

CLASS III – COURT HOUSE RECORDS

How to Begin Your Family History Research
Indian River Genealogical Society, Inc. – 23 January 2008
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STATE & LOCAL COURT SYSTEMS

1. *Directory of State Court Clerks & County Courthouses*. Washington, DC: Want Publishing Company, 2008. Reference 347.016 DIR
2. *Local Court and County Record Retrievers*. Tempe, AZ: BRB Publications, Inc., 2008
3. *Public Records Online: the National Guide to Private and Government Online Sources of Public Records*. Tempe, AZ: Facts on Demand Press, 2006. Reference
4. *The Sourcebook to Public Record Information*, 9th ed. Tempe, AZ: BRB Publications, Inc., 2007.

CIVIL REGISTRATION

Start date of registration varies from city, county and state. There are some very early registrations, but not actually mandated.

Problems with vital records:

1. Often a guess by the informant
2. Handwriting is not legible
3. Surname spellings are erroneous
4. Restrict access
5. Contents vary from one area to another



Birth Records:

These are usually the last records to be mandated by the courts.

Death Records:

Started recording very early due to land ownership and probate.

Marriage Records

- Found in variety of places: churches, justice of the peace, State Boards of Health, Colonial Governors, military and naval personnel, local governments (county or town)
 - May types of records: Consent affidavits; declarations of intent (banns, intentions, bonds, contracts,) licenses, certificates, registers and returns
1. North, S. N. D. *Marriage Laws in the United States 1887-1906*. Conway, AR: Arkansas Research, 1993. 929.373 MAR
 2. Allen, Desmond Walls. *Reconstructed Marriage Records*. *Federation of Genealogical Societies Forum*. Fall 1993. Vol. 5, Issue 3, page 15.

Divorce Records

Exist in the US since the 1600's in some states and most often recorded in county minutes. Sometimes it became a legislative act.

Locating published vital records:

1. Family History Library Catalog
2. Vitalrec.com
3. Statewide Indexes (Internet)
4. Books, Guides and Internet Sites
5. Historical Records Survey Records (WPA)
6. Periodical Source Index (PERSI) (Online)

7. Ancestry (Online)

VITAL RECORDS BIBLIOGRAPHY

1. Hefner, Loretta L. *The WPA Historical Records Survey: A Guide to the Unpublished Inventories, Indexes, and Transcripts*. Chicago, IL: Society of American Archivists, 1980.
2. *Red book: American state, county and town sources*. Edited by Alice Eichholz. Provo, UT: Ancestry, 2004.
3. Child, Sargent B. and Dorothy P. Holmes. *Check List of Historical Records Survey Publications: Bibliography of Research Projects Reports*. Baltimore, MD: Clearfield Company, 1943, reprinted 1989.
4. Everton, George B. *The Handy Book for Genealogists: United States of America*. 11th Edition. Draper, UT: Everton Publishers, Inc., 2006. 929.1072 HAN
5. *The Family Tree Resource Book for Genealogists: The Essential Guide to American County and Town Sources*. Edited by Sharon DeBartolo Carmack and Erin Nevius. Cincinnati, OH: Family TREE Books, 2004.
6. Franklin, Charles M. *Keys to the Courthouse. Vol. I: Jurisdictions*. Indianapolis, IN: Heritage House, 1985. 929.3 FRA
7. Franklin, Charles M. *Keys to the Courthouse. Vol II: The Records*. Indianapolis, IN: Heritage House, 1985. 929.3 FRA
8. Franklin, Charles M. *Keys to the Courthouse. Vol. III: Unusual Records*. Indianapolis, IN: Heritage House, 1985. 929.3 FRA
9. Kemp, Thomas J. *The International Vital Records Handbook*. 4th Edition. Baltimore, MD: Genealogical Publishing Company, 2000. R-GEN 929.3 KEM
10. Mills, Elizabeth Shown. Finding Births, Marriages, and Death in National Archives Records. *National Genealogical Society Conference in the States 1992 Syllabi*. Page 230-234.

