

## ***Courthouses***

### ***Not just a Mission but also an Adventure in Research!***

*Courthouse research can be both rewarding and challenging. With the proper knowledge and technique, a visit to the courthouse in person or virtually can unlock the puzzles of your family research. Consider the courthouse your family's public attic with records waiting to be discovered. John Sellers, 2022*

#### **Deed Records:**

The backbone of your courthouse research. These records deal with land ownership. Often early deed books contain other types of records, such as bill of sales. Indexes- Start with the reserve or buyer index. Learn the way the index books are arranged. Some are arranged by last name and first initial of first name. First two letters of the surname guide others. Run the indexes for the years of your ancestor's residence and always continue twenty to forty years after a move or death. Records are sometimes recorded much later after the instrument is written. Then read the direct or seller's index to match the land transactions. Locate ordinal deed indexes if the index has been recopied or typed. Remember 2% error.

Deed Records- Photocopy or abstract the deeds pertinent to your research. Always write down the acreage, consideration, description, and witnesses. Write down both deed and recording date. Read acknowledgment.

**Probate**- The matters dealing with person's estate after their death. Your ancestors depending on background, religion, and possessions may chose to write wills, or let the court decide the fate of their possessions.

Testate- Means a person died with a will. Intestate- died without a will and the court appoints an administrator.

Procedure- Start with the probate minute indexes. They are arranged alphabetically by the deceased on one side of the page and the administrator/executor on the other. Always record volume and pages of minute books and case number. The case number will lead you to the original case files. These are by alpha and then by court case number. These original records can really provide valuable character information on your ancestor. Often you can find actual signatures of your ancestors on bills that were owed at the time of death. Probate indexes often contain files for guardianship and lunacy cases. They are also indexed by both the guardian and the minor or adult involved. There are also final probate casebooks. Only the final action in the probate case is listed. Contested probate is often decided in a higher court.

***Helpful Hint!!- Also look for your living ancestors in Probate as Executors, Administrators, Minors, Guardians.***

## **Vital Records-Marriage, Birth, and Death Records**

May be the only records your ancestors leave behind for you to find. Unfortunately, marriage records are usually the only ones that exist over a hundred years. Birth and Death records begin in the 20th century.

The information contained in vital records can be very incomplete or worth its "weight in gold". The information is only as good as the source.

Birth- is an original source that contains primary information if recorded shortly after the event.

Death- An original source that mainly contains secondary information, except for the death date, cause of death, and burial. An exception is a death of a child, and the informant is a parent.

Marriage- Some states have ages on records, but most only have couple's names, witnesses and who performs the ceremony. All names are vital to your research.

**Delayed or Probate Birth-** Recorded much later to secure a birth record for those who did not have a current birth. Various forms of proof used to record birth. Laws have varied in states with county registration for the location of the birth record. In Texas, from 1939-1959, you could register in the county where you resided, not your county of birth. After 1959, the applicants were and still are, required to register in the county of birth.

**Amended Birth-** Used to correct information on an existing birth record, usually on a current birth record.

**Death records have same type of records- Delayed and Amended.**

## Court Records:

### **Civil Cases- Law and Equity**

Land Cases- Heirship or partition suits, Boundary disputes, unlawful seizures, and failure to pay notes owed. These are the most frequent type of cases in the 19th Century. May contain valuable family information

A person can also be involved in a civil lawsuit with a government entity such as a state, county, or city

Financial Disputes- Cases involving merchandise and debts.

Contested Probate- The district court or similar courts could serve as a court of appeal for probate. When cases are sent to the district court, they can be a world of family information including wonderful characterizations of heirs involved.

Divorces- Marriages licenses are issued in the county courts in South, but divorces are granted by the district courts or chancery courts. Check each courthouse for their handling of divorces. Usually give marriage date and minor children and their ages. In most counties these cases are again in the general civil case indices.

Friendly Partition Suits- To require the courts to insure fair partition of properties

**Criminal-** Acts committed against the good of society. These include misdemeanors and felonies.

Misdemeanors- Minor offenses including such things as card playing, carrying of firearms, and being intoxicated in public. Usual punishments were limited to fines and short jail terms.

