

**Surname
Variants***Metcalfe**Metcalf**Medcalfe**Medcalf**Metcoff**Midcalf**Medecalf**Metecalf**Metkalf**Mydcalf**Midkiff**Mitcoff**Mitkiff**Meytecalfe**Matecalve**Modecalfe**Metcleff**Midcoff**Meatcoff**Midcalph*

'Mecca' is phonetic
dialect for Metcalfe

Can you add to this
list from records you
have come across?

Please email
editor@metcalfe.org.uk

**THE METCALFE SOCIETY**
Established 1980**In this issue**

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Message from the Chair

Well, the AGM and Muster have come and gone, and now we need to get down to planning for the next year.

One thought which comes to prominence from the speakers at the Muster is the range of additional material that we really do need to look at. The speaker from the Borthwick Institute demonstrated a very interesting set of documents which could give extremely interesting facets to our impressions of our ancestors. At this distance in time, we cannot know what their lives were like, how they spoke and felt, but perhaps the Cause papers might give us some idea of their thoughts and lives which we will never be able to find anywhere else. I realise that we were only talking about those documents written down in courts here in the UK, but it seems fairly likely that similar organisations existed around the world, especially in those areas colonised by Brits. Maybe if you can find similar records wherever you live, you may be able to tap into the actual language your ancestors used, or if not anyone related directly to you, maybe the language other people living in the same area used. It could help to colour your picture of life in the past.

The other thought that we all need to bear in mind is that although we are primarily concerned with Metcalf/e history and individuals, so many of them will have married into other families and those people will also have interesting lives – something that I'm sure you are already aware of. You only have to look at your family tree to see how many other families have been involved in creating the person that you are. While we would love you to continue to research your Metcalf/es, maybe the stories from the other side of your family will shine a light on what was happening across the whole family and help you understand what their life was like.

[cont.' →]

On another topic – how many of you have had your DNA researched? Did anything interesting come from it? Obviously, the Metcalfe Project only deals with the male DNA, but has your test with other organisations thrown up any new connections or unknown relations? In my own case, I have now been in contact with the grandchildren of my grandparent's siblings (sounds complicated) – which we had lost contact with following the deaths of the grandparents of us all. It has been very interesting to swap photos and stories and helps to expand our knowledge of how the family has expanded over the years. One connection through my Metcalfe Great-grandmother has been extremely helpful in finding information about our mutual paternal Grandparents, especially as I don't live in the same area any longer. Have any of you had similar experiences? We'd love to hear from you.

As you will be reminded further in the newsletter, it is nearly time for renewing your membership, and we hope that you will be pleased that, once again, we are not increasing the subscription rate – keeping it £10 UKP. We hope that you will consider renewing again. We would also love to hear from you – compliments or brickbats - and look forward to hearing from you in the future. Take care of yourself and may we take this opportunity to wish you and yours a happy Christmas and a healthy and active 2026.

Jo Heron

Emigration to Australia

I recently joined a podcast that was the story of a young girl from the North-East of England who emigrated to Australia in the 1840's with an assisted passage. I was aware that this happened in the mid-20th century – creating what we knew as the 'Ten Pound Poms' emigration programme but had never heard that a similar scheme had been operating from such an early date.

Our Agent in Australia has agreed to look into this for us, and I'm sure she would be very willing to hear from anyone in Australia whose ancestor went over in this scheme – whether they stayed and thrived in their adopted home or whether they eventually returned to the UK. If any of you come across any information about individuals, whether your family or not, that used this method to improve their lives – please do let us know. It is new aspect to the spread of the family.

Did anyone in your family use this way to travel so far in the hope of a better life? Many may have been young women (possibly looking for husbands), miners going out to the gold fields or farmers looking for a new life overseas – so with a wide variety of reasons.

Do let us know if you have anyone in your family through agentaus@metcalfe.org.uk or membership@metcalfe.org.uk

Obviously this is research we can stretch across the world to include those of you in America and Canada, and elsewhere, - so do bear us in mind when you are looking into your family.

Jo Heron

THE METCALFE SOCIETY AGM 2025

Saturday 4th October – The Cloister, Tennants Auction House, Leyburn, North Yorkshire

Annual General Meeting (brief draft report, Minutes will follow in due course)

Members and visitors were welcomed to the Cloister's at Tennants, which proved a very comfortable venue for our meeting – unfortunately, we were unable to make use of the gardens thanks to Hurricane Amy, which also affected several members ability to get to North Yorkshire. Numbers were down as meetings are still recovering from the pandemic and the hurricane did not help, but hopefully in the future we may return to our former numbers.

The Committee 'meet' bi-monthly and thanks to online facilities, our Agents in Australia and Canada join the meetings, and it is very useful to have their input – our especial thanks go to Diane in Australia as it does normally involve some unsocial hours for her.

The AGM proceeded with the re-election of the Officers and Trustees, and Ella Burton was welcomed to the Committee. The financial statement was accepted.

