

# Papers and Parchments

Managing Large-Scale Court Records Projects

Mid-Atlantic Regional Archives Conference

Buffalo, New York | 28 October 2017

# Learning to Understand Archives

Geof Huth, Chief Records Officer / Chief Law Librarian  
New York State Unified Court System

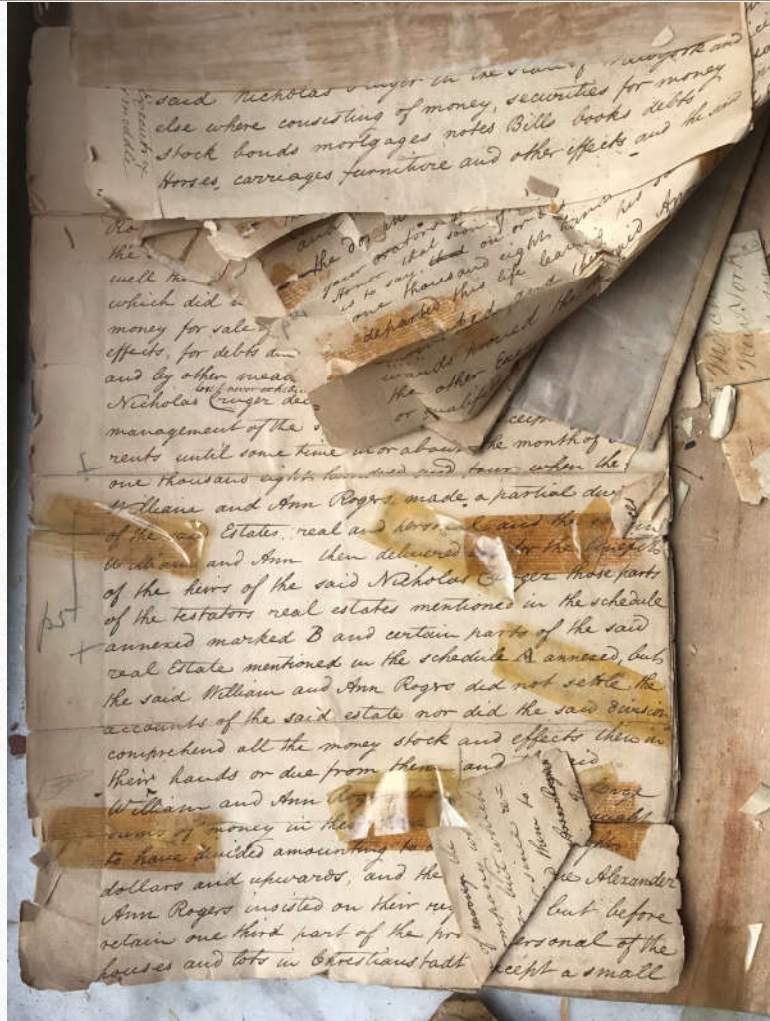


# History as Chaos





# Remaking Archives





# The Supraseries

Book 2 } Of the Term of July  
Sup: Court } one thousand seven hundred  
and ninety two —

Many Satisfaction is acknowledged  
between John Sanders, Plaintiff  
and Myndert J. Sen Ryck  
defendant in a plea of debt  
for one thousand seven hun-  
dred and twenty eight  
pounds, five shillings debt,  
and five pounds, eighteen  
shillings damages —

