



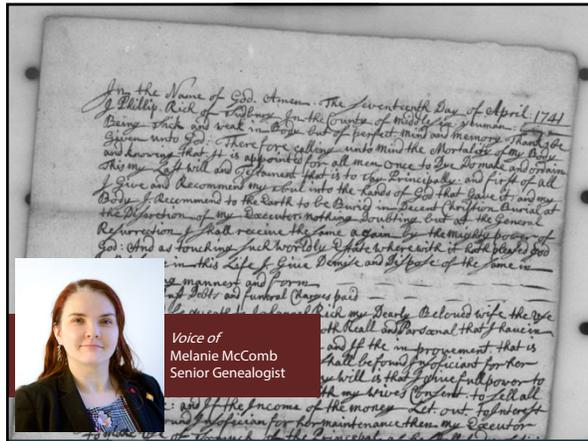
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What is a Probate Record?

- Court process that disposes of a deceased person's estate
- Describes how an estate will be distributed
- Names who will administer the estate
- Contains a list of property/possessions owned by the deceased

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Why Use Probate Records?

- Provide an approximate death date for the deceased
- Verify family relationships
 - Married daughters may be listed with their husband's surname
- Wills and inventories offer a glimpse into the personal belongings of an ancestor and how they were distributed
- Context of an ancestor's life

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Challenges of Probate Records

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

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Common Terms

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

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Common Probate Terms Cont'd

- **Testator / Testatrix:** an individual leaving a will
- **Executor / Executrix:** a person with the responsibility of having a will proved and acting on its conditions

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Common Terms Cont'd

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

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Contents of a Testate Probate Case

- Will
- Codicil
- Letters of testamentary
- Inventory

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Specialized Probate Court Names

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

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Wills and Codicils

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Wills

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

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Wills Cont'd

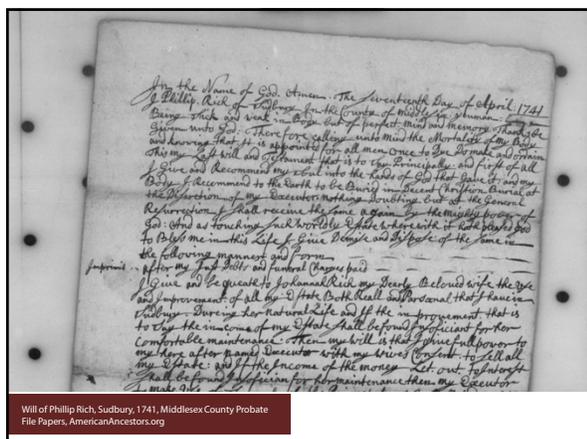
- Wills can include the following:
 - Names of children (and their spouses)
 - Name of spouse
 - Names of grandchildren, nieces/nephews
 - Names of servants
 - Names of enslaved individuals

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Probate Boilerplate

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

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Types of Wills

- Attested Will
- Holographic Will
- Nuncupative Will

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Attested Will

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

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Holographic Will

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

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Nuncupative Will

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

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Why isn't someone mentioned in a will?

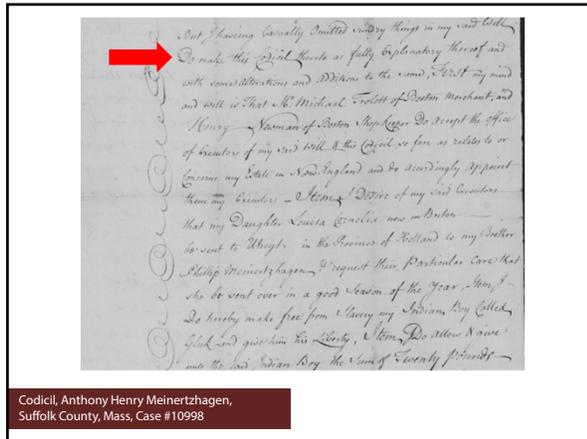
- Deceased
- Moved away
- Already received their inheritance
- Not yet born/considered a minor when the will was written
- Estrangement

