

A Guide to the Westmoreland County (Va.) Chancery Causes, 1753-1958 (bulk 1873-1913)

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A Collection in the Library of Virginia
Library of Virginia
2009
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History

Processed by: Field Processors, S. Nerney and G. Crawford

Title Statement

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Subtitle: Westmoreland County (Va.) Chancery Causes, 1753-1958 (bulk 1873-1913)

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Publication Statement

Date: © 2009 By The Library of Virginia. All Rights Reserved.

Publisher: Library of Virginia

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Profile Description

Creation: Machine-readable finding aid derived from MARC record, created by Greg Crawford, 05 November 2009

Language Usage: Description is in English

Revision Description

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

Descriptive Summary

Language

English

Collector

Westmoreland County (Va.) Circuit Court

Physical Characteristics

36.7 cubic feet (8 boxes); Digital images.

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Westmoreland County (Va.) Chancery Causes, 1753-1913, digital images can be found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia. Please use digital images.

Use Restrictions

There are no restrictions.

Acquisition Information

These records came to the Library of Virginia in a transfer of court papers from Westmoreland County (Va.) in 2013 under the accession number 50772 and under an undated accession.

Processing Information

Westmoreland County (Va.) Chancery Causes, 1753-1958 were initially processed in the field.

In 2013 the Pre-1913 material was transferred to the Library of Virginia, these records were then reprocessed in two separate groups according to their respective accession information; the first, 1753-1868, the second, 1808-1913.

Additional records were processed and interfiled into the collection during a cataloguing assessment project in 2024. Under the same project, additional post 1913 records were indexed and returned to locality by request of the clerk of the Westmoreland County Circuit Court.

Encoded by G. Crawford: 2009; Updated by E. Swain: November 2024.

Preferred Citation

Westmoreland County (Va.) Chancery Causes, 1753-1958. (Cite style of suit [and chancery index no. if available]). Local government records collection, Westmoreland County Court Records. The Library of Virginia, Richmond, Virginia, 23219.

Adjunct Descriptive Data

Related Material

See also: [Westmoreland County \(Va.\) Circuit Superior Court of Law and Chancery Records, 1831-1845.](#)

Additional Westmoreland 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."](#)

Westmoreland County is one of Virginia's Lost Records Localities. Additional Prince George County Records may be found in the Virginia Lost Records Localities Collection at the Library of Virginia. Search the [Lost Records Localities Digital Collection](#) available at Virginia Memory.

Location of Originals

Original Westmoreland County (Va.) Chancery Causes, 1914-1958, are retained in the locality. Contact the Clerk of the Circuit Court for access.

Historical Information

Context of 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: Westmoreland County was named for the English county. It was formed from Northumberland County in 1653. The county seat is Montross.

Lost Locality Notes: Many loose papers were burned during both the Revolutionary War and the Civil War. Volumes that record deeds, court orders (except for an order book for the period 1764-1776), and wills exist.

Scope and Content

Westmoreland County (Va.) Chancery Causes, 1753-1958, 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.

These records contain one box of "Orphan Chancery." These records contain parts, often single items, of chancery causes which could not be further identified as belonging to a certain case.

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 is 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.

1789-009: Adms. of Philip Ludwell Lee vs. Spencer Carter:

Scope and Content

The plaintiff's administrators were his brothers Richard Henry Lee and Francis Lightfoot Lee. Spencer Carter was hired by Philip Ludwell Lee to build a "Brig." Suit involved disputed wages owed to Carter for his services as a "master workman."

1839-003: Dempsey Porter Gilbert vs. Admr. of William Porter:

Scope and Content

Several depositions involve the bad character of Lewis Mazuro, a French man. Deponents accused him of keeping a whiskey shop, tipling house, and conducting business with enslaved people. Mazuro collected large companies of enslaved people for the purpose of drinking, horse racing, card playing. Mazuro sold enslaved people that did not belong to him. The defendant in the chancery suit called these people to testify for the purpose of undermining Mazuro's testimony on behalf of the plaintiff.

