

Review of the FamilySearch.org Nova Scotia Probate Records, 1760-1993 Database

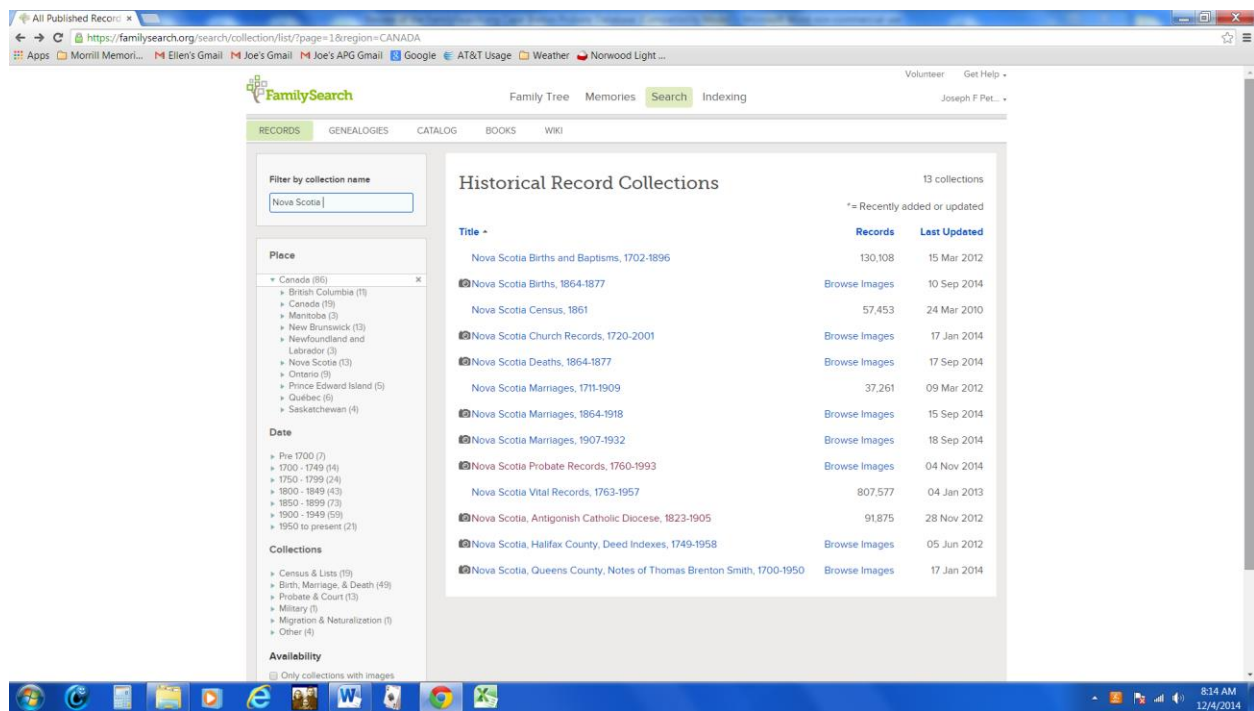
By Joe Petrie

Introduction: Norm MacDonald, the President of the Cape Breton Genealogy and Historical Association, requested this review. I selected the Probate file (K-13) for Richard Casey, a paternal great, great, great grandfather (1768 – 1837) because he was the first ancestor that I found. It was filed a year after he died. As I read the probate documents, I updated my genealogy database. A large number of records were added and updated. It was an excellent validation tool.

Background: On November 4, 2014, FamilySearch made the Nova Scotia Probate Records, 1760-1993 database available for browsing. Access is through the FamilySearch Collections List (<https://familysearch.org/search/collection/list>).

