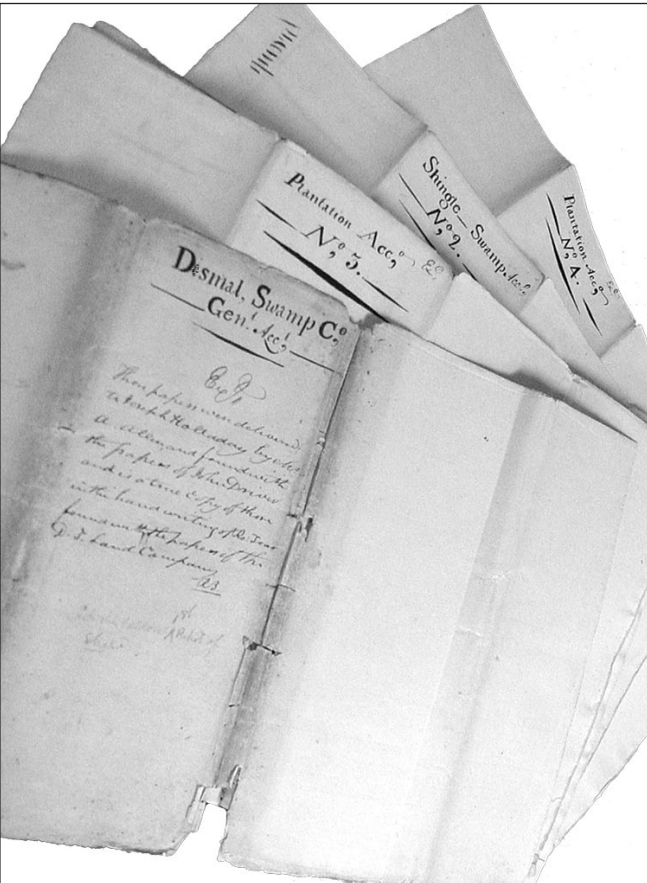


Case ... ments dating from about 1830, another set from the 1840s, and finally another group from about the 1880s. Putting together the puzzle was not going to be a simple task.

In addition, a typewritten document is always welcomed over the handwritten papers. Some of the clerks had better penmanship than others, to say the least. Some of the writing was beautiful and stylistic, but some of it could be entirely illegible. I felt as if I had really accomplished something as I started to recognize the common contractions, like Jno for John (makes no sense to me). The clerks would divide a word wherever they felt like it, and they often showed total disregard for the spelling of proper nouns. It was common to have the same name spelled several different ways in the same document. Given that spelling was of little consequence at the time, coupled with poor penmanship, a typewritten document eliminated a lot of the guesswork.

Another reason this booklet interested me was that it contained information about the origins of the Dismal Swamp Land Company. It seems that the company was made up of quite a few prominent men of the time. A note in the appeal petition states that the company was formed in Williamsburg in 1763 “by an association of gentlemen” consisting of among others George Washington. It states that “General Washington was the first president of the association” and he obviously took an active role in the company because there were many documents with his signature on them. The 1886 appeal petition also states many of his heirs were still stockholders in the company.

This case has great value in catching a glimpse of everyday life at that time, especially since that life was so different from what most of us experience today. In the note recounting the history of the company, the petitioner states that each of the original members of the association agreed to contribute 50 able-bodied laboring slaves. Among the documents of the case is a 1785 plantation account with quite a few entries for the expenses associated with supporting the slave work force. They include notations such as “4 barrel herrings for the negroes,” “sugar for sick negro,” “midwife with a negro wench.” Other entries are for the bare necessities of life such as salt, bacon, pork, and lard, and others are for tools and supplies such as rope, bowls, spoons, and the like.



Dismal Swamp Land Co. accounts from the 1780s forward. Williamsburg/James City Co. Chancery Records 1886-011

The defendant in the case, the Dismal Swamp Land Company, appealed the decree based on the *laches*, or negligence, in the prosecution of this case—the fact that 35 years had passed between the last decree and the order reviving the case once again in the 1880s—and on the grounds that the method used to determine the amount of money due the estate of Mrs. Macaulay was faulty. The Supreme Court allowed the Dismal Swamp Land Company an appeal and *supersedeas*, or stay, on June 24, 1886. This is the last order found among the records of the case.

The entire experience of working on this grant has made local history much more personal than I would have ever thought possible. I feel connected to the people and the events because I am familiar with them. George Washington is not quite so mythic a figure from so long ago anymore. This case places him here in my town of Williamsburg associated with the principal participants, some of whose names are still known locally, in a case that reaches all the way to 1886.

