



BRO

The Berkshire Record Office
The Archives of the Royal County

The Berkshire Echo

April 2017

- Caroline Norton and the reform of child custody
- A private arrangement: Separate ways in Sunningdale
- A private arrangement: the pregnant maid
- Dubious paternity
- New to the Archives

WHAT'S ON

Capability Brown in Berkshire

26th April to 30th June 2017, during normal opening hours - Last year was the tercentenary of Lancelot 'Capability' Brown and the Berkshire Gardens Trust displayed a panel exhibition at Caversham Park. From April 26th, the BRO is providing another chance to see the exhibition as well as displaying archival material that relates to Brown in Berkshire. Available during our opening hours (Tuesday and Wednesday 9am to 5pm, Thursday 9am to 9pm and Friday 9am to 4.30pm). FREE admission. Why not come along and take a look?

People, Places and Religion in 1642

Monday 12th June 2017, time 10.30 to 12.30 - The protestation returns are the closest record to a census from 1642. In partnership with the Parliamentary Archives, the BRO is providing a workshop looking at the new Parliamentary Archives' online protestation returns map. There will be a demonstration of the resource together with a look at related material held at the BRO. This unique workshop is FREE and there are 10 places available. Booking is essential. Please see our contact details at the end of the newsletter.

From the Editor

Welcome to the 79th edition of the Berkshire Echo. It's all about divorce, the resulting custody battles and illegitimacy in order to commemorate 30 years since the Family Law Reform Act was introduced in 1987. Such aspects of human life are not just a modern phenomenon, they actually go back a long way in history.

In 'Dubious paternity' we discover how Anna Mason's husband refused to support her following the breakdown of their marriage. Similarly there is the story of Caroline Norton who suffered domestic abuse at the hands of her husband, but despite this he automatically got custody of the children and had the legal right to deny access to her. In spite of what happened to her, Caroline campaigned for change which resulted in the passing of the Custody of Infants Act in 1857.

Illegitimacy was an area that was frowned upon by the church on religious grounds, but also because of the burden on the parish of supporting an unmarried mother and her child. Early forms of maintenance agreements and/or accusations of paternity can sometimes be found in

historic records as we see in 'A Private Arrangement: the pregnant maid'. A servant girl who was impregnated by her employer had an arrangement made whereby he would take their child and educate him until he was 16. This couldn't have been easy for her as a mother, but then again at least her son would have been cared for and possibly more importantly for the 1880s, educated, thus improving his chances in life.

We hope you enjoy reading this edition of the Echo. We've made a change to the 'Dates for your Diary' section calling it 'What's On' instead. Finally we would like to share our good news that the Berkshire Record Office is now an Accredited Archive Service. Accreditation defines good practice and agreed standards for archive services across the UK and is led by the National Archives (TNA). The BRO is very proud to be accredited following months of hard work as well as an inspection by the TNA. We would like to thank all of our staff for helping us to achieve this.

Ivone Turnbull
Senior Archivist



ACCREDITED
ARCHIVE SERVICE

The Berkshire Echo April 2017
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...that when Sir Solomon Dash had the path for the space of nine years and was de-
 served as Justice to Mr. William Blake, gave on a number of the parish church of
 D. m. f. d. of the said parish, and had taken a great pain in the discharge of his ministerial office
 and duty to the great content of his parishioners, and, by doing his duty, he had been
 according to his doctrine, had done much good in his place, and when he had been
 reproved by some of his friends to take a better sort of government, for the love and affection
 he bore to his said parishioners, he refused the same, and at our request continued,
 although he had but small maintenance, and therefore humbly desire your
 Lordship's honor to refer the said Solomon Dash to be our minister, when the
 place shall be vacant, and we shall daily pray for your honor's good
 long to continue.