Jo Heron, Chair

The Muster continued with two major presentations from Laura Yeoman, of the Borthwick Institute, York and Anne Giller

Introducing York's Cause Papers – Laura Yeoman

'The Borthwick Institute for Archives at the University of York holds over 15,000 Cause Papers - the records of individual cases heard in the ecclesiastical courts at York between 1300 and 1858. These records, for which parallel records sets will survive for other areas of the country - are a hugely underused resource for family and local history but can give great insights into how communities functioned in the diocese of York across time. Whilst the title of the collection sounds quite dry, the church courts primarily dealt with moral cases - defamation, slander, will disputes and immorality are common themes - so they are often more interesting on closer examination! As witness testimonies are recorded verbatim, the cause papers also include some of the earliest cases in England of individuals speaking in their own words. In this illustrated talk Laura took us through the church court system and provide examples of some of the different types of cases you can find in the Borthwick's records - including some Metcalfe's!' - Laura

Laura illustrated her talk with images of the type of documents held by the archive, which will be similar to those held in other repositories across the country, dealing with cases of Marriage Litigation, Defamation, Disputes over wills, Administration of tithes and the Management of property held by the Church. 'Instance' cases dealt mainly with the first three types of disputes, while the 'office' cases were largely related to Church matters and were often the reason for an Archbishop's Visitation. Often, although someone involved in an 'Instance' case may have been defamed, by the time the case came to court, it had already been resolved but these cases are extremely interesting in that they contain the earliest use of English speech – in quotation marks – of the people involved. They also contain a lot of information about the local area, individuals, kinship, history of the individuals and the place, and so much more. Penalties included a range of penalties from a warning or a fine up to excommunication. In a period where illiteracy was

common – the word of a person was of prime importance. As the litigants had to pay for the privilege – costs might have been a factor in resolving cases quickly.

The Courts were abolished during the Parliamentary period, 1650's, although restored with the return of King Charles II, but they were slowly moving to more legal matters than the hearsay incidents. Ordinary people might appear in the records often as witnesses, and they may be found in several books, as the case proceeded over a period of time.

Cause Papers are just that – documents recording court proceedings and with 3-400 courts across the country. The lowest levels were the Peculiar courts with cases passed to Archdeaconry courts, Consistory courts and highest of all the Prerogative courts at Canterbury and York. The documents are largely in Latin but where there are spoken words by the plaintiff, defendant or witnesses they may be verbatim in English – often including what might be called Anglo-Saxon English.

The Borthwick holds 103 cause papers relating to the name Metcalfe between 1500 and 1850 – mostly as witnesses rather than as Plaintiffs or defendants. A couple of instances:

- 1598 William Metcalfe of Yarm called the Rector of Wath '*a madman and a bedlamer*', however there are no further details of the case, so we don't know what the result of the trial was.
- In another case, a Thomas Holmes called a Meriol Metcalfe '*a scurvie queane, filthie scurvie queane*' and her husband, Peter Metcalfe was '*a roague and an errant roague*'. The case was suggesting that Meriol was a fornicator or adulterer – unfortunately there is no record of what, if any, the sentence was.
- In another instance, Elizabeth Metcalf took James Staney to court in 1860, possibly for promising to marry her, then not doing so. Elizabeth won her case although no sentence is included. Checking online, Laura could not find a marriage between Elizabeth and James, but our database shows an Elizabeth Leeming b. 1835 married a Slaney but was widowed by 1863, living in Ripon and married to William George Metcalfe. Would that be the same Elizabeth? Was she clearing the decks ready to marry William George – obviously something to investigate further.
- 1804 Michael Metcalfe took a case to court over the seating arrangements in the Church at Cottingham, following a refurbishment there. No sentence is included so presumably the case was settled – out of court.
- By 1821, 23-year-old Elizabeth Metcalf of Otley and her sister who lived in Wakefield were called as witnesses in a case where one woman in Wakefield had called another '*Old Harrison's whore*' and Elizabeth was able to sign her testimony.
- The last case Laura gave us. Nancy Metcalfe, wife of John a butcher in Skipton but daughter of Christopher Cook. Nancy had been one of the executors for Christopher, along with a Charles Carr. Christopher died in 1842, Nancy died in 1849 and the dispute seems to have arisen when the son John claimed that everything under the will should go to him, believing the will is illegal. The estate does seem to have been weighted against John as his brother and sisters all received substantial bequests of property while he was only left £100. The sentence in this case goes against John – but it would be interesting to know why John was left so little.

Laura finished up warning us of the problems inherent in old records. Handwriting is the main problem, the use of abbreviations and technical (legal) terminology and the language used. Later papers may be easier to read as the writing becomes more recognisable to us.

If you think you may have an ancestor potentially involved in any court issue, the Borthwick have an online catalogue available <https://discover.york.ac.uk/>, although they also recommend booking ahead and paying a visit to the archive. If you have any questions or would like further information, contact Laura.Yeoman@york.ac.uk or Borthwick-intstute@york.ac.uk

The second speaker was Anne Giller of Sheffield & District Family History Society.

"You can't tell owt from a surname: an overview of English surnames and surname research".
Anne focussed on:

- Why and when surnames developed
- Why study surnames
- Types and characteristics of surnames
- Sources for surname research

She began her research, working with David Hey, who is a well-known figure in surname research, and aimed to outline the current state of surname research. The Chairman had sent her 34 names of individuals that had married Metcalf/e's in the 16th and 17th centuries, and her talk was illustrated with distribution maps. She pointed out that although there may have been 250,000 recorded in the 1881 census, less than 500 had more than 10,000 individuals listed. The other 200,000 were held by fewer than 100 individuals but which still include mistakes – so although it seems strange, there are more uncommon surnames than common ones.

In England, surnames are normally passed down the male line, women often change their name on marriage, and this system has been in use for around 800 years, although there were exceptions. The use of a surname spread slowly down through Society and out from London to everywhere else in the country.

