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## Notes and Documents

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### The Records of the English Chancery Court Revisited: A New Search Paradigm

By Ronald A. Hill, PhD, CG Emeritus, FASG, FNGS

*Accessing Chancery Court records in England has become easier. The National Archives has indexed nearly all Chancery classes housed in Kew, England. Many original Chancery proceedings calendars have been digitized and are online.*

Since the publication of “English Genealogical Research: Using Chancery Court Proceedings,” The National Archives (TNA) in Kew, Surrey, England, has made huge strides in indexing nearly all the Chancery classes stored in its archives.<sup>1</sup> A number of original calendars of Chancery proceedings that the Public Record Office (PRO, now TNA) published in the series *Lists and Indexes* are now digitized and online. The ease of searching the new TNA indexes and online calendars makes Chancery Court records easily accessible for those pursuing English genealogical research.

#### A REVIEW OF THE COURT OF CHANCERY

In English law Chancery is the court of the Lord Chancellor of England.<sup>2</sup> It was one of several courts in which fifteenth- through nineteenth-century English litigants could plead their grievances. The court comprised two tribunals—a court of Common Law and a court of Equity.<sup>3</sup> The Chancery court’s jurisdiction was

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©Ronald A. Hill, PhD, CG Emeritus, FASG, FNGS; 5618 N. Star Ridge Way; Star, ID 83669-5334; chagbiz@gmail.com. Dr. Hill is a retired physicist, former president of the New Mexico Genealogical Society, and past trustee of the Board for Certification of Genealogists. He is a member of the *NGS Quarterly* editorial board and an award-winning author. Cited websites were accessed 29 July 2020.

1. Ronald A. Hill, “English Genealogical Research: Using Chancery Court Proceedings,” *National Genealogical Society Quarterly* 91 (June 2003): 111–38.

2. “Chancery equity suits 1558–1875,” *The National Archives* (<https://www.nationalarchives.gov.uk/help-with-your-research/research-guides/chancery-equity-suits-after-1558/>), item 2. For an overview, Henry Horwitz, *Chancery Equity Records and Proceedings, 1600–1800: A Guide to Documents in the Public Record Office*, Public Record Office Handbook, no. 27 (London: H. M. Stationery Office, 1995).

3. “Chancery Division,” online article, updated 19 October 2018, *Encyclopædia Britannica* (<https://www.britannica.com/topic/Chancery-Division>). Currently called the Chancery Division, until 1873 it was known as the Court of Chancery in England and Wales.

founded on the presumed superiority of conscience and equity over the strict law. King James I said, “Where the rigour of the law in many cases will undo a subject, then the Chancery tempers the law with equity, and so mixes mercy with justice as it preserves a man from destruction.”<sup>4</sup> Chancery had exclusive jurisdiction when a plaintiff could not obtain relief with the common law. Examples are wills, trusts, and the rights of married women and infants. Chancery also had concurrent jurisdiction when common law did not give adequate relief, as in cases of fraud, accident, mistake, and contract noncompliance. The legal documents in Chancery cases often contain precise genealogical information. Following are suggested research strategies for documents in TNA’s Chancery proceedings.

## CHANCERY COURT RECORDS

### *Proceedings*

Documents arising from the court’s procedures are called *Proceedings*. They include pleadings, or statements, by parties to the case:

- *Bill of complaint*: This is the first and most important document where the plaintiff published a grievance.<sup>5</sup> The plaintiff’s name, address, and occupation preface the bill, which details the grievance. It ends by requesting a subpoena directing the defendant(s), by name, to answer the accusation.
- *Answer*: Generally, but not always, the defendant’s answer follows. It usually charges insufficiency or inaccuracy in the complaint, denies the allegations, and requests dismissal. Almost a quarter of the cases have no answer, having been settled out of court.<sup>6</sup>
- *Demurrer*: Instead of an answer, the defendant could submit a demurrer, taking exception to the complaint. The plaintiff might consider the demurrer insufficient and demand a full answer.<sup>7</sup>
- *Replication*: The plaintiff’s reply, usually disagreeing with the defendant’s answer.<sup>8</sup>
- *Rejoinder*: The defendant’s response to the plaintiff’s replication.<sup>9</sup>

4. *Encyclopedia Britannica*, 11th ed., 29 vols. (Cambridge, England: University Press, 1910), 29:835–37, “Chancery”; images, *Internet Archive* (<https://archive.org/details/encyclopaediabrit05chisrich/>). Women as well as men filed suit.

