

A Guide to the Sheriff Executions, 1840 - 1905

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1840-1905



Fairfax Circuit Court
Clerk's Office

A Collection in the Fairfax Circuit Court Historic Records Center

Fairfax Circuit Court Historic Records Center

2017

History

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Title Statement

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Profile Description

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Language Usage: Description is in English

Descriptive Summary

Language

English

Creator

Fairfax Circuit Court Historic Records Center

Extent

15 linear feet.

Shelf Location

Unit 49, Shelves 1 - 4

Repository

Fairfax Circuit Court Historic Records Center

Administrative Information

Access Restrictions

The Collection is open for research.

Use Restrictions

There are no restrictions.

Acquisition Information

Permanent Record of The Fairfax Circuit Court Historic Records Center.

Processing Information

All documents have been unfolded and flattened. All nails, fasteners, and deteriorated rubber bands have been removed except for metal rivets (to remove these would cause considerable tearing and damage to the documents).

All documents have been organized in chronological order, then alphabetized.

Minimum amount of folding has been utilized to fit longer documents into the archive folders and linear boxes.

Preferred Citation

Guide to Sheriff Executions, Fairfax Circuit Court Historic Records Center.

Biographical Information

What is a Court Execution?

A court execution is a writ of execution court order granted to put a judgement into force. A case has already gone to trial and a judgement has been granted. The court order will be carried out by a sheriff, sergeant, coroner or constable.

A judge will command a sheriff or someone of similar authority to collect the "goods and chattles" of the convicted defendant to settle the debt owed to the plaintiff.

An execution will contain the following information: the names of the sheriff, plaintiff, defendant; amount of debt owed; date of when the debt originated, and the court date.

Types of Executions

Fieri Facias (Fi.fa.)- A writ to a sheriff for executing a judgement.

Chancery - Plaintiff seeks equal distribution of assets.

Writ of elegit - A judgement against a debtor's goods and chattel held by the creditor until debt is paid.

Execution Returned/Not Satisfied

When an execution was not able to be served and debt unable to be satisfied; or, an execution had been served but the defendant had no property or monies to settle the debt.

Superior Court

Any higher court than county court, i.e. Court of Appeals, Virginia Supreme Court, the Federal Supreme Court.

Waiver of the Homestead Act

Several of the executions indicate that the defendant waived their homestead right. Below is an explanation of the Homestead Act of 1862 and what it meant to waive this right.

Homestead Act of 1862

An agreement between borrow and lender to waive the homeowner's statutory homestead rights under state law. Homestead rights protect a homeowner's equity from creditors in cases of default.

What does that mean? The Homestead Act of 1862 allowed an adult citizen to claim 160 acres of surveyed government land. They were required to "**improve**" the land, meaning cultivate and establish homes. After five consecutive years, the citizen would be entitled to **free and clear** ownership of the land. If the **land was not developed** within five years, then the owner waived their homestead right and was subject to the financial obligation and susceptible to collection of debt.

Scope and Content

Scope and Content

The collection includes documents from 1840 to 1905 and is arranged chronologically, then alphabetically by surname. Along with the executions are receipts from purchases, IOUs, and bank checks to prove that the debt had either been satisfied or not satisfied.

Ledgers: The Fairfax County Historical Records also houses several ledgers that correspond with the executions. The ledgers record the names of the plaintiff, defendant, debt owed, court costs, location of the trial, what kind of warrant was executed, the return date of the warrant, counsel, warrant issue date, and outcome of the execution (whether the debt was settled, partially settled, or not satisfied).

Execution Book 1: 22 April 1870 - 1 Jan 1904

Execution Book 2: 25 November 1878 - 27 March 1907

Execution Book [3]: 4 January 1858 - 1 April 1870

Executions: 1838-1842

Execution Book: 1839-1844

Execution Book: 1842-1846

Execution Book: 1844-1855

Execution Book: 1846-1852

Execution Book: 1853-1858

Execution Book: 1855-1878/Executions Returned by Constable 1838-1848

Execution Book: 1807-1811/Executions Returned by Constable 1849-1861

Executions Returned by Constable 1866-1903

Index Terms

Courts and Judicial

Fairfax County, Virginia

Ink, typeset, paper, parchment, pencil

Arrangement

The sheriff executions are organized by chronological order, then alphabetized by surname of plaintiff.

