

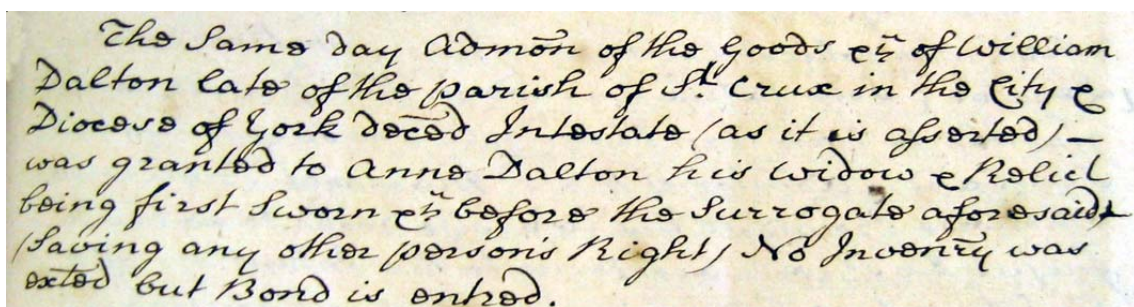
Understanding the York Probate Act Books

- administrations and probate acts

ADMINISTRATIONS

If a person did not make a will their estate was dealt with after their death by a process known as administration. A person willing to deal with the deceased's estate, often kin but also sometimes a creditor, would visit a surrogate of the bishop and make oaths to the effect that the deceased person had not made a will and that they would administer the estate properly.

A record of this process was entered in the York probate act books. The official language of court records remained Latin until 1732, so you will notice that administration entries continue to be in Latin until then. These entries also use a lot of abbreviation. However, with a bit of practice it is possible to recognise the essential parts, even without a knowledge of Latin. Here is a typical example in English dating from 1745.



The same day Admon of the goods etc of William Dalton late of the parish of St. Crux in the City & Diocese of York deced Intestate (as it is asserted) - was granted to Anna Dalton his widow & Relict being first Sworn etc before the Surrogate aforesaid (Saving any other persons Right) No Inventory was exted but Bond is entred.

The same day [look back in the book to see what this was] the admon [administration] of the goods etc [a standard phrase covering anything else a person might have had] of William Dalton late of the parish of St Crux in the City and Diocese of York deced [deceased] Intestate (as it is asserted) [that is Ann Dalton had asserted that William had not left a will] was granted to Anne Dalton his widow and Relict [relict means "surviving partner"] being first sworn etc before the surrogate aforesaid [i.e. she made a oath to administer the estate properly (see below) before a surrogate appointed by the archbishop to hear such oaths] (saving any other person's Right) [a standard legal phrase that means that the right of other people to present themselves as administrators was reserved]. No inventory was exted [exhibited] but Bond is entred [i.e. she didn't bring an inventory of William's estate with her but she did sign a bond which would have subjected her to a financial penalty if she did not administer the estate properly].

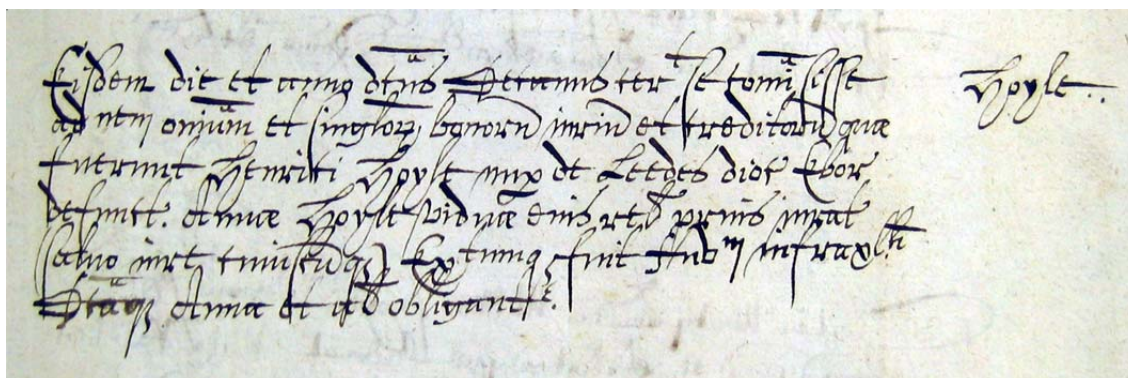
The oath sworn by the administrator would have been similar to this:

I swear that I believe that A.B., deceased, died without a will and that I will well and truly administer all and every the goods of the said deceased and pay his debts as far as his goods extend and that I will exhibit a true, full and perfect inventory of the said goods of the deceased and render a true account of my administration into the exchequer court of York when I am so lawfully required.

I also swear that I am the widow [son/daughter/next of kin/creditor] of the said A.B. and that the whole of the goods, chattels and credits he died possessed of do not in value exceed the sum of [amount] pounds.

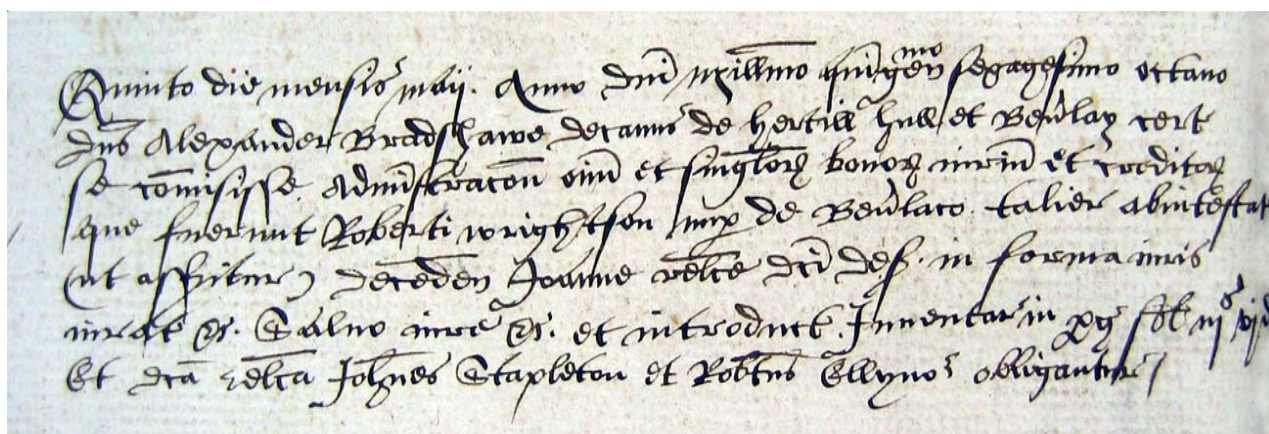
The York courts did not always require inventories, and even when they did these do not always survive.

Here's a similar entry in Latin dating from 1617:



Eisdem die et anno dictus decanus certificavit se commisisse administracionem omnium et singulorum bonorum iurium et creditorum quae fuerunt Henrici Hoyle nuper de Leedes diocesis Ebor' defuncti Annae Hoyle, viduae eius ut prius iuratae (salvo iure cuiuscumque) Exhibitum fuit inventarium infra xl libras dictaque Anna et alii obligantur.

On the same day and year the said dean certified that he had granted administration of all and every the goods, rights and credits which were Henry Hoyle's late of Leeds of the diocese of York, deceased to Ann Hoyle his widow as before sworn (saving the right of whosoever) An inventory was exhibited below £40 and the said Ann and others were bound.



Quinto die mensis maii Anno domini millesimo quingentesimo sexagesimo octavo dominus Alexander Bradshawe decanus de hertill hull et Beverlay cert[ificavit] se commisisse administracionem omnium et singulorum bonorum iurium et creditorum que fuerunt Roberti Wrightson nuper de Beverlaco talier abintestati (ut assertitur) decedentis Joanne relicte dicti defuncti in forma iuris iurate etc Salvo iure etc et introduct' Inventarium in pergamo solutis iiii vid et dicta relicta Johannes Stapleton et Robertus Ellynor obligantur.