Judgment entered  
July Term 1791 —

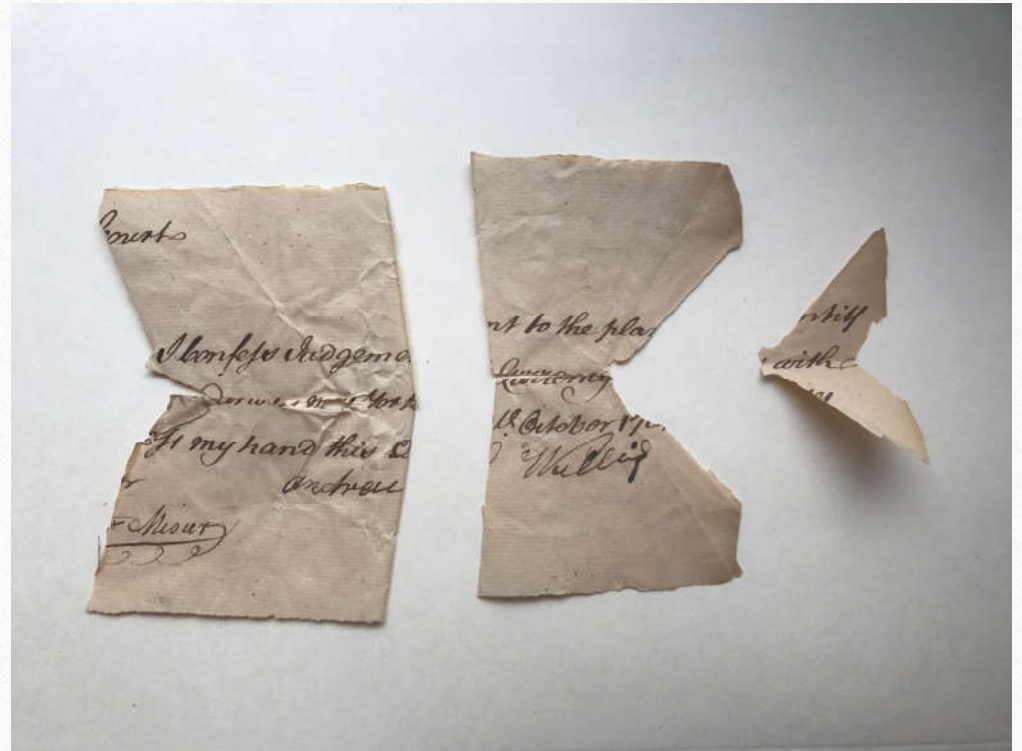
Wm. H. P. last  
att. for  
Plaintiff

# Original Disorder vs Unoriginal Order

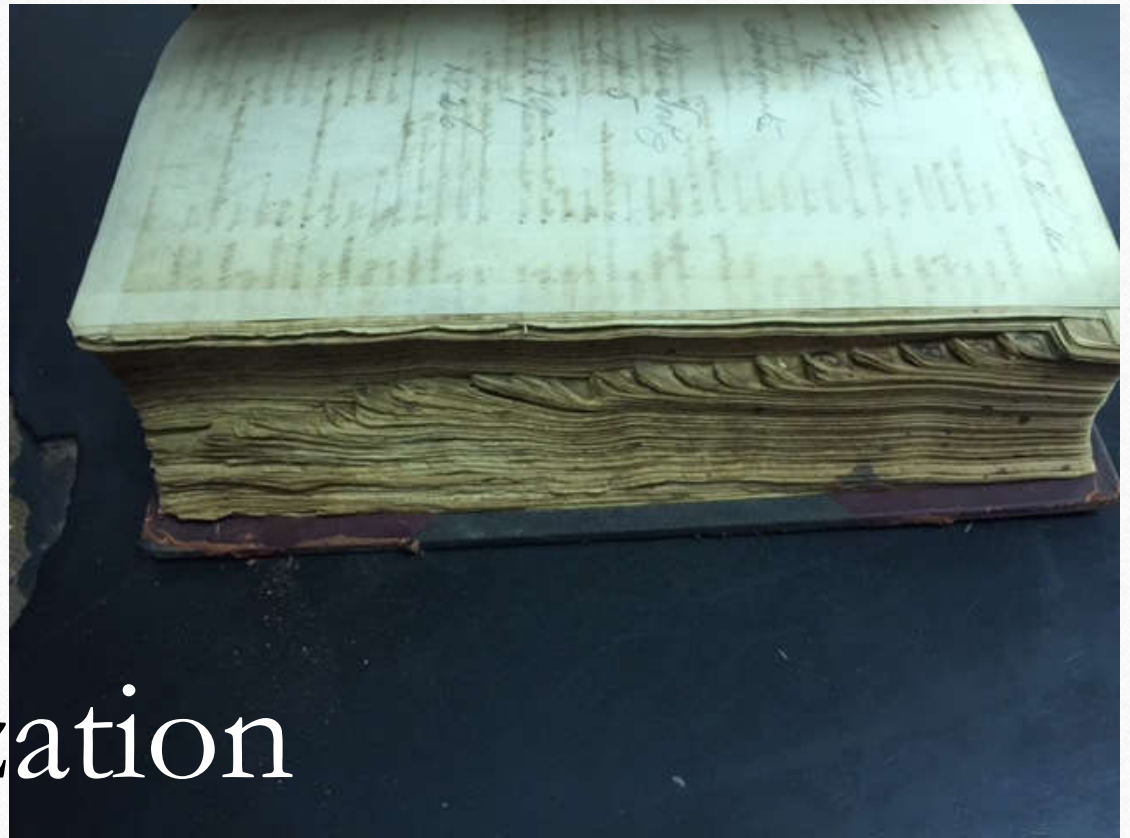




# Informational Conservation



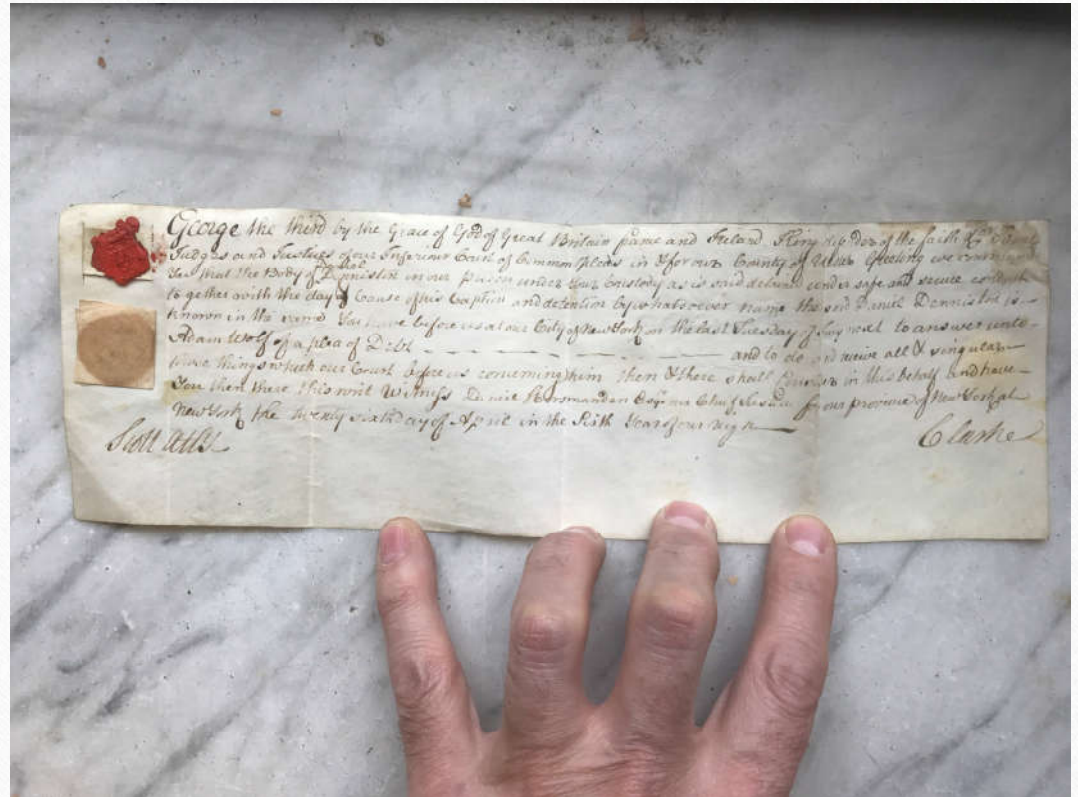
# Archival Contextualization





# 1. Historical

## 2. Functional

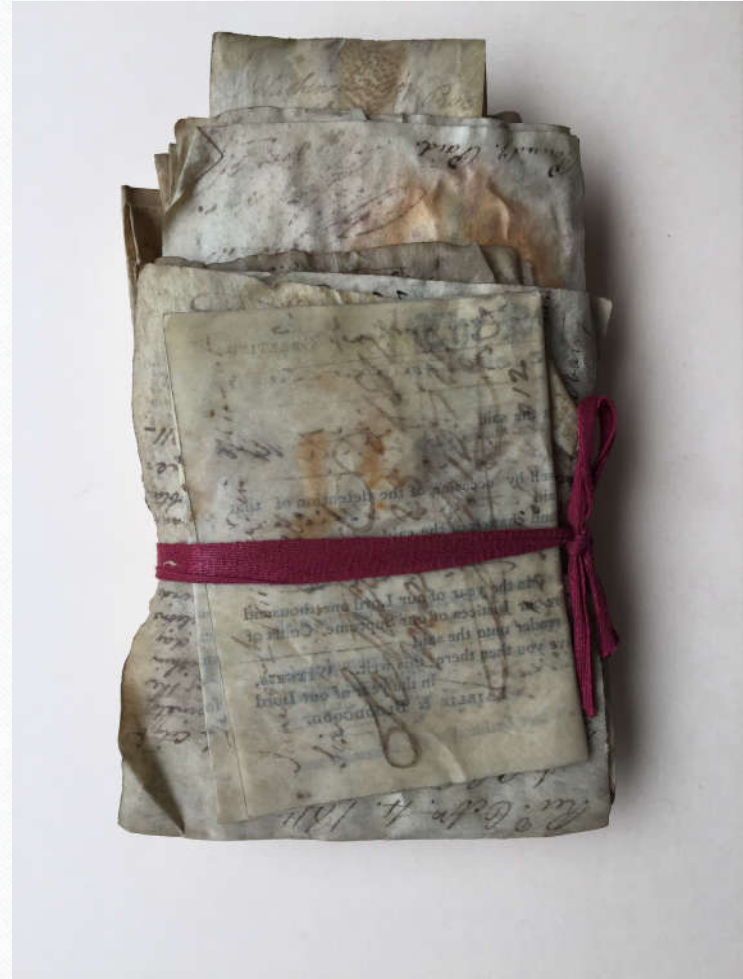


## TYPES OF CONTEXT

### 3. Structural

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### 4. Procedural

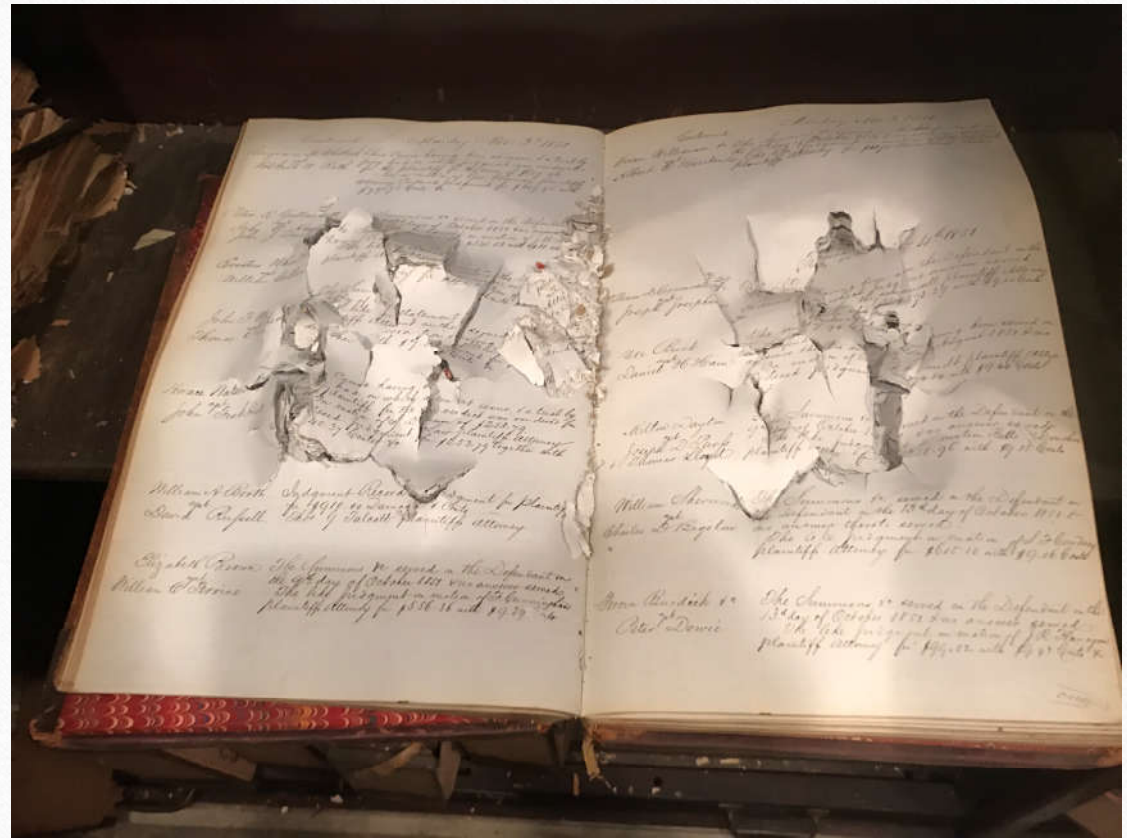




## TYPES OF CONTEXT

5. Physical

6. Human



## TYPES OF CONTEXT

7. Custodial

8. Dispersal

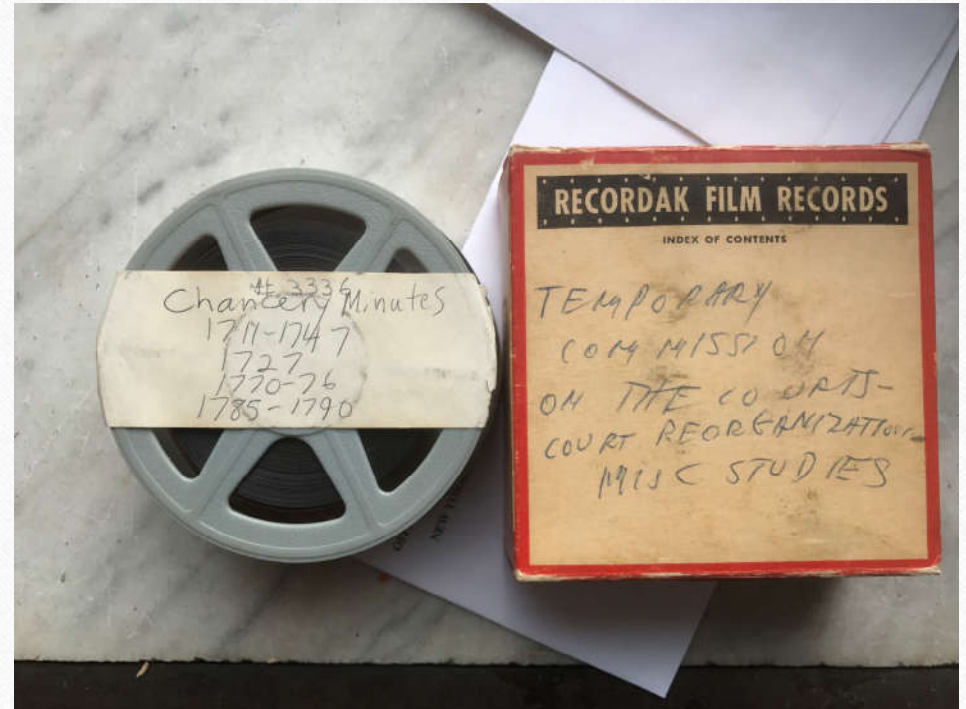




## TYPES OF CONTEXT

9. Multiplicities

10. Metadata

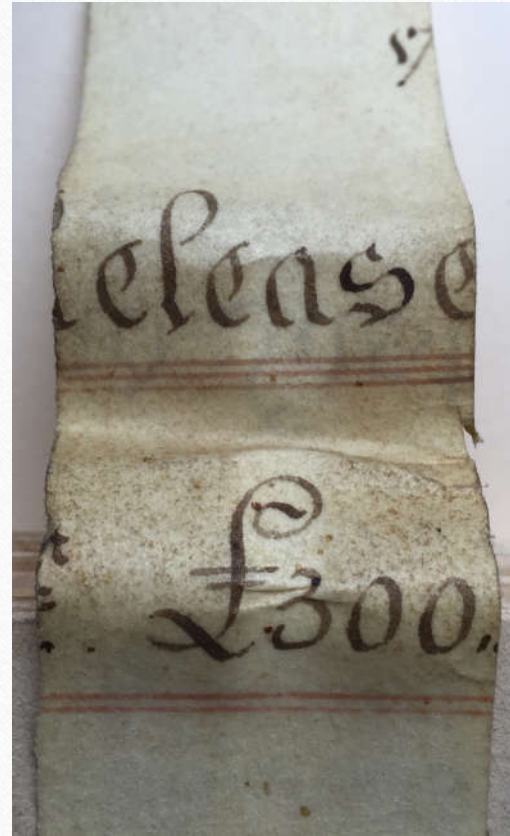


## TYPES OF CONTEXT

11. Paradata

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12. Literary





The Objective  
of Archives is  
Knowledge



# Creating a Digital Document Portal

William P. Tatum III, PhD, Dutchess County Historian  
Dutchess County Department of History



# Dutchess County's Ancient Documents Collections



## Crime, Society, and Records Management, 1721-2017





Detail: Ancient Document 11649

The Ancient Documents Collection falls under OCA retention schedule *Civil Records of the Supreme and County Courts*, Series # 20460 Miscellaneous Court Papers (Retain permanently). Material in this collection comprises records from the county court of general sessions and common pleas, 1721-1862. Document types include pleas, verdicts, arrest warrants, court bills, evidence (ranging from depositions to bills of goods), judgments, presentments, writs, precepts for grand inquests and juries, coroner's inquests, and case summaries, are relating to civil suits for debt, with occasional cases of assault, bastardy, and defamation.











# INDEX TO NAMES CONTAINED IN ANCIENT DOCUMENTS

Index to NAMES CONTAINED IN ANCIENT DOCUMENTS--Dutchess County, N. Y.						
18th Century Dutchess County, N. Y. 3						
18th Century Dutchess County, N. Y. 3						
NAME	DATE	NAME	YEAR	Place or Address	Type of Instrument	FILE NO.
John		Calkin, Jr.	-	-	Affd.	4110
		Capias in various names	-	-	-	9656
		Capias varied	-	-	-	9279
	T.	Calk	1738	Fok	Decla.	1835
	T.	Calk	1741	Fok	Writ	42
John		Cally	1741	Fok	Bail bond	59
J.		Campbell	1742	S. P.	Bond	1850
J.		Calkin, Jr.	1742	Beekman	Decla.	1768
John		Calkin	1742	-	Decla.	1641
Jeremiah		Calkin	1742	Fok	Decla.	2011
J.		Calkin	1743	Fok	Ven.	1664
John		Calkin	1746	Fok	Inq.	454
J.		Calkin	1746	Fok	Writ	613

## Records Management Challenges



Ancient Document 12498A

1. Preservation: Documents suffering from a variety of issues ranging from fragmentation to mould growth and water damage.

