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What are wills?

A will is a document drawn up by an individual wishing to settle his or her affairs prior to death.

From the Middle Ages onwards, all wills had to be formally approved or *proved*. The system of proving that a will is genuine is known as *probate jurisdiction*. Before 1858 there was no single place at which wills were proved. Most wills were proved in the courts of the Church of England, but various lords of the manor also claimed probate jurisdiction rights in certain areas.

Following the Statute of Wills (1540), wills were divided into two parts: the *will* itself, dealing with movable property (often specified in an accompanying *inventory*), and the *testament*, dealing with 'real property' (land).

Letters of administration or '*Admons*' were granted in the case of those who had died *intestate*, i.e. without leaving a will.

A probate *bond* is a statement in which an administrator other than an executor named in the will gives a guarantee that they will administer the estate in accordance with the will or administration.

What changed in 1858?

The system of proving wills in church and manorial courts was abolished in 1858. Probate jurisdiction was transferred to a new secular Court of Probate. See page 3 for further details.

Where do I find Yorkshire wills?

Most Yorkshire wills for the period before 1858 were proved in the courts of the Archbishop of York. These wills are now held at the Borthwick Institute for Archives, University of York, Heslington, York, YO10 5DD, telephone +44 (0)1904 321166. For further details see page 2.

This guide lists records of probate held at WYAS Leeds, notably for the Eastern deaneries of the Archdeaconry of Richmond, as well as for several manorial 'peculiars', including Masham and Knaresborough.

**YORKSHIRE WILLS TO 1858
AT WEST YORKSHIRE ARCHIVE SERVICE,
LEEDS**

The following wills and probate documents are held at West Yorkshire Archive Service, Leeds.

Archdeaconry of Richmond

Eastern Deaneries, i.e. deaneries of Richmond, Catterick and Boroughbridge, in the former North and West Ridings. The parishes are listed in J.S.W. Gibson *Wills and Where to Find Them* (Phillimore, 1974).

Original wills, administrations & inventories 1521-1857

Register of wills 1474-1490, 1503, 1529-1585, 1720-1731, 1783-1788 (fragmentary before 1529)

Manuscript indexes of wills and administrations (including some wills no longer existing) c1427-1857

Western Deaneries (including the West Riding portion of Lonsdale), a few wills as above, but most held at Lancashire Record Office (see opposite column for details).

Altofts (West Riding)

Wills, administrations and inventories 1622-1677. Details can be found in *Northern Genealogist I*

Arkengarthdale with New Forest and Hope (North Riding)

Wills, administrations and inventories with index 1698-1812

Hunsingore (West Riding)

Included Cattal, Great Ribston and Walshford

Wills, administrations and inventories with index 1607-1839

Knaresborough (West Riding)

Included parishes of Knaresborough, Burton Leonard, Farnham, Fewston, Great Ouseburn, Hampsthwaite, Pannal, South Stainley with Cayton and Staveley, and township of Castley, Clint,

Coneythorpe, Dunkeswick, Low and High Harrogate, Haverall Park, Killinghall, Lindley, Little Ribston, Plompton, Rigton, Stainburn, Swindon and Weeton.

Wills, administrations and inventories 1640-1858. Index printed by G. Collins in *Surtees Society* vol.100. (Earlier wills printed in *Surtees Society* vol.104 are enrolled on the court rolls of the Honor of Knaresborough held at the National Archives, Kew, Richmond, Surrey, TW9 4DU. Tel: +44 (0) 20 8876 3444.)

Masham (North and West Ridings)

Included Kirkby Malzeard, Hartwith with Winsley and Middlesmoor.

Wills, administrations and inventories (arranged by Riding) with index 1572-1858. Register of wills with index 1576-1699

Middleham (North Riding)

Wills and administrations with index 1722-1854

**YORKSHIRE WILLS TO 1858 HELD OUTSIDE
WEST YORKSHIRE ARCHIVE SERVICE**

Lancashire Record Office, Bow Lane, Preston, PR1 2RE, telephone +44 (0)1772 533039.

Holdings: probate documents from the Archdeaconry of Richmond, Western Deaneries (including Lonsdale Deanery).

Borthwick Institute for Archives, University of York, Heslington, York YO10 5DD, telephone +44 (0)1904 321166.

All other Yorkshire probate records, including wills for all the former West Riding *except* the deaneries of Boroughbridge and Lonsdale, the peculiars listed above and a few others listed in J.S.W. Gibson *Wills and Where to Find Them* (Phillimore, 1974) and A.J. Camp *Wills and Their Whereabouts* (Phillimore, 1963). The holdings of the Institute are described in D.M. Smith *A Guide to the Archive Collections of the Borthwick Institute of Historical Research* (1973).

