

# Researching Upstate New York

*Class 4: Using and Understanding New York Probate Records*

Melanie McComb, Senior Genealogist

Credit: Kyle Hurst

THE BRUE FAMILY LEARNING CENTER



American Ancestors®

# Meet today's presenter



Melanie McComb

Senior Genealogist

# OVERVIEW

- **Presentation (60 mins.)**
  - Intro to probate
  - NY probate history
  - Finding NY probate records
- **Q&A (30 mins.)**

In the name of God Amen - the twenty six  
day of May in the Year of our Lord Christ one thousand  
seven hundred & Eighty four I Gerrit C. Van Der  
Bergh of the Manner of Rensselaers Wyck in the  
County of Albany & the State of New York  
and mind & memory thanks be given  
therefore calling unto unto mind the  
knowing that it is appoin  
therefore do make and  
and Testament -  
Mark it to your heirs & assigns & all I give



Voice of  
Melanie McComb  
Senior Genealogist

# Why use Probate Records?



- Vital genealogical evidence for family relationships



- Estimate death date range and ages



- Glimpse into personal possessions of ancestors



- Often overlooked by genealogists leaving published genealogies incomplete

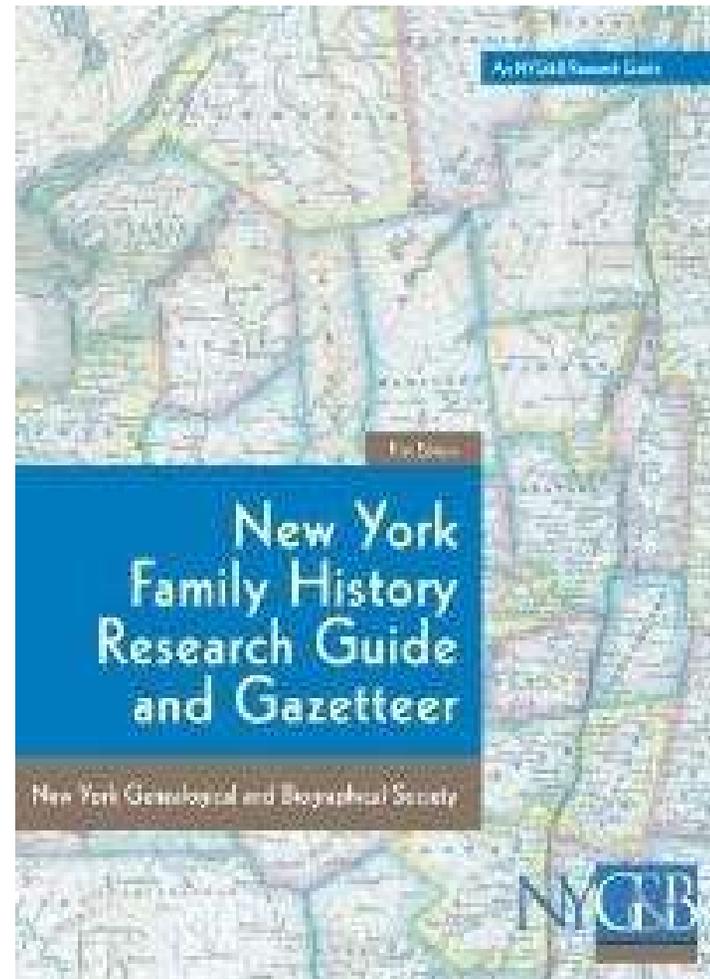
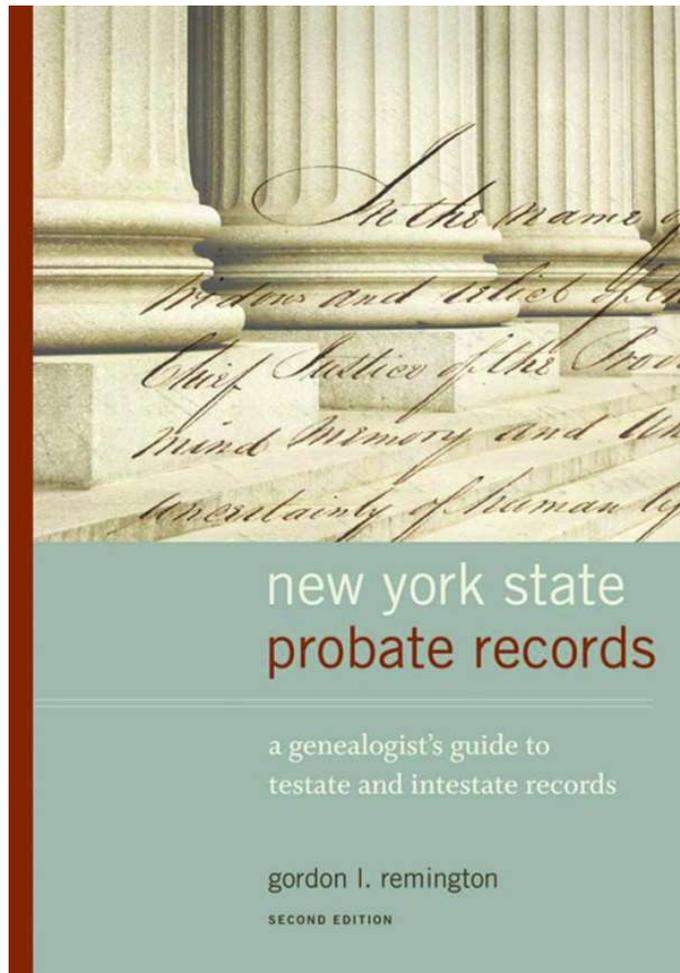


- Identify names of enslaved persons

# Challenges of Probate Records

- Not everyone left a probate record (i.e. women)
- Deceased may have had multiple marriages
- Not all children are listed
- No uniformity
- Difficult to read

# Guides



# Glossary

- **Testate:** dies with a Last Will & Testament
- **Intestate/Administration:** dies without a will
- **File Papers:** the original documents associated with the probate file
- **Probate Packets:** compiled original loose papers
- **Record Books/Copy Books:** copies of certain probate files copied into bound record volumes

# Tip

Remember there should be a probate file and a probate record book copy.

Will not having been contested.  
 It is advised, that the instrument  
 offered for probate in this matter is the last Will and  
 Testament, the said Testator, and as such is valid  
 as a Will of real and personal property and the same  
 is hereby admitted to probate as a Will of real and  
 personal property and that letters testamentary be  
 issued thereon to the Executor who may qualify. Witness  
 my hand and Seal of Office this 10th day of June 1890.  
 R.C. Coleman  
 Surrogate

Be it remembered that on the 12th day of May 1890  
 Benjamin S. Smith the executor named in the last  
 will and Testament of Mary A. Smith late of the Town  
 of Groton in the County of Orange, deceased, who died on  
 the 5th day of May A.D. 1890, presented to the Surrogate's  
 Court of the said County of Orange a written petition duly  
 verified praying that the said Will be proved a valid  
 one and thereupon issued by the Surrogate of said  
 County acting the persons mentioned in said petition as  
 being the persons required by law to be cited to appear  
 before said Surrogate at his office in Groton, in said  
 County on the 10th day of June then next to attend the pro-  
 bate of said Will, and said citation having been returned  
 with due proof of the service thereof and none of the par-  
 ties appearing to be minors or persons of unsound mind  
 such proceedings were thereupon had that the said  
 Will was duly admitted to probate by said Surrogate,  
 which said last Will and Testament proofs, and decree  
 admitting said Will to probate are as follows: that is to say:

In the Name of God Amen.  
 I, Mary A. Smith of the Town of Groton Orange Co. N.Y.  
 being of sound mind and memory and considering  
 the uncertainty of this frail and transitory life therefore  
 make certain public and declare this to be my last  
 Will and Testament that is to say  
 After all my lawful debts are paid and discharged  
 I give and bequeath to each of my three Nephews  
 Mary Webb, Ellen A. Smith Agnes Smith and Elizabeth  
 Wood, the first a daughter of my deceased sister Sarah  
 J. Webb and the other children of my deceased brother  
 Thomas Smith the sum of One Hundred dollars, to  
 my grand nephews Richard T. Sears and Winthrop  
 B. Sears I give each fifty Dollars, and all the real, per-  
 sonal and remainder of my estate of whatever character  
 or description including what I may hereafter acquire  
 I give devise and bequeath to my said nephews namely,  
 Thomas J. Hulse, Charles L. Hulse James F. Hulse, George

Witness

Hulse Frank Hulse Moses Smith and Benjamin S. Smith  
 share and share alike.  
 Likewise I make constitute and appoint my nephew  
 Benjamin S. Smith to be Executor of this my last Will  
 and Testament hereby revoking all former Wills by me  
 made.  
 In witness whereof I have hereunto subscribed my  
 name and affixed my seal the 27th day of August in  
 the year of our Lord one thousand eight hundred and  
 eighty five  
 Mary A. Smith (W.S.)

The above written instrument was subscribed by the  
 said Mary A. Smith in our presence and acknowledged  
 by her to each of us; and she at the same time  
 declared the above instrument, so subscribed to be her  
 last Will and Testament; and we at her request have  
 signed our names as witnesses hereto, in her presence  
 and in the presence of each other, and written opposite  
 our names our respective places of residence.  
 John W. Coleman Groton New York  
 B.R. Champion Groton N.Y.

Orange County Surrogate's Court.

In the Matter of Proving the  
 Last Will and Testament

State of New York  
 Orange County - ss

Mary A. Smith deceased.  
 B.R. Champion and John W. Coleman of the  
 Town of Groton in the County of Orange having on this  
 10th day of June in the year one thousand eight hundred  
 and ninety personally appeared before Robert C. Coleman  
 the Surrogate of the County of Orange and being by the  
 said Surrogate duly sworn and examined depose and  
 say and each says that he was well acquainted with  
 Mary A. Smith late of the Town of Groton in said  
 County of Orange, deceased, that they were present as wit-  
 nesses and did see the said Mary A. Smith now  
 deceased, by writing her name subscribe at the end thereof  
 the instrument here produced and shown to deponents  
 purporting to be the last Will and Testament of the said  
 Mary A. Smith deceased, having date the 27th day of Au-  
 gust in the year one thousand eight hundred and  
 eighty five; that such subscription was made by the  
 said Mary A. Smith now deceased, in the presence of  
 these deponents the attending witnesses to said Will; that  
 the said Mary A. Smith at the same time declared to  
 said witnesses the instrument so subscribed to be her  
 last Will and Testament, whereupon their depon-  
 ents in her presence and in the presence of each





# Wills

- A legal document written by the deceased
- Indicates how the deceased wants his or her estate distributed

# Types of Wills

- Written
- Holographic
- Nuncupative
- Codicils

State of New York  
Ulster Surrogate Court  
Ulster County ss.

In the matter of proving the last will and testament of  
Elijah Townsend deceased.

It is remembered that on this 9<sup>th</sup> day of March in the  
year one thousand eight hundred and forty before James M. Mitchell Surrogate of the County  
of Ulster personally appeared Henry Southwick of the Town of Warsawing who being by the  
said Surrogate duly affirmed and examined, did on his affirmation say that this depo-  
sant was well acquainted with Elijah Townsend of the Town of Warsawing deceased  
that he was present as a witness and did see the said Elijah Townsend deceased  
subscribe at the end thereof the instrument now produced and shown to the deponent  
purporting to be the last will and testament of the said Elijah Townsend deceased, bear-  
ing date the 4<sup>th</sup> day of December in the year one thousand eight hundred and  
thirty nine that such subscription was made by the <sup>said</sup> testator, in the presence of this deponent  
and of Peter L. Newkirk of the Town of Warsawing that the <sup>said</sup> testator at the same time  
declared the instrument so subscribed by him to be his last will and testament, —  
whereupon this deponent and the said Peter L. Newkirk signed their names at the end thereof  
at the request of the said testator and that said testator at the time of executing and pub-  
lishing the said last will and testament was of full age of sound mind and memory and not  
under any restraint — Done this 9<sup>th</sup> day of March  
1840. Before me Henry Southwick Surrogate

# 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

# 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

Tip

Look beyond the will.

# Types of Probate Documents

- Will
- Petition
- Bond
- Administrations
- Inventories
- Guardianship
- Dower Rights
- Minutes/orders

1830 = mandatory to list *all* heirs-at-law

Per Gordon Remington: “The petition to probate or administer an estate is the single most important document in a post-1830 probate packet”

## Petition to probate/administer

To the Surrogate's Court of the County of Orange:

The Petition of Benjamin S. Smith  
of the Town of Wallkill in the County of Orange, respectfully sheweth  
That your Petitioner is the Execut named in the Last Will and Testament  
of Mary A. Smith late of the Town of Goshen  
in the County of Orange, deceased. That the said deceased was, at or immediately previous to her  
death, an inhabitant of the County of Orange, and departed this life in said County on the 5<sup>th</sup> day of  
May 1890, and that said Last Will and Testament  
relates to ~~both real and~~ personal estate, and bears date the 27<sup>th</sup> day of August 18 85

Your Petitioner further show<sup>s</sup> that the ~~widow, husband,~~ only heirs and next of kin of, and their relationship to said deceased, <sup>1</sup>and their respective places of residence, so far as the same upon diligent inquiry made can be ascertained, are <sup>1</sup>Harriet E. Kulesc, sister, of Goshen N.Y. <sup>2</sup>Louetta Owen, niece of the same place, <sup>3</sup>Moses Smith, nephew of Montclair N.Y. <sup>4</sup>Hannah M. Webber, niece, Pine City, Chemung Co. N.Y. <sup>5</sup>Elizabeth Wood, <sup>6</sup>Agnes Smith of Goshen afore-said niece, <sup>7</sup>Ellen A. Smith, niece of Pine City, N.Y. Richard T. Sawo and <sup>8</sup>your petitioner nephew

That the said heirs and next of kin are of sound mind and of full age except the said

who are minors under the age of fourteen years, residing with

and the said

who are minors under the age of twenty-one years, having no General Guardian, and that personal service of a Citation on the above named non-residents cannot be made within this State.

