



New York State Archives

**New York State Surrogate Court (New York County) Record
of Wills and Probates J1043**

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Overview of the Records

Repository:	New York State Archives
Summary:	The wills recorded in these volumes were proved (i.e. determined by testimony of witnesses to be authentic) before and admitted to probate by the Surrogate judge for New York County. Each will provides for the disposition of the testator's real and personal property and designates an executor or executrix. The will is accompanied by a record of the proof of will and admission to probate.
Creator:	New York (State). Surrogate's Court (New York County)
Title:	Record of wills and probates
Quantity:	45 cubic feet
Quantity:	129 volume(s)
Quantity:	75 35mm microfilm roll(s)
Inclusive Date:	1787-1879
Series:	J1043

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Arrangement

Chronological by recording date.

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Scope and Content Note

The wills recorded in these volumes were proved (i.e. determined by testimony of witnesses to be authentic) before and admitted to probate by the Surrogate judge for New York County. Starting in 1823 the volumes contain occasional wills of out-of-state residents, including wills of foreign nationals. If the will is in French, Spanish, or another foreign language, both the text and a translation are provided. Each will provides for the disposition of the testator's real and personal property and designates an executor or executrix. The will is witnessed by two

persons. Some of the wills are accompanied by codicils. The will is accompanied by a record of the proof of will and admission to probate. This record takes various forms.

Prior to 1830 the record typically includes: grant of administration of the estate to the executor (or to an administrator, if the executor was dead or had renounced his office); text of will and any codicil; affidavits or examinations of witnesses, and other proceedings relating to proof of will. Prior to 1830 the volumes occasionally include texts of letters testamentary; and letters of administration "with will annexed" (cum testamento annexo).

Commencing in 1830 the record typically includes: summary of proceedings relating to application for probate, issuance of citation and proof of service, proof of will, and admission to probate; texts of citation to heirs and next of kin and affidavit of service (late 1830s and early '40s only); text of will and any codicil; examinations of witnesses and other proceedings relating to proof of will; certificate of recording by surrogate or court clerk. In some cases the proof of a disputed will required a full-blown trial, and the record may contain many pages of examinations and cross-examinations of witnesses, and of documentary exhibits.

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Related Information

Related Material

J1038 New York State Surrogate Court (New York County) Probated Wills, 1787-1829, contains probate documents recorded in Series J1043.

J2043 Index to Record of Wills and Probates contains indexes to some of the records in this series.

A4699 Testator Index to Wills Recorded in New York City contains indexes to some of the records in this series.

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Other Finding Aids

Available at Repository

Each volume contains a contemporary or later index to testators. The series is also indexed in the following sources: 1) J2043 Index to Record of Wills and Probates; 2) Series 4699, Testator index to wills recorded in New York City, 1665-1875; 3) Ray C. Sawyer, "Index of New York State Wills, 1662-1850, on File at the Office of the Surrogate for New York

County," 2 vols. (typescript, 1931-32); 4) Ray C. Sawyer, "Index to Wills Probated in New York County, New York from 1851 to 1875, Inclusive," 2 vols. (typescript, 1950). These indexes refer not to the assigned volume number, but to the original liber numbers, which are always different.

Volume list; Reel list.

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Use of Records

Access Restrictions

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

Alternate Formats AvailableAlternate Formats Available

Microfilm is available at the New York State Archives.

Alternate Formats Available

Items Online

The entire series is digitized (from microfilm) as part of a larger collection of Wills and Probate Records and is 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](#)

Administrative Information

Custodial History

Series was transferred from the New York County Surrogate Court to the Historical Documents Collection, Queens College, City University of New York, about 1966. The series was transferred to Queens Borough Public Library in the late 1980s and then accessioned by the New York State Archives in 1992.

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Access Terms

- Probate records
- Wills
- Probate law and practice
- Probating
- New York (State)
- Probate records
- Courts--New York (State)--New York County
- Probate courts
- New York County (N.Y.)
- New York (State). Court of Probates