

A Guide to the Montgomery County (Va.) Chancery Causes, 1773-1938

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1773-1938



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Profile Description

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Language Usage: Description is in English

Descriptive Summary

Language

English

Collector

Montgomery County (Va.) Circuit Court

Physical Characteristics

Digital images

Location

Montgomery County (Va.) Circuit Court

Repository

Montgomery County (Va.) Circuit Court

Administrative Information

Access Restrictions

Digital images of Montgomery County Chancery Causes for the years 1773-1912 are available on the Library of Virginia's [Chancery Records Index](#).

Montgomery County (Va.) Chancery Causes 1913-1938 are indexed but not scanned. Contact the Circuit Court Clerk for availability and access.

Use Restrictions

There are no restrictions.

Acquisition Information

The majority of Montgomery County Chancery Causes came to the Library of Virginia for processing and reformatting before being returned to the Montgomery County Circuit Court. Additional records came to the Library of Virginia under accession number 50490 from A.A. Miran Arts and Books in 2012, under accession number 40900 from Historical Collectible Auctions in 2003, and under accession number 37669 in a purchase from a private seller in 2000.

Processing Information

Montgomery County (Va.) Chancery Causes were processed by Library of Virginia staff in 2016.

Item previously cataloged as "Montgomery County (Va.) Deposition of Samuel H. Woods, 1837" under accession number 37669 has been interfiled with the Montgomery County Chancery Cause 1842-004: Trst(s). of Elizabeth Hairston vs. Robert Kyle etc.

Item previously cataloged as "Montgomery County (Va.) Chancery Cause: Ryan for etc. vs. Ryan etc: Commissioner's Report Division of Slaves of William Ryan, 1841 Dec. 26" under accession number 50490 has been interfiled with the Montgomery County Chancery Cause 1841-013: Francis Ryan vs. White G. Ryan etc. and White G. Ryan for etc. vs. Francis Ryan, widow etc.

Item previously cataloged as "Montgomery County (Va.) Depositions, Vineyard's Admr. vs. Covey etc, 1841" under accession number 40900 has been interfiled with the Montgomery County Chancery Cause 1844-001: Admr. of Nancy Vineyard vs. Daniel B. Covey and wife etc.

Post-1912 records have been indexed, but not scanned. At this time, there are no plans to digitize these records.

Digital images were generated in 2017 by Backstage Library Works through the Library of Virginia's Circuit Court Records Preservation Program.

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Preferred Citation

Montgomery County (Va.) Chancery Causes, 1773-1938. (Cite style of suit and chancery index no.)
Montgomery County Court Records. Montgomery County (Va.) Circuit Court. Christiansburg, VA 24073.

Custodial History

Records transferred to the Library of Virginia from the Circuit Court of Montgomery County for processing and reformatting. Original records returned to the locality by request of the clerk of the Circuit Court.

Adjunct Descriptive Data

Related Material

Additional Montgomery 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."](#)

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: Fincastle County was created from Botetourt County in 1772, and the county court first met on 5 January 1773. Fincastle County became extinct on 31 December 1776 when it was divided to form Montgomery, Washington and Kentucky Counties. The county was named probably for George, Viscount Fincastle, Lord Dunmore's son; for John Murray, fourth earl of Dunmore, Viscount Fincastle; or for the town of Fincastle, Virginia, which was established in 1772 and named for George, Viscount Fincastle.

Locality History: Montgomery County was formed from Fincastle County in 1776, and the county court first met on 7 January 1777. Part of Botetourt County was added in 1790. Part of Pulaski County was added in 1842. The county was named for Richard Montgomery, who was killed in the American assault on Quebec late in 1775.

Scope and Content

Montgomery County (Va.) Chancery Causes, 1773-1938, 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.

A number of suits from 1861-1865 involve plaintiff's using the Chancery Court to prevent the Confederate Army from seizing personal land or goods for use in the war effort.

Location of Originals

Original Montgomery County (Va.) Chancery Causes, 1773-1938 are retained in the locality. Contact the Clerk of the Circuit Court for access.

Additional records from accession numbers 40900, 50490, and 37669 were interfiled with their original case files and returned with the rest of the Montgomery County Chancery Causes to the Circuit Court.

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 as follows: Bill, Answer, and Final Decree (if found.)

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.

1807-014: Nanny Pegee (enslaved) etc vs. John Hook etc.