Your Petitioner therefore pray<sup>s</sup>, that the said Last Will and Testament  
may be proved, and LETTERS TESTAMENTARY granted thereon according to law.

B. S. Smith

New York, U.S., Wills and Probate Records, 1659-1999  
 Broome > Minutes, Vol 001, 1882-1888

In Surrogate Court, July 8, 1886  
 Present The Surrogate.

In the matter of the probate  
 of the will of Thomas King Deceased

D. F. Smith appears for petitioner and also for Joseph  
 G. Joy, named on & in title, and files certain propositions

Frank Stewart appears Special for the widow and all the child of intestate and object  
 to the jurisdiction of this Court to probate this will, on the ground that the petition does not state facts  
 sufficient to confer jurisdiction and on the further ground that the Orphans Court of the State of  
 Columbia alone has jurisdiction to probate this will, and has acquired jurisdiction.  
 That by a statute of the State of Columbia, sole jurisdiction is conferred upon the Orphans  
 Court of that State over the will of any person resident of and dying within the limits  
 of that State in 1886 to and .

July 15, 1886, 10 am. obj<sup>n</sup> overruled, & by Counsel for widow ruled =

In matter of the appeal  
 of Benjamin Loomis & Sarah Stocking  
 from the will of Debra Fayette  
 Stocking deceased

Before the Surrogate  
 July 8, 1886.

C. W. Loomis appears for petitioners & files  
 proof of service of citation on Deborah C. Folk, Delinda S. Brown, Delphina S.,  
 Stocking and Sarah Stocking, for the parties.

D. F. Smith appears on behalf of Deborah C. Stocking, Delphina Stocking,  
 and Sarah A. Stocking, the other parties.

D. H. Caron appears for Deborah C. Folk.

Objections to be filed on or before July 15, 1886 to which the hearing is adj<sup>d</sup>.

Minutes/orders

New York, U.S., Wills and Probate Records, 1659-1999  
 Niagara > Minutes, Orders, and Decrees, Vol 0009-10

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 (No. 7.)

At a Surrogate Court, held at Lockport  
 County of Niagara, on the 14<sup>th</sup> day of Dec<sup>r</sup>, 1864, in and for the  
 Decent Henry D. Scripture Surrogate.

In the matter of Proving the Will of  
 Mary Williams  
 Deceased.

On reading and filing the petition of Saunders Richardson one of the executors  
 named in the last Will and Testament of Mary Williams late of the town of Niagara -  
 in said County of Niagara deceased, proposing the said last will and testament for probate; and satisfactory  
 proof having been taken as to the names and residences of the husband and next of kin  
 of said deceased, it is Ordered that a Citation issue to the proper persons, requiring them to appear in this Court on the 5<sup>th</sup>  
 day of February A. D., 1865, at 10 o'clock in the forenoon of that day, and attend the  
 Probate of the said Will.

H. D. Scripture  
 Surrogate.

P. 416

At a Surrogate Court, held at  
 County of  
 Decent Surrogate.

In the matter of Proving the Will of  
 Deceased.

(No. 8.)

At a Surrogate Court, held at the City of Lockport in and for the  
 County of Niagara on the 5<sup>th</sup> day of February 1864  
 Decent Henry D. Scripture Surrogate.

In the matter of Proving the Will of  
 Mary Williams  
 Deceased.

Satisfactory proof by affidavit having been made and filed of the due service of the citation heretofore issued in this matter, requiring the  
 proper persons to appear in this Court, on the 5<sup>th</sup> day of February A. D., 1864, at 10 o'clock  
 in the forenoon, and attend the Probate of the last will and testament of Mary Williams late of the Town  
 of Niagara in the County of Niagara and State of New-York, deceased, and  
 Saunders Richardson and Joseph Richardson the executors named  
 in said will  
 having appeared in support of the proof of the said last will and testament, and after hearing the proofs and allegations of the said  
 parties and duly deliberating thereon  
 It is Announced and Decreed that the said last will and testament was duly executed, that the same is genuine and valid, and that the said  
 deceased at the time of executing the same, was in all respects  
 competent to make it, and testament, and to devise real estate, and was not under any restraint. And this Court doth pronounce Order  
 and Decree that the said last will and testament, and the proofs and examinations taken in respect to the same, be recorded, and that the said  
 last will and testament be admitted to Probate, and that the same be and hereby is established as a will of real and personal estate.

H. D. Scripture - Surrogate.





# QUESTIONS?

# NY Probate History

# Timeline

<b>1624-1664</b>	New Netherland implemented <i>Roman-Dutch Law</i> regarding probates <ul style="list-style-type: none"> <li>➤ no official probate court</li> </ul>
<b>1644-1663</b>	many probates recorded by notaries or Secretary of the Colony
<b>1664-1692</b>	English law – “Duke’s Laws” <ul style="list-style-type: none"> <li>➤ Courts of Session had jurisdiction</li> <li>➤ over £100 meant records sent to Court of Assizes at NYC (NY County Court)</li> </ul>
<b>1683</b>	Charter of Liberties enforced English law; dower rights of widows
<b>1692-1783</b>	Prerogative Court at NYC
<b>1778-1787</b>	State Court of Probates – abolished 1823
Per Remington:	<i>“Records were kept by a central authority from the earliest settlement through 1787.”</i>
<b>1787</b>	County Surrogate’s Court was created <ul style="list-style-type: none"> <li>➤ responsible for keeping probate records concerning testate and intestate estates</li> </ul>
<b>1830</b>	state law/state improved uniformity <ul style="list-style-type: none"> <li>➤ probate petition to list all heirs-at-law</li> <li>➤ mandatory to keep all probate documents permanently</li> </ul>
<b>1847</b>	Appellate jurisdiction transferred to NY Supreme Court
<b>1848</b>	married women were given the right to own their own property <ul style="list-style-type: none"> <li>➤ allowed to leave wills even if she predeceased her spouse</li> </ul>

# Dutch Pre-1787 Records

- **1624-1664:** New Netherland implemented *Roman-Dutch Law* regarding probates
  - no official probate court
- **1644-1663:** Many probates recorded by notaries or Secretary of the Colony

# Orphanmasters Court

- Under Dutch tradition
- Court existed until 1668
- If one parent had died, the court had the power to require the surviving spouse to provide for minor children
- If both parents had died, the court appointed guardians for minor children

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In the City Hall, Thursday, the 19th January 1665

Present Messrs  
Govert Loockermans  
Olof Stevenzen van Cortlant  
Marten Cregier

Thomas Franzen Karreman, appearing, has signed a certain proof of the property and inheritance of his wife's surviving children, which lies in the Orphan Chamber's chest, drawer No. 7.

Isaack Grevenraat and Hendrick Obe, guardians and tutors of the surviving children of Jan Jansen Hagenaar, entering, accompanied by Jeremias Janzen Hagenaar, oldest son of the above-named Jan Jansen [confer] on and about the difference between him and his sister and brother respecting the occupation of the house; after some conversation on one side and the other, the above-named Jeremias promises to go and live in the said house with his brother and sister. ★

Hendrick Obe as guardian and tutor of the surviving children of Gerrit Hendricksen van Harderwyck, requests, inasmuch as Jan, the surviving child of the above-named Gerrit has almost spent his maternal property, and but little of it remains, that the aforesaid Jan be handed over to the deacons, and that the house be sold.

The Orphan Masters resolve to consult the curators on the subject, and in case they approve of the selling of the house, then it shall be so resolved, and as regards the boy [they] will speak next Sunday to the deacons about him.

Reintje Pieters van Bolsart again promises to give security for the payment of what he owes the Orphan Chamber and not to leave before he does so.

In the City Hall, Thursday, 26th January 1665

Present Messrs  
Govert Loockermans  
Olof Stevenzen van Cortlant  
Marten Cregier

Jan Vinge, Pieter Stoutenburgh and Jacques Cousseau, curators of the estate left by Ragel van Tienhoven dec'd, entering, accompanied by Seletje Jans, last widow of Hendrick van der Walle, dec'd; the above-named Seletje requests to be released from the last year's rent of the house which she occupies at present, hired by her late husband from Raghel van Tienhoven dec'd, saying that Jacques Cousseau told her that the above-named Vinge and

# English Pre-1787 Records

- **1664-1691:** English law
  - Courts of Sessions had jurisdiction
  - over £100 records to Court of Assizes at New York City (NY County Court)
- **1683:** Charter of Liberties and Privileges
- **1692-1783:** Prerogative Court in NYC
- **1778-1787:** State-level Court of Probates
  - 1787-1823: just appeals and out-of-state until abolished

# Guardianships

- Dealing with infancy or lunacy
- Court of Chancery
  - Power to appoint
  - Shared power 1802-1847
  - Abolished 1847
- Shows family relationships

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Petition [1 March 1758] of Jacob Willets [age upwards of 14], son of Daniel Willets, late of Islip, Suffolk Co., farmer, by Phoebe his wife, both dec'd, praying that his uncle, Richard Willets, of Islip, farmer, may be appointed his guardian [C, pp. 77-78]

★  
Petition [20 May 1758] of Caleb Huestis and Johannes Huestis, Jr., stating that an estate in land in Mamaroneck belongs to William Nelson [age 2½], son of Elijah Nelson, late of Westchester Co., innholder, by Mary his wife, both dec'd, and that Elijah died intestate. Caleb and Johannes Huestis, uncles of William Nelson, request that Elnathan Hunt, of the Manor of Philipsburgh, Westchester Co., farmer, may be appointed guardian of the infant, William Nelson [C, pp. 79-81]. -- Three uncles, Maher Nelson, Caleb Huestis and James Huestis, Jr., are the names of the petitioners on the original petition [8M 4-N]

Petition [24 May 1758] of Joseph Bowne [age upwards of 18], son of Joseph Bowne, late of Flushing, Queens Co., merchant, by Sarah his wife, both dec'd, praying that his maternal uncle, William Lawrence, of Oysterbay, Queens Co., chirurgeon, may be appointed his guardian [C, pp. 81-82]

Petition [26 May 1758] of John Miller [age upwards of 17], son of Joost Miller, late of Oysterbay, Queens Co., farmer, by Cornelia his wife, both dec'd, praying that Thomas Martin, of Hempstead, Queens Co., blacksmith, and Hendrick Hardenbergh, of Oysterbay, farmer, may be appointed his guardians [C, pp. 83-85]

Petition [15 June 1758] of Catharine Lodge [age about 8], daughter of Abraham Lodge, of New York City, Esq., by Margaret his wife, both dec'd, praying that her maternal grandfather, John Kelly, of New York City, attorney-at-law, may be appointed her guardian [C, pp. 85-87]

★  
Petition [23 June 1758] of Henry De Laenge and other children of Francis De Laenge, of Beekmans Precinct, Dutchess Co., dec'd. In his will, dated 9 May 1751, Francis made bequests to his wife Mary and his children, Arie, Rachel, Nicholas, Lawrence, Jane, Mary, Lydie, Elizabeth, Catharine, Elias, Geesie and Egie. He named as executors his wife Mary and Benjamin Haasbrook and Peter Van Dewater. Francis died in the spring of 1755. The widow, Mary [age now upwards of 70] is deprived of her reason and understanding. -- An affidavit of William HUFF and affirmations of Robert Dinge and Samuel Durland, all of Beekmans Precinct, farmers, state that Mary De Laenge is deprived of her reason. The petitioners pray that Benjamin Haasbrook and Peter Van Dewater may be appointed guardians to care for the body and estate of Mary De Laenge [C, pp. 87-90]

*L.S.*  
 THE PEOPLE OF THE STATE OF NEW-YORK.  
 BY THE GRACE OF GOD, FREE AND INDEPENDENT:  
 TO *Peter Davis of the town of Orange in the county of Saratoga*  
*male of Polly Davis of the town of Malton in said county*

WHEREAS *Abraham Proby* in behalf of *an infant*  
 an Infant Child of *John Wilder of Malton aforesaid deceased, being*  
 the *only* *only* *only*  
 has, by *his* Petition presented to *George Palmer*  
 Esquire, Surrogate of the County of Saratoga, bearing date the *twelfth* day of  
*December* in the year of our Lord one thousand eight hundred and *Eighteen*  
 set forth that *the* the said infant is under the age of *twenty-one*  
 years, to wit, aged *twelve years* the *twelfth* day of *August* last  
 and that the said infant, by the death of *John Wilder father of the said*  
*Polly*

became possessed of certain *real personal* estate, and being incapable  
 of managing *her* own concerns, by reason of *her* minority, prayed the aid of  
 the said Surrogate to allow *to be appointed* the said *Peter Davis*  
 to be the Guardian of the  
 person and estate of the said infant, during *her* minority, according to an act of the Legisla-  
 ture of the state of New-York, entitled "An act relative to the Court of Probates, the office of Sur-  
 rogate, and the granting of Administration," passed April 8, 1813. AND the said *Peter Davis*

having executed a bond with sufficient surety to  
 said infant, according to said act, and in pursuance thereof, *is* hereby allowed *to be appointed*  
 to be and become the Guardian of the person  
 and estate of the said infant, during *her* minority.

