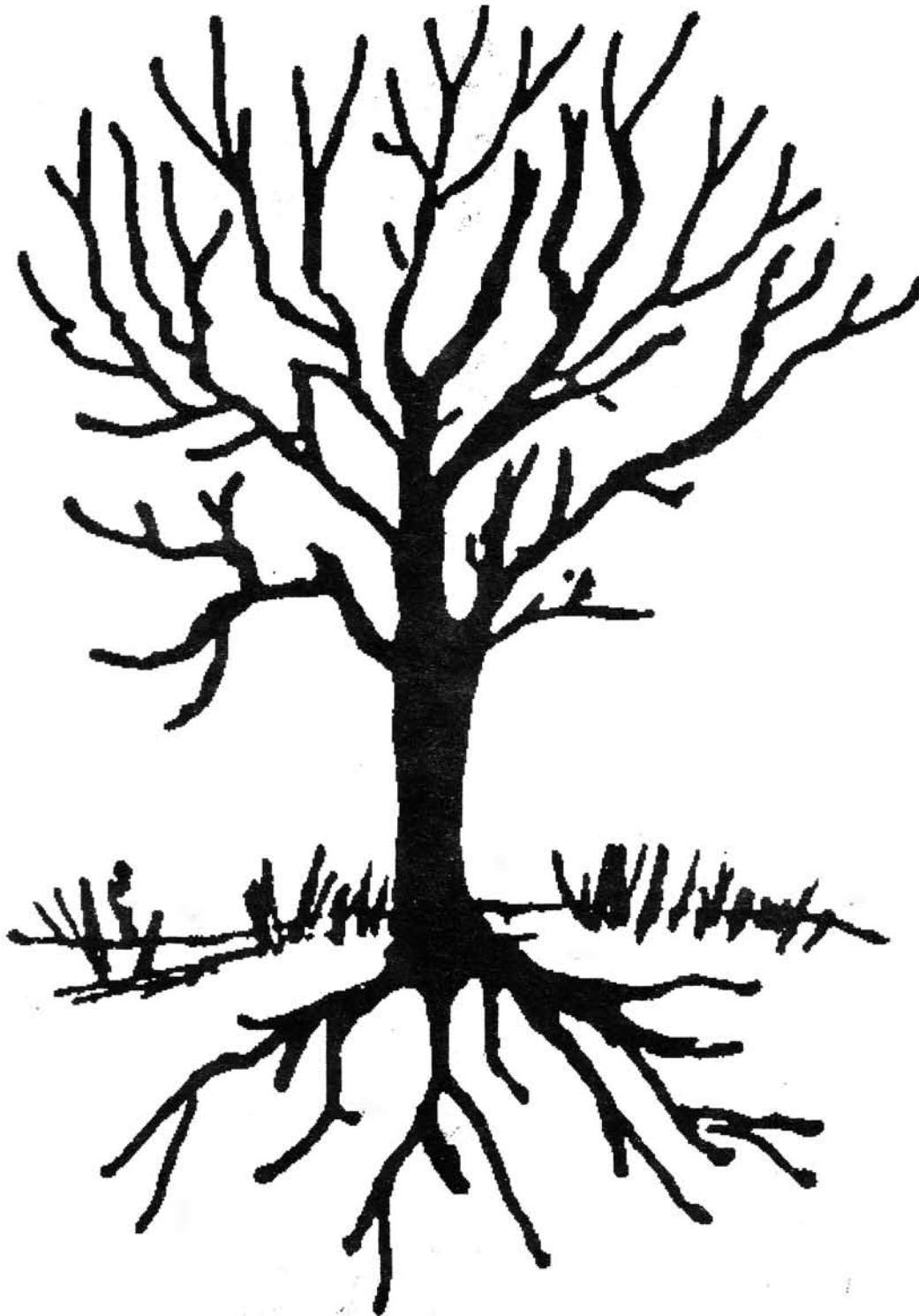

ROOTS AND BRANCHES

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Quarterly Publication of the Roots & Branches Genealogical Society



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Carol Izzo, Newsletter Editor, appreciates any genealogy-related information for the Newsletter. The information can be provided to her by e-mail (jizzo@totcon.com), at meetings, or at the DeLand Library Genealogy Room with her name on it. Please put your name on the article so you get credit.

