

WILLS IN LONDON METROPOLITAN ARCHIVES AND ELSEWHERE

Introduction

Before 1858 the proving of wills and related testamentary matters came within the jurisdiction of courts administered by the church. There were many such courts operating at different levels. The court with over-riding jurisdiction in England and Wales was the Prerogative Court of Canterbury (PCC). It had sole jurisdiction over those dying with property in more than one diocese in the southern province (the Prerogative Court of York had similar jurisdiction in the northern province) or with property in both provinces and over those who died overseas. It was largely but not exclusively used by the wealthy.

Each diocese had its bishop's, or consistory, court which had jurisdiction throughout the whole diocese. Below that were courts administered by archdeacons whose jurisdiction was limited to their respective archdeaconries or parts of them, and courts administered by bishop's commissaries (deputies) which might have jurisdiction over one or more archdeaconries. The archdeacons' jurisdiction was often inhibited (suspended) for part of the year and during episcopal visitations and at those times the bishop or his commissary dealt with business which would otherwise have come before the archdeacons' courts.

In most dioceses there were small areas exempt from the jurisdiction of the local archdeacon's or bishop's court. They were known as peculiars and the wills of people dying with property in them would be proved in the appropriate peculiar court.

From 11 January 1858 church courts were replaced by a centralised system of civil probate registries. The Principal Probate Registry was based at Somerset House. Copies of wills proved in England and Wales from 1858 onwards can be obtained from the Principal Registry Family Division, First Avenue House, 42-49 High Holborn, London WC1V 6NP. Copies of the calendars to wills 1858-1943 can be consulted at the Family Records Centre, 1 Myddelton Street, London EC1R 1UW.

Records

Wills survive in court records in two forms: the original, having been presented in court for probate and having been inscribed with the probate act, would be filed; a copy of the will and act would be entered in a register.

When a person died without making a will (intestate) the court would grant the next-of-kin, or creditors, letters of administration (often abbreviated as an admon or admin) enabling them to deal with the deceased's estate. Letters of administration with the will annexed could be granted in cases where the executors named in the will had died or refused to act.

The court would usually record in an act book the acts granting probates and administrations (a probate and administration act book). Sometimes grants of administrations were entered in will registers. Bonds entered into by executors and administrators faithfully to carry out their responsibilities were retained by the court with other related papers.

Inventories detailing the deceased's goods and chattels (often room by room), debts owing to him or her and plantations abroad were made and presented in court as part of the probate process. These have not always survived.

Calendars of or indexes to the records were often compiled. The series indexed were usually original wills, registers of wills and administrations and probate and administration act books. The indexes to names of testators or to names of the deceased might be in pure alphabetical order or in alpha-chronological order (all the names beginning with one letter put in date order). Many modern indexes to probate records have been, or are in the process of being, published and are often easier to use than the contemporary indexes. Printed indexes and calendars of probate records available in London Metropolitan Archives Library are listed at the end of this leaflet.

Looking for a will

The executors or administrators of those who died with property within the jurisdiction of one archdeaconry or commissary court should properly have gone to that court. If the deceased had goods worth £5 or more within the jurisdiction of more than one of these courts but within one diocese then the will should have been proved in the consistory court of that diocese. If the property lay in more than one diocese then the matter should have been dealt with by the appropriate archdiocese. However it is clear from the records that such rules were not always followed and when searching for a will it is advisable, if the will is not found in the obvious court, to check all the courts in the geographical area of the deceased's known property as well as the records of the PCC.

Probate copies of wills (made by the court and given to the executor) and a few original wills may be found in other series of records in London Metropolitan Archives. Searchers should consult the personal names index available on microfiche in the Reference Room.

Wills and the probate of them or the administration of the estate might be disputed. Records of disputed testamentary causes (cases) may be found among the records of many church courts. Searchers should consult staff about the records.

Probate records held by London Metropolitan Archives

Wills in London Metropolitan Archives relate mainly to the ancient (pre-1889) counties of Middlesex and Surrey, part of the ancient county of Kent and the City of London. Wills relating to these areas can also be found elsewhere (see below).

