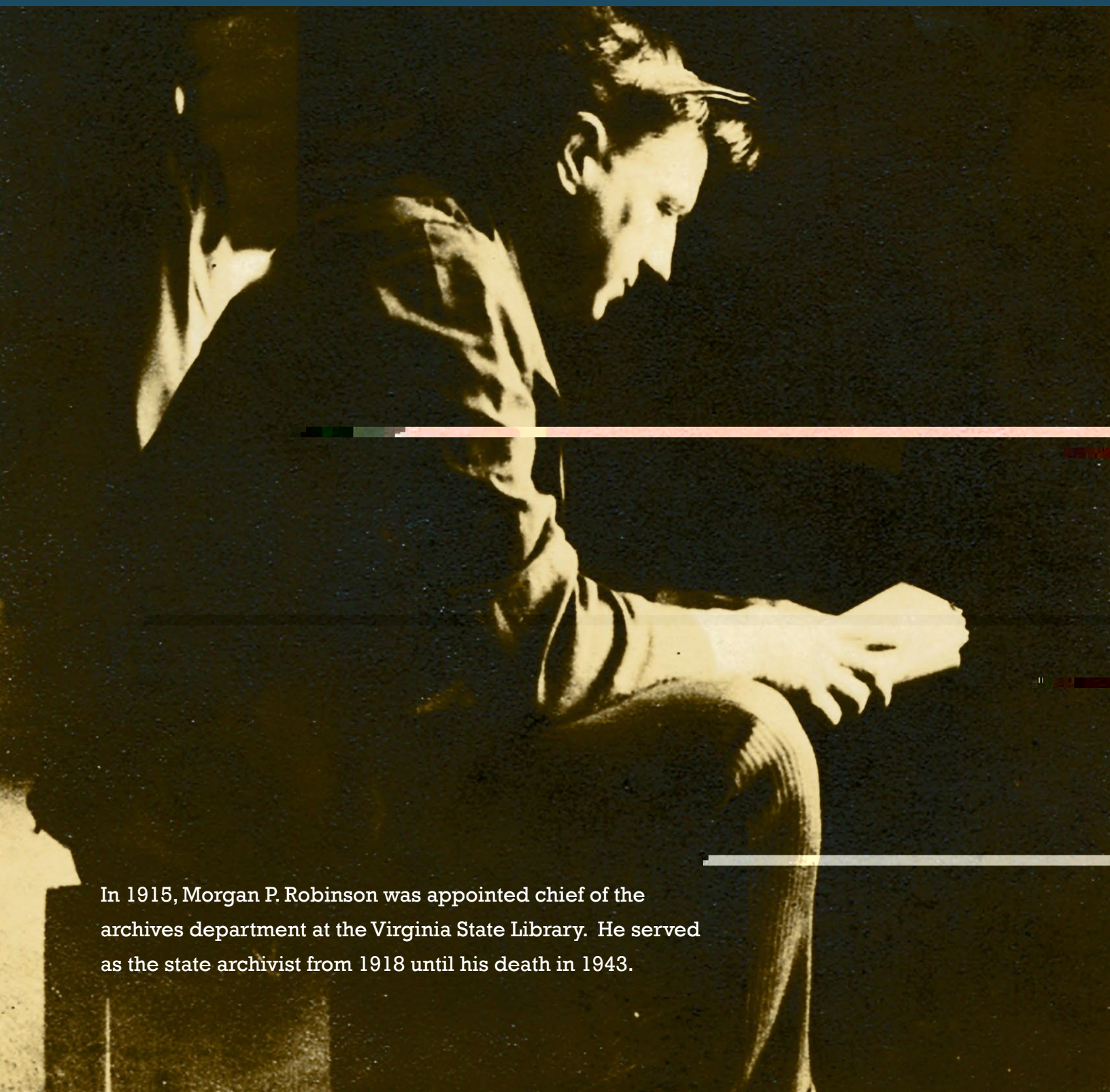


The Newsletter of Virginia's Circuit Court Records Preservation Program ■ No. 4 ■ Spring 2018

CCRP NEWS



LIBRARY OF VIRGINIA



In 1915, Morgan P. Robinson was appointed chief of the archives department at the Virginia State Library. He served as the state archivist from 1918 until his death in 1943.

