

## Records of Probate for a Typical Slave-holding Estate

This sheet describes the most fruitful probate records for slavery research in most states, for the period about 1800 to 1865. It may be less useful for the colonial period, or for the records of Louisiana or Spanish colonial Florida whose laws and processes derived from different legal traditions. Each state's laws were different, they evolved over time, so that record-keeping varied by year and location.

- **Slave owner died** – Usually within weeks of death, probate court began recording its process:
  - Wills – If the deceased left a will, a representative of the estate would prove the will in probate court and the judge would record the will (making it official). The court would appoint the executor, often abbreviated *ex'r* (executrix if a woman, abbreviated *ex'x*) to carry out (*execute*) the instructions in the will. **A testator (person making the will) might bequeath some slaves by name – but often named none, and seldom named all the slaves.**
  - A person who died without a will was intestate (because he or she had left no last *testament*). The probate judge would appoint an administrator, often abbreviated *adm'r*. (If a woman, she was called by the feminized form administratrix or *adm'x*.) The administrator or administratrix administered the estate property for the benefit of heirs and eventually divided the property among heirs according to specific rules laid out in state law for intestate estates.
- **Inventory and Appraisal** – Lists all property, **including the slaves in the estate, and a value for each item.** (*ONLY the deceased's own slaves will be listed; not his wife's slaves if she owned any, and not any he may have held in trust for other people.*)
- **Annual Returns** – Administrators and executors submitted written reports to probate court by listing income and expenses to the estate, usually including vouchers and signed receipts for each expense.
  - **First Annual Return** – usually reports auction sales of perishable property (crops) and of personal property (household furniture, farm and shop tools, kitchen wares, clothing, weapons, buggies and wagons, farm animals, and livestock).
    - At the sale of personal property, look for “**hire of negroes for the coming year.**” **Slaves were usually listed by name, who hired them, and for how much.**
    - **Occasionally you find the name of a slave who bought something at the sale.**
  - **Subsequent Annual Returns** – **reported annual hires, deaths, births, and other events.**
  - **Guardian's Returns** – If minor heirs inherited property, court-appointed guardians managed it for them. **If the property included slaves, you will find the same kinds of information** previously described for annual returns from executors and administrators.
- **Vouchers** – Submitted with annual returns, but researchers often ignore them. Vouchers were detailed bills from providers of goods and services to the estate. If preserved, they may be recorded in books, or may be in probate files of loose records. **Vouchers include medical, dental, and midwifery services provided to slaves, goods furnished to slaves by merchants, coffins bought for deceased slaves, fees paid to catch runaways, bills for overseers' services, and similar interesting things.**
- **Sale or Division of Negroes** – **In estates governed by wills, executors usually sold, at public auction, slaves not bequeathed by name. Slaves in intestate estates were usually distributed by lot to heirs.**
  - **Annual returns will list date of sale, who bought each person and the price.**
  - **When administrators distributed slaves by lot among heirs, annual returns will list the lots, who drew each lot, and who receipted for each lot.**
- **“Life Estates”** also called **“residual estates”** – Property bequeathed in a will by the testator, identifiable by words similar to these: “to my wife during her life” or “to my wife during her life or widowhood.” (NOTE: *Intestate estates could not establish “life estates.”*)
  - Beneficiary (usually a widow) held the property as her own, but could not will it.
  - After the widow's death, and often if she remarried, this “residual property” reverted to the estate to be disposed in accordance with the original will. **If a widow received slaves as a “life estate,” find out when she died,** and look for the probate records.
  - *“Residual property” was distributed as part of her dead husband's estate – not as her own.*