

*Quarterly Newsletter  
of the*

**MIDDLEBROOKS FAMILY  
ASSOCIATION, INC.**  
*Founded 2001*

April / June 2009  
Editor,  
Jarrelyn Lang

Volume Eight, Number Three  
Assistant Editor,  
Diane Middlebrooks

What to find in this issue . . . . .

2. President's Corner, Leonard Middlebrooks
3. MFA 2009 Meeting/Reunion Registration Form
4. MFA Meeting/Reunion Highlights
5. Understanding County Probate Records, Neal Middlebrook
15. Why Our Relatives Drive Us Nuts, Jarrelyn Lang
16. A Reminiscence of Things Past, Dianne Middlebrooks
17. The History of Aprons, Bobbie Middlebrooke
17. Old Country Tips, Dianne Middlebrooks
18. Special June Events, Dianne Middlebrooks
18. Obituaries
20. MFA Officials

Middlebrooks Family Association, Inc., was founded in 2001 for the purpose of assembling and preserving genealogical and historical material for future generations.

MFA Quarterly Newsletter is published four times a year (December, March, June, and September) by the Middlebrooks Family Association, Inc., 274 Wilder Drive, Forsyth, GA 31029.

Subscription is free to paid members of MFA. Articles for inclusion in the quarterly, or suggestions for topics, may be sent to Jarrelyn Lang, Editor, at [thelangs@hotmail.com](mailto:thelangs@hotmail.com). All submissions are subject to editing.

## PRESIDENT'S CORNER

We are rapidly approaching our eighth MFA annual meeting and the motel group rates apply only through July 13<sup>th</sup>. This year's presentation will be in two half-day periods, one Friday and one Saturday. The remaining time will be devoted to family socializing through record research and sharing and just plain old family chit-chat. I'm looking forward to visiting in Arkansas.

MFA is wrapping up the 2007-2009 officer terms and I will be stepping down as President to concentrate on our *Register* Update and to help with research in England. Our Vice President, Neal Middlebrook, is in charge of our officer nominating committee and will be looking to our membership for those who would like to run for the next two-year period. Positions will be President, Vice-President, Secretary-Treasurer and two Board members. If you would like to be considered for one of these posts, please contact Neal directly.

Tracing our English heritage is expected to be an interesting facet of our family research. The English professional genealogist, Ian Middlebrook, informs us that locating Joseph 1610 may be more easily achieved than expected. We are told that Joseph is not a common name in the late 1500s, which will increase the chance of finding this ancestor's lineage. The immediate research effort had been to focus on the Concord Planters' English home areas and to determine on which vessels they sailed to America.

The Concord Planters research has begun with help from David Clark (Joseph 1773), Jean Shroyer (Isaac 1753), Kevin Lang (Joseph 1610) and Neal Middlebrook (Sims 1762). By locating the planters' home parishes, we will then be able to conduct parish record research for clues to the Middlebrook line in these areas. If you would like to participate, please contact Neal or me.

Another area of intriguing research is in determining some of our later unknown Middlebrook/s connections. About twenty of our current 230 mailing list members fall into this category of not knowing their 1750 Middlebrook/s ancestor. As the current group leader for these Unknown Middlebrooks, I have been working with J.A. Middlebrooks, who has provided enormous help, in researching these cousins' lineages. Unfortunately the success rate has been very low, but on the other hand the research has been most interesting. Two of these mysteries involve different Rufus Middlebrooks, one born in 1848 Georgia and one in 1828 Georgia. Both appear in Alabama in the late 1800s, and their descendants have been tracked into 2009. Both brick-wall in their Georgia heritage, and this momentarily impedes determining their 1750 ancestors. If any of you would like to wade through the cobwebs of time searching for distant cousins, please contact J.A. or me.

I will close this President's Corner by thanking each of you who has helped me in the last two-year period and by encouraging you to join with your Middlebrook/e/s cousins in Hope on the 13, 14, and 15 of August.

Leonard

**Middlebrooks Family Association, Inc.  
2009 Meeting/Reunion Registration Form  
Hope, Arkansas, August 13-15, 2009**

*"Bridges From the Past"*

Motel reservations at the Holiday Inn Express may be made by calling 870-722-6262.  
Mention that you will be with the Middlebrook/s Reunion, to get the group rate of **\$89.10**  
per night. **This rate is only good through July 13, 2009.**

Name:

\_\_\_\_\_

Spouse /friend

\_\_\_\_\_

Address:

\_\_\_\_\_

Phone:

E-mail:

\_\_\_\_\_

The above information will be used for the name tags.

I will attend (circle days):      Thursday      Friday      Saturday

Registration fee is \$10.00 for 2008-2009 paid members.

Registration fee is \$20.00 for non paid-members, or:

Pay your 2009-2010 dues of \$20.00 to become an MFA member through August 2010 and  
then pay \$10.00 for registration, a total of \$30.00.

Please mail to: **Middlebrooks Family Association Inc.**, C/O Joyce Arnold, 2904 Trinity Drive,  
Pearland, TX 77584. Contact Joyce at [joycenjim@sbcglobal.net](mailto:joycenjim@sbcglobal.net)

**MFA Membership Information:**

The MFA's annual meeting, quarterly Newsletter, the MAZE, family register update, cemetery, Military and DNA projects provide ample opportunities to become involved in the Association's events and activities. The MFA dues cover the period from September 1 through August 31 of each year, the fiscal year for the Middlebrooks Family Association, Inc. Visit our website for more detailed information on the Association's goals, projects, mailing lists, and history.

