

The Newsletter of Virginia's Circuit Court Records Preservation Program ■ No. 8 ■ Summer 2020

CCRP NEWS



LIBRARY OF VIRGINIA



**Virginia's Historic Courthouses and the Library of Virginia:
Accomack County Courthouse & Clerk's Office**

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

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Accomack County's 1887 clerk's office and iconic 1899 courthouse, March 11, 1964 (cover); the 1899 Accomack County Courthouse taken during a 1919 inventory by the state archivist (top); the 1899 Accomack County Courthouse in 1966 (opposite page left), circa 1962-1980s (opposite page middle), and 2009 (opposite page right); 1899 Accomack County Courthouse postcard, circa 1936 (opposite page bottom left); 1887 Accomack County clerk's office, 2009 (opposite page middle); floor plan and elevation for the 1887 Accomack County clerk's office, 1887 (opposite page bottom right); newspaper article announcing the opening of the 1899 Accomack County Courthouse in the June 23, 1900, issue of the Peninsula Enterprise (opposite page far right middle). (Images from: Photograph Collection, Office of the State Archivist Collection, Local Government Records Collection, Public Buildings and Grounds Collection, and the Virginia Newspaper Project, all at the Library of Virginia.)



Virginia's Historic Courthouses and the Library of Virginia: Accomack County Courthouse & Clerk's Office

When it was established in 1634, Accomac comprised the entire eastern shoreline of Virginia and was one of the original eight shires. In 1642, the name was changed to Northampton County, and in 1663, Northampton was split into two counties, with the northern two-thirds reestablished as Accomac. (In 1940, the General Assembly officially added a "k" to the end of the county's name.) The first session of Accomac Court took place on April 21, 1663, and was probably held at the home of one of the justices. After court sessions were held in a tavern for a few years, some believe that a formal courthouse may have been constructed in Onancock in 1680. If so, it was abandoned and the courts returned to another private building (or tavern). By 1710, a new frame structure was built to serve as the courthouse, and in 1758 a two-story brick courthouse replaced it. In 1887 a free-standing clerk's office was constructed. After surviving the Civil War and a fire, in 1899 the courthouse was razed to make way for the current brick building with its elaborate cupola. Today, the two ancient buildings are still in use and are a part of the 158 buildings that make up the Accomac Historic District.

Photographs and other resources at the Library of Virginia document some of the history of Accomack County's courthouse and the free-standing clerk's office. For more information on the history of the Virginia's Eastern Shore courthouses, see William H. Gaines, Jr.'s article "Courthouses of Virginia's Eastern Shore," in the Summer 1964 issue of *Virginia Cavalcade*.

Courthouse Dedicated.

The new courthouse of the county of Accomac was dedicated and opened to the public last Tuesday in the presence of a vast throng of people of the county, estimated at from 1,500 to 2,000.

The assembly was called to order at 11 a. m., by Mr. Jas. H. Fletcher, Jr., Chairman of Committee, Rev. F. M. Edwards, D. D., delivered a fervent prayer, and was followed by Mr. Fletcher in an appropriate address of welcome.

The seating of a Permanent Chairman being next in order of exercises, Judge John W. G. Blackstone, who had been selected for the position, was called to the chair and delivered a very interesting address much of it eloquent, especially his reference to the old courthouse and its sacred memories.

The presentation of the keys of the courthouse by Mr. E. S. Wise, chairman of the Board of Supervisors to Judge Samuel T. Ross, the legal custodian, next followed and there was but one opinion as to the address of Judge Ross in accepting same—that his speech was an appropriate one and that the duty was gracefully performed by him.



Books in the Basement: JUDGMENTS

Pound for pound, next to land records, the most voluminous (and confusing) of Virginia's historic circuit court records probably are judgments or debt cases. They fill Woodruff drawers in courthouse record rooms with summonses, subpoenas, attachments, and other records, and the cases frequently end up being inconclusive. What was the outcome? Where is the "judgment" or decree in these debt cases? The reality is that the overwhelming majority of debt cases were settled before they actually went to trial. However, they still produced court dates as well as a lot of legal documents and paperwork.

In early Virginia, the largest segment of a court's caseload consisted of litigation for small debts (under a certain amount). The next-largest segment involved formal writs (debts over that amount). These were legal actions, which included a writ on trespass on a case, a writ of attachment, and a writ of debt. Writs of trespass on a case represented an obligation that had accumulated over time, which was documented in a ledger or account book. These debts would have been owed to merchants, tavern keepers, and craft or skilled workers for providing goods and services. Writs of attachment permitted creditors to seize the property of fugitive or unresponsive debtors. Writs of debt for the most part were written, signed, and

witnessed obligations to pay a certain amount. According to historian and local records expert Turk McCleskey, small debt and writs of debt comprised around two-thirds of all civil suits in early Virginia.

Of these formal writs, suits on a writ of debt, a signed personal agreement (or contract) to pay an outstanding financial obligation, were the most common. These documents usually represented a total accumulation of transactions that had been recorded in an account book over time. A note, signed with interest added, represented a commitment to repay what a line item in an account book lacked. Once a petition to recover a debt was filed, each legal motion to postpone bore a cost. Every administrative step carried a clerk's fee, and sometimes a sheriff's fee, all of which were to be paid by the losing party. The fees associated with the actual trial itself, especially with witnesses and a jury, were the most burdensome. These costs gave litigants with weak cases incentives to settle out of court, especially when the debt was small, or when the litigant knew that he or she was going to lose anyway.