An index to Borthwick wills 1688-1857 is held on microfilm at WYAS Wakefield.

Indexes to the wills proved at the Prerogative & Exchequer Courts of York 1267 to 1500, and in fifty four peculiar courts of the Province of York 1383-1858 are also available via the British Origins subscription website at <http://www.britishorigins.com/>

WILLS AFTER 1858

Under the 1857 Probate Act, which came into force on 11 January 1858, the old system of proving wills in church and other courts was abolished. A new centralised system was set up in England and Wales, with a principal probate registry in London and a series of district probate registries in important towns and cities. Since 1970 the Court of Probate has been part of the Court of the Family Division.

For wills proved after 1858, if you know the name of the deceased person, the name of the court and the date on which probate was granted, a copy of the will can be purchased either by:

- A personal visit to the Court of Probate at High Holborn
- Ordering from your local District Probate Registry

An index is printed annually, which may be consulted at the principal registry in London or at the district registries. Copies of the indexes to 1944 are also held at WYAS Wakefield.

Entries appear in the volume covering the year in which the will was proved, not the year in which the person died, and this may be several years after the death occurred. The entry usually provides the date and place of death as well as the names of the executors/ administrators and the amount of the estate.

Principal Probate Registry of the Family Division

First Avenue House, 42-49 High Holborn, London WC1V 6NP, telephone +44 (0)20 7421 8509

Original wills proved there and registered copies thereof.

Copies of wills proved in the Probate Registries set up throughout the country.

West Yorkshire Archive Service Wakefield

West Yorkshire History Centre, 127 Kirkgate, Wakefield, WF1 1JG, telephone +44 (0)113 535 0142

Registered copies of wills proved at Wakefield District Probate Registry 1858-1941.

General Index for England and Wales 1858-1944 (to 1943 on microfiche)

Leeds Probate Registry

York House, 31 York Place, Leeds, LS21 2ED

Original wills proved there from 1 January 1957

PROBATE GLOSSARY

Administration Bond or Admon	If a person died intestate (without leaving a will), the court had the power to grant letters of administration to their next-of-kin, or person with a legitimate interest. The second paragraph of the document usually begins “The Condition of this Obligation is that if the above bounden... Administrator(s) of... ”.
Attested	Sworn.
Beneficiary	The recipient of funds, property, or other benefits, from a will.
Codicils	Additions or alterations to the will, found at the end of the will or as a separate document.
Commission	Certain person(s) are instructed by the probate court to make the will, or other documents, available to the court by a certain date.
Executor	A man who executes the will and carries out the wishes of the deceased.
Executrix	A woman who executes the will and carries out the wishes of the deceased.
Imprimis	In the first place, to begin with...
Intestate	Without a will.
Inventory	A valuation of the moveable property belonging to the deceased. It can include household furnishings, clothes, jewellery, books, papers, farm stock and crops, money in cash, bank accounts and investments, as well as money owed to creditors and money due from debtors.
Nuncupatory will	An oral and unsigned will, often made on a deathbed, written down by witnesses who later swore to its accuracy.
Peculiar or Peculier	One or more parishes with the power to conduct their own probate jurisdiction.
Personalty	Personal property – goods and chattels – as opposed to real property (land).
Probate	The official process of settling an estate through the court, giving the executors permission to carry out the provisions of the will. Also, the officially verified copy of the will together with the certificate of its having been proved.
Proving	The granting of probate; approval by a judge that a will contains the last wishes of the deceased.
Relict	A person left behind after the death of a spouse, but usually referring to the widow.
Real Property	Property in land, as opposed to personalty.
Renunciation	A document signed by an executor or next-of-kin who refuses to apply for a grant of probate or administration. Usually the probate court will appoint someone else in their place.
Testament	The document containing a statement of a person’s wishes regarding the disposal of personal property (as opposed to real property, which is covered by the will).
Testator	A man making a will or who died leaving a will.
Testatrix	A woman making a will or who died leaving a will.
Tuition Bond	A testator with young children might nominate a person (often a relative) to ensure that the children were properly educated, and set aside funds for the purpose. The appointed guardian could be asked to enter into a bond to guarantee proper discharge of these responsibilities. Tuition would generally apply to children under the age of 14 (12 for girls) and so is of help in narrowing down the possible birthdates for a child named in the will.
Will	The legal document containing the statement of a person's wishes regarding the disposal of his or her property after death. Strictly, the will covers only real property <i>ie</i> land (personal property is covered by the testament part of the document). Usually begins “In the name of God, Amen”.