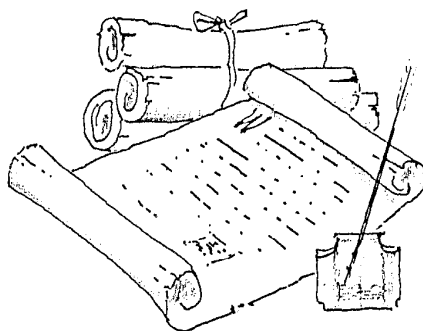


M E C C A N E W S



Nº 6

April 1982

Dear Member,

Now that Spring is here and Summer just around the corner, the question of our 'Clan Meeting' has arisen once again. After great deliberations and deep discussions on the subject, the Committee is pleased to report that it has been possible to hire Claremont for a meeting of Metcalfes and Metcalfe researchers on Saturday, 4th September from 10.0 a.m. to 4.0 p.m. An overall charge of £2.50 will be made to cover costs and will include lunch. Will those who intend coming please fill in and return the slip at the bottom of Page 7 to the Treasurer and make cheques payable to 'The Metcalfe Society'.

We hope to have a display of members' family trees and other researches as well as any items of interest to other members. I'm sure that we shall be able to help each other in some way and, who knows, some of us may find we are related to each other, however distantly. Fuller details will appear in the next Newsletter. In the meantime, I hope many of you will try to attend in September and look forward to meeting you then.

We have not yet obtained the Metcalfe microfiches from the Genealogical Library at Huddersfield. These have been ordered and the Librarian will let us know as soon as they arrive. If it is any consolation, they, at Huddersfield, are just as frustrated as we are by the delay.

I must not finish without an apology to Mr. J. C. Metcalfe of Ottawa, Canada, in whose article in our last issue, an error appeared. The opening line, "The thought of emigrating to Canada" should, of course, have read, "The thought of emigrating to Ireland....." which makes much more sense. My apologies to Mr. Metcalfe.

And now all that remains is for me to wish you all a very happy Easter.

Best wishes,

Vera Adams.

Editor.

W I L L S

Mr David Lambert of Altrincham, Cheshire has sent us the following very informative and helpful article on wills for which we are very grateful. We are sure it will be of help to many of you.

As most of us will realise many of the documents which are available to us for research were not prepared or completed with any inkling that they would be consulted by family historians. They were used by lawyers and government officials, who used their own language and style, which we find legalistic and complicated to understand. In this article, and possibly later ones, I will attempt to explain some of these documents- what they did, how they were used and the meaning of some of the words and phrases.

As Wills are commonly consulted and are rather formal documents, I propose to start there.

First, what constituted a Will capable of carrying the deceased's wishes into effect. To answer this it is necessary to consider the date the deceased died. The modern law is, broadly speaking, contained in the Wills Act of 1837. The law prior to that was regulated by the Statute of Wills of 1540 (Henry VIII's reign) and the Statute of Frauds of 1677 (Charles II's reign). I propose to deal with the pre 1837 law in this article.

Before examining the law it might assist if some explanation is given of certain common legal words and phrases:-

TESTATOR:	male person who made the will and subsequently died.
TESTATRIX:	female testator.
BENEFICIARY:	person who received a benefit under the will.
BEQUEST:	general term for a gift or benefit.
DEVISE:	a gift of land to a beneficiary.
DEVISEE:	person who is given a devise.
REALTY:	general term for land.
REAL PROPERTY:	ditto
LEGACY:	general term for a gift usually of money or belongings.
PECUNIARY LEGACY:	a gift of money.
PERSONALTY:	general term for property which was not land.
PERSONAL PROPERTY:	ditto
EXECUTOR:	male who deals with the administration of the testator's estate in accordance with his will.
EXECUTRIX:	female of the above.
ESTATE:	general term for all the property of the Testator.

Having listed a few common words commonly found in wills, I will deal with the legal aspects of wills.

