

Guide to **Surrey** **Bishops' Transcripts,** **Marriage Licence Allegations** **and Probate Records**

By Cliff Webb

Introduction

All these classes of document originated under ecclesiastical jurisdiction. To understand their arrangement and current location, it is necessary to understand the geographical boundaries of such jurisdiction.

Most of the ancient County of Surrey fell within the Archdeaconry of Surrey which was, in turn, within the diocese of Winchester. Certain parishes, however, known as peculiars, were exempt from episcopal jurisdiction. In Surrey, eleven parishes were in the peculiar of the Deanery of Croydon and were directly under the jurisdiction of the Archbishops of Canterbury. This anomaly originated in the parishes concerned either consisting of or containing archiepiscopal estates. The nature of feudal tenure and episcopal authority combined made it impossible for the Archbishop to acknowledge the jurisdiction of his own inferior, i.e. the bishop. The eleven parishes were:

Barnes	Burstow	Charlwood	Cheam
Croydon	East Horsley	Merstham	Mortlake
Newington	Putney	Wimbledon	

Later parishes created from these parishes, beginning with Walworth St. Peter and Newington Holy Trinity in 1825, were also subject to the 'Peculiar' jurisdiction. In 1845, much of the 'Peculiar' was transferred to the diocese of London. From this date to the abolition of ecclesiastical jurisdiction over probate records in January 1858, some wills of Surrey testators were proved, therefore, in the Consistory Court of London. Wills of Addington and Croydon testators after 1845 could be proved in the Archdeaconry or Consistory Courts of Kent. Changes in the bounds of ecclesiastical jurisdiction after 1845 do not affect any of these records, and are ignored for the purposes of this Research Aid; full details will be found in the National Index of Parish Registers volume for Surrey.

© West Surrey Family History Society and Cliff Webb, 2007

WEST SURREY FAMILY HISTORY SOCIETY

ISSN 0261-5673

RESEARCH AIDS
5th edition - 2007

11

A. Surrey Bishops' Transcripts

Bishops' Transcripts were annual returns of baptism, marriage and burial submitted by the parish priest to his ecclesiastical superior, usually, but not always the bishop. Surrey is very poor in its survival rate for Bishops' Transcripts. Most textbooks still say that Bishops' Transcripts were first ordered to be submitted in 1598, but there were orders as early as 1561 to the same effect. Certainly, they were being submitted in the 1570s by Blechingley, the fact is recorded in the register, but the first batch of Surrey BTs to survive is from the 1586/87 period. However, there is then a complete gap until after the Restoration, and despite occasional batches of returns, only a handful of Surrey parishes have more than half a dozen pre-1800 BTs, and none the sort of connected and continuous series, that so many counties have. Indeed, many parishes have no pre-1800 BTs at all, although from several references in registers, it is clear that they were submitted in at least some cases. It seems that at some point in the nineteenth century, they were destroyed. They appear to have had an adventurous life, starting in 'a vault of Southwark Cathedral', then the Surrey Diocesan Registry, later Walworth Central Library in the 1950s from where they were deposited at the Greater London Record Office (now London Metropolitan Archives). The paucity of records we see now, seems to result from the days in the Diocesan Registry, as London, Middlesex, Essex, Hertfordshire and north-west Kent parishes' BTs, also stored in this Registry, now largely start in 1800, too.

It was commented in earlier editions 'Certainly, and sadly, it seems highly unlikely that any more Surrey BTs will now turn up'. While no additional early returns have been discovered, it has been found that a number of parishes in the Croydon and Addington area continued to submit bishop's transcripts to the Archbishop of Canterbury into the twentieth century. Indeed, the baptism transcripts for St John the Baptist, the ancient parish church of Croydon, continued to be submitted until 1970, by far the latest date known for any bishop's transcript. These late transcripts are at Canterbury Cathedral Archives.

