COURTHOUSE DISASTERS & MYTHS

From the Editor:

Everyone who works in a library can tell you about mistaken ideas and misconceptions that will not go away and that prompt lots of people to call or write, asking questions based on misinformation or an incorrect assumption. Having received on the same day both a telephone call at the Archives and History Library reference desk and a research inquiry by letter from researchers frantically wanting to know how to prove an ancestor’s birth since “the Kanawha County Courthouse burned down and burned up all the records,” I am compelled to address the issue of courthouse disasters, real and otherwise. If a record exists, I want the researcher to be able to find it. If there is no possibility a specific type of record exists, I do not want a researcher wasting time and money looking for one.

NO, NO, NO, NO!
THE KANAWHA COUNTY COURTHOUSE HAS NEVER BURNED!!

By Susan Scouras

In 1921 in downtown Charleston, West Virginia’s State Capitol burned and was destroyed. No Department of Health Vital Registration records were lost. Even if the birth and death records recorded from the inception of state-level Vital Registration in 1917 had been lost, the county copies would have still survived in the 55 different courthouses throughout West Virginia. The Kanawha County Courthouse, a totally separate building located several blocks away in downtown Charleston, did not burn down in 1921 or at any other time. To my knowledge, the Kanawha County Courthouse has never had a fire or natural flood that destroyed records, although leaky pipes and/or roofs caused damage at an offsite storage area in the recent past.

In fact, West Virginia has had relatively few courthouse fires and floods that resulted in total destruction of records. West Virginia has not experienced earthquakes, landslides or tornadoes that have resulted in loss of county or state records. A very few counties for whatever reasons have transferred some of their original records to either the West Virginia and Regional History Collection of West Virginia University Libraries (see http://www.libraries.wvu.edu/wvcollection/countycourt/index.htm for holdings by county) or to the West Virginia State Archives (see http://www.wvculture.org/history/natural.html for holdings of naturalization records by county), so while those records are no longer in the county courthouses, the records do exist as public records, and are still accessible, just in alternative locations. Occasionally not all of a given county official’s staff are aware of the transfer and will tell inquirers that the records were lost or destroyed.

Next to alleged fires, the Civil War is the second favorite scapegoat for missing records. While
most West Virginia counties experienced at least guerilla-style warfare that may have affected the courthouses and the records therein, I suspect that Civil War military action itself did not cause actual loss of records as much as it simply prevented people from recording events to begin with. Terry Lowry, Civil War researcher and writer, as well as our colleague in Archives and History, told me that troops involved in courthouse occupations or destruction often mention that county records were removed or were left undamaged, according to their reports as recorded in *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*. In addition to the actual war years, recovery following the war was often slow. Everyday life in several counties was so disrupted by strife that recordkeeping did not resume until the 1870's.

Combining information primarily from two sources, *West Virginia Genealogy: Sources & Resources*, by Carol McGinnis (1988), and *West Virginia Courthouses: A Pictorial History*, by Mary Thrash (1984), with my colleagues’ experiences and my own, I have compiled a list of courthouses which have had fires or other disasters. Counties indicated with an asterisk (*) have some copies of pre-statehood birth, death and marriage records housed at The Library of Virginia, but available on microfilm at the West Virginia Archives and History Library. These records cover only 1853 through the early 1860's, vary by county, were in poor condition at the time of microfilming, and were poorly microfilmed. All counties had varying amounts of their records transcribed by Works Progress Administration (WPA) employees under the auspices of the Historic Records Commission in the 1930's. Checking the WPA transcriptions (available in the Archives and History Library collection) may help if a county’s records were known to have been damaged since the mid-1930's. Absence of a record in the WPA transcriptions indicates the record was most likely already missing by the time copies were made.

