

'ALL IRELAND SOURCES' NEWSLETTER

A Monthly Newsletter: Editor: Terry Eakin, 334 Burns Bay Road, LANE COVE, NSW 2066

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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 continue looking 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 (now the National Archives of Ireland) in June 1922. Last month was Ireland in general. This month we focus more clearly on the Public Record Office of Northern Ireland where all the records are under one roof, not split amongst many repositories.

This article is from a PRONI *Guide to Probate Records* (December 1995) which states: "This material may be freely reproduced except for sale or advertising purposes". As this newsletter is free and the material so important to research it is reproduced as a community service and a guide to the holdings of the Public Record Office of Northern Ireland (PRONI).

Wills and their associated papers form one of the most important sources of genealogical information in the Public Record Office of Northern Ireland being one of the largest groups of records held, comprising over 9,000 feet of shelf storage. As well as their use in genealogical research, there is continuing administrative and legal use of the records on a daily basis by solicitors requesting copies of wills and grants to deal with disputes over property, etc.

Wills and Codicils: A will is a legal document in which a person (referred to as the 'testator') records his/her last wishes and regulates the rights of others over his/her property or family after his/her death. Everyone can make a will with a few minor exceptions such as those of unsound mind. However, only a small proportion of the population made wills and married women rarely made wills before 1882. The signature is made or acknowledged in the presence of witnesses who also must sign the will. This was to ensure that there was no concealment of the will or the substitution of a false one by others and to prove that the person had power to dispose of his/her goods and property and was not under coercion.

Strictly speaking a will dealt with land and buildings and a testament with any other sort of property such as money, furniture, stock, etc., but the two are usually combined in one document referred to as a 'will'. Those who are left goods and property in a will are called 'beneficiaries' and those who are appointed to administer the terms of a will are known as 'executors'. The testator can name one or more persons to act as executor and anyone can be named. Any alteration to a will has to be separately dated and attested in the same way and is called a 'codicil'. A person can make as many codicils as he wishes and can alter or revoke his will at any time and as often as he wishes but the last one generally prevails.

Probate: Wills cannot take effect until after the death of a person and after they have been proved in a court of probate. The grant of probate authenticates the will and confers on the executors the power to administer the estate. Probate can take weeks, months or even years. Where the will did not specify any executors or the executors were unable to act or renounced their intention to act or had died, a grant of letters of administration with will annexed was granted, usually to the residuary legatees (who may be the next of kin).

Intestacy: A person who dies without making a will is described as intestate. In this case the court of probate can appoint administrators and can grant letters of administration to the next of kin or other persons to administer the estate of the intestate. On the granting of letters of administration (sometimes abbreviated to 'admon') the court requires the administrator to take out an administration bond with sureties to make an inventory of the goods of the deceased and to administer faithfully. However, under current legislation administration bonds are not required in every case and an inventory is not required unless directed by a court.

Disputes: Where a person wishes to prevent probate or administration being granted they entered a 'caveat'. The reasons for objecting to a grant being issued may be that the will is to be contested or the caveator is not in agreement with a particular person applying for a grant. Only sample caveats have been preserved by PRONI.

Contents of Wills: Wills are a very valuable source of information for both the genealogist and the local historian. They will give: the name, address and occupation of the testator; the names of the beneficiaries and sometimes their address and occupation (all members of the immediate family may be named, including a network of other relatives); details of land and goods possessed; the names of executors and witnesses (and sometimes their address and occupation) who may also be related; and the date of the will, which can indicate the approximate date of death (most wills up until the 19th century were made close to death). So wills can often give a complete picture of the family and their possessions and evidence of their wealth and status in society as well as evidence of how people lived. However, caution should be exercised when interpreting relationships since ‘son’, ‘father’, etc., are often applied to mean ‘natural’, ‘step’ and ‘in-law’, while nieces and nephews can be called grandchildren and cousins may be any relatives.

Disposing of Estates: Generally everything can be bequeathed except for goods held as administrator of an intestate’s estate. The executor of an executor can administer the goods of the first testator but the executor of an administrator cannot administer the goods of the intestate and so the court has to appoint another administrator of the goods left unadministered. This is called an administration *de bonis non* (abbreviated to d.b.n.).

