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Administrative Histories for the Durham Diocesan Records

Date range of material: 1494 to present

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Preface

Creation of catalogue

Created from the "Summary Guide to the Durham Diocesan Records" (ddrguide.xml), incorporating information from MSM's collection-level description for the Auckland Castle Episcopal Records.

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Introduction

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How the Church of England is organised

For further information see also the separate more detailed descriptions of the various sections of the collection as linked below, and the Church of England website.

A parish is the territorial area which is committed to the spiritual charge of a priest of the Church of England who is responsible for the “cure of souls” within the parish. A parish can contain one or more dependent chapelries.

Benefice originally meant a grant of land for life in reward for services. Under canon law the term came to stand for an ecclesiastical office, whereby certain duties or “spiritualities” are assigned to the holder or “incumbent” (originally for life but now until retirement) in return for certain revenues or “temporalities”. An incumbent of a benefice therefore is responsible for its spiritualities and in return receives the “freehold”, i.e. tenure and an income until retirement (now replaced for new appointments by “common tenure”). A benefice often consists of a single parish but may comprise a number of parishes, which are treated as a unit for pastoral purposes. The incumbent is usually called rector or vicar, depending on the status of the benefice. The incumbent may be assisted by a curate or curates. Further information on the legal status of incumbents and other clergy is under DDR/EA/CL (records of Clergy).

Parochial organisation in England probably dates from pre-Christian times. From the medieval period until the 19th century it was only possible to create new parishes or alter the boundaries of existing parishes by Act of Parliament. Such changes are now carried out by an order of the Privy Council (orders in council) or by a pastoral measure according to schemes prepared by the Church Commissioners. See under DDR/EA/BEP (records of Pastoral Reorganisation) for further details.

Each Area Deanery (formerly Rural Deanery) is a grouping of approximately ten to twelve parishes which are all situated within the same archdeaconry (see below). See DDR/D (records of rural deans) for fuller information.

The deaneries within each diocese (see below) are grouped into one or more Archdeaconries. See DDR/A (records of archdeacons and archdeaconries) for fuller information.

The territorial area encompassed by the ecclesiastical jurisdiction of a bishop is called a Diocese. The Diocesan bishop exercises spiritual jurisdiction over all the parishes in the diocese, often with the aid of Suffragan or Assistant bishops, and is subordinate only to the archbishop. The chief church in a diocese, containing the throne of the diocesan bishop, is known as a cathedral, the administration of which is delegated to a body of clergy and (from 2000) laity known as the Chapter (formerly, the Dean or Provost and Chapter).

The Province is an area consisting of a group of adjacent dioceses under the spiritual administration of an archbishop. An archbishop both serves as diocesan bishop (“Ordinary”) of one of the dioceses within the province and also superintends all ecclesiastical matters throughout his province by virtue of his Provincial or “Metropolitan” jurisdiction. In particular:

the archbishop's court acts as court of appeal from the courts of diocesan bishops within the province; the archbishop has the right to carry out ecclesiastical visitations of the dioceses within his province (disputed in the case of Durham, see under DDR/EV, records of episcopal visitations); and the archbishop has the right to administer the "Spiritualities" (i.e. ecclesiastical affairs) of dioceses within his province when a See is vacant. There are two provinces in the Church of England, the senior province of Canterbury, under the archbishop of Canterbury, and the province of York, under the archbishop of York, to which Durham belongs.

A Peculiar is an area, varying in size from an individual parish or chapelry to a whole group of contiguous or scattered parishes, which is exempt in varying degrees from the "Ordinary" jurisdiction of the local archbishop or bishop, and is subject instead to some degree of jurisdiction exercised by another body or person. See under DDR/P (records of peculiar jurisdictions) for fuller information in relation to peculiar jurisdictions associated with Durham diocese.

Governance within the Church of England

Following the Reformation struggles of the 16th century the Protestant Church of England emerged as the Established church in England, i.e. the official church of the country ("the Church of England as by law established" according to the Canons of 1603). In 1534, by the Act of Supremacy, Parliament declared the monarch to be supreme head of the church.

Bound up with the concept of establishment is the fact that the Crown, through the secular national Parliament, has certain powers of regulation over the Church of England. In particular, the Submission of the Clergy Act of 1533 required that the Royal Assent had to be given before a Canon (ecclesiastical measure) could become law. This requirement remains in force, although some Parliamentary powers over the church have been transferred to the church's own institutions since the early 20th century (see below). The fact that the Church is established also explains why at certain periods its jurisdiction has extended over more than just its own members, for instance in the areas of probate and marriage law.

See also the 'official' version of the Church of England's history on its website.

The Convocations of Canterbury and York are the ancient assemblies or parliaments of the clergy of the Church of England in the two provinces of the church (for provinces see section on Chief administrative units). The typical form of legislation carried out by the Convocations is by Canons (see Establishment); these deal primarily with matters affecting doctrine and worship. The powers of the Convocations were reduced by Henry VIII, and after 1717 their active legislative role was suspended until 1852 (Canterbury) and 1861 (York). Since the introduction of synodical government in 1970 the Convocations meet only occasionally: see further information and links to Convocation records online.

The Church Assembly was established by an enabling Act of 1919, prior to which the law affecting the Church of England could only be altered by Act of Parliament. The Church Assembly was composed of the two Convocations, together with a House of Laity elected by the laity (i.e. non-clerical members of the Church) of each diocese at the Diocesan Conference. The Church Assembly dealt chiefly with administrative and financial matters but, under legislative powers delegated to it by Parliament, it could also pass Measures which, after supporting resolutions had been passed by both Houses of Parliament and the Royal Assent had been received, had the force of statute law. However, the administrative system and institutions thus established proved, clumsy, time-consuming,

over-large and remote from dioceses and parishes. In 1970 they were replaced by the system of synodical government.

Synodical government for the Church of England was established in 1970 under the Synodical Government Measure of 1969. It stresses the idea of co-operation between clergy and laity in church government and discipline and ultimately brings all matters affecting the church before one body, the General Synod. It set up the following pattern of administration:

General Synod consists of three Houses (Bishops, Clergy and Laity). It is a legislative body, producing Measures affecting the life, work, finance and administration of the church, which, when they have passed through all the appropriate stages, have the force of statute law. Measures are scrutinised by the Parliamentary Ecclesiastical Committee and also go before both Houses of Parliament, which can reject but not amend them. The General Synod can also produce Canons mainly to do with the work of the clergy which go to the Crown for approval via the Home Secretary rather than via Parliament, and also deals with liturgical and financial matters and acts as a forum for general discussion of church affairs and monitoring etc of relationships with other churches.

Each diocese has a Diocesan Synod which consists of three Houses (Bishops, Clergy and Laity). The Diocesan Synod acts as a forum for debating matters relating to the church as they affect the diocese and for expressing Christian opinion on matters of religious or public interest. It also advises the bishop of the diocese and makes provision for the financing of the diocese. Each Diocesan Synod establishes a Bishop's Council and Standing Committee as its executive body.

Each deanery has a Deanery Synod which consists of two Houses (Clergy and Laity). The task of the Deanery Synod is to "promote in the deanery the whole mission of the Church, pastoral, evangelistic, social and ecumenical". It acts as a forum for debate on a range of issues within the deanery and can refer matters for comment to parishes and submit motions for debate at the Diocesan Synod. The election to the House of Laity of the General Synod is made by the lay members of Deanery Synods.

The central administrative (non-executive) body of the Church of England, responsible in particular for managing its estates and revenues, is the Church Commissioners, formed in 1948 following the amalgamation of Queen Anne's Bounty (established in 1704 for the relief of poor ecclesiastical livings and to assist with the repair and modernisation of parsonage houses) and the Ecclesiastical Commissioners (incorporated in 1836 by Act of Parliament as a body with power to hold and buy lands and distribute ecclesiastical revenues). See website for history and current work.

The diocese of Durham

The boundaries of the diocese remained unchanged from the medieval period until 1882, during which time the diocese included:

County Durham (from the Tees in the South to the Tyne in the North)
 Northumberland (from the Tyne to the Tweed plus Berwick)
 Alston parish in Cumberland (with its dependent chapelries of Garrigill and Nenthead)
 Girsby and Over Dinsdale townships in Yorkshire (part of the Durham ecclesiastical parish of Sockburn)

The exceptions to the above rule were:

Thockrington in Northumberland. Although locally situated in the diocese of Durham, Thockrington was an ecclesiastical peculiar attached to the York prebend of Tockerington until ca.1851, after which it was treated as part of Durham diocese. Within the peculiar the York prebendary had rights of visitation and probate jurisdiction and could issue marriage licences, and Thockrington was also subject to the diocesan visitation of the archbishop of York.

Hexham and Hexhamshire, also in Northumberland. Although locally situated in the diocese of Durham, Hexham and Hexhamshire formed a detached part of York diocese until it was transferred to Durham diocese on 24 January 1837 by order in council. Hexham and Hexhamshire covered the parishes and chapelries of Allendale St Cuthbert, Allendale St Peter, Allenheads chapelry, Bingfield St Mary, Carrshields (or High West Allen), Hexham, Ninebanks (or Low West Allen), St John Lee, St Oswald in Lee and Whitley chapel. These parishes etc were subject to the diocesan episcopal visitation of the archbishop of York until 1837 and thereafter to the episcopal visitation of the bishop of Durham.

Crayke in North Yorkshire formed a detached part of the diocese of Durham until 24 January 1837, when it was transferred to York diocese by order in council. For Crayke see also DDR/P (records of peculiar jurisdictions).

Most diocesan and probate records relating to Thockrington prior to ca.1846 and Hexham and Hexhamshire prior to 1837 are among the York Diocesan Archives, which are housed in the Borthwick Institute of Historical Research in the University of York; the chief exceptions consist of DDR/EV/VIS/1/3, Durham diocesan visitation book 1662-1670, which includes a few acts of the court of the commissary for Hexham and Hexhamshire (also including reference to the peculiar of Thockrington), ca.1667-1670, a stray entry of 1611 re Bingfield in DDR/A/ACN/1/1, and some pre-1846 Thockrington parish register transcripts, which are now among the Durham Diocesan Records.

For peculiar jurisdictions belonging to the bishop and cathedral of Durham (including over specific parishes and townships located outwith the diocese), see under DDR/P (records of peculiar jurisdictions).

The growth and shifts of population in the North-East of England after 1800, coupled with numerous social, industrial, religious, intellectual, political and administrative pressures, brought about changes in the ecclesiastical organization of Durham diocese at all levels throughout the 19th century and particularly during the second half of the century. The question of fundamental diocesan reorganization was under constant consideration by the 1870s. The 1878 Bishopricks Act (41 and 42 Victoria c.68) brought this closer, and finally in 1882 the division of the old diocese of Durham, first formally suggested in 1553, was effected by an order in council gazetted on 23 May 1882, which established a new diocese of Newcastle out of part of the former diocese of Durham. The newly created Newcastle diocese embraced the whole of the historic county of Northumberland (including the former York enclaves of Hexham and Hexhamshire and Thockrington), together with Alston and and its chapelries in Cumberland. After 1882 the boundaries of the diocese of Durham were restricted to an area roughly co-terminous with the area of the historic county of Durham. Apart from some minor boundary changes this pattern of diocesan organisation still prevails today.

The division of the diocese of Durham into two archdeaconries, the senior for Durham and the junior for Northumberland, lasted from the 12th century until 1882. Most parishes within the diocese fell within one or other of these archdeaconries, the boundaries of which were roughly co-terminous with the counties of the same name. The chief exceptions were those

scattered parishes and chapelries which came under the officialty jurisdiction of the dean and chapter of Durham (see under DDR/P, records of peculiar jurisdictions), which in effect formed a third archdeaconry until 1882. Also in 1882, the archdeaconry of Auckland was created out of the southern part of the archdeaconry of Durham. These two archdeaconries formed the diocese of Durham from the division of the diocese in 1882 until 1997, when a third archdeaconry of Sunderland was formed. See also DDR/A (records of archdeacons).

For the distribution and boundaries of deaneries see DDR/D (records of rural deans). Lists of parishes in each deanery at different dates are given in the various editions of the Durham Diocesan Directory.

Key record creators

The Bishop's household and personal office

The diocese of Durham, which is part of the ecclesiastical province of York, is under the spiritual jurisdiction of the bishop of Durham, aided in the past on occasion by a suffragan bishop and regularly since 1906 by the suffragan bishop of Jarrow. Assistant bishops are also sometimes appointed. Bishops have always dealt with certain administrative matters in what might originally be termed their household under their secretary or chaplain. This has now developed into their own administrative office, run on a day-to-day basis by the senior or "domestic" chaplain and based at Auckland Castle, the Durham episcopal residence which is situated in Bishop Auckland, County Durham. Most of the surviving records from this office, chiefly dating from the 18th-20th centuries, are in DDR/BP. Records were, however, frequently sent backwards and forwards between the Bishop's Office and the Diocesan Registry (see below), and some clearly ended up in the wrong place, with the result that parts of DDR/EA and (especially) DDR/EV were deposited by the bishop's office rather than the registry. For instance some bishops' registers and visitation records were kept at Auckland Castle and some in the diocesan registry, while all the records of confirmation were retained in the bishop's office.

The Spiritual Chancellor

The spiritual chancellor is the law officer of the bishop in his diocese, combining the two posts of official principal (judge in the ecclesiastical or consistory court of the diocese) and vicar general (bishop's deputy, representing him in the exercise of his spiritual jurisdiction). The chancellor is a barrister or a person who has held high judicial office and is not necessarily or usually ordained. The chief series of records emanating from her or his work are in DDR/EJ. The chancellor's chief legal officer, the diocesan registrar (see below), is also, however, the source of most of the material in DDR/EA. Inevitably there is a certain amount of overlap between the contents of these two sections of the collection. In the 16th and 17th centuries the spiritual chancellor of Durham also held some visitations of the diocese (see DDR/EV). See also DDR/P for the spiritual chancellor as master keeper or commissary of the bishop of Durham's Allertonshire peculiar.

The Diocesan Registrar

The bulk of the material in the collection of Durham Diocesan Records consists of items in the custody of the Durham diocesan registrar. Prior to their deposit they were housed in the Durham Diocesan Registry.

There are two main aspects to the work of the diocesan registrar. First, the registrar is the chief officer of the spiritual chancellor, and responsible for all the administrative side of the work of the consistory court. This included, until 1858, probate matters (see the separate collection of Durham Probate Records), faculty jurisdiction and marriage licence applications (all within DDR/EJ). The registrar, however, is also an officer of the bishop, and so keeps

the record of the bishop's formal acts (the register or act book), attends the bishop at visitations (DDR/EV), arranges confirmations and ordinations, advises the bishop on legal matters (at certain periods having an additional role as legal secretary to the bishop), issues documents as required for legal purposes and has custody of the formal records of the diocese. Most such records are within the DDR/EA section of the Durham Diocesan Records.

Until the 19th century the office of diocesan registrar was frequently an honorary position held by an absentee, with the work of the registry effectively being carried out by a deputy registrar (or deputies) and a staff of clerks. Today the registrar is usually a local solicitor and notary public, with a similarly qualified deputy, and the registry staff is headed by a legal executive. In recent times spiritual chancellors have frequently resided outside the diocese, attending only for sittings of the consistory court and often serving as chancellor to more than one diocese; such absences, together with an ever increasing amount of administrative work, have put the registrar in a more significant position and led to a corresponding increase in the number and range of documents produced in the registry.

The Archdeacons' Registrar

The archdeacons, usually jointly, also appoint a registrar, primarily to deal with the arrangements for their visitations. In practice this post and that of diocesan registrar is usually held by the same person (who at certain periods, e.g. in the 18th century, sometimes also acted as registrar to the dean and chapter of Durham). Many archidiaconal records (e.g. act books and administrative material) have been stored in the Diocesan Registry with the Diocesan Records, although archdeacons have tended to keep their visitation returns in their own possession. All are now listed under DDR/A.

The Diocesan Secretary

Since the late nineteenth century there has been a dramatic increase in the number and range of diocesan boards, committees, societies etc, all of which are creating records. Committee structures vary between dioceses, although with some regulation by Acts of Parliament and measures of the General Synod of the Church of England, and they change regularly. The major Board and financial executive of the diocese of Durham is the Diocesan Board of Finance, which was incorporated in 1923. The developments in the national administration of the Church of England have also been reflected at diocesan level by the creation of various local institutions. For instance a Diocesan Conference with lay representation had been established in Durham by 1880, the revitalisation of rural deaneries in the second half of the 19th century was accompanied by the inauguration of Ruridecanal Chapters or Conferences (for the constitutions of the Diocesan Conference and Ruridecanal Chapters see the Durham Diocesan Directory, e.g. for 1900), and the introduction of synodical government in 1970 led to the setting up of a Durham Diocesan Synod, with the associated Bishop's Council and Standing Committee, and Deanery Synods. This growing branch of diocesan administration is serviced by a large Diocesan Office under the Diocesan Secretary, who is also secretary to the Board of Finance. Some material has also been deposited by individual boards, committees and diocesan societies, who are based at different locations across the diocese, and listed alongside the Diocesan Office records within DDR/DA.

Other diocesan officers

Most of the diocesan boards and committees, by which the diocese has been primarily governed since the early 20th century, are either sub-committees of the Board of Finance, or managed from staff based in the Diocesan Office. The most important of these in terms of record creation is the Diocesan Advisory Committee for the Care of Churches (DDR/DA/DAC), which is formally independent of the Board of Finance but serviced by the

diocesan Care of Churches Secretary. The chief Board that operates separately from the Diocesan Office is the Board of Education (DDR/DA/EDU). Records of other committees have occasionally been deposited by their own officers rather than through the Diocesan Office staff (e.g. Lay Helpers' Association/Readers' Board, DDR/DA/COM/3), and records of the independent Durham Lesotho LINK (DDR/DA/ORG/1) are deposited by officers or trustees of the LINK.

Scope of collection

At various periods prior to their deposit with the University of Durham documents in the collection were often kept in very poor physical conditions and under careless administrative regimes. Problems were compounded because the documents were frequently shunted between offices and because the Diocesan Registry itself changed premises on a number of occasions. No material survives in the collection prior to 1494 and there are gaps in many later series. A fire in the office where some classes of records were stored is known to have destroyed some material in 1942.

At about the time when the diocese was divided in 1882 (to create the new diocese of Newcastle), certain classes of pre-1882 loose documents in the Durham Diocesan Registry, mainly items relating to title and property, were divided into separate sequences for County Durham and Northumberland, so that the Northumberland items could be sent to the new Newcastle Diocesan Registry. Of the documents remaining among the Durham Diocesan Records, most pre-1882 volumes include Northumberland as well as County Durham material, but the series of pre-1882 loose documents relating to individual churches or parishes generally contain only County Durham material. The division is not always as tidy as might have been expected, however, probably largely because the two dioceses continued to be jointly administered by the same officials for many years after 1882.

Obsolete references

The following accession references were previously used by Durham University for parts of the collection. They have been superseded by new DDR references as noted.

AUC	Bishop's Office (Auckland Castle) records: see list within separate DDR/BP catalogue
DDBER	Board of Education box numbers: DDR references noted within catalogue of records of Diocesan Administration
DDBFR	Board of Finance box numbers: DDR references noted as above
DDR Lesotho	Durham-Lesotho LINK records: all now DDR/DA/ORG/1
DDR/vols (classified)	Volumes listed by Martin Snape in (mainly) 1958: see list following
DDR vols 1969	Unlisted volumes deposited in 1969: see list following
DDR vols 1975	Unlisted volumes deposited from 1975 onwards: see list following

The classified DDR/vols were originally listed in 18 series, each referenced with a roman numeral. They have been re-listed with DDR references as follows:

- I/1-5: DDR/EA/ACT/1/1-5
- II/1-3: DDR/EV/VIS/1/1-3
- II/4-7: DDR/EV/VIS/2/1-4
- III/1-32: DDR/EJ/CCA/1/1-32
- IV/1-7: DDR/EJ/CCA/2/1-7

V/1-12: DDR/EJ/CCD/1/1-12
 VI/1-2: DDR/EJ/PRO/2/1-2
 VII/1-2: DDR/EJ/CCA/3/1-2
 VIII/1: DDR/A/ACD/1/1
 VIII/2-3: DDR/A/ACN/1/1-2
 IX/1-2: DDR/P/OFF/1/1-2
 X/1-3: DDR/EA/CHC/1/1-3
 XI/1-2: DDR/EA/DDS/1/1-2
 XI/3: DDR/EA/BEP/3/1
 XII/1-4: DDR/EJ/FAC/1/1-4
 XIII/1-4: DDR/EA/NCN/1/1-4
 XIV/1-8: DDR/EA/CLS/1/1-8 (excluding 5A)
 XV/1-4: DDR/EA/CLC/3/1-4
 XVI/1-2: DDR/EA/CLN/1/1-2
 XVII/1-3: DDR/EV/VIS/7/5,7,9,11
 XVIII/1: DDR/EA/RGL/6/1
 XVIII/2: DDR/EJ/CCG/1/1
 XVIII/3-4: DDR/EJ/CCG/2/1-2
 XVIII/3A: DDR/EA/RGN/9/1
 XVIII/5: DDR/EJ/OTH/5/3
 XVIII/6-7: DDR/EA/PBT/1/1-2
 XVIII/8: DDR/EJ/CCG/2/3
 XVIII/9: DDR/EA/ACT/2/1
 XVIII/10: DDR/EA/CLO/1/1C
 XVIII/11: DDR/EA/CLN/7/1
 XVIII/12-13: DDR/DA/EDU/xxx
 XVIII/14: DDR/EA/PBT/4/1
 XVIII/15: DDR/EJ/CLD/2/9
 XVIII/16: DDR/D/DEN/1/1
 XVIII/17-18: DDR/EA/RGR/1/xxx

The unclassified DDR vols 1969 were temporarily numbered with roman numerals, and have been listed as follows.

i-ii: (unlisted)
 iii: DDR/EA/BEP/4/289 (part)
 iv: DDR/EA/CLO/1/2
 v: DDR/BP/DIO/3/10
 vi: DDR/EJ/SUR/2 (1881-1896)
 vii-viii: DDR/EA/DDS/2/1-2
 ix-x: (unlisted)
 xi: DDR/EA/BED/1/1
 xii: (unlisted)
 xiii: ???
 xiv-xxi: (unlisted)
 xxii: DDR/EV/VIS/7/10
 xxiii: (unlisted)
 xxiv: DDR/EA/DDS/3/1
 xxv-xxviii: (unlisted)

The unclassified DDR vols 1975 were temporarily numbered with roman numerals, and have been listed as follows.

i-vii: DDR/EA/ACT/1/6-12
 viii-x: DDR/EA/CHC/4-7
 xi: DDR/EJ/FAC/1/5
 xii-xvii: (unlisted)
 xviii: ???
 xix: DDR/A/COR/1/1
 xx-xxii: DDR/EA/RGC/8/1-3
 xxiii-xxvi: DDR/A/ACD/1/2-5
 xxvii-xxix: DDR/A/ACA/A/1-3
 xxx-xxxix: DDR/EA/CLS/1/9-18
 xl-xli: (unlisted)
 xlii: DDR/EA/CLC/3/5
 xliii-xlv: (unlisted)
 xlvi: ???
 xlvii-liii: (unlisted)
 liv-lvi: DDR/EA/CLS/1/19-21
 lvii-lviii: (unlisted)
 lix: DDR/EA/CLO/1/3
 lx: DDR/EA/CLI/4/1
 lxi: DDR/EA/CHC/7
 lxii-lxxxvii: DDR/EA/RGC/6/1-26

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Pocock, J.G.A., "Schools and schoolmasters in some Durham episcopal records", *Durham research review of the institute of education*, 3 (1952), 15-23

Episcopal administration

Reference code: DDR/EA

Biographical information: The bishop is the senior priest in the diocese and heads its administration, in addition to exercising rights of jurisdiction and visitation, the nature and records of which are described in separate sections. A bishop, uniquely, is entitled to ordain clergy and to perform confirmation (by which a person becomes a full communicant member of the church). In the case of Durham, records of confirmation were retained within the Bishops' Office and so can be found within the subfonds of bishops' records below (DDR/BP/CONF), but records relating to ordination and to the clergy in general come under the general heading of episcopal administration (DDR/EA) among the Durham Diocesan Records, together with various series of material relating to benefices and pastoral organisation, patronage, churches and other ecclesiastical buildings, relationships with national and provincial church bodies, and records of various diocesan boards, committees etc.

