

# A Guide to the Franklin County (Va.) Chancery Causes, 1787-1934 (bulk 1850-1905)

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A Collection in the Library of Virginia

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## History

**Processed by:** G. Crawford, R. Muse, B. Helms, and S. Walters

## Title Statement

A Guide to the Franklin County (Va.) Chancery Causes, 1787-1934 (bulk 1850-1905)

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**Author:** Greg Crawford

## Publication Statement

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## Profile Description

**Creation:** Machine-readable finding aid derived from MARC record, created by Greg Crawford, 19 August 2011

**Language Usage:** Description is in English

## Revision Description

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

## Descriptive Summary

### Language

English

### Collector

Franklin County (Va.) Circuit Court.

### Physical Characteristics

Digital images; 94.5 cubic feet (210 boxes)

### Location

Library of Virginia

### Repository

The Library of Virginia

## Administrative Information

## Access Restrictions

Chancery Causes 1787-1912 use digital images found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia.

The majority of Chancery Causes 1913-1934 are processed and indexed information is available on the Chancery Records Index, but digital images are not available at this time. Contact Archives Research Services for availability.

Four boxes of post-1913 chancery causes are foldered and arranged alphabetically, but not formally indexed. Contact Archives Research Services for availability.

## Use Restrictions

There are no restrictions on use.

## Acquisition Information

The bulk of these records came to the Library of Virginia in a transfer of court papers from Franklin County (Va.) in 1983 under accession number 31769. Additional records were transferred to the library in 2009 under accession number 44455 and as part of an undated accession.

## Processing Information

The majority of Franklin County (Va.) Chancery Causes 1787-1934 were processed by G. Crawford between 1999 and 2001. Chancery causes transferred to the Library of Virginia in 2009 were processed by R. Muse and B. Helms between 2009 and 2011. Additional chancery causes, found among boxes of Franklin County court papers stored at the library, were processed by S. Walters in 2011.

Digital images of Chancery Causes 1787-1912 were generated by Backstage Library Works through the Library of Virginia's Circuit Court Records Preservation Program in 2011.

Encoded by G. Crawford: August 2011; updated by C. Collins: February 2024.

## Preferred Citation

Franklin County (Va.) Chancery Causes, 1787-1934 (bulk 1850-1905). (Cite style of suit [and chancery index no. if available]). Local government records collection, Franklin County Court Records. The Library of Virginia, Richmond, Virginia.

# Adjunct Descriptive Data

## Related Material

Additional unindexed post-1913 records are available at the Franklin County Circuit Court Clerk's office.

Additional Franklin 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](#).

## 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:** Franklin County was named for Benjamin Franklin and was formed from Bedford and Henry counties in 1785. The county court first met on January 2, 1786. Part of Patrick County was added in 1848. The county seat is Rocky Mount.

## Scope and Content

Franklin County (Va.) Chancery Causes, 1787-1934, 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 Abshire, Akers, Allen, Angle, Arrington, Belcher, Bernard, Boon, Booth, Brooks, Brown, Burwell, Callaway, Cannaday, Carper, Cassell, Chitwood, Claytor, Clement, Cook, Cooper, Craghead, Davis, Dickinson, Dillard, Dillion, Dillon, Divers, Dudley, Early, Edwards, English, Ferguson, Finney, Fisher, Flora, Frailin (also spelled Fralin), Frith, Greer, Guerrant, Hale, Hall, Hancock, Hatcher, Helms, Hodges, Holland, Hudson, Huff, Hurt, Hutts, Ingram, James, Jamison, Jimmerson (also spelled Jimerson), Jones, Kasey, Keen, Kesler, Kinsey (also spelled Kinzey), Law, Lee, Martin, Mason, McGhee, McGuire, Meador, Menefee (also spelled Meniffee), Mills, Mitchell, Moore, Morgan, Nolen, Nowlin, Pasley, Patterson, Payne, Perdue, Peters, Pinckard (also spelled Pinkard), Poindexter, Powell, Price, Prillaman, Prunty, Rakes, Radford, Ridgeway (also spelled Ridgway), Rives, Robertson, Saunders, Scott, Sigmon, Simmons, Sink, Slone, Smith, Taliaferro, Taylor, Teel, Thompson, Turnball, Turner, Tyree, Wade, Waid, Walker, Ward, Webb, Webster, Williams, Willis, Wingfield, Woods, Woody, Wray, Wright, and Young.

Ormand & Goforth is involved in 11 suits between 1890 and 1901, while the Franklin Bank is involved in 11 suits between 1888 and 1902.

These records also contain 1 box of "Orphan Chancery," which has been processed but not indexed. These records, dating between 1791 and 1914, 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.)

## Selected Suits of Interest

### **1859-002: John Hunt, etc. v. Harvey W. Hunt, etc.:**

#### **Scope and Content**

The suit mentions federal Bounty Land Warrant No. 25323, which conveyed 80 acres to Obediah (Obadiah) Hunt, a veteran of the Mexican-American War. When Hunt died, his heirs became embroiled in an estate dispute involving the land. Some of his heirs resided in Wythe County, Virginia.

### **1867-005: James C. Smith vs. Lucy F. Smith:**

#### **Scope and Content**

When James C. Smith returned to Virginia after fighting in the American Civil War, he accused Lucy F. Smith, his wife, of being unfaithful and having a child by another man. The suit includes depositions given by two men who claimed to have committed adultery with Lucy. In the depositions, they described their involvement with her in detail.

### **1870-006: Nancy Ferguson vs. Thomas B. Ferguson:**

#### **Scope and Content**

Nancy Ferguson entrusted Thomas B. Ferguson, her nephew, with running the day-to-day affairs of her estate. This included supervision of numerous people enslaved by Nancy. According to Nancy, her predilection for "excessive and constant indulgence in the use of ardent spirits" allowed Thomas to defraud her of several enslaved persons. She claimed that the deed of gift in which she transferred the enslaved persons to Thomas was void because he had plied her with liquor and taken advantage of her weakened condition.

### **1873-050: Elisha Potter, etc. vs. Nancy Oakes, etc.:**

#### **Scope and Content**

Included in the suit is a detailed report on the division of persons enslaved by Lewis Potter, namely West, or Wesley; Harston; Sandy; Carr; Jane; Lucy; Milley, or Milly; a woman and a girl both named Martha; Isaac; John Henry; Mary; Charles; and Adam. The report also contains their ages.

## **1895-037: Joseph T. Childress, etc. vs. Admr. of Laban Childress, etc.:**

### **Scope and Content**

The suit references the sale of Laban Childress' personal estate, which occurred prior to the American Civil War. Several people enslaved by Childress were included in the sale. In a deposition, Martha Childress, formerly enslaved by Childress, testified about the day of the sale.

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