

Wills and Probate Records

Introduction

"All persons male or female, old or young, lay or spiritual, at any time before their death, whilst they are able to speak so distinctly, or write so plainly that another may understand them, and perceive that they understand themselves, may make wills of their lands, goods and chattels"

Jacob's Law Dictionary

Anyone with any possessions could make a will to say who was to inherit their property after their death. A will was a document which devised land [real estate], and a testament bequeathed money or goods [personal estate]. In practice, the terms will and testament came to be used to mean the same thing. Unmarried girls as young as 12 were thought capable of making a will, and boys at any age between 14 and 17, depending on their discretion. Married women could bequeath goods and chattels with the consent of their husband, who had to be the executor of the will. The goods and chattels were those the wife had brought to the marriage, plus her "paraphernalia" which was a legal term meaning her necessary wearing apparel with which her husband had provided her. Widows were able to make their own wills.

A will could be written down and signed by the testator or testatrix [the man or woman making the will] and two or more witnesses, or it could be verbal. Verbal wills are known as "nuncupative". After the will was made, the testator could add to it at a later date with a codicil, if he changed his mind about a bequest, or if family circumstances changed.

Why look for wills?

Wills are useful for family history research because of the information they give about family members. They can name the spouses of sons and daughters, or give the names of grandchildren, and they are very good at clarifying relationships in the family, particularly when several people in the family have been given the same Christian name.

Sometimes a testator or testatrix [the man or woman making the will] left the tools of a particular trade to one of his/her sons, or items of furniture or clothing to his/her children or grandchildren. It was common, however, for family property not to be mentioned at all, because the house or farm had already been settled on the eldest son by the parents' marriage settlement, which was a legal document drawn up just before the parents married. An indication of this is the bequest of nothing but a small sum of money, such as a shilling, to that son. A married daughter may have also received a small token sum if her portion of the estate had already been given to her at the time of her marriage. If a child was really "cut off with a shilling", the person making the will would usually give the reason.

Probate arrangements before 1858

The testator or testatrix [the man or woman making the will] was expected to name an executor or executrix in the will. This person was responsible for proving the will after the testator's death. The will had to be proved by the executor or executrix for it to be valid, and this process was known as probate. Before 1858, this was largely under the control of the church, and was usually done at an ecclesiastical (Church of England) court, although a few non-ecclesiastical courts – for example, some manorial courts – also had the right to prove wills. The Diocese was divided into sections called archdeaconries. Cornwall was covered by the Archdeaconry of Cornwall. In Devon, there were two archdeaconries – these were the Archdeaconries of Totnes and Barnstaple. Wills were commonly proved in the Consistory Court of the archdeaconry in which the deceased person had property. There are exceptions to this. In Devon the

Archdeacons' Courts did not act while the Bishop of Exeter was visiting the area, so wills would be taken to the Bishop's Court to be proved, during his visitation.

There are also parishes known as "peculiar" which belonged to the Bishop, or the Dean and Chapter of the Cathedral, or the Vicars Choral. Wills made by Devon people from these parishes would be proved in the appropriate court – i.e. the Bishop's Court, the Court of the Dean and Chapter of Exeter Cathedral, or the Court of the Vicar's Choral, in Exeter. The parish of Uffculme was unusual, in that it was a "peculiar" of the Bishop of Salisbury, so the wills of persons living in Uffculme were not proved in Devon at all, and the wills concerned are now held at the Wiltshire and Swindon History Centre in Chippenham, Wiltshire.

If the deceased person held property in more than one archdeaconry in Devon, then the will was proved in the Bishop's Court. If he or she held property in more than one diocese, the will was proved in the Archbishop's [Prerogative] Court, either at Canterbury or at York, and if the property lay in both archbishoprics, then the Prerogative Court of Canterbury took precedence. Wills proved at the Prerogative Court of Canterbury are commonly referred to as P.C.C. wills.

The executor would take the will to the court, where it was copied on parchment and a note that probate had been granted was attached to the copy. The original remained in the court and the executor took the copy. If a deceased person died intestate (without making a will) the next-of-kin could apply to the court for letters of administration. This is often referred to in abbreviated form, as an "*admon*". Until 1782, the executor of a written or verbal will was also obliged to submit an inventory of the testator's or testatrix's goods to the court.

