



United States Court Records,

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Court records are usually searched after other records have already been investigated, but they should not be overlooked. Court records can establish family relationships and places of residence. They often provide occupations, descriptions of individuals, and other excellent family history information. Watch a class about U.S. Court Records.

Many of your ancestors' names will be found in court records—perhaps as defendants, plaintiffs, witnesses, or jurors. They may have participated in cases involving:

Probate	Naturalization
Divorce	Debt
Adoption	Guardianship
Licenses	Appointment to public offices
Taxes	Civil and criminal lawsuits
Property disputes	Crimes
Many other matters brought before a court	

Because of their great importance to family history research, United States Probate Records and United States Naturalization and Citizenship are discussed separately. Divorces are discussed under United States vital records.

Unfortunately, court records tend to be difficult to use. The records are usually not well-indexed, there are many records, court names and jurisdictions changed, and they use many legal terms and abbreviations. To interpret court records you may need to consult a dictionary, such as:

- Black, Henry Campbell. *Black's Law Dictionary*. Sixth Edition. St. Paul, Minnesota: West Publishing, 1990. (Family History Library book 340.03 B564L 1990.)

Main types of legal cases in court records

- Civil involve violation of laws when an individual (but not society) is harmed, such as property damage, trespass, or libel. In these cases, one or more individuals file suit against other individuals to enforce private rights or to receive compensation for violation of rights.

- Equity involve disputes or arguments between individuals and do not involve violation of laws. In these cases, individuals petition the court to reach a fair decision for both parties. Examples of equity action are cases involving probates of estates and property rights. Today this function is mostly handled by civil courts.
- Criminal involve the violation of laws in which society is or may be harmed, such as drunk driving, theft, or murder. In these cases, the state (or “the people”) file suit against the defendant. Serious crimes are felonies. Minor crimes are misdemeanors.

The United States has a dual judicial system. The federal (national) courts only try cases involving violations of the U.S. Constitution or federal statutory law. These are usually criminal cases.

The state court systems try both criminal and civil cases involving a state's constitution, laws, statutes, and local customs. Most civil cases and many criminal cases are tried in state courts. Most equity cases are tried in county or local courts.

Major Types of Court Records

- Dockets, called court calendars, these are lists of cases heard by the court. Dockets usually list the names of the plaintiff and defendant, the date the case was heard, the case file number, and all the documents related to the case. They are usually in chronological, not alphabetical, order, but they may be indexed. They serve as a table of contents to the case files.
- Minutes are brief daily accounts kept by the clerk of the court of all actions taken by the court. They usually include the names of the plaintiff and defendant and a brief description of the action taken. They are in chronological order and are seldom indexed.
- Orders are the specific judgments or orders of the court. They usually include a brief description of the case and the judgment to be carried out. Some court actions recorded in court orders—such as orders granting citizenship, appointments of guardians, and re-recording of deeds to replace destroyed land records—are not found in any other court records.
- Case Files generally contain the most helpful family information. A case file consists of a packet or bundle of all the loose documents relating to the case, such as the copies of evidence, testimony, bonds, depositions, correspondence, and petitions. To find a case file, obtain a case file number from the docket, the minutes, or an index.

Federal Courts

The federal court system began in 1789. A federal district court was established in each state. As the population grew, some states were divided into two or more districts. There are presently 89 districts in the 50 states. The district courts usually had jurisdiction over federal civil and equity cases, with limited criminal jurisdiction until 1866. Their jurisdiction has included admiralty, trade, bankruptcy, land seizure, naturalization, and, after 1815, non-capital criminal cases.

Three federal circuits were established to cover the whole country in 1789. The number gradually expanded to nine by 1866. Federal circuit courts had jurisdiction over all matters (especially criminal) covered by federal law. They also had some appellate functions from the district courts. In 1891, U.S. circuit courts of appeal were created to hear appeals from the

district courts. They had the same boundaries (or circuits) as the circuit courts. The original circuit courts retained limited powers that often overlapped those of the district courts. In 1911 the original circuit courts were abolished.

State and Local Courts

Each state has the equivalent of a state supreme court and its own system of local courts, usually organized within counties or districts. Each court has jurisdiction over designated geographical areas and specific types of legal matters. The names and responsibilities of the

Locating United States Court Records

Some states and counties are microfilming their early court records or gathering them to central locations, such as the state archives. Most court records, however, are still at the local courthouses. You can usually request photocopies or search the indexes or dockets for the time period and surnames you need and, after obtaining a case file number, request photocopies of the complete case file.

Some court records and indexes have been printed. These are often summaries or abstracts of the records rather than the complete records. Many of the early court records of the original colonies and some later states have been published in various series called "archives," such as the Pennsylvania Archives (see the state research articles).

The records of most pre-1950 federal district and circuit federal courts are collected by the National Archives regional branch that serves the area. Records of the Supreme Court are indexed in the Supreme Court Digest. Records of the U.S. circuit courts of appeal are indexed in the Federal Digest. These publications are available at most law libraries and federal repository libraries.

Sources

- Sourcebook of Federal Courts: U.S. District and Bankruptcy. Public Record Research Library. Tempe, Arizona: BRB Publications, 1993. (Family History Library book 973 P2fc.).
- Szucs, Loretto Dennis, and Sandra Luebking. The Archives: A Guide to the National Archives Field Branches. Salt Lake City, Utah: Ancestry Publishing, 1988. (Family History Library book 973 A3sz.).