Once an action was initiated by the filing of a complaint, the clerk drew up a summons (*capias*), which the sheriff either served to the defendant or left at the defendant's residence. After it was served,



This 1810 writ of execution (or *fifa*) issued by John Carr, the clerk of courts for Albemarle County, authorized the sheriff to seize the property ("goods and chattel") of the debtors, John Burks, Thomas Mathews, and Thomas Thurmond. The property ("a negro woman and child"), taken on May 30, 1811, was then sold to John Irvin for \$300. Those funds went to satisfying the debt (£113.11) owed to the plaintiff, Elizabeth Harris, the administrator of the estate of John Harris, deceased, and toward the court, other administrative costs (\$5.56), and attorney's fees (£27.6). When the writ was issued, the clerk specified that the execution could be satisfied upon the payment of £56.5 plus interest from the date of October 6, 1810. On the document itself, the deputy sheriff, J. P. Key, indicated his fee for serving the writ and that it "came to hand 21 May 1811."

the suit was added to the clerk's docket for the next session. If the summons could not be served, then it was renewed (*alias capias*) for the next session. The plaintiff could continue to renew the summons, continuing to up the court fees. Usually, however, the next step was the writ of attachment, authorizing the sheriff to seize property of the defendant that was of sufficient value to cover the outstanding debt. A defendant seeking to recover his or her property had to appear in court. Like unserved summonses, unserved attachments could be renewed as *alias attachments*.

After a defendant was served a summons, he or she had to decide whether to repay the debt or to begin the legal actions necessary to resolve the case. If the defendant settled the debt, a line in the clerk's order book would acknowledge that the litigants had come to an agreement, and that was that. If the defendant chose not to settle, he or she could employ a few simple legal delaying tactics that would postpone their response to the next court session. This could also buy time to come up with the funds to repay the debt. If

the debt was not resolved by the next court session, the defendant either forfeited by not appearing (*judgment by default*), confessed, or entered a plea.

If the defendant wanted to argue a legal issue (*demurrer*), acknowledging the facts but denying that there was a legal cause for action, the trial was decided by a justice. If the defendant wanted to argue a factual issue, the trial was decided by a jury, which would mean that both the plaintiff and defendant could present evidence and arguments. At any time after a suit was put on the docket, but before the jury delivered a verdict, either of the litigants could forfeit their suit by declining to appear or withdrawing from the proceedings.

Before confession, judgment by default, or trial, the process took place in private, and was presided over by the clerk. On the day of the trial, the litigants presented their cases. Following judgments, the losers of the suits usually complied with the rulings. If not, the winning party was entitled to a writ of execution, seizing either the

defendant or the defendant's property, or a writ ordering the sheriff to arrest the loser (*capias ad satisfaciendum*) until the debt, costs, and damages were satisfied. If the *capias* could not be served, it could be renewed repeatedly. The creditor could also obtain a writ of execution (*fieri facias*, sometimes referred to as *fifa*) ordering the sheriff to seize property of the defendant that was of sufficient value to satisfy the debt. The court then condemned the property and ordered the sheriff to sell it. It is worth noting that, once a judgment had passed, dissatisfied parties could appeal or file an injunction in chancery.

What makes judgments so confusing is that, with all the paperwork, the majority of the cases never made it to trial, with the threat of a lawsuit usually being enough to force the debtor to work out an agreeable solution with the plaintiff. According to Turk McCleskey, approximately 30 percent of the cases were resolved immediately after the defendant was served with a subpoena or writ. As suggested, the debtor might string out the process while working to come up with the funding, and the larger the debt, the more likely the delay in repayment. Predictably, the debtors lost the majority of the cases. With each step in the process adding administrative fees there was extra incentive to pay off the debt and get out as fast as possible. In the end, only about 5 percent of the actions brought actually made it to trial.

A 1655 Northampton County petition by merchant Edward Prescott to recover £470 from William Andrewes Jr., high sheriff of the locality. Prescott had permitted the original debtor, Jonas Moore, to escape his custody. When this would occur, plaintiffs could request special writs of execution (*scire facias*), which could be used to enforce the terms of special bail and hold accountable a negligent sheriff who let a defendant escape.

To the Worshippfull Comissio^{rs} for Northampton County.
 The humble petition of Edward Prescott Merchant.
 Humbly sheweth.
 That whereas your petition^r on the 1th of May last -
 procured an order against one Jonas Moore (whose way
 then a prisoner under arrest) to remain in the Sheriffs
 custody untill he gave a just account, and were
 responsible unto your petition^r for four hundred and
 seventy pounds sterling worth of goods of your petition^r
 which the said Jonas Moore battered, and ended in
 this said County of Northampton.
 Now for itt is that the said Jonas Moore hath
 made an escape out of prison, as also out of the
 County, and Country to the great damage of your
 petition^r.
 The humble therefore desireth accordinge to cou^{ts}
 of Law, and the known & grounded Lawes of
 the Commonwealth of England to grant him an
 order of Court against M^r. William Andrewes Jun^r
 high sheriff for the said County of Northampton,
 (in whose custody hee was to remaine) for the
 performance of the said order of four hundred and
 seventy pounds sterling worth of goods granted
 against the said Moore the said 1th of May last
 past and that the said M^r. William Andrewes Jun^r
 high sheriff, may be responsible to your petition^r for
 the said sume in the said order expressed, with
 his costs, and charges.
 And as in duty bound hee shall pray &c.

Prescott would recover £470 from Andrewes Jr. in 1655

The Emery Silk Process

The now-discredited conservation method for the preservation of documents, silking or, more specifically, the Emery silk process, was popular from the mid-1890s to the 1930s. The Emery silk process was the standard, or at least one of the most desirable conservation methods available, during this period. Because of the expense involved, however, it never caught on with the strength of its conservation laminating successor, cellulose acetate lamination. That technique was phased out in the late 1980s, when everyone finally came to the realization that melting transparent plastic on historical documents was probably not a good idea. During their heydays, however, both silking and cellulose acetate lamination were considered the last word in document conservation.

