

A true and pfect Inuentory of all the good & Chattells  
 of William Tomson of Woxley in the pish of  
 Ely lately deceased priced & valued the twentieth fourth  
 day of february Anno Dom. 1629. By Robert Cooke  
 Lodger & Istant Lodger Jony & John Kemp 6. 8.

# Wills and Probate

Item. one nagge one fillie & one donk. 2	0.	11.	4.
Item. one swine 2	4.	4.	0.
Item. in Boxen and have 2	5.	4.	0.
Item. in Pewter and brasse 2	0.	12.	0.
Item. one Chimney & other Iron waxe 2	0.	16.	8.
Item. in Oxen waxe of all sorte 2	1.	15.	0.
Item. in Oxen and doxers 2	0.	5.	0.
Item. in Bounding linnen & woollen 2	1.	18.	4.
Item. in Bodie apparell 2	1.	0.	0.
Item. in Beefe & Balen 2	0.	7.	6.
Item. in earthen potte 2	0.	3.	4.
Item. in Bedstortes 2	0.	4.	0.
Item. in spinning whils 2	0.	5.	6.
Item. in Iron troughs 2	0.	7.	0.
Item. in Iron 2	9.	15.	4.
Item. in plowe Iron & channes 2	0.	5.	4.
Item. in Cartte geart harnowes & one part saddle 2	0.	8.	0.
The some in all is 2	58.	14.	4.

at

# Lancashire Archives

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## WILLS AND PROBATE AT LANCASHIRE ARCHIVES

*"Then shall the Minister examine whether he repent him truly of his sins, and be in charity with all the world; exhorting him to forgive, from the bottom of his heart. all persons that have offended him; and if he have offended any other, to ask them forgiveness; and where he hath done injury or wrong to any man, that he make amends to the uttermost of his power. And if he have not before disposed of his goods, let him then be admonished to make his Will, and to declare his debts, what he oweth, and what is owing unto him; for the better discharging of his conscience, and the quietness of his Executors. But men should often be put in remembrance to take order for the settling of their temporal estates whilst they are in health".*

"The ORDER for the  
V I S I T A T I O N of the S I C K "  
The Book of Common Prayer,  
as printed by John Baskerville, 1762

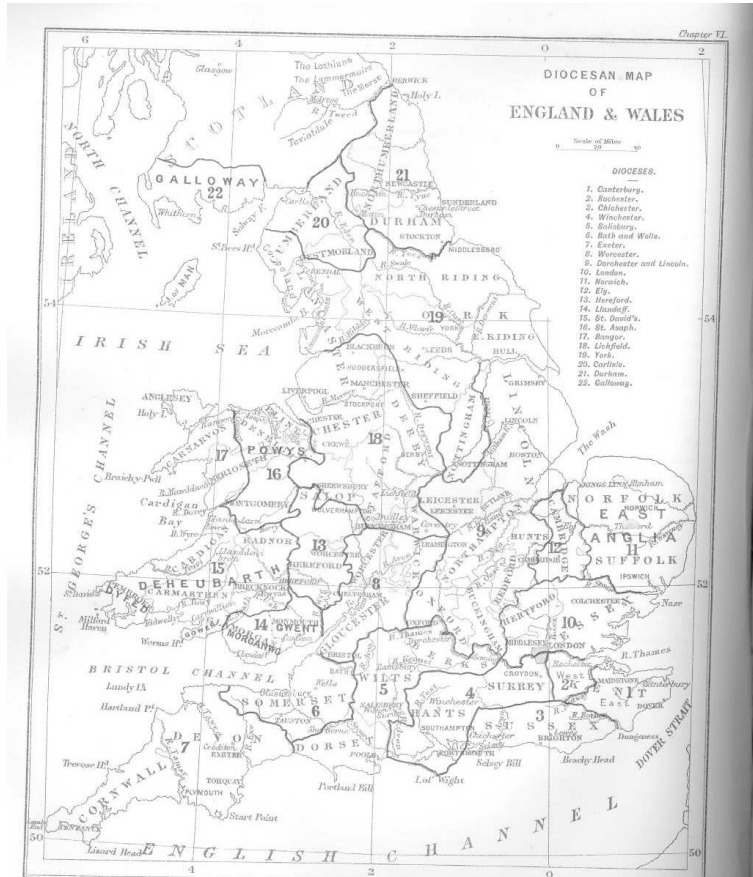
### ***How did probate work in Lancashire?***

The administration of probate (the court process by which a will is proved valid or invalid) was mostly the responsibility of the church courts from the Middle Ages to 1858. There were exceptions to this system and these will be discussed further on.

There were different levels of church court and where a will was proved or administration of an intestate's (someone who died without making a will) estate granted depended on a variety of factors, such as where the testator lived and died, where their property lay and whether there was any dispute about the will.

In order to understand how probate was administered before 11 January 1858 (when the system changed p 19) and how you can find an ancestor's will, we need to look at how the administration of probate in Lancashire was organized.

**Before 1541**, Lancashire was divided between 2 vast Dioceses (see map on next page). Land to the south of the River Ribble lay in the Diocese of Coventry and Lichfield, while land to the north of the River was in the Diocese of York. The northern area known as the Archdeaconry of Richmond was huge and covered some very remote areas. Consequently it was quite an independent unit administering itself with little reference to the Diocesan authorities based at York. It was really like a little sub-diocese of its own.

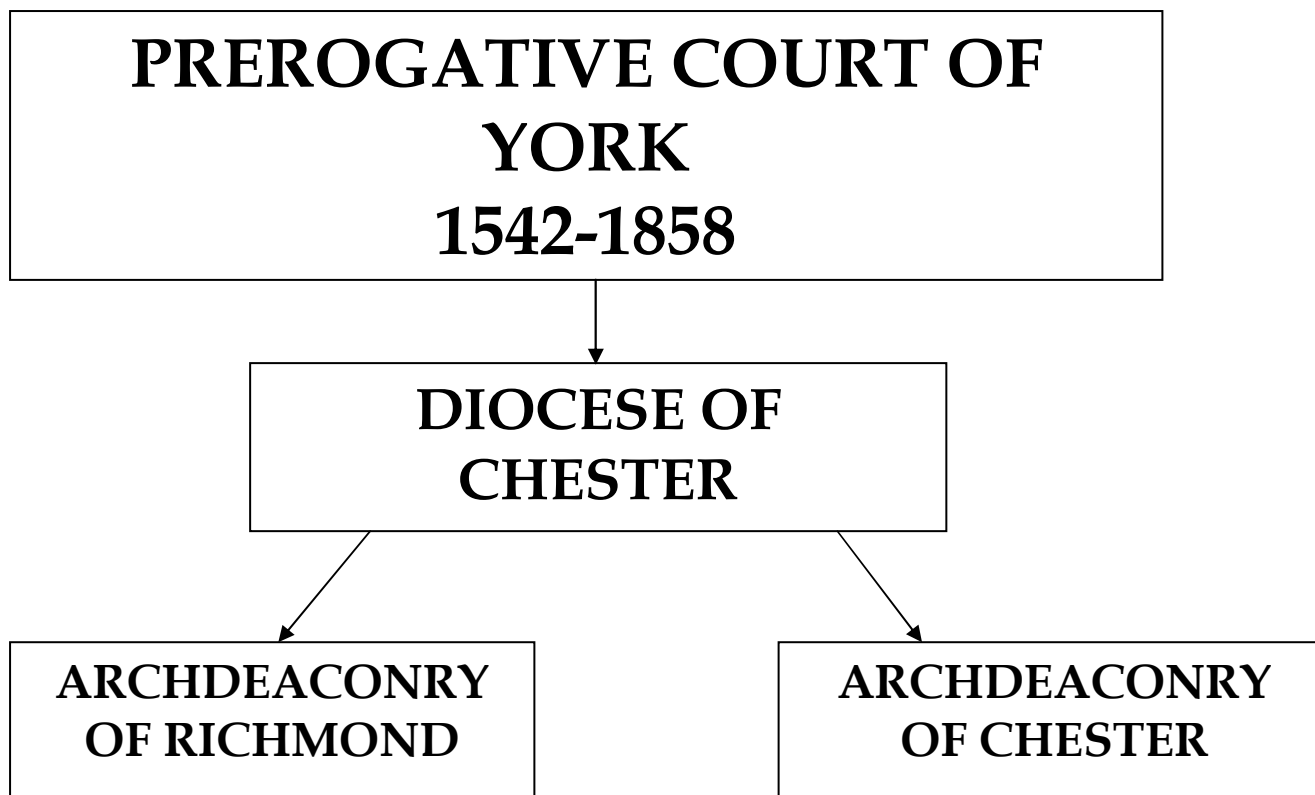


Map showing the Dioceses pre-1541  
 (From G Hill English Dioceses (London 1900) page 233)

In 1541, the new Diocese of Chester was created, carved out of the lands of the Dioceses of Coventry, Lichfield and York. The new Diocese was made up of two Archdeacons:

- 1) the **Archdeaconry of Chester** covering all Cheshire and Lancashire south of the River Ribble, and the chapelries of Todmorden and Saddleworth (both parish of Rochdale) and Whitewell (parish of Whalley) in Yorkshire, Flintshire and Denbighshire
- 2) the **Archdeaconry of Richmond** covering Lancashire north of the River Ribble, much of North Yorkshire and Westmorland and about half of Cumberland

The new Diocese of Chester was ultimately responsible to one of the 2 Provinces - Canterbury or York. It was very briefly in the Province and jurisdiction of Canterbury but in 1542 it was transferred to York.



