

## Preface

The Frontier Justice Records Project is an outgrowth of the Washington State Historical Records and Archives Project of 177-78. This was a project sponsored by the Washington State Historical Records Advisory Board and funded by the National Historical Publications and Records Commission (NHPRC). The purpose of the project was to survey the historical records of Washington State, with a goal of improving access to archives and manuscript materials and insuring the continued preservation of these historical records.

As a result of the survey, it was found that the Territorial Court case files were in the most danger of destruction due to inadequate storage, age, and condition. Many of the case files were still double-folded, dirty, and stored in courthouse basements or attics without adequate environmental controls. Access to the records was difficult for researchers. The case files were arranged on a county by county basis, with no interlocking system for the entire county courthouse. As a result, research use of the Territorial Court records was very limited.

The staff of the Historical Records and Archives Project found that a wealth of information was contained in the Territorial Court case files. They provide insight into the conditions in Washington during the period of early settlement and development and provide the largest extant volume of records dating from the period. By centralizing the records at the Regional Branches of the Washington State Archives and providing improved access to the records, it was felt that greater research use would be made of the records. In 1983, the Washington State Archives applied for a grant from NHPRC to inventory, index, and preserve the court records of Washington Territory. Early in 1984, NHPRC approved a two-year grant to the State Archives and the Frontier Justice Records Protection Project began. The timing of the grant proposal coincided with planning for the Centennial of Washington State in 1989.

The work on the project was divided into three phases. The first was to inventory the volume and condition of the case files. This involved traveling to each county courthouse to meet with the County Clerk and inventory the records. The County Clerk's Association provided valuable support and information for the project. Once the inventory was completed, arrangement was made to accession the case files into the State Archives Regional System, whenever possible. Early in the project, it was determined that in order to accession many of the records, they would have to be microfilmed with a copy provided to the County Clerk. As a result, most of the Court case files are now available at the State Archives, either in hard copy or on microfilm.

The second phase of the project was to index all of the case files. Archivists or staff reviewed each case, approximately 37,000 in all, for the names of the individuals involved, subject, date, county, and type of case. The date was entered on microcomputers and then processed on the SPINDEX computer program. While reviewing the case files, conservation activities such as unfolding, cleaning, and refolding in acid-free folders was also carried out. The second phase of the project was most time consuming, lasting from June, 1984 to March, 1986.

The third and final phase of the project was to prepare the material for publication. Due to the difficulty reading the handwritten documents and the wide variety of spellings of names, even within one case file, editing and correcting the

database was another time consuming process. Once the corrections were completed, an alphabetical name index and abstract were produced by the computer. The data was then prepared for publication. The index material fills 1,005 pages and the abstract of cases 3,467. The introductory material and index are available in printed form and the abstract is available on reel microfilm.

All of the data collected for the frontier Justice Records Project on SPINDEX. A researcher can request a computer print-out from the Washington State Archives of specific types of information. For example, a subject related print-out could be produced of all murder cases, or even more specifically, all murder cases which occurred in King County in 1877. A print-out can be produced from any of several "tags", such as a date, county, type of case, name, or subject, or any combination of the tags. A small fee is charged for this specialized service.

The Frontier Justice Records Project has achieved its purpose of providing greater access to the Court case files of Washington Territory and insuring the continued preservation of these valuable historical records. At the same time, it has provided the staff of the Washington State Archives with a better understanding of the structure and operation of the Territorial Court system, the content of Court case files, and which documents are most important from a research point of view. The State Archives plans to apply the information gained by indexing these Territorial Court records to the immense volume of Court records which have been created in the last 100 years. A State Archives Task Force will be developing new appraisal standards for court records. But most importantly, the information unlocked from these court records may provide us with new insight into the social, legal, and economic history of the Territory and the lives of those who pioneered and helped build it, and my give us greater insight into our own lives.

### **History of Washington Territory**

Washington Territory was established in March, 1853 with the passage of the Organic Act by the U. S. Congress, but exploration and settlement of the area had begun many years earlier. In 1792, both British and American ships were exploring and seeking trading grounds in the area. George Vancouver claimed the area for the British and gave permanent names to many of Washington's landmarks. Meanwhile, Robert Gray explored for the Americans and discovered and named the Columbia River. Lewis and Clark reached the Pacific Ocean by overland route in 1805 on an expedition sponsored by the United States government. In the early 1800's, British and Americans competed for the fur trade of the region, with the British Hudson's Bay Company dominating the area. By the 1830's, American missionaries began to settle and establish missions. Marcus Whitman and his party founded the first Protestant mission in Washington in 1836, near the present city of Walla Walla.

By 1843, American settlers had established a provisional government for Oregon. The area north of the Columbia River was divided into two counties, Lewis and Clarke. War with Britain over the Oregon Country was averted by the Treaty of 1846 which ended joint occupancy and established the boundary at the 49<sup>th</sup> parallel. In 1848, the United States granted territorial status to Oregon.

Throughout the 1840's, settlers continued to move north of the Columbia River. The first settlers to arrive on Puget Sound were Michael Simmons and his party, who

settled at Tumwater in 1845. By 1852, the towns of Seattle, Olympia, Port Townsend, Steilacoom and Walla Walla had been established. The federal census of 1850 showed 1,049 white inhabitants north of the Columbia River. By 1851, sentiment was growing for the establishment of a separate territory north of the Columbia River and in 1852 the Monticello Convention adopted a memorial requesting Congress create a new "Territory of Columbia". Congress approved the bill to establish the new territory but changed the name to Washington in March, 1853.

Isaac Stevens was appointed the first governor of Washington Territory by President Fillmore. Stevens received an appointment to survey a railroad route to the Pacific Coast on his way west. He was also appointed Superintendent of Indian Affairs for the territory with the responsibility of negotiating treaties with the local Indians. Stevens arrived in Olympia, Washington Territory of November 28, 1853 and inaugurated the new government.

Other Territorial officials appointed by President Fillmore included Patton Anderson, U. S. Marshall, Charles H. Mason, Secretary of the Territory, Edward Lander, Chief Justice, and Victor Monroe and O. B. McFadden, judges. The Territory was entitled to elect a non-voting delegate to Congress, a legislative assembly of seventeen members, and a legislative council of nine members. The legislature could pass general and local laws and appoint the Auditor and Treasurer, but all of its laws were subject to review by the U. S. Congress. Administratively, the Territorial governor reported to the U. S. Department of State, and later to the Department of the Interior.

Eight counties were already in existence when Washington Territory was established. These were Island, Jefferson, King, Pierce, Thurston, Pacific, Lewis and Clark. The first legislature created eight additional counties including Cowlitz, Wahkiakum, Clallam, Skamania, Whatcom, Sawamish (renamed Mason), Chehalis (renamed Grays Harbor) and Walla Walla. County officials were appointed and probate and justice courts established. District Courts were also established, or the county was assigned to another county for judicial purposes. Throughout the territorial period, larger counties were divided into smaller ones and by the end of the territorial period 34 counties existed in Washington.

In 1853, the white population in Washington Territory was 3,965. The hope of the settlers for early growth and development was impeded by the outbreak of the Indian Wars in 1855. Governor Stevens had been negotiating treaties with the Indians in Western and Eastern Washington in an attempt to avoid a conflict between Indians and white settlers over land. The Walla Walla Council of 1855 established treaty lands for the Indians tribes in Eastern Washington. Later that same year, gold was discovered near Fort Colville and miners began crossing the lands of the Yakima Indians on their way to the gold fields. Several miners were killed by Indians and the Territory was torn by Indian wars for the next three years. By late 1855, the Indian wars had spread to Western Washington and Governor Stevens created a controversy by declaring martial law. Eastern Washington was closed to white settlement until the Indians were pacified and the population declined in several towns in Western Washington due to the conflicts. By 1857, the Indians in Western Washington had been pacified and assigned to reservations. Peace was established in Eastern Washington the following year. The impact on investment and immigration continued until the early 1860's, when the gold rush in what is now Idaho and Montana, brought miners and settlers into Washington Territory.