CCRP

Field Notes:
DO NO HARM



A 140-YEAR COLLABORATION:

Tracing Caroline County's Conservation & Preservation History Through Surveys and Other Library of Virginia Records

The Commonwealth of Virginia and the circuit court clerks' offices can trace local records preservation efforts back to the Civil War. Efforts to extend the life of the information in the records can be traced back even farther, albeit anecdotally. The problem in tracing this history, of course, is locating the surveys, inventories, and other documents that have survived.

In 1874 the Joint Committee of the State Library published the results of a survey on the condition and completeness of the records in the courthouses of Virginia. This assessment appears to be the first attempt at a comprehensive statewide court records survey that has survived. The survey asked a number of questions about the records in each office, including the types, date ranges, and—specific to record books—“the dates embraced in each book, or each portion of a book, and also the condition of each one of the volumes, as to preservation, legibility, and other particulars.”

Responding to the survey in Caroline County was Robert Hudgins, who served as the deputy and later circuit court clerk for over 60 years. Hudgins wrote, “The old records of our county were destroyed during the late war, except a minute book, which contains the proceedings of the court from May, 1732, to July, 1740.” Hudgins later explained that the bulk of the records were lost in May 1864 while Grant was advancing on Richmond, when the “office was sacked and the books and papers generally destroyed.”

An inventory of Caroline County court records from 1909, in the collection of the first state archivist, Morgan P. Robinson, suggests that what Hudgins called a minute book may have been an order book. The 1909 inventory also includes a number of other court records, including nearly a complete run of order books. An annotated survey of the surviving records from 1918, also in Robinson's collection, provides a brief description of the condition of each volume. For

example, Order Book 1746–1754 is “in dreadful condition”; Order Book 1765–1767 “is rotting & breaking up”; and Order Book 1777–1780 “is in almost unusable condition” and “has been wet throughout,” with some pages in fragments “in an envelope.” Interestingly, at the end of the inventory, the unidentified surveyor writes, “It is understood the others were destroyed in the war,” but then goes on to ask, “Were they hidden & never recovered?”

An inventory conducted by Robinson in June 1928 includes his travel expenses: “Route, – to Milford, 62 min., fare \$1.37; Milford to Bowling Green, 12 min., fare 35 cts.” His hotel stay cost \$3 per day. This seven-page typed inventory, the most comprehensive to date, lists many more records and provides the location and condition of the records in the clerk’s office. Robinson describes the condition of two of the books mentioned above as “falling to pieces; paper very brittle” (Order Book 1765–1767) and “so brittle did not examine” (Order Book 1777–1780). As to the office’s loose court records, they were in the vault, along with “coal, wood, stove pipe, lawn mower, etc.”

Robinson’s handwritten note on the first page of the same inventory, obviously written later, mentions that Order Book 1746–1754 “needs Emery treatment badly and re-sewing and re-binding. This volume was amongst those sent to library on Jan. 5, 1929 & it was stated to him (Mr. McIL) that I had not examined it in June, ‘because it was with the new material,’ – whatever that means. (R.)”

The 1928–1929 Annual Report of the State Librarian notes, the “Order Book of Caroline County, 1777–1780” is “dilapidated and fragile to an unusual degree,” and was “still in the hands of the ‘restorers’” while undergoing the “silk gauze process” when the year closed. The annual report from the previous year acknowledged that part of the work of the “Archives Department” was to see that the city and county court record books in bad condition were “restored.” It went on to state, “This work is usually done by the Emery Record Preserving company, of Taunton, Massachusetts, and is very expensive.” In a July 10, 1929, letter to the president of the National Society Daughters of the Barons of Runnymede, the state librarian acknowledged the return of Order Book 1777–1780 from the Emery Record Preservation Company. The total cost of the treatment was \$180.

Another way that archivists and clerks worked together to preserve court records was by having them reproduced (or reformatted) with a “photostat” machine at the Library. In a February 3, 1930, letter to the Caroline County clerk of the circuit court, the state librarian reported that the Library had copied and bound the 17 order books that had been sent there, and he would be returning them along with the originals as soon as they could be delivered. This batch included the three order books described earlier. When the record books were duplicated, a master copy was also created for the Library.