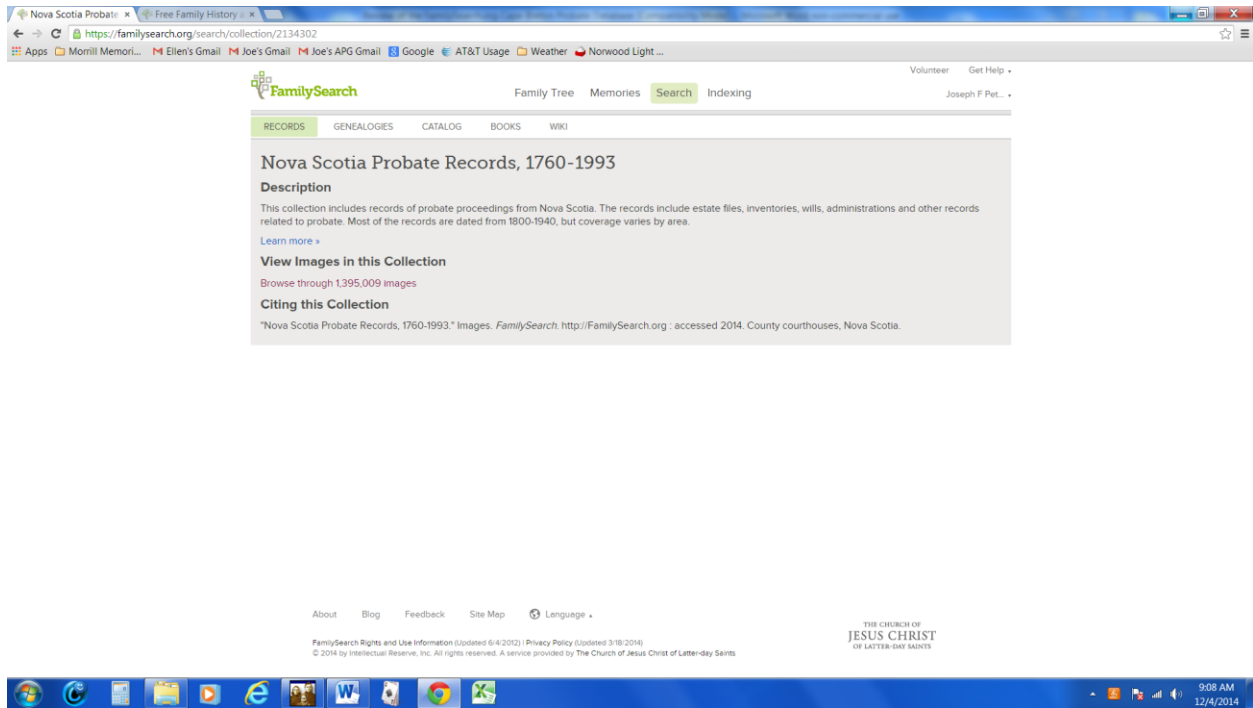
Currently, there are 13 Nova Scotia databases available in the Historical Collection. Only 5 of the 13 have been indexed. The other 8 can be browsed. The 5 indexed databases are also available through the Home page of Family Search (<https://FamilySearch.org>).

The camera icon at the beginning of the items on the Nova Scotia Collection List (below) indicates that a Registered User who has signed in can download images. For this document, I downloaded over 30 of the 80+ images from the Richard Casey Probate (1838 – 1854).