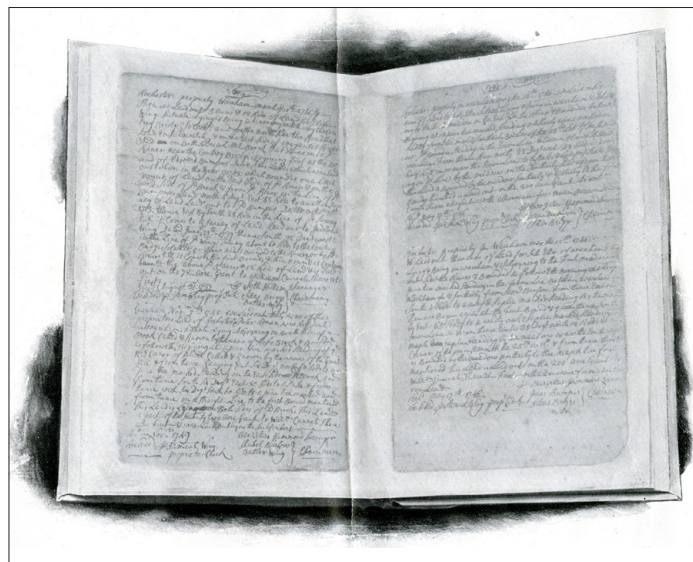
In the 1890s, Francis Walcott Reed Emery, a Massachusetts bookbinder, began treating or mending documents using tissue. He later added silk and a laminate to his process, and the Emery silk process was born. As with cellulose acetate lamination, the process evolved and, with the addition of paraffin wax, Emery obtained a patent for his process. During the time of its popularity, some conservators adopted variations of the technique, substituting less expensive mousseline, crepeline netting, or gauze in place of the silk, and sometimes these alternate processes did not include paraffin.

While examples are certainly out there, for a number of reasons we do not find court records conserved using the Emery silk process as frequently as we do other former conservation methods. First, the Emery method was popular during a time when few of Virginia's courthouses were interested in conserving their records, and a smaller number of the records may have needed conservation treatment. Prior to the turn of the century, re-binding was generally considered the best form of conservation, and even today, we commonly see court record books from that era that are rebound.

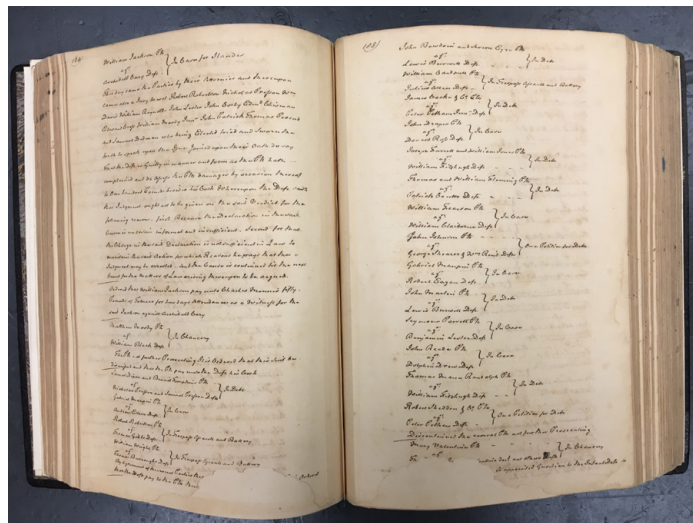
Secondly, as mentioned, the Emery process was costly, and the work was performed at the company's facility in Massachusetts, requiring items to be shipped out of state. When Virginia's court records were sent for conservation treatment, they more than likely were sent to the W. J. Barrow Research Laboratory, either in Newport News or Richmond. As it turns out, because of locations of the two different shops, we find that court records in New England are more often silked, rather than cellulose acetate laminated, and vice versa in Virginia, where records are more often cellulose acetate laminated, rather than silked.

Cellulose acetate lamination was quicker, more affordable, and better-suited for the high volume and large page counts associated with court records. As Virginia's circuit court clerks' offices were becoming more attuned to conserving their historic records, the Barrow method was gaining in popularity. As a result, the cellulose acetate lamination of Virginia's court records hit a critical mass before trailing off in the 1980s. Silked items are out there, however,

and the bulk of the volumes that we have seen were treated in the 1920s. Those from the Emery shop usually have a brown leather or beige cloth/brown leather binding. The "Emery Record Preserving Co." sticker on the inside of the back cover is also a dead giveaway. A dedication can usually be found in the front of older restored volumes; if you see one with a dedication prior to 1935, take a closer look. Sometimes one will find the pages silked or, if not, conserved in gauze or a similar substance.



This image (above) from an undated brochure for the Emery Record Preservation Company reads, "The leaves are sealed between sheets of transparent silk through which the writing shows as clearly as before treatment, and are stronger than the best linen ledger." York County Judgments and Orders No. 3, 1772-1774 (below), was "restored" using the Emery silk process in 1930 by John D. Rockefeller, Jr. It was done as a "token of appreciation of help received from the records for the restoration work in Williamsburg."



An Anecdotal History of the of Collaborative Conservation Efforts Between the Prince William County Circuit Court Clerk's Office and the Library of Virginia

Evidence indicates that the Library of Virginia and Virginia's circuit court clerks' offices have been collaborating on the preservation of local government records for the last 120 years, if not longer. It is not difficult to imagine that these collaborative efforts were established prior to the Civil War, but as is often the case, the farther back we go, the fewer the resources are available. Generally speaking, many of the types of resources needed have not survived, which makes documenting the history of document preservation somewhat challenging.

Challenging, but not impossible. Library resources, such as the records of the state archivists, state government records, library publications, the voluminous "Locality Receipt Files," and periodic courthouse inventories and surveys, combined with newspaper accounts, local historical and genealogical societies, and published local histories, help to document various aspects of these preservation efforts. The earliest preservation records for Prince William County that we are aware of begin with a survey of the clerk's office in 1850.

