

From: Steven Whitaker < xwh05@dial.pipex.com >
Subject: Re: [AXHOLME] Wills Teach in
Date: Mon, 10 Jun 2002 21:55:32 +0100
References: <001001c2107f\$dab9dce0\$0100a8c0@mshome.net>
In-Reply-To: <001001c2107f\$dab9dce0\$0100a8c0@mshome.net>

On Mon, 10 Jun 2002 14:08:01 +0100, you wrote:

>Hi All,
>Forgive me those of you that know.
> Wills are a great source of family information and can often break down brick walls.
>There are in the Isle Parish Registers gaps as you will all appreciate, wills can often bridge those gaps helping identify children and grandchildren, where parish registers have proved blank. Or as in the case of the Interregnum, marriages were conducted in market places etc. Or the case of the Reverend in Belton who at one time did not know the date or year. or in Epworth where there was a fire.
>Up to 1858 churches administered and taxed wills and these records have been deposited at the County Archives. from 1858 the state took over and copies of these wills can be obtained from Duncombe Place York.
>If a person had property in more than one County than the will will be found in Canterbury/family records centre. People from the Isle in particular are likely to have owned land in Notts or Yorks.
>To access Lincoln Wills, download order form from the Internet, fill in archive reference and credit card details, post back to archives, snail mail sorry, you will be informed of price and after about six weeks will receive your photocopy of the original document. Cost about £3 each but that depends on how many pages, there is a minimum charge of £3.
>To get references then you either visit the archives or you ask someone like me to look up for you I have found 50/60 relevant wills in the Isle alone for my family and have something like a 100 still to look at and believe me my family didn't have a lot of money.
>In a separate email I will if Sheila agrees post a typical will.
>Of course I will look up for list members, I need deceased year of death, parish and of course name.
>Regards Patrick
>
>

Hi all

Just a few corrections if I may to Patrick's piece.
Generally, pre-1858 records are deposited in at the county archives/ county records office, but there are some exceptions. Most Yorkshire wills proved before 1858 are held at the Borthwick Institute in York, for example.

Duncombe Place, York is the address for postal will requests. If you want to check the full indexes and order wills in person, you need to go to First Avenue House, High Holborn in London. The indexes for the periods most of us are going to be interested in are also available at the Family Records Centre in London (up to 1943) and at some County Records Offices.

For wills from 1858 there is an informative webpage at:
http://www.courtservice.gov.uk/fandl/prob_guidance.htm

There were no hard and fast rules for determining which court granted probate before 1858. Executors could decide to get probate granted in a higher court for snobbish reasons, because they were nonconformists and the higher court was less overtly religious or simply because they fancied a trip to London. You should try and check all of the possibilities. However, approximately the following guidelines can be followed to find where to check first:

1. For people whose property was all within one archdeaconry (the Isle of Axholme lies wholly within the Archdeaconry of Stow), try the archdeaconry court. Records for the Archdeaconry of Stow are held at Lincolnshire Archives.
2. For people who had property within two or more archdeaconries or peculiars in the same diocese, try the consistory court. That's the Consistory Court of Lincoln which covers the whole of Lincolnshire and those records are also at Lincolnshire Archives.
3. Not strictly applicable to Lincolnshire, but those who had property in two or more dioceses in the Province of York (Yorkshire, Nottinghamshire, Cheshire, Flint and all areas to the north) could have wills proved at the Prerogative Court of York (PCY), the records of which are held at the Borthwick Institute in York. However, there are cases of Lincolnshire wills having been proved in this court, so do not ignore it.
4. The senior court was the Prerogative Court of Canterbury (PCC). This dealt with those with property spread between two or more dioceses in the Province of Canterbury (everywhere south of the counties listed above), between the two provinces or had property abroad. Note that PCC is actually a bit of a misnomer as the court was actually in London and that is where the records are held.

Note that this doesn't apply over the Commonwealth period when wills were all administered centrally (but if you've managed to get back to 1660, you probably already know).

Also, some parishes and areas were 'peculiars' not part of an archdeaconry and with their own court. There are none of these on the Isle, but if you find ancestors in, say, Kirton in Lindsey, you may find that their will was proved in a local court.

For guidance on where to look for wills, I recommend the Gibson Guide:
'Probate Jurisdictions: Where to Look for Wills'
published by the Federation of Family History Societies.

I hope this is of use.

Steve