IN TESTIMONY WHEREOF, we have caused the seal of office of our said  
 Surrogate, to be hereto affixed.  
 WITNESS *George Palmer*  
 Esquire, Surrogate of the said County, at the *office of Malton*  
 the *twelfth* day of *December*  
 in the year of our Lord, one thousand eight hundred and *Eighteen* and of our  
 Independence, the *thirty fourth* day

*George Palmer*

*L.S.*  
 THE PEOPLE OF THE STATE OF NEW-YORK.  
 BY THE GRACE OF GOD, FREE AND INDEPENDENT:  
 TO *Peter Davis of the town of Orange in the county*  
*of Saratoga male of John Wilder of the town of Malton*  
*in said county*

WHEREAS *John Wilder aforesaid*  
 an Infant Child of *John Wilder late of the town of Malton*  
 aforesaid  
 has, by *his* Petition presented to *George Palmer*  
 Esquire, Surrogate of the County of Saratoga, bearing date the *twelfth* day of  
*December* in the year of our Lord, one thousand eight hundred and *Eighteen*  
 set forth that *the* the said infant is under the age of twenty-one  
 years, to wit, aged *twelve years* the *twelfth* day of *March* last  
 and that the said infant, by the death of *her* said father

became possessed of certain *real personal* estate, and being incapable  
 of managing *her* own concerns, by reason of *her* minority, prayed the aid of the  
 said Surrogate to allow *to be appointed* the said *Peter Davis*  
 to be the Guardian of the  
 person and estate of said infant, during *her* minority, according to an  
 act of the Legislature of the state of New-York, entitled "An act relative to the Court of Probates,  
 the office of Surrogate, and the granting of Administration," passed April 8, 1813. AND the said

*Peter Davis* having executed a bond with sufficient surety to  
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 to be and become the Guardian of the person  
 and estate of the said infant, during *her* minority.

IN TESTIMONY WHEREOF, we have caused the seal of office of our said  
 Surrogate, to be hereto affixed.  
 WITNESS *George Palmer*  
 Esquire, Surrogate of the said County, at the *office of Malton*  
 the *twelfth* day of *December*  
 in the year of our Lord, one thousand eight hundred and *Eighteen* and of our  
 Independence, the *thirty fourth* day

*George Palmer*

# Surrogate's Court Guardianships

# Post-1787

## County Surrogate's Courts

- Responsible for keeping probate records relating to both testate and intestate estates
- Probate courts are state courts, so rules regarding access and fees are controlled by the state not the individual county
- Counties hold the records, not the state
- **1830 statute** improved uniformity, like petition

# Post-1787

## Appellate Jurisdiction

- **1787-1823:**
  - State Court of Probates
  - Supreme Court of Judicature
  - County Courts of Common Pleas
- **1823:** State Court of Chancery
- **1829:** Supreme Court of Judicature no jurisdiction
- **1847:** State Supreme Court

Be it remembered that on the twentieth day of January in the year of our Lord one thousand seven hundred and ninety nine, before the Supreme Court of Judicature for the State of New York, application was made by Stephen Hedges Senior, John Miller, Thomas Miller, and Oliver Miller who are interested in the Last Will and Testament of Burnet Miller late of the Town of Plattsburgh, in the County of Clinton because to have the said last Will and Testament proved and recorded, and due proof of the service of the notice of the application having been given to the Heir or Heirs of the said Burnet Miller ordered that the Witnesses to the execution of the said Will be examined - Whereupon Lot Carman being one of the People called Quakers did declare and affirm that he saw the said Burnet Miller sign seal and deliver the Will produced to be his last Will and Testament, and that he the said Lot Carman signed his name as a Witness to the said Will in the presence of the Testator and the other two Witnesses that the said Burnet Miller appeared to be of the age of seventy years and was at the time of a sound disposing mind and memory, and was not under any restraint - William Carskaden another of the witnesses to the said Will being sworn and Jonathan Marriott the other Witness to the said Will being of the People called Quakers being solemnly affirmed, the said William Carskaden and Jonathan Marriott did respectively depose and affirm to the said purport as the said Lot Carman hath affirmed - thereupon ordered that the said last Will and Testament together with the proof aforesaid be recorded by the Clerk of this Court, which said Will

## Supreme Court of Judicature

[FHL 17,414]

Court of Chancery 1830-1847  
[FHL 17,415]

Account of Chancery held for the state of New York  
at the city of Albany, on the fifteen the day of January  
in the year one thousand eight hundred and thirty three.

Present  
Richard H. Walworth Chancellor.

In the matter of proving the will  
of Sarah Haines deceased as  
a will of real estate.

Whereas upon the petition of David Clark  
of the town of Plenea in the county of Ontario a commission was issued  
in this matter dated the seventh day of October one thousand eight hundred  
and thirty two, directed to Enoch Clark presiding Justice of the Orphan's court  
of Cecil county in the state of Maryland Henry S. Giles of West Nottingham  
in said county farmer, John Suisse of the same place farmer, and Jayles  
Rynolds of the same place magistrate, authorizing them or any one or more  
of them among other things to take the examination of all the subscribing or  
attesting witnesses to the last will and testament of Sarah Haines formerly  
of said town of Plenea but lately of West Nottingham aforesaid now deceased  
as a will of real estate within this state, and the said commission having been  
returned duly executed and his honor the Chancellor having duly considered  
the proofs taken under said commission, it is therefore declared, adjudged  
and decreed and his Honor the Chancellor doth this day declare, adjudge and decree  
that the will of the said Sarah Haines a duly authenticated copy of which  
is annexed to said commission is duly proved as a will of real estate within  
the state of New York, and that it satisfactorily appears to the Chancellor from  
the said will was executed in due form of law according to  
the laws of the state of New York; that the  
the possession or custody of a court or tribunal of Justice  
in the state of Maryland, from which by the laws of that state and the  
court where it is deposited it cannot be removed, and that the  
of the said original will annexed to the said commission

I Sarah Haines formerly of Ontario County in the state  
of New York, now residing in West Nottingham Cecil county and State of  
Maryland being weak of body but of sound and disposing mind memory  
and understanding considering the certainty of death and the uncertainty of  
the time thereof, do make this my last will and testament in manner  
and form following. First my will is that my just debts and  
funeral expenses be paid and satisfied out of my estate by my Executors  
hereinafter named. Now I order and it is my will that all my real  
estate lying in the state of New York be sold by my Executors hereinafter  
named within one year from my decease, and I do hereby empower my said  
Executors or the survivor of them to make and execute a deed or deeds for  
the same. Now I give and bequeath to my aunt Pudence Haines

# Women's Rights in Probate

- **1624-1664:** Under the “Dutch-Roman” Law
  - estates held jointly
  - women could make wills
- **1665:** English Rules of Inheritance
  - husband owned; widow due dower third **as of 1683**
  - primogeniture until 1782 meant daughters only inherited if no sons
  - **after 1782** equal shares to all children, or siblings
- **1848:** Married woman were given the right to own their own property and allowed to leave wills, even if she predeceased her spouse.

The People of the State of New York by the grace of God King and Independent to Hasall Ransford John Randall and Stephen Arnold all of Norwich in the County of Chenango, Send Greeting: -

Whereas Mary Brown widow Sus Relict of Jesse Brown late of Norwich in said County deceased, has applied to the Surrogate of said County by Petition setting forth that the said Jesse Brown at the time of his death, was seized of the real estate hereafter mentioned in Norwich aforesaid, wherein by the laws hereafter mentioned in Norwich aforesaid, wherein by the laws of this State the said Mary is entitled to dower, to wit all that certain piece or parcel of land conveyed by Manasse French and Hannah his wife to the said deceased, bearing date the fourth day of March one thousand eight hundred being part of lot Number forty two and forty one beginning at the west bank of the Chenango River on the south line of lot Number forty two running from thence west twenty four chains and ninety two links to the Road, thence north twenty five degrees west along the road six chains, thence north fourteen degrees west six chains, thence north one chain and fifty links thence north twenty three degrees east four chains, thence north forty nine degrees east two chains, thence north seven degrees east nine chains, thence north ten degrees east eight chains, thence north thirty eight degrees east two chains to the east bound of lot Number forty one, thence south to a Stake and stones being the southwest corner of land now belonging to Jasper M. French, thence east twenty four chains and fifty links to the west bank of the Chenango River, thence beginning containing eighty five acres one rood & three perches, wounding therout twenty six acres from the north side of the piece of land before described conveyed by the said Jesse Brown to Haskell Brown by deed bearing date the twelfth day of November one thousand eight hundred & recorded in the Clerk's Office of said County. And whereas the said Mary hath prayed the said surrogate to appoint three disinterested Freeholders of said County to admeasure and lay off the power of the

Diminution

allowing diminution is an objection in the assignment of Error that says material part of the proceedings in the original Record is not true, like or lawful, as that there is no original record in being, wanted by attorney, this alleged that said Jesse Brown his Country to R. Capt below in order to have the Record & Proceedings delivered to the Clerk of Court

and Mary in the land before described excepting as is recited and appoint you the said John Randall, Hasall Ransford and Stephen Arnold, Admeasurers to admeasure and lay off as specially aforesaid their part of the land before described subject to the petition aforesaid, as and for the Dower of the said and to make report and return thereof to the Surrogate of said County. In testimony whereof we have caused the seal of office of our said Surrogate of said County at Norwich to be hereunto affixed. Witness our hand and seal the twentieth day of November in the year of our Lord one thousand eight hundred and one and of our Independence the thirty

David T. Cutt of said Surrogate

signed John Randall, Hasall Ransford and Stephen Arnold having been appointed Admeasurers and directed by an Order of the Surrogate of Chenango to Admeasure and lay off one third part of the land mentioned in said Order as the Dower of Mary Brown Widow of Jesse Brown late of Norwich in said County deceased; And having first taken the oath before the said Surrogate according to the act in such case made and provided. do report to the said Surrogate

that We have admeasured and laid off one third part of the land mentioned in said Order as the Dower of the said Widow bounded and described as follows to wit beginning at a hemlock stump on the southwest corner of said piece of land mentioned in said Order, thence east twenty three chains and twenty five links, thence north thirty six degrees west one chain eighty nine links thence north fifty five degrees west five chains thirty links, thence north eleven degrees west two chains fifty links, thence west eighty chains and fifty links, thence south eighty three links, thence west ten chains thirty links from thence a straight line to the place of Beginning containing thirteen acres one rood and four rods together with the north front room with the close porch and the two north bed rooms on the lower floor of the dwelling House of the said deceased. Also one third of cellar with the privilage of using the same and also a privilage of going out and in through the front door, also a privilage in the door yard, and of drawing water from the well We do further report that our charges for the foregoing services amount to eight dollars seven number our hands this twentieth day of November one thousand eight hundred and one

Stephen Arnold } Admeasurers  
Hasall Ransford }  
John Randall }  
David T. Cutt of said Surrogate

Magistrate Report recorded  
November 29<sup>th</sup> 1818 -  
David T. Cutt of said Surrogate

The People of the State of New York by the grace of God King and Independent to Stephen of that of Norwich in the County of Chenango send greeting: -

Whereas it has been represented unto us to be incompetent and necessary that a Guardian be appointed to blinton child of the age of eleven years two months and twenty one days, son of William West late of Norwich aforesaid deceased.

Dower

# Tip

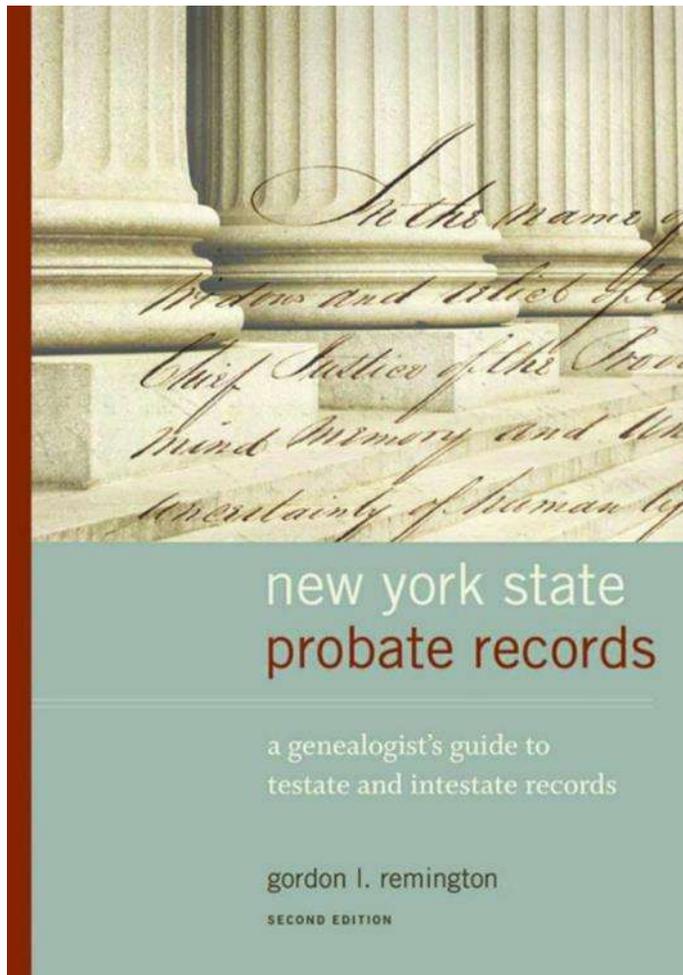
Don't assume your ancestor  
didn't have a probate.