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Codicils

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

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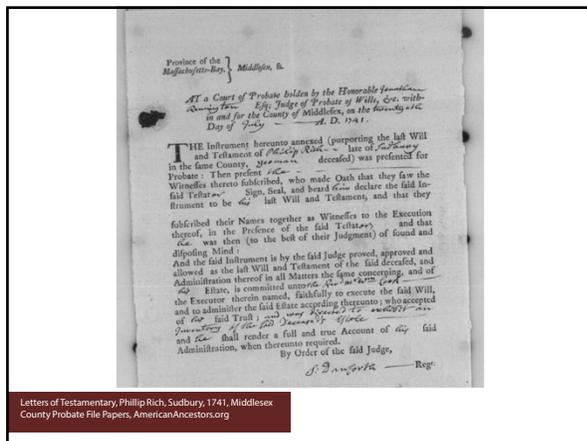
Codicil, Anthony Henry Meinertzhagen, Suffolk County, Mass, Case #10998

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Letters of Testamentary

- Issued by the court
- Exists if a person left a will
- Allows the executor to take control of the deceased's estate and distribute it according to the will

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Letters of Testamentary, Phillip Rich, Sudbury, 1741, Middlesex County Probate File Papers, AmericanAncestors.org

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How was a will proved valid?

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

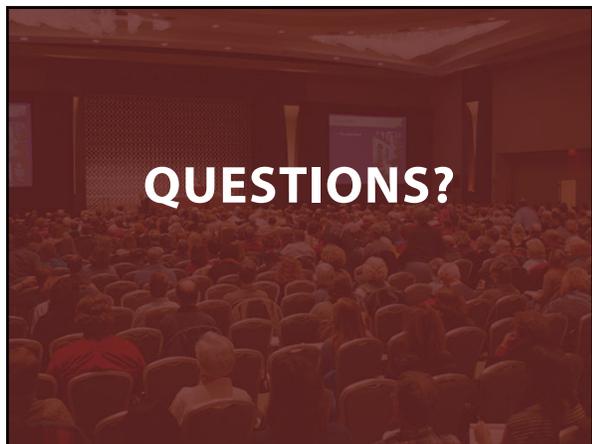
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Next Steps

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

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QUESTIONS?



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Locating Wills

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Where to find United States Probate Records?

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

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Identifying when a Probate District/County was Formed

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The screenshot shows the CT State Library website. At the top, there is a navigation menu with links for ABOUT, DEPARTMENTS, COLLECTIONS, RESEARCH, NEWS, CONTACT, and SEARCH THIS SITE. Below the menu, a notice states: "The Connecticut State Library will be closed Monday, October 13, 2025 for the state holiday." The main content area is titled "Probate Districts by Town" and features a sidebar with a list of towns: Andover, Bethel, Bethlehem, Brookfield, Bushy Park, Canton, Cheshire, Colton, Danbury, East Haddam, East Lyme, Farmington, Franklin, Haddam, Hamden, Killingworth, Lebanon, Meriden, Middletown, and Naugatuck. The "East Lyme, Farmington" option is selected. The main content area displays "East Lyme, Farmington" and "East Lyme, New London County". It includes a "Probate overview" section with a paragraph of text and a "Town of East Lyme probate chronology" section with a bulleted list of dates: 1868-1881, 1881-1901, 1901-1911, 1911-1921, 1921-1931, 1931-1941, 1941-1951, 1951-1961, 1961-1971, 1971-1981, 1981-1991, 1991-2001, 2001-2011, 2011-2021, 2021-2031, 2031-2041, 2041-2051.

libguides.ctstatelibrary.org/ProbateDistrictsByTown

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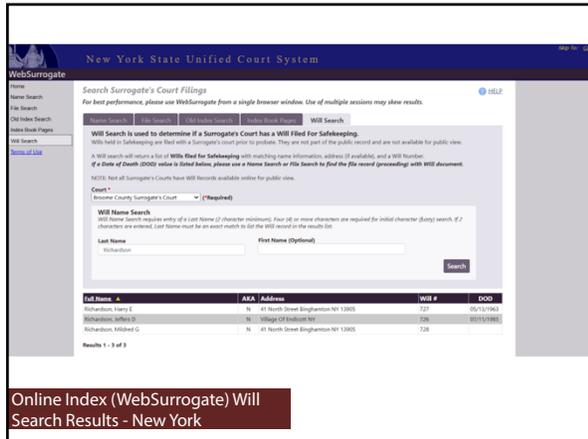
Probate Indexes

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Probate Index Options

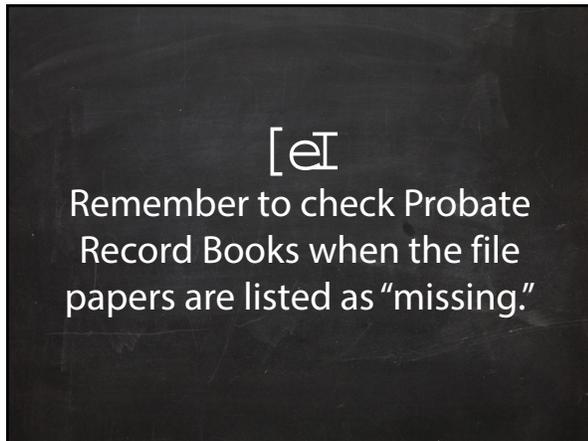
- Card Index
- Index within volume
- Published Index
- Website with images
- Online index
- Not Indexed?

