

**THE RECORD SOCIETY FOR THE PUBLICATION
OF ORIGINAL DOCUMENTS RELATING TO
LANCASHIRE AND CHESHIRE. VOL. II; AN
INDEX TO THE WILLS AND INVENTORIES NOW
PRESERVED IN THE COURT OF PROBATE, AT
CHESTER, FROM A. D. 1545 TO 1620**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649683901

The Record Society for the Publication of Original Documents Relating to Lancashire and Cheshire. Vol. II; An Index to the Wills and Inventories Now Preserved in the Court of Probate, at Chester, from A. D. 1545 to 1620 by J. P. Earwaker

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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J. P. EARWAKER

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VOLUME II.

1879.

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An Index
to the
Wills and Inventories
now preserved in
The Court of Probate,
at
CHESTER,
FROM A.D. 1545 TO 1620;

Together with

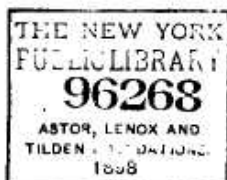
- (1) A LIST OF THE TRANSCRIPTS OF EARLY WILLS, PRESERVED
IN THE CONSISTORY COURT, CHESTER;
- (2) A LIST OF THE WILLS PRINTED BY THE CHETHAM SOCIETY;
- (3) A LIST OF THE WILLS SEEN AND NOTED BY THE REVS.
J. AND G. J. PICCOPE, AND NOT NOW TO BE FOUND AT
CHESTER;
- (4) A LIST OF THE WILLS PRESERVED IN HARL. MS. 1991 IN
THE BRITISH MUSEUM.

EDITED BY

J. P. EARWAKER, M.A., F.S.A.

PRINTED FOR
THE RECORD SOCIETY.

1879.



MANCHESTER :
A. IRELAND AND CO., PRINTERS,
FALL MALL.

NEW YORK
PUBLIC
LIBRARY

INTRODUCTION.

PREVIOUS to the Reformation the two counties of Lancaster and Chester were included in the diocese of Lichfield and Coventry, and it was not till the year 1541 that the bishopric of Chester was created by Henry VIII. and endowed with some of the spoils of the dissolved monasteries. The diocese of Chester, as then created, comprised the whole of Lancashire and Cheshire, that portion of Yorkshire known as Richmondshire, with some other parishes in that county, part of Cumberland and Westmoreland adjacent to the north of Lancashire, and some parishes in Flintshire and Denbighshire lying near the borders of Cheshire. The early Lancashire and Cheshire wills were almost certainly proved at Lichfield,* but enquirers are informed that no early wills relating to these two counties are now to be found there, and it is suggested that they were taken away when the new diocese of Chester was created. I am, however, inclined to think that this is a mistake, and that a careful search in the Registry at Lichfield would bring to

* Some early Lancashire and Cheshire wills were proved at the Prerogative Court of Canterbury, and are now to be found at Somerset House, London, as the old diocese of Lichfield and Coventry was under the jurisdiction of the Archbishop of Canterbury. A few abstracts of these early wills made by Roger Dodsworth are to be found in vol. xx. of his MSS., in the Bodleian Library, Oxford, and the Lancashire ones have been transcribed by Mr. G. J. Piccope into vol. i. of his MSS., now in the Chetham Library, Manchester. A complete list of these *early* wills will probably be drawn up for this Society soon, and it is very desirable that all these and any other *early* wills from family muniments, &c., should be printed as soon as possible, as they frequently contain most valuable local information.

light much of great interest to the two counties, and I hope the day is not far distant when this work will be undertaken by this Society. After the creation of the new bishopric the wills were proved at Chester, with the exception of those in the north of Lancashire, Richmondshire, and the parts of Cumberland and Westmoreland included in the diocese of Chester, which were proved at Richmond in Yorkshire. Hence persons seeking for the wills of persons living in those districts will rarely if ever find them amongst those proved at Chester. The Richmond wills were a few years ago removed to Somerset House, London, and arrangements are in progress by which it is hoped that the list of the Lancashire wills there preserved will shortly be printed by this Society.

The wills at Chester were originally proved in the Bishop's Court there, and were preserved in the Bishop's Registry down to comparatively modern times. The "Old Registry," as it was called, was taken down more than a century ago, and the wills were then transferred to the present Bishop's Registry, over the Abbey Square Gateway. From here they were taken in 1847 to what is now the house of the Head Master of the King's School, and in 1861 they were removed to the newly-established Court of Probate in White Friars. Here they remained till, in the autumn of 1880, they were transferred to the present Probate Court, also in White Friars, but on the opposite (southern) side of the street. It was not customary at Chester to transcribe the wills (as was the case elsewhere) into large folio volumes, and consequently when a will before 1838 is required the original has always to be produced. These original wills appear to have been cared for at Chester in pretty much the same sort of way as they were in most of the other Bishops' Courts throughout the country. They were packed away in most unsuitable places—in garrets where the rain coming in spoiled very many, whilst others were nibbled by rats or mice; or in cellars where they were slowly but surely destroyed by damp. Considering how they were treated, it seems almost wonderful to find so many still in existence. Indices were

made from time to time, and a comparison of the entries in them with those in the modern Indices show a great many wills to have disappeared.

But nothing shows the number of the lost wills so much as an examination of what are known as the ACT BOOKS. These books, which commence in 1596, contain entries of all the wills proved before the surrogates, who, throughout the two counties, were appointed by the Chancellor as his representatives. Each entry occupies from three to five lines, giving the date, the name, and place of abode of the testator, and the name of the person or persons, who as executors or representatives proved the will, or took out letters of administration. These Act Books, therefore, give a great deal of useful information, and in all genealogical enquiries they have to be consulted; for in the many cases where the will there stated to have been proved is not now extant, they afford evidence of a person's death, and may supply the name of his wife, son, daughter, or other relation who proved the will. The earliest of these books commences with September, 1596, and goes down to 1608;* the second commences in 1609, and so on down to 1858. The series is, however, not quite consecutive, one or more volumes being missing. The value of these Act Books is very great, and they well deserve to be indexed, so that they might be far more frequently referred to than they are now.

When the wills were removed from the Bishop's Registry in 1847, the Record Keeper was at the trouble to make an Index to them, so as to enable any will to be the more readily found. This Index was not based on any of the older ones,† nor copied from them, but was an entirely independent one, being an Index to those wills only, which were then and are now preserved in the Probate Court.

* In this volume after 18 Sept., 1602, come several pages, 11 July, 1608, to 6 July, 1609, which have been inserted there in error when the volume was re-bound. These pages should come at the end of the volume.

† The early original Index still preserved gives the wills arranged under the *Christian* name, that is to say all the Roberts, the Johns, &c., together under each year, and without any description of the testator's place of abode or of his rank in life.