

## 'ALL IRELAND SOURCES' NEWSLETTER

A Monthly Newsletter: Editor: Terry Eakin, 38 Cabarita Road, CONCORD NSW 2137

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Introduction: '*All Ireland Sources*' is a monthly newsletter distributed free by E-mail to Family History Societies and interested researchers near the end of each month. Distribution by Australia Post costs 50 cents/month (\$6.00 annually) within Australia. The aim is to bring items of interest regarding Irish record sources to the Australian genealogist. The editor would appreciate being made aware of records relating to the Irish, particularly those held in Australia. This month we look at wills in Ireland and the two testamentary systems which operated, ecclesiastical pre 1858 and civil from 1858 onwards. The records of both systems were destroyed or severely damaged by the destruction by fire of the Public Record Office of Ireland in June 1922.

**INTRODUCTION:** Wills are an important source of information for genealogists as they contain the name, address and occupation of the testator (the person making the will) as well as details of the larger family such as spouse, children, in-laws, cousins, nephews and nieces, grandchildren and even employees and friends. Other details include addresses and occupations of beneficiaries, witnesses and executors. After the testator's death the will would take effect and be probated (proven) in a court of probate. This process allowed the executors to administer the estate according to the probated will.

If the person died without making a will, this was known as having died intestate. In these cases the court of probate would appoint administrators and usually granted letters of administration to the next of kin or to the principal creditor to administer the estate.

### **WILLS AND TESTAMENTARY RECORDS c.1536-:**

From the Reformation the proving of wills and the granting of administration in Ireland, became the exclusive concern of the **Established Church** of Ireland. Wills were probated in local diocesan courts, except where goods or land worth more than five pounds (£5.0.0) were held in more than one diocese; such wills were probated in the **Prerogative Court** of the Archbishop of Armagh. Wills of Roman Catholics were regularly proved in the Prerogative and Diocesan courts.

In 1858, testamentary jurisdiction was transferred from ecclesiastical to secular courts. A **Court of Probate** was established with the Principal Registry in Dublin and 11 District Registries including three for the province of Ulster, at Armagh, Belfast and Londonderry.

The original wills probated by the ecclesiastical courts for the whole of Ireland up to 1858 and wills probated in the Principal and **District Probate Registries** 1858-1900 were deposited in PROI, Dublin, and were destroyed in 1922. Transcripts of probated wills were kept in will books in the 11 District Probate Registries from 1858 and these are now deposited in the National Archives of Ireland, Dublin and PRONI.

PRONI holds the records of the **District Probate Registries** of Armagh, Belfast and Londonderry. The jurisdiction of the Armagh District Registry covered counties Armagh, Louth, Monaghan, Fermanagh and Tyrone except the baronies of Strabane and Omagh; the Belfast Registry covered counties Antrim and Down and the Londonderry Registry was responsible for counties Donegal and Londonderry and the baronies of Strabane and Omagh.

The records from these Registries for the period 1858 to September 1921 are now deposited in PRONI except original wills and some Grant Books for counties Louth and Monaghan 1901-21 which were transferred to the NAI Dublin.

Annual printed calendars of wills probated in Ireland are available for inspection on the open shelves in NAI and PRONI. These are known as the **Irish Will Calendars**. It may be that these calendars do not include absolutely every will probated in Ireland from 1858 but they are an obvious easy reference source for researchers, particularly those who know little more than the surname of their family.

Each entry in the calendar gives the name, address and occupation of the testator, the date of death, the date of grant of probate and the person to whom probate was granted and an estimate of the total value of the assets of the deceased. A consolidated index of testators in these calendars prepared by the staff of NAI is available in NAI and PRONI. A similar index 1878-1900 has been prepared by

the Ulster Historical Foundation (UHF) and may soon be on their web site: <http://www.uhf.org.uk>

### **ABSTRACTS AND COPIES OF WILLS DESTROYED IN PUBLIC RECORD OFFICE OF IRELAND IN 1922**

It is estimated that nearly half of the Irish wills destroyed in 1922 survive in some form, somewhere. Some of the major collections of substitutes for the destroyed wills are available in the following repositories:

**National Archives of Ireland (NAI):** Before its destruction in 1922, genealogical abstracts of some 37,000 wills for the period 1536-1800 and some 5,000 administrations intestate 1595-1802 were compiled by Sir William Betham in 136 note books. These are now deposited in the National Archives, Dublin. These **Betham Wills** relate to people of considerable wealth and status. Betham also compiled 32 volumes of will pedigrees based on this material and these are now deposited in the Genealogical Office, Kildare Street, Dublin 2. Copies of these will pedigrees are available in the NAI in the 42 volume collection compiled for Sir Bernard Burke in the late 19<sup>th</sup> century. These are available in Australia in the LDS Family History Centres by ordering in the appropriate films. Look up Ireland, Wills, etc. in the Family History Library Catalogue available at all LDS Family History Centres. Their publication *Ireland: Research Outline* is recommended further reading (the cost is about \$3.00).