As mentioned, there were other, non-ecclesiastical courts in Devon which could prove wills. The Cary family, and later the Mallocks, who were lords of the manor of Cockington, had the right to prove the wills of deceased tenants, grant administrations and take inventories at the manor court. For this privilege they paid 13/4d annually to the Archdeacon of Totnes.

The city of Exeter also recorded wills and inventories. In medieval times the Mayor's Court in Exeter had the power to prove wills, which were enrolled on the rolls of court proceedings. Later, in 1560, Exeter obtained a charter to have a court to manage the estates of the orphans of the city. The court paid the orphans an annual allowance for their maintenance and lent out their money at interest, or the Chamber borrowed it to finance projects of its own. The money was refunded to the orphans when they reached the age of 21.

Probate arrangements from 1858

Devon wills were stored at the courts where they were proved until January 1858, when a new system of probate registration was introduced. The power to prove wills was taken away from the ecclesiastical (church) courts and a civil probate system was set up. A Principal Probate Registry based in London, together with District Probate Registries, were set up. From this time on, Devon wills were proved in the Exeter Probate Registry.

A registered copy of each will and letter of administration was retained in Exeter, and a copy was sent to the Principal Probate Registry in London. Thus copies of all wills and administrations for England and Wales from 1858 until the present which were originally held in Exeter were, and are, also held in London at the Principal Probate Registry. The Principal Probate Registry is located at First Avenue House, High Holborn in London, but the searchroom which was once located there, where wills could be read and copies obtained in person, has now been closed. It is now possible to search for, and obtain, a copy of a will by ordering online, as well as by post.

At the end of each year since 1858, the Principal Probate Registry has compiled an index, arranged alphabetically, for all the proved wills and letters of administration received by them in that year. This is called the National Probate Calendar. Copies of this index/calendar were also distributed to the District Probate Registries around England and Wales, where they were available for inspection by the public. It is also now available online.

For more information on searching the National Probate Calendar and ordering post-1857 wills, see later in this guide under the heading **Locating Devon Wills and Administrations**.

Why does Devon have no original wills?

Wills which had been proved in the archdeaconry courts in Totnes and Barnstaple before 1858 were eventually moved from there to the Probate Office in Exeter, as were the wills from the different Exeter church courts, which had been stored in various places in the Cathedral. In 1908 Edward Fry wrote "*it was a red-letter day when these documents were transferred to their present resting place in Exeter*".

Unfortunately, in 1942 the Probate Registry was destroyed in the bombing during the Exeter Blitz of the Second World War, and all the wills were burnt. This means that all the original wills once deposited in the various ecclesiastical courts and in the Probate Registry in Exeter up to May 1942, no longer exist - a great loss for those researching Devon families. However, copies of some wills do survive - read about these below.

Locating Devon Wills and Administrations

As already mentioned, the vast bulk of the original Devon wills and administrations were destroyed during the Second World War, when Exeter Probate Registry was bombed by the Germans during the Blitz of 1942. Therefore, Exeter Probate Sub-Registry [which is temporarily closed as of July 2018] only held original wills and administrations dating after this. However, copies of all wills proved and letters of administration issued from January 1858 were also sent to the Principal Probate Registry in London, and copies therefore still survive. Copies can be obtained either online, or by post.

Before the Second World War, some of the earlier wills and administrations kept in the Probate Registry had been calendared (listed) and a proportion of these had also been abstracted, or summarised, so that a record of some of the destroyed wills still survives, even though the originals were destroyed. In addition, copies of some Devon wills proved both before and after 1858, do survive in collections deposited at the three archive repositories in Devon, and in specialist libraries and archives elsewhere in Britain, and overseas. More detailed information on these types of sources can be found below.

Devon Wills Index on the Genuki Devon website

The volunteer-run Devon Wills Indexing Project provides an on-line finding-aid in the form of a consolidated index of Devon wills, administrations and inventories.

