

# About Staplehurst Probate Indexes

## **Wills Registered before 1858**

There were many probate courts, but limiting ourselves to wills produced by people from Staplehurst, there are 3 primary sources to be considered – Archdeaconry Court of Canterbury, Consistory Court of Canterbury, and the Prerogative Court of Canterbury. There is likely to be some Staplehurst wills found in other collections, but these have not been searched by me. If anyone comes across other wills, I would be delighted to hear from you.

For anyone interested in extending the search beyond those recorded here, David Wright has produced an excellent book 'Kent Probate Records, A Catalogue and Practical Guide'. The book outlines the various collections and identifies where they are held and if there are indexes.

Where a will was proved was broadly determined by the ecclesiastical jurisdiction. Staplehurst lies within the Deanery of Sutton which is part of the Diocese of Canterbury. Therefore, most wills were proved by the Archdeaconry Court of Canterbury.

When people owned goods in more than one jurisdiction, the will was proved in the more senior Prerogative Court of Canterbury. In practice, many people preferred the Prerogative Court, particularly in the 19<sup>th</sup> century. During the Commonwealth (1653 – 1660), all wills were proved by a central Court of Probate and these now form part of the Prerogative Court of Canterbury collection held by The National Archives.

There are a small number of Staplehurst wills proved in the Consistory Court which was presided over by the bishop and was superior to the Archdeaconry Court.

When probate was granted, the executor paid a fee to have the will copied into the register. Not all wills were registered. The wills indexed as 'original' were not registered and are original or copies of original wills.

There are many books which explain the probate process and understanding wills. Some suggestions are:

'Wills before 1858', by Eve McLaughlin.

'Wills, Probate & Death Duty Records, An Introduction to',  
by Jane Cox.

'Kent Probate Records, A Catalogue and Practical Guide',  
by David Wright.

'Probate Jurisdictions: Where to Look for Wills',

by Jeremy Gibson.

*The National Archives web site has information on researching wills which is useful.*

### **Inventories**

From the 16th to 18th century, probate inventories were compiled within days of a person's death, and were supposed to list all his or her moveable assets, such as clothing, household goods and furnishings, crops, livestock and leasehold property. The inventory also listed debts owed to the deceased, but it does not identify money the deceased owed to others, which can result in an inaccurate picture of the value of an estate. This deficiency can sometimes be overcome by use of the probate accounts *if both inventory and account survived*.

However, we need to also note that neither the inventory nor the accounts have any record of real estate which means that we cannot be sure of the value of an estate.

Some inventories are of exceptional detail where they list room by room all the furniture and contents. It can give a fascinating view of the life style of the deceased.

The inventory's values are the appraisers estimates of what the deceased's goods would fetch if sold.

The making of the inventory was the responsibility of the executor or administrator and had to be carried out openly in the presence of witnesses. In practice the appraisal of goods for inventories was normally carried out by neighbours.

The purpose of the inventory was to provide a record of the deceased's assets to prevent dishonesty by the executor or administrator and to assist him or her in discharging the deceased's outstanding financial obligations and distributing the balance of the estate to the next of kin.

After a probate inventory had been compiled, it was submitted to the appropriate ecclesiastical court, which retained a copy for its own records. The court would then grant probate, if the deceased had left a will, or letters of administration if he had not.

Probate was only required on estates valued at more than £5.

Note that some inventories were 'registered' or copied by the clerk. The bulk of the inventories in this index are original papers. I have indicated the type of document on the index. The quality of the documents is often poor and difficult to read while others are excellent; generally the registered copies are easier to read.

### **Probate Accounts**

The account was a legal document and summarizes the financial status of the deceased prior to distribution of his estate. It includes moveable goods only; real estate is not included.

It generally follows a set format. The initial statement identifies the deceased, the accountant,

date, place of usual residence of the deceased, and relationship of the accountant to the deceased. The status or occupation of the deceased man is rarely given while usually a woman will be identified as a widow or spinster.

The accountant can be the widow of a man, son or brother, occasionally creditor, or if minor children are left, possibly the guardian who is probably a relative.

The document will include items such as the cost of the funeral, value of the inventory of goods, debts paid, assets collected, etc. After all details have been entered, a remainder is calculated of the value of the estate minus the expenses.

If there was a positive balance, and the deceased had not left a will, it was the court's duty to distribute the balance among the deceased's next of kin. Details of the manner of the distribution were added at the foot of the account.

In 1685, an Act of Parliament meant that it was no longer necessary for administrators to render accounts to the courts unless there was a request on behalf of a minor, from the next of kin, or from a creditor of the deceased. Therefore, with one exception, the accounts records cease in 1685.

### **Notes on Data Format:**

The index of wills are sorted by surname.

For the Archdeaconry Court Wills, the File, Volume and Folio are as they are held by the Centre for Kentish Studies. The wills were re catalogued some years ago and a much older index is published in some documents which is not compatible with the current catalogue.

The wills are filed within volumes covering a group of years for which probate was granted (as opposed to the date the will was written or the date the person died).

I have not included book marks as the volumes are small.