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Evolution of NC County Courts

- From 1664 to 1738 – NC under English system of law and had Precinct Courts
- 1739 to 1868 – County Court of Pleas & Quarter Sessions established. This was the County Government
- District Superior Courts after 1776 – Edenton, Halifax, Hillsborough, New Bern, Salisbury and Wilmington
- 1782 – Morgan District Superior Court established
- 1806 to Present – County Superior Court
- 1806 to 1868 – County Court of Equity

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What did the County Court do?

- County Court of Pleas & Quarter Sessions
 - Appoint office holders, levy taxes, maintain buildings, appoint juries, grant licenses.
 - Manage land entries and matters of bastardy, apprenticeship and lunacy.
 - Manage civil suits, subpoenas, summonses, stock marks & brands, manumission of slaves and criminal cases.
 - Receive reports, petitions, bonds, bill of sales, coroner's inquest, etc.
 - Met quarterly but **ended in 1868**.

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Significance of 1868

- County Court of Pleas & Quarter Sessions dissolved
- County Commissioners took over the Court of Pleas & Quarter Sessions as the county managers
- County Superior Court took over the criminal, family and civil matters from the Court of Pleas & Quarter Sessions.

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What did the Superior court do?

- Superior Court – Until 1868, generally dealt with more serious matters requiring greater legal knowledge, involving larger sums of money & issuing punishment to the extent of life, limb or member. Also heard appeals
- For Buncombe County, residents went to Morganton for this court until 1808. Bound records destroyed in 1865, but loose records from 1782-1806 (8 cubic feet) remain
- After 1868, took over all criminal, family and civil matters from Court of Pleas & Qtr. Sessions

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What did the Court of Equity do?

- Jurisdiction over civil matters, such as unpaid debts, breached contracts, land disputes, & estate controversies
- Established in 1806 and lasted until 1868
- After 1868, the County Board of Commissioners took duties that related to the business of the County, such as setting tax rates, collecting taxes, appointing road juries, giving licenses, managing schools.

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What do some of the terms mean?

- Civil actions – adversary proceedings between two parties, frequently involving personal disputes or are ex parte (only one side) Examples: suits, recovery of debts, trespassing
- Criminal actions – action prosecuted by the State as a party against a person charged with a public offense. Actions involve violations of the law, offences against the peace & dignity of the State, and indictments.

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More terms

- Dockets – most dockets consist of highly condensed summaries presented in columnar form. Usually have an entry number, names involved, nature of proceeding, prior actions, actions taken and date.
- Types of Dockets – Appearance, summons, recognizance, trial, civil issue, defense, execution, levy, judgment, lien, petition for a road, guardian, etc.

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More on Dockets

- Since 1868 there are permanent dockets –
 - Summons (orders to appear in court)
 - Judgment
 - Civil
 - Criminal
 - Special proceedings (adoptions, name changes, partitions of land, guardianships, etc.)
 - Clerk's minutes
 - Lunacy
 - Lien (debts)

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More terms

- Bonds – a written obligation requiring payment of a sum of money, or penal sum, unless certain stated conditions are fulfilled
Examples – Apprentice, Bastardy, Officials, Marriages, Taverns & Ordinary
- Who were John Den and Richard Fen?
- What does “to the use of” mean?

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Resources for More Information

- North Carolina Research, Genealogy & Local History by Helen F. M. Leary, C.G., F. A. S. G.
- Guide to Research Materials in the North Carolina State Archives, County Records, by NC Division of Archives & History
- Guide to Research Materials in the North Carolina State Archives, State Agency Records, by NC Division of Archives & History [Judicial Branch: Colonial, District & Superior Court]
- Ballentine's Law Dictionary, by James A. Ballentine [old legal terms; available in print or online]

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Legal terms & handwriting

- Transcribed/abstracted books of minutes will (or should) have a page(s) of definitions.
- Books with definitions are on our Research shelf.
- Books on how to read old handwriting are available in our library and various online sources.
- OBCGS docents are available to help.

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Where are the Buncombe Co. Court Records?

- Book – *Buncombe County Court Records Vol. I*, by Nancy Manning. Includes Court of Pleas & Quarter Sessions Minutes 1792-1796 and Probate of Deeds 1796-1804
- Book – *Buncombe County North Carolina Court Records Volume II, April 1798 - July 1812*, Transcribed by Nancy Manning and Cheryl Chasin, Edited by Sandra Samz
- Book – *Buncombe County Court Records Volume V, Court of Pleas and Quarter Sessions, July 1854 - October 1859*, by Sandra Samz

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More Buncombe County Court Records

- Book – *Buncombe County Court Records Volume VI, Court of Pleas and Quarter Sessions, Jan. 1860 – June 1868*, by Sandra Samz
- OBCGS has access to Court of P & QS minutes, April 1798 – July 1812, on computer in the library.
- On our website under Electronic Access – Court of Pleas & Quarter Sessions covering 1808-1810 (partial)
- Volunteers are currently transcribing Volumes III and IV of Buncombe County Court Records, 1812 – 1854, but not all the records for these years exist.

