

## WORDSCAPE: COURT AND LEGAL

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Last January I was approached about coordinating a course on Land and Court Records for the Utah Genealogical Association's Salt Lake Institute of Genealogy to be held in January 2006 in Salt Lake City. The court part didn't sound overly exciting to me, but I'm a great enthusiast for the value of land records in solving problems, so I agreed. (As a friend often says, it is easy to agree to anything that is more than two months away.)

Both topics are extensive, so I cleverly held a brainstorming session with several colleagues that same day. What topics are necessary? Interesting? Important? Not too specialized? Which speakers are both knowledgeable and audience favorites? Fortunately, I was able to get Lloyd Bockstruck, Michael Leclerc, Rhonda McClure, Gordon Remington, and Paula Stuart-Warren to agree to give lectures. I was going to do several land topics, including the popular hands-on land-platting workshops.

It would be a fun course and not as daunting as I had at first feared.

At least that's what I thought right up until time to prepare the syllabus material.

That's when I realized what I had done to myself. As coordinator, I would be covering the overview of court records, along with special considerations about them. Many speakers give lectures on "courthouse research" or on particular types of court records, but that wasn't what I needed to do. I needed to discuss court *records*, hence the court *system*, and the legal *process*, hence the *law*, all of which are irretrievably intertwined with *terminology*. And I was going to have to do it in under an hour!

I'm not going to give you that lecture here, but I do want to share with you some of the resources and tools that I use as references for research in court records.

### TERMINOLOGY

I always begin any word search with my standard resource for unfamiliar terminology, the comfortable and familiar *Webster's New Collegiate Dictionary*. Yep, for legal and genealogical terms I don't immediately consult a specialized dictionary, I reach for that classic dictionary we used in high school and college. I look here first because the definitions are relatively short and simple and provide context for my next reference stop. I refer to it so often that I have two copies: a 1983 ninth edition upstairs in my office and a 1965 seventh edition on the bookshelf downstairs in the den.

One nice thing about dictionaries is that genealogists are happiest with the oldest edition we can find in used-book stores or garage sales. The first edition of the *New Collegiate* was published in 1916.

I have a 1979 fifth edition of the standard legal reference tool, *Black's Law Dictionary* (it is now in its eighth edition). The Preface helps explain why we prefer the older editions. "In the period since the Fourth Edition, most all areas of the law have undergone substantial

change and development. The vocabulary of the law has shown corresponding change and growth, particularly in the areas of commercial and constitutional law, civil and criminal procedure, taxes, finance, uniform laws and federal legislation. In addition, many common law doctrines and concepts have been replaced or modified with new statutory rights and remedies." (The third and fourth editions had also commented on change.) At first glance, this doesn't sound good for the genealogist seeking ancestral background, but they go on to say "old English, European and feudal law words and terms have been retained in that such continue to form the foundation for much of our modern jurisprudence." (Note: some of these terms were not in the first edition, published in 1891, so in this instance, we would prefer at least the second edition.) The fifth edition has an added benefit: "the inclusion of pronunciation guides after all entries which pose pronunciation difficulties."

Fortunately, there is a legal dictionary that has not been updated. *Bouvier's Law Dictionary and Concise Encyclopedia* was first published in 1839, with numerous reprints since. The definitions are much more readable than Black's, plus they are from a time period in which we have great interest. The best news is that there are a number of on-line versions available.

For problematic nonlegal terms found in court records, I rely on *The Oxford English Dictionary*, published in 13 volumes in 1933 (good libraries have a copy, ask at the reference desk). There is also a more recent *New Shorter Oxford English Dictionary* in 2 volumes.

### SYSTEM AND PROCESS

The court system, legal process, and the people and documents involved can be bewildering. The standard reference for any new genealogical subject is, of course, Ancestry's *The Source*. The chapters on "American Court Records" in the first edition or "Research in Court Records" in the revised edition provide extensive information.

From there I move to a collection of works, each of which helps provide a different perspective. I find it is inadequate to stop with just one. Most of these were written by attorneys and occasionally bog down in incomprehensible legalese, then suddenly provide the clearest explanation of some facet of court and law that I've seen. The additional resources I check include: "Court and Legal Records" in Ancestry's *Printed Sources: A Guide to Published Genealogical Records*; Frederick G. Kempin Jr.'s *Historical Introduction to Anglo-American Law in a Nutshell* (the equivalent of Cliff's Notes for law); pages 103–22 of Noel C. Stevenson's *Genealogical Evidence*; "Court Records" in Val D. Greenwood's *The Researcher's Guide to American Genealogy*; and chapters 15–19 and 32 in the second edition of *North Carolina Research, Genealogy, and Local History*.

## CONCLUSION

I use many more reference tools, of course, but these are the core that I recommend to you. New subscribers to

*Ancestry Daily News* may also want to read my earlier WORDSCAPE columns that covered court records and legal concepts.