FOR THE RECORDS

Finding Females in the Records of Probate

March is Women’s history month. One of the most common challenges genealogists face is finding female ancestors. This is due to a legal doctrine of English Common Law known as “couverture” (sometimes spelled “coverture”). Couverture limited the rights and obligations held by a “feme covert” (a married woman) and transferred them to her husband.

Under couverture, a married woman had no right to personal or real property, could not own or operate a business, and could not litigate matters in court. An article appeared in PastPorts Newsletter September 2019, “Freely and Without Coercion – Deed Records Under Couverture,” which thoroughly explored how feme covert’s real property rights were impacted by couverture and where one might locate a woman recorded in deed records.

Couverture and Probate

As a married woman could not own personal or real property, their decease would not generate records of probate. As all property in the relationship belonged to the husband, the wife would have no need for a will, nor upon her death would there be documentation produced related to the disbursement of property by an estate.

If a married woman was named the executrix of an estate – other than that of her husband – she would be removed from the role and replaced with a male administrator. This practice continued well into the 20th century. In Missouri, a married women could not serve as an executor of an estate until 1920 – following the ratification of the 19th amendment on August 18th, 1920.

The first state to grant married women property rights was Mississippi in 1839. Property ownership, and specifically retaining large plantations within a family, was greatly important to Mississippi landowners. They did not want control of property to transfer from their daughters to their husbands. By granting married women a right to property, married women in Mississippi could have probate records as early as 1839.
Missouri was not so protective of its wealthy landowners. Married women were not granted the right to personalty (personal property) until 1875, and not to real property until 1889, 50 years after Mississippi. Not only that, in 1893, the state Supreme Court ruled in the case *Leete vs. State Bank of St. Louis* (115 Mo. 184) that the 1893 act “is to operate prospectively only, and not otherwise, unless upon the face of the act itself the exceptions to the prospective rule do plainly and unmistakably appear.” For researchers with female ancestors in Missouri, this means that property inherited before 1889 belonged to her husband, but property inherited after 1889 belonged to her. This can make for some interesting court cases to resolve inheritance.

As you can see, the doctrine of couverture impacts research differently in each state depending on the laws adopted. Arkansas, for example, spent 33 years arguing over married women’s property rights. In 1840, the governor vetoed legislation which would permit women to inherit. It later passed in the state legislature in 1844. The Arkansas Supreme Court gutted this in 1854. It was again passed by the legislature in 1860, but it was not followed. It wouldn’t be until 1873 that married women in Arkansas could consistently own real property—and file for probate. But there are the time frames from 1844-1854, and from 1860-1873 where you might find some probate records.

The civil law which is practiced in Louisiana was historically more forgiving to married women, granting a feme covert the right to a will, but her husband held usufruct over her real and personal property. Usufruct is the real right to property belonging to another for a limited duration. If a wife had a will, her husband would still control any property distributed by that will until his decease.

With this in mind, as we explore finding female ancestors in probate records, always remember that each state manages the probate practice differently. One state may have much earlier records, or might call them something completely different from another. There’s no one size fits all in the world of court records.

Just because married women could not have probate records of their own, do not dismiss probate records in seeking out female ancestors. Probate records are among the most useful records in the genealogical world—and females can often be found hiding in the last place you would think to look!

**Where there is a Will**

Wills are the most commonly known and understood documents of probate and are highly valued by genealogical researchers because they are primary source documents; wills were often the very last document recorded by an individual before their decease.

Wills are often formulaic; lawyers would produce them over and over and provide the same typical evidence of family relationships and transfers of property. Most of the wills we have access to are the court’s record—copies of the original documents. Sometimes there are transcription errors that pop up, but for the most part they are an accurate recording with a wealth of genealogical information.

