

Wills and Inventories

Introduction

Until the Court of Probate Act (1857) the responsibility for proving wills (probate) and dealing with inheritance matters rested with the Diocesan courts. All official records were held by them, and in Oxfordshire all these records relating to the Archdeaconry of Oxford are in the History Centre. The records for the Archdeacons of Berkshire and Buckingham are in the [Berkshire Record Office](#) and the [Buckinghamshire Archives](#) respectively.

After the 1857 Act responsibility transferred to the probate division of the High Court of Justice. The records from 1858 onwards are held by the [Probate Registry](#).

The pre-1858 probate courts were a hierarchy. An individual with property in one Archdeaconry would have their will proved in the Archdeaconry court and someone with property in two or more Archdeacons within one Diocese in the Consistory (Bishop's) court. Someone with property in more than one Diocese would have their will proved in the [Prerogative Court of Canterbury](#), records of which are held by the National Archives. However, it gave social prestige to have your will proved in a higher court, and the wealthy often pushed into a court which was not strictly appropriate.

Theoretically wills and other probate documents should only date from the creation of the Diocese in 1542; in practice there are items dating back to 1516. However, most pre-1542 records will be with the Lincoln Diocesan Archives in [Lincolnshire Archives](#). In Oxfordshire, the documents from the Consistory and Archdeaconry courts are found in a single series; there were, however, some Peculiar jurisdictions (not under the Bishop's rule) which are arranged separately. All the documents (will, inventory, account, etc) for one individual are usually in a single bundle.

No one was obliged to make a will. If there was informal agreement on who got the property, the deceased might not have bothered. Even if there was a will, there was no obligation to bring it in for probate unless someone involved made a fuss.

Wills

The will is the written document by which the deceased leaves his or her goods (technically a will is for real estate and a testament for personal property). The archive consists of one sequence of original documents with the signature or mark of the testator, and one sequence of volumes with the official copy written into them by the court officials. Wills can give hints on the social status and

religion of the deceased, and sometimes have enough references to family members to create a small family tree.

Inventories

To ensure that property was fairly handed out to the beneficiaries, the executors arranged for an inventory to be taken - a list of all the property of the deceased. Inventories die out



after the mid-18th century, and the main Oxfordshire sequence is 1620-1710. They show the wealth of the deceased, are very useful for social history and literacy, and sometimes even list the rooms of the house with their contents.

Administration bonds (Admons)

If someone died without making a will, the court could appoint administrators to look after the estate; they had to take out a bond to act justly and do the necessary work.

Accounts

The executors might have to go to some expense in their work, which they could then charge to the estate. The accounts might show the full value of the estate and the claims which the executors made against it.

Nuncupative wills

If a testator was too ill to write a will, he might dictate it to friends - this was known as a nuncupative will. One interesting example is the will of Christopher Holmes of Clanfield, 1620: "Robert Langton spake unto him as followeth, viz: Mr Holmes, here is your loving wife, how do you mean to dispose of your goods, are you willing that your wife should have them towards the breeding of your children? Whereunto the said Mr Holmes answered he would give ten shillings to Christopher Holmes his eldest son; all the rest of his goods whatsoever he did give and bequeath to Margaret Holmes, his loving wife, Thomas Holmes, his second son, and Anne Holmes, his daughter, equally to be divided amongst them."

Where are these records?

The wills and related documents proved by the Archdeaconry of Oxford or one of the Peculiar Courts in the county are held at the Oxfordshire History Centre. They have all been digitised, and are available online through the [FindMyPast](#) website. Access is by subscription but is free when using the History Centre or Oxfordshire Libraries computers.

How can I find out whose wills you hold?

The online wills and other probate records are searchable by name on the [Oxfordshire Wills Index](#) on the [FindMyPast](#) website.

The wills and other probate records are also indexed in three British Record Society volumes (two covering 1516-1732, and one covering 1733-1857 with all the Peculiar courts), copies of which are held in the History Centre and major libraries.

More information

- Oxfordshire History Centre [catalogues](#)
- [Visiting](#) Oxfordshire History Centre
- [Contact us](#) to make an enquiry about the records