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Buncombe County Court Records – FamilySearch

- <https://www.familysearch.org>
- Set up a free account &/or Sign In
- Click Search tab, choose Catalog from the drop-down menu

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FamilySearch Catalog

Search the catalog of genealogical materials (including books, online materials, microfilm, microfiche, and publications) made available by FamilySearch online and in libraries and centers worldwide.

Learn more about the catalog and how to access materials.

Search by:

Place | Surnames | Titles | Author | Subjects | Keywords

Place

United States, North Carolina, Buncombe

Search for:

Call Number | Film/Fiche Number

Availability

- Any
 Online
 Family History Center

Search Reset

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Search results

- FamilySearch provides a variety of records for Buncombe County, NC.
- For Buncombe County Court Records, select the third option:
“United States, North Carolina, Buncombe – Court records (12)”

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Search Results for FamilySearch Catalog

PRINT Catalog Print List (0)

Notes

Buncombe County was established in 1793 from Burke and Rutherford counties. Courthouse fires of 1830 and 1865 destroyed many court records. County seat: Asheville.

Part of United States, North Carolina

Places within United States, North Carolina, Buncombe ▶

- United States, North Carolina, Buncombe - Cemeteries (1)
- United States, North Carolina, Buncombe - Church records (1)
- United States, North Carolina, Buncombe - Court records (12)
- United States, North Carolina, Buncombe - Divorce records (2)
- United States, North Carolina, Buncombe - Guardianship (1)
- United States, North Carolina, Buncombe - History (3)
- United States, North Carolina, Buncombe - Land and property (4)
- United States, North Carolina, Buncombe - Land and property - Indexes (5)
- United States, North Carolina, Buncombe - Military records (2)
- United States, North Carolina, Buncombe - Military records - Civil War, 1861-1865 - Pensions (2)
- United States, North Carolina, Buncombe - Military records - Pensions (1)
- United States, North Carolina, Buncombe - Military records - World War, 1939-1945 (1)
- United States, North Carolina, Buncombe - Naturalization and citizenship (2)
- United States, North Carolina, Buncombe - Occupations (1)
- United States, North Carolina, Buncombe - Probate records (6)
- United States, North Carolina, Buncombe - Public records (2)
- United States, North Carolina, Buncombe - Schools (1)
- United States, North Carolina, Buncombe - Vital records (5)
- United States, North Carolina, Buncombe - Vital records - Indexes (3)
- United States, North Carolina, Buncombe - Voting registers (2)

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How will court records help with my research?

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Next steps

- Using FamilySearch, let's see how to find court records and discover the types of information these records contain.
- Choose a record set from a list of options.
- This step is a "trial and error" process. Consider the possible dates the record could have been created.
- For our examples, we selected "*Special proceedings, 1798-1812, 1854-1953, and cross-index, 1854-1964, Buncombe County, North Carolina*" & "*Court minutes, 1792-1796,....*"
- Note that County Court Minutes are also available.

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Next steps continued

- Open "*Selected Records...*" & scroll down the page to the list of records. Choose "*Cross-index, Book A-B 1798-1812*" and click on the camera icon.
- The camera icon indicates that the microfilm of these records is online at the FamilySearch website.

Note	Location	Collection/Shelf	Film	DGS	Form
Cross-index, Book A-Z 1854-1900	Family History Library	United States & Canada Film	4109978	7527434	📷
Cross-index, Book A-Z 1900-1964	Family History Library	United States & Canada Film	4109979	7527435	📷
Cross-index, Book A-B 1798-1812, 1854-1868	Family History Library	United States & Canada Film	4109980	7527436	📷
Book B, C, D 1869-1875	Family History Library	United States & Canada Film	4109981	7527437	📷
Book E, F, G 1875-1883	Family History Library	United States & Canada Film	4109982	7527438	📷
Book 1-B-D, 2, 3, 4A 1874-1894	Family History Library	United States & Canada Film	4109983	7527439	📷
Book 4B, 5, 6 1888-1896	Family History Library	United States & Canada Film	4109984	7527440	📷

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Example of microfilm window

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Check Title Page for Volume #, Dates

- There may be more than one title page in a group of microfilm.

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A closer look at microfilm

- To change images, type in a page number, then click Enter. You can also use arrows to navigate through the microfilm icons.

- The icon with number entered will be outlined in yellow.

- Double click on the outlined icon to open that image. You can continue to navigate forward or backward through open images using arrows or entering a new number.

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Tips for “Image Guessing”

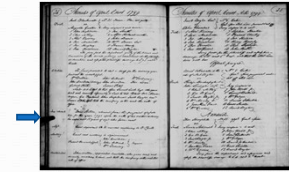
- Most images contains 2 pages
- There is no surname index. Begin opening images to find minutes for the date Court was in session.
- If Court date is not known, the researcher must browse the images in search of the ancestor's name.
- Books containing Court record abstracts with surname indexes can be useful in finding records using a date.
- Using the date from an abstract, locate the complete original record which may contain additional clues.
- Save film, image & page numbers for citation. To easily locate record again, enter film number in search option on Catalog Search Page.

