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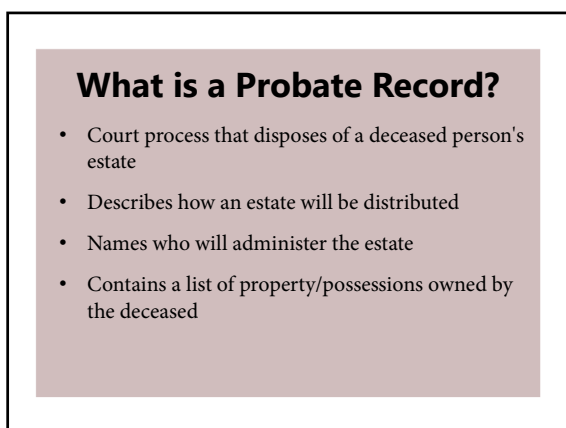
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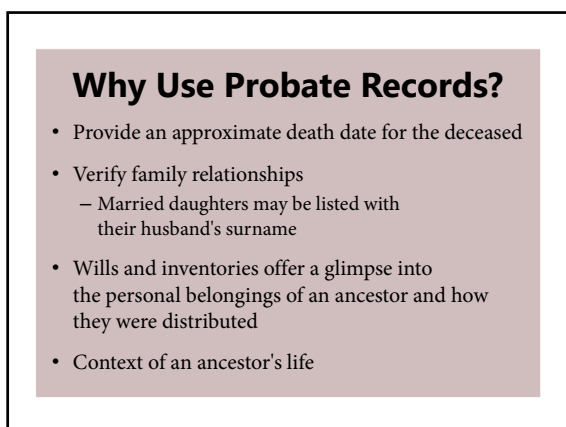
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## Challenges of Probate Records

- Not everyone left a probate record (i.e. women)
  - Married women couldn't execute a will until the 19th century (1809 – Connecticut; 1848 – New York)
- Deceased may have had multiple marriages
- Not all children are listed
- No uniformity
- Difficult to read

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## Common Terms

- **Testate**: dies with a Last Will & Testament.
- **Intestate / Administration**: dies without a will.
- **Prove**: the evidentiary process to validate a will
- **File Papers**: the original documents associated with the probate file.
- **Record Books / Copy Books**: copies of certain probate files copied into bound record volumes.

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## Common Probate Terms Cont'd

- **Testator / Testatrix**: an individual leaving a will
- **Executor / Executrix**: a person with the responsibility of having a will proved and acting on its conditions
- **Administrator / administratrix**: an individual appointed by the court to administer the estate

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### Common Terms Cont'd

- **Heir:** Blood relatives, surviving spouse, and adopted children (circa 1851-present)
- **Legatee:** someone or an organization who receives a gift of an object or money in someone's will
- **Devisee:** a person who is left real estate in someone's will
- **Decedent:** the deceased person who left an inheritance
- **Beneficiary:** person or entity entitled to receive an inheritance
- **Assignee:** person or entity that a beneficiary assigns the right to receive their inheritance

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### Documents Found in Probate Records

- Will
- Codicil
- Letters of Administration & Letters of Testamentary
- Inventory
- Accounts
- Distributions
- Guardianship Records
- Miscellaneous Probate Papers (examples below):
  - Dower Records
  - Bill of Sales
  - Receipts

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### Testate vs. Intestate

- | Testate                   | Intestate                   |
|---------------------------|-----------------------------|
| • Will                    | • Letters of Administration |
| • Codicil                 | • Inventory                 |
| • Letters of testamentary | • Guardianships             |
| • Inventory               | • Distributions             |

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### Specialized Probate Court Names

- Surrogate Court (New York/New Jersey)
- Orphan's Court (Pennsylvania)
- Chancery Court (Southern USA)

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## Wills and Codicils

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### Wills

- A legal document written by the deceased
- Indicates how the deceased wants his or her estate distributed
- This includes two types of property:
  - Real estate (land and buildings)
  - Personal property (money, household belongings, livestock, enslaved persons, etc.)

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## Wills Cont'd

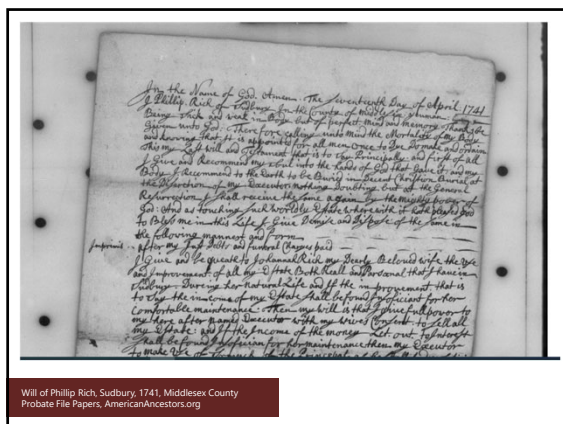
- Wills can include the following:
  - Names of children (and their spouses)
  - Name of spouse
  - Names of grandchildren, nieces/nephews
  - Names of servants
  - Names of enslaved individuals

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## Probate Boilerplate

- **Introduction:** "In the name of God, Amen I [name] of [County] in [State/Province] being thro' the abundant mercy and goodness of God, tho weak in body, yet of a sound and perfect understanding and memory do constitute this my Last Will and Testament...."
- **Proving the Will:** "Then came [name 1] and [name 2] the subscribing witnesses to the Last Will and Testament of [name] late of [place name] deceased and made under oath on the Holy Evangels of God that they did see the testor therein named sign and seal this will...."

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### Types of Wills

- Attested Will
- Holographic Will
- Nuncupative Will

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### Attested Will

- Signed by the testator
- Dated
- Requires two or more witnesses

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### Holographic Will

- A will that was handwritten by the testator before they passed
- Includes their signature
- Does not require witnesses to prove

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### Nuncupative Will

- A will that was not written, but declared orally, by the testator
- Testator is gravely ill or in combat
- Requires two disinterested witnesses to be in the presence of the testator
- Not accepted as legal in many states

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### Why isn't someone mentioned in a will?

