

**A HANDBOOK TO THE  
ANCIENT COURTS  
OF PROBATE AND  
DEPOSITORIES OF WILLS**

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A Handbook to the Ancient Courts of Probate and Depositories of Wills by George W. Marshall

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**GEORGE W. MARSHALL**

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**A Handbook**  
to the  
**"Ancient Courts of Probate"**  
and  
**Depositories of Wills.**

By  
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## PREFACE.

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I HAVE attempted in these pages to form a calendar of all the Courts exercising Testamentary Jurisdiction prior to 1858, when their records were, by an Act of Parliament, 20 and 21 Victoria, cap. 77, transferred to the Court of Probate.

The information here given is based upon the Returns of Courts empowered to grant Probates of Wills, made to Parliament, and ordered to be printed 30 May, 1828, 16 April, 1829, 26 March, 1830, and 27 February, 1832; and also upon the "Index of Courts of which the Records, etc., have been transmitted to the Court of Probate; also, a List of the Registries of the Court of Probate, etc., March, 1862," 4<sup>o</sup>, a work, so far as I know, only issued to the Registrars of the District Registries created by the Act of 1858. The form of this book is similar to that Index. The number of Courts noticed in this book is about 325.

The materials at my command, though somewhat out of date, have been utilized to the best of my ability, aided by the kind co-operation of the Registrars of some of the District Registries, and such private inquiry as I have been able to make.

The object of these pages is to show at a glance the date of the earliest known Record, Will, Administration, or Inventory, as the case may be, in each Court, which is indicated by the date in the *first* column; the name of the Court, and the localities subject to it, in the *second*; and the present place of deposit of the Records in the *third*. Those who consult them will be the best judges as to how far this object has been attained. As to those Courts exercising peculiar jurisdiction, where no information is afforded or reference

made to the localities over which they extend, it may be assumed that their jurisdiction extends only to the place from which their name is taken.

The following observations should be borne in mind by those whose business impels them to consult the Records of our Ancient Courts of Probate :—

A Bishop's Consistory Court had jurisdiction over a whole diocese, an Archdeaconry Court over the archdeaconry only, a Peculiar Court over the peculiar only, and so forth.

Since the Government Returns were made, new Indexes have in several cases been made to the Records of some Courts.

In many places two Courts exercised a concurrent jurisdiction.

The 126th Canon of 1603 orders that the Wills of Peculiar Jurisdictions shall be exhibited into the Registry of the Bishop of the Diocese, a custom which I presume was already in practice, and the observance of which this Canon was intended to enforce. The neglect of this order is probably the reason why the Records of so many Peculiar Courts date from a period posterior to the Restoration. After 1603 their custodians neglected to comply with the rule laid down by the Canon; anterior they had done so, hence the Peculiar Wills are in earlier times mixed up with those of the Bishop's Consistory Court, and in most cases are not distinguishable from others which were proved in it. An exception to this, which, I think, goes a good way toward justifying my opinion on the point, exists in the diocese of York, where the earlier Wills appear to have been kept separately, contrary to the general rule. They are calendared in a volume called an "Index to General Peculiar,"\* 1438-1728, the several peculiar courts being thus consolidated into one index volume.

\* In the Index to General Peculiar at York there are indexes to the following peculiar courts :

Ampieford, 1666—1706.  
 Barnby Moor—1670—1736.  
 Bugthorpe, 1680—1739.  
 Holme, 1663—1703.  
 Langtoft—1647—1699.  
 Mexboro' and Ravenfield, 1695—1740.  
 North Newbald, 1633—1734.  
 Osbaldwick, 1631—1739.  
 Strensall, 1640—1739.  
 Wistow, 1636—1706.  
 Subdeanery, 1676—1729.  
 Wetwang, 1658—1709.  
 Wadworth, 1708—1760.

## PREFACE

Some of them have a separate index, commencing at a date often long subsequent to that of their earliest Records, and being the date at which the custodians of these Wills ceased to comply with the order for their transfer to what was then the "Principal Registry" of the diocese. Assuming that I am right, the searcher after Wills proved in any peculiar in this or any other diocese may rest assured that he has examined all that exist, when he has searched through the Wills now said to belong to it, and also through the Consistory or other Principal Court of the diocese anterior to the date at which they nominally commence.

A few depositories of Wills which are not, properly speaking, "Courts of Probate," are mentioned in these pages; no reference to these will be found in the Government Returns, and hence the fact of the existence of Wills at these places may be considered as new information.

The Wills contained in the Bishops' Books in most dioceses do not appear to have been included in the Returns, there is therefore no means of ascertaining, except by personal research, what these Ecclesiastical Records contain.

A considerable number of Wills, chiefly enrolments of such as have been proved, are scattered here and there among the Public Records, at the Record Office in Fetter Lane. A Calendar of these was commenced in "The Genealogist," New Series, Vol. i., p. 266, and has been continued in Vols. ii., pp. 59, 279, and iii., pp. 122, 185, 220.

It should not be forgotten that Wills of which no other Record exists, are frequently found enrolled on Court Rolls.

