



Order in the Court!

Introducing United States Court Records

Julia A. Anderson, MA, AG[®], AGL[™]
FamilySearch Library Research Specialist

OBJECTIVES

- Outline the history and background of court records in the United States
- Review the genealogical value of court records
- Demonstrate how to use court records in your research
- Show how to locate court records
- Present a case study using court records

HISTORY AND BACKGROUND

“Englishmen were accustomed to being active participants in the legal process. Individuals could be tried for such minor offenses as not attending church, gossiping, or being disrespectful. Court cases could involve dozens of individuals who were named in the documents generated.

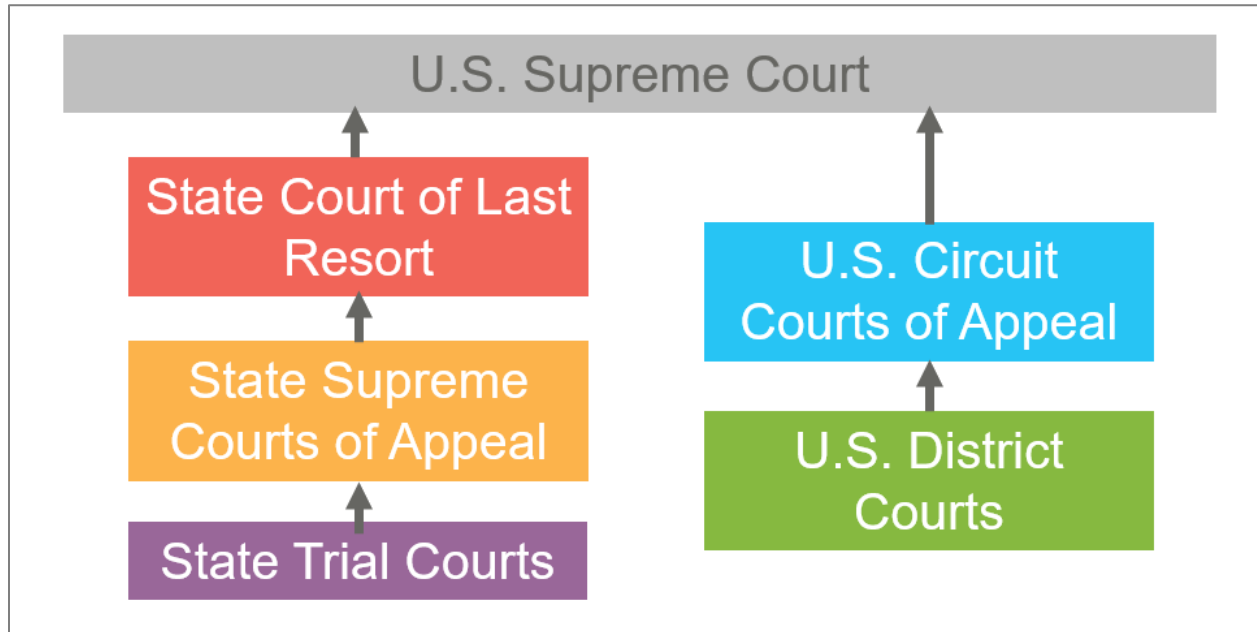
“In the early days of the United States, courts took the place of many of the government agencies that we have today. They oversaw the issuing of licenses, apprenticeships, animal control, inspection, social welfare, housing, roads, and many kinds of taxes. Citizens were expected to attend the court while it was in session. Some places even made ‘court week’ a kind of holiday. On Monday mornings, courthouses buzzed with activity as people argued about the cases on the docket. Deeds were registered, wills probated, taxes paid, county records audited, elections held, and marriages contracted.

“Courts measured, almost precisely, the moral, physical, spiritual, and economic condition of the people within their jurisdictions.”