RECORDATUR

One Case, Many Facets

Local life, famous names, company ledgers: all revealed in 57 years worth of one chancery suit.

ARCHIVES DISCOVERIES

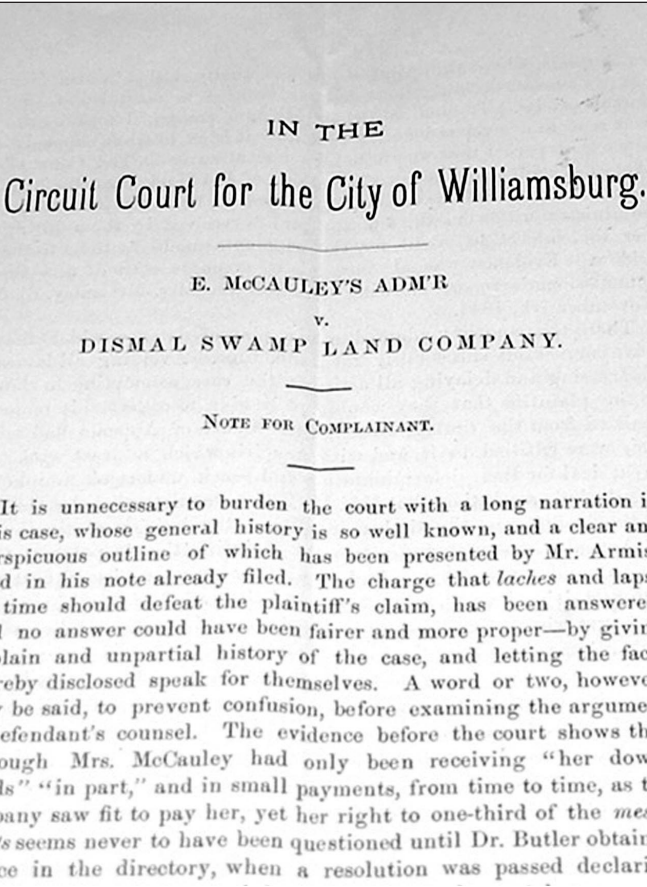
This is a continuation of Kim Driscoll's article in the Summer 2004 Recordatur. Mrs. Driscoll was hired with grant funds by the Williamsburg/James City County Clerk's Office to process the chancery records in that office. In her last article, Mrs. Driscoll described her experiences in dealing with the old records. Here she goes into the details of a particularly notable case.

One of the longest running and most interesting cases, *Admr. of Elizabeth Macaulay v. President & Managers of Dismal Swamp Land Company* was instituted in 1829 and was revived several times over many years through deaths, illnesses, war, and a Virginia Supreme Court appeal.

Elizabeth Macaulay, who died shortly after the initiation of this suit, was pressing her dower interest in 8,000 acres of swamp land worked and managed by the Dismal Swamp Land Company. Mrs. Macaulay's husband, who died in 1798, owned an undivided 1/2 interest in a tract of land situated within the bounds of the Dismal Swamp. Over the course of several years, more than a million shingles were manufactured from the trees on that land and significant profits were realized.

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In 1886 a decree in the Circuit Court of James City County ordered the defendant to pay Macaulay's estate the sum of \$19,610.09. This decree was appealed to the Virginia Supreme Court



Virginia Supreme Court of Appeals bound and printed volume. Williamsburg/James City Co. Chancery Records 1886-011

of Appeals. Because of the appeal, there exists a typewritten, bound copy of all the case documents that were available at the time of the appeal and the appellant's petition, which contains a timeline documenting the history of the case from its institution in 1829 to the time of the 1886 decree.

I considered myself lucky to have found this booklet for several reasons. For one, it was a little overwhelming to open up folder after folder of documents knowing that they were all from one case but also knowing that they spanned the entire nineteenth century. There were accounting records from the late 1700's, a group of docu- see Case, page 4

RECORDATUR

“An entry made on record to prevent any alteration of Record”

This newsletter is published twice a year to keep circuit court clerks informed about the court records preservation program in the Commonwealth of Virginia. Reader participation is invited.



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ADMINISTRATOR’S CORNER

A very big thank you is extended to Ed Semonian, Alexandria; Barbara Williams, Appomattox; and Marilyn Wilson, Amelia for the time and energy they put into the grant review board this year. They reviewed and awarded a total of 34 grants in the amount of \$1,368,369. The breakdown of the last cycle, along with a recap of all awards, is included in this newsletter.