#### How did Probate Jurisdiction work?

The parish was the smallest ecclesiastical unit but had no probate jurisdiction **except** where a parish or small number of parishes formed an ecclesiastical peculiar exempt from the jurisdiction in which they lay (see p 12). The next step up from the parish is the rural deanery. This did not normally have probate jurisdiction either **except** within the Diocese of Chester where rural deaneries did. The archdeaconry was normally the lowest of the ecclesiastical courts with probate jurisdiction but even their job was frequently assumed by the Bishop's or Consistory Court, which had control over the whole Diocese and also dealt with any disputes over the estate of a deceased person. Finally you had the provinces of Canterbury and York governed by Archbishops. As the superior courts they were heavily used for testators of wealth, property or standing.

### ***If there is a will...***

Someone – appointed executor, next of kin, family friend, neighbor, creditor - would take the will along to the court, which in the Diocese of Chester meant the Rural Deans' Courts (see below). However, if the testator had property that lay in more than one Archdeaconry - say a house in Chorley and an inn in Lancaster - the will would have to be proved at the Diocesan Court in Chester. If the testator had property in more than one Diocese - a house in Blackburn and a house in Carlisle - the will would have to be proved at the Provincial Courts, in our case the Prerogative Court of York (*PCY*) from 1542. Someone with property in more than one province had their will proved at the Prerogative Court of Canterbury (*PCC*). Jane Lomax of Bury a widow made her will on 30 Jan 1696 and it was proved on 3 May 1697. In her will Jane leaves her interest in a lease of a house "neare Old Baily without Newgate in London" and her interest in some land at St Margaret's in Leicester. Consequently Jane's will was proved at Chester and at the Prerogative Court of Canterbury. Her original will is held in our series here and there will be a copy at the National Archives. There is not always a will here but it can be worth checking. Also, it is not always this cut and dried - there are exceptions and the wills of wealthy testators may have been proved at the Provincial courts simply because the testator was wealthy and for no other reason.

The court when satisfied that the will was legal, that is signed by the testator and 3 witnesses, would pass a probate act, endorse the will and give a copy to the executors who would then administer the estate. Archibald Murthland of Liverpool wrote his will in 1742. He was Commander of the ship *Mary and Ann* and was killed by the Spanish in an engagement at sea. However Archibald's will though signed was not witnessed and became the subject of a dispute, not resolved until 1748. Archibald's sisters took his widow to court saying the will was not his probably because they hadn't been left anything by their brother!

To the Minister of Harwood

SIR,

YOU are to give Publick Notice in your Church the next Sunday after this comes to your Hands, That the Right Worshipful the Chancellor of Chester, and Dean Rural of Blackburn or his lawful Surrogate, will hold his Court of Visitation, and for the Probat of Wills, and granting Letters of Administration and Tuition of Estates, above or under the Value of Forty Pounds, in the parish Church of Blackburn aforesaid upon Tuesday the eleventh day of May next.

And you are to give Notice to all your Church Warden and Sides-men, both Old and New, to appear between the Hours of Ten and Twelve, before Noon, in the place aforesaid: The Old to make and give in their Presentments, and to bring in the Registers and Terriers heretofore omitted; and the New to take their Oaths, for the due Execution of their Office for the Year ensuing.

Also, That all such Persons, who have any Wills to prove, or Letters of Administration or Tuition to take, of what Value soever, do then and there appear.

And of the Publishing hereof You are to certify, at the time and place aforesaid. Dated the 10<sup>th</sup> Day of April An. Dom. 1708.

Henricus Prescott:  
Registrarii Deputatus.

Notice issued by Henry Prescott, Deputy Registrar at the Cathedral Church in Chester to the vicar at Great Harwood, asking him to announce to his congregation that there will be a Court of Visitation for the probate of wills and other matters at Blackburn St Mary on 11 May 1708

**If there isn't a will...**

Someone still has to go along to the correct court and apply for letters of administration granted in cases of intestacy (ie where someone dies without having made a will). Probate was granted first to a surviving spouse, then to any children (although if not of full age this presented further problems), then to a sibling or next of kin - if there were none of these then a creditor would be appointed or someone at the discretion of the court. The recipient had to sign a bond (see pages 25-27) to say he/she would faithfully administer the estate, drawing up an inventory and accounts within a time period specified in the bond.

## Archdeaconry of Chester



**ARR 10/1** Part of a map of the Diocese of Chester c 1722

Within the Archdeaconry of Chester probate jurisdiction was split in two. For estates valued at less than £40 (*Infra*), the Rural Deans exercised probate jurisdiction, passing on the proved wills for safe-keeping to the Diocesan Court at Chester. For estates valued at over £40 (*Supra*), together with the estates of clergy and 'esquires', probate was granted in the Diocesan Court at Chester. These jurisdictions are known as *Supra* and *Infra* and the Archdeaconry of Chester wills which we have here (reference: **WCW**) are split into these two series: **Supras and Infras**

### Why does this split exist?

In 1354, a Statute was made for the "Redressing of Extortion in Bishops Officers in Proving of Wills" (31 Edward 3 Statute 1 chapter 4). This was introduced because of church officials who "take of the people grievous and outrageous Fine for the Probate of Testaments." People had to pay a lot of money to have wills proved and there was no set scale of fees. This Statute ordered the Archbishops to do something about it. The result is another Statute in 1529, "What fees ought to be taken for the probate of testaments" (31 Henry 8 chapter 5). This said that:



1. where the deceased's goods were worth less than a 100 shillings (£5.00), no fee was due to the court but 6d could be paid to the scribe who wrote the will, and in cases of intestacy, to the court official where an administration bond had to be issued
2. where the deceased's goods were worth over 100 shillings but less than £40.00, a sliding scale of fees up to 3s. 6d were to be paid.
3. where the deceased's goods were worth over £40.00, a sliding scale of fees up to 5s was to be paid.

This then may indicate why we have *supras* and *infras*, the two series kept separately because of the different fees charged.

<u>Value of estate</u>	<u>Fee</u>	<u>Type</u>
under £5.00	No fee	infra
between £5.00 and £40.00	3s 6d	infra
over £40.00	5 s	supra

All the surviving probate records for the Archdeaconry of Chester with the exception of the county of Cheshire, Flintshire and Denbighshire are held here at Lancashire Archives. Cheshire wills are held by Cheshire Record Office and can be searched on [www.findmypast.com](http://www.findmypast.com)

Personal name indexes to the Archdeaconry of Chester probate series have been published by the Record Society of Lancashire and Cheshire for the years up to 1837 as follows:

<b>Record Society volume number</b>	<b>Years covered by the index</b>	<b>Record type</b>
2	1545-1620	Supra
52	1590-1665	Infra (not all years are included)
4	1621-1650	Supra (including a list of administrations granted in London 1650-1660)
15 and 63*	1660-1680	Supra and Infra
18 and 63*	1681-1700	Supra and Infra
20	1701-1720	Supra and Infra
22	1721-1740	Supra and Infra
25	1741-1760	Supra and Infra
37	1761-1780	Supra (A-M)

38	1761-1780	Supra (N-Z) and Infra
44	1781-1790	Supra and Infra
45	1791-1800	Supra and Infra
62	1801-1810	Supra and Infra (A-L)
63*	1801-1810	Supra and Infra (M-Z): also contains supplementary indexes to Supra wills proved in 1670 (surnames A-C) and to Infra wills proved in 1693
78	1811-1820	Supra and Infra (A-L)
79	1811-1820	Supra and Infra (M-Z)
107	1821-1825	Supra and Infra
113	1826-1830	Supra and Infra
118	1831-1833	Supra and Infra
120	1834-1837	Supra and Infra

The Record Society indexes were compiled in the late nineteenth and early twentieth centuries and were probably compiled from the probate act books rather than the probate documents. They are therefore not an accurate reflection of the documents that survive. An entry in these indexes does not mean that the documents survive and similarly there may be no entry in the index for documents that do survive. Some of these printed indexes can also be viewed online at <http://www.archive.org/>

There is no published printed index to Archdeaconry of Chester wills 1837-1858, but indexes are available in a typescript format in our searchroom library.