Much of the administrative work of the diocese is carried out on behalf of the bishop by the Durham Diocesan Registrar, whose records are stored in the Durham Diocesan Registry. The Registry's records cover all aspects of the central work of the diocese, including both narrowly ecclesiastical administration (for instance appointments of the clergy and consecrations of church buildings), and also more secular matters, such as deeds of land and mortgages of benefice incomes. Historically some of the Registry's functions relate to the established status of the Church of England, including the licensing of schoolmasters and the registration of nonconformist meeting houses. Some non-diocesan records also survive among the administrative records of the diocese, either because they have been deposited in the Diocesan Registry for safe-keeping or because they relate to non-diocesan business or personal concerns of individual diocesan registrars or other members of the Registry staff. During the 20th century much of the work previously carried out within the Diocesan Registry was gradually taken over by the various diocesan boards and committees that work with the support of or under the supervision of the Diocesan Office (see below), leaving the Registry in control mainly of narrowly legal matters and procedures.

The earliest records are the main series of bishop's registers, containing details of the formal documents issued by the Diocesan Registry in the name of the bishop. The registers (later styled "act books") date from 1494, although there are many gaps and some of the registers, including pre-1494 strays, are held elsewhere.

Many classes of records only date from the 1730s, probably because earlier records have not survived rather than because they were not created. There is an unexplained gap within many classes for the episcopate of William Van Mildert (1826-1836). The 19th century saw much reform in ecclesiastical law and administrative provisions, and this explains the large number of groups of records that date from the 1830s or later. In particular, major Acts of Parliament regulated the rights of the clergy to hold more than one benefice at a time (pluralities) and to be non-resident, the funding of building new and repairs to existing parsonage houses, and the building of new churches.

Reform of administrative procedures continued in the 20th century, as a result of social, economic and theological considerations. In particular, there has been much reorganisation of parishes and of the ministry of the clergy within the last fifty years, with major changes to the system of patronage and considerable experimentation with different models of ministry.

Bishops' Registers and Acts

Reference code: DDR/EA/ACT

Owen, D.M., *Medieval records in print: bishops' registers*, Historical Association helps for students of history, 89 (1982)

Robinson, D., "Bishops' registers", in *Short guides to records: second series, guides 25-48*, ed. by K.M. Thompson (1997), 44-49

Clergy and Layworkers' Papers

Biographical information: See separate webpage for an introduction to these records, their geographical coverage, usage for family history and key sources of further information. Information for the careers of clergy can be found within issues of *Crockford's clerical directory* (from 1858) or the online Clergy of the Church of England Database (1540-1835).

The clergy list ... (1841-1905)

Crockford's clerical directory (1958-present)

Joseph Foster, *Index Ecclesiasticus...* (1890), for lists clergy in England and Wales for the period 1800-1840

The Durham diocesan calendar, clergy list and church almanack (1900-1969) and *The Durham diocesan directory and clergy list* (1970-2008), for all clergy serving within the diocese of Durham and their current appointments

John Le Neve (and successors), *Fasti Ecclesiae Anglicanae* (available online at British History Online), for senior clergy within the dioceses and cathedrals of the Church of England

A.G. Matthews, *Calamy revised : being a revision of Edmund Calamy's Account of the ministers and others ejected and silenced 1660-2* (Oxford, 1934, revised ed. 1959)

A.G. Matthews, *Walker revised : being a revision of John Walker's Sufferings of the clergy during the Grand Rebellion, 1642-60* (Oxford, 1948)

C.E. Surman, A. G. Matthews' *Walker revised : supplementary index of 'intruders' and others* (Dr. Williams's Library Occasional Paper no. 2, 1956)

H.M. Wood (ed), *Durham protestations : or, The returns made to the House of Commons in 1641/2 for the maintenance of the Protestant religion for the county palatine of Durham...* (Surtees Society vol.135, 1922)

D.S. Boutflower, *Fasti Dunelmenses : a record of the beneficed clergy of the Diocese of Durham down to the dissolution of the monastic and collegiate churches* (Surtees Society vol.139, 1926)

R. Donaldson, *Patronage and the church : a study in the social structure of the secular clergy in the Diocese of Durham (1311-1540)* (unpublished PhD thesis, University of Edinburgh, 1955): vol.2 includes lists of Durham benefices and incumbents with brief biographical details

J. Raine (ed), *The injunctions and other ecclesiastical proceedings of Richard Barnes, Bishop of Durham, from 1575 to 1587* (Surtees Society vol.22, 1850): includes a 'liber cleri' of January 1577/8

T. Randal [sic], *A state of the churches under the archdeaconry of Northumberland and in Hexham peculiar jurisdiction (1778-9)*: prints the Northumberland clergy lists as in the Randall MSS noted above

Related material in other DUL collections: Lists of ordinations and details of institutions or collations to benefices are contained within Bishops' Registers (DDR/EA/ACT/1).

Returns made by beneficed clergy to periodic surveys of their parishes by the bishops of Durham ('visitations') are listed at DDR/EV/RET. Clergy 'call books' compiled at the same visitations are within series DDR/EV/VIS/5 within the same catalogue, and diocese books listing incumbents and curates by parish within DDR/EV/VIS/7.

A card index for Durham clergy compiled by Roy Huddleston, strongest for the 18/19th centuries, is available within the Durham University Archive under reference UND/EA2/4/190.

Related material elsewhere: British Library, Harley MS 594, ff.186-195: returns made by James Pilkington, Bishop of Durham, to the Privy Council concerning parishes, clergy, curates etc. in the diocese of Durham, 1563

Durham Cathedral Library, Randall MSS vols.8-9 (Durham) and vols.10-11

(Northumberland): lists of clergy compiled by Thomas Randal, mid-18th century (see also bibliography)

National Archives, Institution books within Exchequer Office of First Fruits and Tenths, 1612-1649 and 1693-1715 (E336/11-14): a card index to Durham institutions from this series is kept in the Palace Green Library search room

Clergy Papers (General)

Ordinations

Reference code: DDR/EA/CLO

Ordination requirements

Biographical information: Ordination of priests and deacons usually takes place at ordination ceremonies held at the cathedral or in Auckland Castle, at specific times of the year.

A cleric should normally only be ordained by the bishop of the diocese in which he is due to serve. But he may be ordained by another bishop, if he has "letters dimissory" from his own bishop.

The legal requirements for ordination are as follows:

- candidates for ordination must be over 23 years old;
- they must have a secure position (called a 'title') within the diocese, to which they can be ordained; and
- they must be of sufficient learning, ability and character.

The 'title' to which candidates are ordained is usually a stipendiary curacy (ie, an assistant to the incumbent of a parish church). More recently, candidates may be ordained on the strength of a diocesan office or of employment with a missionary society. Candidates are also sometimes ordained merely on a licence to preach and officiate, without any other formal paid 'title'.

Candidates who are not ordained within their own diocese require also a "letters dimissory" (sometimes abbreviated 'LD' in the lists). The letters dimissory is a formal request from the candidate's own bishop to the bishop of another diocese, asking that the other bishop ordain the candidate on his behalf. It may be replaced by a "letters of request", which request the ordaining bishop to examine (as well as ordain) the candidate.

Relinquishment of orders

Biographical information: The 1870 Clerical Disabilities Act allowed a priest or deacon to relinquish all rights, privileges, advantages and exemptions by law belonging to his office. The relinquishment also freed the clerk from all jurisdiction and penalties belonging to his office (excluding any liability for dilapidations or other debts).

A priest or deacon wishing to relinquish holy orders under the Act was required to enrol in the High Court of Chancery (later, in the Central Office of the Supreme Court of Judicature) a deed of relinquishment, after resignation of every or any preferment. An office copy of the deed was also delivered to his diocesan bishop, and notice given to his provincial. After six months, the deed was to be formally recorded in the diocesan registry.

Relinquishment does not deprive a clerk of his orders, and he may resume clerical office (without reordination) following a petition for vacation of the deed of relinquishment to his archbishop. If accepted, the vacation is recorded in the diocesan registry, and the clerk may resume clerical functions. However, he is incapable of holding any benefice or other preferment for two years after the recording of the vacation.

Oaths and Subscriptions

Reference code: DDR/EA/CLS

Biographical information: Subscriptions are required from clergy about to be ordained, licensed to a curacy or admitted to a benefice. The clerics subscribe to the oaths of allegiance and canonical obedience, and assent to the liturgy and creeds of the Church of England (including the thirty nine articles). Similar subscriptions were required from schoolmasters, parish clerks or midwives who were about to be licensed.

Miscellaneous General Clergy Papers

Reference code: DDR/EA/CLG

Biographical information: Most of these items relate to caveats, usually issued by the archbishop of York, but occasionally by the bishop of Durham for circulation to his archdeacons.

The alleged fault of the cleric or person who is the subject of the caveat is usually, but not always, stated in the documents. They frequently refer to people suspected of having fraudulent letters of orders. The later items (20th century) are either files of correspondence on a particular cleric or a caution list from Lambeth Palace.

Warnings against ordaining, licensing or employing particular individuals were occasionally issued by the archbishop of York and circulated amongst the bishops in his diocese. Later 'caution lists' are issued by the archbishop of Canterbury.

Unbeneficed Clergy

Assistant Stipendiary Curates

Reference code: DDR/EA/CLC

Biographical information: The 1713 Simony Act, 1813 Curates Act, 1838 Plurality Act and subsequent acts all included clauses to regulate the appointment, licensing and stipends of assistant stipendiary curates. In particular, the acts aimed to ensure that non-resident incumbents employed assistant curates, and that the curates were given some security of appointment.

Stipendiary curates were nominated by their incumbents to serve their parishes or chapelries. In addition to presenting their nomination, a letter testimonial was required before they could be licensed by the bishop.

If the bishop was unable to license stipendiary curates personally, he could issue a commission to an archdeacon or other office-holder or incumbent to take the curate's oaths and issue the licence.

Stipendiary curates require a licence from the bishop before they can be admitted to an assistant curacy. Copies of all licences and revocations are recorded in the diocesan registry.

Under the 1838 Plurality Act, a stipendiary curate's licence can be revoked by his bishop at any time, subject to appeal by the curate to his archbishop. The revocation is recorded in the diocesan registry and in the parish chest.

Under the 1838 Plurality Act, an incumbent can, within six months of his admission to a benefice, give six weeks' notice to a stipendiary curate to quit his curacy. This power is subject to the permission of the bishop or (by appeal) of the archbishop.

The 1813 Curates' Act established minimum stipends for curates, and incumbents were required to notify to the bishop what stipend they intended to pay to their curates.

Chaplains

Reference code: DDR/EA/CLH

Biographical information: Many individuals and organisations employ private chaplains, all of whom require a licence from the bishop. The licence specifies what services and offices the chaplain may perform, and exempts him from the control and interference of the incumbent of the parish or district in which the chapel is situate.

If the bishop was unable to license chaplains personally, he could issue a commission to an archdeacon or other office-holder or incumbent to take the chaplain's oaths and issue the licence.

Lecturers

Reference code: DDR/EA/CLL

Biographical information: A lecturer is a clerk in holy orders, elected or otherwise appointed to deliver lectures or preach sermons in the church or chapel of a parish. Some of the city parishes, mainly in Newcastle-upon-Tyne and Durham, had endowed lectureships attached to them. A lecturer required a licence from the bishop.

If the bishop was unable to license lecturers personally, he could issue a commission to an archdeacon or other office-holder or incumbent to take the lecturer's oaths and issue the licence.

Preachers

Reference code: DDR/EA/CLP

Biographical information: Unbeneficed clergy can be licensed to preach within the diocese. The licences were for a fixed period and required occasional renewal. See also under the class 'Letters Testimonial for those to be given a licence to officiate'.

If the bishop was unable to license preachers personally, he could issue a commission to an archdeacon or other office-holder or incumbent to take the preacher's oaths and issue the licence.

Miscellaneous Unbeneficed Clergy

Reference code: DDR/EA/CLU

Ministers in Charge of Benefices

Biographical information: Since the 1960s, many benefices have been in the charge of some form of licensed priest, rather than an incumbent with full possession of the freehold.

The need for pastoral reorganisation schemes, and in particular the sharing of the ministry among many small parishes and congregations, as well as general theological and social trends, has led to the development of new forms of parish ministry within the Church of England since the 1960s.

Many of these new ministries were legally established by the 1968 Pastoral Measure. They usually make use of licensed priests to fill roles that would otherwise be served by beneficed incumbents (eg, vicars or rectors).

Note that, although not usually beneficed in a strict legal sense, the resulting ministers in charge of benefices are still often informally called 'vicar' or 'rector' within their parishes.

Curates-in-Charge of Conventional Districts

Reference code: DDR/EA/CLV

Biographical information: A Conventional District can be established out of an existing parish or parishes by agreement between the bishop, incumbent(s) and patron(s) of the church(es) involved. A cleric is appointed to the district as a 'curate-in-charge', but acts independently of the incumbent of the benefice from which the district is created, and is often styled 'priest-in-charge'.

The agreement establishing a Conventional District requires renewal with every change of incumbent in the parish(es). Conventional Districts are usually established with a view to the future creation of a new parish for the district.

A Conventional District can have its own churchwardens and parochial church council. Apart from some of the earlier appointments, the curates-in-charge are appointed directly by the bishop, and do not require a formal nomination from the incumbent.

Note that assistant curates who were appointed by an incumbent to look after a particular chapel or church within a parish, or to look after the parish of a non-resident incumbent, were also often styled 'curates in charge', although they had the status of assistant stipendiary curates and their nominations are in the main class of stipendiary curates' nominations and letters testimonial, above.

Priests-in-Charge of Benefices

Reference code: DDR/EA/CLB

Biographical information: When presentation to a benefice has been suspended by a bishop, a cleric may be licensed to the benefice as a curate-in-charge (normally called a 'priest-in-charge'), allowing her/him to serve the benefice as if an incumbent, but without holding the legal freehold of the vicarage or rectory. As for other ecclesiastical preferments, those appointed as priest-in-charge of a benefice (during suspension of patronage), must produce Letters Testimonial to their good character.

Team and Group Ministers

Reference code: DDR/EA/CLT

Biographical information: See under Pastoral Reorganisation for background information on Team and Group Ministries, and the status of the clergy involved.

Beneficed Clergy (Incumbents)

Biographical information: An incumbent holds the freehold of a benefice. According to the nature of the benefice, he/she is styled 'rector', 'vicar' or 'perpetual curate'.

Admissions and Inductions of Incumbents

Reference code: DDR/EA/CLI

Biographical information: Before an incumbent can legally exercise cure of souls within a benefice and enjoy its profits, he/she must be admitted and inducted to the benefice.

Incumbents are admitted to the cure of souls of a benefice (known as the 'spiritualities') in one of three ways. Admission of rectors and vicars is either by presentation and institution, or by collation (where the bishop is patron).

Admission of perpetual curates is by licensing.

Whether a benefice is a rectory, vicarage or perpetual curacy, depends on the historical distribution of the tithes of the benefice. Rectors are incumbents who are entitled to all the tithes of a benefice, while vicars are entitled only to the 'small' tithes (of less value): historically, the rectors of vicarages were monastic houses or other foundations (later, laypersons, known as 'impropriators'), who retained the 'great' tithes for themselves and endowed the benefice with the 'small' tithes, to support a vicar to take on the cure of souls within the benefice. Where the rectory of a parish was held by a religious corporation or individual, but the benefice had not been endowed with a vicarage, the rector was legally bound to nominate a curate to serve the parish and was unable to remove this curate once licensed by the bishop: these curates have a status very similar to that of a vicar and are called 'perpetual curates'. The benefices of most new parishes created in the 19th century were perpetual curacies, but under the 1868 Incumbents Act they were styled 'vicarages', and all perpetual curacies legally became vicarages under the 1968 Pastoral Measure.

Once admitted, an incumbent is granted the profits and emoluments of the benefice (the 'temporalities') by induction.

Unless a parish is in the gift of the bishop or patronage has been suspended (pending a pastoral reorganisation), a patron presents or nominates a candidate to the bishop for a vacant parish in his or her gift. The status of the parish determines the exact form of the deed: vicars and rectors are presented to their parishes, while perpetual curates and ministers of newly-formed ecclesiastical districts are nominated. (Remaining perpetual curacies became vicarages on 1 April 1969 under the 1968 Pastoral Measure.)

Letters Testimonial are required for a variety of appointments, including admissions to benefices. They are declarations of a person's good character over the last three years (or sometimes for a shorter period), and are signed by three beneficed clerics. (If any of the signatories are from another diocese, his signature must also be countersigned by his own bishop.)

If the bishop is unable to institute an incumbent himself, he can issue a commission to his archdeacon or another beneficed cleric to take the oaths of the new incumbent and institute her/him.

Before an incumbent can enter on a parish, he/she must be admitted to the spiritualities of the benefice by the bishop. This is done either by institution after presentation, or by collation, where the bishop is the patron or makes the appointment. Perpetual curates and ministers of newly-formed ecclesiastical districts are formally licensed to their parishes rather than instituted or collated. Unless a parish is in the gift of the bishop or patronage has been suspended (pending a pastoral reorganisation), a patron presents or nominates a candidate to the bishop for a vacant parish in his or her gift. The status of the parish

determines the exact form of the deed: vicars and rectors are presented to their parishes, while perpetual curates and ministers of newly-formed ecclesiastical districts are nominated. (Remaining perpetual curacies became vicarages on 1 April 1969 under the 1968 Pastoral Measure.)

Institution or collation confers the cure of souls of the benefice on the clerk, and renders him bound to discharge his duties as an incumbent. However, he must be inducted before he can have complete possession of the profits and emoluments of the benefice (the temporalities). For perpetual curacies, admission by licence puts the clerk in possession of both the spiritualities and temporalities of the benefice, without institution or induction.

From 1987, formal deeds of presentation and nomination from patrons are no longer used, being replaced by 'forms 38' under the 1986 Benefices Measure. However, this measure does not apply to livings in the gift of the Crown, which continues to use formal presentation deeds.

When an incumbent has been instituted, collated or licensed to a benefice, he/she must be inducted to the temporalities of the parish. This puts the incumbent into complete possession of the church and benefice, with all its profits and emoluments. The ceremony of induction is usually carried out by the archdeacon, on a mandate from the bishop. It takes place within the parish itself. 'Reading In' was carried out by an incumbent shortly after induction, and required the declaration of assent to the thirty nine articles during a public service in the parish church. Certification of having performed the ceremony was not required under the acts, although it was recommended to protect the incumbent. The requirement for 'reading in' was abolished by the 1974 Church of England (Worship and Doctrine) Measure.

Non-Residence and Plurality

Reference code: DDR/EA/CLN

Biographical information: Non-residence was mainly regulated by the 1838 Plurality Act and successor legislation, notably the 1885 Pluralities Acts Amendment Act. The acts aimed partly to limit non-residence, and partly to ensure that assistant curates were appointed at reasonable stipends to minister to parishes with non-resident incumbents.

The non-residence and plurality acts required incumbents who were not resident on their benefices to apply for licences for non-residence, unless they could claim exemption from residence under the acts. The licences could be granted for up to two years (more strictly, until 31st December in the year following the granting of the licence: many licences were granted during January). They were usually given for medical reasons (either the incumbent's own illness or that of a member of his immediate family), and often on the certificate of a medical practitioner. If the licence was given for a reason not specified in the acts, it had to be countersigned by the archbishop of York.

Certain incumbents could claim exemption from the residence requirements of the non-residence and plurality acts. Exemptions applied to those holding a second benefice or ecclesiastical office (under certain circumstances) and to those with university positions. Those claiming exemption had to submit in duplicate a notification of their non-residence and the reasons for claiming exemption. These notifications were submitted annually, one copy being sent to the bishop (this class) and the other to the registry (next class).

Under the 1838 Plurality Act, an incumbent who lived in his own or another house on his benefice instead of the parsonage house required a licence to recognise that house as his legal house of residence. (Before 1838, he would require a non-residence licence.)

Section 52 of the 1838 Plurality Act required each incumbent to complete a return concerning pastoral arrangements on, and the value of, his benefice and other matters to his diocesan bishop. Section 55 of the 1871 Ecclesiastical Dilapidations Act added questions relating to fire insurance. The incumbents' returns were used by the bishop to compile returns to the Privy Council under section 53, showing which were non-resident with and without a licence, and which employed curates, with other information.

Resignations and Pensions

Reference code: DDR/EA/CLR

Biographical information: A benefice is avoided by death, resignation, exchange, cession, declaration of avoidance by the bishop and deprivation. The interest of the incumbent in the profits and emoluments and property of the benefice ceases on the day when he vacates it; and his successor, when admitted, becomes entitled to them as from that day, so far as they have not been applied in providing for the service of the cure of souls and for the costs of sequestration during the vacancy.

Resignation of a benefice must be made to the bishop, either in person or by a deed attested by two witnesses. The presence of a notary public at the execution of the deed and his attestation of it are usual but not essential. Except on an exchange, the resignation must be unconditional, but it may be made to take effect at a future fixed date. It may be made at the request of the bishop to avoid scandal or legal proceedings; and the bishop may agree to postpone the declaration of the resignation, and his acceptance of it need not be in any particular form or in writing. It is implied if the resignation was made at his request. The resignation takes effect upon its acceptance by the bishop, and cannot afterwards be revoked.

Under the 1992 Church of England (Miscellaneous Provisions) Measure, formal resignation deeds are no longer required from incumbents resigning their benefices. However, a form of written resignation may be used instead of the resignation deed, and this form is generally required by the diocese.

Commissioners were appointed to establish pensions for retiring clergy under the 1871 Incumbents Resignation Act, the 1887 Incumbents Resignation Act 1871 Amendment Act, and the 1930 Clergy Pensions (Older Incumbents) Measure. After an incumbent's pension had been established by a commission under the 1871 Incumbents Resignation Act and successor legislation, the bishop signed a declaration to the effect that the benefice was vacant, and that its revenues were subject to the payment of the pension to the resigning incumbent.

The 1871 Incumbents Act allowed a pension to be assigned from the revenues of a benefice to an incumbent who was retiring for incapacity and who had been incumbent of the benefice continuously for the last seven years. Subsequent measures, notably the 1926 Clergy Pensions Measure established a comprehensive system of clergy pensions, and these measures were replaced or consolidated by new legislation in 1948, 1961 and 1988.

'Older incumbents' are incumbents or archdeacons born on or before 31 December 1871, who are entitled to pensions under the 1930 Clergy Pensions (Older Incumbents) Measure. This measure establishes pensions to be funded from both the revenues of the benefice and the general fund of the Church Commissioners, following a commission of enquiry appointed by the bishop.

Rural Deans

Reference code: DDR/EA/CLD

Biographical information: Rural Deans have a few formal powers, mainly relating to inspection and reporting in connection with resignations, disciplinary proceedings and fabric. Their duties mainly concern the support and discipline of the clergy, as well as any other duties that they may be deputed to perform by the bishop or archdeacon.

The office of Rural Dean, although an ancient and formerly important position within the church, fell into disuse before the Reformation, and was only revived in the 19th century.

Rural Deans are appointed by the bishop and archdeacon. The appointment is not permanent, and carries no remuneration.

Archdeaconries and Durham Cathedral Canonries

Reference code: DDR/EA/CLA

Biographical information: A number of the Durham cathedral canonries are annexed to archdeaconries within the diocese or professorships in the University of Durham. All the Durham Cathedral canonries are in the gift of the bishop of Durham.

Episcopal Appointments and Commissions

Reference code: DDR/EA/CLE

Biographical information: A suffragan bishop may be appointed to exercise specific jurisdiction and authority on behalf of the diocesan bishop, according to the latter's commission. A suffragan bishop is appointed by the Crown on the petition of the diocesan bishop, who will name two clerics for the appointment. The Crown then may appoint the suffragan to such see as seems convenient, so long as it is within the same province. A suffragan bishop may take only such profits, jurisdiction and authority as are licensed and limited to him by his diocesan, by commission under his seal.

A diocesan bishop may issue a commission to another bishop to exercise specific episcopal functions within his diocese and/or to serve as his assistant bishop, if he thinks that he will not himself be able to carry out those functions by reason of illness or absence.

Layworkers' Appointments

Reference code: DDR/EA/CLY

Biographical information: Layworkers are licensed to serve either within the diocese as a whole or within a particular parish. The licences are for a fixed term and may be renewed (or, in the case of licences to particular parishes, extended in scope).

Non-Ecclesiastical Appointments

Schoolmasters

Reference code: DDR/EA/NES

Biographical information: Schoolmasters required licences from the bishop to teach, although few nominations for such licences survive.

