

This is the last Will and Testament of me  
Joanna Claringbould late of Sybertswold otherwise Shebbertswold in the  
County of Kent but now of Ashford in the said County Widow made in manner  
following (that is to say) *Adhuc* by a certain Indenture Tripartite -  
bearing date on or about the Twenty seventh day of August One thousand  
Seven hundred and eighty one made between me the said Joanna Claringbould  
of the first part, my Son Thomas Claringbould of Sybertswold aforesaid of the  
second part, and Richard Boteler of Eghorne in the said County Surgeon of  
the third part among other covenants therein contained my said Son  
Thomas Claringbould did thereby covenant with me and the said Richard  
Boteler jointly and severally that he the said Thomas Claringbould his heirs  
Executors or Administrators would within twelve Calendar Months next after  
my Death pay the Sum of One thousand three hundred Pounds unto the  
said Richard Boteler his Executors Administrators or Assigns Upon Trust  
to be by them paid applied and disposed of in Satisfaction of such Legacies

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## New to probate records?

A guide to wills and other probate records held at the  
Kent History and Library Centre



## Historical background

Probate describes the procedure by which a will was confirmed or proved. Until 1858 probate was largely (although not exclusively) a matter for the church courts and the procedure, in a very simplified form, was as follows. A person wrote, or more likely had written for them, a will and testament describing what they wanted done with their lands and possessions after their death and appointing executors (known as an executrix or executrices if female) to carry out their instructions. They then signed the document and had it witnessed. The person making the will was known as the testator. Originally a will dealt with lands and a testament with other property, although this distinction was not observed after the 16<sup>th</sup> century. When the testator died, his or her executors took the will to the relevant court to be confirmed (proved).

From 1529 the executors were required to draw up an inventory (ie list and valuation) of the testator's property. When they submitted the inventory to the court the probate could be granted. The grant of probate was written on the original will and a registered copy was made of the will. Copies might also be made of inventories. If someone died without leaving a will, ie they died intestate, his or her next of kin was granted the legal right to manage and dispose of the property of their intestate relative. To do this, they usually had to first take out a bond to ensure that the administration was carried out properly. Finally, both administrators (known as an administratrix or administratrices if female) and executors had to submit an account of everything that had been spent from the estate. Collectively these documents are known as probate records.

Disputes often arose about the validity of a will or the payment of legacies. These were usually settled in the church courts and further documents relating to the will may be found among those records.

## What information do probate records contain?

There are many different types of probate records but wills are the most widely-used. Inventories, act books, administration bonds and probate accounts are also very useful to a wide variety of historians.

**Wills:** these survive in the form of both original wills and registered copies (registered wills are the official copies which were made when the probate was granted). Essentially, wills outline what a person wanted done with their lands and possessions after their death and appointed executors to carry out their instructions.

They often include the names of spouses, children, and other family members such as parents, siblings and other relatives so can be used to supply basic genealogical information. Some wills also go beyond this basic information and give an idea of how people actually got on with their relatives, friends, neighbours and business colleagues. Note though, that just because someone received a small legacy it doesn't necessarily mean that they were on bad terms with the testator; it may simply be that provision had already been made for them.

Although many bequests are of money, land and property (including business premises) there are also a considerable number of gifts of personal possessions which can provide

valuable information about people's material surroundings. There are bequests of clothing, jewellery, furniture, weapons, books, livestock, farm implements, and the tools, equipment and raw materials involved in a trade or business.

Original wills may also provide some limited evidence about literacy because they had to be signed by the testator and usually at least three witnesses, although it is important to remember that the testator may have been unable to write because of illness. Registered wills, however, do not bear signatures.

**Nuncupative wills:** An oral will made by the testator on their deathbed before witnesses and afterwards put in writing.

**Inventories:** An inventory is a list with a valuation, made by two or more appraisers, of the possessions and debts of a deceased person. Both executors and administrators had to have inventories made and present them to the probate court within a specified period before probate or the right of administration could be granted. Executors and administrators did not act as appraisers although the overseers of a will might.