Scope and Content

Freedom suit. See also Franklin County judgments 1808 April *Nanny Pegee etc vs. John Hook and Zachariah Stanley*. Suit originated in Montgomery County, ended in Franklin County then appealed beyond. Nanny Pegee and her family achieved freedom. See the [Finding Aid for Franklin County](#) for more information on the suit.

1815-006: Rachel Viney, an enslaved person, etc vs. Henry Patton

Scope and Content

In this freedom suit, Rachel Viney alleged she was descended from Native Americans and therefore should not be enslaved. The cause originated in Northumberland County.

1815-011: Edward Carrington, etc. vs. Admr. of Isaac H. Coles, etc.

Scope and Content

In his 1814 will, Isaac H. Coles left his two estates, Dan River estate and Bucksin property, and the enslaved people that worked the properties to two different heirs. A dispute over the estate arose over which enslaved persons worked at which estate. An extensive list of enslaved names included in the suit has names, ages, occupations, and locations.

1818-004: Reed Wright vs. Lawson Dunnington

Scope and Content

Reed Wright hired out Venus, an enslaved woman slave to Lawson Dunnington with the stipulation that after the terms of the contract were fulfilled, Venus was to be emancipated. However, Dunnington planned to leave the state with Venus; Wright filed his suit in the Chancery Court to ensure that his hire arrangement and Venus' eventual emancipation were ensured.

1848-002: John Craig vs. Robert Harvey

Scope and Content

John Craig requested an injunction to prevent the opening of new stone quarry (for construction of Turnpike Road). Two existing quarries were already an immediate danger to his family and the enslaved people on his property due to falling rocks and Craig claimed the new quarry would mean his blacksmith shop would be "blown to bits." An injunction was issued but the case was dismissed once a settlement was reached.

1848-016: Letitia Floyd vs. Executors of Elizabeth Madison

Scope and Content

Letitia Floyd was the wife of former Virginia governor John Floyd and the mother of John B. Floyd. She brought suit over Susanna Preston's (her mother's) estate. James Patton Preston, her brother, also served as governor.

1853-011: Unis alias Eunice, an enslaved person, etc. vs. Admrs of James Charlton etc.; Phillis, an enslaved person, etc. vs. Admrs of James Charlton etc.; Randall, an enslaved person, vs. John Swope; Rhoda Ann, an enslaved person, vs. Admrs of William Currin

Scope and Content

A series of freedom suits which were all heard together. The causes hinged on descent from a common ancestor, named Flora, as well as an enslaved person, who was "carried off from Massachusetts," freed in Connecticut, then sold illegally into slavery from New York. The cases include a letter from the clerk of Roanoke County which said he felt some of the papers in the causes may have been deliberately mislaid. The plaintiffs do not seem to have achieved their freedom.

1853-005: Tarlton P. Smith vs. James P. Preston, etc.

Scope and Content

The suit involved the possession and potential sale of Solitude, a farm located at Virginia Tech which was also the oldest building on campus.

1858-017: John B. Helm, etc. vs. Stephen D. Boyd, etc.

Scope and Content

Includes patents from U.S. Patent Office for a "Telegraph Water Carrier" and a comparable invention; the

includes patents from U.S. Patent Office for a telegraph water carrier and a comparable invention, the case involved a dispute over the ability to market the patent in southwestern Virginia.

1864-004: Orange and Alexandria Railroad Company vs. Robert S. Newlie, etc.

Scope and Content

Includes two related cases in which the Orange and Alexandria Railroad Company asked for an injunction to prevent the local impressment agent from impressing wheat owned by the company (purchased from local farmers). Local agent wanted to use wheat to provide food for indigent wives and children of Confederate soldiers in the county; railroad company needed the grain to feed enslaved people and free African Americans working on the rail line. A complaint given by the Orange and Alexandria Railroad Company stated the agent used armed force to impress grain.

1864-005: James P. Hammet vs. General John C. Breckinridge

Scope and Content

James P. Hammett requested an injunction to prevent a Confederate Army warehouse from being built on his property in Central Depot (Radford). Includes answer from Major General John Breckinridge and engineer's report with plat of land in question.

1864-009: Lewis F.J. Amiss, etc. vs. Major Thomas L Brown

Scope and Content

The suit was a request by Lewis F.J. Amiss for an injunction to prevent Major Thomas L. Brown, a Confederate Quartermaster, from seizing his garden for use as a Confederate Hospital at White Sulphur Springs in Montgomery County.