The website is found at <http://www.genuki.org.uk/big/eng/DEV/DevonWillsProject>. The period covered is generally up to the end of 1857, when the ecclesiastical probate courts were disbanded. It includes entries for every Devon copy will, grant of administration and inventory up to that year which was known to exist and was identified during the project, which ended in about November 2014. It includes index entries for original documents, probate copies, transcripts, abstracts and simple index entries, and distinguishes between them using codes. Although the Devon Wills Index is fairly complete, additional copies and transcripts of wills are likely to be discovered in the future, especially as new collections are deposited in Devon's archive repositories, or as existing collections are catalogued in the future, or as more copies in overseas collections are identified.

Because its coverage is so good, a search of the Genuki Wills Project's consolidated index has replaced searches of all other finding aids, whether on-line, typed, printed or card indexed. We suggest that you search the Genuki Devon Wills Project online before contacting Devon Heritage Centre for information on any copy wills which we may hold, because we use the same online index to search for surviving copy wills and administrations.

Each source used by the Genuki Devon Wills Index volunteers, is explained in detail on the Genuki Devon Wills Project website. Please read this source information carefully when searching the index, as not all of the copies listed on the index are held at Devon Heritage Centre. The ultimate aim of the Project was to include information taken from all existing published or publicly available sources of information about Devon wills, administrations and inventories, i.e. of all Devon testamentary material, wherever these may be held. A version of the Genuki Devon Wills Index is also now available online through the Find My Past genealogical subscription website, where the database is titled **Devon Wills Index, 1163-1999** and includes its own online Search Facility. This is a free search, though registration and signing-in to Find My Past is required in order to use it. The information and references provided by Find My Past on their version of the database are not as comprehensive as those on the Genuki Devon Wills Index itself. Therefore, if you wish to order copies of wills or will abstracts held at Devon Heritage Centre, we advise you to search the Genuki Devon Wills Index as well.

Finding and Ordering Wills from 1858 onwards

You can search online through the **Gov.uk** website for a probate record/will, and if it is found, order a copy online. See the webpage at <https://www.gov.uk/search-will-probate>. Copies cost £1.50 each - you can pay by debit or credit card. The copies are provided as .pdf documents and you must log back into the same site later, to download the document yourself. You are not sent a paper copy. It can take up to 10 working days for you to receive your copy by this method.

You can also order a copy of a will or administration by post. Postal applications can be sent to the Postal Searches and Copies Department, Leeds District Probate Registry, York House, York Place, Leeds LS1 2BA. You can find a postal order form [Form PA1S] and print it off, by opening the website link above, and this form can then be completed and sent by post to the address in Leeds.

Before ordering a copy of a will or administration by post, you can search the National Probate Calendar to see if a will was ever proved, or letters of administration granted, for the person concerned.

The National Probate Calendar is a detailed index, which gives the value of the estate and the District Probate Registry at which probate of a will, or letters of administration were granted; early entries also include the date of death of the deceased person, as well as the names, addresses and occupations of the deceased person and his/her executors.

You may search the National Probate Calendar for reference to a will proved anywhere in England and Wales, not just in Devon. Most researchers now use online versions of the National Probate Calendar. You can search the National Probate Calendar online through the **Gov.uk** website from 1858 to 1996 and from 1996 onwards, before ordering a copy online. See the webpage at <https://www.gov.uk/search-will-probate>.

The National Probate Calendar covering the years from 1858 to 1966 and from 1973 to 1995 can also be searched online on the **Ancestry** genealogical subscription website at <https://www.ancestry.co.uk>. Devon Heritage Centre has the National Probate Calendar available in the searchroom on microfiche, but only for dates covering 1858 to 1935. The Society of Genealogists Library in London also holds a filmed copy of the National Probate Calendar, 1858-1930.

If you live in England, but cannot visit Exeter, and are searching for a will proved in Devon after 1857, you may still be able to find a copy of the National Probate Calendar at your nearest District Probate Registry. Note however, that many District Registries outside of Devon have in fact transferred their earlier indexes to a local record office. Your nearest record office may therefore have these indexes, or else a microfiche copy of them. Your local Probate Registry may also be able to help you to order a copy of a will proved anywhere in England and Wales from 1858 onwards. To find out about your nearest District Probate Registry visit the **Gov.uk** website page at <https://courtribunalfinder.service.gov.uk/search/>

Devon Heritage Centre has a small selection of **copy** wills covering all dates, including some dated after 1857, which have been deposited among solicitors' or family and estate collections, or which are held in the old Exeter City Archives collection.

