

## Using County and City Court Records

Local records are the most basic resources for investigating Virginia's past. These records document the daily activities of the courts in Virginia's counties and cities. While original county and city records are often held in local courthouses, the Library of Virginia has a substantial collection of records for some localities. A guide to local court records on microfilm may be found on the Library's Web site. These records are divided into eighteen broad categories:

- *Board of Supervisors Records*: minutes of meetings of the administrative branch of local government.
- *Bonds/Commissions/Oaths*: qualifications for office and apprentice indentures.
- *Business Records/Corporations/Partnerships*: records of businesses, such as ledgers, daybooks, and accounts, usually submitted as exhibits in cases before the court.
- *Census Records*: local copies of the federal census.
- *Court Records*: minute and order books, judgments, chancery records, clerk's correspondence, execution books, memorandum books, and docket books.
- *Election Records*: poll books and lists of voters.
- *Fiduciary Records*: appraisals, inventories, estate accounts and audits, estate sales (only when recorded in separate volumes), guardian accounts and bonds, and administrator's and executor's bonds.
- *Free Negro and Slave Records*: free negro registers, lists, and certificates.
- *Justice of the Peace Records*: executions by justices and constables.
- *Land Records*: deeds, proccessioners' returns, plats, and surveys.
- *Marriage Records and Vital Statistics*: marriage bonds, ministers' returns, and local copies of birth, marriage, and death registers.
- *Military and Pension Records*: militia returns, Revolutionary war and Civil war pension records, and muster rolls.
- *Organization Records*: minutes and accounts for non-business and non-government institutions, including churches, granges, and fraternal societies.
- *Road and Bridge Records*: accounts for building and maintaining roads and bridges.
- *School Records*: lists of students and textbooks used.
- *Tax and Fiscal Records*: local copies of land and personal property tax books and lists of tithables.
- *Wills*: wills and probate records recorded in will books.
- *Miscellaneous Records*: overseers of the poor records, estrays, and lists of physicians.

## Wills

In October 1776, entail was abolished, thereby prohibiting the automatic passing of estates through multiple generations. On 1 January 1786, the English system of primogeniture ceased in Virginia. These two events affected the content of probate records. Under primogeniture, Virginia wills may not always name the wife or the eldest son of the testator. Their inheritance of real estate was set by law, the widow receiving her dower, or one-third share, for her lifetime and the eldest son, as heir at law, receiving the remaining two-thirds share unless otherwise specified in the father's will. After the Revolutionary War, when Virginia's general inheritance law took effect, all heirs of intestate estates inherited equally.

Individuals dying with a written will died *testate*. After the death of an individual, his or her will was brought into court, where two of the subscribing witnesses swore that the document was genuine. After the will was proved, the executor was

Without such dower relinquishment, the purchaser did not have clear title to the property.

Except for a few years early in the eighteenth century, slaves in Virginia were considered personal property and consequently were not usually sold by deed. However, they were often transferred in deeds of gift or were the property listed in mortgages and deeds of trust. Surveys, plats, and processioner's returns are sometimes found in deed books. A plat is a graphic depiction of a survey. Processioner's records describe the walking and marking of property boundaries. Pre-Revolutionary War processioner's records are found in Anglican church vestry books. There are usually indices by grantor (seller) and grantee (purchaser) available on microfilm for the deeds of each locality.

### ***Marriage Records and Vital Statistics***

Prior to 1853, when the commonwealth began recording vital statistics, Virginia marriages were recorded at the county or city level. Beginning in 1661, in order to be married by license, the groom was required to go before the county clerk and give bond with security that there was no lawful reason to prevent the marriage. The license issued then by the clerk was given to the minister who performed the service. Written consent from a parent or guardian was needed for individuals younger than twenty-one years.

Marriage could also be accomplished "by publication," meaning by the reading of banns. After announcing on three consecutive Sundays or holy days the intention of the parties to marry, the minister performed the marriage. Marriages by banns were recorded in the church or parish register. By the time of the Revolutionary War, marriage by banns had fallen into disuse in the Tidewater, but the practice continued in the western counties until 1848, when this form of marriage became illegal.

Until 1780, marriages could be performed only by ministers of the established church, who were required to record the marriages in the parish register, or by ministers of those denominations that had received official toleration. Very few of these parish registers have survived. Quaker marriages were entered in the records of the Society of Friends. Dissenting ministers were first permitted to perform marriages in 1780. Ministers' returns were required by law beginning in 1780, so all marriages from that date would be of record in the county court clerk's office. Researchers checking for early records may wish to consult *Virginia Marriages, Early to 1800: A Research Tool* (1991).

Very few Virginia marriage records before 1715 survive, and most counties have incomplete marriage records prior to the Revolutionary War. Beginning in 1853, statewide registration of marriages was required (see Research Notes Number 2). These registers exist for all counties but may be incomplete, especially during the Civil War. The registers list the date of the marriage, the names of both parties, their ages, marital status, places of birth and residence, parents' names, the groom's occupation, and the name of the minister performing the marriage. The county marriage registers are usually indexed by the names of both the groom and the bride. In addition, there is a statewide Bureau of Vital Statistics marriage index, 1853–1935, available at the Library on microfilm.

Before the disestablishment of the Anglican church in 1786, there was no legal divorce. In some instances, a financial separation between husband and wife was recorded in a deed book. From 1786–1848, divorces were accomplished by legislative petition. After 1848, divorces were recorded in the county or circuit court order books.

### ***Court Records***

County court *order books* or *minute books* have survived for many Virginia counties. They record all matters brought before the court when it was in session and may contain important information not found anywhere else. Generally minute books contain brief entries, while order books provide synopses of cases in a neater, more organized form. These volumes