The general run of transcripts at London Metropolitan Archives for the period 1800-1840 or so is fairly complete, though there are few marriages after 1837, and baptisms and burials become increasingly sketchy thereafter too. Some parishes continue later than others, Dorking and Reigate into the 1890s, and, exceptionally, and peculiarly, Norwood Cemetery continued to send in transcripts until 1919. Even what does survive, however, was obviously kept at one stage of its life in most unsuitable conditions. The transcripts were uniformly dirty, and many suffered damp damage, such that they remain unfit for production. The LDS Church have filmed the transcripts, but were only allowed to film those then fit. For many parishes, these films remain the basis of the LDS Church coverage and are also the source from which the IGI entries were compiled. This is not always clear from the LDS Church's own lists, and explains why many Surrey entries cannot be found on the IGI, although the parish in which the event took place is apparently covered.

Bishops' Transcripts for the parishes in the Peculiar of the Deanery of Croydon are split between Lambeth Palace Library and London Metropolitan Archives. With the usual odd earlier years, these parishes BTs generally start in 1799 rather than 1800. The period to 1812 is generally at the Lambeth Palace Library, the period after 1813 generally at London Metropolitan Archives, though there are minor deviations from this rule.

The transfer of a large part of the Peculiar to the diocese of London in 1845 has little effect on the records most of which were classified at London Metropolitan Archives as diocese of Winchester records, even for the relatively small number of transcripts after that date.

However, a few for Putney, in the 1850s were classified as diocese of London records. Thus they have DL/T references and appear in that list rather than the DW/T list. This is particularly important, as the registers of this parish were damaged by a fire and are unfit for consultation for this period.

Despite all the gaps in the collection, searchers should not ignore BTs, as experience shows missing entries or, more frequently, important variations from the register entries at surprisingly late dates. It is usually the transcript which is less complete, e.g. at Long Ditton, where an indolent clerk filled in just one marriage per year for several years after 1813, but not always. Discrepancies no doubt arose from the habit of copying up registers in batches from loose notes. Different batches of notes could easily be used for BTs. Such differences do indicate the seriousness of the loss to Surrey research of most of its pre-1800 BTs.

B. Allegations and Bonds for Marriage Licences

1. The Nature of the Documents

Few actual marriage licences survive, though there are some files in parish accumulations, and among family muniments. Connected sequences of the documents compiled to enable a licence to be issued survive, however, and it is these which are often, loosely, referred to as 'marriage licences'.

Allegations for marriage licence set out the names of the parties, their marital condition, their ages and occupations, their parishes of residence and the church where they planned to marry. Normally a small number of different churches are named. The above details do vary quite widely. Sometimes the length of stay in the parish is given and in the case of minors the name of their father (or if father dead, the mother, and if both parents dead the guardian). After the 1760s allegations tend to become much less informative, and rarely give age, for example, except as '21', meaning '21 and over'.

Until 1823, licence issuing authorities also required the entering of a bond, and these are usually preserved with the allegation. The bond is a promise, subject to a substantial financial penalty, that the particulars given in the allegation are correct. It is invariably signed by the bridegroom-to-be and a second signatory, often a relative. The relationship is frequently given, the parish and occupation usually also appear.

For the short period August 1822 to March 1823, considerably more information was required on the allegation, and the parties had to deposit certificates of baptism. The records for this period are discussed in the "Genealogists' Magazine" 21: 3 (September 1983).

2. Surrey Allegations and Bonds for Marriage Licences

The main local authority for issuing licences was the Commissary of the bishop of Winchester. His records covering 1674-1692 and 1724-1964 (with one allegation of 1709) are deposited in London Metropolitan Archives. All the information in the allegations and bonds to 1770 was abstracted and printed by Alfred Ridley Bax in 1907. Bax's work also, in a supplement, contains some material from the 1660s which had strayed from official custody at the time Bax consulted it, and whose present location is unknown. West Surrey Family History Society has

reprinted Bax's work (which has become virtually unobtainable) on microfiche. The basic details of marriages in Bax's book have been incorporated in the Surrey Marriage Index, and the electronic form of that index. I extracted the details for this court from allegations during the August 1822 to March 1823 period, and printed them in 'Root & Branch' (Vol.13 pp.25-26 and pp.59-61). The Peculiar had its own jurisdiction for issuing marriage licences and its records are in the Lambeth Palace Library. LMA has issued a CD Rom containing details of all the Surrey Marriage Licences. and has now placed an index 1673-1850 online from which scans of originals may be ordered.