1839-004: James S. Rice vs. Admr. of John Yeatman:

Scope and Content

Cause involves Ephraim, Joh, and Tom, three enslaved people who were hired out by their enslaver to build a house. Testimony concerns the working habits of the three men and includes, that Ephraim was "a runaway".

1840-002: Catherine P. Butler, etc. vs. William A. Butler, etc. and John Crenshaw and wife, etc. vs. Admr. of Elizabeth Butler, etc.:

Scope and Content

Testimony by deponents focused on physical health of enslaved people. Example of such testimony includes deposition of Zachariah W. Franklin, "They [the enslaved men] are able bodied men, and of as likely appearance as usual, though I have frequently heard Henry complain of a pain in his back and breast, but I always thought it was deceit in him, as he is likely in appearance."

1840-003: Admr. of Henry Parker vs. Eliza Jones, etc.:

Scope and Content

Cause involves heirs of Colonel Richard H. Parker who was killed in action during the Revolutionary War. His heirs received military bounty land for his service.

1846-006: Fanny Davis vs. Samuel Davis:

Scope and Content

Separate maintenance suit. Fanny accused Samuel of affair with Figget, an enslaved woman, fathering a child with her.

1847-010: Susanna Chandler, etc. vs Adms. of John Chandler:

Scope and Content

Suit references enslaved people who escaped to the British during the War of 1812 and the enslaver being reimbursed for his loss under the Treaty of Ghent.

1852-004: Julia L. Bailey vs. John Critcher, Jr.:

Scope and Content

The plaintiff was a former resident of Westmoreland County currently living in Henrico County. Bailey hired Critcher to manage her large estate in Westmoreland County. Julia Bailey enslaved 75 Black and Multiracial people valued at 22,000 dollars in 1850. Bailey accused Critcher of selling enslaved individuals without her permission. Bailey identified Octavia, Paul, and Jenny who were sold at auction in Richmond. In his answer, Critcher acknowledged selling Bailey's enslaved persons but it was for the purpose of paying debts owed by her estate. He recalled hiring out Nelson, an enslaved man, who ran to Maryland where he was captured. A man named Turner claimed Nelson and took him as his property. Critcher filed suit against Turner in Maryland to get Nelson back.

Critcher argued that it was Bailey who wanted Octavia, Paul, and Jenny sold in Richmond. "In January 1850, the conduct of three of the said negroes, to wit, Jenny, Octavia and Paul, was such that the complainant was no longer able on account of their characters to find them homes in the neighborhood without charge. They often put their own lives in jeopardy. Sometimes slept in the swamps in the coldest nights in winter. Sometimes attempted to hang themselves. And their conduct was attempted to be corrected by the mildest and best treatment on the part of those who hired them and of the complainant herself. Yet no change could be effected. Such was the constant anxiety of mind of the complainant on their account, that she frequently begged this respondent ... to sell them and relieve her of the greatest annoyance of her life." Critcher sold Octavia, Paul, and Jenny in Richmond \$1260.30. Richmond "slave trader" R.H. Dickinson was involved in the transaction.

Critcher accused Bailey's former agent John A. Parker of slandering him. Parker publicly accused Critcher of "selling 3 of her negroes without her knowledge or consent, and pocketing the money." Critcher wrote letters to local newspapers defending his honor two of which are exhibits in the chancery cause. In one of the letters, Critcher wrote that he and Parker had a physical altercation in the town of Tappahannock. Critcher pulled Parker's nose and Parker pulled a pistol on Critcher.

1853-014: Rodham Douglass, etc. vs. Elizabeth Harrison, etc.:

Scope and Content

Suit concerns the division of enslaved property. Numerous depositions concern Ellen, an enslaved woman, who is frequently referred to as "deranged." One deponent testified "she was deranged a woman as ever I saw in my life. We had to keep her everlastingly fastened to a large block." Ellen's enslaver sold her while she was fastened to a block.

