

Delving into the past--County court records and the pursuit of history

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*****Note: Figures may be missing from this format of the document**

History is a tangled skein that one may take up at any point, and break when one has unravelled enough. ~Henry Adams

In his famous autobiography, historian and scholar Henry Adams recounted his teaching experiences at Harvard University during the 1870s. Dissatisfied with the lecture method, Adams experimented with different ways to teach. One technique that he adopted was an experiment with primary sources. "Since no textbooks existed, the professor refused to profess," Adams explained, "knowing no more than his students, and the students read what they pleased and compared their results." Each student was to read a primary source--contemporary letters, tracts, decrees, court cases outline the content, bring the outline to class, and share his findings. From the disparate parts, an organic whole would emerge. In typical Adams fashion, he denigrated the experiment and pronounced his seven years as an instructor at Harvard a failure (Adams 1918, 302-3).

Despite his pronouncement, Adams's idea is a good one. It is especially useful as a tool for teaching middle and high school students how primary sources can reveal many aspects of history not covered in textbooks, historical essays, or lectures. Since the summer of 1991, I have been involved in a project to collect, organize, and analyze petitions to state legislatures and county courts concerning race, slavery, and free blacks in the South between 1776 and 1867. Petitioners, then as now, sought some type of assistance or redress of grievance. Thus far, the project has collected more than 17,000 petitions, and approximately 120,000 pages of documentary evidence. Eventually, those of us working on the project plan to publish two volumes of selected petitions--one containing petitions to legislatures and the other petitions to county courts--and offer a microfilm edition of some 200 reels of film. We are also preparing a database that will provide researchers and informed citizens with a tool to conduct searches for states, counties, names, dates, and subjects. Supported by the National Historical Records and Publications Commission of the National Archives, the National Endowment for the Humanities, and the Charles Steward Mott Foundation, the project is about halfway through its anticipated twelve-year duration.

During the first three years of the project, as director and editor, I traveled to about 200 county court houses, state and local archives, and libraries in the fifteen former slaveholding states and the District of Columbia. It is from my experiences with county court records that I realized how

teachers might bring local primary sources to their classrooms for analysis, evaluation, and interpretation in the Adams style. Although this method has been tested with some success in the college classroom, it should be universal.

Virtually every county court house in the United States houses local records under the protection of a clerk of court, an elected official with responsibility for maintaining the county's records. In some counties, early records have been transferred to libraries (Orleans Parish, Louisiana, for example) or to local or state archives. In others, they have been lost or discarded. But in a number of court houses, the early records remain in an archive or vault and are open to the public.

The types of records found in county court houses are wide ranging. Any group of records might provide opportunities for research projects. They include copies of wills, guardianship papers, apprenticeship proceedings, probate court records, estate inventories, land deed records, and records of criminal and civil cases. Within each of these groups, there are various types of records that might be of interest, including the posting of bonds, indentures, mortgages, and other financial proceedings as well as court judgment and court proceedings books. Some are in bound volumes and others in manuscript.

The goal of bringing students and local court records together is not an easy one. The instructor should begin the assignment with an admonition to students that local documents are precious and that each manuscript or volume of documents should be treated with respect, even reverence, as a priceless part of America's heritage.

The first task is for a small group of students, accompanied by a student teacher or volunteer parent, to visit the court house and determine what records are extant and/or available. The group should ask to discuss its project with the clerk of court, who is generally helpful in assisting researchers.

If the court house contains old civil suits, or transcriptions of old civil suits, the researchers must then request permission to peruse a group of these cases. They will range from a few pages to twenty or thirty pages or longer, depending the time period. Some time should be spent to obtain a feeling for the size and nature of the collection.

After reporting back to the class, students should decide what might be included in a student-created, civil suit class "archive." In civil suits, one person or group is seeking damages from another group or person. In my case, I was looking for cases about slavery, but other topics might include property disputes, divorces, estate matters, guardianship cases, family conflicts, damages from accidents, and other subjects. Each case should have a docket page, indicating the filing date, names of petitioners and defendants, and indication of court action. Each case should also have a petition by the plaintiff, an answer by the defendant, and sometimes depositions of witnesses. After going through a given period, or number of boxes, the students should select a few dozen cases.

Students then need to request permission to make photocopies of a selected number of cases. That requires tact and a plea to the clerk of court that the cost of photocopying be kept

reasonable (ten cents or so a page) for educational purposes. Most clerks are accommodating in this regard, but if the clerk is bound by law to charge fifty cents or a dollar a page, students should ask if they might bring a rented, portable photocopier to make copies of the cases they have selected. Ideally, each group would photocopy three or four cases, fifteen or twenty pages, and staple each case together.