If the bishop was unable to license schoolmasters personally, he could issue a commission to an archdeacon or other office-holder or incumbent to take the master's oaths and issue the licence.

Pocock, J.G.A., "Schools and schoolmasters in some Durham episcopal records", *Durham research review of the institute of education*, 3 (1952), 15-23

Parish Clerks

Reference code: DDR/EA/NEP

Biographical information: Parish clerks were, until 1921, appointed by incumbents and entitled to serve for life. The 1921 Parochial Church Councils Measure gives the appointment jointly to the parochial church council and the incumbent.

Parish clerks were usually licensed by the bishop, although this was not legally required.

Other Non-Ecclesiastical Appointments

Reference code: DDR/EA/NEO

Biographical information: Midwives and surgeons required licences from the bishop before they could practice.

The appointment of a number of paupers as 'bedesmen' was established at the Reformation in the former monastic cathedrals. They assist in the cleaning and servicing of the cathedral. They are now appointed by the dean and chapter of Durham cathedral. Note that this appointment did not formally involve the bishop, but involved the diocesan registrar, probably in a personal capacity.

Benefices and Parishes

Pastoral Reorganisation

Reference code: DDR/EA/BEP

Biographical information: The 1838 Plurality Act required those holding benefices in plurality to be licensed by the archbishop of Canterbury. (Exceptions are allowed for certain cathedral preferments and archdeacons.) In order to be licensed, the incumbent had to submit statements of the value of the benefices and other matters to the bishop(s) of the diocese(s) where they were situated. These statements were certified by the bishop(s) and forwarded to the archbishop of Canterbury, and a copy was filed in the registry.

Orders made by the Sovereign in Privy Council, mainly to confirm schemes for the pastoral reorganisation of parishes and benefices. Also other orders for pastoral reorganisations, which do not require confirmation by the Privy Council.

Schemes are drawn up by the Ecclesiastical (later, Church) Commissioners for the following purposes:

- alterations to the boundaries of parishes and districts;
- the creation, dissolution or union of benefices;
- new forms of ministry within a benefice or group of parishes;
- alterations in patronage;
- sale or disposal of property;
- changes to the endowments of a benefice;
- closure or disposal of churchyards, or of portions of churchyards;
- other pastoral measures.

During the 20th century, various measures have been passed to revise or simplify the procedures for pastoral reorganisations. The 1949 Pastoral Reorganisation Measure created Pastoral Committees in dioceses, and allowed schemes for pluralities to be introduced by bishop's order, without a licence from the archbishop. The 1968 Pastoral Measure (in turn replaced by the 1983 Pastoral Measure) allows a large number of pastoral reorganisations to be effected by bishop's order (after approval by the Church Commissioners), without obtaining an order in Council. (Other reorganisations require a pastoral scheme, to be approved by the Church Commissioners and confirmed by the Privy Council.)

Orders in Council usually come into effect on the date of their publication in the 'London Gazette' (known as their 'gazetting'), unless specified otherwise in the order. Later orders may come into effect on the first day of the month following either their gazetting or the date of the order.

A Conventional District can be established out of an existing parish or parishes by agreement between the bishop, incumbent(s) and patron(s) of the church(es) involved. A curate was appointed to be in charge of the district, often styled a 'priest in charge'. The agreement establishing a Conventional District required renewal with every change of incumbent in the parish(es). Conventional Districts were usually established with a view to the future creation of a new parish for the district.

The 1941 Diocesan Reorganisation Committees Measure established a diocesan reorganisation committee in every diocese. This committee advised incumbents and others on the execution or deferment of repairs to churches and other buildings, and made recommendations to the bishop for rearrangement of pastoral supervision where that course had become necessary through causes attributable to the war. The 1944 Reorganisation Areas Measure allowed the Church Commissioners to declare certain areas, affected by war damage or the action of planning authorities, ecclesiastical reorganisation areas. This allowed the diocesan reorganisation

committee to make recommendations to the bishop regarding the rearrangement of their pastoral supervision (for instance, the formation, alteration or dissolution of benefices and parishes). The bishop could then forward such recommendations to the Church Commissioners, who could prepare a draft scheme, subsequently confirmed by an order under their seal.

Team and group ministries are both set up by pastoral schemes under the 1968 Pastoral Measure. These pastoral schemes are submitted by the Church Commissioners to the Privy Council for approval. Team ministries establish a team rector and vicars for a single benefice (or a group of benefices being held in plurality by a single incumbent), the benefice becoming a rectory if it is not already one. The incumbent of the benefice is called the 'team rector', the office being either freehold or for a specified term of years. The team rector is assisted by one or more ministers who are called 'team vicars', and have the status and security of an incumbent, although they are appointed for a specified term of years. The vicars are chosen by the bishop and rector jointly, and are appointed by licence. The details of appointments and terms are laid out in the pastoral schemes which establish the team ministries. Group ministries cover an area that includes several benefices, in which each of the incumbents has the authority and duty to perform offices and services throughout the group on an equal basis. The benefices retain their own Parochial Church Councils, but a Group Council may be established for the whole area.

The 1943 New Parishes Measure repealed and reenacted almost all the law laid down by the 'New Parishes Acts' of 1843 to 1884. The 1943 measure allowed the Church Commissioners to prepare a scheme establishing a new parish, and to submit the scheme to the Privy Council. When the scheme had been confirmed by an Order in Council, the new area became either a new parish (if it already contained a consecrated church building), or else it would be a separate 'district' for spiritual purposes. This distinction between 'parishes' and 'districts' has been removed by the 1968 Pastoral Measure.

Current arrangements for pastoral reorganisation and closure or disposal of church buildings are included in the Mission and Pastoral Measure 2011, for which the Church Commissioners have published a code of practice. The appendices of the code include a glossary of terms and a summary of previous acts and measures. Note that since 1 June 2005, pastoral schemes are confirmed by the Church Commissioners and do not require subsequent confirmation by Order in Council (Church of England (Miscellaneous Provisions) Measure 2005, s.8 and sch.4).

Benefice Income and Fees

Reference code: DDR/EA/BEI

Biographical information: Under the 1866 Ecclesiastical Commissioners Act, the Ecclesiastical Commissioners (later the Church Commissioners) were able to award grants of yearly stipends out of their common (later 'general') fund to augment certain benefices.

Fees for services of the church which are provided for its individual members and which are paid to the incumbent or curate of the parish (notably marriages, churchings and burials) are known as 'surplice fees'. Such fees were formerly due according to the custom of a particular parish. Since 1818, various acts and measures have provided methods of fixing these fees. Under the 1843 New Parishes Act, new parishes or districts could, following resolution of a vestry meeting, draw up a list of fees for approval by the Chancellor of the diocese. By the 1938 Ecclesiastical Commissioners (Powers) Measure, the fees of parishes could be fixed by the Ecclesiastical (later Church) Commissioners.

Dilapidations

Reference code: DDR/EA/BED

Biographical information: An incumbent of a benefice is responsible for any dilapidations (deterioration of or damage to fabric) to his benefice buildings. An incoming incumbent can claim the value of any dilapidations from his predecessor.

The 1871 Ecclesiastical Dilapidations Act established a formal system of surveys (by specially appointed Diocesan Surveyors) during vacancies of benefices, so that the value of dilapidations could be established and reclaimed from previous incumbents accordingly.

The 1923 Ecclesiastical Dilapidations Measure led to the creation in each diocese of a Dilapidations Board to appoint the Diocesan Surveyors and receive their reports. The duties of the Dilapidations Board were transferred to the Diocesan Parsonages Board under the 1972 Repair of Benefice Buildings Measure.

Miscellaneous Benefice Papers

Reference code: DDR/EA/BEM

Biographical information: The background to the returns in class DDR/EA/BEM/3 is unclear. Although the printed forms suggest that they were in a standard format and not specific to Durham diocese, any legislation requiring the returns has not been identified. However, a letter from SPCK within one of the files of correspondence on the 1912 episcopal visitation (within DDR/EV/VIS/5/1912, but accessioned as AUC/2/2-4), suggests that they were sent out on behalf of SPCK for compilation of the *Church of England year book*, otherwise the *Official year book of the National Assembly of the Church of England* (published by the Church Information Office and SPCK, from 1883). They appear to have been sent out at the same time as the visitation returns, and this would explain their previous retention by the Bishop's Office rather than the Diocesan Registry.

The Diocesan Commission on Poverty and Charitable Assistance (DDR/EA/BEM/4) was established by the Bishop of Durham, in order to collect information from the diocese for the use of the Royal Commission on the Poor Laws and Relief of Distress. See parliamentary paper [Cd. 4499].

The incomes of poor benefice could be augmented by any ecclesiastical corporation, under the 1677 and 1831 Augmentation of Benefices Acts. A return of all such augmentations was required by a resolution of the House of Commons dated 21 July 1863.

Patronage

Transfers of Rights of Patronage

Reference code: DDR/EA/PAT

Biographical information: Transfers of patronage were regulated by the 1898 Benefices Act, the 1923 Benefices Act 1898 (Amendment) Measure, and the 1930 Benefices (Transfers of Rights of Patronage) Measure. The transfers were registered in the diocesan registry.

The 1898 Benefices Act aimed to control the transfer of rights of patronage (known as 'advowsons'), and to prevent the corrupt or simoniacal bargaining of advowsons. Under the 1898 Benefices Act, every transfer of an advowson had to be registered with the diocesan registrar, and rights of patronage could no longer be sold by public auction (except when sold in conjunction with a landed estate). The 1898 act was amended by the 1923 Benefices Act 1898 (Amendment) Measure.

Under the 1898 Benefices Act, transfers of advowsons had to be registered with the diocesan registry. This registration had to be done within one month of the date of the transfer, unless an extension was authorised by the bishop. In addition, a transfer would be invalid if less than one year had elapsed since the last institution or admission to the benefice, and a bishop could refuse to institute a presentee to a benefice if it was vacant within a year of a transfer.

Under the 1923 Benefices Act 1898 (Amendment) Measure, an advowson could not be sold after two vacancies in the benefice subsequent to 14th July 1924 (with certain exceptions). A person entitled to a right of patronage could also declare her/his intention that the advowson be incapable of sale before the two vacancies had occurred; he/she then registered this declaration in the diocesan registry.

The 1930 Benefices (Transfer of Rights of Patronage) Measure requires the bishop to notify the churchwardens and parochial church council of any parish whose patron intends to transfer his advowson, and to invite objections to the proposed transfer. The 1933 Benefices (Purchase of Rights of Patronage) Measure allows parochial church councils to purchase rights of patronage in certain cases. The purchase is by a resolution of the parochial church council, and by agreement of the patron (or by arbitration, failing agreement). Once a price for the purchase has been agreed (or fixed by arbitration), the patron conveys the patronage to the Diocesan Board of Patronage. The right of patronage cannot be sold if two vacancies of the benefice have occurred since 1924, and the resolution must be passed within three years of the registration of a transfer of right of patronage under the 1923 Benefices Act 1898 (Amendment) Measure.

1931 Benefices (Exercise of Rights of Presentation) Measure

Reference code: DDR/EA/PAB

Biographical information: The 1931 Benefices (Exercise of Rights of Presentation) Measure gave certain rights to Parochial Church Councils (PCCs) in the choice of incumbents.

Under the measure, any vacancy in a benefice is to be notified to the PCC by the bishop, and the PCC may make representations to the patron regarding their parish. In addition, the PCC may pass a resolution, requiring the patron to obtain consent to his nominee, either from representatives of the parish, or from the bishop. The measure also established a body of advisers, to advise the bishop should his approval for a nominee be sought.

Note that the substantial aspects of this measure only apply if PCCs choose to pass resolutions to put them into effect. Few seem to have done so.

Suspension of Patronage

Reference code: DDR/EA/PAS

Biographical information: The right of a patron to present to a vacant living is in certain circumstances suspended by the bishop, most often when a reorganisation or union of benefices is contemplated. Suspensions are regulated by the 1953 Benefices (Suspension of Presentation) Measure and the 1968 Pastoral Measure (which is itself consolidated in the 1983 Pastoral Measure).

Patronage (Benefices) Measure 1986

Reference code: DDR/EA/PAP

Biographical information: The Patronage (Benefices) Measure 1986 concerns the registration of patrons' interests and the rights of parochial church councils in relation to the appointments of incumbents.

The first part of the 1986 Patronage (Benefices) Measure, concerning the registration of patronage, came into operation on 1st October 1987. It was to be completed by 31st December 1988, with the remainder of the measure becoming operative on 1st January 1989.

The 1986 Patronage (Benefices) Measure required patrons to register their interest in any benefice with the diocesan registry by 31 December 1988. The 1986 Patronage (Benefices) Measure requires each diocese to compile and maintain a register of benefices, with details of the patrons for each benefice.

The bulk of the 1986 Patronage (Benefices) Measure came into force on 1st January 1989, and replaced earlier legislation relating to the notification to parochial church councils of vacancies and the exercise of their rights in the appointment of a new incumbent.

The measure requires patrons either to declare that they are members of the Church of England, or to appoint a representative who can make this declaration. A parochial church council is required to prepare a statement describing the conditions, needs and traditions of the parish, and to appoint two lay members to act as its representatives. In addition, the parochial church council, patron or bishop may request a joint meeting to discuss the statement of needs of the parish and the bishop's statement of the wider needs of the diocese and church.

Deeds

Reference code: DDR/EA/DDS

Churches and other Licensed Buildings, Parish Rooms, Churchyards, Burial Grounds and Cemeteries

Biographical information: Church dedications which are most likely to cause confusion due to previous pastoral reorganisations, church closures and rebuilding programmes, include the following.

Bishop Auckland had two buildings dedicated to St Peter. One is *Auckland Castle Chapel* and is not a parochial church. *Auckland St Peter* on Princes Street was consecrated 1875 (DDR/EA/CHC/3/A13) and closed ca.2014.

Darlington has had two different chapels dedicated to St Luke, both within the parish of Darlington St Luke (later the united benefice of Darlington St Matthew and St Luke), both in use at the same time for most of the 20th century, and both now redundant. *Darlington St Luke old church* was consecrated 1883 (DDR/EA/CHC/3/D25), declared redundant 1976 and demolished ca.1978 (DDR/EA/BEP/4/638, 656): it was in Leadenhall Street, and after 1917 was a chapel of ease within the parish of Darlington St Luke. The new *Darlington St Luke* parish church was consecrated 1917 (DDR/EA/CHC/3/D41), declared redundant 1979 and sold ca.1980 (DDR/EA/BEP/4/675, 693, 710): this was in Marshall Street/Corporation Road, and is also known as the Railway Pioneers Memorial Church. The church of *Darlington St Matthew* is now known (? unofficially) as Darlington St Matthew and St Luke.

Escomb had two churches dedicated to St John the Evangelist from 1863 to 1969, viz *Escomb St John (Saxon church)* and *Escomb St John (Victorian church)* (consecrated 1863, demolished 1969, see DDR/EA/CHC/3/E9 and DDR/EA/BEP/4/585,587A).

There are two Grindons in County Durham. The older is near Thorpe Thewles in Stockton deanery, and has churches dedicated to *St Thomas à Becket* (in ruins) and *St James*, as well as (until 1985) *Embleton St Mary*. Grindon in Sunderland (Pennywell) has a new church dedicated to *St Oswald*.

There are two Hamsterleys in County Durham. The larger is in Auckland deanery and its church is *Hamsterley St James*. The smaller is in Lanchester deanery: its church is now known legally as *Hamsterley Colliery Christ Church* but is referenced in these lists as *Low Westwood Christ Church*.

Herrington has had two churches dedicated to St Chad, one effectively replacing the other (but on a different site). *Herrington St Chad's Mission* was an iron and wood church built 1930 from the former chapel of St Chad's College in Durham, on the corner of St Chad's Crescent and St Chad's Road (www.herrington-heritage.org.uk). The current church of *Sunderland St Chad* (formerly East Herrington St Chad) on the other side of Durham Road was consecrated in 1961 (DDR/EA/CHC/3/HH67) and formed as a separate parish in 1962 (DDR/EA/BEP/4/552).

Jarrow has had two churches dedicated to St Peter. *Jarrow St Peter (Chaytor Street)* was consecrated 1881 (DDR/EA/CHC/3/IJ8), closed 1969 and demolished 1971 (DDR/EA/BEP/4/587, 594). *Jarrow St Peter (Monkton)* was built 1970 (from www.jarrowparish.info).

Ryhope has had two different churches, both dedicated to St Paul and both in use from 1870 to 1970s. *Ryhope St Paul (old church)* was consecrated 1827 (DDR/EA/CHC/3/R3), became a chapel of ease within the parish of Ryhope St Paul in 1870, declared redundant and appropriated to office use 1977-1978

(DDR/EA/BEP/4/648, 661). *Ryhope St Paul (new church)* is nearby and was consecrated 1870 (DDR/EA/CHC/3/R13).

Sockburn parish is mostly situated south of the river Tees and included the two Yorkshire villages of Girsby and Over Dinsdale. Its parish church was *Sockburn All Saints* (within County Durham, within a loop of the Tees) until 1838, when the new church (in Yorkshire, but north east of the old church) was consecrated as *Girsby All Saints* (DDR/EA/CHC/3/S16). Sockburn All Saints (old church) was not formally declared redundant until 1998 (DDR/EA/BEP/4/853), although already in ruins by that date. The benefice of *Dinsdale St John the Baptist* (in Low or Nether Dinsdale, County Durham) was united with Sockburn parish in 1928 (DDR/EA/BEP/4/454).

There are two Stanleys in County Durham. The smaller is near Crook and its church is *Stanley St Thomas (Crook)* (consecrated 1877 as DDR/EA/CHC/3/S63). The larger Stanley has churches dedicated to St Andrew (*Beamish St Andrew*, consecrated 1876 as DDR/EA/CHC/3/B42) and St Stephen (*Stanley St Stephen*, dedicated 1954 according to Ruscoe, since 200x apparently a community centre managed by South Stanley Partnership). The church near Crook should not be confused with *Craghead St Thomas*, which merged with Beamish St Andrew to form the current Stanley parish in 1988 (DDR/EA/BEP/4/774).

Sunderland has had three churches dedicated to St Peter. The oldest is *Monkwearmouth St Peter*, founded 674 by Benedict Biscop and part of the Wearmouth-Jarrow monastery. *Bishopwearmouth St Peter* in Green Street was consecrated 1872 (DDR/EA/CHC/3/B37) and closed 1945 (DDR/EA/BEP/4/496A). *Sunderland St Peter Thorney Close* (in Thorndale Road) was built 1949 (Ruscoe) and closed 2001 (date from note with quinquennial inspection reports). Note that the church of *Sunderland St Mary the Virgin Springwell* has since the closure of Sunderland St Peter Thorney Close been called Springwell (or Sunderland) St Mary and St Peter.

There are two Thornleys in County Durham, and in each the church is dedicated to St Bartholomew. One is near Wheatley Hill in Easington deanery (normally called *Thornley St Bartholomew (Kelloe)* within these lists), and the other near Tow Law in Stanhope deanery (normally *Thornley St Bartholomew (Wolsingham)*).

Washington (New Town) has two churches dedicated to the Holy Trinity, both substantially (re-)built 1831-1833. *Washington Holy Trinity* is in the old village, next to Washington Old Hall. *Usworth Holy Trinity* is in Peareth Hall Road, Usworth.

The dedication of Whitburn parish church is sometimes recorded as St Andrew (apparently from a dedication on a bell, see Ruscoe p.137), but more normally as St Mary

Gateshead parishes were repeatedly reorganised in the second half of the 20th century:

Gateshead St James was consecrated 1865, declared redundant 1982 and subsequently demolished (DDR/EA/CHC/3/G10 and DDR/EA/BEP/4/721). The original *Gateshead Venerable Bede* was consecrated 1885 and demolished 1984 (DDR/EA/CHC/3/G17 and DDR/EA/BEP/4/742), but its church hall was then re-purposed as a new church (or 'church centre') and called *Gateshead St James and St Bede*.

Gateshead St Edmund was a chapel-of-ease in Gateshead St Mary parish, located in Old Durham Road, consecrated 1810 (DDR/EA/CHC/3/G1) and becoming a parochial chapelry in 1865 (DDR/EA/BEP/4/173). It was demolished 1970 and its site disposed of 1972 (DDR/EJ/FAC/3/5163A and DDR/EA/BEP/4/599). The disused medieval chapel of St Edmund's Hospital was re-opened as *Gateshead Holy Trinity* in 1837, before being enlarged ca.1893 (DDR/EJ/FAC/3/357). This extension was declared redundant in 1972 and became a community centre in 1980 (DDR/EA/BEP/4/602 and 691), while the original medieval chapel (ie the south aisle of the enlarged Gateshead Holy Trinity church) continued in use and became the parish church of Gateshead in 1982 under the name *Gateshead St Edmund's Chapel* (DDR/EA/BEP/4/721).

Hartlepool has re-used dedications for Holy Trinity and St James' churches:

West Hartlepool St James was in Musgrave Street (www.hhtandn.org), consecrated 1869 (DDR/EA/CHC/3/H34) and demolished ca.1957 (see DDR/EA/BEP/4/530).

Hartlepool St James Owton Manor was built 1958 (DDR/DA/DAC/2/Dch293/1), but not apparently consecrated until 1983 (DDR/EA/CHC/3/O1).

Hartlepool Holy Trinity (Vane Street) on the headland was consecrated 1852 (DDR/EA/CHC/3/H14) and demolished 1953 (DDR/EA/BEP/4/519). Its replacement in Davison Drive (West View) was consecrated 1958 (DDR/EA/CHC/3/HH66).

Stockton-on-Tees has re-used dedications for Holy Trinity, St James', St John's and St Paul's churches:

Holy Trinity	Stockton on Tees Holy Trinity Yarm Lane was consecrated 1835, extended 1906 (DDR/EA/CHC/3/S13, S106), declared redundant 1983 (DDR/EA/BEP/4/726) and destroyed by fire in 1991 (the ruins still stand on Trinity Green). A new church in Fairfield was dedicated 1991, became a separate parish in 1995 (DDR/EA/BEP/4/826), consecrated 1997, and is called Stockton on Tees Holy Trinity Greenvale within these lists.
St James	Stockton on Tees St James Portrack was consecrated in 1868 (DDR/EA/CHC/3/S46), and closed ca.1959 (see DDR/EA/BEP/4/540 for united benefice with St Thomas, 1960). Stockton on Tees St James Hardwick was built 1960-1966, dedicated 1966, formed as a new parish 1989 (DDR/EA/BEP/4/785) and closed 2001.
St John	Stockton on Tees St John the Baptist (Alma Street) was consecrated in 1874 (DDR/EA/CHC/3/S61), declared redundant 1979 (DDR/EA/BEP/4/663) and shortly afterwards demolished. Its replacement was Stockton on Tees St John (Durham Road), which formed a new parish and benefice in 1984 (DDR/EA/BEP/4/738)
St Paul	Stockton on Tees St Paul (Wellington Street) was consecrated in 1885 (DDR/EA/CHC/3/S76, location info from heritage.stockton.gov.uk), and closed ca.1925. Its replacement was Stockton on Tees St Paul (Newtown) in Bishopton Road, which was consecrated 1926 (DDR/EA/CHC/3/S123, see also DDR/EA/BEP/4/449). The bricks from the old St Paul's church were recycled to build Blackhall St Andrew in Easington deanery (after being turned 'inside out'), which was consecrated 1930 (DDR/EA/CHC/3/B78).

Note also that a number of church names are used in both Northumberland and County Durham for different places (not all the churches listed here pre-date 1882, when the diocese of Durham was divided).

Birtley St John the Evangelist is in Chester-le-Street deanery (County Durham),
Birtley St Giles is in Bellingham deanery (Northumberland)
Bolam St Andrew (County Durham) is in Darlington deanery, Bolam St Andrew (Northumberland) is in Morpeth deanery
Dalton-le-Dale St Andrew is in Easington deanery (County Durham), Dalton Holy Trinity is in Newcastle West deanery (Northumberland)
Denton St Mary is in Darlington deanery (County Durham), Denton Holy Spirit is in Newcastle West deanery (Northumberland)
Embleton St Mary (now ruined) was a chapel of ease in Grindon parish (Stockton deanery, County Durham), Embleton Holy Trinity is in Alnwick deanery (Northumberland)
Hartburn All Saints is in Stockton deanery (County Durham), Hartburn St Andrew is in Morpeth deanery (Northumberland)
Hebburn in Jarrow deanery (County Durham) has 19th century churches dedicated to St Cuthbert, St John and St Oswald. Hebron St Cuthbert in Morpeth deanery (Northumberland) is often spelt Hebburn.
Whorlton St Mary is in Barnard Castle deanery (County Durham), Whorlton St John is in Newcastle West deanery (Northumberland)
Willington St Stephen is in Stanhope (previously Auckland) deanery, County Durham. Willington in Tynemouth deanery (Northumberland) has 19/20th century churches dedicated to St Mary the Virgin, St Paul (Willington Quay/Howdon) and The Good Shepherd (Battle Hill).

