

Docket: The Court's Index

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“Docket, *n.* A minute, abstract, or brief entry; or the book containing such entries... .

“A book containing an entry in brief of all the important acts done in court in the conduct of each case from its inception to its conclusion.”¹

Courts use the term “docket” in several ways. The focus of this article is docket books that are summaries of court cases. Docket books can be used as indexes to other court records.

1. Henry Campbell Black, MA, *A Dictionary of Law...* (St. Paul: West Publishing, 1891), 383.

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Court cases may have spanned many years. Original records were filed with the court and entries were made in a variety of court record books. These books may or may not have their own indexes. Finding all the relevant entries for one case might require examining hundreds of volumes. Use a docket book to quickly locate the records for an ancestor’s court case. The docket is the court’s index to many record books (see figure 1). The examples in this article refer to probate court records. Other courts also use dockets.

Case files and court record books

When a case is opened, a case file is created and a case number is often assigned. Case files contain the original papers filed with the court and are typically arranged by case number or alphabetically by last and first name. There may be a single case file for all papers or many files arranged by document type—wills, inventories, accounts. Within a document type, the files are usually sorted by case number or alphabetically. Case files that are not digitized or microfilmed may be available from the court clerk or a local archive.

Important documents were often re-recorded in court record books. Typical probate court record books include journal, will, account, inventory, and administration appointment books.

Why use court record books?

Genealogists prefer to work with original records, so why bother with court record books? Case files are not always available. Files may not have been retained or they may have been destroyed by fire or flood. The court record books may have information that is not included in the case file. Court-ordered land sales and guardianship appointments may not be referenced in the case file. Reviewing all related court record books may reveal information not available elsewhere.

Figure 1 (top of page): A typical probate docket references journal, will, account, inventory, appointment, and other court records.

Types of probate court record books

The record books maintained by court clerks vary, as shown in this sampling of probate record books and their genealogical significance.

Account books contain lists of receipts and payments made in the process of settling an estate. Several accounts may be filed during the settlement. Debtors and creditors of an estate may be family members. The final account names those receiving an inheritance share of the estate. In intestate estates (no will), the shares can be used as evidence of relationships to the deceased.

Mary Thelen her distribution share	6	137.58
Laura Broxterman - her distributive share	7	137.57
Tillie Beckman - her distributive share	8	137.57
William Thelen his distributive share	9	137.57
Fred Thelen - his distributive share	10	137.57
Julian Thelen his distributive share	11	137.57

Figure 2: "Account Record Books," images, Hamilton County Probate Court (<https://www.probatect.org>) Archive Categories >, select "Account Record Books #3 - #878 June 1852 to April 1970," scroll to select Book 455, image 390 of 650, Bernard Thelen estate no. 101137, Account of Distribution (1936); Hamilton County, Ohio, Probate Court, accounts 455:390.²

2. Record images in this article were downloaded on 9 October 2017.

Application books

contain requests to be appointed administrator of an intestate estate (no will). Often these requests were made by creditors or family members. Some applications may contain a complete listing of all heirs and their current residences.

Figure 3: "Application Books," images, Hamilton County Probate Court (<https://www.probatect.org>) Archive Categories > Application Books, select "Administration—Books 23 thru 409," book 64, page 176, Jesse Niles estate no. 39748, Account of Distribution (1893); Hamilton County, Ohio, Probate Court, applications 64:176.

The following named Persons are all the next of kin of said decedent:

NAME.	RELATIONSHIP.	RESIDENCE.
Jacobella Torope	Daughter	Worthington
Sarah J. Niles	"	Mt. Lookout
Worren C. Niles	Son	Ogden, Entok
Jessie Summers	Daughter	Oroncha, Neb.
Edith Niles	"	Mt. Lookout
Lycia Niles	Widow of Husband	Mt. Lookout

Your petitioner asks to be appointed Administrator of said Estate, and offers as sureties,

A. E. Carr Residence Mt. Lookout
A. Fortman Residence " " 250
 Residence " " "

resident freeholders of said County, and suggests that the Court appoint

Appraisers.

