



all yours

Wills, probate & intestacies : family history

Info Guide 3.34

What information can the researcher find in records of wills?

Wills can be an invaluable resource for family historians, often containing information that may be difficult to access elsewhere, such as the names of married daughters where marriages occurred outside the dates covered by BDM indexes. A copy of the death certificate may be included, along with details of the deceased's assets, occupation and the names and addresses of children and grandchildren.

Things to bear in mind when researching wills:

Probate: A deceased person's estate is usually administered by the executor named in the will or appointed by the Supreme Court. Only approximately 5% -10% of all wills go to probate, which is the formal granting of authority by the Supreme Court to an executor to administer the terms of a will. In general probate is only sought when a bank or other institution requires formal proof of the executor's right to administer the will. If there is no requirement for probate, no copy of the will needs to be kept. However, copies of individual wills may sometimes be found in private hands or amongst the records of individual solicitors or executors.

Intestacies: Public Curator's files include wills for which the Public Curator (now the Public Trustee) was appointed executor (elections) as well as estates for which there was no will and which were administered by the Public Curator (orders). Thus, some wills that did not go to probate may be located with intestacies files.

Where are records of Australian wills and intestacies located?

Listed below are some of the resources that are available to help you locate a will and any associated papers. For contact details of the relevant Australian Supreme Court registry/repository to apply to for copies of a will, check Graham Jaunay's 'Adelaide Proformat' webpage **How to locate AUS wills** <http://www.jaunay.com/wills.html>

Queensland

Queensland State Archives

<https://www.qld.gov.au/dsiti/qsa/search/> [Index category < Courts]

- **Wills Index, 1857-1940**
An online index to wills compiled from original Supreme Court files for all districts to 1900 with separate indexes to wills for the Southern District (Brisbane) for 1900-1940. It includes some wills for people who died outside Queensland. It does not include Public Curator intestacy files.
- **Equity Files Index 1857-1899**
An online index to Supreme Court Equity files. The files include surname and given name of all people connected with a case including deceased, interstate and overseas residents but excluding long lists of creditors and shareholders of companies. The date is the date the case was first filed in the Supreme Court.
- **Instruments of Renunciation Index 1915-1983**
An online index to Instruments of Renunciation lodged by executors who were no longer willing to administer a will. The records include details of the name, address and occupation of the deceased, date of death (and place if other than the deceased's address), date of will, name and address of executor, relationship to the deceased and date of renunciation.
- **Trustees Files Index 1889-1929**
The files all relate to trusts set up under the terms of a will. They often cover several years with some files pre-dating the Trustee Act of 1889. Amongst other details the records may include information on the deceased's land ownership, children or other relatives, and employees.

For further information, consult Queensland State Archives

Brief Guide – Will and Intestacy Records

<https://publications.qld.gov.au/dataset/brief-guides-at-qsar/resource/a9b3e5b3-6c80-4992-85f4-f5c54fa67d5b>

Queensland eCourts Party Search

<http://apps.courts.qld.gov.au/esearching/>

This is an online index to Queensland Supreme and District Court files for:

- Brisbane from 01/01/1992
- Townsville from 01/11/1996
- Cairns & Rockhampton from 01/07/2002
- Maroochydore & Southport from 01/10/2003
- Hervey Bay from 01/07/2005
- Beenleigh and Mackay from 01/01/2007
- Bowen, Bundaberg, Charleville, Charters Towers, Cloncurry, Dalby, Emerald, Gladstone, Goondiwindi, Gympie, Innisfail, Ipswich, Kingaroy, Longreach, Maryborough, Mount Isa, Roma, Stanthorpe, Toowoomba and Warwick from 01/07/2007
- Cunnamulla from 01/07/2008

For wills the most effective search is by name of the deceased or the executor. Check the website's *Guide to searching* (<https://www.courts.qld.gov.au/services/search-for-a-court-file/search-civil-files-ecourts/guide-to-searching>) for additional search options for the Brisbane area.