5. Susan T. Moore, *Tracing Your Ancestors Through the Equity Courts: A Guide for Family and Local Historians* (Barnsley, South Yorkshire: Pen & Sword Family History, 2017), 197. “The document which opens the case brought by the plaintiff.”

6. Horwitz, *Chancery Equity Records and Proceedings, 1600–1800*, 24. Moore, *Tracing Your Ancestors Through the Equity Courts*, 197. “Response by defendant to the Bill of Complaint, under oath.”

7. Henry Campbell Black, *A Dictionary of Law, Containing Definitions of the Terms and Phrases of American and English Jurisprudence, Ancient and Modern* (St. Paul, Minn.: West Publishing, 1891), 353. “The formal mode of disputing the sufficiency in law of pleading of the other side. In effect it is an allegation that, even if the facts as stated in the pleading to which objection is taken be true, yet their legal consequences are not such as to put the demurring party to the necessity of answering them or proceeding further with the cause.”

8. *Ibid.*, 1024.

9. *Ibid.*, 1015.



*Evidence*

- *Interrogatories*: If opposing counsels came to no agreement, both parties drew up interrogatories—questions to be asked of witnesses out of court.<sup>10</sup>
- *Depositions*: Local commissioners used the interrogatories to depose witnesses and record their sworn statements.<sup>11</sup> Depositions give the deponents' names, addresses, ages, professions, and answers.
- *Country depositions*: These are formal statements recorded outside London.
- *Town depositions*: These are statements generally recorded by London residents.

*Chancery Decrees and Orders*

Court orders and final judgments were recorded in entry books of decrees and orders. If the case did not proceed, that is, it was settled out of court, no orders were recorded.

## FINDING AND USING CHANCERY RECORDS

Separate Chancery case files do not exist. Documents pertaining to the same Chancery case were separated, sorted into different bundles, and filed by archival class. Chancery proceedings are cataloged with the letter C and sorted by TNA-assigned class numbers. See figure 1.

Figure 1

**Classes of Chancery Court Proceedings**

C1	Early Chancery Proceedings, 9 Richard II to Philip and Mary (1385–1558)
C2/Eliz	Chancery Proceedings, Series I, Elizabeth I (1558–1603)
C2/Jas	Chancery Proceedings, Series I, James I (1603–1625)
C2/Chas	Chancery Proceedings, Series I, Charles I (1625–1649)
C3	Chancery Proceedings, Series II (1558–1660)
C4	Chancery Proceedings, Six Clerks Office (1272–1790)
C5	Chancery Proceedings, Six Clerks Series, Bridges Division (1613–1714)
C6	Chancery Proceedings, Six Clerks Series, Collins Division (1625–1714)
C7	Chancery Proceedings, Six Clerks Series, Hamilton Division (1620–1714)
C8	Chancery Proceedings, Six Clerks Series, Mitford Division (1570–1714)
C9	Chancery Proceedings, Six Clerks Series, Reynardson Division (1643–1714)
C10	Chancery Proceedings, Six Clerks Series, Whittington Division (1640–1721)
C11	Chancery Proceedings, Six Clerks Series, various divisions (1700–1758)
C12	Chancery Proceedings, Six Clerks Series, various divisions (1681–1800)
C13	Chancery Proceedings, Six Clerks Series, various divisions (1797–1842)
C14	Chancery Proceedings, Clerks of Records and Writs Office (1842–1852)
C15	Chancery Proceedings, Clerks of Records and Writs Office (1853–1860)
C16	Chancery Proceedings, Clerks of Records and Writs Office (1861–1875)

10. Moore, *Tracing Your Ancestors Through the Equity Courts*, 197.

11. *Ibid.*, “Answer to list of questions set by the plaintiff or the defendant.”

Overlapping dates for bundles in class C2 (the Regnal Series), C3, C4, and classes C5–C10 (the Six Clerks Series) indicate documents for a particular Chancery proceeding can be distributed over different classes. Because the bill of complaint, answer, rejoinders, and replications, if any, for a particular proceeding are usually in diverse classes, the search is difficult. In a few cases the complaint and answer may be filed together.