<http://freepages.genealogy.rootsweb.com/~midregerrata/>

**Hotel Location:**

**I-30 at 2600 N. Hervey St. Hope, AR 71801**

*MFA Meeting August 13-15, 2009, Hope, Arkansas: It's not too late to join us.*

*"Bridges From the Past"  
Sharing Our Family Histories*

*Agenda HIGHLIGHTS:*

**Thursday August 13<sup>th</sup>**

**Bancorp South Farmhouse, Patmos Road**

Morning	Registration and Meet & Greet – Review of activities
Lunch	Williams Tavern Restaurant at Historic Washington State Park
Afternoon	Tour of Historic Washington State Park Research at Southwest Arkansas Regional Archives (SARA)
Dinner	Bancorp South Farmhouse (Catered)

**Friday August 14<sup>th</sup>**

**Bancorp South Farmhouse**

Morning	Registration Presentations by Neal Middlebrook, Henry Middlebrook, and Charles Middlebrooks
Lunch	Hope – TBA
Afternoon	Research at Hempstead County Courthouse and City Library, Genealogy Room
Dinner	Keynote Speaker: Peggy Lloyd, SARA Archivist

**Saturday August 15<sup>th</sup>**

**Bancorp South Farmhouse**

Morning	Registration Presentation by Mary Nell Turner, Hempstead County Genealogical Society MFA President's and Projects Reports Discussion Groups
Lunch	Farmhouse – Working Lunch (Catered)
Afternoon	Field Trips to Homesteads, Cemeteries, Churches, Schools, and Towns
Dinner	Meeting Critique and Close-out at Farmhouse Family Social and Dinner – Restaurant TBA

# UNDERSTANDING COUNTY PROBATE RECORDS

By Neal Middlebrook

## What are Probate Records?

Any record that disposes of an estate after the owner's death is referred to as a probate record. The term *probate* means to *prove* in accordance with court requirements. The three kinds of estates probated include: testate, intestate, and guardianship. Probate records fall into the following two main categories:

**Testate:** A person dies leaving a valid will.

**Intestate:** A person dies without will.

- The British colonies followed the framework established originally by English law and the custom to pass on estates to heirs.
- In the United States, probate matters are handled by states instead of by the Federal government.
- Probate laws and requirements are often different among states.
- County courts are responsible for probate matters and for implementing state laws.
- Probate records are usually the responsibility of the County Clerk or Circuit Court Clerk.
- Historically, most adults have left some type of estate to be administered and thus produced records.
- Testate and intestate estates are handled by probate courts.
- In the past as in the present, anyone was free to make a will – he or she must be of legal age, of sound mind, and free from restraint.

## The Value of Probate Records

There are many types of probate records that vary in content and value to the family historian. Even persons who died without a will or property may have had their estates go through the probate process. Estate papers provide an opportunity to learn so much more about the lives of families, their relationships and prosperity. Probate records can provide the following types of information:

- Estimating the death date
- Names of family members and other relatives
- Wife's name and dower, or a former spouse
- Guardianships
- Education of children
- Names of friends and neighbors
- Names of witnesses, beneficiaries, executors, trustees, and third parties
- Names of creditors and debtors
- The value of an estate
- Location of present and former residences and properties
- Inventory of personal and real property
- Distribution of personal and real property
- Sale of estate property

## Shortcomings of Probate Records

When present, probate records can provide a wealth of information for the family historian. However, probate records are not always present or cannot be located. The following information is often deficient in probate records:

- Not everyone left a will or had an estate go through the probate courts.
- All next of kin or spouses may not be named.
- Maiden names of spouses are rarely listed.
- Only occasionally are death dates or the residence of death listed.
- Sometimes relationships of the persons named are not stated.
- Places of residence of next of kin are often not mentioned.
- Probate records are mostly indexed for wills (testators) by county.
- Probate records for intestate estates are often not indexed and are more difficult to locate and use.

### **Legal Aspects and Terminology**

To get the most information out of probate records, it is important to understand applicable laws and the terminology used in probate documents. To better interpret these documents, we must also keep in mind that probate laws and requirements often changed from state to state and according to the time period for which you are searching. A good law dictionary is a big help in understanding, transcribing, and evaluating probate documents.

- **Children** were often not named in a will because it was not required. In many cases, they were often provided for before the testator's death. However, to avoid future legal issues during probate of the will, children began to be listed and often received \$1.00. In most instances, the \$1.00 did not mean a father or mother was disinheriting a child unless it was stated so in the will.
- The term **Primogeniture** means the oldest son inherits any real property not divided in the will. If a person died intestate, the practice of primogeniture was applied in some states. In a few states, the eldest son received a double portion of land. Not all states practiced primogeniture, and by 1800 most states had abolished its use.
- **Daughters** were usually provided with real and/or personal property by their fathers if they were unmarried at the time of his death. After they married, if the father had sufficient holdings, the daughter and her husband could receive land. In most instances, if a state practiced primogeniture/double portion, the daughter was less likely to inherit land. The state laws varied greatly as to the daughter's right to inherit land. The testator, of course, could provide for his daughter in any way he wanted.
- **Intestate Estate Division Per Stirpes and Per Capita** – *Per Stirpes*: The method of dividing the estate of a deceased legal heir. The legal share of the deceased heir is then divided among his/her children. *Per Capita*: The distribution of the estate of the deceased legal heir would be divided among all the children and grandchildren, share and share alike. Existing state probate laws at the time of death determine which method is used.
- **Heirs at Law, Sons-in-Law, and Others** – To determine the heirs of an estate, you must know the probate laws of the state for the time period of interest. For example, if a man died unmarried and with no children, his eldest brother or his father could be the "heir at law." Likewise, the confusion over "son-in-law" and "daughter-in-law" could often mean a step-son or step-daughter. The term *cousin* was also used very loosely. It could possibly mean a more distant cousin, a great aunt, or another relative.

## PROBATE TERMINOLOGY

Following are some terms specifically regarding probates. These are abbreviated; see *Black's Law Dictionary* or other law dictionary for more complete definitions.

**Administrator (-trix).** A person appointed by the court to handle an intestate proceeding; that is, an estate without a will.

**Administrator cum testamento annexo (administrator eta).** This indicates that there is a will. Either an executor was not named in the will and the court was appointing an administrator to handle it, or the executor died, refused to qualify, couldn't qualify, moved from the area, etc. In many areas this term has fallen into disuse and instead the administrator eta is referred to as "administrator with the will annexed" and abbreviated as "w.w.a."

