

Mining Probates on Ancestry for Family History Gold



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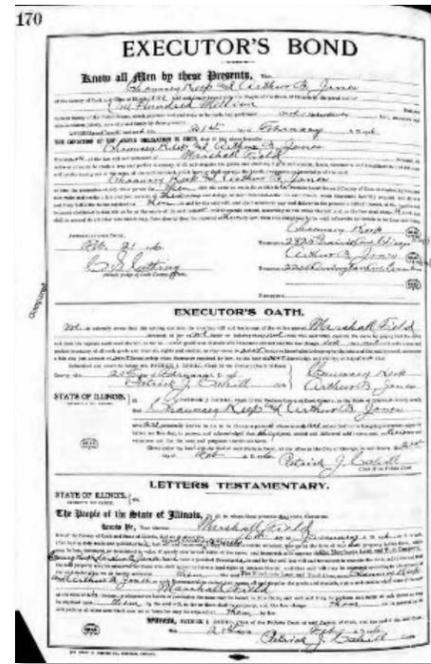
Because there is such a wide variety of documents included in an estate file, there may be times when you're not quite sure what you're looking at. Understanding the probate process can help, though. The term *probate* technically refers to the *proving* of a will; in other words, making sure it is valid. If the court finds that it was valid, the estate is *testate*. But there isn't always a will. When someone dies without leaving a valid will, the estate is *intestate*. While there may be similar records created in either type of distribution, there are differences, and these differences resulted in some different types of records.

Testate Estates

When someone dies leaving a will, the estate is *testate*. Naturally, in these cases you would likely find the *will*. The will typically names the *executor(s)* and outlines how the *testator* (the person making the will) wishes his estate to be distributed.

For testate wills, the process starts with the executor (or executrix if it was a woman) getting court approval to act as the executor, which was given in the form of *Letters Testamentary*. The executor was required to post bond that guaranteed he (or she) carried out the duties of the estate. Sureties may also be called upon to attest to the qualifications of the executor. They would likely be someone well-known to the family, possibly relatives or close friends, but they were typically not one of the *legatees*, those who were named to inherit property.

The will was then proved, or *probated*. Witnesses would attest to the validity of the will and a judge would determine whether it was in compliance with the laws of that place and time. The wills you find in this collection are sometimes



Appraisement of sundry Goods wares & Merchandise
belonging to the Estate of the Late Deceased Lieutenant
Charles Oliver, taken by Order of Mrs Elizabeth Kinross
as Administrator, to said Estate. In New York. this 1st May
1723

In the Kitchen	
12 pott shams & 1 p. Old Andiron	16s
1 G Tong. & 1 Spitt	5s
4 Iron potts 20. One Copper Kettle - 30	2 10s
1 Old Brass pott. 1 Old brass hand pan & 1 Old brass kettle	1s
2 Old brass candlesticks. 1 Old sole Iron. 1 Earthen jug 1/2 p	6s
6 Old Knives. 1 Tray. 1 Old Table. 1 Chair. 2 peater porringers	5s
In the Fore Roome	

Part of a 1723 New York estate inventory

originals that have been included in the packet, and sometimes they are copies that were copied into registers, often listed as "will books." (When you're using copies remember that clerk who copied it may have made an error in the transcription—something to keep in the back of your mind when you're analyzing the details found in the record.)

Included with the wills, or sometimes separately, you may also find inventories with detailed lists of the property owned.

Intestate Estates

If there wasn't a will, the process would start with a petition for *letters of administration*. The *administrator* or *administratrix* (if it's a woman) is the person who would be in charge of the proper distribution of the estate, and that person would be appointed by the court. The administrator was typically family, although in some cases if the deceased had debts, creditors could petition the court to act as the administrator. As in testate cases, the administrator would post a bond ensuring that the estate would be settled properly.

Since intestate estates don't have a will dictating how the deceased wanted his or her property distributed, the distribution would be in accordance with the laws of the state at that time. The prevailing laws determined who could inherit. But before the distribution could begin, heirs had to be identified and notified, an accounting of the estate's assets and debts had to be taken, and there had to be an order of distribution. Therefore, the records created by an intestate estate can be just as rich as those of a probate.

Other Court Records

For some locations, you may find more than just inheritance records in this collection, particularly in the earliest town and county formation dates. In the earliest Probate Court Docket books for Jefferson County, Arkansas, the records begin before a courthouse was even available, the court being held at Joseph Bone's house in April of 1830. The dockets list petitions to the court for licenses to operate public houses and ferries, and to have roads built. They document the development of the area and its first European residents.

While this subset of the Arkansas records have not been indexed, the docket books themselves have indexes in the front. Use the page number in the index to browse to the entries in the dockets. Even that index will only be as good as the clerk who created it, and some records may not be included in this collection, so wherever possible browse all of the records to gain unique insights into the interactions of the area's settlers.

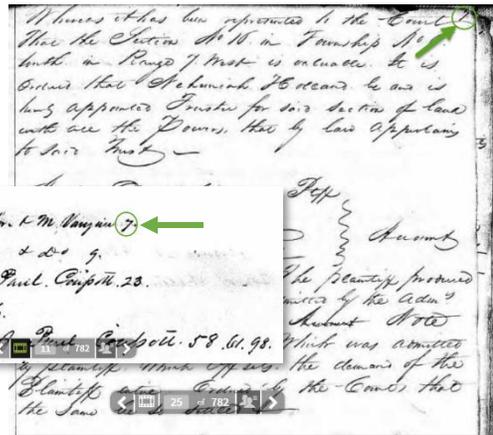
You'll find this indexing system in some of the will books as well. If you're taken to an index like this one, you may need to browse the records to locate the actual will. Be aware some of these registers have multiple volumes and may have multiple indexes within that subset of the records.