Counties not listed here may have missing ledgers or significant gaps in their surviving records, but were not reported in the sources used for this article to have had catastrophic events. Several county history books were consulted for clarification when the two main sources conflicted. County clerks or historians who would like to contribute or correct information for an updated listing in the future are invited to contact me. Any readers who can provide information on any specific instance of missing or damaged records (and what caused the records to be harmed) are encouraged to share their knowledge:

Susan Scouras, Editor  
*West Virginia Archives and History News*  
susan.scouras@wvculture.org  
(304) 558-0230, Ext. 742

**COUNTY COURTHOUSES AND RECORDS**

**Berkeley**: Berkeley County has many gaps in its records, but I was not able to establish a specific reason for the losses, although admittedly many gaps occur in Civil War years. Berkeley’s first courthouse was a temporary one and was replaced by Berkeley’s first permanent courthouse in 1773. The first building used as a temporary courthouse burned, but not until 1975, over 200 years after any records kept there would have been moved to the permanent courthouse.

**Boone**: Ballardsville, then the county seat, was burned during the Civil War in 1861. Union troops burned the homes of Confederate sympathizers, as well as the courthouse, according to *West Virginia in the Civil War*, by Boyd Stutler (Page 162). *West Virginia County Courthouses* states that a new courthouse was built in 1865. Birth, death and marriage records prior to 1865 are gone, and Will Book A and Deed Book C are listed as missing. Deeds and surveyor’s books seem to be the only pre-1865 records remaining.

**Braxton**: A courthouse fire occurred in 1861; however, most if not all records from 1836 on still exist.

**Cabell**: Some records have been damaged by flood water and are not very legible. Transcripts of many of these records are available as an aid in
deciphering them. Some records which can no longer be found in the original books appear in the WPA record transcriptions compiled in the 1930’s. **Doddridge***: The first site used for court burned in 1848, and the second courthouse burned in 1898. Looking at the list of records available on microfilm, I do not see that any records were lost in either fire. **Fayette***: Fayette County’s first courthouse was “demolished during the Civil War,” according to Mary Thrasher. When the second courthouse was outgrown, a third courthouse was built, which burned in 1893. Some Fayette County records (including marriages) dating from its formation in 1831 survive, while others, such as births and deaths, do not exist prior to 1866. Fayette County has many significant gaps in its records, but for the most part the dates of the missing records do not correspond to the war years or to the courthouse fires. Some of the most extensive gaps in records are well after 1893. **Hampshire***: Hampshire County suffered the loss of records during the Civil War when books and loose papers repeatedly were removed and then returned to the courthouse as control of the county seat, Romney, changed hands dozens of times, but the courthouse did not burn down. Births before 1865 and deaths before 1866 were lost or not recorded. The majority of the will books before 1865 are missing, and marriages between 1829 and 1864 are gone. No doubt few records were recorded during the war years anyway. WVU has 57 boxes of Hampshire County Court records, mostly actual court proceedings and land books. Some records have been found in private hands over the years, and more may surface in the future if we are lucky. Several years ago seven boxes of loose original court documents dating from 1754 to 1885 were found in the Hampshire County Courthouse. These documents included wills; estate appraisals, sales and settlements; appointments and reports of administrators; guardianships; etc., and were microfilmed by the Division of Culture and History, Archives and History section. **Hancock***: The courthouse burned in 1920, but apparently no records were lost. **Jefferson***: A fire in 1803 evidently did not destroy any records. **Kanawha***: The courthouse has never burned. No records have been lost. The statehouse burned in Charleston in 1921, but no state births and deaths were lost either. **Lewis***: An 1866 fire destroyed the courthouse, but the records were saved. **Lincoln**: The Lincoln County courthouse burned in 1909, destroying almost all records. Some land and land tax records dating from 1867 were not in the building at the time and are available in Lincoln County, but have not been microfilmed yet. An effort was made to recreate records, and many Delayed Birth certificates were recorded as a result. Because Lincoln County was formed in 1867 by the state of West Virginia, there will be no pre-Civil War era records preserved in Virginia for this county as there are for some old Virginia counties; however, pre-1867 records for this geographic area and its people can be found in Lincoln’s parent counties of Boone, Cabell, Kanawha and Putnam. **Logan***: Many Logan County records were destroyed during the Civil War, with at least one fire in 1862. Boyd Stutler states in *West Virginia in the Civil War* (Page 166-67) that “the most important county records had been removed from the courthouse before” the fire, but that “the loss in miscellaneous and minor records was considerable.” In contradiction to Stutler’s research, *West Virginia County Courthouses* states that “all records were lost.” While we may never be able to sort out exactly what occurred and when, something obviously happened during the remaining years of the war, since records of births, deaths and marriages before 1872 are gone, as are wills prior to 1873. Deeds dating from 1835 on, as well as surveyor’s records, are available. I do not know if these are original records that survived, or if they are recreated records. Compounding the destruction of records is the fact that record keeping did not resume following the war until 1872. **McDowell***: A time line in *Welch and Its People*, by Rose Marino (Page 4-5), provides information about the various county seats and courthouses
from the formation of McDowell in 1858. The first courts were held in private homes until a log cabin was built to serve as a courthouse in 1866, when Wilcoe was named as the county seat. Although that building stood until torn down in 1901, the court was moved again in 1867 to a site near Coalwood. In 1874 Perrysville became the county seat, where *West Virginia County Courthouses* reports that a two-story log courthouse was erected. Reportedly the vital records were moved stealthily using two wagons at night from Perrysville to Welch in 1892 after Welch was named the county seat. So many moves may be why McDowell’s early records are sketchy. Births, Volume 1, is labeled 1872-1904, but with the exception of what must be a few delayed birth records, the actual birth records do not start until 1894. Deaths begin with 1894, marriages in 1859, deeds in 1868, and wills in 1893. The WPA transcription books reflect the same dates, so the records were already missing by the 1930’s.