Anne reminded us of the history of the country, with three groups of people, Clerics, Chivalric and Common people. The King nominally owned everything, with the consent of the most senior nobles, and granted estates and titles to his barons. They leased/gave land to their vassals in return for service and support, and so on down through the lower and lower levels of Society. The Commons were the ordinary folk who did all the labouring required – traders, merchants, artisans, peasants. The Clerics were the class of Rectors. Priests, Bishops and Archbishops.

In 1348 and again a few years later, Bubonic plague decimated the country and about half the population died. This resulted in land and tenancies becoming vacant and peasants and others we might consider 'entrepreneurs' to flourish and differences between areas of the country, both in dialect and surnames, developed, although often locally, distinctive names were found in what David Hey called 'surname neighbourhoods' often to a 20-mile radius. It is generally accepted that descendants with the same or similar surnames shared a common ancestor – they are monogenetic. Metcalfe is an example of a successful surname – it has a number of variants and shows no sign of dying out, but rather increased as the industrial revolution drew people away from rural locations to manufacturing towns and cities.

Surnames come from a variety of sources. The biggest group are the locative names taken from a placename or a landscape feature. Toponymic names are based on identifiable places – even though the place itself may be no longer in existence and often include 'de' meaning 'of or 'from'. Of the 34 names sent to Anne, 17 were connected to a placename. Topographic names often

referred to features in the landscape such as a bank or a barn and often include a suffix '-er' of 'man' – so we have *Bankhouse* and *Banks*.

The next largest group were formed from relationships – a local name for someone, e.g. *Watmough* – son-in-law, or by adding 'son' – *Clarkson*, *Cookson*. Shortened names were created 'Law' instead of *Lawrence*, 'Sim' for 'Simon', or a personal nickname. Others came in with increased trade from overseas such a 'kin' in *Larkin* and *Atkin*, or 'cock' as in *Adcock* and *Wilcock*.

Occupations also contributed a rich variety of surnames including status names – 'le' and 'man' so we have 'Cheeseman' and 'Matthewman'. The only names from the list in this category were 'Redman' or 'Redmayne' from 'reedman', 'Codman' and 'Trotter'.

Another group were Nicknames. Name such as 'Lofty', possibly 'Trotter', 'Redhead' or those referring to an aspect of the individual. Some may have been complementary such as 'cunning as fox', 'wise as an owl' and so on. 'Booth', 'Pigg' and 'Nodding' are three names which may fall into this category from the list.

Anne sent this advice and a message about sources:

SOURCES FOR SURNAMES PRE 1700

You need to hunt and cast your net wide. It is important that you get to grips with the local history of the area where you are searching. For example, who owned the land where your ancestor lived? Names of tenants crop up in records to do with landowners including as witnesses. You need to collect what names you can and do some family reconstruction which may help you to understand how many families were involved and where they were based. You may find *Family Names and Family History* by David Hey (Hambleton: 2000) a useful read. Below are some suggestions that reflect records where I have found early references to my ancestors and their surnames. Some but not all are online.

- Inquisitions postmortem
- Wills
- Subsidies and tax rolls including:
 - Hundred Rolls
 - Poll Tax,
 - Lay Subsidies,
 - Hearth Tax Records <https://gams.uni-graz.at/context:htx>
- Land charters and deeds including Feet of Fines, Cartularies
- Manor Court Records
- Parish Records (look for material associated with the parish not just baptisms, marriages and burials)
- Muster rolls (16th century)
- Free and Voluntary Present (17th century)
- Protestation Returns (17th century)

There are lots of places where you may find some of these records as lists in print including:

- Family History Society publications
- Local History Society publications see BALH for list <https://www.balh.org.uk/societies>
- County record society publications (most have a website where you can see what they have published)
- Antiquarian societies e.g. Thoresby Society, Surtees Society (most of those still functioning have a website where you can see what they have published)
- County record office catalogues (many are now online)

- County histories (<https://www.british-history.ac.uk/>)
- English Surnames Survey county books for: Oxfordshire, Lancashire, Norfolk and Suffolk, Sussex, Devon and Leicestershire.
- Burke's Peerage and Landed Gentry
- English Place-Names Society county volumes – contain early references to placenames including where these occur as the surname of a person. Use their references to track down the source where they found the name.
- There are lots of printed volumes of national records published by the Public Record Office in the nineteenth century and early twentieth century such as the *Patent Rolls*, *Close Rolls*, *Inquisitions Post Mortem*, etc. Some of the Record Offices, academic libraries and bigger public libraries have copies.

RESOURCES

- *British Surname Atlas* <http://www.archersoftware.co.uk/>
- *Dictionary of Yorkshire Surnames* (George Redmonds: 2015)
- *The Oxford Dictionary of Family Names in Britain and Ireland* (Coates, Hanks & McClure: 2016)
- *Yorkshire Historical Dictionary* <https://yorkshiredictionary.york.ac.uk/>
- *Middle English Dictionary* <https://quod.lib.umich.edu/m/middle-english-dictionary/dictionary>
- *English Dialect Dictionary* (Joseph Wright: 1855-1930)
- English Place-Names Survey
<https://www.nottingham.ac.uk/research/groups/epns/survey.aspx>
- *Key to English Place-Names* <http://kepn.nottingham.ac.uk/>
- *Index to Personal Names in English Place-Names* (Briggs: 2024) and *EPNS Yorkshire* in pdf format <https://www.nottingham.ac.uk/research/groups/epns/downloads.aspx>
- Society for Names Studies in Britain and Ireland (*Nomina* journal)
<https://www.snsbi.org.uk/search.html>
- The Surname Society <https://surname-society.org/surname-studies> (surname research worldwide)
- Medieval Genealogy website (Foundation for Medieval Genealogy) – extensive list of sources <https://www.medievalgenealogy.org.uk/index.html>

If you would like more detailed information on either of these talks, the speaker has provided a text with photographs and/or maps as appropriate, but which are much longer than we have space here to include. If you would like a copy or would like to revisit the presentations, please email chairman@metcalfe.org.uk

Gardens in the northern hemisphere are being put to bed for 2025.

