

Using Title Deeds for Family History

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Title deeds of land and property can often be a useful source for family history as many of them pre-date civil registration in 1837. Title deeds can be short at just one page or they can be several pages long. Some land transactions can be very complicated especially if the land is held in trust or has been mortgaged.

Common Types of Title Deed and Ways of Conveying Property

FEOFFMENT – Feoffments originated in the 11th Century. When land was sold a piece of turf was physically passed from vendor to purchaser. This was called “livery of seisin” and was the actual transaction for transfer of property. No written evidence was needed, but conveyances were normally written down as evidence of the transaction. This written deed is called a feoffment or deed of gift.

LEASE – A lease is where a person pays a rent or fine for use of a property for a limited amount of time, but the property is still owned by the lessor. A lease can be for any period of time from a couple of months, 1000 years or for lives.

BARGAIN AND SALE – Before the 16th Century land could be conveyed to other parties but the uses (e.g. the ability to grant or sell land or the profits) were retained by the vendor. In 1536 the Statute of Uses was passed and a deed called a bargain and sale developed. This ensured that the bargainee or purchaser to whom the use of estate was being transferred became the legal owner of the estate. In 1535 the Statute of Enrolment required all bargains and sales to be enrolled at the Royal Courts, making sure the conveyance was not secret.

LEASE AND RELEASE – From the 17th Century a lease and release was developed as a way to convey property secretly without enrolling it in the Courts. A lease was drawn up for a year with a nominal rent. This transferred the uses to the purchaser. The following day a release was drawn up and on payment of money the purchaser gained full ownership of the property. This was a very popular method of conveyance as all transactions were secret.

FINAL CONCORD – A fine of final concord developed in the 12th Century, when conveyances did not need to be recorded. It involved a fictitious court case where the purchaser claimed an agreement had been made to sell the land to them but it had not happened. A final agreement was drawn up by the Courts between the two parties (a final concord) and was recorded in the Court records. There were 3 copies of the fine one each for the purchaser, vendor and Court.

MORTGAGE – In a mortgage an owner of property borrows money using the property as security for repayment. The mortgagee retains ownership of the property unless they never pay back the mortgage. Mortgages can be very complicated especially as they can be assigned from one mortgagor to another.

MARRIAGE AND TRUST SETTLEMENTS - Land and property could also be conveyed as part of marriage and trust settlements. These documents are often very large and complicated as the property was passed to care of trustees not to an individual.

WILLS – In 1540 the Statute of Wills allowed property to be left by will.

Reading Title Deeds

Title deeds themselves can be hard to read, but most deeds tend to follow a set pattern depending on the type of deed. If you look for certain words in bold writing they can be a lot easier to read. Look for the following words in the title deed for land in Greasbrough between Joseph Badger and Amos Firth (63-B/3/A/48). This wording is fairly typically for deeds in the 18th and 19th Century. The wording and format of earlier deeds is different but still followed a set pattern.

THIS INDENTURE (*legal name – The Premises*) – sets out the date

BETWEEN (*legal name – The Premises*) – gives a list of the parties of the transaction. For each party in a title deed, the town in which they were living and occupation are given. Joseph Badger is living in Rotherham and is a gentleman and Amos Firth is living in Greasbrough and is a pattern maker.

WHEREAS or **AND WHEREAS** – does not appear in every deed, but gives details of what has happened to the land in previous title deeds especially if the land is held in trust or it has been inherited. The deed shows us that Joseph Badger is a trustee for the land which was owned by Benjamin Badger (Benjamin's date of marriage and death are also recorded in the deed).

NOW THIS INDENTURE WITNESSETH or **WITNESSETH** (*legal name – The Testatum*) – is where details about the current transaction begin. This is where you can find details about the price of the land and property (called a 'consideration') and the type of conveyance. In this deed the consideration is £70.

