

Probate Power: Parents for Charles, a Father for Phoebe

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Introduction

This case study demonstrates reasonably exhaustive and whole family research linking three generations of the Burkhart family. Successive generations lived in Maryland, Ohio, and Missouri. Missing or unavailable church, vital, and census records veil relationships. This case begins with Charles Burkhart who died in Windsor, Henry/Pettis County, Missouri in 1898. Research connects him to his parents, grandparents and ultimately to a great grandfather. Through the years, probate documents, supported by court, land, and other records, connect people to their families of origin.

Probate – A legal process that allows a deceased person's assets to be distributed. This process can generate many records helpful to genealogists.

Probate Records

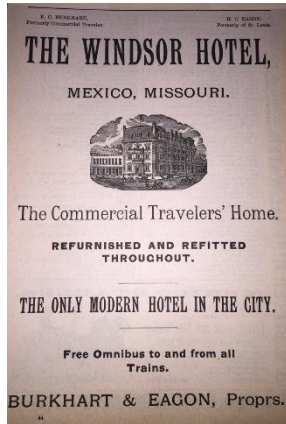
The probate process creates many documents known collectively as probate records, or also known as estate records. If a will exists, the executor handles the proceedings. If no will exists, an administrator is appointed to handle the proceedings. The following are some of the more common types of probate records:

- Wills – This was written by the owner of the estate or their representative before they died. Not all estates have a will.
- Inventory – Appraisers accounted for all personal and real property in the estate and listed its monetary value.
- Account – The executor or administrator was required to give periodic, usually annual, accounts of the money collected and paid out during the administration process.
- Final settlement (or final distribution) – This indicates the close of the probate process. It often lists the legacies paid to the heirs.
- Guardianship – If the decedent left minor children, guardians would be assigned. A guardian might also be assigned if a person was unable to handle their own affairs. Guardians would also need to give periodic accounts.

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Charles Burkhart of Missouri



Charles Burkhart operated hotels in central Missouri. He married Amanda Bealert 22 November 1876 in Louisiana, Pike County, Missouri.¹ Only the 1880 census enumerates him in Missouri, asserting he was born in Ohio about 1842.² He died 7 November 1898 in Windsor, Henry/Pettis County, Missouri.³ Who were his parents?

[Advertisement in the client's personal collection. Used with permission.]

Issues

- No death records exist for Pettis or Henry Counties in 1898.
- His marriage record gave no parents' names.
- Multiple obituaries were published. Only one contained clues to his origins, but named no parents. Living siblings' names and residences were given. Sisters, however, were obscured by their husbands' names.
- Henry Burkhart's 1850 census household reveals potential parents. Elizabeth, Henry's possible wife, could be the mother of the younger people in the household.⁴ Issues exist:
 - The 1850 census does not provide relationship to head of household or marital status.
 - Charles is listed after a household member with a different surname.
 - Only two names overlap with the siblings named in the obituary.
- No civil birth records were maintained in Ohio at this time.
- No baptism or church records have been found related to this family.

Thorough research of each 1850 census household member is necessary.

¹ Pike County, Missouri, Marriage Record, vol. 4, p. 516, no. 2441, Burkhart-Bealert; digital image, *FamilySearch*, IGN 7514149, image 290 of 348.

² 1880 U.S. census, Pike County, Missouri, population schedule, Louisiana, p. 479b (stamped), ED 132, p. 18 (penned), dwelling 138, family 141, Chas. Burkhart household; digital image, "U.S. Federal Census Collection," *Ancestry* (<https://www.ancestry.com/search/categories/usfedcen/>; accessed August 2024).

³ Chas. Burkhart Dead," obituary, *The Windsor (MO) Review*, 10 November 1898, p. 4, cols. 2-4; digital image, *Newspapers.com*. Windsor lies in both Henry and Pettis Counties.

⁴ 1850 U.S. census, Wood County, Ohio, population schedule, Washington, p. 163 (stamped), dwelling 789, family 811, Henry Berkhart household; digital image, *Ancestry*.

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Resolution

The primary records used to solve this problem include:

- Administrator's account book for Henry Burkhart's estate.
- Marriage records for the girls from the 1850 census household.
- A will for one of the girls from the 1850 census household.
- Obituaries for the members of the 1850 census household.

Charles was the son of Henry and Elizabeth (née Weaver) Burkhart.

Henry Burkhart of Wood County, Ohio

Henry Burkhart was a farmer who lived in Washington, Wood County, Ohio. The 1850 census is the only known Ohio record that suggests an age and birthplace for him. He was born about 1793 in Maryland.⁵ Elizabeth Weaver became his wife 17 May 1827 in Berkeley County, Virginia.⁶ He died 7 October 1854.⁷ Who were his parents?