It was also possible to obtain a marriage licence from two central authorities, and people of higher social status would generally do so. These two courts were the Vicar-General's Office, which could issue licences anywhere in the archdiocese of Canterbury, and the Faculty Office, which had jurisdiction over the whole country. The Vicar-General's records date from 1660, the Faculty Office has them for 1543-1549, 1567-1575 and from 1632 onwards. Both sets of records are in Lambeth Palace Library.

Printed indexes are available to the Faculty Office allegations to 1714 (Index Library, 33) and for the Vicar-General's Office for 1660-1694 (Harleian Society, 23, 31, 33, 34). The Society of Genealogists has prepared and published (in hard copy and on fiche) further indexes for both authorities to 1850 (and holds microfilms of the original records). They are also available on British Origins pay per view site. Intending searchers should note that Lambeth Palace Library is not a public library, though admission will normally be granted to bona fide researchers, who should, however, bring a letter of introduction on their first visit. Most, but not all, Surrey entries in the printed material has been included in the Surrey Marriage Index.

C. Surrey Probate Records

1. Surrey Probate Courts

Where a will was proved was, until the abolition of ecclesiastical probate jurisdiction in 1858, at least theoretically, a function of the testator's wealth and status. This was judged by the standard of the possession within a jurisdiction of a worthwhile amount of goods, normally $\text{œ}5$. This was known as *bona notabilia*. With *bona notabilia* in one archdeaconry the will was proved in the lowest, or Archdeaconry court. The Archdeaconry Court of Surrey's records, beginning in 1484 are preserved at London Metropolitan Archives. This court was unable to grant administrations, unless the will was annexed (see next section). Where testators possessed goods in more than one archdeaconry, but within a single diocese, the will was proved in the bishop's court. Until the Civil War, Surrey wills in this category were proved in the Episcopal Court of the diocese of Winchester, whose records are now at the Hampshire Record Office, Winchester. At the restoration, the bishop appointed a Commissary (or deputy) to act for him within the Archdeaconry of Surrey. In both cases, however, in practice these courts seemed to have proved only during the visitation of the bishop, when the lower court was 'inhibited', i.e. ceased to function due to the presence of the higher authority, and no criteria of wealth was used. The records of the Commissary Court of Surrey are now at London Metropolitan Archives. Where the testator possessed goods in more than one diocese the will would be proved in the Prerogative Court of Canterbury, whose records are at the Public Record Office, Kew. The Prerogative Court was the Archbishop's Court and had jurisdiction over the whole of the country, and indeed for testators dying abroad or at sea. Testators whose goods lay entirely within the Peculiar jurisdiction would have their wills proved in the Peculiar court, whose records are at Lambeth Palace Library. After 1845, part of the Peculiar

was incorporated in the diocese of London, and probate records of Surrey testators from then to 1858 may be found in the Consistory Court of London, whose records are at London Metropolitan Archives. The other part, being Addington and Croydon, was transferred to the jurisdiction of the Archdeaconry and Consistory Courts of Kent, whose records are in the Kent Archives Office, Maidstone. During the Commonwealth period, all wills were proved centrally in the PCC.

These categories are very loose. There was a growing tendency to use the highest court after about 1750, and fewer and fewer wills are to be found in the Archdeaconry and Commissary Courts, and wills in the Peculiar court cease altogether after about 1800. There seems in fact to have been some competition amongst the various officials for the fees involved in proving wills. Wills of the gentry, therefore, may be found in the Archdeaconry Court and of husbandmen in the Prerogative Court. Thus it is necessary to search all possible courts for any testator, using any known status merely as a guide.

Not all wills found their way into the probate courts, or at least were never preserved there. The largest number of these are those held by the British Library, who not only hold a miscellaneous collection, but what appears to be a small stray register, presumably from the Archdeaconry Court of Surrey, dating from the 1540s.

There are smaller collections of original and copy Surrey wills at the Surrey History Centre, Lambeth Archives Office at the Minet Library, the Public Record Office and the Southwark Local Studies Library, and probably other libraries and record offices unknown to me.

