



*Slektforskningklubb*  
*Fjell dalen Lodge #6-162*  
*Highlands Ranch – Fjell dalen.com*



**SONS of  
NORWAY**

# DigitalArkivet - Probate Records

## 6August2022

Updated 8/2/2022 1:31 PM



*Tony and Teri Hjelmstad*

*Norsky.net/GedHjelmstad*

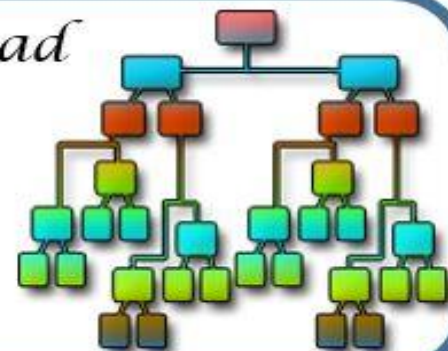
*Norsky.net/GedReed*

*GenealogyJottings.com*

*MusicalBelles.com*

*[teri@norsky.net](mailto:teri@norsky.net)*

*[tony@norsky.net](mailto:tony@norsky.net)*



- **This talk is relatively short as I don't have many examples.**
- **Wording in records is freeform and varies widely.**
- **Only some indexes are available.**
- **Therefore, we'll go online and look at actual searches and records. Plan ahead to ask for places and names.**
- **While I'm versed in U.S. Probate records, I'm not very strong on Norwegian records.**
- **Please ask questions as we go – I'll either answer or defer if the subject comes up later.**
- **Have fun . . .**



- Norwegian probate records are, like church records and census records, a primary source, while other sources, such as bygdebøker, are compiled or secondary sources.
- Long ago, prior to the 1000's, The division of a deceased's property was originally handled informally by the surviving members of the family without any governmental involvement.



# • Norwegian Gulatings law

## – Odelsgoods and Skiftebrev

- Odelsgoods – real estate that had been in the family for several generations – dates to the 800s
- Skiftebrev – a written document which specified an agreement as to the division of real estate covered by an Odelsgoods
- Gulatings Law – a law specifying the time required to obtain Odelsgoods status



- Norwegian Gulatings law – the time to achieve Odelsgoods status:
  - Ancient Norwegian Gulatings law – 6 generations
  - Magnus Lagabøte's law – from 1274 – 60 yrs
  - Christian IV's law – from 1604 – 30 yrs
  - Christian V's law – from 1687 to present – 20 yrs



- Norwegian Gulatings law

- If a family farm that had acquired Odelsgoods status was sold out of the family, the descendants of the owner that sold the farm could redeem the family farm within a specified time period. (There were strict rules as to which descendant had the right over other descendants to redeem the farm).

- Prior to 1811- varied
    - Prior to 1857 – 5 yrs
    - Since 1857 – 3yrs



- Norwegian Gulatings law

The redemption was made by filing a lawsuit (called an *odelssak*) in which the plaintiff would have to prove that the farm had been in his family's ownership for the required time period. If the lawsuit was successful, the plaintiff could redeem the farm by paying the assessed value of the farm. Needless to say, an *odelssak* is an invaluable source of genealogical information, and you will frequently see references to such lawsuits in a *bygdebok*.



## • Probate System

- In 1687, Christian V signed a law requiring a formal probate if any of the following factors existed:
  1. One or more heirs were not of age;
  2. One or more heirs had moved away and could not attend the probate proceeding;
  3. One or more heirs lived abroad; or
  4. There were no direct descendants to inherit the deceased's property
- In 1869, a new law waived probate if the assets of the estate were less than 100 speciedaler (an old currency). This was because in many cases, the deceased was poor and had left no assets.





