

A Brief guide to Parish Registers.

Key events

- 1538 Thomas Cromwell, ordered that all baptisms, marriages and burials were to be recorded in a book which was to kept in a 'sure coffer' - later known as the Parish Chest.
- 1597/8 Bishop's Transcripts (Bts) started. Copies of the years entries in the Parish Register to be sent to the diocesan registry within a month after Easter. These are useful if there are gaps in the original registers.
- 1653 During the Commonwealth the government took over the custody of parish registers and appointed clerks to maintain them.
- 1751/2 **Lord Chesterfield's Act** changed the calendar from the Julian to the Gregorian. From this point the year started on the 1st January and ended on the 31st December. Previously the year had started on Lady Day (25th March). When the change was introduced there was a discrepancy of 11 days between the two calendars and to overcome this the 2nd of September 1752 is followed by the 14th September. A date from before the change is often recorded as, for example, 5th February 1656/7.
- 1753/4 **Hardwicke's Marriage Act** introduced a standard marriage register to end 'clandestine' marriages. The entry had to be signed by both parties and witnesses. Also recorded is whether the couple were single or a widow(er), their parish and whether they were married by banns or licence. Jews and Quakers were exempt - all other non-conformist sects had to comply.
- 1783 Tax introduced on all baptisms, marriages and burials. Paupers were exempt, the act was repealed in 1794.
- 1812 **Parish Registers Act (Rose's Act)** introduced. Three separate pre-printed registers for baptisms, marriages and burials. Baptisms record names, addresses and occupation of parents. Burials record age, abode and name of deceased.
- 1823 **Marriage Act** - marriages which had taken place without banns or a licence (clandestine) were now valid.
- 1837 1st July 1837 **Civil Registration** introduced in England and Wales. Registering of births, marriages and deaths. New marriage registers introduced recording the bride and groom's ages, occupations, addresses and their father's names and occupations.
- 1840 **Non-Parochial Registers Act** - surrendered registers of non-conformists deposited in General Registrar's Office.
- 1929 **Marriage Act** - age of marriage, with consent of parents or guardians, raised from 14 to 16 years for boys and from 12 to 16 years for girls.

A Brief Guide to Title Deeds.

Introduction

Deeds come in many shapes and size and are of parchment or paper. They were generally written in Latin until c1550 when the use of English became common. Two exceptions were the Common Recovery and the Final Concord which were written in Latin until 1733 (English was used during the Commonwealth).

If there are no signatures or seal, then the deed was probably not executed and if it had been cancelled then a series of cut marks would have been made across the folded document.

With the passing of the Law of Property Act of 1925, the necessity of keeping extensive records of title was restricted to the previous thirty years and so the preservation of earlier deeds was no longer needed. As such considerable quantities of deeds have been deposited in County Record Offices, museums and libraries. Nowadays, title to property is increasingly reliant on the Land Registry and bundles of title deeds will become a thing of the past.

Deeds can provide a variety of information which is of use to family and local historians. The introduction will usually give the date of the document. It will then proceed to list the parties to the deed usually in the following form - '*William Swansborough, of Wisbech St. Peter, in the Isle of Ely, County of Cambridge, builder*'.

Then details of the purchase monies, mortgage amount and whether it is for example a lease, bargain and sale or release are given. To find details of the property which is the subject of the deed, the researcher should look for the words '*All that*' which will then be followed by a description of the property. This will include premises, field names, acreages, cultivation and adjacent property owners. The deed may also include small plans.

Documents commonly found in Deeds of Title

Abstract of title

This is a summary of all the documents which comprise the title deeds to a property. They are particularly useful as they may list previous transactions for which the corresponding deed has not survived. They also have the advantage of dispensing with the large bulk of legal waffle that makes up deeds and presenting the relevant information of each transaction in a more user friendly way.

Bargain and Sale

This was a 16th century form of conveying property introduced as a response to the passing of the Statute of Uses in 1536. This private agreement was drawn up by a lawyer and had to be enrolled in a court within six months and accordingly many of these documents bear a record of the enrollment in an official hand. This method of conveyancing was gradually replaced by the *lease & release*.

