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Introduction: Only one court has ever had doing what's fair as part of its official mission: the chancery (or equity) court. With different names in different locales, it was often the go-to court for divorces, guardianships, real property partition and more. Whenever and wherever they exist, chancery court records should always be consulted as part of every genealogist's reasonably exhaustive search.

Some Basic Concepts

A 30-second history of the law: The initial foundation of English law was the royal decree. Courts came into existence to enforce the decrees, and to provide a dispute resolution system for individuals. These law courts had rigid rules of procedure but could provide money damages in cases heard by a jury. An unsuccessful litigant might petition the King to overturn a law court decision claiming it wasn't fair or money damages weren't enough to redress the problem. Eventually these cases were referred to a Chancellor, giving rise to a second court system—the courts of chancery or equity. These parallel court systems were carried over into some of the colonies, which established separate courts for law and equity, while others gave both law and equity power to a single court. Over time, most jurisdictions gave the whole range of legal authority to one court—Texas did so under its 1846 Constitution, giving district courts power over cases “without regard to any distinction between law and equity.” Only a few states today have separate courts handling law and equity matters.

The law-versus-chancery distinction: By definition, a court of chancery is “a court of equity” and equity is a “system of jurisprudence ... the object of which is to render the administration of justice more complete, by affording relief where the courts of law are incompetent to give it, or to give it with effect, or by exercising certain branches of jurisdiction independently of them.” It is “that part of the law which... (1) administers trusts, mortgages, and other fiduciary obligations; (2) administers and

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adjusts common-law rights where the courts of common law have no machinery; (3) supplies a specific and preventive remedy for common-law wrongs where courts of common law only give subsequent damages.” [Henry Campbell Black, *A Dictionary of Law* (St. Paul, Minn. : West, 1891), 428, “equity.”]

The adequate remedy at law: In general, “[e]quitable relief is generally available only when a legal remedy is insufficient or inadequate in some way.” [Wex, *Legal Information Institute*, Cornell Law School (<https://www.law.cornell.edu/wex>), “equity: an overview.”] A remedy at law is considered adequate when money damages can compensate for the loss that’s being claimed.

Equitable remedies: The kinds of remedies a chancery or equity court can issue that a law court generally cannot include: (1) an injunction — an order either making someone do something or stopping him from doing something; (2) specific performance requiring someone to do exactly what a contract requires; or (3) an order fixing the status of a person, such as an order of adoption or filiation (establishing a legal parent-child relationship) or a decree of divorce (terminating a marriage).

Kinds of Cases in Equity

Cases involving property, adoption, divorce and other matters where money damages were not always adequate were generally assigned to the chancery courts. For example, in Delaware, colonial chancery cases included:

- “an equitable lien on an inheritance;
- a bill to equitably redeem land subject to a mortgage;
- bills for specific performance;
- a bill for liberty by an indentured servant;
- a bill to enjoin enforcement of a note given in contract for an unhealthy slave;
- cases relating to an estate settlement;
- petitions to sell property of a ward;
- trustees' accountings; breaches of trust petition in a land sale;
- a petition to stay waste by a life tenant;
- a petition to cancel a bond[;]
- separate maintenance [cases;]
- a petition to compel completion of an apprentice contract of a river and bay pilot[;] and...
- numerous commissions to take depositions of witnesses primarily to perpetuate their testimony as to land boundaries.” [Quillen and Hanrahan, “A Short History of the Delaware Court of Chancery,” *Delaware State Courts*.]

Reasons Why Genealogists Should Love Chancery Cases

Both because of the types of cases that were handled by chancery courts and because of the nature of the proofs that had to be presented in such cases, chancery or equity records are among the most genealogically rich court records that exist.

In Ohio, for example, “Although the estate packet in probate court may hold information on an early Ohio ancestor, ... [m]ore information may appear in a chancery case that

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dealt with partitioning the land among the heirs or in a case that petitioned the court to sell the land of the deceased. Often these cases gave death dates, names of heirs, relationships, residences, and descriptions of the land.” [Card, “Ohio Chancery Court Records.” *Rutherford B. Hayes Presidential Center.*]

Chancery court records may be vital to:

- Establish the party’s occupation.
- Establish the party’s religion.
- Establish the party’s socioeconomic status.
- Establish the literacy of the parties and others involved in the litigation.
- Identify the party’s heirs at law and, usually, at least some members of the party’s family.
- Identify relationship among those identified in court documents.
- Recreate a family structure through relationships set out in the documents.
- Establish the maiden names of women.
- Distinguish among individuals of the same name.
- Identify members of the party’s FAN club (friends, associates and neighbors).
- Identify persons associated with the party not otherwise recorded in land and similar records, such as slaves or tenants.
- Supplement or replace other records, including land, tax and census records.