# QUESTIONS?

# Finding NY Probate Records

# Guides

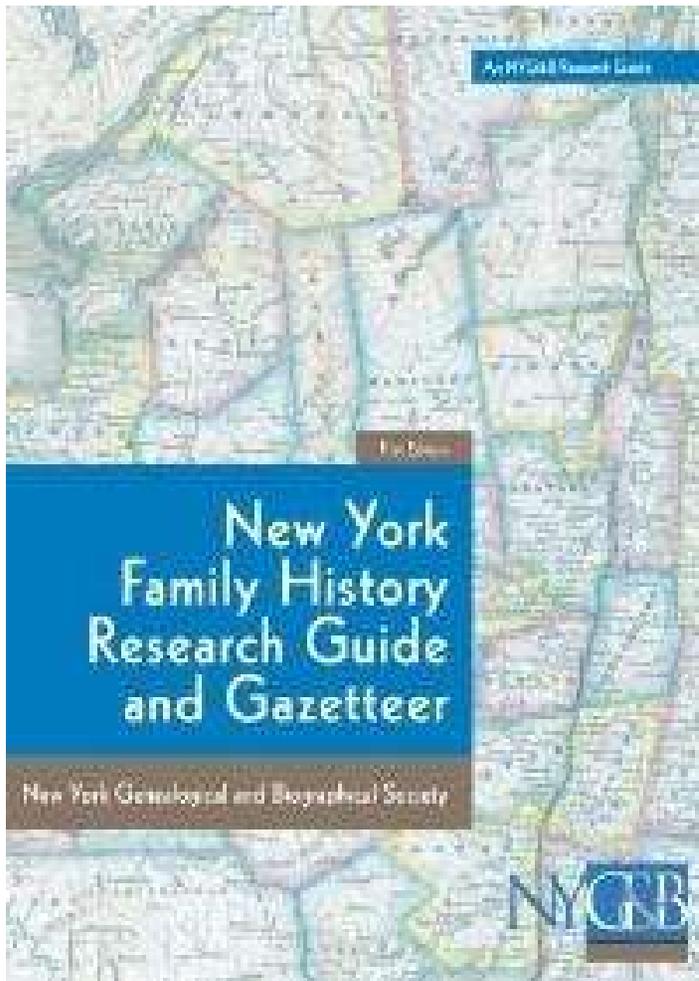


## Appendix A: New York Counties

County/ Date Formed	County Seat	Parent County/ Counties	Daughter County/ Counties	Part Annexed from/Ceded to
<b>Albany</b> Nov. 1, 1683	Albany	Original county	Cumberland, <i>defunct</i> (1766) Greene (1800) Gloucester, <i>defunct</i> (1770) Tryon, now <i>Mont-</i> <i>gomery</i> (1772) Charlotte, now <i>Washington</i> (1772) Rensselaer (1791) Saratoga (1791) Schenectady (1809)	<i>Part ceded to</i> Schoharie (1795)
<b>Allegany</b> Apr. 7, 1806	Belmont	Genesee		<i>Part annexed from</i> Steuben (1808) <i>Part ceded to</i> Genesee (1811) Wyoming (1846) Livingston (1846)
<b>Bronx</b> Apr. 19, 1912	Bronx Borough, NYC	New York		
<b>Broome</b> Mar. 28, 1806	Binghamton	Tioga (1806)		<i>Part ceded to</i> Tioga (1822)
<b>Cattaraugus</b> Mar. 11, 1808	Ellicottville (1808–60) Little Valley (1860–pres.)	Genesee		
<b>Cayuga</b> Mar. 8, 1799	Auburn	Onondaga	Seneca (1804) Tompkins (1817)	

Appendix A: New York Counties 189

# Gazetteers



## Ontario County

Formed January 27, 1784

**Parent County** Montgomery

**Daughter Counties** Steuben 1796 • Genesee 1802 • Livingston 1821  
Monroe 1821 • Wayne 1823 • Yates 1823

**County Seat** City of Canandaigua

**Major Land Transactions**  
See chapter 7, Land Records  
Phelps and Gorham Purchase 1788

The map shows the geographical layout of Ontario County, divided into several towns: Victor, Farmington, Manchester, Phelps, West Bloomfield, East Bloomfield, City of Canandaigua, Hupewell, Richmond, Bristol, Canandaigua, Genesee, Sereca, Canadice, South Bristol, Naples, and Yates. The City of Canandaigua is marked with a star as the county seat. Surrounding counties are labeled: Monroe to the west, Wayne to the east, Livingston to the southwest, Seneca to the southeast, and Steuben to the south.

**Town Boundary Map**  
★ County seat

534 New York Family History Research Guide and Gazetteer • Ontario County

Tip

Check Albany and New  
York counties for early  
records

# Finding Probate Records

1. Look for an abstract
2. Look for a copy book
  - An abstract usually indicates a will book copy
  - Original book may not survive; need to rely on register copies
3. Look for a surviving original record



Published abstracts



Microfilm



Digitized online



Original records

# Step 1

## Published abstracts/transcriptions

# Abstracts available?

	Multiple Courts	Surrogate's Court	Abstracts Available
1665-1787	yes	no	yes
1787-1830	some	yes	yes
1830-present	few	yes	some

Adapted from: Henry B. Hoff, "Navigating New York Probate," *American Ancestors* 12 (Fall 2011):54.

# Early Published Abstracts

- New York Historical Society, *Abstracts of Wills on File in the Surrogate's Office, City of New York 1665-1801* (17 vols.)
  - Coverage includes all counties in New York 1665 to 1787, and New York County 1781 to 1800
  - Available in *New York: Abstracts of New York County Wills, 1662-1801*, at [AmericanAncestors.org](http://AmericanAncestors.org)

90

ABSTRACTS OF WILLS—LIBER 8.

Page 118.—ALEXANDER BISLEY. Know all men by these presents that I, Alexander Bisley, mariner, now at port in New York, do make my friend, Hendrick Vanderheule, my true and lawful attorney to collect all due to me, and give him full power to act in my behalf. And considering the uncertainty of this life, I declare these presents to be my last will, and I leave him all my estate and make him executor.

Dated May 14, 1712. Witnesses, Timothy Bonticon, William Morphy, William Galt. Proved, May 17, 1712.

Page 120.—Robert Hunter, Esq., Captain-General and Governor. Whereas DIRCK HOOGLANDT, of Staten Island, died, leaving a will, and made his wife Elizabeth executor, and she having proved the will has since died, intestate, Letters of administration are granted to her eldest son Johanes Hooglandt, May 19, 1712.



Page 122.—JOSEPH DRAKE, JR. In the name of God, Amen, the 20 November, 1711. I, Joseph Drake, Jr., of the town of Eastchester, in the County of Westchester, being weak in body. I leave to my honored father, Joseph Drake, and my brother, John Drake, all my lands and meadows and privileges. I leave to my sisters, Mary Fowler and Sarah Drake, 2 cows each. I leave to my father in law, Isaac Taylor, all my household goods and movable estate, that he gave me with my wife Jane, deceased, his daughter. I leave all the rest to my father, Joseph Drake, and make him executor.

Witnesses, Roger Barton, John Stanton, Roger Barton, Jr. Proved at Scarsdale before Caleb Heathcote, Esq., May 22, 1712.

Page 124.—Robert Hunter, Esq., Captain-General and Governor. Whereas CATALYNA VAN BOCKHOVEN, late of Schenectady, died intestate, Letters of adminis-



# Search Results

1 - 4 of 4 records for Name: Jacobsen (exact), Database: New York: Wills, 1626-1836

Refine New Search

SEARCH FILTERS

Jacobsen

SORT BY

Relevance

PROJECTS

Report an Error

Write a comment

For questions about our services

Results per page 20 50 100

Print Save Search

Name	Events	Relationship
<p>Willem JACOBSEN</p> <p>New York: Wills, 1626-1836</p> <p>Court, Land and Probate Records</p> <p>View Image</p>	<p>WILL : 1626 - 1836</p> <p>LOCATION : New York, United States</p> <p>VOLUME : Default Volume</p> <p>PAGE : 173</p> <p>TEXT :</p> <p>Town Page Detail: New York Wills</p>	
<p>Pieter JACOBSEN</p> <p>New York: Wills, 1626-1836</p> <p>Court, Land and Probate Records</p> <p>View Image</p>	<p>WILL : 1626 - 1836</p> <p>LOCATION : New York, United States</p> <p>VOLUME : Default Volume</p> <p>PAGE : 219</p> <p>TEXT :</p>	

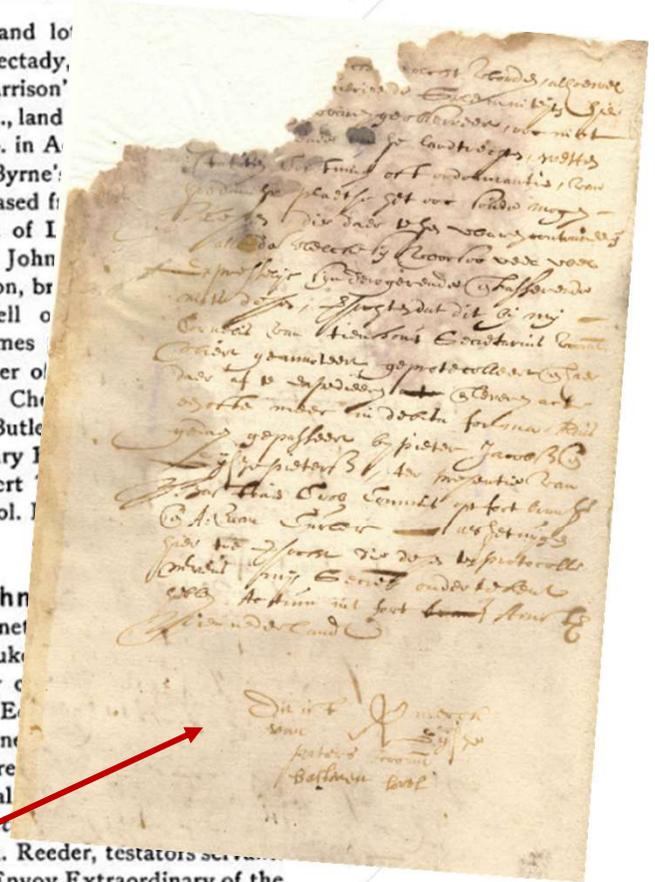
house and lot  
Schenectady,  
in Harrison'  
hawk R., land  
stle, do. in A  
do. in Byrne'  
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on Sir John  
Johnson, br  
Campbell o  
apt James  
Stringer of  
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n, Henry I  
, Gilbert  
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Sir John  
, Baronet  
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of legal

Burch Dawson, testators Secret  
Baker Str., London, and W. R. Reeder, testators serv  
Proved before Richard Rush, Envoy Extraordinary of the  
U. S. at London. Recorded ut supra, p. 103.

956  
1642  
Dutch

**JACOBSEN, Pieter**, of Fort Orange, born in Rendsburgh, and wife Gysje Pieters. Daughter Tunitje Alberts. Real and personal estate. Witness Bastiaen Krol. N. Y. Col. MSS., II., p. 22.



*New York: Wills, 1626-1836, at AmericanAncestors.org*

# Eardeley Collection

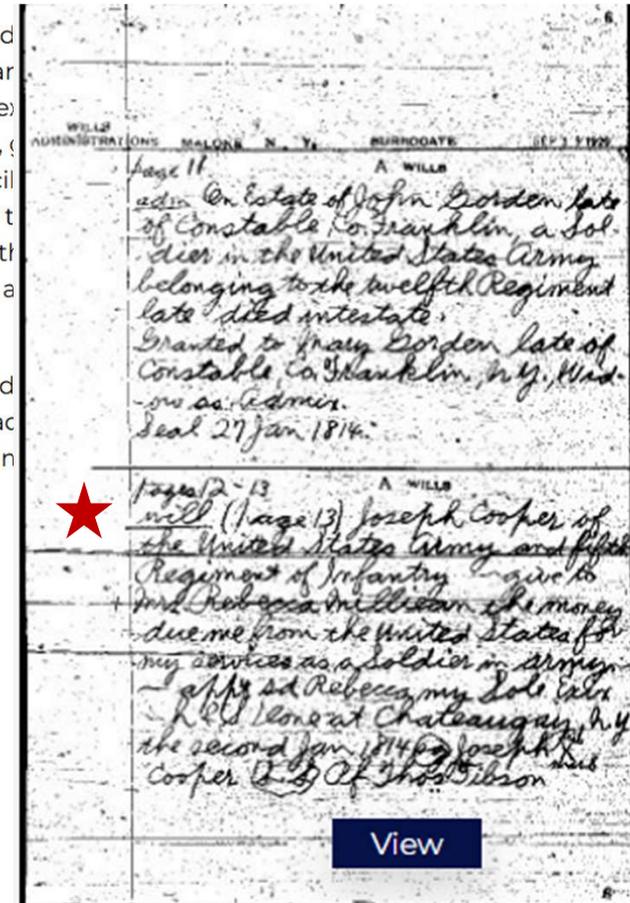
- Abstracted probate for state of New York
- Originals at Brooklyn Historical Society
- Microfilm only at NEHGS
- Online at AmericanAncestors.org as  
*Abstracts of Wills, Admins, and Guardianships in NY State, 1787-1835*  
—with an every-name index!