As we know, state laws governing property ownership limited a married woman’s right to a will. An unmarried woman, or “feme sole,” was not treated so poorly. A feme sole possessed all the legal rights (short of voting) that were restricted to her married counterparts: she possessed a right to real and personal property, could own a business, could bring forth litigation, and could file a will or have her estate probated.
Based on what we know about couverture, the majority of wills probated prior to the 1890s were likely for femes sole. As it was extremely uncommon for pre-20th century women to go unmarried, if we find a will for a female, it likely exists because she is a widow. An example of such a will is that of Barbara Smith, found in Wayne County, Ohio, Will Book 1, Pg. 15 filed the 26th April, 1818:

We can ascertain from Barbara Smith’s will quite a bit of evidence. Firstly, that Barbara is a widow. The year of the will is 1818 and Barbara is naming children. If we were to pursue this matter further, we would want to look for a will or probate related to her husband prior to 1818 somewhere in Ohio or Pennsylvania.

Another interesting piece of evidence is that Barbara’s daughter Margaret was in receivership of all property from the estate. Such a disbursement suggests that Margaret is a feme sole.

When examining such documents, it is always important to pay close attention to witnesses and officials of record. In this particular record, Valentine Smith is not only a witness, but a son of Barbara. The witness Elizabeth Richards is Valentine’s daughter, married to Leonard Richards.

Another son, Nicholas Smith, is named executor. The presence of Nicholas as executor suggests he lives within the boundaries of Wayne County, Ohio. Nicholas might even be the eldest male child of her former marriage.

Speaking of the executor, while married women could not always file a will, they could be named the executrix of a will. This is most common in the case of their husbands. However, occasionally a father might name his daughter as the executrix of his estate.
In cases where a testator named a married woman executrix, her title would be stripped by the probate court, and an administrator appointed through letters of administration. This is because a married woman had no legal standing under the common law and therefore she could not be the executrix of the estate.

The rights of married women to serve as executrix or administratrix of an estate varied from state to state, just as with property rights. As you conduct your research, you’ll want to verify what the legal standing was of married women at the time a probate record was filed with the probate court.

Wills are available for roughly 10-15% of estates. It’s not a large number. They are more likely to appear in rural areas where the proper disbursement of real property is necessary, but wills might also be found in urban estates where there is significant personalty.

Because wills were so limited in their usage, it’s always best practice to look for probate case files. Significantly more estates went through the probate process than filed wills, and just because a married women didn’t file a will, that doesn’t mean her estate didn’t go through probate when she was a widow.

**Probate Case Files**

To initiate the probate process, a petition is filed by an executor (executrix) appointed by a testator to carry out the bequests of a will. If a person died intestate, that is, without a will, an interested party could file the petition. When a case was intestate, or an executor failed to carry out their duties, the court would appoint an administrator (administratrix); generally a family member or friend who applied for a grant of administration or Letters of Administration.

Although it was rare that a woman would be found in letters of administration – it could and did happen. In this example, Eliza Starry, widow of Jacob Starry, requests Letters of Administration in Adams County, Pennsylvania the 19th April 1851:

To the Register of Wills Lc in + for the county of Adams.
Eliza Starry
widow of Jacob Starry. Late of Franklin Township deceased. Hereby waives her right to Letters of Administration of her said husband’s Estate and desires and requests that Letters may be granted to George E. Starry of Tyrone Township in said County. Eliza Starry her mark
Apr 19th 1851
The Probate Case files generally include the letters of administration, the will (if available), as well as a probate minute book documenting the handling of the case, and print notices from local newspapers for sale of land, estate sale, sheriff’s sale, notice to creditors, etc.

Also found within the case files will be the inventory of the estate, the ledger and receipts documenting creditors / debtors, and in many cases a disbursement of chattel through an estate sale. For researchers chasing those elusive female ancestors, these three types of records can be rife with evidence.

**Inventory**

Every estate involving personal property would go through an inventory process. An inventory is an appraisal that documents all personal property (chattel) belonging to the deceased.

Inventories do not provide a ton of genealogical information other than to help understand an individual’s level of wealth. We might be able to determine a person’s occupation by their things or determine if they were a slaveholder, but there is limited genealogical value within the inventory.