2. Disaster Management: Poor condition and incompleteness of microfilm meant there was no true back-up for the originals.

3. Access: microfilm copies difficult to use and not synced to existing index. Existing index of limited versatility. Over-use of originals.



## Solution 1: Re-house Records



BEFORE Re-housing

## AFTER Re-housing:





## Solution 2: Index Records into keyword searchable format

Inventory of Ancient Documents Review 5-5-17 KL of Phase 1-3.xlsx - Microsoft Excel

	A	B	C	D	E	F	G	H	I	J	K	L
	Document Number	Month	Day	Year	Number of Pages	Record Type	Parties Involved	Box number	Offense	Location	additional information	add. info. cont.
1113	817 (A)	NA	NA	NA	2	Inquisition	Thomas Noxon, (juror); Stephen Uideto, (juror); Jacobus Van Kleeck, (juror); Morcecal Lester, (juror); Elias Van Bunschooten, (juror); Thomas Stillwell, Barnet Bond, (juror); Joseph Gale, (juror); Ezekial Spiner, (juror); Cyrenius Newcomb, (juror); John Bookhout, (juror); Isaac Burton, (juror); Clear Everitt, (Sheriff);	5	Debt	Poughkeepsie	Related to record 817.	
1114	818	October	NA	1756	3	Narration	James Sackett, (plain.); Edward Graham, (plain.); Isaac Namburgh, (def.);	5	Debt	Poughkeepsie	Slight water damage along the right hand side of all pages of the record.	James Sackett (assignee)
1115	818 (A)	NA	NA	NA	2	Copy of Bill Penal	James Sackett, (plain.); Edward Graham, (plain.); Isaac Namburgh, (def.);	5	Debt	Poughkeepsie	Slight water damage along the left hand side of the record.	James Sackett (assignee)
1116	819	October	NA	1757	2	Narration, Bill Penal	Robert Graham, (plain.); Dirch Van Tessel, (def.);	5	Debt	Poughkeepsie	Slight water damage along the right hand side of the record.	
1117	820	NA	NA	NA	2	Copy of Bill Penal	Robert Graham, (plain.); Dirch Van Tessel, (def.);	5		Poughkeepsie	Slight water damage along the right hand side of all pages of the record.	
1118	821	October	NA	1744	2	Judgment	Mathys Earnest, (plain.); Frans Cole, (def.);	5	Debt	Poughkeepsie		
1119	822	May	NA	1744	2	Judgment	Houd Van Noss, (plain.); William Smith, (def.);	5		Poughkeepsie		
1120	823	October	NA	1743	2	Judgment	John Tappen, (plain.); Hendrick Mase, (def.);	5		Poughkeepsie	The record is ripped and has slight water damage.	
1121	824	NA	NA	1758	2	Copy of Bond	Martin Hoffman, (plain.); Matthew Baldwin, (def.);	5	Debt	Poughkeepsie	Seven lines of an account on the back.	
1122	825	May	NA	1753	2	Bond	Clear Everitt, (plain.); Thomas Sering, (def.);	5	Debt	Poughkeepsie	Eight lines of an account on the back.	For the sum of payable
1123	826	March	NA	1757	2	Copy of Bill Penal	James Duncan, (plain.); Johannis Seckelhem, (def.); Tarey Seckelhem, (def.);	5	Debt	Poughkeepsie		
1124	827	NA	NA	NA	2	Copy of Order in Bastardy	Simon Noxon, (def.);	5	Bastardy	Poughkeepsie	Simon Nixon charged with fathering a illegitimate child and charge child support to the mother.	Case about illegitimate ch 2346

Count: 12 90%



Dutchess County Ctl to  
plus. onay Court 1740

Stephen Ladue  
ad.

Johns. van voor hees jul } plus

Filed Oct. 18 : 1740

ANCIENT DOCUMENT

1715

DUTCHESS COUNTY, N. Y.

may land in the North York of the River  
of our Savage and George the said being 40.

and the afore said Stephen Ladue who is and as  
Constable of Rombeek present in Dutchess County afore said, well  
acknowledged the taking of the light Blue Cloth coat and  
vestments, and on part of the Court afore said in the afore said  
place in which Wt. and Justly Wt. because he think that he  
the said Stephen was Commanded by a certain warrant directed  
to the Constable of Rombeek present, afore said, which said warrant  
was signed and sealed by Justice D. Procter and John Montross Just  
ices of his Majesty's Justice of the peace for the said County of Dutchess  
and directed to the Constable of Rombeek present, afore said and  
the said Stephen was Constable of the said present, which said  
warrant was worded as followeth to witte Dutchess County St. by Justice  
D. Procter and John Montross Justices of the peace for the County of Dutchess  
afore said, to the Constable of  
Rombeek present, greeting &c. Whereas Long land hath been  
made to us and it appears by the oath of two witnesses duly  
sworn that John van Voor hees Jul. hath maliciously  
Lately Reth maliciously stoped the high way leading from  
the Longspringes Creek to the mill of Mr. Ethervine Probst  
in the said County, by cutting away a Cross the said highway  
so that it cannot be used. You are therefore hereby Commanded  
to lay the same of forty Shillings on the Good and Chastity of  
him the said John van Voor hees Jul. if to be paid within your  
County by distress and sale thereof returning to him the over  
plus of any sum be the Charges of distress and the Constable  
Charge of this precept being first deducted and you are to pay  
the said forty Shillings into the hands of the Surveyors of the Highway  
to be applied for and to used repairing the high way  
Adges on the time of this precepter date, for which this  
be your sufficient warrant given under our hand and seal this  
27th day of April anno 1740. Wherefore the said Stephen as  
Constable of Rombeek present afore said, doth well allowe  
the taking of the Coat and vestments of the Court afore said  
at the time and place & within the jurisdiction of the said Just  
ices Declaration above mentioned, and Justly, and this he is ready  
to verify when he shall be demanded Judgment and satisfaction  
of the said John van Voor hees Jul. the action afore said against him the



Indexing Team, Fall 2016



### Solution 3: Create complete digital surrogate multi-page Tiff files

Publick town meeting held in Rumbout  
precinct on Tuesday the 3 Day of April anno domini  
1753 the freeholders and inhabitants of said precinct  
The several reasons to these several signs the same  
Dutch Rumbout high town Clerk  
Thomas Langdon Supervisor  
Henry Roachman and George Brimblehoff officers  
Daniel outwater Collector  
Johannis Witter, Johannis Roachman John Henry Constable  
for path master  
Cotinius Love & William Hoogland & Samuel Thoms  
Nathaniel Benker & Joseph Wap Henry Roachman Junior  
Cornelius Luster Henry Jeter Isaac Adams  
George Smith & Joseph Durling & Hendrick Grady  
James Van plank & Nicholas Van Klok & Joseph Ogden  
Philip Heremans & John Forcelling & Constantine  
Abraham Rivaux and  
Isaac Lent poor master

Ancient Document 3078 Election of  
officers  
Rumbout Precinct, 1753

1753  
Mr Henry Langdon  
Dutchess County  
Ancient Document  
3078  
DUTCHES COUNTY  
N.Y.



## Solution 4: Combining images and metadata in online search portal

**Dutchessny.GOV**  
Official website of Dutchess County Government, New York

Search our site

County Government | Municipalities | Schools | Business & Community | Tourism, Arts & Leisure

County Government >> Departments >> County Clerk >> Ancient Document Search

**Info Finder**

**Department Info**

- About Us
- Contact Information and DMV Locations
- Directions to Our Offices
- Ancient Document Search
- County Clerk Document Search
- Information About...
- Return the FAVOR
- Fee Schedules
- News Releases
- Forms and Guidebooks
- Renew Local First
- NYS Division of Licensing Services
- NYS Courts Electronic Filing (NYSCEF)
- NYS Department of Motor Vehicles
- Frequently Asked Questions (FAQs)

**Ancient Document Search**

The County Clerk Ancient Document Search allows you to explore digital images of 37,000 pages of eighteenth-century legal documents. These records comprise the oldest surviving manuscripts from the Dutchess County Court of Common Pleas and General Sessions, which began operation in 1721 through 1738 (document numbers 1-11400).

These documents detail daily life in Dutchess County as seen through both civil and criminal cases that came before the judges and justices of the peace.

**How do I search the Ancient Document Portal?**

You can search our documents using any one or a combination of the items listed here.

**Name/Party**

- Enter the name of an individual for which you are searching or the party identifier (a party identifier is the role a person played in a documented case – for example, a justice of the peace).

**Record Type**

- Enter the type of record for which you are searching. These include:
  - Bonds
  - Arrest warrants
  - Recognizances (when a person promises a court or magistrate to observe some condition – for example, to appear in court when asked)

**Type of Offense**

- Enter the variety of crime. Examples include:
  - Debt
  - Assault
  - Bastardy (A child born out of wedlock)

**Location**

- Enter the municipality in which you are interested. Whenever possible we include where an incident occurred.

**Year or Date**

- Enter the target year, full or partial date (month/day/year format) to search specific periods of time. (The dates reflected in our system are when the document was created and not necessarily when an event happened).

**Accessibility**

Language and Accessibility Options User Guide

**DutchessDelivery**  
sign-up/sign-in

**October 2017**

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

**Related Info**

- Finance
- Real Property Tax Service Agency

**Continue**

[www.dutchessny.gov/ancientdocuments](http://www.dutchessny.gov/ancientdocuments)

## Ancient Documents Portal Search Interface

### Ancient Documents

The asterisk (\*) can be used as a wildcard character. Note: Due to the size and resolution of the scanned documents, the images are fairly large and may take a few minutes to download.

