

000 3805
001 000
002 000
003
004
005 Court of General Sessions
140 Court Papers
141 Case Files
200 1691
210 1947
220

241 17.48 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, commitments, constable bonds, depositions, examinations, fence viewer appointments, indictments, inquisitions, jurors' lists, petitions, presentments, recognizances, sentences of the court, summonses and subpoenas, and justice of the peace transcripts. Also included are several types of writs (habeas corpus, levavi facias, possession, attachment), lists of prisoners confined in the jail, and minutes (1826, 1827, 1828, 1829).

27X Entries on **capiases** show the county; name, occupation, and county of residence of person to be brought before the judge; term and 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, 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.

Summonses and subpoenas contain essentially the same information.

Entries show name of person to be summoned by the sheriff, required appearance date, names of defendant and judge, date of document, date issued, and signature of the Clerk of the Peace. Reverse entries show reason for summons or subpoena (to give evidence or to answer charges), name of person summoned, term and year, action of sheriff, and signature of sheriff. Occasionally the mileage travelled to serve the subpoena/summons and the sheriff's fee are noted.

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 recognizancee(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. Entries 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. Entries on **commitments** show names of constable and person to be jailed, charge, date, and signature of the justice of the peace. Reverse often shows name of defendant, charge, costs, names of witnesses, and signature of constable and date order satisfied. **Jurors lists** appear infrequently after 1751. Entries show names of freeholders eligible for jury duty and, occasionally, case, and date. **Inquisitions** are indented documents, and entries show date and place of inquisition,

names of persons taking inquisition and those responding to the inquisition, reason for inquisition, and signatures and seals of the sheriff or justice and those making the inquisition.

Petitions appear throughout the court papers. These fall into specific types. Among the most common are the following. Early petitions were often for **releases from indentured service**. Entries on these show name of petitioner, date of petition, name of master, person or court apprenticing the petitioner, date of indenture, reason for requested release, and signature, or mark, of petitioner. The reverse shows name of petitioner; action required by the sheriff (ie. issue summonses or capias); action of the court (respite, granted, etc.); person against whom petitioner is drawn; and names of persons summoned and miles travelled by the sheriff to issue processes. Petitions were also submitted by **insolvent debtors** requesting action by the court. Entries on these petitions show name of petitioner, date, reason for petition (release from jail), reason for judges to grant petition (extenuating circumstances such as age, infirmity, dependent children) and the mark or signature of the petitioner. Accompanying these petitions is often an inventory of the person's goods and accounts of debts which show the name of the creditor and debtor, debts owed, and amounts of judgments. Petitions to **sell slaves out of the State** include name of petitioner, date, name of slave, reason for request (bad character, fear of injury or property destruction, etc.), and signature of petitioner. Reverse shows petitioner, type of petition, and action of court. Often accompanying these petitions are depositions from family members and neighbors testifying to the behavior of the slave.

Other types of records appearing in the court papers include **precipes**, or **orders**, which show the date, reason for the order (transfer records, issue summonses, etc.), action required, and the signature of the Clerk of the Peace; a **sheriff's bond** (1758) showing the date, name of sheriff, names of sureties, amount and conditions of bond, date of acknowledgement, and signatures of the sheriff and sureties; several **returns of prisoners/lists of prisoners** which show the names of the prisoners, dates, crimes convicted of, and the signatures of jailer(s); and **returns for the sale of slaves** (1821, 1823, 1824) which show dates of sales, names and color of prisoners, names of buyers, length of terms of servitude, individual sale prices, and the signature of the sheriff.

Also included are several **writs of habeas corpus** which show name of court issuing writ, court before which defendant was to be brought, dated signature of clerk of court (Supreme Court), and a signed notation of activity on the writ by the sheriff. A **Governor's remission** (1822) includes a transcript of an indictment, recognizances, and actions of the court. The remission includes the reason for the Governor's action, his action, and the signatures of the Governor and the Secretary of State. **Minutes of the court** (1826-1829) record the number of days court was in session and show the times court opened and adjourned, the names of the justices present, and the signature of the clerk.

Few records of the Court of General Sessions exist for the years after 1900. These consist of **Grand Jury reports, petitions for prisoner release, lists of fence viewers, summonses, recognizances, and indictments**. Entries on the **Grand Jury reports** show date, total number of bills presented, number of true bills returned, number ignored, and number discharged, comments by the Grand Jury on the state of crime in the county (ie. problems at camp meetings in 1916), conditions in the county jail and Grand Jury recommendations for improvements/praise in conditions or in policies, requests for necessary supplies, and signatures of the foreman and secretary of the Grand Jury. The reverse generally notes report and year and term of report. **Petitions for prisoner release** include court case, requested action of court and defendants, date, and signatures of petitioners. Reverse shows name of defendant and reason for petition. Entries on the **lists of fence viewers** show county, year, and names of fence viewers by district number. Occasionally, the lists are signed by one or two justices.

29X

310

329

Many records after 1900 are duplicates, either carbon or mimeographed, of original records.

WORK STATUS

ARCHIVIST:

<input type="checkbox"/> needs sorting	<input type="checkbox"/> review for identification/ further determination
<input type="checkbox"/> needs unfolding	<input type="checkbox"/> processing
<input type="checkbox"/> needs foldering/reboxing	<input type="checkbox"/> determine origin/purpose
<input checked="" type="checkbox"/> other: <u>Records after</u>	<input type="checkbox"/> other:
<u>1900 need to be arranged</u>	
<u>by court term.</u>	

CONDITION:

<input type="checkbox"/> totally disorganized	FILM:
<input type="checkbox"/> order not apparent	<input type="checkbox"/> for security
<input type="checkbox"/> origin questionable	<input type="checkbox"/> destroy original
<input type="checkbox"/> other: _____	<input type="checkbox"/> other:

- 330 Arranged chronologically by court term, and thereunder alphabetically by type of document.
- 331 Indexed through the court dockets.
- 332 Handwritten, typed, form written, form printed with writing, form printed with typing,
- 360 Fair/poor; water damage; acid damage; vermin damage; light damage; storage damage; dirt damage; brittle.
- 390 None.
- 430
- 900 The indictments for the 1930's are unworked. However, the outside of the folder is clearly marked by term and year.
- 990 9/21/1990
- 995 September 28, 1990; March 2, 1996; May 6, 1996; August 14, 1996; July 3, 1997
- 999 7/2/97 added one .43 box of miscellaneous papers (1907-1935) to be worked in.
sle