

A Guide to the Colombian College v. Clopton's Administrators, etc. legal correspondence, 1842-1851

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Descriptive Summary

Accession Number

00029240

Language

English

Creator

Terry, Abner Wentworth Clopton (1815-1851)

Physical Characteristics

9 items

Repository

Supreme Court of Virginia Archives, Virginia State Law Library.

Administrative Information

Access Restrictions

Collection is open to research.

Use Restrictions

Because the library is not open to the general public, researchers should contact the library to arrange access to the collection.

Acquisition Information

The letters were acquired by the Supreme Court of Virginia Archives in 2012.

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Adjunct Descriptive Data

Related Material

Charlotte County Chancery Cause, Colombian College v. Administrator of Abner W. Clopton, etc., Charlotte County (Va.) Chancery Causes, 1765-1912 (bulk 1784-1912), 1843-004. Local Government Records Collection, Charlotte County Court Records. The Library of Virginia, Richmond, Virginia. The court case has been digitized and is available through the Library of Virginia's digital collections portal, Virginia Memory. The case documents include a bill of complaint, answers from Terry and Archibald Davis, depositions from Colombian College Trustees James Wood, Andrew Rothwell, and James L. Edwards; copies of the act incorporating Colombian College charter, and a copy of Clopton's bond to the college.

Virginia Court of Appeals opinion, Colombian College v. Clopton's Administrators, etc., Virginia Reports, Vol. VII (1850), 168-177.

Bibliography

Jewel L. Spangler, "Clopton, Abner Wentworth," in Sara B. Bearss, ed., Dictionary of Virginia Biography Vol. 3 (2006), 305; obituary notice for Abner W.C. Terry in the Lynchburg Virginian, 1851 June 12, available on microfilm at the Library of Virginia.

Biographical Information

Abner W. Clopton (1784-1833) was a Baptist minister in Charlotte County. In 1827, Clopton was appointed Georgia fund-raising agent for Colombian College (later George Washington University), founded by Baptist missionary Luther Rice and chartered in 1821. Due to his success in raising funds for the financially strapped college, Clopton was appointed to its Board of Trustees in 1829 and general agent in 1832. After Clopton's death, Colombian College sued in chancery court in Charlotte County, Virginia, to recover Clopton's conditional bequest to the college. The court ruled against the college in 1843, and Court of Appeals upheld the lower court's decision in 1850.

Abner Wentworth Clopton Terry (1815-1851) was the son of Daniel Terry, one of Clopton's executors, and the grandson of Abner W. Clopton. The other executors named in the will were Archibald A. Davis and John W. Roach. Abner W.C. Terry died suddenly in June 1851. Terry, who was a publisher of the Lynchburg Virginian newspaper, was killed on the street in Lynchburg by James D. Saunders, who was upset about an editorial published in the newspaper.

Conway Robinson was a lawyer, legal scholar, and court reporter for the Court of Appeals of Virginia 1842-1843. Between 1846 and 1849, he and acting Governor John M. Patton worked on revisions to the Code of Virginia. The revisions, adopted by the General Assembly in 1849, remained in use for nearly forty years.

Benjamin Watkins Leigh (1781-1849) was a Richmond lawyer and politician. He prepared the 1819 revised code of Virginia and was a court reporter for the Court of Appeals from 1829 to 1841.

James Wood Bouldin (1792-1854) was a lawyer who practiced at Charlotte County Courthouse beginning in 1813. He represented Colombian College in the chancery suit against Clopton's administrators. Bouldin was a judge on the Court of Appeals of Virginia from 1872 to 1875.

Scope and Content

The collection consists of the correspondence of Abner W.C. Terry (eight letters, 1842-1851) about a court case involving the estate of Abner W. Clopton, Terry's grandfather; and a document from a related chancery cause filed in Pittsylvania county circa 1851. The Charlotte County case, *Colombian College v. Clopton's Administrators, etc.*, was decided in Terry's favor in 1843 and appealed to the Court of Appeals in 1850. The court upheld the decision of the lower court, ruling that Clopton's bond to the college was not binding because the conditions of the bond were not met before Clopton died. The correspondence includes two letters from noted Richmond attorney Conway Robinson explaining the legal strategy he planned to use in arguing the case before the Court of Appeals, and advice to Terry about resolving remaining legal issues among the heirs in the case.

The first letter, dated 1842 Mar. 28, is from Archibald A. Davis, one of the executors named in Clopton's will, discussing the status of the estate and the claim against it by Colombian College. The second letter, dated 1843 Apr. 24, is from Wood Bouldin, attorney for Colombian College in the Charlotte County chancery cause, giving notice to Terry about depositions taken in Washington, D.C. from members of the Columbian College Board of Trustees. The third letter, dated 1843 Dec. 10, is from Richmond attorney Benjamin Watkins Leigh offering his services and those of Conway Robinson to Terry should the case come before the Court of Appeals of Virginia.

The fourth letter is a photostat copy of a letter dated 1844 Jun. 29 from Terry to Robinson seeking his opinion about the ultimate disposition of the bequest to the college. Terry noted in the letter he had heard that Charlotte County Judge Lee's opinion in the case was "a very ingenious one."

The fifth letter, dated 1844 Jul. 18, is from Robinson to Terry advising him that the college had obtained an appeal, relating his ideas for possible arguments for the case and citing legal precedents he had used successfully before the court in similar cases. In a subsequent letter, dated 1851 Apr. 15, Robinson wrote Terry advising him about how to resolve remaining claims to the Clopton legacy among the nieces and nephews named in the will, Newton Institute, a Baptist seminary in Massachusetts; and next of kin. He suggests having someone representing one of the interests file suit against the other two parties.

The last two items in the collection are a letter from John M. Waldron to Terry, 1851 Mar. 19, advising Terry that he is seeking his mother's portion of the Clopton legacy; and a manuscript copy of a bill of complaint from a suit filed in Pittsylvania County chancery court by Waldron, 1851, circa (*Administrator of Nancy Waldron v. Administrator of Daniel Terry, etc.*). The court document includes genealogical information about Clopton's nieces and nephews, their spouses and their children.

Index Terms

Persons:

Bouldin, James Wood (1792-1854).
Clopton, Abner Wentworth (1784-1833).
Clopton family.
Davis, Archibald A.
Leigh, Benjamin Watkins (1781-1849).
Robinson, Conway (1805-1884).
Terry, Abner Wentworth (1815-1851).
Terry family.
Waldron, John M.

Corporate Names:

Colombian College (Washington, D.C.)
Virginia. Court of Appeals.

Subjects:

Baptists -- clergy -- Virginia -- Charlotte County.

Courts -- Virginia -- History.
Equity -- Virginia -- Charlotte County.
Estates (law) -- Virginia -- History.
Lawyers -- Virginia -- History.

Geographical Names:

Charlotte County (Va.) -- History -- 19th century.

Genre and Form Terms:

Chancery causes -- Virginia -- Charlotte County.
Chancery causes -- Virginia -- Pittsylvania County.
Legal correspondence -- Virginia.
Wills -- Virginia -- Charlotte County.