- Deceased
- Moved away
- Already received their inheritance
- Not yet born/considered a minor when the will was written
- Estrangement

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### Codicils

- An addition or change to a will
- Common changes:
  - Add or remove heirs
  - Change distribution of estates
  - Acknowledge deaths of heirs in will
  - Administrators of estate

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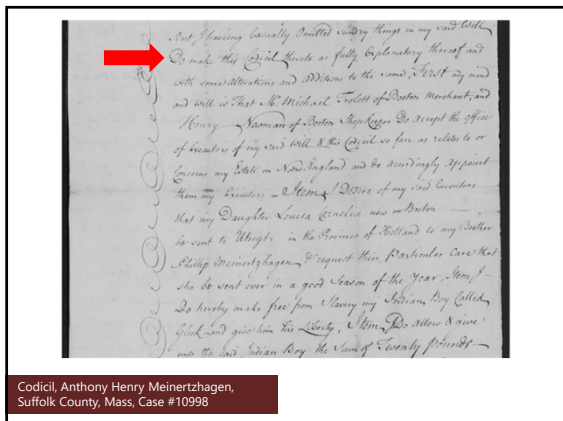
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### How was a will proved valid?

- Will is presented to the court by the executor/executrix or a family member
  - Must include all necessary signatures of testator and witnesses (as applicable)
- Petition for probate accompanies the will.
- Names and addresses of closest relatives are included
- Hearing is held to allow interested parties to contest the will

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### Next Steps

- The court clerk records a copy of the will in the record book
- Originals are filed in the probate file papers (the probate packet)
- Inventory of the testator's estate is conducted
- Letters of testamentary issued by the court
- Executor/executrix settles the estate by collecting debts, making payments, etc.

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## Intestate Probate Cases

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### What happened if someone died intestate?

- A potential heir or creditor files a petition or application for administration to the court
- The court date is set
- A notice is placed in the newspapers to alert creditors (and potential heirs) about the upcoming hearing.
- Court appoints an administrator of the estate and issues letters of administration
- Administrator signs a bond, with two sureties or bondsmen

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### Letters of Administration

- The appointed person is responsible for settling the testator's estate
- If the deceased is married, the administration is typically the widow/widower
- Post-Civil War, the legal heirs are included on the letters of administration
  - Specifies the relationship to the deceased
  - May include address details

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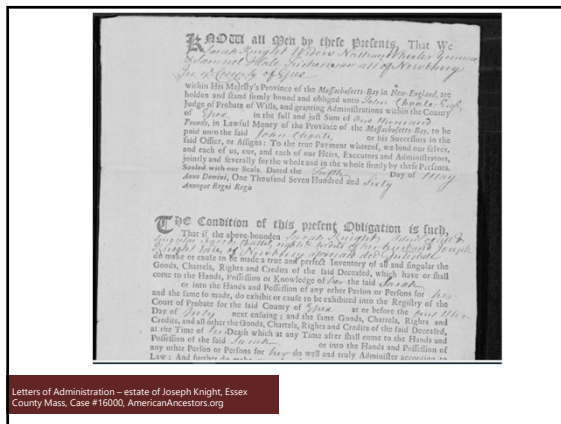
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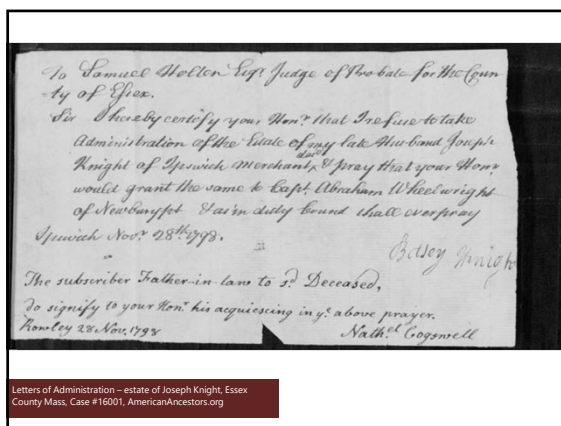
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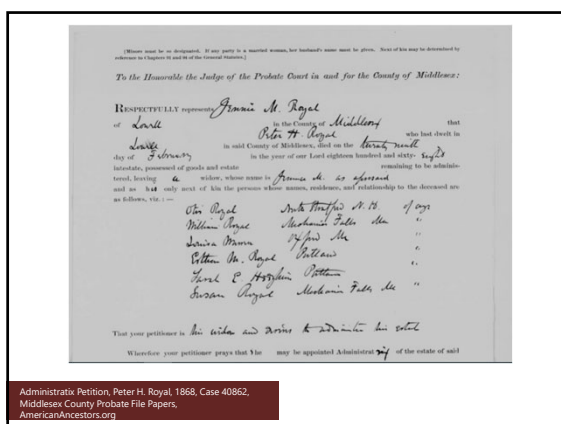
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**What is an Inventory?**

- A list and appraisal of deceased's real estate and personal property
- Provides a value for the estate
- Can provide clues about the lives of your ancestors

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**What can an inventory tell us?**

- How much land/property an ancestor owned
- Job/trade
- Education level
- Level of wealth/status
- The number and names of enslaved persons
- Information about family