Over the course of 2004 several patrons have come to the Library of Virginia on the advice of a clerk expecting to gain access to the court records through the security microfilm we have permanently stored here. As a reminder, please do not to send anyone to the LVA to use the security microfilm. It is for backup and preservation purposes only. Our reading room does have many of the historical records on microfilm, and they are available to the public. For our Guide to Virginia County and City Records on Microfilm please go to http://www.lva.lib.va.us/whatwehave/local/local_rec/index.htm. If you would like me to email you a link for going directly to your locality, please let me know and I’ll be glad to do so.

To clear up one more security-film issue—while the Library of Virginia no longer receives the copy of the land tax record that your office used to send to the Department of Taxation (and disposed of all hard copies back through 1978) we will still receive and store a

permanent microfilm/fiche backup of the annual tax records produced by your locality. If you have any questions on this, please give us a call.

The chancery digitization procurement is still grinding away. The tentative timeline, as set by VITA, places the award of the contract about the first to the middle of March. The Evaluation Committee is in the proposal review process now.

I want to wish each of you a very happy and prosperous New Year. The next grant application deadline for records preservation projects is March 15. Please remember to leave plenty of time before applications are due to contact vendors and receive bids if necessary. If you have anything you would like to pursue, please let our office know. We will be glad to help you.

Circuit Court Records Preservation Program

Grant Applications due by 5:00 P.M. on
**Tuesday,
March 15, 2005.**
Contact Amy Judd (804/692-3601, ajudd@lva.lib.va.us) or Glenn Smith (804/692-3604, gsmith@lva.lib.va.us) before submitting an application.

The Analyst’s Couch A new feature from G. Mark Walsh, C.A. Records & Information Analyst

The patient that has to be dealt with by the Analyst is the record series dealing with District Court Civil Case Papers. Held by Circuit Courts prior to January 1st, 1985, these records have a 20-year retention period—meaning that they can be disposed of in the coming calendar year.

General Schedule 12 has the following entry for this series:
Case Papers, Civil, District Court - Prior to Jan. 1, 1985 - Series No. 010446

Documents district court cases concerning civil or private rights and remedies. May include warrants in debt and unlawful detainers. Refer to Code of Virginia, Section 16.1-116, 16.1-69.58.
Retain 20 years after judgment; if there is no motion to extend, then destroy (Code, Section 16.1-118). Or, destroy if: (1) Retained for 1 year after order of dis-

missal. (2) Judgment is barred. (3) There is no service of warrant or motion or other process or summons on any defendant, and 1 year has elapsed from the date of such process or summons. (4) Ordered by the judge.

There is the usual caveat for destruction of these files, given in GS 12:
“Clerks may consult the Archives, Library of Virginia, (804) 692-3600, for assistance in identifying cases that have historical, genealogical or sensational significance for permanent retention (Code, Section 42.1-77, Section 17.1-213(D)).”

If any assistance is required in completing the Certificate of Records Destruction (RM-3) form or in the identification of cases for permanent retention for this or any other series, please do not hesitate to contact your Analyst at (804) 692-3650 or by email at mwalsh@lva.lib.va.us.

THE CIRCUIT COURT RECORDS PRESERVATION PROGRAM HAS AWARDED

631 grants over 26 cycles from February 1992 to October 2004, totaling \$10,304,806
Due to a new grants tracking system, these are the most accurate numbers to date.

The project types and the number awarded are:

General Preservation	37	\$296,802
Item Conservation	161	1,016,989
Microfilm Reader/Printers	64	780,254
Records Processing	125	2,080,222
Reformatting	165	5,697,199
Security Systems	80	433,340

Awards for 2005A Cycle

Locality	Project Type	Awarded
Scott County	Security System	6,528.00
Amherst County	Reformatting	2,900.00
City of Newport News	Reformatting	55,667.00
City of Staunton	Reformatting	3,381.98
Sussex County	Reformatting	4,498.75
Bedford County	Processing	43,183.82
Wise County	Processing	30,761.00
Prince Edward County	Reader/Printer	10,671.89
Loudoun County	Preservation	4,355.00
Scott County	Preservation	29,760.00
Augusta County	Item Conservation	9,268.00
Campbell County	Item Conservation	6,915.00
Dickenson County	Item Conservation	550.00
Loudoun County	Item Conservation	8,400.00

Total: \$ 216,840.44