

GENEALOGY
PROFESSOR

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Probate records are one of the most valuable resources available for genealogists. They can include occupations, vital records information, relationship identification, land ownership, personal property ownership, and more. But it is important to understand exactly how the probate process works in order to get the most information from the records.

Probate Law

Administration of estates is handled on the state, not the federal level. Laws and jurisdictions vary from state to state. Estates are administered at the county/parish or district level in all but one state. In Rhode Island, probate records are kept on the town level. Initially maintained by the board of selectmen, most towns now have a probate court.

It is critically important to understand the laws of the time and place in which you are researching to ensure you find all possible records. Some of the items for which you must look include:

- Who is responsible for registering probate?
- What records are required to be kept?
- What are the laws for distribution of intestate estates?
- What are the penalties for failing to prove a will or administer the estate?
- What are the laws for widow's rights?
- How are insolvent estates handled?

Probate Records

Often there are two sets of records:

- Original probate or estate files (called docket)
- Copy books (or docket books).

Only the files contain original signatures. The copy books are simply duplicates of the originals. Copy books do not necessarily contain all of the information included in the original files. Major parts of the administration of the estate include:

Administration

- Administrators are often a spouse or child, sometimes another relative
- Administrators are appointed whether there is a will (testate) or not (intestate)

Administrator's Accounting

- Enumerates distribution of items.
- Receipts for property may contain additional information about the heirs.

Bonds

- Administrators, guardians, and others involved in the distribution of the estate were required to post bond to guarantee their work.
- May note the relationship of the person being bonded to the deceased.

Estate Inventories

- Committees were appointed to inventory the estate of the deceased
- Often contained at least one relative, but relationship to the deceased was not a requirement, and they may have just been neighbors.
- Checking the value of an estate inventory against other inventories show the level/quality of life for your ancestor vs. his/her neighbors.

Guardianships

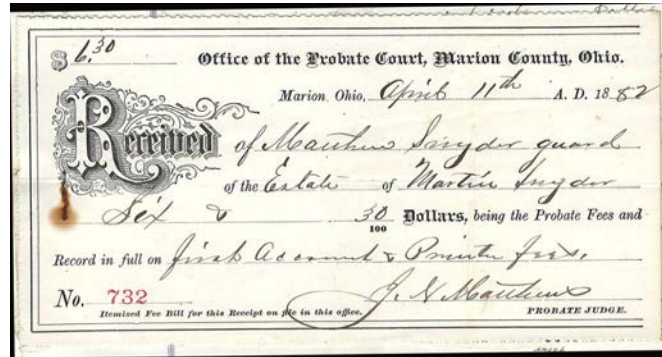
- List minor children of the deceased.
- Guardians can document other familial relationships, such as parents, grandparents, parents' siblings, children, etc.

Among the various things in the personal estate of Jonathan Miller late of Sterling deceased the old appraisal

1 Horse	17-0	20-0-0
2 Cows	12-0	13-0-0
7 sheep & lambs	6-0	6-10
83 lb of cheese of 62 pen of	2-1-6	
1 feather bed under bed bed sted bed cord 1 pair of cotton & linnen sheets & bed quilt bolster		7-10-0
2 pillow bears & 2 pillows head sheet & vallance		1-13-0
1 bed quilt & coverlet		2-10-0
6 pair of sheets		1-18-0
3 Cotton & linnen shute		1-0-8
6 pair of pillow cases		1-0-0
7 table cloths		0-3-6
1 skillett 1/2 one spider of		0-11-0
1 pair of one iron kettle of		1-12-0
1 Room 2 of 22 new pails & a chum 12		0-10-6
13 milk pans 10/6 4/1 foot wheel of		0-10-0
1 butter tub 2/1 1/2 butter tub of 1/1 large tong of		1-5-6
2 pewter platters of plates 6 Basins 13 spoons		0-9-0
1 Egg of hains & fork		3-0-0
1 hog 2/1 & pig of		2-2-0
10 geese 3/1 & 1 great Chair 6/8 & 1 old chair of		1-0-0
1 iron pot of 3/1 3/1 & hams of 1/1 & 1 great wheel of		0-10-0
1 old table of 1/1 & 1 pair of tong of		0-7-6
1 iron crane 1/1 & 1/1		0-1-10
1 coffee pot 7/8 & 1 commister 1/2		0-16-6
1 coat of 1/6 & 1 square table 1/1 of		0-2-8
1 third of two bushel of linn		0-10-0
1 third of the bush		0-7-3
1 third of the old iron		2-7-6
		67-17-5

