

Module 3 - Discovering Answers

This is a single, concatenated file, suitable for printing or saving as a PDF for offline viewing. Please note that some animations or images may not work.

Module 3: Discovering Answers

November 17–23

- Readings:** BCG. *Genealogy Standards*. 2nd ed.
- Standards #10, 12, 35, 36
- Powell. *The Everything Guide to Online Genealogy*. 3rd ed.
- Chapter 14
- Greenwood. *The Researcher's Guide to American Genealogy*. 3rd ed.
- Chapter 15, "[Understanding Probate Records and Basic Legal Terminology](#)"
 - Chapter 16, "[What About Wills](#)"
 - Chapter 17, "[The Intestate—Miscellaneous Probate Records—Guardianships](#)"
- Izard, Holly V. "Random or Systematic? An Evaluation of the Probate Process." *Winterthur Portfolio* 32 (Summer-Autumn 1997): 147-167. **Provided via XanEdu**
- Russell, Judy G. "[The Beer Bust and the Surety Bond](#)." *The Legal Genealogist*, blog, 28 February 2012.
- Finley, Carmen J. "[Who Was Aunt Mary? A Brief Case Study in Identification and Kinship 'Correction'](#)."
- Discussions:** **Discussions 4 & 5** postings end Monday, November 23 at 11:59 PM ET
- Assessment:** **Module 3: Probate Records** due Monday, November 23 at 11:59 PM ET
- Note:** Access to discussion forums and assessment ends on Monday, November 30.

Lesson 1: Looking at Probate Records

Overview and Objectives

We'll have two lessons in Module Three. The first will be on probate records, a valuable source of genealogical information. The assigned readings will include not only content from Greenwood's *The Researcher's Guide to American Genealogy*, but also from an article about who does and does not enter the probate process. You'll see how reading publications from other fields can provide context for records and increase our understanding of the information we find. There is a discussion board where you will be encouraged to ask questions of the documents you're examining.

In the second lesson, we'll look at the fifth and final component of the Genealogical Proof Standard (GPS), and then you'll examine how all five parts of the GPS come into play by looking at a brief article proving how two people were related to each other.

Learning Objectives

Upon completion of this module you should be able to:

- Name typical documents in a probate file
- Explain the difference between a testate and intestate estate
- Explain the difference between an executor and an administrator
- Discriminate between situations which call for probate and those that don't
- Recognize the value of reading source material from fields outside of genealogy
- Find information about a source to evaluate its provenance and quality
- Evaluate a short article by comparing it to the Genealogical Proof Standard

The Probate Process

"Inheritance addresses those aspects of family organization structured by rights in property. ... The probate courts closely supervised the daily management of estates during probate, the care of young children and their newly inherited property, and the payment of debts." ... "Administrators, executors, and guardians had special, legally backed authority to manage estates and household affairs, to regulate relations between heirs and creditors, and to coordinate the activities of appraisers, distributors, bondsmen, and others. ... **Because they were at the center of the flurry of the practical activities that surrounded the deaths of holders, these appointments provide illuminating glimpses of the texture of daily relations among immediate family members, other kin, and neighbors.**"¹ [emphasis added]

"My mother's savings, accumulated during her [pre-marriage] nursing career, equipped the house with furniture, linen, china, and silver. ... [My father] had not been a man to give much thought to transferring property to wife or children, and so my mother, as his sole heir, became liable for sizable death duties. ... She was incensed to discover that her original investment in furniture, linen, silver, and household equipment was now merged in my father's estate."²

Complete the reading assigned for this lesson if you have not yet done so.

A probate file is made up of a number of documents. Most of us are familiar with a will, but in the process of proving the will, passing things on to the heirs, and settling the estate even more records are created. See if you can follow the process through the documents for the estate of David Lincoln Sr. of Hingham, Massachusetts, who died in 1825. The records have been digitally imaged and are available on *FamilySearch*.

Most of the Lincoln probate records appear in two forms: once in a packet of loose documents, and again as transcriptions in bound volumes of the probate court. Do take the opportunity to compare the two versions of one or more of the documents. The attached chart correlates each item in both formats, and for your convenience points you to the exact location of each.