VITAL RECORD WEB SITES:

1. United States Vital Records Information - <http://vitalrec.com/>
2. Birth, Death and Marriage Indexes - Ancestry.com or Library edition
3. Online Death Indexes for US - <http://home.att.net/~wee-monster/deathrecords.html>
4. A to Z Marriage Records - USA, Canada, Ireland and the UK - <http://www.atozmarriages.com/>

PROBATE

How to start looking for the records:

1. Determine individual's death date and check probate indexes for up to 10 years.
2. Identify the individual's place of death and residence.
3. What kind of records are available
4. Find out where the records are kept in the place of residence

Locations:

1. Local County Courthouse
2. State Archives
3. Superior, Circuit, district, chancery or surrogate's court
4. Check LDS www.FamilySearch.org
5. Check Red Book (#2 above)

Two kinds of Probate records:

1. Original file papers or probate packet
2. Register Copy or the recorded will in the clerk's book.

Three types of Wills:

1. Attested – drafted by another party such as a lawyer

2. Holographic – testator writes, dates and signs
3. Nuncupative – dictated orally by the testator.

Process:

- A. Testate - executor
- B. Intestate - administrator
- Valuable pieces of an Intestate Probate:
 1. Inventory
 2. Dower
 3. Division
 4. Receipts
 5. List of expenses
 6. List of heirs
- C. Administration with the will annexed
- D. Guardianship
 1. Minor
 2. non compos mentis (not in control, not sane)
 3. spendthrift
- E. Divorces

Definitions:

1. Administrator (male) / Administratrix (female) – person or person appointed by the court to administer an intestate estate.
2. Codicil – A supplement to a will
3. Dower – A provision in the law for the widow for her support and the care of her children. Upon the death of her husband, the widow received one-third in value of all lands that her husband owned at the time of her death.
4. Executor (male) / Executrix – The individual appointed by the court to oversee or administer the estate during probate.
5. Heirs or Divisees – The individuals named in the will, usually related to the decedent
6. Holographic Will – A will that is written in the testator's hand and properly witnessed
7. Intestate – Dying without leaving a valid will
8. Last Will and Testament – A legal declaration of a person's wishes regarding the disposal of his or her estate after death.
9. Nuncupative Will – A dying person's request recorded by a witness at the deathbed
10. Probate – The judicial act of proving that a will is legitimate
11. Testator – The person who dies leaving a will in force.

PROBATE RECORDS BIBLIOGRAPHY

1. Fletcher, Virginia Billingsley. Probate Records Are More Than Wills. *Imprints*. Genealogical Society of Broward County. Vol. 14, Issue 1, page 14-17,
2. Genealogical Society of Marion County (IN). *Probate Process Chart*. Spring 2004, Vol. 9, Issue 1.
3. Pratt, David H. *Researching British Probates, 1354-1858: A Guide to the Microfilm Collection of the Family History Library*. Wilmington, DE: Scholarly Resources, Inc, 1992.
4. Remington, Gordon L. *New York State Probate Records: A Genealogist's Guide to Testate and Intestate Records*. Boston, MA: New England Historic Genealogical Society, 2002.
5. Sanborn, Melinde. Probate Records. *Essex Genealogist*. Nov 2001, Vol. 2, Issue 4, page 183-190.
6. Smith, Kenneth L. *Estate Inventories: How to Use Them*. Elverson, PA: Olde Springfield Shoppe, 1984. 929.3 SMI

7. Willard, Terry and Jim. Wills and Probate Records. *Ancestry*. Vol. 19, Issue 1, Jan/Feb 2001, page 40-42.

WEB SITES ON PROBATE RECORDS

1. Cyndi's List - <http://www.cyndislist.com/wills.htm>
2. How to Read Probate Records - http://dohistory.org/on_your_own/toolkit/probateRecords.html
3. 1856 Illinois Probate Manual by Michael John Neill at *Ancestry Daily News* 6/30/2004 - <http://www.rootdig.com/adn/1856probateManual.html>

TAX RECORDS

Why use tax records?