After 1540 a will did not need to be written at all UNLESS the testator was giving away land (i.e. devising real property). The 1540 laws required the testator to commit to paper his wishes to give away land. Even so the testator did NOT need to sign or have the will witnessed before witnesses. It must have been usual for testators to make their wills on their death beds and with their dying gasp! The problem of proving the last wishes of the deceased obviously led to more people, as they became wealthier, committing their wishes to paper even though this was legally unnecessary.

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In an attempt to avoid fraud the law was tightened up in 1677. After that date the testator who gave away REALTY not only (as before) had to leave a written will but also he had to sign his name (or make his mark) before three credible witnesses.

By virtue of the 1677 statute it also became much more usual for wills which did not involve realty, but personalty only, to be written. This was especially so where the value of the estate was over £30, because very stringent rules were laid down for an oral will of such an estate to be valid. It was far easier for the testator to commit his wishes to paper and not run the risk of his oral will being held invalid.

An oral will was called a NONCUPATIVE WILL. They were proved by witnesses who swore to the court the last wishes of the deceased. They became rare by the 18th century. The 1677 statute did not require the testator to have his will witnessed if it merely dealt with personal property and if it was written personally by the testator - or written for him by another and acknowledged by the testator to be his will.

When signing the will the testator, prior to 1837, would also SEAL the will by affixing his seal to a piece of sealing wax at the bottom of the will. If unable to write he would make his mark - not necessarily a cross, sometimes a simple cypher.

Until about the turn of the 19th century it was customary for the testator to commence the will with the words "In the name of God Amen. I -----of-----in the County of-----" often followed by the words "being sick in body but of perfect mind and memory, praised be God." It was usual then to commit the testator's soul into the hands of Almighty God and to set out the testator's funeral wishes.

If the will is old it may, at first, be difficult to understand the writing. It can often pay the researcher to consider the first few lines carefully, as these are very often in a common form, as indicated above. Having identified several words like "God" "Almighty" "Christ" "body" etc. - this can help later when reading the bequests which then follow.

Before giving bequests it was usual for the testator to ask that his just debts be paid. One often finds that before each bequest the word "ITEM" is written. This is not always clear and I have struggled on more than one occasion to work out what that mysterious word was. If in doubt remember it could be "item."

After the bequests the testator would invariably name his executor. There then followed a statement that all former wills were revoked - "in witness whereof I have hereto set my hand and seal this----day of----- (month and year) " The year occasionally was equated to the regnal year i.e. the number of years since the monarch's accession to the throne.

These common phrases might help to clarify words or phrases appearing in the body of the will which appear indecipherable.

Such was the legal position and the format of wills until the 19th century. After 1837 the law was altered in some respects - two witnesses only were required, but on all occasions, regardless of whether realty or personalty was being given away. All wills (with minor exceptions) had to be written and signed by (or on behalf of) the testator at the end.

I will deal with the position when a person died intestate i.e. without leaving a will, at a later date.

DAVID LAMBERT.

The following extract was sent to us by Mrs Shirley Walls, of Halkyn near Mold, Clwyd in the hope that it may be of interest to someone.

Vol 1 1885

9) 14 LANCASHIRE AND CHESHIRE
I have an agreement dated 6 May 1692 & the Will of Thomas Metcalfe dated

5 Nov 1712. The indenture of agreement was between Judith Metcalfe, widow and relict of George Metcalfe, late of Lancaster, gentleman (deceased), and Thomas Metcalfe, son of the said George and Judith, and it witnesseth that George Metcalfe was seized of a messuage in Lancaster wherein the said Judith lived, and other houses in Penny-street, and also certain crofts of land in Lancaster and Heysham. Upon the death of George these descended to his eldest son and heir Thomas, subject to dower to which his mother relinquished her right in consideration of an annuity of £12 per annum. In February, 1713, Thomas Metcalfe died, and by his will (dated 5 Nov., 1712,) he bequeathed his land to his eldest son Thomas and legacies to his other children, viz., to William £50, to Judith and Elizabeth £100 each, and to George, Margaret, and Dorothy £100 each on their attaining the age of twenty-one years. He appoints as his executors Thomas Westmore and William Stout both of Lancaster, gentlemen. William Stout, although described in the will as "gentleman" was a wholesale and retail grocer and ironmonger, and belonged to the Society of Friends, and from whose autobiography (edited by J. Harland) I have extracted the following particulars about the Metcalfes:—