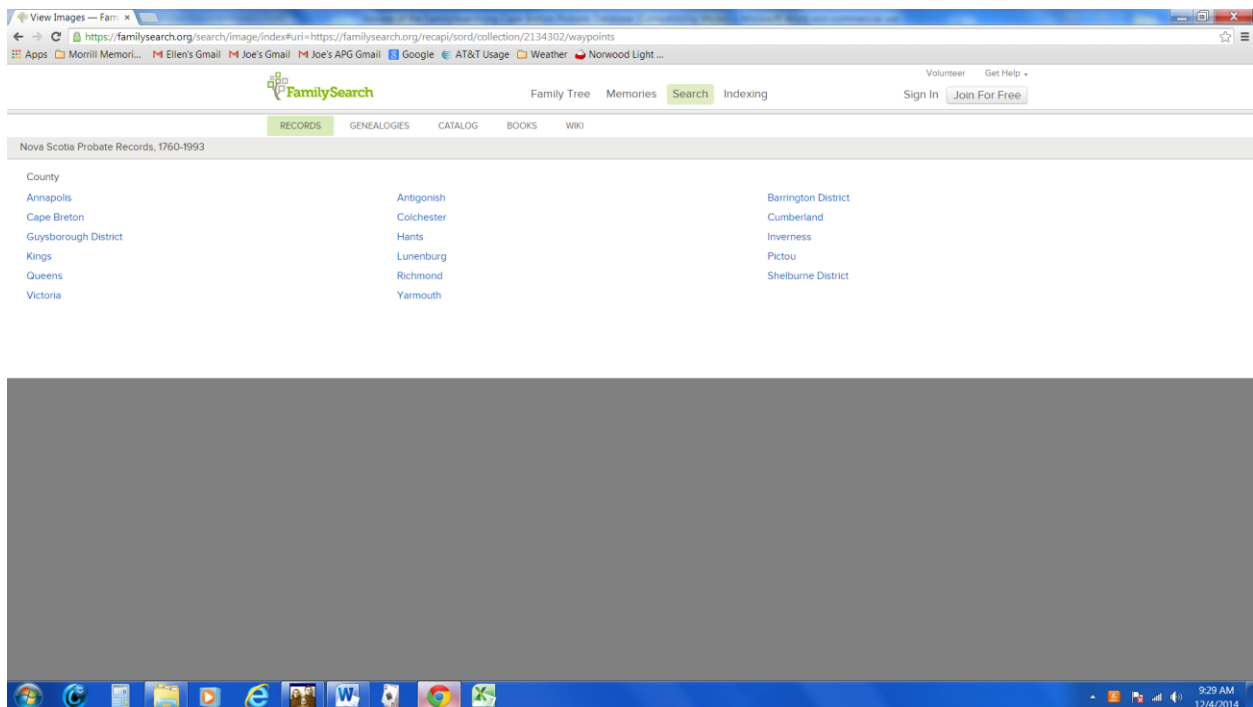


There are 4 steps to see images.

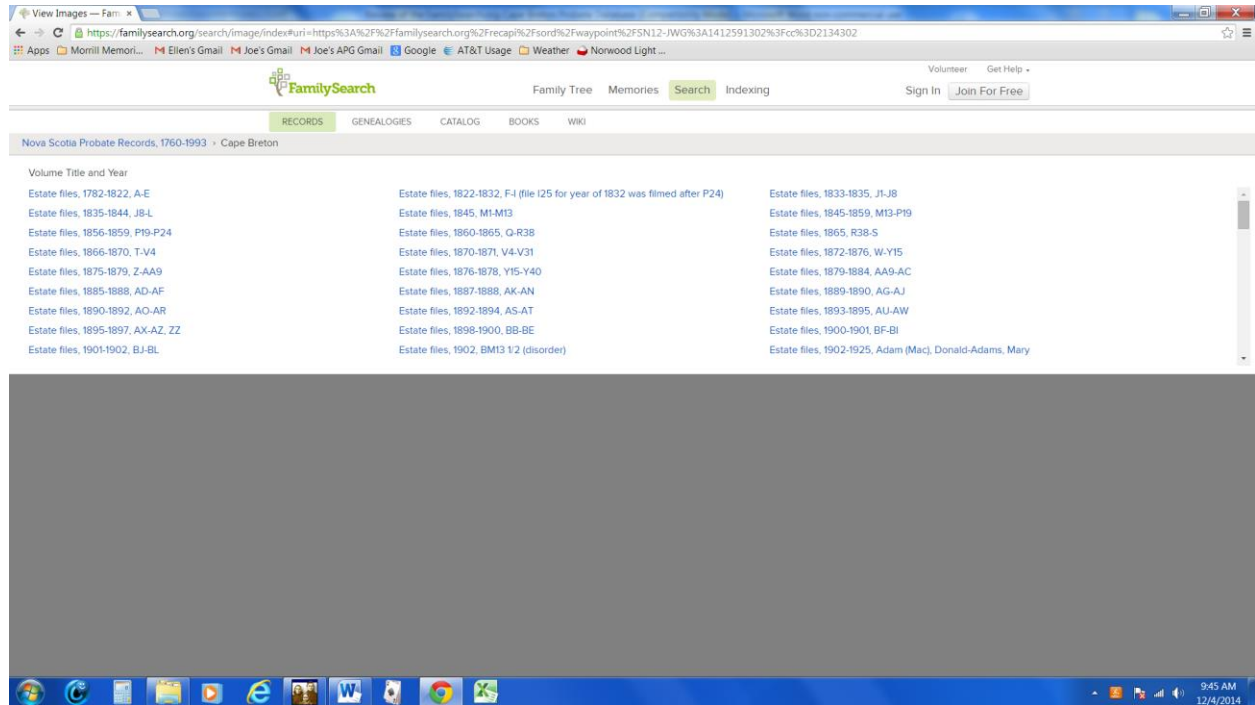
- Select the Nova Scotia Probate Records, 1760-1993
- On the resulting screen (shown below), select the Browse through 1,395,009 images link in the View Images in this Collection Paragraph. There are over 1.3 million images in the collection.
- Select a County or District in the resulting screen
- Select a Date Range.



