

UNDERSTANDING COURT RECORDS

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There are many types of court records, and they may be housed in other facilities besides the courthouse. Each county and major city has a courthouse, however for smaller towns their records will probably be located in the county courthouse. Overtime county boundaries changed, so before you start looking for records you need to know which county would have jurisdiction over the records you seek.

COURTHOUSE OR REPOSITORY LOCATION

Many courthouses have burned, and the records you seek may not be available. Once you have determined where the records should be, it may help to contact the courthouse to see if the records still exist and where they are housed. Some counties sent their records created before 1900 to the state archives, and some of those records may now be housed in the state library.

TYPES OF COURT RECORDS

It is up to you to know what types of court records you are seeking before you visit the courthouse or other repository.

Adoption	Criminal	Guardianship	Orders
Birth	Death	Marriage	Probate
Chancery	Deed	Minutes	Taxes
Civil	Divorce	Naturalization	Will

Old records are fragile, so please handle with care. Don't remove a book or documents from the facility, unless authorized to do so by the clerk or librarian.

COURT RECORDS VOCABULARY

Court records have a vocabulary unique to each record type. Some terms used in older records mean something different than they do today. Learn the basics so you can glean the most from the records you find. Most notable is the use of "in-law." Before the 20th century, it meant those "related by-law." This means the daughter of your spouse by a previous marriage would be your "daughter-in-law," not the wife of your son. See document "Terminology Used in Court Records" at www.bousegeniesaz.org/Resources.html.

BE PREPARED

Don't take any original documents with you to the courthouse. Many records have been left behind at courthouses and libraries. If you must take the information, use copies of original documents. Better yet, transfer a copy of all of the documents to your tablet or smart phone.

Take extra blank Ancestry Charts* and Family Group Sheets*, as well as any forms you think you might need based on the facility you are visiting.

You may not be able to take anything but pencil and paper into the room where the documents are kept. You may wish to have a note taking app on your phone or tablet which will save you a lot of handwriting.

COPY THE RECORDS YOU FIND

It's important to obtain a copy of each record you locate, either by using a copy/scanning machine or taking a photograph. You may not be able to read the complete document based on strange words or a difficult handwriting. However, in time you may be able to figure it out, or you might find someone else who can read it for you. Since you may not know when you will return to the courthouse or the facility may burn down, you will have a copy of every document you accessed.

When recording the document or book source you need to list the title of the book or document, book or volume number, and page number where the document is located. Make sure you record the entire

source on the front of the page. When you make a copy, the source will always be retained with the document.

GATHER ALL OF THE RECORDS

Many times one record you find will lead to another related record. When you find a will, look for the probate and land records for that person for the same time frame. If you are working in probate records, get a copy of every document in the file. You never know what you may find that occurred years after the person died. Did someone have to prove a relationship to the deceased or a person named in the will. If you find a deed for the sale of property, look for the deed/grant/patent when they acquired the property.

ADOPTIONS AND GUARDIANSHIPS

Depending on the state and the time of the event, adoption records may be closed to the general public. In this case, you will need to contact a state adoption advocate to help you gain access to the records you are seeking.

Guardianships may be recorded on the court order books, and often indication at least one parent, who was most often the father. A male guardian was generally appointed for children even though the mother was still living at the time. The general thinking was that women did not work and couldn't take care of the children. In some cases, the children remained with the mother and the guardian handled the money that was to go for the maintenance of the children.

CHANCERY AND CIVIL COURT RECORDS

The chancery court is the court of equity and is the early form of civil court and is a carry-over from the time when the U.S. was ruled by England. The cases are generally disputes over money owed for an offence against the defendant, or for damages from an assault or defamation. In the case of land disputes they may occur many years after the original deed was recorded.

COURT ORDERS

The court order books list the all cases brought before the court on court day. If you find something in a court order which indicates a judgement was passed, look for the referenced court case. These may include guardianships, illegitimate births, road maintenance, pub licenses, divorce documents, and anything pertaining to the running of a city, county or state.

CRIMINAL RECORDS

Criminal records refer to the settlement of a crime including; personal injury, rape, murder, theft, or any action established by law as a crime. Depending on where the case was tried, some of these records may be held at the state or federal level. If you know that someone had committed a crime, look for all documents presented in the case, and follow the event in the newspapers.

DEEDS

Deeds have been know to provide an extreme amount of genealogical information. They may provide as much as three or four generations of the family in one deed. If the county records were burned, the property owner had to file his copy of the deed when the property was sold. You should look at the court records for the land transactions for the first ten or more years after the courthouse burned. Families may be identified by following their land purchases and sales.