## Archdeaconry of Richmond



ARR 10/1 part of a map of the Diocese of Chester c 1722

The Archdeaconry of Richmond comprised the area of pre-1974 Lancashire north of the river Ribble as well as parts of Cumberland, Westmorland and Yorkshire. It is more complex than the Archdeaconry of Chester because of its size. It comprised 3 deaneries wholly in Yorkshire - Boroughbridge, Catterick and Richmond - known as the Eastern Deaneries, and 5 others wholly or partly in Lancashire, known as the Western Deaneries. The deanery boundaries did not follow the county boundaries:

<b>AMOUNDERNESS DEANERY</b>	wholly in Lancashire
<b>COPELAND DEANERY</b>	wholly in Cumberland
<b>FURNESS DEANERY</b>	wholly in Lancashire
<b>KENDAL DEANERY</b>	partly in Lancashire and partly in Westmorland
<b>LONSDALE DEANERY</b>	partly in Lancashire, partly in Westmorland and partly in Yorkshire

We hold the wills for the Western Deaneries (reference: **WRW**), while the Eastern Deanery wills are held at West Yorkshire Archive Service, Chapeltown Road, Sheepscar, Leeds, LS7 3AP ([www.archives.wyjs.org.uk](http://www.archives.wyjs.org.uk)).

In Lancashire Archives' searchroom a map of the Yorkshire ancient parishes and chapelries, including deaneries and archdeaconries is available, produced by the Yorkshire Archaeological Society. This is a helpful guide.

Printed indexes are available for the parts of the western deaneries, which were in Lancashire; this means for the Lancashire wills in this series there are printed indexes published by the Record Society of Lancashire and Cheshire as follows:

Record Society volume number	Years covered by the index
10	1457-1680
13	1681-1748
23	1748-1792
66	1793-1812
99	1813-1837
105	1838-1858

Some of these indexes can also be viewed online at <http://www.archive.org/>

The reference for the Archdeaconry of Richmond wills is **WRW** followed by the initial letter of the deanery:

<b>Amounderness</b>	WRW/A
<b>Copeland</b>	WRW/C
<b>Furness</b>	WRW/F
<b>Kendal</b>	WRW/K
<b>Lonsdale</b>	WRW/L

There are many other indexes which you can use when trying to find an Archdeaconry of Richmond will, especially in the non-Lancashire areas of Copeland, Kendal and Lonsdale deaneries– see **How to find a will in the Archdeaconry of Richmond** on pages 36-39

### **The Commonwealth: 1650-1660**

The period of the Commonwealth saw many administrative changes. Following an Act of 8 Apr 1653, all testamentary matters were transferred to a single court for England and Wales called the "Court for the Probate of Wills and the Granting of Administrations". Records created by the court were written in English, instead of Latin, the language of the church courts. The court ceased to function in 1659 and after the monarchy was restored in 1660, the records from this period were incorporated into those of the Prerogative Court of Canterbury. This effectively means that from 1653-1660 all probate records for England and Wales are held centrally by the National Archives. An index to these can be searched online at [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk). This search is worth doing.



In the 1650-1660 period, there are 995 entries for Lancashire wills, 238 for Cumberland and 133 for Westmorland.

However some executors and administrators in the north of England avoided the London court simply because of the distance to London. In such cases the wills, now held by the Borthwick Institute, were either implemented without a formal probate procedure or were proved retrospectively following the Restoration. Certainly among our Archdeaconry of Richmond holdings, there are just a handful of wills which appear to have been 'proved' locally and there is evidence of retrospective probate in 1661 eg George Wilson of Goosnargh 1656 is in the Amounderness section of the Archdeaconry of Richmond wills. There is no entry for George in the PCC index and not in the Record Society printed index either.

### **Probate Act Books**

The grant of probate of a will or the issue of an administration bond was recorded in a volume called a probate act book and the original will or bond was filed at the Diocesan Registry. Sometimes the will was copied out into a register: these are known as registered copies of wills.

The probate act books with their indexes 1582-1858 and the registered copies 1838-1858, are held at the Lancashire Record Office (reference: **ARCH, WR**). They can be helpful if the probate papers have not survived and do at least provide the name of the executor/administrator and may indicate the value of the deceased's estate.

### **Peculiar Jurisdictions**

A 'peculiar' is a place exempt from the jurisdiction of the Bishop in whose Diocese it is situated. There were 2 such peculiar jurisdictions in the Diocese of Chester:

- 1) The manorial peculiar of Halton near Lancaster
- 2) The parishes of Broughton, Kirkby Ireleth and Seathwaite – under the jurisdiction of the Dean and Chapter of York

These areas retained authority to grant probate locally and so their wills are kept separately and indexed separately. It does not mean however that entries for testators from these areas will not be found in the normal run of printed indexes. The Halton wills are kept by Lancashire Archives (reference: **WHW**) but the Kirkby Ireleth wills are held by the Borthwick Institute, University of York, Heslington, York, YO10 5DD. There is a more detailed guide to Halton wills and a typescript index to the Kirkby Ireleth wills, 1662-1858, in Lancashire Archives' searchroom library. There is also a copy of the Borthwick's manuscript index to the probate records for the Dean and Chapter of York, 1650-1858 and indexes to the probate records held at the Borthwick can be found on-line at <http://www.originsnetwork.com/>

<b>Record Society Volume number</b>	<b>Years covered for Halton wills</b>
23	1615-1790
66	1793-1812
99	1815

## **Disputed Probate**

There were disputes and problems about deceased persons' estates for a variety of reasons:

- will had been drawn up fraudulently after the person's death
- the testator's goods had been undervalued in the inventory
- executors failed to pay legacies and/or debts
- negligent guardians of minors
- tampering with the will
- no executor appointed
- children left as orphans
- no obvious next of kin

Disputes about such matters were heard at the Diocesan Court. The case would proceed with an allegation and witnesses would have to testify, making statements concerning the allegation and answer questions. All this was written down and the Court would issue a final sentence or decree when all the evidence had been heard. We have testamentary disputes for the Archdeaconry of Chester 1487-1800 which are indexed by the Record Society

<b>Record Society volume number</b>	<b>Years covered by the index</b>	<b>Record Type</b>
33	1487-1620	Disputed/Diocesan
43	1620-1700	Disputed/Diocesan
52	1701-1800	Disputed/Diocesan

Some of these indexes can also be viewed online at <http://www.archive.org/>

There was not necessarily a dispute: there may simply have been practical reasons why probate could not be administered at a local court. Usually this happened where no executor had been appointed or those appointed had renounced or died, or where the deceased had no next of kin and the court had to find someone to administer the estate. This was often the case with mariners' wills. Children of the deceased may have been left as orphans and the court had to find someone to appoint to look after them.

The volunteers have been indexing many of the disputed papers and the results of their work will be available on LANCAT later in the year. There may also be two entries in the printed indexes for a deceased person whose estate ends up in a dispute: one in the disputed indexes and one in the routine series of probate indexes.

eg Archibald Murthland 1748 has an entry in volume 12

*See also Morrey*  
**Murthland, Archibald, of Liverpool, mariner ... .. 1748**  
**Musker, Charles, of Bootle, yeoman ... .. 1742**

and volume 52 of the Record Society indexes because his will was in dispute.

„ *See also Morrey.*  
Murthland, Archibald, of Liverpool, mariner Dep. 1749

Archibald lived at Squire's Garden in Liverpool, a master mariner and Commander who died at sea. These disputes can be fascinating and may include a lot of genealogical information. In Archibald's case he left a will which does not appear to have been witnessed and is very brief. His sisters challenge the will in court and Archibald's wife has to defend the making of the will. Apart from the discussion of the case in general, we learn the names of the ships commanded by Archibald, their voyages, where and how he died, how his will came to be made and how his wife hid the will in a safe place at the time of the Jacobite uprisings!.

For the Archdeaconry of Richmond there are disputed cases in **ARR/13/8**. These also appear in the Record Society indexes.