Issues

- US censuses prior to 1850 only name the head of household. He will not be named in federal censuses enumerating his childhood home.
- No county of birth is known for Henry.
- Church records are incomplete or missing for the area in the 1700s.

Thorough research of all Burkhart families in Maryland around 1800 is necessary. Fortunately, only two Burkhart households were enumerated in Maryland in 1800. Only Christopher Burkhart's household held a male of the right age to be Henry.⁸ This is a good clue, but it does not prove this is Henry's father.

⁵ 1850 U.S. census, Wood Co., OH, pop. sch., Washington, p. 163 (stamped), dwell. 789, fam. 811, Henry Berkhart.

⁶ Berkeley County, Virginia, Marriage Records, 1781–1858, p. 25, right side, Burckhart-Weaver; digital image, IGN 4227438, image 11 of 851.

⁷ *Find a Grave*, database and images, (<https://www.findagrave.com/memorial/100362828> : accessed August 2024), Henry Burckhartt (1793–1854), Tontogany Cemetery, Tontogany, Wood, Ohio, memorial 100362828.

⁸ 1800 U.S. census, Washington County, Maryland, population schedule, Elizabeth Hundred, p. 62 (penned), Christ' Burkhart household.

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Christopher Burkhart of Washington County, Maryland

Christopher Burkhart was possibly born 10 May 1765.⁹ Baptisms for his children, land records, and tombstones suggest his wife's name was Philippina "Phebe."¹⁰ Only baptisms for three children of Christopher and Phebe were found.¹¹ No baptism record exists for Henry.

Christopher died intestate. Existing probate documents do not name his heirs.¹² Phebe died 27 August 1842 and left a will she wrote 16 February 1842.¹³ Her will names some heirs specifically, but not Henry. The administrator's final account for her estate names all heirs, including one named Henry.¹⁴

Issues

- No birth or baptism record exists for Henry.
- The final account of Phebe's estate does not name places of residence for her heirs. Is Henry of Wood County, Ohio really her son?
- *Find a Grave*, not a reliable source, may provide valuable clues. Misleading information is found regarding this family.

Resolution

Thorough research in all available records, especially probate, land, and court, reveal that Henry Burkhart was the son of Christopher and Phebe Burkhart. That same research reveals Phebe's maiden name and her father's identity.

⁹ *Find a Grave*, database and images, (<https://www.findagrave.com/memorial/96722201> : accessed August 2024), Christopher Burkhart, Jr. (1765–1838), Jacobs Lutheran Cemetery, Leitersburg, Washington, Maryland, memorial 96722201.

¹⁰ *Find a Grave*, database and images, (<https://www.findagrave.com/memorial/21274890> : accessed August 2024), Philippina "Phebe" Burkhart Burkhart (1767–1842), Jacobs Lutheran Cemetery, Leitersburg, Washington, Maryland, memorial 21274890.

¹¹ Evangelical Lutheran Church (Frederick, Maryland), Baptisms, vol. II: 31, 8 March 1789, Daniel Burkhart; Evangelical Lutheran Church, Frederick. Also, Frederick Weiser, *Maryland Church Records*, volume 17 (Westminster, MD: Historical Society of Carroll County, 2008), 86, Eleanor Burkhart. Also, Evangelical Lutheran Church (Frederick, Maryland), Baptisms, vol. II: 260, no. 79, Christina Caroline Burkhart.

¹² Washington County, Maryland, Inventories, vol. K:582–583, Christopher Burkhart estate; digital image, FamilySearch, IGN 5085804, images 582–583. Also, Washington County, Maryland, Accounts of Sale, vol. N:116–118, Christopher Burkhart estate; digital image, FamilySearch, IGN 104568455, images 142–144. Also, Washington County, Maryland, Debt lists, A:364–365, Christopher Burkhart estate; digital image, FamilySearch, IGN 104614341, images 387–388. Also, Washington County, Maryland, Administration Accounts, 12:76, Christopher Burkhart estate; digital image, FamilySearch, IGN 5085794, image 59.

¹³ Washington County, Maryland, wills, volume D, 1831–1848, pp. 463–464, Phebe Burckhartt; digital image, FamilySearch, IGN 5085788, image 535–536.

¹⁴ Washington County, Maryland, administrators accounts, no. 13, 1842–1845, pp. 203–204; digital image, FamilySearch, IGN 5085794, image 418.

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Selected Resources

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