Prerogative Court of Canterbury wills

The National Archives has the probate records of the Prerogative Court of Canterbury (P.C.C.), which are dated up to 1857 and which cover mainly the southern half of the country. Printed calendars have been available for many years, but the wills are also indexed and scanned on-line, and digital images of these wills can be downloaded from the **National Archives Online Records** webpages. Open The National Archives website at <http://www.nationalarchives.gov.uk/> and click on **Find online collections** to begin a search.

Wills of ordinary folk were usually proved within their own county, and thus generally speaking, only wealthy persons had their wills proved in the Prerogative Court of Canterbury. Wills of those persons who owned property or goods in more than one diocese were proved in this court. However, the Prerogative Court of Canterbury collection also includes all wills proved in the country between 1652 and 1660, when church courts were abolished and wills had to be proved in London. In the 19th century, up to 1857, the P.C.C. was the only court recognised by the Bank of England, and so wills of testators who held any money in public funds were also proved there.

Wills of Devon persons proved in the P.C.C. should also be indexed on the Genuki Devon Wills Index mentioned above.

The wills and probate records of the Prerogative Court of York are held at the Borthwick Institute of the University of York. The Prerogative Court of York only had jurisdiction over people with goods in more than one jurisdiction within the Diocese of York, or who had goods in more than one of the northern dioceses. People with goods in Devon would not have had their wills proved in this court.

Calendars of Devonshire Wills and Administrations

Until 1858, all wills were proved in various church courts, and thus there were many places in each County in which a will could be proved. E. A. Fry's *Calendar of Devonshire Wills and Administrations*, published by the Devonshire Association (1908-1914) lists some of the wills and administrations destroyed in the Probate Registry. Included in E. A. Fry's calendar are those wills proved in the Courts of the Principal Registry of the Bishop of Exeter and the Archdeaconry of Exeter.

E.A. Fry's *Calendar of Wills and Administrations relating to the counties of Devon and Cornwall, proved in the Consistory Court of the Bishop of Exeter, 1532-1800*, and published as volume 46 of the British Record Society Index Library (1914), indexes those wills proved in another of the Bishop of Exeter's courts.

The first two published calendars can be found on the library shelves of the Devon Heritage Centre in Exeter, as well as at the Society of Genealogists Library in London, other family history centre libraries,

and major libraries in cities and universities in England and around the world [e.g. the New South Wales Public Library in Sydney, Australia has a copy of the first named calendar].

Lists of wills and administrations proved or granted at two smaller church courts - the Peculiar Court of the Vicars Choral of Exeter, and at the Peculiar Court of the Dean of Exeter (1630s – 1857) also exist in the Library of the Society of Genealogists in London.

Transcripts of all of these calendar entries have been added to the webpage of the Genuki Devon Wills Index Project.

Fry's Calendar of Devonshire Wills and Administrations is also searchable on-line on the **Ancestry** website. It is included in a collection of printed probate registers from the United Kingdom on the Ancestry website, under the heading **UK, Extracted Probate Records**.

For those with no Internet access, we can search the Genuki Devon Wills Index, through our Devon Heritage Centre **postal enquiry service**, to see if a will or administration was ever proved in the relevant Exeter church courts for a particular individual.

Please note that all of the above calendars and lists simply index the wills proved (W) and administrations granted (A), giving the year, name and place of residence of the deceased person, and thus give **no details at all** of the actual **content** of individual wills. However, it may help to know that a will once existed, and was proved.

Archdeaconry of Barnstaple Wills

Not all Devon wills were proved in Exeter courts. There is also a surviving list of the wills proved in the Court of the Archdeaconry of Barnstaple. It is edited by J.J. Beckerlegge, and is titled *Index of the Wills and Administrations relating to the County of Devon proved in the Court of the Archdeaconry of Barnstaple, 1563-1858*. The only known copies are held at the Devon Heritage Centre, the North Devon Record Office (NDRO), and the Plymouth and West Devon Record Office (PWDRO).

