

## WILLS AND PROBATE IN ENGLAND AND WALES

### Definitions

Will - real estate, ie freehold land  
Testament - personal estate, ie goods, cash, chattels & debts  
Estate – possessions of the deceased  
Testator – person who leaves a will (f, testatrix)  
Nuncupative will – oral or spoken will subsequently written down  
Probate - legal recognition as a valid will  
Executor – person(s) named by deceased to carry out terms of the will  
Codicil - later change or addition to the will  
Intestate – someone who dies leaving no will or one that is invalid  
Administration – grant or order by relevant court authorising person to deal with the estate  
Administrator – person appointed by court to administer the estate when there is no valid will  
Bona notabilia (noteworthy goods) - estate worth £5 or more

### Wills from 1858

England and Wales  
National records  
National Probate Calendar  
    Local Probate Registries  
    National Probate Registry (London)  
    On line with Ancestry (1858-1966)  
    On line with Find My Past (1858-1959)  
    On line National Probate Service (1858-yesterday)

### Wills before 1858

Usually proved in the local ecclesiastical court; bona notabilia, if estate in more than one jurisdiction it was proved in the next higher court

More than 300 courts, records now usually kept in the relevant county record office

Court hierarchy:

    Archdeaconry (lowest) (not all dioceses)  
    Diocesan  
    Provincial (York or Canterbury, the senior)  
    Peculiar (parishes outside the jurisdiction of the local bishop)

PCC Wills held at TNA (search using Discovery)

PCY, wills held at Borthwick Institute, York

    Indexed on FMP

### Related documents

    Inventories and accounts  
    Grants of administration  
    Administration bonds  
    Renunciations  
    Death duty registers, 1796-1903  
    Military wills

## BIBLIOGRAPHY

	<p><b>Probate Jurisdictions: Where to look for Wills</b> by Jeremy Gibson and Else Churchill ISBN: 18600615204 (paperback) new edition imminent</p>		<p><b>Wills of Our Ancestors</b> by Stuart A Raymond, Pen and Sword (2012) £12.99 (paperback) ISBN: 9781848847859</p>
	<p><b>Wills and Probate Records</b> by Karen Grannum and Nigel Taylor, The National Archives £12.99 (paperback) ISBN: 9781905615414</p>		<p><b>Words from Wills and other Probate Records</b> by Stuart A Raymond, Federation of Family History Societies £8.50 (paperback) ISBN: 9781860061813</p>
	<p><b>When Death Do Us Part - understanding and interpreting the probate records of early modern England</b> by Arkell, Evans and Goose, Local Population Studies £14.50 (paperback) ISBN: 9780904920420</p>		<p><b>Ecclesiastical Courts, Officials &amp; Records</b> by Colin Chapman, Lochin Publishing (1998) £6.00 (paperback) ISBN: 9781873686157</p>
	<p><b>Church Court Records</b> by Anne Tarver, The History Press (1995) £12.95 (paperback) ISBN: 9780850339277</p>		<p><b>Phillimore Atlas and Index of Parish Registers</b> by Cecil R. Humphery-Smith, Phillimore £45.00 (hardback) ISBN: 1860772390</p>
	<p><b>Hatred Pursued Beyond the Grave</b> by Jane Cox, HMSO 1995 (paperback) ISBN: 0114402396 out of print</p>		<p><b>Ancestral Trails - 2nd Edition</b> by Mark Herber, Society of Genealogists £25.00 (paperback) ISBN: 9780750941983</p>
	<p><b>Local Historian's Glossary of Words and Terms</b> by Joy Bristow, Countryside Books (2001) £9.95 (paperback) ISBN: 9781853067075</p>		<p><b>Latin for Local and Family Historians</b> by Denis Stuart, Phillimore (2006) £14.99 (paperback) ISBN: 0971860773853</p>
	<p><b>Researching Scottish Family History</b> Chris Paton, The Family History Partnership (2010) £7.95 (paperback) ISBN: 9781906280222</p>		<p><b>Tracing your Ancestors in the National Archives</b> by Amanda Bevan, The National Archives (paperback) out of print ISBN: 9781903365892</p>

### Somerset Wills Index: printed and manuscript copies

by Sir Mervyn Medlycott (1993), out of print

A guide to the availability of all known (at 1993) locally-proved pre-1858 Somerset wills.

