goddin resigned his position as Clerk on this Board on July 6, 1936 and recommended Aubrey F. Barnes for the position. The Judge appointed Hugh Fisher, county Chairman of the Democratic Party, to this position. Mr. Fisher resides in the opposite end of the county from Mr. Barnes and the late E. B. Goddin. The other members of the Electoral Board are R. W. Taylor, of New Kent, and L. J. Apperson, Secretary, of Tunstall.

COUNTY SCHOOL TRUSTEE ELECTORAL BOARD. The members of this Board are appointed by the Circuit Judge. It meets once every four years to appoint the County School Board. Just as their duties are small so is their compensation. Each member receives \$2.00 a meeting, with no compensation for mileage traveled.

JUSTICE OF THE PEACE. After the passage of the Legislative Act setting up the Trial Justice System, not much has been heard of the Justices of the Peace. Their number has decreased greatly, and no longer is the county store turned into a court room every Saturday, as the writer's observation proved that it was this day that was most frequently used. Possibly this was the time that witnesses could best be reached due to the closing down of many industries on that day. However, due to the clamor of merchants to have their stores used as the trial center, one could easily infer that it was pay day that determined the time of trials more than anything else. Now the powers of the Justices of the Peace have been reduced to that of issuing warrants, attachments, and subpoenas returnable before the Trial Justice. Their compensation is entirely through fees. New Kent has five Justices of the Peace located throughout the county, Cumberland being the only district without a Justice within its confines.

All five Justices were elected by their respective districts in 1935. R. H. McCormick and J. T. Tunstall were elected by the voters in Black Creek district. E. E. Harrison, and J. B. Batkins were elected to serve St. Peters district, and G. K. Potts was elected in Weir Creek.

CONSTABLES. In counties that use Constables, their duties are concurrent with those of the Sheriff, but their activities are limited to the district in which they reside. Their only compensation comes through fees. In a small county like New

Kent, it is natural that the Sheriff would avoid the use of constables who would share his fees.

FINANCE BOARD. An act of the General Assembly of 1932, and amended in the 1936 General Assembly created a Finance Board and outlined its duties for each county. The members of the Board are the County Treasurer, the Chairman of the Board of supervisors and a citizen of the county of proven integrity and business ability appointed by the Judge of the Circuit Court. The Clerk of the county acts as a Clerk of the Finance Board. Mr. R. W. Taylor was appointed by the court as the citizen member of the Board. The term of his office is four years. The principal duty of the Board is to approve the selection of depositories for public money as made by the Treasurer, and to require these depositories to protect the county's account by bond or the deposit of approved collateral as provided for by law, the requirements are the same as required by the state to protect its deposits. All money received by the County Treasurer must be promptly deposited in the bank at West Point, Virginia, and can only be disbursed in payment of lawfully drawn warrants. This Board meets regularly and minutes of its actions are kept. Mr. Taylor is the only member of the Board who receives pay. He receives \$5.00 for each day of service, and he is allowed five cents a mile traveling expenses. His total compensation must not exceed \$30 for the year.

CLERKS. There are only three persons holding positions as Clerks to the county officers in New Kent. Agnes Hall serves as



Clerk in the office of the County Clerk. She receives \$46.00 a month, all of which is paid by the Clerk. It is interesting to mention at this time that the Clerk of the county pays his Deputy \$60 a month and his Clerk \$46, making a total of \$106 paid out monthly by the Clerk from his salary. As stated before, his combined salary for County Clerk, and Clerk to the Board of Supervisors is only \$112.50.

Mary Chapman, sister-in-law to the Treasurer, serves as his Clerk and is paid by him an annual salary of \$350.

Mrs. G. H. Sweet, wife of the Commissioner of Revenue, serves as his Clerk, and is paid by him an annual salary of \$250.

#### COUNTY EMPLOYEES

JANITOR. The New Kent High School janitor is a full time employee. He does the usual task of a janitor for the nine school months and repairs buildings, pump, wells and other things during the summer months. He is paid \$60 monthly salary and is furnished a county owned school bus in which to transport working materials, and for his own transportation during the summer months. Mr. William Smith has served as janitor for the

---

past six years, but this is the first year he has been a full time employee. School janitors are appointed by the School Board on the recommendation of the Superintendent of schools.

The courthouse janitor has, as his duties, to keep the building clean, to mow the large court house lawn and to attend to the heating of the building in the winter months. He receives eight dollars a month for performing these services. He is appointed by the Clerk of the county on the approval of the Board of Supervisors. The turnover in this job has been greater than any other in the county. Mr. John Barwienski, who is acting now as janitor, is the fourth person to hold the job during the year.