In many cases records held in London Metropolitan Archives have been microfilmed and the films should be consulted instead of the originals. Full lists of the records, indexes and microfilms are available in the Reference Room.

Consistory Court of the Bishop of London 1362-1858

This court had jurisdiction over the whole diocese of London except the peculiars. In 1846 the parishes of Charlton, Deptford, Eltham, Greenwich, Lee, Lewisham, Plumstead and Woolwich were transferred to this diocese from the diocese of Rochester and the parishes of Barnes, Mortlake, Newington, Putney, Walworth and Wimbledon were transferred from the Deanery of Croydon.

Surviving records include: original wills and administrations 1507-1858 (with gaps); registers of wills and administrations 1492, 1514-1858 (with gaps); vicar-generals' books, which include probate and administrations acts, 1521-1644, 1661-1685. Wills 1362-1559 are also entered in bishops' books in the Guildhall Library (see below) but indexes to these are held in the London Metropolitan Archives. Very few probate inventories have survived for this court.

Archdeaconry Court of Middlesex (Middlesex Division) 1608-1810

This division of the court had jurisdiction over the following Middlesex parishes: Bedford, Chelsea, Cranford, Feltham, Hampton, Hanwell with New Brentford, Harlington, Harmondsworth, Heston with Hounslow, Hillingdon with Uxbridge, Isleworth, Kensington, Laleham, Littleton, St Anne Soho (Westminster), St Clement Danes, St George Hanover Square, St James Piccadilly (Westminster), St Martin-in-the-Fields, St Mary-le-Strand, St Paul Covent Garden, Shepperton, Staines with Ashford, Stanwell, Sunbury, Twickenham.

Surviving records include: original wills 1608-1611, 1662-1810; registers of wills 1664-1677, 1718-1779; probate and administration act books 1660-1810 (with gaps); administration bonds 1667-1760 (with gaps); probate inventories 1667-1758. The probate business of this court virtually ceased in the 1780s.

Commissary Court of the Bishop of Winchester in the Archdeaconry of Surrey 1662-1858.

The jurisdiction of this court covered the whole of the ancient county of Surrey except for the peculiars (for peculiar parishes see below under Surrey: Peculiar of the Archbishop of Canterbury).

Surviving records include: original wills 1663-1857 (with gaps); registers of wills 1674-1696, 1729-1857; probate and administration act books 1662-1858 (with gaps); administration bonds 1674, 1731-1858.

Archdeaconry Court of Surrey 1480-1858

The jurisdiction of this court covered the whole of the ancient county of Surrey except for the peculiars (for peculiar parishes see below under Surrey: Peculiar of the Archbishop of Canterbury).

Surviving records include: original wills 1534-1857 (with gaps); registers of wills 1480-1821 (with gaps); probate and administration act books 1674-1858 (with gaps to 1725).

Probate records not held by London Metropolitan Archives

Middlesex and the City of London

Prerogative Court of Canterbury 1383-1858

Location of records: Family Records Centre, 1 Myddelton Street, London EC1R 1UW. Microfilms of the act books (PROB 6), registered copy wills (PROB 11) and indexes of wills and administrations (PROB 12) should be consulted at the Family Records Centre. The original records are held by the Public Record Office, Ruskin Avenue, Kew, Richmond Surrey TW9 4DU.

Jurisdiction: England and Wales (see Introduction)

Commissary Court of London 1374-1857

Location of records: Guildhall Library, Aldermanbury, London EC2P 2EJ.

Jurisdiction: Acton, Bethnal Green, Bloomsbury, Bow, Bromley-by-Bow, City of London (part), Cowley, Ealing with Old Brentford, Edgware, Edmonton, Enfield, Finchley, Fulham with Hammersmith, Greenford, Hackney, Monken Hadley, Hampstead, Hanworth, Harefield, Hendon, Hornsey, Ickenham, Islington, Kingsbury, Limehouse, Marylebone, Northolt, Paddington, Poplar, Ruislip, St George-in-the-East, St Giles-in-the-Fields, St Paul Shadwell, Christ Church Spitalfields, South Mimms, Stanmore, Stepney, Teddington, Tottenham, Wapping, Whitechapel.