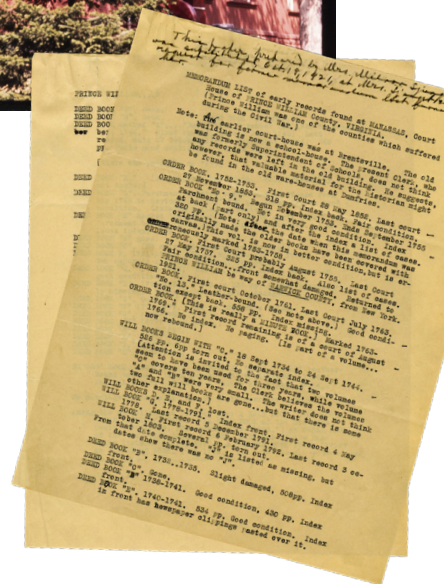
In 1731, Prince William County was created from portions of the western edge of Stafford County and a section of King George County. In 1759, a portion of Prince William that would become Fauquier County was carved out. This awkward manipulating of county boundaries contributed to the shifting of the county seat to two different locations in the first 30 years of its existence, before finally settling in Dumfries in 1759. The center of government moved again, to Brentsville, in 1822, one year before the Virginia State Library was established in 1823. The county seat moved one last time to its current location in Manassas in 1892.

Random documents in the Prince William County clerk's loose papers lend some insight into early, basic, and perhaps unwitting preservation efforts. For example, the replacing of the slate roof on the clerk's office in 1838 undoubtedly helped to create a more climate-friendly environment for the court records stored there. In 1850, a commission was appointed to examine and make sure that "records and papers belonging to the office" were stored safely and protected from "injury." The commission also noted that the "front door of the office and the lock on it want repairing." These reports speak to the importance of not only environmental conditions, but to security as well. The loose papers mention random things, such as purchasing "presses" and "cases" (presumably letterpresses and bookcases), and other items such as tables and stationary, and having the "rubbish around and in the basement of the old clerks [sic] office cleaned away."



The 1892 Prince William County Courthouse in Manassas, circa 1962-1980s and the 1921 inventory. (Photograph Collection and Office of the State Archivist Collection, Library of Virginia.)

In October 1869, a committee was appointed by a local justice to "examine the Clerk's Office of the Circuit Court" and to report their findings. Unfortunately, Prince William County's court records did not fair very well during the Civil War. After the Union army took possession of the town, the county's government buildings were abandoned. As a result, the court records were left at the mercy of the occupying army and, by one account, "covered the floor to a depth of two feet," where they were free "to be rummaged through by all passersby. Many documents were taken and most were destroyed." In response to a survey in a 1929 Report of the Special Committee to Co-operate with the State Library Board, the clerk indicated that, "16 deed books missing and many pages out of some of the others. 5 will books missing and a number of pages out of some of the other. Many other records lost or destroyed, or stolen" during the war.