Records in the Library’s files indicate that throughout the 1930s, 1940s, and 1950s, Caroline County court record books were



“Placement of the only early books of Caroline County – order books from 1732. Large plant here.” (Caption on back of photograph.)

Previous page: “Courthouse at Bowling Green. Clerk’s office – large – well lighted.” (Caption on back of photograph.)

shuttled to and from the Virginia State Library for “restoration” and reformatting (or “photostating”). During World War II, the State Library began microfilming local records in order to create security copies. In the 1950s, in collaboration with the Utah Genealogical Society, itinerant photographers began to bring their portable cameras to each county to create security microfilm copies of the remaining records. In 1965, assistant archivist John W. Dudley traveled to the clerk’s office to examine and inventory the records and that inventory resides in the files at the Library of Virginia.

By the early 1970s, there was momentum to form a Local Records Services Department at the State Library, and not long after, Connis O. Brown Jr. was made the head of the department. On July 9, 1971, Brown traveled to Caroline County, where he surveyed the records and their condition, as well as the courthouse, records room, and storage areas. The clerk, R. S. Campbell, gave Brown a tour of his office and the new basement storage area, “where the old papers and many of the older books” were stored. Brown appeared to be concerned because the clerk had no intellectual control over the collection, which was “simply stacked into the shelves in random order.” The records were stored in the locked basement, so the “regular run of people do not have access then to the old records here in Caroline.” Brown’s rough inventory of the Caroline County circuit court records in the basement included “order book, 1746–1754, repaired by the Barrow process.” Brown finished his survey of the basement by describing it as “a nice clean comfortable room kept very dry by a dehumidifier. Certainly there is nothing to say against this room as far as being a storage area for records. The records should be put in an accessible order and should be made available for research.”

In 1980, in anticipation of transferring records to the Virginia State Library, another comprehensive inventory was conducted. The next year 400 volumes and 265 Woodruff drawers of loose records were transferred to the State Library. Once at the Library, staff archivists would "flat file the loose papers, arrange them by series and place them in acid free folders and acid free boxes," in a secure, climate-controlled environment.

In 1991 the Circuit Court Records Preservation Program was established. Sponsored in collaboration with the Virginia Court Clerks' Association, and funded entirely through a \$1.50 recordation fee, the mission of the program is to preserve and make accessible the circuit court records of the 120 city and county circuit court clerks' offices located across the state. This was done, as it is today, by assisting the clerks in preserving the records in their care, and, when desirable, by transferring court records to the Library of Virginia, where they are processed and stored in a secure, climate-controlled environment.

