

Wills and Death Duty Records, after 1858

Legal Records Information 45

1. Wills

Wills proved from 12 January 1858 to the present day are held only by the Court of Probate. You can access them and buy copies at the Probate Search Room, First Avenue House, 42-49 High Holborn, London WC1V 6NP (tel: 020 7947 7022). You can also order copies by post. The address for requests by post is York Probate Sub-Registry, First Floor, Castle Chambers, Clifford Street, York, YO1 7EA. The same applies to letters of administration, which are granted if no valid will was made or found.

2. The *National Probate Calendar*

There is a detailed index to wills, called the *National Probate Calendar*, up to the year 1943 which is more widely available. This gives the date and place of death, and usually more information as well, including the address of the deceased and the value of the estate. It can be seen on microfiche or microfilm, at:

- The National Archives
- Society of Genealogists
- Guildhall Library, London

3. Buying copies

If you have the date of death, you can buy copies of wills and administration grants by post. Write to the Court Service, York Probate Sub-Registry, First Floor, Castle Chambers, Clifford Street, York, YO1 9RG. A handling charge is payable in addition to the copying charge.

4. Disputed wills

At The National Archives, there is a 7% sample of papers relating to cases of disputed probate - that is, the validity of the will or administration. These are listed by the full name of the testator whose will was being disputed, and the name of the suit (e.g. Testator: Finlay, Anne Case: Raynor v Bevan). This series, in [J 121](#), is therefore easy to search online.

Cases concerned with the inheritance of property through wills were dealt with by Chancery: see [Chancery Proceedings: Equity Suites from 1558](#). For a short-cut, look in the death duty registers, which include references to law suits. You could also try a search in the exhibits: these contain many wills, as well as further evidence deposited in court during a dispute. [J 90](#) is searchable by name.

5. Death Duty Registers, 1858-1903, at The National Archives

Many people left estates which were liable for death duties. From 1858, there should be a death duty record for all estates worth more than £20. However, unless the assets were valued at £1,500 or more, the taxes were often not collected, and so the register entry was not filled in with all the details. Tax was payable on bequests to anyone other than the husband or wife.

The information in the death duty registers is not the same as that given in wills or grants of administration. In particular, they show what *actually* happened to a person's estate after death (rather than what they hoped would happen), and what it was *actually* worth, excluding debts and expenses. They can also give the date of death, and information about the people who received bequests (beneficiaries), or who were the next-of-kin, such as exact relationship to the deceased. Because the registers could be annotated for up to fifty years after the first entry and sometimes longer, they can include a wealth of additional information such as dates of death of spouse; dates of death or marriage of beneficiaries; births of posthumous children; change of address; references to law suits in Chancery delaying the settling of the estate, etc. Many of the registers for the 1890s were destroyed by fire.

The register entries use a lot of abbreviations: see [Death Duty Registers, How to Interpret](#)

The death duty indexes, 1796 to 1903 and the registers to the year 1861, (1861 will registers for

surnames C-D) can be seen at The National Archives, on microfilm. Subsequent registers, from reference [IR 26/2249](#) are stored onsite and available to be seen as original documents without advanced notice. Once you have got your reference from the indexes in [IR 27](#) check the list of registers in the [IR 26](#) list to obtain your [IR 26](#) reference. For further information see [Death Duty Records, from 1796](#)

6. Contemporary Guidance.

The actual process of getting a grant of probate or letters of administration, or in paying death duties, was quite complicated, and several works of guidance were available. For the official advice, look at *Ham's Inland Revenue Yearbook*, which gives contemporary instructions. The National Archives Library has copies of this annual work (under slightly varying titles) from 1875-1930.

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