Plymouth County, Massachusetts, probate case file no. 12782, David Lincoln [Sr.] of Hingham	
Packet of loose documents	Bound volumes of transcribed documents
<p>In packet of loose documents: probate file of David Lincoln of Hingham, Massachusetts; https://familysearch.org/pal:/MM9.3.1/TH-1942-31881-17229-27?cc=2018320&wc=M6BX-RNL:338524701; image numbers 461-488.</p> <p>Or:</p> <p>FamilySearch.org > Browse All Published Collections > "Massachusetts, Plymouth County, Probate Records, 1633-1967" > "Probate case files 1686-1881 no 12758-12810" > images 461-488</p>	<p>In bound volumes of transcribed documents: The docket is at: https://familysearch.org/pal:/MM9.3.1/TH-1971-31872-16265-29?cc=2018320&wc=M6BX-H38:337920601</p> <p>Or:</p> <p>FamilySearch.org > Browse All Published Collections > "Massachusetts, Plymouth County, Probate Records, 1633-1967" > "Dockets 1685-1881 Hed-Lit" > image 450, case #12782 David Lincoln</p> <p>The various records are in a few different volumes, so URLs are provided below.</p>
List of the individual records of the probate file	
Account of the Estate; 4 Oct. 1825; image 462-65	1825 Oct. 4; Adm. Acct; 59:434 [ff]; images 537-538; https://familysearch.org/pal:/MM9.3.1/TH-1961-31868-2122-77?cc=2018320&wc=M6BX-368:337796501
receipt from Mary Lincoln; 27 Sept. 1825; image 466-67	
receipt from David Lincoln [Jr.]?; no date; image 468	
order of notice; 6 Sept. 1825 and 4 Oct. 1825; image 470	1825 Oct. 4; Or. of Not.; 55:339; image 498; https://familysearch.org/pal:/MM9.3.1/TH-1971-31870-9522-55?cc=2018320&wc=M6BX-338:337796901
inventory; 14 Sept. 1825 and 4 Oct. 1825; image 472	1825 Oct. 4; Inv.; 59:432 [ff]; image 536-538; https://familysearch.org/pal:/MM9.3.1/TH-1942-31868-2250-76?cc=2018320&wc=M6BX-368:337796501
appointment of appraisers; 6 Sept. 1825; image 476	
will; 5 Aug. 1821; image 477-79	1825 Sept 6?; Will; 59:364; image 501; https://familysearch.org/pal:/MM9.3.1/TH-1942-31868-2091-73?cc=2018320&wc=M6BX-368:337796501
approval of will; 6 Sept. 1825; image 480; also, letters	1825 Sept 6; approval of will & appointment of administrator;

Plymouth County, Massachusetts, probate case file no. 12782, David Lincoln [Sr.] of Hingham	
Packet of loose documents	Bound volumes of transcribed documents
testamentary; date obscured; images 486-87	59:365-66; images 501-02
executor declines; 23 Aug. 1825; image 481	1825 Aug 23; Exr Declines; 59:365; image 501
bond of administration w/ will annexed; no date; image 483	1825 Sept 6; Bond of Adm with Will; 59:365-66; image 501-502; https://familysearch.org/pal:/MM9.3.1/TH-1942-31868-2091-73?cc=2018320&wc=M6BX-368:337796501
letters testamentary; no date; image 487	
	1825 Sept 6; Letter; 52:466; image 254; https://familysearch.org/ark:/61903/3:1:3QS7-997D-8HKQ?cc=2018320&wc=M6BX-36D%3A337796301
	1825; Releases; —:—

Download

Download the [list of documents for the estate of David Lincoln Sr. of Hingham](#).

¹Toby L. Ditz, *Property and Kinship: Inheritance in Early Connecticut, 1750-1820* (Princeton, NJ: Princeton University Press, 1986), 138, 143-44.

²Jill Ker Conway, *The Road from Coorain* (New York: Vintage Books, 1990), 17, 74.

Discussion 4: Looking at Probate Records

Go to the discussion board and comment on these questions.

Discussion 4: Looking at Probate Records

Review the probate files for David Lincoln Sr.'s estate.