A chart of episcopal jurisdiction over probate records is attached. The following summarises jurisdiction over probate and the location and dates of surviving Surrey records:

Prerogative Court of Canterbury, 1383-1858: National Archives, Kew (now available online)

Archdeaconry Court of Canterbury, 1845-1858 Kent County Archives Office, Maidstone

Consistory Court of Canterbury, 1845-1858 Kent County Archives Office, Maidstone

Consistory Court of Winchester, c.1500-1649: Hampshire Record Office, Winchester

Archdeaconry Court of Surrey, 1484-1649, 1660-1858: London Metropolitan Archives (abstracts of all pre-1821 wills available on fiche from WSFHS)

Commissary Court of Surrey, 1662-1858: London Metropolitan Archives (abstracts of all wills available on fiche from WSFHS)

Peculiar of the Deanery of Croydon, 1614-1649, 1660-1814: Lambeth Palace Library

Consistory Court of London, 1845-1858: London Metropolitan Archives

2. The nature of probate records

The main probate records are wills, written by the testator before death, and proved afterwards by his executor or executors, and grants of administration (universally known as 'admons'), whereby the property of a person dying intestate (i.e. without leaving a will) is given to an administrator or administrators to distribute to the natural heirs, and thus wind up the affairs of the deceased person. Admons were also granted 'with will annexed' either where there was some doubt about the will - they might for example occur when evidence of authorship of a will had had to be produced - or where an executor had died before completing the distribution of the goods of the testator. These later grants can be particularly useful in giving details of the family sometimes for many years after the death of the original testator.

When the will was proved in an ecclesiastical probate court, a copy (or, sometimes, the original) was kept, another copy was usually registered in a series of registers of wills proved by the court and a note of the act of granting of probate or administration entered into the Act Book of the officials.

An administrator had to enter a bond to wind up the estate, and these are found, in the Archdeaconry Court of Surrey, filed with the original will or admon. It was normal for an inventory to be taken of the goods of the testator, and these detailed lists of the goods are of great interest. A full list of all known Surrey inventories was prepared (see bibliography), and the late Marion Herridge, one of the compilers of this list, prepared an edition of Elizabethan Surrey Probate Inventories for the Surrey Record Society. It is most unfortunate that inventories become fairly rare after about 1700, and are very sparse indeed in the two main 'county' courts, and in the Peculiar court. The vast majority of Surrey inventories, therefore, are to be found in the Prerogative Court of Canterbury, or in the bishop of Winchester's Commissary Court.

Almost all wills after c.1520 and many before are in English, however, the probate act at the end of the will, and the entries in Probate Act books, are in Latin until 1733. The format of this is fairly constant, but there are occasional, valuable variations, such as when an executor has predeceased the testator, so they should always be checked.

Further details on probate matters are given in 'A Simplified Guide to Probate Jurisdictions' by Jeremy Gibson, published by the Federation of Family History Societies, and available from the West Surrey Family History Society bookstall. Gibson's work is rather more detailed than its title implies and few researchers will need any of the few arcane sources he omits.

3. Calendars and Indexes

There has been considerable progress in making this material more readily available by means of indexes, though for some courts and periods the old manuscript calendars (i.e. lists in chronological order) are still the only guide available. Furthermore, most of the PCC series, most of the Archdeaconry Court records (though with major gaps) and all the Commissary and Peculiar court wills are available on microfilm at LDS Family History Centres. It must be confessed, however, that the films of the Archdeaconry and Commissary Courts series are of poor quality, being taken in the early 1950s, and are difficult to use without considerable practice. Also the film-makers did not film all the records. They concentrated on registers, and only filmed the original wills if there was a gap in the registers; not however noticing, it would seem, that there are substantial gaps in the registers of the Archdeaconry Court after 1700, and no registers at all after 1821. For these periods, the original records have to be used. A further problem with the films is that they were made before any of the filed wills were given reference numbers, and before several of the later registers were foliated. This makes finding a will somewhat difficult. Some guidance is given in section 4.

