

Early Kentucky Courts

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Our ancestors often utilized the judicial systems to resolve conflicts and make estate judgments. Finding court records for your family and neighbors can provide a wealth of information for your research. Understanding the arrangements of court records can help you find the right documents.

The two major types of court cases are criminal and civil. Trials in both criminal and civil cases are generally conducted the same way.

Criminal cases involve the commission of acts that are prohibited by law and are punishable by probation, fines, imprisonment, or death. The attorney representing the state, county or municipal government that formally accuses an individual of committing a crime is the prosecutor. The party charged with the crime is the defendant.

Steps in a Criminal Case: 1. Arrest, 2. Initial Appearance, 3. Preliminary Hearing, 4. Arraignment, 5. Trial - Opening Statements – Depositions – Witnesses – Jury Deliberations – Verdict.

Appeals: A convicted defendant may appeal. In a case where the death penalty is imposed, an automatic appeal is filed with the State Supreme Court. In all other criminal cases, the appeal goes to the court of appeals.

Civil cases typically involve legal disagreements between individuals, businesses, corporations or partnerships. A person can also be involved in a civil lawsuit with a government entity such as a state, county or city. Most civil cases involve disputes related to breach of contract, the collection of a debt, monetary compensation for personal injuries, property damage, or family law issues such as divorce. The party suing in a civil case is the plaintiff, and the party being sued is the defendant.

Steps in a Civil Lawsuit:

1. The plaintiff files a document (complaint) with the clerk of the court stating the reasons why the plaintiff is suing the defendant, and what action the plaintiff wants the court to take.
2. The plaintiff must state whether the case is eligible for arbitration according to court rule.
3. A copy of the complaint and a summons are delivered to (served on) the defendant.
4. The defendant has a limited time to file a written answer admitting or denying the statements in the complaint.
5. The plaintiff and the defendant exchange information about the case. This is called discovery.
6. The case is tried before a jury or a judge.
7. The judge makes a decision, or the jury gives its verdict, based on the testimony and other evidence presented during trial.
8. The losing party may appeal the decision to the next higher level of the court.

Within a Court Case

Complaint / Original Bill

Answer from Defendant

Respondents / Depositions

Subpoenas / Bonds

Decree / Judgment

Bill of Costs / Appeal

Finding Aids

Dockets / Case Dockets / Cases Determined
Minute Books / Order Books
Execution Books / Fee Books
Case Files / Case Reporters

1780: County Courts initially had county-wide jurisdiction over all records of civil and criminal cases. Later these courts recorded deeds, bonds, probates, and juvenile matters.

After 1852 most criminal cases were handled by circuit or quarterly courts.

1787–1802: Courts of quarter sessions heard suits involving large amounts of money.

1787: Circuit courts have county-wide jurisdiction over major civil and criminal cases, divorces, and appeals from inferior courts. Courts were divided into various types depending upon the cases presented.

1787: Quarterly courts have county-wide jurisdiction over minor criminal cases.

Other courts include the justice's court, court of oyer and terminer, court of appeals, examining court, and general court.

Supreme Court - The District of Kentucky of the Commonwealth of Virginia was created in 1783. Cases could be appealed to the Virginia Court of Appeals. This Court was abolished in 1792 when Kentucky became a state. The Kentucky Supreme Court was recreated in 1976.

Court of Appeals (1792-1976)

The current format of the Kentucky Court of Appeals was created in 1976 when the state's highest court became the new Supreme Court. The new Court of Appeals has fourteen judges, two from each of the seven Court of Appeals districts. An appeal may be taken to the Court of Appeals from any conviction, final judgment, order, or decree in any case in circuit court, unless such conviction, final judgment, order, or decree was rendered on an appeal from a court inferior to circuit court.

Federal Courts Record Groups (Held by National Archives)

Administrative Office of the United States Courts (1940-76), RG 116

Commerce Court, U.S. (1911-13), RG 172

Court of Appeals, U.S. (1891-1983), RG 276

Court of Claims, U.S. (1835-1958), RG 123

District Courts of the United States (1685-1991), RG 21

Supreme Court of the United States (1772-1990), RG 267

Tax Court, U.S. (1924-68), RG 308

U.S. Government, Publications of the (1790-1979), RG 287

RG21 Record Group 21 - District Courts of the United States

Established: As elements of the federal court system by the Judiciary Act of 1789 (1 Stat. 76), September 24, 1789, pursuant to Article I, Section 8 of the Constitution, which granted to Congress power "To constitute Tribunals inferior to the supreme Court," and Article III, Section 1, which vested judicial power in the Supreme Court "and such inferior Courts as the Congress may from time to time ordain and establish." Individual district courts, minimally one for each state, established by specific legislation serve as the trial courts of general federal jurisdiction.