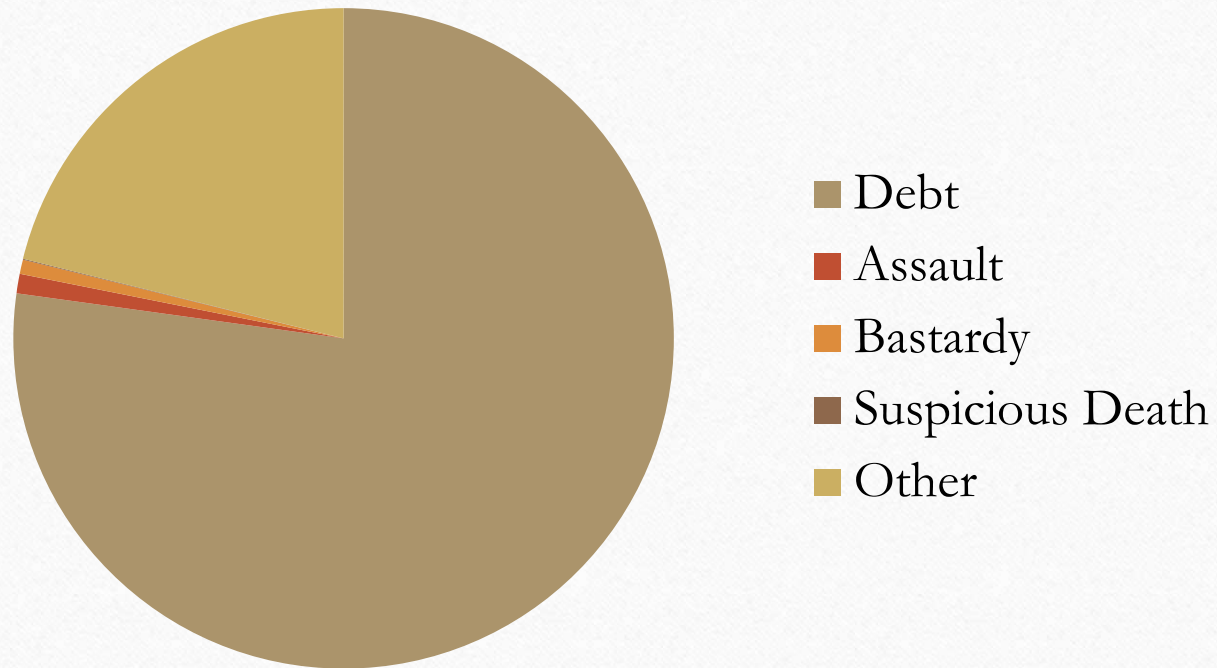
Name / Party <small>(<a href="#">View Party Types</a>)</small>	Record Type <small>(<a href="#">View Record Types</a>)</small>	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>
City	Offense <small>(<a href="#">View Offense Types</a>)</small>	Document Number
<input type="text"/>	<input type="text" value="bastardy"/>	<input type="text"/>
<input type="button" value="Search"/>		<input type="button" value="Clear"/>

Document Number ^	Date (Y/M/D) ^	Party ^	Record Type ^	Offense ^	City ^
827		SIMON NOXON, (DEF.)	COPY OF ORDER IN BASTARDY	BASTARDY	POUGHKEEPSIE
831		DEBORAH HAMBLETON, (WITNESS)	EXAMINATION	BASTARDY	POUGHKEEPSIE
912		SIMON NOXON, (DEF.)	ARREST WARRANT	DEBT. ORDER OF BASTARDY.	POUGHKEEPSIE
913		ANDREW HAXTON, (DEP.)	DEPOSITION	BASTARDY	POUGHKEEPSIE
913		DEBORAH HAMBLETON, (WITNESS)	DEPOSITION	BASTARDY	POUGHKEEPSIE
913		WILLIAM HUMPHREY, (JUDGE)	DEPOSITION	BASTARDY	POUGHKEEPSIE
156	1742/??/??	JOHN MONTROSS, (JUDGE)	RECOGNIZANCE	DEBT. BASTARDY.	POUGHKEEPSIE
156	1742/??/??	MARIA DELANGE, (PLAIN.)	RECOGNIZANCE	DEBT. BASTARDY.	POUGHKEEPSIE
156	1742/??/??	MARTEN ESTERLE MILLER, (DEF.)	RECOGNIZANCE	DEBT. BASTARDY.	POUGHKEEPSIE
156	1742/??/??	MARTEN SCHENCK, (DEF.)	RECOGNIZANCE	DEBT. BASTARDY.	POUGHKEEPSIE
156	1742/??/??	WILLIAM BIRPLENCH, (DEF.)	RECOGNIZANCE	DEBT. BASTARDY.	POUGHKEEPSIE
1773	1743/05/??	JACOBUS TERBOS, (JUDGE)	ORDER IN BASTARDY	BASTARDY. ESTERLE HAS TO PROVIDE MONEY TO THE MOTHER FOR THE CHILD.	POUGHKEEPSIE



Why are the Ancient Documents important?

**Ancient Documents Phase 1: 6,124 documents**



Document Breakdown by Offense type

Doc 3502: Van Voorhees and Van Bunschoten v. DuBois for Goods

Dutchess Court of  
Common Pleas

October Court in the Year of our Lord One  
thousand Seven hundred And fifty three

Dutchess Co Court Van Voorhees And Tunis Van Bunschoten Complainers  
Against Lewis Dubois for that Whereas the Said Lewis the first  
Day of May for the Year of our Lord One thousand Seven hundred  
And fifty three at Schoharis in the County of Dutchess aforesaid  
And within the Jurisdiction of this Court was Indebted Unto the  
Said Coert and Tunis in the Sum of One Hundred and Sixty Five  
Pound Nine Shillings and three Pence Lawful Money of New  
York for one Negro Man Slave One Negro boy Slave Divers Horses  
Cows Sheep And Divers farmers Implements And Utensils And  
Divers good wares And Merchandizes to the Said Lewis by the  
Said Coert and Tunis at the special Instance And request of the Same  
Lewis before that time sold and Delivered to the Said Lewis

"Indebted Unto the Said Coert and Tunis in the Sum of One Hundred and Sixty Five Pound Nine Shillings and three Pence Lawful Money of New York for one Negro Man Slave One Negro boy Slaves Divers Horses Cows Sheep And Divers farmers Implements and Utensils And Divers good wares and Merchandizes..."



## Doc 1015A: Manumission of Cornelius Jansen

Know all Men By these Presents, That  
I the Subscriber hereof Francis Tanssen, of Mon-  
rovia Township in the County of Ulster Inhabitant,  
Being a Master of Colours, Dutch Free man, by  
Reason being born by a white Woman, At the  
Request of my Son Cornelij Tanssen, and for the Love  
and Respect which I have and bear towards  
him, he being now a Sweller and Labourer  
within Dutchess County and Dutchess  
County, Have and By these Presents Do  
for Love and Fatherly Affection, Give  
my said Son Cornelij Tanssen afore said Free so for  
himself and his Heirs forever.

"Know all men by these Present, That I the Subscriber hereof Francis Jansen, of Mombaccus Township in the County of Ulster Inhabitants being a Mulattoo of Colour but a Freeman, by Reason being born of a white Woman, At the Request of my Son Cornelis Jansen, and for the Love and Respect which I have and bear towards him, he being now a dweller and Labourer within Rhinebeck Precinct and Dutchess County, Have and by these Presents, Do for Love and Fatherly Affections take, give my said son Cornlis Jansen afores<sup>d</sup> free"



Doc 3256: Indictment for Assault

Jurk. upon their Respective Oaths. do present that, Johan Christoffell  
Hartwick of Rynbeck precinct in Dutchess County Aforesaid Lutheran  
Minister. in the Lutheran Meeting house or Church. at Rynbeck Aforesaid  
on the fourteenth day of April last past. an assault did make on the  
body of Martin Sitcher of Rynbeck Aforesaid Labourer and him the  
said Martin Sitcher then and there did Assault beat pushed and  
Kicked out of said Church, and other harms and misdemeanors to

"...that John Christofell Hartwick of Rynbeck precinct...Lutheran Minister in the Lutheran Meeting house or Church at Rynbeck Aforesaid...an assault did make on the body of Martin Sitcher...Labourer and him the said Martin Sitcher then and there did Assault beat pushed and Kicked out of said Church..."



**Doc 7622A Recognizance in Bastardy for Abraham Van Wyck**

*The Condition of this obligation is such that if the  
Above Bounden Abraham Van Wyck  
shall & Do personally be and appear before the Justices of our next Court  
of Generall Sessions of the peace which is to be held at Fraughterie  
In and for Dutchess County on the First Tuesday in October  
Next and shall then there answer unto our sovereign Lord the King in all  
Such Matters and things as shall then there be alledged against him  
by Catharine Horton of Rumbout precinct in the said County  
Concerning a Bastard Child, which Child the said Elizabeth has  
sworn on the said Abraham Van Wyck before the Birth...*

“...this obligation is such that if the Above Bounden Abraham Van Wyck shall & Do personally be and appear before the Justices...& there answer...all such Matters...be alledged against him by Catharine Horton of Rumbout Precinct in the Said County Concerning a Bastard Child, which Child the said Elizabeth has sworn on the said Abraham Van Wyck before the Birth...”

Doc 10136: Recognizance for Joseph Simpson from Committee of Safety

State of New York ss.  
Be it remembered that on this Sixth day of November in the year of our Lord  
one thousand seven hundred and Eighty personally appeared before us Probust  
Harpur, Gilbert Livingston and Henry Williams Esquires, Commissioners for  
inquiring into detecting and defeating all Conspiracies which may be formed in this  
State against the Liberties of America, Joseph Simpson of Poughkeepsie Prisoner  
in the County of Dutchess Labourer, who acknowledged himself to Owe and be  
indebted unto the People of this State in the sum of fifty pounds in specie, to be levied  
of his goods and Chattels Lands and Tenements, to the use of the People of this  
State if default shall be made in the Condition under written.

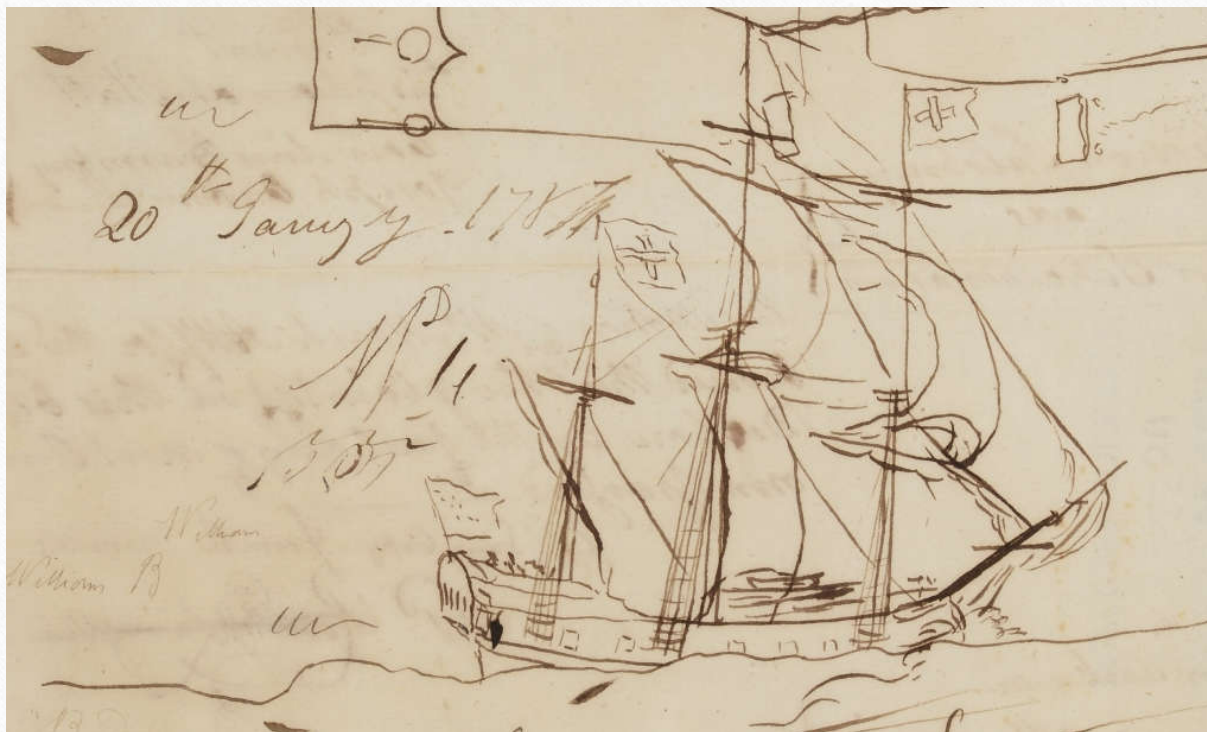
The Condition of the above Recognizance is such, that if the above named Joseph  
Simpson, shall <sup>personally</sup> appear at the next Court of General Sessions of the peace to be holden in and  
for the County of Dutchess, and Testify all he shall know, concerning certain  
Misdemeanors wherewith Joseph Scott of the Prisoner aforesaid stands charged,  
then the above Recognizance to be Void Otherwise to remain in full force.