As far as indexing is concerned, the Prerogative Court wills have been indexed for the whole country to 1700, and the administrations to 1655. Work is in hand on the admons for the period up to 1700, under the aegis of the British Record Society. The BRS has published a union index to all pre-1650 Surrey probate material that I compiled. West Surrey Family History Society have produced an index to all Surrey testators in the PCC for the period 1650-1700 (Record Series Vol.9) and for the Archdeaconry, Commissary and Peculiar Courts 1660-1858 (Record Series 1, 3, 21, 23 and 25). The admons in the Commissary Court 1663-1751 remain to appear in print. The Friends of the National Archives have produced an

index on fiche to all PCC wills proved in the period 1701-1749. The Society of Genealogists has produced, in several volumes, Mr. Camp's index to the PCC wills 1750-1800. Mr Camp has edited an index to the administrations for this period only currently available at the Family Records Centre and the National Archives. There are currently no complete printed indexes to Surrey admcons in the PCC after 1655, but WSFHS has printed an indexes of admcons (complete apart from the urban parishes) for 1760-1781 (Record Series 17) and a further section covering 1782-90 (Record Series 30). . For the PCC from 1800-1852 there are manuscript calendars, but from 1853-1857, there are printed, though not published, calendars available at the National Archives, and a few large reference libraries. However, all PCC wills (but not admcons) are indexed on the National Archives website. They may be viewed online for a fee, but when done at the National Archives or Family Records Centre (which unfortunately is due to close during 2008).

For the earlier period there are some abstracts to help the researcher. An abstract of the first register in the Archdeaconry Court, register 'Spage' (traditionally, will registers were named after the first testator to appear in them), was printed by the Surrey Record Society and they also printed an abstract of the seventh register, 'Herringman' (1595-1608). Both these editions have been reprinted on fiche by WSFHS. I have continued this work, and WSFHS has now produced on fiche, abstracts of all pre-1821 wills in the Archdeaconry Court and all wills in the Commissary Court. For the PCC, various abstracts of wills from the period up to about 1610 have appeared in Surrey Archaeological Collections.

4. Finding wills on the films

The first job is to ascertain that the will you want is on film. Wills in the Archdeaconry Court after 1821, and for several earlier periods are not on the films, for example. If using the writer's indexes to post-1660 wills, therefore, wills with references beginning DW/PA/5/1680-1689, DW/PA/5/1709-1721, DW/PA/5/1728-1730 and DW/PA/5/1822/ and later (the fourth element of the reference being the year) are unavailable on film. Earlier years are mostly available, and all Commissary Court wills of this period should be on film. The wills are filed each year in (roughly) alphabetical order. The films are of the registers, however, which are in chronological order, so unless one is fortunate enough to have, in the printed index, a reference beginning DW/PA/7, DW/PC/6 or DW/PC/7, then the index does not refer you directly to the same item. It is necessary to find the beginning of the year required and work through, unless a month has been established from the manuscript calendars which are available at London Metropolitan Archives, and on other films in the series. Fortunately, for most searchers, the abstracts will be sufficient.

For the pre-Commonwealth period, there is available the writer's full union list, i.e. a list of all known Surrey probate records, wherever they are held. Wherever there is a reference beginning DW/PA/7/ the film of the register should be used, the index giving a folio number which does appear on the original and on the films; however, this should rarely be necessary, as abstracts of all these have been published. In a few rare cases, the folio concerned will have been missed. For the 1595-1649 period, the printed abstracts of these wills should be used. Where there is only a DW/PA/5/ reference, there is no registered copy of the will, and the only surviving copy is the filed will. These are mainly filed in alphabetical order, though for some years this is not the case. However, having established from the index that the required will exists, there is no alternative, if using the films, to ploughing through the year until it is found, though this should not be too difficult if the year is one filed alphabetically.