## Description

This database contains transcriptions for the following counties: Albany; Allegany; Broome; Cattaraugus; Cayuga; Chautauqua; Chenango; Clinton; Columbia; Cortland; Delaware; Dutchess; Erie-Niagara; Essex; Franklin; Genesee; Greene; Herkimer; Kings; Lewis; Livingston; Madison; Monroe; Montgomery; New York; Niagara; Oneida; Onondaga; Ontario; Orange, Orleans; Oswego; Otsego; Putnam; Rensselaer; Richmond; Saratoga; Schoharie; Schenectady; Seneca; Steuben; St. Lawrence; Suffolk; Sullivan; Tioga; Tompkins; Ulster; Warren; Washington; Wayne; Westchester; and Yates.

This compilation of Abstracts of New York Wills, Administrations and Guardianships was created by Appleby Daniel Eardeley. The original materials are part of the Brooklyn Historical Society's manuscript collection. Mr. Eardeley abstracted original estate proceedings in the counties of this state. In addition he indexed all the names in his abstracts, i.e. those of the decedents, executors, administrators, petitioners, witnesses, named beneficiaries and minor children. The original abstracts were written in pencil paper. Although the original title of the collection refers to the years 1691 to 1860, the bulk of the collection concerns the period 1787 to 1835. Also, while the abstracts generally end at 1835, it appears that the dates were extended to fill a county's file folder. For estate proceedings of counties formed after 1835, a researcher should look under the names of the parent county.

The Kings County records presented here are not from the Eardeley collection, as Mr. Eardeley did not abstract those records. Instead, we have included the records abstracted by DeWitt Van Buren in Abstracts of Wills Recorded at Brooklyn, N. Y. This volume is available in our Boston Research Library, call number V36.



# AmericanAncestors.org

# Step 2

# Digitized/filmed

# New York Resources

- AmericanAncestors.org
  - *Abstracts of Wills, Admins, and Guardianships in NY State, 1787-1835*
  - *New York: Abstracts of New York County Wills, 1662-1801*
  - *New York: Wills, 1626-1836*
- FamilySearch.org
  - *New York Probate Records, 1629-1971*
- Ancestry.com
  - *New York, Wills and Probate Records, 1659-1999*
  - *New York County, New York, Wills and Probate Records, 1658-1880 (NYSA)*
  - *New York Wills, 1626-1836*

**Counties:**

1. **Albany** - 1 Nov 1683 - NEW Section | [A-B](#) | [C-D](#) | [E-G](#) | [H-K](#) | [L](#) | [M](#) | [N-R](#) | [S](#) | [T-V](#) | [W-Z](#) | 10232 records
2. **Allegany** - 7 Apr 1806  
| [A-D](#) | [E-L](#) | [M-R](#) | [S-Z](#) | 2826 records
3. **Bronx** - 1914 from New York. For early years, see [Albany](#) or [New York](#) or [Westchester](#) Counties
4. **Broome** - 28 Mar 1806  
| [A-B](#) | [C-D](#) | [E-H](#) | [I-M](#) | [N-R](#) | [S](#) | [T-Z](#) | completed | 4168 records
5. **Cattaraugus** - 11 Mar 1808  
| [A-B](#) | [C-D](#) | [E-G](#) | [H-J](#) | [K-M](#) | [N-Z](#) | [S](#) | [T-Z](#) | completed | 4663 records
6. **Cayuga** - 8 Mar 1799  
Probate Files are available - see Surrogate's/Probate Files section  
| [A-B](#) | [C-D](#) | [E-G](#) | [H-K](#) | [L-M](#) | [N-R](#) | [S-T](#) | [U-Z](#) | 6086 records | see also: [Surrogate's Records](#)
7. **Chautauqua** - 11 Mar 1808  
| [A-B](#) | [C-E](#) | [F-H](#) | [I-M](#) | [N-R](#) | [S](#) | [T-Z](#) | completed | 5030 records
8. **Chemung** - 29 Mar 1836  
| [A-D](#) | [E-L](#) | [M-R](#) | [S-Z](#) | completed | 3062 records
9. **Chenango** - 15 Mar 1798  
| [A-B](#) | [C-F](#) | [G-L](#) | [M-R](#) | [S-Z](#) | completed | 4133 records
10. **Clinton** - 7 Mar 1788  
| [A-C](#) | [D-J](#) | [K-P](#) | [Q-Z](#) | 2169 records  
Column One: Name of Testator  
Column Two: County #, Volume #, Page # | [Volume List](#) |  
Images available online. Free FamilySearch.org account required. Scroll down to Probate Records - [FamilySearch](#)
11. **Columbia** - 4 Apr 1786 from Albany.  
Testators | [A-B](#) | [C-F](#) | [G-J](#) | [K-Q](#) | [N-R](#) | [S-U](#) | [V-Z](#) | Heirs: [A-Z](#) | 430 heirs, counting
12. **Cortland** - 8 Apr 1808  
| [A-F](#) | [G-M](#) | [N-Z](#) | completed | 2670 records
13. **Delaware** - 10 Mar 1797  
| [A-B](#) | [C-E](#) | [F-G](#) | [H-K](#) | [L-M](#) | [N-R](#) | [S](#) | [T-Z](#) | compl
14. **Dutchess** - formed 1 Nov 1683 from Colonial Land  
Probate Files are available - see Surrogate's/Probate Will Books | [A-C](#) | [D-H](#) | [I-O](#) | [P-S](#) | [T-Z](#) | 9033 recor  
Circuit Court Book | [A-Z](#) |  
Heirs | Circuit Court: [A-Z](#) |
15. **Erie** - 2 Apr 1821 from Niagara.  
No will books at all. Probate Files are available - se
16. **Essex** - 1 Mar 1799  
| [A-F](#) | [G-O](#) | [P-Z](#) | 1343 records
17. **Franklin** - 11 Mar 1808  
| [A-B](#) | [C-D](#) | [E-G](#) | [H-K](#) | [L](#) | [M](#) | [N-R](#) | [S](#) | [T-V](#) | [W-Z](#) | 10232 records

ABBEY, ANNIS	NY-35-81-187
ABBEY, BETSEY A.	NY-35-71-669
ABBEY, ISAAC J.	NY-35-91-335
ABBEY, ISAAC J.	NY-35-86-348
ABBEY, JOHN F.	NY-35-C-427
ABBEY, JOSEPH	NY-35-C-123
ABBEY, RICHARD	NY-35-M-657
ABBEY, SARAH ELIZABETH	NY-35-101-44
ABBOTT, JOSHUA	NY-35-4-282
ABERGOST, DORATHA	NY-35-81-130
ACHESON, HENRY	NY-35-61-289
ACKLEY, JESSE	NY-35-D-74
ADAMOSN, CHRISTIAN	NY-35-61-631
ADAMS, ALDEN	NY-35-D-84
ADAMS, ASENATH	NY-35-W-519
ADAMS, BENJAMIN F.	NY-35-101-63
ADAMS, BENJAMIN T.	NY-35-61-144
ADAMS, CHARLOTTE	NY-35-101-463
ADAMS, CORNELIA	NY-35-86-444
ADAMS, CORNELIA D.	NY-35-81-591
ADAMS, GAIUS	NY-35-101-116
ADAMS, GEORGE A.	NY-35-55-27

## Search Historical Records

Records create a paper trail for your ancestors and can lead you to important details about their life. Enter a name, and we'll look for it in birth certificates, marriage registrations, census records, and other official documents.

[TIPS FOR EFFECTIVE SEARCHES](#)

First Names	Last Names
<input type="text"/>	<input type="text"/>
Place	Year
<input type="text" value="City, County, State, Province, or Country"/>	<input type="text" value="Birth or Death Year"/>
<input type="button" value="SEARCH"/>	<a href="#">MORE OPTIONS</a>



### Find a Collection

Your ancestor's record belongs to a collection of similar documents—Argentina Baptisms, for example, or United States Census, 1940. Searching a specific collection is one way to narrow your search. If you don't know the collection's exact title, start typing, and we'll try to help you.

Collection Title

[BROWSE ALL COLLECTIONS](#)



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Different regions of the world call for different research strategies. Enter a place, and we'll show you the tools and resources we have to help you discover your ancestors who lived there.

Find a Country, Province, or State

[BROWSE PLACES](#)



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## New York Probate Records, 1629-1971

### Description

Images from probate records in various county Surrogate Courts in New York. The content of the probate records and their year range vary by county. Most records end in the 1920s with some indexes continuing to the year 1971.

[How to Use this Collection »](#)



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## New York Probate Records (FamilySearch Historical Records)

[United States](#) → [New York](#)

**Contents** [hide]

- 1 What is In This Collection?
  - 1.1 To Browse This Collection
- 2 What Can These Records Tell Me?
- 3 Collection Content
  - 3.1 Sample Images
- 4 General Information About These Records
- 5 How Do I Search This Collection?
  - 5.1 Search the Index
  - 5.2 View the Images
  - 5.3 How Do I Analyze the Results?
- 6 What Do I Do Next?
  - 6.1 I Found the Person I Was Looking For, What Now?
  - 6.2 I Can't Find the Person I'm Looking For, What Now?
- 7 Known Issues with This Collection
- 8 Citing This Collection
- 9 How Can I Contribute to the FamilySearch Wiki?

**What is In This Collection?**

The records are probate records in various county Surrogate Courts in New York. The content of the probate records and their year range vary by county. Most records end in the 1920s with some indexes continuing to the year 1971. This collection does not include records from metropolitan New York at this time. Records in this collection include:

- Wills
- Executor and administrator accounts
- Petitions
- Administrators bonds
- Oaths to inventory and other loose papers
- Appraiser appointments and letters
- Guardianship letters
- Real estate decrees and sales
- Letters testamentary
- Books of dower
- Registers and indexes of undertaking
- Judicial statements

**To Browse This Collection**

You can browse through images in this collection by visiting the browse page for [New York Probate Records, 1629-1971](#).

**What Can These Records Tell Me?**

**Access the Records**

[New York Probate Records, 1629-1971](#)

This article describes a collection of records at FamilySearch.org.

**New York, United States**



Flag of New York



Location of New York

**Record Description**

Record Type	Probate
Collection years	1629-1971

**FamilySearch Resources**

- [New York Genealogy](#)
- [Pennsylvania Genealogy](#)
- [New York History](#)
- [New York Probate Records](#)
- [New York Record Finder](#)
- [Step-by-Step New York Research, 1880-Present](#)

**Related Websites**

[https://www.familysearch.org/wiki/en/New\\_York\\_Probate\\_Records\\_\(FamilySearch\\_Historical\\_Records\)](https://www.familysearch.org/wiki/en/New_York_Probate_Records_(FamilySearch_Historical_Records))



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## New York Probate Records, 1629-1971

### Description

Images from probate records in various county Surrogate Courts in New York. The content of the probate records and their year range vary by county. Most records end in the 1920s with some indexes continuing to the year 1971.