Taken and Acknowledged before us  
the day and year first above written

Hen Williams.  
[Signature]  
Gilbert Livingston



William P. Tatum III, Ph.D.  
Dutchess County Historian



Detail: Ancient Document 11580

[wtatum@dutchessny.gov](mailto:wtatum@dutchessny.gov)

[www.dutchessny.gov/history](http://www.dutchessny.gov/history)

# Court Records in the New York State Archives

Understanding, Managing, Promoting Judicial Records

Jim Folts, Head of Reference Services

New York State Archives



## Why should archivists be concerned about legal and judicial records?

- Court records are voluminous, difficult to manage and costly to maintain. *Examples:*
  - apx. half the holdings of NARA's regional archives
  - largest volume of records in county clerk's offices in New York State
- Legal and judicial documents are found in every non-government archives. *Examples:*
  - deeds and mortgages      -contracts
  - account books (legally binding transactions)
  - wills and estate papers
  - court documents (summonses, orders, etc.)
- Legal documents and judicial records are often misidentified, misunderstood, and underused

## How are legal documents and judicial records related?

- Legal and judicial documents comprise a single documentation system of legal obligations and their enforcement in the courts.
- Real property law and law of contracts and early forms of torts developed in tandem with judicial remedies in later Medieval England (12th to 17th centuries).
- Judicial remedies and procedure were imported to British North America, adopted by U.S. and Canada.
- Legal documents outside court system are retained for business purposes; few preserved in archives.
- Judicial documents are systematically preserved, either temporarily or permanently; contain a wealth of data on private business transactions.



## “POINTS OF ARGUMENT”

- Archival state and local court records are dispersed, voluminous, valuable, and vulnerable records. The records should be managed by professional archivists in centrally-managed programs, and possibly preserved in central repositories.
- Archivists should understand legal-judicial documents, how they relate to systems that created them—commercial and realty law and the courts.
- Legal and judicial records fill gaps in documentary record of government and society, especially in time periods when other records are scarce.
- Court records access systems provide data and suggest priorities for archival access programs.

## Exposition and illustration of argument:

- **New York State Unified Court System**—long development of the nation's most complex court system, with a huge volume of widely-dispersed records now coming under professional direction
- **New York County Clerk's Office**—clerical management (by official court clerks) of historical NY State and NY City court records
- **New York State Archives**—example of archival management of pre-1847 state trial court records, and of state appellate court records, all periods
- **Transfer of pre-1847 trial court records from NYCCO to NYSA**—resulting in a unified archive of legally- and functionally-related archival records



## Exposition and illustration of argument:

- **Understanding ancient court documents**—understandable, not impenetrable; examples of pre-1847 documents from New York State Archives
- **Court records access systems**—card indexes compiled by NY County Clerk's Office provide data for electronic spreadsheets containing several million names; data indexing systems and needs are different in courts and in archives, but they overlap.
- **Innovative uses of historical court records**—examples from pre-1847 New York court records received by the New York State Archives in 2017; new knowledge from previously-unused sources.

# New York courts—colonial origins (1)

## What court records archivists need to know

GENERAL POINT: Archivists must understand court organization, jurisdiction, and procedure to catalog court records and assist researchers in their use.

- Colonial courts controlled by the royal governor and council; all judges and justices were appointed
- Parallel judicial systems adopted from England:
- Common-law remedies and procedure
  - Supreme Court, also Common Pleas Court in each county;
- Equitable remedies and procedure
  - Chancery Court headed by the royal governor
- Local courts held by city officials (NYC/Albany) and county justices of peace



## New York courts—colonial origins (2)

### What court records archivists need to know

- Appellate jurisdiction – governor and council
- Probate jurisdiction – governor and “surrogates”
- New York colonial courts adhered closely to English procedure and document forms.
- Resulting records and documents are very technical and difficult to understand.
- Colonial system of pleadings and document forms continued until 1848, when civil procedure was greatly simplified (in NY and later in other states).
- Supreme Court and Chancery Court colonial records were maintained in NYC (until early 2017)
- County court records maintained by county clerks

## New York State courts—1777-present trial courts of general jurisdiction

- New York State has had five major reorganizations of its court system (1777, 1823, 1847, 1896, 1962)
- Supreme Court and Chancery Court organized in eight regional circuits starting 1823
- Regional clerk's offices of Supreme Court, Chancery Court operated 1797-1847
- Reorganized Supreme Court absorbed Chancery Court in 1847, continues to be state's main court
- County Court organized 1847 (handles criminal cases outside NYC)
- Court system became progressively more complex, with many local and special-purpose courts



## New York courts—1777-present local and special trial courts

- Surrogate's Court est. 1787 (probate matters)
- Court of Claims est. 1915 (claims against state)
- Family Court est. 1962 (succeeded Children's Court)
- Numerous local courts (city, town, village, district)
- Separate lower-level trial courts in New York City (civil, criminal, housing)

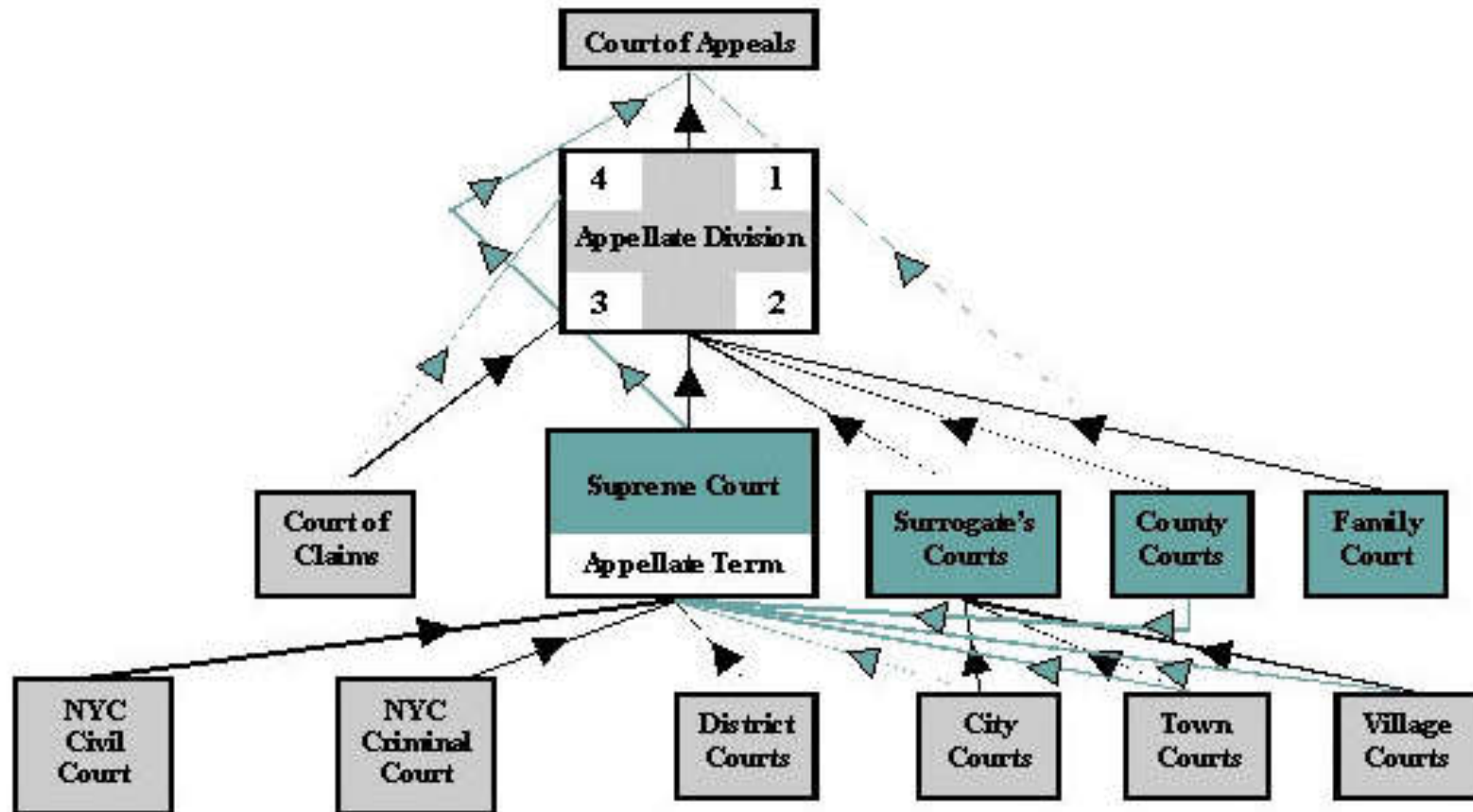
GENERAL POINT: New York's 1500+ trial courts maintain their own records, both archival and non-archival. Only custodians of records from multiple courts are the 62 county clerks—records of Supreme Court and (outside NYC) County Court.

## New York courts—appellate jurisdiction and judicial administration

- Supreme Court Appellate Division, est. 1847 and reorganized in 1896, is state's main appellate court
- Appellate Division is organized in four departments
  - Appeal records and briefs in First (NYC) and Second (Brooklyn) Departments alienated or destroyed
  - Appeal records and briefs in Third (Albany) Department in NYSA; Fourth (Rochester) Department retains them
- Court of Appeals, est. 1847, state's highest appellate court; records transferred to NYSA
- Unified Court System was established in 1962
- Office of Court Administration now manages a formerly decentralized, autonomous court system
- Records retention schedules adopted for entire court system in 1989



# New York courts organization chart



# New York court records—challenges and opportunities

- New York has most complex state court system in the nation with a huge caseload (state courts are far busier than federal courts).
- Records are voluminous—estimated one million cubic feet in late 1980s—held by 1500+ courts.
- Filing in trial and appellate courts is rapidly becoming electronic.
- Office of Court Administration's professional records managers seek innovative solutions for managing and preserving archival court records.
- NY State Archives and NYC Municipal Archives are cooperating with OCA in major initiatives.



## New York Court of Appeals pre-1847 records transfer to NY State Archives, Summer 1982

Pre-1847 Supreme Court and Chancery Court records of the upstate clerk's offices were transferred to NY State Archives in 1982. Colonial records and records of downstate offices, 1797-1847, remained at the NY County Clerk's Office in Manhattan—until 2017.

## "Duelly & Constantly Kept"



A History of the New York Supreme Court, 1691-1847  
and  
An Inventory of Its Records  
(Albany, Utica, and Geneva Offices), 1797-1847

A Joint Publication of the New York State Court of Appeals  
and the New York State Archives and Records Administration



New York County Clerk pre-1847  
court records transfer to New York  
State Archives, January 2017

“Hall of Records,” 31 Chambers St.,  
New York City – home of New York  
City Department of Records &  
Information Services (DORIS), New  
York County Surrogate’s Court, and New  
York County Clerk’s Office—Division  
of Old Records. Building was opened in  
1907.





