BOLTON FAMILY HISTORY SOCIETY

An advanced guide to family history research

AN ADVANCED GUIDE TO FAMILY HISTORY RESEARCH

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INTRODUCTION

This booklet is intended as a practical guide for researchers who have made a good start and is a follow on from the "Green Book for Beginners" which is available from Bolton History Centre or through the Bolton Family History Society.

The "Green Book" covers the main sources for starting family history research, including civil registration, census, burials, post 1858 probate. When therefore a researcher has obtained sufficient certificates (especially marriage and birth) to ensure that their research is correct, and all census returns possible for each ancestor, in other words worked through the Green Book, a start can be made to go further back in time.

Perhaps this is a good point to explain that, where sources are recoverable if lost e.g. censuses, indexes, copies, then this is termed local studies material. If however, the source is a "one off" original, then this is an archive, e.g. an original parish register.

Family History research material is often subject to the "100-year rule" as is the case with census, which does not become available for research until a full one hundred years has elapsed since the census was taken. Some sensitive material such as hospital, mental health institutions might be held back but repositories sometimes respond positively to requests for access.

Throughout this "Blue Book", the term incumbent will be used. This covers parishes with vicars, rectors, readers etc.

RESEARCH AT COUNTY LEVEL

After exploring the holdings of individual local repositories, use of the County Record Office (CRO) is essential. Each county in England and Wales has a designated CRO where vast amounts of material are held, 1% of which is currently available online. Locations of CROs are easily available on the internet, from libraries or by ringing county councils.

Before using any material in a CRO search room, it has been necessary to obtain a CARN (County Archive Research Network) ticket but these are being scrapped by some repositories. Not all CROs use them anyway, but it is presumed that some sort of proof of identity will still be required by individual CROs. CARN tickets, once obtained, can be used in any participating county repository, they are free of charge and easily obtained.

CARN tickets will be replaced by a new Archives Card for England and Wales in 2019.

There is no need to book before a visit and some CROs will accept bookings for material the researcher wishes to study. Some will allow laptops and/or photographs of entries.

It can't be stressed too much that CROs, and indeed Diocesan Registries hold original copies of material even though copies of these are held in local repositories. CROs also hold Roman Catholic records, as well as Bishop's Transcripts (copies of parish registers sent annually to relevant bishops). Beware, BTs, look exactly like parish registers so always make a note of whether you have searched the PR (parish register) or the BT (bishop's transcript). It is always a good idea when visiting a CRO, you check on the PR entries you have already found, as the BT might well contain further information e.g. a mother's maiden name. The BT is vital if the Parish register no longer exists or is illegible.

When visiting a CRO, you will be asked to deposit your bags and enter the search room with just a pad and pencil. You will be required to complete a slip for each record required.

Catalogues of CROs are usually on line these days, as they can be updated as and when material is acquired. It is good to type into a search engine Lancashire County Record Office (or wherever) to start to access their catalogue. If you find an item of interest, always make a note of the discrete reference number, as, when you quote that, the CRO will know exactly what volume or document you require.

PARISH REGISTERS

As outlined in the green book, civil registration began in England and Wales on 1st July 1837 and from that date, births, marriages and deaths should be registered, with the attendant certificate. Because marriages are conducted by officials, certificates for these will usually be available as will death certificates because, in the later period, a funeral cannot be arranged without a death certificate. Between 1837 and 1875, it was the responsibility of local registrars to ensure that all births in their area were registered. In 1875, it became the parental responsibility to register their children, with a financial penalty if they were found not to have complied. It is estimated therefore that between 10 and 15% of children born after 1837 were not registered, so reference has to be made to entries in parish registers.

From medieval times, a parish was an area in the charge of a clergyman at a parish church. The clergyman could be a vicar, rector (or vicar in one parish and rector in another) or parson who could be responsible for several parishes (and paid for each) and there is no doubt that some incumbents with rich parishes did very well indeed and might appoint curates to baptise, marry and bury the "plebs" leaving the vicar to devote himself to the landowners. A parish is a sub-division of a diocese presided over by a bishop. A cathedral is a church with a cathedra i.e. a bishop's throne.