Proving of Wills: Up until 1857 the Established Church of Ireland, through the Prerogative Court of the Archbishop of Armagh and the consistorial courts in each diocese, was responsible for granting probate and issuing letters of administration. The Prerogative Court had jurisdiction over persons with *bona notabilia* (ie notable goods worth more than £5) in more than one diocese so Prerogative Court wills are generally those of the more wealthy in society. The consistorial courts on the other hand had jurisdiction over persons living in their own diocese and not having *bona notabilia* in any other diocese. This was swept away in 1857 when probate matters were transferred from ecclesiastical to civil jurisdiction. The records were eventually moved to the Public Record Office of Ireland (PROI) after the passing of the Public Records (Ireland) Act in 1867.

ECCLESIASTICAL RECORDS

Although the Prerogative Court wills went back to the 16th century, those from the diocesan registries covering Northern Ireland dated back only to the 17th century. All the administration bonds, original wills and most of the grant books of probate and letters of administration were destroyed in Dublin in 1922 (surviving material is listed below). However, the PROI had made indexes of the wills and administration bonds, most of which survived. The indexes of wills are alphabetical and record:

- the residence of the testator (town or townland),
- the year of probate,
- occasionally occupation.

The indexes to the administration bonds are alphabetical by year only under the initial letter of the surname and record:

- the address of the intestate or testator,
- occasionally occupation,
- date of the bond.

Although the wills cannot now be produced (they were destroyed in 1922), the indexes indicate that a person did once exist and that his/her will was proved at a certain time.

Prerogative Court Records:

1. “*Index to the Prerogative Wills of Ireland 1536-1810*” by Sir Arthur Vicars published 1897. It contains 42,000 entries, some relating to persons who lived in Ulster.
2. Index to Prerogative administrations intestate 1595-1802. It records the name of the ‘intestate’, residence, date of the administration and the names of the administrators, which are listed as brother, sister, children, wife, widow, husband, etc. **PRONI Ref. T490**
3. Index to Prerogative wills 1811-57 (Northern Ireland testators only). On PRONI Public Search Room shelves.
4. Indexes to the Prerogative will books 1664-84, 1706-08, 1726-9, 1777 (A-L), 1813 (K-Z), and 1834 (A-E), which include Northern Ireland testators. Original books are in the

National Archives of Ireland (Dublin). Also indexed in "*Irish Genealogical Guides: A Guide to Copies and Abstracts of Irish Wills*" edited by Rev. Wallace Clare (1930).

5. Indexes to grant books of probates and administrations and marriage licences 1595-1858. **PRONI Ref. MIC 7/Reels 8-12.**

Consistorial Court Records.

Diocese of Armagh: Covering parts of cos. Armagh, Londonderry, Louth, Meath and Tyrone:

1. Wills Index 1666-1838, but mainly from 1677, surnames A-W; a 19th century copy. On PRONI Public Search Room shelves.
2. Will indexes 1677-1857, surnames M-Y only, including indexes to wills for the Sub-Registry of Drogheda in Armagh diocese 1687-1846, surnames A-Y. On PRONI Public Search Room shelves.
3. Index to administration bonds 1742-1857, A-E, F-L, M-P and Q-W (4 volumes). On Public Search Room shelves.

Diocese of Clogher: Covering parts of cos. Donegal, Fermanagh, Louth, Tyrone and all of county Monaghan:

1. Wills index 1661-1857. On Public Search Room shelves.
2. Index to administration bonds 1660-1858. **PRONI Ref. T 3717/1.**

Diocese of Connor: Covering parts of cos. Antrim, Down and Londonderry:

1. Wills index 1622-1858, surnames A-L (1638-1858), surnames M-Y (1622-1857). On Public Search Room shelves.
2. Index to administration bonds 1636-1858, 2 volumes – surnames A-L (1661-1857) and surnames M-Y (1636-1858). On Public Search Room shelves.
3. Index to wills (and possibly also administrations) 1846-1858. **PRONI ref. DIO 1/21/1.**
4. Copy wills 1818-20. **PRONI ref. T 2501.**
5. Copy wills 1853-8. **PRONI ref. MIC 232.**

Diocese of Derry: Covering parts of cos. Antrim, Donegal, Londonderry and Tyrone:

1. Wills index 1612-1858 (Published). On Public Search Room shelves.
2. Index to administration bonds 1798-1857. On Public Search Room shelves.