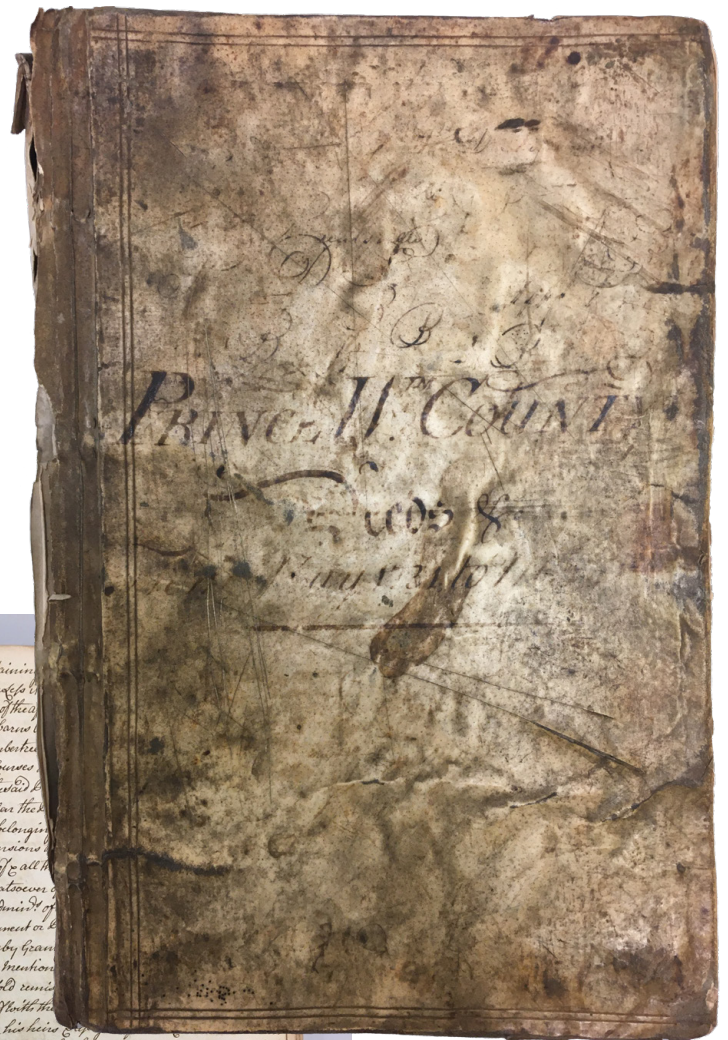
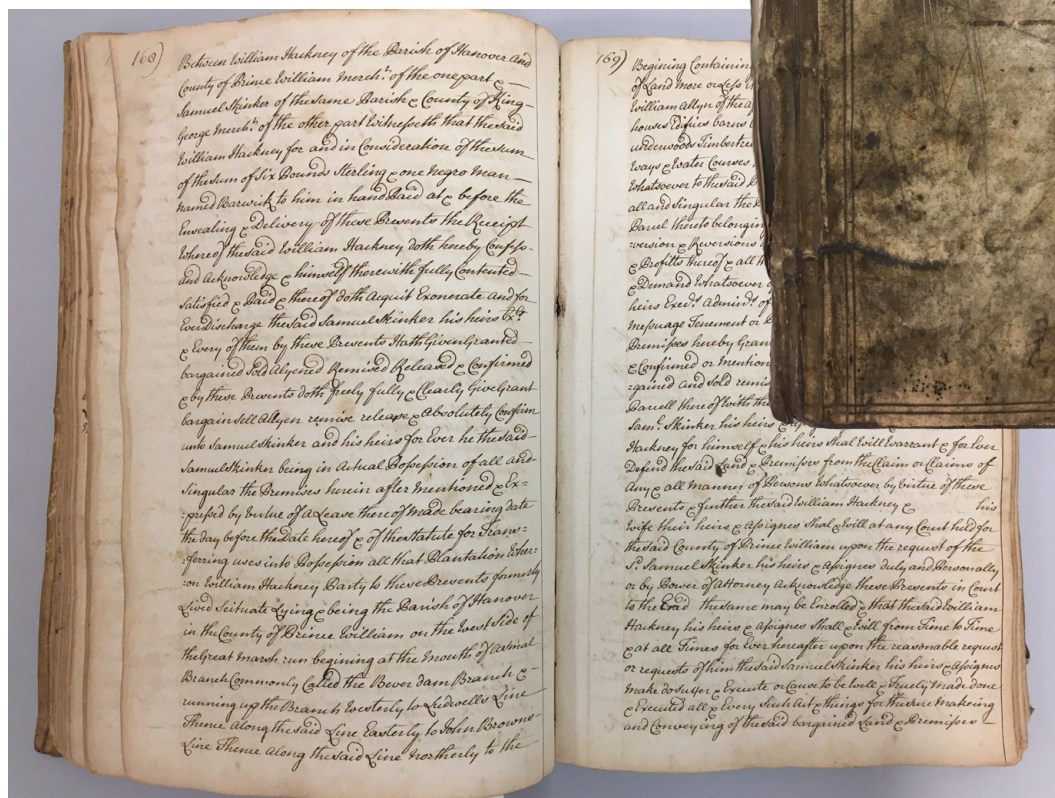
The 1869 committee provided an itemized, albeit abbreviated, inventory of the clerk's office. Creating these inventories then was important for a number of reasons. First of all, it provided an accurate list of what clerk's office had, so that it could know what had been lost. This is especially helpful if there was an earlier inventory with which to compare it. Knowing the fate of the clerk's office and its contents, it is not difficult to surmise that an earlier inventory might not have survived the war. Today, we are able to use this inventory to provide an accurate accounting, or a snapshot, of what was in the clerk's office in 1869. Inventories like these can also help with security, storage, records management, and conservation planning. Unfortunately, while the 1869 inventory detailed the specific volumes, it made no mention of the physical condition of those records that survived the war, only to say that, generally speaking, "the books badly require bindings."

The following year, another committee appointed to examine the clerk's office submitted yet another report. This report was more comprehensive and detailed than the previous year's, however, and addressed the condition of each item. By their own account, the committee members "made a careful examination of every book in the office and of every package of paper in order to satisfy ourselves." This was done to document how the records had been kept so that they "might ascertain exactly what is necessary to place the office in the proper condition." In the inventory, they rated the various record books as "good," "fair," or "dilapidated," and made remarks on their completeness, noting the number of pages or leaves missing when applicable. Sometimes they mentioned an index being missing or defective, or whether the volume had no cover or needed rebinding.

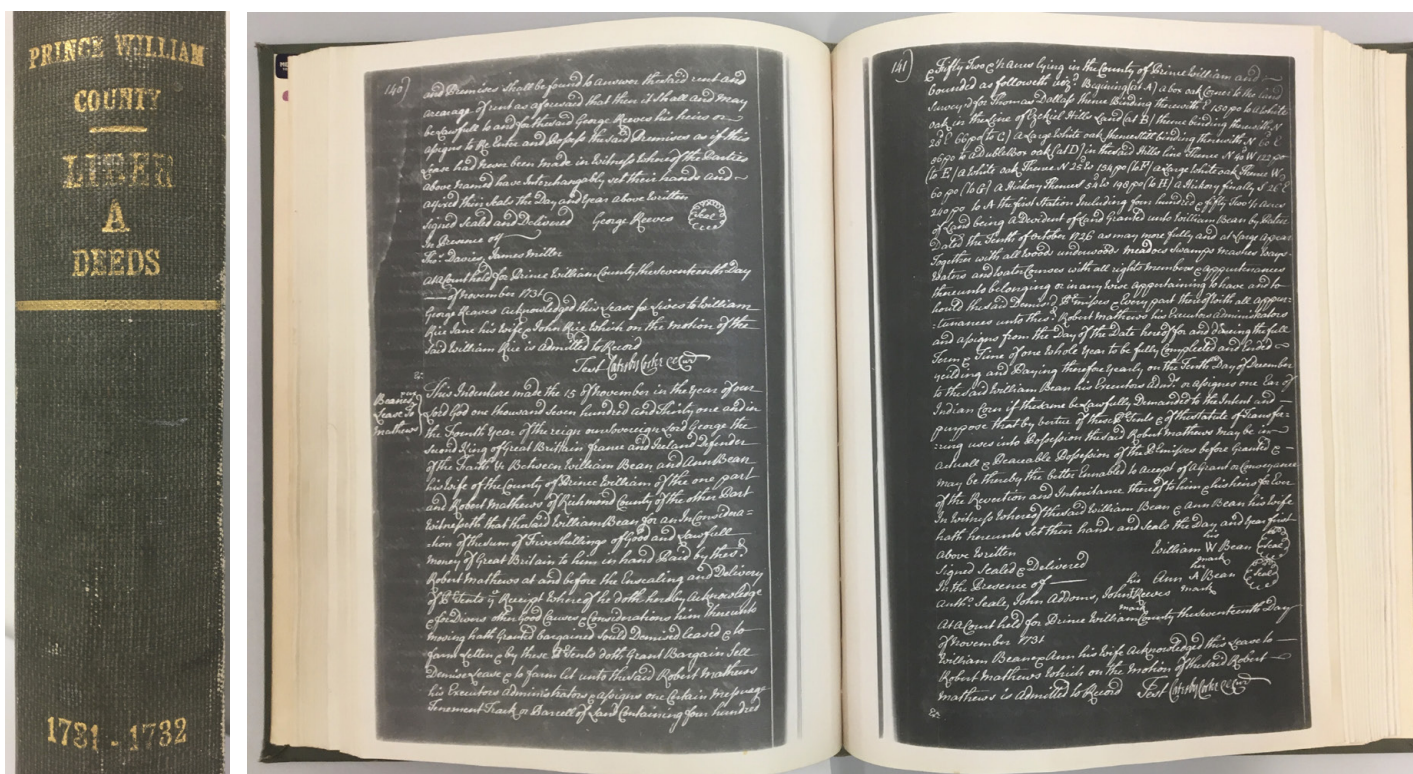
At the end of the report they offered something like a statement of work or treatment proposal for the entire lot: "In view of