M.H. Port, *Six hundred new churches* (London, 1961)

S. Prins and R. Massingberd-Mundy (eds), *The Newcastle diocesan gazetteer: a guide to the Anglican churches in Newcastle upon Tyne and Northumberland* (Newcastle, 1982)

G. E. Milburn, *Church and chapel in Sunderland 1780-1914* (Sunderland, 1988)

A.W. Dinnick, *Some medieval churches of County Durham* (Durham, 1991)

A.W. Dinnick, *The Norman churches of County Durham* (Durham, 1992)

J.E. Ruscoe (ed), *The churches of the Diocese of Durham* (Durham, 1994)

A.W. Dinnick, *The Anglican churches of County Durham from 1901* (Crook, 1994)

P.F. Ryder, *Historic churches of County Durham* (Durham, 2011)

Spirit in stone: explore more than 120 historic churches in the North East of England (North Shields, 2013), also available online via inspirednortheast.org.uk and www.spiritinstone.co.uk

Consecrations

Reference code: DDR/EA/CHC

Biographical information: A church or chapel may be licensed for the performance of divine service before it is consecrated. However, it does not legally become a church until it is consecrated. A building must therefore be consecrated before it can become the church of a separate parish. The consecration of a churchyard is not legally necessary, but has become general practice.

The act of consecration separates property for ever from common uses, and the property ceases to be the property of the donor. In strictness, only an Act of Parliament or Measure of the Church Assembly can divest it of its sacred character.

Licensing for the Performance of Divine Services

Reference code: DDR/EA/CHD

Biographical information: Licences to perform divine service were granted by the bishop to buildings in various circumstances: sometimes to allow a building to be used before it was consecrated, or for school halls and other (temporary) mission rooms, or for buildings used while the main church building was under repair. Licences were also granted to cemetery chapels, to allow them to be used for the performance of burial services.

Licensing for the Publication of Banns and the Solemnisation of Marriages

Reference code: DDR/EA/CHM

Biographical information: Any church or chapel may be licensed by the bishop for the publication of banns and the solemnisation of marriages, if he thinks it necessary for the convenience of the inhabitants of the district and if the patron and incumbent consent.

The consent of the patron and incumbent of a living must be sought before any chapel within the benefice can be licensed for the publication of banns or the solemnisation of marriages. The consent can be dispensed with after two months' notice in writing has been given to the patron and incumbent by the registrar.

Revocations of Licences

Reference code: DDR/EA/CHR

Biographical information: The revocation of licences for the publication of banns and solemnisation of marriages requires the consent of the archbishop of York, and must be published in the 'London Gazette'.

The Sharing of Church Buildings and the Designation of Parish Centres of Worship

Reference code: DDR/EA/CHS

Biographical information: The 1969 Sharing of Church Buildings Act enables two or more churches to make 'sharing agreements' for the sharing of church buildings. The churches to which the 1969 Sharing of Church Buildings Act applies are the churches of the Baptist and Congregational denominations, congregations of the Churches of Christ in Great Britain, the Methodist Church, the Presbyterian Church of England, the Roman Catholic Church, the Church of England and the Church in Wales.

The parties to the sharing agreement must include the Diocesan Board of Finance, the incumbent of the parish and the parochial church council. The agreement also requires the consent of the bishop and the diocesan pastoral committee. It covers financial obligations for the building, as well as arrangements for worship.

The provisions of the 1969 act have been extended by the 1988 Church of England (Ecumenical Relations) Measure.

Parish Centres of Worship

Reference code: DDR/EA/CHW

Biographical information: Under the 1968 Pastoral Measure (consolidated in the 1983 Pastoral Measure), where a parish has no parish church, the bishop must license one or more buildings or parts of buildings for worship. He may also designate any licensed building in the parish as a parish centre of worship. The building is then deemed for certain purposes to be a parish church, and two churchwardens are to be appointed for it.

Parish Rooms

Reference code: DDR/EA/CHP

Churchyards, Burial Grounds and Cemeteries

Reference code: DDR/EA/CHY

Parsonage Houses

Loans and Mortgages for Repairs to Parsonage Houses

Reference code: DDR/EA/PHL

Biographical information: From the last quarter of the 18th century, a series of statutes have been enacted to enable parsonage houses to be built or repaired in all benefices.

The 1776 Clergy Residences Repair Act, together with subsequent amending acts (1780 Clergy Residences Repair Act, 1826 Clergy Residence Act, 1838 Parsonages Act and 1865 Parsonages Act) are usually referred to as the 'Gilbert' Acts, and were consolidated and amended by the 1918 Loans (Incumbents of Benefices) Amendment Act.

The 1871 Ecclesiastical Dilapidations Act (replaced by the 1923 Ecclesiastical Dilapidations Measure, itself amended in 1929 and 1951, and replaced by the 1972 Repair of Benefice Buildings Measure) also includes provisions for loans for parsonage house repairs.

The Gilbert Acts allow an incumbent to borrow money for the repair or rebuilding of his parsonage house from the Governors of Queen Anne's Bounty, by mortgaging the profits of his benefice. The acts establish maximum levels and repayment rules for the mortgages.

The dilapidations acts allow an incumbent to mortgage to the Governors of Queen Anne's Bounty the profits of his benefice in a similar way, to raise money for repairs ordered in a report of the diocesan surveyor.

The functions of the Governors of Queen Anne's Bounty were taken on by the Church Commissioners when that body was formed in 1948. The acts relating to loans and mortgages were repealed and replaced by the 1976 Endowments and Glebe Measure.

Hodgson, C., *An account of the augmentation of small livings by the Governors of the Bounty of Queen Anne...*, also supplements, 1835 and later (London, 1826)

Savidge, A., *The foundation and early years of Queen Anne's Bounty* (London, 1955)

Sales and Purchases of Parsonage Houses

Reference code: DDR/EA/PHS

Biographical information: The 1838 Parsonages Act allowed a parsonage house to be sold, subject to the consent of the archbishop, bishop and patron. The proceeds of the sale were to be held by the Governors of Queen Anne's Bounty in a special account, and to be used only for the purchase and/or building of a replacement parsonage house.

The 1930 Parsonages Measure gave to the Governors of Queen Anne's Bounty a greater involvement in any sale, and abolished the requirement to obtain the consent of the archbishop and patron first.

The 1938 Parsonages Measure enables an incumbent (or, during a vacancy, the bishop) to sell, purchase or build a parsonage house, after giving notice to the patron and parochial church council, and with the consent of the Governors of Queen Anne's Bounty (later, the Church Commissioners), the diocesan dilapidations board and the bishop. The 1960 Church Property (Miscellaneous Provisions) Measure extended these powers to allow the exchange of a parsonage house for any other suitable house.

Glebe

Reference code: DDR/EA/GLE

Biographical information: The glebe of a benefice includes all land and buildings that form the endowment of the benefice, excluding the parsonage house and its grounds.

Canon law requires churchwardens to compile 'terriers' (i.e. surveys of lands) of glebe lands, and to deposit them in the diocesan registry.

The sale or leasing of glebe lands was reformed and extended by a series of acts which are referred to collectively as the 'Ecclesiastical Leasing Acts'. They are the 1842 Ecclesiastical Leases Act (for agricultural leases), the 1842 Ecclesiastical Leasing Act (which allowed leases for building improvements) and the 1858 Ecclesiastical Leasing Act (which allowed leases in general, where it is deemed advantageous to the benefice). The first act requires the consents of the bishop and patron, and the other two of the patron and the Church Commissioners.

The 1815 Glebe Exchange Act 55 George 3 c.147) and the 1842 Tithe Act (5 & 6 Victoria c.54), allowed exchanges of glebe land, with the approval of the Tithe Commissioners. The 1888 Glebe Lands Act (51 & 52 Victoria c.20), allowed the Land Commissioners (later, Ministry of Agriculture) to approve a sale of glebe land and invest the purchase money for certain specified uses.

The post-1888 terriers were drawn up following resolutions of the Durham Diocesan Conference, 23 February 1888. A printed notice of the resolutions is attached to the list of terriers kept at the start of series DDR/EA/GLE/2.

Barratt, D.M., "Glebe terriers", in *Short guides to records: first series, guides 1-24*, ed. by L.M. Munby, reprinted edn ed. by K.M. Thompson (1994), 73-76

Tithe

Reference code: DDR/EA/TTH

History of tithes and the acts to commute and extinguish them, 1836-1936

Biographical information: Tithes, or one tenth of all produce, were payable by landowners to parochial clergy and to "impropriators" (lay people who gained possession of monasterial tithes at the Dissolution). Typically, the "great" tithes (corn, hay and wood) were held by the rector of the parish (whether a clergyman or lay impropriator), and the others ("small" tithes) were held by the vicar. Although originally paid in kind, tithes were usually collected as a money payment, based on the annual produce of the land or increase in farm stock (lambs, calves etc).

From the 18th century, tithes began to be replaced by (or "commuted" to) money payments, particularly when agricultural land was improved or enclosed. Enclosure awards often include details of the annual payments of "corn rents" that were agreed in lieu of tithes: these payments usually varied with the price of corn ("corn" being used in the English sense of "grain" and incorporating wheat, oats and barley). Elsewhere, tithes were occasionally extinguished (i.e. permanently abolished) by a grant of land to the tithe-owner, or a fixed payment of "modus" was agreed instead of the tithes. However, most land continued liable to the payment of tithes up to 1836.

The 1836 Tithe Act (6 & 7 William 4 c.71) largely abolished the old system of tithes, by substituting them with annual monetary payments, called "rent-charges". This substitution ("commutation") was achieved either by voluntary agreement between the landowners and tithe-owners (made at a parochial meeting and subsequently confirmed by the Tithe Commissioners), or, if no agreement was reached, by a compulsory award by the Tithe Commissioners. Valuers were then appointed at parochial meetings, to draw up maps and to apportion the rent-charges between the separate properties or fields. The rent-charges were based on the average value of tithes collected over the previous seven years.

Where the landowner and the tithe-owner were the same person, the tithes could be "merged" within the land (so that the landowner no longer needed to 'pay himself' the tithes due).

The annual payment that was subsequently collected was based on these rent-charges, but adjusted according to the average price of wheat, barley and oats over the previous 7 (later 15) years. For the purposes of collection, the rent-charges in the tithe apportionments were deemed to represent particular quantities of wheat, barley and oats, and the tithe agreements or awards include the current prices for these grains to enable these quantities to be calculated. Annual tables were published to assist with the calculations.

The details of the rent-charges payable for each property or field were written up in the tithe "apportionments", which were drawn up at the time of the tithe commutation agreement or award.

A series of Tithe Acts between 1837 and 1925 extended or amended the provisions of the 1836 act in various ways. Only the most important additions are noted here. The acts themselves are: 7 William 4 & 1 Victoria c.69, 1 & 2 Victoria c.64, 2 & 3 Victoria c.32, 3 & 4 Victoria c.15, 5 & 6 Victoria c.54, 9 & 10 Victoria c.73, 23 & 24 Victoria c.93, 41 & 42 Victoria c.42, 54 & 55 Victoria c.8, 8 & 9 George 5 c.54, 15 & 16 George 5 c.87. The 1846 Tithe Act (9 & 10 Victoria c.73) introduced provision for the "redemption" of tithe rent-charge. A landowner could extinguish a small rent-charge by a lump-sum payment to the tithe-owner. The redemption money for rent-charge owing to an incumbent

was to be paid to the Governors of Queen Anne's Bounty. Subsequent acts extended the redemption provisions.

The 1860 Tithe Act (23 & 24 Victoria c.93) allowed "corn rents" (money payments made in lieu of tithes, agreed before 1836, usually as part of local Enclosure acts or awards) to be converted into tithe rent-charge.

The 1918 Tithe Act (8 & 9 George 5 c.54) allowed redemption money for tithe rent-charges to be payable by annual instalments or "annuities", for a period of 50 (later 60) years maximum. These annual payments came to be known as "corn rent annuities" after 1951 (to distinguish them from redemption annuities payable under the 1936 Tithe Act - see below). The redemption annuities could themselves be redeemed (i.e. paid off with a single lump sum), or might be further apportioned if the land was divided or sold on). Redemption, if requested by the landowner, became compulsory, and could not be refused by the tithe-owner.

The 1925 Tithe Act (15 & 16 George 5 c.87) vested any rent-charge belonging to a benefice in the Governors of Queen Anne's Bounty (later, the Church Commissioners) instead of the incumbent, to be held in trust for the incumbent.

The 1936 Tithe Act (26 George 5 & 1 Edward 8 c.43) finally extinguished rent-charges, and broke the link between the landowner and tithe-owner. The tithe rent-charges were redeemed centrally by the government, and tithe-owners were compensated by the issue of 3% government stock (which was finally redeemed at par by the government in 1988). Landowners paid a "rent-charge redemption annuity" to the Crown instead of a rent-charge. These annuities were payable for a maximum of 60 years, to 1996, but were often redeemed by paying a single lump sum, and were in fact extinguished prematurely by the 1977 Finance Act. The Tithe Redemption Commission could enforce redemption of the rent-charge redemption annuities if they were very small or were due to be excessively sub-divided, and the annuities had to be redeemed by the purchasers if the land was sold after 1962. The functions of the Tithe Redemption Commission were transferred to the Inland Revenue in 1960.

Tithe maps drawn up under the 1836 Tithe Act

Biographical information: The tithe maps and apportionments were drawn up at the time of the tithe commutation agreement or award, following the 1836 Tithe Act. They map the properties within each township, and the accompanying schedule or "apportionment" lists the tithe rent-charges for each field or property.

The maps were classed as either "first class" or "second class" by the Tithe Commissioners, according to the provisions of the 1837 Tithe Amendment Act. Only the first class maps were sealed by the Commissioners and accepted legally as accurate. The standard and scale of the bulk of the maps (second class maps) is very variable. County Durham has no first class maps.

The Tithe commutation resulting from the 1836 Tithe Act (see above) resulted in a wide-spread reassessment of tithes and made necessary the production by professional valuers of tithe apportionments for many parishes. Each instrument of apportionment with its plan was sent to the Tithe Commissioners (and has now been transferred to the Public Record Office), while two sealed copies were deposited respectively with the Registrar of the diocese (the diocesan copy) and with the incumbent and churchwardens of the parish concerned (the parish copy).

Following the valuation of land and apportionment of tithe rent-charges under the 1836 Tithe Act, changes in ownership and patterns of land holdings frequently altered. These alterations often necessitated the re-apportionment of the tithe rent-charges, and this process produced a new or "altered" apportionment document for the parcel(s) of land concerned. A map was sometimes also produced to accompany the altered apportionment.

The apportionments deposited by the Diocesan Registry are for the most part the diocesan copies of those for County Durham. Occasionally (e.g. for Heworth) the incumbent neglected to collect his copy and it has remained with the diocesan tithe records.

Tithes generally

Wills, Philip, *A poisoned chalice? An analysis of the law relating to chancel repair liability* (unpublished LLM thesis, Northumbria University, 2010) : includes summary of the processes by which chancel repair liability could be attached to property (mainly involving glebe or rectorial tithes), reference copy available within Palace Green library

Pamela Horn, "The tithe war: fifty years on" and Doreen Wallace, "My siege in the tithe war", from *The Countryman* (1984)

The 1836 Tithe Act

Shelford, L., *The act for the commutation of tithes in England and Wales*, 3rd edn (1842)

Whalley, G.H., *The tithe act and the tithe amendment act* (1838), also later editions

Millard, *The law relating to tithe rentcharge*, 2nd edn (1926)

Secretary of Society of Archivists, "The records of the Tithe Redemption Commission", *Journal of the Society of Archivists*, 1 (1957), 132-139

Tithe records

Harley, J.B., *Maps for the local historian* (1972), p.29

Kain, Roger J.P. and Prince, Hugh C., *The tithe surveys of England and Wales* (1985)

Kain, Roger J.P., *An atlas and index of the tithe files of mid-nineteenth-century England and Wales* (1986)

Kain, Roger J.P. and Oliver, Richard R., *The tithe maps of England and Wales: a cartographic analysis and county-by-county catalogue* (1995)

Related material elsewhere: The National Archives holds the records of the Tithe Commission and Tithe Redemption Commission, including sets of tithe maps and apportionments, and the "tithe files", with correspondence relating to the commutation of tithes under the 1836 Tithe Act. See TNA leaflets relating to Tithe Records for more information.

Parish Registers and Related Records

Reference code: DDR/EA/PBT

Research within the Bishops' Transcripts has identified the following mentions of dissenters within the series.

Alwinton and Holystone	Some registration of dissenters' children within the earlier returns
Bywell St Andrew	Burial of a dissenter, 1787
Carham	Several notes of Presbyterians marrying in Scotland or not registering their children, ca.1762-1795
Darlington St Cuthbert	Baptism of a former anabaptist schoolmaster, August 1773
Corbridge (Halton chapel)	Mention of a presbyterian, 31 August 1788
Thornton-le-Street	List of papists, 13 April 1670

The following Bishops' Transcripts include descriptions of parish registers.

Bamburgh	1814
Bishopton	1812 (new iron box kept at vicarage)
Blanchland	1812
Boldon	1768-9 (endorsement)
Brancepeth	1768-9 (endorsement)
Branxton	1822 (kept at Cornhill)
Darlington St Cuthbert	1768 (theft of draft register, description of normal way of compiling registers)
Knaresdale	1813 (old registers date from 1695)
Horton	1812 (lists of registers)

Biographical information: Original parish registers of baptisms, marriages and burials do not form part of the Durham Diocesan Records (with a few exceptions, as noted within the detailed catalogue). They are either retained by individual parishes, or deposited in the Diocesan Record Office under the terms of the 1929 Parish Registers and Records Measure (replaced by the 1978 Parish Registers and Records Measure, subsequently amended). The Diocesan Record Office for Durham diocese is the County Record Office, at County Hall, Durham.

Transcripts of parish registers were required by orders of 1562 and 1597, although no 16th century transcripts survive for Durham diocese. For most parishes in the diocese of Durham the surviving bishops' transcripts cover the period from approximately 1760 until the mid-nineteenth century. The majority of the earlier transcripts were lost at an unknown date before the transfer of the Diocesan Records to this department. There are usually gaps within the remaining series of transcripts for each place, especially during the earlier part of the period.

Shute Barrington (bishop of Durham, 1791-1826) required parishes to keep more detailed records for baptisms and burials from January 1798 (in many parishes the new format records were made from September-October 1797). A copy of his printed letter to clergy is included within the Muggleswick register of baptisms and burials, 1783-1812 (DDR/EA/PBT/1/1). The additional information required is as follows, and was recorded until the standard (but less detailed) forms introduced by the 1812 Parochial Registers Act.

Baptisms:	date of birth, numerical position of child in family, mother's maiden name, native parish of parents
Burials:	date of death, trade, status and age of deceased, sometimes maiden name of married women

Few bishops' transcripts of marriage entries were made after the introduction of civil registration of births, marriages and deaths in 1837 but transcripts of baptismal and burial entries were still sent in from many parishes for some years after that. As, however, the habit of sending in parish-register transcripts to the diocesan registrar was beginning to die out from the late 1830s onwards none were made for many of the new parishes and chapelries which were formed around that time. Some transcripts of the registers of Society of Friends burial-grounds from the 1860s until the 1890s survive among the Durham Diocesan Records; these were made as a result of the 1864 Registration of Burials Act (27 & 28 Victoria, c.97), one clause of which required that copies of entries in all burial-ground registers should be transmitted to diocesan registrars. A few of these transcripts relate to Society of Friends burial-grounds in the diocese of York (i.e. Ayresome, Cotherstone and Osmotherley).

The 1812 Parochial Registers Act (52 George 3 c.146) included the following provisions:

parishes to keep parish registers in a standard form, and to send in annual transcripts in the same format to the diocesan registry.

Parishes to send a list of their registers to the diocesan registry, before 1 June 1813 (s.19). Not all of the parishes appear to have send in lists of registers, or at least not all such lists survive, and many are dated during 1814.

Diocesan registry to compile lists of parishes which had and had not returned certified transcripts of parish register entries.

Many printed editions of parish registers can be found within the Local collection in Palace Green Library. These are most easily located by carrying out a Subject search for "Church records and registers" within the Library printed catalogue. Others may be found within the Northumberland and Durham Family History Society's research centre in Newcastle.

Nonconformists

Reference code: DDR/EA/NCN

Biographical information: The 1688 Toleration Act (1 William and Mary, c.18) established the right to religious freedoms for most non-conformist denominations of Christianity (although not fully for Roman Catholics until 1791). Three main conditions had to be satisfied for non-conformists to be allowed to worship without fear of prosecution:

- meetings were not allowed with the doors locked, barred or bolted;
- preachers and ministers had to sign a declaration of faith and subscribe to an oath (or solemn declaration) of allegiance;
- places of meeting were to be certified to the bishop or archdeacon, or to local Justices of the Peace (JPs).

At different dates, different denominations have chosen to register with the JPs rather than the bishop or archdeacon. In particular, certain denominations (such as Quakers) have generally registered only with JPs, not with the bishop, whereas other denominations gradually registered more commonly with the bishop from the 18th century. (This was probably because the bishop's registry was more often open for business than that of the Clerk of the Peace.) In Durham at least, the archdeacon does not seem to have registered meeting places.

The 1688 act was repealed in part by the 1812 Places of Religious Worship Act (52 George 3, c.155), and subsequently by acts of 1852 and 1855 (15 & 16 Victoria c.36 and 18 & 19 Victoria c.81). The latter acts required certification and registration of meeting places to be carried out by the Registrar General, not by the bishop or archdeacon. Thus there are no records of registration after 1852 among the DDR. Registration was optional, but accompanied by various privileges and financial benefits.

Wykes, D.L., "The 1669 return of nonconformist conventicles", in *Short guides to records: second series, guides 25-48*, ed. by K.M. Thompson (1997), 50-54

Diocesan Registry Records

Legal Records

Reference code: DDR/EA/RGL

Sede Vacante Administration

Reference code: DDR/EA/RGS

Miscellaneous Business ('MB') Papers

Reference code: DDR/EA/RGM

The practice of keeping correspondence, notes and drafts in small folders, arranged into yearly bundles, dates from the periods when John Booth, junior, and John Booth Lazenby were diocesan registrars. In some cases, the papers had been put with related classes of papers (sequestrations, surrogates' papers, etc), possibly by future registrars or more recently when the records were deposited. However, in these cases the original yearly bundles have been restored to form the current group of 'Miscellaneous Business' classes.

Correspondence

Reference code: DDR/EA/RGC

In general, classes of correspondence are kept with the classes of documents that they most closely relate to, where possible. However, some groups of correspondence are very general or do not fit into other classes within the Guide, and they are listed in this section.

In addition, record keeping varied from registrar to registrar, so that some series of letters exist only for short periods, with equivalent letters at other periods being kept within a general or miscellaneous bundle of correspondence. The researcher may therefore need to check the various series of correspondence in this section, if letters on a particular subject or from a particular date cannot be found elsewhere in the Guide.

Registry Administration

Reference code: DDR/EA/RGA

Registrars' Personal and Professional Papers

Reference code: DDR/EA/RGR

Non-Diocesan Records

Reference code: DDR/EA/RGN

Jurisdiction and courts

Reference code: DDR/EJ

Biographical information: The bishop's ecclesiastical jurisdiction and the consistory court. A bishop has powers of ecclesiastical jurisdiction over the clergy and also, in certain defined areas, the laity of his diocese. In the case of Durham these ecclesiastical or spiritual powers are chiefly exercised through the consistory court of the diocese. The bishop of Durham's ecclesiastical jurisdiction should be distinguished from his temporal powers over the secular courts of the Palatinate of Durham (see separately described collection of Palatinate of Durham Records). Cases heard in the consistory court are termed "causes", after the Latin word "causa". For details of court procedures see the relevant section of the Guide to the collection.

Appeals from the Durham consistory court went to the courts of the archbishop of York. Surviving records of such appeals are among the York Diocesan Archives in the Borthwick Institute of Historical Research, York.