Diocese of Down: Covering parts of cos. Antrim and Down.

1. Wills index 1646-1858 (2 volumes). On Public Search Room shelves.
2. Copy wills 1818-20. **PRONI ref. T 2501.**
3. Copy wills 1850-8. **PRONI ref. MIC 232.**
4. Index to administration bonds 1635-1857. On Public Search Room shelves.

Diocese of Dromore: Covering parts of cos. Antrim, Armagh and Down:

1. Wills index 1678-1858 (Published). On Public Search Room shelves.
2. Index to administration bonds 1742-1858. On Public Search Room shelves.

Diocese of Kilmore: Covering parts of cos. Cavan, Fermanagh, Leitrim and Meath:

1. Wills index (Betham's copy and fragments from the original Dublin copy of the index). (Published). On the Public Search Room shelves.
2. Index to administration bonds 1728-1857. **PRONI ref. T 3717/2.**

Diocese of Raphoe: Covering part of county Donegal:

1. Wills index 1684-1858 (Published). On the Public Search Room shelves.

Exempt Jurisdiction of Newry and Mourne:

1. Wills index 1727-1858 (Published).

ALTERNATIVE SOURCES OF PRE-1858 WILLS.

1. Burke's Pedigrees:

- Burke's pedigrees 1536-1800. **PRONI ref. T 559/1-42.**
- Index to the above pedigrees 1536-1800. **PRONI ref. T559/43.**

The loss of the prerogative wills has very largely been made good due to the fact that Sir William Betham, Ulster King of Arms, made genealogical abstracts of all the wills, 1536-1800, and administrations intestate, 1595-1802. From these he prepared will pedigrees showing all names, relationships and dates mentioned in the wills and administrations. Betham's successor, Sir Bernard Burke, had the volumes of will pedigrees copied for his own use but without subsequent marginal annotations. These copies, in 42 volumes, were purchased by PRONI in 1931, and contain details from 16,000 Irish wills and about 5,000 grants of administration.

Each volume is self-indexed, giving an index to families and an index to other relatives, and in addition there is a composite index to various other names apart from the families for which there are pedigrees (T 559/43). PRONI has compiled a master index of testators and of persons for whom grants of administration were made; this appears in the T 559 list. For example, a Brown family pedigree may include a member of the Smyth family and so this Smyth reference will not be in the indexes in the T 559 list but will be in T 559/43 index.

Some of the entries in the T 559/43 index have a cross marked over the volume/page number which means that you should check the index to the particular volume as there are more entries scattered throughout it. If the page number is followed by 'etc' it means that the particular T 559 volume to check the index at the back of it, thus ensuring you have seen all the entries for the families in which you are interested and which are included in that particular volume. The actual abstracts of the prerogative wills and grants of administration in T 559 can be consulted at the National Archives in Dublin, but they do have some limitations, e.g., they include almost no mention of property, the addresses of relatives are omitted and executors are only mentioned when they are relatives.

The Genealogical Office in Dublin has a copy of Betham's abstracts of grants of administration in a more convenient form, arranged alphabetically by surname, and also holds his volumes of sketch pedigrees. Vicars' *Index to the Prerogative Wills of Ireland, 1536-1810*, is also a useful guide to the abstracts and to Burke's pedigrees and though it does not include intestates, it does include wills, 1801-1820, which are not in Burke's pedigrees or even in Betham's notebooks. An index for the period 1811-57 is in the National Archives, Dublin. PRONI has a copy for Northern Ireland testators only.

2. Private Archives:

Although original wills prior to 1858 were destroyed, copies of them are often found in private records, for example in solicitors' papers and in estate and family papers. Thousands have been found in archives deposited in PRONI, which has compiled a card index of all such pre-1858 wills. It can be consulted in the Public Search Room. [To be continued next month]

Change of Address: Please note my change of address from Concord to 334 Burns Bay Road, Lane Cove NSW 2066. My private phone number is now (02) 9428 2520 and has Telstra message bank connected for when I am unable to answer calls. Please leave your name and phone number.

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. *Familia 1999* will be reviewed next issue. Articles, suggestions and information for this newsletter are welcome and may be E-mailed to: teakin@chilli.net.au or posted to **Terry Eakin, 334 Burns Bay Road, Lane Cove NSW AUSTRALIA 2066.**