the importance that the records of the County should be kept in a condition to afford accurate and ready information of their contents.... We recommend that an appropriation be made for the following purposes." The committee listed the books that needed to be rebound and those that needed new indexes. Interestingly, they also recommended that the loose records be labeled and filed according to their nature and dates. This basic archival processing is probably the simplest and most efficient form of conservation, as it provides for easier access to the records. Other recommendations included suggestions for a new indexing system and the adoption of a uniform size of record books.

The next known inventory was performed by Milnor Ljungstedt, a seasoned genealogist from New England who was assisting the



Prince William County Deed Book A (sometimes referred to as Liber A), 1731-1732, and the bound negative Photostat copy (opposite page) of the same volume created after it was purchased from a book dealer. A bound positive Photostat copy was provided to the clerk's office.



Virginia State Archivist, Morgan P. Robinson. In the late 1910s and early 1920s, Robinson and Ljungstedt traveled across the state surveying the city and county courthouses to determine the completeness of their holdings. During the examinations, they also rated the environmental conditions at each facility and noted any other pertinent information. Sometimes they provided detailed inventories of the collections, which was the case with Ljungstedt's October 18, 1921, visit. At the top of the inventory, she wrote, "Prince William was one of the counties which suffered during the Civil War."

Ljungstedt's inventory was detailed, but it appears to be capped at only records prior to 1800. All totaled, the inventory listed 33 volumes, including five order books, four will books, 23 deed books, and one executors' book. Additionally, she listed as "miscellaneous records," a rule book, land causes, a process book, an execution book, a record book for the Dumfries district court, and order books for the district court and superior court. She also noted that there were no early marriage records. The oldest volume on Ljungstedt's list is Deed Book B, 1732–1735, which is also listed as the oldest record in the 1870 inventory. While the older inventory describes it as in fair and complete condition, in the 1921 inventory, Ljungstedt describes the volume as, "slightly damaged, 508pp. Index front."

The Library of Virginia's locality receipt files for Prince William County indicate that Deed Book B was sent from the clerk's office to the State Library in 1933 to be reproduced (or reformatted) as a bound photostat copy. In a letter to Judge Walter Turpin McCarthy, State Librarian H. R. McIlwaine wrote that on March 2, 1932, he had "made an examination of the records of the Clerk of the Circuit Court of Prince William County" and determined that three record books needed to be reproduced. According to McIlwaine's letter, a 1928 act of the Virginia General Assembly provided that any local government record

created prior to 1801 and deemed to be in a dilapidated condition by the State Librarian should be transferred to the State Library so that it could be reproduced. The law provided that bound copies would be made for both the State Library and the clerk's office, after which the original would be returned to the locality. McIlwaine's letter to the judge requested a court order to permit the volume's removal from the courthouse. Because of delays in binding the photostat copies, the originals were returned to the clerk's office in August 1933, while the photostats followed a year later, on June 19, 1934.

Another older volume that appears on both the 1870 and 1921 inventories is Minute Book, 1752–1753. Its conservation progression can also be followed via the Library of Virginia's locality receipt files. McIlwaine's handwritten notes from his 1932 examination of the Prince William County circuit court records notes "every page worm eaten." The locality receipt files do not indicate whether the worm-eaten volume was sent to the State Library for reformatting. They do indicate, however, that in February 1944, State Librarian Wilmer L. Hall sent a letter to Walter Turpin McCarthy with a summary regarding the funding for the "photo-duplication and possible restoration" of the minute book. The funds for the conservation of the volume, according to Hall, were to be provided by the Virginia Daughters of the American Revolution. The State Librarian noted that the book was "indeed in a bad state of disrepair." Conservation processing paperwork in the file documents the book's shipment from the clerk's office to the Library, receipt of the book by the Library, the delivery of the bound photostat copy, and the receipt of the restored volume by the clerk's office.