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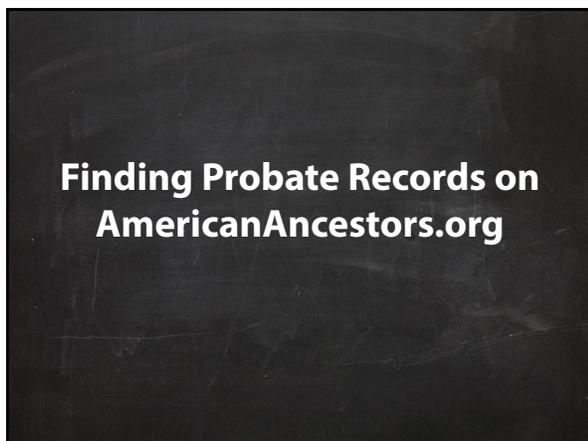


Online Index (WebSurrogate) Will Search Results - New York

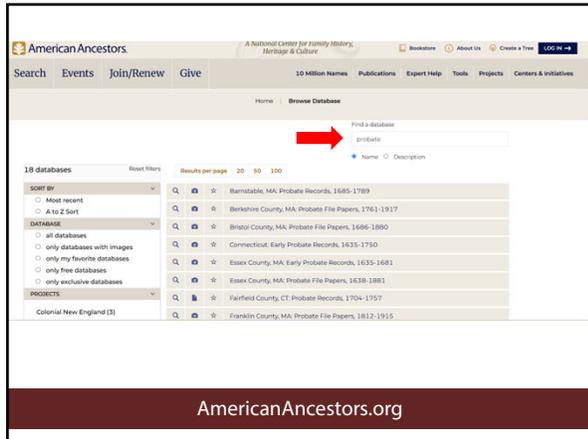
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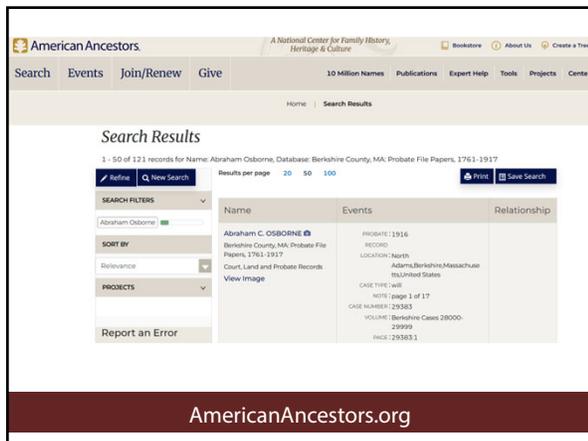
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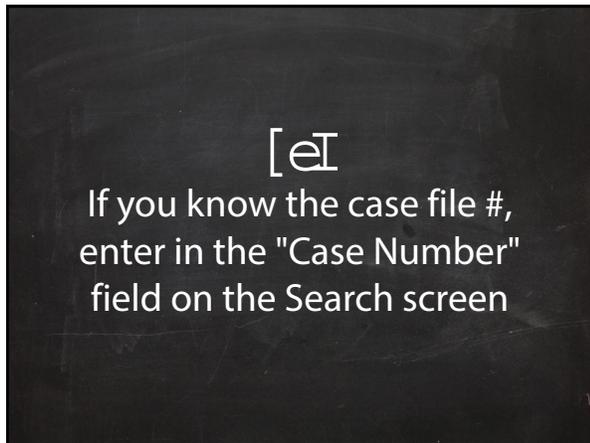
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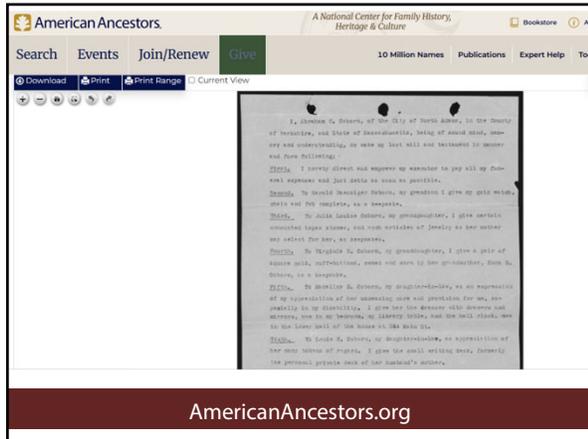
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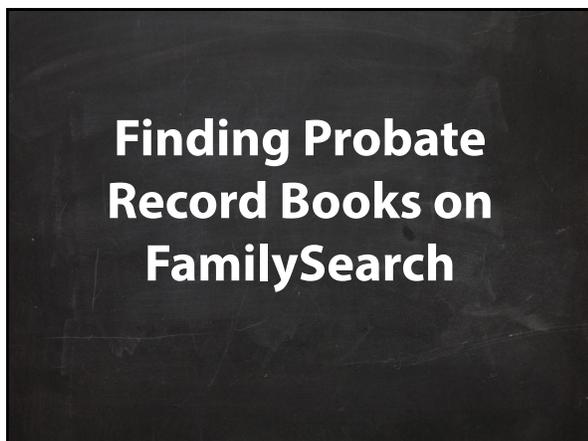
