

A Guide to the Elizabeth City County (Va.) Chancery Causes, 1747-1935 (bulk 1880-1913)

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Descriptive Summary

Language

English

Collector

Elizabeth City County (Va.) Circuit Court.

Physical Characteristics

Digital images; 49.5 cubic feet (107 boxes)

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Chancery Causes 1747-1913 use digital images found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia.

Chancery Causes 1914-1935 are processed and indexed information is available on the Chancery Records Index, but digital images are not available at this time. Contact Archives Research Services for availability.

Use Restrictions

There are no restrictions on use.

Acquisition Information

The bulk of these records came to the Library of Virginia in a transfer of court papers from Hampton (Va.) in 2011 under the accession number 45562. Additional records were transferred from what was Elizabeth City County (Va.) in 1939 under accession number 21548.

Processing Information

Elizabeth City County (Va.) Chancery Causes, 1747-1935, were processed by S. Nerney and completed in 2012.

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Adjunct Descriptive Data

Related Material

Additional Elizabeth City County Court Records can be found on microfilm at The Library of Virginia web site. Consult [A Guide to Virginia County and City Records on Microfilm](#).

Elizabeth City County is one of Virginia's Lost Records Localities. Additional Elizabeth City County Records may be found in the [Lost Records Localities Digital Collection](#) available the Library of Virginia website.

See also: [A Guide to the Hampton, City of/Elizabeth City County \(Va.\) Chancery Causes, 1950-1965](#).

Historical Information

Context for Record Type: Chancery Causes are cases of equity. According to Black's Law Dictionary they are "administered according to fairness as contrasted with the strictly formulated rules of common law." A judge, not a jury, determines the outcome of the case; however, the judge is basing the decision on findings compiled and documented by Commissioners. Chancery causes are useful when researching local history, genealogical information, and land or estate divisions. They are a valuable source of local, state, social, and legal history and serve as a primary source for understanding a locality's history. Chancery causes document the lived experiences of free and enslaved individuals; women; children; people living with physical disabilities or mental health struggles; people living in poverty; defunct institutions and corporate entities; or those that may not have otherwise left traditional written histories.

Locality History: Elizabeth City County (extinct) was named for Elizabeth, daughter of King James I, and was one of the original shires, or counties, first enumerated in 1634. It became extinct on 1 July 1952 when it was incorporated into the city of Hampton, which was the county seat.

Locality History: Hampton was located in Elizabeth City County, which is now extinct. It takes its name from Hampton Creek, earlier called Southampton River in honor of the earl of Southampton, an important figure in the Virginia Company of London. An Indian town stood on the site in 1607, when Captain John Smith visited the area. The colonists established a village there in 1610 and a trading post in 1630. Hampton was established by an act of assembly in 1680 and was designated as a port of entry in 1705. It was first incorporated as a town in March 1849, but the act was repealed the following December. It was incorporated again in 1852, but the act of incorporation was repealed in 1860. The General Assembly incorporated the town of Hampton in 1887 for a third time, and it became a city by court order on 4 March 1908. It was greatly enlarged on 1 July 1952 by a merger with Elizabeth City County and the town of Phoebus; the county and town thereby became extinct.

Lost Locality Note: Records were burned and/or destroyed during the Revolutionary War and the War of

1812. Additional records were burned in Richmond on 3 April 1865, where they had been moved for safekeeping during the Civil War. A few pre-Civil War volumes such as deed books, will books, and order books exist.

Scope and Content

Elizabeth City County (Va.) Chancery Causes, 1747-1935, consists of cases concerning issues of equity brought largely by residents of the county and filed in the circuit court. These cases often involve the following actions: divisions of estates or land, disputes over wills, disputes regarding contracts, debt, divorce, and business disputes. Other less prevalent issues include freedom suits, permissions to sell property, and disputes concerning trespass. Predominant documents found in these chancery causes include bills (documents the plaintiff's complaint), answers (defendant's response to the plaintiff's complaint), decrees (court's decision), depositions, affidavits, correspondence, lists of heirs, deeds, plats, wills, records involving enslaved individuals, business records or vital statistics.

