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 created in order to have all the probate proceedings in a central place. Before that time, there were many different jurisdictions in which your ancestor may have had his or her will probated.

Probate records are those created by a court process to authorize the distribution of the property of a deceased person to their heirs.

**What is the Value of Probate Records?**

- Help determine a time and place of death
- Name family members
- Name relatives
- Name friends
- Name business associates
- Identify properties
- Help track transfer of property

**History of Grants of Probate in England and Wales**

- Ecclesiastical (Church) Courts established
- Later Civil Courts 1858
- Records mostly exist after 1400 (some aged and from WWII bombing destroyed)

**POST-1857 PROBATE RECORDS**

After 1857, most wills and administrations were recorded by the Principal Probate Registry and can be obtained through their offices. There were two jurisdictions, the Principal Court and the District Courts. You can obtain district court wills through district courts and at the Principal Probate Registry. The Family History Library has only the registered wills 1858-1925 and indexes to the records 1858-1957 on microfilm. Record offices in England have indexes and records. Indexes 1858-1966 are available online at [www.ancestry.co.uk](http://www.ancestry.co.uk). All these documents up to the present can be obtained through the Principal Probate Registry by mail or in person.

There can be other places where wills were proved for those who served in the military, as seafaring people, and in the East India Company as well as other areas of the British Isles and world.
PRE-1858 PROBATE JURISDICTIONS

An estate was probated by the Church of England in one of over 300 ecclesiastical courts. These courts were not equal in importance and jurisdiction. A will was usually probated where the testator owned land. If the testator owned land in more than one jurisdiction, the will was probated in a higher court. You may have to search more than one court in looking for your ancestor’s will. The court with the highest jurisdiction was the Prerogative Court of Canterbury. If your ancestor lived overseas at the time of his or her death, the probate would have been handled by the Prerogative Court of Canterbury.

Exceptions to the ecclesiastical jurisdictions were the peculiar courts. These courts consisted of “parishes situated in one archdeaconry or diocese but subject to the jurisdiction of another archdeacon or bishop, some other religious or lay authority or even a local lord of the manor.” (Ancestral Trails, Mark D. Herber, p. 184)

FINDING PRE-1858 PROBATE RECORDS AT THE FAMILY HISTORY LIBRARY

- Find the binder on the register table for the county in which the ancestor lived.
- Use wiki.familysearch.org for probate jurisdictions.
- Use The Catalog of FamilySearch.org to locate probate records.
- The Family History Library and centers have access to most of the probate records pre-1858.
- Open to the map and find the parish or town, note the color.
- Then go to the probate table to find the court that corresponds to the color.
- Find the ancestor in the index. Search for at least up to ten years after the date of death. If he or she is not in the index, search the next court on the probate table.
- Go back to the register book to find the will, either registered or original.
- For British Isles, The Prerogative Court of Canterbury has complete jurisdiction where any person could prove a will or administration 1354-1858. The Family History Library has these records of indexed and of original and registered documents. These records usually can be found using the Family History Library Catalog or binders on the British floor to help locate the film copies of these documents. The binder is located on register table and the catalog on the computers.
- Also, wills are available online at www.nationalarchives.gov.uk, www.ancestry.co.uk, www.thegenealogist.co.uk, www.britishorigins.com and www.findmypast.co.uk. A listing is proved by county that can be of use in locating these probate records online.
- Estate Duty Death Indexes 1796-1903 cover all courts in England and Wales 1796-1805 cover 25% of probate records, 1805-1815 cover 75% of probate records, 1815-1858 almost 100% of probate records. The probate records 1858-1903 should be looked at through the Principal Probate Registry. Family History Library has both Indexes 1796-1903 and documents 1796-1857. Also, indexes available online at www.findmypast.com and www.ancestry.co.uk.
- Many counties in England have produced will beneficiary indexes.
- Hampshire, England pre-1650, and 1840-1858 have complete listing of people mentioned in Wills.
Wales, these are complete abstracts and can be searched by surname, given name and by parish. The wills are completely typed abstracts and are easy to read of all people mentioned in wills. Time can be saved by using these abstracts. Almost all of the pre-1858 probate records are online at www.llgc.org.uk which is the National Library of Wales.

The Family History Library Catalog has probate records and probate records indexes listed under Country, County and some parishes. Many peculiar courts may have covered only few and in some cases only one parish and some of these probate records have been catalogued under the parish name.

There are probate records for people who made a will prior to 1858, but that will was proved after 1858. Please always check the post 1857 probate indexes for a will made and then proved in The Principal Probate Registry.

Original and Registered Probate Records

You will find in the collection of the Family History Library both Original Wills (which is the original will) and Registered Wills (which is a copy the original that was registered at the time the probate was proved). Always look to see if there is another copy of the will as you may find further information about the family of interest. The Family History Library on the County Court level may have both original and registered probate documents and some abstracts. The PCC original documents are at The National Archives PROB 10 and Registered copies PROB 11 with the wills online and on microfilm. The PCY of original documents are at The Borthwick Institute. Registered copies of probate for the PCC and PCY are on microfilm at the Family History Library. They are indexed on British Origins www.origins.net.

Most County Record Offices have probate records or probate indexes for their county. It is worth looking into those record offices to make sure that you have a complete record of the probate you seek.

Finding Post-1858 Probate Records at the Family History Library

- Go to the Principal Probate Registry binder at the register table index 1858-1957 and documents of wills only 1858-1925. www.ancestry.com index only 1858-1966 (Card Catalog – Title: National Probate)
- All courts for England and Wales are combined into one listing per year. Scotland and Ireland should also be checked.
- Search the index for the years following the ancestor’s death (up to at least ten years). Family History Library has indexes on microfilm 1858-1957. These indexes will give the death date of all people listed in the wills and administrations. www.ancestry.com 1858-1966
- Note the month and the court in the index entry and whether it is a will or an administration.
- If it is a will, go back to the Principal Probate Registry binder and look up the film in the Principal Court or a District Court (depending on what the index said). Family History Library has wills only on microfilm 1858-1925.
• District Courts. Look in the Family History Library Catalog. [www.familysearch.org/]
 Then click on Library Tab. Then click on Family History Library Catalog. Then look under place search. Then type the county. Then click on probate records or probate records indexes.
 For example: Cheshire/Probate Records or Cheshire Probate Records Indexes.
 These district courts exist today and you can write them and obtain their addresses from this website [http://www.willsprobate.co.uk/grant_probate.html]

HANDWRITING OR PALEOGRAPHY
• Probate records can be wonderful to read and in some places the handwriting can be difficult to read.
• Probate records can be partially written in Latin.
• There may be legal language.
• Probate records can follow a standard format and might be easier to understand if the format is known.
  Administrations quite often have a form that is filled in.

DEFINITIONS OF PROBATE TERMS
• Testator/Testatrix: The person who made a will.
• Intestate: A person who died without a will.
• Executor/Executrix: The person named in a will by a testator who is authorized to administer the terms of the will.
• Codicil: An addition to a will made after the first will was written and signed.
• Administration also known as Admon: Short for letters of administration, a grant to the next-of-kin (or another) who applied to administer the property of an intestate.
• Act Book: A day-by-day account of the official grants of probate proceedings.
• Inventory: A list of a testator’s personal and household goods, with their appraised value.
• Noncupative Will: A will made orally by the testator
• Probate: The process of proving a will and also the evidence that a will has been accepted by the court and that the executor has been granted permission to carry out the terms of the will.
• Will: A written statement in which a person regulates the disposal of property and rights after his/her death.
• Inventory: A list of personal and household goods left by the deceased together with their appraised value.

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