By 1860, the population of Washington Territory had increased to 11,594. The primary industry in Western Washington was supplying timber to the California market. Saw mills had been established in Seattle, Olympia, Port Gamble, New Whatcom and many other small towns in the region. In Eastern Washington, Walla Walla had become a supply center for the mining camps in the eastern part of Washington Territory. Goods transported up the Columbia River from Portland, Oregon and then overland to Walla Walla and on to the mining camps. The population of the camps in 1862 was estimated at 75,000. This figure quickly decreased when mining fields were played out. In 1863, the far eastern portion of Washington Territory was divided, and Idaho Territory was created. The city of Walla Walla opposed this move for it hoped to become the Territorial capitol due to its central location. Division was supported in Western Washington due to the difficulty in governing the eastern mining areas. The present boundaries of Washington were established with the formation of Idaho Territory.

Throughout the 1860-1870's, Walla Walla remained the largest town in Washington Territory. It was located at the junction of proven travel routes and had reliable transportation facilities. With the decline in mining activity after 1865, it became a supply center for the surrounding agricultural region. Early ranching efforts were giving way to agricultural development. In particular, farmers were successfully experimenting with wheat growing. The areas of settlement were expanding north into the Palouse Country and around the new town of Spokane Falls. By the late 1870's, the lack of adequate railroad transportation became a major concern of farmers in Eastern Washington.

Western Washington experienced slow but steady growth throughout the 1860-1870's. The lack of adequate railroad transportation with Eastern Washington and the rest of the country remained a problem. Many towns attempted schemes to privately finance railroad construction, but most ended in failure. Travel remained limited primarily to water transportation, thus restricting most settlement to the Puget Sound area or major rivers. The lumber industry remained the mainstay of the economy. There was also increased development of the fishing agricultural industries. After much competition over the location of government institutions, Olympia retained the territorial capitol and in 1864, the territorial university was located in Seattle.

The decade of 1880-1890 was an era of transition for Washington Territory. The population of the territory increased from 75,116 to 357,232. The completion of transcontinental railroad lines connected the Territory with the rest of the country, settlement expanded into the central Washington area, and urban expansion transformed towns into cities. In 1880, 90% of the population lived in rural areas. By 1890, 35% were residing in urban areas. During this time, the population of Seattle increased from 3,533 to 42,873, Tacoma increased from 1,098 to 36,006 and Spokane from 350 to almost 20,000. Due to its failure to gain a central position on a railroad network, Walla Walla lost regional importance to Spokane. By 1890, its population was only 5,000.

Tacoma became the terminus of the Northern Pacific Railroad in 1883, thereby creating the link with the eastern United States which the early settlers had sought. The building of spur lines continued throughout the 1880's, and in 1892 Seattle finally became the terminus of the Great Northern Railway. Rail transportation brought increased immigration to the territory and provided a more convenient means of transporting products east. Now, the lack of completion and high freight rates became

areas of concern to the inhabitants of the Territory. The railroads were anxious to sell the land grants they had received from the federal government, so they advertised the Territory, sometimes inaccurately, through the United States and Europe.

In Eastern Washington, settlement increased in the Central Washington area and in the big bend area of the Columbia River. Marginal lands were now being settled, which led to the increased use of irrigation. The Territorial Legislature approved water rights legislation which addressed the unique problems created by the use of irrigation. In Central Washington, development focused on the Ellensburg and North Yakima areas. Cattle and sheep ranching and dry land wheat farming continued in the non-irrigated areas, while truck farming and fruit orchards developed on the irrigated lands.

As early as 1878, the inhabitants of Washington Territory had begun agitating for statehood. A Constitutional Convention had convened in Walla Walla that year and a petition for statehood had been submitted to the U. S. Congress, where it was ignored. By 1889, the political climate in congress was right for the admission of new states into the union. The Omnibus Bill was signed by President Cleveland on February 22, 1889. This bill authorized the Dakota's, Montana and Washington Territories to convene constitutional conventions in the Summer and vote on ratification in the Fall. In Washington, the convention met in Olympia on July 4, 1889 to draw up a constitution. In the Fall, the voters of the territory ratified the constitution and selected officers. On November 11, 1889, President Cleveland issued a formal proclamation declaring Washington State.

### **History of Territorial Court System**

The Organic Act of 1853, which created Washington Territory, provided for the establishment of a judicial system. Judicial power was vested in the Supreme Court, District Courts, Probate and Justice Courts. The District Courts had both original and appellate jurisdiction, while the Probate and Justice Courts were courts of limited jurisdiction.

The Territory was divided into three judicial districts with justice assigned to each district. The chief justice and two associate justices were appointed by the President with the consent of the U. S. Senate. The term of offices was four years or until a successor was appointed. Due to the political nature of these appointments, justices often served less than a four year term. The justices were required to reside within the judicial district to which they were assigned. The Territorial Legislature was given authority to define judicial district, assign justices and appoint time and place of court sessions within each district. As a result, the boundaries of judicial districts frequently changed, but in general Eastern Washington was assigned to the First Judicial District, Southwestern Washington to the Second and Northwestern Washington to the Third. In 1886, the Fourth Judicial District was created for the Central Washington area. Court sessions were generally held at three locations within each Judicial District, with the exception of the years 1857-1864 when the U. S. Congress restricted court sessions to one location per judicial district in a move to cut Territorial expenses. This action brought complaints from residents of the Territory due to the difficulty of traveling to court sessions. Throughout the Territorial period, residents agitated for the formation of new counties and the establishment of additional courts. By 1889, District Court sessions were held at almost every county seat.

### *Supreme Court*

The three District Court Justices (four after 1886) sat as the Supreme Court for Washington Territory. The Supreme Court heard all appeals from District Court, which meant one of the justices had been the presiding judge in the original trial. After 1886, the presiding judge was excluded from acting on an appeal from his own court. The Supreme Court met annually in Olympia at a time set by the Territorial Legislature. Cases could be appealed from the Territorial Supreme Court to the U. S. Supreme Court.

### *District Court*

The District Court had original jurisdiction in all cases arising under the U. S. Constitution and the laws of the Washington Territory. In addition, the court heard cases in Chancery (Equity) and Admiralty. In Chancery cases, the rules of common law could be suspended if they proved inadequate for a just settlement. Admiralty cases related to offenses committed on the seas and disputes relating to maritime matters. The District Court heard divorce cases, however until 1864, the Territorial Legislature could grant legislative divorces, as well. A variety of miscellaneous documents were filed with the District Court, including naturalization documents, applications for admission to the bar, appointments and bonds of officials. The District Court had appellate jurisdiction over Probate and Justice Courts.

### *Justice Court*

Legislation which set-up new counties provided for the establishment of Probate and Justice Courts. The Probate judges and Justices of the Peace were first appointed, and then later elected. The Justice Courts heard plenty criminal and civil cases where less than \$100.00 in debt or damages was involved. These Courts were restricted from hearing any case involving land title. Justices of the Peace often heard the original complaint in a case and then referred the case to District Court due to lack of jurisdiction.

### *Probate Court*

The Probate Courts had original Jurisdiction on matters relating to the probate of wills and administration of estates. In addition, they were empowered to appoint guardians of minors and insane personnas, conduct adoption and insanity hearings, hear cases involving habitual drunkards, and mediate contested elections. The Territorial Legislature extended the jurisdiction of the Probate Courts to include minor criminal and civil matters in 1857 and 1863. This move was designed to relieve problems created by the U. S. Congress restricting District Court sessions to one location per Judicial District from 1857-1863. These experiments in extended jurisdiction were short-lived, apparently due to the lack of legal experience of many Probate Judges and, after 1863, the authorization for District Court sessions at several locations in each Judicial District. The Probate Courts continued to exist independently until 1891, when its functions were assumed by the State Superior Court system.

After Washington achieved statehood in 1889, the functions of the Territorial District Court were divided among federal and state courts. Congress established Federal District and Circuit Courts which heard cases involving federal law. The State Legislature created a system of state courts including the Supreme Court, Superior Courts, Justices of the Peace, and other inferior courts. These Courts heard cases arising out of state law. The County Clerk serves as Clerk of the Superior Court. The records of the Territorial District and Probate Courts were transferred to the custody of the County Clerk.

