

Using Probate Records

Introduction

Probate records can be an invaluable resource for historians and genealogists. Probate records are court records regarding posthumous estate settlements, divorces, adoption/guardian issues and name changes.

Researching

Probate records are typically stored at the County Clerk's Office. Old records may be stored at a state historical agency or library where they can be properly cared for and made accessible to the public. Many historical agencies have indexes of their holdings available on-line, so a simple search should provide you with the proper location. Remember that borders and boundaries have changed over history, so when you locate a person, make sure you know what state and county the person was in at the time of their death. The records will be housed in the original county's facility. If you continue to have trouble, you may consider contacting a local genealogical society for help.

Once you locate the proper repository, consult the archivist on duty for instruction on the institution's policy and procedures. Generally, you need to perform the following steps:

- Locate the name of the person you are looking for in the index. Names should be listed alphabetically by surname. The date of the record should also be noted in the index. If the name is common, such as John Taylor, be sure to take down all of the names and those with similar spellings around the correct date of death.
- Copy the docket numbers of the records and take the list to the archivist for retrieval. Many probate records have been microfilmed and are easily accessible. In some cases the files may be stored in an off-site storage facility and could take several days to receive. You may wish to call ahead to check on availability.
- Once you receive the records, take notes and make photocopies if necessary. Be sure to return the files in the same condition as you received them.

Interpreting Probate Records

Because state governments administered Probate Courts, the content, format, and sometimes the proceedings of the courts varied. Do not be surprised if you receive a box of papers for one person and a file for another.

You may find any or all of the following documents within a probate record:

- Will
- Testament
- Codicil (amendments to the will)
- Petition for an executor/administrator of the will
- Inventory of estate and bonds
- Inventory of joint holdings
- Receipts from creditors
- Bills from creditors
- Record of estate auction/sale
- List of heirs

There are a few things to keep in mind while using probate records. First, due to property laws, nearly all of the early probate records in the United States are from the estates of white men. While records appear for women and minorities, they are rare. Furthermore, those probated only account for 10% of the white male population. Third, many of the probates were done because the person either had a good deal of wealth or debt upon his death. While you may come across an unusually complete set of records that can be a dependable source, be careful how much reliability you place on probate records.

A fair amount of information can be discovered about an individual from their probate record. First and foremost, these records establish relatively clear family ties. It is not uncommon for a record to list the deceased's children, spouse, and familial survivors. Probate accounts are a favorite among genealogists. Second, documents within the records regarding to the property owned by the deceased can serve as a biography of the person. For example, if a man owned a springhouse, a large barn, several dozen cows and an enormous amount of ceramic crockery, it might be concluded that he was a dairy farmer. Or if the person had ten volumes of German-language books, you might reason that he was either German, was born of German ancestry, or, at least, could read German.

Using the methods proposed in the material culture tutorial, one could study the objects present in the estate inventory as a cultural reflection of the person who made, used and owned them. While you may lose some information due to the absence of the actual object, chances are you can find a similar example in a museum collection or a catalog. Once familiar with the objects, an overall study of the property owned, given to others and sold may provide a glimpse into the

life of the person. By studying the records of a city, county, or state we may be able to find trends in economic and industrial development and growth.

Exercise

Follow the links to the right under resources, to review the transcription of William Schmidt's estate inventory and the analysis worksheet to find out who Mr. Schmidt was.