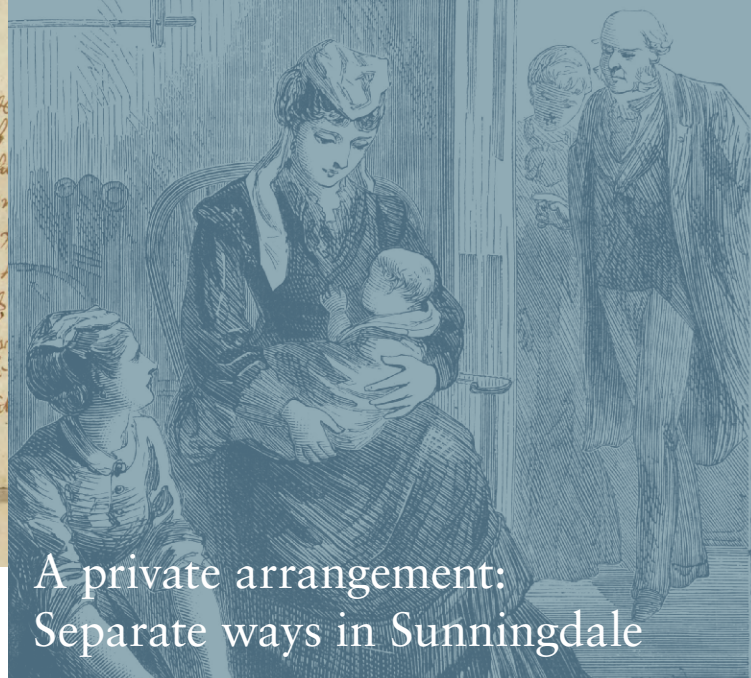
Caroline Norton and the reform of child custody

When a couple separated, the father had automatic control over the children of the marriage. No matter how bad his behaviour had been, he had the legal right to deny custody or any access to their mother. The case which shocked Victorian England, and ultimately led to the change in the law, involved Caroline Norton (1808-1877), wife of a wealthy landowner, who was the victim of domestic violence. Glamorous, witty and intelligent, she had many highly placed sympathisers, and her campaigning led to the passing of the Custody of Infants Act 1839, the Matrimonial Causes Act 1857 and the Married Women's Property Act 1870, all of which improved the legal position of other women.

Although she had no real Berkshire connections herself, BRO holds a small collection of letters from her to Lord Clarendon, one of her many influential friends, written in the 1850s (N/D140/1). By this date Caroline was living abroad, in France and Italy, having been reunited with the two sons her brutish former husband had kept from her during their childhood. The memories of that time remained with her, and one of the letters described the occasion on which her husband had attempted to strangle her for daring to criticise his heavy smoking.

Marriage and illegitimacy in the middle ages

Until the Marriage Act of 1753, legal weddings could take place anywhere, and technically did not even require the presence of a priest – declaration of vows before witnesses, followed by consummation, were sufficient. This could sometimes cause problems years later, when the witnesses had died, especially if one party changed their mind and wanted to hush up the wedding – perhaps to marry a richer partner. Illegitimacy was a massive stigma in the Middle Ages, so if doubt was cast on the validity of a marriage, there would be significant implications for the children. Not



A private arrangement: Separate ways in Sunningdale

When divorce was so hard to come by, unhappily married couples wishing to formalise their separation sometimes entered into a private legal agreement. A rare example can be seen at BRO. In 1922 Catharine Elizabeth Heywood and her businessman husband Frank, who had divided their time between London and their country home, Shrubbs Hill Place, Sunningdale, split up. It isn't quite clear who left whom, but as Catharine and the couple's daughters Ursula and Nancy were allowed to stay in the family home with all its contents, it seems likely that the breakup was Frank's fault. He agreed to pay Catharine alimony of £2,500 a year – quite a substantial sum for the period. Frank undertook to pay for any exterior maintenance the house needed, while Catharine would be responsible for the interior. When Frank died in 1924, the arrangement was revisited, and the executors of Frank's will (who included the couple's adult son Colin) reduced the annual payment to £1,700. They also handed over full ownership of Shrubbs Hill Place and all its contents (valued at £6,000). *Source: D/EX1418/1-3*

only would they not be entitled to any inheritance, it was not normally permitted for 'bastards' to become priests or become knights. An example can be seen in the Reading Abbey formulary book of the 1330s (D/EZ176/1), which relates to Roger Mortimer, probably a member of the aristocratic family of that name. His son John had to go to the church courts to prove that his father had lawfully married his mother Juliana, and thus allow him to receive his inheritance.

