

## **Evidence Explained: Citing History Sources from Artifacts to Cyberspace**

federal government. For land transactions at the national level, see chapter 11. The present chapter treats property and probate records maintained at the state, county, and town levels.

### **10.4 Using Originals vs. Record Copies**

Many of the property and probate records you consult at the city and county level are *record copies* rather than “true originals.” Historically, citizens have created deeds, marriage contracts, probate inventories, and a host of related records in the private office of an attorney, a notary, or a justice of the peace. On those occasions, duplicate originals were typically made—one to be kept by the official who created the record and one or more *duplicate originals* for the key parties involved (say, the grantor and grantee in a land sale). Depending upon the law in effect at the time and place, either the official who created the document or one of the parties to the transaction might bring one of the duplicate originals to the town or county record office. There, the document would be recopied into a record book. Depending upon law and custom, the originals might be returned to the individual who submitted them for recording or they might be kept by the clerk. Retaining the original was a common early practice for probate records, less so for deeds.

As a careful researcher, you will want to use the original or the copy closest to the original (the so-called “most original”). If a city or county has preserved probate *files*, you would give more weight to the documents kept therein than to the record-book copies. However, as a legal and practical matter, record copies officially created and maintained by public record offices are treated as *original records*, unless a “more original” version exists.

## **DEEDS & CONVEYANCES**

### **10.5 Basic Formats: Original Registers**

*See also* QuickCheck Model *for* ORIGINAL RECORDS: LOCAL REGISTERS ...

Most property records for transfers between individuals are recorded at the city, town, or county level. The registers for them carry an endless variety of labels. Even so, their citations usually follow a basic pattern with six parts:

- creator’s name (the local jurisdiction);
- label on the volume you are using;
- page(s) where you found the item of interest;
- identification of the item of interest (if not identified in your text);

- office where the record is kept;
- city where the office is found.

Optionally, you may need to include three other elements:

- key parties to the record (illustrated at note 4, below; *see also* 10.2)
- type of record (*see also* 10.10)
- date of record (illustrated at note 4 below; *see also* 10.8)

Regardless of the type of deed you cite—a quitclaim, a fee-simple deed, a deed of trust, a donation, etc.—one basic pattern applies. The following examples illustrate that pattern using a range of titles found across the United States for variously named registers and officials.

### **Source List Entry**

*(To list only one volume from a series)*

Idaho. Elmore County. “Homesteads, 1898–1946.” County Court Clerk’s Office, Mountain Home.

*(To list a full series)*

Maryland. Baltimore. Superior Court Land Records. City Archives, Baltimore.

New Jersey. Sussex County. Mortgages, 1766–1868. County Clerk’s Office, Newton.

Pennsylvania. Franklin County. Deeds, 1810–1850. Register of Deeds Office, Chambersburg.

### **First Reference Note**

1. Elmore County, Idaho, “Homesteads, 1898–1946,” p. 23; County Court Clerk’s Office, Mountain Home.

2. Baltimore, Maryland, Superior Court Land Records, Liber TR 11: 144–45; City Archives, Baltimore.

3. Sussex County, New Jersey, Mortgage Book G: 404, John Bescherer to Gersham Coursen; County Clerk’s Office, Newton.

4. Franklin County, Pennsylvania, Deed Book 18: 155, William Timmons and wife & Samuel Witter and wife to John Gouter, 8 April 1839; Register of Deeds Office, Chambersburg.

### **Subsequent Note**

11. Elmore Co., Idaho, “Homesteads, 1898–1946,” 23.

12. Baltimore, Md., Superior Court Land Records, Liber TR 11: 144–45.

13. Sussex Co., N.J., Mortgage Book G: 404.

14. Franklin Co., Pa., Deed Book 18: 155.

### **PUNCTUATION TIPS**

Note 1 cites a volume covering an unusually long span of time for a land book. Using quotation marks around the exact title forestalls later questions about whether the citation refers to one or multiple books.