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Swedish Legal Records

What are they and what can you find in them?

BY ELISABETH THORSELL

Swedish legal records are preserved from many levels in the legal system. The basic court is the *Häradsrätten* (district court) in rural areas and the basic legal unit was then the *Härad* (legal district), which consists of a number of neighboring parishes.

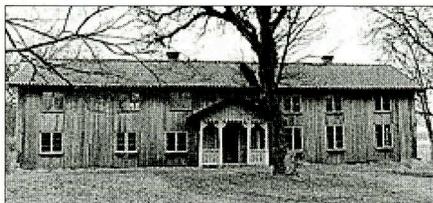
The basic unit

The parish (*socken, församling*) is always the basic unit in all types of Swedish genealogical research. But what is a parish? A parish is a geographical area, the smallest administrative unit in Sweden. All people in the same parish went to the same church, were registered in the same books, and were buried in the same churchyard.

The *härad* consisted of a number of parishes. In some parts of the country the word *tingslag* is used instead of *härad*.

The district court judge (*härads-hövdingen*) was a university trained law graduate, but he also had the assistance of the *nämndemännen* (permanent jurymen), which were twelve local men of good repute. It was considered a big honor to be a *nämndeman*, and in many cases this honor was carried on in several generations of the same family. The *nämndeman* who had served the longest could be given the honorary title of *häradsdomare*.

The court met three times every year, in the winter, early summer, and in the fall. They met at a special place, *tingsställe*, where there often was a special building (*tingshus*) with a big room for the court meetings and living quarters for the *härads-hövdingen* and his clerks.



Norrö courthouse in Österåker, Uppl.

How old are the records?

The first common law for the whole of Sweden was written in the 1300s, *Magnus Eriksson's Landslag*, and that remained in use until 1734, when the new common law, called the Law of 1734, was instituted. Parts of that law have been in use until recently.

The preserved records of the district courts usually start in the early 1600s, and they are of many types. Two kinds are of special interest to genealogists, the *domböcker* (court minutes) and the *bouppteckningar* (estate inventories, probate).

Contents of the records

In the *domböcker* you find almost everything that people could drag each other into court for: minor misdemeanors and capital crimes. It was also common to take wills and contracts to the court to get them registered in the court minutes, so that nobody could later say they did not exist.

One type of contract that is frequently seen is made between an older couple and a younger. In this the older ones give all their property to the younger ones in exchange for a promise that the younger ones will take care of the old people until they pass away. It is then stated exactly

how much rye, how much milk, how much firewood, and other items that the old folks will receive every year. This is called an *undantagskontrakt*, or *födoråd*, or something similar; the name changes in different parts of the country.

Other common cases can be matters of money, borrowing money and not paying back, or buying things at auctions and not paying. Sometimes you can see that a travelling salesman has sold goods at the market and not been paid.

The local people along the main roads had to keep up the roads, and you can see them being fined for bad road maintenance. Being drunk on a Sunday was a worse crime than being drunk on a weekday, so the fines were higher. Breaking the peace and fighting on the road was another crime which happened now and then. Also the district prosecutor and the local forest warden and other officials took their cases to the district court.

Illegitimate children

Having a baby out of wedlock was another crime which rendered the culprit fines. The girl in question most often did not wish to stand before the court alone, so she often named the baby's father, and he also had to come to the court. If he denied the accusation, which was quite common, the case was dismissed to the next meeting, so witnesses could be summoned. Their testimonies often give a vivid glance of how people lived in the crowded little houses of those days – not much privacy there! Usually they were both fined, and had to pay a certain amount to the

church in the parish where this crime was committed. He paid, during the 1800s, 1 *daler* 16 *skillingar*, and she paid half the amount, which was 32 *skillingar*. It can be a good idea to check the parish accounts (*kyrkoräkenskaper*) before trying to get into the court minutes, as they are not as voluminous. If there is nothing in the church accounts, there is probably nothing in the court minutes, as all parents of illegitimate children were not taken to court. The legislation was changed in 1864 and after that illegitimate children are not found in the court records, unless the mother sued for child support or breach of promise to marry.

List of fines

The cases that ended with a fine are quite easy to track in the sometimes very thick books of minutes. At the end of each court meeting records there are a few pages that look like some kind of accounts, with columns, and that is the list of fines (*saköreslängd*). If you suspect that your ancestor had to pay fines, look at this list and you will also find a reference to the number of his court case with which you can then find it in the main records.

Capital crimes

Sometimes something out of the ordinary happened: a fight had ended in somebody being knifed, a baby was found murdered, a big theft had taken place, or a horse had been stolen, for instance.

When this happened an extra court meeting was called at a special time (*urtima ting*) and a separate set of records was most often kept.

Thefts usually ended by the culprit being sentenced to prison time and damages, but the most serious cases could end with the accused being sentenced to death by the axe and then being burned.

Every death sentence had to be referred to the court of appeals (*Hovrätten*), and they often commuted the sentence to prison or fines.



Häradsdomare Johan Svensson, born 1821 in Färnebo, Värm., died 1894 in Nordmark, Värm.

Probates

The *bouppteckning* (probate) had to be done for everyone who died and who possessed anything, as 1/8 % of the remains of the estate went to the parish to support the poor.

However, it has been figured that only one in four had an estate inventory made, so you never know if you are going to find one.

Probates are also important as they list all the heirs of the deceased, and if the children were minors, the next of kin who should guard their interests in the estate. If it was a man

who died, the children's paternal uncle or somebody on his side of the family should be present, and if it was a woman, someone from her side of the family, and this can of course give important clues, if you do not know the origins of the deceased person.

More details on probates will be the subject of a future article in SAG.

Where are these records?

They are kept in the provincial archives (*landsarkiven*) in Sweden, and are also available on microfilm up to the middle 1800s. The Mormon Family History Centers around the world have these microfilms in their catalog.

To find out which legal district (*härad*) a parish belongs to, you must consult a gazetteer like Rosenberg's *Statistiskt-Geografiskt Handlexikon*, published originally in 1888, reprinted in 1993, or the yearly *Rikets indelningar*, published by the Central Bureau of Statistics. The boundaries of the legal districts (*härad*) have sometimes changed over the centuries, but usually not very much.

The actual records are usually kept by year, but if there were many cases during each meeting, there can be three volumes for a year. They are handwritten in old Swedish and might not be very easy to read, but if you find your ancestor in there, it is well worth the effort.

Längd för Färnebo År 1820		Andel	Skatt	Skatt	Skatt	Skatt	Skatt
60	Alfhyttan för Alfhyttan vid	16					
98	År 1820. Alfhyttan vid	16					
64	År 1820. Alfhyttan vid	16					
85	År 1820. Alfhyttan vid	16					

A part of a saköreslängd from Färnebo, Värm., häradsrätt in 1820.