12th month, 1712 (i.e., Feb., 1713) Alderman Metcalfe died and I was at his burial. In two days after I was sent for by his daughters and they produced the will, which being read, his brother Westmore and I was named joint executors of it, which I was much surprised at and much troubled at. Some time before he died he sent his eldest son Thomas, to London to be preferred by his cousins George and Francis Metcalfe. The first was solicitor for the Commissioners of the Customs in London and the latter Collector of the Customs at Southampton, who procured him [i.e., the eldest son of Thomas] the place of Collector of Customs at Penzance, worth £100 a year, and of the salt duty, worth £50 a year.

William Stout communicated with the testator's eldest son, who desired him to "execute the will and he would be well content with his management." Accordingly the will was proved and the unfortunate executor had sometimes to "advance £100 of his own money to make all easy." Thomas Metcalfe remained in Penzance until 1726, when he appears to have been in pecuniary difficulties, and coming to London had his estate in Lancashire sold to pay his debts. He shortly afterwards returned to Penzance and there died. Stout gives the following particulars of the rest of Thomas Metcalfe's family:—William was brought up to the sea "very hopeful and improving," but he died "upon a Guinea voyage." George was sent to his brother at Penzance and from thence to London, "but could not get him fixed to good business." Judith married Thomas Holme, schoolmaster and curate at Lancaster. Elizabeth married Robert Winder, a draper. Margaret "married poorly at London," Dorothy "we placed an apprentice to a milliner; she was of little stature and very modest and hopeful, but had an unfortunate marriage which brought her to hardship." In 1680, a Francis Metcalfe was Mayor of Lancaster. Would this be the cousin in London already referred to, or was he a brother of George Metcalfe, and consequently uncle to Thomas?

H. FISHWICK, F.S.A.

NEW MEMBERS

We welcome the following new members:

Mr J.R. Metcalfe, 19 Charnwood Road, Woodley, Stockport, Cheshire.

Mr W.S. Metcalfe, 1, Macfarlane Close, Impington, Cambridge.

Mr. R.N. Metcalfe, 6, Westcott Drive, Durham Moor, Durham City.

CHANGE OF ADDRESS

Mr John Holden formerly of 23, Woodgrove Road, Towneley, Burnley, has moved to 49, Brooklands Road, Towneley, Lancs BB1 3PR

Mrs Shirley Walls, formerly of 54 Overlea Drive, Hawarden Clwyd, has moved to Bryn Hyfryd, Moel Y Cric, Halkyn Clwyd.

METCALFE NICKNAMES

The following extract from "A Bonnie Hubblesho" by M. Batty illustrates the wellknown habit of calling people by their father's or mother's Christian names or nicknames, before their own Christian name. This was because there were so few surnames. For example Metcalfes could be called Rumper or Oggy or Duke. One member of this family, known as Duke Mary, was a sheperdess on the moors above High Whitaside. She went into Fothergill's shop one day on an errand for a neighbour, and stood in the middle of the flook muttering, "I had to tak hoaf a yard o' summat, but Ah's fergitten name on't. It's black, summat like t'fine neeame fert Divil." Mr Fothergill said "Satin?" and she replied "That's it, hoaf a yard o' Black Saytin."

Mrs Winnie Hird remembers her when she was a very old woman. She was strongly built, rough and unlearned, but kind, clean and honest, perhaps the last of her type. She lived on a very small holding, keeping a cow, a pig, half a dozen hens and often reared a calf. When she was in her old age, in the early 1900's, her neighbours, Matt Bell, Jossy Sunter and Mrs Hird's father, Willy Appleton, banded themselves with others to reap her hay, buy from her and sell for her, kill and salt her pig, and take turns to cart coals for her in the winter.

Mrs Hird remembers that her house was very bare with sand-ed floors which the little girl delighted to sweep and re sprinkle with newly crushed sandstone. Duke Mary possessed a few choice pieces of very ancient furniture and pottery. She always wore a red flannel petticoat and a quilted underskirt. Her outer skirt and bodice were black, and out of doors she wore a mantle or pelisse, sleeveless and reaching to her ankles. Her foot wear was either strong hobnailed boots or laced clogs.