Slaves may be mentioned in wills, inventories, estate distributions, and other probate documents – sometimes by name.

Occasionally you'll see ages and groupings that appear to be families in wills and inventories.

Free persons of color may have even had their own probate package if they owned land or personal possessions that

needed to be divided among family or sold to pay debts. For slaves, you may also find bills of sale within probate packets in cases where slaves were sold to settle estate debts. In addition to the possibility of identifying your ancestor they can give you an idea of the size of the farm or plantation, the type of crops and/or livestock that were raised, and the location and type of land that was being worked by your ancestors.



Navigation on Ancestry

- A link to all the state probate collections is on the **Search** page (search.ancestry.com) under **Tax, Criminal, Land & Wills**. This page has a search form to search all states at once or to click through and search a specific state from the list below the search box.
- Individual state collections can also be found using the Card Catalog or on state pages, which can be accessed by clicking on the state of interest on the map on the **Search** page.

Vermont	Schools, Directories & Church Histories
Virginia	City & Area Directories
Washington	Professional & Organizational Directories
West	Church Histories & Records
Virginia	More...
Wisconsin	Tax, Criminal, Land & Wills
Wyoming	U.S. Wills and Probates
USA	Land Records
	Court, Governmental & Criminal Records
	More...

The screenshot displays the Ancestry.com interface for a document viewer. At the top, the title is "New York, Wills and Probate Records, 1659-1999 for Daniel McFaul smith". Below the title, there is a search bar containing "Letters of Administration, Vol 0003-0004, 1823-1837" and a "SAVE" button. A list of document titles is shown in the center, including "0118, 1911-1912", "Decrees on Final Accounting, Vol 0122-0124, 1912-1914", "Decrees on Final Accounting, Vol 0128-0130, 1914-1915", "Decrees on Final Accounting, Vol 0131-0132, 1915", "Decrees on Final Accounting, Vol 097, 0099-0100, 1907-1908", "Final Accountings, 1830-1832", "Final Accountings, 1833-1834", "Final Accountings, 1835", "Final Accountings, 1836-1837", and "Final Accountings, 1838". A filmstrip at the bottom shows thumbnails for "Image 364", "Image 365", "Image 367", "Image 368", and "Image 369". The main view shows a document page with the following text:

Send Greeting:
Whereas the said Daniel McFaul Smith at a
immediate previous to his death was an inhabitant
of the said County of Kings and is alleged
to have died intestate

by reason whereof the ordering and granting Administration of all and singular the goods, chattels and credits, whereof the said intestate died possessed,

and also the auditing, allowing, and final discharging the account thereof, doth appertain unto us, and we being desirous that the goods, chattels, and credits of the said intestate, may be well and faithfully administered, applied, and disposed of, do grant unto you the said *Daniel McFaul Smith* and *John A. Ely*

full power by these presents, to administer and faithfully dispose of all and singular the said goods, chattels, and credits: to ask, demand, recover, and receive the debts which unto the said intestate, whilst living, and at the time of his death, did belong; and to pay the debts which the said intestate did owe, as far as such goods, chattels, and credits will thereto extend and the law require; hereby requiring you to make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels, and credits of the said intestate, within a reasonable time, and return a duplicate thereof, to our Surrogate of the county of Kings, within three months from the date of these presents; and if further personal property or assets of any kind not mentioned in any inventory shall hereafter be made, shall come to your possession or knowledge, to make, or cause to be made, a true and perfect inventory thereof, and return the same within two months after discovery

Things you should know:

- Only the decedent is indexed.
- Be prepared to browse. Some records in the collection are not indexed, but by browsing you can find some gems.

Viewer Navigation

Open/close side panel

View index

Open/close filmstrip

Texas, Wills and Probate Records, 1800-2000 for Isabella Hopkins

Isabella Hopkins

Texas, Wills and Probate Records, 1800-2000

DETAIL RELATED SOURCE

Name Isabella Hopkins

Probate Date 30 Sep 1870

Probate Place Gonzales, Texas, USA

Inferred Death Year Abt 1870

Inferred Death Place Texas, USA

Case Number 747

Item Probate Case Files, 1860-1870, 730-760

Description 1860-1870, 730-760

Table of Contents 6 Images

Sales Paper	1
Cover Page	2
Petition Papers	3
Administration Papers	4-5
Guardianship Papers	6

Filmstrip

1253 - Sales Paper

1254 - Cover Page

1255 - Petition Papers

When the **View Index** icon is white, there is an index you can open up. (If there is no index for the record you are viewing it will be greyed out.) You can add details to the index, using the tools in the Details tab of the side panel. This allows you to add family members and relationships. This feature and the addition of relationships will make it even more valuable as time goes by.

Georgia, Wills and Probate Records, 1742-1992 for William T Hopkins

Camden > Will Index, 1795-1916; Wills 1795-1932

William T Hopkins

Georgia, Wills and Probate Records, 1742-1992

DETAIL RELATED SOURCE

Add new person to Ancestry index

Name as seen in record Susan Anna Hopkins

Relation to William T Hopkins Daughter

Gender of William T Hopkins Male

SAVE CANCEL

+ Add New Person to Index

Filmstrip

Image 252

Image 253

Image 254

Image 255

Image 256