Inventories provide information about housing and material conditions. Two or more appraisers walked round the dead person's house, listed the contents of every room and assigned a value to them. Inventories can therefore provide evidence of the rooms a house contained and, roughly, how they related to each other because the rooms are often described as, for example, 'the chamber over the hall' or 'the chamber over the parlour'. However, the appraisers may have left out rooms which were empty or contained things of no value. If the house still survives it may be possible to work out a more detailed plan.

Inventories often give less information about clothes and jewellery than wills - in fact clothes may be summarised in a phrase like 'all his or her wearing apparel'. However, they give much more information about furniture, household utensils and linen, livestock, crops (whether in the form of seed waiting to be sown, growing in the fields or harvested in the barn), farm implements, tools, raw materials and even the contents of shops. If the person had any debts owed to them this should also be summarised towards the end of the inventory.

**Act books:** These contain grants of probate, in the case of wills, and grants of administration where a person died intestate.

**Administration bonds:** Probate courts required the administrators of estates where a person died intestate to enter into an administration bond to ensure the estate was administered correctly.

**Probate accounts:** These provide more about a person's economic context. They are not as well known as wills and inventories but in Kent we have a good collection of over 13,500 for the diocese of Canterbury, although there are none for the diocese of Rochester or the peculiars. The accounts begin with the value of the deceased's estate, usually taken straight from the inventory. The accountant then lists any expenses connected with the funeral and burial and any medical care or treatment the deceased received in his or her last illness. Next any debts owed by the deceased are listed, including unpaid bills or

wages. Legacies and bequests may also be included in the account, but they may not have been settled until all other expenses had been met. If the deceased left any children there may be information about their education and maintenance. Finally, the expenses were totalled and deducted from the value of the estate. Often the expenses exceeded the value and this was the case in two out of five accounts for East Kent. If there was no will any surplus would be divided among the next of kin, who would all be named; the ages of any children under the age of majority would also be given.

These accounts have all been indexed in *Probate Accounts of England and Wales*, edited by Peter Spufford (later referred to as BRS Probate Accounts Index). These two volumes include a useful introduction to the format, content and uses of probate accounts.

## **Who left probate records?**

The number of people who left wills varied according to time and place and estimates of the proportion of the population varies from 5% to 45%. There should probably be more inventories for people than wills because inventories were required for administering the goods of people who died intestate as well as those who left wills. In theory this should also apply to accounts although they have not survived so well. As you would expect there are many records for gentry, esquires and yeomen, but also for ordinary people such as blacksmiths, tailors, carpenters and even labourers. There are also a reasonable number of documents for widows and spinsters although few for wives (this is because a married woman had no legal existence independently of her husband and could only make a will with her husband's permission). Generally, therefore, it's always worth checking to see if someone left any probate documents.

## **Kentish probate jurisdictions**

Kent is very fortunate as the survival of probate records in the county is unusually complete. However the structure of probate jurisdictions in Kent is especially complicated, partly because there are two dioceses covering the east and west of the county, Canterbury diocese and Rochester diocese, and partly because of the existence of peculiars and other jurisdictions. Peculiars lay geographically within an ecclesiastical jurisdiction but were not subject to it and thus created their own probate records.

The first step in any probate search is to decide in which court a grant of probate would have been made. A small estate was usually dealt with by the lowest permissible court, that of the archdeacon. If goods were held in more than one archdeaconry, probate became a matter for the diocesan (consistory) court. Those leaving goods to the value of £5 or more (*bona notabilia*) in more than one diocese or peculiar in Kent came under the jurisdiction of the Prerogative Court of Canterbury.

The Map of Kent Parishes, available for consultation in the Kent History and Library Centre (KHLC) Archive Searchroom and the Community History Room, is colour-coded to show which parishes in Kent came under the jurisdiction of the Canterbury and Rochester archdeaconry courts, the Canterbury and Rochester consistory courts, and the peculiars of Cliffe and Shoreham.