My grandfather, Walter Metcalfe, was an avid gardener (as was his father, apparently) and also printer/compositor for this newspaper. He contributed to the garden pages under the pseudonym Wilton Murry.

The Victoria Daily Times (Victoria, British Columbia, Canada) · Sat, Oct 4, 1941 · Page 25

Susan Harper, M0266

'T'WAS EVER SO
By WILTON MURRY

Why do my garden flowers droop and die? They haven't been around so awful long; but they'll be back when spring is in the sky—my daddy says so, and he's never wrong, that is—not often wrong.

He says the flowers' feet—he means the roots—must have a rest, been standing quite a spell. He doesn't know I planted out some shoots of his perennials, now don't you tell, he'll maybe say 'twas wrong.

When daddy starts to plant the bulbs in fall he never knows how

deep they should be set; that's when I have the mostest fun of all, and tulips for my corner patch I get, which also might be wrong.

So now you know I like the summer days, and hate to see them slip away so fast. But wintertime is great, my daddy says, and this one's going to be far worse than last. Gee, how I hope he's wrong.

Muster Metcalfe website presentation

During this session, I hope to be able to show you how to access our new website and what you can find there, as well as explain some of the problems you may have found in accessing it.

Open the site by clicking on <https://www.metcalfes-online.co.uk> The first view you will see is;



1. [Home](#) [The Name](#) [Join Us](#) [Projects](#) [Events](#) [News](#) [Contact](#)
[Shop](#) [Log In](#) over a picture of Nappa Hall.
2. **Home** - is a basic welcome message. This page is for the general public – just a basic message about the Society. NB It does not allow access to databases and the more personal data we might hold – so **YOUR** details are secure.
3. **The Name** - includes four sections - Notable Metcalfes, Heritage, Heraldry and the History of the Clan book. This may not be comprehensive yet, but we are working on it, so any suggestions for additional information or amendments to what is on these pages is welcome.
4. **Join Us** - consists of How to Join (for non-members;) Membership Renewal information; Services for members; Research that we can help with. For non-members, the important page is the 'How to Join', as members will be Renewals or other aspects of the activities of the Society.
5. **Projects** – This page includes some of the projects that have developed over the years. These include some Family Trees from members, Wills as accessed from various sources as well as those sent in by members, DNA information, Research on Metcalfes involved in World War 1, Original lists collected by members when the Society started, Where the family has spread across the World; Requests for Volunteer to help in various ways and some information on visiting the Dales, the original home of the Metcalfes.
6. **Events** - lists our own Metcalfe Muster details over the years and events organised by various Family History Groups across the country as we have been notified of them.
7. **News** - includes information on the Image Gallery which flags up the illustrations we have. It also includes links to other Societies Worldwide – so we do need to keep this up to date - with your help. If you are a member of another Society or find a useful one online, please let us know.
8. **Contact** - gives you a list of the people who are doing various jobs for the Society, i.e. the Trustees and Committee members with Contact details.
9. **Shop** – this is our marketing page with links to the various publications and other items we have for sale to members and those interested. It is available to anyone accessing the website.

And finally, we come to the most important page for YOU as a member.

10. **Log in** – This is obviously the page you need to go to as a member to be able to access the more sensitive and personal information as well as to access more information from the Metcalfe database.

You will notice that some areas of the Society's activity are missing on this first page. The Gallery has not been populated and there is no mention of our newsletter Mecca News – both of which are accessible only to members when logged in.

So, to do that - **Click on Log in**

The next screen asks you to log in to your account using either your Username or your registered email address. Your username is your **Membership Number** for the majority of members; a small group of early volunteer testers will have their name as a username. Your **password** has been assigned by the computer and consists of upper- and lower-case letters, numbers and punctuation marks. This will have been sent to you when you joined and confirmed your email address. Once logged in, you can go into your Account and change this to something you will find easier to remember if you wish. Should you forget, please contact membership@metcalfe.org.uk for a reset link. You can also click on the box Remember Me and it will associate your Username and Password together when log you in in future.

Now you are logged in, you can see the **Image Library** and **Search Records** have appeared and **Mecca News** is included News - IT DOESN'T NEED TO BE IN BOTH NEWS AND MEMBERS ROOM. This is where you can access all copies of the Newsletter and Journal as published by the Society over 45 years – all as downloadable .pdf's if you want or need a hard copy.

