

A Guide to the Executive Papers of Governor John Rutherford, 1841-1842

Executive Papers of Governor John Rutherford, 1841-1842
1841-1842

A Collection in the Library of Virginia 43494
Library of Virginia
2007

Author: Craig S. Moore

History

Processed by: Craig S. Moore

Title Statement

A Guide to the Executive Papers of Governor John Rutherford, 1841-1842

Subtitle: Rutherford, John, Executive Papers of Governor, 1841-1842

Collection: 43494

Author: Craig S. Moore

Publication Statement

Date: © 2007 By The Library of Virginia. All Rights Reserved.

Publisher: Library of Virginia

[Conditions of Use](#)

Profile Description

Creation: Machine-readable finding aid derived from MARC record, created by Craig S. Moore, 15 November 2007

Language Usage: Description is in English

Revision Description

2013-11-21 Converted to schema conforming EAD by dtd2schema.vh.xsl.

Descriptive Summary

Accession Number

43494

Language

English

Creator

Virginia Governor (1841-1842 : Rutherford)

Extent

1.85 cubic feet (4 boxes)

Repository

The Library of Virginia

Administrative Information

Access Restrictions

There are no restrictions.

Use Restrictions

For preservation purposes, please use microfilm (Miscellaneous Reels 6643-6647).

Acquisition Information

Acquired prior to 1905

Preferred Citation

Virginia. Governor's Office. Executive Papers of Governor John Rutherford, 1841-1842 (bulk 1841). Accession 43494. State Records Collection, The Library of Virginia.

Alternate Form Available

Also available on microfilm - Miscellaneous Reels 6643-6647. Interlibrary Loan copies of microfilm also available.

Miscellaneous Reel 6643 - Box 1, Folders 1-4 (1841 Apr 1-Jun 30)

Miscellaneous Reel 6644 - Box 1, Folders 5-8 (1841 Jul 1-Oct 31)

Miscellaneous Reel 6645 - Box 2, Folders 1-5 (1841 Nov 1-Dec 31)

Miscellaneous Reel 6646 - Box 2, Folders 6-9 (1842 Jan 1-Mar 31, undated)

Miscellaneous Reel 6647 - Boxes 3 and 4 (Oversize, 1841)

Adjunct Descriptive Data

Separated Material

Oversized materials have been separated to boxes 3-4.

Bibliography

Flournoy, H. W., *CALENDAR OF VIRGINIA STATE PAPERS*, January 1, 1836-April 15, 1869, VOL. XI, Richmond: James E. Goode, Printer, 1893.

Biographical Information

John Rutherford was born on 6 December 1792 in Richmond, Virginia. Rutherford was the eldest son of Thomas Rutherford, a merchant and native of Scotland, and Sarah Winston. Educated at Princeton College, Rutherford studied law and was admitted to the Richmond bar. He represented Richmond as its sole delegate in the Virginia House of Delegates from 1826 to 1834. Rutherford was then elected to the Council of State on 16 December 1836 serving as lieutenant governor during Governor David Campbell's absence between 19 July and 27 October 1838. Rutherford was reelected to another three-year term in the Council on 1 April 1839. In this capacity, Rutherford succeeded John M. Patton on 31 March 1841 as acting governor following the resignation of Governor Thomas W. Gilmer. As acting governor, Rutherford helped resolve the conflict with Governor William H. Seward of New York regarding the extradition of a fugitive who abducted slaves from Virginia. It was this conflict that prompted Governor Gilmer's resignation. Rutherford served as acting governor until 31 March 1842 and continued to serve in the Council until 29 March 1845.

In 1836, Rutherford was elected principal agent of the Mutual Assurance Society, serving as president until his death. He also established and served as the first captain, and later colonel, of the Richmond Fayette Artillery. Rutherford married Emily Anne Coles, daughter of John & Rebecca Coles of Albemarle County, on 23 April 1816. He died on 3 August 1866 and was survived by his only son John Coles Rutherford of Goochland County, Virginia, and Emily Anne, wife of Patrick Henry Aylett. Rutherford was buried at Shockoe Hill Cemetery.

Scope and Content

John Rutherford's Executive Papers primarily consist of incoming correspondence during his term as acting

governor from 31 March 1841 until 31 March 1842. The correspondence in this collection relates to a variety of topics including appointments & recommendations for state positions; the Virginia Penitentiary; the Virginia Military Institute; arms and ammunition; the militia; Revolutionary War bounty land claims; banks and banking; resignations; extraditions; state expenses & revenue; elections; and others. In addition to correspondence, there are resolutions from the Virginia Senate & House of Delegates; accounts; oaths; contracts; pardons; proposals; receipts; election returns & certificates; qualifications; lists; proclamations; petitions; reports; appointments; resignations; bonds; commissions; orders; proceedings; opinions; and other sundry items.

Arrangement

This collection is arranged into the following series:

- I. Executive Papers of Governor John Rutherfoord, 1841-1842

Contents List

Executive Papers of Governor John Rutherfoord, 1841-1842.

Boxes 1-4 (box)

Extent

Extent: 4 boxes.

