

Judgments

What Is a Judgment?

Judgments was a general term for loose court papers used by clerks to describe legal records generated by the locality during a specific court session (month/year). Typically, these records were tri-folded and wrapped in bundles with no attempt made by the clerk to differentiate among the various record types within a bundle. Therefore, a bundle of judgments could include civil suits, chancery causes, criminal papers, “Free Negro” certificates issued to free Blacks under state law, road petitions, land processioner’s reports, coroner’s inquests, grand jury lists, officials’ bonds, tax records, and administrators’ bonds. The bundled records were often filed chronologically by the month and year that the legal records were recorded in an order book. The clerks commonly referred to the bundled records as **Judgments**, but they were also called **Ended Causes, Old Causes Ended, Ended Law Papers, Common Law Papers, Determined Papers, Court Papers**, and **Dead Papers**. Beginning in 1832, chancery causes were often filed separately from judgments; however, the other record types such as “Free Negro” records, road and bridge records, fiduciary records, etc., continued to be filed with civil suits and criminal records.

At the Library of Virginia, local records archivists process a locality’s judgments by removing the tri-folded documents from a bundle and separating them according to the following Local Records Group categories:

- Board of Supervisors Records
- Bonds/Commissions/Oaths
- Business Records/Corporations/Partnerships
- Census Records
- Court Records (includes Chancery, Judgments, and Criminal)
- Election Records
- Fiduciary Records
- “Free Negro” and Slave Records (judgments related to free and enslaved Blacks)
- Health and Medical Records
- Justice of the Peace Records
- Land Records
- Marriage Records and Vital Statistics
- Military and Pension Records
- Miscellaneous Records
- Research Notes Number 29
- Organization Records
- Overseers of the Poor Records
- Public Buildings and Grounds Records
- Road and Bridge Records
- School Records
- Tax and Fiscal Records

- Township Records
- Wills

All pre-1832 chancery causes are removed from the bundles to be flat-filed, indexed, and placed in the locality's chancery series. [See *Archives Research Note Number 22, Chancery Cases*]

Documents found in the bundled records that relate to civil suits are identified as judgments by local records archivists. These civil suits usually involved matters of debt and were heard by a jury on the "law" side of the court as opposed to the "chancery" side. Information generally found in a judgment case includes the name of the plaintiff/creditor, name of defendant/debtor, the amount owed with interest, and the dates on which the case was heard. Because docketing information and statements that explain the case may be written in various places, researchers should examine the front and back of all documents.

Documents Commonly Found in Judgment Suits

Judgment suits often include a document that outlines the plaintiff's grievance against the defendant. The legal terms associated with this document include:

- **Assumpsit** – A common law form of action taken by a plaintiff against a defendant for nonperformance on a promise (written or oral) to undertake some act or repay a debt that the defendant had "assumed."
- **Declaration** – A formal presentation of facts made by the plaintiff that explains and supports his or her action against the defendant. Also referred to as **narratio** (often abbreviated "narro" on docket), **case**, and **debt**.

Assumpsits, cases, debts, declarations, and narratios often begin as follows: "(plaintiff's name) complains of a plea (or action) of trespass..."

- **Petitions and Summons** – Commonly found in 18th-century court records, petitions and summons were tri-folded together. The petition was a formal written application to the "law" side of the court requesting judicial action on a matter of debt. It included a recital of facts in the suit. The summons was an order directing the sheriff to summon a defendant to appear in court to answer the claims found in the petition. Commonly abbreviated on the docket as "Pet & S."

Judgment suits generally contain a much smaller number of documents compared to chancery suits. In addition to the documents listed above, subpoenas, summons, and exhibits are found in these suits.

- **Subpoena** – An order to appear at a certain time and place to give testimony upon a certain matter. Usually contains the phrase "in a certain matter of controversy."
- **Summons** – An order directing the sheriff to summon a defendant to appear in court to answer a suit begun against him or her.
- **Exhibit** – A document presented to the court to support the facts stated by the plaintiff in his or her declaration, narratio, etc. The most common exhibit is a document signed by the defendant promising to repay the amount owed to the plaintiff. Other examples of exhibits are vouchers, receipts, and correspondence.

Other types of documents classified as judgments by the Library were sometimes filed separately by the clerk from the related judgment suit. These include:

- **Execution** – A court order issued to a sheriff or other local official to a.) bring a defendant before the court to satisfy the debt and damages of a judgment against him or her or b.) seize and sell a defendant's property to satisfy a judgment if the defendant was unable or refused to repay the debt owed the plaintiff. Examples of executions include **attachments** (Attach.), **Capias ad satisfaciendum** (Ca.sa.), **fieri facias** (Fifa), **scire facias** (Scifa), and **capias**. Localities often file executions as a separate series from judgments.
- **Bond** – A written obligation in a judgment suit made between the locality and one of the parties or between the plaintiff and defendant in which the individual promises to pay the holder of the bond a certain amount in the form of cash or property should that person fail to fulfill his or her obligation. Examples of bonds include **appeal bonds, attachment bonds, delivery bonds, forthcoming bonds, and replevin bonds**.
- **Writ** – A written judicial order giving authority to a sheriff or local official to require a specified act to be carried out related to a judgment suit. Examples of writs include **writ of ad quod damnum, writ of attachment, writ of ejectment, writ of error, writ of execution, writ of habeas corpus, writ of mandamus, and writ of supersedeas**.

Historical Importance

Although judgment suits are not as rich a source of genealogical information as chancery suits, they do offer a tremendous amount of research potential. Judgment suits make up a large quantity of a locality's records; consequently, they provide a great deal of information concerning the activities and interests of the people who lived in the locality. Since the vast majority of judgment suits relate to financial matters, they are a valuable resource in studying the economic and social history of Virginia localities. For example: Why did people go into debt? To purchase needs or luxuries? To whom were they predominantly indebted? Individuals or businesses? Why could they not repay their debt? Depressed economic conditions or poor financial management?

Moreover, chancery suits often originated within judgment suits. If a defendant considered a judgment verdict to be unfair, he or she could request an injunction from the "chancery" side of the court to postpone—temporarily or permanently—the judgment of the "law" side of the court. If a plaintiff was unhappy with a judgment verdict (perhaps the jury awarded a much smaller amount than the plaintiff sued for) he or she could go to the "chancery" side of the court to address the unfairness of the verdict. Therefore, a person researching a chancery cause that had its origins in a judgment suit may want to look for that particular case in the locality's judgments series in order to find additional information.

Access

A judgment suit can be found by using the locality's order or minute books. These books often include an internal index at the beginning or end of each volume. Some have a cumulative index to all judgments. Researchers should use the date of the final decision of the case or the latest date for the case found in the order book to request a judgment in the Library of Virginia's Archives Research Room. Before requesting the judgment suit, contact Archives Research Services to find out whether the Library has the

judgments of the locality you are researching. Because many documents found in judgments are fragile and the suits are not always indexed, special rules governing use and reproduction apply. Research in these materials requires patience, care, and diligence.

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A free informational pamphlet on genealogical research and a variety of research notes and topical bibliographies are available on request from the Library of Virginia, 800 East Broad Street, Richmond, Virginia 23219. Visit the Library's website (www.lva.virginia.gov) for digital collections and related archival publications.

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