

Wills and Probate Records

Background

A will enables a person (the *testator* if a man or *testatrix* if a woman) to specify how they want their property and possessions to be divided up after their death. Until the mid-1700s it was seen as a moral obligation to make a will to dispose of worldly possessions and leave a bequest to the church and the poor. This means that a wide variety of people across the social scale left a will although married women were not included since all their possessions belonged to their husband! This didn't change until the Married Women's Property Act, 1882.

As part of the probate process, appraisers made an inventory of the deceased's goods and their value. Our *'Inventories' Research Guide* gives more information about these useful documents.

Until 1858 wills were proved by the church courts in the local diocese. If a person owned land in more than one diocese their will was proved by the Prerogative Court of the Archbishop of Canterbury (PCC), now held in the National Archives, or the Prerogative Court of the Archbishop of York (PCY), now held at the Borthwick Institute, York. After 1858 wills were proved by a civil probate court.

A will could be made years before the actual death of the testator or on their deathbed. If the testator wanted to make a change without writing a completely new will, he would write a codicil which would be signed and witnessed just like the original will.

Did you know?

Gloucestershire wills 1541-1858 and PCC wills 1384-1858 can be viewed online on www.ancestry.co.uk

What Information Do They Contain?

Wills often include detailed information about the testator's close family; spouse, children and grandchildren as well as their wider family; siblings, nephews, nieces, cousins and godchildren. Even friends, neighbours and servants can be included. Individual bequests can suggest friction or rifts within a family or the incapacity of a particular family member. You can also find references to family members who have emigrated and references to the children of a dead relatives of the testator. Wills from the 1500s and 1600s often include details of a place of burial and wills can suggest whether the testator had connections outside his place of residence.

As well as names and relationships, wills often include detailed information about the testator's possessions and what they considered valuable or worth leaving to a favoured relative. There are references to individual animals (sometimes even named), pieces of furniture, jewellery and items of clothing as well as property. Sometimes an item like a piece of silver, a clock or jewellery that has come down the generations until the present day, is mentioned. An inventory adds even more information about the testator's lifestyle with details of books and luxury items and can shed light on occupations with details of implements and equipment.

For local and social historians, wills and inventories can give valuable insights into the life of a whole community and illustrate changing traditions as society became more secular and more affluent.

How To Find The Records

Wills are usually arranged by the date of probate, which is not the same as the date of death. Probate could be granted months or even years after the death. This delay was usually due to a family dispute.

Coverage	Index	Where to find them	Copies?
Before 1541	The Diocese of Gloucester did not exist until 1541	Worcestershire Record Office, Herefordshire Record Office	Please contact the relevant Archive
1541-1858*	Ancestry Wills & inventories have been indexed by Ancestry available for free at Gloucestershire Family History Centre and at any Gloucestershire Library.] Genealogical Database http://ww3.gloucestershire.gov.uk/genealogy/Search.aspx	On www.ancestry.co.uk the database is called Gloucestershire, England, Wills and Inventories, 1541-1858	Make a print in the Gloucestershire Family History Society from the digital images on Ancestry.
1858-1941 (Wills only)	National Probate Calendar available on Ancestry via the Gloucestershire Family History Centre or a digital index on a standalone PC in the Searchroom	Digital images on a standalone PC in the Searchroom	Make a print from the digital images or order copy from Leeds Probate Registry
1941-1966	National Probate Calendar^	Gloucester Probate Registry	Yes, please contact them for price.
1967-1972	N/A	Leeds District Probate Registry (covers whole country 1858 onwards)	Yes, please contact them for price.
1973-Present	N/A	Probate Registry in Oxford	Yes, please contact them for price.

*During the Commonwealth period, 1650-1660, the diocesan courts didn't function, so wills were proved in a central Court of Commission – these records are held in the National Archives.

^The National Probate Calendar can be searched online via www.ancestry.co.uk. It gives the name and address of the deceased, date and place of probate, value of the estate and the name of the executor or the person to whom letters of administration were granted

All English and Welsh probate records post 1858 can be searched and ordered through:

**Postal Searches and Copies Dept,
Leeds District Probate Registry,
York House, York Place,
Leeds, LS1 2BA,
Tel: 0113 389 6038,
leedsdpnquiries@hmcourts-service.gsi.gov.uk**

Other Places To Search

Gloucestershire Archives' personal name index and online catalogue will identify copies of wills and related papers that have been deposited as part of a larger family collection or in a solicitor's collection.

Newspapers and publications like the Gentleman's Magazine include details of some obituaries and wills.

Disputes over wills before 1858 were heard in the diocesan court and some of the court papers have survived in the **GDR B4/2 series**. These are indexed by name on the online catalogue and are available on microfilm which need to be ordered. There is more information about individual cases in the diocesan court books.

Have you tried wills proved by the Prerogative Court of Canterbury (1384-1858)? If the deceased was wealthy or had property in more than one diocese, the will could have been proved there. These can be viewed on Ancestry or downloaded from the National Archives website for a fee.

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