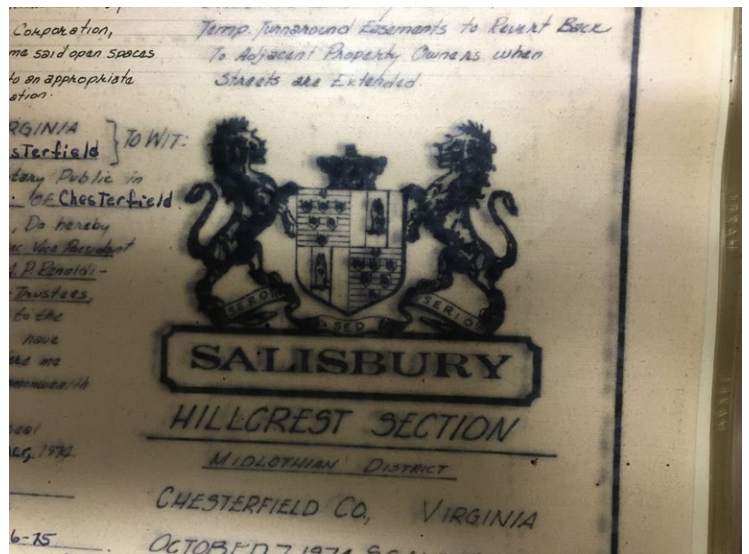
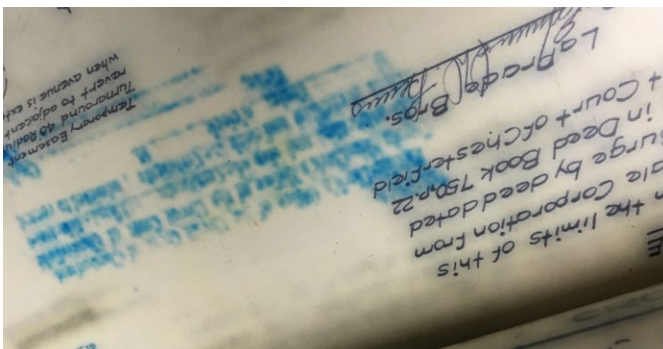
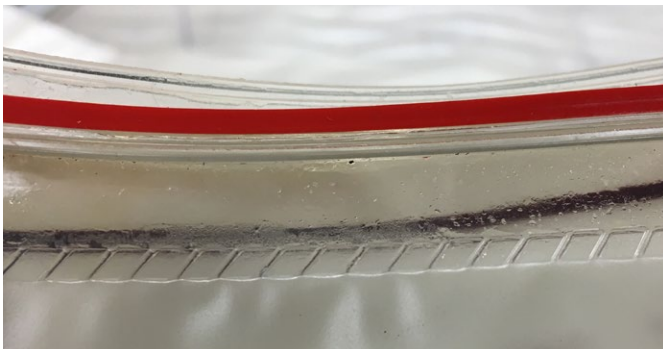
In conjunction with the establishment of the program, a National Historical Publications and Records Commission grant funded a survey of each of Virginia's circuit court clerks' offices, conducted by a conservator with the Conservation Center for Art and Historic Artifacts. The survey covered not only the condition of records, but also the courthouse buildings and maintenance, the environments where records were stored, and security and disaster planning. In the survey for Caroline County, the conservator noted that the clerk felt that the office would reach its storage capacity in 2000. The conservator, however, thought the space was "filled to capacity now." The conservator was also concerned with the remaining loose records stored in the Woodruff drawers, where "safe removal and replacement of documents is impossible." She recommended that these documents be flat filed and stored in archival quality containers. She noted the condition of the volumes in "various states of deterioration," with typical issues that we recognize today, such as loose sewing, detached pages, and red rot. She also mentioned books that had been laminated and others with "paper and tape extensions," or stripped with tape.

CCRP funding also provides conservation grants administered by members of the Virginia Court Clerks' Association and Library of Virginia staff. Since 1991, the CCRP program has awarded over 20 million dollars in grants to city and county circuit court offices across the state. During that time, the Caroline County circuit court clerk's office has applied for ten grants (including nine item conservation grants) totaling more than \$77,000.

The Caroline County circuit court loose records that were processed after the 1980 transfer to the State Library include 15 boxes (7.40 cu. ft.) of chancery causes (10 c711m6 (s)-7d2.36n-4. (s i)4p9es Tm4T)-27 (b)-40 Conuh 5.2 (a)0. (r)--2.2 (h)35.2 (af6.1 (x))3.5 (u)4 (r)ina.8 (e p)-4.1

A Sticky Problem: Plat Sleeve Deterioration

A conservation issue we have seen in recent years involves the sleeves that are used to enclose and protect plats. Some older sleeves made out of plastic (or PVC) have begun to deteriorate over time, turning into a sticky goo. This goo is the plasticizer, which leeches out of the sleeves and eventually, into the plats themselves. The sleeves deteriorate at varying rates. Some appear to be fine, while others are tacky. If you have plats hanging in a plat cabinet, you might see the goo congealing at the bottom of the sleeves. In severe cases, the plats are immersed in the plasticizer and the ink in the plat begins to bleed into the paper. In some instances, the ink has created an imprint of the plat on the inside of the sleeves. We believe that environmental storage conditions are a factor in the rate of deterioration. Plats that are saturated in the plasticizer need to be removed from the sleeves. Regardless of their current condition, however, eventually all of the plats will need to be rehoused in archival quality polyester sleeves. Unfortunately, there is no cost-effective way to treat plats that have been affected by the plasticizer. At the moment, the treatment for the plats is to simply remove them from the sleeves, permitting them to dry out, before resleeving them in archival quality sleeves. If you have noticed goo congealing at the bottom of your plat sleeves or tackiness when you touch them, your plats should be considered a priority for an item conservation grant. If your plats appear to be fine, a consulting archivist can inspect the sleeves to see if they are made of new archival polyester or the old-style plastic, which will need to be replaced. If you are unsure, please contact your consulting archivist to schedule a visit.

