

We Don't Have To Go To the Courthouse – Do We? by Mary Lou Bevers

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What comes to your mind when you hear the words “Courthouse Research”?

Do you “tune them out”? Do you think “I’m not interested and don’t want to get *that* serious”?

Are you intimidated by the very thought of it? Are you surprised to learn that “just anyone” is allowed to look at most of the records?

Do you think you can do effective research *without* using courthouse records?

Or, have you matured enough in your ancestral quest to realize that courthouse records are the very backbone of all genealogical research projects?

Of course census, cemetery, military, and church records, plus county histories, newspaper articles, city directories, and various other important sources found in libraries and archives (and sometimes on the internet) are also necessary to the research process. Often these records prove relationships also, but the use of only these records can result in wrong conclusions due to misidentifications and miscalculations because important records in the courthouse were missed.

Be prepared for errors everywhere – yes, even in the official courthouse records. Clerks often made mistakes in understanding a name, or writing; people giving information were sometimes less than truthful or guessed at answers they were giving. That is why you need to learn about all types of records that might contain genealogical information and search all of them that are accessible so that you can evaluate your findings and see how strong or how weak the evidence is before forming a conclusion on which to base further research. Think of research as “building your case.” You must build a firm foundation (find proof) on which to add additional work. Using wrong information to expand on makes no sense. Understand though, that sometimes it is necessary to investigate the wrong person before you can determine who the right one is.

Just what are courthouse records? From a genealogist’s viewpoint the main ones are probate, deeds, court case papers, and marriages. Divorces would be found in the court case papers.

Births and deaths are called vital records and are usually kept by Health Departments – sometimes within a courthouse, but often in another building. Births and deaths began in 1882 in Indiana. Marriages usually began with the formation of each county, and in 1882 the use of marriage applications was begun – called supplemental marriage transcripts. They contain very valuable information, but some Indiana counties never kept them.

Before making a research trip, inquire where your records of interest are housed. Often old records have been sent to an archive repository. Sometimes they are in local storage and may have to be retrieved in advance of your visit. Hours may be limited for access. Courthouse offices are closed on election days and are sometimes closed for county fairs or for other reasons.

Do your homework before visiting a courthouse. Learn what year the county was organized and when the various records began and are still available. (*The Redbook*, published by Ancestry, gives that information for every county in the United States.)

Learn about boundary changes in your locality of interest. (*Map Guide to the US Federal Census* by William Thorndale & William Dollarhide has excellent maps illustrating boundary changes). You may need to use records of parent counties or those of counties formed later from your county of interest. Learn what records should produce what information.

A pedigree chart and family group sheets for your main families, on which to record information as you find it, will be very helpful so you can easily see what you have and what you need and therefore, where to look next.

Learning who the siblings and in-laws were is extremely helpful as a means of identification, providing helpful clues. Pay close attention to who witnesses and participants were in your ancestor's business and social affairs, and who the census neighbors were, and maybe investigate them. They may be relatives and fit into "the big picture," and lead you to valuable information. Building a life chronology sheet or timeline for each subject person is an important tool to help you also.

Probate records include wills, estates, and guardianships. Remember that many people never had wills, and sometimes those who did, did not mention all of their children. Just because you don't find a name included in a will is not proof that he or she was not a child of the deceased. The author of a will names an executor and is said to have died "testate" (meaning there was a will). If there was no will, however, and the deceased left property worthy of mention, then there will be various estate records naming all heirs and the proceeds from the estate will be divided among them according to state law. In an estate, an administrator is approved and appointed by the court to handle the assets, pay

the creditors, and divide any residue according to law. The deceased is said to have died "intestate."

Probate order books, administrator bonds, inventories, appraisements, and sale bills are all part of probate records and can often contain very important genealogical information when analyzed for clues. Estate records are just as important as wills and contain much more information about the heirs than some wills do.

Guardianship records should identify the name of at least one parent, and sometimes both, and even a step-parent. In some states a minor 14 and over could choose his or her own guardian. Ages of children are usually stated.

I recently discovered an Indiana estate of a man who was a resident of Illinois when he died. His Indiana estate papers refer to his Illinois estate – so he has two estate files. As of this writing I have only seen a few pages from the Indiana file, but I am compelled to use this as an example of how extremely valuable they are.

The deceased had lived in Monroe County, Indiana, and had children born there and is in the 1880 census there with a wife and several children. He is not there in 1900, but a man by the same name and birthplace and near the same age is in the Kentucky census with a different wife and only new children born in Kentucky. Nothing really indicates that this could be the same man, plus the fact that he died in Illinois, all makes it seem pretty unlikely.