The following screen shows the Counties and Districts with records in the Probate Collection. Fortunately, all of the Cape Breton Counties have records in the Collection. The important fact to remember with older Probates is that initially Cape Breton Island had only one county, Cape Breton County.



The final step is selecting a data range. (See the following screen.)



Because I did not know which of my ancestors to select, I started at the beginning and finally in the 4th Selection (Estate files, 1835-1844, J8-L) I found my great, great, great grandfather Richard Casey. Richard's daughter Margaret married Edmund Petrie. The path is: Richard Casey/Margaret Casey Petrie/ Richard P. Petrie/ Edmund Ernest Petrie/ Leo Ignatius Petrie/ Joseph F. Petrie (me).

My Review: Before I comment on the Probate of Richard Casey's Estate, it is appropriate to cover items that made the search difficult and the search time longer than I expected.

- I did not have a date of death for Richard – if I had, I could have gone directly to the 1835 – 1844 selection. I did finally find a Death Record in FamilySearch.org and viewed the image in Nova Scotia, Antigonish Catholic Diocese, 1823-1905.
- The Probate Records were dated by year filed. Some Administrators filed closely after the death. Many did not. Richard's was filed the next year.
- Because some images were difficult to read, I had to download images, open them in Microsoft Paint and read them in Paint. Not all were readable in Paint.
- Lots of Probates had less than 5 images. Unfortunately, Richard Casey's had over 80.
- The more images and/or the longer the time period before the Court's completion. Also, it was more likely that the images would be out of chronological order. Many of the Court's documents were contained at the end of the Probate images which made the file difficult to review. It was tougher because Richard's took almost 17 years
- Administrators who hired legal staff (like Barristers etc.) had shorter time frames and less problems with Probate. The time line was shorter. Unfortunately in Richard Casey's Probate, legal help was hired 17 years after his death, The Court mandated it.
- The real surprise was that a Probate Judges made an error. Richard's Will was filed but a Probate Judge indicated the he died Intestate (without a will).

My review of Richard's Estate Probate.

The important Players:

James Hall, Richard's Brother in Law who was the Administrator for the first and third attempt.

Betsy Casey Hall, Richard's sister and wife of James Hall.

Daniel Casey, Richard's Nephew who was appointed as the Administrator for the second attempt

Mary Casey Lee, Richard Casey's daughter

Alexander Lee, Mary's husband

Margaret Casey Petrie, Richard's daughter

Edmund Petrie, Margaret Casey's husband

Thomas Strang, Margaret and Ed's son-in-law who witnessed Richard's Will

Patrick Lonergan, who was present when the will was prepared and signed

Michael Brien who bought property from Daniel Casey (Michael was my O'Brien great, great, great grandfather - Richard P. Petrie (Son of Margaret Casey Petrie who married Michael O'Brien's daughter Agnes

Chronology

There were three attempts to Probate:

- James Hall, 1838 – 1845
- Daniel Casey, 1846 – 1853
- James Hall, 1854 – 1855 (probably successful because he had legal assistance)

First Attempt by James Hall – things he did well

- The 2 page will was filed. (Images 221 and 222)
- Got an affidavit from a witness to the signing of the will (Image 182)
- Very belatedly distributed the land by Deed to Alex Lee, Margaret Casey et al. (Images 255 – 258)