**Administrator de bonis non (administrator or dba).** A person appointed by the court to handle the remainder of the estate. This situation might arise if the administrator died before the estate was settled, moved from the area, was judged incompetent to continue to administer, or various other causes. More modern usage in many areas is "successor administrator."

**Beneficiary.** One who will benefit through the will.

**Bequeath.** To give personal property by will.

**Bond.** The court required two or more bondsmen (or "securities") to guarantee the performance of the executor, administrator, or guardian. The bond is the written evidence of that obligation.

**Bondsmen.** See **Bond**.

**Brother-in-law.** The husband of a married sister, sometimes the husband of a married sister-in-law. In early times, it could be a stepbrother or, occasionally, an adopted brother. (See also **Sister-in-law**.)

**c.t.a.** See *Administrator cum testamento annexo*.

**Committee.** Usually a group of people, some of whom may be related, delegated to a particular duty such as advisors or managers of the estate of an incompetent person.

**Contest (a will).** To oppose, resist, or dispute a will.

**Coverture.** The status of a married woman under common law.

**cum testamento annexo.** See *Administrator cum testamento annexo*.

**Curtesy.** An estate by which a man was entitled, on the death of his wife, to the lands and tenements which she owned. For the husband to be entitled to curtesy, he had to have had lawful issue born alive (even if the child subsequently died). It is an estate for the term of the husband's natural life only.

**de bonis non; dbn.** See *Administrator de bonis non*.

**Devise.** To give real property by will. A deviser is the giver (the testator), while the devisee is the recipient.

**Executor (-trix).** A person named by the testator in a will to handle the estate.

**Guardian.** A person lawfully invested with the charge of another person. Appointed to handle either the person, the estate, or (both), of a minor, incompetent, or one otherwise incapacitated. A guardian *ad litem* is invested with that charge for a specific purpose (perhaps, as an example, to transfer a specific piece of property).

**Heir.** See **Heir at law**.

**Heir at law.** One who inherited real or personal property in intestacy cases.

**Imprimis.** In the first place; first of all.

**Infant.** A person under the age of legal majority. (Remember, a 19-year-old male is an "infant" in the eyes of our legal system if the law says you need to be 21.) See also: **Majority.**

**Intestate.** A person who died without a will. The resulting court proceeding may be called "intestate" proceeding or "administration" proceeding.

**Inventory.** A detailed list of articles of property and their estimated or actual value.

**Letters.** When the court approved the appointment of an executor, an administrator, or guardian, "letters" were issued by the court making that appointment. Letters Testamentary, Letters of Administration, or Letters of Guardianship are commonly seen in estate matters.

**Lineal.** That which comes in a line, such as a direct line, parent to child.

**Locus sigilli (L.S.).** In place of the seal.

**Majority.** Full age; legal age at which a person is no longer a minor. The age at which, by law, a person is capable of being legally responsible for all of his or her acts. (This will vary for certain actions, depending upon the state and the laws of the time.)

**Next Friend.** A person acting for the benefit either of an infant (i.e., under the age of majority) or of another person unable to look after his or her own interests.

**Orphan.** A person who has lost both (or sometimes one) of his parents. Usually used with a minor.

**Partition.** The dividing of land (or personal property) by co-owners, usually resulting from an inherited parcel. This division may be voluntary, or compulsory through a judicial action.

**Primogeniture.** Firstborn or eldest son. In states that practiced primogeniture, any estate not disposed of previous to death or by will succeeded to the eldest son. (New England never practiced primogeniture, except for Rhode Island. Instead, the eldest son usually received a double portion of the estate.) In some areas, the eldest son could challenge his father's disposition of the land to others, as a denial of his "birthright."

**Receipt.** Written acknowledgment of receiving something.

**Relict.** A widow or widower; the survivor of a married couple.

**Sine prole, s.p.** Without issue.

**Sister-in-law.** The wife of a married brother; sometimes the wife of a married brother-in-law. In early records, it could be a stepsister or an adopted sister.

**Son-in-law** or **Daughter-in-law.** The husband of a married daughter, or the wife of a married son. In early times, it often meant a stepson or stepdaughter, or occasionally it could refer to an adopted son or daughter.

**Surrogate.** In some states, a judge handling probate proceedings.

**Testament.** Under early English law, a written instrument that disposed of personal property after death. Today the words "will" and "testament" are equivalent, and the single writing may devise real property and bequeath personal property.

**Testamentary.** Pertaining to a will or testament.

**Testate.** A person who died leaving a will is said to have died "testate," and the subsequent proceeding is often referred to as the "testate proceeding."

**Travail.** The labor of childbirth. Example: "I give to my wife Dorothy who is in travail ..."

**Videlicet, viz.** A contraction for *videre licet*; "to wit," "namely."

**Widow's allowance.** A widow may take what is allowed her in the will of her husband, or she may choose to take what the law allows, which is usually the amount that she would receive



under intestacy laws. (Sometimes used to designate what the widow chooses to keep as dower from personal property of the estate.)

**Will.** An instrument which disposes of a person's real and personal property after death. Often titled "Last Will and Testament." See **Testament**.

**Witness.** Usually a person who declares or affirms that he was present and personally saw an event, that is, an eyewitness. (**Source: #5**)

### **Probate Court Orders and Minutes**

Throughout the probate process, entries are made in court order and court minute books. The minute books provide more notations and information, whereas the order books only include when the order was issued. Minute books include the following: when documents were brought into the court, when witnesses testified, when the court appointed the executor or administrator, and other steps in the probate process.

Minute books may or may not have an index; order books are usually indexed. Some minute books have been abstracted and published with indexes. However, be sure to check the original document to see if it was abstracted correctly or has additional information. If you are having trouble locating certain probate records, check the court minute and order books to make sure they have been filed with the court. Also, if the actual probate records have been destroyed, these books may be the only way to prove your ancestor's estate was probated.

### **Estate Packets**

The estate files/packets, or "loose estate papers," can sometimes be a treasure trove of information. You can find intestate, testate, or guardianship, as well as other less common types of documents and correspondence. In some instances, papers included in estate packets may not even be related to settlement of the estate. Estate packets, often filed in folder-type cardboard or metal boxes, may be difficult to locate in the courthouse. Perseverance may be required to locate these records. Also, check to see if estate packets have been microfilmed.

