

A Guide to the Sheriff Executions, 1840 - 1905

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1840-1905

A Collection in the Fairfax Circuit Court Historic Records Center

Fairfax Circuit Court Historic Records Center

2017

History

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Title Statement

A Guide to the Sheriff Executions, 1840 - 1905

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Profile Description

Creation: Machine-readable finding aid derived from being created directly into EAD, created by Ashton Fonville, 29 July 2021

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

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

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Folder 1: F - G, 1840

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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: Do-Go, 1843

Folder 11: Gr-Ho, 1843

Folder 12: Hu-J, 1843

Folder 13: K-L, 1843

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Folder 15: A-Com, 1844

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Folder 1: O-SI, 1844

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Folder 9: Miscellaneous, 1847

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

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

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