Archdeaconry Court of London 1393-1807

Location of records: Guildhall Library, Aldermanbury, London EC2P 2EJ.

Jurisdiction: City of London (part), St Andrew Holborn with St George the Martyr, St James and St John Clerkenwell, St Leonard Shoreditch.

Peculiar Court of the Dean and Chapter of St Paul's Cathedral 1535-1840

Location of records: Guildhall Library, Aldermanbury, London EC2P 2EJ.

Jurisdiction: Chiswick, City of London (part), Friern Barnet, Precinct of Hoxton in Shoreditch, St Luke Old Street, St Pancras with Highgate, Stoke Newington, West Drayton, Willesden.

Peculiar Court of the Deanery of Croydon 1664-1841

Location of records: Lambeth Palace Library, London SE1 7JU.

Jurisdiction: Harrow with Pinner, Hayes with Norwood.

Royal Peculiar of the Dean and Chapter of Westminster 1504-1803

Location of records: City of Westminster Archives Centre, 10 St Ann's Street, London SW1P 2XR.

Jurisdiction: City of London (part), Paddington, Precincts of the Abbey, St John the Evangelist Westminster, St Margaret Westminster (but jurisdiction in most parishes had passed to the Consistory Court of London or the Archdeaconry Court of Middlesex by the early eighteenth century).

Royal Peculiar of St Katherine by the Tower 1698-1793

Location of records: Guildhall Library, Aldermanbury, London EC2P 2EJ.

Jurisdiction: Liberty of St Katherine by the Tower.

Deanery of the Arches 1620-1780, 1832

Location of records: Lambeth Palace Library, London SE1 7JU.

Jurisdiction: City of London (part); disputed testamentary causes in the Province of Canterbury.

Court of Husting 1258-1688

Location of records: Corporation of London Records Office, Guildhall, London EC2P 2EJ.

Jurisdiction: City of London and liberties.

Surrey

Prerogative Court of Canterbury and Deanery of the Arches see above.

Consistory Court of Winchester

Location of records: Hampshire Record Office, Sussex Street, Winchester, Hants SO23 8TH.

Jurisdiction: Surrey and Hampshire except peculiars (a small number of Surrey wills proved here: see index 1506-1645 at Society of Genealogists or *Union index of Surrey probate records which survive from before the year 1650* edited by Cliff Webb).

Peculiar of the Archbishop of Canterbury in the Deanery of Croydon 1602, 1614-1841

Location of records: Lambeth Palace Library, London SE1 7JU.

Jurisdiction: Barnes, Burstow, Charlwood, Cheam, Croydon, East Horsley, Merstham, Mortlake, Newington, Putney, Roehampton, Walworth, Wimbledon. In 1846 Barnes, Mortlake, Newington, Putney, Walworth and Wimbledon were transferred to the Diocese of London (see Consistory Court of London above).

Consistory and Archdeaconry Courts of Canterbury 1396-1857 and 1449-1858

Location of records: Centre for Kentish Studies, County Hall, Maidstone, Kent ME14 1XQ.

Jurisdiction: In 1846 the parishes of Addington and Croydon were transferred to this jurisdiction from the Diocese of Winchester and the Deanery of Croydon respectively.

Kent

Prerogative Court of Canterbury and Deanery of the Arches see above.

Consistory Court of Rochester 1440-1858 and Archdeaconry Court of Rochester 1635-1857

Location of records: Centre for Kentish Studies, County Hall, Maidstone, Kent ME14 1XQ.

Jurisdiction: Included inner London parishes of Charlton, Deptford, Eltham, Greenwich, Lee, Lewisham, Plumstead and Woolwich which in 1846 were transferred to Diocese of London (see Consistory Court of London above).

For other courts having jurisdiction within the county of Kent consult the books referred to below or the Centre for Kentish Studies.