**Mercer***: Mercer County has experienced a number of courthouse changes, and has some missing records, but I do not see an obvious correlation to event dates. The courthouse burned in 1862, but some, or possibly all, records were saved. According to *West Virginia County Courthouses*, a dispute over whether Athens or Princeton should be the county seat led to a group of Princeton supporters stealing records from Athens and carrying them to Princeton, with one wagon lost along the way, and with local legend implying at least one record book was lost. When Princeton won the argument and became the county seat in 1870, a new courthouse was built there, but it burned in the same year. Since Mercer County’s records on microfilm run back to 1837, the year the county was formed, I can not see that any records were lost, except marriages prior to 1854.

**Mingo***: Williamson flooded in 1977, resulting in heavy damage to records in the courthouse. Mingo was not created until 1895, and the Genealogical Society of Utah was not initially interested in filming Mingo’s records during the 1960’s-1970’s microfilming sessions since they were concentrating on pre-1900 records at that time. By the time Mingo County’s records were scheduled for filming, privacy laws had been enacted which prevented copying many records. Births for 1900-24, deaths for 1894-1925, marriages for 1895-1926 and wills for 1895-1926 were filmed. A single slim volume of WPA transcripts done in the 1930’s includes births for 1895-1899 and wills for 1894-1911 (the wills are identified as including 1884-1911, based on the probate date of the first will listed, but I think that is a typographical error since the county was not formed until 1895).

**Monongalia***: Fire in 1796 destroyed some but not all records. Marriages from the county’s formation in 1776 up to 1796 no longer exist. The loss of wills before 1819 is not explained by this fire.

**Morgan***: Records were lost in a courthouse fire in 1844, and again during the Civil War. Some attempts were made to recreate records; however, birth and deaths before 1865 are gone. Marriages, wills and deeds survived.

**Pendleton***: A fire in 1924 did not destroy records.

**Pleasants***: According to *West Virginia County Courthouses*, a lightning strike in 1923 caused severe damage, resulting in demolition of the courthouse and erection of a new one in 1925. No records were lost.