Court officials. The judge of the consistory court is known as the bishop's "official principal" and the bishop's deputy or representative in the exercise of his spiritual jurisdiction is known as his "vicar general". In the medieval period these two roles were separate but since 1530 they have been combined in a single appointment held by the "chancellor" of the diocese, usually termed the "spiritual chancellor" in Durham to distinguish him from the "temporal chancellor", the head of the bishop's Palatinate chancery court. There is no appeal to the bishop from the judgments made by the chancellor in the consistory court. (For the spiritual chancellor see also DDR/EV and DDR/P.)

The spiritual chancellor appoints deputies, known as "surrogates", to act in his place; these are usually senior or beneficed clerics. The surrogates' main powers have related to the issuing of marriage licences and, until 1858, probate administrations. A "principal surrogate" was also frequently appointed up until the late 19th century, to deputise for the chancellor in all his duties. During the 20th century the surrogates' duties became limited to the granting of marriage licences, while the office of principal surrogate was replaced by that of a deputy chancellor, appointed by the bishop. The deputy chancellor acts for the chancellor in granting faculties or, very occasionally, in the consistory court, when the chancellor is absent or otherwise unable to act.

The Durham diocesan registrar combines his administrative functions (see description of the separate section of records of episcopal administration) with his role as the chief legal officer of the spiritual chancellor, in which he organizes the administrative side of the work of the consistory court, dealing in particular today with faculty and marriage licence applications, and as registrar is responsible for the safe custody of the court records in the Diocesan Registry. He may also serve as bishop's legal secretary and often acts for everyday purposes through a deputy registrar and legal executives or clerks.

The proctors were the lawyers who served in the consistory court. According to the Act 33 & 34 Victoria c.28 any attorney or solicitor could serve as a proctor and the separate office of proctor has now been abolished.

Apparitors were appointed to carry out the orders and decrees of the consistory court and specifically to summon or "cite" persons to appear in the court.

While most of the powers of the ecclesiastical courts are of ancient origin, many of their functions only came to be exercised consistently in Durham, or at least the records for them only survive in any quantity, from the 17th and 18th centuries. In particular, faculty jurisdiction seems to have been only rarely executed before the 19th century, except in cases dealing with the allocation of pews among parishioners.

The earliest surviving court records in the collection consists of the series of consistory court act books, dating from 1531 onwards. The earliest entries are frequently described as merely summonses for “breach of faith” (“lesio fidei” in Latin), usually without any indication of the nature of the contract, oath or promise that had been breached.

Nonetheless the ecclesiastical courts, until at least the middle of the 19th century, had jurisdiction not only over narrowly ecclesiastical matters (such as clergy discipline and church fabrics and furnishings) or moral offences but also over a whole range of what would now be considered secular affairs, such as defamation, probate and marriage law, and much of this activity is reflected in the surviving records.

Scope of jurisdiction. The powers of the courts and spiritual chancellor at their widest can be summarised under the following heads: the furnishing and ordering (including the regulation of pews) of church buildings and burial grounds (faculties); offences relating to ritual or doctrine; moral offences by the clergy or laity; other clergy discipline matters; matrimonial offences and disputes; the granting of marriage licences; the probate of wills and issuing of grants of administration relating to the estates of intestates, together with disputed probate cases (probate jurisdiction); the enforcement of payments of church rates and tithes; the power to “sequester” benefice incomes; and the enforcement of oaths or fiduciary undertakings.

Of the above powers, the jurisdiction over doctrine and ritual was rarely exercised. Until the mid 19th century the bulk of the consistory court cases concern moral offences, defamations, probate, pew disputes, matrimonial disputes and tithe causes, with a few cases relating to clergy discipline. Because of the wide remit of ecclesiastical courts, encompassing all of the population and not just members of the Church of England, the 16th-19th century consistory court records are a particularly fruitful research resource, not only for legal studies but also for economic, social, educational and demographic history and for dialect studies.

During the 19th century the church courts were gradually stripped of many of their powers. In 1855 they lost their power to try cases of defamation or brawling, under the Ecclesiastical Courts Act, 18 & 19 Victoria c.41. Under the 1857 Court of Probate Act, 20 & 21 Victoria c.77 (effective January 1858) their probate jurisdiction was removed. In 1857 they also lost their jurisdiction over matrimonial affairs, under the Matrimonial Causes Act, 20 & 21 Victoria c.85. Compulsory church rates were abolished by the 1868 Compulsory Church Rate Abolition Act, 31 & 32 Victoria c.109.

Subsequent to the above legislation the remaining powers of the consistory court have related primarily to faculty jurisdiction, the granting of marriage licences and clergy discipline cases.

The classes of documents in this section have been grouped into subsections chiefly based on the nature of the court work to which they refer or the court officials who generated them. Some of these subsections are further subdivided; for more details see the relevant class-level descriptions following.

Chapman, C.R., *Ecclesiastical courts, their officials and their records* (1992)

Church of England (Commission on Ecclesiastical Courts), *The ecclesiastical courts: principles of reconstruction* (London, 1954)

Houlbrooke, R.H., *Church courts and the people during the English Reformation, 1520-1570* (1979)

Ingram, M., *Church courts, sex and marriage in England, 1540-1640* (1987)

Marchant, R., *The church under the law: justice, administration and discipline in the diocese of York, 1560-1640* (Norwich, 1969)

Owen, D.M., *The records of the established church in England excluding parochial records*, British Records Association, Archives and the User, 1 (1970)

Purvis, J.S., *An introduction to ecclesiastical records* (1953)

Ritchie, C., *The ecclesiastical courts of York* (1953)

Tarver, A., *Church court records: an introduction for family and local historians* (1995)

Consistory Court Causes and General Records

Timings of the court sittings

Biographical information: The consistory court kept 'terms' named after the religious festivals of Hilary, Easter, Trinity and Michaelmas. All the terms began and ended on a Friday. As the terms were based in part around 'moveable' feasts (Easter, Trinity), the exact dates vary from year to year: a guide like C.R.Cheney, *Handbook of dates ...* (Royal Historical Society, Guides and Handbooks, 4) will be needed to calculate the exact dates in any one year. They are worked out as follows:

Hilary term runs from the Friday after St Hilarius day (13 January) until the Friday before Palm Sunday.

Easter term runs from the Friday after Low Sunday (the first Sunday after Easter day) until the Friday after Ascension day.

Trinity term runs from the Friday after Trinity Sunday until the Friday after St James day (25 July).

Michaelmas term runs from the Friday after St Mathias day (21 September) until the Friday after 'O Sapientia' (16 December).

Types of cause

Biographical information: There are several distinct kinds of causes heard in the ecclesiastical courts. These notes relate only to the types of causes that are represented in the records of the Durham consistory court.

A procedure of "summary correction" could be used for very simple correction causes, where the defendant was expected to confess and complex legal argument was unlikely. This procedure was used typically for causes arising from presentments at visitations. More complicated causes, or where guilt was disputed, were subject to "plenary jurisdiction".

Most correction causes and some other causes are brought by the 'office of the judge', "ex officio mero" ('mere office').

Other causes brought by the judge ('office' suits) are said to be *promoted* by a third party. This includes most causes relating to disputed wills and probates, where the third party (the 'promoter') is effectively the plaintiff taking the suit against the defendant.

"Instance" suits were taken by one party against another, e.g. for defamation.

Undisputed wills were proved in the courts by a much simpler process of "probate jurisdiction". The documents relating to the proving of wills in this way originally formed part of the Durham Diocesan Records, but are now part of the separate collection of Durham Probate Records.

Progress of a typical cause

Biographical information: The procedures for progressing a cause through the ecclesiastical courts were complex, often cumbersome, and quite unlike equivalent procedures in other, civil courts. The act books (see following classes) record in very summary form each stage of a cause, which might involve many court sittings over a long period of time. These notes outline the main stages (or 'processus') of some of the typical causes. Most of these stages would take place at separate sittings of the court: at any one sitting, many different causes would be progressed one stage further through the system.

The parties to the cause would first appoint proctors to act for them in the court. The appointment is by a 'letter of proxy', which is produced and filed in court.

The defendant would be 'cited' or summonsed to appear in court. If (s)he did not respond to the initial 'citation', further citations or (subsequently) excommunications might be issued.

The plaintiff or judge (for 'office' cases) issues a 'libel' or 'articles' against the defendant, setting out in detail the charges or complaints.

The defendant either pleads guilty and is sentenced, or answers the charge or complaint. This is known as the 'contestation of suit'.

The defendant may object to the libel with 'allegations', and additional positions or exceptions may subsequently be produced by the defendant and plaintiff. The process of proving the libel is known as the 'term probatory'.

Otherwise, the defendant replies to the libel or articles with his 'personal responses'. A 'term to propound acts' is set, in which the prosecution must produce and prove its evidence against the defendant.

Witness statements or 'depositions' may be heard, and the witnesses are then cross-examined on a set series of questions or 'interrogatories', which had first been submitted to the court.

The process of allegation, responses, depositions and interrogatories is repeated for the defence.

This process might be interrupted by complaints about the status of either side's witnesses or other legal devices, using 'articles of exception'. These devices and interruptions could themselves produce an array of allegations, responses, depositions and other evidence, quite apart from the main cause in dispute.

Additional articles could again be produced by either side, leading to more responses, depositions and other evidence.

A 'term to conclude' is assigned, for both parties to complete their evidence. This is followed by a 'term to hear sentence'.

The judge finally declares his 'final definitive sentence', together with a decision on costs (the 'bill of taxed costs').

Appeals from the consistory court

Biographical information: Appeals were heard from the consistory court in the archbishop of York's consistory and chancery courts. The procedures in these courts were similar to those in the lower courts, but begin with an 'inhibition' issued to the diocesan court, preventing it from exercising any jurisdiction in the case. This is followed, or accompanied, by a 'monition', requiring the Durham court to transmit all the documents in the case to the higher court. In some cases, the case may be 'remitted' or returned to the lower court, where the appeal fails and the case has not been concluded in its original court. After an appeal, the documents were transferred to the York court, and so usually no longer form part of the Durham Diocesan Records. However, they were sometimes transcribed before being transferred, so that copies are available among these records. A similar process existed for appeals from the courts of the archdeacons within the diocese of Durham. The archdeacons within this diocese seem to have heard few cases, and their right to hear such cases was frequently questioned on appeal.

Ruston, P., "The church courts in North-East England in the sixteenth and seventeenth centuries: an historical gossip column", *Sunderland's History*, 5 (1989)

Select cases on defamation to 1600, ed. R.H. Helmholz, Selden Society, 101 (1985)

Sharpe, J.A., *Defamation and sexual slander in early modern England: the church courts at York*, Borthwick papers, 58 (1981)

Sheils, W.J., *Ecclesiastical cause papers at York: files transmitted on appeal 1500-1883*, Borthwick texts and calendars, 9 (1983)

Smith, D.M., *Ecclesiastical cause papers at York: the court of York 1301-1399*, Borthwick texts and calendars, 14 (1988)

Depositions and other ecclesiastical proceedings from the courts of Durham, extending from 1311 to the reign of Elizabeth, ed. by J. Raine, Surtees Society, 21 (1845)

A copy of the following volume, annotated to show the sources of the extracts printed in it (chiefly DDR/EJ/CCA/1/1-2; DDR/EJ/CCA/3/1-2; DDR/EJ/CCD/1/1-4; and Durham Chapter Library Raine MS 124), is available in the search room.

Related material in other DUL collections: DPR: Durham Probate Records Until 1858 the business of proving wills and granting of probate administrations in the diocese of Durham formed part of the business of the Durham consistory court and until that year the separately described collection of Durham Probate Records (original wills, inventories, administrations etc from the diocese, plus a few items re disputed probates), now also deposited with Durham University Library, formed part of the Durham Diocesan Records. Dealing with disputes over probate matters formed an important part of the consistory court's business until 1858 and many of the court records contain details of such cases; in addition some of the consistory court act books record details of grants of probate, complementing the separate series of probate act books now in the collection of Durham Probate Records. See also DDR/EJ/PRO below and DDR/EV (records of episcopal visitation).

Consistory Court Acts

Reference code: DDR/EJ/CCA

There are two main series of act books. The first series concerns acts of "plenary" jurisdiction, including criminal causes brought by the judge against a defendant on the promotion of a third party and civil causes, brought by a plaintiff against a defendant ("instance" cases). The second series concerns acts of "summary" jurisdiction, for correction causes brought by the judge's 'mere office' ('ex officio mero') against the defendant. Records of disputed probate jurisdiction are included in the first series of act books.

However, there is some overlap between the two series. Many of the cases in the second series are in fact 'promoted' causes, although these are for simple correction of offences. Also, the main series includes criminal cases 'ex officio mero' from ca.1672.

There are also two volumes of acts heard before a commissary for Northumberland, and some unbound acts. The latter include both civil and criminal causes, and both those heard by the judge's mere office and on the promotion of others.

Because of the cumbersome nature of suits in the consistory court, the act books are not easy to use. At any one sitting of the court, several dozen different suits may be dealt with. In each case, the act book may record the production or filing of just one document, or the completion of a single stage in the case. For this reason, it may be very difficult to trace a single case through the act books from start to end. In many cases, the records in the act books do not even state what the case was originally about: they may merely record the formal processes for the use of the clerk of the court. Sometimes, however, the acts include full details of proceedings or even of witnesses.

Consistory Court Documents

Reference code: DDR/EJ/CCD

The main documents for any consistory court cause are as follows:

A *citation mandate* , addressed to the local clergy or an apparitor of the court, and calling the defendant(s) to court to answer the charges against them or to hear sentence etc.

The initial allegation, or *libel* , presented to the court by the plaintiff or promoter of the cause. This sets out the charges against the defendant in some detail. In criminal cases brought by the judge 'ex officio mero', the libel will be replaced by *articles* served by the judge against the defendant.

Further *allegations* may be given into court by either or both sides of the dispute. These may add further charges or set out a defence, or they may be in answer to earlier allegations (' *answers* ').

Documents relating to the appointments of proctors to represent the parties often survive (' *proxies* '), and sometimes also *substitutions of proxies* .

Statements may be taken from witnesses, and these are called *depositions* .

They record the words of the witnesses verbatim, and so are usually written in English, even when the other formal documents are in Latin.

Witnesses were cross-examined on their statements, and the list of questions that they were asked (the *interrogatories*) often survives.

The final *sentence* of the judge may survive.

Bills of costs are often prepared by the proctors. They may include a note of the 'taxation' taken by the court for the cause.

The sentence may be followed by a *monition* , instructing the losing party to pay costs.

A *schedule of excommunication* may survive, together with related documents: possibly a *writ* or *signification* addressed to local magistrates, informing them that the individual has been excommunicated and requesting them to arrest him/her (eg, to force payment of tithes); or an *absolution* from the excommunication (possibly of much later date).

A few *declarations of penance* survive, especially for libel causes.

If a cause was appealed to a higher court (ie, to York or Canterbury, or to a secular court), a *prohibition* may survive from the higher court, instructing the consistory court to end all actions pending the appeal. This may be accompanied by a *monition to transmit* documents and/or the allegation from the appellants.

Where witnesses or parties lived outside the diocese, *letters of request* were often drawn up, requesting the court of the other diocese to take the statements or answers and send them to the court.

Copies of similar letters of request may be sent from the Durham consistory court to other dioceses, to take statements from witnesses etc who live outside Durham diocese. The statements may then be accompanied by a *certificate* from the other diocese.

Acts of court , much as they appear in the act books, may survive among the individual cause papers, along with miscellaneous other documents, such as various *affidavits* , *declarations* , *commissions* , *certificates* and general notes compiled by the proctors.

Original *folders* , *labels* and *wrappers* etc occasionally survive.

In addition to the standard types of documents, probate causes may include *wills*, *inventories*, *administrations* and *bonds* etc. A *condidit* in a probate cause was an allegation concerning the existence or validity of a will or testamentary schedule.

Other enclosures relating to the court case include copy parish register extracts, deeds, abstracts of title, petitions and letters.

The measures of the act of 1731 that abolished Latin and the Court Hand in other courts seem to have been applied also in the consistory court (4 George II, cap. 26 - *An act that all proceedings in courts of justice ... shall be in the English language*).

General Consistory Court Records

Reference code: DDR/EJ/CCG

Probate

Reference code: DDR/EJ/PRO

Although the ecclesiastical (consistory) courts were responsible for probate administration up to 1857, the main series of probate records was transferred to the new probate registries in 1858, following their establishment under the 1857 Probate Act.

Documents relating to particular court cases concerning disputed wills or other probate matters, however, were generally left with the main series of consistory court papers. Most (if not all) of the classes of records in this group belong logically with other consistory court papers, and in particular with the main series of cause papers.

However, these classes seem to have been kept separately from other court papers within the registry, and this is reflected by their separate identity within the Durham Diocesan Records. They overlap with both the main series of wills, inventories and bonds among the Durham Probate Records, and with the papers for individual consistory court causes within this collection (ref. DDR/EJ/CCD/3).

A more comprehensive bibliography, with links to editions available online, is at our North East Inheritance project website.

Steer, F.W., "Probate inventories", in *Short guides to records: first series, guides 1-24*, ed. L.M. Munby, reprinted edn ed. K.M. Thompson (1994), 29-32

France, R. Sharpe, "Wills", in *Short guides to records: first series, guides 1-24*, ed. L.M. Munby, reprinted edn ed. K.M. Thompson (1994), 59-62

Bower, J., "Probate accounts", in *Short guides to records: second series, guides 25-48*, ed. K.M. Thompson (1997), 55-58

Marriage Licence Applications

Reference code: DDR/EJ/MLA

Biographical information: Under the 1949 Marriage Act (which consolidated previous acts), marriage may only take place after the proclamation of banns, or on a superintendent registrar's certificate, or on a bishop's ('common') or archbishop's ('special') licence. These classes relate to the granting of 'common' marriage licences by the bishops of Durham or their surrogates.

Although marriage after publication of banns is the normal method, marriage by licence was quite popular at certain periods. For instance it was the fashionable way of marriage for the upper classes in the eighteenth century (it may have been thought to avoid unwelcome publicity associated with the classing of banns). It also appealed to all classes because it was speedy - many marriages in fact took place within a few days of the granting of the licence.

Also, in the eighteenth century at least, banns could not be published during Lent, whereas it was permissible to marry by licence at that time of year. And, although there was a fee for obtaining a licence, perhaps a quick, quiet wedding by licence might have saved some expense. It may also just have been more convenient to obtain a licence than to arrange for the calling of banns in a distant parish which was the home of one of the parties to the marriage (as required by Hardwicke's 1753 Marriage Act).

If the parties to a marriage lived outside the diocese where the marriage was to take place or in different ecclesiastical provinces then they would have to apply to the Archbishop of Canterbury or the Archbishop of York for a 'special' licence. Applications for special licences are kept with the Canterbury or York provincial archives at Lambeth Palace, London, and the Borthwick Institute in York, respectively.

But the majority of licences were granted by diocesan bishops through their 'surrogates' - usually local clergymen, who were empowered to issue licences.

Before issuing a licence, the surrogate had to take an oath or affidavit from the parties, to the effect that they were of age (or had consent of their parents or guardians), that one of them had been resident for at least 15 days within the parish, and that there was no impediment to the marriage. These affidavits are also called 'allegations'. Until 1823, they had also to provide security to the bishop in the form of a bond.

The licence once granted is valid for three months. On its production, a cleric is normally bound to marry the couple. The original licence was retained by the cleric and may survive among the parish records - most have been lost, however.

Those applying for a marriage licence have to swear an affidavit (called an 'allegation') that there is no impediment to their marrying and, before 1823, a bond is required as security for the bishop. Under the 1823 marriage act (4 George IV, c.76), bonds are not required from those applying for marriage licences thereafter.

The calendar of marriage bonds up to 1815

Other catalogues: This was compiled early 20th century by Edwin Doods (a Newcastle printer, son of Matthew S. Dodds) and John Walton Robinson, both keen genealogists. In the 1930s, a daughter of J.W. Robinson gave Gateshead Library many of his papers, including the manuscript of the calendar (about 15 volumes, including paste-down inserts), and 1½ typescript versions of it. A larger donation of Robinson material went to Newcastle City Library, including two typescript sets of the calendar (covering 1594-1685 and 1746-1754, though labelled on spine 1595-1685 and 1730-1754 respectively). Another typescript set (on flimsies) is in Sunderland Library.

Gateshead Library also holds ca.7 volumes of Edwin Doods' genealogical notes.

The microfilms held at M/FilmL 929.3 DUR were filmed (? by the Genealogical Society of Utah or GSU) from the Sunderland typescript, which is too fragile and faded to support further copying. Sunderland also compiled its own card index to all the entries within the calendar (to replace the indexes within each separate volume). This card index was filmed by the GSU, but Durham University Library does not hold a copy. The microfilms are as follows:

- I. 1590-1685 (excluding 1664-1674, see next). Indexes of places and names (men and women together): ignore final index of women's names, which uses different pagination. The indexes include references to years 1664-1674 (p.29-231) which are not included on this film, being superseded by the printed edition below.
- II. 1664-1674 (from printed calendar as below). Indexes of places and names (men and women together).
- III. 1686-1696. Indexes of men and women separately.
- IV. 1697-1707. Indexes of men and women separately.
- V. 1708-1727. Indexes of men and women separately (the men in two parts, 1708-1718 and 1719-1729). Copies of letters from 1724 at p.256.
- VI. 1730-1738. Indexes of men and women separately.
- VII. 1739-1745. Indexes of men and women separately.
- VIII. 1746-March 1754. Indexes of men and women separately.
- IX. April 1754-1764. Indexes of names (men and women together).
- X. 1765-1775. Indexes of places in County Durham and Northumberland, places outwith the region, and of names (men and women together). Includes lists of numbers of bonds for 1662-1775 at p.519-520.
- XI. 1776-1782. Indexes of places and names as preceding volume.
- XII. 1783-1790. Indexes of places and names as preceding volume.
- XIII. 1791-1797. Indexes of names (men and women together).
- XIV. 1798-1808 (p.831-840 missing, for January-March 1808). Indexes of bondsmen and of names (men and women together).
- XV. 1809-1815. Index of names (men and women together).

The calendar also includes details of copies within local antiquarian collections of some earlier bonds from ca.1590-1664, the originals of which no longer survive among the Durham Diocesan Records. These are predominantly from the Sharp and Raine MSS [in Durham Cathedral Library].

The 1664-1674 section of the calendar has been published as Robinson, J.W., *Durham marriage bonds: 1664-1674* (Newcastle upon Tyne, 1912) .

Faculties

Reference code: DDR/EJ/FAC

Introduction to faculty jurisdiction

Biographical information: Faculties are licences issued by the spiritual chancellor of the diocese for carrying out alterations or additions to church fabric or furnishings and churchyards or consecrated ground.

All consecrated land and buildings, including almost all churches and churchyards, lie within the jurisdiction of the bishop of a diocese, exercised through the spiritual chancellor of the diocesan consistory court. This jurisdiction is termed 'faculty jurisdiction', and covers all changes made in the fabric, furnishings, ordering or decoration of a consecrated church.

Churches and chapels which have only been licensed rather than consecrated are not automatically covered by faculty jurisdiction, although the bishop of the diocese can bring them under this jurisdiction if he so wishes.

A faculty is also required before alterations are made to a churchyard or consecrated burial ground. Such alterations might include the reservation of a grave space, erection of a monument, grant of an easement or wayleave, disinterment of a body, reordering of headstones or the layout and management of a closed burial ground as an open space under the 1906 Open Spaces Act.

In practice, however, the consistory court does not insist on a faculty for an ordinary gravestone erected in keeping with established standards (see below). Also, parishioners and persons dying within the parish have a right to be buried in the churchyard, and the owner of the freehold of the churchyard may permit others to be buried there without a faculty.

Faculty jurisdiction currently exempts church buildings from certain planning regulations under the Town and County Planning Acts, in particular from Listed Building Control. This exemption is termed the 'Ecclesiastical Exemption'. Thus, the faculty procedures to some extent replace procedures for ordinary (secular) planning applications.

Faculty jurisdiction has been exercised by the ecclesiastical courts since the 13th century, although the system probably only gradually became formalised. It seems to have been applied more rigorously from the 17th century onwards.

The earliest faculty papers that survive for Durham diocese date from the 17th century, and relate chiefly to the confirmation of space or 'sittings' within pews.

Faculties have not always been applied for until recently, however, and many major 19th-century rebuildings of churches were carried out without any faculty authorisation. Even today, work is sometimes done without a faculty; also, the existence of a faculty does not always mean that the work authorised by it was ever carried out.