## • Probate System

- Female heirs and males under 25 were required to have a guardian
- After 1863, unmarried adult females did not need a guardian
- After 1888, married adult females did not need a guardian



*Tony and Teri Hjelmstad*  
*All Rights Reserved*

## • Probate System

– All early probate records were entered into one record – the Skiftprotokoll. By the mid 1800's there were four records:

1. Registreringsprotokoller – list of new probate with heirs and property identified – **usually has all genealogy information**
2. Skiftebehandlingsprotokoll or Skifteforhandlingsprotokoll – recorded negotiations and procedural matters
3. Slutningsprotokoll or Utlodningsprotokoll – records the distribution of the property
4. Skifteregister - indexes



## • Reading a Registreringsprotokoller

- Before 1890, most are handwritten in Gothic script

- Structure

- Introduction paragraph(s)

- Date probate started

- Name of deceased

- Names of heirs and vergers (guardians)

- Sometimes lensmann (assessors) and sorenskriver – clerk

- Note that often more heirs came forward later, so check the list of who received property



- Reading a Registreringsprotokoller, continued
  - Structure
    - Main Body
      - Balance sheet – list of assets and liabilities – usually quite detailed
    - Utlodning (Distribution)
      - Who gets what
      - keep in mind that for many years the law provided that a son would inherit twice as much as a daughter. This did not change until 1854 when the law was changed to provide for equal division between brother and sister.



## • **Diplomatarium Norvegicum**

- Early Skiftbrev can be found in a collection called the Diplomatarium Norvegicum.
- In this version it is possible to search in vol. I-XXIII of the printed edition of the Diplomatarium Norvegicum. The printed edition consists of 23 volumes containing the transcription of approximately 20,000 diplomas connected to Norway in the period 1050 to 1590. The transcriptions were done from 1840 to 1991. Expanded abbreviation are not marked in volumes I-XX and the original hyphenation is ignored. Errors introduced by the type setters are not infrequent. Thus, the texts should be used with caution.



## • **Diplomatarium Norvegicum**

- Early Skiftbrev can be found in a collection called the Diplomatarium Norvegicum.
- It is possible to search in vol. I-XXIII of the printed edition of the Diplomatarium Norvegicum. The printed edition consists of 23 volumes containing the transcription of approximately 20,000 diplomas connected to Norway in the period 1050 to 1590. The transcriptions were done from 1840 to 1991. Expanded abbreviation are not marked in volumes I-XX and the original hyphenation is ignored. Errors introduced by the type setters are not infrequent. Thus, the texts should be used with caution.
- Use O. Rygh's series "[Norwegian farm names](#)" as a geographic entry to the diplomas.



## • Using DigitalArkivet Probate Records

- Use Find Source from top menu and then select Probate records under category. Select a geography to limit you results.
- Put in a date range for your search
- Under Probate Records – use Select all to start



## • Using DigitalArkivet Probate Records

- Note that most of these are not searchable – however, there are indexes.
- If they are searchable - use Olaf Rygh to find farm name variations – click on Search
- For example – the Hjelmstad farm is listed this way:

232. Hjelmstad. Udt. *j?`#msta.* — Hielmestadt 1520. Hielmestad, Hialmestade OE. 116. Hielmstadt 1578. Hielmestaa 1593. Hielmsta 1604.1/1. Hielmstad 1669. 1723 (derunder S?ter Engeslet).





## • Using DigitalArkivet Probate Records

– If you get “lucky”, there will be index cards

– Note that:

- Index cards are sometimes not entirely alphabetical
- Index cards can list the farm under several names – see your Olaf Rygh listing
- They give little information except the date of the probate, but give you a place to start in looking at the actual records



- Using DigitalArkivet Probate Records

N. Hedemarken. Skifteprotokol 1820-1828

Hjelmstad i Ringaker.

Fol. 91a.

1821<sup>2/4</sup>

Ole Hjelmstad +  
g. Marie Berfeldt.

Skiftet blev utsat.



