

Probate records can contain a wealth of genealogical information, but finding the records may be a bit confusing without some help. In 1858, the Principal Probate Registry was formed, transferring responsibility for probate proceedings from the church to the civil government and to consolidate all probates into one system. Before 1858, there were over 300 jurisdictions in which your ancestor's will may have been probated.

PRE-1858 PROBATE JURISDICTIONS

Wills were probated by the Church of England in one of over 300 ecclesiastical courts. Note that:

- Courts not equal in importance and jurisdiction
- A will was usually probated where testator owned property
- If testator owned property in more than one jurisdiction, will is probated in the next higher court with jurisdiction over both places.
- May have to search more than one court to locate an ancestor's will
- Court with highest jurisdiction was Prerogative Court of Canterbury (PCC)
- If either death or property was overseas, probate should have been handled by the PCC
- Exceptions to usual ecclesiastical jurisdictions were peculiar courts. Peculiar courts in the Church of England were exempt from (not subject to) the jurisdiction of bishop of diocese.

FIND PRE-1858 PROBATE RECORDS AT FHL

Two ways to find probate jurisdictions for parish:

1. Go to <http://wiki.familysearch.org> and type in the county name followed by *Probate records* e.g., *Hampshire Probate Records*. Follow the instructions on that page *or*
2. Go to <http://maps.familysearch.org>, enter name of the parish. Click on the parish name in the search results, then select the jurisdictions tab.

Indexes

1. Use online indexes (see next column)

Finding Indexes Using FHLC:

2. To find published probate indexes
 - Do a 'place search' for county
 - In topics, choose 'probate records - indexes'
3. To find the wills of a particular court
 - Use Keyword Search and name of court

FIND PRE-1858 PROBATE RECORDS ONLINE

- Look in the Research Wiki page for your county
- Use Ancestry.com
- Try **Your Archives wiki** at TNA
http://yourarchives.nationalarchives.gov.uk/index.php?title=Online_Probate_Indexes
- National Wills Index at Origins.net (free @ FHL)
www.origins.net/NationalWills/Users/NWUUserHome.aspx
- www.nationalarchives.gov.uk/documentsonline/will.asp (PCC 1354-1858 Wills only)
- www.genuki.org.uk - select county then topic probate records
- www.findmypast.com - Index to death duty registers 1796-1903 and some courts.
- Use FHL favorites – Use Wiki to download favorites or use www.fhlfavorites.com
- Use keywords such as *[county] wills index* in Google or other search engine to find indexes. Try other keywords to discover databases.

ESTATE DUTY DEATH INDEXES – 1796-1903

- Indexes cover all courts in England and Wales.
- List of years and coverage in these records:
 - 1796-1805 covered 25%
 - 1805-1815 covered 75%
 - 1815-1858 covered almost 100%
- FHL has both indexes for 1796-1903 and documents for 1796-1857
- View online at www.findmypast.com

Estate Duty Registers contain:

- the date and place of the testator's death
- details about the deceased including what their personal estate was worth
- details of those named to carry out instructions
- details of those named to inherit something and how they were related to the deceased
- any special arrangements

- the amount of tax that was paid

DEFINITIONS OF PROBATE TERMS

Testator/Testatrix - Person who made will

Intestate - Person who died without a valid will

Executor/Executrix - Person named in a will by testator; authorized to administer terms of will

Codicil - Addition to will made after it is signed

Admon - Short for 'letters of administration', a grant to next-of-kin (or another) who applied to administer property of intestate

Act Book - Day-by-day account of official grants of probate proceedings

Inventory - List of testator's personal and household goods, with appraised value.

Probate Account - Details of the distribution of personal estate and executor's or administrator's expenses. These are rarely kept.

POST-1858 PROBATE RECORDS

- After 1858, all wills and administrations were recorded by Principal Probate Registry
- Two groupings - Principal & District Courts

FINDING POST-1858 PROBATE RECORDS AT THE FAMILY HISTORY LIBRARY

1. If between 1858 and 1966, use the Principal Probate Registry Calendar online at <http://search.ancestry.com/search/db.aspx?dbid=1904>
2. Get the FHL film number of the probate calendars using the FHL Catalog or PPR binder at the register table. This covers 1858-1957.
3. Search general index (called calendar) for years following ancestor's death (at least ten years after). FHL has indexes from 1858-1957.
4. Note film number(s) to search.
5. If ancestral entry found, note month, year, **court** and whether will or administration.
6. If it is a will, return to catalog or Principal Probate Registry binder and look up either the Principal Court section (London) or the District Court section according to court name given in index. FHL has wills only from 1858-1925.
 - a. Determine right film number **in this order**:
 1. Year
 2. 1st letter of surname
 3. Month
 4. District

7. If a will is from 1926-2005 or an administration from 1858-2005, FHL does not have these records.
8. To obtain post-1925 records, write to the Probate Registry:
 1. The Postal Searches & Copies Department
York Probate Sub-Registry, 1st Floor
Castle Chambers, Clifford Street
York YO1 9RG England

BEFORE YOU WRITE:

- Check online :
www.hmcourts-service.gov.uk/cms/1226.htm
- **District Courts**: Look in the FHLC at www.familysearch.org. Do 'place search'. Type in county name. From topics, click on 'probate records' or 'probate records indexes'. (e.g., FHLC > Cheshire > Probate Records Indexes).

PROBATE SEARCH STRATEGIES

- Search all courts which may have had jurisdiction over the place of death or where the deceased's property was located.
- Use all indexes, including online, printed, and use act books as an index.
- Consider searching all wills for the surname in the court. An uncle's, grandparent's or other relative's will might give the answer needed.
- Consider searching all wills where the testator lived in the ancestor's parish. Sister's husbands and maternal relatives probably had a different surname. Even a non-relative's will may solve your research problem.

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