

# A Guide to the Arlington County (Va.) Chancery Causes, 1786-1927 (bulk 1800-1875)

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## History

**Processed by:** G. Crawford, B. Helms, and V. Brooks

## Title Statement

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**Author:** Greg Crawford

## Publication Statement

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## Profile Description

**Creation:** Machine-readable finding aid derived from MARC record, created by Greg Crawford, 18 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

Arlington County (Va.) Circuit Court

### Physical Characteristics

Digital images; 87.05 cubic feet (186 boxes)

### Location

Library of Virginia

### Repository

The Library of Virginia

## Administrative Information

## Access Restrictions

Chancery Causes 1786-1899 use digital images found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia.

Chancery Causes 1900-1927 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.

The majority of Chancery Causes 1913-1914 are unprocessed. Contact Archives Research Services for availability.

## Use Restrictions

There are no restrictions.

## Acquisition Information

The bulk of these records came to the Library of Virginia in a transfer of court papers from Arlington County (Va.) in 2008 under the accession number 43749. Additional records came to the Library of Virginia at an unknown date under the accession number 24121 and as part of an undated accession.

## Processing Information

Arlington County (Va.) Chancery Causes, 1786-1927, were processed in two groups. Chancery Causes 1790-1842 were processed by G. Crawford and completed in 2008, and additional chancery causes dated 1786-1927 were processed by B. Helms and V. Brooks and completed in 2016.

Digital images of Chancery Causes 1790-1845 were generated by OCLC through the Library of Virginia's Circuit Court Records Preservation Program in 2009. Digital images of Chancery Causes 1786-1899 were generated by Backstage Library Works through the Library of Virginia's Circuit Court Records Preservation Program in 2017.

Encoded by G. Crawford: 2009; updated by C. Collins: July 2023.

## Preferred Citation

Arlington County (Va.) Chancery Causes, 1786-1927 (bulk 1800-1875). (Cite style of suit [and chancery index no. if available]). Local government records collection, Arlington County Court Records. The Library of Virginia, Richmond, Virginia.

# Adjunct Descriptive Data

## Related Material

Additional Arlington 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](#).

See also: ["A Guide to the Mutual Assurance Society Against Fire on Buildings Subscription Book, 1795,"](#) an exhibit in Arlington County Chancery Cause 1828-016: Thomas Swann, etc. vs. Mutual Assurance Society, Mutual Assurance Society vs. William Hodgson, etc.

See also: ["A Guide to the Ezra Kinsey and Company Memorandum Book, 1796-1812,"](#) an exhibit in Arlington County Chancery Cause 1854-005: William H. Irwin & wife, etc. vs. Exr. of William Paton, etc., William Quesenberry & wife vs. Exr. of William Paton, etc.

See also: ["A Guide to the Paton and Butcher Business Records, 1803-1838,"](#) exhibits in Arlington County Chancery Cause 1854-005: William H. Irwin & wife, etc. vs. Exr. of William Paton, etc., William Quesenberry & wife vs. Exr. of William Paton, etc.

See also: ["A Guide to the John W. Massie and Company Daybook, 1824-1839,"](#) an exhibit in in Arlington County Chancery Cause 1854-005: William H. Irwin & wife, etc. vs. Exr. of William Paton, etc., William Quesenberry & wife vs. Exr. of William Paton, etc.

## 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:** Arlington County was originally named Alexandria County. It was formed from a portion of Fairfax County that Virginia ceded to the federal government in 1789 for use as the site of a new national capital. In 1801 the area officially became part of the District of Columbia, although Congress named it Alexandria County. By an act of 9 July 1846, Congress returned the county to Virginia, and the General Assembly extended the commonwealth's jurisdiction over the region effective 20 March 1847. By an act of assembly passed 16 March 1920, the county's name was changed to Arlington, the name of the Custis family mansion (the home of Robert E. Lee), which is located in the county. An urban county, Arlington contains no incorporated towns or cities. The county courthouse is in the county.

