

DANISH PROBATE RECORDS

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HISTORICAL BACKGROUND:

Prior to 1521 probates were settled by custom. There was no written law.

1574—Earliest known will in the city jurisdiction

1630-1637—First rural probates

1683—First probate law in Denmark* (see below)

1719--*Godsejer* (estate owner] was given the authority over probate matters

1719-1793—the primary probate jurisdiction was the *gods* (estate)

1793—*Herred* (district) jurisdiction came into existence for settling probate matters

*The Danish Law of King Christian V (*Kong Christian V's Danske Lov*) of 1683 formed the basis of Danish probate records. Some of the most important segments of this law pertaining to probate matters are as follows:

1. Immediately after the death of a person who is survived by minor heirs, no heirs at all, or absent heirs, the authorities were to be notified.
2. The probate shall contain the registration of the debts and assets of the estate.
3. The probate document was to be signed by the heirs or their guardians and the probating authorities.
4. A widow or widower was not allowed to remarry before probating the deceased spouse's estate.
5. The authorities supervising the probating of estates are to be:
 - a. In the cities, the mayor, city council, and city clerks.
 - b. Outside the cities, the county sheriff, lords of the manors, or district sheriff.
 - c. Among the clergy, the district dean.
6. If the heirs are present and of age, no probate is required, unless the heirs desire it.

TYPES OF PROBATE RECORDS:

Testamenter (wills)

Skifteprotokoller (administrations of estates)

Overformynderiprotokoller (guardian supervision records)

JURISDICTIONS:

København (Copenhagen):

Before 1771 there were 10 different probate jurisdictions:

1. Byretten (city court)—common citizens.
2. Hofretten (royal court)—higher civil servants.
3. Borgretten (civil court)—lower civil servants.
4. Universitetets (university)—professors, students, and others with university connections.
5. Gejstlige (ecclesiastical)—members of the clergy.
6. Militære (military)—military and naval persons
7. Frederiks Hospital—hospital officials
8. Vajsenhusets (orphanage)—orphanage officials

9. Asiatiske og Vestindisk-Guineiske Kompagnis (Asiatic and West Indies-Guinea Company)—officials of the company
10. Jødernes (Jewish)—officials, teachers and members of the Jewish faith

After 1771 probates in Copenhagen were discharged by the Skiftekommision (probate commission) and were divided into 9 classes as follows:

1. Higher civil servants and commissioned officers.
2. Other civil servants, royal theater personnel, secretaries, bookkeepers, clerks.
3. Clergy, professors, students and those working for schools, hospitals, and the church.
4. Citizens of high repute and wealthy merchants.
5. Artisans, tradesmen, journeymen, apprentices
6. Persons of no means
7. Servants
8. Enlisted men of the navy and merchant marines
9. Enlisted men of the army

The indexes after 1798 reference the social class by number, volume, and page.

The number of social classes beginning in 1860 was 6. Persons in class 3 (clergy, etc.) were combined with class 2 (lower civil servants, etc.); Classes 7 (servants) and 8 (enlisted men in the navy and merchant marines), and 9 (enlisted men in the army), were combined in Class 3.

Incorporated cities (Købstæder):

Administrations of estates (*skifteprotokoller*) and guardian supervision records (*overformynderiprotokoller*) for cities other than Copenhagen fell under the same city jurisdictions as follows:

1. Jurisdiction of the city magistrates (*den ordinære skiftejurisdiktion*)
2. Jurisdiction of the Dean (*den gejstlige skiftejurisdiktion*)
3. Jurisdiction of the military (*den militære skiftejurisdiktion*)
4. Jurisdiction of the *amtmænd* (*de ekstraordinære skifter*)

Rural Areas:

1. *Godser* (estates or manors). The responsibility for probates lay with the owners of the estates and manors until approximately 1788, with some continuing to about 1817. It should be noted that some landowners with special consideration continued to probate estates until discontinued by law on April 25, 1850.
2. *Amt* (county) or *Amtstue* (Inland Revenue Office). The estates of all individuals not under the jurisdiction of the *Godser* or the *Rytterdistrikter* (cavalry districts) were probated in the county jurisdictions. Many of these probate jurisdictions were discontinued in 1793 (transferred to the *Herreder* (districts).
3. *Rytterdistrikter* (cavalry districts). From about 1670 national cavalry regiments were assigned royal land estates to provide financial support. Many estates were probated in these districts until approximately 1770 (some discontinued earlier).
4. *Herreder* (districts). Estates were probated in the districts from 1793 to about 1919, when the responsibility was shifted to the underrets *dommer* (local judge).

LOCATING PROBATE RECORDS:

The Cataloging Department of the Family History Library has referenced many probate records under the name of the parish, which serves as a good beginning point. However, not all jurisdictions covering the parish are referenced there, so the following guidelines will be of value in locating the desired probates:

1. Determine the geographical area
2. Determine the name of the estate, district, county, city, Inland Revenue Office, or cavalry district having jurisdiction for your locality, using the following special guides:
 - A. **Sjælland and Møn:** Landsarkivet for Sjælland, *Skifteprotokoller fra Godsarkiver m.m.*, FHL Call no. 948.91 P23s.
 - B. **Lolland-Falster:** *Index of Probate Records for Maribo County*, FHL Call no 948.921, P22c.
 - C. **Fyn, Langeland, Tåsinge, and Ærø**--*Stedregister til skifteprotokoller 1680-1850*, FHL Film 050125, or Stevenson, Joseph Grant, *Danish Genealogical Research, Volume III, Probate Records for Fyn, Langeland and Ærø*, FHL Call no 948.9 D27s v. 3.
 - D. **Odense County:** Church of Jesus Christ of Latter-day Saints. Genealogical Department, *Guide to Probate and Land Jurisdictions in Denmark, Odense County*, FHL Call no. 948.931 P27o.
 - E. **Svendborg County:** Church of Jesus Christ of Latter-day Saints. Genealogical Department, *Guide to Probate and Land Jurisdictions in Denmark, Svendborg County*, FHL Call no. 948.932 P27s.
 - F. **Jylland:** Stevenson, Joseph Grant, *Danish Genealogical Research, Volume III, Probate Records for Jylland*, FHL Call no 948.9 D27s v. 3, or the book *Jens Sørensen og Maren Nielsdatter*, by O. M. Hoffman-Bang, FHL Call no 948.9 A3h or FHL Film 1440085 Item 17.
 - G. **Bornholm:** Most probates are found under the jurisdiction of the country from 1681-1761. See Skifteret (Bornholm), *Landdistrikternes Skifteskriver, 1681-1761* in the Family History Catalog. For the period 1685-1787 see Hammershus Birk for the city of Allinge-Sandvig. See also *Skifteprotokoller, 1700-1919*, which includes probates of Hasle Byret, Allinge-Sandvig Byret, Nørre Herred (Herredsret), and Hammershus Birk. For Åkirkeby City see *Skifteprotokoller, 1747-1898* under Åkirkeby Byret for those years. After 1761 most probate records for Bornholm will be found under the *herreder* (districts) of which there are four: Nørre, Sønder, Vester, and Øster.
 - H. **Sønderjylland:** No guidebook has been compiled. Search the Family History Library Catalog under the parish and county of interest to determine which probate records are available.

It is usually not necessary to search all probate jurisdictions to locate the desired estate administration if the following general rules are followed:

1. Individuals who resided in rural areas dying after 1793 will usually be found in the probate records of the *Herred* (District).
2. Individuals who resided in rural areas who owned their own farms will usually be found in the probate records of the county (*Amt*) before 1793.

3. Members of the clergy and schoolteachers will usually be found in the district deanery (*Herreds Provsti*) before about 1807 (varies by deanery).
4. Individuals who resided in rural areas who leased their farms or houses dying before about 1793 will usually be found in the probate records of the rural estates (*godser*).
5. Individuals who resided in the cities (*Købstæder*) will have their estates probated under the city jurisdiction.

Probate Indexes and Extracts:

1. Most probate jurisdictions have indexes, either at the end of each volume or a separate register. Indexes may be alphabetical by given name or surname, by locality, or chronological. If there are no indexes then you must search each volume until you locate the desired probate. Generally, probate records will be in chronological order, so if you know the date the person died, your search can be shortened.
2. Indexes and extracts of estate probates for the various counties have been compiled by the staff of the Family History Library. These were compiled for parishes where early church records were either lost or destroyed. To locate these records consult the Family History Library Catalog under the name of the desired county, then search under the heading: Probate records—Indexes. **CAUTION:** These extracts must be used with care as they do not contain all the information found in the probate and may contain errors. It is always wise to consult the original records.
3. Card Indexes of probate records have been compiled for various counties. Consult the Family History Library under the heading: Probate records—Indexes.

ONLINE PROBATE INDEXES AND RECORDS:

In 2011 digital images of probate records and indexes began to be made available on the same site as digitized parish registers and census records. These images are available at *arkivalieronline.dk* under the auspices of *Statens Arkiver*. To access the records click on *Find din slægt*, then click on *skifter* for your area.. Digital images of various probate records are available on FamilySearch under Denmark, Estate Records, 1436-1964. Online indexes to probate records may be found under various locations by searching Google under “Danish Probate Indexes Online”. A good example is indexes to probate records of Thisted, Viborg, Ålborg, and Randers found on the website *Dansk Demografisk Database*.

CONTENTS OF PROBATE RECORDS:

Skifteprotokoller:

1. Date of probate
2. Names of probate officials
3. Name of decedent
4. Place of residence of decedent at time of death
5. Enumeration of legal heirs
6. Residence(s) of heirs
7. Ages of heirs are often given, especially minor children
8. May include birth dates
9. Names of husbands of married females
10. Names and often relationships of guardians of minor children and widows
11. Inventory of estate

12. Debts of estate

Overformynderiprotokoller:

1. Name of the minor
2. May provide the age or birth date of the minor
3. Date(s) the inheritance is paid to the court
4. Name and residence of the guardian
5. Date the inheritance is paid to the minor

VALUE OF PROBATE RECORDS:

1. Establish relationships
2. Establish residences
3. Occupations are listed
4. Often link 3 generations
5. Clues for further research
6. When church records are incomplete or missing, probate records can fill the gaps. These records often pre-date existing church records.

LIMITATIONS OF PROBATE RECORDS:

1. Deceased children will not be listed if they had no surviving heirs.
2. Wives of male children are rarely listed.
3. May be difficult to read due to deterioration of the records.

COORDINATING WITH OTHER RECORDS SOURCES:

Probate records should always be used in conjunction with other record sources to complete family group records. When used with church, census, military, land, civil, and other court records, the likelihood of making incorrect ancestral connections is reduced.

APPLICATION

Two case studies will be presented to illustrate the value of probate Records.

References:

1. Fabritius, Albert and Hatt, Harald, *Håndbog i Slægtsforskning*, København: J. H. Schultz Forlag, 1963. FHL Call no. 948.9 D27fh
2. The Genealogical Department of the Church of Jesus Christ of Latter-day Saints, *The Probate Records of Denmark*, Salt Lake City, Utah: Church of Jesus Christ of Latter-day Saints, Department, 1977. FHL Call no. 929.1 G286gs ser. D no. 9 1977 or on microfiche 6030009.