

Wills and Administrations

Wills can be really interesting for family historians. They give us an insight into the mind of the person who wrote them – not to mention that they can list most of the members of the person’s family.

The size and content of a will can vary significantly – it could be just a page saying, in effect, “I leave everything to my wife.” At the other extreme, it could be a long detailed document with bequests to multiple members of the family and friends. Daughters may be given using their married names, making it easier to identify their marriages. Illegitimate children may also be named. You might also get details of property owned by the testator.

Sometimes wills include more personal comments or insights into the thoughts of the testator. The following example is taken from the will of Mary Marsden who died in Baslow, Derbyshire in 1727:

Item. I give and devise unto my son Joseph Marsden eight pounds upon condition that the said Joseph Marsden will never look for the house called by the name of Shackarely House and croft but if the said Joseph do make any disturbance about the said house then the eight pounds above mentioned to be left in the hands of my executor for the house of my son Thomas Marsden.

One wonders what Joseph had done to lead his mother to believe he was going to cause trouble after her death...

1858 is the key date when looking for wills.

From 1858 onwards, probate became the responsibility of the state.

Before 1858, probate was the responsibility of courts of the Anglican church – even for the wills of non-Anglicans. These church courts were hierarchical so depending on the size and location of the deceased’s assets, there were typically a number of levels at which a will could be proved – the highest being the Prerogative Court of Canterbury (PCC).

Administration was the process by which someone was legal appointed to administer an estate in the absence of a will. The associated records – often known as “Admons” – are much briefer than wills but may still provide useful information. Admons are obtained from the same sources as wills.

Wills and Administrations from 1858 onwards

From 1858 probate and administration has been the responsibility of the State. These records are available to search via a UK government website: <https://probatesearch.service.gov.uk/#calendar>.

Searches on this site fall into 3 groups:

- 1996-present
- 1858-1996
- Soldier's wills

1996-Present

For wills 1996 to present, the only information given in the search results are the dates of death and of probate and the type of document.

The cost for these documents is £1.50.

1858-1996

To search for a will for 1858-1996 you need a surname and the year of death. The results come in the form of pages from the National Probate Calendar and are as follows:

	1882
Jonathan HOPPER Personal Estate £255 8s	19 May. The Will of Jonathan Hopper late of Langley Moor in the County of Durham Farmer and Innkeeper who died 24 April 1882 at Langley Moor was proved at Durham by Barbara Hopper of Langley Moor Widow the Relict the sole Executrix.

This gives a significant information about Jonathan without ordering his will:

- Date and place of death
- Occupation
- Name of Jonathan's widow

To carry out a search is free and it will cost £1.50 to order a copy of a will or administration. These are delivered electronically.

The National Probate Calendar for England and Wales is also available on the following subscription websites:

- Ancestry 1858-1995
- FindMyPast 1858-1959

For wills 1996 to present, the only information given in the search results are the dates of death and of probate and the type of document.

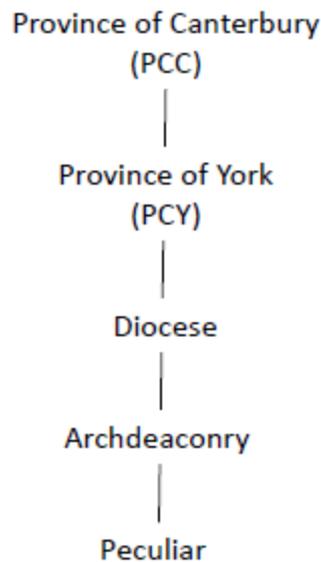
Soldier's wills 1850 and 1986

For soldier's wills the search results give the regiment and date of death.

The cost for these documents is £1.50.

Pre-1858 Wills and Administrations

As noted above, before 1858, probate was the responsibility of courts of the Anglican church – even for the wills of non-Anglicans. These church courts were hierarchical so depending on the size and location of the deceased's assets, there were typically a number of levels at which a will could be proved – the highest being the Prerogative Court of Canterbury (PCC).



Whilst the other courts represent the normal hierarchy of the Church of England, peculiars were areas which, for historical reasons, fell outside the usual probate jurisdiction.

Fortunately, the historic Diocese of Durham – which included the county of Northumberland as well as parts of North Yorkshire and Cumberland – was not divided into Archdeaconries for probate purposes and had only two peculiars. These were:

- Hexhamshire (the parishes of Hexham, Allendale and St. John Lee)
- Throckrington

Hence, most wills of people in the North East were proved in the Consistory Court of Durham with a few in the higher courts of York and Canterbury.

The main reasons for having a will proved at a higher court were:

- Prestige
- The high value of the estate
- The testator owned property in more than one diocese

Finding a Will or Administration

Diocese of Durham

Unusually, the Diocesan Record Office for the historic Diocese of Durham is NOT the local county record office, but rather the Durham University Library, Special Collections.

The pre-1858 Durham wills collection has wills for 1526-1858. There is an index for many of the Durham Diocese wills and admons together with links to images of the original documents available through the North East Inheritance database: <http://familyrecords.dur.ac.uk/nei/data/intro.php>

Note: You will need to register with FamilySearch to access this database. This is free.