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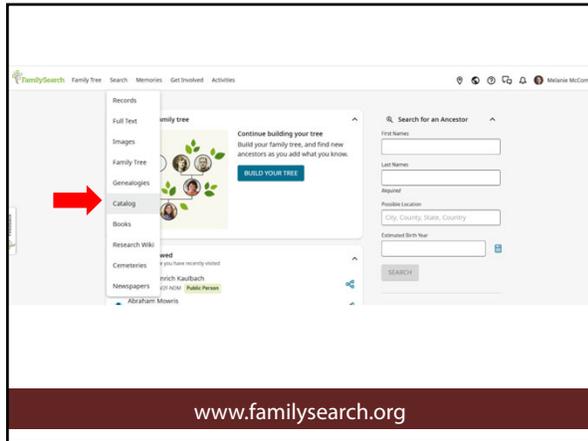
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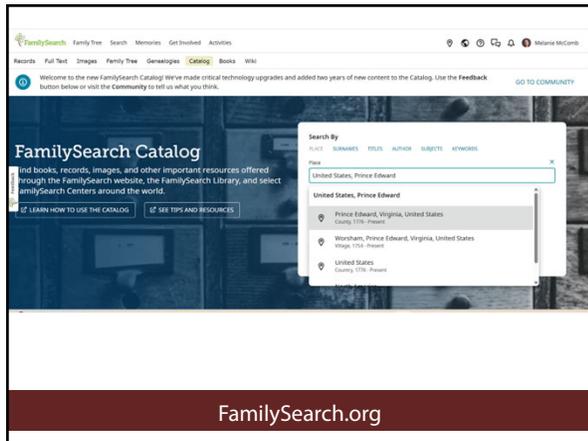
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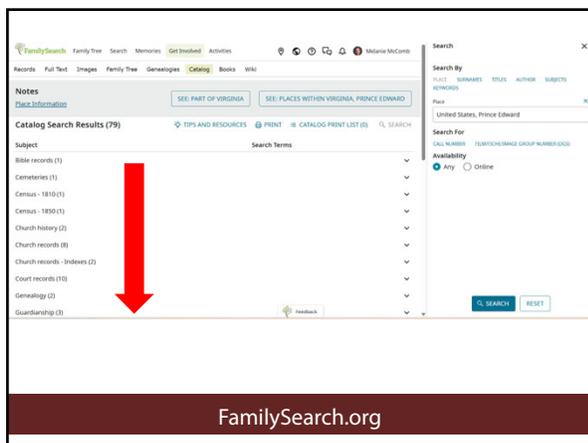
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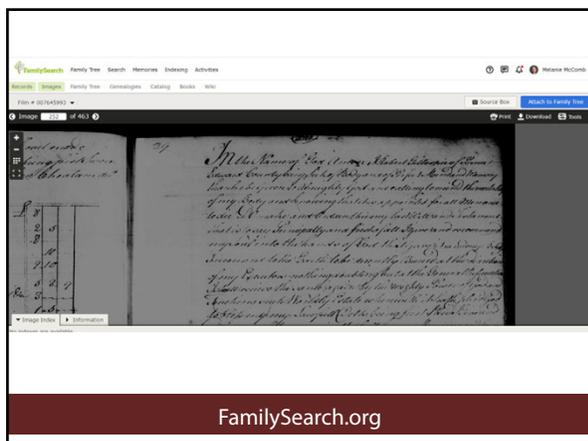
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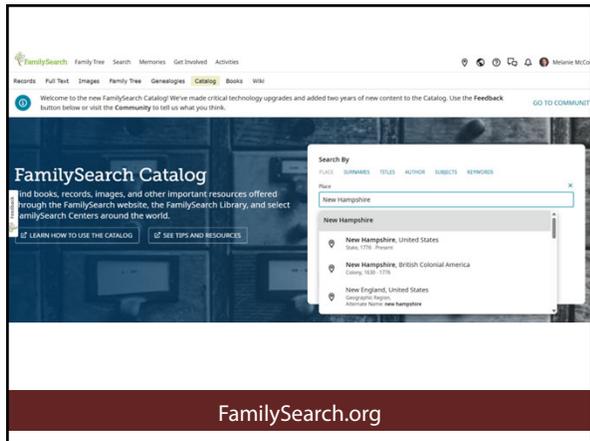
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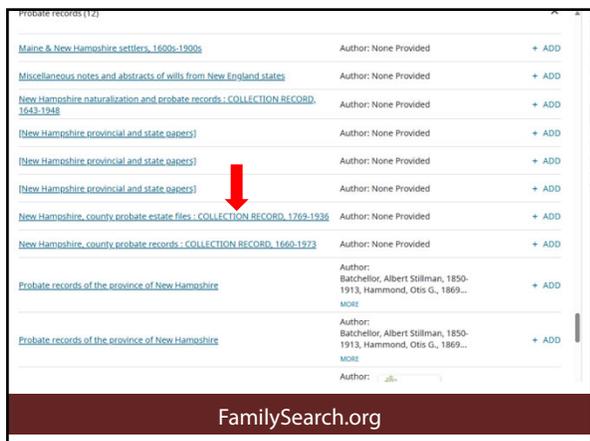
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Finding Probate File Papers on FamilySearch

