

Family history research — wills (part I) ...

by **Andrew Matheson**

You can sometimes learn a lot about your relatives by finding out who they left their possessions to on their death. This can range from simple missing information such as the married names of their daughters, through seeing what and how much they owned at the end of their lives right through to possibly uncovering some family scandals.

Getting information from wills can be very hit and miss. Not everyone made a will, particularly centuries ago, not all wills are easily available and not all wills have a lot of information. But you might be lucky.

Some jargon

A will is a document ('testament') recording a person's wishes about what should be done with their possessions after they die. Probate is the legal court process to 'prove' a will (confirm that it is genuine and valid) and authorise distribution of the deceased's possessions.

The probate information that accompanies a will reveals how a person's estate was administered after their death, and most probates include some information on both the deceased and their family. If a will has been submitted to a court it will be included with the probate documents.

Where to start

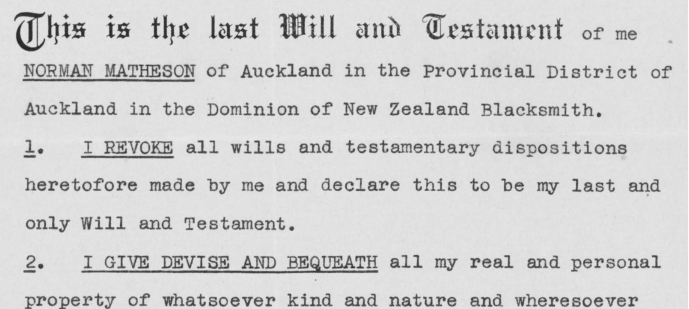
When working on your family history it's usually best to start with what you know and work backwards in time. That applies to wills too, so your journey is most likely to begin close to home.

New Zealand wills

New Zealand probate records are held by Archives New Zealand. Records from 1843 have been digitised and indexed by the site FamilySearch. The index is mostly complete up to 1998, but images for probates issued in the past 50 years may not be viewed online (though may be viewed at Archives New Zealand reading rooms).

Archives New Zealand has [guidance](#) about how to search for digitised probate records. The easiest place to start is the [FamilySearch portal](#), but if you don't find what you're looking for there it's worth

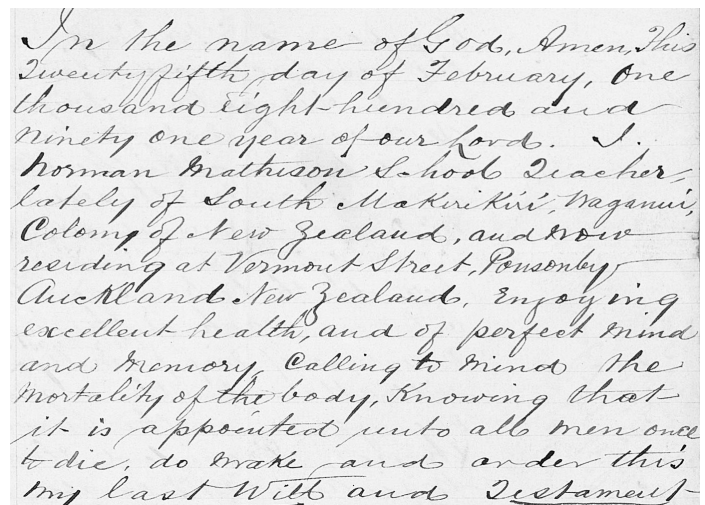
checking the Archives New Zealand [collection search](#) as well. That's what I had to do to find a copy of the 1950 will and 1962 probate of my grandfather Norman Matheson, which has been digitised but not yet indexed.



This is the last Will and Testament of me NORMAN MATHESON of Auckland in the Provincial District of Auckland in the Dominion of New Zealand Blacksmith.

1. I REVOKE all wills and testamentary dispositions heretofore made by me and declare this to be my last and only Will and Testament.
2. I GIVE DEVISE AND BEQUEATH all my real and personal property of whatsoever kind and nature and wheresoever

It was easier to find the 1891 will and 1915 probate of his father, Norman McLeod Matheson, as it is indexed and retrievable through FamilySearch.