[Learn more »](#)

### View Images in this Collection

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### Citing this Collection

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New York Probate Records, 1629-1971

Source Box

County

Albany

Allegany

Broome

Cattaraugus

Cayuga

Chautauqua

Chemung

Chenango

Clinton

Columbia

Cortland

Delaware

Dutchess

Erie

Essex

Franklin

Fulton

Genesee

Greene

Hamilton

Herkimer

Jefferson

Kings

Lewis

Livingston

Madison

Monroe

Montgomery

New York

Niagara

Oneida

Onondaga

Ontario

Orange

Orleans

Oswego

Otsego

Putnam

Queens

Rensselaer

Richmond

Rockland

Saratoga

Schenectady

Schoharie

Schuyler

Seneca

Steuben

St. Lawrence

Tioga

Tompkins

Ulster

Warren

Washington

Wayne

Westchester

Wyoming

Yates

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New York Probate Records, 1629-1971 Ontario

Source Box

Volume Title and Year

Decrees, Minutes, Orders 1862-1872 vol J

Guardianship records 1814-1817

Guardianship records 1862-1876 vol T

Inventories 1797-1822 Adams, Andrew-Case, Seymore

Inventories 1797-1822 Case, Sweet W.-Hacket, George

Inventories 1797-1822 Haight, Stephens-Mentor, Robert

Inventories 1797-1822 Merrill, Asher-Richardson, Paul

Inventories 1797-1822 Riche, Joseph-Westfall, Abraham

Letters 1830-1838 vol F

Letters 1864-1870 vol U

Letters of administration 1851-1864 vol P

Letters of administration, Letters of testamentary 1838-1857 vol G-H

Letters of administration, Letters of testamentary 1857-1865 vol N

Letters of guardianship 1830-1847 vol I

Letters of guardianship 1848-1862 vol K

Orders 1862-1867 vol Q

Probate records 1874-1883 vol 56-57

Probate records 1874-1884 vol 54-55

Probate records 1876-1880 vol 58

Probate records 1876-1888 vol 59-60

Probate records 1879-1884 vol 61

Probate records 1880-1907 vol XX

Probate records 1881-1886 vol 64

Probate records 1881-1886 vol 67-68

Probate records 1881-1889 vol 65-66

Probate records 1881-1893 vol 69-71

Probate records 1882-1893 vol 74-75

Probate records 1883-1899 vol 72-73

Probate records 1886-1891 vol 78

Probate records 1886-1892 vol 76-77

Probate records 1886-1897 vol 79-80

Probate records 1888-1892 vol 81

Probate records 1888-1898 vol 83-84

Probate records 1893-1898 vol 90

Probate records 1894-1898 vol 92

Probate records 1895-1898 vol 103

Probate records 1896-1903 vol 95-96

Probate records 1897-1902 vol 97-98

Probate records 1897-1902 vol 100-101

Probate records 1897-1906 vol 99

Probate records 1898-1901 vol 102

Probate records 1898-1903 vol 104-106

Probate records 1900-1924 vol 107-108

Real estate records 1851-1883 vol R

Surrogate record index 1789-1926

Surrogate record index 1927-1965

Wills 1795-1814 vol 1-5

Wills 1812-1823 vol 6-8

Wills 1815-1822 vol 10-12

Wills 1830-1843 vol A-B

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New York Probate Records, 1629-1971 Ontario > Wills 1812-1823 vol 6-8 >

Image 304 of 438

Source Box Attach to Family Tree

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Surrogate Office June 13. 1814 The admin-  
istrators presents herewith with the proper  
ouchers by which it appears that  
there is in the hands of the ad-  
ministrator the sum of \$416.88 to be distributed  
Ephraim Taylor Esquire

The people of the State of New York  
By the Grace of God free and  
Independent - Do all to whom these  
presents shall come or may concern send  
greeting Know ye that at the town of  
Conandairga in the County of Ontario  
on the twenty seventh day of May in the  
year of our Lord one thousand eight hundred  
and fourteen before Ephraim Taylor Esquire  
Surrogate of our said County the Last will  
and Testament of Samuel Lane deceased  
(a Copy whereof is here unto annexed) was proved  
and is now approved and allowed of by us

Image Index Information

# Ontario Co., N.Y., Wills, 7:197

Class 4: Researching Upstate New York

United States, New York, Albany - Probate records ( 14 )

- Abstracts of Albany Co., N.Y. probate and family records Add  
 Author: Cook, William Burt
- Abstracts of deeds and wills of Albany County, New York, 1768-1771 Add  
 Author: Hulslander, Laura Penny
- Albany probate records : 1787-1796 Add
- Ancient wills. Abstract of the will of Elizabeth Vandepoele, of Albany, widow Add  
 Author: O'Callaghan, E. B. (Edmund Bailey), 1797-1880
- Ancient wills. Abstract of the will of Luykas and Cathariné Witbeck, of the manor of Renselaerswyck (Albany County) Add  
 Author: O'Callaghan, E. B. (Edmund Bailey), 1797-1880
- Calendar of wills on file and recorded in the offices of the Clerk of the Court of Appeal of the County Clerk at Albany and of the Secretary of State, 1626-1836 Add  
 Author: Fernow, Berthold, 1837-1908; National Society of the Colonial Dames of America in the state of New York
- Calendar of wills on file and recorded in the offices of the Clerk of the Court of Appeal of the County Clerk at Albany and of the Secretary of State, 1626-1836 Add  
 Author: Fernow, Berthold, 1837-1908; National Society of the Colonial Dames of America in the state of New York
- Early records of the city and county of Albany and colony of Rensselaerswyck Add  
 Author: Albany County (New York). County Clerk; Van Laer, Arnold J. F. (Arnold Johan Ferdinand), 1869-1955; Pearson, Jonathan, 1813-1887
- Original records of administrations of estates, inventories and accounts (New York), 1600's-1700's, 1700-1825 Add  
 Author: New York. Surrogate's Court (Albany County); New York. Surrogate's Court (Albany County)
- Record of wills recorded at Albany, New York, 1629-1802; index 1629-1828 Add  
 Author: New York. Surrogate's Court (Albany County); Albany County (New York). Clerk of the Court of Appeals; Paul Klapper Library
- State of New York deeds, 1654-1901; index, 1630-1966 Add  
 Author: Albany County (New York). County Clerk; New York. County Court (Albany County)
- Wills proved and recorded, 1799-1848 Add  
 Author: New York. Supreme Court (Albany County)
- Wills, 1691-1835 Add



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Records Family Tree Genealogies Catalog Books Wiki

**Search Results for FamilySearch Catalog**  
 PRINT Catalog Print List (0)

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**Search by:**

Place

ited States, New York, Albany

**Albany**

- United States, New York, Albany
- United States, New York, Albany, Albany

2 Results

**Search for:**

Call Number

Film/Fiche Number

**Availability**

Any

Online

Family History Center

**Update** **Reset**

**Notes**

1683 - original county

Part of [United States, New York](#)

Archives and libraries - Inventories and records ( 2 )

- United States, New York, Albany - Biography ( 10 )
- United States, New York, Albany - Business records and commercial records ( 1 )
- United States, New York, Albany - Cemeteries ( 19 )
- United States, New York, Albany - Census - 1720 ( 1 )
- United States, New York, Albany - Census - 1790 ( 2 )
- United States, New York, Albany - Census - 1810 - Indexes ( 1 )
- United States, New York, Albany - Census - 1855 ( 1 )
- United States, New York, Albany - Census - 1860 ( 2 )
- United States, New York, Albany - Census - 1865 ( 1 )
- United States, New York, Albany - Census - 1870 ( 1 )
- United States, New York, Albany - Census - 1875 ( 1 )
- United States, New York, Albany - Census - 1880 ( 1 )
- United States, New York, Albany - Census - 1892 ( 1 )
- United States, New York, Albany - Census - 1905 ( 1 )
- United States, New York, Albany - Census - 1915 ( 1 )
- United States, New York, Albany - Census - 1925 ( 1 )

FamilySearch.org

# New York, U.S., Wills and Probate Records, 1659-1999

**Search**  Match all terms exactly

**First & Middle Name(s)**  **Last Name**

	Day	Month	Year	Location
Death	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="City, County, State, Country"/>
Lived In	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="City, County, State, Country"/>
Any Event	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="City, County, State, Country"/>

**Keyword**  
  
 e.g. pilot or "Flying Tigers"▼

**Relationship**

**Item Description**

### Browse this collection

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**County**

**Orange** ▼

**Notes**

- [Bonds, Vol 0003-0004, 1893-1894](#) ▲
- [Bonds, Vol 0005-0006, 1894-1896](#) ▬
- [Bonds, Vol 0007-0008, 1896-1898](#)
- [Bonds, Vol 0009-0010, 1898-1900](#)
- [Bonds, Vol 001, 1890-1892](#)
- [Bonds, Vol 002, 1892-1893](#)
- [Bonds, Vol 011, 1900-1901](#)
- [Decrees, Vol A-B, 1831-1851](#)
- [Decrees, Vol C, 1851-1855](#)
- [Decrees, Vol D, 1860-1864](#)
- [Decrees, Vol E, 1864-1867](#)
- [Decrees, Vol F, 1867-1869](#)
- [Decrees, Vol G, 1869-1872](#) ▼

## All New York, U.S., Wills and Probate Records, 1659-1999 results for Mary Smith

Your search

1-50 of 3,429

Broad Exact

Mary

Smith

Any: Orange, New York, USA

**Filters** [Clear all](#)

- Court, land, wills & financial ✕
- Wills, estates & guardian records ✕
- New York, U.S., Wills and Probate Records, 1659-1999** ✕

These probates from the state of New York, 1659-1999, can bequeath a wealth of personal details on the decedent and other family members.. [More](#)

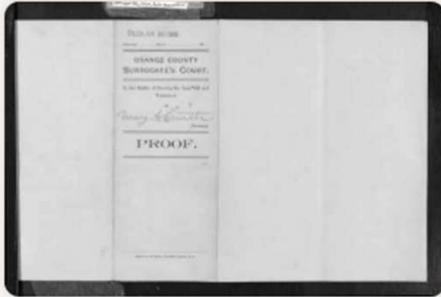
- Record location

To get better results, add more information such as **Birth Info and Death Info**—even a guess will help. [Edit your search](#) or [learn more](#)

<a href="#">View Record</a>	Name	Probate Date	Probate County	Table of Contents	View Images
<a href="#">View Record</a>	Mary M Smith	25 Apr 1893	Orange		
<a href="#">View Record</a>	Mary M Smith	31 May 1894	Orange		
<a href="#">View Record</a>	Mary M Smith	11 May 1894	Orange		
<a href="#">View Record</a>	Mary M Smith	31 May 1894	Orange		
<a href="#">View Record</a>	Mary M Smith	9 Feb 1905	Orange	Cover Page Petition Papers	
<a href="#">View Record</a>	Mary M Smith	11 May 1894	Orange	Cover Page Petition Papers	
<a href="#">View Record</a>	Mary Ann Smith	13 Apr 1874	Orange	Cover Page Petition Papers Account Papers Administration Papers Petition Papers Miscellaneous Petition Papers	
<a href="#">View Record</a>	Mary Smith	12 Mar 1901	Orange		
<a href="#">View Record</a>	Mary Smith	26 Aug 1875	Orange		

# Mary A Smith

in the New York, U.S., Wills and Probate Records, 1659-1999



[Add or update information](#)

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## Detail Source

Name	Mary A Smith
Probate Date	10 Jun 1890
Probate Place	Orange, New York, USA
Inferred Death Date	1890
Inferred Death Place	New York, USA
Item Description	Probate of Wills, Vol 095, 1890-1890

### Individuals Listed (Name)

Mary A Smith

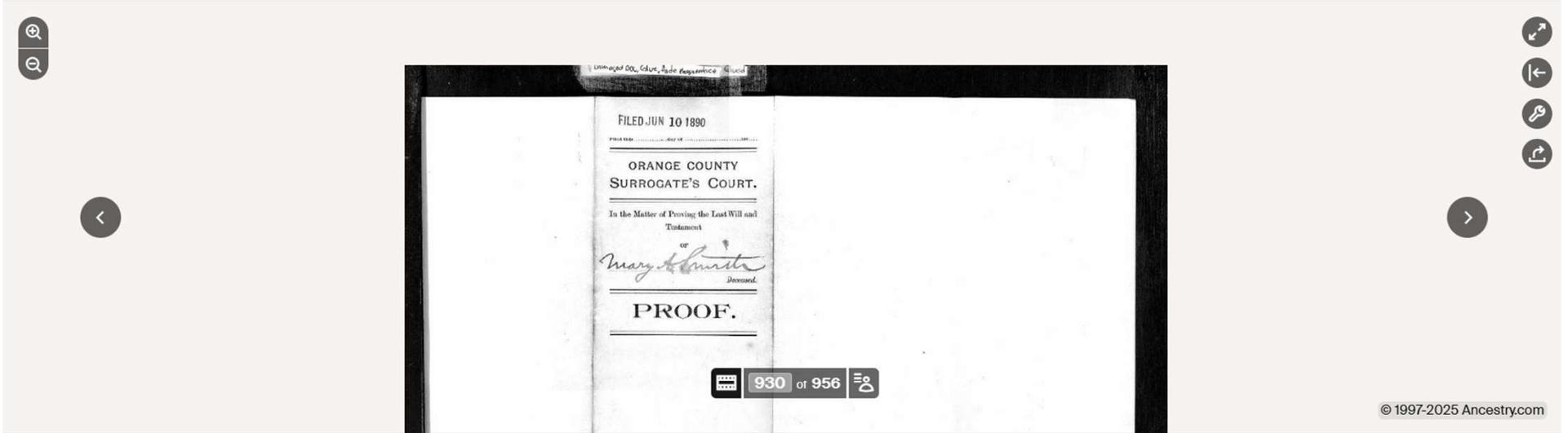
Table of Contents	17 images
<a href="#">Cover Page</a>	1
<a href="#">Petition Papers</a>	2 - 6
<a href="#">Administration Papers</a>	7 - 8
<a href="#">Petition Papers</a>	9 - 10
<a href="#">Account Papers</a>	11 - 17

Ancestry.com

New York, U.S., Wills and Probate Records, 1659-1999 for Mary A Smith

Save

Orange > Probate of Wills, Vol 095, 1890-1890



Ancestry.com

**Mary Smith**  
 Any: Orange, New York, USA  
 Death: 1890

Apply

**Filters** [Clear all](#)

- ✓ Court, land, wills & financial [×](#)
- ✓ Wills, estates & guardian records [×](#)
- New York, U.S., Wills and Probate Records, 1659-1999** [×](#)

