

A Guide to the Roanoke County (Va.) Chancery Causes, 1839-1942

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History

Processed by: P. Connelly

Title Statement

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Profile Description

Creation: Machine-readable finding aid derived from MARC record, created by Greg Crawford, 20 August 2014

Language Usage: Description is in English

Descriptive Summary

Language

English

Collector

Roanoke County (Va.) Circuit Court

Physical Characteristics

61.65 cubic feet (135 boxes); Digital images

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Chancery Causes, 1839-1912 digital images can be found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia.

Use Restrictions

There are no restrictions.

Acquisition Information

These records came to the Library of Virginia in a transfer of court papers from Roanoke County (Va.) under an undated accession.

Processing Information

These records were processed in 2000.

Digital images were generated by Backstage in 2014 through the Library of Virginia's Circuit Court Records Preservation Program.

At this time, there are currently no plans to digitize post 1912 records.

Encoded by G. Crawford: 2012; updated by E. Swain: October 2024

Preferred Citation

Roanoke County (Va.) Chancery Causes, 1839-1942. (Cite style of suit [and chancery index no. if available]). Local government records collection, Roanoke County Court Records. The Library of Virginia, Richmond, Virginia, 23219.

Adjunct Descriptive Data

Related Material

See also: [Montgomery County \(Va.\) Chancery Causes, 1773-1938](#)

Additional Roanoke 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.](#)"

Additional unindexed and unprocessed post-1913 records may be available at the Roanoke County Circuit Court Clerk's Office.

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: Roanoke County was named for the Roanoke River, which in turn was derived from the English colonists' misunderstanding of the Indian word for the shell beads worn as personal adornment or used for trade. The county was formed from Botetourt County in 1838, and part of Montgomery County was added in 1849. The county courthouse is in the city of Salem, and the administrative offices are in the county.

Scope and Content

Roanoke County (Va.) Chancery Causes, 1839-1942, 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.

These records contain one box of "Orphan Chancery." These records contain parts, often single items, of chancery causes which 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 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.

1880-044: Fanny R. Johnston, etc. vs. Exr. of Nathaniel Burwell, etc.:

Scope and Content

Burwell was accused of selling or hiring out Black individuals enslaved by Lucy, his wife. Lucy inherited the enslaved persons from Charles Carter, her father, of Shirley Plantation, but Burwell sold the enslaved person for his own benefit with the goal to buy land in Roanoke County. According to the marriage contract, any profits from sale of the Black individuals enslaved by Lucy were to remain with her dower. There is a reference to a pamphlet written by Nimrod Hughes who claimed the world was going to end in 1812. It created quite a stir in southwest Virginia. Hughes claimed the prophecy had not entirely failed. On June 4, 1812, the United States declared war on Great Britain and Napoleon invaded Russia. The prophecy did some good. Burwell's brother testified that he became a Christian because of the prophecy. The prophecy was used to date when Nathaniel Burwell travelled to Richmond from Roanoke to get money to purchase the Dropmore estate. Fanny Johnston was the daughter of Frederick and Nancy C. Johnston who was daughter of Nathaniel and Lucy Burwell.

1890-019: N.B. Dillard, etc. vs. John B. Baskerville and wife:

Scope and Content

Suit involved a dispute over a cemetery.

1901-002: R.B. Griggs vs. Town of Vinton, etc.:

Scope and Content

An eminent domain suit. The town of Vinton took a portion of Grigg's property to build a smallpox hospital without Vinton's permission.

1903-012: Andrew Willis etc vs. Robert L Hopkins:

Scope and Content

Hopkins was accused of desecrating land set aside as a "colored cemetery" and forbade people to use it.