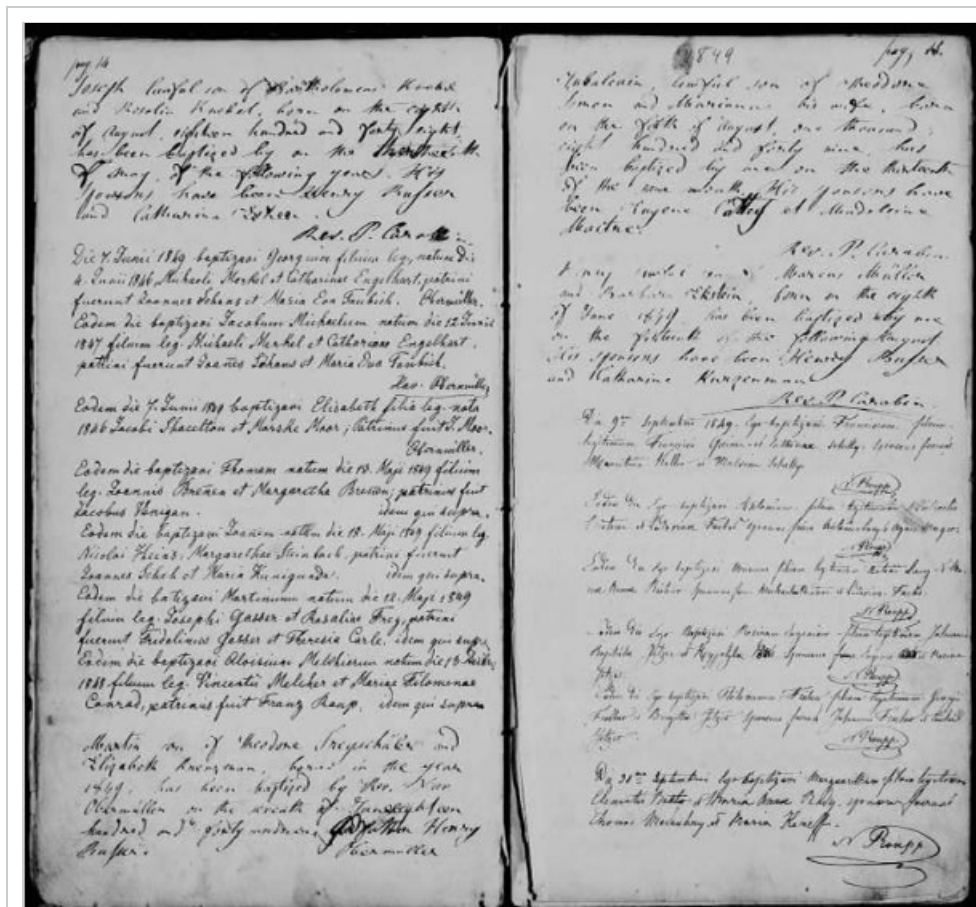
1. If you were researching the David Lincoln family, what questions would these documents pose?
Make a list as you read through the files.
2. On the discussion board post one question from your list. Given your question, what pertinent information in the probate file would lead to your next research step? What would that step be?
The document you are referring to should be in the Subject Line of the posting.
3. Read and comment on one or more of your classmates' posts. *Doing* further research is not the purpose here! Rather, focus on using information items to direct your (or your classmate's) hypothetical future research, and on understanding the information you are looking at in the probate record(s).

Lesson 2: The Final Element: Written Conclusion

Video: Understanding Our Sources and Where They Come From

In the assigned reading for the probate unit that we just completed, we learned about the situations in which a certain type of legal process—probate—would begin, and what records that process might cause to be created. Looking then at the David Lincoln probate, we also saw that duplicates were created of quite a few of the records—there was a packet of the original documents on file in the courthouse, plus many of those documents were also transcribed into bound volumes. Understanding the process, knowing what the typical records were, and realizing that we might be looking at copies of originals and so perhaps not seeing the complete set of records that had been created—all help us get the most information possible and the best information possible out of our sources. What if you had found only the transcribed clerk's volumes and hadn't known to look further? What information might you have missed?

We'll be examining three record sets in the video below. If you'd also like to view the record images as they appear in their online context, here are the initial images in each case; click on the links to see larger versions of each image:




Baptismal record from an Ohio Catholic parish, Diocese of Toledo <https://www.familysearch.org/ark:/61903/3:1:3SHT-66Y3-SVH?i=15&wc=M6KB-ZZQ%3A60807301%2C61064601%2C60884502%2C61125501&cc=1494476>



Photograph of shell peddlers, Online Archive of California <http://www.oac.cdlib.org/ark:/13030/hb200001db/?brand=oac4>

World War II draft card of Albert Hyatt Jones

1. Do an “exact search” in the Military collections of *Ancestry Library Edition* for Albert Hyatt Jones; he lived in Maryland;
2. Do an “exact search” for Albert Hyatt Jones in *FamilySearch* and choose the result in the “United States World War II Draft Registration Cards, 1942” collection; or go to <https://familysearch.org/ark:/61903/3:1:S3HT-6714-81?cc=1861144&wc=SPQ4-6TL%3A173597701>;
3. At *Fold3*, choose the World War II collection and search for Albert Hyatt Jones; choose the result in the “WWII ‘Old Man’s Draft’ Registration Cards” collection. (Note: this site is behind a paywall; images will be provided in the video.)



pag. 14
Joseph lawful son of Hieronimus K...
and Metalia Knebel, born on the day
of August, eighteen hundred and forty...
has been Baptized by on the Thirtieth
of May, of the following year. His
Sponsors have been Henry Knebel
and Catharina Knebel.