### **Incidence of Criminal Cases**

The total number of criminal cases considered by the Washington Territorial District Courts is an indication that the image of the “Wild and Woolly West” is something of a myth, at least as far as Washington is concerned. From the beginning of Washington’s Territorial period, criminals were arrested, taken to court, and tried. Instances of summary of justice in the street were rare, and the image of the “gun-toting Westerner” is belied by the fact that in the courts there were 110 cases involving the crime of Exhibiting a Dangerous Weapon.

Less than half of the criminal cases involved crimes of violence such as murder, rape or assault. In fact, the largest number of criminal cases could be categorized under the heading of “substance abuse”, including sales of liquor to Indians and the smoking of opium by the Chinese laborers who built the railroads into Washington.

On the chart the categories of Violent Assault and Larceny/Fraud include quite a number of variations on those themes. Also, not all the different kinds of cases have been shown on the chart. Some of the kinds of cases not shown include:

Adultery	68	Manslaughter	28
Arson	38	Mischief, Malicious	26
Burglary	268	Public Nuisance	111
Counterfeiting	9	Perjury	89
Cruelty to Animals	31	Prostitution	98
Disturbing the Peace	24	Rape	27
Embezzlement	36	Riot	32
Forgery	88	Robbery	115
Fornication	17	Seduction	20
Illegal Gambling	360	Smuggling	38
Illegal Immigration	103	Theft	97
Insolvency	191	Trespass	56
Kidnapping	30	Vagrancy	174
Liquor to Indians	709	Weapon, Exhibiting	110

### **Incidence of Civil Cases**

During Washington’s territorial period, over 25,000 civil cases were considered by the Territorial District courts. During the 1850’s (1853-59) only some 300 cases were heard in total, but by the 1860’s the courts were used increasingly often to settle personal

disputes. The incidence of civil cases continued to rise during the 1870's and rose dramatically during the 1880's, generally keeping pace with population growth.

The most common civil cause involved various actions to collect monies owed. After a slow start, disputes over property and foreclosures also showed significant increases. Personal damage suites did not keep up with population growth, however. In fact, the number of damage suits per capita actually declined during the latter part of the period.

The Chart does not show all of the different kinds of civil cases. Just the most common ones are tracked, in order to illustrate the trends. Included within the basic term "Collection" or "Property Dispute" are many different kinds of collections and property disputes. Some of the kinds of cases not shown on the chart include:

Bankruptcy	21	Total Cases
Claims, General	108	Total Cases
Divorce	2254	Total Cases
Condemnation of Land	227	Total Cases
Dissolution of Partnership	150	Total Cases

The amplitude on the civil chart is skewed, breaking at 1,000 cases and 10,000 cases, so that the trends could be shown on a one-page chart. If a constant amplitude had been used, the rise in the number of cases in the latter part of the period would be seen to be quite dramatic.

Overall, the chart shows that while few civil cases were considered in the 1850's, the courts were heavily used in later periods to settle disputes. Essentially, the chart shows that from the beginning, Washington Territory was governed by law and the courts.

### **Incidence of Probate Cases**

The Probate Court handled specialized types of cases, primarily dealing with the distribution of estates. During the Territorial period over 5,000 cases were heard in probate. By far, the largest number of cases involved the appointment of administrators for the estates of deceased persons, and the appointment of guardians for minor heirs to estates.

Generally, the number of probate cases kept pace with population growth, with the exception of insanity cases, which showed a marked increase during the 1880's. It may be that the dramatic increase in the population during the last decade of Washington's Territorial period caused pressures with which some people could not cope. However, the very low rate of insanity cases during the 1850's and 1860's may be due, in part, to the fact that until 1871 Washington did not have an insane asylum. Most people suffering from mental disorders were either kept at home, boarded out of caretakers, or put on a ship to Oregon or California.

Naturalizations have also been included on this chart although they are not probate cases. The only type of probate case not shown on the chart is that dealing with the classification of individuals as "Habitual Drunkards". Fifty-six such cases occurred during the period, banning drunks from drinking or buying liquor.



## Total Number of Cases Vs. Population Growth

The Frontier Justice Records Project catalogued over 37,000 Territorial District and Probate Court cases, all those which have survived from Washington's territorial period (1853-1889). Approximately 70% of the cases were civil, 20% were criminal, and 10% were probate. In each category, the number of cases rose along with population growth. In terms of the number of cases per capita, civil cases rose in a fairly constant relationship to the number of people in the territory, however criminal and probate cases did not keep up.

### User Notes

The following guide lists all extant District and Probate Court case files for Washington Territory, 1853-1889. The guide is organized into three sections. The first section is printed introductory material on the history of Washington Territory and the court system and background information on the guide. The second section is a printed alphabetical name index to the court case files. The third section, or abstract, provides a brief summary of each court case. It is arranged alphabetically by county, and is available on microfilm reels.

In order to index the case files, each case was assigned a control number which includes a county code followed by an assigned number.

EXAMPLE: JEF-1734

The three letter county code indicates the county where the case was originally located. The number is an assigned consecutive number which begins at 1 and goes up to the total number of cases for that particular county. The control number may not correspond to the actual case number for the file. Due to the variety of numbering systems used by the different county courts, it was not possible to index the case files by the actual case numbers. This method for using the guide is to look up a name in the index. Under the name will be a control number for each court case involving that individual.

EXAMPLE: YESLER, HENRY L.  
JEF-1734  
KNG-10

Next look up the control number in the abstract section for the particular county. (The abstract section is on microfilm). There will be a brief entry with information about the court case.

EXAMPLE: JEF-1734  
CASE#..822  
DATE..1885  
PLAINTIFF..SHULL, DANIEL B.  
BARNETT, JAMES

DEFENDANT..YESLER MILL COMPANY  
 YESLER, HENRY L.  
 ANDERSON, JOHN S.  
 CAUSE..COLLECTION, PROMISSORY NOTE  
 TYPE OF CASE..CIVIL

The case # refers to the actual number assigned to the case by the county court. Date is the year in which the case was first filed. Some of the cases, particularly probate cases, continue for several years. The names indexed include all plaintiff, defendant, and probate names, up to 36 per category. In some cases, additional names are listed in the comments section and are not indexed. The term "cause" refers to the subject of the case. This term was assigned by the project staff from a standard list and reflects the most likely subject of the case. Type of case indicated whether the case is civil, criminal, admiralty, equity, probate, insanity or adoption case. In some cases, additional information about the case is listed under comments.

To locate the actual case file, look in the introductory section of the guide for the description of the county. This section will provide information on the location of hard copy and microfilm copies of the case files.

EXAMPLE: Jefferson County

LOCATION:

Civil/Criminal	Case #1-1089	1854-1880
	Case #1-1336	1876-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Jefferson County Clerk's Office	

For additional assistance in researching the court case files, refer to the listing of county name codes and general subject terms. A glossary provides definitions of legal terms used in the case files. The scope and content section provides a brief description of the type of documents found in the case files.