However, because the inventory was carried out on the property of a deceased individual, it is common to find the spouse of the deceased party witnessing the inventory. This is one of the few places a married female might be recorded by her first name.

For example, in the estate of James McGinley, filed in 1769 in York County, Pennsylvania, his spouse, Margaret McGinley signs the inventory. Margaret’s name appears in only one other place – their shared headstone. The inclusion of her name on the probate is the only surviving proof documenting her relationship to her husband:

We Whose names are hereunto Subscribed two of the next of kin unto the Deceased James Maginley do hereby Certify that we were present when the within Appraisement and Inventory were had and taken and that we do Approve of the same Only we do not approve of the Negroe’s being appraised at all Given under our hands this day of 1769

William Withrow
Margaret Maginley her mark
Estate Sale Ledgers

Although they are not present in every case file, estate sale ledgers are one of the most useful documents found in the Estate Case Files. Once an inventory of an estate was completed, it was customary to sell off all of the personal property to raise money to pay the debts and distribute financial inheritance to the heirs. Ledgers were traditionally kept of these sales including the item, name of the purchaser and the value.

This ledger for Philip Smith, Jefferson County, Ohio, 1814 contains a list of names, the chattel purchased, and the price paid. Among the individuals purchasing property are Daniel Daughtery (son-in-law), Valentine Richards (son-in-law):

Receipts and Ledgers

As creditors and debtors of the estate were paid or payments were received, receipts and ledgers were kept by the executor or administrator. Just as in the case of the estate sale ledger, these documents are rife with names, often including family, and for purposes of finding females specifically, the sons-in-law.

Final Settlements

Once a probate case has been completed, there will be final settlements of any unaccounted property. An example can be found in the Orphan’s Court, York County, Pennsylvania, 24th May 1791:
This settlement statement is a unique document as it reveals one of the inherent challenges of finding female ancestors in probate. It is important to remember that probate cases often went on for some time as minor children received disbursements from the estate. The document states that Ann McFarren is the “late widow and administratrix of Amos McGinley deceased [...]”. It would be easy to make the mistake that McFarren is Ann’s maiden name. It is not. By 1791, she has remarried and is now a feme covert. She was the administratrix of Amos McGinley’s estate – but now is the late administratrix and John Agnew and William McLean have taken over as administrators. A smart researcher would begin looking for a marriage for Ann McGinley sometime before May 24th, 1791.

Conclusion

Although the doctrine of couverture limited what could be recorded for our female ancestors, there is still plenty of evidence out there to mine from records. Although women’s access to probate was limited, they are among the most likely records to aid researchers in the search for their elusive females due to the importance of property ownership to our ancestors.

Coming Soon!

St. Louis County Library’s History & Genealogy Department has a new Digital Archive. The site contains hundreds of digitized records including Missouri yearbooks, St. Louis newspapers, St. Louis City and County directories, burial certificates, maps, and atlases. The site will continue to grow as items are digitized and added to the collection.

This program is supported by a digital imaging grant under the provisions of The Library Services and Technology Act as administered by the Missouri State Library, a division of the Office of the Secretary of State.
One of the essential tools for St. Louis area land research is *Pitzman’s New Atlas of the City and County of Saint Louis Missouri*, published in 1878. The atlas was produced by Julius Pitzman (1837-1923). Pitzman was born in Prussia and came to the United States in 1854. He was educated as a topographical and civil engineer, and he served as Lieutenant of Engineers in the Civil War. He later served as the St. Louis County Surveyor and helped design Forest Park and many private streets in the St. Louis area.

