

Wills contain a great deal of valuable information for local historians, and we are fortunate in North Yorkshire of having relatively easy access to wills up to 1858 in the Borthwick Institute at York.

Before 1540, only cash, possessions and leases could be included in a will. Freehold land, and any buildings on it, could not form part of an inheritance, although there were ways of getting round some of these restrictions. The 1540 Statute of Wills allowed freehold land to be passed on to heirs. The 1677 Statute of Frauds stipulated that only written wills were valid for land, and had to be signed by the person making the will and three or four witnesses. Manorial land (copyhold) was excluded from wills until 1815, but the 1837 Statute of Wills made it legal to pass on any land in a will.

Once the person making the will has died, the executors responsible for implementing the terms of the will must obtain the required approval, known as probate. Until 1858 ecclesiastical courts were responsible for granting probate. Great Ayton was within the jurisdiction of the Prerogative Court of York, and the records for the Prerogative Court of York are held in the Borthwick Institute, now housed at the University of York.

After 1858 the ecclesiastical courts ceased to register wills or grant probate, this function passing to the civil Court of Probate. The Principal Probate Registry has copies of all wills and grants of administration from this date. These can be viewed at the Probate Search Room in London.

Wills were generally made when death beckoned, few people made their wills in their younger years. As such they often affirm that the person is sound of mind, although perhaps bodily infirm. Most wills begin on a religious note, with instructions for the burial, gratitude for their life, payment of forgotten tithes, and so on. In these sections you can often tell if the person making the will had remained a Catholic after the establishment of the Church of England in 1534. Wills in the Catholic form would be more fulsome, often with references to the Virgin Mary.

Occupations may be specifically stated, or deduced from the property mentioned in the will. Descriptions of beneficiaries can tell us about marriage, remarriage, illegitimacy, family disputes, etc. It was customary for the bulk of the inheritance to pass to the eldest son. Other children might receive comparatively little. Widows would be taken care of for the rest of their life, or until they remarried when their new husband would assume responsibility for them. Unexpectedly generous, or miserly, gifts may lead to conjecture.

Probate required an inventory of the deceased property, with a valuation. Some wills survive with accompanying inventories, and the contents of these inventories show us a great deal about how people lived at the time. Items listed in inventories are usually follow a pattern, typically beginning with cash and clothing, followed by household goods, equipment associated with work or agriculture, and ending with debts owed to the deceased.

A complete record at the Borthwick Institute would consist of the will, an inventory, and a grant of probate, although in many cases there is only the will.