

BC Archives Research Guide

COURT RECORDS

The BC court system is structured around registries (located throughout the province), levels (i.e., Supreme, Appeal, and Provincial), and type of action (i.e., criminal or civil).

There are currently [over 40 court registries](#) in the province, which have changed in number and structure over time. Each registry may encompass more than one level of court, and they typically deal with both civil and criminal matters.

Each court and each type of case generates different types of records. In order to locate specific court records you must determine:

- the type of action,
- the level of court at which the action took place, and
- the court registry where the record would have been filed.

In the past, there were also Police, County, and local Magistrate courts. The court level at which cases (or actions) were tried or heard, was based on their seriousness or the area of law at issue. Historically, criminal cases were tried by Supreme Court judges in Assizes held in various locations in the spring and autumn. Many criminal cases are now heard in Provincial Court. Civil cases fall into several different categories (e.g., bankruptcy, probate, divorce, statutory, and adoption), which may also affect how the records are kept. For example, a civil case, suing for a small amount, would have been heard at the County Court, whereas a divorce action could only be heard at the Supreme Court. An exception to this is Speedy Trials where the defendant could opt for trial by judge alone and it would be held at the County Court level.

For court records from 1989 onwards, search [Court Services Online \(CSO\)](#). Some of these records are held at the BC Archives but most are still in the custody of the court registries.

BC Court of Appeal and Supreme Court judgments from 1990 to the present are searchable online via [Courts of BC - Search Judgements](#).

Provincial Court judgements from 2000 to the present are searchable online via the [Canadian Legal Information Institute \(CanLII\) databank](#).

For additional court and court-related databases see [CanLII Primary Law Databases](#).

COURT RECORDS HELD BY THE BC ARCHIVES

The BC Archives is the repository for court records created by provincially administered courts and selected for permanent retention. They include orders, judgments, cause books, plaint and procedure books, minute books, and registers. They may also include case files as well as documents submitted to the courts, such as writs or petitions, affidavits, and depositions.

The selection and transfer of these records is controlled by an approved records schedule ([Court Services Operational Records Classification System, Schedule 100152](#)) introduced in the 1980s. Prior to the 1980s each court registry maintained its own records. Different types of records have different retention schedules and while some, primarily probate files, are retained in their entirety many are only selectively retained (i.e., orders and judgements are kept but

case files, including proceedings transcripts, are destroyed after a set period of time). For example, divorce case files are retained by court registries for 11 years and then destroyed. Divorce orders and judgments are retained by court registries for 10 years and then transferred to the BC Archives. Whereas probate case files are retained by the registries for 11 years and then transferred to the BC Archives in their entirety.

The BC Archives does not have a complete set of court records and not all court records survived, were retained, or have been transferred to the BC Archives. Some court registries have, for various reasons, retained some or all of their records.

LOCATING COURT RECORDS AT THE BC ARCHIVES

The most common court records retained by the BC Archives are orders, judgments, and reasons for judgment. The majority of the records are not indexed to individuals' names.

In order to locate specific court records within the BC Archives holdings certain details are required. Often these can often be requested from the [Court Registry](#) where the case was originally filed. The [Court Registry](#) should be able to provide a BC Archives reference (e.g., GR-0000) or accession number; box, volume, folio, and file numbers; file name; file date; and type of record (e.g., probate, will, divorce, etc.).

If you do not have adequate details to make a request from a [Court Registry](#) or are conducting a general search of court records during a particular time or place, locating court records often involves an online search of the [BC Archives Collection](#) and using a sequence of related court records:

- Conduct an online search of the [BC Archives Collection](#) for indexes, cause books/case record cards, or plaint and procedure books, which may provide you with a case file number, dates, style of cause, presiding judge, and orders and/or judgements. Accompanying finding aids may provide a list of names of the parties involved. For Supreme Court cases, the starting point is usually the cause books (or, after the 1970s, case records cards). For County Court cases it is plaint and procedure books.
- To determine what records we have for a particular location or registry, use the BC Archives Collection [Advanced Search](#). Type in the location or registry and the term Court (e.g., Kamloops AND Court), select the 'Name access points' field, and click on Search.

⌵ [Advanced search options](#) ⌵

Find results with:

in

To limit your search to a particular court level, add that to your search term (e.g., Kamloops AND Court AND Supreme).

⌵ [Advanced search options](#) ⌵

Find results with:

in

To search for a specific type of court record, such as probates, type in the location or registry and the term probate* (include the * to search for probate as well as probates). Leave 'Any field' selected and click on Search.