READING LIST

The London Metropolitan Archives Library has the following works on probate jurisdiction as well as copies of printed indexes and calendars of probate records, some held by London Metropolitan Archives, others held elsewhere. This is not a complete list of all relevant printed works for which the main library catalogue should be consulted. For guides to probate jurisdictions, see the works by Anthony Camp or J.S.W. Gibson listed below.

General works

ADDY, John. *Death, money and the vultures : inheritance and avarice, 1660 - 1750*. Routledge, 1992. (60.34 ADD)

CAMP, Anthony J. *Wills and their whereabouts*. 4th edition. The Author, 1974 (60.34 CAM)

COLDHAM, Peter Wilson. *American wills proved in London, 1611 - 1775*. Genealogical Publishing Co., 1992. (60.34 COL)

COX, Jane. *An introduction to - - - Affection defying the power of death : wills, probate and death duty records*. Federation of Family History Societies, 1993. (R60.34 COX)

FURNIVALL, Frederick J. *The fifty earliest English wills in the Court of Probate, London. AD 1387 - 1439 : with a priest's of 1454*. Oxford UP, 1882, reprinted 1964. (Early English Text Society original series no.78. (60.34 FUR)

GIBSON, J.S.W. *Probate jurisdictions : where to look for wills*. 4th edition Federation of Family History Societies, 1994. (60.34 GIB)

MCLAUGHLIN, Eve. *Somerset House wills from 1858*. 3rd edition. Federation of Family History Societies, 1985 (a McLaughlin Guide). (60.34 MAC)

MCLAUGHLIN, Eve. *Wills before 1858*. 2nd edition. Federation of Family History Societies. 1985 (a McLaughlin Guide). (60.34 MAC)

SOCIETY OF GENEALOGISTS. *An index to the Bank of England will extracts 1807 - 1845*. The Society, 1991. (60.34 SOC)

England and Wales

Prerogative Court of Canterbury

Printed Indexes to Wills

In the following chronological list [A] represents volumes in the Index Library published by the British Record Society (60.34 BRS), and [B] represents volumes in the "Year books of Probates" series, edited by John Matthews and George F. Matthews (60.34 MAT). [C] represents the series of indexes edited by A.J. Camp and published by the Society of Genealogists (60.34 SOC).

1383 - 1558	[A]	vols 10 & 11
1558 - 1583	[A]	vol 18
1584 - 1604	[A]	vol 25
1605 - 1619	[A]	vol 43
1620 - 1629	[A]	vol 44
1620 - 1624	[B]	abstracts of probates and sentences in the PCC
1630 - 1634	[B]	
1635 - 1639	[B]	
1630 - 1639	[B]	sentences and index nominum
1640 - 1644	[B]	
1645 - 1649	[B]	
1650 - 1651	[B]	
1653 - 1656	[A]	vol 54
1654	[B]	
1655	[B]	
1671 - 1675	[A]	vol 67
1676 - 1685	[A]	vol 71
1750 - 1800	[C]	vol 1 : A - Bh
1750 - 1800	[C]	vol 2 : Bi - Ce
1750 - 1800	[C]	vol 3 : Ch - G
1750 - 1800	[C]	vol 4 : H - M
1750 - 1800	[C]	vol 5 : N - Sh
1750 - 1800	[C]	vol 6 : Si - Z

Printed indexes to Administrations

Abbreviations are as in indexes to wills.

1581 - 1595	[A]	vol 76
1596 - 1608	[A]	vol 81
1620 - 1630		P.C.C. Letters of Administration, by J. H. Morrison, 1935 (60.34 MOR)
1649 - 1654	[A]	vol 68
1655 - 1660	[A]	vol 72 : A - F
1655 - 1660	[A]	vol 74 : G - Q
1655 - 1660	[A]	vol 75 : R - Z

London and Middlesex

Consistory Court of the Bishop of London

LONDON RECORD SOCIETY. *London Consistory Court wills 1492 - 1547*. edited by Ida Darlington. The Society, 1967. (60.34 LRS)

Commissary Court of London

HISTORICAL MANUSCRIPTS COMMISSION. *Index to testamentary records in the Commissary Court of London (London Division)*. edited by Marc Fitch.