Scope and Content

The Governor received correspondence from three main sources: the Federal government, Virginia State government, and Governors from other states. Federal government correspondents include **Walter Forward**, Secretary of the Treasury. Forward writes to Governor Rutherfoord enclosing a resolution of the House of Representatives that the Secretary of the Treasury be directed to prepare & report a statement showing the amount of stocks issued, and authorized by law to be issued, by the legislatures of the several state & territories of the Union (1842 Mar. 10).

The majority of correspondence in John Rutherfoord's Executive Papers originates from Virginia State government. Significant correspondents from Virginia State government include Charles S. Morgan, Superintendent of the Penitentiary; Robert G. Scott, President of the Board of Directors of the Penitentiary; Claudius Crozet, President of the Board of Directors of the Virginia Military Institute; George W. Munford, Clerk of the House of Delegates; James E. Heath, Auditor of Public Accounts; and Lawson Burfoot, Treasurer.

Charles S. Morgan, Superintendent of the Penitentiary, corresponded with Governor Rutherfoord regarding various issues respecting prisoners and the Virginia Penitentiary. Morgan writes regarding the following topics: the conduct of George H. Irwin, a prisoner scheduled to be discharged (1841 Apr. 30), the conduct of Richard Hawkins (1841 June 2); the cost of materials to make twenty-five gun boxes recently sent to the Armory (1841 May 26); the discharge of Chamberlin (1841 June 26); Betsy Taylor, a black woman in the Penitentiary for stabbing another negro (1841 Aug. 17); the rules for the government of the prisoners of the Penitentiary (1841 Sept. 13); a list of the names & ages of transports confined in the Penitentiary (1841 Oct. 26); the conduct of Redman Corden (1841 Dec. 14); the conduct of John Wade (1842 Feb. 5); the conduct of John Holbert (1842 Feb. 5); and the conduct of David Jackson (1842 Mar. 1).

Robert Scott, President of the Board of Directors of the Penitentiary, encloses proceedings of the Board regarding the escape of John (1841 Aug. 25). In addition, Scott encloses papers containing evidence in regard to the circumstances attending the escape of the transport slave John (1841 Sept. 13). Lastly, Robert Scott transmits statements of the fiscal operations on the Penitentiary including an account current of James G. Watson, a report of Charles S. Morgan, a report of Lewis W. Chamberlayne & Charles S. Morgan, a general statement of the Penitentiary, and various tables showing the number of prisoners remaining in the Penitentiary (1841 Dec. 18).

Claudius Crozet, President of the Board of Directors of the Virginia Military Institute, writes Acting Governor Rutherfoord regarding the printing of the regulations (1841 Aug. 24). Crozet also writes to certify an account for printing a list of cadets & regulations of the Virginia Military Institute (1841 Nov. 19). On 30 December 1841, Crozet encloses a report of Francis H. Smith as superintendent of the Virginia Military Institute. Lastly, Crozet writes regarding the public examination of the corps of cadets in Richmond (1842 Jan. 10).

George W. Munford, as Clerk of the House of Delegates, transmits the following certificates of election: William H. Cabell as president of the Court of Appeals to supply the vacancy occasioned by the resignation

of Henry St. George Tucker (1842 Jan. 18); Thomas H. Bayly as judge of the General Court, 3rd District, to supply the vacancy occasioned by the resignation of Abel P. Upshur (1842 Jan. 19); and Briscoe G. Baldwin as judge of the Court of Appeals to supply the vacancy occasioned by the promotion of Judge William Cabell (1842 Jan. 28).

In addition, Munford encloses a resolution that the Executive be requested to order a portion of officers & cadets of the Virginia Military Institute to Richmond during the present session for their semiannual examination (1841 Dec. 20). Munford also encloses a resolution that the Register of the Land Office give notice to all persons having claims on the State of Virginia for Revolutionary land bounty (1842 Feb. 7). Finally, Munford encloses a resolution that the Executive be authorized to retain for the public library six copies of the Digest of Patents (1842 Mar. 18).

James E. Heath, Auditor of Public Accounts, corresponds with Governor Rutherford regarding an additional allowance for distributing copies of the Revised Revenue Laws (1841 June 19). Heath also writes to request the governor to authorize his 1st Clerk Allen W. Morton to perform the duties of Auditor during his absence (1841 July 27). Lastly, Heath recommends Dr. Beverley Smith as physician at City Point (1842 Feb. 19).

Lawson Burfoot, Treasurer, writes regarding the necessity of borrowing money to meet the demands against the Treasury (1841 Apr. 8, June 28, & Oct. 9).

Governors from other states comprise a significant amount of correspondence received by the Governor. This correspondence mostly relates to extraditions and the controversy between New York and Virginia. Included are letters from the following governors: **William Grason**, Maryland; **Arthur P. Bagby**, Alabama; **William H. Seward**, New York; **John P. Richardson**, South Carolina; and **Thomas Corwin**, Ohio.