### **Women's Rights, Testate and Intestate**

Many states had various provisions of the law that governed a woman's right to leave a will and how her husband's (testate or intestate) estate was handled regarding her inheritance. You will need to check the state law and the time period to figure out the rights of inheritance. State laws began to gradually change, providing more favorable rights for women regarding inheritance.

- An unmarried or widowed woman could leave a will.
- A woman's property came under her husband's control, and she could not will it without her husband's permission.
- Her dower was a provision of law that guaranteed a married woman a portion of her husband's estate (intestate) to support her and their children.
- Depending on state law, a dower was 1/3 to 1/2 interest.
- The inheritance was usually a life interest, which meant that, after her death, the interest in her estate was passed on to other heirs as specified in the will.
- If her husband's will gave her dower or other property outright, she could do with it as she pleased.

## **The Probate Process (Testate and Intestate)**

It is important to understand the probate process to ensure you are looking for all the documents that are required for settlement of an estate. The procedure for administering an estate without a will is very similar to one having a valid will.

### **Steps:**

1. **Will** is taken to courthouse. Petition is filed to probate the will. For intestate, a petition for **Administration** is also filed.
2. **Citation** (hearing notice) is issued to notify affected parties. Usually published in local newspapers as well.
3. **Court hearing:** If no one contests the will, the executor posts a bond and Letters of Testamentary are issued. If an executor is not named or confirmed, the court appoints one. The procedure is the same for appointing an administrator (intestate).
4. **Inventory:** Three responsible and disinterested parties are appointed by the court to inventory and appraise the value of personal and real property. The inventory is signed by both the appraisers and executors then returned to the court for recording.
5. **Sale Bill** (account of sale): If personal property was to be sold, a sale date was set for public auction. Every item sold was recorded with the amount and buyer's name and returned to the court for confirmation.
6. **Account:** Accounts were periodically filed with the court showing amounts received and paid, notes due, notes paid, and estate expenses. This record documents the accounting of money moving in and out of the estate.
7. **Real Estate Sale:** The executor must have the court's approval to sell real property, unless the sale was stipulated in the will. A sale date was set for public auction. The property was awarded to the highest bidder. The court confirmed the sale, and a deed from the executor to the buyer would be recorded in the Recorder of Deeds Office.
8. **Final Settlement:** This may be a specific document or just a notation in the court minute or order book. Be sure to determine if a final settlement was filed with the court.

**Comments:** Please be aware there may be many estate documents and variations included in the above outlined process, depending on the laws, locality, and size of the estate. Be sure to look at the entire process to determine if critical documents may be missing.

**Intestate:** The procedure for intestate is the same as testate, except an executor was not named until a petition for Administration was filed with the court and approved. Letters of Administration were issued to the person the court approved. The first right to serve as administrator was stipulated by the state's probate laws.

**Guardianship:** The procedure above is very similar for establishing a guardian, except that the court decided if the appointment of a guardian was necessary. If the court felt it necessary to appoint a guardian, a bond was posted and the Letters of Guardianship were issued.

### **Types of Probate Records**

1. **Wills:** They are usually written by the testator or by someone on his behalf. The testator had to sign the will, and it had to be witnessed by two other parties. The will is used by the testator to distribute his real and personal property. The term "last will and

testament," when broken down, means the "will" is used to distribute real property and the "testament" is used to distribute personal property. *Codicils* to wills are additions or changes. A *holographic will* is written entirely by the testator and only the authenticity of the handwriting had to be verified before the court. A *Nuncupative will* is an oral will (often given on a person's death bed) that had to be witnessed by two to three people and written down within 48-72 hours after it was witnessed.

2. **Petition:** A petition is filed with the court to start the probate process. It is normally the executor named in the will and, in the case of intestacy, a relative, who will file a petition for Administration of the estate. In either case, the court may confirm or appoint an executor. The petition can provide important information about the petitioner's relationship to the deceased, the date and place of death, as well as other information.
3. **Bond:** Once the court approves an executor, administrator, or guardian, a bond must be posted to ensure the responsibilities of the position are carried out satisfactorily. The size of the bond depended on the anticipated value of the estate. Often called the administrator's or executor's bond, it includes other names of persons guaranteeing who will pay if the duties of settling the estate are not fulfilled. Also, witnesses sign the bond. The names on the bond are, in many cases, relatives, friends, or neighbors who can provide additional clues.
4. **Letters of Testamentary, Administration, or Guardianship:** Once the court approved the bond posted by the petitioner, Letters of Testamentary, Administration, or Guardianship were issued. These documents are the court's formal appointment granting that person the right to handle the estate. Do not overlook these documents because they may contain other family names and witnesses. They may be filed in will or estate records, located in estate packets, or included in separate courthouse books.
5. **Inventories:** The inventory is one of the most valuable pieces of information in probate records. It provides a list of real and personal property. A list of possessions within and outside the home will give us a glimpse into what a family's livelihood might have been, how they lived, and the value of their estate. The executor or administrator initiates the inventory process by finding three responsible and disinterested persons to inventory and appraise all the real and personal property of the deceased. The inventory is submitted to the court with the signatures of the executor/administrator, the three appraisers, and in some states creditors (Maryland).
6. **Account:** Depending on the size of the estate, the court required the executor/administrator or guardian to submit periodic reports of income and expenses. An account was often titled as the first, second, and third account, etc. A final account was filed to note the last reporting account period.
7. **Accounts of Sale and Sale Bill:** This record, like the inventory, can provide valuable family history information. It is an accounting of all who purchased personal property at an estate sale. Even the widow was required to purchase certain household goods she once used during her marriage. With all the buyers' surnames listed, it provides clues to other family members, relatives, neighbors, and friends. Along with these names, you might also be able to obtain someone's place of residence.
8. **Petition for Sale of Real Estate:** A copy of this record will provide the location of the parcels of land to be sold. This location may be the family home place or other parcels acquired throughout the testator's life. Once the parcels were sold, usually at public

auction to the highest bidder, the proceeds were divided among heirs or used to pay creditors. The executor/administrator petitioned the court for a sale order, describing the reasons a sale of land was necessary. Before approval by the court, a notice of hearing was sent to interested parties. Once approved by the court, notices of public sale were posted and often published in the paper.

