

000 3815
001 000
002 001
003
004
005 Court of Common Pleas
140 Case Files
141
142 Court Papers
200 1715
210 1831
220
241 95.09 cubic feet (+ oversize map files)
261
27X

Legal documents pertaining to cases heard by the Court of Common Pleas. The records include information relative to the social and economic conditions of Kent County during the identified periods. Issues which deal directly with the condition of women, slaves, free blacks, and minors are among some of the more prominent topics. Associated economic topics, primarily those affecting land ownership and private debt, are among the most common types of cases heard by the Court. The operations of the Court of Common Pleas, the types of cases heard, and the function of the Court officers is information which can be obtained from the collection. The importance of the jury and the evolution of the jury system can also be ascertained from the collection. Information on inventories is extremely valuable in determining the relative wealth and material possessions of a segment of Delaware's population. Additionally, the information concerning the occupations of litigants is available as the documents lists occupation of named individuals.

Types of documents found in Court of Common Pleas case files include: Affidavits, Auditor's Returns, Bail Bonds, Capias, Depositions, Executions, Habeas Corpus, Indenture contracts, Ignoramus, Inquisitions, Insolvent Debtors Petitions, Interrogatories, Judgments, Judgment Bonds, Jury Lists, Precepts, Promissory Notes, Recognizances, Referee Assignments/Decisions, Returns, Rules of Court, Rule of Reference, Subpoenas, Summons, Venire Facias Jurators, and Warrants.

The purpose of a Capias is to require an officer of the court to take the body of the named defendant to ensure his/her appearance before the court. The general content of the case papers include county; term and year; plaintiff's name; defendant's name; Prothonotary's signature; witness's signature; and where and when the litigants will appear before the court. Narratives are the first formal statements of facts or circumstances giving the plaintiff's cause for action. The narrative may also be presented as evidence. The narratives show the county; term and year; the name, resident and occupation of the defendant; the plaintiff's name and residence; amount of money involved in the suit; the attorney's names; and the Prothonotary's signature.

Rules of Reference or Rules of Court are the result of cases submitted to arbitration. They usually contain a statement of the case and the arbitrator's report. It contains the plaintiff's name; the defendant's name; term and year; auditor's findings and signature; and the Prothonotary's signature.

Executions are writs or orders issued by the court to the sheriff commanding him to execute the judgment of the court. Inventories of the defendant's property are also included with the execution papers. The execution document shows the county; the term and year; the name and occupation of the defendant; the name of the plaintiff; when to appear in court; name of the witness; and the Prothonotary's signature. The reverse of the document shows the name of the litigants; term and year; the sheriff's name; the sheriff's fees; and the milage traveled by the sheriff executing this process. During the years 1718-1737 and 1761-1788 the execution papers are filed with the capias papers.

Jury Lists are papers containing the names of jurors impaneled to try a case. The jury lists shows the county; term and year; list of jurors names; number of days each juror appeared in court; rate per day; amount due each juror; Prothonotary's signature; and witness' signature. Venire facias jurators are writs to the sheriff commanding him to summon a jury. The venire facias jurator's document contains the plaintiff's name and occupation; defendant's name; list of jurors (some lists show

juror's occupations); witness's name; and Prothonotary's signature.

Affidavits, depositions, interrogatories are separate documents which serve the same purpose. They are papers relating to sworn or affirmed statement of a witness or plaintiff and defendant. These papers show the term and year; deponent's name, residence and responses; authority for the attorney to question a certain witness and the directions for the questioning; and the Prothonotary's signature. An Inquisition is an inquiry or inquest of certain facts made by a sheriff with an impaneled jury. The document that contain their decision is also known as an inquisition. This documents shows the date; sheriff's name; the name of the person being questioned; the name of the petitioner; amount of money in question; sheriff's signature; and the signature of those questioned

Habeas Corpus is a write issued by the court commanding the sheriff to bring a person in custody before the court or judge. A Habeas Corpus contains the sheriff's name; list of jurors; when to appear in court; names of the plaintiff and defendant; witness's name; and the Prothonotary's signature.

A Petition is an application of petitioner to a court for a redress of a certain type of grievance. Type of grievances vary, for example, a petition for freedom. Petitions include date; county; the name of the petitioner; the content of the complaint; name of the court; signature or mark of the petitioner. An Insolvent Debtor Petition is an example of the most common type of petition. This petition involves the request of the petitioner to be relieved of his obligation or debt through legal means. This petitions includes the petitioner's name; the year; the amount owed; if the petitioner is married and number of children; list of creditors names and amount owed to each; and the petitioner's signature or mark.

An Indenture Contract is a deed between two parties which imposes mutual obligation on the two parties. The most common type of Indenture includes information such as the date drawn; names of the parties involved; the terms involved; and the signatures of the parties involved and witnesses.

Summons and Subpoenas are two types of documents which serve a similar purpose but have a slight difference. Both documents require the appearance of the name individual. However, the summons requires the sheriff to notify a person that an action had been initiated against them, while a subpoena involves the directing of a certain witness to appear to provide testimony in a case. The content of both documents provides the term and year; names of the litigants; persons being summoned; appearance dates; amounts involved in the case; and the Prothonotary's signature.

A Bond is a written obligation to repay a loan under specific terms. Bonds include date of obligation; names and signatures/marks of involved parties; amount of loan and terms of repayment. A Warrant is a writ or order authorizing an officer to make an arrest, seizure, search or perform some other designated act. The warrant whom the person it addresses; the date; statements of conditions; signature of issuer; and witness's signature.

A Return of Writ is a document of a court official delivered back to the court which the official was previously required to serve or execute. This document contains a brief account of the officials execution of the mandate. The most frequently occurring returns are the Referee's Return and Auditor's Return. These records shows the date; type of case; and the names of the plaintiff and defendant. The reverse of the document shows the Referee's or Auditor's signature and their decision.

Notes: 1. Before 1751 - February is last term.
2. 1718-1737, 1761-1788 - Executions are filed with Case Papers.
3. 1760s Narratives dated with wrong term. Actually march term after the one labeled.

329 WORK STATUS
___ needs sorting
___ needs unfolding
___ needs foldering/reboxing
___ other: _____

CONDITION:
___ totally disorganized
___ order not apparent
___ origin questionable
___ other: _____

ARCHIVIST:
___ review for identification/
___ further determination
___ processing
___ determine origin/purpose
___ other:

FILM:
___ for security
___ destroy original
___ other:

330 Arranged chronologically by year and term, and thereunder alphabetically by type of document.

331 Indexed through the court dockets.

332 Handwritten; form written; form printed; form printed with writing.

360 Fair; poor; water damage; acid damage; vermin damage; storage damage; dirt damage.

390

430 Documents in map cases have been "conserved"

900

990 10/19/1992

995 February 12, 1993; April 16, 1996; February 12, 1993; April 29, 1996; August 2, 1996; October 4, 1996; June 4, 1997; August 3, 1999

999 3815.24 added here August 2, 1996 per BHH
lc/jp