# NY County Clerk pre-1847 transfer to NY State Archives

“Hall of Records”

31 Chambers Street

New York City

Main Lobby





# NY County Clerk pre-1847 transfer to NY State Archives

Cultural Education  
Center

Empire State Plaza,  
Albany

Home of New York  
State Archives, State  
Library, and State  
Museum





## New York County Clerk pre-1847 court records transfer to NY State Archives

- NYS Unified Court System authorized transfer of records to Archives in late 2016:
  - Supreme Court of Judicature, 1691-1797
  - Supreme Court of Judicature—NYC office, 1797-1847
  - Court of Chancery, ca. 1711-1847
  - Court of Chancery, First Circuit, 1823-1847
  - Records indexes (paper and electronic)

## New York County Clerk pre-1847 court records transfer to New York State Archives

- Volume of records transferred from New York City to Albany, January 2017:
- Boxes (most 1 cu. ft.) – 1124
- Unboxed volumes, index drawers – 985
- Microfilm rolls – 750
- Electronic indexes – 185 MB (spreadsheets)



# New York County Clerk pre-1847 court records transfer to New York State Archives

Hundreds of “Woodruff” file drawers housed Supreme Court and Chancery Court files boxed for transfer to State Archives in Albany



New York County Clerk pre-  
1847 court records transfer to  
New York State Archives

“Willis files” (canvas covers, wooden fronts)  
housed other Supreme Court and Chancery  
Court files transferred to State Archives.





## New York County Clerk pre-1847 court records transfer to New York State Archives

Supreme Court and Chancery Court files were boxed by Unified Court System staff for transport to Albany. A new, comprehensive inventory accompanied the records.



# New York County Clerk pre-1847 court records transfer to New York State Archives

New York State Archives staff boxing card indexes for transport to Albany.

(Photo courtesy Geof Huth)





New York County Clerk pre-  
1847 court records transfer to  
New York State Archives

Transcriptions of Court of  
Chancery decrees, ca. 1800-1847  
(438 vols.)



# New York County Clerk pre-1847 court records transfer to New York State Archives

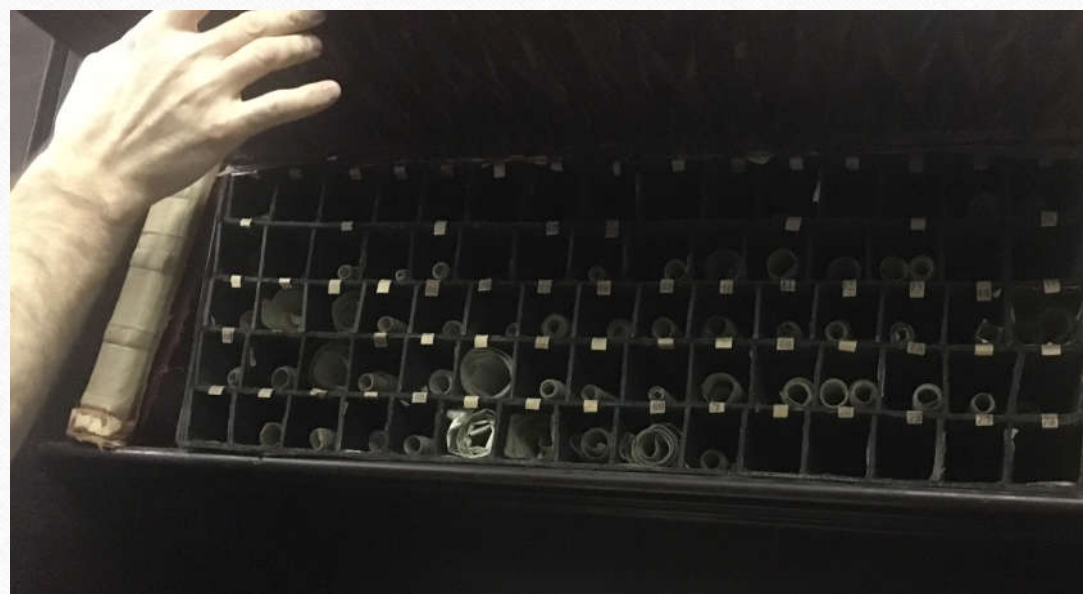
Transcriptions of  
Chancery decrees  
(bagged and bar-coded  
for shipment)





# New York County Clerk pre-1847 court records transfer to New York State Archives

Supreme Court “parchments” in their storage cabinets, before unrolling and flattening.



# New York County Clerk pre-1847 court records transfer to New York State Archives

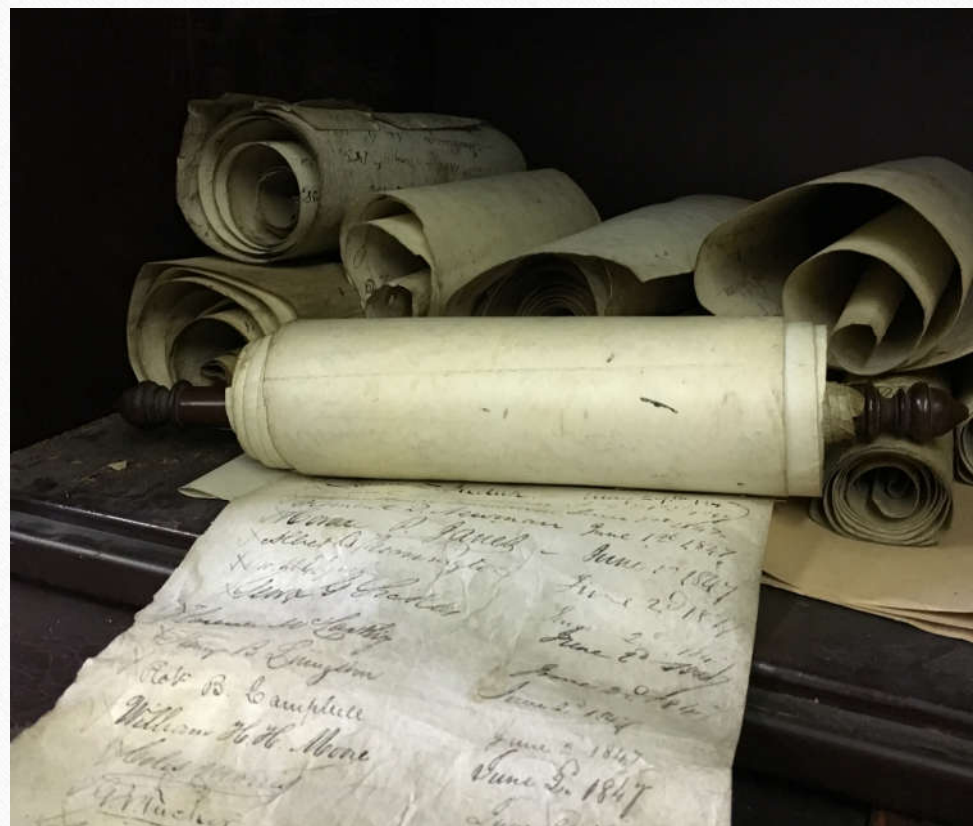
Supreme Court “parchments” ca. 1684-1848, formerly rolled, flattened and housed by a conservator for the NY County Clerk’s Office (221 portfolios)





# New York County Clerk pre-1847 court records transfer to New York State Archives

Parchment roll of Supreme Court  
attorneys and counsellors, ca. 1790-1847



## New York County Clerk pre-1847 court records transfer to New York State Archives

Most court records in the NY County Clerk's Office are in good order, but some are still unsorted. About 8,000 cu. ft. of NYC Mayor's Court records will go to NYC Municipal Archives.





## New York County Clerk pre-1847 court records transfer to New York State Archives

Card indexes were compiled by court staff in the mid-20<sup>th</sup> century. They totaled 320 drawers. Indexes containing data on pre-1847 cases were boxed for transport to Albany.



# New York County Clerk pre-1847 court records transfer to New York State Archives

State Archives and Unified Court System work crew at 31 Chambers Street, New York City, January 2017.





New York County Clerk pre-  
1847 court records transfer to  
New York State Archives

Unloading Pallets at Cultural  
Education Center in Albany



# New York County Clerk pre-1847 court records transfer to New York State Archives

Court records in their new home in Albany's Cultural Education Center.





# New York County Clerk pre-1847 court records transfer to New York State Archives

*New York Times* news story



## ***Centuries of New York History Prepare for a Move***

Caked in dust and dating back to 1674, the written records of a growing city are headed to new homes, to be preserved and made accessible to researchers.

By RICK ROJAS JAN. 5, 2017

New York Supreme Court records. Soon, thousands of boxes of documents will be moved in an effort to preserve the records and make them more



## New York County Clerk pre-1847 court records transfer to New York State Archives

Newly-acquired court records on display at NY State Archives in Albany for TV reporter.





# New York County Clerk pre-1847 court records transfer to New York State Archives

Cable TV news story



## Court records transfer—Results

- Records of pre-1847 colony- and statewide courts consolidated in one location 220 years after regional court clerk's offices were established.
- Records are now stored in a climate-controlled, secure archival facility.
- Record series are being cataloged according to national standards (many catalog records now available at <http://www.archives.nysed.gov>).
- Records are already being used for significant historical research.



## Understanding court documents: Judicial remedies—common-law

- Legal documents to be valid must conform to common-law and statutory requirements. Failure to perform legal agreement has a judicial remedy.
- Common-law remedies (from English law) are now guaranteed by statute:
  - collect money owed
  - obtain money damages for injury
  - recover alienated real/personal property
  - special remedies to ensure justice (writs of habeas corpus, mandamus, etc.)
- Main common-law court in NY pre-1847 was Supreme Court of Judicature. County-level equivalent was Court of Common Pleas.

## Understanding court documents: Judicial remedies—equity

- Equitable remedies (from English law) are now guaranteed by statute:
  - enforce a contract
  - resolve complex commercial disputes
  - obtain specialized writs to facilitate justice (subpoena, discovery, injunction, etc.)
  - appoint trustee to protect rights and property of vulnerable persons (widows, orphans, et al.)
  - dissolve a legal union (e.g. divorce, incorporated entities in some cases)
- Equity court in NY pre-1847 was Court of Chancery.
- Remedies available post-1847 in NY Supreme Court.



## Understanding court documents: Trial minutes 1796 – Pell v. Thompson

Minutes list the parties, their attorneys, jurors, and witnesses. Jury found verdict for defendant in action of ejectment (land dispute).

(Image courtesy GH)

Gilbert Pell } On an Action for false Imprisonment.  
Alexander Thompson } On Motion of Mr. Riggs for the Plaintiff, Ordered  
that he have leave to proceed to the Trial of this cause.

Mr. Hugh Attorney } The Sheriff returned the Court with a Panel of Jurors thereto  
for Defendant } annexed, which being called a sufficient number appeared and  
Mr. Hamilton of } the following Jurors were balloted and sworn (viz)

Nicholas G. Rutgers	John Selen
George Shonoy	Jasper Webber
Robert Kemble	Henry Remmey
Elisha Levensworth	John Clendenning
John Guffin	John Buskirk
Thomas Harvey	Francis Cooper

Witnesses sworn for Plaintiff.