Chancery causes that ended before 1865, as well as some that ended afterwards, may contain information related to free and enslaved Black and multiracial individuals. However, these cases largely represent the perspective of white enslavers and their disputes involving the sale, hiring, financial responsibilities, and legality of ownership of Black individuals. Under the system of chattel slavery, laws permitted enslavers to treat enslaved people as personal possessions in the same manner as livestock, farm equipment, or household items.

Commonly found surnames among the plaintiffs and defendants include Allen, Armistead, Banks, Barnes, Booker, Brown, Collier, Cooper, Cumming, Curtis, Davis, Elliott, Herbert, Howard, Hudgins, Johnson, Jones, King, Latimer (also spelled Lattimer), Lee, Lively (also spelled Liveley), Mallory, Mears, Parker, Peek, Phillips, Robinson, Rogers, Shield, Smith, Tabb, Taylor, Tennis, Walker, Wallace, Watts, West, Whiting, Williams, Wilson, and Wood. The Bank of Hampton is involved in 9 suits between 1901 and 1915; the Galilean Fishermans Bank is involved in 8 suits between 1911 and 1913; the Newport News & Old Point Railway & Electric Company is involved in 17 suits between 1899 and 1909; and the Hampton Roads Railway & Electric Company is involved in 11 suits between 1902 and 1907.

The chancery causes are primarily comprised of debt suits, which ended between 1762 and 1913; divorce suits, which ended between 1830 and 1913; and estate suits, which ended between 1747 and 1913. The debt suits concern businesses, such as hotels and construction companies, and private citizens, while the estate suits generally involve the distribution of property. Several divorce suits, especially those involving domestic abuse, contain associated criminal causes. Recurrent topics of interest include African Americans (post Civil War), enslavement, and property.

Arrangement

Organized by case, of which each is assigned a unique index number comprised of the latest year found in case and a sequentially increasing 3-digit number assigned by the processor as cases for that year are found. Arranged chronologically.

Arrangement of documents within each folder are generally as follows: Bill, Answer, and Final Decree (if found.)

Selected Suits of Interest

Causes of Interest are identified by local records archivists during processing and indexing. These causes are generally selected based upon guiding principles of having historical, genealogical or sensational significance; however, determining what is "of interest" is subjective, and the individual perspective and experience of the describing archivist will affect the material identified.

1855-001: James S. French vs. General James Bankhead:

Scope and Content

James S. French claimed that U.S. soldiers and contractors working at Fort Monroe (Hampton, Va.) under General James Bankhead, Fort Monroe's commander, did not to adhere to the fort's boundaries. He accused them of taking soil from French's property without permission and firing cannons onto private property; all of which, according to French, led to the damage of private property. The suit includes a copy of the deed for Fort Monroe's land from Virginia to the United States, as well as plats depicting the fort and its boundaries.

1878-005: Jane Shields vs. Anne Bailey, etc.:

Scope and Content

In her will, Nancy Tarrant emancipated "my niece Louisa [Latimer] and her child George." Another section instructs that money be put towards the purchase and emancipation of Jane Shields, Nancy's niece, who was enslaved by Captain Harding, and Matt Bailey, Nancy's nephew, enslaved by Edward King. Louisa, Jane, and Matt were siblings, while Anne Bailey, a defendant in this suit, was Louisa's daughter.

1878-017: Norfolk County Ferry Committee, etc. vs. Herbert L. Smith, etc.:

Scope and Content

This suit originated in Norfolk County. The Norfolk County Ferry Committee and a Norfolk County harbor master, as well as several citizens, claimed that a dock, known as the County Dock and located in the city of Norfolk, had been set aside for public use 60 or 70 years before 1876. However, the Norfolk County Board of Supervisors voted to lease the dock to Herbert L. Smith in 1875. The plaintiffs argued that the Board of Supervisors had no right to lease the dock for private use and asked that the lease be nullified. The suit includes 2 plats of the dock area.