SURVEYOR. The Surveyor of the county is appointed by the Circuit Court Judge, and his appointment is confirmed by the Board of Supervisors. Mr. G. L. Evans of West Point, King William County was duly appointed County Surveyor for the county in March 1936 for a four year term. Mr. Evans had served the county as Surveyor many years previous to this time. At the expiration of his first ~~term~~, he kept on serving in the capacity of County Surveyor, it being taken for granted that he officially held this position. However, this error was detected in 1936 and he was duly appointed to the position at this time. He serves King William County, also, as Surveyor. The Surveyor has very little work in New Kent County, his only jobs being by order of the court. He receives \$10 a day and five cents a mile

traveling expense allowance, for the days that he works for the court.

HOME DEMONSTRATION AGENT. Mrs. Louise McCulouch served as Demonstration Agent of the county from July 1, 1936 until May 1, 1937, at this time her resignation was accepted and Miss Elizabeth Lockwood was appointed by the Director of Extension Division at Blacksburg, to take over the duties of this position. The Home Demonstration Agent's work is with the women and girls of the county in matters such as proper preparation of foods in the home, canning for winter needs, instruction in dress making, and arranging for and supervising of recreational activities. The aim of the work is to develop community spirit and leadership, and to provide a more abundant life among the farm population in the county. This official is employed to work jointly in New Kent and Charles City Counties. She is required to apportion her time so as to devote three weeks of each month in New Kent and one week in Charles City County. Her compensation is derived from the same sources as that of the Agricultural Agent. New Kent County pays \$360 toward her salary.

AGRICULTURE AGENT (WHITE). The work of the County Agent in New Kent is combined with that in Charles City County to form a unit for this official. The agent is appointed by the Director of the Extension Division at Blacksburg. The only task of the county in this work is to make an appropriation for the work. After the appropriation for the work is made by the Board of

Supervisors, and the Director of the Extension Division is informed of this act, an Agent is assigned the work for a one year period of time. An Agent is re-appointed each year as long as the county's appropriation is forth-coming.

Volney B. Perry of Windsor Shades, New Kent County, was appointed the Agent of New Kent and Charles City Counties in 1922. He has received a re-appointment each year since that time. Mr. Perry took two years of special agricultural training at Cornell University. He served as Agent in Stafford County for two years before he took over his present position. Mr. Perry receives an annual compensation of \$2790. Of this total he receives \$360 from New Kent County, \$450 from Charles City County, and \$1980 comes from the state and Federal governments. The Smith-Hughes-Lever Act of Congress authorized an appropriation to be matched by state funds for the support of such county work. Mr. Perry has to bear all his expenses except the salary of his stenographer and chief clerk. The stenographer receives \$75 a month, and the chief clerk receives \$4.00 a day. The payment of both of these is by the Federal government. Mr. Perry said, "I travel from twelve to sixteen thousand miles annually, for which I receive no allowance."

The duties of the Agricultural Agent is to provide a more abundant life among the farm folk of his county. He carries out an educational program of farm and home improvement. He conducts 4 H Club work among the children, a great deal of which he carries

on in the public schools. While working in his office for a period of time, the writer found the Agricultural Agent to be a very busy man. Each day he would have between five and ten calls to prescribe remedies for diseases in the plants, animals, and poultry. Each day he would be called to go to homes and vaccinate hogs, cattle or sheep, cull poultry, prune trees, select seed corn, and scores of other tasks that proved helpful to the farmers. The administration of Mr. Roosevelt's Agricultural programs in counties has become the duty of County Agents, and with this increased work the county Agent is a very busy man.

COMMISSIONER OF ACCOUNTS. The Commissioner of Accounts passes on inventories and appraisals of estates of deceased persons when such estates are under the control of an administrator or other personal representatives, audits the accounts of personal representatives, guardians, and committees, and determines the legality of expenses of the said fiduciaries.

The Commissioner has authority to require all fiduciaries to report their transactions to him at the proper time, and when said transactions are reported, to make up the account and file same with the Clerk of the Circuit Court.

The Commissioner is appointed by the Circuit Judge, and all work done by him is subjected to review by the Judge. The Commissioner receives only fees for his work, and these are paid from the estates with which he works. Roger T. Gregory was

appointed to this position in the county on December 12, 1936. At Mr. Gregory's death in July, 1937, the Judge appointed R. V. Duncan to this position. Mr. Duncan is establishing residence in the county, but at the time of his appointment he had not completed the time requirement for such.

