

Wills and probate records

Probate Records

What you can find: Names of wife and children, ages, dates, other relatives, death date, where died, family relationships, possibly occupation, residences, adoption or guardianship of minors.

In US 25% of heads of households in some kind of probate records before 1900 whether they left a will or not.

Terms

Intestate: left no will

Testate: will

Testatee- inheritor

Administrator- person that was in charge of making sure will was followed.

Usually a relative or close friend. Bonds had to be posted by the administrator who had to pay a fee if he didn't do his job. 1 or more people were required to consign bond and that was usually family members or friends.

Proved: date will was put into effect

Look for 4 kinds of records.

Wills themselves

Administrations:

Distribution and settlement: - lists beneficiaries of money or property (best in intestate cases)

Codicil- Witnessed addition to will –

You will need to look in different books or microfilms to find different records as they will all be different dates

Search all probate records in all localities where they resided or had property. Be sure to fill out a research log so you don't relook films already searched.

Courts to look in and order.

Orphan courts

District

County

Colonial

State

Supreme

Superior

Things to look for:

Name changes of daughters. Many married between when the will was written and when it was proved.

When two executors are named in a will, one is usually the relative of the testator and the other a relative of the spouse.

Bondsmen are usually relatives who were willing to stand risk- and who have some leverage over the person they guarantee. If the wife is the executrix, the bondsman will usually be her relative. If her maiden name is unknown, look carefully at the names of the bondsmen.

Guardians were usually relatives who have no potential interest in the estate. – use to identify missing surnames.

Second marriages of widows are most frequently documented among probate and guardianship records, as their new husbands assume responsibilities of the state.

The oldest son is frequently not mentioned because the real property descended to him automatically. Children who already received their shares were also frequently omitted.

These children would be listed in a family account book.

Some old newspapers have published probate notices. Give you a time frame and often an administrator

Best new place for Probate is familysearch.org

Go to search

Browse all published collections (Below or to the side of the search bars

The state you are interested in

Click on the collection you wish to browse and click again. These are organized County, by year or by last name.

If Indexes are available, be sure to look at them first- these are most often organized by surname.

SOME COURT TERMS AND THEIR DEFINITIONS

ADMINISTRATOR-----	The one legally authorized to settle or manage an estate.
ADMINISTRATRIX-----	Female administrator.
ALIEN-----	To transfer property.
APPRAISER-----	Specifically one vested with authority to determine the value of property.
CODICIL-----	An instrument made subsequently to a will and modifies it in some respect. Can add provisions and update.
COEXECUTOR-----	A joint executor.
CURATOR-----	(1) A person appointed temporarily, such as a sheriff or other public officer, until the administrator of the estate is named. (2) A guardian appointed for minors or others past the age of pupillarity (generally fourteen years for males and twelve for females.)
DEVISE-----	To give by will, especially real estate.
DEVISEE-----	Person who receives land or other property by will.
DEVISOR-----	Testator, one who wills to another.
DOWER-----	That portion of, or interest in, the real estate of a deceased husband which the law gives for life to the widow.
(dower right)	
EXECUTOR-----	Person (or persons) appointed or named in a will to administer the testator's will.
(Executrix)	
ENDOW-----	To furnish with money or its equivalent as a permanent fund for support.
ET ALL-----	And others.
ET UXOR-----	And wife.
(et ux)	
FEE-----	An estate of inheritance in land.
FEE SIMPLE-----	A fee without limitation to any class of heirs or restriction on alienation.
FEE TAIL-----	An estate of inheritance limited to a class of heirs.
HEIR-----	Any person inheriting any property of a deceased person.
IMPRIMUS-----	In the first place.
IMPUTE-----	To impose as a charge.
INTESTATE-----	Without having made a valid will.
INVENTORY-----	A catalog or account of the whole of an estate and its worth.
LEGATEE-----	One to whom a legacy is bequeathed.
NOLLE PROSEQUI-----	An entry on the record denoting that the prosecutor or plaintiff will proceed no further in his action or suit, either as a whole, or as to some count.
NON PROSEQUITOR-----	A judgement against the plaintiff in a suit where he does not appear to prosecute.
(non pros)	
NUNCUPATIVE-----	Oral; not written.
PROBATE-----	Act or process proving the last will.
OBIT SINE-----	Dead without issue.
TESTATE ESTATE-----	Estate which is disposed of by will.
TESTATOR-----	Person who died leaving a will.
TRUSTEE-----	Person to whom property is vested in trust for others.

Extracted from: POLISH FAMILY RESEARCH, by J. Konrad.