The earliest parish registers date from 1538, when Henry VIIIs Vicar General decreed that baptisms, marriages and burials should be recorded. From 1598, the entries are on parchment, so they survival rates are better. It should be noted that parish registers are current now, so if you know where a family worshipped, the relevant parish register can be consulted. Occasionally, the register is still kept within the church so a request should be made to the incumbent for access, who is entitled to charge for the privilege. If he doesn't charge, then it is important the researcher offers a donation to church funds (which is never refused). More often though, registers have been deposited, either in a County Record Office or a Diocesan Registry. Where a register has been filmed, the film will always be offered to a researcher, rather than the original. However, if the entries are illegible, a request can be made to an archivist to produce the original. If the original is produced, it is vital that the researcher uses a document rest and/or cotton gloves if requested to do so. On no account should the researcher have a pen with them, and it is good practice to leave a pencil on one side until an entry of interest is found. Do not lean on the volume or trace the material with a finger, merely turn each page carefully. It will be permissible to extract information from an entry or perhaps request a certified copy. Sometimes, a mobile telephone photograph will be permitted. In the case of a microfilmed volume, repositories will arrange a photocopy at a cost.

BAPTISMS

You will see "baptism" in a register, rather than "christening" because a christening is merely giving a name to a child whereas a baptism receives the child into the church.

Before 1812, entries will be minimal, some incumbents giving more information than others. If you are lucky, the name and gender of child, name of father, first name of mother, date of the event and hopefully an address and/or occupation of the father is given, together with a signature of the officiant. It is important to take note of the father's occupation because if there is more than one couple of the same names baptising children around the same time, the occupation will differentiate. It is good to go through a register, hopefully picking up siblings of your ancestor.

Legislation promoted by George Rose was enacted in 1812, after which baptisms will be arranged in a pre-printed register, giving the above information; hopefully the date of birth of the child and occasionally the maiden name of the mother.

BURIALS

Again, information pre-1812 is minimal, sometimes just the name and date of burial. After the Roses Act, the name of the deceased, age, domicile, date of burial and the signature of the personal officiating

MARRIAGES

The situation is slightly different regarding marriages. Most weddings were of course in church but before 1753, a church ceremony was not strictly necessary if the people of a parish accepted a couple as a couple. If the wedding did not adhere to the ecclesiastical law of the time, then the wedding was deemed to be irregular. If there was an element of secrecy attached, then the wedding was clandestine. To guard against irregular/clandestine marriages, Lord Hardwicke promoted a Marriage Act stating that all weddings had to be held in a parish church (amongst other stipulations). This is a boon to family historians because even if your ancestor was Roman Catholic or Non-conformist, he must be married in a parish church. There are pre-printed forms for weddings from 1754. These are entries of marriage not wedding certificates.

It should be noted that, where there is an irregular or clandestine marriage before 1753, the couple are married in law, but not under ecclesiastical law.

WHERE TO FIND PARISH REGISTERS

Much indexing of parish register material has been undertaken over many years by family history societies. It's a good idea to check with the repository of the area in which you are interested to see what is available. Subscription sites e.g. Ancestry have also started to include parish registers in some cases, with images of actual certificates or register entries.

If you were a member of the Church of the Latter-Day Saints (usually shortened to LDS or the Mormon Church) you would, as part of your religion, need to research your family tree to your 16 great grandparents. The church believes that the family unit survives the grave. When a LDS member has researched the 16, the family unit is formally baptised into the church.

To help members to undertake their research, the church invests many millions of pounds in accessing genealogical information, indexes it and makes it freely available to all. The result is the greatest database of family history ever assembled.

Originally, the International Genealogical Index (or IGI as it is known) was on microfilm, then microfiche but now is online at www.familysearch.org.

A number of counties in England belong to the Online Parish Clerk scheme where volunteers collect, collate and transcribe church registers and other records for parishes. Go to www.onlineparishclerks.org.uk Some counties are particularly well covered, others not so well.

Other finding aids: Dade Registers produced by Rev. William Dade, notable because his records give far more information than the usual parish registers; Barrington Registers (similar to Dade); Phillimore Transcripts – William Phillimore Watts Stiff, a Nottingham doctor transcribed and printed 1,200 parish registers from different counties in 200 volumes. The Phillimore Atlas and Index of Parish Registers is available in most libraries. This gives details and maps of each parish and what records are available.

Percival Boyd indexed as many weddings (both spouses, year only) and some London burials as possible. Not all parishes are covered.

The Lancashire Parish Register Society was formed in 1897 and has published some 175 volumes of parish registers, again held in local libraries. The volumes usually cover very early baptisms, marriages and burials up to 1837.