During the progress of this book through the press, indexes to the Wills in the Peculiar Courts at Wakefield, viz., Crossley, Bingley, and Pudsey, Temple Newsam Manor Court, Silsden Manor Court, and Barnoldswick Manor Court have been printed by Mr. A. Gibbons in the "Northern Genealogist;" also to the Prebendal Courts of Caistor and Louth at Lincoln; and the Manor Court of Edwinstowe in Nottinghamshire. A Calendar of Wills in the Court of Delegates will be found in "The Genealogist," New Series, xi. 171, 224. Wills from Tarvin, co. Chester, are, I am told, at Lichfield. Wills of the Peculiar of Sedgley, co. Stafford, are said to be in boxes in the garrets of Lord Dudley's house at Himley. Mr. F. A. Crisp has printed a Calendar of Ipswich Wills, 1444-1600.



There are a few instances, which I give here, of references which may be useful, but which cannot be properly included in footnotes, viz. :

A list of printed Wills will be found in "Notes and Queries," 3 S. ii. 341, 403, 430, 434, 501, 517; iii., 30, 75, 245. Mr. Joseph Foster attempted to form a Calendar of printed Wills in his "Collectanea Genealogica," but discontinued it before he had finished letter B. In Sims's "Manual for the Genealogist," p. 349, a number of very useful references to MS. sources of information will be found, to which may be added, Rochester Wills, MS. Society of Antiquaries; Canterbury Wills, Add. MS. 5528; Yorkshire Wills, Add. MS. 29599. For abstracts of some Wills from the Close Rolls, see "Notes and Queries," 8 S. i., 389, 448; iv., 321, 381, 482.

In consulting the index to this book it must be borne in mind that the places printed in capital letters refer to those at which Wills are now deposited, so that, for example, on referring to WORCESTER, all the Courts whose Wills are there will be ascertained. The names in ordinary type are those of places over which Peculiar and other Courts have exercised testamentary jurisdiction.

The footnotes to these pages supply such information as I have been able to gather relative to the calendars, or copies of Wills printed by antiquarian societies or private individuals. To those who are engaged in making searches among original documents I must appeal for information, and correction of the many defects attendant upon what is only an attempt to guide them over a field of inquiry hitherto untrodden. I shall be obliged to anyone who will point out my omissions or correct my mistakes, and pleased to afford any further information in my power to those who consult this work.

GEORGE W. MARSHALL,  
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## Ancient Courts of Probate.



Date of Earliest Record.		STYLE OR TITLE OF COURT.	Present Place of Deposit.
1504	Acomb.	<p>Peculiar Court.                      . Separate Index begins in 1709.                      No Wills proved after 1830.</p>	York.
1415	St. Alban's.	<p>Archdeaconry Court.                      Jurisdiction extends over the                      parishes of St. Alban, Bushey,                      East Barnet, Chipping Barnet,                      Codicott, Hexton, Abbot's Lang-                      ley, Elstree, St. Michael, Newn-                      ham, Northaw, Norton, St. Peter,                      Redbourn, Kickmersworth, Ridge,                      Shephall, Sandridge, Sarratt,                      St. Stephen, Paulswalken, and                      Watford, in co. Hertford; and                      Aston Abbots, Granborough,                      Little Horwood, and Winslow, in                      co. Bucks. See London, Consis-                      tory Court.</p>	Principal Registry.
1666	Allerton and Aller- tonshire.	<p>Peculiar of the Bishop and                      Peculiar of the Dean.                      Jurisdiction extends over the                      parishes of Northallerton; Bromp-                      ton, Deighton, and Worsall,                      chapelries in the parish of North-                      allerton; Kirby Sigston, and                      West Rounton, all in co. York.                      Index to Wills 1666—1845.                      Wills previous to 1666 are with                      those of the Consistory Court of                      Durham.</p>	Durham.

Date of Earliest Record.		STYLE OR TITLE OF COURT.	Present Place of Deposit.
1458	Alne and Tollerton.	Peculiar Court. Jurisdiction extends over parishes of Alne with Tollerton, Skelton, and Wigginton. An account book of Probates from 1545 is in the Registry. Separate Index begins in 1601.	York.
1675	Alrewas and Weeford.	Prebendal Court.* Jurisdiction extends over Alrewas, Bromley Regis, Edingale, Mavesyn Ridware, Pipe Ridware, Weeford, Swinfen, and Thickbroom.	Lichfield.
1718	Alvechurch.	Court of the Rector.	Worcester.
<i>Circ.</i> 1612	Alverstoke.	Peculiar Court.	Winchester.
1559	Alveston and Wasperton.	Peculiar Court. The Wills of this Court are indexed in a new index to the following peculiars at Lichfield, viz. :- The Prebendal Courts of Sawley, Whittington and Baswich, Alrewas and Weeford, Hansacre and Armitage, High Offley and Flixton, Colwich and Bishop's Itchington, Longdon, Prees, and Eccleshall; the Manor Courts of Gnosal, Burton-on-Trent, and of the Deanery of Hartington; the Royal Peculiars of Wolverhampton and Penkridge; the Peak Forest Court; and the Peculiar Court of Hampton Lucy. See Lichfield, Consistory Court, <i>note</i> .	Lichfield.
1558	Ampleforth.	Prebendal Court. Jurisdiction extends over parishes of Ampleforth and Heslington. Separate Index begins in 1661.	York.
1557	Apes-thorpe.	Prebendal Court.	York.

\* There is a separate Index to this Court, as well as that in the General Index to Peculiars at Lichfield. See Lichfield, Consistory Court, *note*.