1879-026: Carl Pölckow, etc. vs. August Pölckow, etc.:

Scope and Content

The suit sought to settle the estate of Frederick Pölckow, several descendants of whom resided in the Grand Duchy of Mecklenburg-Schwerin, a northern Germany territory. Included in the suit are several documents written in German, with accompanying English translations, and several German seals.

1881-011: Sidney Z. Hofheimer vs. E. B. Smith

E. B. Smith vs. Sidney Z. Hofheimer, etc.:

Scope and Content

This suit includes a broadside advertising the auction of goods purchased as part of a business partnership between Sidney Z. Hofheimer and E. B. Smith under the name Hofheimer & Smith. Following a motion by the Hofheimers, who believed they would not receive "a fair and impartial trial" in Elizabeth City County, an undated order in the suit instructed that the suit(s) be moved from the Elizabeth City County Court to the Norfolk City Circuit Court "on account of the prejudice existing at this time in the County of Elizabeth City against [the Hofheimers] on account of their [Jewish] race."

1881-017: Charles E. Hewins vs. John C. Davis:

Scope and Content

Charles E. Hewins requested an injunction against a ruling issued by John C. Davis, an oyster inspector, that required Hewins to remove his planted oyster beds from the Chesapeake Bay. The suit includes extensive depositions from oystermen about the oyster industry in the Hampton City area.

1883-003: Jerome Titlow, etc. vs. Maria E. Curtis:

Scope and Content

Maria E. Curtis claimed that the contract she signed conveying her land to Jerome Titlow was executed under false and fraudulent pretenses. According to Curtis, Titlow purchased her land after denying rumors that the Chesapeake and Ohio Railway planned to construct a deepwater terminal at Newport News, which would have increased the value of Curtis' land. After the sale, Curtis discovered Titlow's duplicity and realized that, due to his misrepresentations, she had sold him her land for a lower price than it otherwise might have been worth. Curtis stated that E. S. Hamlin, a land agent of Collis P. Huntington, a railway magnate, was residing with Titlow at the time.

1886-016: Mary Susan Williams vs. Admr. of James Williams, etc.:

Scope and Content

This suit involves a dispute between the heirs of James Williams, who sought to determine James' lawful heirs based on his pre-Civil War "slave marriage" and his post-Civil War marriage. James was enslaved by

Samuel Chisman prior to the Civil War and married Dazy, a woman enslaved by a Miss Whiting, in 1835. Mary Susan Williams, the plaintiff, was born of this relationship. G. A. Cary, a deponent in the suit, stated that Mary Susan was transported to Montgomery, Alabama, at an unspecified date after she was purchased from the estate of John C. Whiting. Dazy died in 1859, and James married Rebecca Marrow in 1866, with whom he had Annie Williams. Mary Susan claimed to be the rightful heir to James' estate, as she believed that James and Rebecca were never legally married. Adversely, Rebecca claimed that James never recognized Mary Susan as his child. The court ultimately decreed that both Mary Susan and Annie were lawful heirs of James, and that Rebecca was due dower rights in the distribution of the property.

1890-015: Hygeia Hotel Company vs. William H. Mears, etc.:

Scope and Content

This suit involves a disagreement over a section of waterfront and its suitability as oyster grounds or for saltwater bathing by hotel goers. The Hygeia Hotel traditionally used the property for bathing, and subsequently claimed that it was not conducive for growing oysters. [The hotel was a well-known resort on Old Point Comfort (Hampton, Va.) near Fort Monroe]. See also 1876-008: Clark & Wilson vs. Harrison Phoebus, Trst., etc., which contains an inventory of the Hygeia Hotel, including buildings, furniture, dishware, etc.