Meeting Schedules

The Roots and Branches Society meets at the DeLand Library at 6:00 p.m. on the first Thursday of the month, September through June.

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REMINDER!

Do not forget to renew your annual memberships! Memberships run from January to December.

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DONATIONS TO ROOTS & BRANCHES

Jerry Hall donated the following CD's (1-12):

1. Reference Library - 1998 Edition
2. Ancestry Reference Library - 2000 Edition
Includes:
-The Source: A guidebook of American Genealogy (Revised Edition)
-The Library: A Guide to the LDS Family History Library
-The Library of Congress: A Guide to Genealogical

- and Historical Research
-Ancestry's Red Book: American State, County & Town Sources
-The Archives: A Guide to Federal and State Sources
-U.S. Military Records: A Guide to Federal and State Sources
-Guide to Genealogical Research in the National Archives
-The Twentieth Century Biographical Dictionary of Notable Americans
-Herringshaw's Encyclopedia of American Biography of the Nineteenth Century
-Historical Register of Officers of the Continental Army During the War of Revolution
-Biographical Directory of the American Congress, 1774-1949
-American Biographical Notes
-Daughters of America, or Women of the Century
-The Biographical Cyclopaedia of American Women
-Plymouth Colony: It's History and People 1620-1691.

3. Family History Source Guide.
4. Family History Library Catalog (through March 2000).
5. Wuerttemberg Emigration Index Volumes 1-7.
6. 1820 U.S. Federal Census Index (AIS).
7. 1881 British Census - Wales & Monmouth Region.
8. PERSI 2000 - Periodical Source Index.
9. Ancestry Magazine 1994-1999.
10. 1881 Canadian Census (4 discs with Viewer 4.0).
11. DeLorme's Street Atlas v. 5.0 (a mapping Program that makes finding the county for a given city easy).
12. Genealogy Forms (a pdf file of many forms useful to genealogists including the PERSI application form and instructions about using PERSI).

The complete 1850 Census on CD donated by Beverly Outlaw. She also donated the 1860 census for Connecticut and Massachusetts on CD.

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WHEN THERE IS NO PROBATE

- Michael John Neill

Probate records are one of the best genealogical sources. The problem is that not every ancestor who lived left a probate record. There are several research methods that should be done when a probate cannot be located and many reasons why your ancestor might not have a probate file even when they owned property upon their death.

There Was Just Nothing To Probate

The first possibility is that your ancestor simply had no estate worth probating. There might not have even been enough money to bury your ancestor, let alone enough to warrant the necessity to probate the estate. In some states, estates with a value under a certain amount might not have even been probated. One of my relatives died in a mental institution one hundred miles from his home in the 1910s. The family did not have the money to bring the body back for burial and his body was donated to science. There is no probate file for this ancestor, nor a tombstone. I was lucky to obtain a death certificate.

Your Ancestor Intentionally Avoided Probate

Did your ancestor transfer all his property to his children before his death? My ancestor in the 1880s sold all his real estate to his children when he was in his late seventies. Upon his death there was no real property and it apparently was not worth a probate just to settle his personal effects. A search of probate records led to no results. However, there are land records documenting his transfer of his real property to his children. The price of each farm (the "consideration") on these deeds was "a dollar and love and consideration." No relationships were specifically stated, but the lack of a real transfer price was an indication of a likely relationship between the grantor and grantee.