1. **Contacts** include the ways you can contact members of the Committee. various downloadable forms such as forms for Renewal, a Standing Order to your bank for UK members and a Gift Form, again for UK members – NEEDS TO BE IN THE JOIN US PAGE ONLY.
2. You can now access the **Members Room**. There is an initial Welcome message, you can check and amend your membership record amending or adding postal address, telephone, email address, web site details and a number of other things which are personal to you which we may or may not need to access. Authorisation Preferences allow you to let us know what you are willing to share with the Committee and/or other members. There is also a copy of the Society's Data Protection policy. The '**My Account**' page gives you a summary of your involvement with the Society, as well as your activity on the site – such as images you have uploaded to the Image Library. You can also access to the Mecca News issues.
3. The **Search Records** page includes our Main Index of all the individuals who have been included from those records collected by members since 1980, and which continued to be entered over the years. These include Births, Baptisms, Marriages, Deaths and Burial information which are continually which have been added more recently. You can also access the Wills that have already been collected and, again, which are being added to as time goes on. We try to observe the 100 year rule when entering new information so many Metcalfes who were alive and active in the 20th century may not be included.
4. The **List of List** is a catalogue of the basic information collected by those early Society members who visited record and registry offices across the country. This is listed by place and date for the parishes and what they hold, it is not a detailed list of the information that was gathered – that information is already in the **Main Index**, but this is a guide to what is available in the **Main Index** sometimes parish by parish, or record office by record office.
5. The **Mecca News** issues can also be accessed from this page. All issues are added as soon as possible after publication. There are many in black and white as originally published. Later editions are in colour and include articles and photographs of interest.
6. On the **Image Library** page, you can browse the images already loaded, or search for a specific image using the categories list. The **Browse/Search** facility can be sorted in various ways. If you know what you are looking for you can choose one of the categories already listed. If you think we need a new category – please do let us know. You can upload your own images to the site whether of people or places. Please check the copyright statement for any image you are intending to load. There is a 'click here' to upload your image. You can choose the title of the image – a name or place, give a

description of what/where it is and choose the category it should be listed under. Then either just drag and drop or choose an image to insert it into the folder. You need to click that you have read the T&C's and then Upload – and your image will be added to the Library. Again, we try to observe the 100 year rule, although many images may be in open access areas of the internet. If you are adding your own images that you have taken – you own the copyright, so do add that to the entry.

You can also access your personal account from this page; to add or make changes to the data we hold for you

Please do log in to the website. Use your Membership number as the Username, and the computer-generated passcode sent to you. You can change your password to something more memorable if you wish by accessing your Account and clicking to 'Change Password'.

If you have any problems, please let me know – or any suggestions we can look at to make the site useful to you.

Jo Heron

chairman@metcalfe.org.uk



This autumn photo is from Instagram, specifically Paul Hudson, Meteorologist for the BBC. His Instagram “handle” is paultheweatherman.

Photo is of Holy Trinity Church, Wentworth, South Yorkshire.

Do you have photos that you have taken around Yorkshire that show the seasons? Please up-load them to the Society Image Gallery or send them to editor@metcalfe.org.uk for possible inclusion in future issues, space permitting. Be sure to identify place, date and photographer.

Thank you.

<https://www.instagram.com/p/B4vBb2Yn9n0/>

Brickwall/Enquiries Section

We have received a number of enquiries from non-members through our Facebook page. If you have any information for the person enquiring, please feel free to respond through enquiries@metcalfe.org.uk and we can pass the information on.

- *[The Dales Countryside Museum](#) in Hawes are asking descendants of miners who moved away from the Dales due to the mining depression from 1870 onwards to get in touch with them.*

Can you help them – our database shows at least 19 individuals who were involved in mining – both the miner and his wife, working in lead and coal mines in the Dales and elsewhere in the country – was your ancestor one of them?

- *Is anyone on this page related to Joseph Cameron Metcalfe?*

We have two men of that name on our database, one from London who emigrated to Australia and his grandson, born and brought up in Australia.

- *Did any of your ancestors work on the railways?*

Some of our members have found that they did. We have 8 records of Metcalfes involved with railway working, although there are over 600 Meccas listed as working on the railways across the country from another source. Obviously, we have some work to do in adding these individuals to our database – can you fill in any details?

- *If one has an ancestor who was, say, 60 in the 1841 census and it states that he was not born in the county – how do you discover where they are from? They died before the 1951 census was taken.*
- *My father served in the Royal Navy in WW2, and I have all his papers. However, according to the documents I have, he served on 4 or 5 ships throughout the war and during his reserve service when he was called up during the Korean war. I don't think he ever left England during the latter conflict. He was reluctant to talk about his war service, although we have photos of him in his 'whites' and he did say that he had served on convoy duty, crossing the Atlantic and round Africa and India. He even went across the Pacific to San Francisco and is listed on the Ellis Island, New Jersey, immigration records for a few days leave. Where can I find out which ships he sailed on over the 7-8 years he was in the Navy? The names I have seem to be shore bases or pay-stations. Naval records do not seem to have been released in the same way as the Army records have.*

Can anyone help?

Now Then 15 COMMON LAW AND EQUITY COURTS

In the September- October edition of the Mecca News I wrote about testamentary cases, in particular the disputes which were heard by the church courts from the 14th century to 1858. I promised to write later about the many court cases dealt with in the common law and chancery courts. This article will do that.

Proceedings would often be started in the church courts but later, or at the same time, actions might also be started independently in the common law and chancery courts too.

Why was this? The church courts could not make orders requiring executors or administrators to pay beneficiaries. Their highest penalty was excommunication of those found in default. Nor could the church courts deal with freehold land owned by a deceased. In addition, ecclesiastical courts rarely were involved in interpreting the meaning of trusts created by the will. These issues were resolved by the common law courts or the court of chancery.