9. ***Final Settlement/Distribution:*** This is the final step in the probate process used to close the estate settlement. If you are lucky enough to find a final settlement record, it may list the payment to heirs, the names of heirs, and possibly other creditors or debtors. This record may also be mixed in with wills or accounts, included in estate packets or other estate records, and possibly mentioned in court orders or minutes.
10. ***Renunciation/Disclaimer:*** A refusal to execute (testate) or administer (intestate) an estate. Wills often name the wife as the estate's executrix, a position she may or may not accept. In most cases a widow has the first right to administer the estate of her husband who died intestate. Upon her renunciation, family disagreements or financial reasons could be indicated. If she feels her husband's will did not leave her a proper inheritance, she could also refuse to accept her inheritance and ask the court to treat the estate as intestate, and in such a case, she would be guaranteed 1/3 interest, depending on state law. Any probate records dealing with renunciations should be carefully reviewed for the reasoning behind the refusal.
11. ***Administration:*** Intestate proceedings, which are very similar to testate probate records. In some cases, these records may provide more information than testate estate settlements. Because you cannot find a will, do not assume that estate papers for your ancestor are not in the courthouse. A ***Relinquishment of Administration*** documents the intention to surrender or to elect not to administer an intestate estate. In most states, the order of administration is first the widow, then the eldest son, the other sons, and last, the daughters. The signed relinquishment may be the only record, in the case of a widow, giving her name. The person refusing the administration will be asked to name another relative or possibly a friend of the family to carry out the duties of administrator. ***Public Administrator or Other Public Official:*** If the decedent left no family, or no family members wanted to administer the estate, a public official was appointed, such as a sheriff or constable.

## **Guardianships**

The last remaining type of estate is guardianship. The most common guardianships are for minors and persons with senility, insanity, or other mental and physical diseases, making them unable to handle their own affairs. As mentioned earlier, the probate process described for testate and intestate estates are very similar for guardianships.

### **Guardianship of Minors**

- When one or both parents die, a guardian is appointed. If a husband died and his wife was still living, a guardian was usually appointed to help the family.
- A guardian can also be appointed for the estate.
- The term *orphan* may mean one or both parents have died.
- A non-relative may be designated as the guardian when an ancestor's wife is deceased and her children were to receive property from her side of the family. Her husband may or may not be living.

- The temporary guardian is denoted as *ad litem*.
- Minors over the age of 14 were, in many states, allowed to choose their guardians.
- A minor was no longer required to have a guardian upon reaching the legal age required for his/her state of residence.
- Generally, the *entailed property* of a minor could not be sold by the guardian. The entailed property must follow the descent prescribed in a will or state entail laws. However, there may be certain exceptions granted by the court when land could be sold.
- *Next friend* is a person (not a guardian) who files a suit on behalf of a minor or incompetent person.

### **Guardian Bond and Accounts**

To ensure that the estate of a minor or incompetent person was protected, a bond was often required. The bond should be reviewed to see what information it contains. The court required the guardian to file an account of money spent and received. Accounts were filed either annually or more frequently. A final account was filed when the minor attained legal age or died. The final account for an incompetent possibly meant the ward had died.

### **Probate Indexes and Records**

You will find many variations in the way probate records are indexed and where they reside. The first step is to exhaust all available sources for indexes before pursuing actual probate records. Some indexes are in the courthouse or state archives. Some have been published, some have been microfilmed, and some are online. The Family History Library at [www.familysearch.org](http://www.familysearch.org) is a great place to start looking for probate indexes on microfilm. Many state archives, and some counties, have published and microfilmed indexes. The following are some of the more common indexes:

- *General Index* or *Consolidated Index*: This index may include wills, administrations, inventories, bonds, accounts, estate files, etc. These types of indexes are found in the probate office, and some have been published or microfilmed.
- *Proceedings Index*: This index is more difficult to use. It is necessary to look in two books – the estate index and the proceedings docket book. Use the estate index first to find your surname. Record the book, page, and block numbers for your ancestor. Next, with this information, find the book with *proceedings* on the spine. Go to the page and block to find the name of the estate listed, residence, executor, etc. The information in the block is an inventory of probate records. Each has reference (page and book) where it can be found.
- *Devisor and Devisee Index*: The devisor is the person giving land (real property) in his will to another person (devisee). The devisee is a person named in a will to inherit land. If you think your ancestor passed on land to heirs and you have not been able to find the deed, these indexes may be where you need to look. It is worth your while to explore both of these indexes for information regarding probate records and deeds.

- *Estate File Indexes or "Loose Papers"*: This file may be where the original estate probate documents have been filed. The estate file index will give you the type of document filed and the file number. If your ancestor is listed in the index, you may be surprised by what you find. It is also a good idea to review the estate files of relatives, neighbors, and friends as well.
- *Published Indexes*: The most common probate record indexes published are for wills that encompass a particular county or whole state. Some indexes also include administrations and inventories. A thorough search for published sources of probate records can save you countless hours of research.
- *Online Sources*: As a general rule, it is more difficult to find websites with online probate indexes or records, the exceptions being will indexes and abstracts. To start out, it is a good idea to use a search engine like Google, [www.google.com](http://www.google.com), to see what is available in the way of probate records for your county. Based on this initial search, you will obtain a list of the websites to explore. Also, go to the websites for county offices, as well as local and state genealogical and historical societies. The next place to search is the state archives. Other possible internet sites to search include: Cyndi's List, [www.cyndislist.com](http://www.cyndislist.com); Link Pendium, [www.linkpendium.com](http://www.linkpendium.com); USGenWeb, [www.usgenweb.com](http://www.usgenweb.com); County Forums, [www.rootsweb.com](http://www.rootsweb.com); Ancestry, [www.ancestry.com](http://www.ancestry.com); Godfrey Library, [www.godfrey.org](http://www.godfrey.org); and Footnote, [www.footnote.com](http://www.footnote.com).