THE PARISH CHEST

This is a generic term for the source material which would originally have been kept within the Parish Chest in a church. In medieval times, there would have been a hewn-out trunk of a tree in which parishioners would leave alms for the poor, cash e.g. to pay for the Crusades etc. Then the edict came that each parish should acquire a parish chest to keep precious artefacts. The chest was supposed to be bound with iron and have would have three locks with different keys, one for the incumbent and one for the churchwarden (a third lock would be for if there was a second churchwarden).

The contents of the parish chest comprise:

The wine for communion, candles (very expensive) for use in church, the parish registers, as well as numerous other documents of use to the genealogist.

The parish registers were kept safe in the parish chest because baptismal records were used to confirm where a person was born and/or which child was the eldest of the family because originally the first son was the heir at law and destined to inherit his father's assets.

All parishes had a number of officials called the vestry which met to consider parish matters and was chaired usually by the vicar. One of the churchwardens was appointed by the vicar and the other by the laity, perhaps the local bigwig. Each official was appointed for one year only.

CHURCHWARDENS' ACCOUNTS

The churchwardens were appointed at Easter, so their accounts run from Easter to Easter each year. It could be argued that churchwardens acted as the accounts office of the parish, paying for goods and services and receiving rates and rents from parishioners. They often made lists of ratepayers and what they paid so you can identify ratepayers in a particular place at a particular time, as well as gleaning how wealthy they were. The churchwardens also were charged with maintaining and repairing the church fabric, as well as facilitating visits by the bishop, making sure that the annual copies of parish registers were true copies before sending them off to the bishop; levying a poor rate for the expense of caring for the poor and sick; arranging the baptism of foundlings and burial of strangers; organising grants to assist paupers' emigration; decorating the church at feast days, paying bell ringers, washing of surplices, payment to charities, schools and later on sanitation, water supply and allocation of church pews. Anything and everything! Churchwardens' accounts are very seldom indexed so are perhaps not particularly valuable to the genealogist but they can make fascinating reading, whilst looking out for ancestors' names. Some churchwardens seem to draw up their accounts to include payments to the poor, as well as any other expenditure within the parish. The office of

churchwarden as described above carried on until well into the 19th century and churchwardens still operate in some churches.

OVERSEERS OF THE POOR

From 1572, one (or two in big parishes) was appointed in each parish. The original idea was that poor relief should be by voluntary donation but it soon became clear that levies were necessary. This was embodied in the Poor Law Act of 1601 which remained in force until 1834. The poor rate was levied on the people of the parish and naturally they did not want to pay more for the upkeep of the poor than was absolutely necessary. The Overseers of the Poor drew up lists of the relief given and the names of those who had applied for relief (often every week) and who was refused.

The monasteries had helped a lot in relieving the poor and sick but after Henry VIII put paid to them, the parish had to be relied on for help. Poorhouses were set up in parishes in the 1730s and any associated documents would be kept in the parish chest. Officials of the parish would arrange apprenticeships for poor children (often well away from their home parish) and indentures might survive in the parish chest. Amounts paid by parishioners and lists of people too poor to pay were kept in the parish chest.

THE PARISH CONSTABLE

A constable was appointed each year and sworn in by a J.P. He had to be a person of some substance or he might be dismissed and someone else appointed. It was not a popular job by any means. A rate was then raised for the constable to use for dealing with incidents. He was responsible for maintaining law and order, serving court orders, removing vagrants, supervising alehouses and their licences, destroying vermin and organising men of the parish to join the militia. He also had to maintain the stocks and whipping post, apprehend rogues and vagabonds and arrest miscreants, taking them to court. Lists of men eligible for the militia i.e. anyone between 18 and 45 years of age would be drawn up. This is a good way of finding the age of a particular ancestor. He collected county and national taxes like hearth and land tax. The Police Force as we know it started in 1839 and replaced parish constables completely by 1856.

HIGHWAYS

The Highways Act of 1555 transferred responsibility for maintenance from the owners of adjoining land to parishes. Able bodied men were supposed to provide four days labour (increasing to six days in 1563 and not abolished until 1835) and those refusing could be fined by the Justices at Quarter Sessions. A rate was also fixed annually and an official appointed to organise the mending of roads in the parish. This official was the Surveyor of the Highways also called the hayward, reeve or field-master, and they were responsible for the upkeep of parish roads and

for organising the parishioners' labour. He was supposed to make sure the common land and such things as hedges were kept in good condition. Records from haywards, unless things were awry and a court case ensued, don't survive.