- They can provide details about land ownership, migrations, and primary source information such as birth, death and marriage.
- Can be used as a substitute for missing census records or confirm census information.
- Family information can be gleaned from between the census years.

Content of Tax Records

- Often alphabetized by the first letter of the last name.
- Surname & given name
- Land description
- Number of acres
- Value of land
- Amount of tax
- Possessions

Special taxes

- Federal Direct Taxes: 1798 tax (used to bolster military forces), War of 1812, and the Civil War.
- Records of taxes collected or owed on land holdings, slaves, livestock, whiskey and even windows.

Where are the tax records? (They may or may not be microfilmed!)

- ◆ County Courthouses
- ◆ State Archives
- ◆ Historical Societies
- ◆ Libraries
- ◆ Check PERSI (Periodical Source Index) and NUCMC (National Union Catalog of Manuscript Collections) for published tax lists.

Situations:

- ◆ Children's birth dates can be estimated by the year they show up in the tax record.
- ◆ Age of the male can be determined by when he goes off the tax roll.
- ◆ Probate records should be checked when the person being taxed goes off the tax roll.
- ◆ Wife's given name may be found by comparing the disappearance of her husband on the tax record.
- ◆ Link a child with the "right" father when there are two men in the area with the same name.
- ◆ Finding a "Jr." in the tax rolls is a clue to paternal relationships.
- ◆ Helps to determine when they move into or leave the area temporarily or permanently.
- ◆ Partial substitute for lost census records such as 1790 Kentucky.
- ◆ Determines ancestor's financial status by the description of their property.

- ◆ Looking at tax records in a cluster can provide clues to relationships of the neighbors.

Definitions

1. Assessment Lists: A listing of persons and their property to be taxed. Greatest numbers are those from the Civil War to late 1917. The rolls are lists of persons who are eligible to pay taxes.
2. Direct Taxes: A tax that is levied directly on the taxpayer, such as poll, income or property tax. This tax cannot become the responsibility of any other taxpayer or source.
3. Headright: Public land given to the head of a household who would settle upon it. Headright grants were made to original colonists.
4. Indirect Taxes: Tax on materials during the manufacturing process. Usually imposed upon taverns, mills, merchants, craftsmen, physicians, lawyers, etc. This can prove an occupation.
5. Personal Property Tax: Primarily livestock and slaves. Goods other than land. Gives clues as to the economic wealth of individuals.
6. Poll Tax: Tax on a young man who reached a certain age. This could also mean a person was free to vote in his county providing he had paid his poll tax and was of age. Each state should be checked for the age limits. These taxes prove residence and give clues to the movement of the family. After they reached a certain age, they no longer were taxed; so don't assume he has died.
7. Quit Rents: Early types of property tax, which was assessed by the Crown. This system was abolished during the Revolutionary War.
8. Real Property: Land, real estate. Cannot be disposed of by will unless the person making the will is 21 or older. (In some states, slaves fell into this category.)
9. Tithable: Persons subject to taxation by virtue of their age, property owned, or residency.

TAX RECORDS BIBLIOGRAPHY

1. Carroll, Cornelius. *The Beginner's Guide to Using Tax Lists*. Baltimore, MD: Clearfield Co., Inc., 1996 929.3 CAR
2. Daynes, Kathryn M. Annual Tax Rolls from the Revolution to 1850: Mining Deep for Genealogical Gold. *Genealogical Journal*. Vol. 28, No. 4 2000. P. 163-175.
3. McElwain, Wilbur J. The United States Direct Tax of 1798 – A Treasure Trove for Family Historians. *Everton's Genealogical Helper*. Nov-Dec 1995, p.16-17.
4. Pruitt, Bettye Hobbs. *The Massachusetts Tax Valuation List of 1771*. Boston, MA: G. K. Hall & Co., 1978.

WEB SITES FOR TAX RECORDS

1. Cyndi's List - <http://www.cyndislist.com/taxes.htm>
2. Search Google for the state and the words tax records and genealogy.

