

Digging Deeper: Lesser-used Court Records – County Court Orders

County Court Orders a.k.a. County Court Minutes or County Journals

The county court order records are some of the least utilized resources for family history and yet they can yield a wealth of information. The clerk recorded the actions taken by the court such as issuing licenses for ferries, appointing guardians; setting fees for taverns; and ordering the recording of deeds and wills. Between the “it is ordered” and “On the motion of” the researcher just may find the evidence to break through that brick-wall problem.

Many activities of the court were of an administrative nature, including the following:

<input type="checkbox"/> Apprenticeships	<input type="checkbox"/> Paupers	<input type="checkbox"/> Licenses	<input type="checkbox"/> Road orders	<input type="checkbox"/> Commissioners
<input type="checkbox"/> Tax Assessors	<input type="checkbox"/> Veterans	<input type="checkbox"/> Fees set	<input type="checkbox"/> Guardians	<input type="checkbox"/> Citizenship
<input type="checkbox"/> Levies	<input type="checkbox"/> Jury duty	<input type="checkbox"/> Deeds	<input type="checkbox"/> Orphans	<input type="checkbox"/> Lunacy
<input type="checkbox"/> Bastardy	<input type="checkbox"/> Wills	<input type="checkbox"/> Appraisals	<input type="checkbox"/> Bounty paid	<input type="checkbox"/> Appointments

While many county clerks recorded deeds, guardian appointments, wills, and naturalizations in separate books, the court order summaries often serve as the only record of that action if the other books are lost or destroyed.

One stumbling block to using the court orders is many have not been indexed. A few hours reading page by page will pay off handsomely! Some county court orders have a few years of the records abstracted and published in books. Others may be found in periodicals published by the county or state genealogical society. Large libraries and state archives have many of the counties’ original court orders on microfilm. Some may be found on a county’s genealogical archives website.

■ Search library and archive catalogs under the name of the county for “county order books” or “county court minutes.” If the original volumes are not indexed, read page by page for a specific time period.

■ Consult PERSI (Periodical Source Index) selecting a county and “court records” for type of record to locate quarterly publications that have abstracts of court orders. <https://search.findmypast.com/search-world-records/periodical-source-index>

■ Use the Wiki at FamilySearch.org to search for state, then county for research help using court records. <https://www.familysearch.org/wiki/en/MainPage>

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- Rose, Christine. “Understanding the Court System,” Chapter 8, in *Courthouse Research for the Family Historians: Your Guide to Genealogical Treasures*. 2ed. San Jose, CA: CR Publications, 2019.
- Winslow, Raymond A. “County Court Minutes” in Helen F.M. Leary, ed., *North Carolina Research: Genealogy and Local History*, 2d ed. (Raleigh: NC Genealogical Society, 1996).

County Court Order Records - EXAMPLES

Appointments:

Bullitt Co. 28 February 1797 - Moses Moore, Jesse Drake, Thomas Saunders, Benjamin Ogdon, Joseph Irwin and James Caldwell esquires...appointed Justices of the Peace for the said county of Bullitt...oath of office administered.

Jeff. Co. 6 March 1799 - Charles Ross appointed a Constable, he entering into bond with Samuel Griffy and Jonathan Nixon his sureties.

License for Ministers:

Jeff. Co. 3 December 1799 - On the motion of William Keller, who produced credentials of his ordination and of his having regular communion with the Baptist Church, and having entered into bond with Moses Kuykendall and Owen Gwathmy his sureties, he is permitted to celebrate the rights of matrimony within the Commonwealth.

License for Tavern:

Jeff. Co. 8 May 1799 - On the motion of Philip Carraker, license is granted him to keep a tavern at the house of John Harrison near Joseph Nelson's and he entered into bond with John Hald his surety.

(Court set the fees for meals, lodging, liquors, and stable and pasture fees for animals)

Indentures/Binding Out:

Jeff. Co. 3 Dec. 1799 - Ordered that the Clerk of the court bind out Abel Spriggs, an infant aged 6 years on November 16th last, to William McManning to learn the art and mystery of a carpenter.

Jeff. Co. 21 July 1800 - Ordered that John Abbott, infant orphan of Richard Abbott, dec'd, be bound to William Miller, to learn the art and mystery of spinning wheel making.