Search for:
 Call Number | Film/Frame Number
 Film/Frame Number
 410980

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Learn about people

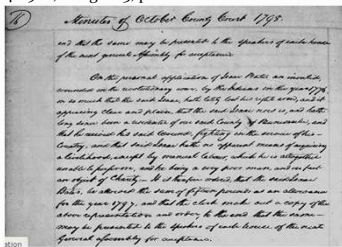
- “Isaac Shelton, released from the payment of a poll tax, for the year 1798 upon the oath of his mother declaring he was not 18 years of age till June next.” (April 1799)
 Film #410980, Image # 22, p 34.



Isaac Shelton, released from the payment of a poll tax, for the year 1798 upon the oath of his mother declaring he was not 18 years of age till June next

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- “On the personal application of Isaac Bates an invalid, wounded in the Revolutionary War, by the Indians in the year 1776 in so much that said Isaac hath lately lost his right arm.....” (Oct. 1798)
 Film # 410980, Image #13, p 16



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Learn where they lived

- “Ordered that Thomas Davidson, Jos Rice, Robt Love, James Alexander, Wm Dever Senr, Majr Thomas Patton, James McNabb, Wm Davidson, David Vance, Henry Roberts, Jacob Biffle, John Weaver and Wm Murphy be appointed a jury to view mark and lay off a road from the ford of Swannanoa, above Robert Patton’s, the nearest and best way to Rims Creek to the bald mountain road and report to next Court.” (Oct 1792) “Court minutes, 1792-1796,....” Film #18344, image #14, p 16.
- This entry also identifies our ancestor’s neighbors and gives local geographic details.

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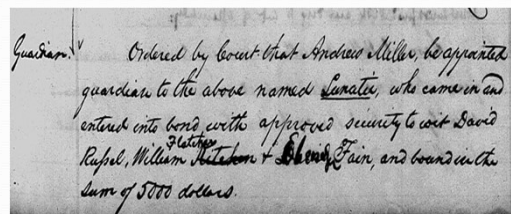
Relationships in strange places

- “Ordered by Court that a writ of Venire facias issue to the sheriff to enquire of the Lunacy of Mary Dever, widow of James Dever, and daughter of Andrew Miller. Upon which writ the sheriff returned the following Jurors duly summoned to wit. 1 David Pressly. 2 Absolom Garrison. 3 Andw. Garren. 4 James Hughey. 5 John Rogers. 6 James Henderson. 7 Hugh McRary. 8 John Roberts. 9 Daniel Killian. 10 Samuel Parks. 11 James Gudger. 12 Daniel McKissick. Who find that the said Mary Dever is a Lunatic.” (Oct. 1805) Film #410980, Image #136, p 261.

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The outcome of Court decision...

- Andrew Miller, Mary Dever’s father, is declared her guardian.



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Learn about a missing child

- “Ordered by Court that John Craig a minor twelve years old the 7th of August last be bound to John Turk and to serve until he attain to the age of twenty-one years. And that Mary A. Craig a minor of the age of eight years the 24th day of last March be bound to Samuel Wilson until she attain to the age of 18 years.”(Oct. 1808) Film #410980, image # 215, p 417
- Why were these children bound? Entry above states “David Russell came in and gave his letters of admin. on the estate of James Craig, dec’d.”
- Following entry names other probable family members as co-administrators.
- A wealth of information.. ages, birth & death dates, family members and neighbors

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Learn about children’s lives

- The orphan children of Lewis Fields, Senr. were bound out on January 1805.
 - Libby Fields, age 10, and Lewis Fields, age 6, to Zebulon Baird
 - Elizabeth Fields, age 8, to Beden Baird
 - Sarah Fields, age 13, to Zachariah Candler
- Note: At same Court session, in an entry just below these notations, Zebulon Baird was elected treasurer of the public buildings.
Film #410980, Image #118, pp 226 & 227
- Found! Ages, birth & death dates, new residences & occupation

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Identify an enslaved person

- “A Bill of sale from James Benson to John Davidson for a negro girl named Phoebe about 23 years of age was proved in open court by James the subscribing witness thereto and ordered to be registered.” (Apr 1790)
- “A bill of sale from James Davidson to John Davidson for a negro named Elijah Eight months old in open Court and ordered to be registered.” (Apr 1790)
“Court minutes, 1792-1796,....” Film # 18344, image #84, p 154
- Was Elijah the child of Phoebe?

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Have a laugh

- “Ordered by Court that the Sheriff release Thomas Murray and Josiah Roberts out of Jail who were yesterday imprisoned and fined five dollars each for a riot and contempt of Court, the fine is remitted on condition they pay Jail fees and leave town in twenty minutes.” (July 1809)
Film # 410980, image #235, p 456
- And much more!

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Questions?

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