1854-010: Petition of the Guardian of Mary F. Carter, etc.:

Scope and Content

Cause includes two letters dated July and September 1854 written by D.T. Wright living in St. Louis, Missouri. He was the guardian of the Carter children living in Virginia. Wright was responding to a question from the trustee concerned with the children's enslaved individuals. The trustee wanted to know if Wright wanted to sell the enslaved individuals in Virginia and the funds be distributed among the heirs or have them transported to Missouri. Wright informed the trustee to sell the enslaved individuals in Virginia and not transport them to Missouri. "There are several reasons why I think you had better sell them there than to have them sent here. They would naturally dislike to come to a strange place and into strange hands. Consequently, they would likely become dissatisfied and might endeavor to make their escape to Illinois which is a free state and has the name of being connected with Canada by the underground railroad. One

thing is quite certain. Our slaves often make their escape. There is also something of a risk and a considerable expense in bringing them here." In the second letter, Wright references a riot that took place in St. Louis following the 1854 Congressional election. He placed blame for the riot on the Irish. [See also: Westmoreland County (Va.) Chancery Cause 1854-013.]

1855-011: William G. Pierce vs. Admr. of Ransdell Pierce, etc.:

Scope and Content

Cause involves the division of enslaved individuals. Sydnor and Susan, two enslaved persons, were not sold because they claimed to be emancipated. [Their freedom suit is found on [Virginia Untold](#)]

1866-003: William Fortune vs. Sally Fortune:

Scope and Content

Divorce suit. In 1863, plaintiff broke through Union blockade to purchase goods in Maryland and bring back to Virginia. He was captured by Union troops and imprisoned in Washington, D.C. He was released after 3 days but was unable to return to Virginia due to being closely watched. He did not return until after the war. He learned that his wife and children had left his home to live with Robert Richardson in Maryland.

1867-005: James W. Bailey vs. Mary C. Mothershead:

Scope and Content

Divorce suit. Plaintiff travelled to Northern states shortly before the Civil War. He did not return to Westmoreland County until after the war. The defendant believed he died during the war and remarried. When her husband returned he filed a habeas corpus to gain custody their child. The defendant was indicted for bigamy but had left for Maryland with her second husband before the trial began.

1868-011: Frederick Campbell, etc. vs. Charles Montague, etc.:

Scope and Content

Plaintiffs were enslaved prior to the end of the Civil War. Charles Montague claimed to be their grandfather and wanted custody of the plaintiffs who were orphans. The plaintiffs denied that Montague was their grandfather.

1894-007: Lucy R. Lewis vs. Exrs. of George W. Lewis, etc.:

Scope and Content

Suit includes will of George W. Lewis used as an exhibit. Items bequeathed by Lewis to his heirs include a scrapbook that contained autograph letters signed by General George Washington and a sword given to Lewis' grandfather George Lewis by George Washington. George Lewis was a nephew of Washington. The sword is referenced in Washington's will.

1894-011: C.W. Walcott, etc. vs. Hugh T. Taggart, trustee, etc.:

Scope and Content

Suit involves the establishment of the town of Colonial Beach.

1902-018: W. H. Doleman, etc. vs. J. H. Chandler, etc.:

Scope and Content

Dispute over oyster grounds. Involves settlement of boundary dispute between Maryland and Virginia along the Potomac River.

1911-004: J.T. Kennedy vs. T.M. Arnest:

Scope and Content

Plaintiff was upset that the defendant, a game warden, fined him 10 dollars for hunting game without a license required of non-residents of the state. Kennedy argued that he was a resident of the state and should not have been fined. Offered as proof his voter registration. Game warden claimed the plaintiff registered as a voter in order to avoid paying the fine. Court sided with plaintiff.