The National Archives has thousands of copies and abstracts of wills in their collections of the working papers of record searchers like Miss Gertrude Thrift and Tenison Groves who worked in PROI before 1922.

Testamentary records from 1858 held by the National Archives of Ireland (NAI) include:

1. the Will Books of the eight District Registries [now in the Republic of Ireland] of Ballina, Cavan, Cork, Kilkenny, Limerick, Mullingar, Tuam and Waterford. There are some gaps in these records as not every will copy was entered.
2. fragments (books) from the Principal Registry (Dublin) include the Will Books: 1874 surnames G-M, 1878 complete, 1891 surnames G-M, and 1896 surnames A-F.
3. Grant Books from the Principal Registry for 1878, 1883, 1891 and 1893.
4. Grant Books (with some gaps) from 1858 for the District Registries.
5. Grant Books for the Armagh and Belfast Registries 1858-1885 [those from 1886 are in PRONI].
6. Original Wills and Administrations probated at the Principal Registry from 1904.
7. Original Wills and Administrations probated at most of the District Registries from 1900 onwards. These are indexed in the annual calendars.

**Public Record Office Of Northern Ireland (PRONI):** There are some 14,000 copies of pre-1858 wills and probates scattered mainly in solicitors' collections and these have been fully indexed. Many more wills await cataloguing particularly in a collection of some 4,000 boxes of estate papers deposited by the **Land Registry**.

PRONI has collections of the working papers of record searchers such as Tenison Groves (PRONI, T.808) and Phillip Crossle who worked in PROI before 1922. These collections are a major source of will material, as is the collection of W. H. Welply, genealogist.

Copies of these will pedigrees are available in the Family History Libraries of the Church of Latter Day Saints, Utah (and throughout Australia) and also in PRONI in the 42 volume collection compiled for Sir Bernard Burke in the late 19<sup>th</sup> century (PRONI T.559). There is a pre-1858 Wills card index located in the PRONI public search room and also copies (with index) of some 2,300 wills of testators with an Irish address who were liable for estate duty; these were proved in English Prerogative and Diocesan Courts 1812-1857.

Wills are an extremely important source of genealogical information on the property-owning class in Ireland. They contain not only the name, address and occupation of the testator, but also the details of the larger family network, such as cousins, nephews, etc. Many wills also include the addresses and occupations of the beneficiaries, witnesses and executors.

PRONI has in its custody all probated wills for Northern Ireland, 1900-1994. After 1900 the original wills and their associated papers are available filed in a separate envelope for each testator. If the person did not make a will there may be **Letters of Administration** which as well as containing the name, address, etc. of the person appointed to administer the personal estate of the deceased, will give the name, residence and occupation of the deceased.

There are bound annual indexes to the wills, covering the years 1858-1984, on the shelves of the reception waiting area. In using these you should note that the date of the will is not the date when it was made or the date when the person died. The official date of a will is the 'date of probate', that is, the date when it was officially proved in the Probate Registry of the High Court. This date of probate is normally a few months after a person died, but can be up to ten years later. When ordering out an original will (1900-1984), the name of the deceased, and the date and place of probate should be written down as the reference.

Generally speaking all original wills prior to 1900 were destroyed in Dublin in 1922. However, before the original wills had been sent to Dublin, each local registry had copied each will into books which have been microfilmed (PRONI MIC 15C). In addition, bound, printed and manuscript indexes to pre-1858 wills, administrations and administration bonds exist and are available in the public search room. They are useful for genealogical searching because, although the will cannot now be produced, the index sometimes contains information about individual persons and shows that their will was proved at a certain date.

These indexes relate to a diocese and not to a county. This is because, prior to 1858, wills were probated by the Diocesan Bishops of the Established Church. The following dioceses cover the Northern Ireland counties:

Diocese.	Counties covered.
Armagh	Most of Co. Armagh, south Co. Derry, part of Co. Tyrone and part of county Louth.
Clogher	South Co. Tyrone, all of Co. Fermanagh, a small part of Co. Donegal and part of Co. Louth
Connor	Most of Co. Antrim and part of Cos. Down and Derry
Derry and Raphoe	Central and north Co. Derry and parts of Cos. Donegal, Antrim and West Tyrone
Down	Eastern Co. Down and part of Co. Antrim
Dromore	Western Co. Down and part of Cos. Antrim and Armagh

It is important to note that although the wills prior to 1858 were destroyed in 1922, some copies of them are often found in other records. These can be traced in the pre-1858 **Wills Card Index**, located in the Subject Index Section of the public search room. In addition, small "family trees" compiled from almost all pre-1858 prerogative wills are to be found in the **Burke Collection**, PRONI ref. T.559, to which there is a typescript catalogue index.

PRONI has collections of more than 300 prerogative wills and administrations of the **Mathews** family (PRONI ref. T.681) and abstracts of **Hamilton** wills from county Down (PRONI ref. T.702A).