### **1. The Diocese of Canterbury (Archdeaconry and Consistory Courts)**

Geographically the areas covered by the diocese and archdeaconry of Canterbury were exactly the same until 1841 when the archdeaconry of Maidstone was created. This apparently random division dates to an agreement between the archbishop and archdeacon in 1397 which had the effect of giving the archbishop probate jurisdiction over some of the wealthier parishes in East Kent.

**Formats:** Wills, inventories and act books held for the diocese of Canterbury are available on microfilm at the KHLC.

**Catalogues:** An overview of probate records for Canterbury diocese (PRC) is available in a burgundy volume, kept on the catalogue shelves in the KHLC Archives Searchroom. The catalogue is also available online at <http://www.kentarchives.org.uk>

**Indexes:** The online East Kent Wills Index covers original and registered wills for the Archdeaconry and Consistory Courts of Canterbury, 1396-1858. It is available at <http://wills.canterbury-cathedral.org/>. This index also includes act books for the two courts for the period 1487-1581. There are no digitised copies of these documents available on the East Kent Wills Index.

Indexes of a large proportion of the diocesan inventories can be found on findmypast (<http://search.findmypast.co.uk/search-world-Records/kent-wills-and-probate-indexes1328-1890>). There are no digitised versions of the documents available on findmypast.

Some inventories are also indexed in records held at Canterbury Cathedral Archives (CCA). These are specified in the *Summary of probate records and their indexes* found towards the end of this guide. The printed BRS Probate Accounts Index can also be consulted at the KHLC for the diocese's probate accounts.

## **2. Wingham Peculiar**

Until 1546 there was a peculiar for Wingham and a few parishes immediately adjoining, where the probate jurisdiction was exercised by the provost of Wingham College. Only a register of wills dated 1471-1546 has survived.

## **3. Canterbury City**

No documents for this jurisdiction are held at the KHLC but reference to them has been included for the sake of completeness.

There was originally a distinction between a will and a testament; testaments were a purely spiritual matter but wills weren't and could be proved in secular courts. In Kent, the city of Canterbury had probate jurisdiction until 1580. There are two will registers, the earlier dating from 1258. These are held at CCA, as are any finding aids.

## **4. The Diocese of Rochester (Archdeaconry and Consistory Courts)**

As in Canterbury, the diocese and archdeaconry of Rochester are identical geographically and there seems to have been no hard and fast rule about which parishes were covered by the archdeaconry and consistory courts.

Rochester diocese followed the more common practice of administering probate cases locally in the Archdeaconry Court. The Consistory Court took over the work of the Archdeaconry Court in the nineteenth century.

**Formats:** Wills and inventories held for the diocese of Rochester are available at the KHLC on microfilm.

**Catalogues:** Archdeaconry Records (DRa) - red ringbinder on catalogue shelves in the KHLC Archives Searchroom. Consistory Records (DRb) - red ringbinder on catalogue shelves in the KHLC Archives Searchroom. Both catalogues are also available online at [www.kentarchives.org.uk/Calmview](http://www.kentarchives.org.uk/Calmview).

**Online index:** The Kent wills and probate indexes on findmypast (<http://search.findmypast.co.uk/search-world-Records/kent-wills-and-probate-indexes1328-1890>) covers original and registered wills and inventories for the Archdeaconry and Consistory Courts of Rochester. There are no digitised versions of the documents available on findmypast.

## 5. Shoreham Peculiar

The Archbishop of Canterbury's Peculiar of the Deanery of Shoreham extended beyond Kent but included the following 34 parishes in West Kent which did not come under the jurisdiction of the diocese of Rochester: Bexley, Brasted, Chevening, Chiddingstone, Crayford, Darenth, Downe, East Farleigh, East Malling, East Peckham, Eynsford, Farningham, Gillingham with Lidsing, Grain, Halstead, Hayes, Hever, Hunton, Ifield, Ightham, Keston, Knockholt, Meopham, Northfleet, Orpington, Otford, Penshurst, Plaxtol, St Mary Cray, Sevenoaks, Shoreham, Stansted, Sundridge, Wrotham. These parishes were transferred to the diocese of Rochester in 1846.

**Formats:** Probate records for the Peculiar of Shoreham are held at Lambeth Palace Library but microfilm copies of original wills, inventories and administration bonds are held at the KHLC.