<b>County Code</b>		<b>Date Span of Records</b>
ADM	Adams	1885-1889
AST	Asotin	1885-1889
BEN	Benton	None
CHE	Chelan	None
CLM	Clallam	1862-1889
CLK	Clark	None
COL	Columbia	1874-1889
COW	Cowlitz	1860-1889
DGL	Douglas	1888-1889
FER	Ferry	None
FRK	Franklin	1884-1889

GAR	Garfield	1882-1889
GRT	Grant	None
GRH	Grays Harbor	1857-1889
ISL	Island	1853-1889
JEF	Jefferson	1853-1889
KNG	King	1854-1889
KSP	Kitsap	1861-1889
KTS	Kittitas	1884-1889
KLK	Klickitat	1880-1889
LEW	Lewis	1852-1889
LCN	Lincoln	1884-1889
MSN	Mason	1871-1889
OKN	Okanogan	1888-1889
PAC	Pacific	1851-1889
PND	Pend Oreille	None
PRC	Pierce	1855-1889
SJU	San Juan	1874-1885
SKG	Skagit	1878-1889
SKN	Skamania	1854-1889
SNO	Snohomish	1866-1889
SPO	Spokane	1878-1889
STV	Stevens	1882-1889
THR	Thurston	1852-1889
WKI	Wahkiakum	1852-1889
WAL	Walla Walla	1859-1889
WTC	Whatcom	1872-1889
WHI	Whitman	1861-1889
YAK	Yakima	1874-1889

### Subject Terms

#### **Criminal**

Abortion  
 Adultery  
 Aiding and Abetting  
 Arrest, False  
 Arson  
 Assault  
 Bastardy  
 Bigamy  
 Billiard Table, Keeping  
 Branding Illegally  
 Bribery  
 Burglary  
 Conspiracy

Contempt of Court  
Counterfeiting  
Cruelty, Animals  
Defraud, Conspiracy to  
Dereliction of Duty  
Disorderly Conduct  
Disturbance, Peace  
Embezzlement  
Escape  
Estray, Converting  
Extortion  
False Pretenses, Obtaining Money  
Fishing Rights Dispute  
Forcible Detainer  
Forcible Entry  
Forgery  
Fornication  
Fraud  
Gambling  
Immigration, Illegal  
Incest  
Indecent Exposure  
Language, Obscene  
Larceny  
Lewdness, Notorious  
Libel  
Liquor, Sales to Indians  
Liquor, Sales to Minors  
Liquor, Sales W/O License  
Manslaughter  
Mayhem  
Merchandise, Sales on Sunday  
Mischief, Malicious  
Murder  
Nuisance, Public  
Obstruction, Justice  
Obstruction, Navigation  
Obstruction, Street  
Opium, Keeping House of  
Opium, Smoking  
Opium, Smuggling  
Ordinance, Violation of  
Perjury  
Polygamy  
Prostitution, Keeping House of  
Rape

Robbery  
Seduction  
Smuggling  
Stolen Property, Receiving  
Theft  
Timber, Unlawful Cutting  
Trespass  
Vagrancy  
Voting, Illegal  
Weapon, Exhibiting Dangerous

**Probate**

Adoption  
Drunkard, Habitual  
Estate, Administration of  
Estate/Guardianship  
Guardianship  
Insanity  
Will, Probate of

**Admiralty**

Claims  
Contracts  
Damages  
Mutiny  
Revenue Laws, Violation

**Civil**

Alimony  
Annulment  
Arbitration  
Assessment Dispute  
Attachment, Writ of  
Bankruptcy  
Collection  
Condemnation  
Damages  
Deed, Conveyance of  
Dissolution, Partnership  
Divorce  
Election, Dispute  
Foreclosure  
Insolvency  
Property, Partition of  
Recovery  
Right of Way, Dispute

## Title Dispute

### **General**

Accounts

Appeal

Application, Admission to Bar

Application, Name Change

Appointment

Attachment, Writ of

Bond

Certiorari, Writ of

Incorporation

Mandamus, Writ of

Naturalization

Oath

Petition

Report

Restraining Order, Petition for

Subpoena

Unable to Determine Subject

Venires

## **Glossary**

Affidavit	A written statement made on oath
Bond	A written obligation under seal to pay a sum, or do a certain thing. A person acting as surety for another's action
Certiorari	A writ from a higher court to a lower one requesting the record of a case for review
Complaint	A formal charge or accusation
Demurrer	An objection raised or exception taken
Exhibit	A document or object presented as evidence in court
Execution	A writ, issued by a court, giving authority to put a judgment into effect
Habeas Corpus	An order requiring a prisoner to be brought before the court to decide the legality of his/her imprisonment
Indictment	A formal, written accusation charging an individual(s) with a crime, presented by the grand jury to the court.

Judgment	A legal decision, a debt resulting from a court order
Letters of Admission	Document appointing an individual to administer an estate
Letters of Testamentary	Document appointing an individual to execute the provisions of a will
Mandamus	A writ requiring that a specified action be carried out by a lower court or public official
Motion	Apply to a court for a ruling or order
Statement of fact	Written statement of testimony in a case. Generally issued when a case is being appealed to a higher court
Subpoena	A written order directing a person to appear in court
Verdict	A formal and unanimous finding of a jury in a matter submitted to them for trial
Writ	A legal document ordering or prohibiting the performance of some action

### **Scope and Content**

The records of the Territorial District and Probate Courts were filed with the County Clerk. The case files which are indexed in this guide constitute the largest volume of those records. There are additional court records which may provide the researcher with information about the court cases. These records include journals, statements of fact, and exhibits. Due to the difficulty of filming the journals, many remain in the County Clerk's office. There are no legal requirements to permanently retain exhibits and statements of fact, so the availability of these records varies from county to county. A researcher seeking access to these records should first contact the Regional Archives which houses the records for the county in question.

In order to effectively use the Territorial District and Probate Court case files for research, it is useful to understand the type of documents found in these files. The contents of the case files vary, depending on the type of case and the amount of activity on the case. Many of the case files are incomplete, while others occupy several file folders. The documents in the case files are often disorganized, and many need to be rearranged in order to provide a clear picture of activity in the case. The file may not tell the entire story about a case, for they contain only the documents which were filed with the court. Verbal testimony given in the court rarely was transcribed, unless the case was being appealed to a higher court.

The documents vary depending on whether the case is a Civil, Criminal, or Admiralty case in District Court or an Estate, Insanity or Adoption case in Probate Court. The earliest cases are generally handwritten on plain, blue or white paper following a

prescribed form. By the 1860's, some documents were on pre-printed forms and by the 1880's most of the court documents were pre-printed. In some counties, many of the court documents were typed rather than handwritten by the 1880's. It is often difficult to read the handwritten documents due to the handwriting styles of the time. In particular, doubles in a word or name was often written as a "p" type letter.

The first document filed in Criminal cases is often a complaint in Justice Court. That complaint is then turned over to the Grand Jury for its review, and an indictment is issued. The indictment states the charge and the circumstances under which it was allegedly committed. The Grand Jury finds either "A True Bill", which means there is enough evidence to set the case for trial or "Not A True Bill" which means there is not enough evidence to go to trial and the case is dismissed. The case file may contain several other legal documents such as arrest warrants, subpoenas, motions by the attorneys, demurrers, affidavits, bonds, executions, and verdicts. The verdict is often written on a half sheet of paper and signed by the foreman of the jury.

In a Civil case, the first document filed is the complaint. It states, in the first or second paragraph, the complaint or cause of action in the case. Near the end of the document, the plaintiff asks for compensation. There may then be an answer to the complaint by the defendant and the plaintiff's reply. A variety of legal documents may be in the file including, motions, subpoenas, notices, Clerks costs. The document which states the outcome of the case is the judgment.

The terminology used in Admiralty cases varies from that used in Civil and Criminal cases. A complaint in an Admiralty case is called a libel. The plaintiff is the libellant and the defendant is the respondent. A proctor is an Admiralty lawyer. Admiralty jurisdiction relates to the regulation and practices having to do with the carrying of passengers and goods over water.

The Probate Court had jurisdiction over the probate of estates and wills, the appointment of guardians, adoptions, insanity hearings and commitments, and hearing regarding habitual drunkards. In many cases the probate of an estate continued for several years, so some of the probate case files occupy several file folders.

The first document filed in the probate of an estate is the request for Letters of Administration or Letters of Testamentary. If the individual did not leave a will, there is often an inventory and appraisal of all personal and real property in the estate. These inventories are often very detailed. Other documents found in the case file may include bills submitted against the estate, receipts for payment, reports on sale of personal and real property by the administrator of the estate, correspondence, and final distribution of the estate.

Insanity cases begin with the filing of a complaint regarding an individual's erratic behavior. The Probate judge would issue a warrant for the individual to appear in court and be examined by a physician. If a physician certified that the individual was insane, an order for commitment to the Hospital for the Insane was generally issued. By the 1870's, most insanity cases contained a pre-printed Physician's Certificate which asked specific questions about the individual's background and actions. If the individual owned property, a guardian was assigned to handle their affairs. The property was inventoried and often sold in order to pay for the cost of maintaining the individual in the Hospital for the Insane. Invoices for expenses and correspondence with the Hospital are often found in the case file.