There is also a typescript list of the wills in the searchroom library which appear in the Bishops' Registers held at Cheshire Record Office, 1492-1829. This list includes wills which are in our **disputed** series but which are also entered in the Record Society indexes mentioned above.

If you want to read more about disputed probate see Dr J Addy's book *Death, Money and the Vultures 1660-1750* (Routledge 1992)

## **Roman Catholic Wills**

Roman Catholic testators do appear in the Diocese of Chester indexes but under the Act of 3 Geo I (1717) it was necessary for the wills of Roman Catholics to be enrolled by the Clerk of the Peace.

*“...after the nine and twentieth Day of September...1717...no Manors, Lands, Tenements, Hereditaments or any interest therein, or Rent or Profit thereout, shall pass, alter or change from any Papist or Person professing the Popish Religion, by any Deed or Will, except such Deed...and such Will within 6 months after the Death of the Testator, be inrolled...”*

The Act was repealed in 1791 but entries continue up to 1807.

These enrolled copies are in our series referenced **QDD** and the series is complete to 1820. There is also a Handlist (no 3) which acts as a guide to this series as well as the **QDD** catalogues that are referenced **QDD 64-67**.

In addition to these we have the late Christine Ackers' index to Roman Catholic testators and the people mentioned in their wills, especially those of the 17th and 18th centuries. The list of testators is almost 3,000 in total while there are nearly 36,000 names for those who appear in the probate documents. These indexes are available in the searchroom library and on CD Lancashire Catholic Wills 1492-1894 published by the Catholic Family History Society

## **What other probate records are there?**

To support the wills and inventories we have:

- Probate Act books and indexes
- Fee books
- Registered copies of some wills
- Printed indexes
- Handlists
- Some printed wills



## ***Probate Act Books (ARCH, WR)***

The Act book records the passing of the probate act in the court and will include the name of the surrogate before whom the will was proved. These volumes were written up from draft entry books compiled by clerks at Visitation and are the formal records of probate being passed. In the early Archdeaconry of Chester Act books you can follow the court as it progresses from place to place:

*Ormskirk...Wigan...Chorley...Brindle...Blackburn...Manchester...Macclesfield...  
Knutsford...Malpas...Frodsham...Nantwich...Warrington...Stockport...Middlewich.....Northwich*

For the Archdeaconry of Chester we have

1. Act books for the *Supra* wills, 1582-1858 and indexes, 1545-1858, although there are gaps
2. For the *Infras*, we have Act books, 1660-1858 and indexes, 1590-1858
3. For the Archdeaconry of Richmond, we have Act books and indexes, 1669-1858

Please see the **ARCH** and **WR** catalogues for fuller details.

Act books need to be used with care, especially the pre-1752 volumes where the 'old style' calendar is in use. Their indexes also contain errors and are incomplete. The Richmond Act books have to be used when researching the non-Lancashire parts of the Western Deaneries of the Archdeaconry of Richmond, as the Record Society printed indexes do not cover these areas. There are manuscript indexes on microfilm to **all 5** deaneries (Lancashire and non-Lancashire areas) for the Archdeaconry of Richmond (reference: **WR**) which cover the period up to 1720 and fill gaps in the Act book series.

## ***Registered Copies of wills***

It is not clear why these copies were made except that following the Wills Act of 1837 it was perhaps considered administratively useful.

1. **ARCH 91-152** are for the Archdeaconry of Chester *Supra* wills only, 1838-1857, and again useful if the original is missing. Also **ARCH 23** includes full copies of some wills
2. For the Archdeaconry of Richmond there are Bishop's registers, **WR 31-37**, containing copy wills, 1697-1811.

## ***Printed indexes***

The Lancashire and Cheshire Record Society probate indexes should be used carefully. Many of them contain supplementary information on the history of the documents and where other wills can be found. The indexes are listed on pages 9 and 11 of this guide.

There is an index to Arlecdon, Cumberland Probate Records 1545-1750 in the searchroom library

Also, on microfiche, is a surname index to Lancashire and West Craven wills, 1688-1858. It covers the parishes of Barnoldswick, Bolton-by-Bowland, Bracewell, Gisburn, Long Preston, Mitton and Slaidburn. The original wills are at the Borthwick Institute at York. These microfiche are in the miscellaneous fiche drawer in the searchroom library.

Also available is Chris Spencer's:

### **Slaidburn and Bowland Will Index, 1389-1688**

and

### **Slaidburn and Bowland Wills and Administrations 1520-1851 (3 volumes)**

## ***Handlists***

There are the following handlists on wills:

- Roman Catholic Wills (no.3)
- Lancashire Medical Men, 1701-1857 (nos.4 & 42)
- Inventories in Halton Peculiar (no.20)
- Wills of Clerks and those in Trade (no.35)
- Probate accounts in the disputed will series, 1487-1800 (no.51)
- Lists of wills held at Lancashire Archives for Beconsall, Bretherton, Croston, Little Hoole, Longton, Much Hoole, Mawdesley and Tarleton, 1621-1700 (no.61)

These are kept in the searchroom library.

### ***Finally...***

The National Archives holds a large series of inventories for deceased persons' estates for the following periods:

1. 1417-1660 (reference: PROB 1) which are arranged by surname, location and occupation
2. 1660-c1720 (reference: PROB 4) arranged by surname, location and whether the deceased was at sea
3. and 1722-1858 (reference: PROB 31) arranged by surname, location and ship. The records are not entirely complete but they are indexed. We do not have a copy of the index

### 10 things to remember about probate records...

- \* nearly all the early Amounderness wills are lost but there are abstracts available made about 1680 of which we have microfilm copies (MF 1/3, 4). These wills are listed in italics in volume 10 of the Record Society indexes
- \* a tutor is the legal description of a guardian of a minor under the age of 15 for a boy and 13 for a girl
- \* a curator is the legal description of a guardian of a minor. A minor being a boy aged 14-21 and a girl 12-21
- \* volume 105 of the Record Society indexes contains at the back a list of wills at Lancashire Archives in other collections
- \* the most ordinary person left a will - the clergy had to ensure that parishioners died "in love and charity with all men" leaving all their earthly affairs in order
- \* did you know that volume 4 of the Record Society indexes lists Lancashire and Cheshire administrations, 1650-1660?
- \* did you know that there is a supplementary index to wills for 1670 and *Infra* wills for 1693 in volume 63 of the Record Society indexes?
- \* wills for Slaidburn were proved at the Archdeaconry Court of York as Slaidburn was in the Deanery of Craven. However, occasionally Slaidburn wills do turn up in the Archdeaconry of Richmond, Deanery of Amounderness
- \* we have an inventory over 18 ft long
- \* our smallest will is 3" by 6" (Archibald Murthland 1742)



## **PROBATE POST-11 JANUARY 1858**

The probate system was changed from an ecclesiastical to a secular one under the Act of 20 & 21 Victoria Ch.LXXVII, "An Act to amend the Law relating to Probates and Letters of Administration in England" passed on 25 August 1857.

The principle behind the Act was to simplify the probate system by having it all dealt with by one Court - the Court of Probate - instead of the multifarious courts which had existed before. The Act was to come into operation on 1 January 1858 but did not actually become operational until the 11th. Any probate jurisdictions that had existed previously -ecclesiastical, royal, manorial, peculiar - no longer had any right to grant probate from this date.

The Act established a Principal Registry and 40 District Probate Registries and Commissioners of Her Majesty's Court of Probate were to be appointed to administer oaths.

The District Registry could grant all non-contentious probate and administration if it appeared by affidavit that the testator had a fixed place of abode within the district in which the application was made. Wills in dispute for whatever reason were and are referred to Chancery and can also be dealt with at County Court level if the Court is authorized to do so. In Chancery there will be a hearing about the dispute, the judge makes a decree and probate then goes back to the District Registry.

There are Probate Calendars on microfiche 1858-1943 while 1944-1966 are still in large bound volumes which must be requested at the desk. The indexes 1861-1966 can also be consulted on [www.ancestry.co.uk](http://www.ancestry.co.uk).

The Cumbria Family History Society have also produced **Wills and Administrations of the Deanery of Copeland...Cumberland, 1857-1900**, Neville Ramsden, 1998.

The indexes often refer to "sealed wills". If the testator died in a former British Colony there was no need to apply for probate again at home in order to deal with deceased's effects in Britain. The documents were simply resealed by the Probate Court - literally had the Court's seal applied to them - and that was enough. This was under the Colonial Probates Acts, 1892 and 1927. Scottish and Irish wills which are resealed, have been done so because the testator had effects in England. However since 1971 a will is valid in any part of the UK no matter where the grant has been issued.