Bibliography

(BRS = British Record Society; PCC = Prerogative Court of Canterbury)

Ainsworth, J, An index of admons in PCC 1649-1654 (BRS v.68, 1944); An index of wills proved PCC 1671-1675 (BRS v.67, 1942)

Bax, A.R, Marriage and Other Licences in the Commissary Court of Surrey (1662-1665) (1893); Allegations for Marriage Licences in the Commissary Court of Surrey 1674-1770 (1907)

Blagg, T.M, An index of wills proved PCC 1657-1660 (BRS v.61, 1936)

Blagg, T.M & Moir, J.B, An index of wills proved PCC 1653-1656 (BRS v.54, 1925)

Camp, A.J, Wills and their Whereabouts (1974); Index to PCC Wills 1750-1800 (1976-1993)

Fitch, M, An index of admons in PCC 1596-1619, 1631-1648 (BRS v.81, 83, 100, 1964-86); An index of wills proved PCC 1694-1700 (BRS v.80, 1960)

Gibson, J.S.W, Wills and Where to Find Them (1974); A Simplified Guide to Probate Jurisdictions (FFHS, 5th edition, 2002); Bishops' Transcripts and Marriage Licences (FFHS, 5th edition, 2001)

Glencross, R.M, Admons in PCC 1559-1580 (1912-17)

Herridge, M, The Surrey Probate Inventories 1558 - 1603 (Surrey Record Society 39, 2005)

Hill, R.H.E, An index of wills proved PCC 1620-1629 (BRS v.44, 1912)

Matthews, J. & G.F, Sentences and Index Nominum (PCC) 1630-1639 (1907); Year Books of Probates (PCC) 1630-1655 (1903-27); Probates and Sentences (in PCC) 1620-1624 (1911)

Morrison, J.H, Letters of Admon (PCC) 1620-1630 (1935); Wills, Sentences and Probate Acts (PCC) 1661-70 (1935)

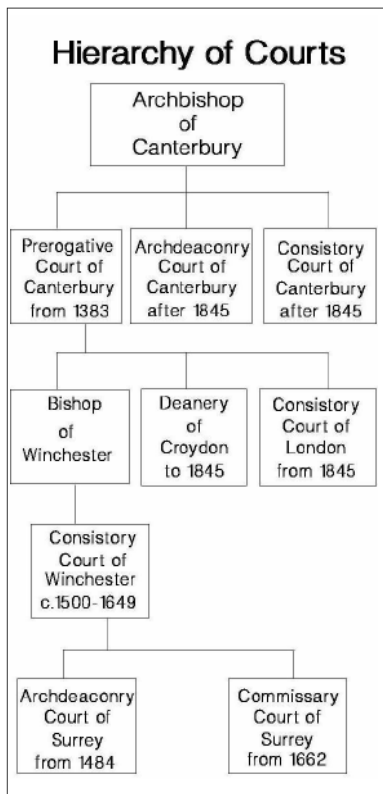
Ridge, C.H, An index of admons in PCC 1655-1660 (BRS v.72,74-76, 1949-54); An index of wills proved PCC 1676-93 (BRS v.71,77 1948-58)

Smith, J.C.C, An index of wills proved PCC 1383-1558 (BRS v.10-11, 1893-1895)

Smith, S.A, An index of wills proved PCC 1558-1604 (BRS v.18,25 1898, 1901)

Stokes, E, An index of wills proved PCC 1605-1619 (BRS v.43, 1912)

Webb, C.R, An Index to Wills proved in the Archdeaconry Court of Surrey 1752-1858 (WSFHS Record Series v.1, 2nd edition, 1994); An index to Wills proved in the Commissary and Peculiar Courts of Surrey 1752-1858 (WSFHS Record Series v.3, 3rd edition 1998); Index of Surrey Wills proved PCC 1650-1700 (WSFHS Record Series v.9, 1989); A Union List of pre-1650 Surrey Probate Records (BRS v.99, 1990); National Index of Parish Registers v.IV, part I: Surrey (SOG, 1990); Surrey Administrations in the Prerogative Court of Canterbury 1760-1781 (WSFHS Record Series v.17, 1993); Index of Surrey Wills proved in the Archdeaconry Court 1660-1751 (WSFHS Record Series v.21, 1996); Index of Surrey Wills proved in the Commissary Court 1660-1751 (WSFHS Record Series v.23, 1997); Index of Surrey Wills and Administrations in the Peculiar Court 1660-1751 (WSFHS Record Series v.25, 1998); Surrey Administrations in the Prerogative Court of Canterbury 1782-1790 (WSFHS Record Series v.30).



RA11: BISHOPS' TRANSCRIPTS, MARRIAGE LICENCE ALLEGATIONS AND PROBATE RECORDS