Faculties for minor works (and 'omnibus' faculties)

Biographical information: Various attempts have been made to simplify the faculty procedures for minor works, such as repairs or redecorations. Locally, a system of authorising minor works by letters of licence to individual parishes, followed by a single 'omnibus' faculty for the whole diocese granted at the end of the year, was used in Durham from 1893 to 1908.

Under the 1938 Faculty Jurisdiction Measure an archdeacon could in certain circumstances issue a certificate for repairs or redecoration to a church or its contents, without involving the chancellor. In issuing a certificate, the archdeacon had also to consult and obtain the approval of the Diocesan Advisory Committee for the Care of Churches (see below).

Under the 1991 Care of Churches and Ecclesiastical Jurisdiction Measure the arrangements for granting faculties for minor matters and for archdeacons' certificates have been altered. A schedule of very minor matters is published, for which no faculty and no prior consultation or other authorisation are required ('Schedule A'). Archdeacons' certificates are no longer issued, but a schedule is published of relatively minor matters which do not require a faculty, but which require consultation with the Diocesan Advisory Committee and a letter of authority from the archdeacon ('Schedule B').

Omnibus Faculties

A spiritual chancellor is legally allowed to establish local procedures for granting faculties where appropriate. Under rules of the Durham consistory court of 1887, varied by order of the chancellor dated 1891, a system of 'omnibus' faculties was established. These allowed permission for minor works or furnishings to be granted quickly and simply, without the need for the full faculty procedure in each case.

Under the rules for 'omnibus' faculties, a petition would be submitted and a citation issued as normal (see above). If there was no opposition, the chancellor granted a letter of licence to proceed, and the works could be carried out at once. On 31 December each year a single 'omnibus' faculty was granted for the whole diocese, confirming all the letters of licence granted that year.

The omnibus faculties date from 1893 to 1908. Note that other, regular faculties were also granted during this period, usually for more major works (such as rebuildings).

Faculty procedures

Biographical information: Although faculties are technically documents of the consistory court, the court itself does not sit unless a faculty is disputed or otherwise controversial. All decisions on the processes of applying for and granting of a faculty belong ultimately to the spiritual chancellor of the diocese. The spiritual chancellor is usually a lawyer or judge specialising in ecclesiastical law, and may serve as chancellor to several dioceses. The day-to-day administration of faculty jurisdiction is carried out by the staff of the Durham Diocesan Registry under the diocesan registrar.

Any parish or individual applying for a faculty must first submit a petition to the bishop or his spiritual chancellor. This petition may be accompanied by plans, architects' specifications or other notes and letters. A resolution or minute of the vestry meeting or parochial church council may also be included.

Before a faculty is granted, a citation for the faculty, inviting objections, must be published by being displayed in a prominent place. Any person regarded by law as having an 'interest' in the faculty may object.

If any objections are raised, a consistory court may have to be held before the chancellor can reach a decision (and disputed faculty cases today form the main business of that court). Otherwise, the chancellor may decide to grant a faculty for the works to be carried out without convening a court.

In practice, the chancellor nowadays also consults English Heritage and a growing range of local amenity societies over many applications.

Guidelines may be established and published relating to the granting of faculties for particular types of work: for instance, for the erection of memorial tablets or for controversial furnishings (such as aumbries for the reservation of the sacrament or nave altars).

Conditions may be stipulated when a faculty is granted, and a time scale for the work to be completed is usually specified. A faculty may also be granted only 'till further order', especially for controversial ornaments or furnishings.

The fees charged for a faculty vary from diocese to diocese and at different times. Currently, parishes in Durham diocese are not charged separately for faculties unless they are contested or private (e.g. for churchyard memorials).

If a change is made to the furnishing or ordering of a church without a faculty, that change may be legalised by obtaining a "confirmatory faculty". Alternatively, a faculty may be sought for the object's removal.

An "interlocutory order" has the status of a final faculty permission, and is granted in exceptional circumstances, where repair works must be carried out urgently. In these cases, the parish must begin the process of applying for a faculty, but may be granted an interlocutory order. This allows the work to proceed at once, pending the issuing of a final faculty. The order may be qualified by provisos: for instance, that the work should stop if there are any objections to the citation for a faculty.

The Diocesan Advisory Committee for the Care of Churches (DAC)

Biographical information: In deciding whether to issue a faculty, the chancellor may (and usually does) consult the DAC. This committee was operating in Durham from 1936, although it was not legally required until the 1938 Faculty Jurisdiction Measure. The DAC advises applicants for faculties and may request them to revise their plans where appropriate, although the final decision as to whether to proceed rests with the chancellor. Under the 1991 Ecclesiastical Jurisdiction Measure, the secretary of the Diocesan Advisory Committee (DAC) is required to compile and maintain a register of all petitions for a faculty that are referred to it for advice. The 1992 Faculty Jurisdiction Rules require the Diocesan Registry to notify the secretary of the DAC of the details of each petition received in the registry that requires the committee's advice. In practice, this means that all petitions are notified to the DAC, except for faculties relating solely to exhumation or to reservation of a grave space.

Contested faculties

Biographical information: Most faculty applications are considered by the chancellor (with the help of the Diocesan Advisory Committee), without the need for a court hearing. However, a full hearing in open court may be held if the chancellor considers it necessary or useful. The following are the most likely reasons for a court hearing in a faculty application:

- if the faculty application is disputed (any 'interested person' may formally object to a faculty);
- if the works have already been carried out and the faculty is therefore 'confirmatory';
- if the application is for a controversial ornament or scheme (for instance, an application for an aumbry for reservation of the sacrament);
- if the application is for major work (such as demolition of the church);
- any other situation where the chancellor considers that an open court hearing would be legally and/or pastorally valuable.

Some chancellors are more willing or keen to take faculty applications to court than others. Under the 1992 Faculty Jurisdiction Rules, all the evidence may also be taken by the chancellor in writing rather than in open court, if all parties agree.

In hearing a disputed or controversial faculty application, the court may not authorise an otherwise illegal ornament. The views of the parochial church council and (especially) the diocesan advisory committee may be given considerable weight, but are not binding. The archdeacon may be summoned, both to give evidence and to call witnesses from the diocesan advisory committee or other bodies.

The chancellor's judgement is usually given some time after the hearing itself. It may include an *order* (e.g. for the removal of an ornament), and usually includes an order relating to the payment of costs (including the archdeacon's *costs*, if any).

Appeal from the judgement lies to the provincial court (in York). Under the 1963 Ecclesiastical Jurisdiction Measure, appeals on cases of doctrine, ritual or ceremonial are instead heard by the Court of Ecclesiastical Causes Reserved.

Churchyard memorials

Biographical information: Although legally subject to faculty jurisdiction, permission for ordinary gravestones and churchyard memorials is normally granted by an incumbent, on the delegated authority of the chancellor.

However, to assist incumbents facing difficult pastoral situations, and to safeguard the quality of churchyard monuments, the chancellor has drawn up guidelines for monuments that may be allowed in churchyards within the diocese without further permission (except from the incumbent). These guidelines form part of the 1990 Diocesan Churchyard Rules. If a family or relict of the deceased wants to erect a monument that does not meet the requirements of these guidelines, he/she must seek the formal permission of the chancellor.

In practice, permission is usually granted for monuments that do not fit the guidelines, so long as there are similar monuments in the same burial ground and the proposed monument is of sufficient quality and does not detract from the quality of the church and its burial ground.

If the chancellor does not grant permission for a monument under the 1990 Diocesan Churchyard Rules, the applicant may petition for a faculty, to be considered in the normal way.

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MacMorran, K. and Briden, T., *A handbook for churchwardens and parochial church councillors* (London, 1997), chapter 3

Sequestrations

Reference code: DDR/EJ/SEQ

Biographical information: The profits and income of a benefice may be ordered by the bishop (or an ecclesiastical court) to be taken by one or more persons instead of the incumbent. This process is called 'sequestration' and the persons put in charge of taking and administering the profits are called the 'sequestrators'.

When a benefice is under sequestration, the profits are taken by the sequestrators, who act as bailiffs or agents for the bishop. They must apply the money in the manner required by the circumstances of the case, care being taken that the duties of the church are provided for.

The most common situation when the profits of a benefice are sequestered is during a vacancy. The churchwardens (typically) or other persons are appointed by the bishop as sequestrators, to receive the profits and pay the costs of ministry within the benefice during the vacancy.

Sequestration may also be issued in the following circumstances:

- for the recovery of debt from an incumbent or on bankruptcy;
- during proceedings against the incumbent in an ecclesiastical court;
- in certain cases of neglect - for instance, for non-residence or refusing to pay a curate's stipend;
- if the incumbent is of unsound mind.

The sequestration of a benefice does not of itself prevent the incumbent from serving it. However, if the sequestration remains in force for more than six months, the bishop may issue an 'inhibition', preventing the incumbent from performing any services. In any case, the bishop may appoint a curate, to be paid out of the profits of the benefice.

Creditors of an incumbent can obtain satisfaction of their debts out of the profits of his benefice, by obtaining a writ from a civil court, in which a judgement or order has been obtained for payment of the debt. This writ is directed to the bishop and commands him to sequester the benefice. On its receipt, the bishop issues a sequestration warrant to a sequestrator, who acts as the bishop's agent in the sequestration.

Spiritual Chancellors

Reference code: DDR/EJ/CHC

Biographical information: The spiritual chancellor (or simply 'chancellor') of the diocese combines the historic roles of 'official principal' (judge of the consistory court) and 'vicar general' (deputy to the bishop in spiritual jurisdiction).

The chancellor is appointed by the bishop and (formerly) confirmed by the dean and chapter of the cathedral church, but acts independently of the bishop within the diocesan or 'consistory' court. He/she is a lawyer, usually a barrister or judge specialising in ecclesiastical law, and is sometimes (but not necessarily) an ordained cleric. The patent of appointment details the powers of the chancellor, and whether the bishop reserves the right to sit in court as judge himself.

Surrogates

Reference code: DDR/EJ/SUR

Biographical information: A surrogate is a deputy to the diocesan chancellor, appointed for the purpose of granting marriage licences.

Surrogates must take an oath before the chancellor or his commissioner, before he can grant any marriage licences. He must also give a bond to the bishop for the due and faithful execution of his office.

Proctors

Reference code: DDR/EJ/PRC

The identification of DDR/EJ/PRC/2 as the working papers of particular proctors rather than merely another overlapping set of court documents is based on the following six factors: (1) they were taken from a separate series of boxes, that had been transferred to the Dean and Chapter Library in the 19th century and so presumably formed a separate series within the diocesan registry at that date; (2) most of the files include documents from just one party to a dispute; (3) the papers appear to come from the same or very few proctors in any one year; (4) the papers do not form complete 'sets' of court documents; (5) many of the documents are drafts or working copies (e.g. typically unsealed); (6) the files contain additional 'informal' documents, such as letters and private legal notes.

Biographical information: Proctors (or procurators) were lawyers who practised in the ecclesiastical courts. They were appointed to represent either party by a document known as a 'proxy'.

Proctors were admitted according the usage and practice of the particular court concerned.

Since 1877, all solicitors have been admitted to practice in ecclesiastical courts.

Clergy Discipline

Reference code: DDR/EJ/CLD

Overview of Clergy Discipline legislation

Biographical information: All violations of church order, breaches of the canons and other laws ecclesiastical and disobedience to the lawful commands of the bishop are ecclesiastical offences and punishable as such.

The discipline of the clergy was until 1963 enforced under the 1840 Church Discipline Act, the 1874 Public Worship Regulation Act or the 1892 Clergy Discipline Act, according to the nature of the offence which is charged. Beneficed clergy were in addition liable to proceedings under the 1947-1953 Incumbents (Discipline) Measures, for neglect of duty or conduct unbecoming a clerk in holy orders.

This legislation was repealed by the 1963 Ecclesiastical Jurisdiction Measure, which allows proceedings against any cleric charged with an ecclesiastical offence involving matters of doctrine, ritual or ceremonial, conduct unbecoming the office and work of a clerk in Holy Orders, or serious, persistent or continuous neglect of duty.

Before 1892

Biographical information: Under the 1840 Church Discipline Act, the bishop issues a commission to five persons, including the chancellor or an archdeacon or rural dean, to inquire into the charge against the cleric. If the commissioners conclude that there is prima facie ground for instituting further proceedings, the bishop may either (with the consent of the accused) pronounce summary sentence, or may hear the case with three assessors. Alternatively, the bishop may refer the case to the provincial court.

Proceedings may be taken under the 1874 Public Worship Regulation Act, if a cleric has introduced an illegal ornament, altered fabric or furniture without a faculty, or failed to observe the services or ceremonies laid down in the Book of Common Prayer. In this case, proceedings are commenced by a representation to the bishop, who may decide to drop proceedings or hear the case himself without appeal. Alternatively, the parties may insist that the case be referred to the provincial court.

Proceedings were instituted under the 1947 to 1953 Incumbents (Discipline) Measures by complaint addressed to the bishop, who could refer the complaint to the ministerial committee (constituted under the 1947 Incumbents (Disability) Measure). The case could then either be dropped or referred to a special court, or, at the incumbent's request, could be heard personally by the bishop.

1892 Clergy Discipline Act

Biographical information: The 1892 Clergy Discipline Act repealed the provisions of the 1840 Church Discipline Act relating to crimes and acts of immorality, any act constituting an ecclesiastical offence of which a clerk is convicted by a temporal court, and any immoral act, conduct or habit.

If the cleric is convicted in a temporal court and sentenced to imprisonment, or if he is found to have committed adultery in a divorce or matrimonial cause or a bastardy order is made against him, the bishop has no discretion but must declare his living vacant, and may also depose him from holy orders.

In other cases, unless the bishop considers the complaint against the cleric to be too vague or frivolous to justify proceedings, the case is heard in the consistory court, before the chancellor and five assessors. A clergyman should be convicted only upon such proof as would require a guilty verdict in a criminal court. If judged guilty, regard must be had in considering the sentence to the interests of the parish concerned and not to precedents of punishments.

Assessors sit with the chancellor in the consistory court, to hear cases relating to clergy discipline. The chancellor acts as a judge, and the assessors act as a jury.

1963 Ecclesiastical Jurisdiction Measure

Biographical information: Under the 1963 Ecclesiastical Jurisdiction Measure, proceedings are instituted by way of complaint laid before the diocesan registrar. Proceedings involving doctrine, ritual or ceremonial are tried before the Court of Ecclesiastical Causes Reserved. Other offences are tried in the diocesan consistory court, before the chancellor and four assessors (who act as a jury).

The case comes to court only after the bishop has offered the accused and the complainant a private interview and referred the case to an examiner, who may decide either to drop or to prosecute the case.

Other Courts (Not Consistory)

Reference code: DDR/EJ/OTH

Biographical information: A small number of records from other courts survive. The reasons for the presence of these documents among the Durham Diocesan Records is unclear. In some cases, the records may have been acquired by the registrar as precedents or examples. In other cases, the registrar may have acted in other courts as well as the consistory court and thereby mixed up records of different courts together.

Visitation and oversight

Reference code: DDR/EV

Descriptions of visitation documents

The following are the documents found among visitation papers and included within the detailed catalogue.

- | | |
|---|--|
| Clergy call books | Lists of names of clergy summoned to episcopal visitations, arranged by deanery then by parish or chapelry |
| Churchwardens' call books | Similar to the clergy call books, listing churchwardens for each parish due to be visited |
| Clergy visitation articles and returns | Articles of enquiry (from the 18th century onwards generally produced on a printed pro-forma) which were sent out by a bishop to each beneficed clergyman in the diocese prior to the visitation; those issued at a primary visitation were often particularly detailed. The clergy were asked to fill them in and return them to the bishop either at or before the visitation. The earliest such clergy visitation returns so far traced for Durham diocese are from the 1730s and the latest are for 1949 but there are many gaps in the series and the Library's holdings do not include a set for every visitation. Earlier articles and returns survive in some other dioceses. These articles included detailed questions not only relating to the clergy of the parish (including questions re names of curates, sometimes re dates and places of clergy ordinations and re their qualifications, non-residence and plurality etc), and to church buildings, chapels etc and the provision of services and frequency of Holy Communion and catechising, but also to a wide variety of other matters, ranging at different periods over topics such as the strength of nonconformity and Roman Catholicism in the parish, the numbers of unbelievers, population figures, the provision of schools, Sunday schools, hospitals and charities, social attitudes, drunkenness and the effects of unemployment. |
| Churchwardens' returns to visitation articles | |
| Diocese books or specula | Diocese books or specula based on the information contained in the clergy visitation returns were sometimes drawn up for the bishop or his officials. Some contain chiefly lists of clergy and patrons, often updated over many years. Others (e.g. DDR/EV/VIS/7/1) include very full details about the state of the diocese. In Durham, because the clergy visitation articles tended to be issued by the bishop's own staff rather than the registry staff, and because the returns were of particular interest to the bishop, they, together with some of the associated diocese books (and some clergy call books), were generally deposited by staff of the Bishop's Office, rather than by the Diocesan Registry. |

Other documents associated with visitations

As well as the visitation records outlined above, other classes of record were often drawn up or collected during visitations. These were however stored separately, either within the Diocesan Registry or Bishop's Office, and so are listed in separate sections of the Durham Diocesan Records as indicated below.

- Records of confirmations** Until at least the 18th century confirmations were often held at or around the same time as visitations and a joint visitation and confirmation programme was frequently issued. Such programmes if they survive are generally found with the episcopal visitation papers (see DDR/EV/VIS/5) but most records of confirmation, one of the main episcopal functions, were normally kept in the bishop's own possession rather than in the diocesan registry (see class DDR/BP/CONF below).
- Parish register transcripts or bishops' transcripts** Some transcripts handed in at either bishops' or archdeacons' visitations but others were posted directly to the Diocesan Registry. Some stray parish register transcripts (together with some lists of parish registers) are held with the series of visitation papers (DDR/EV/VIS/5) and in the series of records of peculiar jurisdictions, while some stray visitation papers, chiefly presentments, are found with the parish register transcripts (DDR/EA/PBT/2). In Durham, however, the main series of parish register transcripts (DDR/EA/PBT) has long been separated from the visitation records.
- Glebe terriers** Terriers or inventories of the glebe and other possessions of each parish were supposed to be drawn up and a copy deposited in the diocesan registry. Visitation articles often asked about their existence and the diocesan copies were sometimes handed in at episcopal visitations or at visitations held by archdeacons or rural deans. The odd stray terrier is found with visitation papers but the main series of glebe terriers (DDR/EA/GLE/1-2) was kept separately from visitation records in the Durham Diocesan Registry.
- Probate acts** Until 1858 the proving of wills and granting of probate jurisdiction was part of the work of the episcopal courts (in the case of Durham the consistory court). Sometimes, for the convenience of those living in areas remote from the normal location of the consistory court (in Durham City), this business was carried out in joint sessions with that of the visitation courts, especially when these were held by the chancellor (the judge of the consistory court) in various centres throughout the diocese (see DDR/EV/VIS/2/1-4). Most pre-1858 probate records are now in the separately described collection of Durham Probate Records (but see also DDR/EJ/CC and DDR/EJ/PRO)

Introduction to episcopal visitations

Biographical information: An ecclesiastical visitation is essentially an inspection by an ecclesiastical dignitary of the area of his jurisdiction, concentrating on the clergy and churchwardens, on church practices, buildings and institutions, and on putting into practice canon law, but also enquiring into the state of the laity; in England until the 19th century the latter aspect of visitation included attempts to enforce the legal powers which the Church of England had over the laity in certain defined fields

In England by the 13th century it had become customary for a bishop to carry out visitations of his diocese. Gradually an administrative machinery evolved in dioceses for carrying out such visitations. This machinery was inherited and extended by the post-Reformation church, which used it to enforce the Elizabethan religious settlement.

Episcopal visitation was carried out fairly regularly from then onwards up until the 20th century, although its corrective aspect, particularly with regard to the laity, was not strictly enforced after the 17th century. In the diocese of Durham the last episcopal visitation was held in 1949.

Visitations of a slightly different nature, with more stress on church fabrics, furnishings etc, supervision of the clergy and the admittance of churchwardens, are carried out by archdeacons and rural deans; for details see DDR/A (records of archdeacons), DDR/D (records of rural deans), and DDR/P (records of peculiar jurisdictions).

Dispute between Durham and York

Biographical information: Normally an archbishop has the right to carry out visitations of (or "visit") the dioceses within his province, but Durham long disputed the right of the archbishop of York to visit the see of Durham. A compromise had evolved by the 13th century which denied the archbishop the right to visit the see of Durham when there was a bishop of Durham in post but allowed him the right to "administer the spiritualities" of the diocese of Durham (i.e. manage its ecclesiastical affairs) when the latter see was vacant. From that period onwards archbishops of York have confined their rare attempts to visit Durham to periods of vacancies in the see of Durham. The last such successful attempt was made in 1501. Records of such visitations are held in the Borthwick Institute in York. The question of whether the dean and chapter of York or the dean and chapter of Durham has the right to administer the spiritualities of Durham when the sees of both York and Durham are vacant has still not been fully resolved.

Visitation procedures

Biographical information: Normally a bishop carried out his first or primary visitation of the diocese during the first year after his enthronement, and thereafter undertook an ordinary visitation at three or four yearly intervals, although the pattern was not always so regular. The primary visitation was often particularly thorough as it was an opportunity for a new bishop to familiarise himself with his diocese.

A bishop could appoint the spiritual chancellor (acting as vicar general) or another commissary to carry out all or part of the visitation on his behalf. In the diocese of Durham in the 16th and 17th centuries chancellors also seem to have carried out some visitations independently. There has been some debate as to whether this constituted an attempt to lessen the power of the archdeacons.

Visitations were normally held in a few centres within each archdeaconry, to which the clergy and churchwardens from a particular deanery or group of deaneries were summoned to attend. A senior cleric from the area being visited was usually asked to give the visitation sermon.

The records indicate that 16th-century visitations in Durham sometimes included a synod or general gathering of all the clergy of the diocese or a defined part of it, where the bishop or his commissary would meet with them and issue monitions (admonishments) or a charge (sermon). The practice of the bishop issuing a visitation charge to his clergy continued and from the late 17th century onwards it became common for such charges to be printed and published.

The diocesan registrar was responsible for the administrative arrangements for the visitation, the records of which, in the case of Durham (with the exceptions of visitation charges, clergy visitation returns and most diocese books, for which see Related units of description),

were generally stored in the diocesan registry. Examples of most of the types of records mentioned below will be found in DDR/EV/VIS/4-5 unless otherwise stated.

Prior to the visitation the bishop issued an "inhibition", suspending the rights of lesser dignitaries within his jurisdiction (e.g. archdeacons and dean and chapter) to visit for the duration of his visitation. A "general monition" was also issued to be read in every church, summoning all clergy, schoolmasters etc to appear at the visitation and exhibit their letters of orders, licences etc and all churchwardens and sidesmen to appear and take their oaths, make presentments etc. During the second half of the 19th century in Durham diocese it became common for the visitations of the clergy and the churchwardens to be held at different times (see DDR/EV/VIS/5).

From the 15th century onwards it had become customary for the bishop to ask churchwardens (elected parish officers responsible for the care and maintenance of the goods and fabric of the church) to make "presentments" at the visitation of things wrong within their parish or chapelry; where these survive they often read "all's well". From the mid-16th century it also became the practice in some dioceses for bishops to send out "articles of enquiry" (later printed pro-formas) to be filled in and returned at the visitation; although generally addressed to the ministers, churchwardens and sidesmen of the parish they were usually completed by the churchwardens. These dealt in particular with the state of the fabric and furnishings of the church and churchyard, the parsonage house and glebe, the clergy and those who at certain periods in theory needed an episcopal licence to practise their profession etc (e.g. schoolmasters, parish clerks, midwives and surgeons; see also DDR/EA/NE), the churchwardens and other parish officials, and the laity, the latter of whom who could be presented for offences such as adultery, fornication, having an illegitimate child, drunkenness, swearing, refusing to attend church or to communicate or to pay church taxes or for disturbing divine service. Such churchwardens' returns only survive in any quantity for Durham diocese from the late 18th century onwards.

Arising from the replies to the articles, sometimes known as "detecta" (things uncovered), a "citation" might be issued, summoning those accused of misdemeanour to appear at the visitation court. This would be served on the accused by the "apparitor", a court official who certified to the visitor that it had been served. If those cited ignored the summons a further citation, to be served by any possible means ("viis et modis") was issued. Those ignoring this could be suspended from entering the church, and as a result of their transgression might ultimately be ordered to do penance or be excommunicated.

