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005 Court of General Sessions, New Castle County
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140 Court Papers
200 1723
210 1933
220 1777 - 1838
241 16.34 cubic feet
261 Legal documents filed for criminal cases appearing before the Court of General Sessions. These records include affidavits, appointments, bail bonds, bastardy recognizances, capiases, depositions, examinations, fence viewer appointments, indictments, inquisitions, jurors' lists, petitions, presentments, recognizances, sentences of the court, summonses and subpoenas.

270 Entries on **capiases, summonses, and subpoenas** show similar information: name and county of residence of person to be brought before the judge; date of required court appearance; reason for appearance; date of issuance; and signature of issuing justice or Clerk of the Peace. Reverse of document shows plaintiff (the King, Dom Rex, the State) and defendant, court term and year, action taken by the sheriff, and signature of the sheriff. **Affidavits, depositions, and examinations** while often different in form provided the means by which sworn statements were taken from witnesses or defendants. Entries show names of persons giving and taking statements, statement of events, deponent's signature or mark, date, and signature of justice of the peace or person recording the statement. Also included at times is the occupation (men) or marital status (women) of the deponent, nature of crime, and signatures of witnesses present at the interrogation. Reverse of the document may include type of document, name of person, and, occasionally, the date.

Entries on **indictments** show court term and year, name of defendant, hundred of residence, occupation, whether free black or slave, date of Grand Jury's finding, charge with description of crime and date of occurrence, and signature of the Attorney General or foreman of the Grand Jury. Reverse side of indictments shows plaintiff, defendant, crime, term and year, notation whether true bill (billa vera) or ignoramus, witnesses, and name of foreman. **Presentments** are accusations initiated by the Grand Jury itself and instruct that an indictment be drawn up. Entries usually show court term and year, name of defendant, hundred of residence and occupation of defendant, charge, and date and location of crime. Information on the reverse shows type of document, name of defendant, crime, names of witnesses, if a true presentment, and signature of the jury foreman. Some presentments are informal communications from citizens requesting actions by the Grand Jury.

Recognizances show the names of the person being bonded and surety, hundred of residence, name of justice of the peace receiving the recognizance, conditions and amount of bond, charge, date of required court appearance, date of issuance, and signatures of the justice, witness or defendant, and surety. Reverse shows name(s) of recognizance(s), reason for recognizance, crime, and, occasionally, date returned to court. **Bastardy recognizances** bound the father to the State and to the mother to prevent the child from becoming a burden on the county. Recognizances and **court orders** may show date of order, name of justice of the peace issuing the order; sex of child; date of birth; hundred of birth; name and marital status of mother; name, hundred of residence, and occupation of father; amount and terms of payment to be

paid for child's support and mother's lying-in expenses; and the signature of the justice of the peace. Occasionally present are the signatures of the father and his surety and the mother. Reverse notes "bastardy" and date of issuance and number. After 1829 bastardy records were maintained by the justice of the peace.

Bail bonds were required of defendants to ensure their appearance in a specific court. Entries show the names of the defendant, surety, and sheriff; amount of bond; dates of bond and required court appearance; charge against the defendant; and the signatures of the witnesses and the defendant. Appointments (fence viewer and constable) were made by the court, usually in private session. **Fence viewer appointment** entries show date of appointment, name of appointee, hundred for which responsible, court directions to the appointee, date, and signature of the Clerk of the Peace. Accompanying the appointments are "notices," or public announcements, of the appointment of fence viewers. Entries show the date of appointment, names of all fence viewers appointed for the hundred, hundred, and the date of the notice.

Constable appointments were made to replace a constable. Entries show term and year of original appointment, names of original appointee and reason unable to serve (deceased, no sureties, refusal), name of new appointee, date, and signatures of three justices. **Constable petitions** show court to which petition addressed, name of proposed constable, description of personal attributes (steady, upright, sober, capable, etc.), and signatures of petitioners. Occasionally, the name of the constable to be replaced and the hundred he represented are included. **Constable returns** are the recommendations, or nominations, of "three good and sufficient freeholders" from whom the court selected one to serve as a constable. Entries on the returns show the name of the hundred, names of candidates, term and year, and the signature of the existing constable. The reverse shows the name of the hundred and often notes the name of the appointed constable. **Letters of resignations** from constables include county, name, and date of appointment; reason for resignation; date of resignation; and signatures of the resigning constable and several witnesses. **Lists of constables** (1823-1827) show name, method of appointment (election, appointed by court of the Governor), and date of appointment. Sometimes the hundred represented is noted. **Transcripts** were submitted by justices of the peace and documented court activity on criminal cases prior to their appearance in the Court of General Sessions. Entries on transcripts show plaintiff and defendant; details of complaint (date, person making complaint, reason for complaint, date of occurrence); actions of the justice (issued warrant, took recognizance, committed prisoner for lack of surety on recognizance, discharged or settled case upon payment of fees); list of fees associated with case; signed and dated certification of transcription of docket entry. Entries on the reverse of the transcripts show plaintiff, defendant, action by the justice of the peace, and, if applicable, whether case discharged.

Sentences of the court document the activity associated with the termination of cases in the Court of General Sessions. Entries show term and year; plaintiff and defendant; indictment; judgment and sentence of the court; bill of cost (ie: fees due to the Attorney General, clerk, sheriff, crier, witnesses, etc.); and action on sentence. Action on the sentence shows to whom the prisoner was sold, sale price, and length of term of servitude or number of lashes meted out as punishment. Reverse shows plaintiff and defendant, type of document (variously known as "bills of cost," "sentences of the court," or "order to sell"), and notation by sheriff as to his activity in the case. **Jurors lists** show names of freeholders eligible for jury duty and, occasionally, case, mileage, days attended, fees and date. **Inquisitions** are indented documents, and entries show date and place of

995 September 28, 1990; Sept. 28, 1990; June 10, 1993; September 1, 1995
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