In addition to U.S. district courts, this record group includes the records of U.S. territorial courts, U.S. circuit courts, and Confederate States district courts. Jurisdiction includes criminal cases, tort suits by aliens, common law and equity suits involving the United States, suits involving an alien, and suits between citizens of different states. Appellate jurisdiction was transferred from circuit courts to courts of appeals by the Judiciary Act of 1891 (26 Stat. 826).

<http://tinyurl.com/KyLaw2016>

Resources: (Compiled from HathiTrust, GoogleBooks, Ancestry, Louis D. Brandeis School of Law Library, University of Kentucky College of Law Library, WKU Libraries)

An Administrative History of Kentucky Courts to 1850. William C. Richardson. Frankfort: KDLA, 1983.

A Complete Index to the Names of Persons, Places and Subjects Mentioned in Littell's Laws of Kentucky. W.T. Smith. Lexington: 1931; GPC:1994, 1996,

<http://search.ancestry.com/search/db.aspx?dbid=48044&path=>

https://books.google.com/books/about/A_Complete_Index_to_the_Names_of_Persons.html?id=1EGbn32879cC

<https://babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t2f76gw10;view=1up;seq=5>

Kentucky Pioneer and Court Records : Abstracts of early wills, deeds, and marriages from court houses and records of old Bibles, churches, grave yards, and cemeteries. Lexington, Ky.: Mrs. H.K. McAdams, 1929. <http://search.ancestry.com/search/db.aspx?dbid=28676>

Kentucky Court and Other Records, Vol. I. William B. Ardery, GPC: Baltimore, 1986.

<http://search.ancestry.com/search/db.aspx?dbid=48581&path=>

Kentucky Court and Other Records, Vol. II. Mrs. William B. Ardery, GPC: Baltimore, 1994.

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Petitions of the early inhabitants of Kentucky to the General Assembly of Virginia : 1769-1792. James Rood Robinson. Louisville, Ky.: J.P. Morton & Co., 1914. {Filson Pub No. 27]

<http://search.ancestry.com/search/db.aspx?dbid=22745&path=>

Littell's Statute Law of Kentucky, Vol 1, Section 1

<http://digital.library.louisville.edu/cdm/compoundobject/collection/law/id/3863/rec/2>

Littell's Statute Law of Kentucky, Vol 1, Section 2

<http://digital.library.louisville.edu/cdm/compoundobject/collection/law/id/2927/rec/1>

Littell's Statute Law of Kentucky, Vol 2

<http://digital.library.louisville.edu/cdm/compoundobject/collection/law/id/1283/rec/3>

Littell's Statute Law of Kentucky, Vol 3

<http://digital.library.louisville.edu/cdm/compoundobject/collection/law/id/632/rec/4>

Littell's Statute Law of Kentucky, Vol 4

<http://digital.library.louisville.edu/cdm/compoundobject/collection/law/id/1892/rec/5>

Littell's Statute Law of Kentucky, Vol 5

<http://digital.library.louisville.edu/cdm/compoundobject/collection/law/id/2525/rec/6>

The statute law of Kentucky, with notes, preelections, and observations on the public acts. Comprehending also the laws of Virginia and acts of Parliament in force in this commonwealth; the charter of Virginia, the federal and state constitutions, and so much of the King of England's proclamation in 1783, as related to the titles to land in Kentucky. Together with a Table of Reference to the cases adjudicated in the Court of Appeals.

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A digest of the Statute Laws of Kentucky, being a collection of all the Acts of the General Assembly, of a public and permanent nature, from the commencement of the Government to May session, 1822, also, the English and Virginia statutes, yet in force: William Littell & Jacob Swigert, Frankfort, 1822. 2 volumes.

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Kentucky. Court of Appeals: *Car service cases : Kentucy Wagon Mfg. Company versus Ohio & Mississippi Railway Company et al 1895.* (Scranton, Pa.) (page images at HathiTrust; US access only)

Kentucky. Court of Appeals: *Cases selected from the decisions of the Court of appeals of Kentucky, not heretofore reported. [1795-1821] Published by William Littell ... In compliance with an act of the Legislature* (Frankfort, Printed by Amos Kendall and company, printers for the state, 1824) (page images at HathiTrust)

Kentucky. Court of Appeals: *Civil and Criminal Codes of Practice of Kentucky : With notes of decisions of the Court oAppeals : Amendments and and Acts relating to Codes to July, 1988 /* (Louisville : The Courier-Journal Job Printing Co., 1888), also by Kentucky and John D. Carroll (page images at HathiTrust)

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Kentucky. Court of Appeals: *A digest of all the decisions of the Court of Appeals of Kentucky reported in the Kentucky opinions, volumes one to thirteen, inclusive, covering the period from June 13, 1866, to May 29, 1886; compiled under the American digest classification, including sectional key numbers;* (Indianapolis, Bobbs-Merrill Co., 1915), also by Daniel Woolsey Crockett, Charles Middleton McDonald, J. K. Roberts, J. Morgan Chinn, and Kentucky law reporter (page images at HathiTrust)

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