

## BONDS IN GENEALOGICAL RECORDS

Contributed by:

Ardis E. Parshall

P.O. Box 661

Provo, UT 84603

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All the various bonds we find in genealogical research, including marriage bonds and tavern bonds, are basically the same - - they are insurance policies to guarantee that individuals will carry out the responsibilities granted them by the state; in the case of default, the bondsmen would forfeit the value of the bonds.

The amount of the bond is roughly commensurate to the damage that would be caused if the bonded person fails in his duties, or to the risk that he might not fulfill his duty: The bond for an accused bank embezzler would be higher than for a jaywalker, for example; the value of an executor's bond on a large estate would be larger than for a pauper's estate.

In a few cases (generally more common in recent than historical times), the bondsmen might actually be required to pay money in advance, sort of like buying an insurance policy today. Usually, however, the court simply approved the bondsmen as people who had sufficient property to meet the amount of the bond, and no payment was made until and unless the bonded person failed in his obligations.

Bondsmen are often family members or close friends, since your grandfather would be more likely to be known and trusted by a family member or friend than by a stranger. (Who do young people go to for co-signers on loans today? Usually family members).

Sometimes bondsmen were capitalists who would furnish bonds for a fee. This is exactly the same as the bail bondsman today, who furnishes bail to an accused person who pays his fee, or the insurance company which furnishes a bond for a notary public for a relatively small premium.

This means that noting the name of bondsmen MIGHT provide a clue to family or friends, but the exact relationship cannot be taken for granted. Nor can you assume that someone who posts a business bond is a business partner.

Some examples of bonds found in historical records:

**Marriage bonds:** The bondsmen stake their property to guarantee that there are no impediments to marriage (such as a previous undissolved marriage). If such an impediment is found after marriage, the state has been "damaged" and the bondsmen are required to pay.

**Executor's bonds:** The bondsmen guarantee that the executor (Personal representative or manager of a deceased or incapacitated person's estate) will administer the estate according to law; if he doesn't, then the bond is available to pay the losses of the heirs.

**Appraiser's bonds:** The bondsmen swear that the appraiser of an estate will give fair and legitimate values to items; if he doesn't, their forfeited bonds go to pay for their mistakes.

**Tavern (or any other business) bonds:** The bondsmen promise to reimburse the state for the estimated costs if the tavernkeeper (or other type of license holder) fails in keeping the terms of his license. For example, if a tavernkeeper sold liquor to minors, or failed to control brawling within his saloon, the state would theoretically have expenses in keeping the peace and prosecuting the offenders, or in the intangible loss to community peace and morals.

Physician's (or other professional) bond: Similar to malpractice insurance today. The doctor or other professional will exercise due care, or his bonds are forfeit to pay the damages.

Bail bonds: Same as it is today. The bondsmen guarantee that the accused person will show up for trial, and keep the peace in the meantime.

Notary's bond: Since the notary's signature is necessary on important documents, such as real estate transfers, a notary's bondsmen guarantee that the notary will follow the applicable laws. If not, the bonds are confiscated to pay for the damage that results when fraudulent documents enter the legal system.

With these examples, you should be able to interpret any other type of bond that you come across in historical records.

I like to take note of bondsmen, just as I do witnesses, neighbors on census/tax records, and so on, especially when the same names keep turning up. They are good leads, and sometimes tell good stories. But don't assume too much without verification - - bondsmen are not necessarily kin, business partners, or close friends. They may only have the necessary property and be willing to risk it on their trust of a neighbor's reputation.

#### **BASTARDY BONDS:**

Bastardy bonds: A child born without a recognized father who was legally responsible for the child's support could easily become a financial burden on the town/parish. If the mother identified the father, and the father could be located within the town's jurisdiction, the father would be required to post a bond whereby he would be held responsible for the child's support.

If the father defaulted on his financial obligations, the bond money was forfeited to the town to offset the potential expenses. If the father was not identified, or could not be brought to court, the mother's family was sometimes required to post a similar bond.

<http://www.ajlambert.com>