In summary, because of the limited access to published probate records or online sources, you have two options: finding microfilm sources or contacting the county office directly. As mentioned above, your best option is to look for microfilm availability at [www.familysearch.org](http://www.familysearch.org), state archives, or large libraries that participate in an inter-library loan program. If you contact county offices directly, in most cases you will need specific information (book and page number), unless library personnel are willing to look at the probate index for you. County offices may also be able to suggest local researchers to help locate county probate records for you.

### **Sources**

1. Mary M. Bell, "Using Probate Law to Sidestep Missing Records: James Madison McCrary Shows the Way," *National Genealogical Society Quarterly*, Vol. 3, No. 2, June 2004, Arlington, VA; 87-95.
2. Barbara J. Evans, *A to Zax*, Third Edition, Hearthside Press, Alexandria, VA; 1995.
3. Va. D. Greenwood, *The Researcher's Guide to American Genealogy*, 2<sup>nd</sup> Edition, Genealogical Publishing Co., Baltimore, MD, 1990; 255-262, 277-279, 299-304.
4. Ronald A. Hill, "Maximizing Probate Research: An Analysis of Potential, Using English Records from Cornwall," *National Genealogical Society Quarterly*, Vol. 84, No. 4, December 1996, Arlington, VA; 245-262.
5. Christine Rose, *Courthouse Indexes Illustrated*, CR Publications, San Jose, CA, 2006; 1-15, 25-28, 39-40.
6. Christine Rose, *Courthouse Research for Family Historians, Your Guide to Genealogical Treasures*, CR Publications, San Jose, CA, 2004; 65-98.

## WHY OUR RELATIVES DRIVE US NUTS

By Jarrelyn Lang

When you visit – or even just look at photos of – friends and family members, brain activity shows how you feel about them, and even yourself, according to a recent study.

The study compared brain activity associated with seeing relatives to brain activity associated with seeing friends and strangers. Findings suggest that "feelings. . . about biological relatives are at least somewhat primal."

Co-authors of the study were Steven Platek, lecturer at the University of Liverpool in England, and Shelly Kemp, who was honored by the International Society for Human Ethnology for her part in the study. They hope to be able to explain "why our family can get on our nerves [and] why people who look like us can spark immediate feelings of trust," according to Platek.

For the study, researchers performed MRI brain scans on test subjects as they looked at pictures of biological relatives, friends, strangers, themselves, and several morphed images. Scientists determined that relatives and self-lookalikes are processed through a self-referential part of the brain. Friends and strangers who looked nothing like the viewer, however, lit up entirely different areas of the brain, those linked with making important decisions with respect to self.

Platek and Kemp also learned that the brain ranks everyone socially, with relatives at the head of the line. "I think facial resemblance is ranked right up there in importance with attractiveness," Platek said.

Since relatives are processed through areas of the brain linked to self-reference, the study might also help to explain why relatives cause us to take things personally. Even though we may tolerate a friend's bad behavior – loud laughter, snoring, etc. – we may have less patience with relatives because we judge them similarly to the way we judge ourselves.

"This research is a wonderful example of the fruitfulness of conducting cognitive neuroscience," stated Todd Shackelford, professor of psychology at Florida Atlantic University. He went on to say, "I am hopeful that other researchers in the cognitive neurosciences will follow Dr. Platek's lead and take full advantage of the predictive power of the design structure of the mind." He also commented that it is likely a face we perceive as "friendly" is one that looks more like us, but the way we later feel about that same person could be tied to how we feel about ourselves, possibly explaining the prevalence of arguments during family reunions.

The findings of the study have been published in the journal *Neuropsychologia*.

**Source:** "Visiting Family Warps Your Brain, Study Says," by Jennifer Viegas, online at msnbc.com.

+++++ ++++++++ +++++

"If you cannot get rid of the family skeleton, you may as well make it dance."

George Bernard Shaw, Playwright (1856-1950)

## A REMINISCENCE OF THINGS PAST

Contributed by Dianne Middlebrooks

So many things I grew up with no longer exist.

For example, how many of you are familiar with pin boys at the bowling alley? Before the days of automated pinsetters, young boys would sit at the end of the alley and replace any pins that had been knocked over.

A big attraction at the movies were the ushers who showed us to our seats in their navy jackets decorated with brass buttons and gold braid. When the ushers disappeared, so did the movie projectionists. Movie theaters would often give free dishes or cutlery with our tickets.

Do you remember the cars of yesterday? All of them had running boards, some had rumble seats, and none had automatic transmissions, power brakes, electric windows and door locks, cruise control, or power steering. Cars back then didn't have electric turn signals, either. You had to crank open your window and stick your hand out, no matter what the weather conditions, to indicate that you were going to make a turn.

The old Ford, Chevy, and Chrysler also didn't have heaters or defrosters. In the hot summer, there was no air conditioner, either, just hot wind and exhaust fumes from passing cars blowing through your open windows. But, on the other hand, gas cost about 14 cents per gallon.

If you were lucky enough to own a washing machine in the "good old days," it had no spin cycle, just a hand-operated wringer that you fed the clothes through. There were no dryers, either. We hung our laundry, summer and winter, on a clothesline, a length of rope or wire stretched from tree to tree in the back yard. If it rained on washday, we spread the wash on a line in the cellar, an unfinished basement with a dirt floor.

We had no TVs or computers. (How did we ever survive without CNN, Oprah, Leno, Google, MapQuest, or e-mail?) When we wanted to phone someone, an operator came on the line asking "Number please?" then she would connect us to our party. Our phone was on what was called a "party line," shared with neighbors who might eavesdrop on our conversations. Furthermore, the entire family made do with only one telephone.

Are you old enough to remember Blackjack chewing gum? Wax Coke-shaped bottles containing colored sugar water? Candy cigarettes? Home milk delivery in glass bottles with cardboard stoppers? Packards? P.F. Flyers? Howdy Doody? S&H Green Stamps? 45- and 78-RPM records? Mimeograph paper? Roller skate keys? Drive-in theaters? Studebakers?