These probates from the state of New York, 1659-1999, can bequeath a wealth of personal details on the decedent and other family members.. [More](#)

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- ✓ Record location [1,317](#)
  - > North America
- ✓ Record date [271](#)
  - > 1800 [271](#)
  - > 1900 [1](#)

**View Record**

**Name** **Probate Date** **Probate County** **Table of Contents** **View Images**

 [View image](#) [View record](#)

**NAME:** Mary A Smith  
**RESIDENCE DATE:** Abt 1885  
**RESIDENCE PLACE:** Goshen, Orange, New York  
**WILL DATE:** 27 Aug 1885  
**PROBATE DATE:** 27 Aug 1890  
**PROBATE PLACE:** Orange, New York, USA  
**INFERRED DEATH DATE:** 1890  
**INFERRED DEATH PLACE:** New York, USA  
**ITEM DESCRIPTION:** Wills, Vol 0053-0054, 1889-1891  
**INDIVIDUALS LISTED:**

Name	View Images
Mary A Smith	<a href="#">×</a>
Thomas Smith	<a href="#">×</a>
Richard T. Sears	<a href="#">×</a>
Winthorp B. Sears	<a href="#">×</a>
Benjamin S. Smith	<a href="#">×</a>
Charles L. Hulse	<a href="#">×</a>
Frank Hulse	<a href="#">×</a>
George Hulse	<a href="#">×</a>
James F. Hulse	<a href="#">×</a>
Moses Smith	<a href="#">×</a>

**Table of Contents**

- Cover Page [×](#)
- Order Papers
- Account Papers
- Order Papers
- Petition Papers
- Inventory Papers
- Account Papers
- Cover Page [×](#)
- Petition Papers
- Administration Papers
- Petition Papers
- Account Papers





Search > Court, Land, Wills & Financial > New York County, New York, U.S., Wills and Probate Records, 1658-1880 (NYSA)

# New York County, New York, U.S., Wills and Probate Records, 1658-1880 (NYSA)

**Search**  Match all terms exactly

First & Middle Name(s)  Last Name

Any Event  Day  Month  Year

Keyword   
e.g. pilot or "Flying Tigers"▼

Probate Date  Day  Month  Year

**Search** **Clear search**

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### Series

J0038-82: Probated Wills, 1671-1 ▼

### Description

- Wills, Box 01-02, Aretse, Rutt-Arentse, Johannes, 1679-1760
- Wills, Box 02-04, Brundage, Benjamin-Crist, Stephenes, 1761-1776
- Wills, Box 04-06, Crispell, Cornelius-Erwin, Samuel, 1767-1778
- Wills, Box 06-08, Edwards, Timothy-Harbord, Alexander, 1757-1761
- Wills, Box 08-10, Haf, Jacob-Lane, Henry, 1759-1764
- Wills, Box 11-12, Lansingh, Gerrit I-



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# Full-Text Search

Unlock hidden discoveries in historical records that have never been searchable till now. Check back often as we keep adding millions of images. More information below.

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**Start your search**

Keywords

Name

Place

Year (Range)  
From  To

Image Group Number (DGS)

**SEARCH**

[familysearch.org/en/search/full-text](https://familysearch.org/en/search/full-text)

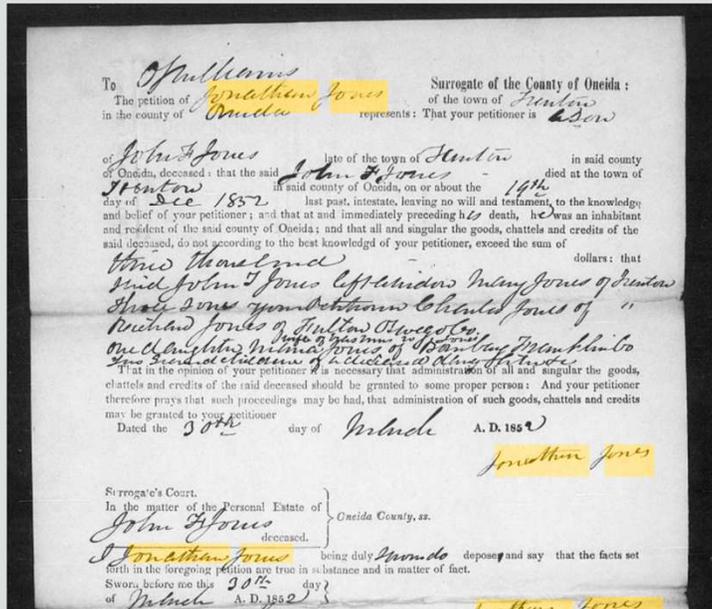
The screenshot shows the FamilySearch.org search interface. At the top, the navigation bar includes 'FamilySearch', 'Family Tree', 'Search', 'Memories', 'Get Involved', and 'Activities'. The user is logged in as 'Melanie McComb'. The search results are for 'Full-Text Filtered Search Results (130)'. A filter for 'Record Type: Legal Records, Court Records, Probate Records (130)' is active. The results are categorized by 'Place' (Oneida, New York and Ulster, New York) and 'Year' (1852, 1855). The search panel on the right shows the search criteria: 'Keywords: Ex: "Jane Lee" Car\*', 'Name: "Jonathan Jones"', 'Place: New York, United States', and 'Image Group Number (DGS): 007561265, 007943373'. A 'Search Tips' box provides advice on using filters and symbols like quotation marks, plus, minus, and question marks. At the bottom of the search panel are 'SEARCH' and 'RESET' buttons.

Feedback

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Oneida. Probate Records 1861-1865

Image 677 of 909



Transcript

Show Keywords

Summarize the document

Transcript

Click the pencil above to make edits to the transcript.

To Williams The in the petition of Jonathan Jones county of under Surrogate of the County of Oneida : of the town of Hunton represents : That your petitioner is Lord of John F Jones late of the town of Hanton of Oneida , deceased : that the said John F. Jones in said county died at the town of Ironton day of Dec 1852 in said county of Oneida , on or about the 14th last past , intestate , leaving no will and testament , to the knowledge and belief of your petitioner ; and that at and immediately preceding

familysearch.org/en/search/full-text

# Step 3

## Original records

# New York State Archives

- Mostly pre-1787
- Much of their collection filmed by FHL and digitized by Ancestry.com

## Administration Papers

[J0043-92](#) Record of Wills and Probates, 1665-1743. Besides wills, series also contains some letters of administration from the period **prior to 1743 only**. Arranged chronologically by recording date. Decedents resided in various parts of the colony.

[J0033-82](#) Administration Papers, ca. 1700-1823. 12.5 cubic feet (17 microfilm rolls). Arranged alphabetically by last name of decedent. Series contains letters of administration and other administration papers relating to estates in various parts of the colony and state, mostly outside of New York City and Long Island.

[J1032-04](#) Letters of Administration, 1743-1783. 2 microfilm rolls. Arranged chronologically. Decedents resided in various parts of the colony and state.

[J1033-04](#) Bonds of Administrators, 1753-1798. 1 microfilm roll. Administrators of estates were required to give bond for the good performance of their duties, including making an inventory of the personal property of deceased and to render and account to the court. These bonds relate to estates in various parts of the colony and state.

[J0039-85](#) Exemplification of Wills and Letters of Administration, 1783-1801. 0.3 cubic feet (1 volume). Arranged chronologically. Volume contains official transcripts of letters of administration relating to estates in various parts of the state.

[J0032](#) (-83, -85, and -04) Letters of Administration, 1778-1832. 1.4 cubic feet (4 volumes). Arranged chronologically. Volume 1, 1778-1797 available on microfilm only. Series contains letters of administration for estates of New York residents who died out-of-state, or non-residents who died in New York.

There is no comprehensive online index to these series. If you are interested in searching for records in these series, please see [Probate Research Assistance Provided by the State Archives](#)



Back

### Probated wills

Finding Aid

Series  
J0038

Related Archival Materials

#### Creator

[New York \(State\). Court of Probates.](#)

#### Description

This series consists of wills probated with the provincial secretary, the Prerogative Court, or the State Court of Probates. Some wills include a letter of administration or a property inventory. Wills typically include the dates the will was executed, proved, and probated; names of the testator, witnesses to the will, heirs, and executor; testator's occupation; how the estate was to be divided; and proceedings for how the will was proved.

#### Related Objects (2717)



NYSA\_J0038-92\_SS1\_0098  
Probated will of Henry Rycke, 1701



NYSA\_J0038-92\_SS1\_0173  
Probated will of John Vannoyt, 1708



NYSA\_J0038-92\_SS1\_0277  
Probated will of Anna Van Schayck, 1702



NYSA\_J0038-92\_SS1\_0546  
Probated will of Coenradt Ten Eyck, 1698

Benjamin Smith and Benjamin Bondell  
 appeared before me John Bondell Surrogate of the said County  
 and being duly sworn on his oath declared that he did see  
 the said Susan Sutton deceased and the within written instrument purporting  
 to be the will of the said Susan Sutton bearing date the eight day of August  
 1767 and being her possible and lawful son as well as her last will and  
 testament that at the time thereof the said Susan Sutton was of sound  
 mind and memory to the best of his knowledge and belief of him  
 the Deponent and that he came subscribed to the said will in his proper hand  
 and writing which he subscribed as a witness to the said will in the last  
 presence of the said Susan Sutton  
 John Bondell Surrogate

Benjamin Smith and Benjamin Bondell  
 the executors of the within written will of Susan  
 Sutton deceased appeared before me the said John Bondell and were duly  
 qualified by taking the affirmation of a quaker solemnly to the true reading  
 and performance of the said will as my law appointed to perform  
 John Bondell Surrogate

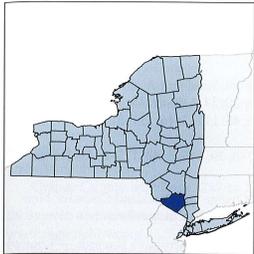
1767  
 1767  
 Susan Sutton's Will  
 Probate dated 1768  
 1769  
 Registered

Prerogative Court  
 from NYSA

Benjamin Bondell  
 Remembers that on this eight day of August in the  
 year of our Lord Christ one thousand seven hundred and sixty seven  
 Susan Sutton of the 100 of the County of North Castle in the County  
 of West Chester and Province of New York widow and Reheve of Thomas  
 Sutton Deceased of Glimstick in the County of New York and Colony  
 of Connecticut being of Perfect Mind and Memory thanks be given  
 to God and thanks for glorifying that I must sooner or later by all this  
 Life do make this My last will and testament

Item I give to all my just debts and funeral Charges to be paid  
 Item I give to my son Michael Ogden all my Every day wearing Cloaths  
 and all my Monies due to me on the said which Thomas Sutton  
 of Glimstick gave to me on agreement of the Dowry belonging to  
 in the Estate of my above said Deceased husband  
 Item I give to my Daughter Rachel Purdy and her three Sons Gilbert Purdy  
 Stephen Purdy and Joseph Purdy all the Bonds Notes or other Commands  
 which I have against any of them or their Deceased Husbands and  
 Father Thomas Purdy I also give them 12 Cows  
 Item I give to my Son William Ogden all Bonds Notes or other Commands  
 which I have against him  
 Item I give to my Grand Daughters Ann Burdick Marthon Ogden Susan  
 Ogden Susanah Hummer in the name of which Mary Ogden that is  
 Daughter of my Son John Ogden and my Daughter Susanah wife  
 Cath and Every one of them 2000 Dollars each and a small sum of  
 and all the rest of my household goods I give and order to be Equally  
 divided amongst my Mentioned Daughter and Grand Daughters  
 Except my five Slaves and trunks which I give to my  
 Grandson Stephen Purdy  
 Item I give to my Grandson Joseph Ogden son of my son John Ogden  
 Item I give to my Daughters Susanah Wilson and Rachel Purdy all my  
 Spreading Cloaths with half my best Linings Blankets and  
 Quapins and the other half of my best Linings Blankets and  
 Quapins order to be Equally divided amongst my five Grand Daughters  
 above named  
 Item I give to my Grandson Jonathan son of my son Jonathan Ogden my  
 great Bible  
 Item I constitute and appoint my trust friends Nathaniel Brundage and  
 Benjamin Smith Executors of this my will to fulfill and  
 perform Every Clause above written and I do hereby utterly Disavow  
 and Revoke Every other will and testament made by me before this  
 Date Relapsing and transferring this and all other to my last will and  
 testament  
 Signed Sealed Published and Declared by the said  
 Thomas Sutton before the presence of us the Subscribers  
 Mary Baker Susanah Sutton as last will and testament in  
 presence of  
 Nathaniel Brundage Susanah Sutton  
 Benjamin Smith

# Surrogate's Court



## Orange County

### Orange County Surrogate's Court

30 Park Place  
Goshen, NY 10924

Phone (845) 291-2193

Fax (845) 291-2196

email None

Hours M-F 9:00 am to 5:00 pm

Website [www.nycourts.gov/courts/9jd/orange/surrogates.shtml](http://www.nycourts.gov/courts/9jd/orange/surrogates.shtml)

Date Formed 1 November 1683  
County Seat Goshen  
Parent County Original

### Records on Microfilm at the Family History Library

Records	Indexes	Surrogates	1787-1941
Wills	1787-1901		
Letters Testamentary	1837-1901		
Orders for proof of wills	1868-1885		
Administrations	1787-1901		
Letters of Administration	1787-1901		
Guardianships	1823-1916		
Letters of Guardianship	1823-1906		
Orders Appointing Guardians	1865-1914		
Orders for Special Guardians	1868-1900		
Decrees	1831-1902		
Orders	1858-1904		
Minutes	1831-1870		
Miscellaneous Orders			
and Decrees	1869-1901		
Bonds	1890-1901		
Real estate	1828-1901		
Probate Packets	N/A		

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### Published Records and Indexes

Central New York Genealogical Society. *Tree Talks*. Syracuse, N.Y., 1961-.  
#FHL #NEHGS #NYPL #NYSL

Administrations 1787-1800  
32: 121-2; 33: 119-20; 34: 119-20; 35: 117-8; 36: 117-8;  
37: 115; 43: 115-6; 45: 111-2; 46: 111-2  
Guardianships 1802-1822  
37: 115-6; 38: 117-8; 39: 115-6; 40: 115-6; 42: 115-6;  
43: 115

Cowen, Minnie, comp. "Abstracts of Wills of Orange and Rockland Counties, New York, Volume 1" [1785-1814]. Typescript, 1937. #FHL #LOC #NEHGS

Heidgart, William. "Abstracts of Orange County, N.Y. Surrogate's Records — Located at Goshen, N.Y." [misc. 1829-1857] *Yesteryears: For the Appreciation and Study of New York State History* 24 (1980): 40-45. #FHL #NEHGS #NYPL  
Surrogates Records 1829-1857

Horton, Elizabeth. "Abstract of Wills, Orange County Surrogate's Office, Goshen, New York.," *New York DAR Genealogical Records Committee Report*, 1977.