## **Death Duty Registers**

There is information about these records on the National Archives website; some of the registers are indexed and can be searched online [www.nationalarchives.gov.uk](http://www.nationalarchives.gov.uk). For a good introduction to probate records held at the National Archives see Miriam Scott Prerogative Court of Canterbury wills and other Probate Records PRO Readers' Guide No 15

In the Name of God Amen. The Twentieth day of May  
Anno d. 1704. Grace Bolton of High side of Embleton in  
the County of Cumberland Spinster being sick in body but of perfect  
minde and memory Praised be God Did express her last Will and  
Testament, in these words or to this Effect, That is to say, she did  
bequeath first her soul into the hands of Almighty God her maker  
hoping that through the meritorious death and passion of Jesus  
Christ, her onely Saviour and Redeemer, to receive free pardon  
and Remission of her sins, and as for her body to be buried in  
Christian burial at the direction of her executors hereafter  
nominated. Then she did give and bequeath to her sister  
Isabelle Westray two shillings and six pence, then she did  
give and bequeath to her brother Daniel Bolton three  
pence. Then all the Residue of her goods and Chattels she  
did give and bequeath unto her loving sister Ruth Bolton  
and did nominate her to be sole executrix of this her last Will  
and Testament. Witness our hands whose names are subscribed  
The day and yeare first above written.

Thomas Burnyeate mke

Joseph Stubb mke

Joseph Bolton

...The Twentieth day of May Anno  
Domini 1704 Grace Bolton of High  
side of Embleton in the County of  
Cumberland Spinster being sick in  
body but of perfect minde and  
memory (Praised be God) Did  
express her last Will and Testament  
in These words or to this Effect...

This is the nuncupative will of  
Grace Bolton. What  
nuncupative means is that  
Grace's will was made orally  
and written down after she died.  
Consequently she could not  
sign it or have it read over to  
her. The witnesses Thomas  
Burnyeate, Joseph Stubb and  
Joseph Bolton record what she  
said "in These words or to this  
Effect" and then sign it.  
Nuncupative or oral wills were  
often the subject of disputes as  
family and friends would  
disagree about what the  
deceased wanted.



In the name of god Amen the twentieth day of April in the year of our lord god 1693. I Thomas Jenkinson of Sollom within Earlethorpe in the County of Lancaster yeoman being sick and weak in body but of sound and perfect memory praise be given to god for his mercies and knowing the uncertainty of this life and being desirous to settle things in order doo make this my last will and testament in manner and forme following that is to say: first and principally I Comend my soule to the Almighty god my Creatour eternally believing that I shall by his mercies be saved by his precious blood and merits of my blessed saviour Jesus Christ and my body to be waite from whence it was taken to be buried in such decent and Christian manner as to my Executors hereafter named shall thinke meet and convenient: and as touching such worldly estate as the Lord in mercy hath sent mee my will and meaning is the same shall bee employed and bestowed as hereafter by this my will is expressed: And first I doe hereby Renounce frustrate and make void all wills by mee formerly maid and Declares and appoints this my last will and testament

Item my will and mind is that all my goods and chattells whiche I am possessed of except my house and yeomanment belonging to mee shall be Equally divided into four equal parts one part I give and bequeath unto my sonn Thomas Jenkinson another part to my Daughter Ann Jenkinson and another part to my Daughter Ellen Jenkinson and another part to my Daughter Jonett Jenkinson And my mind is that my sonn Thomas shall take my Daughter Jonett part into his owne hand and allow her sufficient maintenance out of that said part so long as shee shall live and if shee doo survive to my sonne Thomas then what Remains of her part to be divided into three severall parts that is Equally betwixen Thomas Jenkinson Ann Jenkinson and Ellen Jenkinson my son and Daughters and further it is my will and my mind that if sochlike that my Daughter Jonett either marry or miscarry that then my sonn Thomas shall give to her five poundes and noe more shalbe care for her maintenance

Item my will and mind is that my sonn Thomas have my house and messuages belonging to it for his possession my sonn Thomas paying of the said tenement to my three Daughters Ann Jenkinson a Ellen Jenkinson and Jonett Jenkinson the sum of threescore poundes in manner and forme following that is to say twenty pound to my Daughter Ann and twenty pound to my Daughter Ellen and twenty pound to my Daughter Jonett and pay the said three hundred poundes within one yeare after my Decease unto my three Daughters Ann Jenkinson and Ellen Jenkinson and if god be my Daughter Jonett doo dye then my sonn Thomas shall give out her twenty pound unto my Daughter Ann and Ellen twenty nobles a peece

Item it is my will and my mind that what Debts I owe to any person or persons and all my Expenses and funeral charges be taken out of my whole before my goods be divided

Item I doe hereby nominate and appointe my sonn Thomas and my Daughter Ann to be my sole and whole Executors of this my last will and testament hoping this will see my sonn truly and truly executed as my whole trust and confidence is in them

Witnessed signed published and pronounced in my sight and presence of  
yet for that it is my will and mind that my two Daughters shall have the Rittchen and of Rittchen Chamber to give in if ye please god's long as ye live

Thomas Jenkinson  
of Sollom  
3<sup>rd</sup> May 1693

George Jarrs  
Thomas Adamson  
his mark

Jacob Juree  
John Wainwright

This is the Will of Thomas Jenkinson of Sollom, Tarleton who died and was buried at Croston, St Mary 23 March 1693 (Lancashire Parish Register Society volume 20). A transcript and breakdown of the will is on the next page.

## Will of Thomas Jenckinson of Sollom

*Nearly all wills commence with what is called a religious preamble. The format varies but is believed by some to reflect the religious beliefs of the testator. There were formularies available for this preamble notably in "Fly An Almanacke" first published in 1657, much as we might buy a printed pro-forma will from a stationary shop today*

*This phrase was very important! It indicates that although the testator is unwell he is perfectly capable of making his will. Leave this phrase out and the will could well be challenged in court*

*This section includes the date of the will, the testator's name, address and occupation (although this is not always given).*

*Now he can deal with his worldly estate sensibly renouncing any previous wills (thus again avoiding any possible dispute) and declaring this to be his last will*

In the name of god Amen the Twentieth day of Aprill in the yeare of our Lord god :1691: I Thomas Jenckinson of Sollam within Tarleton in the County of Lancaster yeamon **being sick and weak in body but of sound and perfect memory** praise be given to god for the same and knowing the uncertainty of this Lifew on earth and being Desireous to settle Things in order doe make this my Last will & Testament in manner and forme following That is to say **first and principally** I Commend my soule to Almighty god my Creator Assuredly believing that I shall Receive full pardon and free Remission of all my sins and be saved by the precious death and merits of my blessed saviour and Redeemer Christ Jesus and my body to the earth from whence it was taken to be buried in such decent and Christian manner as to my executors hereafter named shall think meet and Convenient: **and as Touching** **worldly estate as the Lord in mercy hath lent mee my will and meaning is the same shall bee Employed and bestowe hereafter by this my will is expressed: And first I doe Revoke Renounce Frustrate and make void all wills by mee fi maid and Declare and Appointe this my last will and Testament.** Item my will and mind is that All my goodes and Chatte which I am possessed of except my house and the tenement belonging to mee shall be Equally Devided into four equall part part I give and bequeath unto my sonn Thomas Jenckinson Another part to my Daughter Ann Jenckinson Another part to my daughter Ellin Jenckinson and Another part to my daughter Jennett Jenckinson And my mind is that my sone Thomas Shall Daughter Jenett part into his owne hand and Alow her sufficient mentenance ou of That said part so Long as she doth Live and if shee doe fortune to dy (before my son Thomas) Then what Remained of her part to bee Devided into Three severall parts that is equally between Thomas Jenckinson Ann Jenckinson and ellin Jenckinson my son and Dughters/ and further it is my will and mynd that if soebetide That my Daughter Jennett ether mary or miscarry that then my sone Thomas shall give to her five pounds and noe more Take care for her mentenance

Item my will and mind is that my son Thomas have my house and messuage belonging to it for his possession – my son Thomas paying of the said Tenement to my Three Daughters Ann Jenckinson Ellin Jenckinson Ana Jennett Jenckinson the sume of Threescore pounds in manner and forme following that is to say Twenty pound to my Daughter Ann and Twenty pound to my Daughter Ellin and Twenty pound to my daughter Jenett and pay the Afforesaid sumes within one yeare att after my Desease unto my two Daughters Ann Jenckinson and Ellin Jenckinson/ and if soe be my Daughter Jenett doe Dye then my son Thomas shall give out of her Twenty pound unto my Daughters Ann and Ellin Twenty nobles a peece

