

## ECCLESIASTICAL RECORDS TRANSFERRED TO GUILDHALL LIBRARY FROM SOMERSET HOUSE

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On 23rd June, 1954, the Bishop of London appointed, by instrument over his hand and seal, Guildhall Library as Diocesan Record Office and also central repository in respect of the records of all parishes situate within the City of London and its ancient liberties.<sup>1</sup> This act facilitated and was, in fact, followed in October, 1954, and February, 1955, by the transfer of the court and probate records of the Archdeaconry of London and the London Commissary Court (London Division) from the Principal Probate Registry at Somerset House to the Guildhall Library.<sup>2</sup>

With this transfer, the Library received into official custody two large record groups of diocesan origin, two years before it began the intake of the archives of the central diocesan administration of the See of London from the Diocesan Registry. Each of these groups consists, roughly, of testamentary and non-testamentary sections. That the Principal Probate Registry had, in consequence of the Court of Probate Act of 20 & 21 Vict. (1857), c.77 and 79, come into possession of non-testamentary archives is not surprising, for that Act was quickly followed by the Matrimonial Causes Act 20 & 21 Vict. (1857), c.80 and what was lodged in 1858 and during the next following few years by the various diocesan registries with the Principal Probate Registry was actually the records of ecclesiastical courts when exercising the testamentary and matrimonial jurisdiction which the above quoted Acts removed from them.<sup>3</sup> Yet, a first examination of the accumulations demonstrated that the transfers to Somerset House of 1858 and after were, to some degree, effectuated at haphazard, or without proper control, since documents were traced which in their entirety bore no relation to either probate or matrimonial jurisdiction. They were, *de facto*, splinters from other classes the surviving bulk of which reached Guildhall Library subsequently.

Of the Archdeaconry Court records formerly at Somerset House, the probate section comprises a large accumulation of original wills and administrations with papers appertaining, registers of wills and the act books of the probate court dating from the second half of the 14th century, and closing not with 11th February, 1858, but in 1807, by

which time the archidiaconal probate jurisdiction, exercised from late mediaeval times over 45 parishes in the City and three parishes in adjacent ancient liberties, had virtually come to an end. No original or registered wills have been located anywhere after that date. In the non-testamentary section, documents like a general court book 1562-3, a deposition book relating to libel causes 1566-7, an instance book 1636-48, a series of assignation books 1635-1781 (among them a volume of assignations in respect of proceedings taken against dissenters 1683-4), were found. There were also numerous bundles of general court papers covering the period 1660-1762.

With regard to the London Commissary Court (London Division) the original wills date from the first quarter of the 16th century and go up to 1857; registers of wills begin in 1374 and also reach up to 1857; probate and administration act books begin in 1496 and end with 1858. The jurisdiction of this court extended over 53 City parishes and a number of parishes in Middlesex, and Barking (Essex). Of its non-testamentary archives prior to the Restoration but little remains, other than acts and court papers dating chiefly from 1660. There were, however, identified four large volumes of *Acta quoad correctionem delinquentium* 1470-73, and 1489-1495 respectively, an invaluable and largely untapped source not merely for the history of ecclesiastical court procedure, but for that of manners and morals in late 15th century London.

In addition to the above record groups, Guildhall Library received, in January, 1957, the entire historical archives of the Royal Peculiar of St. Katherine by the Tower. On the occasion of their transfer, the Principal Probate Registry added to the accumulation certain archival units which were handed to it under the legislation of 1857, chiefly wills and testamentary papers of the Commissary Court of the Peculiar, dating from the first third of the 18th to the early 19th centuries. Among the records formerly at Somerset House, but now in the custody of the Library, is a small unit consisting of miscellaneous legal papers and fragments covering the period 1545-1653.

What follows is a short hand-list of the principal classes referred to above.

I *Archdeaconry of London.*

*A. Probate Records*

Original Wills. 1524-1807.

Original administrations, bonds, exhibita and other papers. 1663-1786.

Registers of wills. 1393-1806.

Probate and administration act books. 1564-79 and 1588-1807.

*B. Non-testamentary records*

Court book. 1562-3.

Depositions in libel causes. 1566-67.

General examination and deposition books. 1686-92.

Instance book. 1638-48.

Instance book—a Court book relating to proceedings in law-suits brought at the instance of a private party (in difference to the *ex officio* suits, brought by the Court itself, in virtue of its spiritual jurisdiction, especially in cases of moral delinquency).

Assignment books. 1635-1781.

Assignment books. The ecclesiastical Judge's (usually rough) entry book in which he "assigns" terms.

Court papers. 1602, 1660-1742, and 1750-62.

Various bonds. 1668-1679.

## II *London Commissary Court (London Division)*

### *A. Probate Records*

Original Wills. 1523-1857.

Registers of Wills. 1374-1857.

Probate and administration act books. 1496-1858.

Original administrations and bonds, with papers appertaining. 1670-1857.

Court book mainly testamentary. 1663-1665.

Court Agenda book, testamentary and matrimonial. 1671-1677.

Inventories. 1666-7. ("Fire inventories").

Warrants. 1660-1764.

"Mixed" Acts probate and non-testamentary. (Loose). 1662-1784.

"Mixed" bonds, probate and non-testamentary, 1664-7, and 1660-91 respectively.

### *B. Non-testamentary Records.*

Acta quoad correctionem delinquentium. 1470-3 and 1489-95.

Liber examinationum. 1489-1516.

Deposition books relating to libel actions. 1622-1628.

Miscellanea. 1663-1794.

Exhibita. 1685-1826.

### III *Commissary Court of the Royal Peculiar of St. Katherine by the Tower.*

#### *A. Probate Records.*

Wills, original and copy. 1729-1818.

Miscellaneous testamentary papers, except wills. 1748-75.

Miscellaneous legal papers and fragments, probate and non-testamentary. 1545-1653.

#### *B. Non-testamentary Records.*

Miscellaneous papers in several causes (non-testamentary) including such brought before the Lords Commissioners for appeals in prize causes. 1777-1803.

Miscellaneous legal papers. 1745-1798.

Warrants and bonds for marriage licences granted by the Commissary. 1755-1802.

Act book containing (a) minutes etc., relating to contentious proceedings, 1743-1800; and (b) entries relating to marriage licences and citations, also some probate and administration acts and caveats, 1698-1793.

Detailed calendars with indices to all probate records are available at the Library. There is also a modern calendar of the non-testamentary documents of St. Katherine by the Tower, formerly at Somerset House.

The above brief survey will, it is hoped, suffice to show that it is by no means only the genealogist who will profit by the use and study of the three record groups transferred from Somerset House to Guildhall Library and the record service instituted there. The searcher is, however, advised, in order to make his study exhaustive, to refer to all other classes of ecclesiastical records in the charge and custody of the Library as well as to have recourse to the archives of the Consistory Court transferred from Somerset House to the London County Record Office and to those of the Archdeacons of Middlesex now at the Middlesex Record Office.

#### NOTES

- 1 Albert E. J. Hollaender, *Local Archives of Great Britain*: xii, Guildhall Library. *Archives*, 2, 1953-6, p.320.
- 2 *Ibid.* the Essex and Herts Division was adjudicated and transferred to the Essex County Record Office, Chelmsford. See F. G. Emmison (ed.) *Wills at Chelmsford (Essex and East Hertfordshire)*, vol. 1, 1400-1619. *The Index Library*, 78, London 1958, p.V.
- 3 These records were declared Public Records for the purposes of the Public Records Act 6 & 7 Eliz. 2 c. 51.