PARISH CLERK OR VERGER

They took the minutes of vestry meetings, looked after the parish registers, led the singing in church. He may have cared for the churchyard and acted as gravedigger. The parish clerk often held the post for life and the job commonly passed from father to son. He attended every church service, keeping dogs out and keeping people awake, collected pew rents. He wrote the accounts if the churchwardens and overseers were illiterate, made out fair copies of the list of church rates. He collected tolls on sheep pastures in the churchyard (too sour for cattle) fees from people who hung their washing in the churchyard and from those who set up stalls along the parish on market days.

Other, less notable documents were kept in the chest – affidavits in wool, church seating plans, tithe documents and maps, enclosure records and maps.

However, arguably the most useful documents within the Parish Chest are associated with settlement (see separate section).

NON-CONFORMISM

It might well happen that a baptism in an area where ancestors lived cannot be found. However, it shouldn't be assumed that a child wasn't baptised, as, if a child died, and that was a distinct possibility, then the soul would not be received into heaven. Descent into hell would be the last thing parents wanted, so they would take a child, after the mother had been "churched", for baptism. Even single mothers, who would bear the stigma of illegitimacy, would baptise a child.

So, if a baptism cannot be found, then the likelihood is that the family were non-conformist (NC) that is they worshipped at a chapel rather than an Anglican church. In particular, the rise of Methodism was phenomenal. By 1815 there were 250,000 Methodists and by 1851, nonconformists were outnumbering Anglicans, especially in northern counties.

Registers kept by religious organisations other than the established church are called non-parochial registers. Survival from the early period is sketchy; NC registers only become numerous from the 1780s. Existing registers were called in by the Registrar General in 1837 when civil registration started and again in 1858, so deposited registers are held at The National Archives (TNA). Many microfilmed copies are held in local repositories. It is well known that NCs might travel quite a long way to chapel, so, after checking the records of chapels near to the home, it might be necessary to research other chapels further away. To see what coverage there is on family search, Find my Past or On-line Parish Clerks (not all chapels will be covered by any means), an internet source is www.bmdregisters.co.uk

Jews and Roman Catholics did not give up their registers in 1837 so many of their records remain with the church or in the case of older records, County Record Offices.

To make this problem even worse is that there are cases of families of children being baptised into the Church of England and then being re-baptised in the chapel their parents were using at the time (or vice versa). This can make researchers believe that there were two families in the same area.

BANNS/LICENCES/BONDS/ALLEGATIONS

Banns are notices that a wedding is to take place. They are called in church on three separate occasions in the churches of the two parties. Note that there was a fee for each parish, so couples sometimes said they were of the same parish to avoid one of the fees. The idea is to give people chance to declare why the couple can't marry. After the Hardwicke's Marriage Act was enacted i.e. after 24th March 1754, church law stated that entries of marriage should state "by banns" or "by licence". Banns books can be useful, as the parish of the "away" person should be noted thus assisting research in the correct area.

When a wedding is to take place in a register office (rare, but possible after 1837) written notices are displayed for 21 days before the wedding. Note that banns do not mean that the wedding did take place.

Banns would be cheaper that obtaining a licence but perhaps you were far away from your home parish (in service, in the forces etc.) making it difficult to arrange banns; the groom could be going away to war or to work; there might be an obvious pregnancy; one of the parties could be facing imminent death or perhaps it was merely an indication that the family could afford to pay.

From a genealogist's point of view, if a marriage entry indicates "by licence" then you should try to locate details of the licence application. The licence itself is handed to the couple, so unless it remains within the family, then it will be lost. An ordinary licence was valid for three months and would nominate two or three churches where the wedding could take place. A special licence would enable a wedding to take place at any church as soon as the vicar would let you.

Marriage bonds and allegations were papers completed by a prospective bridegroom to enable him to obtain a marriage licence from a rural dean, bishop or archdeacon in the relevant jurisdiction. The allegation stated that there were no impediments to the marriage. A bond set a financial penalty on the groom and his bondsman (hopefully his father, so you can differentiate between two people of the same name marrying in the same area). Ages of the parties are usually given (very useful well before civil registration/census). If one or both of the parties was a minor (under 21) then parental permission was needed.

Until 1733, Latin was the official language of legal documents, so the first part of the document will be in Latin, the second part (the part you need) will be in English.

Marriage bonds date from 1533 to 1823, only allegations were made after this date, but beware, allegations are sometimes described as licences or bonds and this is misleading. Survival rates for bonds and allegations are excellent because they are held by the diocese. Records are held therefore in Diocesan Registries or County Record Offices (some of which act as Diocesan Registries).