The database has two search modes: simple and advanced. Simple is a basic name search whereas the advanced search allows a range of criteria to be specified.

REMEMBER to search for the different possible spellings of a surnames and forenames as these frequently changed over time, for example:

- Hopper, Christofer
- Hopper, Christopher

The following is an example of a typical record:

Christopher HOPPER, alderman [of Durham], alderman, of city of Durham [Durham, County Durham]

Date of probate: 22 September 1823

will, 17 October 1816 ([DPR/I/1/1823/H22/1-2](#))

registered copy of will, estate value £9,000, 17 October 1816 ([DPR/I/2/34 p545](#))

In this example there are actually two copies of this one will – one is the original and the other is a registered copy entered into a book of copy wills at the time of probate. If both exist, one may be easier to read than the other.

Sometimes a will might be accompanied by additional documents such as codicils and inventories. The latter gives you an itemised list of the belongings of the testator, together with their value. Sometimes these are itemised by room, giving you an impression of an ancestors living space. You can also get an idea of a person's wealth and occupation. For example, from his will of 1684, John Hall of Buttsfield was probably a farmer as his inventory includes:

Four Oxen	£8
Five Cows	£7
Eight young beasts	£6
Forty-eight wether sheep	£10
Forty-five ewe sheep	£6
Thirty-three lambs	£3

Prerogative Court of Canterbury (PCC)

The wills from the PCC 1384-1858 are held at The National Archives in Kew. They are held in series PROB11 and are available for download.

To search for a PCC will:

- Go to Discovery Advanced Search: <https://discovery.nationalarchives.gov.uk/advanced-search>
- Enter PROB11 in "Search for or within these references"
- Enter other search terms in the "Find words" fields.
 - For example, use "all of the words" to find a combination of terms such as "Hopper" and "Durham"

One document identified in the above search is:

PROB 11/247/663

Will of Jane Hopper, Widow of Gateshead, Durham

1 March 1655

Wills can be downloaded from the TNA Discovery site for £3.50.

These wills are also available on the following subscription sites:

- Ancestry
- The Genealogist

Prerogative Court of York (PCY)

Wills proven in the PCY are held at the Borthwick Institute in York.

These wills are not available online, however there is a searchable index on the subscription site, FindMyPast in the following database:

- Prerogative & Exchequer Courts of York Probate Index, 1688-1858

The results give name, place, month/year of death and the document reference. The latter can then be used to order a copy of the original document from the Borthwick Institute. Cost is £7.50 or £13.50 depending on type of documents ordered.

Other places

To find the location of the original copies of pre-1858 wills:

- Work out which historic diocese your ancestors lived in – this is often the same as the county but, as in the case of Northumberland being in the Diocese of Durham, there are exceptions
- Try the local country record office – these are often also the diocesan record office. If they don't hold the wills themselves, they will be able to tell you where they are.
- A general search in The National Archives Discovery¹ or Google may identify the location of the wills
- A publication called "Probate Jurisdictions: where to look for wills" by Jeremy Gibson and Else Churchill gives details of probate jurisdictions and where their records are held. Copies are available from the Federation of Family History Societies² and the Society of Genealogists³.

To find information on wills online:

- The subscription sites hold collections of probate records from various diocese. You will need to check to see which, if any, have records for your location of interest.
- A search in Google may identify free and subscription resources for your location of interest.

¹ <https://discovery.nationalarchives.gov.uk/advanced-search>

² <https://www.familyhistorybooksonline.co.uk/shop/>

³ <http://www.sog.org.uk/books-courses/featured-publications/>

Hint & Tips

- Not everyone leaves a will and not all estates go through administration
- Not only rich people left wills
- Even if someone was rich it doesn't automatically mean that they left a will, although it was more likely
- The practice of leaving wills tends to run in families
- Sometimes probate or administration was granted one or more years after the death of the person
- During the years of the Commonwealth following the English Civil War all wills were proved at PCC.
- Until 1882 a married woman could not make a will without the consent of her husband and even if he gave consent, he could still revoke her will before or after her death. Thus, most wills by women are by spinsters and widows.
- Sometimes the distribution of assets in wills can seem unfair – for example, leaving more to some children than others, or even omitting some children altogether. This may be because some siblings have already received their share of the family fortune. For example, a married daughter may have had a dowry or an older son given money to start a business – or even already taken over the family business from his father.

For an example of how wills can be used in family history research see: [The Hoppers of Iveston](#)⁴.

Disclaimer: This document is intended as a guide to get you started with researching your family history. It is not intended to be comprehensive and Cameo Family History does not accept responsibility for errors and omissions.

⁴ <https://cameofamilyhistory.com/the-hoppers-of-iveston/>

Annex 1 – Definitions

Administration	The process by which someone was legal appointed to administer an estate in the absence of a will
Codicil	Update to a will
Executor	A person named in the will to make sure its terms are carried out. Historically, the female form – executrix – is also seen.
Peculiar	Area outside of the “normal” probate jurisdiction
Probate	The process by which the executors are given legal right to administer a will following the death of the testator
Relict	The widow of the deceased
Testator	The person who made the will.
Will	A document detailing how a person’s assets should be disposed of after they are dead.