RESOURCES FOR FURTHER STUDY

GENERAL RESOURCES AS TO CHANCERY / EQUITY COURTS

- Card, Nan. “Ohio Chancery Court Records.” *Rutherford B. Hayes Presidential Center.* <https://www.rbhayes.org/research/ohio-chancery-court-records/>
- Coldham, Peter Wilson. “English Chancery Court Records.” *National Genealogical Society Quarterly* 63 (December 1975): 264-267.
- Cocke, William Ronald III. *Hanover County Chancery Wills and Notes: A Compendium of Genealogical, Biographical and Historical Material as Contained in Cases of the Chancery Courts of Hanover County, Virginia.* Bowie, Md. : Heritage Books, 2002 (reprint, 1940).
- Dean, H. Clark. “Thornton Violet: Two Men or One?” *National Genealogical Society Quarterly* 91 (March 2003): 31-39.
- Dockter, Albert W. *Blount County, Tennessee Chancery Court Records.* Bowie, Md. : Heritage Books, 1992.
- Federal Judicial Center. “Equity Jurisdiction in the Federal Courts.” *History of the Federal Judiciary.* http://www.fjc.gov/history/home.nsf/page/jurisdiction_equity.html
- Gitelman, Morton. “The First Chancery Court in Arkansas.” *The Arkansas Historical Quarterly* 55 (Winter, 1996): 357-382.
- Gregorie, Anne King. *Records of the Court of Chancery of South Carolina, 1671-1779.* Millwood, N.Y. : Kraus Reprint, 1975.
- Hill, Ronald A. “English Genealogical Research: Using Chancery Court Proceedings.” *National Genealogical Society Quarterly* 91 (June 2003): 111-138; (Sep 2003): 216.
- Hooper, Debbie Ann. *Abstracts of Chancery Court Records of Maryland, 1669-1782.* Westminster, Md. : Family Line Publications, 1996.
- Liverant, Spencer R., and Walter H. Hitchler. “A History of Equity in Pennsylvania.” 37 *Dickinson Law Review* (1933): 156-183. Online: <https://core.ac.uk/download/pdf/353678874.pdf>

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- McGroarty, William Buckner. "Thomas Slaughter of Caroline: In and out of Chancery." *Virginia Magazine of History and Biography* 47 (April 1939): 175-182.
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- Partlow, Thomas E. *Cannon County, Tennessee : Chancery Court Minutes, 1840-1880*. Greenville, S.C. : Southern Historical Press, 2003.
- Quillen, William T. and Michael Hanrahan. *A Short History of the Delaware Court of Chancery. Delaware State Courts*. <https://courts.delaware.gov/chancery/history.aspx>
- Scott, Kenneth. *Records of the Chancery Court, Province and State of New York : Guardianships, 1691-1815*. New York : Holland Society of New York, 1971.
- Winslow, Raymond A. "Equity Court Minutes" in Helen F.M. Leary, ed. *North Carolina Research : Genealogy and Local History*, 2d ed. Raleigh : NC Genealogical Society, 1996.

DIGITIZED RECORDS/INDEXES

- Illinois:** Illinois State Archives. St. Clair County Circuit Court Chancery Case Files Index (1815–1870). <https://www.cyberdriveillinois.com/departments/archives/databases/stcchan.html>
- Maryland:** Archives of Maryland Online. <http://aomol.msa.maryland.gov/html/courts.html>
- Missouri:** Supreme Court of Missouri Historical Records Database. Includes equity cases. <https://s1.sos.mo.gov/records/archives/archivesdb/supremecourt/>
- Pennsylvania (Chester County):** Equity cases, 1844-1940. <https://www.chesco.org/1390/Equity-Cases-1844-1940>
- Virginia:** Chancery Records Index (CRI). Virginia Memory Project, Library of Virginia. <https://www.virginiamemory.com/collections/chancery/>

A SAMPLER OF REPORTED CASES

- Delaware:** [Delaware]. *Reports of Cases Determined in the Court of Chancery, of the State of Delaware*. Vol. I. Philadelphia: T. & J.W. Johnson & Co., 1876.
- Maryland:** Bland, Theodrick. *Reports of Cases Decided in the High Court of Chancery of Maryland*. Vol. I. Baltimore: Joseph Neal, 1836.
- Michigan:** Harrington, E. Burke, ed. *Reports of Cases Determined in the Courts of Chancery of the State of Michigan*. 2d ed. Detroit: Free Press, 1872.
- Mississippi:** Smedes, W.C. and T. A. Marshall, eds. *Reports of Cases Argued and Determined in the Superior Court of Chancery of the State of Mississippi*. Volume 1. Boston: Little & Brown, 1844.
- New Jersey:** Green, Henry W., ed. *Reports of Cases Determined in the Court of Chancery of the State of New-Jersey*. Vol. I. Elizabethtown, N.J. : E. Sanderson, 1842.
- New York:** Paige, Alonzo C., ed. *Reports of Cases Argued and Determined in the Courts of Chancery of the State of New York*. Vol. VII. New York: Gould, Banks & Co., 1839.
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- Pennsylvania:** Parsons, Anson Virgil. *Select Cases in Equity ... in the Court of Common Pleas ... of Pennsylvania from 1841-1850*. 2 vols. Philadelphia: T. & J.W. Johnson, 1851-53.
- South Carolina:** McCord, D.J. *Chancery Cases Argued and Determined in the Court of Appeals of South Carolina*. Vol. I. Philadelphia: Carey, Lea & Carey, 1827.
- Tennessee:** Wright, John W., ed. *Reports of Decisions of the Court of Chancery Appeals of Tennessee*. Vol. I. (Columbia, Mo. : E. W. Stephens, 1904).
- Virginia:** Minor, B.B., ed. *Decisions of Cases in Virginia by the High Court of Chancery*. Richmond: J. W. Randolph, 1852.

Web addresses verified as of 17 January 2024.