PROBATE BEFORE 1858

Since before the Reformation and prior to 11th January 1858, the Church of England proved all wills throughout England and Wales in over 300 ecclesiastical courts.
The Statute of Wills Act dated 1540 gave permission for disposal by will legal. Originally, a WILL was the way the testator wanted his real estate (land or interests in land) disposed of, a TESTAMENT left his personal effects. The will and testament were gradually merged.

Although the information gained from a will is superb for making the names and dates collected for a family tree more human, a problem can arise in finding out in which court the will was proven.

Before 1858, the most important court was the Prerogative Court of Canterbury, usually referred to as the PCC, in which wills were proved from all over the country, not just the Canterbury area. The other Prerogative Court was in the province of the Archbishop of York (the PCY). The two provinces were made up of a number of dioceses, each with its own probate court. Dioceses rarely coincided with county boundaries, so that the record office where your ancestor's will is held may not be the same as the one where the parish records are kept.

The next level down was the archdeaconry court, covering an area which could be as large as a county. Some parishes were not covered by bishops or archdeacons' courts, but by courts known as "Peculiars". There were two such courts in Lancashire – the Manor of Halton and the Dean & Chapter of York (includes Broughton, Kirkby Ireleth and Seathwaite parishes.

The probate court actually used was first of all determined by a person's place of death rather than where he had lived. If the person had property in more than one jurisdiction, then the next most senior court would be used, the bishop's court if there was property in two archdeaconries. If there was property in more than one diocese, the will could well be proven in the PCC or PCY as appropriate. If there was property in both provinces, then the will should be registered in both Prerogative Courts. Wills of people normally resident, but dying outside England and Wales, were proved at the PCC.

By the 1850s, more and more estates (sometimes worth £5 or £10 in London) were dealt with by the PCC and the lower courts were tending to wither away. Wills valued below £5 were not considered viable, as the costs of the process would eat up the £5. In the diocese of Chester (and presumably others) wills worth under £40 are "infra" wills which could be dealt with by inferior courts. Wills over £40 are termed "ultra" wills.

An important difference is that before 1853, wills did not deal with real estate i.e. land and properties and disposal depended on the type of tenure say, freehold or copyhold land. They dealt with personal estate i.e. goods, chattels (general belongings) and cattels (livestock/their foodstuffs). Church courts had no jurisdiction over real estate, as the transmission of it was in theory the province of the manorial system.

Until the mid-17th century, real estate could only be left to the testator's heir-at-law, usually the eldest son, regardless of the person's own wishes. From the 1660s, a testator could please himself who he left his property to, but the heir-at-law could dispute a will in which he did not figure.

Any property subject to an entail – that is, a private deed setting down the means by which the property was to be transferred down the generations – might mean that the testator still couldn't leave say a house to his son. (there is an example of this in Jane Austen's Pride & Prejudice where a father had 5 daughters but his estate was entailed to a daft vicar). This means that it will not feature in a will, nor in any reckoning of the value of an estate.

Before 1837, you may find a will starting "*Memorandum quod"* in which case, you are looking at a nuncupative will, one that is spoken not written and therefore not signed. The great majority of wills were made only a short time before a testator's death, so he might not be physically able to write down a will – perhaps he couldn't write at all. In these cases, witnesses to deathbed wills would have to swear an affidavit that these were indeed the testator's wishes. There could also be a nuncupative codicil (or verbal amendment) to an existing written will. After 1838, all wills had to be in writing and signed with the testator's full name. Witnesses cannot be beneficiaries. The only exception to a proper written will is the case of a soldier on active duty, when a verbal will would still hold up in court. Army pay books have a will form inside the back cover to encourage soldiers going on active service to write a will.

The word IMPRIMIS features in virtually every will of the period. It means "first(ly)". The word ITEM (pronounced eetem) means "next".

If the probate clause at the end of all wills includes the phrase "by sentence" or "by decree" this is a sign that the will was contested. It is worth trying to follow up these cases, as there will be loads of family information that you couldn't possibly get from other sources. You would have to refer to the court – civil courts or Court of Chancery.

The further back you go though, the more unfamiliar the handwriting will become, although the most usual in the 16th and 17th centuries - Secretary hand is easier to read with practice.