GAME WARDEN. The Game Warden is appointed by the Commissioner of Game and Inland Fisheries. One Warden serves both Charles City and New Kent Counties. He receives a salary of \$125 monthly, all of which is paid by the state. The county pays \$60 a year to the Warden to compensate him for traveling to investigate and report to the Board of Supervisors damages done by dogs to poultry and animals. The duty of the Warden is to enforce the Game and Inland Fishing Laws. These laws are published in a pamphlet, and the Warden distributes many copies to sportsmen in his counties. Mr. Archer Walker of Holdcroft, has held the position of Warden for the past fifteen years.

AGRICULTURAL AGENT (COLORED). Due to the large colored population in the county, a colored agent is employed to work with the farmers. The duties of the colored Agent are the same as those of the white agent. He, also, gets his position in the same manner, and his pay is from the same source as that of the white Agent. He is employed on a half time basis in New Kent, the rest of his time being spent in the same work in Charles City County. One hundred eighty dollars of his salary is paid by New Kent County--this is just one-half<sup>r</sup> of what the county pays on the salary of the white Agent. R. E. F.

Washington, of Ruthville, Charles City County has served the two counties as colored Agent for the past sixteen years.

SPECIAL GAME WARDEN. Due to the proximity of New Kent County to Richmond, much more hunting takes place within its borders during the hunting season than in counties more distant from Richmond and other large cities. It was for this reason, as well as for the fact that the regular Game Warden of the county had two counties to cover, that special Game Wardens were hired in the county. Mr. J. A. Davis of Barhamsville, and Mr. H. E. Leonard of Quinton, the special Game Wardens in the county, received their appointments and compensations from different sources. Mr. Leonard was appointed by the State Commission on Game and Inland Fisheries to work thirty days during the hunting season. These thirty days of work were to be distributed as Mr. Leonard saw fit. Mr. Leonard served only twenty-five of the thirty days allotted him, and for each day served he received \$3. His total salary of \$75 was paid by the State Department of Game and Inland Fisheries. After the employment of Mr. Leonard had been arranged, the County Board of Supervisors appropriated \$90 to come from the county dog tax fund, to hire another special Game Warden for thirty days. The thirty days, as in the case of Mr. Leonard, were to be apportioned by the Warden during the season as he thought the best good could be accomplished. The Board of Supervisors appointed J. A. Davis of Barhamsville to the position of special Game Warden. Mr. Davis worked the full thirty days.

The preceding facts reveal these interesting conclusions:

(1) that the officers of the county, as a whole, have had little educational training for their positions (Over one-half of those serving during the fiscal year 1936-'37 had a training of less than the seven elementary grades. Only five of them have had any college training. Three have had courses in business. The officials of the county with the greatest training for their jobs are those who are employed under functional consolidation, and who consequently serve James City, Charles City, and New Kent Counties. All of the officials representing the county under functional consolidation, with the exception of one, are required to meet statutory educational standards before they are eligible for their positions. Three of the five elective officers in the county have had no special educational training that would prepare them for the positions that they now hold. Many of the offices of the county pass down from father to son, and the names of some of the present office-holders can be traced back for generations as having held the office. While it cannot be said that these offices are filled by heredity, the actual happening in them has resulted in an interesting analogy to a dynasty. Most of these offices are filled by elections, and in order for one to be re-elected he must have given satisfaction. However, the families which furnish the official personnel of the county are of long standing, and solidarity in



voting within them can aid considerably toward keeping the office within the family.); (2) the compensation received by most of the officials is low (Only three officers receive more than two-thousand dollars annually. Consequently, it is not hard to understand why twenty-six of the officials in the county carry on businesses or work outside of their official fields. The occupations pursued most prevalently by the officials before their incumbencies in the political world were farming and wood-dealing. After receiving office, in most instances, these men have continued to work at their usual businesses. The officers of the county for the greater part are young men. The average age of the official personnel of the county is forty years.); (3) those ~~best~~ <sup>most</sup> prepared to hold office very seldom obtain the positions (Most men find their businesses more remunerative than the offices of the county. The fact that the office-holders of the county are men with little educational training can be attributed, then, to the small salaries that these offices pay, and also to the existence of a county ring that aids considerably in filling the offices with men from its circle. Living within the county are hundreds of men and women who have completed high school and college courses, therefore, better educationally trained persons are available in many instances to fill its offices than many of those now holding the positions.).