Left: (D/P181/28/1), right: (D/P150/28A/9)



Dubious paternity

Sometimes, a man might doubt whether he really was the father of his wife's child. A fascinating case heard at Berkshire Archdeaconry Court in 1798 provides a glimpse into a marriage gone wrong. In the autumn of 1794, Francis Kirby of Winterbrook House in Cholsey, a wealthy gentleman whose first wife had died, fell in love with Anna Mason, headmistress of a small boarding school at Ewelme in Oxfordshire. They were married by licence on 27 December, but the marriage soon fell apart amid accusations of adultery. Anna returned to Ewelme, where her daughter was born on 23 April 1796 and baptised Frances Etherington Kirby, firmly claiming her to be her husband's child. Having sent Francis a letter stating her decision to return home, Anna and the baby travelled to Winterbrook House, where she found the doors barred against her.

Francis allegedly told her 'That she should not come in there, and ... (as it rained very hard) it was in vain for her to get out of the carriage for that she should never have admission to his house until the law compelled him to consent to it.' The curate of Ewelme, who had married the couple and baptised the baby, was definitely on Anna's side, and tried to persuade her husband to take her back. He wrote to the court declaring her 'a very injured woman by his treatment, though her reputation has not actually suffered in the estimation of anyone who knows her. His character, on the other hand, I am inclined to think in general much otherwise, and that it is only from a connection that he has formed of an illicit kind that he has been induced to raise criminations which he never can justify, the grounds of which he has been obliged to vary as circumstances have arisen to confute him.'

Francis claimed that the breakdown in the marriage was the result of 'a contrarity in their dispositions respecting the keeping of company, this Respondent being averse to

keeping much company and his wife partial to visiting'. They had stopped sleeping together a few months after their marriage, and by the summer of 1795 had agreed between themselves that they should enter into a formal deed of separation. However, Anna refused to go through with it unless Francis made financial provision for the little girl, which he was unwilling to do, 'being confident that the child is not his'. He described Anna as 'a person of a lewd and vicious disposition', who had frequently enjoyed private tete a tetes with male callers while her husband was away from home, sometimes in her bedchamber. She allegedly told the servants that she was very unhappy with Francis, and 'was certain she should never have a child by him for that he was not able to beget one; that if there was a married couple and the husband could not get a child she should not think there was any sin in having one by another man'. The case dragged on for years, but we do not know what the final resolution was as it was referred on to the Bishop's Consistory Court in Salisbury in 1799. *Source: D/A2/B5A, ff. 57-89*



A private arrangement: the pregnant maid

In 1886 the inappropriately named Prudence Whichelloe of Wallingford, a domestic servant, had made the mistake of sleeping with her employer, butcher Evan Steel. The baby resulting from this liaison was born on 19 August 1887, and Steel agreed to pay for his maintenance. He undertook to give Prudence £1 for every four weeks while the child was in her care. When she thought the little boy was old enough to leave her, Steel would take the child and provide a home for him, and maintain, clothe and educate him until the age of 16. Prudence was to be kept fully informed of the child's

address and have access to him, and had the right to remove him if she believed he was not well cared for, in which case the maintenance payment would be resumed. Steel also agreed to pay Prudence 2s. per week while the child was out of her care for up to five years if she was not able to find another job, unless she either married or had another child by another father. This is a very rare surviving example of a kind of agreement which probably existed more often than we are aware of. *Source: D/EX1871/26/25*



New to the Archives

Church of England

Recently deposited records from Binfield include a petition of the residents for Solomon Nash, who had been curate there for the past nine years, to be given the living when it should fall vacant, c. 1671-2 (D/P18/28/1). The popular Mr Nash did indeed become the rector in 1675, and remained there until he died 30 years later. We have also finalised the catalogue for the Community of St John Baptist and Clewer House of Mercy, 1834-2012 (D/EX1675), a wonderful collection of national interest which we spotlighted in the January issue.