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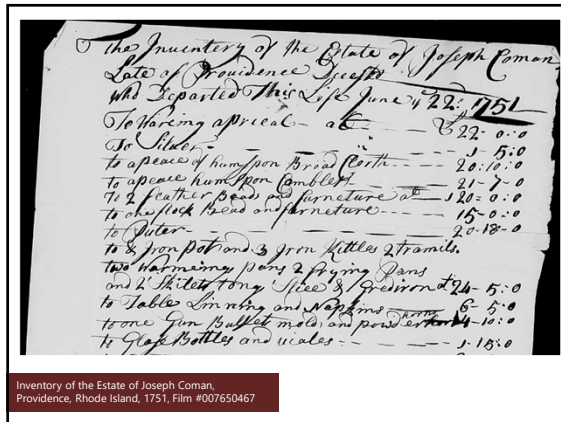
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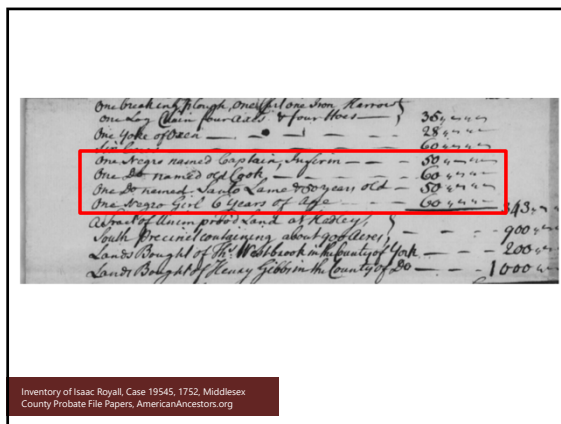
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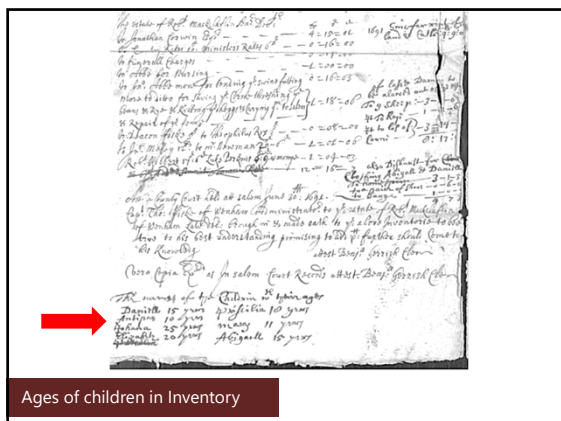
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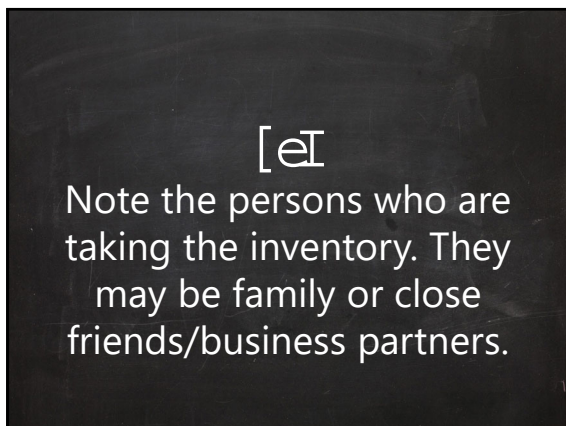
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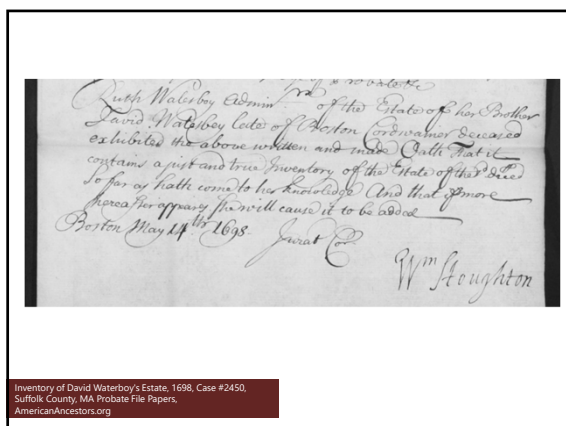
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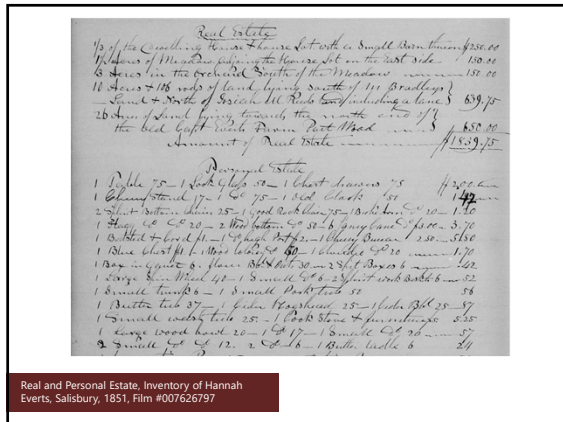
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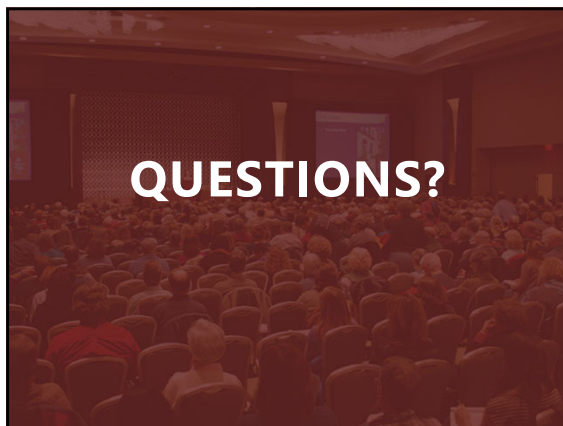
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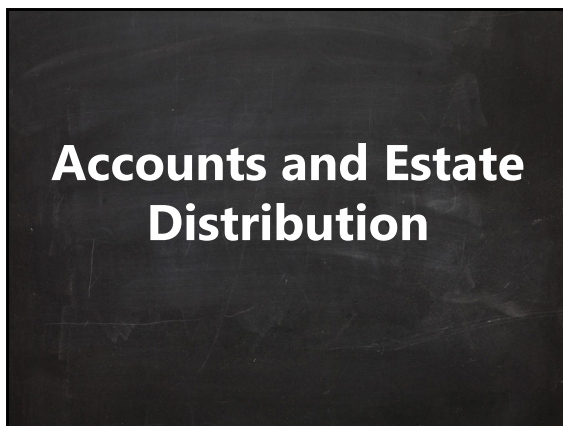
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## Accounts

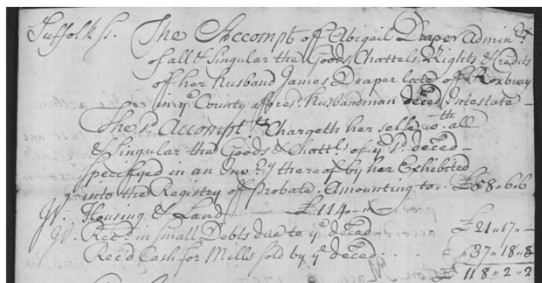
- List of debts owed to the estate
- List of debts the estate owes to others
- Notices published in newspapers to collect on any remaining debts

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## Why look at accounts?