Contents List

Box 1

Folder 1: F - G, 1840

Folder 2: D-G, 1841

Folder 3: A-Ba, 1842

Folder 4: Be-Coc, 1842

Folder 5: Con-Ja, 1842

Folder 6: Ag-As, 1843

Folder 7: B-BI, 1843

Folder 8: Bo-CI, 1843

Folder 9: Co-Du, 1843

Folder 10: De-Ge, 1843

Folder 10: Do-Go, 1843

Folder 11: Gr-Ho, 1843

Folder 12: Hu-J, 1843

Folder 13: K-L, 1843

Folder 14: M-Mu, 1843

Folder 15: A-Com, 1844

Folder 16: Con-H, 1844

Folder 17: J-N, 1844

Box 2

Folder 1: O-Sl, 1844

Folder 2: Sm-Z, 1844

Folder 3: A-Ch, 1845

Folder 4: Co-D, 1845

Folder 5: E-G, 1845

Folder 6: H-K, 1845

Folder 8: O-Sh, 1845

Folder 9: Si-W, 1845

Folder 10: A-Col, 1846

Folder 11: Com-Fa, 1846

Folder 12: Fi-Ha, 1846

Folder 13: He-L, 1846

Folder 14: M-P, 1846

Box 3

Folder 2: V-W, 1846

Folder 3: A-B, 1847

Folder 4: C-Fe, 1847

Folder 5: Fi-Ho, 1847

Folder 6: Hu-Mil, 1847

Folder 7: Mil-P, 1847

Folder 7: MII-K, 1847

Folder 8: S-W, 1847

Folder 9: Miscellaneous, 1847

Folder 10: A-C, 1848

Folder 11: D-G, 1848

Folder 12: H-J, 1848

Folder 13: K-M, 1848

Folder 14: N-S, 1848

Folder 15: T-Y, 1848

Folder 16: A-W, 1848 Superior Court

Box 4

Folder 1: A-C, 1849

Folder 2: D-H, 1849

Folder 3: J-R, 1849

Folder 4: S-W, 1849

Folder 5: A-Gr, 1850

Folder 6: Gu-M, 1850

Folder 7: N-Y, 1850

Folder 8: A-W, 1851

Folder 9: A-F, 1852

Box 5

Folder 1: A-O, 1853; Constable's Execution Not Satisfied

Folder 2: P-W, 1853; Constable's Execution Not Satisfied

Folder 3: A-W, 1854

Folder 4: B-W, 1854; Constable's Execution Not Satisfied

Folder 5: A-C, 1855

Folder 6: D-H, 1855

Folder 7: J-O, 1855

Folder 8: P-W, 1855

Folder 8: P-W, 1855

Folder 9: A-W, 1856; Constable's Execution Not Satisfied

Folder 10: A-C, 1856

Folder 11: D-He, 1856

Folder 12: H-P, 1856

Box 6

Folder 1: R-W, 1856

Folder 2: A-C, 1857

Folder 3: D-G, 1857

Folder 4: H-K, 1857

Folder 5: L-R, 1857

Folder 6: S-W, 1857

Folder 7: A-D, 1857; Constable's Execution Not Satisfied

Folder 8: E-L, 1857; Constable's Execution Not Satisfied

Folder 9: M-R 1857; Constable's Execution Not Satisfied

Folder 10: S-W 1857; Constable's Execution Not Satisfied

Folder 11: A-C 1858

Folder 12: D-G 1858

Folder 13: H-M 1858

Folder 14: N-S 1858

Folder 15: T-W 1858

Folder 16: A-C 1859

Folder 17: D-G 1859

Folder 18: H-J 1859

Box 7

Folder 1: K-N, 1859

Folder 2: O-S, 1859

Folder 3: T-Y, 1859

Folder 4: A-D, 1859; Constable's Execution Not Satisfied

Folder 4: A-B, 1858; Execution Returned/Not Satisfied

Folder 5: Ca-Co, 1858; Execution Returned/Not Satisfied

Folder 6: Co-E, 1858; Execution Returned/Not Satisfied

