NOTES AND QUERIES

THE DAYS BEFORE SOMERSET HOUSE

Roger Lee Brown

The records of baptisms, marriages and burials have been kept parochially ever since Thomas Cromwell’s injunctions of 1538, although few of these records have survived the ravages of time. In 1597 a constitution of the province of Canterbury, modified by the 1603 ecclesiastical canons, required that annual transcripts of the entries for each year in these parish registers be sent to the diocesan registry, so that duplicate copies were available. Various acts of Parliament in 1694-5, the marriage act of 1753, and Rose’s act of 1812 further enforced and standardised the keeping of parochial registers. But it was not until the general registration act of 1836, which introduced the civil registration of births and deaths and ordered that copies of all marriage entries should be sent eventually to the registrar general, that a national system of registration of births, marriages and deaths was established. This requirement has been of immense benefit to genealogists, and no doubt many have wished that this act of 1836 had been passed at a much earlier date. It may be of some interest to record, therefore, that at least one proposal was made in the 1690s to establish such a ‘general registry’.

This proposal was made by Nathaniel Whetham. Although the printed pamphlet relating to it is contained in the state papers domestic for 1698, the catalogue of these papers suggests an earlier date of 1692-4. Whetham made it clear that his proposals had been in general circulation and discussion for at least two years previous to this, and he had only printed them because others were making use of his ideas as their own.

His basic proposal was that a general register office should be established, and that this, and the resulting fees and duties to be charged by it, should form a means of increasing the crown revenue. One of the suggestions was that the fees should be graduated according to the social rank of the family concerned. The government of that day, anxious for additional forms of revenue ‘for carrying on the war against France with vigour’, appears to have accepted the broad principles of these proposals, namely that a tax should be placed on births, marriages and burials, and that this tax should be imposed upon a sliding-scale. An act of 1694 implemented these measures, although the idea of a registry office was not taken up. The Act provided a minimum tax for all those not in receipt of poor relief of two shillings for a birth, an additional sixpence for a marriage, and four shillings for a burial. Those in higher social positions paid correspondingly higher charges, an esquire paid five pounds upon his marriage and a duke fifty! A further act imposed stamp duties on licences and certificates of marriage.

There was widespread evasion of these requirements, so that the anticipated revenue never materialised. A further act of 1695 endeavoured to eliminate those centres of clandestine marriage in London, St James’
Duke's place, Holy Trinity Minories, and the Fleet prison, whose clergy had totally ignored the provisions of the previous Act. This had only limited success, and it did not prevent the widespread evasion of these duties by the clergy and the general public, in spite of the various fiscal and ecclesiastical penalties provided for non compliance.

The initial paragraph of Nathaniel Whetham’s proposals suggests that he considered himself partly responsible for the thinking that lay behind the legislation of 1694. As he went on to mention ‘the late Act’, which had failed to prevent ‘frauds and perjuries’, presumably the 1695 Act, it might be suggested *that he submitted his now printed proposals for the consideration of the government around that date. It appears that they were still being considered as late as 1698. The main suggestion of these proposals was that, in order to prevent the widespread evasion of these duties, a general register office should be established in London. He argued that this would make it easier to check whether the duties had been paid or not. In addition Whetham proposed that subordinate offices should be set up in every county in England and Wales. Churchwardens and parish clerks were to be required to make half-yearly returns to these county registrars of all the births, christenings, marriages and burials in their parishes, and these were to be transferred by the county registrar ‘in a book’ to the general registrar’s office, where ‘all persons may have recourse’.

Whetham argued that there were several reasons for having such a registry office. Such reasons as the loss of registers by fire or the death of their custodian, the expense and difficulty involved in searching for specific entries, and their ‘imbezelining’ by churchwardens or parish clerks, whose livelihood, it was claimed, depending in many cases on the income of a ‘small tilting house or ale house’, exposed them to ‘such mischiefs as several families have cause to lament’, (a reference possibly to the insertion of false entries and the removal of good ones) were all mentioned. The real reason probably lies, however, in the last of the arguments put forward by Whetham, and which had financial undertones. This was ‘the great detriment and loss that doth frequently accrue (from the uncertainties of such registers so unduly kept) in matters of law, and otherwise, whereby the end of so useful an injunction is wholly perverted.’

A list of ‘conveniences’ which would ‘arise ... from this office’ were also given. These included the discovery of ‘those that have two wives or more, and those who live together and are not lawfully married,’ the age of infants ‘who sell their lands and enter into bonds and assurances or debt during their minority’, while the place of settlement of paupers ‘and what parish ought to relieve them’ would be known. Proof would also be given of those who were ‘natural born subjects of this realm’, and ‘aliens and strangers’. The true significance of the proposals emerges in this ‘convenience’, that all frauds and perjuries ‘which are too frequent (and many whereof are at this day in question, notwithstanding the late Act made to prevent them) will be hereby avoided.’

In order to gain governmental support Whetham and his fellow proposers
made it clear that the office should not only be a general registry office, but it should also provide further financial resources for the crown. It was suggested that an income of between eighty and one hundred thousand pounds could be realised if a fee of sixpence were charged for the registration of birth, rising to two and sixpence for a man worth one hundred pounds, a tax of one or two pennies be imposed in the pound upon all who received a dowry or portion from their wives, and a death duty of the same amount in the pound based on the yearly value of the real estate of the deceased. This income was in addition to that obtained by the 1694 legislation.

A list of objections and their answers ended these proposals. The first answered the objection that the value of each man’s estate would be exposed by stating that this was already possible under the land tax acts. The second objection was that ‘this office of registry will prejudice the present registers of christenings, marriages etc. and all others depending on the registry, and who derive their profits from it, and seems to entrench on the jurisdiction of the prerogative courts, and those of the bishops’. This was answered in this way, ‘that it will in no wise intrench on the just jurisdictions of the said courts, nor injure the bishops common register, nor any person therein concerned; because the time of the birth, marriage and death, and who is heir, is only triable by common law, and not by the certificate of the ordinary; besides the ordinaries, parish clerks etc., shall be allowed their usual fees, notwithstanding this register.’

Although it appears that the government considered these proposals for some time, they were never implemented, possibly because the financial returns of the 1694 Act had been so desultory. Nevertheless Mr Whetham ought to be congratulated for sowing the seed of a successful idea.

NOTES

1. Nathaniel Whetham’s proposals are contained in a pamphlet at the PRO, SP/32/11 fol. 65.
2. 6 & 7 William III, c. 6.
3. 5 & 6 William and Mary, c. 21.
4. 7 & 8 William III, c. 35.

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