- Hint at status of ancestor
  - Do they owe a lot of money?
  - Are they lending money frequently?
  - Do the debts add up to more than the value of the estate?
- Potential family and associate connections
  - Extended family
  - Business associates

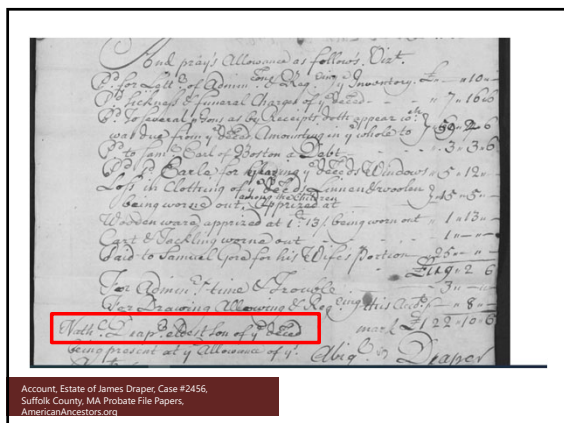
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Account, Estate of James Draper, Case #2456, Suffolk County, MA Probate File Papers, AmericanAncestors.org

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### Decree of Distribution

- Divides the estate amongst the legal heirs after bills are paid and debts collected
  - Includes children, surviving spouse, and other blood relatives (parents, siblings, etc.)
- More commonly used in the 20th century to present
- Genealogical importance:
  - List of children if vital records aren't available
  - Married names of daughters
  - Children of deceased heirs

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### Miscellaneous Probate Papers

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### Bill of Sale

- Property may have to be sold to pay debts
- Sold at public auction
- Approved by the probate court
- May include enslaved persons

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You can find lists of enslaved persons sold to others in bills of sale; may be found in probate records or land deeds.

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### Dower Records

- A dower is the right of a widow to her deceased husband's land and property
- In most U.S. states widows had a right of one-third share of deceased's husband's property
- Widows have right to refuse their inheritance given to them in a will in favor of their dower right

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### Receipts

- Record of the administrator collecting or paying debts
- Record that the estate has been distributed

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### Successions

- Probate records for Louisiana
- Include family meetings where the estate is discussed by family and friends of the deceased.
- Records include the following:
  - Name of person attending
  - Relationship to deceased and minor children
  - Ages of children

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### Successions Cont'd

- If heirs are not known, it's called a vacant succession
- Testimonies are given by those that knew the deceased including details on any heirs
- The succession case is left open until all living heirs are located
- Many of these records are microfilmed and available on FamilySearch

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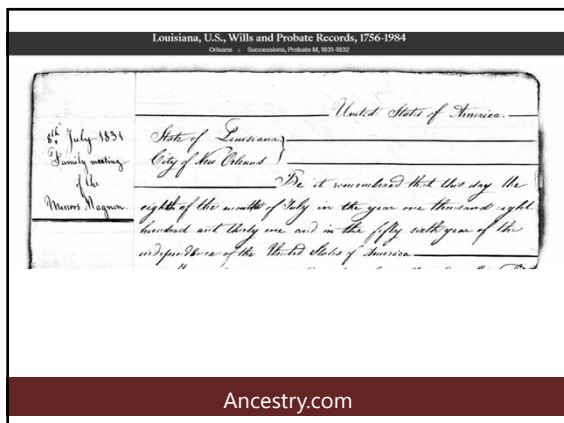
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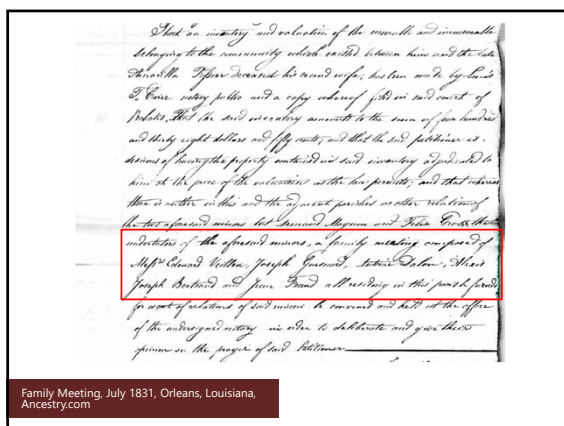
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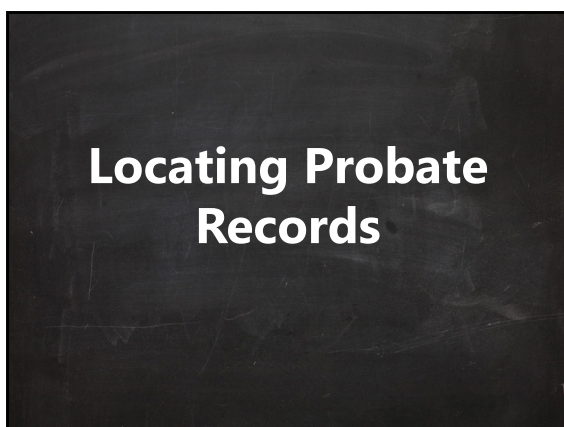
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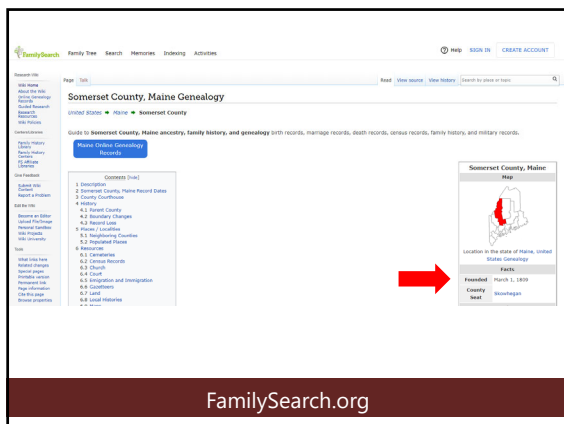
## Where to find United States Probate Records?