Probate Was Delayed Significantly

I have another ancestor who died in 1893 and whose estate was never probated, even though there was significant real and personal property. When the ancestor's wife Nancy wanted to sell the farm in 1907, she was unable to do so in her own right—she was not the sole owner of the farm. Upon her husband's death, she and her children in the aggregate became owners of the farm. Nancy inherited one-third of the property (based upon the applicable state law at the time), but her portion of the farm was never specifically partitioned off. An additional complication was that one of her children (and also one of her husband's heirs and

another co-owner of the farm) was a minor at the time Nancy wanted to sell the farm.

In this case, a partition suit was filed by Nancy with the circuit court in order to allow the farm to be sold. A guardian ad litem was appointed for the minor son to represent his interests in this case. There was no probate of the estate in 1907; the father had already been dead fourteen years and the court was not going to begin probate proceedings that long after the father's death.

Records of courts other than the probate court should always be checked as a part of the research process. Even if your ancestor has a probate file it is possible there was some additional legal action regarding the estate that took place in a court other than the one that administered estate settlements.

There Was A Guardianship?

Is it possible your ancestor was survived by minor children and that a guardianship had to be arranged to oversee their inheritance? Perhaps the actual records settling your ancestor's estate are contained in the guardianship records and not in the probate records. Guardianship records should be searched even if the mother survived. Throughout much of American history, women have had few legal rights and they generally could not legally manage their children's interests upon their husband's death (despite the fact that the widow might have been very capable in her own right). Mothers were not necessarily appointed their children's guardian either. A male relative, neighbor, or subsequent husband might have received the honor or might have been appointed guardian in addition to the mother herself. Guardianship records should always be accessed if a person died with minor children and some real property, regardless of whether the spouse survived him/her or not.

The Tradition Was Wrong

Check out stories of great estates held by forebears—the only greatness might be the size of the story and not the property. One lady for whom I did research some years ago insisted her ancestor had a vast estate in the southeastern portion of the county where the research was conducted. That statement alone raised my eyebrows and the cynical gears in my mind began turning. No estate, guardianship, or land records could be located despite a diligent search for all reasonable spelling variants. The ancestor in question was located in

(When There Is No Probate Continued from page 2)

the 1860 census with the wife, and the correct eight children. They were listed by the client. The ancestor is enumerated as a day laborer with \$50 in personal property and no real estate. The reason for the lack of estate or guardianship records seemed fairly obvious, but was not positively received by the client. Additional and more comprehensive research may explain what appears to be an inconsistency. Family traditions are not always correct. Interestingly enough, the client still insisted there was a large farm owned by this ancestor in the county and that I simply had overlooked the records or that all the deeds, estate paper, and other documents had never been filed.

There Are Post-Death Land Records Instead

I have seen cases where an individual owned land and the only record after his death is a quit-claim deed where the heirs transferred property to another heir or to someone from outside the family. If there was nothing else to settle and the heirs agreed (a feat in and of itself), there might not have been a legal reason to probate the estate. Of course, whether or not a probate was "required" will vary among states and from one time period to another. A search of land records after your ancestor's death should be conducted to see if any such records can be located. Of course, these land references are likely not indexed under your ancestor's name (the ancestor is dead and dead people are typically not listed as grantees on land records). Searches for these records should be conducted in the buyer and seller indexes to land records for the names of all children (including married daughters).

State Statute Makes A Difference

Remember that what is generally true about probate in one state may not necessarily be true in another. Different states have different requirements about the probate process and an estate that may have to be probated in one state may not have to be probated in another.

Checking The Last Survivor?

It seems that there is a greater chance of an estate record for the surviving spouse instead of the one who dies first. While there are always exceptions to this rule, I always make certain I check for probate records for the spouse who dies last. Women are also more likely to have a probate file if they survive their husband.

Looking In The Right Place?

Estates are generally probated where the bulk of

the property is located or where the person lived the latter years of their life. Are you looking in these locations? If your ancestor lived near the county line have you looked in both counties?

Is The Ancestor Dead?

Make certain you are looking in the probate index for the time period when your ancestor is actually deceased. It's usually a good idea to look in estate indexes for a time period up to twenty years after your ancestor's death. Looking in these indexes for twenty years before your ancestor died is another matter entirely.