1374 - 1488.	HMC,	1969 (60.34 HMC)
1489 - 1570.	HMC,	1974 (60.34 HMC)

BRITISH RECORD SOCIETY. *Index to testamentary records in the Commissary Court of London (London Division)*. edited by Marc Fitch.
1571 - 1652 Index Library/BRS, 1985 (vol. 97) (60.34 BRS)

Archdeaconry Court of London

BRITISH RECORD SOCIETY. *Index to testamentary records in the Archdeaconry Court of London*. Volume II 1661 - 1700, edited by Marc Fitch. Index Library/BRS, 1985 (vol. 98). (60.34 BRS)

WEBB, Cliff. *An index of wills proved in the Archdeaconry Court of London 1700 - 1807*. Society of Genealogists, 1996. (R60.34 WEB)

Deanery of the Arches

BRITISH RECORD SOCIETY. *Index to testamentary records of the Deanery of the Arches in Lambeth Palace Library 1620 - 1845*, edited by Janet Foster. Index Library/BRS, 1985 (vol. 98). (60.34 BRS)

Court of Husting

SHARPE, Reginald R. *Calendar of the wills proved and enrolled in the Court of Husting, London, AD 1258 - AD 1688* :

Volume 1 1258 - 1358 Corporation of the City of London, 1889 (60.1 LON)
Volume 2 1358 - 1688 Corporation of the City of London, 1890 (60.1 LON)

Royal Peculiar of the Dean and Chapter of Westminster

BURKE, Arthur Meredyth. *Indexes to the ancient testamentary records of Westminster*. Eyre & Spottiswoode, 1913. (60.34 BUR)

This volume includes indexes to the following series :

1. The testamentary records of the Peculiar Court, 1504 - 1700
2. Westminster wills and administrations preserved among the records of the Consistory Court of London, 1540 - 1556.
3. Miscellaneous testamentary records preserved in the Muniment Room of Westminster Abbey, 1228 - 1700.

Surrey

WEBB, Cliff. *Union index of Surrey probate records which survive from before the year 1650*. British Record Society, 1990.

Archdeaconry Court of Surrey

SURREY RECORD SOCIETY. *Surrey wills (Archdeaconry Court, Spage Register)*. The Society, 1922 (S.R.S. vol. no. XVII) abstracts of wills covering the period 1484 - 1489, with index.

(60.9 SUR)

SURREY RECORD SOCIETY. *Surrey wills (Archdeaconry Court, Herringman Register)*. The Society, 1915 - 20 (3 vols, as below)

S.A.S. vol. no. III abstracts of wills covering period 1595 - 1600

S.A.S. vol. no. VII abstracts of wills covering period 1600 - 1607

S.A.S. vol. no. XV abstracts of wills covering period 1607 - 1608, and including index to all 3 volumes. (60.9 SUR)

WEST SURREY FAMILY HISTORY SOCIETY. *Index of wills proved in the Archdeaconry Court of Surrey 1752 - 1858*, compiled by Cliff Webb. 2nd edition. The Society, 1994. (Record series vol 1). (60.34 WES)

Commissary Court of the Bishop of Winchester in the Archdeaconry of Surrey

WEST SURREY FAMILY HISTORY SOCIETY. *Commissary Court of the Bishop of Winchester in the Archdeaconry of Surrey : index to the original wills... also : Peculiar Court of the Archbishop of Canterbury in the Deanery of Croydon : index to the wills : 1752 - 1858*, compiled by Cliff Webb. 2nd edition. The Society, 1992. (Record series vol.3). (60.34 WES)

Peculiar Court of the Archbishop of Canterbury in the Deanery of Croydon

see under Commissary Court of the Bishop of Winchester

Prerogative Court of Canterbury

WEST SURREY FAMILY HISTORY SOCIETY. *Index to Surrey wills proved in the Prerogative Court of Canterbury 1650 - 1770*, edited by Cliff Webb. The Society, 1989. (Record series vol.9). (60.34 WES).