(SIGN Full Name.) Sarah J. Niles
 Petitioner's Residence Mt. Lookout, Ohio

Appointment books record the court's selection of people to perform specific duties. For estate cases, there may be separate appointment books for administrators, appraisers, or guardians. Administrator appointments may describe the relationship of the administrator to the deceased. In figure 4, a creditor is appointed administrator. The document gives John A. McMartin's exact date of death, names his father, and identifies John as a bachelor.

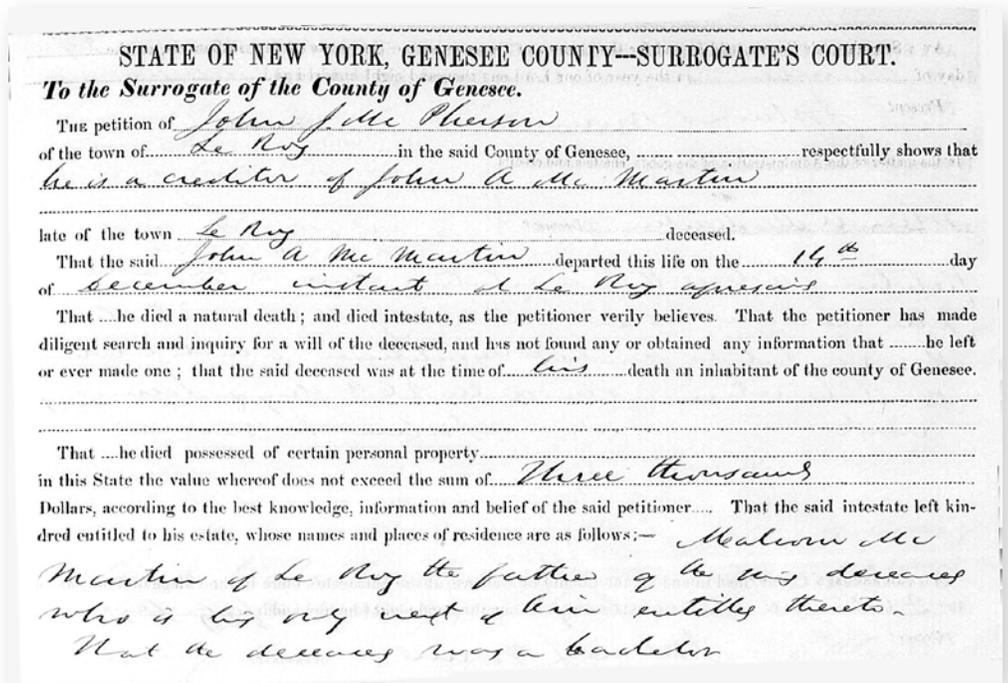


Figure 4: "New York Probate Records, 1629–1972," FamilySearch (<https://familysearch.org/search/film/005114891>) > digital film 005114891 > images 33–34 of 549, John A. McMartin estate, administrator appointment (1856); Genesee County, New York, Surrogate's Court, Administration: Petition Orders, Administrations, Oaths, 1:41–42.

Inventory books contain transcriptions of estate inventories, which list all of the decedent's property along with an estimate of its value. Inventories can be

used to distinguish between people who share the same name, as they may indicate wealth and profession.

Journals, also known as minute books, are chronological listings of all actions taken by the court. Journals may include guardianship appointments that provide children's exact birth dates. Guardianships were often managed by a different court—providing an avenue for further research.