Rev. P. Car...
Die 7. Junii 1849 baptizavi Georgium leg. natum die
4. Junii 1846, Michaeli Merkel et Catharina Engelhart, patrini
fuerunt Joannes Schans et Maria Eva Obermüller.
Eodem die baptizavi Jacobum Michaelum natum die 12. Junii
1847 filium leg. Michaeli Merkel et Catharina Engelhart,
patrini fuerunt Joannes Schans et Maria Eva Fankisch.
Lav. Obermüller.
Eodem die 7. Junii 1849 baptizavi Elisabeth filia leg. nata
1846 Jacobi Phacellan et Marske Moor; Patrinus fuit S. Moor.
Obermüller.
Eodem die baptizavi Thomam natum die 13. Maji 1849 filium
leg. Joannis Brennen et Margaretha Brennen; patrini fuit
Jacobus Venigan. idem qui supra.

0:00 / 28:13

AD

Search Transcript...

One of the overarching themes of this course is understanding your sources. Sometimes we teach about certain types of did with the probate records, but our goal is for you to get comfortable with delving for information about news sources on

So we try to show you over and over again, and in different ways, where and how you can learn more about the source in f from external information such as a collection description, or from clues that are present in the source itself. In this video le look at a few sources and go exploring for additional information about each.

Digitized images make it so easy for us to go straight to the information we want, such as identifying the names of the pa person from their baptismal record, as I have here on the page. Without really looking at the source as a whole, we kind c we want, and leave. And because we're looking at images, we're not having to handle the original document or volume or f

So it's easy for us to just kind of ignore that context, and we shouldn't. We should still kind of look at this as if we're holding th the register, in our hands, and get a better sense of what the record as a whole is about. And even if it doesn't shed an information we're extracting, we're going to need some of that knowledge of the broader source in order to write an accur

So here we have one baptismal record from a parish in Ohio. The records are in Latin. And I usually look for the beginning cover, if it's been microfilmed, any sort of title page, the first page of entries, to see what I can learn. If the record was digit sometimes there's information attached at the beginning of the microfilm about the record itself.

And of course, FamilySearch and other providers such as Ancestry, have source information attached to the digital ser could move through this volume of baptismal records is using the Back arrow. But because this came from a microfilm, Fa a way to look at the film strip as a whole. And it's this little icon, so I'm going to click on it.

Makes it very easy for us to find the beginning of the book to see where it switches from one volume to another. And so wl there is something at the beginning of this book which was filmed under a few different-- what's the word I'm looking settings-- let's put it that way-- to try and see the letters underneath the stain. And there's something right here, at th

Genealogical Proof Standard: The Final Element

During the past two weeks we have parsed most of the Genealogical Proof Standard and separately examined four of its components. Now we'll look at the fifth and final element, "a soundly reasoned, coherently written conclusion."

Was She "Aunt" Mary?

Carmen Finley researched and wrote an article about one woman who seemed to term herself cousin ("coz") to Colonel Armstrong but also "aunt" to his children.

Before reading the article, let's refresh our memories with some information we've already seen.

1. We examined the family structure by using a **descendant chart**. (Module 1, section 5.3 "Descendant Chart Exercise")
2. Using one of the citations in the article, we found an image copy of the cited document itself, the **death certificate** of Mary Stewart (Module 2, section 2.3 "Exploring FamilySearch.org")
3. We also took one piece of information, the fact that Mary had been widowed and remarried, and searched for documentation of that **second marriage**. (Module 2, section 2.6 "A Closer Look: Marriage Records")

Finley's research question is one that most of us encounter sooner or later: just exactly how is person X related to person Y? While we can usually find records explicitly stating a parent-child relationship (for example, birth records, and marriage records that name parents of the bridal couple) and sometimes a document that states or strongly implies a sibling relationship (for example, a census record in which children are identified as sons and daughters of the head of the household), it is less common to find documentation of two individuals as cousins or as aunt and nephew. Determination of such a relationship often relies on gathering information from a number of sources.