**Preston***: Preston County lost all records in a fire in 1869. (This building blew down when it was still under construction in 1856 and had to be rebuilt.) The Library of Virginia records provide some birth, death and marriage records for 1853-60.

**Putnam***: According to *West Virginia County Courthouses*, a severe windstorm destroyed the courthouse in 1899. As far as I can tell, no records were lost.

**Randolph***: A courthouse fire in 1897 destroyed some county records, but the birth, death, marriage, will and deed records were in a vault and saved.

**Roane***: Roane County’s first courthouse burned in 1877. According to *Roane County West
Virginia Family History 1989 (Roane County Family History Committee, 1990), “All the record books of the circuit clerk’s office and of the county court were carried out by some thoughtful citizens;” however, “much of the order books of the county court’s first twenty years were destroyed.” The second courthouse built in 1889 did not burn, as West Virginia Courthouses mistakenly reports, but was torn down in 1965 to make room for the present courthouse.

Tucker*: Tucker County experienced a pitched battle between factions for the county seat. The original county seat of St. George lost out to Parsons in 1893 and the county records were taken from the courthouse and moved to a temporary site in Parsons until a new courthouse was built there in 1898. The records seem to have survived intact, except for periodic gaps in the death records.

Tyler*: Tyler was formed in 1814, and its earliest records date from 1815. Sistersville was the county seat for the initial year, then Middlebourne became the permanent county seat. According to an article by Vivian Boston in History of Tyler County West Virginia to 1984 (Tyler County Heritage and Historical Society, 1984), “court was held in private residences among the county officers until 1854 when the present courthouse was erected.” A second essay by Mary Rohing in this source mentions a log building used as a courthouse that was erected in 1820 on land earlier conveyed by Robert Gorrell. No courthouse fire is mentioned in either article. West Virginia Courthouses states that an early log structure on a farm owned by the Mason family served as the first courthouse; that this log courthouse burned (date not reported); and that the burned courthouse was replaced by the present one built in 1852. Regardless of which account of events is correct, no records appear to have been destroyed. By the way, although the county seat has been Fort Lick, Addison, and now Webster Springs in turn, the seat of county government never moved—the town just changed names twice.

Wetzel*: Wetzel County has significant gaps in birth and death records during and following the Civil War years. I assume wartime activity and resulting disorganization for years afterward was the cause of, or at least a contributing factor to either failure to keep records or loss of records. I could not find any documentation with an explanation. Although New Martinsville experienced flooding, the courthouse was used as a haven for those fleeing the flood waters, leading me to think the courthouse itself did not flood. Wetzel has significant gaps in birth and death records throughout the 1860's and 1870's.

Wirt*: Wirt County Courthouse experienced a fire in 1910 that destroyed some, but not all, records. Missing are: births before 1870, deaths before 1870 and for 1875, and marriages before 1854. Probate and land records appear to be intact. A second fire in 1985 affected only some tax assessor’s records. No other documents were lost.

Wyoming*: Wyoming County has large gaps in its death records for the Civil War years and after, with 1860-64, parts of 1865-67, and other means. For example, marriage records begin with 1853, although the county was created in 1842, and deeds exist from that year.

Webster: In 1860 Webster County was the last county created under Virginia before West Virginia achieved statehood. The Civil War disrupted organization of the new county, with neither Virginia nor West Virginia taking control of Webster’s government. As a result, some records were not kept, courts did not meet, etc. According to West Virginia County Courthouses, the wartime county clerk feared records would be destroyed, cut pages from the books, took them to his home, moved West after the war and never returned the records. In 1888 a courthouse fire destroyed most of the records that had been kept or had survived the war, including births, deaths, marriages and wills. Deeds recorded before 1877 either survived or were re-done. By the way, although the county seat has been Fort Lick, Addison, and now Webster Springs in turn, the seat of county government never moved—the town just changed names twice.
1868-74 missing. Wartime disruption is probably to blame for most of the losses.

