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Some notes on Swedish legal records

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Endnotes

- 1) The House of Nobility was created in 1626 which required family genealogies and registration.
- 2) For example: Ulf (wolf), Örnflycht (eagle flight), Gyllensvärd (golden sword), Söderhielm (southern helmet).
- 3) a citizen of a town or city, typically a member of the wealthy bourgeoisie.
- 4) Military surnames were often assigned to the residence between the 1680's and the early 1900's and would have been used by whoever the soldier (or sailor) was at the time. The surname cannot be used to assume relationship to the previous or subsequent soldier (or sailor.)
- 5) *Ecklesiastikdepartementet* was a department handling reform between 1840 to 31 December, 1967.

6) Patent- och registreringsverket (PRV).

7) Brylla, Eva. *The Swedish Personal Names Act 1982...*, 23:2005 p. 73.

8) Many are changing their name to sound more anglicized by translating their name into English, others are using nobility sounding or nobility names that have died out if it is not prominent in the culture or history.

9) Kjällerström, Per August, *Svensk Namnbok, Dopnamn, Ättenamn, Ortnamn*, p. 125.

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Some notes on Swedish legal records

BY ELISABETH THORSELL

The first common law for all of Sweden was written in the 1350s, called *Magnus Eriksson's Landslag*, and remained in use until 1734, when the new common law was instituted and accepted by king and parliament in 1736. Parts of that law have been in use until recently.

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 consisted of a number of neighboring parishes.

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 *häradshövding* (district court judge) 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 through several generations of the same family.

The court met three times a year. These meetings were called *Vinterthing*, *Sommarting*, and *Hösteting*. Each *härad* had a designated meeting place, the *tingsplats*, where there also was some kind of a prison, where miscreants were kept during the *tingsmöte*. At other times prisoners were kept in the county government seat (*residensstaden*).

If a serious crime, a major theft, or a murder happened, then the court would be assembled for a meeting, called *Ur-tima ting* ("out of time"). The records from that meeting can be found in a special book for such meetings, or in the ordinary minutes.

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

In the *domböcker* you will find almost everything under the sun that people could drag each other into court for, minor misdemeanors and capital crimes.

Every death sentence had to be referred to a *Hovrätt* (Court of Appeal). The first *Hovrätt* was started in 1614, *Svea Hovrätt*, which tried cases from

the whole country. In 1623 the *Hovrätt* for Finland was instituted in Åbo. In 1634 the *Göta Hovrätt* for southern Sweden was instituted in Jönköping.

The *Hovrätter* should scrutinise the sentences from the *häradsrätter*, and they often changed the sentence to prison or fines.

Death sentences were sent from the *Hovrätt* to the King, who had to sign them, or could commute the sentence to, for instance, hard labor for life.

In the cities

In the cities there were usually two levels of courts, the *Rådhusrätt* and the *Kämnärsrätt*. Smaller cities had only the *Rådhusrätt*. The *borgmästare* (mayor of the city) was the judge, and handled many different kinds of cases. This court also had a permanent jury that consisted of the *Rådmän* (pl.), of which there were two categories, those with a law exam, and those without. Normally there was a court meeting every week with the *borgmästare* and three *rådmän* present.

In the *Kämnärsrätt* all less serious cases were handled: disputes, fighting in streets, pilfering, paternity cases, and much more. From the *Kämnärsrätten* people could appeal to the *Rådhusrätt* if they were not satisfied with a verdict. These courts were abolished in 1849.

(More on estate inventories in next SAG).