Mr Willy Appleton said that in her younger days she could whistle like a boy and shear a sheep like a man. She could follow in line with the men, mowing with a scythe, and was expert at cutting out a 'peat pot' and reaping peats for fuel. When this heavy work became too hard, she did some home nursing, particularly at confinements. After one birth, Mrs Appleton noticed that the baby was unusually quiet, and asked Mary, "Are you sure that child is all right?" "Aye" came the reply "Ah's geent a drop o' gin."

A drop of gin and a pinch of snuff were the highlights in her hard life. The story was told of her going to the shop with an old crony, Margit, when the gin bottle was refilled for home consumption. Coming out of the shop Margit slipped and dropped the bottle, which broke on the flags. To the amusement of bystanders, Duke Mary was quick to cover up for her friend. With the smell of gin rising to all their nostrils, they heard her say, "Nay, Margit, thoo's gone and spilt thee vinegar."

HELP WANTED

A cry for help comes from new member W.S. (Bill) Metcalfe, 1 MacFarlane Close, Impington, Cambridge, CB4 4LZ. Birth brief - son of Wilfred b.1884 Prestwich; son of Thomas b. 1834 Unsworth; son of John b. circa 1813/4. John Metcalfe born circa 1813/4 at Bury or Roper (not yet found on any map) started his working life as a calico printer in Bury and later set up his own chemical business in Miles Platting, married Sarah Kenyon in 1833 at St. Mary's Church, Manchester. This is NOT the John Metcalfe son of John and Mary bapt. 10.5.1812 at St. Mary's Church Bury, as this is John who died aged 18 years. CAN ANYONE HELP ??

HELP OFFERED

The following list is of booklets held by Nina Benson, 5, Coxwold View, Wetherby, who will gladly give information from them on receipt of an S.A.E. Alternatively they can be purchased from the Federation of Family History Societies, 96, Beaumont Street, Milehouse, Plymouth, Devon, PL2 3AQ who are the publishers.

"Census Returns 1841, 1851, 1861, 1871 on microfilm" - A directory to local holdings, compiled by J.S.W. Gibson.

"Bishops' Transcripts and Marriage Licences, Bonds and Allegations" - A guide to their location and indexes, compiled by J.S.W. Gibson.

"A simplified guide to probate jurisdictions: Where to look for wills," compiled by J.S.W. Gibson.

Miss E. Metcalfe, 2, Woodview Mount, Dewsbury Road, Leeds 11 6LG thinks the following information may be of some use to some other member: Her grandfather, James Metcalfe, b. 1844 married Margaret Ward of Dailly, Ayrshire, in 1874. They had three children Ada, Mary and James. Ada emigrated to Australia and nothing more is known of her. Mary married Herbert Richardson and they had one daughter. James married Mary Ann Verity and they had eight children of whom Miss Metcalfe is one. Her grandfather, James, moved to Leeds and married again but lost his life in a pit accident in 1902. He came to Leeds from Stalling Busk but exactly when is not known.

LEEDS PARISH CHURCH REGISTERS

Mrs Jean Hanson, Secretary to the Family History Section of the Y.A.S. is at present engaged on recording the unpublished part of Leeds Parish Church marriage registers. She has kindly sent the following list of Metcalfes which she has come across so far.

METCALF, METCALFE, MEDCALE

Eleanor	William Duxberry	7 March 1770
Mabel	William Chappell	12 Feb 1771 lic.
James	Hannah Marsdin	25 Feb 1771
James	Ann Sarvant	26 May 1771
Jane	William Walker	21 Sept. 1772
Mary wid.	Samuel Isherwood	6 Jan. 1773
Samuel	Ann Brown	2 Jan. 1774
Rebecca	Joseph Hoops	29 March 1774
William	Rachel Oldred	9 July 1775
James	Mary North wid.	24 June 1776
Elizabeth	James Stephenson	1 Oct. 1777

Our thanks go to Mrs Hanson for this list and she has promised to let us have others as they appear.