

# The Basics of Court Records

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## Various Court Files to Research

- ❖ Name Changes
- ❖ Adoptions
- ❖ Separate Support
- ❖ Divorce Records
- ❖ Naturalization Records
- ❖ Court Appearances for Family & Criminal Issues
- ❖ Court Appearances for Financial Issues

## Calendar Index of the Courts

Tip: Check catalogs for transcribed and published court records.

## New England State by State Court Review

### Connecticut

- ❖ Particular Court 1639-1663
- ❖ Court of Assistants
- ❖ Superior Court
- ❖ 21<sup>st</sup> Century Connecticut Courts

### Maine

#### Post statehood in 1820

- ❖ Justices of the Peace held trials for civil matters with fines under \$20, and criminal cases under \$5 in fines.
- ❖ Court of Sessions was created to deal with Highways, jails, licenses and taxes.
- ❖ Court of Common Pleas heard more expensive cases, and appeals from the Justice of the Peace. This court would be replaced in 1839 by the District Court system in Maine.

#### District Court 1839-1852, 1961-

- ❖ In 1852 the District Courts were abolished.
- ❖ Maine was divided into three Supreme Judicial Court Districts (Eastern, Western and Middle) to hear the cases formerly heard by the District courts.
- ❖ In 1961 the State re-introduced District Courts and divided Maine into 33 judicial districts.

## **Massachusetts**

- ❖ Quarterly Court
- ❖ Court of Assistants
- ❖ Court of Common Pleas
- ❖ Court of General Sessions of the Peace
- ❖ Superior Court of Judicature
- ❖ Superior Court
- ❖ Supreme Judicial Court

## **New Hampshire**

- ❖ Town Courts operated from the 1630's in the communities of Exeter, Dover and Portsmouth.
- ❖ In 1679 the connection with the Massachusetts court system ended when NH became a Royal province.
- ❖ In 1682 Quarter Courts replaced the Court of Common Pleas which was abolished in 1859.
- ❖ The earlier Supreme Court of Judicature in NH was replaced by the Supreme Judicial Court in 1855, which in turn was replaced by the Supreme Court in 1876.

## **Rhode Island**

- ❖ 1647 to 1729: General Court was colony wide. It was later renamed the General Court of Trials.
- ❖ This court was replaced by the county-based Courts of Common Pleas and a Superior Court of Judicature.
- ❖ Court records in Rhode Island are organized by county.
- ❖ Records Center for Civil & Criminal Case 1671-1900.
- ❖ Divorce records (1749-1900) Civil Court documents.
- ❖ Naturalizations (1793-1974).
- ❖ This court was replaced by the county-based Courts of Common Pleas and a Superior Court of Judicature.

## **Vermont**

- ❖ Prior to 1778 Vermont courts were not established.
- ❖ In March 1778 five judges were appointed to the "shires" of Newbury, Westminster, Bennington and Rutland.
- ❖ Later in 1778 the following courts were established: Supreme Court of Judicature, Court of Chancery, County Courts, Probate Courts, Justice's Court and the Court of Confiscation.



## Name Changes

1. Published Name Changes – Massachusetts 1780-1883

Tip: Not all name changes are adoptions.

2. Name Changes from Probate Indexes
3. Name Changes on the Internet – New Hampshire 1818-1939

<http://www.nh.searchroots.com/research.htm>

## Adoption Records

1. Using Probate Indexes
2. Cross reference Probate Index from Docket number to volume and page.

Tip: Scanned or transcribed indexes are searchable by docket number.

## Domestic Relation Cases

### Separate Support

Tip: Not all Separate Support will lead to divorce files.

### Divorce Records

1. Newspaper notices.
  2. History of Divorce in New England.
- Tip: Divorces did occur in the Colonial Era.
3. Divorce indexes.

## Naturalizations

- ❖ Records include Declarations of Intention, petitions, and Granted and Denied Petitions
- ❖ Many are now searchable on FamilySearch, Fold3 and Ancestry.com
- ❖ Most New England Naturalizations prior to 1906 can be located at the National Archives in Waltham, Massachusetts.
- ❖ Christine K. Schaefer, *Guide to Naturalization Records of the United States*. (Bowie, MD: GPC, 1997).

### Various Courts handled naturalizations before 1906.

- ❖ Superior Court
- ❖ Supreme Judicial Court
- ❖ Court of Common Pleas
- ❖ District Courts
- ❖ Police Courts

## Resources

Rhonda R. McClure, *Genealogists Handbook for New England Research*. 6<sup>th</sup> Edition (Boston, MA: NEHGS, 2022). Available for purchase at <https://shop.americanancestors.org/collections/all/products/genealogist-s-handbook-for-new-england-research-6th-edition-pre-sale>.

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Catherine S. Menand, *A Research Guide to the Massachusetts Courts and their Records*. (Boston, MA: 1987).

Diane Rapaport, *New England Court Records. A Research Guide for Genealogists and Historians*. (Burlington, MA: Quill Pen Press, 2006).

Christine Rose, *Courthouse Research for Family Historians: Your Guide to Genealogical Treasures*. (San Jose, CA: CR Publications, 2004).

Michael Sankey, *BRB's Guide to County Court Records: a National Resource to Criminal, Civil, and Probate Records Found at the Nation's County, Parish, and Municipal courts* (Tempe, AZ: Facts on Demand Press, 2011).

Christin K. Schaefer, *Guide to Naturalization Records of the United States*. (Baltimore, MD: Genealogical Publishing Co., 2004).