General Probate Advice

All applicable surname variants should be included as a part of this search—do not get hung up on the "right" spelling. The earlier the record, the more likely the spelling is to be "off" and the more one has to rely on whether the name "sounds the same." Do not be surprised if no record is located. While records of probate are a great genealogical source, they do not exist for every dead person. If your ancestor does not have a probate make certain that in addition to searching all other appropriate records you have also searched for probate records of other extended family members. A probate file on another family member may be the clue you need to break that brick wall.

Source: Ancestry.com

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THE ELUSIVE ANCESTOR by Merrell Kenworthy

I went searching for an ancestor.
I cannot find him still.
He moved around from place to place
and did not leave a will.
He married where a courthouse burned.
He mended all his fences.
He avoided any man who came
to take the U.S. Census.

He always kept his suitcase packed,
this man who had no fame.
And every twenty years or so
the rascal changed his name.
His parents came from Europe;
they should be upon some list
of passengers to USA but somehow
they got missed.

And no one else I know of is searching for this man.

(The Elusive Ancestor Continued from page 3)

So I play "genea-solitaire"
to find him if I can.
I'm sure he's buried in a plot-
with tombstone he was blessed-
but weather took the engraving
and some vandals took the rest.

He died before the county clerks
decided to keep records.
No family Bible has emerged
in spite of all my efforts.
To top it off, this ancestor
who causes me these groans,
to give me just another pain
betrothed a girl named Jones.
(or maybe Smith, but what rhymes?)
Source: Bob Weaver

* * *

PERSI

Our genealogy room at the DeLand Library has a new resource that will be a great help to us all.

The PERSI or Periodical Source Index is a CD-ROM that I recently donated to the Library. The PERSI is a project started by the Allen County Library in Fort Wayne, Indiana. The project was undertaken in 1999 and currently indexes nearly 2 million articles.

As of mid-2002 the six people who work on PERSI full time "have indexed 60% of every genealogy article of any importance that has ever been written."¹

From the introduction on the CD: "PERSI is a comprehensive subject index of periodical articles on genealogy and local history written in English and French (Canadian entries) since 1800. The collection also includes literature dating from the 1700's, although the collection before 1800 is less complete. PERSI is a work in progress--In the current May 2000 release, Allen County Public Library added more than 400,000 citations, bringing the total number of fully searchable records to more than 1.5 million. The index catalogs almost 5,500 different periodicals, listing every article according to locality, family (surname), and/or research method."

¹ "Making the Best of PERSI" by Beverly Smith Vorpahl; Family Chronicle, May/June 2002, pg. 29.

A year or two ago Allen County Public Library teamed with Ancestry and since then Ancestry has taken over the task of publishing the PERSI while the Library crew concentrates on the indexing.² Because the CD-ROM at our library is published by Ancestry you must use the Ancestry View program to view and search this PERSI CD-ROM.

After the computer is up and running, select the PERSI CD-ROM and place it into the CD-Rom reader on the computer. Double click the Ancestry View icon on the desktop and the viewer will come up with a list of all the Ancestry libraries available on the computer. "Periodical Source Index (PERSI) 2000" will be listed. When you click on the PERSI listing the viewer will bring up the title page. On the left side of the screen you will see "Search Wizard." Click on that icon and you will see the list of eight different possibilities for searching the PERSI.

The Ancestry Viewer's Search Wizard is among the best I have used. I decided to search for any articles that mentioned the Hale family in Ontario, Canada. I filled in "State or Province" Ontario, "Country" Canada, "Title Keyword" Hale. Just above, the Wizard informed me that there were 10,907 articles about Ontario, Canada and 767 articles with Hale in the title but 0 instances of the two occurring together. I quickly changed the "Title Keyword" box to "Births 1867." Not much of an improvement. Births, 5,126 hits, 1867, 2,029 hits, but still 0 hits for "Ontario, Canada Births 1867."