William M. Chead	Witnesses sworn for Defendant
William FitzGerald	George Clinton Esq.
James Robinson	Horatio Dayton
John Gray	John Seymour
Isaac Van Buren	William Hill

A Constable was sworn to keep the Jury.  
The Jury being returned to the Bar say, they find a  
Verdict for the Defendant.

# Writs

(sealed court orders to sheriffs)

In common-law procedure, a writ commenced a case by notifying a defendant of an action against him. If there was a judgment, a writ concluded the case by ordering a sheriff to collect the money owed by the losing party. Writs had a standard structure and data fields.

(Image courtesy GH)

Caption		}	Number or "Testatum"
Case Title			Writ Type ["on"]
Plaintiff vs Defendant			Action
			Damages
			Vicinity
Signature of Attorney Requesting the Writ			
Date of the Release of the Writ			
Sheriff's Note on the Results of the Serving of the Writ			
			Signature of Sheriff
Filing Number of Writ		Date Filed	
Detailed Note of Sheriff Signature of Sheriff			
Note of the Defendant or Defendants			
Signature of Defendant or Defendants			



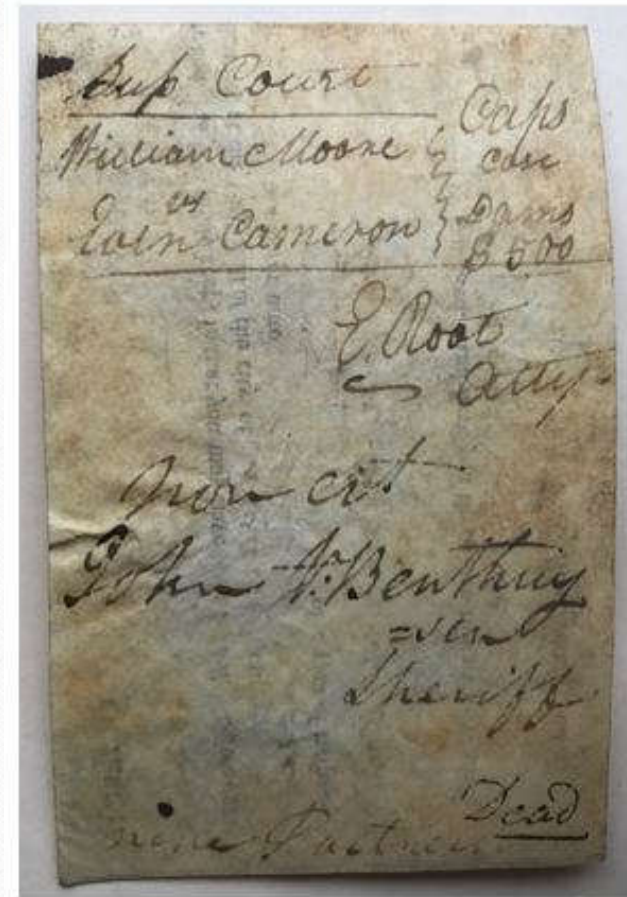
## Writs

(sealed court orders to sheriffs)

Writ to sheriff for arresting civil defendant to enter his response to the plaintiff's plea.

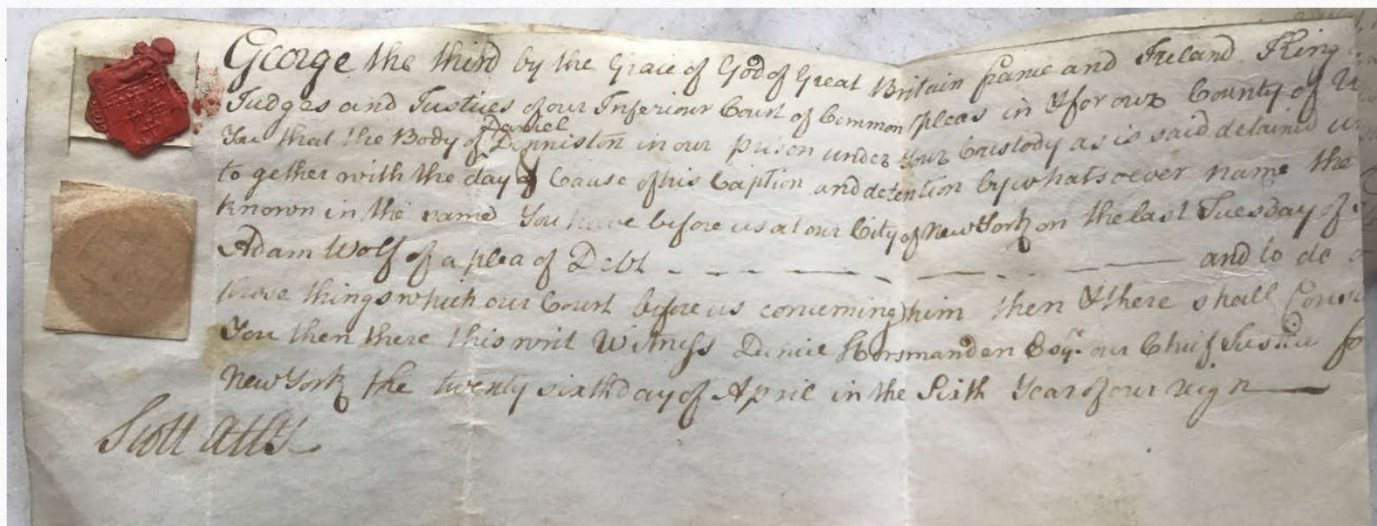
Endorsement summarizes what occurred. In this case the sheriff returned the writ with the note "Non est" (he does not exist—"dead").

(Image courtesy GH)



Supreme Court of Judicature Circuit Court  
Writ of Capias ad Respondendum  
with "Dead" as the Note of Explanation from the Sheriff

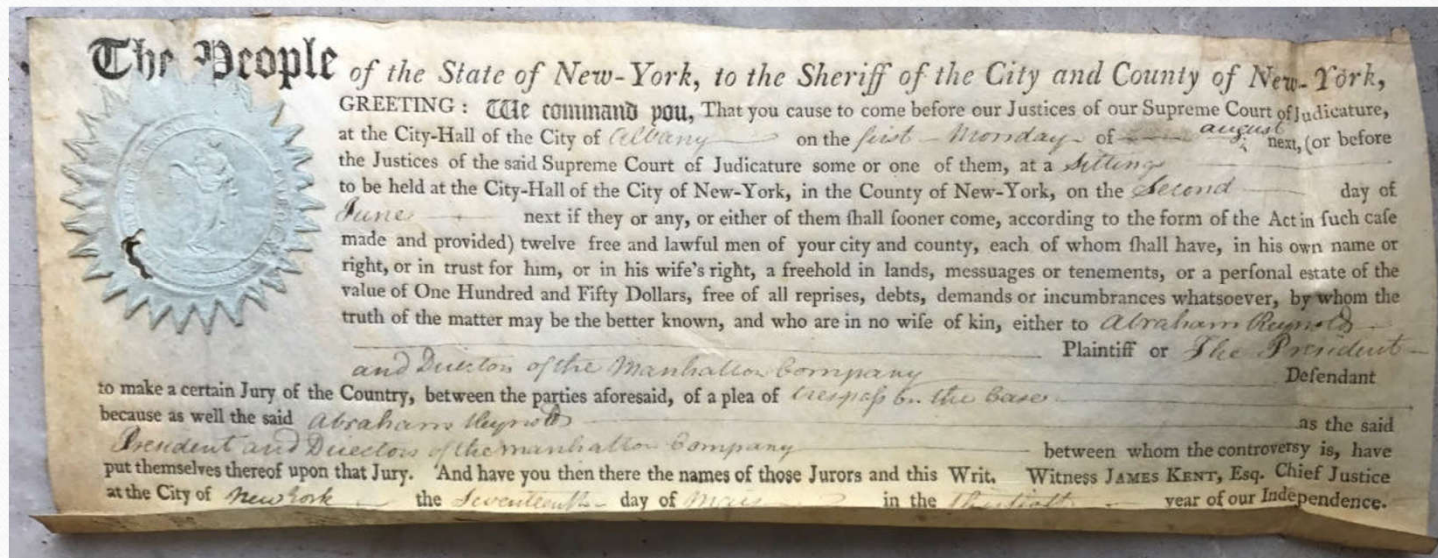
## Writs (sealed court orders to sheriffs)



Writ of *habeas corpus*, New York City/County, issued in the name of King George III, 1766 (orders Court of Common Pleas to produce in Supreme Court a defendant imprisoned for debt). On parchment. (Image courtesy GH)



## Writs (sealed court orders to sheriffs)



Writ of *venire facias juratores*, New York City/County, 1806 (orders sheriff to return a panel of jurors for a pending civil trial). On parchment with embossed seal of Supreme Court.

(Image courtesy GH)

## Court Records Access Systems—Models for archival access?

Court clerks index records for business purposes:

- Money judgments with dockets or indexes
  - document judgment debts
  - place liens on real property
  - help document title to real property (e.g. sheriff's sales, ejectment proceedings)
  - give notice to public of debts and liens
- Special proceedings final orders/decrees with indexes
  - document legal changes in personal status
  - document disposition of decedent estates
- Indexes generally access one of two parties—not both!
- Files may not be indexed at all, only docketed by term.



# Court Records Access Systems— Models for archival access?

Old index to Chancery decrees (register format). Includes parties' last names only, year dates only, nothing on nature of the proceedings. File codes noted later.

(Image courtesy GH)

Harvard	1.	Pulchre	CL-286	1756 Hunter	Hunter	CL-177	1752
Kingsham	1.	Coudry	CL-262	1756 Henry	Stewart	CL-121	1752
Kingsham	1.	Silbnap	CL-285	1757 Raighe	Van Dine	CL-217	1752
Miatt	1.	Hell	CL-286	1757 Henry	Smith	CL-177	1752
Karbeck	1.	Van Deren	CL-362	1756 Hunt	Walden	CL-275	1752
Mattell & Whitell	1.	Van Lee	CL-286	1756 Hewitt	Mott	CL-192	1752
Mattell	1.	Morris	CL-262	1756 Haughmiller	Mauxwain	CL-235	1752
Kanderson	1.	Boat	CL-137 + CL-408	1752 Hunt	Selby	CL-230	1752
Kandies	1.	Green		1752 Hopkins	Stankle	CL-241	1752
Kantley	1.	Billing	CL-177	1752 Herrick	de Tomson	CL-227	1752
Kouston	1.	Delacour	CL-227	1752 Kirt	McMillan	CL-126	1752
Kene	1.	Moore	CL-177	1752 Kittered	Kittered	CL-232	1752
Kedgew	1.	Slugward	CL-363	1752 Kittered	Smith	CL-171	1752
Karl	1.	Widjerson	CL-235	1752 Kildresh	Sands	CL-292	1752
Kirtlen	1.	Widlen	CL-237	1752 Kallow	Jordan	CL-231	1752
Kammerley	1.	Kallert	CL-237	1752 Kittered	Delaplane	CL-238	1752
Kanu	1.	Kanu	CL-277	1752 Kouston	de Condon	CL-237	1752
	1.		CL-277			CL-237	1752

## Court Records Access Systems—Models for archival access?

<u>Affleck, Robert</u>		<u>Hosack, William</u>			
PLAINTIFF		DEFENDANT			
Supreme Ct.	Trespass	9	Aug	1798	P.R.
	on the	DAY	MONTH	YEAR	SERIAL NUMBER
Judge	Case	FILING DATE OF JUDGMENT OR DECREE			NEW REFERENCE
COURT AND KIND OF RECORD	NATURE OF ACTION OR PROCEEDING	P-113-A-9			8110-AB
		OLD REFERENCE			SLIP NUMBER
<p>PREPARED UNDER THE DIRECTION OF THE  <b>COMMISSIONER OF RECORDS OF THE COUNTY OF NEW YORK,</b>          FOR THE PURPOSE OF ARRANGING AND RE-INDEXING THE RECORDS IN THE OFFICE OF THE CLERK          OF THE COUNTY OF NEW YORK, IN THE HALL OF RECORDS</p>					

Supreme Court “parchments” index card (1930s?). Substantial data on parties, court, document type, cause of action, date, file code. Basis for e-spreadsheet (GH)



## Court Records Access Systems—Models for archival access?

Field	Explanation and Formatting
Plaintiff	Lastname, Firstname or Corporate Name
Defendant	Lastname, Firstname or Corporate Name
Court and Kind of Record	Name of the court: Chancery or Supreme Ct Type of court record: Usually Judgment or Decree
Nature of the action or proceeding	Indication of what court action was documented in the record or what type of court case it was
Filing Date	DD Mmm YYYY
How Filed	An indication of how the record was filed, using a coding system that includes codes such as "PR"
Reference	The reference number written on the back of each parchment in the series A-#-A-# to Z-###-Z-##

Supreme Court “parchments” electronic spreadsheet data fields (courtesy GH). Spreadsheet index produced for NY County Clerk’s Office from card file index has 462,000 entries, including the “parchments.” Important data in card indexes (e.g. case type) is excluded.

