

Handout: Wills: Not Just a Source for your Better-off Ancestor!

I hope you enjoyed my talk. This handout aims to act as a reminder for some of the points in the talk as well as being a reference aid for various books and websites that will help you in your search for records. You will find further details about wills and other death records in my book [Tracing Your Ancestors Through Death Records](#)

Celia Heritage

<http://www.chfh.co.uk>
[facebook.com/HeritageFamilyHistory](https://www.facebook.com/HeritageFamilyHistory)

Wills potentially cover a range of dates from the 15th century right through to the present day. Whether you are using them to build a fifteenth century pedigree before the time of parish registers or to find out more about your twentieth century family there are one of our most vital sources.

To start let's look at who could leave a will – or rather whose will would be legally recognised if they wrote one.

- Anyone over the age of 12 for women and 14 for men up to 1837
- From 1837 the age was raised to 21 years
- Wills made by the following types of people were not valid:
 - prisoners
 - suicides
 - the insane
- Up to 1882 although a married woman could write a will it was not legally valid if she pre-deceased her husband
- No obligation on anyone to make a will if did not wish to

So just who did make a will?

Someone who had something to leave and wanted to be certain his estate would be distributed in the way he wanted after his death. This might someone with a large estate – but also might be your lowly carpenter leaving the tools of his trade to someone. Conversely plenty of wealthy people did not bother to make wills. The laws of the land meant their estate would pass in a certain way if they did not and they may have been content with that.

Will making cost money – both to have it drawn up and again to have it proved. Although your wealthier ancestors are, generally speaking, more likely to have left wills plenty of less well off

people did too. Be wary of how you interpret what is 'well off' and what sort of person was likely to be well off.

Below are a few statistics – from the Prerogative court of Canterbury (PCC) – the highest and most expensive probate court in the land.

2645 testators whose wills were proved at the PCC were described as labourers, 9,760 as carpenters, 2366 bricklayers, 2885 servants, 538 fisherman. This is out of a total of 1,018,460 wills proved between 1384 and 1858 but this is the most expensive court so imagine how many more people of this ilk were having their wills proved in the lower and cheaper courts which is where most people would in fact have their wills proved.

Mis-interpreting the way people are described.

A bricklayer could have been a successful and rich man with his own business and employees or he could be a less successful odd jobbing bricklayer perhaps working for someone else on an occasional basis. What labourers? How well off do we expect them to be? We probably expect them to be fairly poor. Not always the case - a labourer could, for example, actually be a successful builder and be comfortably off.

Why are wills such useful documents?

- Name relationships - builds our pedigree
- Tell us more about a person: occupation, status, where he lived, what he owned, value of his estate
- Give an indication of date of death from the date the will was proved
- May pre-date parish registers

Let's look at some of these points in greater detail.

Names relationships:

Confirms who is related to whom. This may not be clear from other sources. To prove your family tree to 'pedigree level' you should have at least two independent documentary sources to show that your ancestor is the son or daughter of his or her parents. The further you go back in your research the less detailed the parish registers become while some may be missing. Supplementary sources are also less frequently available and so it becomes much harder to prove your tree to pedigree level. The parish registers may show several possible baptisms for your ancestor. If you find a will then it will help to clarify which is the right entry. It will often also name other wider family members (siblings, aunts, cousins etc) which helps to slot your ancestor into the correct family group.

A good example is from my own Dickinson family. Each generation I get back it becomes harder to prove I am tracing the right line - the parish registers are increasingly sparse and the number of James, Johns and Thomas Dickinson seems to multiply with few distinguishing details. I

believe I have found my ancestor James Dickinson's baptism in 1737 to Thomas and Dorothy Dickinson. Disappointingly there is no will for Thomas and before that the parish registers are way too vague. Although I have tentatively traced the line back two more generations it is with no certainty and definitely not to pedigree level.

What can I do to progress the tree further? Let's look at wills from a slightly different angle. Don't study your family tree in glorious isolation of looking only at your direct ancestors. I am currently looking at wills for other people with the surname in the area - if I work my way through them there are bound to be references to other branches of each family - one of which may well be mine. In effect I am carrying out a mini one-name study and in that way I will gain I hope an understanding of all the Dickinson families in the area which will set me up in good stead for learning more about my own tree. I have 4 pages of names of men who left wills to work my way through and I am using these too in conjunction with manorial records. Using records in tandem is very important.

For those of us with antecedents from overseas their wills may give vital clues as to where they came from in the home country which help us continue our family line. A good example are the wills of brothers Johan and Werner Harbusch (proved in 1824 and 1834 respectively) which gave details of their wider family in Germany including siblings, nephews and nieces and details of where their nieces and nephews were baptised and when.

Wills of Those People with no Children

You should also look for wills of family members with no children. Their wills will often name a far wider range of relations and help build a bigger and better tree.

Locating 1858 Wills in England and Wales from 1858

From 12 January 1858 all English & Welsh wills were proved by a system of secular probate courts overseen by the Principal Probate Registry and there is a centralised index. The index is available up to 1966 on Ancestry.co.uk (entitled *England and Wales National Probate Calendar*) and on the Probate Service website at <https://probatesearch.service.gov.uk>. There are currently three sections in the latter: wills 1858-1995, will post-1996 and soldiers' wills from 1858-1986.

The information in the PPR index itself is also very useful even without buying the will. It usually provides details of the deceased's full name, date of death, occupation and address as well as when and where the will was proved, who the executors were and an indication of the value of the estate.