First Attempt by James Hall – things he could have done better

- Communicated his progress on selling the 300 acres of land – Richard's principal asset
- Accounted for the funds from his first land sale and any interest
- Submitted an acceptable inventory (Images 224 and 225)
- Distributed funds equally – an issue with Alex Lee (Alex's Petition to the Court is Images 230 and 231)
- Result was that James was eventually removed by the Court

The Images that apply to the first attempt follow:

Image #	Probate Attempt	Probate Documents (Court Paper are documents of the Court to Organize the Material)
182	1	Affadavit of James Lanagan who witnessed the Will which appointed James Hall as the executor - 1838
214	1	Court Paper - Summons for Michael Casey
215	1	1838 Summons to Michael Casey, son of Richard
216	1	Court Paper
217	1	AF Haliburton's Request for a Summons for Alex Lee, Son-in-law of Richard Casey.
218	1	1838 Summons to Michael Casey, son of Richard
219	1	James Hall's Request to the Court to serve Michael Casey
220	1	Court Paper identifying the Probate as K-13
221	1	Richard Casey's 1837 Will witnessed by Thomas Strang, Margaret Casey Petrie's son-in-law
222	1	Richard Casey's 1837 Will witnessed by Thomas Strang, Margaret Casey Petrie's son-in-law
223	1	Court Paper - 1839 Inventory of Richard Casey's Estate
224	1	Inventory by James Hall Page 1 of 2
225	1	Inventory by James Hall Page 2 of 2
226	1	1841 Summons to Alexander Lee
227	1	1841 Summons to Patrick Lonergan
228	1	Court Paper - Certification that Patrick Lonergan was served
229	1	Court Paper - 1843 Petition of Alex Lee who requested a different distribution of the estate
230	1	Alex Lee's Petition page 1 of 2
231	1	Alex Lee's Petition page 2 of 2
232	1	Court Paper Certification that Alex Lee's Petition was witnessed
233	1	1843 Summons to Edward Petrie (correct given name was Edmund) regarding Alex Lee's Petition
234	1	Court Paper - 1843 Summons to James Hall regarding Alex Lee's Petition
235	1	1843 Summons to James Hall regarding Alex Lee's Petition Page 1 of 2
236	1	1843 Summons to James Hall regarding Alex Lee's Petition Page 2 of 2
237	1	Court Paper General Account
238	1	James Hall's 1843 Account of his spending on settling the estate (90 pounds included 40 pounds to himself)
239	1	James Hall's 1843 Account of his spending on settling the estate (90 pounds included 40 pounds to himself),
240	1	Court Paper
241	1	Court Paper - Review scheduled for July 5, 1844
242	1	Court Paper - December 26, 1843 Order to James Hall to deliver paperwork by January 2, 1844
243	1	Court Paper - Schedule for the Hearing on the Alex Lee Petition for November 11, 1843
244	1	Court Paper - Certification that James Hall was served and ordered to appear on November 11, 1843
248	1	Court Paper - April 26, 1842 Court Correspondence on the Estate
249	1	Court Paper - Unreadable
250	1	Court Paper - Unreadable
255	1	Deeds to various Casey Family members and others Page 1 of 4
256	1	Deeds to various Casey Family members and others Page 2 of 4
257	1	Deeds to various Casey Family members and others Page 3 of 4
258	1	Deeds to various Casey Family members and others Page 4 of 4
259	1	Original Deed for 300 Acres to Richard Casey dated 1789
260	1	James Hall's 1843 Account of his spending with more details, page 1 of 2
261	1	James Hall's 1843 Account of his spending with more details, page 2 of 2
263	1	Receipt from Margaret Casey Petrie for the 7 pounds dated 27 July 1840

Attempt by Daniel Casey - It looks like Daniel did not do anything right.