LAND RECORDS

Reasons why land records are important to genealogy:

1. In early rural America nearly all adult males can be found in land records.
2. Land records exist uninterrupted from early settlement to the present time.
3. Older land records contain more genealogy data than the modern records do.
4. Land records are among the most accurate and reliable records available in genealogy.
5. These records have almost been all indexed, which make them an easy resource.

How land was measured:

1. Metes and Bounds - Original 13 colonies plus Hawaii, Kentucky, Maine, Tennessee, Texas, Vermont and West Virginia are **State Land States** or land owned by the state. A good description and analysis of metes and bounds can be found at the following web site:
http://www.newberry.org/k12maps/module_06/images/township_range.pdf
2. Rectangular Survey Method - Thirty states are considered to be **Public Land States** - land sold by the Federal Government.

Types of Land Records:

1. Tax Lists
2. Deeds/Patents/Mortgages/Grants
3. Plat Books
4. Land Grants
5. Bounty Land Warrants
6. Homestead
7. Surveyor Records

Terminology:

- ENTRY was the formal act of marking the proposed boundaries of the land, notifying the appropriate government agency of the desire to acquire the land, and the reason for acquiring it.
- CLAIM is another term for entry. Generally, an entry fee was paid.
- WARRANT was then issued which entitled the holder to have so many acres of land surveyed. In later years, the government issued numerous bounty land warrants for service in the armed forces and so on. These entitled holders to acquire unclaimed acreage in certain states and territories.
- SURVEY (or plat) was a precise descriptive drawing of the boundaries of the land. The surveyor was government employee, and it was his responsibility to fix the boundaries of the tract as accurately as possible. As may be expected, having the land surveyed cost money. In Tennessee at least, having the land surveyed was the point at which the claimholder also became liable for property tax.
- GRANT was made by the government and a deed issued.
- PATENT is another term that is used for grant. In some cases patent is used to imply a grant made by a Colony, with the term grant being reserved for use by States.

HOMESTEAD ACT OF 1862

The Act, which became law on January 1, 1863, allowed anyone to file for a quarter-section of free land (160 acres). The land was yours at the end of five years if you had built a house on it, dug a well, broken (plowed) 10 acres, fenced a specified amount, and actually lived there. Additionally, one could claim a quarter-section of land by "timber culture" (commonly called a "tree claim"). This required that you plant and successfully cultivate 10 acres of timber.

BOUNTY LAND WARRANTS

After the War of 1812, Congress enacted legislation to reward military service. The land was "awarded" only after the veteran applied for a warrant and if granted he could apply for a land patent. Many of the veterans chose not to settle on the land, but reassign or sell it to another party. These records can contain extensive information about the soldier and his family including his military service.

To check for **Federal Land Patent records for Public Land States**, use the Bureau of Land Management's CD-ROM's or their web site: <http://www.glorerecords.blm.gov/>

To **order land entry files** such as credit, cash, homestead and mineral or surrendered military bounty land warrants files (Acts of 1788, 1812, 1847, 1850, 1852, 1855), use NATF Form 84 and mail it to: Textual Reference Branch-Land (NWDT1) National Archives & Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408

LAND BIBLIOGRAPHY

1. Barr, Charles Butler. *Townships and legal description of land*. Independence, MO: 1989. R-GEN 346.7304 BAR
2. Barsi, James C. *The basic researcher's guide to homesteads & other federal land records*. Colorado Springs, CO: Nuthatch Grove Press, 1994. R-GEN 929.3 BAR
3. Dixon, Ben F. *The great land companies of the 18th century* (a bibliography of 75 titles). Washington, DC, 1946. R-GEN 016.973 DIX.
4. Elliott, Wendy L. *Using Land Records to Solve Research Problems*. Bountiful, UT: Heritage Quest, 1987. R-GEN 929.3 ELL
5. Hone, E. Wade. *Land and Property Research in the United States*. Salt Lake City, UT: Ancestry, 1997. R-GEN 929.373 HON
6. McMullin, Phillip W. *Grassroots of America: Index to American State Papers, Land Grants & Claims 1789-1837*. Reprint. Greenville, S.C.: Southern Historical Press, 1993. R-GEN 333.10973 AME
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10. Szucs, Loretto Dennis and Sandra Hargreaves Luebking. *The Source: A Guidebook of American Genealogy*. Salt Lake City, UT: Ancestry, Inc., 1997. Chapter 8, p.241-288. "Land and Tax Records." GEN DESK R-GEN 929.1 SOU