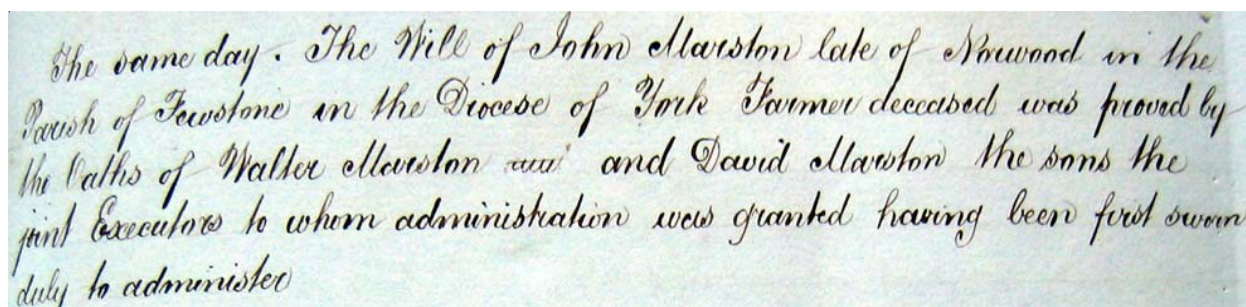
On the fifth day of the month of May in the year of our Lord 1568, Lord Alexander Bradshawe dean of Harthill, Hull and Beverley certified that he had granted administration of all and every of the goods, rights and credits which were of Robert Wrightson late of Beverley, tailor, having died intestate (so it is asserted) to Joan relict of the said deceased sworn in the form of law etc. Saving the right etc. And an inventory was produced on parchment, 3 shillings and 6 pence having been paid, and the said relict, John Stapleton and Robert Ellynor were bound.

PROBATE ACTS

As well as recording the details of administrations granted, the York probate act books also recorded details of those wills that had been proved. These entries are known as probate acts. In form and content they are very similar to the administration entries but there are some significant differences to look out for.

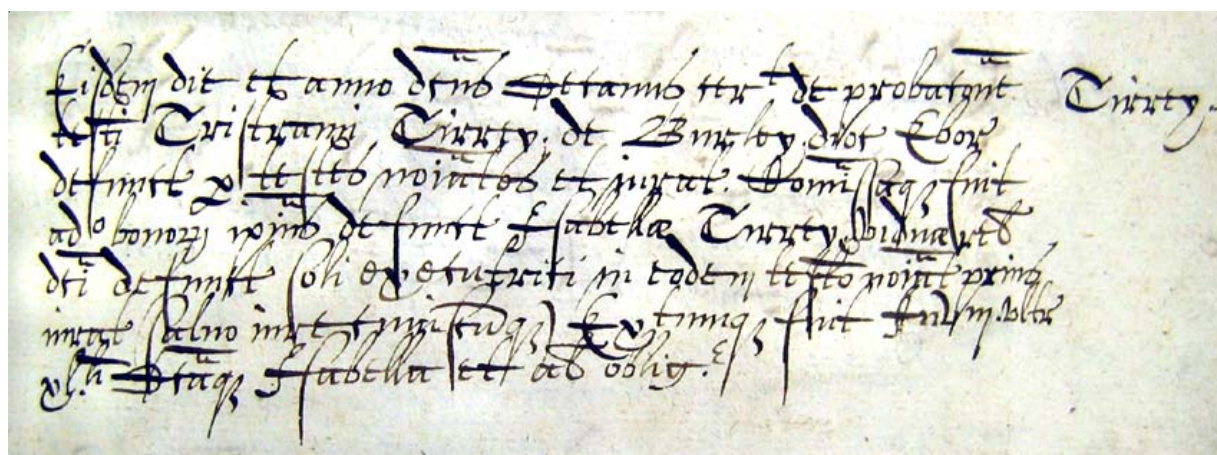
Firstly a will (*testamentum* in Latin) will be mentioned and the deceased person will not be described as intestate - he might instead be described as the *testator* (*testatrix* if female).