MacCormick, Elizabeth Janet. "Abstracts of Wills, Orange County, New York, 1787-1813." Typescript, 1946. #FHL #LOC #NYSL

Minisink Chapter. "Abstract of Wills, Orange Count Surrogate's Office, Goshen, New York from June 27th, 1797 to December 31, 1830," *New York DAR Genealogical Records Committee Report*, series 1, volume 472 (1977). #DAR #NYPL

Orange County Genealogical Society. *Early Orange County Wills, 1731-1830*. 2 vols. Goshen, N.Y., 1991. #FHL #NYPL

———. *Orange County Genealogical Society Quarterly*. Goshen, N.Y., 1995-. #FHL

Wills 1780-1805  
13: (No. 1) 6, (No. 2) 14, (No. 3) 22; 14: (No. 1) 7, 15, (No. 3) 20, (No. 4) 30; 15: (No. 1) 6, (No. 2) 12, (No. 3) 18; 16: (No. 2) 12, (No. 3) 22, (No. 4) 30; 17: (No. 1) 5, (No. 2) 14, (No. 3) 21, (No. 28); 18: (No. 1) 5, (No. 2) 21, (No. 3) 21, (No. 4) 21; 19: (No. 1) 21, (No. 2) 14, (No. 3) 22, (No. 4) 31; 29: (No. 1) 8-9, (No. 2) 19-20, (No. 3) 31, (No. 4) 43-45; 30: (No. 1) 5-6, (No. 2) 19-20, (No. 3) 31, (No. 4) 40-41  
Administrations 1787-1820  
13: (No. 1) 7, (No. 2) 14, (No. 3) 22; 14: (No. 1) 7, 14, (No. 3) 20, (No. 4) 30; 15: (No. 1) 6, (No. 2) 13, (No. 3) 18; 16: (No. 1) 8, (No. 2) 5

120 New York State Probate Records

### Records on the Internet

#### New England Historic Genealogical Society

[www.AmericanAncestors.org](http://www.AmericanAncestors.org)

Abstracts of Wills, Administrations and Guardianships in NY State, 1787-1835 [database] (includes Orange County — but is incomplete some early wills and administration).

#### Sampubco

[www.Sampubco.com](http://www.Sampubco.com)

Orange County wills from 1787 to 1857 are indexed (in progress).

#### US Genweb Archives Project

[www.usgarchives.org](http://www.usgarchives.org)

Includes the Sampubco Testator Indexes and abstracts of some wills

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[Genealogical Guide to Monroe County, New York](#)

## Surrogate Court Records

The court that settles an estate after a person has died is called Surrogate Court in New York State. This court is called Probate Court in most other states. In Monroe County, the Surrogate Court records are available from the [Surrogate Court office](#) in room 541 on the fifth floor of the Hall of Justice in the County Civic Center (99 Exchange Blvd., Rochester, NY 14614). All index volumes and file packets have been moved to a private storage company. They have been replaced with many computer terminals. On the computers are indexes to all the records from 1821 to present. Also about 75% of the court files are also available to be viewed on the computers. You can email or download the entire file (as a PDF file) for a decedent to a USB flash drive. Sending the records via email may cause a problem with your email account as some of the files are very large. If there is a court file that is not yet on the computer, you can fill out a form and the office will have it scanned and make it available in a week or so.



*Entrance to Monroe County Civic Center*

The size of the original estate files vary greatly, some being a single sheet, while others are hundreds of pages. There is an estate file for a man that died in 1879 that is 454 pages and it probably is not the largest file. There are two kinds estate files. The first is a testate estate, that is an estate with a will. The second is called an intestate estate and that is an estate without a will. In either kind of estate, the most important document is usually the petition for probate. That document gives a list of all heirs, their relationship to the decedent, their residences and sometimes heir's ages. Others kinds of documents that may be found in estate files are; an inventory of personal property, administration papers and guardianship papers. Sometime about 1990 NY State started requiring a death certificate to be filed with each estate. Although a copy of a death certificate might not be available from the County Health Department, it may be included in with those recent estates.

On the [Monroe County Surrogate Court website](#) are indexes of decedents for the year of 2012 to 2018. Those indexes are by year and then alphabetical.

If writing to the Surrogate Court office, their price for researching a file is **\$90** per file plus charges for copies. That price is set by the New York State Court system. Instead of paying the outrageous fee, either go to the office in person or use a professional genealogical researcher to go there for you.

FamilySearch filmed indexes and some other record volumes in the Surrogate Court office in the early 1970s. Those [record volumes for Monroe County](#) are now online. The place to start is the five volumes labeled "General Index" and with a range of letters of the alphabet. Then you can see if there is an estate for the person you are looking for. Those indexes are not strictly alphabetical. The system used is to group names by the first three letters of the surname and then by the first letter of the given name. There are pages at the beginning of the index volume that shows the coding and tell which page a name would be on (see example on top of next page). Once you find a name in the index, write down the file number (year plus a number after that) and the book number and page. The column before the book number tells what kind of estate records it is. "Will" is an estate

[← BACK TO SEARCH RESULTS](#)

### Probate records, 1826-1912; index, 1821-1970 (Monroe County, New York)

Statement of Responsibility: Surrogate's Court, Monroe County, New York

Authors: [New York. Surrogate's Court \(Monroe County\)](#) (Main Author)  
[New York. County Court \(Monroe County\)](#) (Repository)

Format: Manuscript/Manuscript on Film

Language: English

Publication: Salt Lake City, Utah : Filmed by the Genealogical Society of Utah, 1970

Physical: 178 microfilm reels ; 35 mm.

#### Notes

**New York Probate Records are available online, click here.**

Microfilm of original records in the Monroe County Courthouse, Rochester, New York.

Some records do not match dates on film target boards.

Some information can not be read because of the tight binding.

Additional indexes found at beginning of volumes. To use these records: locate surname in the general index; the corresponding record index which lists all the records involved in the case. Library does not have all material listed in the indexes.

[View this catalog record in WorldCat for other possible copy locations](#)

#### Subjects

##### Locality Subjects

[United States, New York, Monroe - Probate records](#)

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#### Film/Digital Notes

Note	Location	Collection/Shelf	Film	Image G
Wills, v. 1 1829-1835	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004285	5116604
Wills, v. 2 1835-1841	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004286	5116605
Wills, v. 3 1841-1846	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004287	5116606
Wills, v. 4 1847-1851	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004288	5116607
Wills, v. 5 1851-1854	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004289	5116608
Wills, v. 6 1854-1857	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004290	5116609
Wills, v. 7, 14 Apr 1857-26 Sep 1859	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004291	5116610
Wills, v. 8, 3 Oct 1859-15 Jan 1862	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004292	5116611
Wills, v. 9 1862-1863	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004293	5116612
Wills, v. 10 1863-1865	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004294	5116613
Wills, v. 11 1865-1866	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004295	5116614
Wills, v. 12 1865-1867	<a href="#">Family History Library</a>	United States & Canada 2nd Floor Film	1004296	5116615

New York, U.S., Wills and Probate Records, 1659-1999

Otsego > Wills and Administrations, Book 0008-0009, 1846-1853

*will and testament and proofs are as follows that is to say -*

*Will*

★ I James Fenimore Cooper do declare and publish this to be my last will and testament. I give and bequeath to my wife Susan Augusta, all my property, now in possession, or to which I may have any claim now, or henceforth, whether real, personal or mixed, to be enjoyed by her, her heirs and assigns forever. I make my said wife the executrix of this my will signed, sealed, and published this 8th of November one thousand eight hundred and forty nine.

*J. Fenimore Cooper J.S.*

*I do declare that this was his will in each others presence  
her presence*



★ I Washington Irving of Sunny Side Westchester

County in the State of New York make this my last Will and Testament

I declare my general intentions to be to dispose of all my Estate so that it may be as far as possible kept together as a maintenance for my brother Ebenezer and his daughters who have been accustomed to live with me to enable them to live with the same degree of comfort and in the same respectable style



New York, U.S., Wills and Probate Records, 1659-1999

Westchester > Vol 41-42, 1859-1860

they have been accustomed to ~~and my brother~~ I make this disposition as a return for the early and brotherly affection shown to me by my brother Ebenezer when he a man of business with a growing family to provide for generously shared his worldly advantages with me at that time a mere literary idler who could yield him little and in his commercial concern and I make it also in consideration of the affection and cherishing care in sickness and in health I have ever experienced from his daughters who have indeed acted as daughters to me and for many years have rendered my home a happy one

First I give to my nephew Pierre Munro Irving who for a long time past has managed my pecuniary concerns and for a great part of the time gratuitously Five thousand dollars or in lieu thereof and in the hope that it will prove more to his profit and advantage the copy right of my life of Washington with the stereotype and electrotype plates which have been executed for the same and the plates engraved for its illustrations together with the painted copies of the work which may have been stricken off leaving him to do with the copy right types &c what he may think proper for his pecuniary benefit I bequeath to him also my letters and unpublished manuscripts

All the rest of my personal Estate I give to my brother Ebenezer for his life and on his death to his daughters then surviving him and unmarried

# QUESTIONS?

**Hire Research Services**

*[research@nehgs.org](mailto:research@nehgs.org)*

**Chat with a Genealogist**

*[AmericanAncestors.org/chat](https://AmericanAncestors.org/chat)*

The screenshot shows the top navigation bar of the AmericanAncestors website. The logo is on the left, followed by the tagline 'A National Center for Family History, Heritage & Culture'. On the right are links for 'Bookstore', 'About Us', and 'MY ACCOUNT'. Below the navigation bar is a menu with 'Search', 'Events', 'Join/Renew', 'Give', '10 Million Names', 'Publications', 'Expert Help', 'Tools', 'Projects', and 'Centers & Initiatives'. The main heading is 'Researching Upstate New York Ancestors'. The content area contains a thank-you message, a paragraph about the difficulty of finding New York ancestors, and a note that the course does not include New York City research. It also includes a 'JOIN THE LIVE BROADCAST' section with a Zoom link and broadcast schedule.

AmericanAncestors. *A National Center for Family History, Heritage & Culture* Bookstore About Us MY ACCOUNT

Search Events Join/Renew Give 10 Million Names Publications Expert Help Tools Projects Centers & Initiatives

## Researching Upstate New York Ancestors

Thank you for registering for the online seminar, Researching Upstate New York Ancestors!

Finding information about New York ancestors can be tricky. A fire in 1911 at the State Library and the fact that statewide registration of vital records did not start until 1880 only adds to the difficulty. From the colonial period through the 19th and early 20th centuries, this online course will guide you through the maze of genealogical pitfalls, and to the bright spots in New York research. Our New York experts will discuss the settlement of New York and early migrations, vital records and substitutes, land and probate records, the state census, and more. NOTE: This course does NOT include New York City research or resources.

*This course includes five 90-minute classes and exclusive access to handouts and recordings of each presentation. These recordings and all course materials will be available for the foreseeable future.*

### JOIN THE LIVE BROADCAST

Click here to join the live broadcasts: <https://zoom.us/j/96268267376>

Thursdays, July 31, August 7, 14, 21, and 28, 6:00-7:30 p.m. Eastern Time

*If you are unable to attend the live sessions, you will be able to view a recording on this course page.*

[AmericanAncestors.org/researching-upstate-new-york-ancestors](https://AmericanAncestors.org/researching-upstate-new-york-ancestors)



**THANK YOU!**

AmericanAncestors.org



NEW ENGLAND HISTORIC  
GENEALOGICAL SOCIETY

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