

BDA Source Description Pages

<https://www.bda-online.org.au>**Probate Index 1790-1876 (mainly NSW + some VDL, QLD & VIC)**

This dataset indexes case papers and other documents held by New South Wales State Archives (NSWSA) relating to the granting of probates of wills and letters of administration for intestate estates managed by the New South Wales Supreme Court and its predecessor the Court of Civil Jurisdiction between 1790 and 1876. The dataset contains 1,573 primary entries and a total of 1,757 entries including additional persons mentioned.

From 1824 NSW probate was managed by the Ecclesiastical Division of the Supreme Court. The name reflected the historical role of Church of England courts in hearing and managing UK probate matters and in the certifying an individual's identity by registers of baptism, marriage and burial. Anglican clergy, however, did not play any active part in probate proceedings in NSW and the ecclesiastical term was dropped later in the 19th century (see Agency Description AGY-1061 Ecclesiastical Jurisdiction [Supreme Court of New South Wales] 1823-1890 www.records.nsw.gov.au).

The documents indexed here are not an index to all NSW wills (apart from the period 1817-1824 for which it does index copies of wills and grants of administration).

The files also deal with estates where some legal problem or dispute arose requiring legal orders or judgements. These include the settlement of debts, disputed wills, and estates where no will existed which required an inventory to be made of property and the assessment of claims to inheritance. Some files contain numerous documents; others may only comprise a brief summary or account.

This dataset does NOT fully index the main series of will copies and intestate estate papers. These are:

-) NRS-13661 Will books Supreme Court of NSW Probate Division - wills 1800-1984: Copies of wills and administrations, page images. Digitized online by www.findmypast.com.au under the title New South Wales Will Books 1800-1952). Microfilm copy at Society of Australian Genealogists, Sydney.
-) NRS-13660 Probate packets 1817-1989 containing original wills and associated documents. Online index for 1817-1976 searchable by name of deceased in 2021 using the main collection search function on www.records.nsw.gov.au.
-) NRS-13538 Case papers [Curator of Intestate Estates] 1821-1913. Online index under the title Deceased Estates Index on www.records.nsw.gov.au.

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-) NRS 13341, NRS 13343, NRS 13344, NRS 13345, NRS 13346 Deceased Estates Index, covering registers of estates for estate duty. Online index under the title Deceased Estates Index on www.records.nsw.gov.au

The original files indexed by this dataset held by NSWSA contain oaths, petitions, caveats, affidavits, notices to creditors, accounts, letters of administration, copies of wills, some correspondence and other documents.

The index includes residence and occupation of the deceased (where given), the reference and the date (usually the date of the matter not date of the individual's death). The vast majority of the cases relate to residents of what is now New South Wales, but there are a few early cases for Melbourne, Hobart, Moreton Bay and other places outside modern NSW.

The records begin with the case of the intestate estate of John Shapcote, the Agent for the convict transport ships of the Second Fleet who died on the voyage in 1790. The latest records in the index date from 1876, including the case of Tommy Ah Gong of Hay.

This index has been transcribed from originals held by New South Wales State Archives (NSWSA) titled 'Probate Records - Supplementary Index 1790 to 1875' [sic] drawn from the three record series listed below.

References:

NRS 13502 Case papers relating to the granting of probates and letters of administration [Supreme Court] 1816-1875, X953-54, 6/4185-97.

NRS 2665 Probate papers [Court of Civil Jurisdiction] 1790-1814, 5/1166.

NRS 13725 Register of wills proved and letters of administration granted 1817-1824, 7/2582.

This BDA dataset is reproduced here in an adapted and edited form with the permission of NSWSA and derives from an index titled 'Probate Records – Supplementary Index 1790-1875' online at: www.records.nsw.gov.au.

Information Page written by Michael Flynn 2021.

For of all Court records included in the BDA see:
www.bda-online.org.au/sources/court-records

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