Pitzman’s atlas shows landowners and was created from actual surveys and records. A print copy of the atlas can be found in History & Genealogy at the St. Louis County Library. The H&G copy contains a useful name index that was created by the St. Louis Genealogical Society. The atlas can also be viewed online as part of the State Historical Society of Missouri’s Digital Collections at digital.shsmo.org/digital/collection/plat/id/6679/.
The following History & Genealogy classes and programs are offered for March 2024:

**Lost Treasures of St. Louis**
Monday, March 4, 6:00 pm, Oak Bend
If you grew up in the St. Louis area, this program is for you! Join Dennis Dillon, co-author of the new book, “Lost Treasures of St. Louis, Second Edition,” as he takes you on a trip down memory lane. Relive the nostalgia of St. Louis establishments like the Admiral, Eat-Rite Diner, Grandpa Pigeons, Club Imperial, Bowling for Dollars and more. There will also be signed copies of the book for sale, which makes a great gift! Adults. [Registration required](#).

**Finding Female Ancestors**
Wednesday, March 6, 6:30 pm, Virtual
Coeverture was a legal doctrine which limited the rights of a married woman (feme covert). With limited legal rights, records of female ancestors can prove elusive. Gain some new knowledge about how to research them. In celebration of Women's History Month. Adults. [Registration required](#).

**Beginning Genealogy Research**
Thursday, March 7, 2:00 pm, Prairie Commons
If you have little or no research experience, this is the class for you. Learn about the genealogical research process, the many resources available through History and Genealogy at the St. Louis County Library, and how to get started. Adults. [Registration required](#).

**Irish Catholic Parish Records**
Tuesday, March 12, 2:00 pm, Virtual
Learn facts about Irish Catholic records, where to find them, and how to use them to research your Irish ancestors. Adults. [Registration required](#).

**Branching Out with DNA**
Thursday, March 14, 6:30 pm, Virtual
What exactly is DNA and how is it valuable to genealogists? Learn about the basics of genetic testing and how to start analyzing your DNA with tools and resources available online. Adults. [Registration required](#).

**StL Genealogy**
Monday, March 25, 6:30 pm, Virtual
Learn where to find resources and records for ancestors who lived in St. Louis, including marriage records, church books, directories, death registers and more. Adults. [Registration required](#).

**Coming in April:**

**April 22-26 is National Preservation Week!**

**Using the Missouri Historical Society’s Local History & Genealogy Index**
Monday, April 22, 2:00 pm, Oak Bend

**Basic Conservation and Cleaning of Grave Markers**
Tuesday, April 23, 2:00 pm, Cliff Cave

**This Smells Like Basement! Recovering and Preserving Old Family Documents**
Wednesday, April 24, 6:30 pm, Daniel Boone

**First Families of St. Louis**
Thursday, April 25, 2:00 pm, Virtual

**Preservation @ Florissant Valley**
Friday, April 26, 10:00 am-1:00 pm, Florissant Valley
BELGIUM RECORDS

Do you have ancestors from Belgium? Ancestry has just added the following new records sets:

Hainaut Province, Belgium Birth, Marriage and Death Records, 1677-1912 (in French), 214,446 records

Namur, Belgium Birth, Marriage and Death Records, 1585-1910 (in French), 37,853 records

Flemish Brabant, Belgium Birth, Marriage and Death Records, 1590-1910, 161,977 records

Liege, Belgium Birth, Marriage and Death Records, 1602-1920, 443,142 records

Antwerp, Belgium, Birth, Marriage, Death Records, 1792-1914, 1,195,581 records

Brussels, Belgium Birth, Marriage, and Death Records, 1539-1910, 1,083,964 records

Limburg, Belgium Birth, Marriage, and Death Records, 1808-1918, 67,585 records

NEW LIBRARY HOURS

The St. Louis County Library Board of Trustees voted at their November 20, 2023 meeting to adjust SLCL branch hours in 2024. Starting January 2, 2024 all SLCL branches will close at 8:00 p.m. Monday-Thursday. Previously, all branches were open until 9:00 p.m. Monday-Thursday. All other library hours remain the same.

STREET STORIES

Itaska Street

Itaska Street in St. Louis is named for Lake Itasca (the street has a “k” instead of a “c”) in northern Minnesota, which is the source of the Mississippi River.

HOLIDAY CLOSURE

All branches of the St. Louis County Library will be closed on Sunday, March 31, for a spring holiday.

