



Using Court Records in Genealogical Research

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“Reclaiming Kin” blog: www.reclaimingkin.com

Types of Legal Actions:

Criminal: The Government (State or Federal) vs. an individual for violation of the law

Civil: A private lawsuit of one person (Plaintiff) against another person (Defendant)

Equity: Cases where a judge or jury is asked to decide what is “fair” or “equal”

Research the Courts in your State:

First step: must understand the history of how courts were organized in your State. Try:

- Familysearch Wiki (wiki.familysearch.org), Google, State’s current court website, State Archives websites, Local Genealogy websites (usgenweb.com), Ancestry’s Red Book

Start with: County Courts, Circuit Courts and Chancery Courts

Find out where the Court Records are:

- Check with familysearch.org to see what has been filmed for your county
- What does your State Archives have? Don’t hesitate to use InterLibrary Loan (ILL)
- Visit the County Courthouse; don’t forget to check published court book indexes

Notable Websites

National Center for State Courts: <http://www.ncsc.org/>

Rootsweb Books We Own www.rootsweb.com/~bwo

Legal Terms [//dictionary.law.com](http://dictionary.law.com) and www.legal-definitions.com, [//blackslawdictionary.com](http://blackslawdictionary.com)

Library of Virginia Chancery Court Index: www.virginiamemory.com/collections/chancery

Alabama Loose Records Project: <http://lrp.algensoc.org/lrpw/loader3.html>

Digital Library on Slavery: <http://library.uncg.edu/slavery>

Fredericksburg, VA Court Records <http://www.fredericksburgva.gov/index.aspx?NID=998>

Cornell Legal Institute <http://www.law.cornell.edu>

★ *References*

“Courthouse Research for Family Historians,” by Christine Rose

“Court Records” chapter in *The Researcher’s Guide to American Genealogy*, by Val Greenwood and in *The Source* by Alice Eichholz

“Court and Legal Records” chapter in *Ancestry’s Printed Sources* by Kory Meyerink

“Local and State Records: Courts and Governance” chapter in *Evidence Explained* by Elizabeth Shown Mills gives good guidance on citing court records

National Genealogical Society Quarterly Journal articles that use court records:

- ✓ “Determining Children from Underused Sources: Jacob and Catherine Fought of Cumberland County, Pennsylvania,” by Stephen Hatton, NGSQ 93 (March 2005): 38-51.
- ✓ “An Interracial Suit for Inheritance: Clues to Probable Paternity for a Georgia Freedmen, Henry Clay Heard Sherman” by Ruth Randall, NGSQ 89 (June 2001): 85-97.
- ✓ “Using Lawsuits to Identify Family Origins: George Cunningham of Virginia,” by Victor Dunn, NGSQ 98 (December 2010: 251-61).