- Filed at Courthouses
- Usually found on the county level
- Exceptions to this:
  - Rhode Island: town level
  - Vermont and Connecticut: Probate Districts
  - New York: Early probate records for the state sometimes filed in Albany County
  - Louisiana: Filed in the parish (ex. Orleans Parish)

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## Identifying when a County/Town/Probate District was Formed

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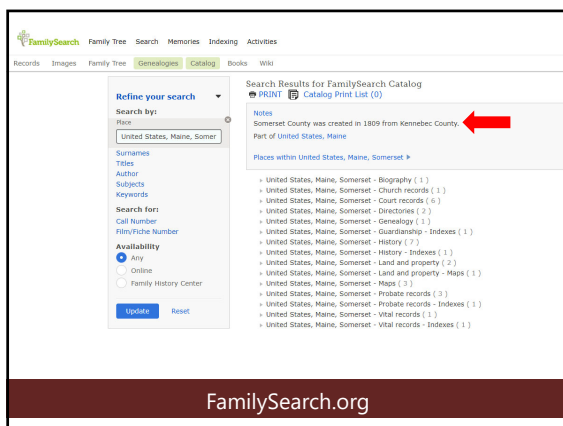
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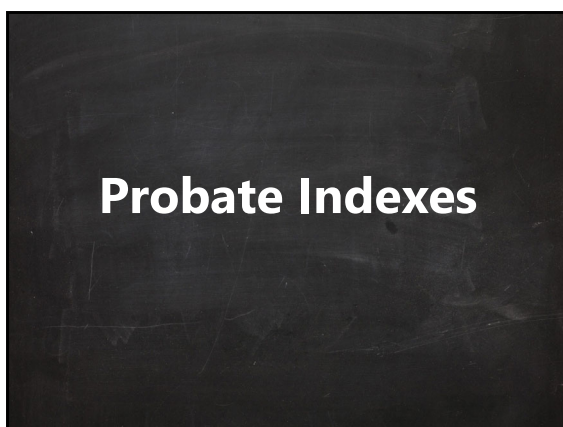
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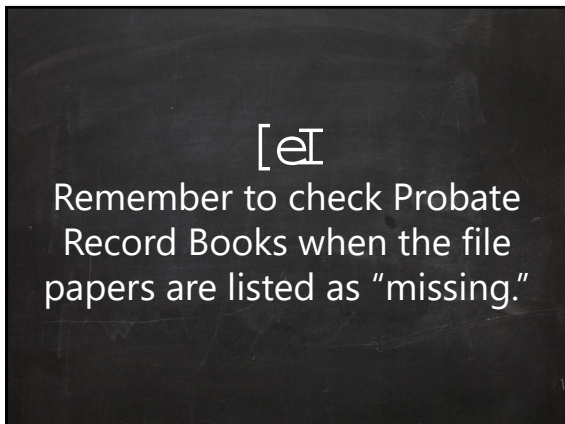
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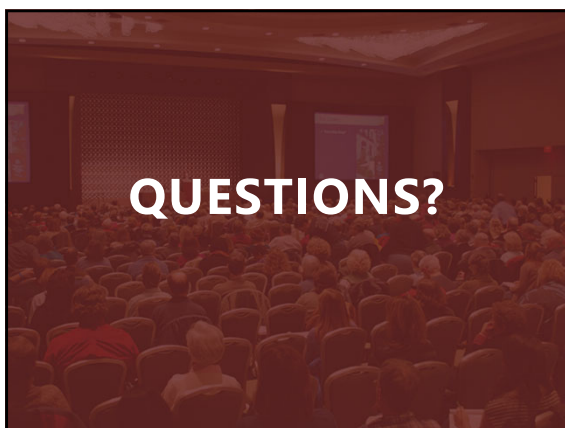
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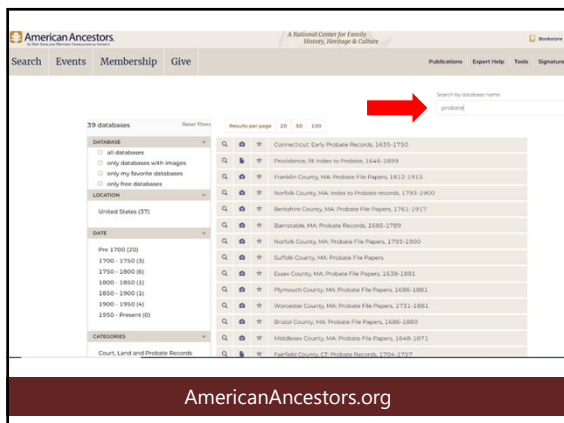
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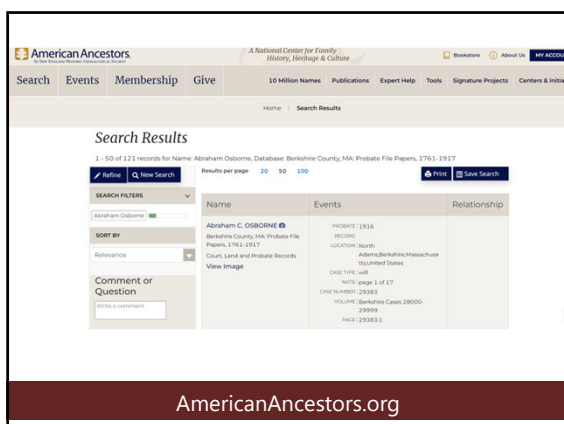