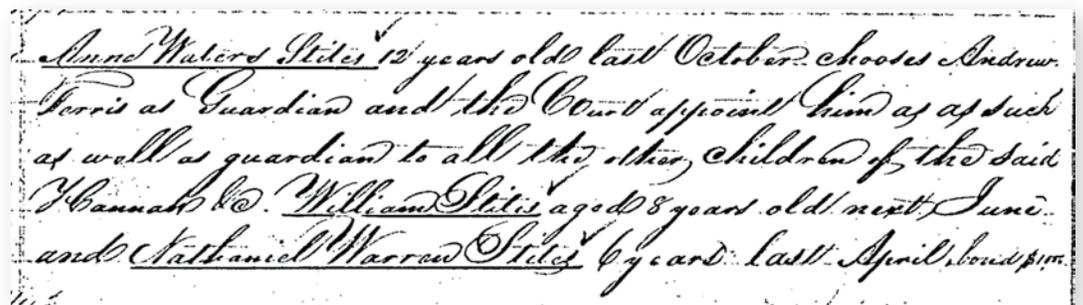


Figure 5: "Probate Entries (1791–1837)," images, Hamilton County Probate Court (<https://www.probatect.org>) > Archive Categories > Probate Court Journal Entries, volume 1, page 38, Andrew Ferris guardianship appointment entry, 2 April 1805; Hamilton County, Ohio, Probate Court, Journals 1:38. The ages and date of the journal entry, 2 April 1805, can be used to determine the month and year of birth of Hannah Stites's children.

Order or decree books record decisions made by the court. Authorizations for the sale of real estate are often found in order or decree books. Research in land records may identify parents or children of the deceased.

Will books contain re-recordings of wills. The date a will was written and the date it was presented for probate give a range for the death date—the decedent died after the will was written and before it was probated.

Court docket books—the key to locating records

To keep track of where information was recorded about a case, the court clerk kept a docket. The docket not only contains a summary of actions in the case but also provides cross-references to other court record books. Dockets vary in form and content by time and geography. See figures 6 and 8 for examples of simple and more complex dockets.

Courts may use different names to describe their docket books—general index to cases, cases, estates, or proceedings. Dockets are normally arranged in series by year. Within a series, they are in chronological order by case entry date. If the docket books are not included with microfilmed or digitized records, ask the court clerk for a copy of the docket. The clerk will need a case number or case name and the approximate year. To find the case number, look for an index to dockets or cases. The number may also be inscribed on documents in the case file.

Using a docket to locate records on FamilySearch

Using dockets to locate records follows the same process whether researching online, on microfilm,

or at the courthouse. FamilySearch has made many probate and other court records available online. The steps below will locate the docket and online probate records for John A. McMartin who died in Genesee County, New York, in 1856.

The easiest way to locate the docket is to use the FamilySearch catalog, <https://familysearch.org/catalog/search>. Probate court documents are usually recorded at the county level. Search for the place name as it was known at the time the ancestor died—United States, New York, Genesee. The results include many categories of records. Look for “Court records,” “Court records – Indexes,” “Probate records,” or “Probate records – Indexes.” Categories with “indexes” in the title are most likely to include dockets. The notes section for a collection may indicate online records availability. Scroll down to the film notes to read individual film descriptions. Search for films with docket, index, or proceedings in the title for the relevant time period.

In the case of Genesee County, the docket is listed under “Probate records – Indexes” and is called “General index and reference, 1805–1939.” For the McMartin docket (1856), select “General index 1805–1871, vol 1–2.” Films often include more than one

348			Nathaniel Watson			Probate 171		
Month.	Day.	Year.		Title of Volume.	No. of Vol.	Page.		
Dec.	8.	1856		Petition for probate	Probate			
47			John A. McMartin			Probate 171		
Dec.	29	1856		Petition for letters administration	Admin.	1.	41.	
	"	"		Order citation issued	Admin.	1.	42.	
Jan'y	26	1857		Order granting letters	Admin.	1.	42.	
	"	"		Administrators oaths	Admin.	1.	42.	
March	16	"		Order to show cause &c	Mis. Order	5.	50.	
	23	"		Letters administration issued	Ad. Letts. Ad.	1.	45.	
May	25	"		Petition for letters administration	Admin.	1.	65.	
	"	"		Order granting letters	Admin.	1.	66.	
	"	"		Administrators oaths	Admin.	1.	66.	
	"	"		Letters administration issued	Ad. S. Letts. Ad.	1.	63.	
	"	"		Appraisers appointed	Appraisers	1.	103.	
June	27	"		Inventory filed				
Oct.	26	"		Order to show cause &c	Mis. Order	5.	80.	
Nov.	30	"		Order granting leave to executor Administrator Panel	Mis. Order	5.	84.	
	26	"		Order to advertise	Order Adv.	1.	79.	
Jan'y	19	1858		Order to advertise	Order Adv.	1.	83.	
Feb.	21	1860		Order to account	Accounting	1.	147.	