Do we really want to return to the "good old days"?

-from "Whatever Happened to . . .?" by Rose Madeline Mula, printed in *The Saturday Evening Post*, Nov./Dec. 2006

### For Men Only:

According to a January 15, 2009, posting on msnbc.com, if a man's ring finger is longer than his index finger, he will be more successful financially as well as in competitive sports. If the ratio is reversed, he will excel in the fields of math, science, and engineering.

From msn.com's "25 Fascinating Love Facts" comes the good news that men who kiss their wives in the morning live five years longer than those who don't. -posted May 2, 2008



## THE HISTORY OF APRONS

Contributed by Bobbie Middlebrooke

The principal use of Grandma's apron was to protect the dress underneath, because she only had a few dresses. It was easier to wash aprons than dresses, and aprons used less material.

The apron served as a potholder for removing hot pans from the oven. It was wonderful for drying children's tears, and on occasion it was even used for cleaning out dirty ears. A handkerchief was ever-present in the apron's pocket, ready to wipe runny noses.

An apron was used to carry eggs and fussy chicks from the chicken coop, and sometimes half-hatched eggs, to be finished in a warm oven.

When company came, those aprons were ideal hiding places for shy kids. When the weather was cold, Grandma wrapped it around her arms.

Those big old aprons wiped many a perspiring brow when Grandmas bent over their hot wood stoves. Chips and kindling wood for the stove were brought into the kitchen in their aprons.

The apron carried all sorts of vegetables from the garden. After the peas had been shelled, it carried out the hulls. In the fall, the apron was used to bring in apples that had fallen from the trees.

When unexpected company drove up the road, it was surprising how much furniture that old apron could dust in a matter of seconds. When dinner was ready, Grandma walked out onto the porch and waved her apron, and the men knew it was time to come in from the fields to eat.

It will be a long time before someone invents something that will replace that "old-time" apron that served so many purposes.

People would probably go crazy now trying to figure out how many germs those aprons carried, but I don't think I ever caught anything from an apron.

## OLD COUNTRY TIPS

Submitted by Dianne Middlebrooks

Ashes from wood stoves and fireplaces can be used to dust cabbage and potato plants to ward off beetles.

When planting tomatoes, place a palm full of ashes in the soil and mix well. Planting marigolds between tomato plants keeps away aphids and beetles.

Sprinkle ground cinnamon around doors and windows to keep ants away.

A small amount of ground cloves or nutmeg sprinkled in the fireplace will make the house smell nice.

To keep flies out of the house, tie a small cotton ball on the screen door.

To remove fly specks from window panes, clean them with rubbing alcohol and newspaper.

Equal parts of turpentine and ammonia will remove paint from clothing, even if the paint has hardened.

To remove a water stain from wooden furniture, apply mayonnaise and rub it in. Let stand, and wipe clean in about an hour or so.

## SPECIAL JUNE EVENTS

Contributed by Dianne Middlebrooks

**Flag Day** is observed on June 14<sup>th</sup> of every year: "June 14, 1777 – Continental Congress adopts the following: Resolved: that the flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." The thirteen stars represented the thirteen original colonies: Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, New Hampshire, Virginia, New York, North Carolina, and Rhode Island.

**Father's Day** is Sunday, June 21. The first Father's Day was observed on June 19, 1910, in Spokane, Washington. In 1924, President Calvin Coolidge supported the idea of a National Father's Day. In 1966, President Lyndon Johnson signed a Presidential Proclamation declaring the third Sunday in June as Father's Day.

**Source:** *UAW Local 882 News*, # 389

+++++ ++++++++ +++++

## OBITUARIES

**Clinnie Wicker Middlebrooks**, 92, died Monday, March 23, 2009, at Crossgates River Oaks Hospital in Brandon, Mississippi. Services for this Robert 1766 descendant were held March 26, 2009, in Baldwin-Lee Funeral Home in Pearl, Mississippi. Graveside services were conducted in Gasque Chapel Methodist Church Cemetery in Smith County, Mississippi.

Clinnie was a member of First United Methodist Church of Brandon. She was preceded in death by her husband, Roland E. Middlebrooks, and two sons. Survivors include a son, MFA member J. A. Middlebrooks, three grandchildren, four great grandchildren, and two sisters.

Middlebrooks Family Association offers deepest sympathies to J. A. and all of Clinnie's family.

**Kasey May King**, born June 21, 1994, departed this world April 25, 2009, in Jack County, Texas. Kasey was active in softball and cheerleading in her high school. She wanted to become a veterinarian because she loved animals, and her goal was to graduate from Texas A&M University with a degree in veterinary science.

This young Thomas 1763 descendant was preceded in death by two grandparents, Bobby Gilbert Sr. and Jo Plunkett. Those left here to cherish her memory are her parents, Kendall and Susan King; sisters Sarah and Meagan King; grandparents Don Ray King, MFA member Lilly May West, and George D. Plunkett; numerous aunts, uncles, and cousins; and many other family members and friends.

Funeral services were held April 29 at the First Baptist Church in Jacksboro, Texas, followed by burial in Jacksboro's Oakwood Cemetery.

The hearts of all MFA members reach out to Lilly May, Kendall and Susan, and all of Kasey's family and friends.

**Mary Middlebrooks Voelker Kinney** passed away at her home in Barnesville, Georgia, April 27, 2009. Born March 27, 1910, Mary was the daughter of John T. and Roberta Mitchell Middlebrooks.

Mary, a graduate of Georgia State Teachers College, enjoyed a long career teaching public school music and elementary education. She was a member of the First Baptist and Pine View Baptist churches of Barnesville, where she sang in the choir and taught adult Sunday School classes. She was an active member of Delta Kappa Gamma and the DAR.

In 1937, Mary married Helmut Voelker in Thomaston, Georgia, where they lived until his death. She returned to Barnesville in 1947 and later married Frank D. Kinney of Macon.