## CHAPTER IX

## CONCLUSION

The object of this study is to reveal the conditions which exist in one of Virginia's poor and small counties. A complete survey of the government of New Kent for the fiscal year 1936-37 has been made. The results of this survey are given here. These results are interpreted according to the standards of good governmental policy. They show that weaknesses in the government of New Kent County are similar to those existing in many of Virginia's poor counties.

The county is the creature of the state. It is created by an act of the Legislature. All authority it possesses is that given it by the Legislature at its creation, and by subsequent acts of that body. The state has mandatory power over the county. Progress made by the county is greatly dependent upon mandatory acts. ~~But~~ there should come a time when progress is the result of logical reasoning independent of force or authority.

It is the lack of knowledge that has permitted a reign of bigotry, superstition, and fatalism in the governmental affairs of many of Virginia's counties. Status quo, quiet, and

absence of disturbance is what they want. (Why be upsetting things when some how they will ramble along any how?) It appears, then, a rather drastic method, or that of mandatory law, must be used for the governance of counties in Virginia until the evolutionary method, or that by general education, can supplant it by intelligent rule of the people in these localities.

The many weaknesses in the government of the counties of Virginia must be removed if progress is to be made by the state. On several occasions the state Legislature has made possible voluntary acceptance of improved institutions of government to the counties, but few counties have taken advantage of these possibilities for better government. The counties did not abandon the rotten Justice of the Peace System until it was made mandatory by an act of the General Assembly establishing the Trial Justice System.

The opening of the way, by the General Assembly, for two or more counties to consolidate their areas voluntarily, has not been adopted in any instance. Only five counties have held elections under the enabling act of the Assembly to determine whether or not they would adopt the County Manager or County Executive forms of government. In only two counties did the vote call for a change of government. If consolidation of counties is to be realized in Virginia, it will have to emanate from political education of the masses or from mandatory

law. The first of these possibilities will require many years for a completion.

Dr. E. L. Fox, in an article in the Richmond Times Dispatch, May 19, 1937, gives reasons why county reform in Virginia is paralyzed. The writer found facts in his survey of New Kent County to substantiate four of the five reasons given by Dr. Fox. They are: (1) lack of popular information on the issue; (2) fear that change in government may hurt business, jobs, or perquisites; (3) saturation of the electorate by votes attached or under obligation to the ruling and therefore standard political organization; (4) and the die hard opposition of the "courthouse groups."

The administrative organization of New Kent County is made of a collection of officers, boards and agencies created at irregular intervals in an unscientific fashion, and without reference to grouping related work in one field. This haphazard organization is lacking in means necessary to the proper coordination of work, and to the proper cooperation of officials necessary to the creation of a harmonious unit.

The Board of Supervisors, supposedly the administrative head of the county, is hampered by lack of authority to act as a head of the county. Consequently, there exists an impossibility of placing blame or praise for weakness or strength for any part of the county's government. It is impossible to correct weaknesses or cases of maladministration in the county until

these evils are known to the public. The result is that a backward and far too sympathetic public views the situation as common to the operation of the government, and thus there is a loss--a loss which through waste, graft and inefficiency, because of its indirectness, is never recognized as such by a majority of the citizens. Under the decentralized system of government, practiced in the county, the officials zealously guard the business that comes within their jurisdiction. Each official lives in his own little world, and hesitates to give even information to officials in related fields. The Commissioner of Revenue, Clerk, and Treasurer have duties that demand co-ordination of activities. The records of these officials are found to be in-complete in certain instances because of the lack of the proper transfer of information from the offices of each other. In order for one to ascertain the amount of delinquent taxes he owes, he must consult these three officials. The Commissioner assesses the man's property, and both the Treasurer and the Clerk of the court collect his delinquent taxes. Many times the proper transfer of records is not made by them.

The General Assembly has made possible the elimination of these evils by permitting counties to adopt voluntarily the County Manager or County Executive forms of government. Neither of these forms of government, however, would prove profitable to New Kent County, due to its small area and population. Doubtless each of these forms would work for greater efficiency in the government of the county, but the expense necessary to the

operation of these forms of government, would be prohibitive to their adoption in New Kent County. An intermediate step, that of county consolidation, will be necessary before the small counties of Virginia can expect to benefit by the increased efficiency and economies offered by the optional forms of government.

