

Becoming a Probate Detective:

Rejoicing in the Probate Files of Our Ancestors

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Probate

“A court process that deals with the disposition of the estate of a deceased person.”

(<http://www.americanancestors.org>)

Much can be found in the probate files of our ancestors including:

Parent-child information

Death dates

Maiden Names of Females

Land Ownership

Location of Family Members

Married Names of Daughters

Ages of Family Members

Socio-economic Status

Religious Affiliation

Military Service

Signatures

The Will: Who are the People in the Will?

Widow

A widow's dower was the 1/3 of the husband's estate the widow was entitled to. The husband could leave her more, but no less than 1/3. This is different from dowry - what a woman brings to the marriage. Usually the widow received her share before the creditors, except in Pennsylvania where creditors were paid first. (Know the law)

Guardian

If a man died with minor* children (under the age of fourteen) a guardian(s) would be chosen for them. This was even if the wife was still living. Children over fourteen could chose their own guardian. The guardian's role was to safeguard the interests in the estate for the child/children named in the will. (*legal adulthood: males 21y and females 18y)

Guardians were required to submit yearly documentation to the court for any amounts received and spent on the children in their care. In the paper trail left behind you may find the location for the children, ages of the children, dates they come of age, death or marriage dates, any illnesses, and schools attended.

Executor/Executrix/Administrators

Proving of the will - the administrator or executor/executrix had to convince the court that the will was signed and dated by the deceased in front of witnesses.

Appraisers

Role of the appraisers was to value the property of the deceased to be sold at the estate sale.

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1

Witnesses

The role of the witnesses was to witness the signing and dating of the will by the person whose will it was.

Heirs

Those named in the will receiving something from the deceased.

Potential will problems

All children are not named

No spouse's name

Relationship of person's cannot be determined

Wife and children are not related

Nicknames

Legal terms

No will

Can't locate the will

Spelling/handwriting

Steps in the Creation: The Probate File is born

Petition

Proving

Posting a Bond

Inventory

Carrying Out Provisions

Resulting Documents Contained Within the Probate File*

Will

Account Papers

Guardianship Papers

Inventory

Letters of Administration

Letters of Testamentary

Relinquish of Rights by the Widow

*This list is not inclusive and all probate files will not contain all documents listed

What is the Process?

1. File a petition (clue - this was usually done by a family member, perhaps a spouse, sibling, father-in-law, or a grown child of the deceased.)
2. Proving of the will (clue - Pay attention to whom the executor and administrators were. They can be from the deceased's family or their spouse's family.)
3. Post a bond (clue -Bondsmen were likely members of the family. If the widow was an executrix, they may be members of her family.)
4. Take an inventory (clue - From the inventory you might gather information such as: literacy, religious affiliation, identity of slaves, what was important to the deceased, household goods, level of wealth, occupation. Clue - Be sure to look at the list of persons who bought at the estate sale.)
5. Provisions of the will can be carried out (clue - the will can be contested by a person who is not happy with the provisions. Look for a notation that it was contested and where the paperwork is located. Know the law - some states won't record a contested will.)

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2

Probate Files: Where are they kept?

Online- digital files

Familysearch.org

Try searching the familysearch wiki (found on the toolbar on Familysearch.org's home page). The wiki will help you locate the probate records for the area you're researching.

Ancestry.com

Ancestry.com's wiki, Redbook and The Source: A Guide Book of American Genealogy, can help you in locating more information regarding probate files.

Try the card catalog at Ancestry.com to narrow down your search for their digital probate files.

Searching for original records:

Courthouses

Historical Societies

Archives

City Hall

*This list is not inclusive

Helpful Resources

➤ Mills, Elizabeth Shown, "Analyzing Wills for Useful Clues," OnBoard 1 (May 1995): 16.

<http://www.bcgcertification.org/skillbuilders/skbl955.html>

➤ Hoffman Marsha, The Family Tree Problem Solver: Tried and True Tactics for Tracking Elusive Ancestors, pp89-109.

➤ "Using New England Probate Records," American Ancestors (NEHGS)

[Youtube.com/watch?v=aecQ5tzGCFw](https://www.youtube.com/watch?v=aecQ5tzGCFw)

➤ Probate Records by State at Familysearch.org "United States Probate Records"

[/wiki/en/United_States_Probate_Records](https://www.familysearch.org/wiki/en/United_States_Probate_Records)

➤ Greenwood, Val D., The Researcher's Guide to American Genealogy, 3rd ed.,

➤ Szucs, Loretto Dennis and Luebking, Sandra Hargreaves, The Source: a Guide Book of American Genealogy, rev. ed., (Salt Lake

City; Ancestry, 1997)

➤ Ancestry.com Wiki: The Source: A Guidebook to American Genealogy

https://www.ancestry.com/wiki/index.php?title=The_Source:_A_Guidebook_to_American_Genealogy

➤ Baird, Robert W., Dower and Curtesy, Bob's Genealogy Files,

<http://www.genfiles.com/articles/dower-and-curtesy/>

➤ Baird, Robert W., Wills, Intestate, and Probate, Bob's Genealogy Files,

<http://www.genfiles.com/articles/wills-intestates-probate/>

➤ Legacy Family Tree Webinars, <https://familytreewebinars.com/>

➤ Ancestry.com Wiki: Probate, <https://www.ancestry.com/wiki/index.php?title=Probate>

➤ Ancestry.com Wiki: Redbook

http://www.ancestry.com/wiki/index.php?title=Category:Red_Book:_American_State,_County,_and_Town_Sources