WEB SITES FOR LAND RECORDS

1. Cyndi's List - <http://www.cyndislist.com/land.htm>
2. Platting Deeds in Metes and Bounds (Deed Platter) <http://www.genealogytools.net/deeds/>
3. Glossary, Acronyms and Abbreviations - <http://www.fairview-industries.com/standardmodule/glossary.htm>
4. Graphical Display of the Federal Township and Range System - <http://www.outfitters.com/genealogy/land/twprangemap.html>
5. Legal Land Descriptions in the USA - <http://www.outfitters.com/genealogy/land/land.html>

OTHER COURT RECORDS

- Dockets
- Court Minutes
- Orders of the Court
- Judgments
- Case Files
- Jury and Witness Lists
- Attorney Records
- Coroners' Records
- Sheriff Records
- Cemetery Records
- License fees

Special Court Proceedings

- Name Changes
- Adoption
- Appeals Courts
- Admiralty Courts

- Claims Courts
- Court-Martial Records

Naturalization:

1. Newman, John J. *American Naturalization Processes and Procedures, 1790-1990*. 2nd Ed., Indianapolis, IN: Family History Section, Indiana Historical Society, 1998. 929.3 NEW
2. Schaefer, Christina K. *Guide to Naturalization Records of the United States*. Baltimore, MD: Genealogical Publishing Co., 1997. 929.3 SCH
3. Szucs, Loretto Dennis. *They Became Americans: Finding Naturalization Records and Ethnic Origins*. Salt Lake City, UT: Ancestry, Inc. 1998. 929.3 SZU

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4. Colletta, John Philip. Federal Court Records: A Neglected Cache of Ancestral Information. *Everton's Genealogical Helper*. Vol. 51, Issue, 2, Mar-Apr 1997, page 10-12.
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8. **Rose, Christine. *Courthouse Research for Family Historians: Your Guide to Genealogical Treasures*. San Jose, CA: CR Publications, 2004.**
9. *The Source: A Guidebook to American Genealogy*. Edited by Loretto Dennis Szucs & Sandra Hargreaves Luebking. Salt Lake City, UT: Ancestry, Inc., 2006. Rev. Gen Desk 929.1 SOU

WEB SITES FOR COURTHOUSE RESEARCH

1. Findlaw for legal professionals - <http://www.findlaw.com/11stategov/index.html>
2. Georgia County Courthouses (Unofficial) - <http://www.cviog.uga.edu/Projects/gainfo/courthouses/contents.htm>
3. Adoption at Cyndi's List - <http://www.cyndislist.com/adoption.htm>
4. State by State Adoption regulations: <http://www.adopting.org/adoptions/state-regulations-non-identifying-identifying-information-access-to-adoption-records.html>
5. What to do When the Court House has burned...and you are all out of marshmallows - http://www.rootsweb.com/~okgs/ch_burned.htm

Etiquette for Courthouse Research

(From the American Genealogy Magazine June 1999)

1. Dress appropriately – Like it or not, people do judge others by appearance. Make your visit appear professional. "Carry a briefcase," suggest to the clerk that you are a lawyer and lawyers get better treatment.
2. Be informed – Before you walk through the courthouse doors, know what years the county began keeping births, marriages, deaths, deeds, will, etc. Consult the recent edition of the *Handy Book for Genealogists* or the *Red Book* or locate their web site.
3. Be organized – Have your list ready of names, dates, and the records needed. Do not ask the clerks for "how-to" advice; they are not genealogy specialists.

4. Be courteous – Be prepared to pay for high photocopying costs, and do not wait until closing time for the clerks to make copies. (Some offices will not make any copies 30 minutes before closing time.) Respect the staff's time, and do not hold them hostage with tales about your ancestors.