In the past fifteen years the published and manuscript calendars to Chancery proceedings for classes C1, C2/Eliz, C2/Jas, C3–C5, C7–C8, and C10–C11 have been entered into TNA's database. They are indexed by plaintiff, defendant, and in numerous examples, by other mentioned names. This database is easily searched using TNA's Discovery search engine.<sup>12</sup> A name and surname search will return an abstract with full names of plaintiffs and defendants, county, and a short suit description. The abstract information is identical to that included in the original published and manuscript calendars.

The search engine, however, will return proceedings only for names and surnames that exactly match the names as they appear in the documents. For surname variants, search the published, microfilmed, or digitized manuscript calendars. Most are online and are discussed below for each Chancery class. The special case of classes for C2/Chas, C6, C9, C12, and C13 are also discussed.

#### *Class C1 (1385–1558): 1,522 Bundles*

This class encompasses the earliest proceedings from 9 Richard II to Philip and Mary (1385–1558).

- Class C1 is indexed by plaintiff, defendant, and other names in TNA's database.<sup>13</sup>
- Published calendars: *Lists and Indexes*, originally published by the PRO were reprinted in ten volumes and include numbers 12, 16, 20, 29, 38, 48, 50, 51, 54, and 55.<sup>14</sup> The published calendars are alphabetical by the surname of the first plaintiff only.
- Images of the original pleadings C1/1–C1/802, are online through the University of Houston Law Center.<sup>15</sup> Images of C2–C16 class pleadings are not online.<sup>16</sup>

#### *Class C2 (Series I, Eliz: 1558–1603; Jas: 1603–1625; Chas: 1625–1649): 2,240 Bundles*

Called the Regnal Series, this class begins with the reign of Elizabeth I in 1558.

12. "Explore the catalogue," *The National Archives* (<https://discovery.nationalarchives.gov.uk/>).

13. "Chancery equity suits 1558–1875," *The National Archives*.

14. *List of Early Chancery Proceedings Preserved in the Public Record Office*, 10 vols. (New York: Kraus Reprint Corporation, 1901–36); images, *Internet Archive* (<https://archive.org/search.php?query=%22early%20chancery%20proceedings%20preserved%22>), search metadata for "early chancery proceedings preserved."

15. "Chancery Proceedings," *University of Houston O'Quinn Law Library* (<http://aalt.law.uh.edu/chanpro.html>). C1/1 to C1/802 are currently available online. Digitization of later C1 proceedings for the years 1538–58 is ongoing.

16. The pleadings in class C1 are roughly 12×18 inches, many are smaller. Pleadings in the classes C2–C16 are often 30×30 inches and much larger, making digitization difficult and costly.



## C2/Eliz (1558–1603)

- Class C2/Eliz is indexed by plaintiff, defendant, and other names in TNA's database.
- Published calendars: *Calendars of the Proceedings in Chancery in the Reign of Queen Elizabeth*, in three volumes, published by Eyre and Strahan in 1827–32 are online.<sup>17</sup> The three volumes are arranged in alphabetical sections by the first letter of the surname of the first plaintiff (volume 1, A–H; volume 2, H–R; and volume 3, S–Z). Within each letter section, the order is by regnal year, then by the first letter of the first plaintiff's surname. Each volume also has separate indexes of names and places.

## C2/Jas (1603–1625)

- Class C2/Jas is indexed by plaintiff, defendant, and other names in TNA's database.
- Published calendar: *Lists and Indexes*, originally published by the PRO, no. 47, letters A–K only, alphabetical by the first plaintiff's name; online.<sup>18</sup>
- FamilySearch has digitized original manuscript calendars for letters L–T and letters T–Z.<sup>19</sup>

## C2/Chas (1625–1649)

- Calendars for class C2/Chas are online in Discovery, by surnames of the plaintiffs and defendants. Counties and dates are not listed.<sup>20</sup>
- Published calendars: Originally published by the British Record Society (BRS), the calendars are online. They contain only the surnames of the plaintiffs and defendants. Counties and dates are not listed.<sup>21</sup>

17. *Calendars in the Proceedings in Chancery of the Reign of Queen Elizabeth . . . From the Originals in the Tower*, 3 vols. (London, England: Eyre and Strahan, 1827–32). Digital images of the volumes are available. For volume 1, see *GoogleBooks* (<https://books.google.com/books?id=ppEAAAACAAJ>); for volume 2, *GoogleBooks* (<https://books.google.com/books?id=ByVDAAAAACAAJ>); and for volume 3, *GoogleBooks* (<https://books.google.com/books?id=vXpEAAAACAAJ>).