Figure 6: “New York Probate Records, 1629–1971,” images, FamilySearch (<https://familysearch.org/search/film/005114874>) > Genesee > General index 1804–1871, vol 1–2 > image 536 of 702, John A. McMartin estate docket; Genesee County, New York, Surrogate’s Court, General Index and Reference, 2:348.

volume. Click the camera icon to navigate to the digitization of the film and use the book's index to locate the McMartin docket. Dockets may have two or more entries per page (see figure 6). John A. McMartin's docket identifies several volumes with additional information. To locate these volumes,

select "New York Probate Records, 1629–1971 > Genesee" by clicking the arrow next to the film number at the top left of the screen. Look for record books corresponding to docket entries (see table 1 for a list of records available on FamilySearch).

Table 1. Genesee County, New York, Surrogate Court Records on FamilySearch

Administrations 1856–1902 vol 1–9	Letters of testamentary 1856–1891 vol 1–6
Appraisal records 1856–1902 vol 1–4	Miscellaneous records 1897–1909 vol 1–2
Bonds 1890–1901 vol 1–2	Orders 1809–1876 vol 1–4
Decrees 1856–1901 vol 1–13	Orders 1856–1904 vol 1–2
General index 1805–1920 vol 1–7	Orders 1872–1886 vol 5–6
Guardianship records 1856–1909 vol 1–3	Orders 1877–1900 vol 7–8
Letters of administration 1805–1812 vol A	Orders 1881–1892 vol 9–10
Letters of administration 1812–1901 vol 2–6	Orders 1895–1901 vol 22
Letters of administration, Letters of testamentary 1830–1854 vol 2–5	Probate records 1856–1908 vol 1–11
Letters of guardianship 1810–1871 vol 1–2	Sales 1868–1911 vol 1–2
Letters of guardianship 1852–1906 vol 5–6	Wills 1809–1901 vol 1–26

Table 2. Correspondence between Genesee County, New York, Docket Entries and Digitized Record Books on FamilySearch

Docket Entries	Corresponding FamilySearch Book Images
Adm 1:41–42	Administrations 1856–1871 vol 1–2
Mis. Orders 5:50, 5:80, 5:84	<i>None</i>
N.S. Lett's Ad 1:45, 1:63	<i>None</i>
Appraisers 1:103	Appraisal records 1856–1881 vol 1–2
Orders Adv 1:79, 1:83	Orders 1856–1904 vol 1–2
Accounting 1:147	<i>None</i>
Decrees 1:364	Decrees 1856–1866 vol 1–2

Dates and volume numbers from the docket can be used to identify the correct record book when book names are similar. Table 2 shows the correspondence between docket entries and digitized court record books. "N.S. Lett's Ad" does not have a corresponding FamilySearch book image. No McMartin entry is found in "Letters of testamentary 1856–1871 vol 1–2," "Probate Records 1856–1868, vol 1–2," or in the indexes

of "Letters of administration 1812–1856 vol 2–3." Not all records are available online even when they appear to be. Search for missing books at the Genesee Surrogate Court or in a local or state archives.

Despite the absence of a will, McMartin's estate records contain valuable information including John's exact death date, residence, marital status, and the name and residence of his father (see Figure 4). John's death without issue eliminates him as a potential parental candidate.

A more complex twentieth-century docket

A case index is used to locate the docket for Ben Thelen's estate (see figure 7). This index is alphabetical by the first letter of the last name, first letter of the first name, and then estate number.³ Thelen's estate case number is 101137 and it is recorded in docket book 74, page 22.

Ben Thelen's estate docket entries give a synopsis of the case (see figure 8). Court record books and microfilms are referenced—many now available as online images. The case number and name appear in the header of the entry along with a reference to Application Book 319, page 192. The docket entry for January 29 notes that Thelen's will was admitted to

3. For information about more complex indexes, see Christine Rose's *Courthouse Indexes Illustrated*.

probate. The Journal column points to an entry in Journal Book 362, page 164. This journal book is not online but copies of entries can be obtained from the courthouse. The Record column specifies record book entries. Use the description to determine which type of record book contains the entries. The will is recorded in Will Book 171, page 266, and an inventory is in Inventory Book 158, page 125.