DIVORCE RECORDS

Divorce records are also housed at the county courthouse. They often tell the full story of what was taking place within a family. They will list all children living at home at the time of the divorce, and who gained custody of them.

NATURALIZATION RECORDS

Naturalization is the process by which an alien becomes an American citizen. These records can provide a researcher with information such as a person's birth date and location, occupation, immigration year, marital status and spouse information, children, witnesses' names and address, and more.

From 1804 and until 1934, when men filed a declaration of intention to become a citizen but died prior to naturalization, his widow and minor children were “considered as citizens of the United States. If they/she appeared in court and took the oath of allegiance and renunciation.” There are two parts to the naturalization process—application of intention and final naturalization papers. When a person wanted to file an application of intent they were usually submitted at the county lever. However, some may be found at the state or federal level. On September 22, 1922, Congress passed the “Married Women’s Act,” which finally gave each woman a nationality of her own.

PROBATE RECORDS

Depending on the time frame and the location, probate records may appear in large court books along with recorded wills or in individual packets. Wills and probates recorded in will books may be spread over several years. Probate records, maintained in individual packets, should have a copy of every document used during the probate process. It is up to you to get a copy of each of those records. A sample of the types of documents found in probate records include; will, marriage license or certificate, death certificates of the person named in the will, birth records of children of a person named in the will who have since died. There may be other documents identifying the siblings and other family members of the individual.

READING WILLS AND OTHER COURT DOCUMENTS

Sometimes wills and other court documents can be very hard to read. The terminology and spelling may seem like a foreign language. If your problem is the words, look them up in Black’s Law Dictionary. If your problem is the handwriting, look for other documents written by the same person and compare what you can read in that document with the document you can’t read. This may take some studying, and you should consider making an alphabet of that persons handwriting to use for all records you have gathered. Save a copy of your alphabet with the document.

TAX RECORDS

Tax records show the wealth of the individual. People were required to pay taxes every year. The original list is in the order people paid their personal property and real estate taxes. A transcribed and sorted list may be in alphabetical order. If you find a transcription, look for the original list as you may be able to determine relationships based on the order taxes were paid. Tax records may lead you to other records. When a person first appears in the real estate tax rolls, look for a deed to the property or a transfer based on the death of a relative. By following the property you may determine when a person might have died. If the property appears in the name of someone else or “the estate of - - -”, you know you need to look for the deed for the property, and the will of the person last listed on the tax rolls. You may have to search back as far as two years before the entry. You may find that you need to work forward as much as 10 years after the death of the individual. Record the information for both real estate and personal property taxes.

VITAL RECORDS

Vital records include; birth, marriage, and death records. Some may provide a lot of genealogical information. Be aware that some of these documents may have false data recorded therein. Death certificates provide primary information to name of person who died, date of death and the cause of death as determined by the medical examiner. Other information was provided by family or friends who might not know the exact information. I have found that some people lied on their marriage license. Then again, some change the information as provided by the court on their copy of the document. Always get a copy of the original document from the court.

COURT RECORDS INDEX FORMS

Forms help you organize the information you find in the index of a court book by person, and page number. The index is usually found at the front of the book and often lists only the surnames of the people involved in the case. Copy the information to the appropriate form and input the data into your computer in a spreadsheet. If you have several families in the same county, record every entry for each related surname in the index. Sort the file by book and page. Using a printout of the index list work your way through the book or microfilm. This will not only allow you to go through the book once from front to

back, but also gives you a list of the documents you have already researched, so you don't repeat your work.

SAMPLE FORMS

With the *Table* feature of your wordprocessor you can make the following forms to use when working with the indexes for Deeds, Wills, Court Orders, and other court documents.

INDEX TO COURTHOUSE RECORDS - WILLS, COURT ORDERS & OTHERS								County: _____
Court Record Type: _____		Reel Number: _____						State: _____
Surname	Given Name(s)	Spouse	Book	Page	Day	Month	Year	Notes

INDEX TO COURTHOUSE RECORDS - DEEDS						County _____	State _____			
GRANTOR		TO	GRANTEE		Book	Page	Day	Month	Year	Notes
Given Name(s)	Surname		Given Name(s)	Surname						

ANNUAL TAX RECORDS					County: _____								
Reel Number: _____		Book Number: _____	Year: _____		State: _____								
Surname	Given Name	Year	Personal Property				Real Estate			Notes			
			Free Males		Slaves		Horses	Wagons	Other		Location	Acres	Value
			Over 16	Over 21	Under 16	Over 16	Cattle	Carriages					

COURT RECORDS ARE A GOLD MINE FOR GENEALOGISTS

Court records will provide a lot of family information you can't obtain from any other records.

* **Note:** PDF copies of all forms used in this presentation may be found at www.bousegeniesaz.org/Resources.html.