In the medieval age, various common law courts were established by the Crown such as King's Bench, Common Pleas, Exchequer, the assize courts to hear criminal cases, as well as courts held at the Quarter Sessions.

King's Bench and Common Pleas were the favoured courts when a dispute

concerned Freehold property . They also dealt with other issues such as determining the state of mind of the deceased and if he or she had the capacity to make a valid will. Did they know that they were signing a document that was a will and that it would take effect on their death?

An obvious point, perhaps, but cases brought before the common law or chancery courts would be determined in accordance with common law or equity not ecclesiastical law, which was solely used by the church courts.

The documents created during the proceedings in the common law or chancery courts are held at The National Archives (TNA) in Kew. The record series for them are: King's Bench (series KB), the Court of Common Pleas (series CP), the Court of Exchequer (series E). The Assize courts outside London (series ASSI).

If you search online on the TNA Discovery website, using the advanced search facility referring to one of the above series and the surname METCALF(E) you should locate litigation records in each of these courts, some of which will be testamentary.

The University of Houston website includes indexes and digitised copies of original records of the common law cases and also (in particular) series C 78-79 of the chancery court. Use this link <https://waalt.uh.edu/index.php?title=Special%3ASearch&search=metcalfe&go=Go>

You can see results for 188 Metcalf(e) entries and digitised copies of the actual records. They are in English certainly from the 17th century.

http://aalt.law.uh.edu/C78_79.html contains a general explanation of what the University has done. This link explains that the crown copyright is acknowledged and digitised the records with TNA approval for research purposes.

<http://aalt.law.uh.edu/AALT.html>

[NOTE THESE RESULTS ARE NOT ONLY TESTAMENTARY LITIGATION RESULTS ALTHOUGH A LARGE NUMBER ARE. THE LIST OF CASES INCLUDES OTHER CASES e.g. DEBT RECOVERY IN THE COURT OF COMMON PLEAS.]

At random here is a specific index entry C78/551, no. 8 [\[45\]](#)

1658	26 Feb.	Anthony Metcalfe v Lawrence Sayer.	C78/551, no. 8 [45]
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Estate of Anthony Metcalfe, deceased, the complts [complainant's] grandfather. Manor and lordship of Aldbrough, and lands at East Layton, North Yorkshire.

Court of Chancery: later Chancery Division

The common law used by the early common law courts was very restrictive. One either broke the law or adhered to it. The courts did not recognise excuses or mitigating factors. As a result, inequitable verdicts often led to unfair sentences. The Lord Chancellor, who was 'Keeper of the King's conscience' and head of the judiciary, sought to mitigate the effects of the law as applied by the King's courts.

A new court was created under his control. The separate court split from and became independent of the curia regis, or 'royal council' of barons and advisers to the king. This Council was the forerunner of the present Privy Council. In the mid-14th century, the newly independent Chancery Court with the Lord Chancellor at its head, employed his personal staff, to administer the proceedings of the court and this body became known as 'the Chancery'. The work undertaken by the court increased extensively during the 15th century, particularly from the middle of the century until the Tudors.

It was flexible and importantly its judgments could override the judgments of other courts. The new court followed less strict rules and laws, when determining cases. It tried to apply 'equity' in its decisions.

By the 19th century involvement of the Court of Chancery in the affairs of individuals had itself become burdened by onerous rules and regulations. Chancery cases were long and expensive. It was said "if a man once gets his head there [the Court of Chancery] the lawyers punish him to their heart's content."

Charles Dickens famously wrote about the fictitious case of *Jarndyce and Jarndyce*, a suit involving a family called Jarndyce in Bleak House where he wrote

"Jarndyce –v- Jarndyce drones on. The Scarecrow of a suit has in course of time become so complicated that no man alive knows what it means. The parties to it understand it least; but it has been observed that no two chancery lawyers can talk about it for 5 minutes without coming to a total disagreement as; innumerable children have been born into the cause; innumerable young people have married into it; innumerable old people have died out of it; scores of persons have found themselves made parties in Jarndyce –v- Jarndyce without knowing how or why....."

Hopefully you may find it nevertheless rich in information about your ancestors!

The Court of Chancery often dealt with cases which related to the interpretation of the will and its trusts or disputed matters arising out of the terms of the document. Chancery court records are held at TNA in series C.

Helpfully indexes to cases can be found online or in print.

An excellent overview of what records survive and how they have been indexed over many years has been prepared by Family Search based upon TNA guidance. It is extremely helpful and

thorough and includes a comprehensive chart showing details of the various indexes and documents available.

See this link [England Chancery Court Records • FamilySearch](#)

As it says, "Anglo-American Legal Tradition has digitized 1000s of the earliest cases on their [free website](#)". The actual documents are replicated- not easy to read due to the handwriting and many in Latin.

Some further indexes to use.

(a) **Find my past** (originally prepared by British Origins) have two indexes, the first called '*Charles I Court Of Chancery Index, 1625-1649*' which gives file references by name and the second styled '*Inheritance Disputes Index, 1574-1714*.' This contains over 77,000 names of those involved in over 26,000 law suits in the Court of Chancery. [Search Results for Inheritance Disputes Index, 1574-1714 | findmypast.co.uk](#)

A search reveals 38 entries against METCALF(E) these being cases in the chancery court mainly involving land disputes following death. The original records are held at TNA and filed under the series C5. Many involve members of the family in Yorkshire. Here is the link to the results <https://www.findmypast.co.uk/search/results?datasetname=charles+i+court+of+chancery+index%2c+1625-1649&sid=103&lastname=metcalfe>

(b) **TNA's online search facility Discovery** (previously referred to) allows you to search by surname to find some records in the period 1558 -1875. The following link to the guide on the TNA site explains how the chancery court operated from 1558 until its demise in 1875. [Civil court cases: Chancery equity suits 1558-1875 - The National Archives](#)

There are now several ways to check for cases (or 'suits' as they are called in the chancery court).