Various books were prepared for use at the visitation. Two of these books each contained the names of the parishes arranged by deanery. One book, known as the "liber cleri" or "clergy call book", contained the names of the beneficed and unbeneficed clergy (and occasionally also schoolmasters etc) summoned to the visitation and was annotated to show who had appeared, was excused etc. A similar book relating to the churchwardens was known as the "churchwardens' call book". The Durham call books were often used as drafts for the preparation of call books for later visitations and thus include details of changes in personnel subsequent to the visitation for which they were originally created.

Sometimes lists of "comperta" (things found out at the visitation) or a "liber compertorum" were drawn up. Other books resulting from the visitation were known as "visitation books" or "correction books"; a few such books survive for Durham diocese from the 16th and 17th centuries (DDR/EV/VIS/1-2). These were not always compiled consistently. Sometimes they recorded details of the progress of the visitation or a transcript of a bishop's monitions to his clergy. Other books describe the various stages of the court process involved in the correction by the judge (generally the spiritual chancellor) of the faults reported at the

visitation. Such correction books are not always easy to distinguish from the consistory court "ex officio" act books.

Visitation records also often include correspondence, papers etc re general administrative matters. These may include details of "procurations", which were fees paid by each incumbent as a contribution towards the expenses of the visitation. The formal process of visitation concluded with a "relaxation of the inhibition" issued to archdeacons etc at the start of the visitation.

Published editions (general and other dioceses)

For published editions of Durham visitation records, see the bibliography within the detailed catalogue. A number of editions of clergy visitation returns from other dioceses have now also been published.

Brinkworth, E.R.C., *Episcopal visitation book for the archdeaconry of Buckingham*, Buckinghamshire Record Society, 7 (1947)

Elizabethan episcopal administration, ed. W.P.M. Kennedy, Alcuin Club collections, 25-27 (1924), includes an important discussion of visitation articles

Hamilton Thompson, A., *Visitation in the diocese of Lincoln, 1517-31: comperta and proceedings*, Lincoln Record Society, 33 (1940)

Visitation articles and injunctions of the early Stuart church, ed. K. Fincham, 2 vols, Church of England Record Society, 1,5 (1994, 1998)

Visitation articles and injunctions of the period of the Reformation, ed. W.H. Frere and W.P. Kennedy, 3 vols, Alcuin Club collections, 14-16 (1910)

Smith, M.G., *Pastoral discipline and the church courts: the Hexham court, 1680-1730*, Borthwick papers, 62 (1982)

Visitation procedures and records (general)

Owen, D.M., "Episcopal visitation books", in *Short guides to records: first series, guides 1-24*, ed. L.M. Munby, reprinted edn ed. K.M. Thompson (1994), 49-53

Owen, D.M., *The records of the established church in England excluding parochial records*, British Records Association, Archives and the User, 1 (1970)

Purvis, J.S., *An introduction to ecclesiastical records* (1953)

York/Durham dispute

Brentano, R., *York metropolitan jurisdiction and papal judges delegate, 1279-1296* (Berkeley, University of California, 1959)

Hamilton Thompson, A., "Archbishop Savage's visitation of the diocese of Durham sede vacante in 1501", *Archaeologia Aeliana*, 3rd series, 18 (1921), 43-52

The injunctions and other ecclesiastical proceedings of Richard Barnes, bishop of Durham, from 1575 to 1587, ed. J. Raine, a copy of this volume, annotated to show the sources of the extracts printed in it, is available in the Archives and Special Collections search room, Surtees Society, 22 (1850), appendix 1, i-xl contains a transcript of the record of the proceedings of the sede vacante visitation of Durham carried out by commissaries of Archbishop Savage in 1501 (see also preface, xiii)

Visitation and oversight - Clergy visitation returns

Clergy visitation returns

DDR/EV/RET

Other records generated by episcopal visitations

DDR/EV/VIS

Bishops' Office records

DDR/BP

Biographical information: These records mainly stem from what was originally the bishop's household under his secretary or chaplain. This has developed into his administrative office, which is now run on a day-to-day basis by his senior chaplain.

In the past records were frequently moved between Durham City (in particular the Durham Diocesan Registry, which housed most of the formal, legal and court records of the diocese) and Auckland Castle, so that some items listed within the Episcopal administration section (DDR/EA) had previously strayed into the Bishop's Office and were deposited therefrom.

Visitation material was also stored by both the Registry and Bishop's Office, with clergy visitation returns (DDR/EV/RET) and some of the clergy call books (within DDR/EV/VIS) retained within the Bishop's Office, while most other visitation papers (including churchwardens' returns) were retained within the Registry.

The bishops of Durham originally employed a large number of agents, stewards and other officials to administer their estates and residences. During the 19th century the Ecclesiastical Commissioners (since 1948 the Church Commissioners) assumed responsibility for the Church of England's estates and revenues, including the Durham episcopal estates and Auckland Castle. Since the late 20th century the Church Commissioners have employed at Auckland Castle a resident warden who is responsible for managing the building.

Confirmations

DDR/BP/CNF

Biographical information: Confirmation is performed by a bishop and is the means by which the person confirmed becomes a full communicant member of the Church.

Clergy

DDR/BP/CLR

Biographical information: This section consists of confidential files on individual clergy, which were maintained in the Bishop's Office at Auckland Castle. Files were established for all clergy working within the diocese (except for the bishop), containing a mix of formal records and informal correspondence etc, with similar files being held by the bishops of other dioceses. A standard 'blue' file cover with subdivisions was introduced nationally in ca.1987.

In ca.1988, the Church Commissioners required non-current files to be kept permanently alongside other diocesan records, with a 100-year embargo (from the latest item in the file), and no access for members of the clergy to their own file. In Durham, this was interpreted as requiring files of deceased or retired clergy to be deposited with the Department of Palaeography and Diplomatic (later University Library). If a clergyman took up an appointment or was issued with a licence from another diocese, his file would be transferred there.

The first batch of clergy files from Durham was deposited under these guidelines in August 1989, though the main deposit was not made until August 1990.

Further guidance on the management of, and access to, confidential clergy files has been issued by the Church of England's Record Centre, being most recently updated in April 2013. This guidance is available from the Church Commissioners' section of the CofE website. Current guidance can be summarised thus:

The file for a retired cleric is held by the diocese in which he/she last served, or where he/she last held a Permission to Officiate.

Personal files will be retained by the Bishop's Office until 7 years after death. At that point, they will be offered for permanent retention with the diocesan archives. There is no longer a requirement that they be kept indefinitely.

They will be closed for public inspection for 30 years following deposit (i.e. 37 years after the death of the person concerned), except with the express written consent of the bishop.

Parish files

DDR/BP/PAR

Biographical information: The 1780 returns of Catholics were sent in at the specific request of Bishop John Egerton, but do not appear to have been made for a visitation. Episcopal visitations were held in 1778 and 1783 but not in 1780. Note that the House of Lords Record Office includes a series of returns in 1781 (see Maurice Bond, *The records of Parliament...* (Phillimore, 1964) , for notes on surviving 18th century returns of papists).

Diocesan duties

DDR/BP/DIO

Extra-diocesan duties

DDR/BP/EXT

Biographical information: The bishop of Durham is *ex officio* visitor of the University of Durham (founded 1832), which explains the presence within this section of some 19th and 20th-century material relating to University affairs.

Personal papers

DDR/BP/PER

Auckland Castle household and estate

DDR/BP/EST

Diocesan administration

Reference code: DDR/DA

Provenance: Most of the records within this section have been deposited by the Durham Diocesan Office, which is headed by the Diocesan Secretary. A few records have also been deposited by directors, chairmen or secretaries of diocesan boards or committees. Many similar records have not yet been deposited, or have previously been held by individual committee secretaries across the county rather than centrally within the Diocesan Office.

Ownership history: Recent annual editions of the Durham Diocesan Directory contain a list of parishes each with their current parish number. This system of parish numbers has been used for reference purposes by the diocesan administration and diocesan architects from the 1950s (though only published within the Diocesan Directory since the 1980s), and has been applied to the arrangement of various classes from the Diocesan Office which relate in particular to church properties and endowments. The system was also used for diocesan-related material in other collections which have now been deposited with the University of Durham, for instance the series of church and parsonage house files in the Hayton, Lee and Braddock (architects) records (diocesan surveyors).

The parish numbers were originally allotted alphabetically by deanery (under the then two archdeaconries of Durham and Auckland), but the numeric order no longer reflects the current arrangement of archdeaconries and deaneries within the diocese, and newly-created parishes are usually given numbers at the end of the sequence. In other cases, new united parishes or team ministries have been allotted the number previously used by one of the former partners to the union or team, rather than receiving a wholly new number. When, therefore, the parish numbering system has been applied to churches rather than parishes (as for the quinquennial inspection reports in DDR/DA/DAC/2), the same church building may be allotted to different parish numbers at different times, and the same number may indicate a different church or group of churches over time.

For the purposes of listing those series of records which are arranged by parish number, records for the same church are all recorded under the same parish number, regardless of the parish to which the church belonged or its number at the time that the record was created. Additional church buildings within the same parish are usually given 'a' or 'b' numbers. Parish numbers used for listing within the Durham Diocesan Records are always prefixed with "Dch". See also notes on those church names most liable to cause confusion.

National and Provincial bodies

DDR/DA/NAT

Biographical information: Since the 15th century the Convocations have been divided into two Houses, upper (Bishops) and lower (Clergy). The representatives of the clergy who attend convocation are known as "proctors".

Diocesan Conference

DDR/DA/CON

Biographical information: A diocesan Conference of clergy and laity was established in Durham by Bishop Lightfoot, meeting first in September 1880 and biennially thereafter. Source: Oxford Dictionary of National Biography, Joseph Barber Lightfoot entry, accessed 14 Nov 2012

Diocesan Conferences were put on a statutory footing in [1929?], comprising the bishop (as president), a chamber of clergy and a chamber of laity. They were set up following the establishment of the National Assembly of the Church of England (called the Church Assembly) in 1919, and were able to discuss any issue of concern to the church within the diocese, but could not make doctrinal statements on any question of theology.

Elections to the house of laity of Diocesan Conference were held in each parish every three years. If an election was disputed, the Conference would establish a "lay electoral commission" to determine the matter.

Diocesan Synod

DDR/DA/SYN

Bishop's Council and Standing Committee

DDR/DA/BIS

Board of Finance

DDR/DA/FIN

Biographical information: The Diocesan Board of Finance is both a company and a charity, owning all the property that belongs to the diocese and employing its non-clerical staff. Boards of Finance were established throughout England by the 1925 Diocesan Boards of Finance Measure, but the Durham Board of Finance dates from 1916. It was preceded by the Durham Diocesan Fund, which operated from at least 1886.

Dilapidations (later Parsonages) Board

DDR/DA/DIL

Biographical information: A Dilapidations Board was established under the Ecclesiastical Dilapidations Measures 1923 to 1951, though in accordance with the 1923 measure the Board of Finance was constituted as the Dilapidations Board for Durham in 1925. From at least 1947 to 1966 it operated as the Committee for Dilapidations. In 1966, a separate Dilapidations Board appears to have been established, being renamed the Parsonages Committee in 1974. From 1978, this again became a sub-committee of the Board of Finance, and in 2001 it was renamed the Houses Committee.

Glebe property is dealt with by the Parsonages Committee meeting as a 'Glebe Committee' from 1978 to 1980, when the Glebe Advisory Committee is formed (as a committee of the Board of Finance). This is renamed the Glebe Committee in 2001. The Ecclesiastical Dilapidations Measures established quinquennial (5-yearly) inspections from 1924, covering all parsonage houses, glebe buildings and other buildings except for churches and chancels. The quinquennial inspections are made by one or more surveyors as appointed by the Dilapidations Board, which subsequently was to make orders in relation to the carrying out and funding of repairs.

Pastoral (or Reorganisation) Committee(s)

DDR/DA/PAS

Biographical information: Reorganisation Committees were established under the 1941 Diocesan Reorganisation Committees Measure, in connection with damage caused by, or pastoral reorganisations necessitated by, war.

After 1949, new committees were established by the 1949 Pastoral Reorganisation Measure, to recommend schemes for pastoral reorganisation to the bishop (and thence to the Church Commissioners). This Pastoral Committee now operates as the Diocesan Mission and Pastoral Committee.

Board of Education DDR/DA/EDU

Biographical information: The Durham Board of Education was constituted at a meeting of the Durham Diocesan Conference on 3 February 1886, for “the promotion of the education of children in the principles of the Church of England”. On 29 May 1916, Conference approved the formation of a Durham Diocesan Board for Religious Education, to take over the work of the Board of Education after the close of the current financial year, “to assist in the promotion and maintenance of the work of religious education in secondary and elementary schools, training colleges and Sunday schools” (Conference meeting 3 October 1916). This was in accordance with the “Archbishops' scheme”. It was subsequently regulated by the 1943 Diocesan Education Committees Measure, with duties relating specifically to church schools within the diocese, and to promotion of religious education more generally. It was renamed as (back to) the Board of Education by the last meeting of Diocesan Conference (6 June 1970). It is now regulated by the 1991 Boards of Education Measure. From 2010, the schools service is provided jointly with Newcastle diocese, though the Board of Education continues as a separate body responsible to the Diocesan Synod.

At certain stages in its history the Board delegated some of its routine business to other committees.

Executive Committee (constituted November 1886)

Emergency Committee (constituted March 1914, amalgamated with Grants Committee to form Grants and Emergency Committee in October 1936)

Standing Committee 1 (appointed as a war-time measure, meeting 1939-1942)

Standing Committee 2 (appointed on recommendation of reorganisation committee following 1943 Diocesan Education Measure, to replace Grants and Emergency Committee and Reorganisation Committee, meeting 1943-1950)

Standing Committee 3 (appointed by Bishop in 1959 to advise and supervise the Director and to act on behalf of the full Board)

Buildings and Administration Committee (replacing Standing Committee 3, established 1970-1971, meeting until May 1982)

Finance and General Purposes Committee (from May 1982, replacing previous sub-committees)

Several committees etc to deal with different aspects of the Board's training role were established at various times.

Durham Diocesan Sunday School Association, to act as a quasi-independent institution but with at least 5 members of the Board on its central body (27 Feb 1914)

Durham Diocesan Sunday School Association, Bishop's Committee dealing with Adult Religious Education and Bishop's Youth Council to be recognised as committees of the Board for Religious Education, and Church Schools' Council to be set up (21 Feb 1944 report of Reorganisation Committee)

Durham Diocesan Adult Education Committee

Diocese of Durham's Children's Committee (to Oct 1970)

Teaching Committee 2 (to Sept 1974)

Training Committee (from Feb 1975 to July 1982)

Diocesan Advisory Committee for the Care of Churches

DDR/DA/DAC

Biographical information: Usually known as the Diocesan Advisory Committee or DAC, this committee is thought to have been established in Durham during the 1930s (described as about 50 years old in the 1984 diocesan annual report). Its main statutory purpose is to advise both the Chancellor and applicants in the exercise of faculty jurisdiction, as set out by the 1939 Faculty Jurisdiction Rules (see DDR/EJ/FAC for details of faculty procedures).

Five-yearly (quinquennial) inspections of every church building are required by the 1955 Inspection of Churches Measure (as amended by the 1991 Care of Churches and Ecclesiastical Jurisdiction Measure), and the scheme for these is overseen by the DAC. The inspections are arranged in the first place by parochial church councils, using one of the designated diocesan architects appointed under the measure (under the latest revision of the scheme in 1993, architects are not formally designated to carry out inspections, but an architect may not be appointed by the parish without the prior approval of the DAC).

Redundant Churches Uses Committee

DDR/DA/RED

Biographical information: Established by the 1968 Pastoral Measure (later, the 1983 Pastoral Measure), this committee is required to seek alternative uses for closed churches. It is now known as the Closed Churches Uses Committee.

Board of Patronage

DDR/DA/PAT

Biographical information: Established under the 1932 Benefices (Diocesan Board of Patronage) Measure. May acquire, hold and transfer rights of patronage, and automatically becomes patron of any parish for which no patron is registered under the 1986 Patronage (Benefices) Measure.

Within Durham diocese, the Board of Patronage operates for only one benefice within Durham diocese (Hart and Elwick Hall), and should not be confused with the 'special' patronage boards established by Pastoral Scheme from time to time for other benefices.

Additional (non-statutory) committees

DDR/DA/COM

Biographical information: A few of the diocesan boards and committees that have functioned separately from the above statutory boards and committees at various stages are as follows. This list is by no means comprehensive (dates in square brackets are generally derived from the dates of surviving minute or account books).

- DDR/DA/COM/1 - New church buildings, extensions, repairs
 1917-1964 Board for Church Building and Church Extension (preceded by a Church Extension Fund and the Church Building Society)
 1964-1970 Board for Church Development
 from 1970 Replaced by the Repairs and Buildings (later Church Buildings) sub-committee of the Pastoral Committee (see DDR/DA/COM/4 below)
- DDR/DA/COM/2 - Clergy, stipends etc
 [1919]-1966 Board for Training and Maintenance of the Ministry
 [1917]-1966 Board for Pensions and Grants
 ???-1966 Clerical Incomes Committee (possibly a sub-committee of one of the above)
 1966-1970 Board for Stipends, Pensions and Grants
 1970-1992 Board of Ministry
 1997-2006 Board of Ministries and Training
 from 2006 Council for Ministry
 from 1970 Readers' Board/Council: standing committee of above
 from 1970 Ministry Committee (later Ministry Advisory Group): part of above
- DDR/DA/COM/3 - Readers
 ? 1880-??? Lay Helpers' Association
 ???-1836 Readers' and Lay Helpers' Association
 1936-??? Readers' Board
 ??? Readers' Advisory Committee
 from ??? Readers' Council
- DDR/DA/COM/4 - Church Buildings (grants for maintenance)
 ??? Church Buildings Committee (see also DDR/DA/COM/1 above)
- DDR/DA/COM/5 - Ministry and clergy
 ??? Board for Training and Maintenance of the Ministry
- Mission, social responsibility, stewardship etc
 1970-1974 Board for Mission
 1974-2006 Board for Mission and Unity (BMU)
 1981-1997 Stewardship Committee (separated out from BMU; becomes support group for Stewardship Officer from 1997)
 1994-2006 Board of Social Responsibility (separated out from BMU)
 from 2006 Council for Mission (takes over BMU and BSR remit)

Other diocesan organisations

DDR/DA/ORG

Biographical information: Brief administrative histories for the diocesan charities and societies for which we hold records are included within the catalogue of records of Diocesan Administration.

Diocesan Publications

Reference code: DDR/DA/PUB

Diocesan Office Records

Reference code: DDR/DA/OFF

Ownership history: The records within series DDR/DA/OFF/5 were originally stored with several other series of semi-current records, within a single series of 'parish boxes' in the Diocesan Office. These boxes (one for each parish, in 'parish number' order, i.e. arranged approximately alphabetically by deanery) were used by several different diocesan officers to store their semi-current paperwork. The boxes were selectively weeded by University Library staff in 2014 to retain only the series mentioned below, prior to the move of the Diocesan Office from Auckland Castle to Stonebridge in late 2014/early 2015.

series	retention	officer responsible	destination
Quinquennial inspection reports for churches	keep if not duplicates	Care of Churches Secretary (DAC)	DDR/DA/DAC/2
Grants from Church Buildings Committee	keep	Care of Churches Secretary (CBC)	DDR/DA/COM/4
Files for redundant churches (from Closed Churches Uses Committee)	keep	Care of Churches Secretary (CCUC)	DDR/DA/RED/2
Orders in Council (printed copies)	keep if not duplicates	Secretary to Pastoral Committee	DDR/EA/BEP/4
Suspensions of presentation	keep	Secretary to Pastoral Committee	DDR/EA/PAS/2
Files for pastoral reorganisation schemes	keep	Secretary to Pastoral Committee	DDR/DA/PAS/2
Quinquennial inspection reports for parsonages	destroy	Diocesan Surveyor (Houses Committee)	
Files for parsonages and glebe properties (repairs, purchases, lettings, sales)	destroy	Diocesan Surveyor (Houses Committee)	
Deeds and other business relating to parish property (church halls etc)	keep	Diocesan Surveyor/Board of Finance	DDR/DA/FIN/x
Misc parish business (mainly financial, viz fees, sequestrations, grants etc)	keep	Board of Finance	DDR/DA/OFF/5

Archdeacons and archdeaconries

Reference code: DDR/A

Biographical information: An archdeacon is appointed by the bishop of the diocese and is the chief priest after the bishop, originally in each diocese, then, after dioceses were divided into several archdeaconries, within each archdeaconry. Some archdeacons at certain periods in the past occasionally appointed an official or commissary to act on their behalf. The overriding function of an archdeacon is to assist the bishop with the administration of the diocese and to keep the bishop informed about matters relating to the clergy, churches and the parishes (hence the medieval archdeacon was often termed the “*oculus episcopi*” [the bishop's eye]).

In the pre-Reformation period archdeacons often became very powerful, acquiring the right to carry out visitations or ecclesiastical inspections of their archdeaconry and to hold courts for both the detection and correction of offences, although the parishes etc within their archdeaconry were also subject to episcopal visitation by the bishop of the diocese. In the diocese of Durham in the 16th and 17th centuries the spiritual chancellor of the diocese also seems to have carried out some visitations independently, and it has been debated whether this was an attempt to lessen the power of the archdeacons. In some dioceses archdeacons also acquired the right to exercise probate jurisdiction but this does not seem to have been the case in Durham, at least for the period from the 16th century onwards for which the probate records for the diocese survive. Archdeacons' courts survived the Reformation, and the dispersed series of archdeacons' and officialty act and visitation books for the diocese of Durham indicate that in the North-East of England at least they continued to function until the second half of the 18th century, although their business seems to have declined thereafter, particularly in respect of the correction of the laity for moral offences.

Today archdeacons serve as senior members of the diocesan management team. They liaise with rural deans concerning clergy and deanery matters, and hold annual visitations of the clergy and churchwardens, which concentrate in particular on church fabrics and furnishings and churchyards and on the state of parish affairs, as well as advising the bishop on parochial needs, the filling of vacant livings and pastoral reorganisation. On behalf of the bishop (and following receipt of an induction mandate from him) they also admit clergy into the temporalities of their livings.

The diocese of Durham was divided into archdeaconries as follows:

before 1842	two archdeaconries, the senior for Durham and the junior for Northumberland, roughly co-terminous with the counties of the same name. The exceptions were Hexham and Hexhamshire and Thockrington in Northumberland, and the peculiar jurisdiction of the officialty of the dean and chapter of Durham. The latter comprised scattered parishes etc in both County Durham and Northumberland over which the official of the officialty, a dean and chapter appointee, exercised powers equivalent to those of an archdeacon (see also DDR/P, records of peculiar jurisdictions).
1842-1882	In 1842 the Northumberland section of the officialty was abolished and the new archdeaconry of Lindisfarne created out of the northern part of the archdeaconry of Northumberland. When the new diocese of Newcastle was created in 1882 it was made up of the archdeaconries of Northumberland and Lindisfarne.

1882-1997	Southern half of the officialty abolished and the new archdeaconry of Auckland created out of the southern part of the archdeaconry of Durham (DDR/EA/BEP/4/305-306)
from 1997	Third archdeaconry of Sunderland formed out of part of Durham archdeaconry, and boundaries of Durham and Auckland archdeaconries adjusted (DDR/EA/BEP/4/845)

Generally for funding purposes, the role of archdeacon in the diocese was until recently usually combined with that of one or more other posts. From the medieval period onwards benefices had been annexed to the two ancient archdeaconries as the archdeacons' chief source of income (although the cures were generally served by stipendiary curates): Easington in County Durham was annexed to the archdeaconry of Durham until 1832 and Howick in Northumberland to the archdeaconry of Northumberland until 1853. When the archdeaconry of Lindisfarne was established in 1842 the living of Eglington in Northumberland was attached to it. In the period when pluralism was tolerated some archdeacons additionally held other parochial livings, again generally served by curates. By the 19th century it was common for one of the archdeacons to double up as official of the officialty. In addition, post-Reformation archdeacons also often served as canons of Durham Cathedral, and when Easington and Howick were separated from the archdeaconries in the 19th century the archdeacons were granted in compensation the statutory right to hold such canonries, a right still enjoyed by the archdeacon of Durham. From the foundation of Auckland archdeaconry until 1993 the archdeacon of Auckland also held a Cathedral canonry. Archdeacons sometimes also acquired other major posts. Dennis Granville for instance was dean of Durham as well as archdeacon of Durham between 1684 and 1691 and Charles Thorp in the 19th century was not only a canon of Durham and archdeacon of Durham but also acted as the first warden of Durham University between 1831 and 1862. Until 1958 the post of suffragan bishop of Jarrow in the diocese was often held by an archdeacon, usually the archdeacon of Auckland.