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New Hampshire, county probate estate files : COLLECTION RECORD, 1769-1936 [ADD TO PRINT LIST](#)

Format: Manuscript
 Language: English
 Publication Date: 2012
 Publisher: Digitized by FamilySearch International
 Place of Publication: Salt Lake City, Utah

Microfilm Records in this Collection
 (Film Collection) [Estate papers, old series, 1771-1869 / New Hampshire, Probate Court \(Rockingham County\)](#)
 (Film Collection) [Probate estate files, 1769-1885 / New Hampshire, Probate Court \(Cheshire County\)](#)
 (Film Collection) [Probate packets, 1885-1931; estate index, 1885-1992 / New Hampshire, Probate Court \(Cass County\)](#)
 (Film Collection) [Probate papers, 1845-1938; index to probate papers, 1849-1999 / New Hampshire, Probate Court \(Carroll County\)](#)

Notes
 New Hampshire, County Probate Estate Files are available online, [click here](#)
 County probate estate files for Carroll, Cheshire, Coos, and Rockingham counties. This collection is being published as images become available.

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New Hampshire, County Probate Estate Files, 1769-1936
 County probate estate files for Carroll, Cheshire, Coos, and Rockingham counties. This collection is being published as images become available.

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Cite This Collection
 "New Hampshire, County Probate Estate Files, 1769-1936." Images. FamilySearch. https://familysearch.org/ : 14 June 2024. County courthouses, offices of register of probate, and historical societies, New Hampshire.
 COPY CITATION

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FamilySearch Family Tree Search Memories Get Involved Activities