*Before making any bequests, the testator first looks after his soul and his body*

*This section about paying debts quite often appears just after the instructions for burial.*

**Item it is my will and mynd that what Depts I owe to any person or persons and all my Expences and funeral Charges Be taken out of the whole before the goodes be Devided**

Item I doe hereby Nominate and Appointe my sone Thomas and my Daughter Ann to bee my sole and whole executors of this may Last will and Testament hopinge the will see the same Duely and Truly executed as my whole Trust and Confidence is in them Reposed

Sealed Signed published and pronounced

In the sight and presence of supranominati de bene

Thomas Jenckinson  
the Testator marke T



**(yet further it is my will and mind that my two Daughters shall have the kitchen and the kitchen chamber to live in if the please soe long as the live)**

*Thomas has added a little codicil to ensure that his daughters have some house room*

*Finally he appoints his executors. Again this was important and helped to avoid any dispute over his will. Executors could say they didn't want the job but then the court had to find someone else to do it*

3 May 1693

Jurati fuere Execures

supranominat etc in co'i forma

Coram me

Tho: Wainwright

his

George Lawe  
Thomas X Adamson  
marke

*George and Thomas are witnesses to the will*

*This little piece in Latin records that the executors have been sworn to undertake their duties before the surrogate of the court Thomas Wainwright*





G

Know all Men by these Presents that we  
William Postlethwaite of Whitehaven Esq<sup>r</sup> Joseph  
Herbert Yeoman Thomas Hartley fuller both of Gosforth  
and all in the County of Cumberland

are holden and firmly bound unto the Right Reverend Father in God, EDMUND  
by Divine Permission, Lord Bishop of CHESTER, in the Sum of ~~four~~  
four Pounds of good and lawful Money of Great Britain to be paid unto  
the said Right Reverend Father, his lawful Attorney, Executors, Administra-  
tors, or Assigns; To which Payment well and truly to be made, we bind ourselves  
and each of us severally for and in the whole, our Heirs, Executors and Admi-  
nistrators, and the Heirs, Executors, and Administrators of each of us, firmly by  
these Presents, sealed with our Seals, and dated the ~~second~~  
fourth Day in the ~~twelfth~~ sixth Year of the Reign of our Sovereign  
Lord GEORGE the Second, by the Grace of God, of Great Britain, France, and  
Ireland, King, Defender of the Faith, and so forth, and in the Year of Our  
Lord God One Thousand, Seven Hundred and Fifty five

THE CONDITION of this Obligation is such, that if the above bounden  
William Postlethwaite Esq<sup>r</sup> and  
Administrators of all and singular the Goods, Chattles, and Credits of ~~John~~  
Brown late of Whitehaven in the Parish of St. Bees  
and County of Cumberland Ship-carpenter

do make or cause to be made a true and perfect Inventory of all and singular the Goods, Chattles  
and Credits of the said Deceased, which have or shall come to the Hands, Possession, or  
Knowledge of ~~him~~ the said Administrator or into the Hands and Possession of any  
other Person or Persons for ~~him~~ and the same so made do exhibit or cause to be exhi-  
bited into the Registry of the Consistory Court of ~~Whitehaven~~ or before the ~~second~~  
Day of ~~August~~ next ensuing. And the same Goods, Chattles, and  
Credits, and all other the Goods, Chattles, and Credits of the said Deceased at the Time of ~~his~~  
Death, which at any Time after shall come to the Hands or Possession of the said Admi-  
nistrator or into the Hands or Possession of any other Person or Persons for ~~him~~  
do well and truly administer according to Law; And Further, do make or cause to be made, a  
true and just Account of ~~his~~ said Administration at or before the ~~second~~  
Day of ~~May~~ which shall be in the Year of Our Lord One Thousand Seven Hun-  
dred and Fifty five. And all the rest and Residue of the said Goods, Chattles, and  
Credits which shall be found remaining upon the said Administrator's Account,  
the same being first Examined and allowed of by the Judge or Judges, for the Time being, of  
the said Court, shall deliver and pay unto such Person or Persons respectively, as the said  
Judge or Judges, by his or their Decree (pursuant to the true Intent and Meaning of an Act  
of Parliament made in the two and twentieth and three and twentieth Years of the Reign of  
his late Majesty King CHARLES the Second, Entituled, An Act for the better settling ~~Intestates~~  
Estates shall limit and appoint. And if it shall hereafter appear, that any Last Will and Testa-  
ment was made by the said Deceased, and the Executor or Executors therein named do exhibit  
the same into the said Court, making Request to have it allowed and approved accor-  
dingly, if the said Administrator above bounden being thereunto required, do render and de-  
liver the said Letters of Administration, (Approbation of such Testament being first had and  
made in the said Court) then this Obligation to be void and of none Effect, or else to re-  
main in full Force and Virtue.

Sealed and Delivered }  
in the Presence of }

Richard Murthwaite

Richard Murthwaite Thomas Hartley

William Postlethwaite  
Joseph Herbert

This is the administration bond for John Brown of  
Whitehaven, St Bees, Cumberland, ship carpenter,  
WRW/C 1755

A transcript and breakdown of the bond is on the  
next page.

Know all Men by these Presents that we  
*William Postlethwaite of Whitehaven Joyner Joseph*  
*Herbert yeoman Thomas Hartley fuller both of Gosforth*  
*and all in the County of Cumberland*  
are holden and firmly bound unto the Right Reverend Father in God, EDMUND,  
by Divine Permission, Lord Bishop of CHESTER, in the Sum of *twenty*  
*four* Pounds of good and lawful Money of Great Britain to be paid unto  
the said Right Reverend Father, his lawful Attorney, Executors, Administrators,  
or Assigns; To which Payment well and truly to be made we bind ourselves  
and each of us severally for and in the whole our Heirs, Executors and  
Administrators, and the Heirs, Executors, and Administrators of each of us, firmly by  
these Presents, sealed with our Seals, and dated the *Second* Day of  
*May* in the *twenty ninth* Year of the Reign of our Sovereign  
Lord GEORGE the Second, by the Grace of God, of Great Britain, France, and  
Ireland, King, Defender of the Faith and so forth, and in the Year of Our  
Lord God One Thousand Seven Hundred and Fifty *five*

This document is called 'Letters of Administration' or 'Administration Bond'. The legal form of the document is a bond or obligation. In the first paragraph which pre-1733 would be in Latin, the terms of the bond are laid out.

William Postlethwaite is the administrator of the deceased's estate: Joseph Herbert and Thomas Hartley are his sureties. They are bound in the sum of £24 payable to the Bishop if the estate is not administered. It is up to Joseph and Thomas as William's sureties to make sure he administers the estate or they will be fined. If William dies before he can finish administering the estate, it falls to his heirs/executor to carry on where William left off.

THE CONDITION of this Obligation is such, that if the above bounden  
*William Postlethwaite Assignee*

Date of the document

Administrator of all and singular the Goods, Chattles and Credits of *John*  
*Brown late of Whitehaven in the Parish of St Bees*  
*and County of Cumberland Ship carpenter*  
do make or cause to be made a true and perfect Inventory of all and singular the Goods, Chattles  
and Credits of the said Deceased, which have or shall come to the Hands and Possession, or  
Knowledge of *him* the said Administrator or into the Hands and Possession, of any  
other Person or Persons for *him* and the same so made do exhibit or cause to be exhibited  
into the Registry of the Consistory Court of *Richmond at* or before the *second*  
Day of *August* next ensuing. And the same Goods, Chattles, and  
Credits, and all other the Goods, Chattles, and Credits of the said Deceased at the Time of *his*  
Death, which at any Time after shall come to the Hands or Possession of the said

Administrator, a woman is called an administratrix

The deceased. His/her name only ever appears in the second paragraph

An inventory of the deceased's possessions has to be compiled and exhibited in court by 2 August 1755



Administrator or into the Hands or Possession of any other Person or Persons for *him*  
do well and truly administer according to the Law; And Further, do make or cause to be made, a  
True and just Account of ~~his~~ said Administration at or before the *second*

*The administrator must submit a financial account of his administration. This demonstrates that he has paid for everything: funeral, debts, legacies, court fees, etc*