This index is also included online in the Genuki Devon Wills Index.

Unfortunately, no such list was made of the wills proved in the Archdeaconry Court of Totnes - and this Court covered a large part of south and west Devon, including Plymouth and the South Hams parishes. The original wills proved at both Barnstaple and Totnes Archdeaconry Courts up to 1857 had been sent for storage to Exeter Probate Registry, and were therefore destroyed in 1942.

Copy wills deposited at Devon Heritage Centre

Before the 19th century, as already mentioned, there is only a small chance that a copy of an individual will has survived in Devon. What survives for dates up to 1812 is a very small proportion of that which once existed. However, you may be lucky, as some copies of wills and administrations have been deposited at Devon Heritage Centre, or at either of the other two archive offices in Devon, usually as part of family, estate or solicitors' collections, or by generous donors who have purchased them at auction or online. These wills can date from the 15th through to the 20th century. Sometimes wills deposited in solicitors' collections are only in draft form, and these may be early versions of a will which was later altered before being proved. However, sometimes a draft will is the only record of a Devon will which now survives. New collections of deeds in family, estate and solicitor' collections are deposited in Devon's archive collections every year, and fortunately, these sometimes include wills and probate records.

Wills Card Index

There is a card index in the Devon Heritage Centre to wills and administrations found in catalogued collections held there. This card index has been added to the Genuki Devon Wills Index Project, and therefore the card index entries are all searchable on-line.

The index has not been added to since about 2002, and lists only the name and date and sometimes the parish of residence of the person for whom the will exists, as well as its archive reference. It also indexes wills found in the Exeter City Archives collection held at this office - including Mayor's Court and Orphan' Court wills.

Online Catalogues

The Devon Heritage Centre's own Online Catalogue includes many (but not all) of the collections held at our centre and at North Devon Record Office. Plymouth and West Devon Record Office has its own separate online catalogue.

Some of the Devon Heritage Centre catalogues are also searchable on line through The National Archives Discovery Catalogue. These entries were originally in catalogues which were submitted to the Access to Archives catalogue project between 2000 and 2004. The Access to Archives online catalogue, which from 28 October 2014 has been incorporated into the updated Discovery Catalogue, therefore included some (but not all) of the collections held at all three Devon archive repositories which had been catalogued by 2004.

Moger and Oswyn-Murray Abstracts

Devon Heritage Centre holds a set of Miss Olive Moger's typed abstracts of Devon wills on the searchroom library shelves. The set consists of a series of volumes containing abstracts or summaries of selected wills and administrations, compiled by Miss Olive Moger before the second World War. Miss Moger abstracted wills and administrations for those families which interested her, or which she was researching for others, so her series is not complete. The abstracts are arranged in alphabetical order of surname.

Another larger series of abstracts was prepared before the Second World War by Sir Oswyn-Murray and these volumes are also kept in the searchroom of Devon Heritage Centre, Exeter.

Indexes to both of these sets of these volumes have been added to the webpage of the Genuki Devon Wills Index Project, so you should check this website before asking for a search of the volumes in the Devon Heritage Centre. If relevant will abstracts are identified, we can provide photocopies or digital photographs of the pages

For those without Internet access, we can search for Moger and Oswyn-Murray Abstracts on the Genuki Devon Wills Index website for a relevant surname through our postal enquiry service.

Moger Abstracts of Testamentary Causes

Devon Heritage Centre also has indexes to Series I and Series II of Miss Moger's summaries of testamentary causes or disputes (these were disputes over the proving of wills, which were presented to the Church Court, and survive among the Exeter Diocesan records). We also hold copies of Miss Moger's handwritten summaries of these dispute papers to which the index refers, as well as the original papers referred to in the abstracts, which are in un-numbered bundles in the Exeter Diocesan collection.

The indexes to Series I and Series II have been added to the webpage of the Genuki Devon Wills Index Project, so you should check this website before asking for a search of the indexes held in the Devon Heritage Centre. For those without Internet access, we can search the Genuki Devon Wills Index for a

relevant surname through our postal enquiry service, and provide photocopies or digital photographs of Miss Moger's handwritten summaries of these dispute papers.