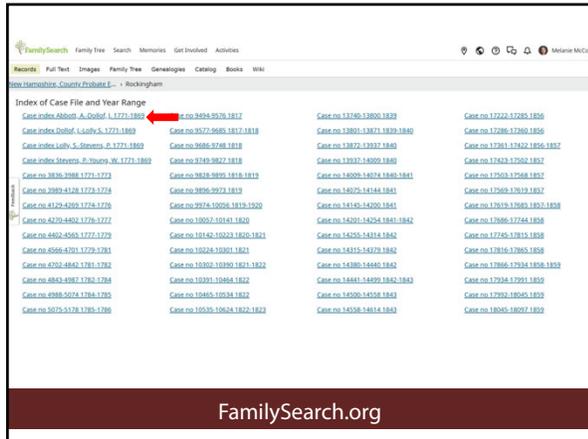
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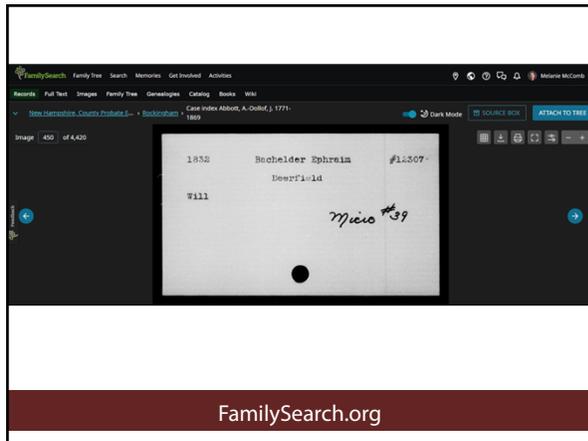
County
[Carroll](#) [Cheshire](#) [Coos](#) [Rockingham](#)

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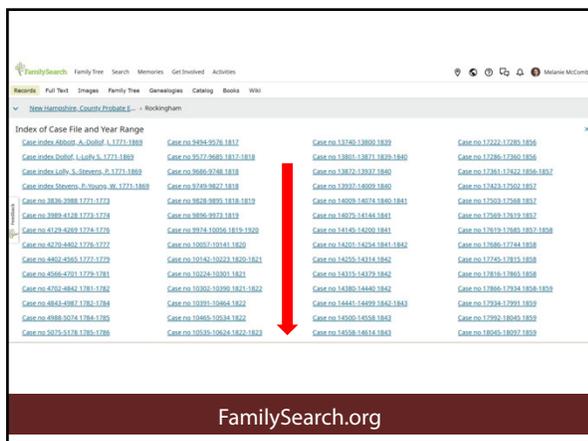
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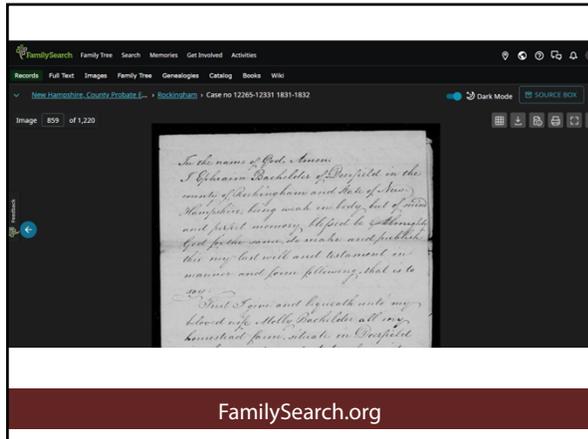


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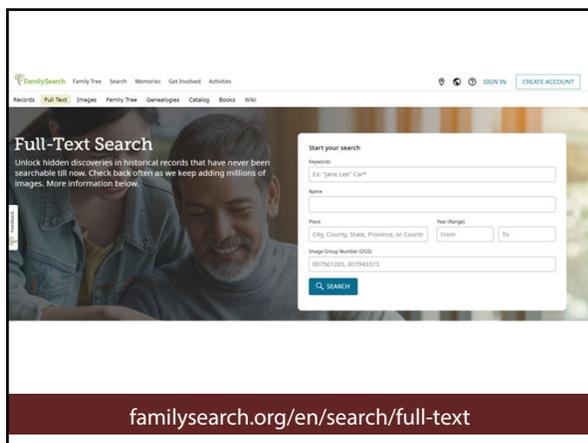