New Kent County has a population of only 4,300 persons, if officials in this county are paid salaries sufficient to demand their full time, it is apparent that the per capita cost of government in the county will be high. In order to overcome the high per capita cost of officials, the county practices functional consolidation with neighboring counties. Functional consolidation with Charles City County in the duties of both the white and colored Agents has been effected. One Home Demonstration Agent serves both Charles City and New Kent Counties. One Trial Justice is employed jointly by Charles City and New Kent. One Judge of the Circuit Court serves New Kent and four neighboring counties. One Superintendent of Schools serves James City, Charles City, and New Kent Counties. One Supervisor of white Elementary Schools serves the same three counties. One Jail Warden has duties covering the counties of Charles City and New Kent. One Nurse and one Sanitation Officer served Charles City and New Kent Counties from 1929 to 1932, but since that time New Kent has done without the services of these two officials. There is the possibility of the establishment in the near future

of a health unit by these three counties.

The Commission for the Study of County Government in the State recommended in its 1936 report that the areas of Charles City, New Kent, Henrico, and Hanover Counties be combined for all administrative purposes. These counties would have a combined area of 1,147 square miles, and a population of 56,500. A more logical placement of New Kent County however, would be in a unit with Charles City and James City Counties. These combined counties would have a total area of 532 square miles, and a total population of 13,060 persons. These three counties have a total assessed valuation of \$6,873,047.

Territorial consolidation in the counties of Virginia is not likely to be realized unless it is made obligatory by an act of the Legislature, or until many years of functional consolidation shows the need. The Counties of James City, Charles City, and New Kent, as mentioned before, already have many of their functions combined for administrative purposes. If there is a continued increase in functional consolidation in these counties, the time is close at hand when these three counties will realize the futility of retaining county lines. They will abandon their pride of individual histories for the sake of a more unified government. It is the opinion of the writer that for any territorial consolidation, to be satisfactory, must come through an evolutionary method of this nature.

Public education in the county represents the greatest

current expenditure of all the county functions. The white schools in the county operated 120 days, and the negro schools operated 160 days during the fiscal year 1936-37. Teachers of the white schools were paid salaries larger than those paid in many counties in Virginia. The average salary paid to white teachers, however, when figured on a twelve month's basis, was \$70 a month. The average salary of the negroes when figured on this basis, was \$33.33 a month. The monthly salaries of the teachers are not as high as those of the officials of the county.

Cost of operation of schools in the county is reduced somewhat by the employing of a Superintendent and a Supervisor for the grades in conjunction with Charles City and James City Counties. The territorial consolidation of these three counties would eliminate much red tape and extra cost of administration now necessary in the performance of the duties of these officials. Consolidation of schools in the past has resulted in greater efficiency and less expense to counties.

Only 275 pupils are enrolled in the white high schools of James City, Charles City, and New Kent Counties. All of these pupils could be transported to a centrally located school with none of them having to travel more than thirty miles on improved roads. Consolidation of the white graded schools and colored schools of these three counties to the same extent might not be possible, but consolidation to some extent could be planned. It appears that the economies resulting from this consolidation of



the schools is about the only possibility the county has in raising salaries of teachers. State aid to New Kent County is already in great excess of the taxes paid by the county into the state Treasury. An increase in the county levy for schools is the only possibility for increased school funds in the county, and this source is not likely to assume reality any time in the near future. Consequently, the salary scale for teachers is not likely to be raised without the adoption of the reform proposed by the writer.

No hesitancy is felt in the recommendation for reform in the county's schools, for the condition, though bad in New Kent County, does not reach the proportions of inefficiency existing in Charles City and James City Counties. The fact that New Kent County receives \$11,111.19 from Public Service Corporations operating in the county, places this county in a better financial position than that enjoyed by many neighboring counties.

The ownership and operation of school buses by the county would effect a small saving to the county. County ownership and operation of one school bus in 1936-37 resulted in a cheaper per capita cost of transportation than that of the ten buses operating on contracts with the county. Other counties in the state have experienced an economy in the use of county owned and operated school buses.

The administration of justice in minor cases in the county has reached a high degree of efficiency within the past two years, due to the establishment of the Trial Justice System. The Trial

Justice is a trained and experienced lawyer. Appeals from his decisions are few. All minor cases in the county for the fiscal year 1936-37 were hastily disposed of, and, at no time during the year, was the docket of the Trial Justice Court crowded.

The efficiency of the Circuit Court was less pronounced than that of the Trial Justice Court. This court was in session only seventy-eight hours, and disposed of only nineteen cases during the fiscal year 1936-37. The aim of the act of the General Assembly, in setting up the Trial Justice System, was not so much to relieve the work of the Circuit Court as it was to obliterate the inefficient Justice of the Peace System. Facts indicate that the work of the Circuit Court in New Kent County has been reduced over thirty-three per cent since the inauguration of the Trial Justice System in the county. In the light of the facts of the short time the Circuit Court was in session in the county, and the small number of cases it actually disposed of during the fiscal year 1936-37, a further consolidation of the thirty-four Circuits in the state, possibly into seventeen Circuits, would prove to be a small economy to the counties of Virginia.