See also <https://swheritage.org.uk/news/online-indexes-to-somerset-wills-and-probate-inventories/>



**Southampton Central Library** has 18 volumes of will indexes published by the British Record Society (Cornwall (1 vol), Bedfordshire (2 vols) , Ely (4 vols), Berkshire (1 vol) Sudbury (3 vols) Suffolk (2 vols) Oxford (3 vols), Buckinghamshire (1 vol), Surrey (1 vol). Search their catalogue at <http://library.southampton.gov.uk/cgi-bin/spydus.exe/MSGTRN/OPAC/COMB> using the keywords “*probate records*” and publisher “*british record society*”. Hampshire libraries do not seem to have any publications in this series. (See also *British Record Society* link below)

## ONLINE RESOURCES

### HM Courts & Tribunals Service

Guide to obtaining copies of probate records (post 1858)

<http://tinyurl.com/UKprobate>

Soldier's wills, British army; 1850-1986 and any person in the UK who died in or after 1996

<https://probatesearch.service.gov.uk/#wills>

Surname and year of death needed; pdf download, £10

### The National Archives

Research Guides

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

Documents Online: Use the online catalogue *Discovery* and search by name, restricting search to *online collections* and *PROB* to find PCC wills (court copies); Royal Navy & Royal Marines' wills

Visit TNA to see the original wills in series *PROB 10* – wills in this series are not indexed pieces are identified just by year of probate, later pieces by year, the initial letter of the surname and month

Guide to online probate indexes (2012). This list is not being updated

<http://tinyurl.com/probate-indexes>

Podcast: *Where there's a will...: probate records for family history at The National Archives and beyond*

<http://tinyurl.com/a4dcqfr>

### Transcriptions

<http://sites.rootsweb.com/~engsurry/>

3650 wills, more than 60,000 names from Berkshire; Buckinghamshire; Hampshire; Kent; Northamptonshire; Oxfordshire; Surrey; Sussex

### FamilySearch

Research Wiki – lots of information about probate matters throughout the world

[https://www.familysearch.org/en/wiki/Main\\_Page](https://www.familysearch.org/en/wiki/Main_Page)

Interactive map of England including Ecclesiastical probate court jurisdictions

<https://www.familysearch.org/mapp/>

### UKBMD

Information on a county by county basis

<http://www.ukbmd.org.uk/>

### Ancestry (subscription, ppv)

<http://www.ancestry.co.uk/>

National Probate Calendar; 1858-1966 (images)

Published transcriptions: calendars; indexes; wills; administrations; inventories



Find My Past (subscription, ppv)

<https://www.findmypast.co.uk>

Index to death duty registers, 1796-1903 (TNA IR27) (images)

Transcriptions and images: wills; extracts; calendars; indexes.

The Genealogist (subscription, ppv)

<http://www.thegenealogist.co.uk/>

Will indexes

ARCHON Directory

Contact details for record repositories, including county record offices

<http://www.nationalarchives.gov.uk/archon/>

TNA Discovery Catalogue

Search catalogues of about 400 record repositories in England and Wales (contains about 30% of catalogues.

Searching individual record office catalogues is also advisable.

<http://discovery.nationalarchives.gov.uk/>

GENUKI

Information on a county by county basis

<http://www.genuki.org.uk/>

Devon Wills Project

The aim of the project is to provide a consolidated index of all Devon wills, administrations and inventories lost with the destruction of the Exeter archive in 1942. The index shows where copies, transcripts, abstracts or extracts may be found, and in many cases the whereabouts of the original documents.

<https://www.genuki.org.uk/big/eng/DEV/DevonWillsProject>

Online Parish Clerks

May contain will transcriptions

<https://www.genuki.org.uk/big/OPC>

British Record Society

List of their published probate indexes and work in progress

<http://www.britishrecordsociety.org/>

Scottish wills; 1513 - 1925

Scotland's People (ppv)

<http://www.scotlandspeople.gov.uk>

Scottish wills, 1926 – 1999

National Records of Scotland

<https://www.nrscotland.gov.uk/research/guides/wills-and-testaments>

Scottish wills, 1999 –

Contact:

Commissary Department, Edinburgh Sherriff Court, 27 Chambers Street,  
Edinburgh, EH1 1LB



Welsh wills; pre 1858

National Library of Wales

View images: free; pdf download: £3.50

<https://www.library.wales/>

India Office Wills

British Library: wills and other probate records

Further details, <http://tinyurl.com/omqq29t>

also FindMyPast; 1749-1957

Town/village local history websites

Personal websites

Especially one-name studies

Colin Moretti

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