"Aunt Mary" Article

You will be reading and referring to this article a number of times so you may want to download it or print it for easy access.

As you read the article, you may want to sketch out the relationships on a descendant chart or print the descendant chart illustrating how "Aunt Mary" Stewart and Colonel James Boydston Armstrong were related, as a reference.

Who Was Aunt Mary?

Click here to read a pdf of ["Who Was Aunt Mary? A Brief Case Study in Identification and Kinship 'Correction'."](#) by Carmen J. Finley.

The GPS and Aunt Mary

Let's look at Finley's article in light of each of the components of the Genealogical Proof Standard.

Reasonably Exhaustive Research

GPS: First Component

Reasonably exhaustive research in reliable sources for all evidence that might answer a genealogist's question about an identity, relationship, event, or situation

Footnote Self-Check

Instructions: Read through the article again and determine what types of record groups Finley used in her research. Using the number for each footnote, indicate which **sources** belong in each record group.

Compiled sources
(for example, local histories
and biographies) and newspapers.

see footnotes 4, 5, 6, 7

Vital records

see footnote 6 (albeit in a compilation), 11

Census records

see footnotes 2, 3

Wills and probate records

see footnotes 8, 10

Land records

none

Court records other than probate

none

Church records

none

Immigration records:
passenger lists, passport applications,
alien registration forms

none

Military records

none

Cemetery and burial records

see footnote 7; source is in a compilation

Privately held letters

see footnotes 1, 9

Food for Thought

There are several record groups in the list above that were not used in this research problem, such as military records and immigration records. Do you think the author overlooked them? Are there any that you think might have had information pertinent to the "identity, relationship, event, or situation," that is, the question of how Mary Stewart and Colonel Armstrong were related to each other?

Complete and Accurate Citations

GPS: Second Component

Complete and accurate citations to the source or sources of each information item contributing —directly, indirectly, or negatively—to our research question’s answer

A citation identifies the source of an item of information and tells where it can be found. The benefits of a complete and accurate citation include:

- 1. the ability to find the same document again should we want to view it for ourselves,
- 2. an indication as to whether the source is an original record or in a derivative format, or an authored work,
- 3. and collectively, an indication of the thoroughness of the research.

“Aunt Mary” Sources: Self-Check

Instructions: Look at the footnotes in the article and from the citations determine where the author found or accessed each of her sources.

	1. letters in Bible
copy supplied by Wendy Davidson Brimhall	
	2. 1880 census
Ancestry.com	
	3. 1900 census
Ancestry.com	
	4. biography of Daniel Stewart, extract from published book
USGenWeb Archives	
	5. obituary of Mary (Burgan)
published book and could be accessed at various libraries, so its repository is not noted in the citation	
	6. marriage record of Elizabeth Boydston and Daniel Burgan
published book and could be accessed at various libraries, so its repository is not noted in the citation	
	7. burial record for Elizabeth (Boydston) Burgan
published book and could be accessed at various libraries, so its repository is not noted in the citation	
	8. Daniel Burgan's probate file
Wayne County Probate Court, Wooster, Ohio	

9. letters in Bible

copy supplied by Wendy Davidson Brimhall

10. George Boydston's will

Kosciusko County Clerk's Office, Warsaw, Indiana

11. Mary Elizabeth Stewart's
death certificate

State Bureau of Vital Statistics, Columbus, Ohio

Analysis and Correlation

GPS: Third Component

Tests, through processes of analysis and correlation, of all sources, information items, and evidence contributing to an answer to a genealogical question or problem

There are a number of statements in the article that illustrate Finley's evaluation of the information she began with and the information she uncovered in the course of her research. For example:

To identify Mary Stewart's location and likely full name, she correlated

- the information that the colonel had come from Ohio,
- the various states having a town named Athens, and
- the US censuses closest to the date of the letters.

Finley used the Stewarts' economic information (they had a servant, they lived in a neighborhood with a high proportion of professionals, and they owned their home) in the 1880 and 1900 census records to suggest further avenues of research: published sources such as obituaries and biographical sketches in local histories.

Resolution of Conflicting Evidence

GPS: Fourth Component

Resolution of conflicts among evidence items pertaining to the proposed answer

Finley's research question is based on conflicting information about the familial relationship between two people. The purpose of the article as a whole is to resolve that conflict.