The index is updated in real time. Files commenced before the listed dates in these districts are included only if there has been some activity on the file since the index' commencement date.

Queensland intestacies, insolvencies and wills: index to notices in the Queensland Government Gazette 1859-1885 / edited by Mary Geiger and Rosemary Kopittke [microfiche]
(FICHE 929.3943 que)

Queensland intestacies, insolvencies and wills 1859-1900 [CD-ROM] (QCFS 929.3943 2004)

Queensland intestacies, insolvencies and wills : index to notices in the Queensland Government Gazette 1886-1900 / edited by Jackie Buttress [microfiche] (FICHE 929.3943 que)

Queensland intestacy returns index / compiled by Mary Geiger and Rosemary Kopittke [microfiche]
(FICHE 929.3943 GEI)

Holdings: 1896-1910; and 1911-1916

Transmission of real estate by death / compiled by Merle D. Grinly and Margaret A. Belcher.
[microfiche] (MFC 929.3943 1995- ; FICHE 929.3943 tra)

Partial contents:

v. 1. 1878 -1889	v. 2. 1890 -1899	v. 3. 1900 -1904
v. 4. 1905 -1909	v. 5. 1910 -1914	v. 6. 1915 -1919
v. 7. 1920 -1924	v. 8. 1925 -1929	v. 9. 1930 -1934
v.10. 1935 -1937	v.11. 1938 -1940.	

The name indexes include details of occupation of the deceased, spouse, address and date of death.

New South Wales

State Records NSW hosts the following online indexes to deceased estate records:

- **Index to Deceased Estate Files, 1880-1923**
https://www.records.nsw.gov.au/search_form?id=15
This index is an ongoing project and is being progressively updated.
- **Index to Intestate Estate Case Papers 1821-1913**
https://www.records.nsw.gov.au/search_form?id=53
This index is an ongoing project and is being progressively updated.
- **Index to early probate records 1790-1875**
https://www.records.nsw.gov.au/search_form?id=52

See also State Records NSW guides:

- **Deceased Estate Guide**
<https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/deceased-estates-guide>

- **Intestate Estate Guide**
<https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/intestate-estates-guide>
- **Probate packets (wills) Guide**
<https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/probate-packets-wills-guide>

Supreme Court of New South Wales probate index: [1800-1982] [microfiche]
(FICHE/B 346.05 new – located in white folders) Includes printed notes on the abbreviations used.

Northern Territory

Northern Territory Supreme Court probates and index of administrations granted and sealed /
Genealogical Society of the Northern Territory [microfiche] (MFC 929.39429 1991)

Probates and letters of administration granted by the Supreme Court of the Northern Territory or other courts of competent jurisdiction : probate jurisdiction dockets / compiled by L. R. Cossons.
[microfiche] (MFC 929.39429 1994) [probate jurisdiction dockets 1992-1993]

Papua New Guinea

Some expatriates of Papua New Guinea / compiled by Joan Ainsworth [microfiche]
(MFC 929.3953 1992). Part 3. Probate notices (1888-1975). Part 5. Index [to parts 1-4]

South Australia

Supreme Court of South Australia testamentary index 1844-1995 [microfiche]
(MFCB 346.9423052 1997 – located in white folders) An index to probates and letters of administration

Tasmania

Tasmanian Archive and Heritage Office - Index to Wills and Letters of Administration from 1824-1989 https://linctas.ent.sirsiidynix.net.au/client/en_AU/names
Copies of wills (AD960) and letters of administration (AD961) up to 1989 have been digitised and are now available to view online.

Victoria

Public Record Office Victoria (PROV) holds wills, probate and administration files from 1841-2016. Wills and probate records need to be searched separately. Records between 1841 and 1925 can be viewed online. Records after this time period can be viewed in the PROV Reading Room or you can request and purchase a copy to be emailed or posted.

For more information on how to search and access them go to the 'Wills and probates' page,
<https://www.prov.vic.gov.au/explore-collection/explore-topic/wills-and-probates>.

