

Orphans' Court Records: A Genealogical Resource
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Orphans' court is a valuable but under utilized source for genealogical information. Many people are confused by the name of the court, as its duties extend beyond caring for children. Orphans' court is a county court. It has additional duties now, but the court's earlier jurisdiction fell into three general categories: guardianship of minor children, the sale or division of real estate out of a decedent's (deceased person's) estate, and the confirmation and auditing of estate accounts. Orphans' court records should always be checked when working with probate records (see *CCHS Newsletter*, Fall 1989).

Minors' estates (guardianship papers) are extremely useful for family historians. Guardians were appointed by the court to handle the financial affairs of minors and to act as their legal representatives. Minors (children under the age of twenty-one) could not directly receive land or money from other people's estates. If a person left money in his or her will to a minor child without naming a guardian, or a minor child was the heir of an intestate, that child needed a guardian in order to receive his share. A minor could need a guardian even if one or both parents were alive. A child who was fourteen years or older petitioned the court directly and requested that a specific person be named guardian. A minor under the age of fourteen could not petition the court; someone else, usually a relative, petitioned the court to appoint a suitable person. It was not unusual for a relative to be named guardian.

In working with historic records, it is always necessary to know what certain words meant at that time. For example, "orphan" was used to mean "fatherless," and it was not uncommon for a mother to petition to have a guardian appointed for her "orphan" children. Petitions for guardianship generally include the name of the minor, name(s) of the parent(s), name of the person from whom the minor inherited, township of residence, date of petition, name of the guardian, and name of the petitioner (if the minor was under fourteen). William Brinton's 1814 petition on behalf of his granddaughter describes a situation that could pose problems for a genealogist; "your Petitioner's Daughter Esther deceased.... The Widow of Isaac Peirce who died before her by whom she had one child a Female at first named Hannah Peirce, but since the decease of her Mother her name has been changed to Esther...." Esther Peirce's first guardian, appointed while she was called Hannah, had died; the court appointed William Brinton as her new guardian.

For family historians, often the most valuable orphans' court records are those concerning real estate. With a will, a person could specify which member of the family got land and how much. Under the intestate laws, it was the state that determined who got the land and how much. The orphans' court for the county in which the land was located had jurisdiction over that property. The estate's administrator could not sell the land to pay debts or divide it among the family without the permission of the court. Real estate records filed in orphans' court almost always list by name all the heirs and their relationship to the deceased. The husbands of married daughters are also named.

An example of an extremely informative set of orphans' court real estate records is the decedent's estate file for John Cooper of Lower Oxford Township, who died in 1795. In

November 1813, the guardian of two grandchildren of John Cooper petitioned the court to divide Cooper's one hundred thirty-three acres among the heirs in order for the grandchildren to receive their shares. The petition named eight children of John Cooper, three sons-in-law, and two grandchildren. Proceedings on the real estate had already started when the court was petitioned by John Lawrence Dorsey in February 1815. Dorsey stated that he was the second husband of Mary Cooper, and that Mary had given birth to a daughter, Rachel Dorsey. Mary Cooper died after Rachel's birth, making Rachel Dorsey and the children Cooper had by her first husband, Thomas Giles, the heirs of John Cooper. Dorsey filed statements by himself and others that include the year Mary Cooper married Giles, the names of the six children Cooper had by Giles, the date of Giles' death, the place and date of Cooper's marriage to Dorsey, the date of Rachel Dorsey's birth, and information on the movement of Mary Cooper and her family into western Pennsylvania. Dorsey also filed a copy of his power of attorney from Mary's brother James Cooper and his wife Jane, both of Columbiana Co., Ohio.

The land could not be divided among so many heirs without "spoiling the whole," so the land was appraised and offered to John Cooper's sons or their heirs. None of them wanted to take the land and pay the others, so the land was granted to John Dorsey. Dorsey was required to pay all the heirs their shares within one year. While this case is unusual in the amount of family information it contains, it shows the need to check for orphans' court papers when confronted with an intestate ancestor.

In addition to appointing guardians and dividing land out of estates, orphans' court confirmed (accepted for filing) administrative and guardianship accounts. Occasionally, a person filed exceptions to an account listing the sums with which he disagreed. Auditors then examined the accounts and made report back to the court. Accounts, exceptions, and auditors' reports often include details about the decedent or minor's life, family, and property. Susanna Young, the daughter of George Young, deceased, lived with her aunt and uncle until her marriage to William Vanderslice. In 1835 exceptions were filed protesting the auditor's allowance of room and board payments to Susanna's uncle, John Young. Statements taken in the case give a vivid, if not altogether pleasant picture of the family's life. John Young's daughter-in-law, Catherine Young, said that Susanna "never done much work, frequently the breakfast table waited for her to get up out of Bed" and that "when told to do some little turns she would refuse, she always would say she was not bound & therefore would not work." In addition to her opinions on Susanna, Catherine stated that she was thirty-three years old and had been married to John Young, Jr. for "fifteen years this faul." Statements from others were also taken. Ann Meredith, in whose house Susanna attended school, said that Susanna "was & is a child I love." However, she also said that Susanna was "made up of the two extremes of great Kindness and much obstinancy" and that "She was very dull & headless, seemed as tho she could not comprehend." The payments to John Young were allowed to stand.

Orphans court records for 1716-1923 are available at the Chester County Archives and are indexed by the name of decedent or minor. The above explanation was based on pre-1850 records. All of the records referenced in this article are in the archives collection.