For example, a search on TNA discovery page, limited to entries in TNA against the surname **Metcalfe** reveals over 10,000 entries. These however are references across all the records held by TNA not just litigation involving inheritance cases. You need to refine the search by ticking the box in the left-hand margin where it refers to 'Chancery, the Wardrobe, Royal Household, Exchequer and various commissions'. [Search results: Metcalfe | The National Archives](#)

This reduces the number of results to over 2,000 references.

Not all are inheritance cases but many are.

The first result is for C 8/47/95. This is the link <https://discovery.nationalarchives.gov.uk/details/r/C5440792>

It involves Anthony Metcalfe, as plaintiff and either himself or another individual with the same name and potentially other relatives (maybe siblings?) who were perhaps beneficiaries under a will in respect of land in Gunnerside in 1647.

It involves a 'bill' about which see below. Even the short title gives a small amount of genealogical information as you can see: a year, names and the fact that the case related to land at Gunnerside.

To obtain a copy of the actual document you will either need to go to TNA in Kew or order a copy which will be sent to you after payment of the appropriate fee, unless you can find it on the Anglo American Legal Tradition site referred to above at the University of Houston.

(c) **Ancestry** have digitised the index to the Chancery Court proceedings, which consist of bills of complaint, answers, replications, and rejoinders, from 1386 -1558. Here is the link.

<https://www.ancestry.co.uk/search/collections/7919/?redirectFor=db.aspx>

According to Ancestry: “This database was compiled by Rosanna Hamilton and gathered primarily from the *Lists of Early Chancery Proceedings*, part of the PRO Lists and Indexes series. For more information about this data consult the 10 volume *Lists of Early Chancery Proceedings* series, which was reprinted by Kraus Reprint Corporation in 1963.”

(d) A pre-internet index to these records can be found in the **Bernau Index** held by Society of Genealogists (SoG). Scanned copies have been taken by Family Search and copies are at their libraries and in TNA.

General comments on using the chancery court records.

An article by David Annal in Family Tree Magazine, December 2024, pages 34-39 explains in detail which records of the Court of Chancery survive and what might be found at TNA.

Before you search you ought to familiarise yourself with the records by reading the Family Search guide referred to above and the excellent TNA Guide using this link [Civil court cases: an overview - The National Archives](#)

“Chancery Court Records are arranged by:

- *the court that created them;*
- *the type of record, such as pleadings or affidavits, and*
- *date.*

There are no ‘case files’ containing all the information about a single case. For any case, or action, there may be a number of different types of document, each of which will have to be searched for separately. The documents themselves may be in different formats, from handwritten register books, listing a number of cases, to printed forms or large sheets of parchment, each representing one aspect of a particular case.”

Court of chancery types of documents

Briefly there were 5 types of records involved in Chancery court cases:

- Pleadings
- Evidence
- Decrees and orders of the court
- The judges (who were called ‘masters’) records
- Final decrees

Unfortunately, apart from one series there is no single collection of these documents involved in the process and one has to search for the various surviving records at each stage for your case.

The Court’s Cause Books however **1842- 1880** do exceptionally refer to all the documents in one place where the cases took place in that period.

PROCEDURE

The complainant (plaintiff) would start the case with

- a '*bill of complaint*' stating
- the reason for the dispute
- identifying the other parties
- and setting out what the plaintiff wished to achieve.

In a large number of cases the matter would not proceed further in court and a settlement of the dispute would be reached 'out of court' following the service of the Bill. The only document for you to see will be the Bill of Complaint.

However, if the case continued, '*Answers*' would be given by the defendant, by way of response.

The claimant would then issue a reply called '*Replication*' in writing and the defendant would respond with a '*Rejoinder*'.

The next stage of the procedure involved witnesses, who were called '*deponents*' (because they swore on oath as to the truth of their affidavit).

Witnesses could be relatives, neighbours or servants as well as parties to cause who were asked a series of questions known as *interrogatories*.

The answers would be recorded and these records were known as '*Depositions*'.

Further witness statements might be made in the form of '*Affidavits*'.

'*Entry books*'. The entry books held at the TNA are indexed.

The Court kept records called '*The Entry Books of Decrees and Orders*' and within these were references to the Depositions and Affidavits

The Chancery Court judges (Masters) kept their own records which reveal the decision-making process behind the judge's decrees and orders including the Final Decrees.

A suit could take many years before reaching a conclusion.

Several judges may therefore have dealt with a suit. The names of the Masters were usually shown on the court records and this enables one to locate the records by reference to the Master's names.

The cases themselves would usually be titled by the first plaintiff and the first defendant. So, you might not find a reference to the deceased but instead to his executors or administrators whose surnames were not identical to the deceased.

LITIGATION AFTER 1858.

A new **Court of Probate** was created on the 14th of January 1858 and after that date the Church courts ceased to have a role in testamentary matters.

In **1873** the Court of Probate became part of a new division of the High Court called the **Probate Divorce and Admiralty division** or as the lawyers called it 'Wills Wives and Wrecks'. This court in turn was renamed in 1970 as the **Family Division**.

