



Northumberland Wills

When a person dies leaving a will disposing of his/her property or possessions, a process known as grant of probate must be carried out so that the will is proved or made valid. This enables the executors named in the will to carry out the deceased's wishes. In the past, grant of probate may have been obtained at a number of different places. The original will would have been kept by the place (usually a court) granting probate, and the resulting series of wills are to be found at different record offices. This leaflet explains how to locate the will of someone who lived in Northumberland.

Wills Proved Before 1858

Until 1858, probate was granted in the church court, which had jurisdiction over the area in which a person's property or possessions lay. Normally, this meant proving the will in the Consistory Court of the Diocese covering that area. For most of Northumberland, this was the Consistory Court at Durham and the surviving records are to be found among the Durham Diocesan Records at The University of Durham, Department of Archives and Special Collections, Palace Green Section, Palace Green, Durham, DH1 3RN (telephone 0191 3342972).

Microfilm copies of the indexes to the wills at Durham 1540-1858, together with copies of the wills themselves 1606-1858 (also on microfilm) are held by Northumberland Archives. An index to North Northumberland wills in the Durham series 1800-1858 is available at Berwick-upon-Tweed Record Office. An online index is available at The North East inheritance Database - <http://familyrecords.dur.ac.uk/nei/data/simple.php>. The site allows online access to digital copies of original probate records.

However, there are some areas of Northumberland, which were not subject to Durham Diocesan jurisdiction. These areas, called peculiars, were the parish of Thockrington and the area called Hexhamshire, which comprised the parishes of Hexham (including Whitley chapelry, Allendale including West Allen or Ninebanks, Allenheads and Carr Shield chapelries and St. John Lee). Hexhamshire was under the direct jurisdiction of Archbishop of York and until 1660 wills were proved in a special or Peculiar Court. From 1660 this court was merged with the Prerogative Court of the Archbishop of York, which had a wider jurisdiction – see below. Surviving wills are generally to be found at the Borthwick Institute for Archives, University of York, Heslington, York, YO10 5DD (telephone 01904 321166). Thockrington was technically a peculiar of a prebendary of York, and records should be at the Borthwick Institute also. There are separate records only for a brief period in the 1740s.

Northumberland Archives holds a manuscript index of Hexhamshire wills at the Borthwick Institute, 1688–1799 and some copies of strays of Hexhamshire wills, 1676–1707 (on microfilm, original (reference SANT/GEN/NOR/1/4). In addition the service also holds, among the Allendale papers, originals of some Hexhamshire wills, 1728–1838 (Ref NRO 672/A/31).

If a deceased person's possessions lay in more than one diocese in the north of England, the will had to be proved at a higher court, the Prerogative Court of the Archbishop of York. The records are kept at the Borthwick Institute. If the property extended beyond the jurisdiction of the Archbishop of

York, then probate had to be obtained at the Prerogative Court of the Archbishop of Canterbury. The records for this are kept at the The National Archives, Ruskin Avenue, Kew, Richmond TW9 4DU. In many cases, wills proved at these higher courts even if this was not technically necessary, particularly if the person concerned was a nonconformist, so it is worth checking these sources if a search of the Durham records is unsuccessful. Berwick-upon-Tweed Record Office has copies of Northumberland and Durham wills proved at York 1705–1793, on microfilm.

Wills Proved After 1858

In 1858, probate jurisdiction was transferred from the church courts to central government, which set up district probate registries to deal with probate. The Newcastle upon Tyne District Probate Registry covered Newcastle and Northumberland. Northumberland Archives holds registered copies of wills proved at this registry for the period 1858–1941 (Indexed to about 1917). Thereafter, records are held by the District Probate Registry, Number One Waterloo Square Newcastle Upon Tyne, Tyne and Wear NE1 4AL. (Telephone 0191 2112170).

Copies of wills proved throughout England and Wales from 1858 were sent annually to the Principal Probate Registry in London. These may be consulted in person at the Principal Probate Registry, Family Division Probate Department, First Avenue House, 42-49, High Holborn, London WC1V 6NP (telephone 0300 1231072). Postal enquiries about copies of wills from the national records should be directed to the York Probate Sub-Registry, Piccadilly House, 55 Piccadilly, York, North Yorkshire, YO1 9WL (telephone 0113 3896133) rather than to the Family Division Probate Department. It is not possible to photocopy the registered wills held by Northumberland Archives but digital images can be produced.

National indices of wills were compiled annually. Copies of the indices (usually for the period 1858–1928) are available at some record offices or major libraries, while probate registries retain some. Those available nearest to Northumberland are at York Probate Sub-Registry (1858 to date), Cumbria Record Office, Lady Gillford's House, Petteril Bank Road, Carlisle, Cumbria, CA1 3AJ. (1858–1928) and Newcastle District Probate Registry (1929 to date).

Grants of Administration (Admons)

If a person dies intestate (without making a will), it may be necessary to obtain the right to administer or dispose of the property or possessions of the deceased. Both before and after 1858, a grant of administration was sought from the court having the appropriate probate jurisdiction, and the records are to be found in the same places as the wills. The registered copies of wills by us do not include grants of administration; instead it is necessary to contact the District Probate Registry or to consult the national sources.

Other copies of wills

Apart from the main series of wills noted above, other copies may survive. For Northumberland, these are most likely to be found among the family, estate and solicitors' archives held by Northumberland Archives and Berwick-upon-Tweed Record Office. An index to some of these wills is available in search room, but many do not as yet appear in indices.

Summary of records relating to wills held by Northumberland Archives.

Index to wills proved at Durham.	1540-1858.
Copies of wills proved at Durham.	1606-1858.
Index of Hexhamshire wills at the Borthwick Institute.	1688–1799.
Copy Hexhamshire wills.	1676-1707.
Hexhamshire wills	1728-1838.
Registered copies of wills proved at the Newcastle District Probate Registry.	1858–1941.

Berwick-upon-Tweed Record Office

Copies of wills proved at Durham.	1769-1858.
Index to North Northumberland wills proved at Durham.	1800-1858.
Copies of Northumberland & Durham wills proved at York.	1705-1793.

Index to some of the wills to be found in family, various estate and solicitors' collections

Northumberland Archives is committed to providing a quality service to all its users and therefore this information is also available in large print and via the Internet. Our Internet address is

www.northumberlandarchives.com

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