18. *Index of Chancery Proceedings (Series I), Preserved in the Public Record Office, James I, A–K*, vol. 1 (London: His Majesty's Stationery Office, 1922); digital image, *HathiTrust* (<https://babel.hathitrust.org/cgi/pt?id=coo1.ark:/13960/t9v12m87j&view=1up&seq=5>).

19. "Chancery Proceedings, James I," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/556604>).

20. "Explore the catalogue," *The National Archives*. Amanda Bevan, England, [(E-ADDRESS FOR PRIVATE USE),] to author, email, 11 July 2017; Dr. Amanda Bevan, Principal Records Specialist, Legal Records, TNA, emailed that Chancery proceedings in C2/Chas I will not be fully cataloged in our lifetime. Apparently there are no funds to "start from scratch." There are 1361 bundles each containing on average seventy proceedings, with over 95,000 suits to catalog, a massive and expensive undertaking. In addition, Dr. Bevan wrote that bundles 420–610 in C6 (Collins Division) and bundles 45–490 in C9 (Reynardson Division) face the same fate.

21. "A calendar of chancery proceedings. Bills and answers filed in the reign of King Charles the First," database and digital images, *Ancestry* (<https://www.ancestry.com/search/collections/28535/>). For digital images, see "A calendar of Chancery proceedings. Bills and answers filed in the reign of King Charles the First," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/213446>).

*Class C3 (Series II, 1558–1660, Eliz I to the Commonwealth): 485 Bundles*

- Class C3, a continuation of class C1, is indexed by plaintiff, defendant, and others in TNA's database.
- Published calendars: *Lists and Indexes*, originally published by the PRO are online.<sup>22</sup>

*Class C4 (Six Clerks Office, 1272–1790): 173 Bundles*

- Miscellaneous bills, answers, replications, and rejoinders detached from related documents in classes C1–C3, not in alphabetical order. Class C4 is indexed by full names of plaintiffs and defendants (if the names are in the documents); searchable in TNA's database the same as class C1.

*Class C5 (Six Clerks Series, Bridges Division, 1613–1714): 640 Bundles*

- Class C5 is indexed by plaintiffs, defendants, and others in TNA's database.
- Published calendars: *Lists and Indexes*, published by the PRO, volumes 1–4, numbers 39 (letters A–C), 42 (letters D–H), 44 (letters I–Q), and 45 (letters R–Z), alphabetical by the first plaintiff's name, are online.<sup>23</sup>

*Class C6 (Six Clerks Series, Collins Division, 1625–1714): 611 Bundles*

- Class C6 is indexed by plaintiffs, defendants, and others in TNA's database for bundles 1–268. FamilySearch has digitized the original manuscript calendars and an index to Personal Estates for the 268 bundles.<sup>24</sup>
- Class C6 is indexed by plaintiffs, defendants, and others in TNA's database for bundles 269–355. FamilySearch has digitized the original manuscript calendars.<sup>25</sup>
- Class C6 is indexed by plaintiffs, defendants, and others in TNA's database for bundles 356–419, but only indexed by plaintiffs' and defendants' surnames for bundles 420–610. FamilySearch has digitized the original manuscript calendars.<sup>26</sup>

*Class C7 (Six Clerks Series, Hamilton Division, 1620–1714): 671 Bundles*

- Class C7 is indexed by plaintiffs, defendants, and others in TNA's database.
- FamilySearch has digitized the original manuscript calendars.<sup>27</sup>

22. "Index of Chancery proceedings, Series I–II, preserved in the Public Record Office," catalog entry, *HathiTrust* (<https://catalog.hathitrust.org/Record/100768793>). Three volumes cover 1558–1579 (vol. 1), 1579–1621 (vol. 2), and 1621–1660 (vol. 3).

23. "Index of Chancery proceedings, Bridges' Division, 1613–1714, preserved in the Public Record Office," catalog entry, *HathiTrust* (<https://catalog.hathitrust.org/Record/100768689>). Four volumes cover 1613–1714.

24. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—class C6," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/557681>). The Index to Personal Estates, a privately compiled index, contains the full names of the estate holder but only the surnames of plaintiffs and defendants.

25. *Ibid.*

26. *Ibid.*

27. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—class C7," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/557678>).