In the name of God, Amen, This Twentyfifth day of February, One thousand eight hundred and ninety one year of our Lord. I, Norman Matheson School Teacher, lately of South Makirikiri, Wanganui, Colony of New Zealand, and now residing at Vermont Street, Ponsonby Auckland, New Zealand, enjoying excellent health, and of perfect mind and memory, calling to mind the mortality of the body, knowing that it is appointed unto all men once to die, do make and order this my last Will and Testament

Both these files had interesting information about probate: my father's declaration as executor of his father's will, and three of my great-uncles have to apologise to the court for not applying for probate within a year of their father's death "through our being unaware that it was necessary to apply for the same within one year from the date of death of the deceased and through there being no necessity to deal with his estate which consisted only of the house and land in which the deceased and his wife resided".

... family history research — wills ...

Not all wills resulted in a probate file. If the estate was below a specified value (which varied with changes in legislation), probate was not required. And of course not everyone made a will before they died. In such cases a court may appoint a person to administer the deceased's estate. The Archives New Zealand records are of probate only, and don't cover wills for which no probate was sought or letters of administration.

The New Zealand Society of Genealogists has published lists of deceased estates notified in the *New Zealand Gazette*, including ones for which there was no will (intestate). These guides can be found in some libraries, and you can now find copies of the *Gazette* [online](#).

Scotland

Once you've worked back through your New Zealand ancestors, it's time to head to Scotland to find wills and probate information of your earlier relatives.

This is where things get difficult. We'll cover wills in Scotland, England and Wales, Australia and the military in the next issue.

Notice published pursuant to the Provisions of Section 15 of the Public Trust Office Act, 1908, and Sections 18 and 19 of the Public Trust Office Amendment Act, 1913.

NOTICE is hereby given that, no person having taken out administration, the Public Trustee has filed in the office of the Supreme Court at Wellington an election to administer the several estates of the persons deceased whose names, residences, and occupations (so far as known) are hereunder respectively set forth, their gross properties being estimated not to exceed £400 in each case.

No.	Name of Deceased.	Residence.	Occupation.	Date of Death.	Date Election filed.	Testate or Intestate.
1	Ahearn, Catherine; or Ahern, Kathleen	Pakowai	Married woman ..	12/4/16	8/5/16	Intestate.
2	Brown, Hilton Arthur	Gisborne	Dentist's assistant ..	27/7/15	8/5/16	..
3	Danielson or Danielsen, Carl	Whangamomona ..	Labourer	15/4/16	10/5/16	..
4	Duffy, James	Dunedin	Cement-worker ..	5/5/16	8/5/16	..
5	Frew, Walter	Whakatu	Labourer	26/3/16	8/5/16	..
6	Gardner, Victor	Waipouamu	9/5/15	10/5/16	Testate.
7	Gibson, William Edward	Auckland	Farm labourer ..	27/7/15	10/5/16	..
8	Graham, Alexander Herbert	Wanganui	Cabinetmaker ..	1/5/15	8/5/16	Intestate.
9	Guernsey, Arthur Sidney	Christchurch ..	Tea-blender and book-keeper	4/8/12	8/5/16	..

Family history research — wills (part 2) ...

by Andrew Matheson

In the last issue we started looking at how wills can provide valuable information about your relatives and how they lived. Sometimes just a name in a will can unlock the door to a whole new area of research.

Wills in New Zealand, at least up to 1998, are mostly pretty easy to find. You can read about that [here](#).

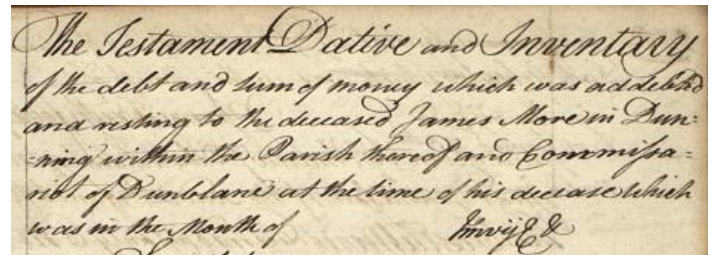
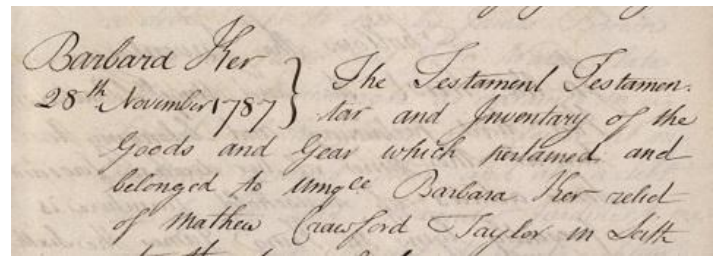
Scotland

Once you've worked back through your New Zealand ancestors, it's time to head to Scotland to find wills and probate information of your earlier relatives.

