

# A Guide to the Franklin County (Va.) Determined Papers, 1789-1937

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A Collection in the Library of Virginia Barcode numbers 1116855-1116856, 1116858-1117036, 1117038, 1180896/Franklin County (Va.) Reel numbers 94-221

Library of Virginia  
2010

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## History

**Processed by:** Library of Virginia staff

## Title Statement

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**Subtitle:** Franklin County (Va.) Determined Papers, 1789-1937

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## Publication Statement

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**Publisher:** Library of Virginia

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## Profile Description

**Creation:** Machine-readable finding aid derived from MARC record, created by Greg Crawford, 13 April 2010

**Language Usage:** Description is in English

## Revision Description

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

## Descriptive Summary

### Collection numbers

Barcode numbers 1116855-1116856, 1116858-1117036, 1117038, 1180896/Franklin County (Va.) Reel numbers 94-221

### Language

English

### Collector

Franklin County (Va.) Circuit Court

### Physical Characteristics

82.35 cu. ft. (183 boxes); 128 microfilm reels

**Location**

State Records Center - Archives Annex, Library of Virginia

**Repository**

The Library of Virginia

## Administrative Information

**Access Restrictions**

There are no restrictions.

**Use Restrictions**

Use microfilm copies, Franklin County (Va.) Reel numbers 94-221.

**Acquisition Information**

These items came to the Library of Virginia in shipments of court papers from Franklin County.

**Preferred Citation**

Franklin County (Va.) Determined Papers, 1789-1937. Local government records collection, Franklin County Court Records. The Library of Virginia, Richmond, Va.

## Historical Information

Franklin County was named for Benjamin Franklin and was formed from Bedford and Henry Counties in 1785. The county court first met on 2 January 1786. Part of Patrick County was added in 1848.

The County Court was the original colonial court of adjudication and recordation, and it was the principal tribunal for the administration of local justice. The individual justices could act on small claims matters as well as criminal matters where imminent bodily harm was a possibility, there being an appeal to the full County Court, which met monthly. This court ceased to exist in 1904 and the recordation function was transferred to the circuit court.

The General Court was created in 1777. Prior to the creation of the District Courts in 1788, the General Court held appellate jurisdiction in common law cases. All of the records of the General Court were destroyed except for one pre-Revolutionary War order book, in April 1865.

The District Court was created in 1788. The purpose of the creation of the District Court was to alleviate congestion in the General Court which had caused unreasonable delays in the adjudication of common law cases. Virginia was divided into eighteen districts, each composed of several counties, plus the district of Kentucky. Courts were held in each district twice yearly and cases were heard from the several counties in that district. The District Court always met at the same place in each district, and its records were kept at that one location. The District Courts were abolished in 1808 and were replaced by the Superior Courts of Law.

The District Court for Bedford, Campbell, Franklin, Pittsylvania, and Henry counties met at Franklin County Courthouse from 1800 to 1808. The District Court prior to 1800 met at New London Courthouse in Bedford County.

The Superior Court of Law was created in 1808. It met twice a year in each county, presided over by a circuit-riding General Court judge. Records were filed with the County Court. It had civil and criminal jurisdiction. The court ceased to exist in 1831.

The Circuit Superior Courts of Law and Chancery, established in 1831, were the upper courts on the local level. Sessions were held twice a year in each county, presided over by a General Court judge. The counties were grouped into districts for the convenience of the judge. The court ceased to exist in 1851.

The Circuit Court was authorized by the Constitution of 1851 and established by an act of the General Assembly passed in May 1852. Courts were held twice yearly in each county, presided over by 21 judges who rode circuits in the area of their jurisdiction. The records were filed with County Court records. These courts were granted original jurisdiction concurrent with that of the County Courts, as well as appellate jurisdiction in all civil cases of more than fifty dollars and criminal cases not "expressly cognizable in some other court," including those involving loss of life.

## Scope and Content

Franklin County (Va.) Determined Papers, 1789-1937, are judgments or civil suits that were heard in the County Court, District Court, Superior Court of Law, Circuit Superior Court of Law and Chancery, and Circuit Court in which justice was administered on the strictly formulated rules of common law. The majority of

cases in this record series relate to matters of debt. Documents commonly found in civil suits include declarations or narratios that explain the plaintiff's complaint, executions, affidavits, and depositions. Suits may include exhibits such as wills, plats, deeds, indentures, estate inventories, and business records. The collection includes copies of decisions made by the Supreme Court of Appeals in Richmond, Virginia, in response to suits appealed to it from the various Franklin County courts. Most of the original documents of the Supreme Court of Appeals were destroyed by fire in 1865. Pre-1865 suits involve slaves.

The District Court portion of the Determined Papers, 1789-1808, contain suits from Bedford, Campbell, Franklin, Pittsylvania, and Henry counties. It also includes suits from these localities that originally began in the General Court of Richmond and were transferred to the District Court of New London following its creation in 1788. The collection also includes suits heard in the District Court of New London which were transferred to Franklin County following the removal of the district Court to Franklin County Courthouse in 1800.

## **Index Terms**

### **Corporate Names:**

Franklin County (Va.) Circuit Court

### **Subjects:**

African Americans -- History

Civil procedure -- Virginia -- Franklin County

Courts -- Virginia -- Franklin County

Debt -- Virginia -- Franklin County

Public records -- Virginia -- Franklin County

Slaves -- Virginia -- Franklin County

### **Geographical Names:**

Bedford County (Va.) -- History

Campbell County (Va.) -- History

Franklin County (Va.) -- History

Henry County (Va.) -- History

Pittsylvania County (Va.) -- History

### **Genre and Form Terms:**

Affidavits -- Virginia -- Franklin County

Business records -- Virginia -- Franklin County

Deeds -- Virginia -- Franklin County

Decisions -- Virginia -- Franklin County

Depositions -- Virginia -- Franklin County

Judicial records -- Virginia -- Franklin County

Local government records -- Virginia -- Franklin County

Plats -- Virginia -- Franklin County

Wills -- Virginia -- Franklin County

### **Added Entry - Corporate Name:**

Franklin County (Va.) Circuit Superior Court of Law and Chancery

Franklin County (Va.) County Court

Franklin County (Va.) District Court

Franklin County (Va.) Superior Court of Law

New London (Va.) District Court

Virginia. General Court.

Virginia. Supreme Court.