**Catalogues:** There are no catalogues held at the KHLC for these records.

**Online index:** There are no online indexes for these records.

**Other indexes:** There are indexes to the original wills, inventories and administration bonds in two large blue volumes in the KHLC Community History Room.

## 6. Peculiar of the Rector of Cliffe

Jurisdiction of the peculiar of Cliffe (a single parish) was exercised by its rector. Records survive for the period 1670-1843. In 1846 the parish transferred to the diocese of Rochester so records for 1846-1857 may be found in the two Rochester courts.

**Formats:** Wills and inventories held for the Peculiar of Cliffe are available at the KHLC on microfilm. All other probate records for the peculiar must be viewed in their original form only.

**Catalogues:** A paper catalogue is available to consult in the KHLC Archive Searchroom. Additionally, it is available to view online at [www.kentarchives.org.uk/Calmview](http://www.kentarchives.org.uk/Calmview).

**Online index:** The Kent wills and probate indexes on findmypast (<http://search.findmypast.co.uk/search-world-Records/kent-wills-and-probate-indexes1328-1890>) includes wills for the Peculiar of Cliffe. There are no digitised versions of the documents available on findmypast.

## 7. Sede Vacante

When there was no archbishop his authority was for a long time exercised by the prior and chapter of Canterbury Cathedral Priory and their successors, the dean and chapter. This was known as *sede vacante* jurisdiction (from the Latin for “the see being vacant”). *Sede vacante* jurisdiction was not restricted to probate and covered the whole area of the archbishop's jurisdiction, not just the dioceses of Canterbury. There are no *sede vacante* wills later than 1559.

**Formats:** The documents and associated finding aids are at CCA as part of the Dean and Chapter's archive. They include a few Old English wills, from before the Norman Conquest, and the wills of some archbishops. The wills survive both as originals, mainly among the *Chartae Antiquae* series, and registered copies.

**Online index:** There are no online indexes for these records.

**Other indexes:** There is a published index with transcripts of some wills, and extracts from others: *Sede Vacante Wills: A Calendar of Wills Proved Before the Commissary of the Prior and Chapter of Christ Church, Canterbury, During Vacancies in the Primacy ...* Compiled and edited by C Eveleigh Woodruff, Kent Archaeological Society, Records Branch, Volume III, 1914.

## 8. Prerogative Court of Canterbury (PCC)

Wills proved in the Prerogative Court of Canterbury (PCC) are held at the National Archives at Kew. This court has national coverage as it was the senior of the two provincial Prerogative Courts of Canterbury and York. The wills of many of the wealthier inhabitants of Kent were proved in the PCC.

PCC wills are now available for searching and downloading online at: <http://www.nationalarchives.gov.uk/records/wills.htm>.

## Note on older references

A number of printed indexes of Kentish Probate material were published before the Kent Archive Service and its cataloguing scheme were established. When checking references from these it is important to know the court and record series, as well as any cited reference.

## Summary of probate records and their indexes

All of the following records and indexes are held at the KHLC unless specified otherwise.

<b>Wills</b>	<b>Dates</b>	<b>Index</b>	<b>Catalogue Ref</b>
Canterbury Archdeaconry Court: original wills	1450-1858	East Kent Wills Index (online)	PRC16
Canterbury Archdeaconry Court: registered wills	1449-1858	East Kent Wills Index (online)	PRC17
Canterbury Consistory Court: original wills	1450-1857	East Kent Wills Index (online)	PRC16, PRC31
Canterbury Consistory Court: registered wills	1396-1857	East Kent Wills Index (online)	PRC32
Peculiar of Cliffe: wills	1671-1843	findmypast	DR/Cp/Jw
Peculiar of Shoreham: original wills	1614-1841	Blue volume: PRS/INDEX 1	PRS/W
Peculiar of Wingham: register of wills	1471-1546	East Kent Wills Index (online)	PRC33
Rochester Archdeaconry Court: original wills	1635-1857	findmypast	DRa/PW
Rochester Archdeaconry Court: registered wills	1680-1857	findmypast	DRa/PWr
Rochester Consistory Court: original wills	1499-1857	findmypast	DRb/PW
Rochester Consistory Court: registered wills	1440-1857	findmypast	DRb/PWr