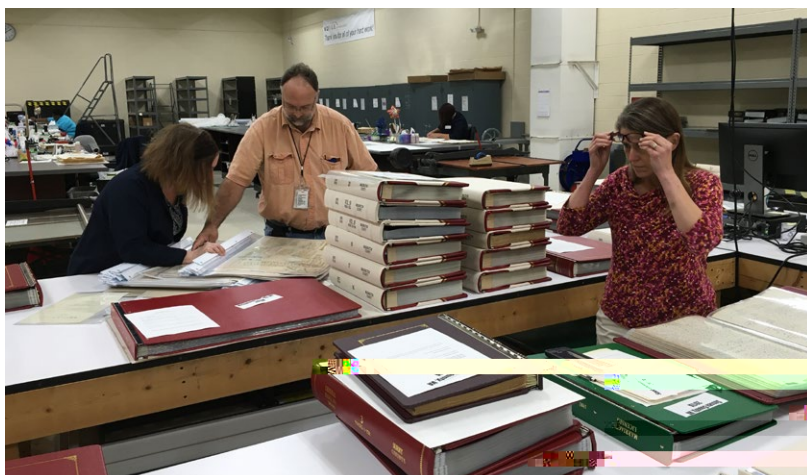
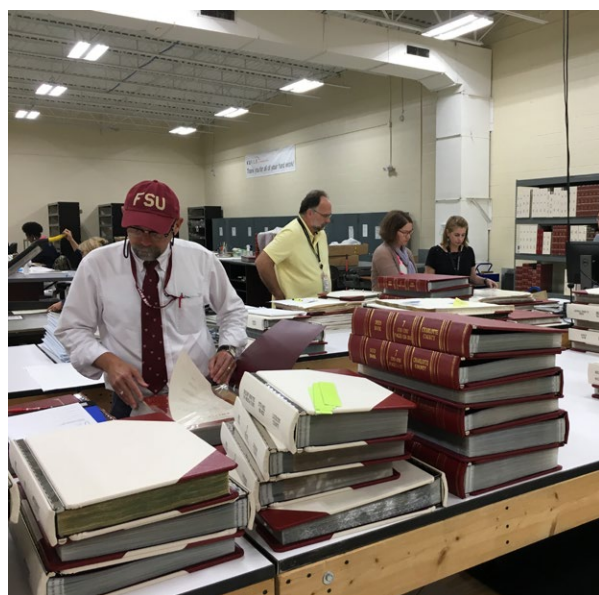
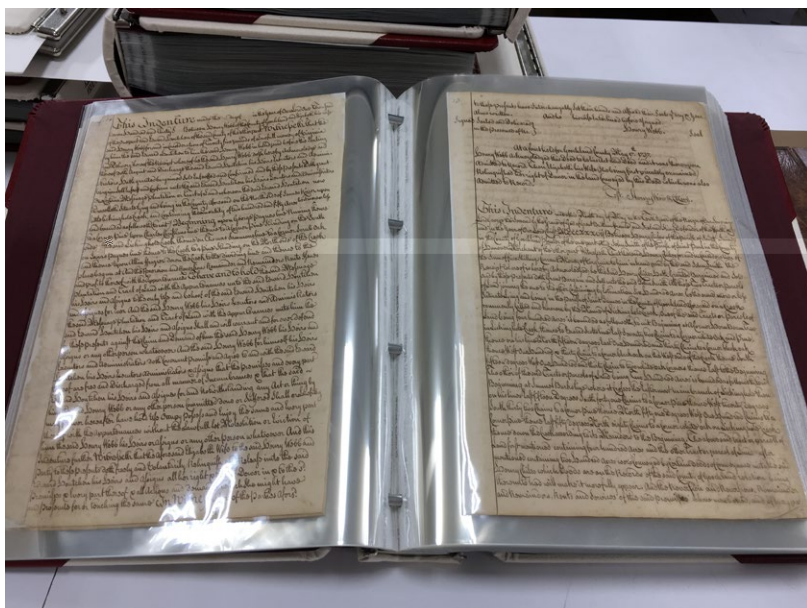


Deteriorated plat sleeves at the Charles City County and Chesterfield County courthouses.