The total salary of \$1,500 paid by New Kent and Charles City Counties jointly, for the services of a Trial Justice, who is a full time official, is not commensurate with the efficient services rendered by this well trained official. The salary of the Trial Justice is only one-third of that received by the

Judge of the Circuit Court. This inequality of the salaries of the two officials is not fair when one considers the basis of training and services rendered by them to the county. Should further consolidation of James City into the unit with Charles City and New Kent Counties be made, as recommended previously by the writer, then the possibility of paying a salary sufficient to exact the full time services of a trained lawyer as Trial Justice would be greater.

It has been found that the personnel of the Juries used in the Circuit Court by the county is made up of backward, ignorant, and irresponsible people to a large extent. A System of Trial by a Board of Sentences would in the end prove to be as economical as the present Jury System, and justice would not be bungled as it is in the present system. The use of a Board of Sentences to try all cases that come within the jurisdiction of the Circuit Court would eliminate inequalities which arise when sentences are meted out by different judges sitting in different parts of the state. Also, it would make possible the sentencing of persons by skilled specialists. The personnel of the Board consist of a Psychiatrist, a Social Worker, and a Criminologist. It is no easy task to decide exactly what penalty will produce maximum results in each case, considering the interest of the prisoner and also society. Under the proposed system, no longer would it be necessary for the sentence to be fixed at trial. Instead, each criminal could be sent to the institution best suited to his needs for an indefinite period, and would remain

until the Board of Sentenceys was convinced that his trouble had been corrected. A salary of \$3,000 annually for each of the members of this Board would be sufficient to demand a well trained personnel for this function of government. The annual cost under this arrangement would be \$9,000. One-half of this amount is now being paid annually to the Circuit Court Judge. The per diem cost of jurors, the expense necessary to their being summonsed for jury duty, and the many indirect expenses connected with the present jury system when totaled for the Fourteenth Judicial Circuit would amount to a sum in excess of \$4,500--the necessary additional amount to be raised to finance the proposed Board of Sentences.

The system used by the Board of Supervisors for appropriating poor relief funds in the county for the fiscal year 1936-37 is unscientific. The needs of applicants are not investigated and often the appropriation continues to be paid some persons long after they have moved from the county. In some instances payments have been continued after the death of the dependent person. Although the amounts paid individuals receiving poor relief is small, the method used permits the practise of political favoritism.

Over one-half of the counties in the state have overcome these evils in the administration of their poor relief funds, and have eliminated many weaknesses in their public welfare programs by the employment of a Superintendent of Public

Welfare. An act of the 1936 General Assembly made possible the employment of a Superintendent of Public Welfare by a county or counties, provided that one-third of the cost be shared by the state. The work of this official as outlined by the act, provides for the scientific handling of the Public Welfare Program in the counties. The possibility of the adoption of a program of Public Welfare, made possible by the act, for Charles City, and New Kent Counties, was brought before the Board of Supervisors on many occasions during the fiscal year 1936-37. The Chairman, who dominates the affairs of the Board, succeeded in getting action deferred in each instance. His argument the last time that the matter was being discussed by the Board, was that he did not favor joining other counties for administrative purposes. Doubtless the Chairman was sincere.

The inefficiency of the administration of many of the Federal Relief Programs recently in the joint counties were vivid in the Chairman's mind. The improper administration of Federal Relief Programs by county units during the past four years has retarded both territorial and functional consolidation in many <sup>of</sup> Virginia's Counties. Federal relief projects administered in New Kent County have soured the minds of many citizens on all public relief and Public Welfare Programs. The inefficiency in the administration of these Federal projects will serve as a stumbling block to county consolidation for administrative purposes for many years. Edward Ingle in his book "Local

Institutions of Virginia", paints a picture of the communistic conditions in Colonial Virginia. These conditions bear so much similarity to the practices in Mr. Roosevelt's projects carried on in New Kent County in recent years, that a quotation from this book will necessitate no change of wording to describe the conditions in the county. "Community of goods under the most favorable of circumstances has resulted in poverty and disintegration. Many of the adventures, unused to manual labor, took it for granted that they would be fed from the common store; consequently they were not incited to make very great efforts for their own support, but were glad of any opportunity that might enable them to shirk work."