*Class C8 (Six Clerks Series, Mitford Division, 1570–1714): 658 Bundles*

- Class C8 is indexed by plaintiffs, defendants, and others in TNA's database.
- FamilySearch has digitized the original manuscript calendars.<sup>28</sup>

*Class C9 (Six Clerks Series, Reynardson Division, 1643–1714): 491 Bundles*

- Class C9 is indexed by plaintiffs, defendants, and others in TNA's database for bundles 1–44 and bundle 491 only. FamilySearch has digitized the original manuscript calendars for these bundles.<sup>29</sup>
- Bundles 45–490 are indexed only by plaintiffs' and defendants' surnames. Counties are not named.
- Published calendars: Published by the BRS in the Index Library, two volumes. These contain only the surnames of plaintiffs and defendants. Counties are not listed. Both volumes are online.<sup>30</sup>

*Class C10 (Six Clerks Series, Whittington Division, 1640–1721): 547 Bundles*

- Class C10 is indexed by plaintiffs, defendants, and others in TNA's database.
- FamilySearch has digitized the original manuscript calendars.<sup>31</sup>

*Class C11 (Six Clerks Series, various divisions, 1700–1758): 2,793 Bundles*

- Class C11 is indexed by plaintiffs, defendants, and others in TNA's database.
- Charles A. Bernau indexed and abstracted 108,368 suits in 2,793 bundles. His notebooks, numbered 1–426, contain full names of plaintiffs, defendants, and short abstracts for each suit. FamilySearch has digitized Charles Bernau's notebooks and surname indexes.<sup>32</sup> His notebooks were used to prepare the class C11 database in TNA's Discovery.

*Class C12 (Six Clerks Series, various divisions, 1681–1800): 2,434 Bundles*

- Class C12 is indexed only by plaintiffs' and defendants' surnames in TNA's database.
- No published or manuscript calendars exist that contain full names of class C12 litigants. FamilySearch has digitized manuscript indexes by plaintiff surnames.<sup>33</sup>
- Note that the end date for class C11, 1758, is later than the start date for class C12. In the author's recent study of the Manaton family of Cornwall, eighteen Chancery

28. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—class C8," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/557672>).

29. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—class C9," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/557668>).

30. "Index of chancery proceedings (Reynardson's Division), preserved in the Public Record Office: 1649–1714," catalog entry, *HathiTrust* (<https://catalog.hathitrust.org/Record/009022746>). The two volumes cover 1649–1714, surnames A–K (vol. 1) and L–Z (vol. 2).

31. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—class C10," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/557659>).

32. "Genealogical extracts from Chancery proceedings 1714–1758," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/64088>).

33. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—class C12," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/298183>).

proceedings dated earlier than 1758 (the earliest dated 6 March 1728) are cataloged in class C12.<sup>34</sup> These suits regarding the repayment of Henry Manaton's indebtedness extended over many years.

*Class C13 (Six Clerks Series, various divisions, 1797–1842): 3,193 Bundles*

- Class C13 is partially indexed by plaintiffs' and defendants' surnames in TNA's database.<sup>35</sup>
- No published or manuscript calendars exist that contain full names of the class C13 litigants. FamilySearch has digitized manuscript indexes by plaintiff surnames.<sup>36</sup>

*Classes C14–C16 (Clerks of Records and Writs Office, 1842–1875): 3,262 Bundles*

- Classes C14–C16 were indexed from the cause books.<sup>37</sup> Full names for the first plaintiff and for all defendants are listed in TNA's database.

#### SEARCH STRATEGIES FOR CHANCERY COURT PLEADINGS

To search TNA's website for Chancery classes C1, C2/Eliz, C2/Jas, C3–C11, and C14–C16, from the homepage select "Search the catalogue," then "Advanced search," then enter the full name of interest in the "Exact word or phrase" field, then the Chancery class of interest in "Any of these references" field.<sup>38</sup>

Discovery returns only names and surnames with the input spelling. Use wild cards "\*" and "?" to search for alternate spellings, but not in the "exact word or phrase" box. Inventive index searches are needed to find complex surnames spelled in diverse ways. For example, in a study of the Achym family of Cornwall, spell the surname variously as Achim, Achym, Achin, Achyn, and Ashyn. In such cases researchers might want to search calendars for the county where the ancestor lived. For each hit, check the surnames of both plaintiffs and defendants.