After some changing of the search criteria, I finally hit upon "Ontario, Sarnia, Births 1867. BINGO, the Wizard immediately found a single article that had appeared in "Lambdon Lifeline," a periodical I had never heard of, entitled "Lambdon Births and Marriages 1867." Clicking on "Lambdon Lifeline" I was presented with the following expanded listing:

View ALL PERSI entries for this periodical
PERSI Code: CNLF Topics: Canada
Issues per year: 4
Other Titles: Old Title: Pioneer Lifeline
ACPL Holdings: v.1-1984-
ACPL Call Number:
ISSN Number 0843-5669

² "Periodical Sources" by David Thackery from the Internet.

(PERSI Continued from page 4)

Other repositories holding this title include: Allen County Public Library

Publisher Lambdon County Branch, OGS

Publisher Address: POB 2857, Sarnia, Ontario, Canada N7T 7W1

Apparently Sarnia is in Lambdon County Ontario. I might have searched forever and never found this item because I didn't think to search for the county in Ontario even though I would have immediately known to do that for Illinois. As you see, I'm still a struggling "baby genealogist."

The listing informs that the magazine resides at the Allen Public Library so I can order a reprint.

To order copies of articles located through PERSI one must request an order blank from the Allen County Public Library, P.O. Box 2270, Fort Wayne, IN 46801-2270 (send a self-addressed envelope) or by printing the form from the Internet. Find that form at:

http://www.acpl.lib.in.us/database/graphics/order_form.html.

I am also adding that form to a CD-ROM of Genealogy Forms that I will place in the CD-ROM collection drawer at the library. You can put the CD into the computer and locate the PERSI application form and send it to the printer.

Fill out the application form with all of the information in the PERSI listing and mail the application to the library (address above), along with a check for \$7.50. The library will return the article in 6 to 8 weeks along with a bill for 20 cents per page for copying.

Each application form can request up to six articles for the same \$7.50 so, if you are not in a big hurry to have the article, you might want to wait until you have filled the form with six articles and save some money.

Source: Jerry Hale

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GENEALOGY LIBRARY NOW OPEN TO PUBLIC

Nibley, Utah - (26 December 2002) - Everton's Family History Network has relocated to the site of Everton's Genealogy Library in Nibley, Utah. With nearly 80,000 titles onsite, the Genealogy Library is one of the largest genealogy collections

in North America.

Hours of operation are from 8:00 a.m. to 5:00 p.m. Monday through Friday (Closed holidays) and it is open to the public for research. The collection includes thousands of books that are not available in any other library. Available to the public are: family histories, county histories, military compendiums, periodicals, microfilm and microfiche, some private collections and personal help from friendly staff.

Everton's Genealogy Library is now open to groups of 2 to 50. Groups that are traveling to Salt Lake City can plan a day of research at Everton's Genealogy Library, which is only 90 minutes away. Day-trippers are welcome and researchers who wish to stay for a few days have excellent lodging close by.

Everton's Genealogy Library is an excellent place to dig a little deeper into your past.

Everton's Genealogy Library, 3223 South Main, Nibley, Utah 84321, 800.443.6325, 435.752.6022 www.everton.com.

Source: Jerry Hale

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INTERNET WEB SITES

Searchable Death Indexes - <http://home.att.net/~wee-monster/deathrecords.html>

Dick Eastman's Family History Radio - www.familyhistoryradio.com

Eastman's Online Genealogy Newsletter - www.rootsforum.com/

DNA Family Tree - <http://www.familytreedna.com/>

German Roots - <http://home.att.net/~wee-monster/>

Bygones - a free program for keeping all of your research records in proper order - <http://home.utah-inter.net/bygones/index.htm>

Source: Different members of our Roots & Branches Club

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OOPS! I inadvertently omitted the address for the *Request Pertaining to Military Records* in the Winter, 2002 Newsletter. It is: National Personnel Records Center, Military Personnel Records, 9700 Page Ave., St. Louis, Mo. 63132-5100.