But guess what! One of his older Indiana children made a deposition to the court naming all of his children --- including the three Kentucky born children, even though it was obvious that they had not been in close contact. Beautiful!!! This one document proved that this man indeed had two different families in two states.

Deeds and other land records are invaluable in proving relationships. When a parent dies owning real estate, the heirs usually all sign the deed when they sell the property, and the county of residence of each is stated. If you have "lost" some of the siblings, then the deeds help you find where they went, and you may also pick up a name change of a married female. Use the grantor (seller) and the grantee (buyer) indexes to lead you to deeds to investigate. Pay close attention to mention of heirs, estate, et al (and others), et ux (and wife). Sometimes two and three generations are identified in deeds.

In early deed books you may also find powers of attorney, leases, sale bills, mortgages, and various agreements.

Of all of the different kinds of courthouse records, deeds are the most uniform from county to county and state to state, and are the most simple to use.

Even the earliest ones are usually accessible. Deeds are used daily by title searchers, attorneys, surveyors, and others with present day needs, as well as genealogists and historians, resulting in a busy room. The deed record room is a good place to practice and gain confidence in courthouse research.

Occasionally many years may pass before an estate is closed or a deed recorded. In Posey County I recently found a deed executed and recorded in 1950 in which the U. S. government clarified title to the land which a man had purchased in 1814 from the government.

By the way, the Government Land Office records are back on the Internet again after being off for many months. Images of the original transactions going back to 1820 can be seen at <http://www.glorerecords.blm.gov>. The database is still being added to.

Here is another example of the importance of doing thorough research in all accessible records: A man's estate record indicated that his middle initial was "B." The government land office records reveal that when he purchased his Vanderburgh County land, a middle name of Bingham was recorded. A very important discovery! Soon thereafter he died. His estate papers mention his widow, but she is not identified. Nineteen years later, however, there is a deed in which Ruth sells "her interest" in the land – the same land described in his purchase from the government, thus proving that they were husband and wife. You see, often it takes a combination of records to prove a fact.

Court case files (also referred to as "loose papers") are a very important source of information and reveal information that can not be found elsewhere. Witnesses for the parties give depositions detailing all sorts of relationships, incidents, and sometimes historical background about the lives of parties involved. Actually, some can be very entertaining just to read, and beat any soap opera you could ever imagine! Don't miss these important records. Many are suits among heirs.

All courts (and there are many different kinds) have order books which contain entries about the cases, but don't always reveal everything that is in a case file. Likewise for books called complete records. Use them, they are important.

And now the downside of courthouse research.

Don't expect all records to be easily accessible and working conditions always to be comfortable. You will probably have to climb, stoop, reach, and lift heavy books – and may have to stand all day at a counter or even hunch over books spread out on the floor.

Sometimes the records most important to genealogists are covered with dirt, and either in the courthouse attic or basement, often with poor lighting and no heat or air conditioning, but if you know your families and know your records, then finding your evidence is entirely possible, and even under these circumstances makes it all well worth the effort!

Also, don't expect the employees to be knowledgeable about the old records. Many are not. It is true that their main concern is taking care of current transactions and they don't have time to help you research, but they are obligated to show you where the old records are. After all, the records are public records and you have the right to view them.

Many courthouse record books have been filmed by the LDS [Church of Jesus Christ of Latter-Day Saints] and are available to borrow from the Family History Centers, but most court case files have not and never will be filmed.

Likewise, some counties have a few of their records on the Internet. If you are unable to travel to where your records of interest are, then you might want to consider hiring a professional genealogist near the records. See the IGS Researchers List on our website at <http://www.indgensoc.org> for Indiana counties, and the Association of Professional Genealogists at <http://www.apgen.org> for professional researchers worldwide. Many libraries and state websites also have lists of researchers. Their rates and years of experience will vary.

In addition to the *Redbook* and the *Map Guide*, also become familiar with and use *The Source* by Ancestry and *Courthouse Research for Family Historians* by Christine Rose.

Summary: Research is about finding evidence to support your claims. Merely copying names and dates that someone says, without citation of evidence, is a waste of time if you don't follow through and try to find the evidence. Remember that the source of information means that is where it came from, whether it is Aunt Jane, another researcher, a book in a library, a "tree" on the internet, or whatever (remember that sources can be very wrong), while evidence is records that prove that the information is true. Don't believe anything 100 percent until you prove it with evidence. Courthouse records are essential for quality and successful research. Only thorough research can enable you to see the real truth among misspellings and other errors that might mislead you or cause you to miss something real important.