Be prepared for a disappointment, as it's likely that none of your ancestors made a will. There was often no need, as most people owned few possessions and there were standard formulas for how these would be passed on after death. Married women couldn't leave a will until 1881! As late as the 1960s more than half of people dying in Scotland did not leave a will.

But, on the other hand, sometimes quite wealthy people left no will while apparently humble people left wills with full lists of their possessions. You might be lucky, though I must admit I've not found wills for any of my direct Scottish ancestors.

The good news is that ScotlandsPeople contains more than 600,000 records of Scottish wills and testaments dating from 1513 to 1925. You can search the [index](#) to these records, but first read the [guidance](#). Searching the index is free but you will need an account in credit to view any records.



Examples of the Scottish testament testametar (top) and testament dative

The further you go back in time, the harder the task becomes. Testaments before the early 20th century are normally handwritten. While Victorian copperplate handwriting is usually simple to read, handwriting of the 16th, 17th and early 18th centuries can be much more difficult.

Testaments are normally in English or old Scots, though a very few 16th century examples are in Latin. A very useful guide to decoding Scottish handwriting between 1500 and 1700 is available from [ScotlandsPeople](#).

Be prepared for a disappointment, as it's likely that none of your ancestors made a will

Scotland has a different legal system from England and Wales so you'll need to learn some different terminology. This is explained in the guidance from ScotlandsPeople, but in brief a 'testament testametary' is the equivalent of the New Zealand (and the English) probate and a 'testament dative' is like the New Zealand and English letters of administration.



... family history research — wills

Even if you find a will you may not find much useful information. Because the spouse and children (especially the eldest son) were provided for according to rules of succession, they may be mentioned only if they receive more than their automatic share. An inventory of the deceased's property, though, can give a real insight into their lifestyle and the social and economic conditions of the area at that time.

It is possible to search for the will and/or inventory of someone who died in Scotland between 1926 and 1999, though this requires visiting National Records of Scotland reading rooms. There is information about this [here](#).

England and Wales

You can search for wills from England and Wales on a government [site](#), though have to pay £1.50 to obtain a copy of the will.

The [Gazette](#) is the UK's official record, and you may well find information relating to your ancestors' wills and probate.

FamilySearch has a useful [index](#) to all sources of wills and probates in England and Wales. It shows which subscription and free sites give access to different types of records.

Wills and probates in England and Wales were collected centrally only from [1858](#). Earlier wills are harder to locate because they had to be proved in courts administered by the church (ecclesiastical courts), and there were many across the country. There is no central index for wills dated before 1858. There is a useful guide to early wills [here](#).

Wills of serving military

In Scotland and in England and Wales there were different approaches for serving soldiers and airmen on active service to make wills. These could be written in a bespoke page in the soldier's pay book, on an army form or even a civilian form.

If there was nothing in writing the military authorities accepted the deceased's wishes as expressed in letters or even orally to friends or family — this was called a 'nuncupative will'.

There's advice on Scottish military wills [here](#), and the UK National Archives has an [index](#) to soldiers' wills between 1850 and 1986.

You can sometimes find wills in the digitised service records of New Zealand military personnel, which are available from [Archives New Zealand](#) or through the [Online Cenotaph](#). They're usually very simple, such as leaving everything to the soldier's mother.

Australia

Your ancestors may have spent time in Australia before travelling on to New Zealand. I have some who travelled from Scotland and settled in Australia before crossing the Tasman in search of better living conditions, especially to avoid the heat or to chase their fortunes when the Otago goldfields opened in the early 1860s.

They stayed in Australia only for a short time, but if any of yours lived in Australia for a longer period they may have made a will.

Remember that Australia wasn't a country then but a collection of separate colonies and territories, so records aren't centralised. FamilySearch has a good [guide](#) to Australian probate records.

Useful, if you can find one

Wills and probate documents are another source of information about your ancestors — where they lived, what occupation they had and who their relatives were. They also give you an insight into how they lived — what sort of assets they held, and who they left their worldly possessions to.

They're another useful information source for your family history quest. You're likely to learn a lot from New Zealand wills from the latter half of the 19th century and throughout the 20th century, but earlier wills in Scotland and England may well prove more elusive.