1868-009: Charles C. Lee vs. George W. Barnett, etc.

Scope and Content

This contract suit contains numerous depositions from Montgomery, Roanoke, and Wythe county residents who were testifying to land values in the area and the postwar economy.

1879-002: John Grayson vs. Admr. of John Little

Scope and Content

This business dispute includes depositions which discussed the price of whiskey during the Civil War and the value assigned to the labor of enslaved people in building the distillery business.

1883-026: J. Lawrence Radford vs. William Wallace

Scope and Content

The cause originated from Radford (Central Depot), J. Lawrence Radford asked for an injunction to prevent a house on his property from being used as a hospital for smallpox patients.

1884-009 R. J. Foster and Company vs. Henry E. Decie

Scope and Content

A debt suit which referenced enslaved persons and debts accrued during the Civil War. The cause originated with R.J. Foster, and Co, merchant company in Richmond and the defendant is Henry Edward Decie, who sold a yacht, the *America* to the Confederacy and then served as its captain running the blockade during 1861. He also may have been a con-artist and had considerable debts to local citizens. Auction schedule is extensive and offers view of the size of his estate.

1886-033: Nannie Kent, etc. vs. Elizabeth Gibboney, Exx, etc.

Scope and Content

The cause included information on the settlement of Captain Jacob Kent's estate (Kentland and other land as well as enslaved persons and stock in Montgomery White Sulphur Springs). An 1859 appraisal included a list of enslaved persons divided into family groupings. Several pieces of evidence also included references to Kent's heirs wishing to avoid a public sale of enslaved persons and preferred the land be sold

instead. The cause was brought against Elizabeth Gibboney, the wife of Robert Gibboney Robert Gibboney was the deceased administrator of the Kent estate, who had died fifteen years after the estate was settled. SEE ALSO: Montgomery County Chancery cause 1880-028.

1893-002: Matilda M. Roat by etc vs. Charles I. Wade, gdn.

Scope and Content

Matilda M. Roat wished to use estate funds to attend Marion Female Academy. Deposition references what she had studied, what she would study, and why she wanted to continue her education in spite of previously being trained in the trade of dressmaker.

1900-038: M.E. Walters by etc vs. James Walters

Scope and Content

A divorce suit that delved into issues of drug (morphine or opium) abuse and domestic abuse of both spouse and children.

1901-056: E.A. Saunders and Sons, etc. vs. George Washington, etc.

Scope and Content

A debt suit which included a commissioners report makes mention of land belonging to George Washington that sat adjacent to the Methodist E. Church (South) Cemetery. Sections of adjoining lands had been sold for burial of African Americans, and Montgomery County sought some of the land for burial of the poor.

1903-012: Nannie Argabright vs. Alice Baker etc.

Scope and Content

A contract dispute which focuses on whether James F. Martin and Ida Baker Martin had a living child or one born dead. Many depositions center on her pregnancy and premature birth which resulted in the death of both her and the child and then what happened to the child after its death.

1903-034: Mollie L. Garrison vs. William Garrison

Scope and Content

Mollie L. Garrison filed for divorce from her husband William Garrison on the grounds of desertion. Garrison was on the run for rape and attempted murder. Included in the casefile is a broadside from Roanoke City offering reward for his capture.

1904-040: A.L. Johnson vs. D.G. Barnitz

Scope and Content

An injunction was filed to stop construction of a water gate. The depositions provide information about downtown Christiansburg in the early 1900s. They provided descriptions of buildings and terrain, including the presence of a stream running through town. They also referenced a fire that consumed many town buildings.

1912-031: J.S.Clingenpeel etc vs. W.W. Gray etc; Friends' Freedmen's Association vs. J.S. Clingenpeel etc

Scope and Content

The cause is concerned with debts incurred to the various contractors responsible for construction at the Christiansburg Industrial Institute, founded after the Civil War to aid African American students.

1912-042: Agnes Schaub by etc vs. Floyd Schaub

Scope and Content

In this divorce suit, Agnes Schaub described her married life to Floyd Schaub. Agnes ran away to Bristol at the age of 15 in order to get married to Floyd. The couple moved around a bit before ending up in a coal camp in Switchback, West Virginia. Schaub is described as "more fiend than man" and left Agnes to her own devices when she came down with typhoid. Agnes recalled that without the intervention of the

Hungarians in the camp, she would have died. Deposition by her mother mentions Italians and African Americans in the camp.

Montgomery County (Va.) Circuit Court