A common mistake made by beginning family historians is due to a lack of knowledge about state and county history. Sometimes researchers who cannot trace records past a certain year in a specific county will assume, since they can find no records at all for that county for earlier years, that a courthouse disaster must have wiped out the records they seek. For example, someone searching for Grant County ancestors that he knows lived on the same land for over a century is disappointed to find no records before 1866, and assumes that the county’s records did not survive the Civil War. In fact, there are no Grant County records prior to 1866, because there was no Grant County prior to 1866, when Grant was formed from Hardy County. The researcher must continue tracing his line by looking in Hardy County’s records back to the formation of Hardy from Hampshire County in 1786, then in Hampshire County to 1754, when Hampshire was formed from portions of Frederick and Augusta Counties (whose records will be in Virginia, not West Virginia). When a new county was formed, records pertaining to the land and the people now within the boundaries of the new county were not transferred to the new county’s government. The existing property deeds remained in the parent county, although when that land was sold eventually, the new deeds were filed in the new county. Likewise, the birth of a child was recorded with the county of jurisdiction at the time of birth.

A second common mistake is requesting records that did not exist in the time period in question. Birth and death records were not kept in Virginia until 1853, and state vital registration as we know it did not begin in West Virginia until 1917. The 1853-1916 records will almost always consist of a line of information handwritten in a ledger. From 1917 on, information was recorded on individual certificates at the state government level, and sometimes at the county level as well. Marriages were recorded at the county level, again usually as a handwritten line in a ledger, although in some counties the original handwritten lists or notes of the ministers have survived. Depending on the time period and on the practice of the county clerk, some marriages were recorded on ledger pages that have the appearance of individual certificates. Anyone who writes to the West Virginia Archives and History Library for a copy of a record will receive a photocopy of the ledger page(s) for that entry. If a researcher writes to the county courthouse for that same record, he may receive a photocopy or he may receive a “certificate” containing the information for the specific entry typed onto a form, with the seal and signature of the county clerk applied. A certified photocopy or certificate from the county clerk’s office is a legal record. Copies obtained from any other source cannot be certified as legal records, only as true copies from the book or microfilm.

In other cases, the records exist, but are housed in mislabeled or poorly titled ledgers, or were incorrectly identified when microfilmed. The volume of Kanawha County Bonds/Minister Returns [marriages] labeled as 1816 to 1843 on its cover actually contains the marriages from 1844 through 1849 as well. The next volume, labeled as Licenses and Returns, begins with 1850. Someone reading only the titles on the ledgers themselves or on the microfilm would assume 1844-1849 licenses and returns were missing. Check out the ledger itself and you will see that the records up through 1849 are entered in the first ledger in proper sequence. We’ll probably never know why, but we can speculate that the clerk had the book labeled for the years he expected to use it, but when there were plenty of blank pages following the last entry for 1843, he continued to make entries until all the pages were filled. Possibly a change of office holders in the county clerk’s position was a contributing factor. Similarly, the volume labeled Taylor County Birth and Death Register, 1886-1937, on the microfilm is not a typical register at all. The top of the ledger pages are printed as follows: “Register of inmates of Taylor County Infirmary and descriptive list including birth and death register.” The ledger
identifies those who came to live at the “poor farm,” how long they stayed, births and deaths that occurred there, and other personal information about the residents that may not be available elsewhere. County infirmary records are few and far between, so this one was a delightful discovery.

Sometimes gaps in records are unexplained, such as with McDowell County Births, Volume 1, which is labeled 1872-1904. The records actually start with 1894, with the exception of a few delayed births for the 1880's entered in the front of the ledger. In the middle of the volume of Nicholas County Births for 1855-1904 are blank pages with “No Record for 1870 and 1871” scrawled across.

