



PROBATE RECORDS AND FAMILY HISTORY

<http://www.justice.gov.uk/courts/probate/family-history>

When a person dies in possession of assets, called an estate, it is usually necessary for their personal representative to use the probate process to finalise their affairs.

If the deceased leaves a will, then that document will nominate one or more executors and they will obtain a Grant of Probate. If there is no will, then the deceased is said to be intestate and either a next-of-kin, a friend or some other interested party, can apply for Letters of Administration and that authorises them to deal with the estate.

A will sometimes contains a wealth of family information. This might include the names of the testator's spouse, their children, other relatives and details of any property.

One of the duties of an executor or an administrator is to produce a valuation of the deceased's estate and this is called an inventory. Essentially, it is a list of everything that they own and can include details of the contents of every room in their house, down to the last pot; the tools of their trade; any animals that they own; and other goods, such as sacks of grain and barrels of beer.

Pre-1858

With one major exception, until 1858, Probate was a matter for the Church courts and they had a hierarchy. If the deceased was wealthy or held assets in more than one diocese, then the probate records are likely to be held in either the Prerogative Court of Canterbury (PCC), if they lived in southern England or in Wales; or the Prerogative Court of York (PCY) if they lived in northern England.

PCC wills are held at The National Archives (TNA) at Kew and they date from 1384. They can be found online on the subscription sites, www.ancestry.co.uk and www.thegenealogist.co.uk ; or they can be downloaded for a small fee from <http://www.nationalarchives.gov.uk/records/wills-and-probate.htm> .

PCC administrations are also held at TNA, but there is no online service. There are some indexes for the period to 1800 that have been published, notably by the British Records Society and the Society of Genealogists and you may find copies of these in Record Offices and larger libraries.

Most of the PCY wills and administrations are held at The Borthwick Institute in York and date from 1427. More information will be found online at <http://www.york.ac.uk/borthwick/holdings/guides/research-guides/probate-courts> . PCY wills proved between 1688 & 1858 are now available online at www.findmypast.com.

Scottish probates are held in the National Archives of Scotland in Edinburgh. They are also available online at www.scotlandspeople.gov.uk .

All other wills and administrations were proved in the diocesan courts. Each Bishop controlled the courts within his diocese, but delegated many of the tasks to his Archdeacons and their staff of clerics.

Sussex lies within the Diocese of Chichester and, for most parishes, is split between the Archdeaconry of Lewes and the Archdeaconry of Chichester. There are also a few parishes that lie within the jurisdiction of a Peculiar Court. Details of those parishes will be found in The Phillimore Atlas & Index of Parish Registers by Cecil R. Humphery-Smith (ISBN 1860772390).

The records for the Archdeaconry of Lewes are held at the East Sussex Record Office (ESRO), located at The Keep, Falmer, and those for the Archdeaconry of Chichester will be found in the West Sussex Record Office (WSRO) in Chichester. Some of these records are beginning to be available online at www.familysearch.org but you will need to register for a free account and then use the catalogue search facility to access them.

PTO

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Both ESRO and WSRO have alphabetical indexes to the wills and administrations deposited with them and so it takes just a few minutes to check if your ancestor has a probate record. Both record offices have photocopying services and digital copies can be obtained at ESRO.

All surviving the inventories for Sussex up to 1858 are held at WSRO and there is an index to them in the search room, which is also included in the Sussex People Index.

The major exception to all the above occurred during the Commonwealth period from 1653 to 1660 when all probate business, regardless of value, was dealt with by the state. These records are held at TNA and indexes have been published by the British Record Society.

Post-1858

From 11 January 1858, all probate business passed to the state. At the end of each year, an alphabetical index is prepared containing all the wills and administrations that have been granted in the whole of England and Wales. It is usually the case that a Grant of Probate or Letters of Administration are issued within a year of the date of death. However, in a small number of cases, the timescale can be much longer. For example, an unadministered estate may only come to light after the death of a spouse or another heir.

These indexes are called Calendar Year Books and can be viewed in person at the Probate Registry, First Avenue House, 42/49 High Holborn, London, WC1V 6NP. Some District Probate Registries also have copies of the indexes and it may be possible to inspect them by appointment. Many record offices, including ESRO and WSRO and some libraries, have copies of these annual indexes available to search on microfiche for the period 1858 to 1943. In addition, the subscription web site www.ancestry.co.uk now includes these records from 1858 to 1966 and 1973 to 1995.

Once you have identified a will or administration, you can order a copy by post. The application form PA1S can be downloaded from http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=739 and you need to complete this with the details found in the Calendar Books and send it to the Postal Searches and Copies Department, Leeds District Probate Registry, York House, York Place, Leeds LS1 2BA, together with a fee of £10. Full details are provided on the reverse of the form. The HM Courts Service has an online facility at <https://probatesearch.service.gov.uk/#wills> for wills and administrations from 1858 to date. Orders can be placed online and paid by credit card for the same fee of £10 per item. It is also possible to obtain copies of Soldiers' wills from 1850 to 1986 from this same site.

For further information, please see:

- Who are you? Family History Resources in West Sussex Record Office, edited by Caroline Adams, published by West Sussex County Council, 2007 (ISBN 9780862605797).
- Probate Jurisdictions: Where to Look for Wills" by Jeremy Gibson and Else Churchill, published by the Federation of Family History Societies, 2002 (ISBN 1860061524).
- Wills & Probate Records A Guide for Family Historians 2nd edition by Karen Grannum & Nigel Taylor, published by The National Archives, 2009 (ISBN 9781905615414).

Death duties (Tax) 1796-1903

The majority of the records which still exist can be found either online at www.findmypast.co.uk (for which there is a charge) or at The National Archives. Death duty records can be complicated and difficult to understand, so some patience may be required when researching these records.

What do I need to know before I start? Try to find out:

- the name of the person
- a geographical location to focus your search
- an approximate date of death

The Archive of Indexes to Death Duty Registers contains digitised images of the original indexes created by the Estate Duty Office (later to become the Inland Revenue) of all wills and administrations attracting Death Duties from all the Probate Courts in England and Wales. The original indexes are held by The National Archives, London, England, under the series title IR27 and are made available by Findmypast under license. To access these records you will either need to visit TNA, or, where you can identify a specific record reference, order a copy for which there will be a charge.