As we hold the original papers referred to in the abstracts, in un-numbered bundles, a search through these takes time, and our research service would do this for a fee before the copying is done. Some of the original documents are quite fragile. Our research service can then provide photocopies or digital images, where the original papers are suitable for copying.

Wills in other archives in Devon

Copies of Devon wills may also be deposited in either North Devon Record Office or Plymouth and West Devon Record Office. The Genuki Devon Wills Index does include entries from the Plymouth and West Devon Record Office wills card index, their online catalogue and their submissions to the Access to Archives catalogue project in the early 21st century [Access to Archives catalogue entries are now on The National Archives Discovery Catalogue]. The Genuki Devon Wills Project index also includes entries from the North Devon Record Office wills originally found on Access to Archives.

For wills deposited or catalogued since 2014, you should first search the Devon Archives Online Catalogue, as well as the Genuki Devon Wills Index online, before contacting the Devon Heritage Centre and North Devon Record Office to request a search for wills. Before contacting the Plymouth and West Devon Record Office, you should search their own online catalogue for any wills which may have been catalogued after 2014.

Inland Revenue Wills

This is a collection of copies of Devon wills (dated 1812-1857) which had been sent to the Inland Revenue Office, in London, for estate duty ('death duty') purposes, and which survived through the Second World War.

From 1796 onward, legacy, succession and estate duty (otherwise known as 'death duties') were payable on many estates over a certain value in England and Wales. However, surviving copies of the wills which were subject to this duty only date from 1812 to 1857. This is because it was only from 1812 that copy wills were made - before this, very brief abstracts of the wills were written into the Death Duty Registers, instead. Although the copy wills from 1812 to 1857 for other counties have largely been destroyed, those for Cornwall, Devon and Somerset (from the major local probate courts) were sent to the respective record offices, to fill some of the gap caused by the loss of locally held wills from those counties during the wartime bombing of Exeter. The collection in Devon Heritage Centre is referred to as the **Inland Revenue Wills (IRW) Series**, or the **Estate Duty Office Wills**.

The wills are filmed and available on microfiche at Devon Heritage Centre at Sowton, Exeter and the North Devon Record Office, Barnstaple. They are also available on microfilm by ordering through any Mormon Family History Research Centre in Britain, Canada, Australia, U.S.A. and other overseas countries. To find the address of your nearest Mormon Family History Research Centre, open the **FamilySearch** website and click on the link titled '**Family History Centers**' at the bottom of the homepage.

Note that administration papers are not included in this wills series, and it is likely that wills for estates of little value are also missing, as they did not have to pay any duty. However, because the value of estates subject to this duty changed over time, the proportion of deceased people who had to pay estate duty increased throughout the nineteenth century, as the legislation changed. The Death Duty Registers held at The National Archives illustrate this.

The index to the Inland Revenue [Estate Duty Office] Wills Series at Devon Heritage Centre is available in paper format in the searchroom at Devon Heritage Centre and North Devon Record Office.

The index is also available on-line through the Devon Archive Catalogue and is included in the online Genuki Devon Wills Index. It is also on The National Archives Discovery Catalogue (it was formerly on the Access to Archives website, but that has now been incorporated into the Discovery Catalogue).

You can therefore search this index on-line from home through any of these websites, for any surname of interest, and order photocopies or digital copies of any wills in this series from Devon Heritage Centre copying service by email or post.

If you do not have Internet access, you can write requesting a search of our paper index to these wills, for a small number of surnames, and we can then supply copies of any wills found, through our copying service, for a fee.

Death Duty Registers

The National Archives holds original Death Duty Registers dating from 1796 and ending in 1903. The National Archives series reference for the Death Duty Registers is **IR26**.

These registers record details of wills and administrations where death duties or estate duty was due. They are useful for finding out about some of the missing Devon wills dated between 1796 and 1811, as well as administrations between 1812 and 1857, as none of these are included in the Inland Revenue Wills Series.