Secondly the people who are granted permission to deal with the deceased's estate will be called *executors* (*executores* — plural male, *executrix* — singular female, *executorices* — plural female). Note, however, that the word administration is used in probate acts as well as in administration entries. It just means “deal with the estate of the deceased”. Here is an example from the 1850s.



The same day. The Will of John Marston late of Norwood in the Parish of Fewstone in the Diocese of York Farmer deceased was proved by the Oaths of Walter Marston and David Marston the sons the joint Executors to whom administration was granted having been first sworn duly to administer

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Eisdem die et anno dictus decanus certificavit de probatione testamenti Tristrami Tirrty de Burley diocesi Ebor defuncti per testes nominatos et iuratos. Commissaque fuit administratio bonorum ipsius defuncti Isabellae Tirrty viduae relicte dicte defuncti soli executrici in eodem testamento nominatae prius iuratae (salvo iure cuiuscumque) exhibitumque fuit inventarium ultra xl libros Dictaque Isabella et alii obligantur.

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One the same day and year the said dean certified concerning the proving of the will of Tristram Tirrty of Burley in the diocese of York, deceased, through named and sworn witnesses. Administration of the goods of this deceased was granted to Isabel Tirrty, widow, relict of the said deceased, named sole executrix in the same will, already sworn (saving the right of whosoever). An inventory of above £40 was exhibited and the said Isabel and others were bound.

The oath made by the executors would have been something like “I swear that I believe this to be the last will and testament of A.B. deceased and that I will pay all the debts and legacies of the deceased, as far as the goods shall extend ... and I swear that I believe the whole goods, chattels and credits of or belonging to the said A.B. at the time of his death did not exceed the sum of ...”

USEFUL TIPS FOR READING WITH ENTRIES IN PROBATE ACT BOOKS

Entries in probate act books remain in Latin until 1733. The clerks who wrote these books used a variety of abbreviations to save themselves time and space. Some of the Latin abbreviations were so well known that they continued to be used even after the official language of the courts became English. The most obvious example is the continued use of *etc* (this is an abbreviation for the Latin *et cetera* meaning and others)

For family history the essential information to be gleaned from these books is who has died, where they lived and who the executors or administrators were. Most of the rest just records the legal formulae necessary for the probate court.

TIME

Eodem die — on the same day (*anno* — year, *mensis* — month)

Eisdem die et anno — on the same day and year

Januarii — January; *Februarii* — February; *Martii* — March; *Aprilis* — April; *Maii* — May; *Junii* — June; *Julii* — July; *Augusti* — August; *Septembris* — September; *Octobris* — October; *Novembris* — November; *Decembris* — December

Anno Domini Millesimo... — In the year of our Lord One Thousand ...

PLACE

nuper de — late of, the place where the deceased lived

diocese Ebor' — diocese of York

EXECUTORS AND ADMINISTRATORS

executor — male executor; *executrix* — female executor

relicte dicti defuncti — relict of the said deceased

viduae eius — his widow

filius — son; *filia* — daughter; *uxor* — wife; *et aliis* — and others

Before 1732 English names were Latinized by the clerks. Most of these are easy to guess but these sometimes catch people out:

Maria — Mary; *Guillelmus* (also *Willelmus*) — William ; *Jacobus* — James; *Johannes* — John;

Johanna — Joan; *Galfridus* — Geoffrey.

INVENTORIES AND MONEY

The significance of the amount that the estate was worth was that the probate courts charged their fees on a sliding scale depending on the estimated value of the estate.

infra — below *ultra* — above

d — *denarios* (pence) *s* — *solidos* (shillings) *l* or *li* — *libras* (pounds)

i — 1

v — 5

x — 10

l — 5

c — 100

d — 500

m — 1000