Adoption cases include documents such as the petition of the adoptive parents, approval of the birth parents or guardian, a request to change the name of the adopted child and the approval of the court for the adoption.

## **County Descriptions**

### **Adams County**

Adams County was established in 1883 from the western portion of Whitman County. It was attached to Spokane County for judicial purposes throughout the Territorial period.

Probate Court was established in 1883, but only 9 cases date from Territorial period. The cases are arranged chronologically by date.

#### **LOCATION:**

Civil/Criminal	See Spokane County
Probate	Case A-G, 2, 5      1885-1889
Hard Copy	Eastern Washington Regional Archives
Microfilm	State Archives, Olympia Eastern Washington Regional Archives Adams County Clerk's Office

### **Asotin County**

Asotin County was established in 1883 from the eastern portion of Garfield County. It remained attached to Garfield County for judicial purposes until 1886 when its own District Court was created. District Court case files are arranged chronologically by date.

Probate Court was created in 1883, but only 8 cases have been located from the Territorial period.

#### **LOCATION:**

Civil/Criminal	Case #1-T-94-T      1886-1889
Hard Copy	Asotin County Clerk's Office
Microfilm	State Archives, Olympia Eastern Washington Regional Archives Asotin County Clerk's Office
Probate	Case #1-T-8-T
Hard Copy	Asotin County Clerk's Office
Microfilm	State Archives, Olympia Eastern Washington Regional Archives Asotin County Clerk's Office

## **Benton County**

Benton County was established in 1905 from Yakima and Klickitat Counties. Therefore, it has no court records relating to the Territorial period.

## **Chelan County**

Chelan County was created in 1899 from Okanogan and Kittitas Counties. Therefore, it has no court records relating to the Territorial period.

## **Clallam County**

Clallam County was created from the northwestern portion of Jefferson County on April 26, 1854 and named for a local Indian tribe. The first County seat was situated at New Dungeness. In 1890 Port Angeles was selected as County seat and a group of local men seized the records from New Dungeness and transferred them to Port Angeles. Clallam County was attached to Jefferson County for judicial purposes throughout the Territorial period.

Probate Court was established in 1854 but no Probate case files have been located. Information for this guide was extracted from Probate journals which remain in the County Clerk's Office and date from 1862-1890.

### **LOCATION:**

Civil/Criminal	See Jefferson County		
Probate	Clallam County Clerk's Office		
Letters of Testamentary	Book A	1862-1890	
And of Administration			
Probate Journal	Book B	1878-1886	
Probate Journal	Book C	1886-1890	
Probate Records of Petitions		1878-1890	
Probate Record of Wills		1878-1890	
Probate Court Record of Marriages	Book X	1878-1890	

## **Clark County**

Clark County was established in 1844 as Vancouver District of Oregon Territory. In 1849, the Oregon Territorial Legislature renamed it Clarke County. This is the earliest settled area in Western Washington. Fort Vancouver was established in 1824 and the regional headquarters of the Hudson's Bay Company was located near the fort in 1825. The Hudson's Bay Company exerted great influence in the area until the signing of the British-American Border Agreement in 1846. In 1849, Fort Vancouver became a permanent U. S. Army post.

District Court was established in 1854 with sessions in Vancouver. Skamania County was attached to Clark County for judicial purposes in 1865 and all previous District Court records were transferred to Clark County. In addition, at various times

court sessions for Cowlitz, Pacific, Wahkiakum and Lewis counties were heard in Vancouver. Unfortunately, due to a Courthouse fire in February, 1890 all of the Territorial District Court records for Clark County have been destroyed.

Probate Court was probably in effect when Clark County became part of Washington Territory in 1853. All of the Probate Court records were destroyed in the Courthouse fire of 1890.

**LOCATION:**

Civil/Criminal	Destroyed 1890
Probate	Destroyed 1890

**Columbia County**

Columbia County was established in 1875 from the eastern portion of Walla Walla County. It originally included the area which became Garfield and Asotin Counties. It remained attached to Walla Walla County for judicial purposes until 1877 when District Court was established. Court sessions were held at Dayton. District Court case files date from 1878 and are arranged chronologically by date.

Probate Court was established in 1875. Probate Court case files are arranged alphabetically by last name.

**LOCATION:**

Civil/Criminal	Case #1-1657	1878-1889
Hard Copy	Eastern Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Columbia County Clerk's Office	
Probate	Case #1-215	1874-1889
Hard Copy	Eastern Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Columbia County Clerk's Office	

**Cowlitz County**

Cowlitz County was established on April 21, 1854 from the southern portion of Lewis County. On April 24, 1854, Wahkiakum County was created from the western portion of Cowlitz County. Wahkiakum County remained attached to Cowlitz County for Judicial purposes throughout the Territorial period. Originally Cowlitz County was placed in the First Judicial District, with Court sessions held in Vancouver, Clark County. In 1861, Cowlitz County became part of the Second Judicial District. From 1872-1875, cases for Cowlitz County were heard in Pacific County. Cowlitz County had its own District Court from 1876-89 with sessions held at Kalama.

Probate Court was established in 1854, but existing cases date from 1860-1889.

The records for Cowlitz County are in very poor condition. The hard copy files have been water damaged and are disorganized. It appears that many case files have been lost. The microfilm copies of the case files are also of poor quality. There are no dividers between individual case files and the numbering system is disorganized.

Additional cases were located after the initial indexing for the guide. The information for these cases is listed after the probate cases for Cowlitz County. These records are not currently available on microfilm.

**LOCATION:**

Civil/Criminal	Case #5-376	875-1889
	No Case Number	1872-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia	
	Cowlitz County Clerk's Office	
Probate	Case #AA2-AA84	1860-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia	
	Cowlitz County Clerk's Office	

**Douglas County**

Douglas County was created in 1883 from the western portion of Lincoln County. It remained attached to Lincoln County for judicial purposes until 1888. In that year District Court was established with sessions held in Waterville. It was assigned to the Fourth Judicial District. District Court case files are available on microfilm only.

Probate Court records should date from 1883, but only cases from 1889 have been located. These are available on microfilm only.

**LOCATION:**

Civil/Criminal	Case #1-25	1888-1889
Hard Copy	Apparently Destroyed	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Douglas County Clerk's Office	
Probate	Case #1-6	1889
Hard Copy	Apparently Destroyed	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Douglas County Clerk's Office	

**Ferry County**

Ferry County was created in 1899 from the western portion of Stevens County and named for Elisha Ferry who served as Territorial Governor from 1872-1880 and the

first State Governor from 1889-1893. There are no Territorial Court records from Ferry County.

### **Franklin County**

Franklin County was established in 1883 from the southwestern portion of Whitman County. It as attached to Walla Walla County for judicial purposes throughout the Territorial period.

Probate Court was created in 1883 but only one case file has been located. Additional information was taken from a Probate journal. The journal indicates that the Probate Court often met and adjourned due to lack of business.

#### **LOCATION:**

Civil/Criminal	See Walla Walla County records
Probate	No Case Numbers 1884-1889
Hard Copy	Franklin County Clerk's Office

### **Garfield County**

Garfield County was established in 1881 from the eastern portion of Columbia County. It remained attached to Columbia County for judicial purposes until 1883 when District Court was established for the County. Court sessions were held Pomeroy. District Court case files are arranged chronologically by date.

Probate Court was established in 1881. Case files are arrange alphabetically by last name.

#### **LOCATION:**

Civil/Criminal	Case #1-582	1883-1889
Hard Copy	Garfield County Clerk's Office	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
Probate	No Case Numbers	1882-1889
Hard Copy	Garfield County Clerk's Office	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	

### **Grant County**

Grant County was established in 1909 from the Southeastern portion of Douglas County. Therefore, it has no court records relating to the Territorial period.

## Grays Harbor County

Grays Harbor County was created March 21, 1854, as Chehalis County, from the eastern portion of Thurston County. The name was changed to Grays Harbor County in 1915. The county remained attached to Thurston County for judicial purposes until 1883 when District Court was established as part of the Second Judicial District.

Probate Court was established in 1854, but the earliest case files date from 1857.