Folder 7: F-Ga, 1858; Execution Returned/Not Satisfied

Folder 8: G, 1858; Execution Returned/Not Satisfied

Folder 9: H-Le, 1858; Execution Returned/Not Satisfied

Folder 10: Lo-O, 1858; Execution Returned/Not Satisfied

Folder 11: P-Ro, 1858; Execution Returned/Not Satisfied

Folder 12: Ru-T, 1858; Execution Returned/Not Satisfied

Folder 13: W-V, 1858; Execution Returned/Not Satisfied

Folder 14: A-C, 1859; Execution Returned/Not Satisfied

Folder 15: D-G, 1859; Execution Returned/Not Satisfied

Folder 16: H-J, 1859; Execution Returned/Not Satisfied

Folder 17: K-P, 1859; Execution Returned/Not Satisfied

Folder 18: R-W, 1859; Execution Returned/Not Satisfied

Folder 19: A-B, 1860; Execution Returned/Not Satisfied

Folder 20: C-E, 1860; Execution Returned/Not Satisfied

Folder 21: F-Hi, 1860; Execution Returned/Not Satisfied

Folder 22: H-M, 1860; Execution Returned/Not Satisfied

Folder 23: W-V, 1860; Execution Returned/Not Satisfied

Folder 24: A-D, 1861; Execution Returned/Not Satisfied

Folder 25: E-L, 1861; Execution Returned/Not Satisfied

Folder 26: M-R, 1861; Execution Returned/Not Satisfied

Box 8

Folder 1: J-O, 1860; Execution Returned/Not Satisfied

Folder 2: P-Y, 1860; Execution Returned/Not Satisfied

Folder 3: G-W, 1860; Chancery Execution

Folder 4: A-B, 1860

Folder 5: C-E, 1860

Folder 5: C-F, 1860

Folder 6: G-H, 1860

Folder 7: J-K, 1860

Folder 8: M-P, 1860

Folder 10: A-D, 1861

Folder 11: E-Herbert, 1861

Folder 12: Hickey-Perkens, 1861

Folder 13: Powell-W, 1861

Folder 14: 1864

Folder 15: A-M, 1865

Folder 16: P-W, 1865

Folder 17: A-F, 1866

Folder 18: F-V, 1866

Folder 19: W, 1866

Folder 20: A-Commonwealth, 1867

Folder 21: Commonwealth - Ganton, 1867

Folder 22: Glassock-House, 1867

Box 9

Folder 1: Jackson-L, 1867

Folder 2: M-R, 1867

Folder 3: S-V, 1867

Folder 4: W, 1867

Folder 5: A-Coleman, 1868

Folder 6: Commonwealth - E, 1868

Folder 7: F-Jackson, 1868

Folder 8: Jackson's Admin-McCawley, 1868

Folder 9: Moore-S, 1868

Folder 10: T-W, 1868

Folder 11: C-W. 1868: Execution Not Satisfied

Folder 12: A-E, 1869

Folder 13: F-H, 1869

Folder 14: J-P, 1869

Folder 15: R-S, 1869

Folder 16: T-W, 1869

Folder 17: A-J; Execution Not Satisfied

Folder 18: P-W; Execution Not Satisfied

Box 10

Folder 1: A-C, 1870

Folder 2: D-F, 1870

Folder 3: G-H, 1870

Folder 4: J-M, 1870

Folder 5: O-S, 1870

Folder 6: T-W, 1870

Folder 7: B-W, 1870; Execution Not Satisfied

Folder 8: A-H, 1871

Folder 9: J-P, 1871

Folder 10: R-T, 1871

Folder 11: U-W, 1871

Folder 12: A-W, 1871; Execution Not Satisfied

Folder 13: A-E, 1872

Folder 14: G-K, 1872

Folder 15: L-S, 1872