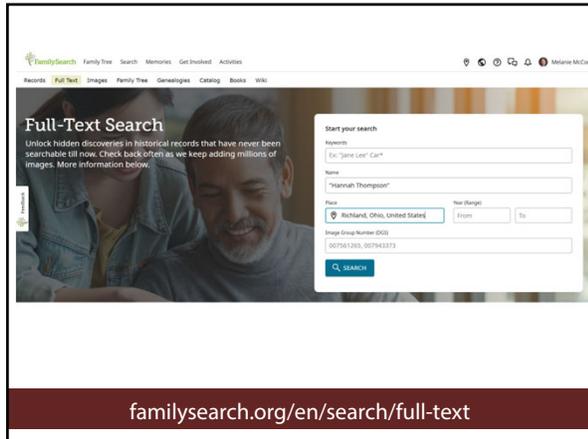
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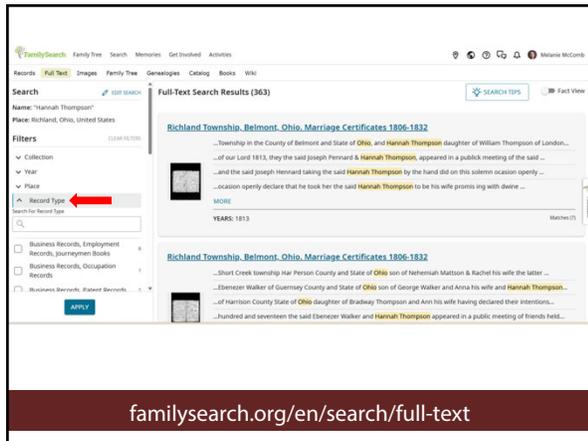
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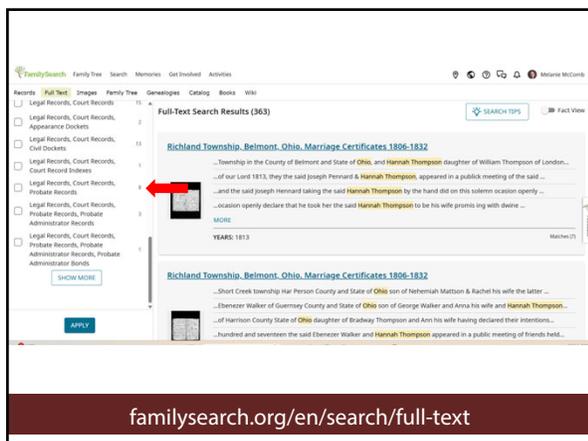
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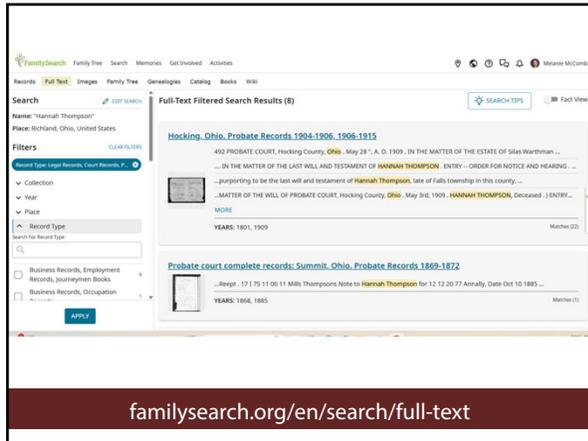
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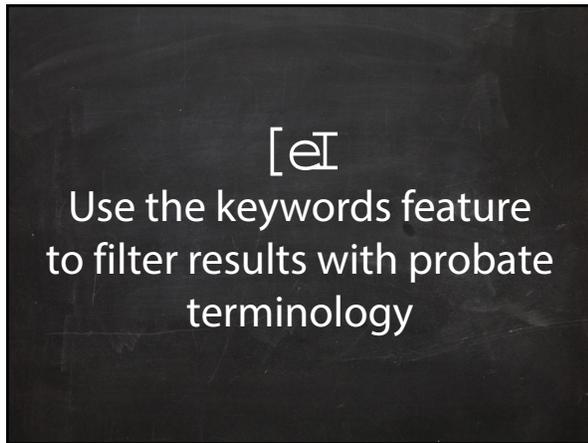
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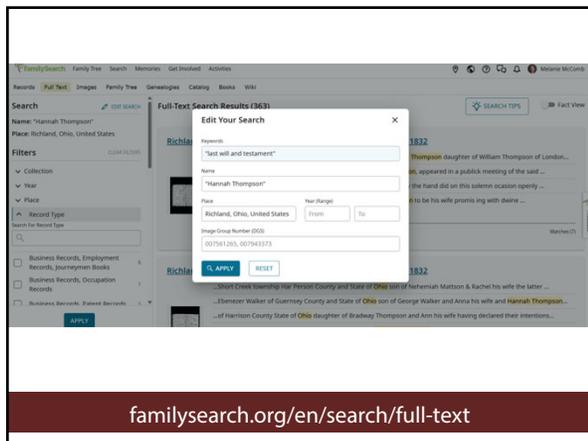
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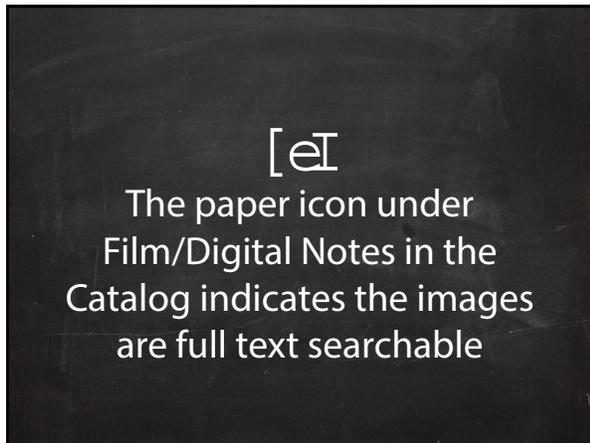
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| Note | Location | Collection/Shelf | Film | Image Group Number (DGS) | Format |
|---|---|-----------------------------|----------------------|--------------------------|--------|
| General index to wills and fiduciary accounts, 1844-1915 (p. 1-405, general index of reports) (indexes will books, v. 9-16) -- General index to wills and fiduciary accounts, 1844-1915 (p. 401-506, general index of inventories, appraisements and accounts of sales) (indexes will books, v. 9-16) | Granite Mountain Record Vault | United States & Canada Film | 2070191 Items 3-4 | 7644209 | |
| General index to wills, surnames A-Z, 1754-1915 (indexes will books, v. 1-16) (p. 233 has a few entries from v. 19, 1937) | Granite Mountain Record Vault | United States & Canada Film | 33216 Item 1 | 7645993 | |
| Will book, v. 1, 1754-1785 (p. 1-360) and bonds 1754-1783 (1784) (p. 361-642) | Granite Mountain Record Vault | United States & Canada Film | 33216 Item 2 | 7645993 | |
| Another filming of will book, v. 1, 1754-1785, and bonds, 1754-1784. | Granite Mountain Record Vault | United States & Canada Film | 2070189 Items 5-6 | 7644207 | |
| General index to devises and heirs, surnames H, L, 1974-1984 (indexes v. 27-33) -- General index to devises and heirs, surnames M-E, 1974-1984 (indexes v. 27-33) -- General index to devises and heirs, surnames S-Z, 1974-1984 (indexes v. 27-33) | Granite Mountain Record Vault | United States & Canada Film | 2070189 Items 1-3 | 7644207 | |
| Will book, v. 2, 1785-1795 -- Will book, v. 3, 1795-1807. | Granite Mountain Record Vault | United States & Canada Film | 33217 | 7645994 | |