SLCL HISTORY PROGRAMS

The Whiskey Milking Case: The St. Louis Jack Daniels Whiskey Heist
Several dates and branches
Explore the notorious heist that shook the bourbon world - the audacious theft of whiskey from the formerly St. Louis-based Jack Daniels warehouse and the local gangsters involved in the cover-up. Adults. Registration required.

Women in the Archive
Several dates and branches
Presented by Elizabeth Eikmann, PhD. Dive into the untold stories of remarkable women through short vignettes centered around meaningful objects. Bring your own piece of women's history, whether a family heirloom or personal memento, and join the discussion on preserving and recovering the often overlooked narratives of women's lives. In celebration of Women's History Month. Adults. Registration recommended.

For these and other programs, see www.slcl.org/events-classes.
The St. Louis Genealogical Society presents the following events:

**Monthly Meeting: Genealogy In Newspapers**
Saturday, March 9, 10:00 am, Grant’s View/Hybrid
Newspapers are an excellent genealogy resource. Explore the information you can find in them, and learn how to access historic St. Louis newspapers. Presenter: Robin McDonough, H&G at SLCL. Registration not required for in-person.

**German Special Interest Group: Breaking Through Brick Walls with the German Immigrants in American Church Records Series**
Wednesday, March 20, 7:00 pm, Virtual
The associate editor of Dr. Roger Minert’s German Immigrants in American Church Records books will walk us through solutions to brick walls using these valuable tools for tracing German origins. Presenter: Joseph B. Everett, AG, MLS.

**StLGS Open House**
Saturday, March 23, 10:00 am-1:00 pm, StLGS Office
Everyone is invited to visit our office, learn more about our website, shop our book sales/Trading Post offerings, meet our SIG leaders, and discover volunteer opportunities.

StLGS monthly and SIG meetings are free and open to the public!

See stlgs.org for more information and to register.

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**History & Genealogy Services**

The following H&G services are free and available to researchers who are unable to visit the library.

**Lookup service**
H&G can provide photocopies, prints, or digital scans of many library materials from indexed sources or when given a specific citation:
- Up to 30 pages from one book or one article from a journal issue. Staff can also photocopy or scan tables of contents and index pages.
- Microfilmed records
- Print outs from database records if patrons cannot access the database at home.
- Please use the [online lookup request form](#) to submit requests.

*Some items may be temporarily unavailable due to construction

**Print collection**
More than 27,000 books in the collection can be checked out. The entire collection is included in the library’s [online catalog](#). Books with call numbers that do not begin with “R” are available to check out. Patrons can request books online or by calling 314-994-3300.

*Some items may be temporarily unavailable due to construction

**Research guidance**
H&G staff members can provide research assistance by phone and in person.

**Book-a-Genealogist**
Researchers encountering brick walls or who would like assistance in developing a plan to achieve specific research goals can schedule a consultation with an H&G staff member. Requests can be made using the online [Book a Genealogist form](#).

**Database access**
Many library [databases](#) can be used at home by St. Louis County Library card holders living in the metropolitan area. For more information, please contact the History & Genealogy Department at 314-994-3300 or genealogy@slcl.org.
Registration is now open for the National Genealogical Society’s 2024 conference! The 2024 event is all virtual, and is great for both beginning and veteran researchers. Expert speakers will present 50 lectures with live questions and answers. Topics include records, methodology, AI, DNA, and more. Click here for more information and to register.

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**2024 Virtual Family History Conference**

**EXPANDING POSSIBILITIES**

16-18 May

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*History & Genealogy at the St. Louis County Library is home to the National Genealogical Society’s book collection.*

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### PastPorts

PastPorts is published by History & Genealogy at the St. Louis County Library

Subscribe at slcl.org/pastports. Current and past issues can be downloaded from the web.