Calendars are online as described in the footnotes for each Chancery class. The Bernau Index and Sherwood Slip Index to Chancery records were created from

34. Ronald Ames Hill, *The Manaton Family of Manaton in Cornwall* (Star, Idaho: Chaghill Publications, 2014), 374–79.

35. Bevan to author, email, 11 July 2017. Dr. Bevan wrote that Chancery proceedings in class C13 are now being cataloged from the "cause books" but it is a long slow process. Class C12 might also be cataloged from the cause books at a later date.

36. "Judicial chancery proceedings (equity side), six clerks series, James I to 1842—Class C13," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/557628>). Although mistakenly cataloged as beginning with James I, the records actually range from 1800 to 1842.

37. Cause books (Chancery class C32, 1842–1880) bring together all references to decrees, orders, reports, and certificates made during the course of a case, along with the names of all the parties, their solicitors, and the dates of appearances.

38. "The National Archives," *The National Archives* (<https://www.nationalarchives.gov.uk>).



the Chancery calendars.<sup>39</sup> The newly available name indexes in TNA's Discovery, created from the same Chancery calendars, preclude the need to search the Bernau and Sherwood indexes for references to Chancery proceedings.

Chancery documents can be ordered online from TNA or can be photographed by a professional record searcher. A list of record searchers is on TNA's website.<sup>40</sup>

#### CHANCERY DECREES AND ORDERS, 1544–1875: CLASS C33

Beginning in 1544 registrars recorded the court's daily business documenting the progress of Chancery proceedings. Entries might include orders for the defendant to reply to a complaint, orders for a commission to depose witnesses, or reflect the judge's opinions on phases of the proceedings. Digitized records in class C33, 1544–1649, are online.<sup>41</sup> Examples of pleadings, decrees, and orders are online.<sup>42</sup>

The entry books in class C33 are divided into two series: "A" books and "B" books. Until Trinity term 1629 each series contains decrees and orders. Suits are arranged alphabetically by title. From Michaelmas term 1629 suits whose titles begin with letters A to K are recorded in the A books, and those with letters L to Z are in B books.<sup>43</sup>

Contemporary annual indexes to decrees and orders, called IDXs, begin their year from the Michaelmas term of the court. The indexes commence 1547 (I Edward VI). Terms of the court are Michaelmas (fall), Hilary (winter), Pasche (Easter), and Trinity (spring and early summer). Thus the index listed as 1642 will cover Michaelmas 1642 and Hilary, Easter, and Trinity terms 1643.<sup>44</sup>

39. For the Bernau Index, "Genealogical extracts from Chancery proceedings 1714–1758," *FamilySearch*. For the Sherwood Slip Index, "The Sherwood research collection: the Sherwood slip index," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/605982>). Also, "The Sherwood research collection: the Sherwood slip index by surname and county," catalog entry, *FamilySearch* (<https://www.familysearch.org/search/catalog/643574>). The Sherwood collection indexes are not available digitally. Thus, searching with TNA's Discovery database is a better option.

40. "Independent researchers," *The National Archives* (<http://www.nationalarchives.gov.uk/irlist/default.asp>).

41. "Henry VIIIb," *University of Houston* (<http://aalt.law.uh.edu/Henry%20VIIIb.html>). This webpage is a chronological list containing links to digital images of documents created from 1529–1547, the later part of Henry VIII's reign. Scroll down to see entries from 1544–47 in the "Chancery Orders and Decrees" column. Use the links in this column to navigate to the digital images.

42. Ronald Ames Hill, *The Tumultuous Achym/Fulford Relationship: With Abstracts of Chancery Court Proceedings and Transcripts of Chancery Decrees and Orders* (Star, Idaho: Chaghill Publications, 2003), 71–142. This book is online, "The Tumultuous Achym/Fulford Relationship," *FamilySearch* (<https://www.familysearch.org/library/books/records/item/255992-redirect>).

43. "Chancery equity suits 1558–1875," *The National Archives*, see item 7.2, "How to find entry books of decrees and orders."

44. "Edward VI," *University of Houston O'Quinn Law Library* (<http://aalt.law.uh.edu/EdwardVI.html>). Online indexes for class C33 commence in 1547. Digital images are accessed by going to the "Chancery Orders and Decrees" column for "C33" and selecting an "IDX" link.