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Full-Text Search Results (411)

| |
|---|
| <p>Will Book 3 with inventories and accounts, 1795-1807, Prince Edward County, Vir--</p> <p>189 1 Wheel Five of Furnel 8 Bushels Wheat 2 13 4 1 Cutting Box ... 18 1 Iron Kettle 5 Set 1 10 1 Jug 2 Spring Wheels ... 15 1 Iron Hoop if can 1 Waringing Frame 1 Side sale Leather 12 1 Coffboard 10 3 Small Casks 1 Cow Hide ... 12 5 Barrels, 1 Churn & 1 Cold Beer pans 1 13 1 1008 19 2 Butter Cop ... 4 John Booker 1 Stands Bees Jesse Watson Josiah Watson 5 Th...</p> <p>MORE</p> |
| <p>Will Book 2 with inventories and accounts, 1795-1795, Prince Edward County, Vir--</p> <p>11 Will and Testament, whether he was of disposing mind and memory, and whether they subscribed their names thereto in his presence and at his request, and thereof you plainly and distinctly Certify our Justice of our Court Prince Edward County in the State of Virginia aforesaid in such manner as Acts of assentation are usually certified by you reviewed to the justices of sa...</p> <p>MORE</p> |
| <p>Will Book 3 with inventories and accounts, 1795-1807, Prince Edward County, Vir--</p> <p>155 such Key up full books Rack & 18 Lying pan of 1 Wash T. Hill & pignin 4 Ruchels be heat court out 29 filter of Lash No Mill & Crocklow Wheel - 1 19 Frow of knives & forks 4 4 Oils 1400 dat</p> |

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Review

1. Don't limit yourself to just looking for a will. Intestate probate records are valuable for proving relationships within a family.
2. Estate papers should be sought out as they include the original records from the probate process.
3. Probate records can be used to rebuild the story of an ancestor and lead you to additional records.

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QUESTIONS?

Schedule a consultation
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Consultations

Book a one-on-one consultation with a genealogist and receive help with your family history research!

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