The employment of a trained Welfare Worker in the county would relieve many of the evils of the present Public Welfare System of the county. One Superintendent of Public Welfare could well handle the Welfare Programs of James City, Charles City, and New Kent Counties and thereby reduce the cost for such work to each of these counties.

The fact that the local jail is used almost entirely for retention of persons awaiting trial, and that the Trial Justice is prejudiced against the use of the jail sentence and avoids the use of it when possible, gives a strong basis for the abolition of the county's jail. The state pays for the board of persons in the county jail, but the upkeep, care, insurance premium, and cost of physical operation represents an outlay from county funds. It may be that a regional farm for the

counties of James City, Charles City, and New Kent would better the situation in the county. The farm idea has been tried out in Virginia already to a greater extent than anywhere else in the country. The state is successfully operating two farms for men, one for women, and four industrial schools for boys and girls. Possibly a district farm to support a larger territory than that outlined by the writer, would be more satisfactory, but this outline was suggested to conform with the area which is successfully operating many of its functions as a unit at present. With the inauguration of such a program for the care of prisoners, the Trial Justice of the county would again employ the jail sentence, for he said, "I have no scruples against commitments to the State Convict Road Force, and employ this sentence without hesitancy when the facts of the case justify it." Consequently, criminals who are permitted freedom in the county would be isolated as they should be from society.

The Health Department of the state recommends that counties combine their health function to enable them to employ a full time health unit. Nearly all health work done in the county during the fiscal year 1936-37 was accomplished through the efforts of the public school teachers in the county. Unsanitary conditions exist in the county to a deplorable extent. Tuberculosis is permitted to take a large toll of the county's population, with little or no effort being expended for the control of this disease. There has been left a surplus in the county's operating

fund for several years which might well have been appropriated to the establishment of health protection in the county. A program of Health Education that will reach adults as well as children is very desirable in the county. The employment of a Public Health Nurse would result in a saving to the county, for she could relieve the teachers of the work they perform in this field, and her training would produce better results than the trial and error methods used by the teachers.

New Kent County does not hold a primary for the nomination of local candidates. The vote cast in the presidential election of 1936 was in the ratio of three to one for the Democratic nominee. This ratio is typical of the strength of the two parties in the county. The Chairman of the Board of Supervisors is the only Republican holding office in the county. The survey showed that few of those who were eligible voted in the presidential election of 1936, and that only a small per cent of those eligible to vote do so in any election.

The total <sup>CAPITATION TAX</sup> collected by the county and turned in to the state was \$1,350. The income to the county from the capitation tax for the year of the survey amounted to only \$450. However, only one-third of <sup>STATE</sup> ~~STATE~~ is returned to the county. Due to the small income from the capitation tax, and due to the possibilities of its being responsible for the small vote cast in the county, it might well be abandoned, but this is a matter



of state concern. The survey revealed that the negroes of the county are taking a greater interest in the government of the county through greater numbers registering and voting. Meanwhile political apathy appears to be increasing among the whites of the county.

The finances of the county for the fiscal year ending June 30, 1937 were found to be in excellent condition. The budget for the year had been closely adhered to, and a small balance was left in the school fund and in the general operating fund. The future for the county's finances appeared so bright that the Board of Supervisors appropriated \$2,500 to a new function. <sup>THIS MONEY CAME</sup> to the county from the Alcohol Beverage Control Board for its share in the profits from the sale of alcoholic liquors in the state. This money was earmarked by the Board of Supervisors for the purchase of free text books for all children attending public schools in the county.

Causes which contribute to the fine financial situation which the county enjoys are a large income from tax on Public Service Corporations operating in the county, and the large extent to which functional consolidation is practiced by the county. The county has no indebtedness other than the \$46,000 school debt at the close of the fiscal year. The practice of fair and impartial methods of assessment of property in the county doubtless would place the county in even better financial

situation that it now enjoys.