Methodism

We are constantly receiving additions to the records of Methodist churches and circuits. Most of this material is modern (post World War II, and much of it post-millennium), but will be of considerable interest to researchers in the future. From an earlier period we have received the inventory for the Wesleyan manse in Windsor, 1881 (D/MC14); and a 1904 preaching plan for the Newbury Wesleyan Methodist Circuit (D/MC7).

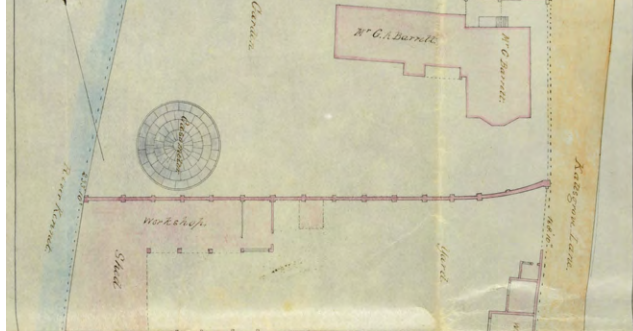
Deeds

We are grateful to the Wokingham Society for their help in purchasing some medieval deeds for property in Wokingham, 1417-1539 (D/EZ189). A small collection of deeds of clients of Messrs Hedges & Son, 1708-1951, includes property in Abingdon, Brightwell-cum-Sotwell, Cholsey, South Moreton, Tilehurst and Wallingford (D/EX2532). Continuing work on the Reading Borough deposited collections has led to the completion of catalogues for deeds of several properties in Earley and Reading (R/D1 and 68), including Reading Iron Works in Katesgrove Lane, 1849-1888 (R/D68/2/1).

We have also listed deeds for Hilliard's Brewery, Wallingford, 1825-1890 (D/EX2527); Wootton Farm, 1706-1871 (D/EX2367); and for various properties in Caversham, 1640, and Shrivenham, 1529-1669 (D/EX2540); Chieveley, 1689-1902 (D/EX2537); Clewer, 1810-1965 (D/EX2530); Greenham and Sandford, 1946-1968 (D/EX2577); East and West Hendred, 1659 (D/EX2512); Letcombe Bassett, 1656-1834 (D/EX2539); Newbury, 1814, and Wallingford, 1841-1867

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(D/EX2231); London Street, Reading (D/EX2578); Speen, 1896 (D/EX2578); and Winkfield, 1675-1757 (including Foliejon Park, 1706-1733) (D/EX192).

Other property records

We have acquired sale catalogues or particulars for the Newlands Estate, and a house in Brimpton (D/EX2517); and property in Ascot, Lambourn and Sunningdale (D/EX2521). These are all from the second half of the 20th century, but there is also the plan only from a sale catalogue of land situated on either side of the Ridgeway, Wantage, 1874. We have also received a plan of alterations to the Foudry bridge at Reading Sewage Works, 1882 (D/EX2566); and a rate book for Winkfield, 1913-1914 (D/EX2534).

Family papers

An existing small collection of papers of the Caudwell family has been added to with a memorandum book relating to farms in Blewbury and West Hagbourne, and a household and agricultural recipe book, both c.1882-1900 (D/EX215). We have also listed some papers relating to the Macnab, Brinckman and Broadhead families of Windsor and Yorkshire (D/EX327).

Opening Hours

Tues 9-5, Weds 9-5, Thurs 9-9, Fri 9-4.30.
Closed Mondays, Weekends and Bank Holidays.
Please contact us for further details.

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