# Innovative Research in Court Records— Current projects using NYCCO records

Business affairs and massive debts of Herman Melville's father, mother, and brother, 1830s-1840s. (Melville family moved several times to avoid sheriff's sales after court judgments against them.) (Supreme Court judgment rolls; note very brittle paper)





## Innovative Research in Court Records— Current projects using NYCCO records

- Disputes over New York and New Hampshire land grants in what is now Vermont, 1760s-1770s (Defendants included leaders in Vermont's revolutionary movement.) (Supreme Court minute books and judgment rolls—parchments)
- Federal lawsuits brought in New York State courts concerning enforcement of U.S. customs laws, ca. 1800-1820 (Supreme Court judgment rolls)
- Insurance claims and legal controversies following disastrous fire in lower Manhattan, 1838 (Supreme Court judgment rolls)

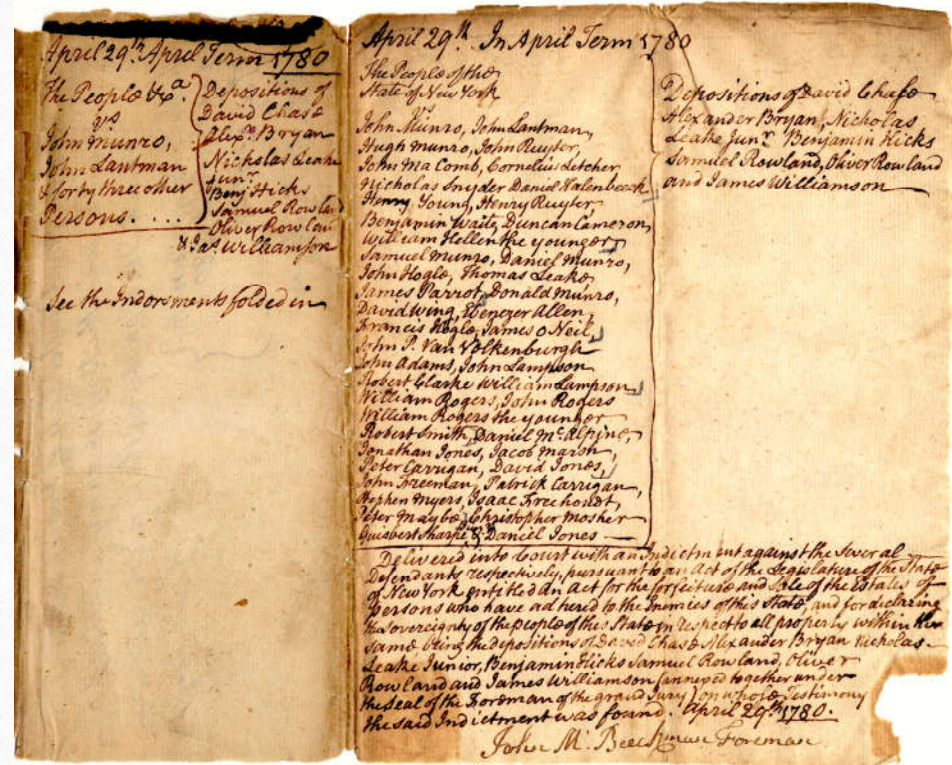


## Research in Court Records— Opportunities await . . .

Indictments and supporting  
depositions against Loyalists, Supreme  
Court.

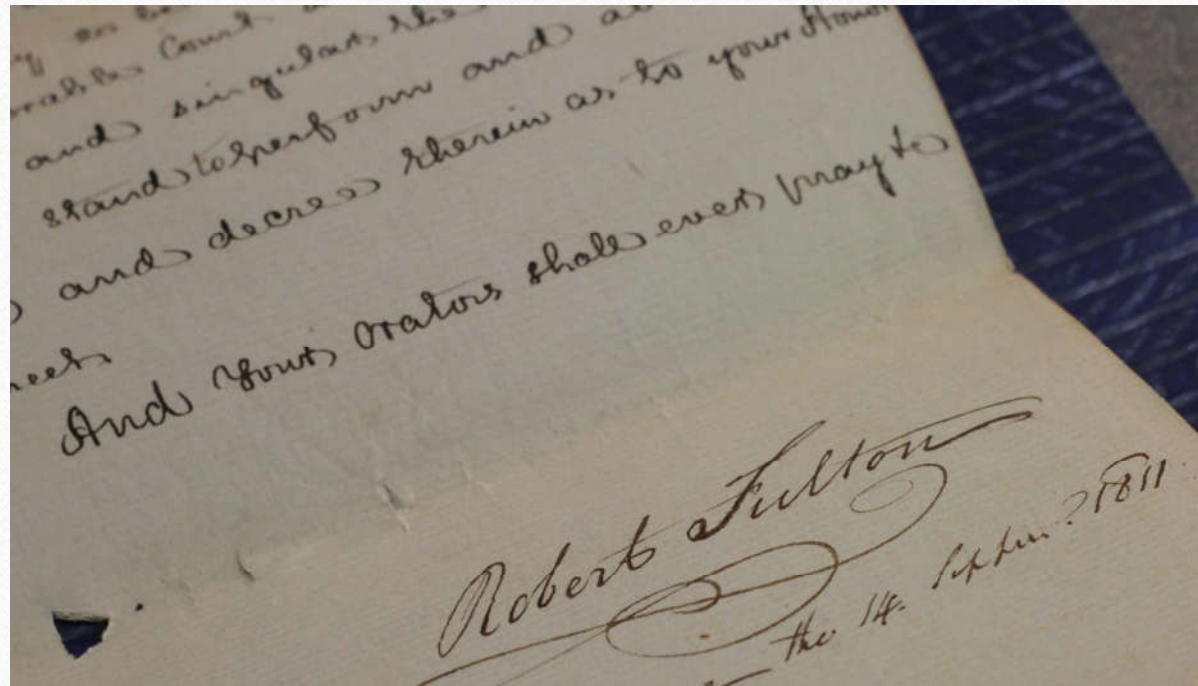
*Example: People vs. John Munroe  
and 44 others, indictment with  
depositions against “enemies of the  
state,” 1780.*

(Records never used for research on  
NY Loyalism.)





## Research in Court Records—Opportunities await . . .



Commercial litigation in Court of Chancery. *Example: Robert R. Livingston and Robert Fulton vs. James Van Inghen*, petition, 1811 (Van Inghen challenged state-granted monopoly for steamboat service, which was later declared unconstitutional by U.S. Supreme Court.)

## Research in Court Records— Opportunities await . . .

Social history of New York City.

*Example:* Panel of jurors, 1814,  
stating names, wards of residence,  
occupations. (Systematic data on  
occupations is rare before U.S.  
Census of 1850.)

(Image courtesy GH)

# PANEL OF JURORS

*For the Sittings of the Supreme Court, to be held on Monday, the fourth day of April, 1814.*

	Ward.			Ward.	
David Austin	2	Merchant	Jacemiah Manning	1	Grocer
James P. Allen	3	Carpenter	* William Merchew	4	Shipmaster
Moses Arnold	6	Ropemaker	Gilbert Mount	4	Grocer
James Bailey	1	Merchant	Alexander M'Clure	6	Grocer
William Benjamin	4	Merchant	John M'Clure	6	Grocer
Richard Belden	5	Merchant	Charles Mooney	6	Paver
Tunis Bergh	7	Shipwright	William Marshall	7	Merchant
Stephen Crane,	1	Ironkeeper	Robert S. Newby	2	Merchant
Daniel Cutler	4	Merchant	Daniel Oakley	1	Merchant
George H. Clusman	4	Merchant	Samuel G. Ogden	5	Merchant
Isaac Codrington	5	Carpenter	Daniel Payne	8	Carpenter
Samuel Crow	5	Gentleman	Martin Reeder	1	Cooper
James Duffie	1	Grocer	Nicholas Rosse	2	Cooper
Rufus Davenport	4	Merchant	Robert Rankin	3	Gentleman
Isaac Devoe	6	Shipwright	James Robertson	5	Merchant
David Forrest	5	Grocer	Hezekiah Ripley	5	Printer
John Good	6	Baker	Isaac Seaman	3	Shipmaster
Samuel Goodridge	7	Merchant	John Stephens	8	Grocer
Benjamin Gifford	7	Merchant	George Scott	8	Merchant
John Gray	8	Gentleman	Cornelius Sharp	10	Grocer
Eleazer Harding	1	Grocer	Joshua Sutton	10	Grocer
Hezekiah Heath	2	Carpenter	Obadiah Smith	10	Wheelwright
William Heath	2	Carpenter	Cornel. C. Van Allen	5	Gentleman
William Higgins	3	Cordwainer	Isaac Valentine	7	Weigher
John Hancock	3	Whitesmith	Nathaniel Wells	1	Grocer
Jabez Harrison	5	Merchant	Asa Woodbury	2	Livery Stabler
Augustus Hammett	5	Grocer	Charles O. Williams	5	Printer
George Innis	5	Merchant	James Weir	6	Coachmaker
Jeromus Johnson	1	Grocer	Abraham Weeks	7	Blacksmith
John R. Lecount	7	Grocer	William Wilson	7	Merchant

\* Not summoned.

\* Not summoned.



## Court records archives— Issues for archivists:

- Complex record systems require major investments in organization and description (cataloging, finding aids)
- Researchers often need case- or item-level access, which means costly item-indexing; reproduction is cheap by comparison.
- Legal and judicial records (exception: probate records) are seldom used but have great potential for research.
- Archival state court records need statewide management, preservation, and promotion.

Thank you!

NEW YORK STATE ARCHIVES

Cultural Education Center 11A42

Albany, NY 12230

[www.archives.nysed.gov](http://www.archives.nysed.gov)

518-474-8955

[archref@nysed.gov](mailto:archref@nysed.gov)