

A Guide to the Fauquier County (Va.) Chancery Causes, 1759-1919 (bulk 1830-1890)

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History

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

Descriptive Summary

Language

English

Collector

Fauquier County (Va.) Circuit Court.

Physical Characteristics

Digital images

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Fauquier County (Va.) Chancery Causes, 1759-1919, use digital images found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia.

Use Restrictions

There are no restrictions on use.

Processing Information

Fauquier County (Va.) Chancery Causes, 1759-1919, never came to the Library of Virginia. They were processed in the field by field processors between 1990 and 1999, and were sent for digitization from the locality.

Digital images were generated by PTFs through the Library of Virginia's Circuit Court Records Preservation Program in 2008.

Encoded by G. Crawford: April 2007; updated by C. Collins: January 2024.

Preferred Citation

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Adjunct Descriptive Data

Related Material

Additional post-1913 records may be available at the Fauquier County Circuit Court Clerk's Office.

Additional Fauquier 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](#).

Location of Originals

Original Fauquier County (Va.) Chancery Causes, 1759-1919, are retained in the locality. Contact the Clerk of the Circuit Court for access.

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: Fauquier County was named for Francis Fauquier, lieutenant governor of Virginia from 1758 to 1768. It was formed in 1759 from Prince William County. The county seat is Warrenton.

Scope and Content

Fauquier County (Va.) Chancery Causes, 1759-1919, 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.

Commonly found surnames among the plaintiffs and defendants include Adams, Anderson, Armistead, Ashby, Bailey, Baker, Ball, Barbee, Beale, Blackwell, Bowen, Brent, Brooke, Brown, Byrne, Carr, Carter, Chapman, Chilton, Chinn, Cocke, Cooper, Crump, Davis, Digges, Dixon, Dodd, Dulin, Edmonds, Embrey (also spelled Embry), Fant, Farrow, Fishback, Fisher, Fitzhugh, Fletcher, Flowerree, Foley, Foster, Fox, Freeman, Gaines, Gibson, Glascock, Gordon, Graham, Gray, Green, Grigsby, Hall, Hampton, Harris, Harrison, Heflin, Helm, Hickerson, Hicks, Hitt, Hord, Horner, Hudnall, Hume, Hunton, Hutchison, Jackson, James, Jeffries, Jennings, Jett, Johnson, Johnston, Jones, Keith, Kelly, Kemper, Kincheloe, Lake, Latham, Lawson, Lee, Lewis, Maddux (also spelled Maddox), Marr, Mallory, Marshall, Martin, McClanahan (also spelled McClanaham), McDonald, Moore, Morehead, Morgan, Murray, Nelson, Norris, Obannon (also spelled Obanion), Owens, Page, Pattie, Payne, Peyton, Philips, Phillips, Pickett, Pollard, Porter, Priest, Ransdell, Rector, Rixey, Robinson, Rogers, Rust, Saunders, Scott, Seaton, Settle, Shackelford, Shumate, Sinclair, Smith, Stewart, Stone, Stribling, Strother, Suddoth, Sullivan, Taylor, Thomas, Thompson, Triplett, Turner, Utterback, Walden, Wallace, Ward, Warder, Weaver, Welch, Wheatley, White, Williams, Wilson, and Withers.

The Clerks Postage Account is involved in 25 suits between 1832 and 1850, while Fletcher & Bro is involved in 13 suits between 1886 and 1908.

These records also contain one folder of "Orphan Chancery," which has been processed but not indexed. These records contain parts, often single items, of chancery causes that could not be further identified as belonging to a certain case.

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 generally as follows: Bill, Answer, and Final Decree (if found.) However, some of these materials were scanned with the bills, answers, and decrees at the end of the case file.

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.

1859-080: Petition of Lavinia Napper:

Scope and Content

Lavinia Napper, a "woman of color" freed by the will of Giles Fitzhugh, petitioned the court for re-enslavement. Her emancipation was conditioned upon her removal from Virginia, and Lavinia stated that she "prefer[ed] slavery in Virginia to freedom out of it" because her friends and family lived in Virginia, and she did not want to live among strangers elsewhere. Citing a Virginia law passed in 1856, she hoped to voluntarily return to enslavement under Edwin Smith of Fauquier County, who was married to member of the Fitzhugh family.

1860-090: Petition of Fanny Gillison:

Scope and Content

Fanny (also spelled Fannie) Gillison, "a woman of color" emancipated in 1859 by a deed of Richards Payne, petitioned the court to be re-enslaved to William A. Bowen due to her "advanced age...with no reason to believe that from her own labor she will be able to support herself in comfort," as well as her desire to remain in the county in which she was born and raised. Under Virginia law, individuals freed by their enslavers were required to leave the state within 12 months.