

Barbara's Book Club at the Virginia Genealogical Society

A Researcher's Guide to Virginia's Historical Records

Chapter: The Court System and Its Records [pages 169–202]

Chapter: The Law [pages 203–218]

These questions are designed to help you engage with Barbara Vines Little's *A Researcher's Guide to Virginia's Historical Records*, and to connect what you learn to your own genealogical work.

Virginia's court system is one of the richest sources of information about the people who lived, worked, or owned property in the Commonwealth—and understanding how those courts worked, what they recorded, and where those records survive today can open doors in your research.

1. At Rules [pages 169–72]

As early as 1727 Virginia's courts operated according to “rule days”—scheduled court days when cases were called, continued, or resolved. Since copies of rule books can be challenging to locate, where would you go to find out what records might still exist, where they could be located, and how they might be titled? Can you locate an example of an extant rule book not already provided in the book?

2. Equity and Your Ancestors [pages 173, 182–89, 190–95]

Courts of Chancery handled disputes over estates, debts, and family property that needed a judge to weigh fairness alongside statute. Have you ever encountered a chancery suit in your research, or wondered whether one might exist for your family? After reading about Virginia's chancery courts, check the Library of Virginia's Chancery Records Index (<https://www.lva.virginia.gov/chancery/>) to see if any of your Virginia surnames appear. What did you find, or what do you hope to find?

(🔗 Hint: Not all case files survive especially those that were remanded to an appeal court, and some never made it past the initial bringing of the suit. It is always smart to check the order/minute books prior to 1831 and local chancery order books from 1831.)

3. Courts of Law vs. Courts of Chancery [pages 169–202]

Virginia maintained separate courts of law and equity for much of its history. The chapter explains the distinction between these two systems and the different kinds of cases—and records—each produced. In practical terms, what does this mean for your research? If you're searching for records of a crime or a contested inheritance, which court would you look to, and why?

4. The General Court in the Colonial Period [pages 175–77]

During the colonial period, the General Court sat at Williamsburg and heard the most serious civil and criminal cases. For researchers with 17th- or early 18th-century Virginia ancestors, this court can be an important source. These records survive only in bits and pieces, and they do not include all cases; court reports are usually the best resource. Have you consulted a court report looking for an ancestor, and if so, what did you find?

5. District Courts (1789–1808) and Superior Courts of Chancery [pages 179–81]

Virginia's District Courts were first created in 1787. Do any of your ancestors' lives overlap with these courts? If so, where would they have attended court or served as a juror? Are those records extant?

6. County Courts After 1851 [page 189]

After Virginia's constitution of 1851 reorganized local government, county courts continued to be the workhorse of everyday legal life—recording deeds, settling estates, hearing minor criminal matters, and much more. Think about a county where you research regularly. Are you taking full advantage of what its post-1851 county court records might offer beyond the deed books and will books you may already use? What other record types from this period might be worth exploring?

(🔗 Hint: Explore the [Library of Virginia's microfilm index](#).)

7. Diving into Chancery Court Papers [pages 190–91]

Chancery suits often generated large case files—depositions, exhibits, correspondence, and more—that can paint a vivid picture of family relationships and disputes. These papers are separate from the court's order books and can contain information found nowhere else. Using the Library of Virginia's Chancery Records Index [<https://old.lva.virginia.gov/chancery/>], search for a surname from your research. If you find a case, what are the names of the parties, and what was suit was about? If you don't find one, note which counties and time periods the Index covers and consider what that means for your search. (🔗 Hint: Use the [surname box to search cases where your ancestor was a plaintiff, defendant, or provided a deposition or affidavit](#).)

8. Partitions and Divisions Among Heirs [page 195]

When a landowner died without a will, or when heirs couldn't agree on how to divide an estate, Virginia courts may have become involved to partition the property. These partition records often name all living heirs—including married daughters identified by their husbands' surnames—making them invaluable for tracing families across generations. Have you searched for partition records in counties where your ancestors held land? Survey books and deed books can be a good source for these.

9. Federal Court Records at the Library of Virginia [pages 197–201]

Federal courts operating in Virginia—including the U.S. Circuit Court and U.S. District Court—produced records that are sometimes overlooked by genealogists focused on county-level sources. This section describes what federal court records survive and where they may be held. Is there a period in your ancestors' lives—involving bankruptcy, naturalization, or other federal matters—when a federal court record might exist? What would you look for, and how would you locate it?

10. Finding the Law: Legal References as Research Tools [pages 203–12]

The chapter introduces several essential legal reference works such as William Waller Hening's *Statutes at Large*, and Tucker's *Commentaries* (available free online)—which includes notes about differences between English common law and Virginia's colonial law—and legal dictionaries such as Henry Campbell Black's *Law Dictionary*, among others. Try putting at least one of these to work. Browse Hening's *Statutes* (available free online) and find a statute relating to something in your ancestors' lives—the recording of marriages, inheritance by widows, or the duties of county

surveyors, for example. Or find a legal term in a court document you've already encountered—like *feme covert*, *intestate*, or *messuage*—and look it up in Black's *Law Dictionary* (many editions are freely available through *Google Books* or *HathiTrust*). What did you find, and how could it change your understanding of a record?

Closing Reflections

Take a few minutes to consider these broader questions:

- Which court or record type covered in these chapters surprised you most—and do you think it could hold records relevant to your own research?
 - Has learning about Virginia's court structure changed the way you plan to approach a county where records seem sparse or missing?
 - Is there a legal term you've seen in a document but never fully understood? Consider sharing it with the group.
 - What is one concrete next step you plan to take in your research as a result of these chapters?
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