After 1873 any appeals from the new division were heard by the House of Lords, whose records are held by the Parliamentary Archives (the former House of Lords Record Office). Their records are being transferred from Victoria Tower in the Palace of Westminster to the TNA at Kew and are currently closed but they should be available soon.

The Supreme Court, created in 2008, took over appeals made previously to the House of Lords as the final court of appeal in litigious matters.

From 1858 onwards **very few records** relating to litigious disputes have been preserved. The 1966 Denning committee recommended destruction.

Only 7 % of case files have been retained and are held by TNA covering the years 1858-1960. (TNA reference series J (J 121)). A small sample of exhibits in cases have also been saved and are to be found for the years 1854-1934 in J165. Records in these 2 series (J121 and J165) are searchable on the TNA Catalogue by the names of the parties to the action or case as well as by the name of the testator/rix. It is worthwhile searching in the catalogue in case they are there.

DORMANT FUNDS IN CHANCERY

Many Metcalf(e)s will know of the rumour of the Metcalfe millions held in court in the 1920s. Indeed, reference to this 'cause celebre' can be found in the latest of the society's books: 'Metcalf Family Histories' published in 2020 page 55 and following. Regrettably it seems a false story. Copies of the society's book can be purchased from the society direct.

The London Gazette listed DORMANT FUNDS IN COURT (CHANCERY). These are in an INDEX OF NAMES, WITH CROSS-REFERENCES (to the probate case). There are over two thousand advertisements to dormant funds in court. Worthwhile searching!

From 1 June 2024 any account that has been held dormant within the Court Funds Office (CFO) for 30 years or more will be surrendered and any future right to claim the funds will be extinguished.

Funds are classified as dormant if they have been held by CFO for an extended period, (10 years) with no activity on the account, and any efforts to trace the intended beneficiary have been unsuccessful.

Conclusion

David Annal in the Family Tree Magazine article referred to earlier says:

"... chancery records are amongst the most useful that we have available to us; their potential is enormous" and "The records are not easy to use, but I can honestly say that there is nothing better in the world of family history research than getting stuck into a really juicy Chancery suit"

I hope you will persevere and look for them not just in Chancery but in the common law and more particularly the Church courts too.

In what I hope you will find an additional help I have prepared a general summary showing where the various court records (mostly ecclesiastical courts) might be found. This is included below.

David Lambert, MN0011



The Metcalfe Society Annual membership Renewal Form 2026

Please follow the guidance overleaf to complete the form

Please check overleaf for the status of your membership. There are specific actions you may need to take.

Have you paid for 2026 already? Have you set up a UK bank Standing Order? If you are a UK taxpayer, have you signed a Gift Aid declaration?

If you are unsure, please contact The Membership Secretary or the Canada/Australia agent, contact details below.

Your subscription has been held at £10 (UKP) for further year

How would you like to pay your annual membership? (please circle)

1. By standing order (UK members only) – see instruction overleaf for existing or new standing orders
2. By UK £ sterling cheque
3. By other local currency cheque to our agents in Australia and Canada

Alternatively, you can renew your membership online at: [www. https://www.parishchest.com/](https://www.parishchest.com/)

How many years of membership would you like to pay?

To help you and The Society, you can pay membership for any number of years now.

Membership to start from year (state year): 2026 for how many years (state number): _____

Personal Details

Please complete to ensure that The Society holds your current details:

Name 1: (Mr/Mrs/Ms/Miss/Dr) _____

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IMPORTANT NOTICE

Please be aware that from May 2018, The Society is subject to new EU legislation under a General Data Protection Regulation. This means that we cannot hold any information on members without your specific permission to do so. You will have to 'opt In' to The Society for us to continue to hold your personal information. This will mean that without this permission, we may not be able to send you any communications from that date onwards. We would request that you tick the 'opt In' box on this form and return to the Membership Secretary as listed below, so we can continue to send you *Newsletters* and any other communications.

I wish to opt Into The Metcalfe Society

Send this form & payment to the Membership Secretary below, to whom you can also address any queries.

We have two local agents who can take currency cheques for their country:

- Ms Dianne Fox (M0113) (Australia only)

e: agentaus@metcalfe.org.uk, post: 20 Old Eltham Road, Lower Plenty, Victoria 3093, Australia

- Ms Susan C M Harper (M0226) (Canada only)

e: agentcdn@metcalfe.org.uk, post: 820 Rogers Court, Victoria, BC, V8X 5L4, Canada



The Metcalfe Society

Annual membership Renewal Form 2026

Please check the status of your membership below

Can you all please check your membership status for accuracy and report any queries to the Membership Secretary.

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0046, 0409, 0490, 0506, 0515, 0941, 1002, 1056, 1091, 1214, 1234, 1250, 1361, 1390, 1398, 1661, 1697, 1703, 1886, 1889, 1923, 2059, 2100, 2115, 2120, 2138, 2251, 2252, 2253, 2254

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If your membership is listed below, you have already set up a Standing Order:

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If you believe the above information is incorrect, please contact the Membership Secretary.

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Paying your subscription through Gift Aid means the Society can claim an extra 25p for every £1 you give. It will not cost you as a member, or taxpayer, any extra. This is only available to UK taxpayers. Charities can claim Gift Aid on most donations, but [some payments](#) don't qualify. (D. Lambert)

Thank you for your additional support.

If you find any discrepancy between the details above and what you think is correct, please let us know at the address below.

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