

Step 13: Wills and Probate Records Terry and Jim Willard

EDITOR'S NOTE: This article is the thirteenth in our continuing series "Family History Made Easy: Step by Step." Watch for more articles in this series to be posted in coming weeks.

<http://ancestry.com/library/view/ancmag/2082.asp>

As you may have discovered by now, genealogy is not a quick hobby. At this point, every trip to the library is no longer rewarded with three more generations of new material, and letters from distant cousins anxious to exchange information rarely come in the mail. In short, family history research is work. And like any work, it becomes easier if the correct tools to do the job are at hand. In this series, it has been our goal to provide tools that can be of help. In this step, we want to introduce another valuable tool: wills and probate records.

Probate records are useful in the quest for family data for several reasons. First, they relate to information already gathered. If you have gathered death records, you already have two pieces of important information—date and place of death—which make using wills and probate records easier.

Next, because wills and probate records are legal documents, information gathered from them is reliable, as long as it is interpreted properly. Wills are also easy to locate. Of all the documents ancestors have left behind, wills are among the most common. Very often, there is an index, alphabetical by the name of the testator, for the county in which an ancestor's will was filed for probate. The index will lead to the original document.

Wills also furnish the researcher with relationships between people that were previously a mystery. In many wills, relationships are clearly stated.

Finally, wills are among the most interesting documents family historians uncover. They provide glimpses into the lives of ancestors, detailing family secrets, the importance of certain household utensils, and even feelings about family members.

To simplify the process of using wills and probate records, follow these basic steps.

1. Identify the Individual

In any type of research venture, it is important to clearly define the objective. Using wills and probate records is no exception: the objective is the deceased. Remember to use the decedent's full name, since there may be others in the area who have similar names. Further, the researcher should try to find as much biographical information as possible, including birth, marriage, and family information, in addition to the date of death.

2. Identify the Place of Death

Most wills are filed for probate in the county where the individual was residing at the time he or she passed away. The correct place names for either the city or town and the county are critical for success in locating the will.

Jim's great-grandfather, William Allen Jones, lived in Turner, Androscoggin County, Maine, and was buried there. However, when we checked the vital records of the town, there was no death

record for a William Allen Jones. Some detective work was in order. We knew William had been married twice, but we hadn't investigated the family from his second marriage. It turned out that he lived to be quite old, but as a result of illness, he moved in with his youngest son from his second marriage. This son lived in Manchester, Kennebec County, Maine, a town some twenty-five miles from Turner. It was in this town that William Allen died.

3. Learn Where the Records Are Kept

Wills are usually filed at the county level and can be found in the county court building in the office of probate. However, there are examples of wills filed in unexpected locations. We encountered one community where the wills from the nineteenth century had been moved to the local historical society because the probate office had insufficient space. To find the exact addresses of these offices, turn to a good reference book: the *Genealogist's Handbook for New England Research, 3rd Edition* (NEHGS, 1993) or *Ancestry's Red Book, Revised Edition* (Ancestry, 1992), which has information on all of the United States. From such a source, you will learn the contact person and the office address.

Some wills and probate records have been microfilmed and are available through the Family History Library and its Centers. It is worth a trip to your local Center to see if there is an index of probate records or any related material for the community you are researching. Once you know where to look, you can turn your attention to what to look for.

Remember that your research might take you to several states as you move from individual to individual. Probate laws and the associated records will differ from state to state. Try to become as proficient as possible in every location in using the records that exist in each place.

4. Learn What Records Are Available

So far, we have focused on the use of wills, and we have used the generic expression "probate records" to cover any other types of records that relate to these wills. When you're looking for probate records, you might also encounter documents such as inventories, distributions of estates, letters of administration, sales of estates, and inquest documents.

Be sure to request all the records that might pertain to the person you are researching, including testate and intestate proceedings. These additional records can contain a significant amount of information and may even prove more valuable than the will itself.

5. Access the Records

As you research the types of probate records that may exist for a particular county, be sure to learn the correct procedure for securing a copy of the information. The ideal, of course, is to personally visit the office to gather any probate records. If this is possible, call the office in advance to verify the hours and address.

In most situations, you will probably request the information by mail. If so, determine the title of the person you will be writing to, the correct mailing address for the person's office, and the cost for the service. As with any written correspondence, be sure to include an SASE for the materials. Also, keep a correspondence log noting the date(s) of your request(s), the amount of money sent, and the date you received any response(s).

Finally, it may be possible to get some of the information you need from the Internet. Use your favorite search engine to discover if a county has made any information available online. If you're Internet savvy, don't overlook the potential it has to offer.

6. Analyze and Record the Information

Once you have a copy of a will and other related documents, the fun begins. Be certain to read the documents carefully, and take notes regarding the information. Note the names that appear on the documents and identify them. Leave no line unread, especially the part of the will that names the witnesses. Remember to indicate the source of the information.

As with any type of genealogical research, there are certain pitfalls and shortcomings to avoid. Listed below are some of the potential pitfalls in using wills and probate records:

1. Extracts are secondary sources and should not be relied upon.
2. Don't make assumptions based on information in wills, as it can be misleading.
3. Be careful of terms that imply relationships, e.g., sister, cousin, senior, infant. Sister, for example, may refer to a female of the same religious faith or to a sister-in-law, and not to an actual sibling.
4. Wills are not always filed immediately after the individual's death. Search the years following the person's death as well.
5. Witnesses cannot be beneficiaries, but they are often relatives and should be investigated.
6. If a wife is named in a will, do not assume that she is the mother of the named children in the will.
7. Remember that boundaries have changed over time. The researcher must know the correct location to determine the jurisdiction over probate records.

If used in a conscientious manner, the information found in probate records can provide significant family data, but it can also lead a researcher down the wrong path if her or she isn't careful. However, the wealth of information that can be discovered from a last will and testament is always amazing. Social position, treasured possessions, family dynamics, and relative wealth seem to come clearly into focus as you study a will or a related document.

Terry and Jim Willard hosted the ten-part PBS series "Ancestors." They have researched their genealogy fifteen generations back on both sides.