Probate index Victoria: 1841-1992 [microfiche] (MFCB 929.3945 – located in white folders)
You can check this index to locate the probate number before using the wills and probate search option at the Public Record Office Victoria.

For information on probates granted after 01/01/2017 contact the:

Supreme Court of Victoria Probate Office <https://www.supremecourt.vic.gov.au/forms-fees-and-services/wills-and-probate/searching-probate-records>

Western Australia

State Records Office of Western Australia provides information on Western Australian wills in an *Information Sheet* at <http://www.sro.wa.gov.au/sites/default/files/information-sheet-probate.pdf>
The State Records Office holds two indexes to wills and letters of administration: 1832-1939 and 1900-1993. Files up to 1947 are available at State Records Office on microfilm for viewing. For any records less than 75 years old approval from the Supreme Court is needed before viewing. Application forms are available from the State Records Office.

What about wills in Britain and Ireland?

The State Library has numerous printed indexes to early wills, usually organized by area, e.g.

- ***Index to wills proved and administrations granted in the court of the Archdeacon of Berks, 1508 to 1652*** / edited by W.P.W. Phillimore (G 929.34229 1893)
- ***Index of the probate records of the Court of the Archdeacon of Berkshire [1653-1710]*** (G 929.34229 1975)
- ***Indexes to Irish wills [1536-1858]*** / edited by W. P. W. Phillimore and Gertrude Thrift (FAMHIS 016.9293 1970) 5 volume set organised in counties.

Check our **One Search** online catalogue for further titles <http://onesearch.slq.qld.gov.au>

National Archives (U.K.) Discover our Online Collections

<http://www.nationalarchives.gov.uk/help-with-your-research/research-guides-keywords/>

Under 'W' then '*Wills*' there are a number of indexes including an index to over 1,000,000 wills proved in the Prerogative Court of Canterbury, 1384-1858. The index is searchable by given name, surname, date, occupation, place and/or keyword.

For information on accessing wills in England and Wales after 1858 see the National Archives' Research Guide on ***Wills or administrations after 1858*** <http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/wills-or-administrations-after-1858/>

For Scotland consult the guide, ***Wills and testaments***, available from **National Records of Scotland**. <http://www.nrscotland.gov.uk/research/guides/wills-and-testaments>

For Northern Ireland consult the guide, ***Wills and Will Calendars***, available from the **Public Records Office of Northern Ireland**. <https://www.nidirect.gov.uk/articles/about-wills-and-will-calendars>

Check ***ancestry.com*** (Library edition) and ***findmypast.com.au***, available onsite only at the State Library, for further mention of wills and probates for Ireland and Britain, including *Index to Irish wills, 1484-1858: records at the National Archives of Ireland*.

What indexes does the Library hold to wills in New Zealand?

New Zealand probates / compiled by Marie Corser for the New Zealand Society of Genealogists. [microfiche] (MFC 929.393 1994)

The State Library holds vol. 1 only: an index to pre-1900 records

Wills at Land & Deeds Office, Wellington / compiled by June Springer [microfiche] (MFC 929.3931 1988).

A name index to wills dated c1833-1910

New Zealand, Archives New Zealand, Probate Records, 1843-1998

<https://www.familysearch.org/search/collection/1865481>

Available from The Church of Jesus Christ of Latter Day Saints 'FamilySearch' website. To search you do need to register but it is free view. The records were created by various courts throughout New Zealand. The index contains entries up to 1998 when all images have been captured, but the images for probates issued during the past 50 years are unavailable for viewing due to New Zealand privacy laws. The original records are located in the Archives New Zealand offices situated in Auckland, Wellington, Christchurch and Dunedin.

Need further information?

State Library of Queensland, Queensland Cultural Centre, Stanley Place, South Bank, Level 3, Information Services. t. +61 7 3840 7810, w. <http://www.slq.qld.gov.au/services/ask-us>

Visit <http://www.slq.qld.gov.au/resources/family-history> to access all family history Info Guides.