Bond

A bond deed is an agreement to perform certain duties with a penalty for non-performance. It is in two parts: the top is *obligation* gives the penalty (this part was in Latin until 1733). The bottom part is the

condition, which was written in English, and states the commitment to be performed i.e. to produce title deeds.

Common Recovery

This was a fictitious legal action in which the purchaser, **recoverer**, sued the vendor, **tenant**, alleging that he had no legal title and possessed the property only after a fictitious third party had forced the recoverer out. The actions were held in the Court of Common Pleas and date from the 15th century to 1833. These actions were often preceded by a deed to **Lead the Uses of a Recovery**.

Feoffment

The oldest form of conveyance by a symbolic handover known as a **livery of seisin** - the physical occupation of a property in front of witnesses. The document confirming this needed to be endorsed to record the entry into the property or else it was not valid. Feoffments were later replaced by **Bargain and Sales**.

Final Concord (fine)

A final agreement to settle a fictitious court case in the Court of Common Pleas, whose real aim was to transfer property. The case was brought by the purchaser, **plaintiff**, against the vendor, **deforciant**, alleging that he had been deprived of the property in question. Before a judgement was made the two parties reached a compromise - the purchaser received the property and the vendor a sum of money which was the purchase price. The deed was an indenture tripartite and consisted of three copies of the fine on a single sheet. The copies were separated by wavy (indented) cuts and a copy was given to each party and the third copy at the bottom was kept by the Court - these are known as foot of fine. These actions were preceded by a deed to **Levy a Fine**.

Indenture

A common name for a deed which is so called because of its physical appearance. Two copies of the deed were produced from one sheet. They were then separated by wavy (indented) cuts and a copy was given to each party.

Lease & Release

The lease & release was a popular form of conveying property without the need of enrolling a deed and was used up to 1845. In the first part, the lease, the purchaser leased the property for one year and thereby avoided the need to enrol the deed as they already occupied the property. The following day the vendor released the reversion of the lease to the purchaser and the transfer was complete. The smaller lease is often found tucked inside the larger release.

Will/probate/administrations

Copies of wills and probates are often found within sets of title deeds. Where a person has died without making a will (intestate) then there may be a grant of **Letters of Administration**. Wills vary in size from single sheets to several pages.

Manorial deeds/ transactions and terms

Acknowledgement of Satisfaction

There was usually a declaration that a mortgage had been satisfactorily repaid and thus extinguished a *conditional surrender*.

Admission

When a person bought or inherited land or premises they would pay *homage* to the Lord (or his Steward) and would then be *admitted* as the tenant of the property. This transaction was known as an *Admission*.

Conditional surrender

This was the practice of mortgaging copyhold land. If the loan were not repaid the mortgagee could only take possession of the property if the Lord of the Manor accepted them as tenant.

Copyhold

A form of land tenure deriving its name from the practice of giving the tenant a copy of the entry in the rolls (later books) of court baron of the manor which record their possession of property. The tenant paid homage to the lord and was granted land in return for services to the lord. This was converted into a money payments involving large entry fees and small annual rents. This form of land tenure was abolished in 1922.

Court Baron

A manorial court which dealt with, among other things, the transfer of copyhold land. Usually held every three weeks.

Enfranchisement

The process of converting copyhold land to freehold land. The process began in the 1880s and became universal in the 1920s after the *extinguishment of manorial incidents*.

Presentment

This was generally a statement made at a court baron. The declaration of the death of a tenant of the manor was an opportunity for the deceased's heirs to come forward to claim their copyhold premises and land held of the manor. Three such presentments were made and if no one claimed the property then it would revert to the Lord who would grant it to new tenants.

Surrender (also absolute surrender)

A document which ends a owner's right to a property. The property would be surrendered into '*the*

hands of the Lord of the Manor (or his Steward) . The new occupier would then pay **homage** to the Lord and would then be **admitted** as the tenant of the property.

Surrender to the uses of your will

Usually undertaken by a tenant after their admission to property. After their death the copyhold land and premises would be transferred as directed in the tenant's will.