**The National Library of Ireland, Dublin:** The National Library of Ireland has a large collection of manuscript wills and will abstracts as well as microfilm copies of will collections held by other repositories. However these film collections are not individually indexed to assist the researcher. Time should be spent reading the will catalogue books at the National Archives reading room and researching their holdings first.

**Irish Land Commission, Dublin:** There are approximately 10,000 copies of pre-1858 wills in the collections of estate papers lodged with the Commission for establishment of title when estates were being sold under various Land Acts from 1870. This collection of wills was fully indexed by the late Edward Keane of the National Library of Ireland and copies of the index are available in NAI and PRONI.

**Genealogical Office:** In addition to the Betham Will Pedigrees containing information from 37,000 wills 1536-1800, there are approximately 7,500 copies of destroyed wills in various manuscript collections. These copies were indexed by Mrs. P. B. Phair (nee Eustace) and this index is available in *Analecta Hibernica* No.17, published by the Irish Manuscripts Commission and in the *Guide to the Genealogical Office* by John Grenham Paperback 1 874280 23 1 (1998).

**Registry Of Deeds:** Abstracts of approximately 2,000 wills in the Registry of Deeds 1708-1827, prepared by Mrs. P. B. Phair (nee Eustace), have been published in three volumes by the Stationery Office, Dublin for the Irish Manuscript Commission, *Registry of Deeds: Abstracts of Wills* 1708-1745, 1746-1785 and 1785-1832. Each volume contains full indexes to persons and places. Volume 3 was co-edited with Eilish Ellis.

**The Representative Church Body Library (RCBL):** There are 863 typescript copies and abstracts of wills mainly for the dioceses of Clogher, Dromore and Kilmore in the collection of H. B. Swanzy, with an alphabetical index and some 1,500 abstracts in the collection of W. H. Weply, again with an index. An index to the Weply will abstracts in the RCBL was published in *The Irish Genealogist* 1988-1989, Volume 7, Nos. 3 & 4.

**Irish Genealogical Research Society, London:** There is a large collection of abstracts of Irish wills deposited by W. H. Weply and also some 530 abstracts of Butler wills compiled by Reverend Wallace Clare, whose *Irish Genealogical Guide: A Calendar of Wills in Various Collections that have Escaped Destruction* (1930) should be consulted.

**Grenham's Irish Recordfinder:** A check under wills lists the following sources:

1. National Archives Card Index at the NAI which includes all the records collected after 1922, along with extensive collections of abstracts and transcripts. Unpublished.
2. Index to Will Abstracts at the Genealogical Office published in *Analecta Hibernica* No.17. Reference No.22 1960.
3. Richey Collection: A miscellaneous collection at the National Library of Ireland, Dublin, unpublished in Mss 8315-6.
4. Wilson Collection: A miscellaneous collection at the National Library, unpublished, Pos.1990.
5. Leslie Collection: *981 wills in the National Library*, unpublished, Ms 1774; Pos. 799.
6. *Index to Will Abstracts at the Genealogical Office*, unpublished, reference GO429.
7. *Ainsley Will Abstracts*: A small miscellaneous collection, unpublished, reference GO535, GO631.
8. 46 Wills from the Inishowen Peninsula, published in *300 Years in Inishowen*, Amy Young 1929, National Library reference Ir 9292 y 1.
9. *Index to Wills in the Records of the Land Commission*, a card index at the National Library. The originals are part of the records of the Land Commission, now housed in the same building as the National Archives, Bishop Street, Dublin 8. There is no formal access allowed but exceptions are made.
10. *Calendars of Wills and Administrations*: National Archives Reading Room which provide: name and address and occupation of the deceased, place and exact date of death, names, relationships and addresses of grantees of probate or administration, exact date of probate, value of the estate, unpublished.
11. *Calendars of Wills and Administrations*: Public Record Office of Northern Ireland Reading Room which provides the same information as in item 10 above.
12. *Londonderry District Registry Will Book*, PRONI, a Will Book which survived destruction in 1922. PRONI reference MIC 15C.

For an explanation of Grenham's Irish Recordfinder, refer to earlier newsletters, Volume 1, No.12, page 3 and Volume 1, No.13, page 3 which cover this CD ROM in detail.

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**The Ulster Historical Foundation Conference 2000** will be held Tuesday 19 September to Tuesday 26 September 2000. There is a post conference tour from Tuesday 26 September to Sunday 01 October 2000. Family History Societies please copy this for your journals. Full details are on the UHF website at: <http://www.uhf.org.uk> Check out the book list whilst visiting this site, it is very comprehensive and a secure site for orders by credit card. Articles, suggestions or information for this newsletter is welcomed and may be E-mailed to: [teakin@chilli.net.au](mailto:teakin@chilli.net.au) or posted to **Terry Eakin, 38 Cabarita Road, Concord NSW AUSTRALIA 2137.**

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