

Court Records II

Preparing for Your Research Trip

By Jack Butler

From the genealogist's point of view, the county court house is storehouse for about your ancestors' day-to-day business. Marriages, deeds, wills and estates, mortgages, civil and criminal court cases, taxes and even naturalizations and some military information were routinely recorded at the county courthouse.

This lecture is not intended as an in-depth study of the various types of court records potentially available at your local courthouse (See Court Records II for that). Instead, we will lightly touch on the records available and then discuss some preparation and research tips that can help guide you through a successful courthouse research trip.

Court Records, What You May Find:

- **Marriage Records.** Marriage records vary with locations and times. Marriage registers, for example, may vary from a simple statement of the bride and groom's name and the date of marriage to a copy of a marriage license that names witnesses, minister, and even contains a letter of parental permission.
- **Deeds.** As with marriage records, you may find a variety of deed types. All will provide the names of the buyer and seller of a property, along with the names of witnesses, a description of the property, and the monetary value of the transaction. But some deeds will open a Pandora's Box of genealogical information. Consider this abstract of a North Carolina deed:

“13 January 1788 – Mary Winslow of Fayetteville, Cumberland County, North Carolina, to Thomas Brown. Whereas Ann Donoho on 4 December 1730, by will of her father Daniel Donoho became possessed of a certain tract of land on the SW side of the North West River and the said Ann did intermarry John White and begat Joseph White and the said Joseph White did become the heir of the said piece of land and by his last will & testament did bequeath it to his sister Mary Winslow...being part of 800 acres patented by said Daniel Donoho 19 May 1727 and adjoining a 30 acre tract sold by said Donoho to John B. Ashe including the mouth of Donoho Creek...& the said Joseph White did bequeath the same to his sister Mary Winslow...400 pounds. Wit. Robert Scott, Lucy Winslow. Recorded February Term 1798.”

At a minimum, this one deed provides the following facts of genealogical interest:

1. John White's wife was Ann Donoho
2. Ann Donoho was the daughter of Daniel Donoho
3. Daniel Donoho died between 19 May 1727 when he patented his land and 4 December 1730 when Ann Donoho inherited it.
4. John White and Ann Donoho were parents of Joseph White and Mary White
5. Mary White married a man named Winslow
6. Joseph White died prior to 13 January 1788

7. Mary Winslow probably had a relative (possible daughter, sister-in-law, etc.) named Lucy Winslow
- **Probate Records.** Unless a person was very poor or died without owning real estate so that the family was comfortable settling the estate informally among themselves, a death usually resulted in creation of probate records. Probate is simply the legal process by which a deceased person's property passes to another person or persons. Sometimes a person died testate – that is, he left a will, a document that directed how his estate should be divided at his death. Much more commonly, though, people died intestate - without leaving a will. Then the laws of the probate court took over and determined how his personal property and land would be divided among his heirs. Both processes created probate or administration files that could contain a wide variety of useful records such as wills, letters of administration, administrator or guardian bonds, estate inventories and many others.
 - **Civil & Criminal Court Cases.** Courts were called on to settle all sorts of disputes among our ancestors, and lawsuits were no less common then than now. The details in these suits can often provide data that is both surprising and surprisingly useful. For example, in the record of an 1851 lawsuit in Virginia, I found the proof of the connection of my great great grandfather, born in 1819 in North Carolina and living in Florida for 23 years by 1851, to his father and his grandparents.

Jarrell Turner, a half-brother to my g.g. grandfather's mother had died intestate (without a will) in Southampton County, VA with a sizeable estate but with no wife or children. His heirs, therefore, were his two sisters (one of whom was my g.g. grandfather's mother), both whom were dead at the time of his death. The children of the heirs of Jarrell Turner's sisters therefore become heirs to his estate.

The children of the sister who had remained in Virginia had filed the lawsuit to force the sale of the deceased's real estate so that the proceeds could be split among the heirs. The probate judge was amenable, but required a listing of all heirs of both sisters. Among the list produced was my g.g. grandfather, along with his father and all his siblings. And that was in a court record created nearly 50 years after his father had taken his family and left the state of Virginia.

On the criminal case side, we all hope that we don't find our ancestors being convicted of some heinous crime, but we simply never know what we may find. In my research of one North Florida family, I found the reason for the sudden disappearance of one son from the records when I found the record of the indictment and trial of the man who murdered him.

Preparation for Your Courthouse Visit:

Before diving into the courthouse records, take some time and make sure that you are ready for your visit. Examine information you have gathered about your ancestors to get an idea of what additional information you might expect to find in county records. Visits to any repository are always fishing trips to a point – we go to see what we can find. But success is more likely if we can at least define what it is that we hope to learn at the courthouse. Here are some other preparation tips.

- Determine what records are maintained by the courthouse and for what years, etc. – Handybook, Red Book, Rootsweb, and the local genealogy society are all possible sources of this information. Nothing is more frustrating than travelling to a repository only to learn that the records that you are seeking were destroyed in a fire.
- Determine if microfilms of needed records are available. If yes, move records where microfilms are available to the bottom of your research list. If you run out of time at the courthouse, you can always fall back on the microfilms for these records.
- Call to find out if the desired records are still at the courthouse. They may be in separate storage or may have been transferred to the State Archives. If they are in separate storage, ask about availability.
- Ask about cost of copies, who does the copying, whether exact change is required, etc.
- Ask what equipment you can bring – computers, scanners, digital cameras, etc.
- Dress appropriately. Like it or not, people do judge others by appearance and it might be reflected in how they react to your requests for assistance.

Organize Your Research Tasks Before Going

- Review your research and make notes about what you records you need to see. Note any records or books that you have already checked.
- Include details that allow you to find what you will need (names, dates, etc.). Organize searches into like groups (marriages, deeds, etc.). Your research time in the courthouse is too valuable to spend it digging through piles of notes looking for this data.
- Prioritize your research goals, by group (marriages, wills, etc) and by individual records within each group. If find the marriage record for your great grandparent is more important to you than finding that of great aunt Nessie, put the grandparents higher up the priority list.
- Don't forget to pack your research notes!

At the Courthouse

- Inquire as to where the records that you need are located. Make notes on the top sheet of each of your groups of categories indicating where each is located.
- Ask about any special rules or regulations, confirm how copies are handled.
- Do a quick check of the records room to see if there are records available that you did not know about. Consider adding any new finds to your lists.
- Follow your prioritized lists and search for records!
- Be courteous. Keep in mind that not only your own success, but the success of researchers that come after you may be affected by the impression that you leave with the personnel that encounter. Respect the staff's time, and do not hold them hostage with tales about your ancestors. They almost certainly will not care. As I once heard a clerk say, “Oh I love genealogy – just not yours.” Also, do not wait until closing time

before asking clerks to make copies. (Some offices will not make any copies 30 to 45 minutes before closing time.)

Good Hunting!