Tony and Teri Hjelmstad  
All Rights Reserved

# Using DigitalArkivet Probate Records

- If you have an approximate date or found an index card, go to the list of your probates for that date

You may fill in one or more criterias

Ringsaker  
 Probate records

Reset

Text search

Period

1820 1830

Form

All formats  
 Scanned (8)  
 Searchable (0)  
 Full text (0)  
 Audio (0)  
 Video (0)

Your search resulted in 8 hits:

1

[Nord-Hedmark sorenskriveri, probate records no. 5, 1808-1820 >](#)  
Archive: Nord-Hedmark sorenskriveri  
Browse scans > *Not searchable*

[Nord-Hedmark sorenskriveri, probate records no. 6, 1820-1828 >](#) ←

Archive: Nord-Hedmark sorenskriveri  
Browse scans > *Not searchable*

[Nord-Hedmark sorenskriveri, probate records no. 8, 1828-1834 >](#)  
Archive: Nord-Hedmark sorenskriveri  
Browse scans > *Not searchable*

[Nord-Hedmark sorenskriveri, probate records no. 7, 1824-1829 >](#)  
Archive: Nord-Hedmark sorenskriveri  
Browse scans > *Not searchable*

[Nord-Hedmark sorenskriveri, probate index cards 1776-1854 >](#) ←

Archive: Nord-Hedmark sorenskriveri  
Browse scans > *Not searchable*

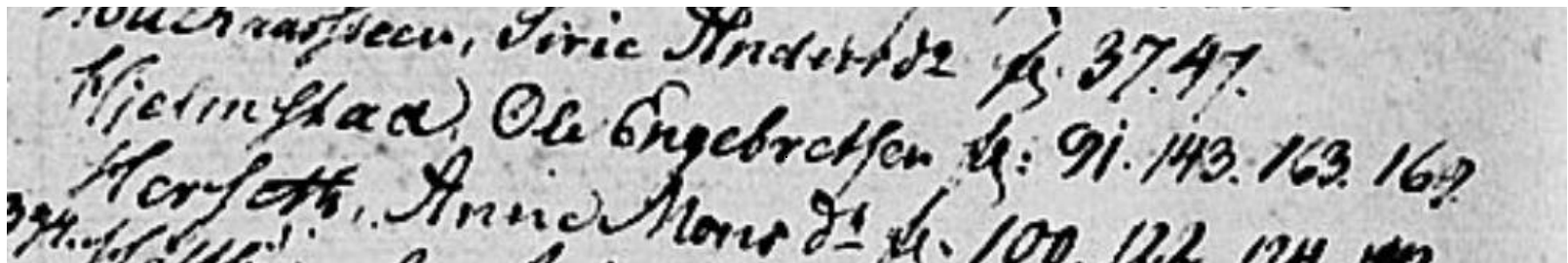
## • Using DigitalArkivet Probate Records

- The Probate Record book USUALLY has an index of farms for every year – but you have to find the index. Some are at the beginning or end of each year. Some are at the end of the entire film and cover all years. Some list the year at the top of each page, most don't
- Find the index for the year you are looking for and search for your farm name – use Olaf Rygh for variations

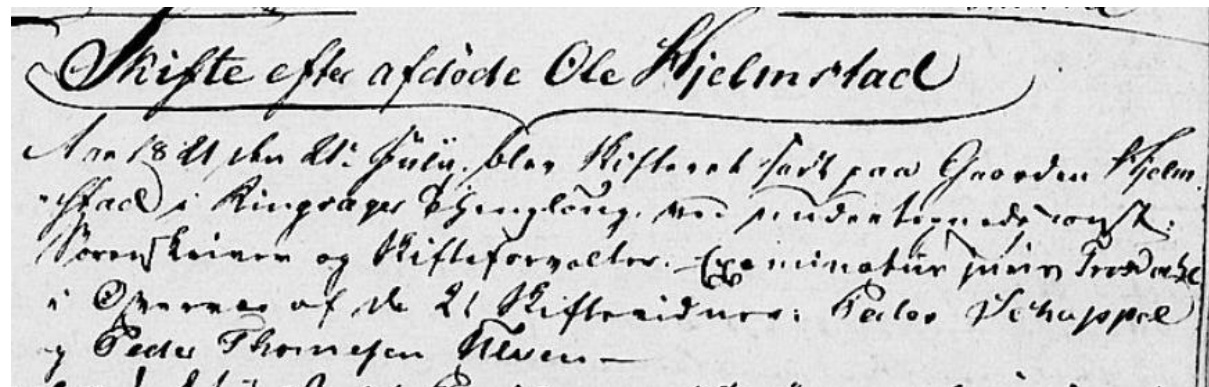


- Using DigitalArkivet Probate Records

- The Hjelmstad farm has four entries. Using the page numbers – note that the actual page number is not the image number, visit every page.



