

Where there's a will, there's a way - A guide to English & Welsh Death, Burial, Wills & Probate

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Speaker: Myko Clelland

Things to remember

You may have heard the phrase “death is not the end”. In family history this is especially true, with a host of records that can tell you more about not just the death of an individual but also give a wealth of insight into how they lived.

- A record of death
- Record of the burial (this can be religious or civil)
- Record of the monument erected in their memory
- Record of an individual’s estate (wills, probate and death duties)

You haven’t finished the story until you have made an exhaustive search for each of these record types!

Death records

Before 1837: Although government records exist for specific circumstances (British overseas deaths from **1818**, deaths at sea from **1781**, British armed forces deaths from **1796**) for the most part the only place to find records that prove a death would be using church and religious burial records.

1837 onwards: From **July 1 1837**, government records were created that have been indexed by year and quarter. Later indexes have more information and the district usually corresponds to a nearby large town if not the location of death. These references when found, can be used to order full death certificates from the government. These are quite comprehensive but in **1874**, tougher laws ensured almost complete coverage.

The General Register Office is the **ONLY** source of these certificates. Anybody else that claims to be able to get these for you will be going to the same place and most likely charging you extra for their time!

Information on a death record was not given by the individual, but by an informant. This may be limited or inaccurate due to their lack of knowledge or uncertainty!

Burial records

Parish burials: These were instigated in **1538** and up until around **1850** almost all burials were in a local parish churchyard, a large proportion continue to be buried here even now. The records of the local parish should give you details of an ancestor being put to rest in the vicinity of a particular church.

Not everybody was part of the Church of England, so be prepared to examine documents of other faiths if you cannot find relatives here. These records became more detailed as time went on, particularly after **1812**.

From **1597**, Bishop’s transcripts were made and kept as a second copy of burial records. This gives you another chance to find surviving records if your local parish wasn’t so fortunate in preserving these documents. Sometimes they even contain more information than the original register!

Civil burials: This mostly began with the **1850 Metropolitan internment act** for London and the **1853 burial act**. From this point you may find relatives in government run public cemeteries. If you can’t find a parish burial, look for burial registers and grave registration documents from local government.

Monumental inscriptions

Not everyone could afford a headstone, many may no longer exist or be unreadable. Often a simple wooden cross was used to mark the grave of a loved one, which could not stand the test of time. Quakers even believed that headstones were a symbol of vanity and avoided them entirely.

When you find a burial record for an ancestor, seek out the possibility of a headstone. This can contain a lot of biographical information!

Websites like BillionGraves are a useful resource when looking for images of these headstones but many local family history societies have transcribed these and have created books, many can be consulted online.

Obituaries and newspaper memorials

Local newspapers multiplied rapidly when the abolition of stamp duty (a tax) in **1855** greatly reduced the costs of publishing. Almost every town had a publication, many had several – each with their own editorial perspective on the same events.

These newspapers were where all news of the day, both local and national, could spread to the community.

News stories: If a notable local figure died, this would often be published to inform those who knew them. Similarly, if there were particularly unusual circumstances of a death, this would also usually be printed as a point of interest. If an ancestor died during war, local casualty lists would be published along with details of military service.

Death Notices: These were paid announcements written by the family that give the name and details of the deceased, with details of the funeral. Cause of death can be included, as well as surviving family members.

Obituaries: This was usually not paid for, and is usually more of a detailed biography. Many newspapers did not allow family members to write their relatives' own obituaries. This can be full of detail and after around 1918 would often contain a photograph.

Memoriam: Similar to death notices, these were paid for by the family and written as a note on a particular key anniversary (the birthday of the deceased, the day of their death in a future year). Although this may not be as detailed, if found it can often serve to work as a signal that more records are to be found.

Your ancestors can appear in not just one, but all of these kinds of newspaper entries. Don't forget, if they were notable enough to be include in one local publication, they may appear in others too!

Estate records

Not everyone left a will or had their estate officially administered. Courts probated estates (with or without a will) for less than 10 percent of heads of households before 1858, but as much as one quarter of the population either left a will or was mentioned in one.

Before 1858: Prior to centralization, all wills and estates were administered by the Church. There were more than 300 probate courts with a variety of different jurisdictions. If your ancestor held property in more than one place, a higher court would be used rather than a local. Usually a court with primary jurisdiction would probate a will but this was not a hard rule.

The courts were arranged, in order of ranking (lowest to highest) as:

Peculiar courts	With small jurisdictions of in some cases only a single parish – although most of the area of England did not have its own one of these.
Archdeaconry courts	Divisions of a Church diocese, the most common jurisdiction and covering most of the country with the exception of York which was split into rural deaneries.
Bishops' courts	The highest court of the diocese.
Prerogative Courts	Existed in York and Canterbury and had jurisdiction when property was in more than one diocese). The Prerogative Court of Canterbury was the highest of these and was used for those who died outside of England or owned property overseas, foreigners who owned property in England, military personnel, those with property in more than one jurisdiction and often, the wealthy.

After 1858: From **January 12 1858**, the Principal Probate Registry was established and keeps a copy of every will in England and Wales (including letters of administration when someone died without leaving a will). These post-1858 wills are held by the British government and scanned copies are available of any will shortly after an individual's estate has been proved. From **1858**, the **National Probate Calendar** is available to consult for names and details of an estate, from which a will or administration can be ordered.

During the period of **1796-1903** any estate that had a value of over £10 would have to pay a tax, the death duty register details what an estate was worth and give more detail of the deceased. It's also a shortcut to finding where a will was proved or administration granted, allowing you to find the will more easily.

Useful websites

Findmypast: The largest collection of British parish registers, society memorial inscriptions, will indexes and more. The source of most of the records discussed today. <https://www.findmypast.com>

General Register Office: Overseer of all civil registration in England & Wales, here you can order official copies of death records using index references with much more detail contained within. <https://www.gro.gov.uk>

British Government Wills & Probate: For anyone who died from 1858 to the present day, you can order a scanned copy of their will or probate documents (often both). Deaths are registered around 14 days after probate has been granted, so you can use this as a recent death index too for more modern cousins. <https://www.gov.uk/search-will-probate>

British Newspaper Archive: The largest source for British newspapers online, a very useful place to find death notices, obituaries, funerary and in memoriam notices. <https://www.britishnewspaperarchive.co.uk>

The UK National Archives Catalog: A huge resource for finding original copies of pre-1858 wills and death duty registers. Allows you to search a number of local archives at once to find documents and if digitized, download right away! <https://discovery.nationalarchives.gov.uk>

FamilySearch: The FamilySearch catalog is a treasure trove of cemetery records, county probate calendars and much more. Search by both County and parish for the best chance to find your ancestors. <https://www.familysearch.org/catalog/search>

Still stuck? E-mail mclelland@findmypast.com or reach out to me on Twitter @dapperhistorian