CCRP AND KOFI FILE TECHNOLOGIES



Every two or three months, CCRP staff members travel to the Kofi File Technologies facility in Greensboro, North Carolina, to inspect the items that have been sent to them for conservation through CCRP item conservation grants. These photographs are from recent visits.



Books in the Basement

EXECUTIONS OR EXECUTION BOOKS

Any courthouse with older records has “executions.” These might be loose records tied in bundles and/or execution books (sometimes titled “Executions”). Even in legal parlance, the word “execution” has multiple meanings. With courthouse records, however, the term is usually associated with debt or judgment suits. In these instances, someone has sued another person for a debt that is owed, and that debt has been upheld or substantiated by the court. As a result, someone owes somebody some money. The actual executions become a matter of court record when, according to *Black’s Law Dictionary*, there is a “judicial enforcement of a money judgment” that involves “seizing and selling the judgment debtor’s property.” The process often begins with a “court order directing a sheriff or other officer to enforce a judgment, usually by seizing and selling the judgment debtor’s property.”

Unfortunately, the research value of executions or execution books is sometimes discounted because the information contained in them can usually be found in other court records, such as order books. Additionally, depending on the locality, the clerk, and office protocol, the information included in execution books can vary from locality to locality.

More often than not, when a judgment was made, the litigants sorted it out or resolved the issue themselves. When they were unable or unwilling to do so, however, the justices had to get involved. The loose records that we find tied in tri-folded bundles and labeled with something like “executions” might be the actual judgment with the notice for the execution written on it or a separate notice of execution document, either of which was carried by the sheriff or constable to the debtor’s home or business to collect the debt. These documents usually have information such as the date or dates that the officer attempted to serve the order and whether the debt was satisfied in some way. Execution books serve as logs for the “executions” made by the sheriff or constable. Sometimes the execution book is divided into columns, which might indicate the date of the execution, a note about the official judgment (who sued and who owed money), and a corresponding note about whether the judgment was satisfied. This section might indicate that the debtor paid off the debt and the debt was “satisfied” or that the officer took property owned by the debtor in order to satisfy the debt. It might indicate that no one was home or the debtor could not be located. In this case, the loose record that the official carried would usually be marked as such with the date of the visit. The same document would be marked up again to indicate the next and subsequent attempts at the execution. Most execution books have individual dated entries for each visit to the debtor’s home until the debt was resolved. The execution or the execution book might also include any associated fees involved in serving the execution, such as to the sheriff or constable.

These items offer a wealth of information and their research value can increase for any number of reasons. If the records were indexed in some way, they are an easy source of information on specific people, adding



Washington County Execution Books, 1807-1810 (bottom) and 1823-1829 (top).

value to historical or genealogical research. If the execution occurred during the antebellum period and the debtor was a slave owner, the debtor’s slave or slaves, as his or her property, might be commandeered to satisfy the debt. And, finally, in instances where other records such as order books, minute books, and loose records have not survived, executions and execution books can help to fill the gaps in the records.

Unfortunately, because of their status as second-tier resources, executions and execution books are sometimes relegated to the basement, evidence room, or other storage areas. Over the years, many have been exposed to *less than optimal* conditions, resulting in the need for conservation. Because of their importance to social and local history and genealogical research, they should be considered prime candidates for item conservation grants.

A Will Without a Way

AN AMHERST COUNTY FREEDOM SUIT

Sometimes a will is not worth the paper it's written on. Too often, people go through the trouble of creating a formal last will and testament only to have their desires ignored. The chances for dispute or contestation are even greater when there is opportunity for financial gain, as was the case of a 19th-century man who wanted a better life for his slaves.

Samuel Gist listed in his will specific instructions for how his enslaved workers should be treated after his demise. The will filed in the City of Richmond noted that Gist's land would be sold and the enslaved people emancipated and taken to Ohio. In all, between 80 and 100 enslaved men and women gained freedom in 1819 and relocated with the assistance of William Hickman as dictated in the Gist will. The men and women affected must have been overjoyed, as Gist's will created a way to escape from bondage. Yet all did not share the enjoyment.