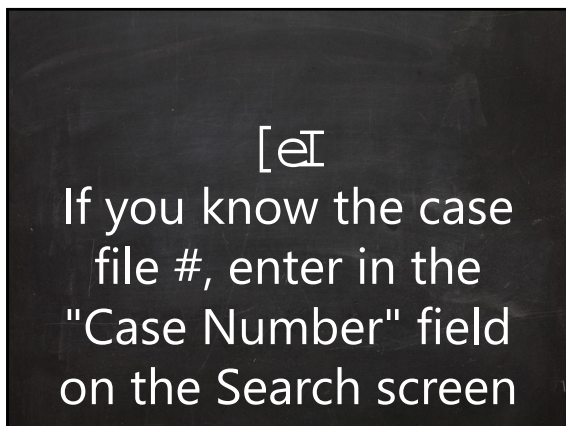
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AmericanAncestors.org  
Search Database  
Berkshire County, MA: Probate File Papers, 1761-1917  
Exact Search | Soundex  
First Name: First/Middle/Maiden names  
Last Name: Last Name  
Years: From To  
Location: Exact Location  
e.g. Boston, Massachusetts  
Volume: All  
Page:  
Case Number: 29383  
AmericanAncestors.org

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AmericanAncestors.org  
Search Results  
1 - 1 of 1 records for Name: Abraham Osborne (exact); Database: Berkshire County, MA Probate File Papers, 1761-1917  
Results per page: 20 50 100  
Abraham Osborne  
Abraham C. OSBORNE  
Berkshire County, MA Probate File Papers, 1761-1917  
Court, Land and Probate Records  
View Image  
PROBATE: 1926  
RECORD  
LOCATION: North  
Adams, Berkshire, Massachusetts, United States  
CASE TYPE: will  
NOTE: page 1 of 17  
CASE NUMBER: 29383  
VOLUME: Berkshire Cases (1800): 29999  
FILE: 29383.1  
www.americanancestors.org

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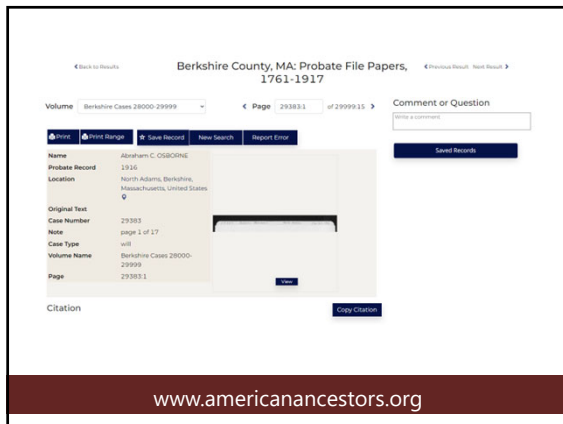
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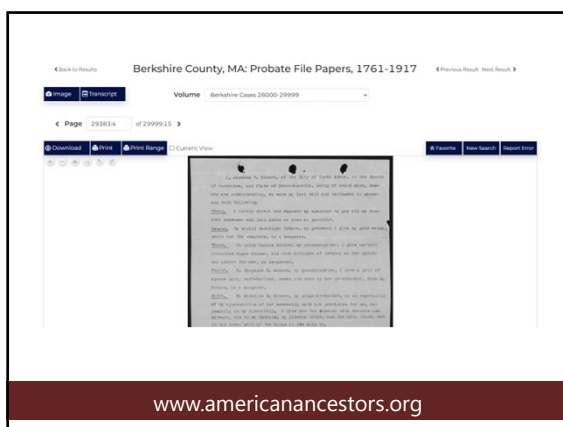
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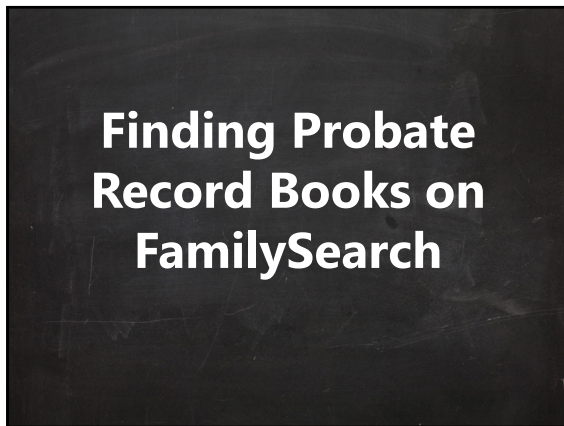
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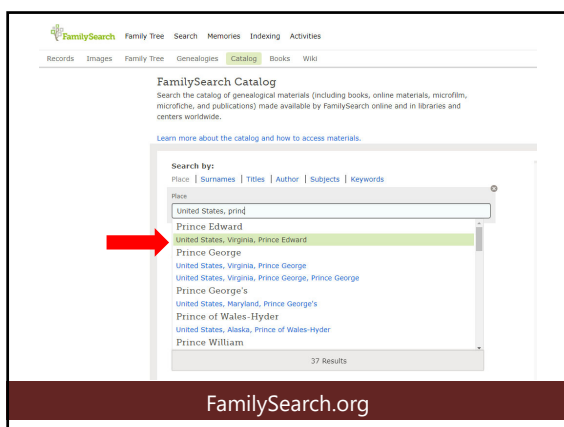
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Refine your search

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Surnames

Titles

Author

Subjects

Keywords

Search form

Call Number

File/Video Number

Availability

☒ Any

☐ Online

☐ Family History Center

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PRINT Catalog Print List (0)

Notes

Formed in 1753 from Amelia County.

