



New York State Archives

New York State Court of Probates Probated Wills J0038

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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of wills probated with the provincial secretary, the Prerogative Court, or the State Court of Probates. Some wills include a letter of administration or a property inventory. Wills typically include the dates the will was executed, proved, and probated; names of the testator, witnesses to the will, heirs, and executor; testator's occupation; how the estate was to be divided; and proceedings for how the will was proved.
Creator:	New York (State). Court of Probates
Title:	Probated wills
Quantity:	34.5 cubic feet
Quantity:	11 35mm microfilm roll(s)
Inclusive Date:	1665-1815
Series:	J0038

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Arrangement

J0038-82: Alphabetical by name of testator and then numerical by file number (e.g. A1, A2, A3, . . . B1, B2, B3).

J0038-92: Arranged in two subseries and therein numerical by assigned file number.

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Administrative History

The Duke's Laws of 1665 gave the Courts of Sessions and the Mayor's Court of New York City the authority to probate wills. A 1670 ordinance by the Court of Assizes required all probated wills and grants of administration to be recorded in the provincial secretary's office. Pre-1686 wills included in this series reflect this procedure. When New York became a royal colony in 1686, probate jurisdiction was granted to the royal governor.

Chapter 27 of the Laws of 1692 established a Prerogative Office or Court with the royal governor as its head. This court exercised sole probate jurisdiction over all estates in the southern district of the province (New York, Westchester, Orange, Richmond, and Kings counties) and over estates worth over 50 pounds everywhere in New York. (In these latter districts, wills for estates worth less than 50 pounds were probated in the Courts of Common Pleas; these wills are now filed with the county clerks.) This jurisdiction was transferred to the state's Court of Probates by Chapter 12 of the Laws of 1778. Wills in this series which were probated between 1686 and 1787 are for individuals who resided in the southern district or possessed estates worth 50 pounds or more.

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Scope and Content Note

This series consists of wills, originals or copies, probated with the provincial secretary, the Prerogative Court, or the State Court of Probates. Around five percent of the wills are in Dutch (some include English translations) and a small number are in German or French. With a few wills a letter of administration or a property inventory is filed.

Not all wills originally probated by the Prerogative Court or the Court of Probates are included in this series. Pursuant to Chapter 64 of the Laws of 1799, many pre-1787 wills were transferred to the New York County Surrogates Court. This transfer was supposed to include only the wills of persons who had resided in the southern district. However, at present many wills from other districts are on file in New York County while this series includes a large number of wills from New York City and surrounding counties. Pursuant to Chapter 38 of the Laws of 1787 are wills of individuals who died out-of-state or who were non-residents. This law transferred original probate jurisdiction in all other cases to the county Surrogates Courts. (One will dated 1828 and another dated 1837 are obviously misfiled from the New York County Surrogates Court.)

The following information is usually contained in each will: the dates the will was executed, proved, and probated; the names of the testator, witnesses to the will, heirs, executor, and the official before whom the will was proved; the occupation of the testator; how the testator wished the estate to be divided; and a short statement describing the proceedings at which the will was proved, signed by the probate officer.

Letters of administration included in this series contain an abstract of the proceedings proving the will and the official appointment of the administrator by the royal governor or judge of the Court of Probates. The property inventories contain a detailed listing of real and personal property owned by the testator.

J0038-92: These are probated wills (ca. 4,100 wills) dated 1665-1787. They are organized in two subseries. Subseries 1 spans years 1665- ca. 1738. Subseries 2 spans years ca. 1739-1787. Wills may be of special interest for the study of under-documented people such as women and African Americans. A detailed description of accretion contents is available.

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Related Information

Related Material

J0033 Administration Papers contains records relating to some wills in this series.

J0301 Inventories and Accounts, contains records relating to some wills in this series.

J0043 Record of Wills and Probates, contains related probate records.

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Other Finding Aids

Available at Repository

Container list for each accretion.

Microfilm copies of the following indexes to wills are available: "Record of Wills, Albany, New York from a Collection of New York State Court Records: Index"; Ray C. Sawyer, "Index of New York State Wills, 1662-1850..."; and Ray C. Sawyer, "Index to Wills Probated in New York County ..., from 1851 to 1875."

Series A4700, Testator index to probated wills, 1671-1815, indexes accretion J0038-92.

Berthold Fernow's Calendar of Wills (New York, 1896) indexes and abstracts the wills in this series as well as wills filed with the Albany County Clerk and at other locations.

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Use of Records

Access Restrictions

There are no restrictions regarding access to or use of the material.

Alternate Formats Available

Microfilm, except for subseries 2 of accretion J0038-92 (ca. 1739-1787), is available at the New York State Archives.

The wills in this series also appear on microfilm produced by the Genealogical society of Utah.

Alternate Formats Available

Items Online

High resolution images of most original documents in Subseries 2 of J0038-92 are available in State Archives Digital Collections.

Portions of the series are digitized (from microfilm) as part of a larger collection of Wills and Probate Records and are available to New York State residents for free on Ancestry.com New York. You must sign up for a free account to access these records without a paid subscription. To learn more, go to [How to Use Ancestry.com New York](#)

[Wills and Probate Records, 1658-1880 on Ancestry.com](#)

[Probated Wills in Digital Collections](#)

Access Terms

- Women--Legal status, laws, etc.
- Probate records
- Courts
- Wills
- Wills
- Probating
- New York (State)
- Probate records
- Probate courts
- New York (Colony). Prerogative Court