Advanced search options

Find results with:

Kamloops AND probate* in Any field

Add new criteria

- See the *Coroners' Records*, *Divorce Records*, *Probate Case Files*, and *Wills* research guides on our [Guides, Indexes, and Inventories](#) webpage for more information about searching those types of court records.
- See the Related Records section below for further suggestions.

Within the BC Archives reference room, Inventories 7-7D, Court Records, although not recently updated, can be useful for researching early court records.

Not all court records transferred to the BC Archives have been fully processed and described in our [BC Archives Collection](#). If you are unable to find records relating to your inquiry, email access@royalbcmuseum.bc.ca to request a search of our internal databases for unprocessed court records.

The BC Archives has only scattered Police and Magistrate court records. These courts were under police or local control and their records did not form part of court registry records. If they still exist, they are often found in local archives (e.g., the Vancouver Police Court records are held at the City of Vancouver Archives). The records are also much more rudimentary than the County or Supreme Courts.

Related records

- Judges' [bench books](#) – Bench books are a judges' notes of court proceedings and are not considered court records. You will need to know which judge tried a case, which may be found in cause/plaint and procedure books and in newspaper accounts. [GR-1727](#) can also be used to determine names of judges at particular locations and dates. Access is restricted for bench books after 1909.
- Newspaper accounts – If you know the approximate date of a trial, newspapers reported most criminal trials and a number of civil trials (divorces, business disputes, and cases involving prominent individuals). Police Court and Magistrate's Court convictions were often reported as well.
 - [BC Historical Newspapers](#) (1859-1995), for smaller, community-based publications
 - [British Colonist](#) (1858-1980), which was published in Victoria but included stories from across the province.
 - [Victoria Daily Times](#) (1884-1944, also published in Victoria
 - [ProQuest](#) for access to The Province (1894-2010), The Times Colonist (1884-2010), and The Vancouver Sun (1912-2010)
- Attorney General records – Series [GR-0419](#) Attorney General documents (1857-1966) can sometimes provide records of a preliminary hearing or Crown brief. Series [GR-0429](#) - Attorney General correspondence records (1872-1950) can also include a wide range of court cases. Access is restricted for records from both series after 1909.

- Law reports and digests – Significant cases and decisions were sometimes published in legal publications:
 - *The British Columbia Reports* was a law report series published from 1884-1948 by the Law Society of BC, with judgments dating back to 1867. All issues are available online via [UBC Open Collections](#).
 - *Western Weekly Reports*, which includes a large number of BC cases from 1911-2003, is available from the [BC Archives Library \(NW 348.043 W326\)](#).
 - Other reports and digests can be found at law libraries and via [CanLII](#).
- Coroners' records – See the *Coroner's Records* guide on our [Guides, Indexes, and Inventories](#) webpage.
- BC Provincial Police records – Conduct an online search of the [BC Archives Collection](#) for "provincial police".
- Published accounts of trials – The [BC Archives Library](#) has both contemporary and historical accounts of some trials.

OBTAINING REPRODUCTIONS OF COURT RECORDS

Visit our [Request Court Records](#) webpage to order copies of court records such as probated estate files, wills, court orders (including divorces), and judgments. Reproduction fees are charged for such requests. See our [Price List](#).

You can also visit the BC Archives in person to copy (non-restricted) records for free using your digital camera or cellular telephone.

ACCESS RESTRICTIONS

Court rules and legislation restrict access to some court records:

- The rules of court (Supreme Court, Provincial Court, and Court of Appeal) restrict access to certain court records (e.g., divorce case files can only be accessed by parties to the divorce and their legal representatives).
- The federal [Youth Criminal Justice Act \(YCJA\)](#) (SC 2002, c. 1) applies to government records that relate to a youth offender who is found guilty under the act. Such records are restricted indefinitely.
- The BC [Adoption Act](#) (RSBC 1996, c. 5) applies to the confidentiality of adoption-related court files created under the Act. All adoption records are closed and may not be released to the public. Visit the BC government [How to Access Adoption Records](#) webpage for more information.

The following court records are not restricted:

- wills and probate files
- coroner's records prior to 1910
- divorce orders and judgements
- civil orders and judgements, other than adoption orders

Only BC Archives staff can access and copy unrestricted records that are interfiled with restricted records (e.g., when adoption orders are interfiled with unrestricted civil orders).

See our [FOI and Access Restrictions](#) webpage for more information.