Image #	Probate Attempt	
200	2	Probate Documents (Court Paper are documents of the Court to Organize the Material) Michael O'Brien's affidavit that he purchased property from Daniel Casey - was part of the Estate
210	2	Court Paper - A decree to void the administration of Daniel Casey
211	2	The Decree - Page 1 of 3
212	2	The Decree - Page 2 of 3
213	2	The Decree - Page 3 of 3
245	2	Court Paper - 1846 Appointment of Daniel Casey as the Administrator
246	2	Court Paper - Daniel Casey is identified as the Administrator
247	2	Court Paper - Record of the Administrative Oath for Daniel Casey, May 21, 1846
251	2	Court Paper - 1846 Correspondence from Lonergan on interest earned by the Estate
252	2	Court Paper - Appointment
253	2	Court Paper - Appointment of Mr. Sullivan
254	2	Appointment of Nicholas Burke to inventory the Estate, 8 October 1846

Third Attempt - second by James Hall – Obviously everything was correct

Image #	Probate Attempt	
183	3	Probate Documents (Court Paper are documents of the Court to Organize the Material) Administration Bond of James Hall the executor
184	3	Record of the Administrative Oath for James Hall, 1854
185	3	Official documentation of the Oath sworn by James Hall, 1854
186	3	The Probate Court's Appointment of James Hall in 1854
187	3	Court Paper
188	3	Appointment of Edward Roach and James Quinn to Inventory Richard Casey Goods 1854, Page 1 of 2
189	3	Appointment of Edward Roach and James Quinn to Inventory Richard Casey Goods 1854, Page 2 of 2
190	3	Court Paper
191	3	1854 Affidavit from James Hall explaining that Daniel Casey had left Nova Scotia Page 1 of 2
192	3	1854 Affidavit from James Hall explaining that Daniel Casey had left Nova Scotia, Page 2 of 2
193	3	Court Paper explaining that James Hall's wife is Elizabeth Casey Hall, Richard's sister
194	3	Court Paper - Registration Fees
195	3	Registration Fees
196	3	Court Paper - an affidavit to allow James Hall to pay the debts of the Estate
197	3	The Affidavit to allow James Hall to pay the debts of the Estate
198	3	Court Paper
199	3	The Affidavit to allow James Hall to nominate a successor (if necessary)
201	3	James Hall's affidavit that he be allowed to sell land etc. Page 1 of 3
202	3	James Hall's affidavit that he be allowed to sell land etc. Page 2 of 3
203	3	James Hall's affidavit that he be allowed to sell land etc. Page 3 of 3
204	3	Court Paper - James Hall's License to sell Real Estate
205	3	James Hall's License to sell the property, Page 1 of 2
206	3	James Hall's License to sell the property, Page 2 of 2
207	3	Court Paper - on the Appointment to sell the property

208	3	James Hall's Appointment to sell the property, Page 1 of 2
209	3	James Hall's Appointment to sell the property, Page 2 of 2
264	3	Court Paper - Administrative Bond
265	3	Authorization to James Hall to collect 300 pounds from the Estate for his services Page 1 of 2
266	3	Authorization to James Hall to collect 300 pounds from the Estate for his services Page 2 of 2

What we can do to help our members

Lunenburg County has produced a list of the Full Name of the deceased, the Court Assigned Case Number, and the starting image number, for example, Casey, Richard, K-13, Image 181.

Impact of this review on my Genealogy database

I corrected a few errors. Betsy Casey Hall is now correctly recorded as Richard's sister. Daniel Casey (Richard's nephew) is also correctly recorded.

I have added new records; especially for descendants of Alex Lee and Mary Casey Lee. In Ancestry Public Trees there is a file that has Lee family records that I am validating using Ancestry.com, FamilySearch.org records, and NovaScotiaGenealogy.com.

I have added a lot of new information to existing records. Included is a note that Alex Lee's parents were from England. Some individuals have identified him as a member of the Lunenburg Ley (L'eau) family.

More Genealogy to be done

I need to determine whether Richard was a Junior. 2 Images indicated that Richard was a Junior. If correct, I'll be able to add a Given Name to Richard's father's record.

I may need to delete a record for a son of Richard Casey (a son that I can't prove existed).

I think that I found Daniel Casey and family in the US Census of 1880 in Bangor Maine. He married in Nova Scotia and I need to research the marriage record and his daughter Rosina's christening record. Depending on the marriage record, I may be able to add Daniel's parents. (His father would have been Richard's brother.)

I'll definitely need to revise the Casey Register Report which as a result of the Probate records is incomplete and contains at least 2 errors.

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