The officers of the county, for the greater part, come from families of long residence in the county. The office holders have remained in these families for many generations. The majority of the officers have very little training for their profession. The officers and employees of the county having the best training for their work are those holding positions under functional consolidation; the Farm Agent, the Home Demonstration Agent, the Trial Justice, the Judge, the Superintendent of schools, the School Supervisor, and the Surveyor have had special training for their work and are well qualified to perform the duties connected with their offices. There are thirty-eight officers in the county. Five of these officers are elected by the voters of the county at large, and nine are elected by the votes of their home districts of the county. Ten officers of the county are appointed by the Circuit Court Judge. The Judge also fills many of the elective offices by appointment when vacancies occur in them. Four of the five elective officers now holding offices in the county were originally appointed to these offices by the Judge. The Judge's appointments in the county, have been of such nature that there is current feeling of his perpetuating the county machine. The remaining, or fifteen officers of the county, are appointed by other officers in the county, by the State Department of Game and Inland Fisheries and the Director of Extension Division at

Blacksburg. Sixteen of the county officers are classed as full time officials and twenty-two hold their positions on a part time basis. Twenty-seven county officers receive a per diem or annual salary, two receive an annual salary plus fees, and eight depend on fees for their entire compensation.

Some of the officers of the county have duties too insignificant to demand the status of an officer. The duties of some of these officials might well be consolidated with the duties of others, thus permitting the use of one officer where two have been used.

The functions of the School Trustee Electoral Board could be combined with those of the Board of Supervisors, thereby enabling the county to rid itself of a superfluous Board. The voting precincts at Providence Forge and Talleyville might well be abandoned, as means of traveling are greatly improved in the county. The above suggested changes would result in a small saving to the county, and possibly would work for greater efficiency in the affairs of the county. The Superintendent of schools would not have to play county politics if he were appointed by the State Board of Education. If the Commissioner of Revenue were appointed by the State Tax Commissioner from a list of eligibles compiled by the Board of Supervisors, a strict compliance with his duty would aid him, and leave him free to give impartial justice to all. The Commonwealth's Attorney, who is in reality a state officer, should be appointed by the

Attorney General of the state from a certified list of eligibles compiled by the Board of Supervisors. Appointment of this official by the state will enable him to perform his duty unhampered from molestation by a fickle public. The removal of the election of the Commissioner of Revenue and Commonwealth's Attorney from the direct vote of the people may be severely criticised, but it is only a move in the direction of the short ballot which is proving to be one of the greatest political reforms in the state of Virginia.

## BIBLIOGRAPHY

## PRIMARY SOURCES

1. Report of the Commission on County Government to the General Assembly of Virginia, Division of Purchase and Printing, Richmond, 1927 - 1934 - 1936
2. Report of the Secretary of the Commonwealth, Division of Purchase and Printing, Richmond, 1935-36
3. Tax Code of Virginia
4. Acts of General Assembly, 1932 - 1934 - 1936
5. Comparative Cost of Local Government - Compiled by William F. Smyth, Division of Purchase and Printing, Richmond, 1932-33; 33-34; 34-35; 35-36
6. Hening, William W., The Statutes at Large, R. and G. Barton, New York, 1823
7. Records of the White and Colored High School Principals 1936-37
8. Certified List of those Who Had Paid 1934 Capitation Tax
9. Trial Justice Court Docket Book, 1936-37
10. Election Laws of Virginia, 1930-1934
11. Records of Trial Justice, 1936-37
12. William and Mary College Quarterly, Published by William and Mary College, Williamsburg, Virginia Volume 17, Series No. 2, April, 1937
13. Clerk's Chancery Book, 1936-37
14. Circuit Court Docket Files, 1936-37
15. State Auditor's Report, June 30, 1936
16. Precinct Registrar's Books
17. Order Book of the County Board of Supervisors for the year ending June 30, 1937

18. Books of the County Treasurer

19. Books of the County Commissioner of Revenue

SECONDARY SOURCES

1. Pate, James E., State Government in Virginia, The Appeals Press, Richmond, 1932
2. Fairlie, John A. and Eneier, Charles Maynard, County Government and Administration, The Century Co. New York, 1930
3. Snavely, Tipton R.; Hyde, Duncan C.; Biscoe, Alvin B., State Grants-in-Aid in Virginia, The Century Company, New York, 1933
4. Ingle, Edward; Local Institutions of Virginia, Johns Hopkins University, Baltimore, 1935
5. Brock, R. A., History of the Virginias, H. E. Hardesty and Company, Chicago, 1884
6. Shultz, William J., American Public Finance and Taxation, Princeton-Hall, Inc. 1932

## "VITA"

Name -----William Jennings Cox  
Date of birth -----February 1, 1901  
Place of birth -----York County, Virginia  
Home -----Odd, Virginia

## Academic career

Graduate of Randolph Macon Academy, Bedford, - 1919  
B.A. Degree College of William and Mary - 1923  
M.A. Degree College of William and Mary - 1937

## Positions held

Principal Holdcroft High School - 1923-24  
Principal Charles City High School - 1924-30  
Principal New Kent High School - 1930-37