## Scope and Content

Arlington County (Va.) Chancery Causes, 1786-1927, 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 1786-1865 are comprised of a large number of estate disputes related to the division or sale of enslaved individuals, money, and land, and debt disputes. They also contain several contentious divorce suits. Several cases regarding the sale and transport of enslaved individuals to other states exhibit Arlington County's proximity to the City of Alexandria, a center of the domestic slave trade. While there are also several suits concerning the freedom of enslaved individuals, 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.

Chancery Causes 1866-1927 contain a larger number of contract suits and divorce suits. The divorce cases involve both multiracial and white couples, while the contract suits are mostly comprised of disputes related to land and business agreements.

## 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.)

The majority of Chancery Causes 1913-1914 are unprocessed. Contact Archives Research Services for availability.

## 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.*

### **1822-018: John Mason vs. John Muncaster, etc.:**

#### **Scope and Content**

This suit is comprised of a dispute related to the purchase of glebe land from the Protestant Episcopal Church of Alexandria, or Christ Church, in the Fairfax Parish. The primary source of contention involves Christ Church's authority to sell the land. The suit includes descriptions of how Christ Church acquired land in Fairfax Parish since the inception of the parish in 1765; the relationship between Christ Church and Falls Church; and how the parish was governed.

### **1827-036: Admr. of William Stewart, Jr. vs. Catherine Flood McCall, etc.:**

### **Scope and Content**

This suit contains a collection of letters, dated between 1800 and 1818, that are largely comprised of correspondence between Catherine Flood McCall and William Stewart, Jr., manager of a nail factory and blacksmith shop in Alexandria owned by McCall. The letters detail Stewart's affectionate feelings toward McCall, as well as business matters related to nail factories in Alexandria and Richmond and the McCall plantation in Tappahannock. Stewart often mentioned people enslaved by Catherine McCall and her family in his letters, writing about the work they performed either at the factory or for others; forms of punishment Stewart meted out for escape attempts or what he deemed to be poor work; and various expenses, among other things. He continually requested that the enslaved individuals be sold because of their behavior and expense. Other letters, written by Catherine McCall to Stewart shortly before his death, expressed her deep affection for Stewart and encouraged him to overcome his depression and illness.

## **1845-017: Bank of Potomac, etc. vs. Edward Sheehy and wife, etc.:**

### **Scope and Content**

A ship manifest included in this suit lists the names of enslaved individuals who were being forcibly transported from Alexandria, Virginia, to New Orleans, Louisiana. The suit also contains depositions of slave traders who were familiar with the buying and selling of enslaved individuals in the Deep South.

## **1848-006: Admr. of Robert Marshall vs. Exr. of Richard Marshall Scott, etc.:**

### **Scope and Content**

This cause contains details about the transportation of enslaved people from Fairfax County, Virginia, to Charles County, Maryland. It also includes a portion of Richard Marshall Scott's memoir, which shares some of his family history.

## **1849-001: William Taylor, etc. vs. Admr. of Thomas Vowell:**

### **Scope and Content**

William Taylor and William Henry, two Black men, claim that they were illegally enslaved by Isaac Buckingham, administrator of the estates of Thomas and Charlotte Vowell. Buckingham removed them from Washington, D.C., to a jail owned by Joseph Bruin, a notorious slave trader, and threatened to sell William Taylor and William Henry before their petitions for freedom could be heard in the Washington, D.C. Circuit Court.

## **1850-008: Benoni Wheat, etc. vs. Phineas Janney, Trst., etc.:**

### **Scope and Content**

This suit involves a dispute between members of the Methodist Episcopal Church of Alexandria over control of church property. In 1844, the General Conference of the Methodist Episcopal Church of the United States initiated a separation, splitting the conference into the Methodist Episcopal Church, South, and the Methodist Episcopal Church, North, over the topic of enslavement. The Methodist Episcopal Church of Alexandria divided itself into two congregations in 1849 based on their difference of opinion regarding the General Conference's actions and because of a contentious meeting that occurred regarding who in the congregation should apply to the court to become trustees of a piece of church property. Following the split and the contention surrounding the land, each congregation claimed to be the "true" congregation of the Methodist Episcopal Church of Alexandria and therefore the rightful owner of the property in question.