**Contact us:**

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St. Louis County Library  
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300 Clarkson Rd.  
Ellisville, MO 63011

314-994-3300  
genealogy@slcl.org  
scl.org/genealogy

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### PARDON OUR DUST

The St. Louis County Library has recently upgraded its website. The History & Genealogy page can be accessed by clicking on “Research & Learn,” and then “History & Genealogy.” Unfortunately, some of the H&G links have been broken during the upgrade process. Please be patient as our hardworking SLCL technology team works to get everything back on track. Please contact H&G at 314-994-3300 or genealogy@slcl.org for help locating any of our online materials.
Do you have older children or grandchildren, or are you looking for a perfect gift for a fellow genealogist? We just spotted a Lego® family tree set! The customizable family tree has over 1000 pieces and is recommended for ages 18+. For more information or to order, see the Lego® website at www.lego.com/en-us/product/family-tree-21346.

The Hill's Neighborhood Center!

The Center is a place for Hill visitors to stop, refresh, and get information about The Hill. We have water for purchase. We offer complimentary maps of the Hill, The Hill’s annual schedule of events, and information about local restaurants.

We house a small but valuable reference section focusing on Italy and Italian immigration and a searchable archive holding thousands of photos and news clippings detailing people and events on the Hill (great for student research projects). Our volunteer genealogy expert can coach you through the process of discovering your family history.

Artifacts and photos relating specifically to Hill history decorate our walls and shelves, bringing the Center to life. We showcase local artisans’ work for sale and make perfect gifts.—Website

Do you have St. Louis Italian ancestors? Or just love St. Louis Italian history? Check out The Hill’s Neighborhood Center!

The first St. Patrick’s Day celebration in St. Louis is said to have taken place in 1820. On March 17, a group of Irish met to honor St. Patrick. As described in the Missouri Gazette and Public Advertiser on March 22, “On Friday last...a number of Irishmen and the descendants of Irishmen, met in this place to commemorate the day dedicated to the tutelar [sic] saint of Ireland; after partaking of a sumptuous entertainment the following toasts were drank.”

Today, St. Louisans celebrate St. Patrick’s Day with parades in downtown St. Louis and the Dogtown neighborhood.

DNA Seminar

Would you like to dig deeper into DNA research? The Midwest Genealogy Center in Independence, MO, will hold their Spring Seminar on Saturday, March 16. This year’s seminar, “A Day with the Genetic Genealogist,” will feature Blaine Bettinger, the Genetic Genealogist and author. He will be giving four presentations on DNA research:

- Using Y-DNA and mtDNA to Explore Your Ancestry
- Using Autosomal DNA for 18th and 19th Century Mysteries
- Formulating a DNA Testing Plan
- Using DNA Painter to Map and Analyze Your Autosomal DNA

The cost is $50, and registration ends March 4. For more information and to register, see www.mymcpl.org/genealogy/events/spring-seminar.

Society Section

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WEB FIND

The Hill's Neighborhood Center!

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THIS MONTH IN HISTORY

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Work is progressing on the inside of the Clark Family Branch, the future home of History & Genealogy!
Photos courtesy of the St. Louis County Library Flickr account, February 6, 2024.
It’s time for the Missouri Historical Society’s House History Workshop!

Saturday, March 9, 9:30 am
Missouri History Museum Library, Margaret Blanke Grigg Reading Room

Whether you live in a Victorian townhouse in Lafayette Square, a Central West End mansion, or a south-city bungalow, your home has a story to tell. Join Associate Archivist Dennis Northcott to learn how to research the history of your St. Louis home. Reservations are required. $10 per person, $5 for MHS members. See mohistory.org/events/house-history-workshop-5 for more information and to register.
Irish Melodies Concert

Monday, March 4, 6:30 p.m.

Embark on a musical journey to Ireland with a performance of traditional Irish tunes from harpist Eileen Gannon and fiddler Robert Ryan.

Adults.

Daniel Boone Branch
300 Clarkson Road | Ellisville, MO 63011 | 314-994-3300

Program sites are accessible. With at least two weeks’ notice, accommodations will be made for persons with disabilities. Call 314-994-3300 or visit www.slcl.org.