#### DECREE ROLLS—SIX CLERKS OFFICE & SUCCESSORS, 1534–1903: CLASS C78

These records contain decrees, orders, and dismissions (cases dismissed, often to another court) showing Chancery court final judgments. The University of Houston Law Center (AALT) has put digital images of these records online commencing 25 Henry VIII (1533).<sup>45</sup>

Final decrees were not recorded in strict chronological order. The final decrees for classes C78 and C79 are now being accumulated into year-by-year “chronolists,” with decrees in chronological order, regardless of their position in different rolls.<sup>46</sup> The chronolist compilation is more than half completed; however, it will be some time before they are complete.

#### AN EXAMPLE OF FAMILY HISTORY IN CHANCERY PROCEEDINGS

This author has used Chancery proceedings to help solve family history puzzles. A worthwhile example appeared in a previous article showing that John Clifton, gentleman, brought suit against Paul Orchard in 1724. The case concerned a mortgage of properties leased by Clifton’s great-grandfather of Ashbury in Week St. Mary, Cornwall. The article presents the complaint and depositions.<sup>47</sup> At publication, however, the decrees and orders and the final decrees were not readily available. This expanded example includes the decrees and orders, plus the final decree, showing how a case was brought to court and concluded.

#### *Bill of complaint*

Clifton wrote:

John Clifton the elder of Ashbury, Gent. [the orator’s great-grandfather], by indenture dated 14 May 1673, between him and Robert Pearce of Plymwood and Abraham Rattenbury of Treley,<sup>48</sup> in consideration of a marriage to take place between John Clifton the younger [the orator’s grandfather] and Christian Rattenbury, daughter of Abraham Rattenbury, and a marriage portion of £200, granted and confirmed to Robert Pearce and Abraham Rattenbury all parts of Ashbury. The conditions were that Robert Pearce and Abraham Rattenbury would be seized of a moiety or halfendel of Ashbury to the use of John Clifton the elder during his natural life, and then to John

45. “Henry VIIIb,” *University of Houston O’Quinn Law Library* (<http://aalt.law.uh.edu/Henry%20VIIIb.html>). Online indexes for class C78 commence in 1534. In the column to the right of “Chancery Orders and Decrees,” which has a blank column heading, scroll down to find and click the link for the desired C78 year. On the C78 page for that year, search for the parties in the case and then click the link in the “Roll/Case No.” column to display digital images of the case.

46. “Chancery Final Decrees,” *University of Houston* ([http://www.uh.edu/waalt/index.php/Chancery\\_Final\\_Decrees](http://www.uh.edu/waalt/index.php/Chancery_Final_Decrees)).

47. Ronald A. Hill, “The Remarkable Will of Anna Smith—The Clifton and Colwill Families of Week St. Mary in Cornwall,” *The Genealogist*, 24 (Spring 2010): 1–28.

48. Plymwood and Treley are in Jacobstow and Marhamchurch parishes. Jacobstow borders Week St. Mary on the west; Marhamchurch borders Week St. Mary on the north. Treley is three miles due north of Ashbury.



Clifton the younger during his natural life, then to Christian his intended wife during her natural life, and then to the first issue male of John Clifton the younger, and so on forever [with many conditions]. The other moiety or halfendel of Ashbury was to the use of John Clifton the younger [the orator's grandfather] during his natural life, then to Christian during her natural life in full satisfaction of her jointure, then to the use of the first issue male of John Clifton the younger, and so on. John Clifton [the orator's grandfather] and Christian Rattenbury were married about 1673. Sometime after the marriage, John Clifton the elder [the great-grandfather] died. John Clifton the younger [the grandfather], his only son and heir, became possessed of Ashbury. John Clifton and Christian had issue John Clifton, the orator's father. Soon after John Clifton, the orator's father, attained age twenty-one (about 1696), the grandfather and father borrowed money from Charles Orchard of Aldercombe [in Kilkhampton parish], attorney-at-law, for which they mortgaged all of Ashbury for £200. Charles Orchard took and received the rents, issues, and profits until his death, and afterwards Paul Orchard, his son and heir, held and enjoyed the same. John Clifton, the father, departed the kingdom about 1704 and is long since dead, and John Clifton, the grandfather, is also lately dead. John Clifton, the orator, applied to Paul Orchard to redeem the mortgage, but Orchard refused.<sup>49</sup>

#### *Depositions*

Depositions in a cause between complainant John Clifton, gentleman, and Paul Orchard, defendant, were taken 9 April 1724 at The Crown & Scepter, a public inn where John Penrose lived in Holsworthy, County Devon.