The cases should be brought back to class, and groups of four or five students can be assigned several cases to evaluate, analyze, summarize, and discuss among themselves. The same cases can be used for a number of classes, and a mini archive could be created of those cases under the supervision of the teacher, who could add new cases each year. The group would then present findings to the class, followed by questions. Each group would in turn discuss its cases and present its research to the class.

In the petition transcribed below, Antoine Michoud versus the Mayor, Aldermen, and Inhabitants of New Orleans, the plaintiff is seeking monetary damages. The petition below was photocopied at the New Orleans Public Library. What does the petition tell about slavery, about owner-slave relations, about the attitudes of slaves? If such a case were multiplied by twenty or thirty, student groups could present the results of their analyses to the class, learning in the process a great deal about the South's "peculiar institution" or, depending on the focus of the class, about a variety of other subjects.

TRANSCRIPTION OF A PETITION TO THE ORLEANS PARISH DISTRICT COURT, 1821
To the honorable Joshua Lewis, District judge for the first judicial District of the State of Louisiana, The petition of Ant: Michoud of the City of New Orleans, Respectfully Sheweth that your petitioner is the owner of one Certain Negro Slave named Robert, alias Norbonne, aged ofyears, or thereabout, stout, strong, of a fair complexion, healthy & possessing many good qualities such as cook, servant, -brick maker &c &c very intelligent & having twice made the voyage of East India, but very cunning and of some bad habits.

That on the 29th of December last past, your petitioner having to punish the aforesaid slave, did lodge him in the City Jail of New Orleans, then Kept by one Mr. Dom. Belaume' Gaoler; warning the aforesaid Gaoler of the determined disposition of that slave to escape so soon as he can meet with the least opportunity to do it, and in consequence thereof, your said petitioner most expressly requested the said Joaler to chain the said slave and not to suffer him [to] go out of Jail even to work with the others slaves, employed by the City to repair streets, for fear that the said slave avail himself of that opportunity to attempt and effectuate his escape; to which request the Goaler answered negatively saying that the ordinances regulating his duties were contrary with the compliance of such a request, but he, at the same time, assured your petitioner that he would recommend the said slave to the overseers having charge of the slaves of the City Jail when sent at work, as an object of particular & vigilant watch & assured yr. petitir that Said Slave Should be Safely kept.

That yr petitioner relying on that assurance left his Said Slave in the said Jail and was informed that the gaoler pointed out the Said Slave to the overseers, Ramierz Planche, Peralte, and others, and expressly warned them of the disposition of Said Slave to make his escape, if opportunity,

was left to him, and therefore ordered said overseers, carefully to watch the Said Robert alias Norbonne.

Yr petitioner further Shews that the Said overseers or Some of them were further more informed of the resolute determination of Said Slave to runaway.

Yr petitioner further Shews that the Said overseers, Ramirez, Panche, and Peralte are or were on the Second of February instant in the employment of the City in the Capacity of overseers having charge of the Slaves of the City Jail when turned out to work for the use of the Said City.

Yr petitioner further Shews that notwithstanding all his promptness, vigilance and sollicitude in warning those under the care of whom was the aforesaid Slave the Said Robert alias Norbonne, on or about the 2d of February last, through the imprudence neglect or malice of the aforesaid Overseers and namely of that of Ramirez and Peralte affectuated his escape and never Since was hear of, whereby Yr petitioner Sustained a loss of fifteen hundred dollars.

And Whereas masters and employers are by law responsible in Civil Cases for all damages and losses occasioned by their Servants and employees, yr petitioner, applied to the honorable the mayor of the City of New Orleans for the payment of the aforesaid sum of fifteen hundred dollars for the price value of Said Slave with interest from this day till paid.

Wherefore your petitioner respectfully prays your honor that all necessary process may issue in this Case and that the honorable the major aldermen and inhabitants of the City of New Orleans therein residing be cited to answer this petition and be condemned in their Capacity of body Corporate to pay unto yr petitioner the aforesaid Sum of fifteen hundred dollars for price value of Said Slave together with interests and Costs

And your petitioner as in duty bo[u]nd will ever pray & & [illegible signature] atty for petr

Source: Records of the First Judicial District Court, Orleans Parish, Louisiana, Case Records, Ant. Michoud vs. Mayor, Aldermen, and Inhabitants of New Orleans, 26 February 1821, #3,370, reel 6, Louisiana Collection, New Orleans Public Library. The case was discontinued by order of the court on 3 November 1821.

REFERENCE

Adams, H. 1918. The education of Henry Adams: An autobiography. Boston: Houghton Mifflin.