

A Guide to the Fairfax County (Va.) Chancery Causes, 1803-1970 (bulk 1870-1930)

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A Collection in the Library of Virginia

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History

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

Descriptive Summary

Language

English

Collector

Fairfax County (Va.) Circuit Court

Physical Characteristics

Digital images

Location

Library of Virginia

Repository

The Library of Virginia

Administrative Information

Access Restrictions

Chancery Causes 1803-1913 use digital images found on the [Chancery Records Index](#) available electronically at the website of the Library of Virginia.

Chancery Causes 1914-1970 are processed and indexed information is available on the Chancery Records Index, but digital images are not available at this time. Contact the Fairfax County Circuit Court Clerk for availability.

Use Restrictions

There are no restrictions on use.

Processing Information

Fairfax County (Va.) Chancery Causes, 1803-1970, were processed by field processors before 2008.

Digital images of Chancery Causes 1803-1913 were generated by Backstage Library Works through the Library of Virginia's Circuit Court Records Preservation Program in 2008.

Encoded by G. Crawford: August 2009; updated by C. Collins: November 2023.

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Adjunct Descriptive Data

Related Material

Additional Fairfax 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](#).

Fairfax County is one of Virginia's Lost Records Localities. Additional Fairfax County Records may be found in the [Lost Records Localities Digital Collection](#) available the Library of Virginia website.

Location of Originals

Original Fairfax County (Va.) Chancery Causes, 1803-1970, are retained in the locality. Contact the Clerk of the Circuit Court for access.

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: Fairfax County was named for Thomas Fairfax, sixth baron Fairfax of Cameron, proprietor of the Northern Neck. It was formed from Prince William County in 1742. Part of Loudoun County was added in 1798. The county seat is the city of Fairfax.

Lost Locality Note: Original wills and deeds as well as many other loose papers were destroyed during the Civil War. Deed books for twenty-six of the fifty-six years between 1763 and 1819 are missing. Numerous pre-Civil War minute books are missing as well.

Scope and Content

Fairfax County (Va.) Chancery Causes, 1803-1970, 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 Adams, Allen, Allison, Anderson, Ball, Ballenger, Barker, Beach, Brown, Buckley, Burke, Butler, Campbell, Carter, Chichester, Clark, Cockerille, Coleman, Daniel, Darne, Davis, Fairfax, Farr, Fitzhugh, Follin, Ford, Fox, Grigsby, Gunnell, Hall, Halley, Harris, Harrison, Henderson, Howard, Hunter, Hutchison, Jackson, Jenkins, Johnson, Johnston, Jones, Kidwell, Kincheloe, Lee, Lewis, Makely (also spelled Makeley), Marshall, Mason, Millan, Miller, Mills, Mitchell, Money, Moore, Nelson, Oliver, Payne, Phillips, Powell, Ratcliffe, Reid, Richards, Richardson, Riley, Roberts, Robinson, Rogers, Russell, Scott, Selecman, Simpson, Smith, Steele, Stewart, Stone, Taylor, Thomas, Thompson, Thornton, Trammell, Turner, Walker, Walters, Watkins, Wells, White, Willcoxon (also spelled Willcoxson), Williams, Wilson, Woodyard, Wrenn, Wright, and Young.

The Commonwealth of Virginia is the primary plaintiff in 23 suits between 1870 and 1938; Fairfax County is the primary plaintiff in 15 suits between 1909 and 1925; the National Bank of Fairfax is involved in 17 suits between 1908 and 1934; the Peoples National Bank of Leesburg is involved in 10 suits between 1908 and 1938; and W. H. May & Son (also called W. H. May & Son Inc.) is the primary plaintiff in 15 suits between 1901 and 1932.

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

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.

1846-033: George Kephart vs. Joseph Bruin:

Scope and Content

Joseph Bruin and George Kephart were notorious slave traders based in Alexandria, Virginia. Kephart sued Bruin to recover money owed him for selling enslaved people on Bruin's behalf. Numerous accounts and receipts document sales of enslaved persons, many of which contain the names of the enslaved and the individual who purchased them. The names of over 100 enslaved persons were found in the suit.

1859-050: Joseph Bruin vs. Samuel Wren:

Scope and Content

Samuel Wren sold Matilda Washington, an enslaved woman, to Joseph Bruin for over 700 dollars. Afterwards, Bruin accused Wren of fraudulently representing Matilda as being "sound and healthy in body and mind," since she suffered from either menses or asthma. The deponent in the case was Benjamin Rose, a physician who provided medical care for the people enslaved by Wren. At the time the deposition was taken, Rose lived in Texas.