Day of *May* which shall be in the Year of Our Lord One Thousand Seven Hundred  
and Fifty *six* And all the rest and Residue of the said Goods, Chattles, and  
Credits which shall be found remaining upon the said Administrators Account,

the same being first Examined and allowed of by the Judge or Judges, for the Time being, of  
the said Court, shall deliver and pay unto such Person or Persons respectively, as the said  
Judge or Judges, by his or their decree (pursuant to the true Intent and Meaning of an Act  
of Parliament made in the two and twentieth and three and twentieth Years of the Reign of  
his late Majesty King CHARLES the Second, Entitled, *An Act for the better settling Intestates'  
Estates*) shall limit and appoint. And if it shall hereafter appear, that any Last Will and Testament  
was made by the said Deceased, and the Executor or Executors therein named do exhibit  
the same into the said Court, making Request to have it allowed and approved accordingly, if  
the said Administrator above bounden being thereunto required, do render and deliver  
the said Letters of Administration (Approbation of such Testament being first had and  
made in the said Court) Then this Obligation to be void and of none Effect, or else to  
remain in full Force and Virtue

*Mentions the statute (1670/71) which regulated the appointment of administrators and lays out the wording for this second paragraph*

*Provision is made in case a will is found at a later date*

Sealed and Delivered}  
in the Presence of }  
*PMurthwaite*  
*Richard Murthwaite*

*William Postlethwaite*  
*Joseph Herbert*  
*Thomas Hartley*

*Signatures of those named in the first paragraph*

*Witnesses*

A true and just Inventory of all the good & Chattels  
 of William Edmonson of Worsley in the parish of  
 Eccles lately deceased & valued the twentieth fourth  
 day of february Anno Dom. 1629. By Robert Cooke  
 Lodger Valant Lodger yonger & John Kemp.

Supplid. twoe lync one heifer & one sturke 2	9	12	0
Item. twoe mares 2	5	19	4
Item. one nagge one fillie & one donk. 2	6	8	8
Item. one swine 2	0	11	4
Item. in Oxen and hays 2	4	4	0
Item. in Penten and brasse 2	5	4	0
Item. one Chimney & other Iron ware 2	0	12	0
Item. in Oxen ware of all sortes 2	0	16	8
Item. in Axles and Saffers 2	1	15	0
Item. in Bounde Charcoes fownd & stooled 2	0	3	0
Item. in Bedding linc & woollen 2	1	18	4
Item. in Bodie apparell 2	1	0	0
Item. in Beeft & Balen 2	0	7	6
Item. in taxthen pott 2	0	3	4
Item. in Bedstorkes 2	0	4	0
Item. in spinning whiled 2	0	3	6
Item. in stone troughes 2	0	7	0
Item. in mulke 2	0	13	4
Item. in plowe frowd & Charcoes 2	0	3	4
Item. in Carte geant harkowd & one part saodk 2	0	8	0
The sume in all is 2	38	14	4

This is the inventory of William Edmonson or  
 Worsley, Eccles, 1629  
 WCW

A transcript and breakdown of the inventory is on  
 the next page

A true and p[er]fect Inventory of all the goodes & Chattells  
of William Edmondson of Worsley in the p[ar]ish of  
Eccles lately deceased prised & valued the Twentie fourth  
day of Februarie Anno Domini 1629 By Robert Cooke  
Rodger Valance Rodger Yonge & John Kempe

	li	s	d
Imprimis two Kyne one heifer & one stirke	9	12	0
Item twoe mares	5	19	4
Item one nagge one fillie & one Coult	6	8	8
Item one swine	0	11	4
Item in Corne and haye	4	4	0
Item in Pewter and brasse	3	4	0
Item in Chimney & other Iron ware	0	12	0
Item in Trine ware of all sortes	0	16	8
Item in Arkes and Coffers	1	15	0
Item in Bourdes Chaires forms & stooles	0	3	0
Item in Bedding linen & woollen	1	18	4
Item in Bodie apparell	1	0	0
Item in Beefe & <b>Baken</b>	0	7	6
Item in earthen pottes	0	3	4
Item in Bedstockes	0	4	0
Item in spinning <b>whiles</b>	0	3	6
Item in stone troughs	0	7	0
Item in <b>mucke</b>	0	13	4
Item in plowe Irons & Cheanes	0	3	4
Item in Carte geare harrowes & one pack saddle	0	8	0
The som[m]e in all is	38	14	4

*The introductory paragraph includes the name of the deceased, the date the inventory was compiled and the names of the appraisers. Statute required there to be four men appraising the goods. The inventory could only include personal items and possessions: real property if any would be in the will*

*Inventories are always in this format. Sometimes the list is broken down room by room and sometimes they can be very detailed. Values of course are in 'old' money – pounds, shillings and pence. The 'li' used at the top of the pound column here is the abbreviation for the Latin word pound 'libra'*

*Inventories often commence with animals and crops before moving on to household goods, furniture and then goods related to the deceased's occupation. William's clothes are also included valued at £1 as is the manure heap valued at 13s 4d.*

*Spelling in inventories can be unusual and make words difficult to identify. There may also be unfamiliar words relating to farming or local dialect words. Here are some of the unfamiliar spellings/terms in this inventory:*

*Trine ware: items made of wood*

*Whiles: wheels*

*Baken: bacon*

*Mucke: manure or dung*

## **Probate Booklist**

Dr John Addy	Death, Money and the Vultures 1660-1750	Routledge 1992
T Arkell, N Evans and N Goose	When Death do us Part Understanding and Interpreting the Probate Records of Early Modern England	Leopard's Head Press Limited, 2000
O Ashmore and J J Bagley	"Inventories as a source of Local History"	The Amateur Historian IV (1959-1960) pp 157-161,186-195 and 227-231
A J Camp	Wills and their Whereabouts	London,1974
Colin R Chapman	Ecclesiastical Courts, Officials and Records Sin, Sex and Probate	Lochin Publishing, 1997
Stephen Coppel	"Willmaking on the Deathbed"	Local Population Studies, Spring 1988 No.40
N and J Cox	"Probate Inventories: the Legal Background" in	The Local Historian Aug. and Nov.1984
A G Crosby	"Lancashire Probate Records"	Manchester Genealogist vol.24 No.1 January 1988 pp 3-8
F G Emmison	"Jacobean Household Inventories"	Bedfordshire Historical Record Society vol. XX 1938

Amy Louise Erickson	Women and Property in Early Modern England	Routledge, 2002
Emmeline Garnett	John Marsden's Will The Hornby Castle Dispute 1780-1840	The Hambledon Press 1998
J S Gibson and E Churchill	Probate Jurisdiction: where to look for wills	Federation of Family History Societies 5 <sup>th</sup> edition 2002
J S Gibson	Wills and Where to Find Them	Phillimore 1974
Karen Grannum and Nigel Taylor	Wills and Other Probate Records	The National Archives 2004
Jill Groves	Piggins, Husslements and Desperate Debts A social history of North-East Cheshire through wills and probate inventories, 1600-1760	A Northern Writers Advisory Services Publication, 1994
"H C"	The Practice of the Spiritual or Ecclesiastical Courts	1708
W F Irvine	"A Collection of Lancashire and Cheshire Wills not now to be found in any Probate Registry, 1301-1752"	Lancashire and Cheshire Record Society vol 30 1896
B C Jones	"The Lancashire Probate Records"	Transactions of the Historic Society of Lancashire and Cheshire vol 104 1952
C Kitching	"Probate during the Civil War and the Interregnum"	Journal of the Society of Archivists Apr and Oct 1976
P Lovelass	The Law's Disposal of a Person's Estate who dies without a Will...	1782

G W Marshall	A Handbook to the Ancient Courts of Probate and Depositories of Wills	London, 1895
Rosemary Milward	A Glossary of Household, Farming and Trade Terms from Probate Inventories	Derbyshire Record Society Occasional Paper no 1, 1993
National Archives	Using Wills	Pocket Guides to Family History
Nicholas Newington-Irving	Will indexes and other probate material in the Library of the Society of Genealogists	Society of Genealogists, 1st edition 1996
C B Phillips and J H Smith .	“Stockport Probate Records 1578-1650”	The Record Society of Lancashire and Cheshire, vol.124 1985, vol.131 1992
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David H Pratt	Researching British Probates 1354-1858 A Guide to the Microfilm Collection of the Family History Society Volume 1 Northern England/Province of York	Scholarly Resources 1992
Mary Presland	Angels to Yarwindles the wills and inventories of 26 Elizabethan and Jacobean Women living in...St Helens	St Helen's Association, 1999
Stuart A Raymond	Words from Wills and other probate records	Federation of Family History Societies, 2004



R C Richardson	“Wills and Will-Makers in the 16th and 17th Centuries some Lancashire Evidence” reprint from Local Population Studies 9 Autumn 1972	
R C Rylands	“Lancashire and Cheshire Wills and Inventories 1563-1807”	Chetham Society NS vol 37 1897
Miriam Scott	Prerogative Court of Canterbury Wills and Other Probate Records	PRO Readers’ Guide No 15 1997
Peter Spufford	Index to the Probate Accounts of England and Wales	The British Record Society, 1999
Surtees Society	The publications of the Surtees Society. illustrative of the history, manners, language, statistics, &c. of the northern counties of England, from the eleventh century downwards. [Vol.2] Part 1, Wills and inventories :	London : J.B. Nichols and Son : William Pickering, [1835]
Surtees Society	The publications of the Surtees Society. [vol. 1] : being abstracts of wills relating to the counties of York, Nottingham, Northumberland, Cumberland, and Westmorland, at Somerset House and Lambeth Palace 1383 to 1558. Vol. 116, North country wills :	Durham : Andrews & Co., 1908.