## **1859-017: Exr. of George Washington Parke Custis vs. Mary Ann Randolph Lee, etc.:**

### **Scope and Content**

Robert E. Lee, executor of George Washington Parke Custis and husband of Mary Anna Randolph Custis Lee, Custis' daughter, sought the help of the court in settling Custis' vast estate. Custis was heavily indebted at the time of his death, and Lee hoped to discharge Custis' debts and pay out several legacies bequeathed to the Lee's daughters. To aid this endeavor, Lee wanted to hire out several people enslaved by Custis. However, Lee claimed that the enslaved people believed themselves to be free following Custis' death and exhibited "a general spirit of dissatisfaction and insubordination." [It is supposed that Custis promised to emancipate the enslaved upon his passing], despite Custis' will stipulating that they were to be freed no later than five years after his death, or sooner if Custis' debts were satisfied and the legacies

paid out before the expiration of five years. The suit includes an inventory of the people enslaved by Custis as of January 1858.

## **1865-017: Moses Hepburn vs. Prudence Crandell Hepburn, etc.:**

### **Scope and Content**

Moses Hepburn, a free Black man, was the son of William Hepburn and Esther, an enslaved woman. In his will, William Hepburn, a white Quaker merchant who owned substantial property in Alexandria County, left part of his estate to Moses and his two sisters, Letty and Julianna. Moses Hepburn's claims to the estate were disputed by William Hepburn's white children.

## **1866-011: Henry Grafton Dulany vs. Richard H. Dulany, etc.:**

### **Scope and Content**

In his will, Henry Rozier Dulany stipulated that Rebecca Ann Dulany, his daughter, had to meet certain conditions before she could inherit Shuter's Hill in Fairfax County from her father: her husband had to change his name to Henry Rozier Dulany and erect a monument in memory of several deceased family members on the property. If Rebecca and her husband didn't adhere to the will's stipulations, Dulany's son, Henry Grafton Dulany, was to inherit the property instead. Henry Grafton Dulany sued Richard H. Dulany, Rebecca Ann's husband, for failure to meet the conditions of the will.

## **1866-013: Robert F. Roche vs. Fannie Roche:**

### **Scope and Content**

This divorce suits contains a tintype photograph of the defendant, Fannie Roche.

## **1867-006: George W. Parker vs. Mary Jane Parker:**

### **Scope and Content**

George W. Parker sought a divorce from Mary Jane Parker. George and Mary Jane were married when they were enslaved in Petersburg, Virginia, in 1855 or 1856. Mary Jane left George before the passage of the Cohabitation Act in 1866, which legalized the marriages of the formerly enslaved. The cause was dismissed because Mary and George were never legally married.

## **1870-004: Nancy Hodges vs. John H. Broders:**

### **Scope and Content**

Nancy Hodges, a free Black woman, made an agreement with John H. Broders, the enslaver of Tom Hodges, Nancy's husband, to purchase Tom's freedom. Nancy accused Broders of not abiding by the agreement and threatening to sell her husband.

## **1885-002: Philip Vogelgesang vs. Mary Vogelgesang:**

### **Scope and Content**

Both of German descent, Philip Vogelgesang accused Mary Vogelgesang, his second wife, of being "naturally and incurably impotent of body." The suit contains several accounts of nineteenth-century health and medical practices.

## **1904-020: Jane Scott vs. Alexander Scott:**

### **Scope and Content**

Alexander Scott, a Black man, was accused of abandoning his first wife and marrying another woman, Susan Somerville. Scott claimed that he deserted his first wife, Jane Scott, because a Richmond police officer informed him that he would be prosecuted if he continued to live with her. According to Scott, the officer believed Jane to be a white woman. As Jane was "within the meaning of the law" a white woman, and their marriage not legal, Scott believed a divorce was not needed for him to marry again.