### LOCATION:

Civil/Criminal	Case #1-243	1884-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Grays Harbor County Clerk's Office	
Probate	Case 1-89	1857-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Grays Harbor County Clerk's Office	

## Island County

Island County was created in January 6, 1853 as part of Oregon Territory. The county originally included all of northwest Washington. The original county seat was located at Coveland but in 1863 it was changed to Coupeville, where it remains today.

The earliest District Court sessions were held in Island County, but in 1859 it was attached to Jefferson County for Judicial purposes. District Court cases relating to residents of Island County will be found in the records of Jefferson County.

Probate Court was established in 1853 and case files exist from that date.

Interesting Probate cases include the Estate of Isaac Ebey, an early settler who was killed by Northern Indians in 1857. The Estate of Benjamin Barstow includes an inventory of his store at Coveland and a list of outstanding accounts for 1854.

### LOCATION OF CASE FILES:

Civil/Criminal	See Jefferson County	
Probate	Case # A-1-A-117	1853-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia Island County Clerk's Office	

## Jefferson County

Jefferson County was established December 22, 1852 as part of Oregon Territory and named for Thomas Jefferson. Port Townsend was selected county seat, which it remains today.

District Court was established in 1854 as part of the Third Judicial District. Case files date from 1854 and include cases heard at Coveland in Island County from 1854-1858. Clallam, Island and San Juan counties were attached to Jefferson County for judicial purposes through the Territorial period. There are two series of District Court case files; Series 1, File 1-1089 (1854-1880) and Series 2, File 1-1336 (1876-1889) are located at the Northwest Regional Archives along with the case files.

Probate case files date from 1854-1889 and are filed alphabetically by last name.

Port Townsend was the site of the United States Customs House throughout the Territorial period. It was the first port of call for foreign goods entering Puget Sound. Therefore, the District Court case files include a large number of Admiralty cases and cases related to smuggling activity on Puget Sound. In several early criminal cases, Indians were found guilty of murder and, in at least one case, executed.

**LOCATION:**

Civil/Criminal	Case #1-1089	1854-1880
	Case #1-1336	1876-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Jefferson County Clerk's Office	
Probate		1853-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Jefferson County Clerk's Office	

**King County**

King County was established in 1852 from the northern part of Thurston County and was attached to Pierce County for judicial purposes. In 1854 District Court was established in King County, as part of the Third Judicial District. From 1857-1864, King County was placed in the Second Judicial District, but in 1864 it was returned to the Third Judicial District. The earliest case files dating from 1852-1864, are located with the records of Thurston County. In 1864, Snohomish and Kitsap counties were attached to King County for Judicial purposes. Snohomish and Kitsap counties were granted their own District Courts in 1875 and 1888, respectively. Court sessions were held in Seattle, the county seat. The earliest case files in this series have been reorganized and renumbered, and therefore do not reflect the original order.

Probate Court was established in 1854 and case files exist from that date.

Many interesting cases reflect the development of Seattle and King County. Henry Yesler appears as either plaintiff or defendant in over 200 cases, many of which relate to collection of debts. Several cases relate to anti-Chinese activity in King County in 1885-86, including the Squak Mountain murders and the anti-Chinese riots in Seattle.

LOCATION:

Civil/Criminal		1854-1864
	See Thurston County Records	
Civil/Criminal	Case #1-7441	1864-1889
Hard Copy	Puget Sound Regional Archives	
Microfilm	State Archives, Olympia	
	Puget Sound Regional Archives	
	King County Dept. of Judicial Admin.	
Probate	Case #1-940	1854-1889
Hard Copy	Puget Sound Regional Archives	
Microfilm	State Archives, Olympia	
	Puget Sound Regional Archives	
	King County Dept. of Judicial Admin.	

**Kitsap County**

Kitsap County was established in 1857 under the name of Slaughter County from the southern portion of Jefferson County and the western portion of King County. It was named after Lt. William Slaughter who was killed during the Indian uprisings. The voters of the County changed the name to Kitsap in honor of a local Indian chief in 1857. The first county seat was located at Port Madison, but was later changed to Port Orchard. Kitsap County remained tied to King County for Judicial purposes until District Court was established in 1888.

Probate Court was established in Kitsap County in 1857.

Records for the District and Probate Court case files are available on microfilm only. It appears the hard copy was destroyed after filming. The microfilm is of very poor quality and very difficult to read.

LOCATION:

Civil/Criminal	Case #1-20	1888-1889
Hard Copy	Apparently Destroyed	
Microfilm	Puget Sound Regional Archives	
	State Archives, Olympia	
	Kitsap County Clerk's Office	
Probate	Case #P1-P101C	1861-1889
Hard Copy	Apparently Destroyed	
Microfilm	Puget Sound Regional Archives	
	State Archives, Olympia	
	Kitsap County Clerk's Office	

**Kittitas County**



Kittitas County was established in 1883 from the northern portion of Yakima County. District Court was established in the same year with Court sessions held in Ellensburg. The District Court case files are arranged in two series; Case #1-588 and Case A-N. There are gaps in these series due to the removal of all criminal cases. The criminal case files have not been located.

The Probate case files are organized in two series; Case #2-50 and Case A-Z.

There are a number of cases which relate to water right disputes in the Ellensburg area. These indicate the importance of water to the agricultural development of the area.

**LOCATION:**

Civil	Case #1-588	1884-1889
	Case A-N	1884-1889
Hard Copy	Central Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Kittitas County Clerk's Office	
Probate	Case #2-50	1884-1889
	Case A-Z	1886-1889
Hard Copy	Central Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Kittitas County Clerk's Office	

**Klickitat County**

Klickitat County was created in 1859 from the southwest portion of Walla Walla County. It was assigned to the Second Judicial District and court sessions were held in the county until 1864. From 1864-1879, court sessions for Klickitat County were held in Vancouver, Clark County. In 1879, District Court was again established in Klickitat County. District Court case files date from 1880 and are numbered chronologically. The cases have been rearranged in two series; one for civil and one for criminal.

Probate Court was established in 1859 but no case files had been located at the time this guide was compiled. The names and type of action in Probate cases were therefore compiled from the Probate journals. Probate case files dating from 1885 have since been located, and they are stored, along with the Probate journals, at the Central Washington Regional Archives.

**LOCATION:**

Civil/Criminal	Case #1-250	1880-1889
Hard Copy	Klickitat County Clerk's Office	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Klickitat County Clerk's Office	
Probate	Case #-???	1885-1889

### Lewis County

Lewis County was created from the Vancouver District of Oregon Territory on December 21, 1845. It was the second county formed in the area which became Washington Territory and originally included all of Western Washington north of the Cowlitz River and west of the Cascade Mountains. In 1851, Pacific County was created out of the southeast corner of Lewis County. In 1852, Thurston County was created out of the northern portion of Lewis County. In 1854, Lewis County lost territory to Skamania, Cowlitz, Clarke, Chehalis, and Wahkikaum counties. Minor boundary changes continued to be made until 1888. Lewis County was assigned to the Second Judicial District. During the 1860's court sessions for Lewis County were held in Olympia, Thurston County. District Court sessions were held in Lewis County beginning in 1879.

Probate case files from Lewis County date from as early as 1852.

The District Court records of Lewis County also include some miscellaneous documents which relate to County government when the area was part of Oregon Territory.

#### LOCATION:

Civil/Criminal	Case #1-357	1879-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia	
	Lewis County Clerk's Office	
Probate	Case #OS1-OS181	1852-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia	
	Lewis County Clerk's Office	

### Lincoln County

Lincoln County was established in 1883 from the western portion of Spokane County. In that same year, Douglas County was created out of the western-most portion of Lincoln County. It remained attached to Spokane County for judicial purposes until 1885 when its own District Court was established. It was placed in the Fourth Judicial District and court sessions were held at Sprague. In 1896 the county seat was moved to Davenport, where it remains today. After 1885, Adams and Douglas counties were attached to Lincoln County for judicial purposes rather than Spokane County. District Court case files are arranged chronologically by date. The hard copy was destroyed after microfilming.

Probate Court was established in 1883. The case files are arranged chronologically by date. The hard copy was destroyed after microfilming.