The fate of Prince William County's court records during the Civil War was not uncommon, especially in a locality that was occupied, at least for a period of time, by Union forces. Once the Northern soldiers arrived, the residents, their property, and their resources were defenseless against the invading army. This effect was felt

even more severely on Virginia's city and county courthouses, which, because of their legal and administrative importance to the locality, were prime targets during the war. Destroying court records not only erases history, but it can also cause a great amount of disruption, confusion, and anxiety among residents. As the courthouse is often seen as the administrative symbol of authority for the locality, it was a logical objective for an invading army. The records of each individual courthouse have their own story of survival, destruction, or a combination of the two, and that is true for the records at the Prince William County Courthouse.

At the outset of the war, the locality's options were to keep the records, hide them, or ship them off to Richmond (where they were eventually destroyed in 1865). Prince William chose to keep their records, which turned out to be a bad idea. As was the case with other occupied courthouses, the records often wound up being mutilated, destroyed, or taken as souvenirs for Union soldiers. Of these possibilities, it turns out that having the records stolen, rather than mutilated or destroyed, was the best option, because the items began to trickle back into the state and locality from which they had been removed not long after the war.

The first returned record that we are aware of is Deed Book 25, 1859–1860, which appears to have come to the attention of the clerk in 1870 and is mentioned as possibly being located in the 1870 inventory. An 1875 document in the clerk's loose papers orders that the county treasurer pay the clerk \$50 to “redeem” the deed book from “a party at Meadville Pennsylvania,” plus another \$40 to pay the clerk's expenses to and from Pennsylvania. In 1911, a reference librarian with the New York Public Library contacted the State Librarian of Virginia about some pages from 1736 and 1737 Prince William County court records that were for sale. In her 1921 inventory, Milnor Ljungstedt noted that Order Book “No. 9,” 1753–1755, had been “returned to Prince William be [sic] way of Warwick County, from New York in 1921.”

In 1936, one of the oldest record books, Deed Book A (sometimes referred to as Liber A), 1731–1732, was returned to the clerk's office. The volume had come to the attention of the State Librarian when a rare book dealer in Providence, Rhode Island, contacted him in March of that year. The folder in the locality receipt files is thick with correspondence that pieces together the plans to return the stolen volume. After some back and forth with the Prince William County clerk, who wanted to take legal action to recover the missing record book, State Librarian Wilmer L. Hall settled on a scheme to secure the funding to purchase the volume, which was priced at \$250. According to the archives division section in the 1936 Report of the Virginia State Library, in the end, the volume was purchased at a reduced rate after a number of individuals and patriotic and societies contributed, “thus reducing the outlay from library appropriations.” The volume was housed at the State Library and later a bound photostat copy was provided to the circuit court clerk's office.

Other returning items are noted in the Library of Virginia's records, among them: a 1747 list of tithables returned from Wollaston, Massachusetts; 10 items from Brooklyn, New York; an Order Book,



The 1892 Prince William County Courthouse in Manassas, circa 1940s-1950s. (Photograph Collection, Library of Virginia.)

1759–1761, from Philadelphia, Pennsylvania; a Prince George County “Record Book,” 1769–1771, from Chicago, Illinois; an Administrators' Bond Book 1753–1782, 1793, from Port Jervis, New York; 13 loose records, circa 1789–1894, from Valley Stream, New York; and an Order Book, 1778–1784, purchased from eBay.

Over the years, the records in the clerk's office have been repeatedly surveyed and inventoried, and these, along with other preservation-related documents, are in the archives at the Library of Virginia. In 1922, one year after Ljungstedt performed her inventory, a local attorney, T. W. Didlake, conducted an “exhaustive survey” of the courthouses of Stafford, Fairfax, Loudoun, Fauquier, Arlington, and Prince William Counties, and the City of Alexandria. His detailed inventory was published in the book *Landmarks of Old Prince William* by Fairfax Harrison. In 1937, Susan Rogers Morton created the Works Progress Administration inventory of the court records for Prince William County.

In 1971, archivist Connis Brown, who would go on to become the first head of the local records services department at the State Library, completed a detailed survey and a comprehensive rough inventory of the clerk's office. While he was impressed with the diligence and concern of the new clerk, L. E. Athey, Brown was not happy with the environmental conditions in the storage area. According to Brown, the clerk was “especially concerned with the preservation of the old records here in this county.” On their tour of the storage area, the clerk told him, “when he first came into office that a pipe burst in the basement records storage area and that several hundred cubic feet of records were destroyed.” Brown wrote

that the basement felt very moist and that water was “standing in the floor and is running, dripping from the pipes.” Not surprisingly, the clerk wanted to know the procedure for transferring the historic records to the State Library for safekeeping.

A 1972 *Potomac News* newspaper article, a copy of which resides in the locality receipt files, confirms Brown’s assessment in his survey:

The door to the basement of the Old Manassas courthouse stuck as we tried to open it, and we had to squeeze through. We descended a dimly lit stairway and found ourselves in a large gloomy room.

A furnace burned in one corner. Light shone through dusty windows. A row of rusty metal file cabinets lines one wall, and at the far end of the basement, we could see two smaller rooms. The floor had recently been swept and we could tell from the watermarks that water once remained on the cement for a long period of time.

Our escort, Lester Athey, Prince William County clerk, directed us to one of the small rooms where piles of yellowed papers, large books, and cardboard boxes were stored. Some of the boxes were split and the contents, more papers and books, spewed onto the shelves and the floor.

In 1974, the State Library produced the most detailed inventory to date, with recommendations for the items that should be transferred to the library.

However, the poor environmental conditions would continue to play havoc. Sometime over the 1983 winter holiday break, a water main broke, flooding the clerk’s office. The disaster was compounded when the pipes in the attic froze and eventually burst. A reporter for the *Potomac News* described the catastrophe as “nearly 2,820 pounds of soggy county records dating back to the 1870s.” When the clerk walked in on the situation on December 27, he found the “mass of pulpy paper too much to handle in-house.” The clerk called the Virginia State Library. Staff members arrived just after noon and loaded up the water-soaked records—including nearly 30 soaked deed books—on the Library’s van for the first trip. The next day the Library picked up another 46 boxes of loose circuit court records, which were laid out to dry by archivists and other staff members. Records considered less important remained at the locality, where they were dried in makeshift quarters, such as the Prince William County Board of Supervisors’ meeting room and the local Masonic lodge, where they employed high school students and residents to unfold and dry out the documents. The project lasted two weeks.