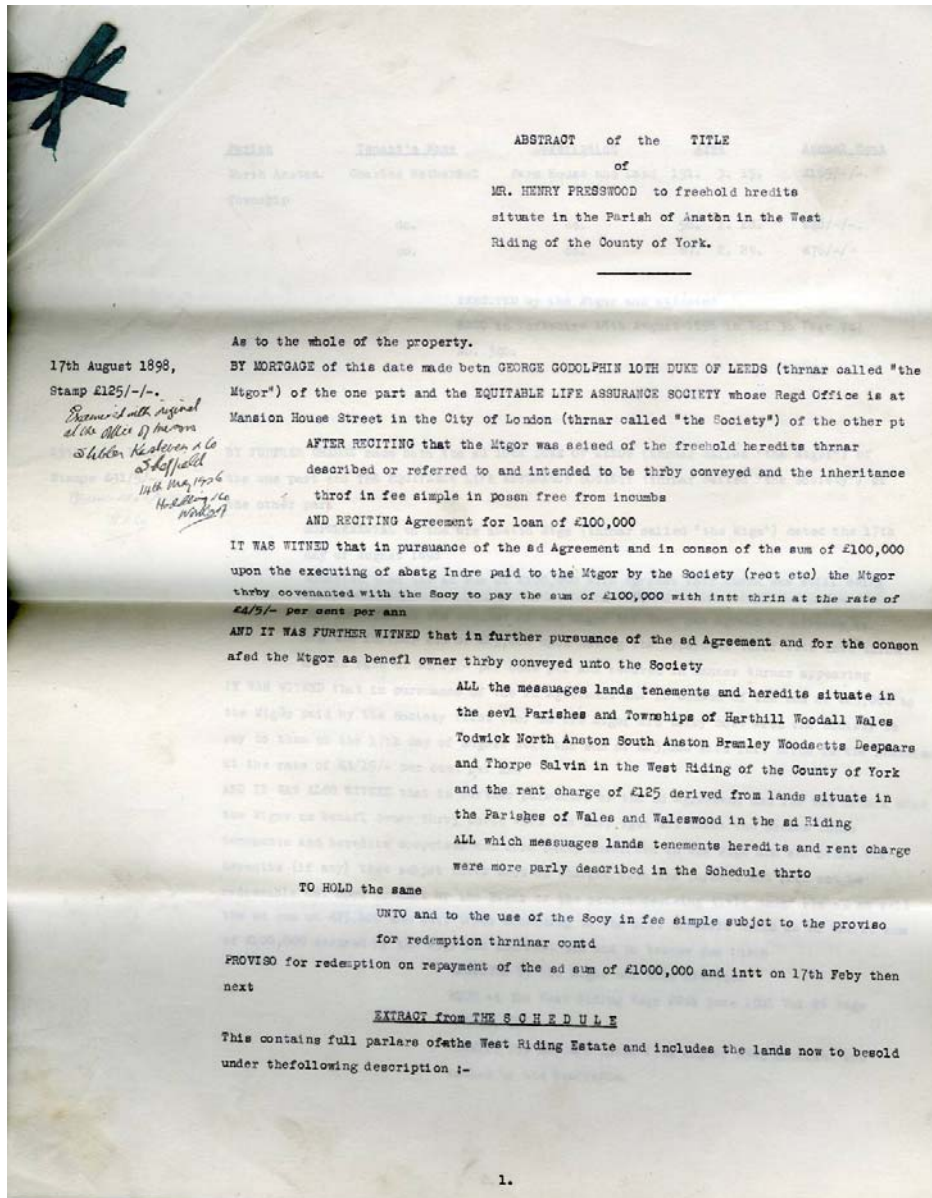
ALL (*legal name – The Testatum*) – This is where the details about the land and property are given including details on the size of the land, types of buildings and land and what the land is bounded by on all sides. Often a plan is drawn on the title deeds making it easier to identify where the land is now. The plan on the Greasbrough deed shows us exactly where the land was, which may not have been clear from the description.

TO HAVE AND TO HOLD (*legal name – The Habendum*) – comes after the description of the property and confirms what has been written in the deed. After this comes any conditions that there may have been on the property.

IN WITNESS (*legal name – The Testimonium*) – gives the names of the witnesses to the transaction

Abstracts of Title

Abstracts of title were often made just before land or property was sold. An abstract of title is a calendar of extracts from title deeds and wills that prove a person's title to a piece of land or property.



63-B/3/A/1 Abstract of Title to land and house in Anston, 1926

When deeds are catalogued they are often calendared, this means some or all of the relevant information has been put into a clear and concise form. The examples below show the type of deed, date, parties and property, but calendars of deeds can also include consideration and conditions on the property. The set of deeds below is for the Angel Inn on Bridgegate (**63-B/3/B/12**). It shows that property can be split between family members and also that you can trace family members through deeds as the property gets inherited.