**LOCATION:**

Civil/Criminal	Case #1-256	1886-1889
Hard Copy	Destroyed	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Lincoln County Clerk's Office	
Probate	Case #1-121	1884-1889
Hard Copy	Destroyed	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Lincoln County Clerk's Office	

**Mason County**

Mason County was established in 1854, under the name of Sawamish County, from the northwestern portion of Thurston County. In 1864, the name was changed to Mason County by the Territorial Legislature. Mason County was attached to Thurston County for judicial purposes throughout the Territorial period.

Probate Court was established in 1854, but the earliest case files date from 1871. There are gaps in the Probate Court records. It appears the records were sent out for microfilming during the 1850's and some of the original hard copy was not returned to the County Clerk's Office. Indexes to the records indicate the records should date from 1858. The indexes remain in the custody of the County Clerk.

**LOCATION:**

Civil/Criminal	See Thurston County Records	
Probate	Case #9-70	1871-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia	
	Mason County Clerk's Office	

**Okanogan County**

Okanogan County was created in 1888 from the western portion of Stevens County. It was attached to Spokane County for judicial purposes, but later was assigned its own District Court. The first 10 District Court cases were originally filed in Spokane County and then transferred to Okanogan County. The hard copy was apparently destroyed after microfilming.

Probate Court was established in 1888. The hard copy was apparently destroyed after microfilming.

LOCATION:

Civil/Criminal	Case #1-14	1888-1889
Hard Copy	Apparently Destroyed	
Microfilm	State Archives, Olympia Central Washington Regional Archives Okanogan County Clerk's Office	
Probate	Case #1-12	1888-1889
Hard Copy	Apparently Destroyed	
Microfilm	State Archives, Olympia Central Washington Regional Archives Okanogan County Clerk's Office	

**Pacific County**

Pacific County was established on February 3, 1851 by the Oregon Territorial Legislature from the southwestern corner of Lewis County. Oysterville was named the County seat in 1855 and remained so until 1893 when residents of South Bend forcibly removed the court records. Pacific County was assigned to the Second Judicial District. Court sessions were heard in Vancouver, Clark County until the 1870's when Court sessions were held in Kalama, Cowlitz County. In 1877, Pacific County received its own District Court with sessions held in Oysterville. The District Court case files have three different numbering systems. No explanation has been found for the three systems.

Probate Court records date from 1851-1889. There are two numbering systems for the Probate case files.

LOCATION:

Civil/Criminal	Case #A1-A17	1878-1880
	Case #O1-O102	1878-1886
	Case #1-94	1885-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Pacific County Clerk's Office	
Probate	Case #O1-O33	1851-1887
	Case #1-87	1851-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Pacific County Clerk's Office	

**Pend Oreille County**

Pend Oreille County was established in 1911 from the eastern portion of Stevens County. Therefore, it has no court records dating from the Territorial Period.

**Pierce County**

Pierce County was created in 1852 from the northern portion of Thurston County. The earliest area of settlement was at Fort Steilacoom. District Court was established in 1854 with the first court sessions held in Steilacoom. The county seat was later moved to Tacoma. The District Court case files for Pierce County are no longer in their original order. The cases have been renumbered and are somewhat disorganized. The cases date from 1855-1889, but there are gaps in the series.

Probate Court was established in 1852, but the earliest existing case number is 13 and dates from 1855.

**LOCATION:**

Civil/Criminal	Case #1-3172	1855-1889
Hard Copy	Puget Sound Regional Archives	
Microfilm	State Archives, Olympia Pierce County Clerk's Office	
Probate	Case #13-711	1855-1889
Hard Copy	Puget Sound Regional Archives	
Microfilm	State Archives, Olympia Pierce County Clerk's Office	

**San Juan County**

San Juan County was established October 31, 1873, shortly after settlement of the International Border Dispute over the San Juan Islands between Great Britain and the United States. Prior to the time, the area had been part of Island County (1852-1854) and Whatcom County (1854-1873). The county seat is currently at Friday Harbor. The area has always been sparsely populated. San Juan County was attached to Jefferson County for judicial purposes throughout the Territorial period.

Probate Court records date from 1874-1885 and are arranged chronologically. Cases dating from 1885-1889 have not been located.

**LOCATION:**

Civil/Criminal	See Jefferson County	
Probate		1874-1885
Hard Copy	Northwest Regional Archives	

**Skagit County**

Skagit County was established in 1883 from the southern portion of Whatcom County with La Conner as the first county seat. District Court for Whatcom County had been held at La Conner and the earliest Court case files from Whatcom County (1878-1883) were left in Skagit County. Cases #1-315 were actually heard in Whatcom County District Court. Case #316 was the first case heard in Skagit County District Court. The county seat was later changed to Mount Vernon.

Probate Court was established in 1883. The case files are arranged chronologically.

**LOCATION:**

Civil/Criminal	Case #1-554	1878-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Skagit County Clerk's Office	
Probate	Case #OP 1-OP101	1884-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Skagit County Clerk's Office	

**Skamania County**

Skamania County was created in 1854 from the eastern portion of Clark County and District Court was established at that time. In 1865, Skamania County was divided between Clark and Klickitat counties and all court records were transferred to Clark County. Two years later the Act of 1865 was repealed and Skamania County was reestablished. At this time, it was attached to Clark County for judicial purposes. District Court sessions were held in Clark County for the rest of the Territorial period. Therefore, all District Court case files were destroyed in the Clark County Courthouse fire of 1890.

Probate Court was established in 1854. No Probate case files have been located, but Probate journals from the Territorial period are available at the Skamania County Clerk's Office. No information has been indexed from these journals for this guide.

**LOCATION:**

Civil/Criminal	Destroyed	
Probate	Unable to Locate Case Files	
Probate Journals	Skamania County Clerk's Office	
Letters of Administration	1885-1893	
Record of Wills	1872-1913	
Administrator's Bonds, Book A	1869-1895	
Probate Journal, Book A	1854-1892	
Record of Letters of Administration, Vol. 2	1854-1893	

**Snohomish County**

Snohomish County was created on January 1, 1861 from the eastern portion of Island County. It was attached to Island County for Judicial purposes; later to King

County. In 1875, Snohomish County was granted its own District Court as part of the Third District. Mukilteo was the original county seat, but it was later changed to Everett. Probate Court records date from 1866-1889.

**LOCATION:**

Civil/Criminal	Case #1-590	1876-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Snohomish County Clerk's Office	
Probate	Case #OS1-OS101	1866-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Snohomish County Clerk's Office	

### **Spokane County**

Spokane County was originally authorized in 1858 from the northern portion of Walla Walla County, but officials failed to organize county government. It was authorized again in 1860. In 1861, Shoshone County, which is now in Idaho, was created out of the eastern part of Spokane County. With the creation of Idaho Territory in 1863, Spokane County was again reduced in size. In 1864 Spokane County attempted to annex Stevens County. Instead, the Territorial Legislature abolished Spokane County by annexing it to Stevens County. Spokane County was reestablished in 1879 with a smaller size. In 1883, Spokane County was again reduced in size by the creation of Lincoln County from its western area.

Spokane County remained attached to Walla Walla County for judicial purposes until 1862 when its own District Court was created. This court was abolished when the County was annexed to Stevens County. In 1879, District Court was reestablished with court sessions held at Spokane Falls. The Territorial Legislature authorized the transfer of Court records from For Colville, Stevens County to Spokane Falls and for two years this served as the Court for both Stevens and Spokane counties. District Court sessions moved from Spokane Falls to Cheney in 1881. From 1883-1886, Adams, Lincoln, and Douglas counties were attached to Spokane County for judicial purposes. In 1888, Okanogan County was briefly attached to Spokane County for judicial purposes.

District Court case files are arranged chronologically by date. The earliest cases date from 1878, but there are some gaps in the series. The hard copy of the case files was destroyed after filming. Case files dating from the 1860's are located with the records of Whitman County.

Probate Court was established in 1860 and then abolished. It was reestablished in 1879. Case files date from 1880 and are arranged chronologically by date. The hard copy was destroyed after filming.