After 1540, boys over 14 could leave a will, or a girl of 12, raised to 21 in 1837. You may make a will aged under 21 but it wouldn't be legal. The wills left by women would be of spinsters and widows because women had no legal existence, everything they brought to the marriage was legally owned by their husband. A married woman could make a will with her husband's permission in order to bequeath say, her personal jewellery or clothes, or money and property which was solely hers under a marriage settlement.

When a person died intestate that is without leaving a will, the next of kin (or even a friend or creditor) could apply to a probate court for Letters of Administration, often referred to as Admons (from the Latin). The applicant had to swear that no will could be found, that he would pay all debts and submit a true inventory and account of his stewardship. The grant of permission to wind up the affairs of the deceased was entered into a register and indexed annually. The information they contain is not particularly detailed, normally giving only the names of the deceased and the person to whom the Admons have been granted. The other reason for application for Letters of Administration is if all executors renounced their duty, or if all executors were also deceased.

Finding a will isn't as daunting a task as you might think. If you have researched wills after 1858, much of the information in earlier wills will be familiar. The location of wills depends on the relevant diocese (maps of dioceses are held in County Record offices). There are no calendars of annual wills proven before 1858. The relevant County Record Office for the area of the country in which the ecclesiastical court is located should hold the original will and will sell copies for a couple of pounds. If you can't guess which court a will was proven, there is a Gibson & Churchill booklet published by the Federation of Family History Societies dated 2002 and entitled "Probate Jurisdictions – Where to look for Wills". It also gives the existence of indexes, of which there are many.

Almost all PCC wills from 1700 to 1858 have been placed on the internet by the National Archives www.documentsonline.pro.gov.uk. Earlier wills are being added all the time but Admons are not included. A search of the index is free but there is a charge of about £3 to download the image of a will, regardless of size. However, the index entry provides you with enough information to locate the will on microfilm sets at the National Archives in Kew. PCY wills, kept at the Borthwick Institute in York dating 1576-1650 have been indexed and are available online, together with historic documents from the Archdiocese of York dating 1225-1650. Online www.archbishopsregisters.york.ac.yk. Before 1800 there are printed indexes to PCC

wills and administrations, most of them available in reference libraries and record offices.

Lancashire Wills proved at the Archdeaconry of Chester comprising the area south of the River Ribble (including the chapelries of Todmorden, Saddleworth and Whitewell) are held at the Lancashire Record Office. The Archdeaconry of Richmond comprised that part of Lancashire north of the River Ribble (and also parts of Cumberland, Westmorland and Yorkshire). This archdeaconry is further subdivided into deaneries. Wills proven at the eastern deaneries – Boroughbridge, Catterick and Richmond – are held in the West Yorkshire Archives Service in Leeds. The western deaneries which are partly or wholly in Lancashire (Amounderness, Copeland, Furness, Kendal and Lonsdale) are held in the Lancashire Record Office. The Cheshire Record Office holds wills of people resident in Cheshire.

From 1530 to 1782 it was obligatory for every executor of a will or administrator of a grant to provide the registry of the appropriate probate court with an inventory of the deceased goods, together with their value. There might be written declarations as to why an inventory was not taken e.g. not enough money, executor dies. If there is a dispute about an inventory, another inventory can be taken. After 1782, it was possible for any interested party to ask for an inventory to be produced but it was no longer an automatic part of the procedure. The inventories were taken by people like the testator say, other farmers. Most inventories are a room by room account of the deceased's home, farm or place of business, listing "all the goods, chattels, wares, merchandises that were of the said person so deceased". The possessions listed sometimes went down to every last plate and spoon, including tools of their trade and any crops, produce and business goods and debts, giving a very interesting insight into everyday life.

It is worth mentioning that, instead of an actual year of the will, it might say "in the 32nd year of the reign of our Sovereign Lord King Whoever. This is calculated from the day and month of accession, rather than the start of the calendar year.

Early wills begin "In the name of God Amen, I, John Bloggs of Chorley in the county of Lancashire being sick in body but of sound mind". You have to be compos mentis to make a will and a testator had to know what he was doing. There are wills today contested on that basis.

It was expected that 1/10th of a person's property would be left for religious uses or else you were "damned in the eyes of the church". It was common for the estate to be divided into three parts. One to the widow, one to the children and one "to myself". This third was for funeral expenses, payment of debts etc. The word "cousin" (consobrinus) was used to denote all sorts of kinsmen, cousin once removed etc. did not exist.