– Page 91





# • Using DigitalArkivet Probate Records

## – Remember the Structure

- Introduction paragraph(s)

- Date probate started

- Name of deceased

- Names of heirs and vergers (guardians)

- Sometimes lensmann (assessors) and sorenskriver – clerk

- Note that often more heirs came forward later, so check the list of who received property

- You have to assume it's not exactly that way – though it usually has all this information

- But sometimes is contained over several entries



## • Using DigitalArkivet Probate Records

### – The Initial record usually has

- Date probate started
- Name of deceased
- Names of heirs and vergers (guardians)
- Sometimes lensmann (assessors) and sorenskriver – clerk

### – But dates can be completely or partially written out

### – The name of the deceased and /or the farm name is sometimes in the “title” and sometimes comes sometime after the date



## • Using DigitalArkivet Probate Records

- The initial record – usually the first one listed – usually has the main heirs listed at the end. Note one does not have “Hjelmstad” but has “Hielmstad”.
- In this case they all have farms and their patronimic is probably Olesen

regional forname Nulthouen m. at gults — 7 Hjelmsdare  
Tom Luens vægnd og Tring Troon. Schyberg Ole Hindje  
E Hielmspaa Niels Døhle Peder Ulvsen Peder Schyppel



Tony and Teri Hjelmstad  
All Rights Reserved



- Using DigitalArkivet Probate Records
  - Now you are basically on your own as you can find lots or little information.
  - In this case, on page 143, there is a history of the “non-filed” transition of the farm down 2 generations. There are also mortgages and who owned them – and they were parents of the current owner.
  - However, to find this, Google translate has to be used to “read” the contents.



- Using DigitalArkivet Probate Records
  - Page 163 contains more information about the mortgages and heirs
  - Page 169 contains the final accounting and who got what
  - You have to visit all the pages to get a complete record.



# References

[Norwegian probate records \(rootsweb.com\)](https://homepages.rootsweb.com/~norway/skifter.html)

<https://homepages.rootsweb.com/~norway/skifter.html>

[Diplomatarium Norvegicum](https://www.dokpro.uio.no/dipl_norv/diplom_field_eng.html)

[https://www.dokpro.uio.no/dipl\\_norv/diplom\\_field\\_eng.html](https://www.dokpro.uio.no/dipl_norv/diplom_field_eng.html)

[Norwegian Farm Names](https://www.dokpro.uio.no/rygh_ng/rygh_form.html)

[https://www.dokpro.uio.no/rygh\\_ng/rygh\\_form.html](https://www.dokpro.uio.no/rygh_ng/rygh_form.html)



*Tony and Teri Hjelmstad*  
*All Rights Reserved*



*Slektforskningklubb*  
*Fjellaldalen Lodge #6-162*  
*Highlands Ranch – Fjellaldalen.com*



# DigitalArkivet - Probate Records

## 6August2022

Bentsen and Reed  
Ancestral Lines



Genealogy Jottings  
The Happiness of Pursuit



Walzs from Mahanomen  
Hjelmstads from Milton



### Tony and Teri Hjelmstad

[Norsky.net/GedHjelmstad](http://Norsky.net/GedHjelmstad)  
[Norsky.net/GedReed](http://Norsky.net/GedReed)  
[GenealogyJottings.com](http://GenealogyJottings.com)  
[MusicalBelles.com](http://MusicalBelles.com)  
[teri@norsky.net](mailto:teri@norsky.net)  
[tony@norsky.net](mailto:tony@norsky.net)