WEST SURREY FAMILY HISTORY SOCIETY. *Surrey administrations in the Prerogative Court of Canterbury 1760 -1781*, compiled by the late Alfred Ridley Bax edited and indexed by Cliff Webb. The Society, 1993. (Record series vol. 17). (R61.2 WES).

Essex and East Hertfordshire

BRITISH RECORD SOCIETY. *Wills at Chelmsford (Essex and East Hertfordshire)*, edited by F.G. Emmison :

Vol. 1 : 1400 - 1619 Index Library/BRS, 1958. (vol. 78)

Vol. 2 : 1620 - 1720 " " " 1961. (vol. 79)

Vol. 3 : 1721 - 1858 " " " 1969 (vol. 84)

(60.34 BRS)

EMMISON, F.G. *Elizabethan wills of south west Essex*. Kylin Press, 1983 (60.34 EMM)

EMMISON, F.G. *Essex wills : the Archdeaconry Courts 1591 - 1597*. Essex Record Office, 1991. (60.34 EMM)

EMMISON, F.G. *Essex wills : the Archdeaconry Courts 1597 - 1603*. Essex Record Office, 1990. (60.34 EMM)

EMMISON, F.G. *Essex wills : the Bishop of London's Commissary Court 1569 - 1578*. Essex Record Office, 1994. (60.34 EMM)

Kent

BRITISH RECORD SOCIETY. *Index of wills and administrations now preserved in the Probate Registry at Canterbury 1396 - 1558 and 1640 - 1650*, edited by Henry R. Plomer. Index Library/BRS, 1920 (vol. 50) (60.34 BRS)

BRITISH RECORD SOCIETY. *Index of wills and administrations now preserved in the Probate Registry at Canterbury; vol II - wills and administrations 1558 - 1577 and administrations 1539 - 1545*, edited by Harold C. Ridge. Index Library/BRS, 1940 (vol. 65) (60.34 BRS)

Inventories

CURLE, B.R. *Kensington and Chelsea Probate Inventories 1672 - 1734*. (typescript, 1970) (60.34 CUR)

DEVON AND CORNWALL RECORD SOCIETY. *Devon : inventories of the sixteenth and seventeenth centuries*, edited by Margaret Cash. The Society, 1966 (New Series, Vol. 11) (60.34 DEV)

HISTORICAL MANUSCRIPTS COMMISSION. *Household and farm inventories in Oxfordshire, 1550 - 1590*, edited by M.A. Havinden. HMSO, 1965. (Joint Publications vol. 10 and Oxfordshire Record Soc. vol 44) (60.34 HMC)

HOLMAN, Joan and HERRIDGE, Marion. *Index of Surrey probate inventories 16 - 19th centuries*. Domestic Buildings Research Group (Surrey), 1986 (60.34 HOL)

LIST AND INDEX SOCIETY. *Prerogative Court of Canterbury : inventories, series II : part I 1702; 1718 - 1733*. The Society, 1973 (LIS vol. 85) (60.3 LIS)

LIST AND INDEX SOCIETY. *Prerogative Court of Canterbury : inventories, series II : part II 1734 - 1782, with index*. The Society, 1973 (LIS vol. 86) (60.3 LIS)

Published in June 1999 by
London Metropolitan Archives
40 Northampton Road
London
EC1R OHB

Telephone 020 7332 3820
Minicom 020 7278 8703
Fax 020 7833 9136
Email Ima@corpoflondon.gov.uk

© London Metropolitan Archives

Except as otherwise permitted under the Copyright, Designs and Patents Act 1988, this publication may only be reproduced, stored or transmitted in any form or by any means, with the prior permission in writing of the publisher, or in the case of reprographic reproduction, in accordance with the terms of a licence issued by the Copyright Licensing Agency. Enquiries concerning reproduction outside those terms should be sent to the London Metropolitan Archives at the above address.