A vicar or parish clerk would often write a person's will if they were old, sick or illiterate. The writer was paid by the line (is that why many wills are so verbose?). The clerk would be keen to prevent words being added to the text later, hence the use of marks such as ~ to indicate the last word in each line – don't try to make a word out of the squiggle. Churches had a sliding scale of charges according to the value of the will with inventories helping to set the scale of charges for probate. The way a will was written was fashionable in one part of the country – northern wills do not read like southern and so on.

Plenty can happen in three hundred years. Some Lancashire wills up to 1670 with surnames A to F have rotted away, some are eaten by rats. Early wills proved in Exeter were destroyed in 1942 during WW2. Don't know what will happen to later wills done on computer. Transcripts can sometimes be found in Bishops' Probate Act Books.

YEOMEN

From the late mediaeval period to the early modern England, a yeoman was someone who cultivated his own land, recorded from the 15th century. Originally a yeoman was an attendant in a noble household hence Yeoman of the Guard. In a military context, he was a rank of the third order of fighting men below knights and squires but above knaves. Bear this in mind when deciding not to look for wills, because yeomen tended to leave wills and you probably have a yeoman in your family history.

THE WILLS ACT 1837

This governs the requirements of a valid will:

1. It must be in writing and dated. If in the testator's own handwriting it is called a holograph will. The exceptions to this are Privileged Wills – soldiers and airmen on active duty, naval seamen, merchant's seamen or prisoners of war. These exceptions can be proved without the formalities.

2. Any will must be signed by the testator at the end of the will in the presence of two witnesses, who must each sign at the same time

3. The testator must be of full age.

4. The testator must be of sound mind and must know he is signing a legal document.

5. Any will is invalidated by a subsequent marriage of the testator unless it is in contemplation of a marriage to a named person subsequently taking place.

STRAYS & SETTLEMENT

It's a fallacy that people didn't move about, especially when you consider that it is possible to walk about ten miles in a day (and that was what you needed to do to find work, if necessary). Of the 26 million people in Great Britain in the 1881 census, 1 million were born outside the country, 767,000 in Ireland, 27,500 in the U.S.A. and 5,000 at sea! Once the railway network was up and running, rail travel became cheap so accessible for more and more people.

The main reason for moving about was of course, for work but seasonal workers e.g. hop or potato pickers might well stay in a place they had moved to temporarily, soldiers, sailors and airmen were stationed in various places, domestic service took people away from their normal environs, gypsies/travellers moved about as a matter of course, pauper children could be found work anywhere an employer would take them.

The genealogist should take note of all the places of birth of everyone in a census return for clues as to previous abodes. Some people might move for a couple of years, perhaps have a child in that place, and come back home. Where a family moved for work, say to a northern mill town they would be allocated a newish two up two down cottage and be in regular work with a regular wage so they may attract other members of their family to move to be near them. This can lead the researcher to imagine a family has always been in a place.

SETTLEMENT CERTIFICATES

If a family was moving to another parish, say for work, a minister or churchwarden would give settlement certificates guaranteeing that they would take back the holder should he become a charge on the parish he was going to. At first, the right to remove paupers only applied to vagrants but under the Settlement Act of 1662 this was extended to any newcomer to a parish who was thought likely to become a burden on the rates. However, if say a man had come to a parish to work for a prescribed employer, then he would be accepted on the employer's say so. The 1662 Act was repealed in 1948 (but wasn't in use about 20 years before that). A settlement certificate doesn't guarantee that the place named was the person's place of birth, there were other ways of gaining settlement. A certificate issued to a man automatically mentioned a wife and children, although he may not have had either. Do not assume that all the children of a couple are included on a settlement certificate. Up to the age of seven, a child was deemed to be a nurse child i.e. one not capable of seeing to himself. At seven, a child could be apprenticed and eventually gain settlement of their own. It is useful that each child under seven will give his/her actual age.

It was well in a family's interest to get a settlement certificate prior to leaving the previous parish and it would be put into the parish chest and might still be there with a bit of luck.

SETTLEMENT EXAMINATIONS

If a parish thought a new arrival could become a charge on the parish, they would be called before the vestry and examined, with witnesses being called to confirm the story. These settlement examinations may survive in quarter sessions records. If the justices agreed with the parish overseers, they would issue a removal order. Sometimes during the examination process, a parish might apply to a "home" parish for a settlement certificate so the person under examination could be shipped back under a removal order.