<b>Inventories</b>	<b>Dates</b>	<b>Index</b>	<b>Catalogue Ref</b>
Canterbury Archdeaconry Court: registers of inventories	1565-1638	Indexed in PRC48/4-8 (held at CCA)	PRC10
Canterbury Archdeaconry Court: loose inventories	1571-1842	findmypast	PRC11
Canterbury Consistory Court: registers of inventories	1566-1638	Not applicable	PRC21, PRC28
Canterbury Consistory Court: loose inventories	1596-1748	findmypast	PRC27

Peculiar of Cliffe inventories	1670-1794	Indexed in online catalogue	DR/CP/Ji
Peculiar of Shoreham: inventories	1663-1730	Blue volume: PRS/INDEX 2	PRS/I
Rochester Archdeaconry Court: inventories	1719-1782	findmypast	DRa/Pi
Rochester Consistory Court: inventories	1687-1784	findmypast	DRb/Pi
<b>Act Books</b>	<b>Dates</b>	<b>Index</b>	<b>Catalogue Ref</b>
Canterbury Archdeaconry Court: act books	1487-1581	East Kent Wills Index (online)	PRC3/1-20
Canterbury Consistory Court: act books	1542-1577	East Kent Wills Index (online)	PRC22/1-7
Rochester Archdeaconry Court: act books	1635-1857	Some volumes include indexes	DRa/Pa
Rochester Consistory Court: act books	1437-1858	Not applicable	DRb/Pa
Peculiar of Cliffe: act book	1671-1702	Not applicable	DR/Cp/Ja
<b>Bonds</b>	<b>Dates</b>	<b>Index</b>	<b>Catalogue Ref</b>
Canterbury Archdeaconry Court: bonds	1660-1858	Not applicable	PRC4
Canterbury Consistory Court: bonds	1660-1857	Not applicable	PRC23
Rochester Archdeaconry and Consistory Courts: bonds	1666-1858	Not applicable	DRb/Pb
Peculiar of Cliffe: original wills, grants and letters of administration and bonds	1675-1843	findmypast	DR/Cp/Jw2/1
Peculiar of Shoreham: bonds	1614-1841	Blue volume: PRS/INDEX 1	PRS/B

<b>Accounts</b>	<b>Dates</b>	<b>Index</b>	<b>Catalogue Ref</b>
Canterbury Archdeaconry Court: original accounts	1602-1728	BRS Probate Accounts Index	PRC1
Canterbury Archdeaconry Court: registered accounts	1568-1699	BRS Probate Accounts Index	PRC2
Canterbury Consistory Court: accounts (papers)	1636-1740	BRS Probate Accounts Index	PRC19
Canterbury Consistory Court: registered accounts	1569-1690	BRS Probate Accounts Index	PRC20, PRC21

## **Post 1858 probate records**

From 1858 probate was a civil matter. Consequently, there are no wills or administrations dated after 1858 at the KHLC. You can search for wills proved after 1858 online at <https://probatesearch.service.gov.uk/#wills>. Alternatively, a postal search can be undertaken for a fee by The Postal Searches and Copies Department, Leeds District Probate Registry, York House, York Place, LEEDS, LS1 2BA.

A calendar of wills covering the period 1858-1966, searchable by name, can be found on the Ancestry website. However, unless you have your own subscription to the Ancestry website it is currently only available in Kent libraries. There are no digitised versions of the full documents available on Ancestry.

## **Further reading**

J S W Gibson, *Probate Jurisdictions; where to look*

Public Record Office, *Using Wills*

Stuart A Raymond, *Words from wills and other probate records*

Miriam Scott, *Prerogative Court of Canterbury: Wills and other probate records*

Peter Spufford (editor), *Probate Accounts of England and Wales*, 2 volumes (British Records Society 112 and 113)

David Wright, *Kent Probate Records, a catalogue and practical guide*