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005 Court of Common Pleas, Sussex County

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140 Case Files

200 1724

210 1831

220 1773-1831

240 59.7 cubic feet

241 5 @ 0.24 cf.; 116 @ 0.47 cf.; 1 @ 1.35 cf.; 1 @ 2.63 cf.

261 Legal documents created for cases before the court.

270 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, Habeas Corpus, Indenture contracts, Inquisitions, Insolvent Debtors Petitions, Interrogatories, Judgments, Judgment Bonds, Jury Lists, Narratives, 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.

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 which 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 official's 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.

For a description of the surveys found here see RG 4815-000-010-001.

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Arranged chronologically by year and court term.
Indexed in Appearance Dockets, Continuance Dockets, and Judgment Dockets.
Handwritten; form printed with writing.
Poor-fair condition; acid damage; storage damage; dirt damage.
Processed by Tabitha Messick, Kathy Lachman, and Sherrie Ayers, completed 8/2007.
9/01/1987
March 1, 1988; March 22, 1996; May 2, 1996; July 31, 1996; August 12, 1996; August 13, 1996; August 4, 1999; February 28, 2003; September 23, 2005; March 8, 2007; August 17, 2007;

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