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CHAPTER SEVENTEEN

ABSTRACTING WILLS AND DEEDS

We have already spent considerable time discussing the importance of taking adequate research notes and of getting all available information on everyone of the surname. Let's talk now about how best to accomplish this feat—how to get the required information from the records into your notes in a meaningful and readily-usable form without omitting anything of significance.

It sounds quite simple, but when you get down to bare facts there are some obstacles—it is often difficult to tell what is important and what is not. Your experience will teach you best, but perhaps some carefully thought-out suggestions can be of assistance while you are gaining experience.

I. ABSTRACT VS. EXTRACT

In Chapter Six we introduced abstracts and extracts but didn't really say much about relative values, so let's look at them now in a little more depth. First let's define our terms: ABSTRACT means to summarize or abridge or to take essential thoughts only. In Chapter Sixteen we mentioned Abstracts of Title, and from the above definition it should be clear why they are so called. Contrast this term with EXTRACT which means to copy, usually signifying that the material or item being copied is copied in its entirety, though perhaps taken from a larger work, as one will is taken from a book of wills or one biographical sketch from a book of such sketches. TRANSCRIBE also means to copy but <u>any</u> copy or reproduction is referred to as a transcript or transcription.

Most records need to be extracted. Census schedules, vital certificates, church register entries, tax lists, immigration records, passages from books, etc., etc., all fall into this catagory. With these records an extract is essential to proper analysis. But wills, deeds, most other court records and early military pension and bounty land warrant application papers can and should be abstracted.

This chapter deals with the abstracting of land and probate records. It is especially important that we learn how to abstract them because we often find hundreds of documents in one locality relating to our surnames. There is so much in these records that is nothing more than legal gobbledegook that it is folly to waste time copying it; and to do so can even cause problems. It adds unnecessary bulk to our research notes and increases the amount of time needed for evaluation since we must go through this redundant verbiage to ferret out essential facts.

Some say it is best to make a verbatim extract of every pertinent record you find or, still better, get a photocopy of every record. They argue that such copies ensure that you have all the information you need and that it is correct. The argument is valid; however, if you are careful and precise in your abstracting you can have the same assurance without the added time, effort or expense. Most genealogists who argue for the complete copy are searching for specific individuals only in their research and not for everyone of the surname—definitely the wrong approach.

The only universal rule about abstracting that we can offer is this: GET ALL THE ESSENTIAL FACTS. Don't try to be too brief, and when you are not sure if something is important, copy it. It is better to get too much information than not enough. As you gain experience your ability to discern will become more acute.

One measure you can take to help assure that the information you put into your abstract will not be misinterpreted is to keep everything in the first person, just as it is in the document. If a man says in his will: "I leave to my son John such and such property...," you should <u>use the same pronouns he used</u>—and be consistent in this throughout.

Some genealogists like to make abbreviated abstracts, copying only dates, names and relationships from wills; and names, dates, consideration (price) and relationships from deeds. These brief abstracts may be all right on rare occasions, but they cannot ordinarily be classified as good research notes. It is much easier to make errors when you are looking only for those limited items of information. A good case in point is the abstract of George Blackburn's will in Chapter Thirteen where the abstractor went through picking out names and consequently listed two unrelated persons—Negro slaves—as children in the family, and then missed some of the actual children.

As you do your research—if you intend to do good, reliable work—you must make fairly detailed abstracts (depending on the record). The only requirement is that you follow our rule: **Get all the essential facts!**

II. THE NATURE OF THE ABSTRACT

Every abstract you make must fit naturally into your note-keeping system, and there must be a notation on your research calendar of every record you search. Every abstract must include a complete reference to the source by locality, volume (or book or liber, etc.) and page (or folio)—and also serial numbers of microfilms where appropriate. It must also clear

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state the type of record and must include all dates important to the document—the date made and the date recorded for a deed, and the date made and the date probated (sometimes date recorded) for a will.

Some persons have prepared forms for abstracting different types of records. These are fine, especially for the beginner who may wonder what is significant and what is not; however, you must be careful of these because some valuable information in the records may not fit the form.

We prefer not to use these forms for abstracting wills and deeds, not because they are bad, but mainly because they require more space and add bulk to our note file. (Usually only one deed or one will is abstracted on one page of notes when the forms are used, while you are not limited to this extent otherwise.) If this doesn't bother you, you may want to develop and use some type of form.

A. ABSTRACTING DEEDS

Whether you use a form or not there are certain basic data which must be abstracted. In addition to the complete locality, the dates and the source information we indicated earlier, you should consider the following eight items as being essential to a deed abstract:

1. The parties of the deed—the grantor(s) and the grantee(s).
2. The places of residence of those parties.
3. The consideration involved—the price paid and the terms.
4. A description of the land—including size (acreage) and location. (If metes and bounds were used this might include a relationship to a water course or other body of water, or a road, and/or connection to the lands of other persons, and/or a brief history of the title of that land, and of the beginning of the metes and bounds, such as "Beginning at a sweet gum tree on the shore of William's Bay at the corner of the land belonging to Matthew Quick...," and the name of the tract, should it have one—as in Maryland. In the public domain states the description will usually be in terms of subdivision, section, township and range.)
5. Miscellaneous information. (This catagory is the most difficult to define because you never know what you are going to find in a land record. Relationships, of course, would be significant. These may be relationships of any type and between any persons—not just between the grantor and grantee. A deed may also include special terms, restrictions or privileges that are significant. A man may have sold land and preserved a right-of-way through the land he sold. Or he may have even reserved a small corner where the family burial plot was located. Anything else of value you must determine from the record itself.)
6. The names of witnesses—exactly as they appear. (Today deeds do not have witnesses but rather acknowledgements by notaries.)
7. The signature(s) of the grantor(s). (Though you do not find actual signatures in the land-record books, it is often helpful to know whether a man signed his own name or whether he used a mark, and this is indicated in the deed books.)
8. Any release of dower by the wife of the grantor. (Such releases are often recorded immediately following the deeds to which they pertain—but not always.)

B. ABSTRACTING PROBATE RECORDS

As you abstract probate records there are nine items you ought to consider in addition to the type of document, the source and locality reference and the essential dates. They are:

1. The name of the testator—the person who made the will.
2. Any additional description of the testator—such as place of residence, occupation, inferences of age or state of health, etc.
3. All persons named in the will should be listed in the order named, in direct connection with...
4. Any relationships stated for those persons to either the testator or to each other, and...
5. The essentials of the bequests and devises made to these persons. (This should include any land descriptions, names of Negro slaves, amounts of money and all other property of consequence.)
6. Miscellaneous information. (Again this is a difficult catagory to define because wills are just as unpredictable as are deeds. But usually any special explanations, restrictions or privileges might fall into this classification.)
7. The name(s) of the executor(s) and any relationships or connections which are stated between him (them) and the testator.
8. The names of witnesses—exactly as they appear.
9. The signature of the testator. (As with deeds it is often useful to know whether a man signed his name or made his mark. This may be evidence that would help support a connection sometime. And though the wills in the registers are not the originals and do not show the original signatures, they do indicate a mark if it was used, and marks were usually duplicated from the original documents.)

Now that we have discussed the essentials of abstracting deeds and wills, let's look at some actual documents and the abstracts of them. The deeds abstracted here were recorded in Washington County, Virginia, and the wills in Guilford County, North Carolina.