Provenance: Some of these records were among the deposits of material received from the Durham diocesan registrar (in his capacity as archdeacons' registrar) at various dates from 1948 onwards. From 1977 onwards deposits of material have also been received from individual archdeacons.

Ownership history: The archdeacons generally appointed a registrar to deal with the daily administration of their business, in particular that relating to the organisation of visitations and the supervision of churchwardens. Often, however, (and continuously since 1947 in the diocese of Durham) this post has been held jointly with that of diocesan registrar, which explains why many of the archidiaconal records were stored in the Diocesan Registry. In many areas also (for instance pastoral reorganisation and faculty applications) there is a great deal of overlap between the work of the two registrars.

Unfortunately some of the registrar's records have apparently been lost. This was probably partly the result of the generally careless approach to record-keeping which was prevalent in the diocese at certain periods. Specifically, in 1933 the recently appointed archdeacon's registrar said that following his predecessor's bankruptcy the archdeaconry letter books had disappeared. A fire in a room used as a store for the Registry in 1942 was also said to have destroyed some archidiaconal records (see bibliography at the top of this guide - Midgley).

Many other archidiaconal records have been dispersed into other collections. Also some archidiaconal records, particularly surveys and returns to visitation articles, have often been retained by archdeacons over many years as working documents and some of these have been treated as their private property and moved out of diocesan custody.

Hamilton Thompson, A., *Diocesan organization in the Middle Ages: archdeacons and rural deans* (1943)

Hamilton Thompson, A., *The English clergy and their organization in the later Middle Ages* (1947)

Webb, C.C. and Smith, D.M., "Archdeacons' records", in *Short guides to records: second series, guides 25-48*, ed. K.M. Thompson (1997), 38-43, includes a detailed bibliography

Lightfoot, J.B., bishop of Durham, *Primary charge: two addresses delivered to the clergy of the diocese of Durham in December, 1882* (London, ca.1882), includes an account of the 1882 division of Durham diocese and related changes as they affected the arrangement of archdeaconries etc

Maynard, W.B., "The ecclesiastical administration of the archdeaconry of Durham, 1774-1856", (unpublished doctoral thesis, University of Durham, 1973)

Offler, H.S., "The early archdeacons in the diocese of Durham", *Transactions of the Architectural and Archaeological Society of Durham and Northumberland*, 11 (1958-1965), 189-207

Shuler, J.C., "The pastoral and ecclesiastical administration of the diocese of Durham, 1721-1771; with particular reference to the archdeaconry of Northumberland", (unpublished doctoral thesis, University of Durham, 1976)

Marchant, R., *The church under the law: justice, administration and discipline in the diocese of York, 1560-1640* (Norwich, 1969), study of archdeaconry of Nottingham

Peters, R., *Oculus episcopi: administration in the archdeaconry of St Albans, 1580-1625* (1963)

Miscellanea: comprising 1 The works and letters of Dean Granville ..., ed. G. Ornsby, Surtees Society, 37 (1861), includes (43-59) the text of the farewell speech [re the reasons for his impending exile in France] made by Dennis Granville, archdeacon of Durham (as well as dean of Durham), to the clergy of his archdeaconry, 1688, together with (141-250) the texts of miscellaneous correspondence of Grenville, drawn from various sources, 1665-1702

The remains of Dean Granville, D.D., dean and archdeacon of Durham ..., ed. G. Ornsby, Surtees Society, 47 (1865), contains texts of miscellaneous correspondence and papers of Granville selected from originals in the Bodleian Library, Oxford

Brinkworth, E.R.C., *The archdeacon's court: liber actorum, 1584*, Oxfordshire Record Society, 23, 24 (1942, 1946)

Brinkworth, E.R.C., *Episcopal visitation book for the archdeaconry of Buckingham*, Buckinghamshire Record Society, 7 (1947)

Related material in other DUL collections: Some records associated with archdeacons are now included in separate sections of the Durham Diocesan Records, as follows:

Parish register transcripts As at episcopal visitations, parish register transcripts (usually known as bishop's transcripts) were often handed in at archdeacons' visitations. In Durham, however, the main series

of parish register transcripts in DDR/EA/PBT has long been separated from the visitation records.

Appointments of archdeacons See DDR/EA/CLA.

Benefice and parochial reorganisation This is the area in which archdeacons are closely involved, see DDR/EA/BEP.

Faculty administration Between 1938 and 1991 archdeacons' certificates could be issued authorising minor repairs or redecoration to churches. These are filed as part of the main chronological series of faculty papers relating to more significant changes to church fabrics in DDR/EJ/FAC/3. Since 1991 minor repairs may be authorised by a letter from the archdeacon ("Schedule B authorisations").

Rural deans and deaneries

Reference code: DDR/D

Biographical information: Each deanery is a grouping of approximately ten to twelve parishes which are all situated within the same archdeaconry. Until the 19th century these groupings generally remained stable but since then the boundaries of deaneries have been revised from time to time to take account of shifts in population, changes in parochial structure etc.

Northumberland	Until 1842, the Northumberland parishes were divided among the deaneries of Alnwick, Bamburgh, Corbridge, Morpeth and Newcastle. The order in council of 2 September 1842 which divided the former Northumberland archdeaconry into the two archdeaconries of Northumberland and Lindisfarne also created four new deaneries, namely Bellingham, Hexham, Norham and Rothbury. Bellingham, Corbridge, Hexham and Newcastle deaneries were assigned to Northumberland archdeaconry and Alnwick, Bamburgh, Morpeth, Norham and Rothbury deaneries to Lindisfarne archdeaconry.
County Durham	Until ca.1882 the Durham parishes were divided into the deaneries of Chester-le-Street (often called Chester), Darlington, Easington and Stockton, with Easington and Darlington sometimes split into northern and southern sections.

From the division of the diocese in 1882, the following changes were made:

1882	New deaneries were created. Chester-le-Street, Durham, Easington, Houghton-le-Spring, Jarrow, Ryton and Wearmouth were assigned to the archdeaconry of Durham, and the archdeaconry of Auckland contained the deaneries of Auckland, Darlington, Stanhope and Stockton
1887	Hartlepool deanery added (in Auckland archdeaconry)
1891	New deaneries of Lanchester and Gateshead created in Durham archdeaconry, and Ryton deanery abolished
1924	Barnard Castle deanery (Auckland archdeaconry) created
1978	Gateshead West (Durham archdeaconry) and Sedgefield (Auckland archdeaconry) created
1997	Chester-le-Street, Gateshead, Gateshead West, Houghton-le-Spring, Jarrow and Wearmouth assigned to the new archdeaconry of Sunderland, and Hartlepool and Sedgefield transferred from Auckland to Durham archdeaconry

Lists of parishes in each deanery at different dates are given in the various editions of the *Durham Diocesan Directory*.

In the pre-Reformation church the incumbent of one of the parishes in each deanery was designated by the bishop as rural dean (sometimes known in urban areas as dean of Christianity), with a particular responsibility to the bishop of the diocese (see below) for the lives and manners of the clergy and people in their deanery. To this end rural deans were empowered to convene rural chapters made up of all the beneficed clergy in their deanery. The work of rural deans was gradually taken over by archdeacons and the office fell out of use after the Reformation until its revival in the 19th century. In Durham diocese the revival of rural deans seems to have taken place from ca.1859. In some dioceses (e.g. Durham since 1997) rural deans are now known as area deans.

Rural (area) deans are appointed by the bishop of the diocese, with the following duties.

A transcript of the deed of appointment of a rural dean used by Bishop Lightfoot of Durham in 1880, the use of which was confirmed by Bishop Henson in 1920, appears in the Durham Diocesan Directory for 1923. This lays down in detail the duties of rural deans, stressing that at least once in every four years they should visit personally on behalf of the bishop every church and churchyard in their deanery, examining them and all parochial glebe, church possessions etc according to the tenor of articles of enquiry to be forwarded to the rural deans by the bishop. Afterwards they were to report back to the bishop with the results.

Rural deans were also, on request, to examine, on behalf of the archdeacon, new churches etc prior to consecration, and to advise the bishop re faculty applications and parochial reorganisation proposals relating to their deanery. They were to ensure that the clergy within their deanery were properly qualified etc, and notify the bishop of any non-residence or impending vacancies or of any serious charges likely to arise against a clergyman in the deanery. They were also to assist the churchwardens in preparing presentments of things amiss within their parish and take an interest in the schools in their deanery and promote religious instruction.

Finally rural deans were instructed to hold meetings of the clergy in the deanery, and of the clergy and laity, at least once a year, "for promoting by united worship, conference and consultation, the common interest and advantage of the deanery". These meetings were generally known as Ruridecanal Chapters or Conferences (for their constitution see the Durham Diocesan Directory, e.g. for 1900) and there are also references to a house of the clergy in some deaneries. General meetings of the bishop, archdeacons and rural deans of the diocese of Durham were also held between at least 1883 and 1939. Meetings of rural deans alone were also sometimes held.

Under the synodical government for the Church of England established in 1970 under the Synodical Government Measure of 1969, each deanery has a Deanery Synod which consists of two Houses (Clergy and Laity) and has replaced the former Ruridecanal Chapters. The task of the Deanery Synod is to "promote in the deanery the whole mission of the Church, pastoral, evangelistic, social and ecumenical". It acts as a forum for debate on a range of issues within the deanery and can refer matters for comment to parishes and submit motions for debate at the Diocesan Synod. The election to the House of Laity of the General Synod is made by the lay members of Deanery Synods. Since 1997 the Deanery Synods in Durham have also been involved in decision making with regard to the financial contribution to be paid by each parish in the deanery under the Parish Share Scheme.

Provenance: DDR/D/DEN/2 was transferred on deposit in March 1979 from Tyne and Wear Archives Service (formerly Tyne and Wear Archives Service accession 718). It had been transferred to Tyne and Wear Archives Service from Sunderland Library at an unrecorded date prior to 1979. Its original provenance is also unrecorded.

Ownership history: Rural (area) deans' and deanery records fall halfway between diocesan and parish records. The records are not diocesan records in the fullest sense, since much of their origination and management goes on at deanery rather than diocesan level and is not entirely or mainly serviced by the Diocesan Registry or other diocesan institutions. Neither are the records parish records, since they are not linked to individual parishes, although much of the work of rural deans and deanery meetings focuses on the situation in parishes.

The ambiguous status of these records helps to explain their provenance and custodial history.

Some were deposited by the Diocesan Registry, either because Registry staff were involved administratively with their creation etc or because they were deposited in the Registry for safe-keeping by individual rural deans.

Others were sent to the bishop or produced by his staff, and were subsequently deposited by the Bishop's Secretary.

Some records of rural deans and deaneries have ended up in collections of parish records, because the rural (area) dean is nearly always an incumbent of one of the parishes in the deanery.

Yet more records are still in the possession of rural deans and some have probably been treated as personal papers and dispersed or destroyed.

Priaulx, J., *A brief account of the nature, use, and end of the office of dean rural, ... by John Priaulx ...*, ed. W. Dansey (London, 1832)

Dansey, W., *Horae decanicae rurales. ...* (London, 1835)

G--, D.W., *Note on Christianity and rural deaneries*, unpublished typescript paper, copy held by Durham University Library (undated [post 1953]), re history of the office of rural dean

Hamilton Thompson, A., *Diocesan organization in the Middle Ages: archdeacons and rural deans* (1943)

Hamilton Thompson, A., *The English clergy and their organization in the later Middle Ages* (1947), especially chapter 2

Lightfoot, J.B., bishop of Durham, *Primary charge: two addresses delivered to the clergy of the diocese of Durham in December, 1882* (London, ca.1882)

The records of the northern convocation, ed. G.W. Kitchin, Surtees Society, 113 (1907), appendices include historical notes on the title "decanus Christianitatis"

Peculiar jurisdictions

Reference code: DDR/P

Biographical information: A peculiar is an area, varying in size from an individual parish or chapelry to a whole group of contiguous or scattered parishes, which is exempt in varying degrees from the jurisdiction of the archbishop of the province or the bishop of the diocese in which it is locally situated, and which is subject instead to some degree of jurisdiction exercised by another body or person (usually another bishop, senior clergyman or the Crown). Many peculiars were created in the medieval period by popes anxious to reduce the powers of individual bishops. Peculiar jurisdiction might include the right to carry out an ecclesiastical visitation of the peculiar or to prove wills or grant marriage licences within it. During the 19th century most peculiars were gradually abolished and the parishes within them brought under the control of their local diocesan bishop, either by Act of Parliament or order in council.

The peculiar jurisdictions associated with the bishops or cathedral of Durham were as follows.

The Officialty jurisdiction of the dean and chapter of Durham (before the Reformation, of the prior of Durham) was administered by an official. It comprised scattered parishes within County Durham and Northumberland as follows.

County Durham	Aycliffe, Billingham, Croxdale, Dalton-le-Dale, Dinsdale, Durham St Oswald, Durham St Margaret, Edmundbyers, Heighington, Heworth, Jarrow, Merrington (or Kirk Merrington), Monk Hesleden, Monkwearmouth, Muggleswick, Pitlington, South Shields St Hilda, Whitworth, Witton Gilbert with Kimblesworth, Wolviston
Northumberland	Ancroft, Bedlington, Berwick-upon-Tweed, Bolton, Branxton, Bywell St Peter, Cornhill, Edlingham, Ellingham, Holy Island, Kyloe, Lowick, Meldon, Norham, Tweedmouth, Wallsend, Whittonstall

The bishop of Durham's peculiar of Allertonshire was administered by a commissary. It comprised the parishes and chapelries of Birkby, Cowesby, Hutton Bonville, Leake, Nether Silton, North Otterington, Osmotherley and Thornton-le-Street

The dean and chapter's peculiar of Allerton and Allertonshire was separately administered by a master keeper or commissary, though at certain periods (e.g. in the 19th century), it seems to have been thought of as forming part of the officialty and administered by the official of the officialty. It comprised the parishes and chapelries of Brompton, Deighton, High Worsall, Kirby Sigston, Northallerton, Romanby and West Rounton.

The dean and chapter's peculiar of Howden and Howdenshire comprised Asselby, Barlby, Barmby Marsh, Blacktoft, Brantingham, Eastrington, Ellerker, Hemingbrough, Holtby, Howden, Laxton, Skipwith, Walkington and Welton.

Crayke, although locally situated in North Yorkshire and the diocese of York, came under the ecclesiastical jurisdiction of the bishop of Durham until 1837, when it was transferred to the diocese of York. However, it was not a peculiar but a detached part of the diocese of Durham. (Crayke was also a detached part of County Durham and part of the Palatinate of Durham until 1844, when it was transferred to Yorkshire.)

The jurisdictions exercised within and over the peculiars associated with the Bishop and the Dean and Chapter Durham can be summarised as follows:

Visitation	The bishop of Durham within his Allertonshire peculiar in Yorkshire, and the dean and chapter of Durham within the officialty parishes in County Durham and Northumberland and their Allertonshire and Howdenshire peculiars in Yorkshire, exercised powers equivalent to those of most archdeacons, particularly with regard to visitation. All these peculiars were also subject to 'ordinary' episcopal visitation by the bishops of Durham or York as appropriate.
Probate	Additionally, within the two Allertonshire peculiars the bishop and the dean and chapter had rights of probate jurisdiction. The dean and chapter did not exercise probate jurisdiction within their Howdenshire peculiar, however, or within the officialty parishes in County Durham and Northumberland. The latter case probably reflects the fact that in the diocese of Durham (unlike in some other dioceses) the archdeacons had not developed their own probate jurisdiction independent of that of the bishop.
Marriage	Within his Allertonshire peculiar the bishop of Durham also had the right to grant marriage licences. The dean and chapter exercised this right in neither the officialty parishes (County Durham and Northumberland) nor in their Allertonshire peculiar (Yorkshire).

Gurney, N.K.M., *A handlist of parish register transcripts in the Borthwick Institute of Historical Research*, Borthwick texts and calendars, 3 (1976)

Smith, D.M., *A guide to the archive collections in the Borthwick Institute of Historical Research*, Borthwick texts and calendars, 1 (1973)

Barlow, F., *Durham jurisdictional peculiars* (1950)

Brentano, R., *York metropolitan jurisdiction and papal judges delegate, 1279-1296* (Berkeley, University of California, 1959)

Emsley, K., "The Yorkshire enclaves of the bishop of Durham", *Yorkshire Archaeological Journal*, 47 (1975), 103-108

Ingledew, C.J.D., *The history and antiquities of Northallerton* (London, 1858)

Lightfoot, J.B., *Primary charge: two addresses delivered to the clergy of the diocese of Durham in December, 1882* (London, ca.1882), pp.15-19 re the final abolition of the officialty of the dean and chapter of Durham

Watkins, H.W., "Our churches and our schools [charge read at his visitation of the archdeaconry of Durham in 1883]", *Durham Diocesan Magazine* (October 1884), includes an account of the history of the officialty of the dean and chapter of Durham

Officialty of the dean and chapter of Durham

Reference code: DDR/P/OFF

Biographical information: The ecclesiastical peculiar jurisdiction of the dean and chapter of Durham known as the officialty of the dean and chapter was made up not of a single block of territory but rather of individual parishes and chapelries scattered throughout County Durham and Northumberland (parishes where in the medieval period the major tithes had been appropriated to the priory of Durham). Within this peculiar the dean and chapter, through their official, exercised powers of visitation and correction similar to those of an archdeacon. These parishes, in the same way as those under archidiaconal control, were also subject to visitation of the diocese of Durham by the bishop of Durham. By the 19th century the post of official of the officialty was often held by one of the archdeacons.

By 1800 the officialty comprised the following parishes and chapelries:

County Durham	Aycliffe, Billingham, Croxdale, Dalton-le-Dale, Dinsdale, Durham St Oswald, Durham St Margaret, Edmundbyers, Heighington, Heworth, Jarrow, Merrington (or Kirk Merrington), Monk Hesleden, Monkwearmouth, Muggleswick, Pittington, South Shields St Hilda, Whitworth, Witton Gilbert with Kimblesworth, Wolviston
Northumberland	Ancroft, Bedlington, Berwick-upon-Tweed, Bolton, Branxton, Bywell St Peter, Cornhill, Edlingham, Ellingham, Holy Island, Kyloe, Lowick, Meldon, Norham, Tweedmouth, Wallsend, Whittonstall

At certain periods (e.g. in the 19th century) the dean and chapter of Durham's Allertonshire peculiar seems to have been thought of as part of the officialty and administered by the official of the officialty.

The chief difference between the officialty and an archdeaconry was that, whereas archdeacons were appointed by the bishop, the official of the officialty was appointed by the dean and chapter. This anomaly, together with administrative problems associated with the scattered nature of the constituent parts of the officialty, was the chief reason for calls for its abolition, which became ever more frequent during the course of the 19th century. The clergy in the officialty also had no administrative machinery for sharing in the election of clergy proctors to represent them in Convocation until 1865.

By an order in council gazetted on 2 September 1842 a new archdeaconry of Lindisfarne was created out of the northern part of the archdeaconry of Northumberland. The same order abolished the Northumberland part of the officialty of the dean and chapter and assigned the parishes and chapelries of the former peculiar to either the archdeaconry of Northumberland or the archdeaconry of Lindisfarne, depending on where they were locally situated. The Durham section of the officialty survived until shortly before the division of the diocese. It was abolished by an order in council gazetted on 9 May 1882 and its parishes and chapelries absorbed into the archdeaconry of Durham.

Archbishop of York's diocesan jurisdiction over the Allertonshire peculiars in Yorkshire

Reference code: DDR/P/ALY

Bishop of Durham's Allertonshire peculiar

Reference code: DDR/P/ALB

Biographical information: The Bishop of Durham's ecclesiastical peculiar of Allertonshire was administered by a master keeper or commissary (who was generally also the spiritual chancellor of Durham) and covered the parishes and chapelries of Birkby, Cowesby, Hutton Bonville, Leake, Nether Siltan, North Otterington, Osmotherley and Thornton-le-Street.

Within his Allertonshire peculiar the bishop of Durham, through his master keeper or commissary, exercised powers of visitation and correction similar to those of an archdeacon; these parishes, however, were also subject to episcopal visitation of the diocese of York by the archbishop of York. Within this peculiar the bishop of Durham also exercised probate jurisdiction, and had the power to grant marriage licences in cases where both parties to the marriage were resident in the peculiar. There is an account of the nature and administration of the bishop of Durham's Allertonshire peculiar under the heading "peculiars" in DDR/EJ/CCG/2/2, a volume of legal notes, opinions, forms and precedents chiefly compiled by Samuel Viner, 1780-1815.

Both this and the Dean and Chapter's Allertonshire peculiar were abolished following an order in council which took effect on 1 October 1846.

Dean and chapter of Durham's Allertonshire peculiar

Reference code: DDR/P/ALD

Biographical information: The Allerton and Allertonshire peculiar of the dean and chapter of Durham (before the Reformation, of the prior of Durham), took in the parishes and chapelries of Brompton, Deighton, High Worsall, Kirby Sigston, Northallerton, Romanby and West Rounton.

At certain periods (e.g. in the 19th century) the dean and chapter of Durham's Allertonshire peculiar seems to have been thought of as forming part of the officialty of the dean and chapter and was administered by the official of the officialty; at other times it was described as the Allertonshire peculiar and administered by a master keeper or commissary. In practice the official of the officialty may often have also acted as master keeper of the Allertonshire peculiar.

Within this peculiar the dean and chapter, through their master keeper or commissary, exercised powers of visitation and correction similar to those of an archdeacon; these parishes, however, were also subject to episcopal visitation of the diocese of York by the archbishop of York. The dean and chapter of Durham also exercised probate jurisdiction within this peculiar.

Both this and the Bishop of Durham's Allertonshire peculiar were abolished following an order in council which took effect on 1 October 1846.

Allertonshire probate records

Reference code: DDR/P/ALP

Biographical information: Most of the records produced through the exercise of the bishop and dean and chapter of Durham's probate jurisdictions in their Allertonshire peculiars up to the abolition of the peculiars in 1846 are now in the separately described collection of Durham Probate Records, which until 1858 formed part of the Durham Diocesan Records. The probate bonds in DDR/P/ALP/1 are strays from the main series of probate bonds in the Durham Probate Records. A few 15th-16th century probate records relating to the dean and chapter of Durham's Allertonshire peculiar survive among the separately described collection of Durham Cathedral Muniments. 1846-1858 probate records relating to the areas of the two Allertonshire peculiars are in the Borthwick Institute in York. In 1858 the legislation relating to the granting of probate etc changed. Details of post-1858 probate records from the Allertonshire peculiars should be sought from the York Probate Sub-Registry. Probate matters relating to the County Durham and Northumberland parishes of the officialty of the dean and chapter of Durham were dealt with under the bishop of Durham's normal probate jurisdiction up to 1858 and the ensuing records are in the main series of pre-1858 Durham Probate Records.

The odd Crayke probate items in this section of the records presumably ended up with the Allertonshire material because of the close geographical proximity of the two areas.

Allertonshire marriage licences

Reference code: DDR/P/ALM

Biographical information: The bishop of Durham had the right to grant marriage licences to those living in his Allertonshire peculiar up until the abolition of the peculiar in 1846. The marriage bonds and allegations submitted in application for such licences and chiefly dating from 1732-1830 (with gaps) are in DDR/P/ALM. This material has not yet been listed or indexed. The location of the 1831-1846 transcripts has not yet been established. Post-1846 marriage licence applications relating to the Allertonshire etc parishes should be among the York Diocesan Archives in the Borthwick Institute in York. Records relating to marriage licence applications from the diocese of Durham (as opposed to the bishop's Allertonshire peculiar) are in the separate section of the collection relating to records of episcopal jurisdiction etc under DDR/EJ/MLA; the class-level description of the latter group of material includes details of the types of records involved in such applications etc and related finding aids. Marriage licence applications from parishes etc in the County Durham and Northumberland sections of the officialty are in the main diocesan series in DDR/EJ/MLA. The dean and chapter of Durham did not have the right to grant marriage licence applications in their Allertonshire peculiar. Such applications from parishes etc in this peculiar went to the archbishop of York and should now be among the York Diocesan Archives in the Borthwick Institute in York.