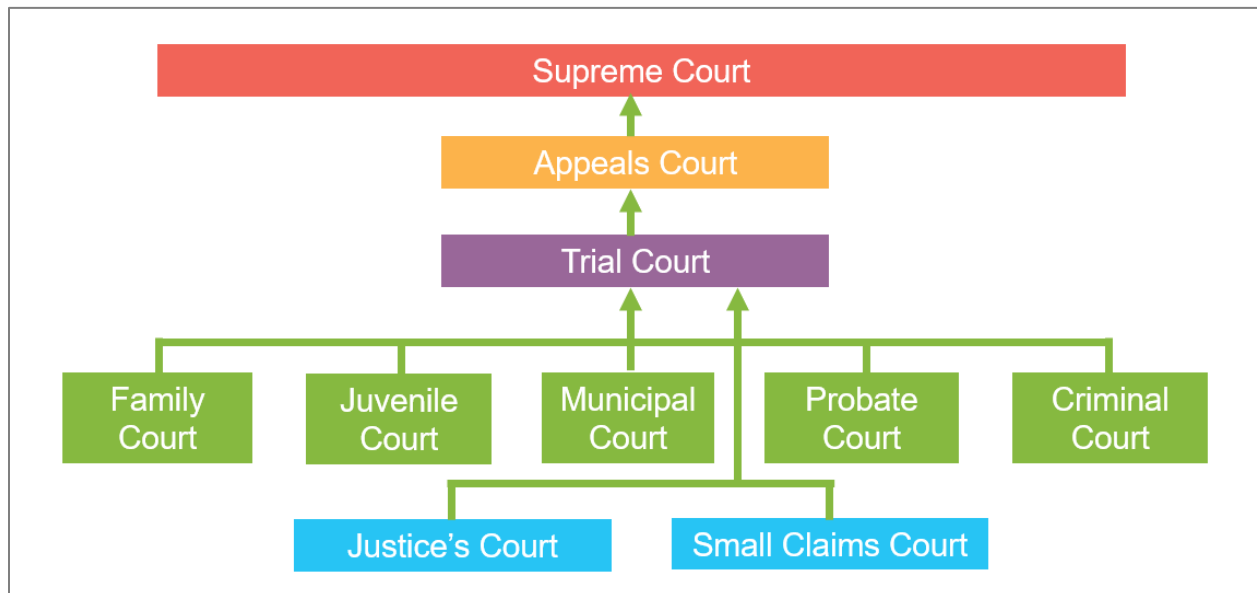
Luebking, Szucs, and Eakle, “Court Records,” in *The Source*, eds. Szucs and Luebking (Provo, UT: Ancestry, 2006) 258.

THE JUDICIAL SYSTEM IN THE UNITED STATES

U.S. COURT STRUCTURE



STATE COURT STRUCTURE



JURISDICTION

- An area governed by a system of laws
- Each jurisdiction has a geographic boundary with some type of authority
- This authority has the power to apply and enforce the laws

LAWS

- System of rules
- Regulate the actions of individuals and groups
- Maintain order
- Protect rights
- Involve a penalty for non-compliance

LEGAL TERMS

The Law has its own sort of language, with many various legal terms that have very specific meanings. It is essential to utilize

- Glossaries,
- Dictionaries,
- Word lists of legal terms

COURT CASES

Court cases are often divided into two categories: Civil and Criminal.

- Civil claims include tort (injury), claims, breaches of contract, equitable claims (disputes about fairness), and arguments between landlords and tenants.
- Criminal claims are often divided into three classes based on their seriousness, with violations of the law being the least serious, then misdemeanors which are more serious, and finally felonies as the most serious.

COURT RECORDS

- Record Books
 - Bond books
 - Court minute books
 - Court order books
 - Dockets
 - Jury register
 - Execution books
 - Fee books
 - Judgment books
 - Indictment record

- Court Documents
 - Affidavit
 - Answer
 - Bastardy bond
 - Bill
 - Certified copy
 - Citation
 - Complaint
 - Decree
 - Deposition
 - Exemplified copy
 - Injunction
 - Judgment
 - Memorial
 - Show cause order
 - Summons
 - Writ

GENEALOGICAL VALUE

Types of courthouse records

Property

- Deeds
- Mortgages
- Records of enslaved persons

Vital

- Birth
- Marriage
- Death

Estate

- Deeds
- Mortgages
- Records of enslaved persons

Civil Court

- Debt
- Divorce
- Disputes
- Naturalization

Tax

- Returns
- Rates
- Assessments

Criminal Court

- Law-breaking
- Jail
- Bail
- Juries

These records often contained the same types of genealogical information:

- Names of individuals and groups involved in land transactions, civil and criminal suits, and those who lived and died.
- Birthdates and birthplaces or ages.
- Occupations and financial status.
- Specific time and place where your ancestors lived.
- Community interactions and FAN Club.
- Complaints and verdicts, sentences, and victims.

USING COURT RECORDS

Challenges

- Not well-indexed
- Large volume of records
- Changing court names and jurisdictions
- Foreign-sounding legal terms and abbreviations

Organize the Information

- Search methodically – read everything
- Transcribe the records – copy them word for word
- Make timelines – put details in chronological order
- Create charts and forms – keep track of case file numbers
- Follow the clues – locate additional records

FINDING COURT RECORDS

Know where to look

- Understand the jurisdiction
- Look for indexes
- Narrow the time and place
- Read newspapers for additional information

Record repositories

- FamilySearch Research Wiki
- County or state libraries and archives
- Local genealogical or historical societies
- Federal, state, and county websites

Federal Courts

- <https://www.uscourts.gov/about-federal-courts/types-cases>
- <https://www.archives.gov/research/court-records>
- <https://pacer.uscourts.gov/>

State Courts

- https://www.familysearch.org/en/wiki/United_States_Court_Records