Wills

- List the heirs of the estate
- Name an executor, often a spouse, child, or other relative
- Distribute the real and personal property estate within the limits of the law



Records Outside the Probate Court

- Appellate Courts
- State Courts
- Federal Courts
- Land Registries
- Military Records
- Newspapers
- More . . .

To all to whom these Presents shall come, whereas I
Jesse Perkins jun^r administrator upon the estate of *Harbard*
Perkins late of Bridgewater in the County of Plymouth, Yeoman
 deceased, by an order of the Circuit Court of Common Pleas for
 the said County of Plymouth which was holden at Plymouth
 on the third Sunday of November A.D. 1817 was licensed
 to make sale of the real estate of said deceased, so far as
 will produce the sum of six hundred & seventy Dollars for
 the payment of his just debts by him owing at the time of
 his death, & for incidental charges. Therefore know ye that
 I the said *Jesse Perkins* jun^r administrator as aforesaid as well
 as my co-administrators do hereby certify to me given as aforesaid as
 authority to me given as aforesaid as
 of Fifty three Dollars & fifty cents

Form No. 145 DEPARTMENT OF COMMERCE Shipping Service

Port of Boston, Mass. January 3, 1934

The Honorable District Court, District of Mass.

Sir: In accordance with sections 4543 and 4504 RS. there is turned over to you herewith the following wages and effects of deceased and deserting seamen:

Date Rec'd.	Vessel	Received from	Name of Seaman	Dec'd. or Deserting	Amount
12/27	SS Sane Christiansen	J. E. Wilman, Master	Pete Gladson	Deceased	

S. L. No. 1792

WE the Subscribers hereby give notice, that the further time of three months is allowed (by the Hon. Judge of Probate for the County of Berkshire,) to the Creditors of the Estate of **HEZEKIAH BOUGHTON**, late of Stockbridge, deceased, to exhibit their demands against said Estate—and that we shall attend the business of receiving and examining them, at the House of **DANIEL PERDON**, Inhabitant, in said Stockbridge, on the 1st Tuesday of October, 1st and November, and December next, from two till five o'clock on each of said days.

RY W. DWIGHT,
W. L. PERDON,
W. S. FASHMUN,
 Commissioners,
 7, 1793.

Legal Notices.

COMMONWEALTH OF MASSACHUSETTS, Middlesex, ss. PROBATE COURT. To the heirs at law, next of kin, and all other persons interested in the estate of **MARY E. ROBERTS**, late of Newton, in said County, deceased. Whereas, a certain instrument purporting to be the last will and testament of said deceased has been presented to said Court for Probate, by **AARON BROOKS**, who prays Executor therein named, and that he may be exempt from giving a surety or sureties on his bond, pursuant to said will and statute: You are hereby cited to appear at a Probate Court, to be held at Cambridge in said County of Middlesex, on the first TUESDAY of June next, at nine o'clock, before noon, in said case, if any you have, against the same. And said petitioner is hereby directed to give notice thereof by publishing this citation, once a week, for three successive weeks, in the newspaper published the Boston Evening Transcript, printed at Boston, the last publication to be two days at least before said Court. Witness, **GEORGE M. BILBOCK**, Judge of said Court, this fifteenth day of May, in the year one thousand eight hundred and ninety-my 16 1893 S. H. FOLSOM, Asst. Register.

Bibliography

The following sources may be helpful in understanding probate in general, and for various jurisdictions.

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