At the time of the move to Ohio, an enslaved woman named Sarah was away from the Gist estate, living with her husband's owner, George P. Luck. Luck had sold Sarah's husband, leaving her with eight children between the ages of 18 months and 19 years, and a ninth baby on the way. To make matters worse, Luck was in debt, and unbeknownst to Sarah he sold the entire family for \$7 to Philip Thurmond. When Sarah learned of this, she escaped with

her children to a neighbor's home, where Thurmond soon found them and took the family by force.

Thurmond was himself bankrupt and eager to profit from the arrangement. He solicited others for a deal to sell Sarah and her family at the first opportunity. Aware of Thurmond's financial plight, Sarah insisted that she and her family had a right to their freedom based on the will of Samuel Gist. She believed that Luck and Thurmond were in cahoots to gain a huge profit; otherwise, why would Luck have accepted a meager \$7? Sarah was certain that she and her children were worth at least \$2,000. Her only hope was for William Hickman to learn of the situation and intervene so that she and her family would be free.

Sarah petitioned the court to file a case against Luck and Thurmond. The suit was listed as *Amherst County Chancery Cause, Sarah~, etc. vs. George P. Luck, etc., 1833-024*. The court summoned Luck, Thurmond, and Hickman to serve as defendants against the assertion that Sarah and her family had been owned by Samuel Gist and were therefore free. In order to maintain custody during the case, Thurmond was required to pay a \$4,000 bond: the assessed value of Sarah and the children. If he did not pay the bond, the Amherst County sheriff would take custody of them and arrange for their housing and other needs.

On April 12, 1832, 13 years after the original round of emancipations, attorney Henry W. Quarles represented Sarah and her family in Amherst County Circuit Court. The court ultimately ruled that Sarah and her children were entitled to be free, finally fulfilling the will of Samuel Gist.

This suit is part of the Amherst County Chancery Causes, which are currently closed for processing and digital reformatting.

—Sherri Bagley, Local Records Archivist

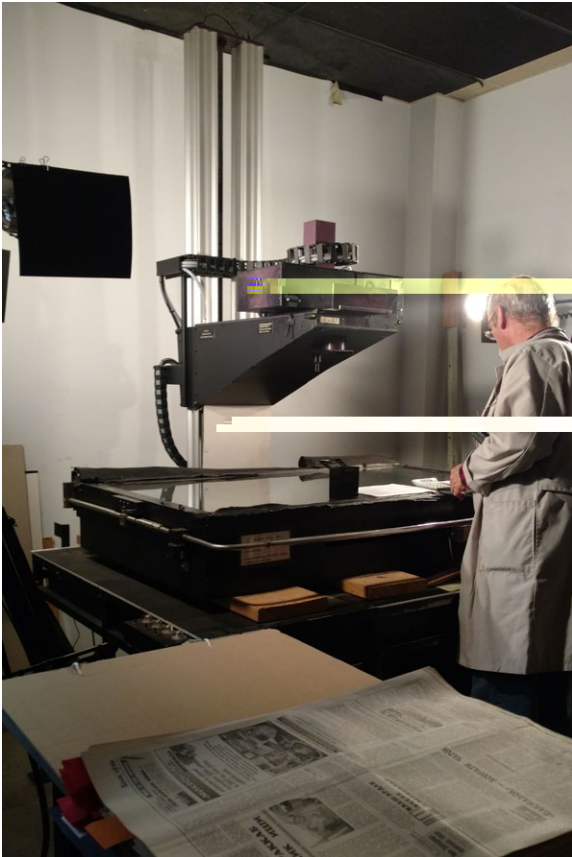
Reprinted from the Library of Virginia's Out of the Box blog, June 20, 2018.

Handwritten text from a legal document, likely a petition or court record, detailing the case of Sarah and her children against George P. Luck and Philip Thurmond. The text is written in cursive and includes references to the Amherst County Chancery Causes.

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Amherst County, Chancery Causes, Sarah~, etc. vs. George P. Luck, etc., 1833-024. Local Government Records Collection, Library of Virginia, Richmond, VA.

Library of Virginia Staff Visit Backstage Library Works



Library of Virginia staff recently visited Backstage Library Works to deliver chancery causes for scanning. The Backstage staff provided them with a “behind the scenes” tour of their microfilm and scanning operations.

