

A Guide to the Surry County (Va.) Chancery Causes, 1785-1922 (bulk 1806-1912)

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Title Statement

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Profile Description

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Language Usage: Description is in English

Revision Description

2013-11-21 Converted to schema conforming EAD by dtd2schema.vh.xsl.

Descriptive Summary

Language

English

Collector

Surry County (Va.) Circuit Court.

Physical Characteristics

Digital images.

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Surry County (Va.) Chancery Causes, 1785-1922, digital images can be found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia. Please use digital images.

Use Restrictions

There are no restrictions.

Processing Information

These records were processed in 2008-2009. Digital images were generated by Backstage Library Works in 2010 through the Library of Virginia's Circuit Court Records Preservation Program.

Encoded by G. Crawford: 2011; Updated by E. Swain: November 2024.

Preferred Citation

Surry County (Va.) Chancery Causes, 1785-1922. (Cite style of suit and chancery index no.). Local Government Records Collection, Surry County Court Records. The Library of Virginia, Richmond, Virginia.

Custodial History

Records transferred to the Library of Virginia from the Circuit Court of Surry County in 2007 and 2010 for processing and reformatting. Original Records returned to the locality by request of the clerk of the Circuit Court at a later date.

Adjunct Descriptive Data

Related Material

See also: [James City County/Williamsburg City of Chancery Causes](#).

Additional Surry 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](#).

Surry County is one of Virginia's Lost Records Localities. Additional Surry County Court Records may be found in the Virginia Lost Records Localities Collection at the Library of Virginia. Search the [Lost Records Localities Database](#) found at the Library of Virginia web site.

Location of Originals

Original Surry County (Va.) Chancery Causes, 1785-1922, are retained in the locality. Contact the Clerk of the Circuit Court for access.

Historical Information

Context of 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: Surry County was named for the county of Surrey in England and was formed from James City County in 1652. The county seat is Surry.

Lost Locality Notes: Order books for 1718-1741 and various other early volumes are fragmentary. Most loose records prior to 1806 are missing. Courthouse fires in 1906 and 1922 did not result in loss of records, however, because at that time records were housed in a separate clerk's office.

Scope and Content

Surry County(Va.) Chancery Causes, 1806-1922, 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.

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.

1816-039: Joseph Barham vs. James Baird, surviving partner of John Hay and Company:

Scope and Content

Cause was filed in 1796. Origin of the dispute dates back to 1772. John Hay and Company owned a store in the town of Cobham.

1830-037: Mary Pettway, etc. vs. Admr. of John Pettway Judkins, etc.:

Scope and Content

An estate settlement suit that includes significant genealogical information.

1867-003: Robertson Holt vs. Exr. of John Holt, etc.:

Scope and Content

At the center of the dispute was the sale of Tempe and her children, an enslaved family, that took place in 1835. Testimony details Tempe's family relationships.

1869-002: Enna (or Rosenna) Rowena Messersmith by etc. vs. Joseph M. Messersmith:

Scope and Content

A divorce suit. Enna and Joseph were married on Sept. 23, 1862. Joseph served in a cavalry unit attached to the 13th Virginia Regiment. He was on a short furlough at the time of the wedding. His wife accused him of deserting her and deserting his unit.

1875-006, Peter Hemmans vs. Louisa Hemmans:

Scope and Content

Divorce suit. Peter and Louisa were both enslaved and lived together as a married couple during the Civil War. In 1866, they registered with the federal military authority as husband and wife at the Surry County courthouse. The couple registered as Hemmings in their marriage record.

1877-005, Patsy Skipper by another vs. Tom Skipper:

Scope and Content

Divorce suit. Patsy and Tom were both enslaved and lived together as a married couple during the Civil War. In 1866, they registered with the federal military authority as husband and wife at the Surry County courthouse. According to one deponent, Tom joined the Union forces in 1864 and returned home in

November 1865.

1882-005, Exr. of William S. Burt vs. Clarence P. Burt and others by another:

Scope and Content

John E. Burt wrote a letter giving his opinion of the education students receive at the Virginia Military Institute. He wants his sons to attend VMI. The letter is Exhibit B in this cause

1882-008, Exr. of Mrs. Nancy J. Fitchett vs. Patsy Hopkins and others:

Scope and Content

Estate dispute. Mrs. Fitchett in her 1863 noted her desire for the individuals she enslaved to be emancipated and sent to Liberia. The instead of leaving for Liberia, the Black individuals enslaved by Pitchett remained in Virginia during the Civil War. After the war, Mrs. Fitchett's heirs and those she formerly enslaved sued to receive their legacies from her will. The former enslaved individuals also received their part of the sale of the real estate formerly owned by Mrs. Fitchett.