

## WORDSCAPE: OTHER PROBATE RECORDS

BY PATRICIA LAW HATCHER, FASG

Whether the deceased died with or without a will, if he left *estate* (property either real or personal) there should have been a probate. In theory. In practice, however, we often find that for small estates with only personal property, there are no records. Other families never got around to doing the paper work. Often what we find is evidence decades later in deed books describing what I call *silent inheritance* of land (this is not a legal term), through primogeniture, family agreement, or assignment.

Each step in the probate process generated paper. Appearances and actions at the probate court were recorded. Early in our history, you will find these entries amid deeds and other records as officials were thrifty in using one book. Later there was often a general probate volume and even later there were likely separate volumes for wills, administrations, guardianships, court orders, and so on.

The name of the court handling probate varies greatly. Val Greenwood, in *Researcher's Guide to American Genealogy*, mentions such titles as Court of the Ordinary, Surrogate Court, Orphan's Court, Circuit Court, Superior Court, District Court, County Court. You will also find a variety of officials involved. I've worked with records overseen by clerks, judges, justices, prothonotaries, registers or registrars, and surrogates.

Loose papers were held in a *probate file*. Although I've been using the phrase *probate*, an equally common term is *estate*, so you may need to look for *estate files*. These should (again, in theory) include the will (with your ancestor's real signature) and everything else that came along. You'll find large folded sheets and tiny scraps of paper. In counties where the probate files have been retained, I often find that it is the tiny scraps of paper that provide a key solution to a genealogical problem.

In some places, these files have been destroyed by fire or flood (or seriously damaged by rodents, insects, and mildew). Not all jurisdictions have kept these files. I know of one county (which shall remain nameless to prevent an organized band of genealogists from marching on the courthouse) in which the county (many years ago) copied all the wills into books labeled "Wills," administrations in volumes labeled "Administrations," inventories into volumes labeled "Inventories," guardianships into volumes labeled "Guardianships," and then efficiently threw all of the loose paper away.

### MISCELLANEOUS PROBATE DOCUMENTS

Assuming you are working in a county that still has them, what might you find in an estate file?

At the beginning of the probate process, the executors must present *bonds* to insure that they will be financially

responsible. The identities of the *bondsmen* may offer substantial genealogical clues. If the widow was the executrix or administratrix, then her bondsmen may be her father and brothers. These documents will have original signatures of the bondsmen, so look for any estate file within your extended ancestral family.

Most files should contain an *inventory* of the *goods and chattels* of the deceased, which may also be copied into a probate volume. Goods included basically personal items and household items. The meaning of chattels is a bit broader, including farm animals, notes and bonds and their accrued interest, slaves, and other nonpersonal items of value. It did not include land. Most inventories did not include specific items that were explicitly disposed of in the will.

At the end is a grand total of the value, often immediately followed by a couple of items that were left out, followed by another grand total. In most cases, the men taking the inventory included a neighbor or family member, with one man chosen for his experience and ability to write and add. They usually signed the inventory, another opportunity for genealogists to locate an ancestral signature.

Often the executors or administrators held a *sale* of the personal property of the deceased. This may be called a *vendue*. The record of the items sold, the price fetched, and the purchasers is often in the probate file. Your ancestors most likely attended the vendues for their neighbors and relatives. Look at those probate files, and you may learn that your ancestor bought a pig, or a plow, or a parcel of old clothes.

There may be a separate listing of debts, but most often this is incorporated into the *accounting*, where we learn if the estate was solvent. There may be a *second accounting*, often reporting ongoing expenses for the support of the widow and children. Then there is a *final accounting* or *distribution* (occasionally there is also an earlier distribution).

Many estates go on for years and years, so you will find documents relating to changes in guardianship as children grow older and changes in executor or administrator, usually due to death. When an executor dies midprocess, the court can appoint an administrator *de bonis non*, who is charged with seeing that the remaining goods of the estate are properly overseen and distributed according to the terms of the will.

An estate file may hold signed *receipts* on which the heirs acknowledged that they had received their inheritance. Often these are small pieces of paper. Most commonly, a married daughter's receipt is signed by her husband.