

A Guide to the Winchester (Va.) Chancery Causes, 1787-1936 (bulk 1859-1936)

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Author: G. Crawford

History

Processed by: E. Woodward

Title Statement

A Guide to the Winchester (Va.) Chancery Causes, 1787-1936 (bulk 1859-1936)

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Profile Description

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Revision Description

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

Descriptive Summary

Language

English

Collector

Winchester (Va.) Circuit Court.

Physical Characteristics

14.75 cubic feet (32 boxes); Digital images.

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Patrons are to use digital images of Winchester (Va.) Chancery Causes 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 Winchester (Va.).

Processing Information

Processed by E. Woodward in 2000.

Encoded by G. Crawford: 2009; Updated by E. Swain: June 2024.

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Adjunct Descriptive Data

Related Material

Additional Winchester 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.](#)"

See also [Frederick County \(Va.\) Chancery Causes, 1860-1912.](#)

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: Winchester, in Frederick County, was first known as Opequon, then as Frederick's Town (or Fredericktown), and, finally, on establishment as a town in 1752, as Winchester. According to tradition, one of the town's founders, James Wood, named the town in honor of his birthplace in England. Winchester was incorporated as a town in 1779 and as a city in 1874.

Scope and Content

Winchester (Va.) Chancery Causes, 1787-1936, 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.

The collection also includes chancery suits heard in Frederick County Circuit Court.

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 is 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.

1885-004: Fairfax Colored Cemetery vs. City of Winchester, etc.:

Scope and Content

Dispute over ownership of an African American Cemetery located in Winchester. The plaintiffs were members of John Mann Chapel, an African American Methodist Church. They asserted ownership of the cemetery and that only members of their congregation were to be buried in it. The defendants, also African American, claimed ownership of the cemetery stating their right came from the city of Winchester. They argued that the cemetery was to be for the burial of all African Americans regardless of religious affiliation. The plaintiffs accused the defendants of illegally taking possession of the cemetery to bury deceased individuals not affiliated with the church and keeping the burial fees for themselves. See also Frederick County Chancery Cause 1849-004 which involves the Grim family. The plaintiffs reference a decree from this case in their bill of complaint.

1901-003: Abram D. Toporosky vs. Rosie Ziman Toporosky:

Scope and Content

A divorce suit involving Russian immigrants.

1914-005: Fred H. and Heman H. Hable vs. Mayor of Winchester:

Scope and Content

The plaintiffs leased an auditorium from the city to show "moving pictures." They wanted to show a movie titled "The Lure." The mayor of Winchester claimed the movie was indecent and prohibited them from screening the movie to the public. Plaintiffs questioned the legality of the Mayor's action.