I hope you find this compilation helpful. I have included most but not all of the information used in previous county records articles. [See also: February 2001, Missing WV County Records; August 2001, Additions and Corrections to the County Records List; and August 2000, West Virginia’s 55 Counties.] For additional information on West Virginia county history, courthouses and records, visit the West Virginia Archives and History Web site at http://www.wvculture.org/history. For “County History Resources” you will find a link under “History Center,” or you may go directly to http://www.wvculture.org/history/counties/list.html. “Counties Records on Microfilm” link can be found in the “State Archives” section or located directly at http://www.wvculture.org/history/ countrec.html. The “Records Management and Preservation Board” section includes the report of the West Virginia Courthouse Facilities Improvement Authority, which sheds light on current courthouse conditions and document preservation issues for each county. The Executive Summary of the report provides an overview of the records survey itself and a county by county listing of holdings and physical condition of records.

NEW TITLES


Our Heritage: [Fairfield, S.C.], 1950(?).


HACKER’S CREEK PIONEER DESCENDANTS
22ND ANNUAL GATHERING
AUGUST 12-15, 2004

Hacker’s Creek Pioneer Descendants will be celebrating “The Good Old Days” with several days of workshops, library research, local tours, food and fun. Workshops include:

- Research Aids and Putting Your Family Tree Together, led by Paul Petit
- Immigration Patterns and Central West Virginia, with David Houchin
- History of the Lower Tygart Valley, discussed by Carolyn Fortney Hamilton
- Family Tree Maker Seminar, an all day class taught by John Hines and Dave Heise

Joy Stalnaker will lead tours of the Weston State Hospital building and grounds and of the Hacker’s Creek area. For complete information about registration, fees, lodging and activities, visit http://www.hackerscreek.com, e-mail hcpd@hackerscreek.com, call (304) 269-7091, or write HCPD, 45 Abbotts Run Road, Horner, WV 26372.
2004 Haunted West Virginia Ghost Hunters and Spirituality Conference
“The Ghosts of the Civil War”

Haunted Parkersburg, an organization which regularly conducts the Haunted Parkersburg Ghost Tour, is presenting its annual Haunted West Virginia Ghost Hunters and Spirituality Conference in Parkersburg on August 6, 7 and 8, 2004. Civil War buffs, regardless of their viewpoints on ghosts, may be interested in the Civil War encampment, reenactors and parade that are scheduled as part of this year’s activities. For additional information, visit www.hauntedparkersburg.com.

West Virginia Archives and History Library Changes Hours on Weekends

Effective Friday, April 1, 2004, the West Virginia Archives and History Library began closing at 5:00 p.m. rather than 6:00 p.m. on Fridays and Saturdays. The change solved some knotty scheduling problems for our staff without significantly decreasing our service to the public. No other changes are proposed at this time. Our new hours are:

Monday through Thursday 9:00 a.m. to 8:00 p.m.
Friday and Saturday 9:00 a.m. to 5:00 p.m.
Sunday Closed

CALENDAR OF EVENTS

PLEASE CHECK OUR WEB SITE (http://www.wvculture.org/history) FOR GENEALOGICAL and HISTORICAL SOCIETY MEETING ANNOUNCEMENTS, AND FOR MORE COMPLETE INFORMATION ON ACTIVITIES LISTED BELOW.

WEST VIRGINIA STATE MUSEUM CLOSED FOR RENOVATIONS: Reopening date will be announced at a later time. The Cultural Center, Charleston.

VANDALIA GATHERING, MAY 28-30: The Cultural Center, Charleston.

MEMORIAL DAY, MAY 31: The Archives Library will be closed.

ARCHIVES AND HISTORY COMMISSION MEETING, JUNE 11: Jenkins Plantation, Lesage.

KYOWVA/ARCHIVES & HISTORY PHOTO COPYING PROJECT, JUNE 12: Maddie Carroll House, Huntington (Guyandotte).

WEST VIRGINIA DAY, observed JUNE 21: The Archives Library will be open.*

INDEPENDENCE DAY, observed JULY 5: The Archives Library will be closed.

*Only the Archives Library will be staffed—all other Archives offices will be closed. The West Virginia Library Commission Library in The Cultural Center is closed weekends and all holidays.