Felonies- Major crimes including such things as theft and murder. Punishments could include fines, imprisonment, and death.

Court Records- Both civil and criminal indexed by the defendant and plaintiff

Types of Record Books found online and in courthouse

Dockets-Calendar of cases	Minutes- abbreviated points of the case
Orders- Issued by the Judge	Judgments- final decisions of the case

Case Files- If they can be found, most important in research, often containing original documents.

### **Other Records**

Bill of Sale- Deals with movable property      Mark and Brands- Ancestor's mark on livestock.

Assessor Abstracts- Used to group landowners together by original abstracts- great tool for studying neighbors.

## Family Search Website- familysearch.org

Many record images are available on Family Search. Some have been indexed and more frequently they available without being indexed.

Houston Public Library Clayton Library Center for Genealogical Research- is a Family Search Affiliate Library. When means you can access most digitized collections at their library computers.

Search Features: You can search the catalog for various courthouse records that are online or available in book form or not digitized. There is also a special category of Family History Centers- which Clayton is one of these, that will tell you if Clayton has the microfilm or books related to these records.

Example of Digitized Records for a County:  
Barbour County Alabama-

- - [United States, Alabama, Barbour - Court records \(2\)](#)
  - [United States, Alabama, Barbour - Divorce records \(1\)](#)
  - [United States, Alabama, Barbour - Guardianship \(1\)](#)
  - [United States, Alabama, Barbour - Land and property \(2\)](#)
  - [United States, Alabama, Barbour - Probate records \(5\)](#)
  - [United States, Alabama, Barbour - Probate records - Indexes \(1\)](#)
  - [United States, Alabama, Barbour - Taxation \(1\)](#)
  - [United States, Alabama, Barbour - Vital records \(5\)](#)
- ▼ **United States, Alabama, Barbour - Land and property ( 2 )**

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[Barbour County, Alabama, land grants and map](#)

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[Deeds \(1833-1885\), index \(1833-1904\), and, conveyance \(1874-1908\) records, 1833-1908](#)

Author: Barbour County (Alabama). Judge of Probate

Some digitized records are only available at family centers or affiliates. If you see a key above the record, they must be viewed at the library. Always try to click on them, some for whatever reason might load at home.

Family Search Wikis- are extremely helpful to determine facts about the counties record availability and where they may be found including Family Search, Ancestry and other records sources or the location at the local county courthouses. There is a Wiki page for the Clayton Library and all its resources.

Clayton Library also has an extensive collection of published materials relating to courthouse records.

### **Selected Bibliography (Including Clayton Library Call Numbers)**

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2. Eichloz, Alice, ed. *Ancestry's Redbook: American State, County & Town Sources*, 3rd ed. Salt Lake City: Ancestry Publishing, 2004 (Clayton Library Call No: 929.1072 R312 USA)
3. Hansen, Holly ed. *Handy Book for Genealogists*: Logan Utah: The Everton Publishers, Inc., 2006. 11<sup>th</sup> edition. (Clayton Library Call No: 929.1072 H236 USA)
4. Greenwood, Val, *The Researchers Guide to American Genealogy*. Baltimore, Maryland: Genealogical Publishing Co. Inc., 3rd Ed. 2000. (Clayton Library Call No: 929.1072073 G816 USA)
5. Heskett, Michael, *Texas County Records: A Guide to the Holding of the Local Records Division of the Texas State Library of County Records on Microfilm*. Austin, TX: Texas State Library, 1985. (T355 TEX)
6. Hone, E. Wade, *Land & Property Research in The United States*. Salt Lake City: Ancestry Incorporated, 1997. (Clayton Library Call No: 929.1072073 H772 USA)
7. Luebking, Sandra Hargreaves, Szucs, Loretto Dennis and Eakle, Arlene H, "Court Records." *The Source*. 3rd ed. (Provo, Utah: Ancestry 2006 pp257-323. (Clayton Library Call No: 973 S724 USA)
8. Rose, Christine, *Courthouse Research for Family Historians*, San Jose, California: CR Publications, 2004 (Clayton Library Call No: 929.1072073 R795 USA)

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Court House

### **Selected Websites**

**Ancestry – Ancestry.com**

**Family Search- FamilySearch.org**