As with other circuit court clerks’ offices, locality receipt files are loaded with references to microfilming (1950s–1980s), records management, and more documents related to conservation and preservation of the records. The collaborative efforts between the

Prince William County circuit court clerk’s office and the State Library would continue, as would the surveys and inventories. When the Circuit Court Records Preservation Program (CCRP) was established in 1991, a National Historical Publications and Records Commission grant funded a survey of each of Virginia’s 120 city and county circuit court clerks’ offices across the state. In 2009, CCRP archivists surveyed and inventoried the collection once again.

The Library of Virginia and the Prince William County circuit court clerk’s office continue their long history of record conservation. Since it was established in 1991, the CCRP program has awarded over 21 million dollars to circuit court clerks’ offices across the state. During that time, circuit court clerks from Prince William County have been awarded an impressive \$253,861.32 in grants for item conservation, reformatting, security, and other preservation-related endeavors. Additionally, Prince William County circuit court clerks made it possible through the CCRP program to process, index, and digitize the Prince William County chancery causes from 1804 to 1951 (with the bulk of the collection covering 1831–1921), which are available on the Library of Virginia’s Chancery Records Index (lva.virginia.gov/chancery). Today, CCRP consulting archivist Tracy Harter serves as liaison to the current circuit court clerk, Jacqueline C. Smith, continuing the many years of collaborative preservation efforts between the Library of Virginia and Prince William County.



The Library of Virginia’s Locality Receipt Files. (Local Government Records Collection, Library of Virginia.)

DON'T JUDGE A BOOK BY ITS COVER:

Court Records Confusion

Throughout the history of the Commonwealth of Virginia, each of its circuit court clerks' offices have functioned under a less than uniform set of standards and protocols. This is not to say that they are radically different; clerks throughout Virginia were trained to keep court records of comparable information about suits. However, the record-keeping systems might vary depending on the particular office. Sometimes the differences lay with the clerks and their staffs and their own idiosyncrasies and preferences. One might see this in the categorization of record series and record groups, such as lumping together certain record types. In other instances, however, these variables had more to do with the region or location of the courthouse, whether it be rural or urban, near the mountains or shoreline, or to the north, south, east, or west. The most important characteristic of the foundation for each locality's record keeping was that, once a system was adopted, it was usually retained throughout the history of that particular clerk's tenure and probably longer. Therefore, at least the record groups or groupings in that particular courthouse remained the same.

The different classification systems (or jargon) used can vary from courthouse to courthouse, sometimes making it difficult to compare like or similar records (ask any records manager). One locality might have a court record book to document the events or transactions of the court, while another might have a traditional order book. Another might have surveyors' records or processioners' reports or both. Of course, processioners' books are nothing like process books, which might or might not include witness attendance records and/or docketing information, depending on the preferences of the clerk keeping the records at the time. A clerk's minute book in one locality might be a clerk's rough minute book in another and a memorandum book in yet another. Wills, fiduciaries, trustees, settlements, lists of heirs, appraisements, and inventory records might be separate or grouped in any number of combinations; or they might be lumped together in something called an audit book, which may or may not include the administrator's, executor's, and/or guardian's bonds. Contracts to repay a specific sum of money might be referred to as a bond, a penal bond, or a penal bill. The sheriff or constable might have his own records, or those records might be in the justice of the peace records, or found in a separate execution book. A ledger book might be a fee book and a journal might be a fee book or a ledger; or a ledger might be a record of the day-to-day activities of the clerk, which might also be called a daybook.



Suits that have been concluded might be called determined causes, ended causes, dead papers, or something else, depending on the practice of the individual clerk and locality. Indentures might be their own record category, or they might be intermixed in the deed book, or with apprenticeships. Deeds of trust might be their own record category, or they might also be intermixed with the deeds. A list of heirs, which might be categorized as a fiduciary record might instead be found with the deeds. Records regarding the ownership of enslaved persons might be found with deeds and registers of free Negroes (or free persons of color)

might be in its own volume, or intermixed in the clerk's order book. A judge's docket in one locality might be a bench docket in another. Marriage records might include marriage consents, marriage banns, marriage bonds, marriage certificates, and marriage licenses as well as marriage registers, marriage returns, and minister's returns. However, minister's returns are more similar to marriage certificates than they are to marriage returns.

Additionally, the record type titles might be even more idiosyncratic. A court scratch book is a memorandum docket. A chancery blotter is a chancery memorandum book. A volume titled rough charges is a fee book. An issue docket is the same thing as a civil docket. Enumerations are census records. An issue book is a memorandum book. As a result, with all of these accumulated variations it is not uncommon for a CCRP field archivist to be unsure what a record is from the title assigned to it.

Certain record types are unique to a region or even to a particular city or county. You might find shipping records or a port of entry book in Accomack County on the Eastern Shore and Nansemond County oyster plat books within the city of Suffolk's records. York County required a bond for oystering. Greenville County has Virginia Electric and Power Company plats. In the southwest part of Virginia, you might find salt bonds in Bedford County. In Carroll, Floyd, and Grayson counties, one might find maps or plats of the lands acquired for the Blue Ridge Parkway. Norfolk and Western Railroad plats are found in Giles County, where one might also find "sheep accounts." For these and other reasons, the makeup of each courthouse records collection is one of a kind. These regional record quirks offer much to document a locality's distinctive social and cultural heritage, and they all combine to present a holistic picture of the community that they document.