Jeff. Co. 2 Aug. 1797 - Indenture of Apprenticeship between Edward Cannon, infant orphan of Thomas Cannon, dec'd, aged 16 years on May 9th last, and John Stucky, was with the court's consent, executed and acknowledged and ordered recorded.

Care of the Poor and Disabled:

Jeff. Co. 3 December 1799 - On the application of Thomas Talbot, ordered that he clothe and maintain James Stevenson, a poor man until the laying of the next levy in the year 1800, and that provision be made then for his trouble and expense.

Jeff. Co. 21 Oct. 1800 - Jemima Kendall, an old woman and who is by age rendered unable to procure a livelihood, to be allowed 10 pounds for her support.

Digging Deeper: Lesser-used Court Records Circuit Court Case Files

Circuit Courts were established to hear chancery, common law, and criminal cases. Court sessions may have been held every three months and sometimes covered multiple counties. They handled matters of equity (fairness) including suits involving estate settlements, divorce, naturalization, and criminal cases.

- Each state may have different names for the courts. Check guides for your state to determine the system used. Know the development of the county. Use the Research Wiki at FamilySearch.org and the National Genealogical Society's "Research in the States Series" to see what is available and how to access. <https://www.ngsgenealogy.org/ris/>
- Check "on-line" county and state archive catalogs to determine what court records exist and where they may be accessed.
- The terms **Equity** or **Chancery** describe court actions where the court is asked to determine "what is fair." These cases might involve disputes over probate, right title to property, divorces, and adoptions.
- Civil Action often identified under the terms "**Common Law**" or "**Ordinary**" usually involved the recovery of property or may seek money damages for libel, assault, negligence, etc.
- Many case files are in their original format – papers bundled in packets - and are quite fragile. Few are microfilmed. Most are indexed only by names of the Defendant and Plaintiff.

References

Black, Henry Campbell. *Black's Law Dictionary*. St. Paul, Minn.: West Publishing Co. [Older editions will have the outdated terms and definitions genealogist usually encounter].

Library of Virginia. "Research Notes No. 6: Using County and City Court Records."
https://www.lva.virginia.gov/public/guides/rn6_countycity.pdf

"Overview of Court Records," *The Source: A Guidebook to American Genealogy*, edited by Leubking, Szucs, and Eakle. Ancestry's wiki.
https://wiki.rootsweb.com/wiki/index.php/Overview_of_Court_Records

Rose, Christine. "Glossary" in *Courthouse Research for the Family Historians: Your Guide to Genealogical Treasures*, CR Publications, San Jose, CA, 2004.

Russell, Judy G. "The Fair Court: Records of Chancery Courts," Legacy Family Tree Webinars
https://familytreewebinars.com/download.php?webinar_id=186

See also Judy G. Russell's blog: <http://www.legalgenealogist.com>

Select Legal Terms Found in Court Records

Affidavit

A written or printed statement made under oath.

Answer

The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.

Brief

A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.

Bill

The first written pleading in an equity case; a complaint.

Case file

A complete collection of every document filed in court in a case.

Complaint [Complainant, that is, the plaintiff]

The original or initial pleading which starts an action setting forth the facts of the claim.

Deposition

The testimony of a witness taken in answer to either oral or written questions. The person whose testimony is being taken is called the deponent.

et al

Latin; *et alii*, and other persons.

et ux

Latin; *et uxor*, and wife.

et vir

Latin; and husband.

Executor (-trix)

A person named by the testator in a will to handle the estate.

Fieri facias

Literally, "you are to make it to be done." A writ directing the sheriff to satisfy a judgment from the property of the debtor.

Heir at law

One who inherits property, whether real or personal, in cases of no will.

Judgement

The official decision of a court in an action or suit. See also "Decree"

Letters

When the court approved the appointment of an executor, administrator or guardian.

Next friend

A person acting for the benefit either of one under legal age of majority or of another person unable to look after his or her own interest.

Replevin

An action by which the person is entitled to reposses goods from someone who has wrongfully taken or detained those goods.

Summons

Notifies a defendant that an action has begun against him and that he is required to answer at a certain date and place within a certain time.

Extracted from: <https://www.uscourts.gov/glossary>