In her proof argument, Finley documents Mary Stewart's maiden name and parentage, links that to information already known about the colonel's family, and determines the familial relationship to be that of first cousins. The remaining piece of the conflict, Mary's self-identification as "Aunt" to Armstrong's daughters, must still be addressed in order to meet the requirements of the fourth element of the GPS. In her conclusion, Finley explains her reason for dismissing "Aunt" as a literal designation of that relationship.

Research results of a genealogical problem are incomplete if conflicting information remains unresolved; a solution cannot be said to be "proven."

Note that it is valuable to write a report even for incomplete research, to detail one's work and analysis to date, to see if new insights about the problem arise during the process of writing, or to share with another genealogist for her or his thoughts on avenues of additional research to resolve the conflict.

Written Conclusion

GPS: Fifth Component

A soundly reasoned, coherently written conclusion based on the strongest available evidence

Notice the word "written" in the last element of the Genealogical Proof Standard. It's not enough to do good research, come to a conclusion, and state just that conclusion. Without demonstrating our research and our reasoning, any conclusion would have to be taken on faith—that is, others would have no way to evaluate the quality of our work. No one would be able to build on our work. The results of our research are valuable and worth contributing to other family members, genealogists, and historians. Even if we don't feel that our writing is elegant, we should commit our hard work to paper or electronic publication and add it to the knowledge base of the larger genealogical community.

As readers we determine whether an author-researcher has met this final standard. Can we follow the line of reasoning? Has the author answered every question that she has raised; have questions arisen in our minds as we read which the author did not address? Is the writing style clear and understandable?

Has genealogist Carmen Finley convinced us not only that she has correctly determined the identity of "Aunt Mary" and Mary Stewart's relationship to Colonel Armstrong, but also that she has done so by using documents that are "consistent and connected," "from a variety of independent sources," which "support one another," as she stated in her opening paragraph? You be the judge.

Poll

On the next page is a poll in which you will be asked two questions. The poll is anonymous and will determine whether you and your classmates believe that the author correctly identified Aunt Mary and if she met the Genealogical Proof Standard.

Discussion 5: Keeping Current

Discussion 5: Keeping Current

Some of the current "hot topics" discussed among genealogists include records access and using DNA results in our research. Where do you go for information about what is happening in the world of genealogy—periodicals? webinars? blogs? online discussion groups? conferences? (Be specific—which blog, etc.). If you don't have an answer for this question, you can still participate in the discussion by asking about or commenting on someone else's post.

Summary and Further Resources

Summary

In the probate unit you learned about the process of proving a will and settling an estate, and what a rich source of information probate files are. We hope you feel more comfortable in navigating these documents and asking questions of them.

You've also gotten a taste for how valuable non-genealogical resources can be for learning about records. State laws in the US, and comparable laws in other countries, determine when and how a person might end up with an estate that will enter the probate process; those laws will also provide insight into interpreting the information you find in those records. Holly Izard's article demonstrates how important—and

how interesting!—it can be to read outside our immediate field of genealogy.

You saw how the five components of the Genealogical Proof Standard are used as a sort of litmus test for determining whether a researcher has achieved “proof.” We’ll continue looking at written proof arguments next week.

Further Resources

Backhouse, Constance B. “Married Women’s Property Law in Nineteenth-century Canada.” *Law and History Review* 6 (Autumn, 1988): 211-57.

This article is available on JSTOR at <https://www.jstor.org/stable/743684>.

Brown, Jerald E. and Donna-Belle Garvin. *The Years of the Life of Samuel Lane, 1718-1806: A New Hampshire Man and His World*. Hanover, NH: University Press of New England, 2000. Although not a genealogical work, this is an outstanding example of using history to interpret the documents of an individual and using those same documents to shed light on local history.

Ditz, Toby L. *Property and Kinship: Inheritance in Connecticut, 1750-1820*. Princeton, NJ: Princeton University Press, 1986.

Heen, Mary L. “Agency: Married Women Traders of Nantucket, 1765-1865.” *The Georgetown Journal of Gender and the Law* 21 (Fall 2019): 35-93. Available as downloadable PDF at <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2020/01/Article-3.pdf>.

Ryskamp, George. “Fundamental Common-Law Concepts for the Genealogist: Marriage, Divorce, and Coverture.” *National Genealogical Society Quarterly* 83 (Sept. 1995): 165-79.

Wilson, Lisa. *Life After Death: Widows in Pennsylvania, 1750-1850*. Philadelphia: Temple University Press, 1992. Highly recommended and less legalese than some of the others on this list. You can preview sections at Google Books; at <https://books.google.com/> enter the title in the search box, and click on the result that has the tag “preview.”

Boston University Metropolitan College