In addition to her first husband, Mary was also preceded in death by her parents and a brother, John T. Middlebrooks Jr. She is survived by daughters Lynn Voelker Warren and Margaret Voelker Pritchett; son Carl Voelker; stepson Calder Kinney; eleven grandchildren, nineteen great grandchildren, and seven great, great grandchildren.

A memorial service was held for this Robert 1766 descendant at Williams Funeral Home in Milledgeville, Georgia, on May 2, 2009.

We at Middlebrooks Family Association send warmest sympathies to Mary's family.

**Nelle Ivey Middlebrooks** passed away May 14, 2009, at her home in Thomaston, Georgia. She taught in the Thomaston Public Schools from 1934-1939 and from 1956-1971.

Nelle was an active member of the First United Methodist Church, where she was a part of the Golden Age Club and the United Methodist Women. In addition to being a charter member of the Thomaston-Upson Retired Educators, Nellie was also a member of the Upson County Historical Society, the John Houston Chapter of the DAR and the Upson Regional Medical Center Auxiliary.

Nelle was preceded in death by her parents, Jeff and Nancy Ivey, and her husband, Thomas 1763 descendant Frank Middlebrooks. Survivors include daughters Martha Wells, Nan Burks, Mary Morgan, and Helen Smith; sister Ivey McGrew; ten grandchildren; sixteen great grandchildren, and several nieces and nephews.

Memorial services were held May 16 at the First United Methodist Church in Thomaston. Burial was private.

==== ============== =====

"Not to know the events which happened before one was born, that is to remain always a boy."  
Marcus Tullius Cicero, Roman philosopher, statesman, poet, and orator (106 B.C. – 43 B.C.)

"Perfect valor is to behave, without witnesses, as one would act were all the world watching."  
Francois, duc de LaRochefoucauld, French moralist (1613-1680)

## MIDDLEBROOKS FAMILY ASSOCIATION

### 2007-2009 OFFICERS

PRESIDENT – LEONARD MIDDLEBROOKS  
VICE PRESIDENT – NEAL MIDDLEBROOK  
SECRETARY/TREASURER – JOYCE ARNOLD

### ANCESTOR TEAM LEADERS

Isaac b. 1753 – LEONARD MIDDLEBROOKS  
[gambol@juno.com](mailto:gambol@juno.com)  
and JEAN SHROYER  
[TXjean@aol.com](mailto:TXjean@aol.com)

John b. 1755 – BOB MIDDLEBROOKS  
[mid293@earthlink.net](mailto:mid293@earthlink.net)

Micajah b. 1758 – SHARON BARTLETT  
[sharonbartlett@att.net](mailto:sharonbartlett@att.net)  
and MARY BAKER  
[mmbaker65@hotmail.com](mailto:mmbaker65@hotmail.com)

Sims b. 1762 – NEAL MIDDLEBROOK  
[susan.middlebrook1@verizon.net](mailto:susan.middlebrook1@verizon.net)

Thomas b. 1763 – JARRELYN LANG  
[thelangs@hotmail.com](mailto:thelangs@hotmail.com)

Robert b. 1766 – J.A. MIDDLEBROOKS  
[middle3jam@hotmail.com](mailto:middle3jam@hotmail.com)

Joseph b. 1610 – LEONARD MIDDLEBROOKS  
[gambol@juno.com](mailto:gambol@juno.com)

Joseph b. 1770 – DAVE CLARK  
[cdave@austin.rr.com](mailto:cdave@austin.rr.com)

Virginia Middlebrookeses – LANA SHELTON  
[love4crochet@yahoo.com](mailto:love4crochet@yahoo.com)  
and LEONARD MIDDLEBROOKS  
[gambol@juno.com](mailto:gambol@juno.com)

Unknown Ancestor – LEONARD MIDDLEBROOKS  
[gambol@juno.com](mailto:gambol@juno.com)

### BOARD OF DIRECTORS

LEONARD MIDDLEBROOKS, 2008-2009  
[gambol@juno.com](mailto:gambol@juno.com)

NEAL MIDDLEBROOK, 2008-09  
[susan.middlebrook1@verizon.net](mailto:susan.middlebrook1@verizon.net)

JOYCE ARNOLD, 2008-2009  
[joycenjim@sbcglobal.net](mailto:joycenjim@sbcglobal.net)

BOB MIDDLEBROOKS (NC), 2008-09  
[mid293@earthlink.net](mailto:mid293@earthlink.net)

JOAN MILLER, 2008-09  
[bmillmcg61@aol.com](mailto:bmillmcg61@aol.com)

J.A. MIDDLEBROOKS, 2009-10  
[middle3jam2002@yahoo.com](mailto:middle3jam2002@yahoo.com)

JEAN SHROYER, 2009-10  
[TXjean@aol.com](mailto:TXjean@aol.com)

HENRY MIDDLEBROOKS, 2009-10  
[henrym@bga.com](mailto:henrym@bga.com)

### ON-GOING PROJECTS

Cemetery Project – J.A. MIDDLEBROOKS  
MFA Website – DAVE CLARK and  
LEONARD MIDDLEBROOKS  
DNA Project – BOB MIDDLEBROOKS and  
DAVE CLARK  
Family Repository – JEAN SHROYER  
Family *Register* Update – LEONARD  
MIDDLEBROOKS  
Military *Register* Update - KERRY  
MIDDLEBROOKS [mbrooks@gci.net](mailto:mbrooks@gci.net)

Privacy Notice: If you prefer that  
your name be withheld, please notify  
[thelangs@hotmail.com](mailto:thelangs@hotmail.com).

Middlebrooks Family Association, Inc. was founded in 2001 for the purpose of assembling and preserving genealogical and historical material for future generations.

MFA Quarterly Newsletter is published four times a year (December, March, June, and September) by the Middlebrooks Family Association, Inc., 274 Wilder Drive, Forsyth, GA 31029.

Subscription is free to paid members of MFA. Articles for inclusion in the Quarterly, or suggestions for topics, may be sent to Jarrelyn Lang, Editor, at [thelangs@hotmail.com](mailto:thelangs@hotmail.com). All submissions are subject to editing.