The value of estates subject to estate duty or death duties changed as time went on. As already mentioned, the scope of estate duty was extended throughout the nineteenth century, so that gradually more of those people who left assets after death were subject to paying this duty. Between 1796 and 1805 the Death Duty Registers, which record the details of all personal estates subject to duty, only cover about a quarter of all estates. Up to 1811, leases, freeholds and real estate were not liable to death duty, and so will not appear in the registers. However, by 1857, the Death Duty Registers should include entries for all estates except those worth less than £20.

Unlike the Estate Duty Wills Series, the Death Duty Registers also record estates of persons who died intestate (i.e. without leaving any will), and for which letters of administration were granted. The information in the Registers in these cases is not very detailed. In addition, unless the assets were valued at £1,500 or more, the taxes were often not collected, and so the Death Duty Register entry was not filled in with all the details. Death duties were also not required of people who died in the service of their country.

The **Genuki Devon Wills Index** includes a searchable on-line index (to Devon entries only) in the Death Duty (Estate Duty) Registers for the period 1796-1811.

You can search the full **Index to Death Duty Registers 1796-1903** (held at The National Archives; series **IR27**) online on the **Find My Past** genealogical subscription website.

For those without Internet access, the indexes to these registers (series **IR27**) are still available on microfilm for visitors to The National Archives.

The registers themselves (in series **IR26**) can also be seen on microfilm at the same place, though you may be encouraged to look at them online. This is because the original **Country Court Death Duty Registers** in series **IR26** dating from 1796-1811 have been indexed and scanned on-line by The National Archives. A 'Country Court' was any church court apart from the Prerogative Court of Canterbury

(P.C.C.), so Devon courts are included. Digital images of these wills can be downloaded from the **National Archives Online Records** webpages. Open The National Archives website at <http://www.nationalarchives.gov.uk/> and click on **Find online collections** to begin a search.

As already mentioned, letters of administration granted between 1812 and 1857 are **not included** in the Inland Revenue Wills Series held at the Devon Heritage Centre and the North Devon Record Office. However, the Death Duty indexes (ref: IR27) and registers (ref: IR26) for this period do include a record of administrations. The Genuki Devon Wills Project website includes an index to Devon administrations (not wills) found in the Death Duty Registers, 1812-1857, but the registers for these dates have not been digitised and are not available online and you will have to visit The National Archives to see these on microfilm.

The Death Duty Registers for the period 1858-1903 held at The National Archives are not filmed, so the original registers themselves can be seen by visiting the National Archives. Note that many of the registers for the 1890s do not survive, as they were destroyed by fire. You can find out more about accessing these registers on The National Archives online research guide '**How to Look for Records of Death Duties 1796-1903**'.

It is relevant to know that even from 1812, when a copy of a will may survive in the Inland Revenue Wills Series, or elsewhere, the Death Duty Register entries include information not found elsewhere, and certainly not in the will itself. They show what happened to someone's personal estate (not their freehold estate) after death; and what it was actually worth, excluding debts and expenses. The entries can give the name of the deceased person, with address and last occupation, the date the will was written, the place and date of probate, the names, addresses and occupations of the executors, and details of estates, legacies, trustees, legatees, annuities and the duty paid. They can also give the date of death, and information about the people who received bequests (beneficiaries), or who were the next-of-kin, with their exact relationship to the deceased. Tax was not payable on bequests to people within a closely defined family circle, and as a result the family relationship was often noted in the registers. From 1815, only bequests to the spouse were exempt from paying tax. Because information could be added to the registers for many years after the first entry, they can include information such as dates of death of spouse; dates of death or marriage of beneficiaries; births of posthumous children and grandchildren; change of address; references to law suits, cross references to other entries, etc. This is all valuable information for family historians.

Research guides and Booklist

Wills and other probate records: a practical guide to researching your ancestors' last documents, Karen Grannum & Nigel Taylor, The National Archives (2004)

When death us do part: understanding and interpreting the probate records of early modern England, ed. Tom Arkell, Nesta Evans & Nigel Goose, Oxford (2000)

Tracing Your Ancestors in The National Archives, Amanda Bevan, 7th edn, Kew (2006)

Ecclesiastical courts, their officials and records, Colin R Chapman, Dursley (1997)

An introduction to... affection defying the power of death: wills, probate and death duty records, Jane Cox, Birmingham (1993 [reprint 1995])

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