REMOVAL ORDERS

Between 1662 Settlement Act and 1834 New Poor Law when parishes were relieved of the duty of caring for poor, settlement orders and removal orders can be found in parish chests. The Settlement Act was in force well beyond 1834 and as recently as 1907, 12,000 individuals were removed between unions. Up to 1795 anyone without legal settlement could be removed. After that, anyone applying for poor relief risked an examination and removal.

Survival rates for settlement documentation vary considerably, and parish chest material can be found in County Record Offices.

However, before the old age pension and unemployment pay, there wasn't too much to support a family if they fell on hard times. You could argue that, if a breadwinner fell ill or died, was out of work or skedaddled, the family was in dire straits.

The removal order would state which parish a person had settlement in and call on the overseers of the poor or parish constable to make sure they deposited the person over the boundary into the next parish, they would "pass the parcel" until the home parish was reached. Justices of the Peace approved any application to remove a pauper.

VAGRANT PASSES

Vagrant passes were also issued so that parishes could convey vagrants back to where they came from. You can picture the situation where vagrants would be "on the move" (and probably begging) and the good people of a town would try to apprehend them. This civic vigilance could result in a reward of 10 shillings (rich pickings in the 18th century). Gypsies could be treated harshly by officialdom, with

many being sent to gaol with hard labour. Caught vagrants were often whipped and sent on their way mostly on foot but never on Sunday – the day of rest for everybody, vagrants as well. Before 1792 vagrant women and children could also be whipped.

There's isn't much information on vagrant passes – usually just a name and destination – but you can glean whether a woman is a spinster, married or widow, whether there were children with her and occasionally the occupation of a male vagrant.

Vagrants would not be sheltered overnight and would have to sleep rough. Naturally, most vagrants are described as "sick, weak and feeble" most likely as a result of lack of nourishment. Some vagrants died "en route" of course, and would be buried without ceremony, sometimes with no entry in the burial register. The cost on the parish would however invariably be noted. There was then an incentive for parishes to try to wriggle out of paying poor relief if they could prove that an individual's settlement lay elsewhere. This resulted in many legal cases and the occasional moment of farce as paupers were bundled from one district to another or parishes disputed exactly where a person's settlement lay.

Married women seemed to come off worst, as they were really chattels of their father, then husband. When a woman married she took her husband's place of settlement (rather than the one she had by birth). If her husband died, deserted her, couldn't afford to keep her or joined the army perhaps never to return (through choice or by death), she could be sent, with her children, on foot, to her husband's settlement in a different part of the country which perhaps she had never visited in her life. Settlement examinations can say a lot about the woman though.

HOW PEOPLE GOT SETTLEMENT

- If they were legitimate, they took their father's place of settlement
- If they were illegitimate, they took their place of birth as settlement, from 1743, from their mother's place of settlement
- A widow who remarried took her new husband's settlement
- Apprentices who had lived and worked in a parish for 40 days
- Servants who had stayed one year from date of hiring, and left with full wages
- They rented a farm or smallholding, or set up as a tradesman, stayed 12 months and paid parish rates and £10 a year in annual rent
- They inherited an estate of land and had lived on the estate for more than 40 days.

ILLEGITIMACY

It is difficult to know who the father of an illegitimate child was. Before the possibility of DNA testing, by far the best way is by information from family recollections. A check of the original birth certificate may give the name of a father if he attended the registration of the child. A surname as part of a child's first names can be a nod towards the identity of the father. It could be that a suspected father is enumerated on a family's census return. Some incumbents named a putative father on a child's baptism entry.

After that, one has to hope that the mother took the father to court for maintenance. If they could afford another mouth to feed, some families would accept a daughter's child as part of the family (even to the extent of giving "son or daughter" after the head of the household's (grandfather's) name. If the mother did take the father to court, then reference to Quarter Sessions records has to be made. These are held in local and county repositories. If magistrates decided on a father's identity, a bastardy order would be produced, giving the amount of financial maintenance that the father had to pay, together with other court appearances if payments were not made.

Before the Poor Law Act of 1834, all poor relief was handled by the parish itself, and this included maintenance of illegitimate children thus putting pressure on the finances of the residents If parish officials spotted a pregnancy becoming obvious, or were informed of one, they would put a lot of pressure on the mother to name the father. From 1576, a father named could be brought before a Justice of the Peace and if he agreed to marry the mother, all would be well. If he admitted it but wouldn't (or couldn't) marry, then a bastardy bond would be completed. This would give the rate of maintenance, depending on the means of the man, together with further information e.g. the gender of the child.

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