Governor William Grason, Maryland, writes regarding the demand of the governor of Virginia for the surrender of George W. Henderson, a fugitive from justice (1841 Aug. 18). Governor Arthur P. Bagby, Alabama, writes regarding receipt of the resolution of Virginia concerning the controversy between Virginia & New York (1841 Nov. 8). Governor William H. Seward, New York, writes regarding the act of the Virginia General Assembly to prevent the citizens of New York from carrying slaves out of the Commonwealth & to prevent the escape of persons charged with any crime (1841 Nov. 18). Governor John P. Richardson, South Carolina, writes regarding the act of Virginia to prevent the citizens of New York from carrying slaves out of Virginia and to prevent the escape of persons charged with the commission of any crime (1842 Feb. 8). Lastly, Governor Thomas Corwin, Ohio, writes regarding a demand for the apprehension of Frederick E. Whiting (1842 Feb. 5).

Additional significant correspondence includes the following: John F. Wren, Superintendent of the Public Warehouse, encl. an estimate of the cost of repairs necessary at the Public Warehouse (1841 Apr. 8); William Smith resigning his seat in the Virginia Senate (1841 May 4 & 14); Alexandre Vattemare, Boston, encl. a report of the Committee on the Library and an address on a public instruction & system of international exchanges (1841 May 9); the death of James Shepherd, 1st Assistant Keeper (1841 June 4); recommendations for individuals to the Board of Agriculture (1841 Apr.-June); John H. Griscome, N.Y., encl. the annual report of the New York Lyceum & circular re. the organization of the institution (1841 June 7); W. A. Kentish, London, proposing a system of banking in the United States (1841 July 13); John K. Sutherland encl. a requisition of Governor Thomas Corwin of Ohio for the delivery of Richard Case, a fugitive from Ohio (1841 July 1); William H. Williams, New Orleans, re. his purchase of twenty-seven transport slaves to be transported out of the United States (1841 July 3); H. S. G. Tucker resigning as President of the Court of Appeals to accept the appointment of Professor of Law at the University of Virginia (1841 Aug. 31); A. P. Upshur resigning as judge of the Superior Court of Law & Chancery to accept the office of Secretary of the Navy (1841 Oct. 11); James Barbour declining an appointment to the Agricultural Board (1841 Oct. 30); Henry A. Wise re. the appointment of a judge pro tem to fill the vacancy in his circuit & suggesting the appointment of a resident of the Eastern Shore (1841 Sept. 23); Clement White, Superintendent of Quarantine in Richmond, re. a case of small pox on board the Schooner America (1841 Dec. 9); J. Brown, 2nd Auditor, requesting permission to occupy the room next to the Office of the Superior Court of Chancery (1841 Dec. 9); Clement White, Superintendent of Quarantine, re. the accounts of Dr. James Dove for his medical services on board the schooner America (1842 Jan. 7); Clement White requesting an allowance for his services (1842 Jan. 24); and B. J. Barbour re. the resignation of his father, James Barbour, from the Board of Agriculture (1842 Mar. 10).

Other noteworthy items include: proclamations by the governor & lieutenant governor offering rewards for the apprehension of escaped convicts (1841 Oct. 11); a proclamation of Acting Governor John Rutherford for an election to replace William Smith in the Virginia Senate (1841 June 17); proceedings of the Board of Directors of the Penitentiary re. clothing for the Public Guard (1841 June 25); proclamation re. an election to supply the vacancy in the House of Delegates occasioned by the death of Isaac A. Coles (1841 Aug. 19); a proclamation re. an election in the Virginia Senate to supply the vacancy occasioned by the resignation of Moses C. Good (1841 Sept. 13); a proclamation re. an election to replace Linn Banks as a member of the House of Representatives (incl. letter of resignation) (1841 Nov. 11); contract & bond of Francis H. Deane as vaccine agent (1841 Nov. 18); a list of aliens who have taken the oath of fidelity in Prince George

County between 1840 and 1841 (1842 Mar. 26); a proclamation for an election in the Virginia Senate to supply the vacancy occasioned by the resignation of John W. Nash (1842 Mar. 29); and a proclamation for an election in the Virginia Senate to supply the vacancy occasioned by the resignation of Whitmell P. Tunstall (1842 Mar. 29).

Arrangement

Arranged in chronological order.

1841

April

Box 1

Folder 1

May

Box 1

Folder 2

June

2-15

Box 1

Folder 3

17-30

Box 1

Folder 4

July

Box 1

Folder 5

August

Box 1

Folder 6

September

Box 1

Folder 7

October

Box 1

Folder 8

November

1-10

Box 2

Folder 1

11-20

Box 2

Folder 2

22-30
Box 2
Folder 3

December

2-15
Box 2
Folder 4

16-30
Box 2
Folder 5

1842

January
Box 2
Folder 6

February
Box 2
Folder 7

March
Box 2
Folder 8

Undated
Box 2
Folder 9

Oversized (Clamshell Box)

1841

May 18
Box 3
Folder 1

June 7
Box 3
Folder 2

Oversized (Newspaper Box)

1841

Apr. 15
Box 4
Folder 1

May 9
Box 4
Folder 2

May 11
Box 4
Folder 3

May 11
Box 4
Folder 4

June 14
Box 4
Folder 5

Dec. 18
Box 4
Folder 6