Part of United States, Virginia

Places within United States, Virginia, Prince Edward

Print List

- United States, Virginia, Prince Edward - Census - 1810 ( 1 )
- United States, Virginia, Prince Edward - Census - 1850 ( 1 )
- United States, Virginia, Prince Edward - Church history ( 2 )
- United States, Virginia, Prince Edward - Church records ( 7 )
- United States, Virginia, Prince Edward - Church records - Indexes ( 2 )
- United States, Virginia, Prince Edward - Court records ( 10 )
- United States, Virginia, Prince Edward - Genealogy ( 1 )
- United States, Virginia, Prince Edward - Guardianship ( 3 )
- United States, Virginia, Prince Edward - History ( 1 )
- United States, Virginia, Prince Edward - History - Civil War, 1861-1865 ( 1 )
- United States, Virginia, Prince Edward - Land and property ( 8 )
- United States, Virginia, Prince Edward - Land and property - Indexes ( 1 )
- United States, Virginia, Prince Edward - Land and property - Maps ( 1 )
- United States, Virginia, Prince Edward - Maps ( 2 )
- United States, Virginia, Prince Edward - Medical records ( 1 )
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- United States, Virginia, Prince Edward - Naturalization and citizenship ( 1 )
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- United States, Virginia, Prince Edward - Occupations ( 1 )
- United States, Virginia, Prince Edward - Officials and employees ( 1 )
- United States, Virginia, Prince Edward - Probate records ( 6 )
- United States, Virginia, Prince Edward - Public records ( 1 )
- United States, Virginia, Prince Edward - Taxation ( 2 )
- United States, Virginia, Prince Edward - Vital records ( 8 )
- United States, Virginia, Prince Edward - Voting registers ( 1 )

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United States, Virginia, Prince Edward - Occupations ( 1 )

United States, Virginia, Prince Edward - Officials and employees ( 1 )

United States, Virginia, Prince Edward - Probate records ( 6 )

Prince Edward County, Virginia wills

Prince Edward County, Virginia, abstracts of wills : books nos. 1-7, 1754-1837 : each book is followed by a separate index

Record and will books, 1791-1899

Author: Virginia, District Court (Prince Edward County District); Virginia, Superior Court of Law (Prince Edward County); Virginia, Circuit Superior Court of Law and Chancery (Prince Edward County); Virginia, Circuit Court (Prince Edward County)

Record of fiduciaries, 1850-1983

Author: Virginia, County Court (Prince Edward County); Virginia, Circuit Court (Prince Edward County); Prince Edward County (Virginia), Clerk of Circuit Court

Will books, 1754-1869 : general indexes to wills, 1754-1915, 1937, 1974-1984

Author: Virginia, County Court (Prince Edward County)

Will of Andrew Porter of Prince Edward Co., VA.

Author: Porter, Andrew, Col., 1734-1821; Porter, Ralph L.

United States, Virginia, Prince Edward - Public records ( 1 )

United States, Virginia, Prince Edward - Taxation ( 2 )

United States, Virginia, Prince Edward - Vital records ( 8 )

United States, Virginia, Prince Edward - Voting registers ( 1 )

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Will books, 1754-1869 : general indexes to wills, 1754-1915, 1937, 1974-1984

Author: Virginia, County Court (Prince Edward County) (Main)

Author:

Format: Manuscript/Manuscript on film

Language: English

Publication: Salt Lake City, Utah : Filmed by the Genealogical Society of Utah, 1949  
Richmond, Virginia : Filmed by the Virginia State Library, 1994

Physical: on 8 microfilm reels : 25 min.

Notes

Microfilm of original records at the Prince Edward County Courthouse in Farmville, Virginia.

Includes general indexes. Vols. 2-12 are also individually indexed. Index for v. 7 is found at the end of the book. The other filming of v. 1 includes an index.

Contains wills, inventories, appraisements, accounts, and other probate documents.

Bonds in will book, v. 1, were for sheriffs, surveyors, licenses for ordinaries, executors, administrators, marriages, and other officials or functions.

Some pages are damaged. Ink has faded in places.

View this catalog record in WorldCat for other possible copy locations

FamilySearch.org

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Film/Digital Notes					
Note	Location	Collection/Shelf	Film	DGS	Format
General index to wills, surnames A-Z, 1754-1915 (indexes will books, v. 1-16; p. 251 has a few entries from v. 19, 1937).	Family History Library	United States & Canada 2nd Floor Film	33216 Item 1	7643993	
General index to wills and fiduciary accounts, 1844-1915 (p. 1-400, general index of reports) (indexes will books, v. 9-16) -- General index to wills and fiduciary accounts, 1844-1915 (p. 1-400, general index of reports, appraisements and accounts of sales) (indexes will books, v. 9-16).	Family History Library	United States & Canada 2nd Floor Film	2070391 Items 3 - 4	7644209	
General index to wills and fiduciary accounts, surnames M-L, 1974-1984 (indexes v. 27-33) -- General index to wills and fiduciary accounts, surnames M-L, 1974-1984 (indexes v. 27-33) -- General index to wills and fiduciary accounts, surnames M-L, 1974-1984 (indexes v. 27-33) -- General index to wills and fiduciary accounts, surnames M-L, 1974-1984 (indexes v. 27-33).	Family History Library	United States & Canada 2nd Floor Film	2070389 Items 1 - 3	7644207	
Will book, v. 1, 1754-1785 (p. 363) and bonds 1754-1785 (1784) (p. 361-442).	Family History Library	United States & Canada 2nd Floor Film	33216 Item 2		
Another filming of will book, v. 1, 1754-1785, and bonds, 1754-1784.	Family History Library	United States & Canada 2nd Floor Film	2070389 Items 5 - 6	7644207	
Will book, v. 2, 1785-1795 -- Will book, v. 3, 1795-1807.	Family History Library	United States & Canada 2nd Floor Film	33217	7643994	
Will book, v. 4, 1807-1815 -- Will book, v. 5, 1815-1822 -- Will book, v. 6, 1822-1828.	Family History Library	United States & Canada 2nd Floor Film	33218	7643995	
Will book, v. 7, 1828-1837 -- Will book, v. 8, 1837-1844 -- Will book, v. 9, 1844-1853.	Family History Library	United States & Canada 2nd Floor Film	33219	7643996	
Will book, v. 10, 1853-1859 -- Will book, v. 11, 1859-1864 -- Will book, v. 12, 1864-1869.	Family History Library	United States & Canada 2nd Floor Film	33220	7643997	