1899-005: Clara Bell Jordan vs. Harry Oscar Jordan:

Scope and Content

Included as evidence in this divorce suit is an undated letter from Harry Oscar Jordan to Clara Bell Jordan, his wife, written while he stationed in Cuba with the U.S. Army. In the letter, Jordan mentioned visiting the site of the sinking of the *USS Maine* and going to Havana. He also described gifts he received from other women and his visit to a Cuban brothel— which Clara Bell cited as grounds for divorce.

1904-001: Newport News & Old Point Railway & Electric Company vs. James V. Bickford

James V. Bickford vs. Newport News & Old Point Railway & Electric Company:

Scope and Content

The Newport News & Old Point Railway & Electric Company charged James V. Bickford with violating his lease of Buckroe Beach, while Bickford countersued the company for illegal incursions onto his leased property. The suit centers around questions regarding the maintenance of a fence and gate, constructed "for the purpose of regulating those who should enter the said resort," and the guards and policemen posted there to enforce the segregation of Buckroe Beach and prevent "negroes and persons of bad moral character" from entering the premises.

1906-001: Trsts. of Hampton Normal and Agricultural Institute vs. David Johnson, Treasurer of Elizabeth City County, etc.:

Scope and Content

The Hampton Normal and Agricultural Institute, now Hampton University, claimed exemption from state taxes and county levies based on its status as an educational institution. The suit includes a detailed map of the Hampton Institute, which shows various buildings and land and their uses. It also contains information about the number of Black and Indigenous students attending the school in 1906 and the different vocations for which they were being trained.

1906-034: Samuel W. Phillips, etc. vs. Virginia Graves, etc.:

Scope and Content

Several depositions included in this estate suit discuss the 33-year institutionalization of Mary Louisa Ham, daughter of Jacob Ham, at the Eastern State Hospital in Williamsburg, Virginia. They contain details about Mary Lou's mental health diagnosis and her institutionalization, as well as information about Eastern State Hospital operational details related to patient admittance; patient records; and paying versus non-paying residents. The suit also includes a copy of Mary Lou's admittance before the Eastern State Hospital Executive Committee.

1908-008: Solomon E. Brown vs. Robert M. L. Brown:

Scope and Content

The suit involves an ownership settlement of land jointly purchased by Solomon and Robert Brown, two Black men. Included in the suit is a letter from Robert in Helena, Montana, to Solomon in Hampton, Virginia, in which Robert attempts to convince his brother to move to Montana, saying, "it is a fine country no Jim Crow cars, Everybody votes, no lynching, a[nd] plenty of churches."

1908-047: Annie S. B. Welch vs. Mary E. Hawkins, etc.:

Scope and Content

Annie S. B. Welch claimed that the defendants interfered with her riparian rights [the rights enjoyed by a landowner whose property borders a body of water] by constructing a footbridge on her property. The suit includes seven photographs, filed as evidence, of Mill Creek (Chesapeake, Va.), Welch's property, and the surrounding area. Deponents discuss how the area has physically changed over the years due to tides, human alteration, etc.

1909-008: Board of Supervisors of Elizabeth City County vs. City of Newport News, etc.:

Scope and Content

The City of Newport News purchased land to build what is alternatively referred to throughout the suit as a "poorhouse", "almshouse", "pest house", and "hospital" in Elizabeth City County. However, the Board of Supervisors of Elizabeth City County opposed this, calling the proposed construction "a menace to the health of the citizens of Elizabeth City County."

1910-063: Sallie H. Peek vs. City of Hampton, etc.

1910-064: Frank H. Lake vs. City of Hampton, etc.:

Scope and Content

Both Sallie H. Peek and Frank H. Lake claimed that the City of Hampton's plan to construct two bridges, "one above [the complainants] and the other between [their] property and the deeper waters of Hampton River, Hampton Roads, etc.," would violate their land and riparian rights [the rights enjoyed by a landowner whose property borders a body of water], for which they deserved compensation. Both suits contain plats of the area in question and bridge plans.