Surtees Society	The publications of the Surtees Society. Vol. 2 : being abstracts of wills relating to the counties of York, Nottingham, Northumberland, Cumberland, and Westmorland at Somerset House and Lambeth Palace 1558 to 1604 / Vol. 121, North country wills : edited by John William Clay.	Durham : London : Andrews & Co. ; Bernard Quaritch, 1912
Surtees Society	The publications of the Surtees Society. extending over portions of the counties of York, Westmorland, Cumberland, and Lancaster / Vol. 26, Wills and inventories from the registry of the Archdeaconry of Richmond : by James Raine.	Durham (Eng.) : Published for the Society by G. Andrews, 1853.
H Swinburne	A Briefe Treatise of Testaments and Last Wills...	1611
P Walne	English Wills	Virginia 1964
C Wilkinson	Tristram and Coote's Probate Practice, 19th edition	London 1946

Useful websites:

<http://archives.lancashire.gov.uk>

for Archdeaconry of Richmond probate indexes

<http://www.xmission.com/~nelsonb/lws.htm> for indexes to Lancashire wills

[www.findmypast.com](http://www.findmypast.com) for indexes to probate records for the county of Cheshire

<http://www.llgc.org.uk/index.php?id=487> for Welsh wills

<http://www.york.ac.uk/inst/bihr/guideleaflets/probate.htm> for information on Yorkshire probates

<http://www.nationalarchives.gov.uk/documentsonline/wills.asp> for indexes to the Prerogative Court of Canterbury Wills

<http://www.hmcourts-service.gov.uk/infoabout/civil/probate/registries.htm> for a list of current probate registries and sub-registries

## How to find a will in the Archdeaconry of Richmond

There is no getting around the fact that the indexes to this Archdeaconry are numerous and complex. Your ancestor may appear in one index and not in another for different reasons. For example:

- The testator died in a deanery or part of a deanery not covered by the index
- The index may have been compiled from a source other than the actual wills
- We may not know how the index has been compiled
- An entry may appear in a Probate Act Book but it does not follow that the probate records will have survived

Don't be put off by this as it only takes a minute to check an index: to begin your search it helps, although it is not essential, to have an idea of the following:

1. Where did your ancestor die or if you are uncertain of this where did they live?
2. Look at the map of the Archdeaconry of Richmond (see fold out map at back) to see in which deanery the place they lived/died is in

eg Windermere is in Kendal deanery  
Dent is in Lonsdale deanery  
Poulton le Fylde is in Amounderness deanery  
Whitehaven is in Copeland deanery  
Ulverston is in Furness deanery

3. Depending on the answer to question 2, there are different indexes to look at as follows

### Amounderness deanery

1545-1858 Amounderness deanery (compiled from the extant wills)	LANCAT and typescript copy available in searchroom
Probate Act Books	WR 1-8, 30, 32 (some on microfilm)
Record Society volume 10 (compiled from the Probate Act books)	1457-1680
Record Society volume 13 (compiled from the Probate Act books)	1681-1748
Record Society volume 23 (compiled from the Probate Act books)	1748-1792
Record Society volume 66 (compiled from the Probate Act books)	1793-1812
Record Society volume 99 (compiled from the Probate Act books)	1813-1837
Record Society volume 105 (compiled from the Probate Act books)	1838-1858
Pre-1720 manuscript indexes (not known how these were compiled)	WR 38-66 on microfilm

### Copeland Deanery

1545-1858 Copeland deanery (compiled from the extant wills)	LANCAT and typescript copy available in searchroom
Probate Act Books	WR 8a, 9-17, 30-31, 33 (some on microfilm)
1541-1857 Printed list of wills and administrations compiled from microfilm copies of original wills	Typescript (Cumbria Family History Society)
1857-1900 Printed list of wills and administrations compiled from microfilm copies of original wills	Typescript (Cumbria Family History Society)
Pre-1720 manuscript indexes (not known how these were compiled)	WR 38-66 on microfilm

## Furness Deanery

1545-1858 Furness deanery (compiled from the extant wills)	LANCAT and typescript copy available in searchroom
Record Society volume 10 (compiled from the Probate Act books)	1457-1680
Record Society volume 13 (compiled from the Probate Act books)	1681-1748
Record Society volume 23(compiled from the Probate Act books)	1748-1792
Record Society volume 66 (compiled from the Probate Act books)	1793-1812
Record Society volume 99 (compiled from the Probate Act books)	1813-1837
Record Society volume 105 (compiled from the Probate Act books)	1838-1858
Probate Act Books	WR 8a, 18-21, 30-31, 34 (some on microfilm)
Pre-1720 manuscript indexes (not known how these were compiled)	WR 38-66 on microfilm

## Kendal Deanery

1545-1858 Kendal deanery (compiled from the extant wills)	LANCAT and typescript copy available in searchroom
Record Society volume 10 (compiled from the Probate Act books)*	1457-1680
Record Society volume 13 (compiled from the Probate Act books)*	1681-1748
Record Society volume 23(compiled from the Probate Act books)*	1748-1792
Record Society volume 66 (compiled from the Probate Act books)*	1793-1812
Record Society volume 99 (compiled from the Probate Act books)*	1813-1837
RS volume 105 (compiled from the Probate Act books)*	1838-1858
Probate Act Books	WR 8a, 22-25, 30-31, 35-35a (some on microfilm)
Pre-1720 manuscript indexes (not known how these were compiled)	WR 38-66 on microfilm

\* **NB** These indexes only cover the areas of the Archdeaconry of Richmond that were in Lancashire

## Lonsdale Deanery

1748-1858 Lonsdale deanery (compiled from the extant wills)	LANCAT and typescript copy available in searchroom
Record Society volume 10 (compiled from the Probate Act books)*	1457-1680
Record Society volume 13 (compiled from the Probate Act books)*	1681-1748
Record Society volume 23(compiled from the Probate Act books)*	1748-1792
Record Society volume 66 (compiled from the Probate Act books)*	1793-1812
Record Society volume 99 (compiled from the Probate Act books)*	1813-1837
RS volume 105 (compiled from the Probate Act books)*	1838-1858
Probate Act Books	WR 8a, 26-31, 36-36a (some on microfilm)
Pre-1720 manuscript indexes (not known how these were compiled)	WR 38-66 on microfilm

\* **NB** These indexes only cover the areas of the Archdeaconry of Richmond that were in Lancashire

**When you want to find a will.....**

**....ask yourself the following questions....**

**When did my ancestor die?** 1877 1905 1766 1795 1946 1712 1888 1534 1967 1777 1543 1556 1634 1758  
1894 1846 1568 1679 1644 1836 1985 1589 1739 1666 1802 1901

**Where did they live?** *Padiham Liverpool Manchester Preston Buttermere  
Cockerham Garstang Woodplumpton Blackpool Dent Grasmere Ulspha St Bees  
Lancaster Crosthwaite Milson Colne Clitheroe Todmorden Chipping Blackburn Lytham Heysham Kendal*

*mill, houses. landlord, employer*  
**Did they own property?** *cottage, farm,  
shopkeeper, ships*

*cotton manufacturers, builders, tradesmen*  
**Were they wealthy?** *plantation owners, ship builders,  
merchants*



### **1. If your answers are**

*1800 Wigan Robert Coates a watchmaker so not likely to be wealthy*

Look in the Record Society indexes for the Archdeaconry of Chester

### **2. If your answers are**

*Leonard Watson around the early 1600s Preston occupation not known*

Look in the Record Society index for the Archdeaconry of Richmond 1457-1680 or try LANCAT

### **3. If your answers are**

*1696 Cartmell a gentleman called Benjamin Fletcher*

Look in the Record Society index for the Archdeaconry of Richmond 1681-1748, try LANCAT but also try the Prerogative Court of Canterbury on-line indexes at the National Archives