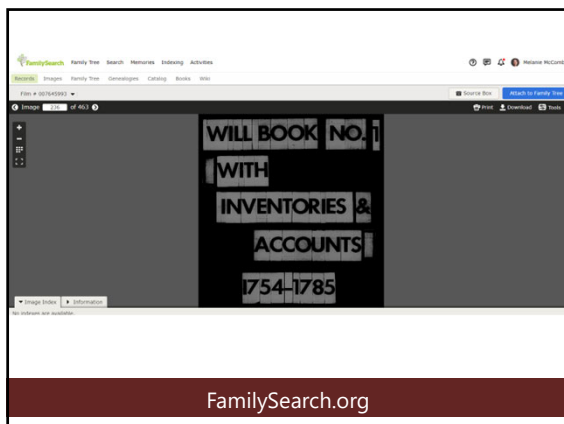
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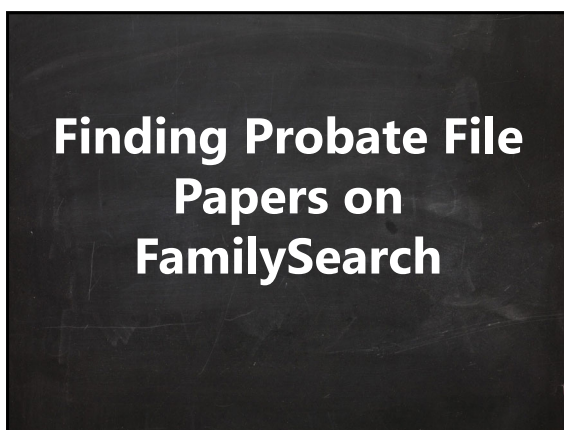


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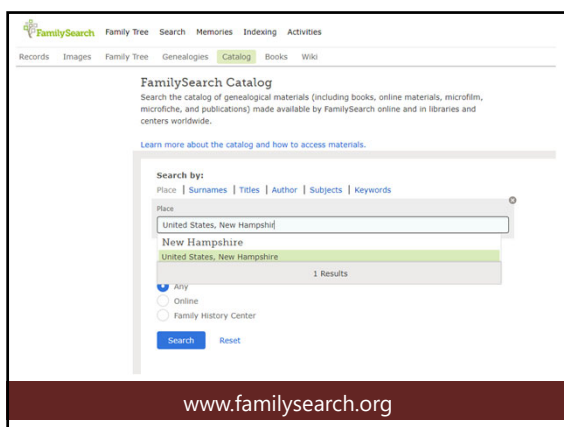
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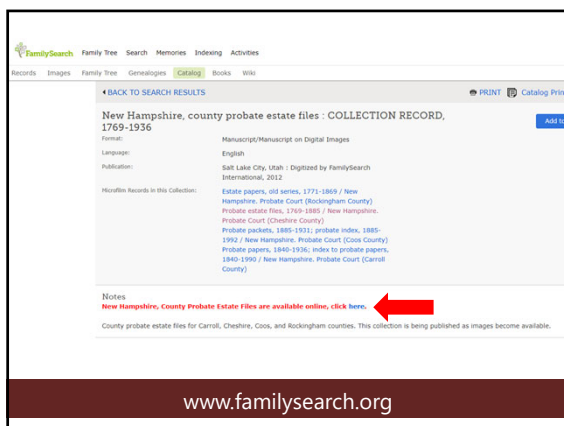


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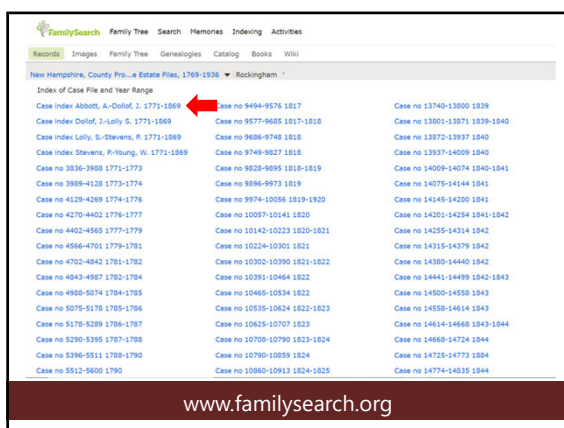
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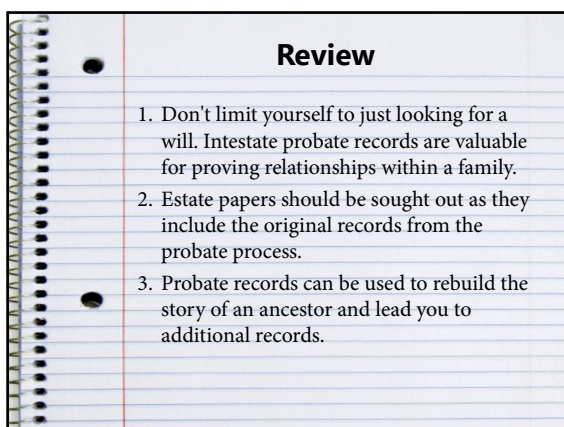
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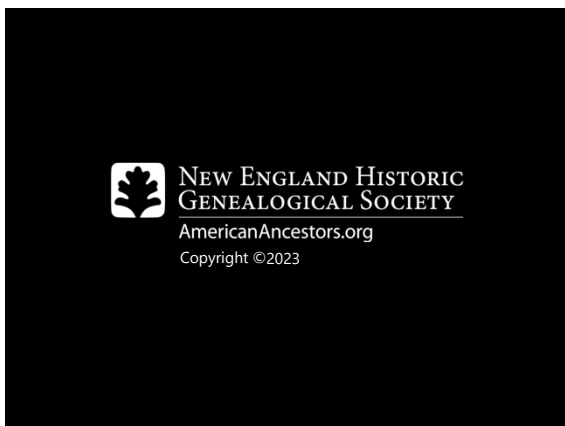
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