1. Lease and Release, 17 and 18 Jul 1758

- (1) James Midwood of Huddersfield, Yeoman
- (2) Benjamin Drabble of Masbrough, Yeoman and Richard Whitehead of Stirrup, Yeoman

Property: (1) to (2) Bull Inn in Briggate and messuage next to the Bull Inn with gardens, kilnhouses and malt rooms

2. Mortgage, 10 Jul 1783

- (1) Richard Drabble of Masbrough, Maltster
- (2) William Charlton and George Barlow of Rotherham

Property: Messuage in Masbrough with malthouse and windmill and half the Angel Inn in Bridgegate (Which had been left to Richard Drabble by his father Benjamin Drabble)

3. Will of Richard Whitehead of Tickhill, 29 Dec 1785.

Richard leaves property in Masbrough to his two nephews Richard Drabwell [Drabble] and Joseph Drabwell [Drabble] including half the Angel Inn to Joseph.

4. Lease and Release, 1 Feb 1786

- (1) The assignees of Richard Drabble, a bankrupt
- (2) Thomas Brownell of Rotherham

Property: (1) to (2) Half of the Angel Inn, Bridgegate

5. Lease and Release, 9 and 10 August 1790

- (1) Joseph Drabwell or Drabble of Doncaster, Miller
- (2) John Jackson of Rotherham, Innholder

Property: (1) to (2) Half of the Angel Inn, Bridgegate

6. Lease and Release, 1793

- (1) John Jackson of Rotherham, Innkeeper
- (2) Foljambe (who gained half of the property from Thomas Brownell)
- (3) Andrew Raynes of Sheffield, Surgeon and Apothecary

Property: (1) and (2) to (3) Angel Inn, Bridgegate

7. Lease and Release, 1 and 2 Jan 1794

- (1) Rev Edward Robert Raynes of Lewes, Sussex, Nephew and heir of Andrew Raynes
- (2) John Needham of Bolton Upon Dearne

Property: (1) to (2) Angel Inn, Bridgegate

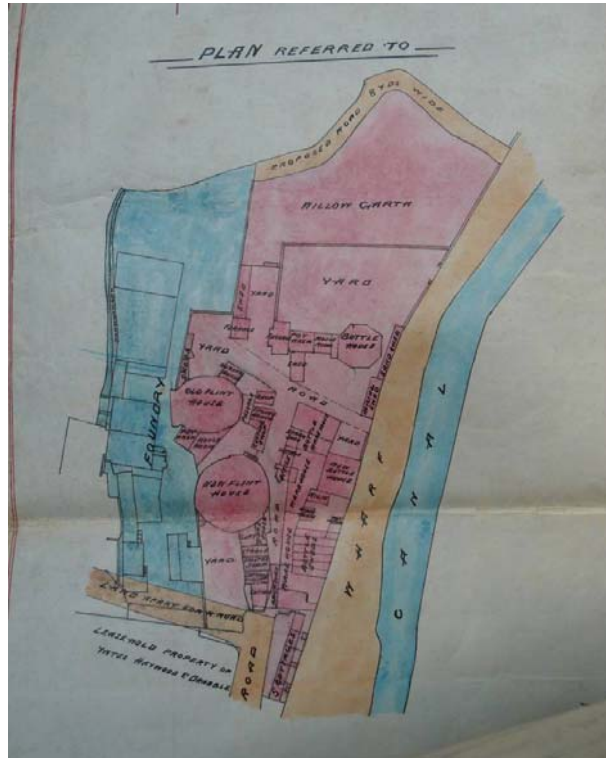
8. Lease and Release, 14 October 1805

- (1) Stephen Needham of Wickersley, Wheelwright, nephew and heir of John Needham
- (2) Aaron Rogers of Blyth, Innkeeper

Property: (1) to (2) Angel Inn, Bridgegate

Plans in Title Deeds

Often title deeds will include a plan to show where property was situated and sometimes the layout of buildings. This plan is from a deed conveying Beatson Clark Glass Works and includes the names of each individual building.



307-B/8/A/4 Underlease of Rotherham Glass Works, 1866

We hold many archive collections that contain title deeds. Some of the largest include 63-B Parker Rhodes (Deeds from Rotherham Borough and the whole of South Yorkshire), 213-C Corporation Deeds, 404-B Bridge Sanderson and Munro and 415-B British Telecom (Deeds of Wellgate, Rotherham).

Information you can find about ancestors in Title Deeds
Name (many deeds pre-date the census 1841 and civil registration 1837)
Address
Occupation
Relatives (when property is inherited or in a marriage or trust settlement)
Property owned or leased
Plan of property