LOCATION:

Civil/Criminal	Case #1-2597	1878-1889
Hard Copy	Destroyed	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Spokane County Clerk's Office	

Probate	Case #1-336	1880-1889
Hard Copy	Destroyed	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Spokane County Clerk's Office	

**Stevens County**

Stevens County was established in 1863 from the northern part of Walla Walla County. In 1864, Stevens County annexed Spokane County increasing its area to include all of northern Washington. Over the years, Stevens County was reduced in size by the creation of new counties. These include Whitman in 1871, Spokane in 1879, Okanogan in 1888, and after statehood, Ferry 1899 and Pend Oreille in 1911.

Stevens County remained attached to Walla Walla County for judicial purposes, as part of the First Judicial District until 1867. After 1867, Court sessions were held in Stevens County at Pinkney City (later named Fort Colville). Court sessions continued to be held in Stevens County until 1879 when it was combined with Spokane County for judicial purposes. At that time all court records were transferred to Spokane Falls. District Court was reestablished in 1881 with session held at Colville.

The District Court case files are arranged chronologically by date. The earliest cases date from 1882. The hard copy was destroyed after microfilming. Some early cases from Stevens County are located with the records of Whitman County.

Probate Court was established in 1863, but only one Probate case file dating from 1887 had been located at the time this guide was compiled. One box of additional files dating from 1874-1891 has since been located and are in the custody of the Eastern Washington Regional Archives.

The Colville Indian Reservation occupied a large area of Stevens County, which later became part of Okanogan County. This was also an area of mining activity and some of the cases reflect actions to recover mining claims.

LOCATION:

Civil/Criminal	Case #1-154	1882-1889
Hard Copy	Eastern Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Eastern Washington Regional Archives	
	Stevens County Clerk's Office	

Probate	Case #4	1887
Hard Copy	Eastern Washington Regional Archives	



Microfilm      State Archives, Olympia  
Eastern Washington Regional Archives  
Stevens County Clerk's Office

### **Thurston County**

Thurston County was established in 1852 as part of Oregon Territory. It originally included all of western Washington north of Lewis and Clark counties. By 1854 it had been reduced to approximately its current size. Olympia, the county seat of Thurston County, was selected the capital of Washington Territory. District Court was established in 1852. The court records include cases heard in Lewis, Pierce, and King Counties during the 1850's.

Probate Court was established in 1852. Probate cases are arranged alphabetically with the earliest dating from 1853.

The records of Thurston County contain the case of Territory vs. Leschi for murder and cases relating to the Declaration of martial law by governor Stevens in 1855.

#### **LOCATION:**

Civil/Criminal	Case #1-2876	1852-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Thurston County Clerk's Office	

Probate	Case #1-290	1853-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Thurston County Clerk's Office	

### **Wahkiakum County**

Wahkiakum County was established in 1854 from the southwestern part of Lewis County. The Columbia River borders it on the south. Wahkiakum County remained attached to Cowlitz County for Judicial purposes throughout the Territorial period.

Probate Court was established in 1854 but the earliest existing case dates from 1852. There appear to be gaps in the Probate case files.

#### **LOCATION:**

Civil/Criminal	See Cowlitz County Records
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Probate	Case #1-45	1852-1889
Hard Copy	Southwest Regional Archives	
Microfilm	State Archives, Olympia Wahkiakum County Clerk's Office	

## Walla Walla County

Walla Walla County was established in 1854 from Clark and Skamania counties. It originally included all of eastern Washington as well as area which later became Idaho, Montana and Wyoming. Walla Walla County was reduced in size as new counties were formed in eastern Washington during the Territorial period. In 1860, Spokane County was formed from its northeastern area and in 1865 Yakima County was created from its northwestern area. Columbia County was created from its eastern part in 1875. In turn, these large counties were broken into smaller counties.

District Court was established in Walla Walla County in 1860 as part of the First Judicial District. Prior to that date, Walla Walla County was attached to Skamania County for judicial purposes. Case files date from 1860 and they are arranged in two series. The first series is numbered 1-1480 and dates from 1860-1868. The second series is numbered 1-6136 and dates from 1866-1889. Naturalization cases were originally interspersed in the two series, but they have now been organized as a separate series. Bankruptcy cases dating from 1872 have also been organized as a separate series.

Probate Court was established in Walla Walla County in 1854. The earliest date from 1861. The numbering system for the Probate cases reflects the fact that they were filed with the Supreme Court case files for the year 1901. The cases are arranged somewhat alphabetically in groups by date.

The city of Walla Walla was the most populous in Washington Territory until the late 1870's. It was a supply center for the mining camps in Idaho Territory and served as a crossroad for overland travelers to the West Coast. In the later years, it served as the banking, transportation and supply center for the surrounding agricultural area.

### LOCATION:

Civil/Criminal	Case #1-1480	1860-1868
	Case #1-6136	1866-1889
Hard Copy	Eastern Washington Regional Archives	
Microfilm	State Archives, Olympia Walla Walla County Clerk's Office	
Probate	Case #7-502	1859-1889
	Case #4108-4721	1861-1889
Hard Copy	Eastern Washington Regional Archives	
Microfilm	State Archives, Olympia Eastern Washington Regional Archives Walla Walla County Clerk's Office	

## Whatcom County

Whatcom County was established in 1854 from the northeastern portion of Island County. It originally included the area which now comprises Skagit County. District Court was established in 1877 with sessions held at La Conner. When La Conner became part of Skagit County in 1883, court sessions for Whatcom County were held in the town

of Whatcom (now Bellingham). The earliest Court case files from Whatcom County remained with the Skagit County District Court.

Probate Court should have been established in 1854 when Whatcom County was created, but the earliest Probate records which could be located date from 1872. The hard copy of these records has been destroyed, so they only exist on microfilm.

**LOCATION:**

Civil/Criminal	Case #1-368	1883-1889
Hard Copy	Northwest Regional Archives	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Whatcom County Clerk's Office	
Probate	Case #1-277	1872-1889
Hard Copy	Destroyed	
Microfilm	State Archives, Olympia	
	Northwest Regional Archives	
	Whatcom County Clerk's Office	

**Whitman County**

Whitman County was created in 1871 from the southeastern portion of Spokane County. It was attached to Walla Walla County for judicial purposes until 1875 when District Court was established with sessions held at Colfax. The District Court case files include cases heard in Spokane and Stevens counties in the 1860's. The case files are arranged somewhat chronologically by date but there are gaps in the series. The hard copy case files are still located at the Whitman County Courthouse in Colfax. Only Case #1-1616 are available on microfilm at this time.

Probate Court was established in 1871. The earliest Probate case files are not arranged in any discernible order. The later case files are arranged chronologically by date. The hard copy remains in the Whitman County Clerk's Office, but all Probate case files are available on microfilm.

**LOCATION:**

Civil/Criminal	Case #1-2423	1861-1889
Hard Copy	Whitman County Clerk's Office	
Microfilm	State Archives, Olympia	
	Whitman County Clerk's Office	
Probate	Case #1-253	1878-1889
Hard Copy	Whitman County Clerk's Office	
Microfilm	State Archives, Olympia	
	Whitman County Clerk's Office	

**Yakima County**

Yakima County was created in 1865 from the western portion of Walla Walla County. In 1863 Ferguson County had been created in the same area, but the Act was repealed in 1865 due to lack of action taken to form a County government. From 1865-1868, Yakima County was attached to Stevens County for judicial purposes. In 1868, Yakima County was attached to Walla Walla County for judicial purposes. District Court was established in Yakima County in 1871 with sessions held in Yakima City. In 1882, a Courthouse fire destroyed all of the District Court records. The civil and criminal case files are arranged in separate chronological series. There are some gaps in the series. Kittitas County was formed from the northern part of Yakima County in 1883.

Probate Court was created in 1865. The earliest case located dates from 1874. The files are arranged chronologically.

LOCATION:

Civil	Case #1-784	1882-1889
Criminal	Case #1-263	1881-1889
Hard Copy	Central Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Yakima County Clerk's Office	
Probate	Case #1-184	1874-1889
Hard Copy	Central Washington Regional Archives	
Microfilm	State Archives, Olympia	
	Central Washington Regional Archives	
	Yakima County Clerk's Office	