

## LANCASTER COUNTY ESTATE RECORDS 1835-1865 DATABASE: NOTES ON THE SOURCE MATERIALS

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### ESTATE BOOKS

The study of the Lancaster County Estate Records 1835-1836 reveals:

- 284 people died leaving no will (intestate)
- 236 people died leaving a will (testate). 68 of these people left only a will and no further estate records. This is primarily due to the fact they either lived outside of Lancaster County but owned property here, or they are part of the missing Estate Books.

The Lancaster County Estate Books are different and apart from the Will Books. As shown above, nearly 55% of the people in this period died leaving no will. It is in the Estate Books that the rest of the probate records are found.

The typical process of a probate record would be:

1. Usually within a month of the death, the will would be taken to court to be probated. In the absence of a will, some person would go to court and apply for letters of administration. Some terms that one should know are:

a. If the person died with the will (testate), the estate was administered by an Executor (male) or Executrix (female).

b. If the person died with no will (intestate), the estate was administered by an administrator (male) or administratrix (female.)

c. If the named Executor "refused the burden" or had died before the testate, a new one would be named by the court. This person is called "Administrator with the will annexed" or "administrator de bonis non" meaning to administer the remainder of the estate not already disposed of. This latter term especially applies to an estate where there was no will, and first administrator during the probate process.

2. Inventory and Appraisal: At the same time as the will or estate was admitted to court, the court appointed men to take an inventory and appraisal of all items in the estate, usually returnable to the next court. These men (no women) were usually disinterest parties but neighbors of the decedent. If the estate owned slaves, they will be listed in this document.

3. Sale: A sale of the assets of the estate was held, usually under the auspices of a "crier" who was paid a small percentage of the proceeds. Those who attended the sale are usually named in the list of items (but this information is not an element of our database). Most commonly these are family members, relations and neighbors.

4. Account: An on-going account of the estate was kept until the estate was closed. These would include credits (income from whatever source, including the hire of slaves) and debits (burial expenses, doctors' bills slaves and family members, taxes, debts paid, room,

board and tuition for children, food and clothing for slaves, burial, and the like. In many cases, these accounts were ongoing and several different time periods may have been recorded for the same estate. This is especially true when there were minor children involved. Each account was audited by a court-appointed Special Commissioner.

5. Division of Assets: This is usually a division of slaves between the various heirs. This will often include slaves who were specifically named in the will as well those who were not. Sometimes other property will be mentioned in a division as well.

6. Final Distribution: This marks the closing of the estate and ends the probate. It is heir that heirs are again mentioned, and is especially valuable in cases where there was no will.

All of the foregoing is what an estate might typically include. Very few of the estates include all six of the above, and many questions are thus left dangling.

### **CHANCERY SUITS**

There were many cases where the terms of a will or the division of an estate could not be accomplished without a court ordered division. This is almost always due to the division of slaves, or the division of land, or both. These were usually (but not always) "friendly law suits."

This database includes chancery suits when they were specifically mentioned in an Estate Account, or where it was evident that one would be needed. This database does not include all of the chancery suits for this period. For a complete and searchable data base of chancery suits (quite often these are for debts and do not involve an estate), see the Library of Virginia on-line and digitized collection of Chancery Suits at [www.lva.virginia.gov/chancery](http://www.lva.virginia.gov/chancery). Select Lancaster from the drop down menu.

### **APPEALS and LAND CAUSES 1795-1848**

These are the same as chancery suits, and often identical with them and mere repetitions, but recorded in a separate series of record books by this name. These were abstracted and published by Stratton Nottingham in 1930, and reprinted by Heritage Books in 1990. The references used here, however, are from the original record books at the Lancaster Circuit Clerk's Office.

### **ADDITIONAL SOURCES**

More information will be added to this document concerning supplementary information in Will Books, Order Books, Guardianship Books, marriage records, and other sources. Please check back for updates.