Folder 16: T-W, 1872

Folder 17: A-W, 1872; Execution Not Satisfied

Folder 18: A-W, 1873

Folder 19: D-W, 1873; Execution Not Satisfied

Folder 20: A-F, 1874

Folder 21: G-S, 1874

Folder 22: T-W, 1874

Folder 23: A-W, 1874; Execution Not Satisfied

Folder 24: A-F, 1875

Folder 25: G-M, 1875

Folder 26: O-W, 1875

Folder 27: A-W, 1875; Execution Not Satisfied

Folder 28: A-G, 1876

Box 11

Folder 1: H-L, 1876

Folder 2: M-W, 1876

Folder 3: A-W, 1876; Execution Not Satisfied

Folder 4: A-G, 1877

Folder 5: H-P, 1877

Folder 6: R-W, 1877

Folder 7: A-W, 1877; Execution Not Satisfied

Folder 8: B-G, 1878

Folder 9: H-P, 1878

Folder 10: R-W, 1878

Folder 11: B-W, 1878; Execution Not Satisfied

Folder 12: A-Horner, 1879

Folder 13: Hunt-R, 1879

Folder 14: S-Y, 1879

Folder 15: A-T, 1879; Execution Not Satisfied

Folder 16: A-H, 1880

Folder 17: I-Z, 1880

Folder 18: A-D, 1881

Folder 19: E-R, 1881

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Folder 20: S-Z, 1881

Folder 21: A-H, 1882

Box 12

Folder 1: I-Z, 1882

Folder 2: A-H, 1883

Folder 3: I-Q, 1883

Folder 4: R-Z, 1883

Folder 5: A-H, 1884

Folder 6: I-R, 1884

Folder 7: S-Z, 1884

Folder 8: A-G, 1885

Folder 9: H-Z, 1885

Folder 10: A-J, 1886

Folder 11: K-Z, 1886

Folder 12: A-D, 1887

Folder 13: E-L, 1887

Folder 14: M-Z, 1887

Folder 15: A-D, 1888

Folder 16: E-L, 1888

Box 13

Folder 1: M-R, 1888

Folder 2: S-Z, 1888

Folder 3: A-C, 1889

Folder 4: D-J, 1889

Folder 5: K-P, 1889

Folder 6: R-T, 1889

Folder 7: U-W, 1889

Folder 8: A-G, 1890

Folder 9: H-P, 1890

Folder 10: R-Z, 1890

Folder 11: A-J, 1891

Folder 12: K-Z, 1891

Folder 13: A-F, 1892

Folder 14: G-O, 1892

Folder 15: P-Z, 1892

Folder 16: A-E, 1893

Folder 17: G-N, 1893

Folder 18: O-Z, 1893

Folder 19: A-E, 1894

Folder 20: O-W, 1894

Box 14

Folder 1: F-M, 1894

Folder 2: A-D, 1895

Folder 3: E-H, 1895

Folder 4: J-M, 1895

Folder 5: N-S, 1895

Folder 6: T-W, 1895

Folder 7: A-D, 1896

Folder 8: E-H, 1896

Folder 9: J-N, 1896

Folder 10: O-S, 1896

Folder 11: T-Z, 1896

Folder 12: A-D, 1897

Folder 13: D-J, 1897

Folder 14: K-O, 1897

Folder 15: P-U, 1897

Folder 16: A-D, 1898

Folder 16: A-D, 1898

Folder 17: E-J, 1898

Box 15

Folder 1: K-P, 1898

Folder 2: R-Z, 1898

Folder 3: A-G, 1899

Folder 4: H-P, 1899

Folder 5: R-Z, 1899

Folder 6: A-F, 1900

Folder 7: G-M, 1900

Folder 8: O-Z, 1900

Folder 9: A-E, 1901

Folder 10: F-L, 1901

Folder 11: M-R, 1901

Folder 12: S-Z, 1901

Folder 13: A-I, 1902

Folder 14: J-Q, 1902

Folder 15: R-Z, 1902

Folder 16: A-K, 1903

Folder 17: M-Z, 1903

Folder 18: A-Z, 1904

Folder 19: R, 1905