If you decide to use the *Probate Search Website* <https://probatesearch.service.gov.uk>

To search you will search by surname and year of probate – note that this may be different from year of death – note it asks for year of death on the website but this is incorrect! Currently the 1858-1995 will take you through to a copy of the actual probate image itself which is excellent. The 1996 plus section currently (March 2015) does not and the information supplied may not be sufficient to be sure it is the right person. At £10 each you don't want to

order the wrong one. HMCTS tell us that they will upgrade the 1996 + section to showing the full probate index in due course although the original is not as detailed as its predecessors

The PPR index also lists grants of administration that occurred when there was no will and where an administrator was appointed to administer the estate - usually this is if there were debts owing from the estate.

You can order a will copy directly from the Probate Service website (you will receive it via email as a download). The grant type you require is either W (Will) or A (Administration Bond) This will be stated in the index. Tick that you want both the grant and the will copy.

Either way wills cost £1.50 (recently reduced from £10)

Locating Pre-1858 Wills Locating wills before 1858.

Wills were proved by hierarchy of church courts. The determining factors as to which court are where your ancestor's goods or property were located. Here were 4 different types of court where you might find your ancestor's will.

- Archbishopric Courts – (aka 'Prerogative Courts' PCC & PCY)
- Diocesan Courts (aka Consistory Courts)
- Archdeaconry Courts - cheapest and most numerous
- Peculiar courts

A peculiar was an area that did not fall under the jurisdiction of the local archdeacon or bishop for probate purposes. Probate jurisdiction was frequently under the control of an archbishop or bishop in a totally different area or might even belong to a vicar or a manorial lord.

Wherever your ancestor lived, in most cases, his will could have been proved at any of these types of courts, however, there were certain rules that had to be followed. If he held land in more than one archdeaconry then his will had to be heard in diocesan court, or if in more than one diocese in the PCC or PCY - but only if estate over £5 (or £10 if it was in London.)

Exceptions

Even if ancestor's estate was located solely in one archdeaconry his executors may have sought probate from a higher court because they thought it would be quicker or because it was more conveniently located. It also gave greater privacy from curious neighbours who wanted to know how much was in the estate.

If an estate contained government stocks then, between 1812 and 1858, it had to be proved at the PCC. This was because the Bank of England would only acknowledge probate granted there. To ensure you check all relevant courts need to search methodically!

A Methodical Approach to Finding a Pre-1858 Will

- Identify all the church courts which had jurisdiction over the area your ancestor lived or is likely to have held property
- Probate jurisdictions may not follow county boundaries!
- <http://www.origins.net/nationalwills/search/maps/index.aspx>
- Jeremy Gibson and Else Churchill' *Probate Jurisdictions: Where to Look for Wills*

Wills proved in diocesan and archdeaconry courts will be at county record offices while PCC and PCY are held at TNA and Borthwick respectively. The former is online and you can order will copies from the latter by post.

Once you know which courts you need then start by seeing which are online. It makes sense to search these first in most cases. For those that are not online then you will have to go to the record office or get someone to go for you.

Scotland and Ireland

There are significant differences in English and Scottish wills. See [this link](#) for further information about Scottish wills.

- Scottish wills of 1513-1901 are at www.scotlandspeople.gov.uk
- Ireland: From 1858 probate authority vested in civil courts headed by the Principal Registry in Dublin and in 1922 a Principal Registry was also formed in Belfast to serve Northern Ireland.
- A substantial proportion of the original probate records before 1922 were destroyed.
- The calendars of wills and administrations after 1858 survive: at the National Archives of Ireland (NAI) in Dublin and at Public Record Office for Northern Ireland (PRONI) which has some online www.proni.gov.uk/index/search_the_archives/will_calendars.

Reading the handwriting.

Wills may be hard to decipher and early ones may be in Latin possibly. There is lots of legal jargon which can usually be ignored. Be patient and prepared to come back to it time and again - the more you look the more you will be able to read. Compare letters throughout document but bear in mind people did not always form letters consistently! Practise! If necessary hire a researcher via <http://www.agra.org.uk/>

A Selection of websites providing will indexes or images:

The National Wills Index (previously hosted by the now defunct Origins network website) offers many will collections from across the country. These can now be found on Findmypast.co.uk which also hosts the Borthwick Institute probate indexes. Images of many of these wills can be bought via Findmypast.

Information on Borthwick Institute remote copying services can be found [here](#) and on the Institute Archives at <http://www.york.ac.uk/library/borthwick/>.

www.nationalarchives.gov.uk

- | | |
|---|-------------|
| • Prerogative Court of Canterbury wills | 1384 - 1858 |
| • Death Duty Records | 1796 - 1811 |
| • Wills of Royal Naval Seamen | 1786 - 1882 |

<http://www.findmypast.co.uk> offers various useful probate listings notably for London, West Kent and Chester and British India office wills. Also an index to death duty records 1796-1903. Now also the Origins collections.

<http://www.ancestry.co.uk> has a growing number of probate records including many will images for London and the post-1858 National Probate Index between 1858 and 1966.

Thegenealogist.co.uk also has PCC wills online and a variety of other will collections.

Soldiers' wills 1850 -1986 are at <https://probatesearch.service.gov.uk>

National Archives palaeography and Latin tutorials

<http://www.nationalarchives.gov.uk/latinpalaeography/how-to-use.htm>

<http://www.nationalarchives.gov.uk/latin/beginners/tutorial/default.htm>