

I do! I Did! I Died !
Using Court Records in Family History Research

Handout

Why Court Records?

- One of the richest family history sources
- The records cut across gender, class and race
- They document:
 - Family relationships
 - Marriage
 - Divorce
 - Crime
 - Disputes
 - Property transactions
 - Immigration & Naturalization

Court Records Reveal:

- Customs
- Social mores and attitudes
- Class and social structures
- Business practices
- Information about occupations
- The ways our ancestors did their work

Our ancestors appear in court records as:

- Plaintiffs
- Defendants
- Witnesses
- Jurors
- Administrators and executors of estates
- Apprentices
- Orphans
- Officials
- Signators on petitions
- And more.....

Beware: Court Records Can Reveal Skeletons in the Closet

Do not rely on abstracts of court records. Look at the original records when possible

Colonial Courts

- Prosecuted for offenses such as: gossip, fornication, adultery, church attendance, disobedience to husband, drunkenness
- often contain records that in later years would appear in those of other government offices (e.g. licenses for taverns, mid-wives and attorneys, tax collection, contracts, and so on)

Know your courts:

- Justice/Municipal Court
- Court of Common Pleas
- Orphans Court
- District Court
- Circuit Court
- Superior Court
- Civil Court
- Criminal Court
- Probate Court
- Chancery Court
- Surrogate court
- Juvenile Court
- Appellate Court
- State Supreme Court
- Federal Court

Court Records in Territories:

- When populations were small, Territories were divided into Judicial Districts that encompassed several counties
- When looking for records, need to consult not only the county courts within the states, but the National Archives Regional Branch for your particular state

Older court records contain many obsolete terms:

- The following law dictionaries can help a researcher understand the vocabulary
- Black's Law Dictionary (4th edition or earlier for obsolete terms)
- Bouvier's 1856 Law Dictionary
Dictionary http://www.republicsg.info/dictionaries/1856_bouvier_6.pdf
- Burton's Legal Thesarus

Court Hierarchy:

- Local courts (town, municipal, magistrate, justice courts)
 - Misdemeanors, petty crimes, profanity, loitering, small claims, coroners inquests, etc
- County courts (Superior, Circuit, Common Pleas)
 - Felonies, tax cases, civil cases, probate, marriage, family courts, naturalizations, etc.
- Appeals and State Supreme Courts
- Federal Courts
 - Bankruptcy
 - Claims
 - Land claims
 - Naturalization
 - Immigration

What kinds of court records will you find?

- Minute Books: notes taken by the clerk
- Docket Books: List of filings and other activities during the case
- Case Files: subpoenas, arrest warrants, correspondence, transcripts, witness statements, sometimes evidence such as photographs, sketches, contracts and so on

Justice Courts in Arizona

- Misdemeanors
- Inquests
- Early on major felony cases started in the justice court

Superior Court-Civil Division

- Marriage
- Civil cases—including divorce
- Legal name change

Marriage licenses, certificates and affidavits:

- Affidavits and consents for marriage show parents names, giving permission for an underage child to marry
- Certificates and licenses show age and place of residence
- Depending on the county, the Arizona State Archives has marriage records from 1864 to 1972

Divorce Cases

- Until recently, no such thing as a “no-fault” divorce
- Many of these cases are filed as Civil Cases
- Verbatim testimony

Superior Court- Criminal Division

- Charges, date of crime, victim
- Verbatim testimony
- Associated records from the County Attorney, evidence including photographs, charts, etc.

Superior Court-Probate Division

- Wills
- Probate cases
- Guardianships
- Adoptions
- Insanity Hearings
- Declarations of Intention & Naturalizations

Probate Cases and Wills

- Legatees (married name)
- Minor children
- Guardian and administrative accounts
- Probate cases sometimes reveal other families (bigamy)

Naturalization Records

- The State Archives has naturalizations of individuals from many counties
- We have also purchased microfilm from the Laguna Niguel Branch of the National Archives
- Declarations of Intent and Petitions often show children, their ages and where they were born

Probate Court-Adoptions

- In Arizona, open 100 years after the adoption took place

- In the Superior Court, Clerk of the Court, Probate Section

Court records can be valuable resources to help you:

- Unlock the past
- Establish family relationships
- Explain family secrets
- Learn about the way your family lived
- Lead you to more sources