Printed docket books allowed limited space for each case. Additional docket entries were created for lengthy cases. See the notation at the bottom of figure 8, "Continued on Page 541." There are five docket entries for Thelen's estate, which was open for over a decade.

The docket provides a straightforward way to find entries in court record books. In the absence of a docket, all books created while the case was open would have to be searched individually.

One hundred forty-eight inventory and account record books cover the Thelen estate settlement period. Search one hundred forty-eight indexes or one? No contest—the docket wins! 🌱

Figure 8: "Estates," images, Hamilton County Probate Court (<https://www.probatect.org>) > Archive Categories > Estates, select "Estate and Trust Guardianship Docket," volume 74, page 22, Ben Thelen estate no. 101137 (1926).

NUMBER OF ESTATE	NAME OF DECEDENT		DATE			ENTERED	
			MONTH	DAY	YEAR	VOL.	PAGE
115823	THELEN	ANNA			1931	86	193
116219	THIEN	ANNA M.			1931	86	363
117339	TAFT	ALPHONSO			1931	87	326
117590	TIMMERMANN	ALBERT			1931	87	427
118089	TANGEMAN	ANNA L.			1932	88	143
118334	THEGBALD	ARTHUR J.			1932	88	243
118392	THOME	ANNA			1932	88	267
120376	TREFT	ANTOINETTE O.			1932	90	152
120425	TEEPEN	ALOYSIUS			1932	90	174
120444	TEBSE	ANNA			1932	90	182
B.							
101137	THELEN	BEN			1926	74	22
101484	TOLBERT	BETTIE			1926	74	171

Figure 7: "Estates," images, Hamilton County Probate Court (<https://www.probatect.org>) > Archive Categories > Estates > Estate and Trust Docket Index (1852–1973), 1926–1932, T-U-V, arranged alphabetically by first letter of last name, first letter of first name, and then by estate number, Ben Thelen estate no. 101137 (1926).

22

101137 ESTATE OF Ben Thelen Deceased
 P. O. Address of Adm. or Exec. 1008 Selton Ave. 3749 St. Lawrence Ave.
 Atty. V. St. Beckman Application Book No. 319 Page 192 Cost Book No. Page
 1926 Real Estate Sale No. Inheritance Tax Cost Book No. Page

DATE C. 6-1-36 JOURNAL RECORD
 No. Page No. Page

Jan 26 Will of Ben Thelen, deceased, presented for probate and record
 29 Will admitted to probate and record Mary Thelen Executrix - Not Bond. Charles Schmoet, James Conroy and Wm J. Bodeman app. 362 164 171 266
 29 Widow elects to take under said will 362 164

Feb. 15. Application to fix appraisers' fees filed.
 " Entry fixing appraisers' fees. 362 366
 " 17. Inventory filed. INV. R. Reel # 39 158 125

Mar. 12. Proof of Publication (Catholic Telegraph) filed. 10 241

Apr 1 Application for determination of inheritance tax filed I. T. R. Reel # 34 81 435
 " " Summed Statement of Assets and Liabilities filed
 " " Entry directing Auditor to make appraisal 363 425
 " " Order for appraisement issued Application Book No. 87 Page 34
 " " Mary Thelen vs Grant Johannigmann, Trustee under Last Will of said will. Grant Casment & Surety Company - Surety Bond 2500⁰⁰ 363 501

May 17 Order for appraisement returned and filed
 Entry finding estate not subject to inheritance tax 364 422
 (Continued on Page 541)

Using Dockets

1. Use an index to cases or the self-index in the docket book for the relevant time to find the docket entry.
2. Determine the correspondence between the docket entries and court records. Records may be available in one or more forms—digital images, microfilms, manuscript books.
3. Locate the current location of the records. From major online genealogy suppliers to local court clerk websites, digital images can be found in a variety of places. Check for microfilms at the Family History Library, the court clerk's office and in local, regional, and state archives. Original record books may still be at the court clerk's office or they may have been moved to an archive.