John Penrose of Holsworth, Innkeeper, age sixty and upwards:

He knew John Clifton, the complt's father, who was bred up as a clerk with one John Boddy, an attorney or solicitor-at-law in this town of Holsworthy, which profession he afterwards followed till his misfortunes drove him beyond the seas and was looked upon to be a man of good understanding in his business but very much given to drinking . . . he intermarried with Mary Jewell, the complt's mother who is yet living, by whom he had no other children than the complt . . . after he went beyond the seas about 16 or 17 years since, the deponent has not heard of him but he is generally supposed to be dead.

John Leigh of Week St. Mary, gentleman, age sixty-four years:

He knew John Clifton, the great-grandfather of the complt, who died 40 years since & upwards . . . he knew John Clifton, this complt's grandfather, who intermarried with one Christian Rattenbury by whom he had two sons only (viz.) the complt's father called John his eldest son and the complt's uncle William, which William died about one year since, and the complt's father was many years since impressed and sent away beyond the seas and is reported dead . . . the sd John Clifton, the complt's grandfather, died 4 or 5 years since but his wife is still living . . . he likewise knew Charles Orchard, dec'd, the deft's father.

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49. Chancery Proceedings 1714–1758, C11/250/36, John Clifton, Gent., v. Paul Orchard; TNA.

John Jordan of Week St. Mary, yeoman, age sixty years or thereabouts:

He knew the complt's great-grandfather John Clifton who died near 50 years since . . . he knew the complt's grandfather who married one Christian Rattenbury by whom he had two sons (viz.) John his eldest (who was the complt's father) and William who is lately dead leaving issue three daughters only (viz.) Elizabeth, Ann, and Mary, and John the complt's grandfather died about 4 years since, but Christian, the complt's grandmother, is still living . . . the complt's father married with George Jewell's daughter.

Elizabeth Clifton of Week St. Mary, widow, age forty-four years:

Wm Clifton, this deponent's late husband.

Depositions dated 17 April 1724, taken at the house of Anthony Payne, a public inn at Stratton in Cornwall.

Christian Clifton of Week St. Mary, widow, age sixty-eight and upwards:

the complt is her grandson . . . her son lived abroad . . . her husband was easily imposed upon . . . her husband borrowed 5s. from one William Pearse his uncle.

John Clifton of Week St. Mary, yeoman, age forty-two years or thereabouts:

he knew the complt John Clifton.<sup>50</sup>

John Clifton's complaint and the resulting depositions present an extraordinary set of direct evidence pertaining to the descendants of John Clifton and Margery Pearse.

*Chancery Decrees and Orders for the Proceeding, Clifton v. Orchard*

Five decrees and orders for Clifton v. Orchard are indexed in IND 1/1722, 1724, 1726, and 1728 for the A book (letters A–K):

- C33/341, fol. 117, Hilary term, 10 Geo. I, 1723/4
- C33/343, fol. 231, Hilary term, 11 Geo. I, 1724/5
- C33/345, fol. 264, Hilary term, 12 Geo. I, 1725/6
- C33/345, part II, fol. 392 and fol. 399, Trinity term, 12 Geo. I, 1726<sup>51</sup>

These recorded decrees describe the progress of the suit in Chancery:

50. Chancery proceedings 1714–1758, C11/398/27, John Clifton, Gent., v. Paul Orchard, depositions dated 9 April and 17 April 1724; TNA.

51. These records and their indexes dated after 1723, not yet available online, were retrieved and photographed by Simon Neal from the original records at TNA. See Simon Neal, Feltham, Middlesex, U.K. [(E-ADDRESS FOR PRIVATE USE),] to author, email with attachments, 24 June 2018, decrees and orders for Clifton v. Orchard; privately held in author's files.



C33/341, fol. 117, Hilary term, 10 Geo. I 1723/4

Joh[ann]em Clifton quer Paul Orchard Def<sup>52</sup>

Jovis [Thursday] 23 January

Whereas by an ord<sup>er</sup> dated þ<sup>e</sup> 11<sup>th</sup> of January instant made on þ<sup>e</sup> Defts p[ar]t It was ord<sup>er</sup>ed if two days after p[er]sonal notice thereof given to þ<sup>e</sup> Defts Cl [Counsel] in Court þ<sup>e</sup> Defts sh[oul]d take out a Com[mission] for exa[mina]con of witnesses ret[urn]ed þ<sup>e</sup> last ret[urn] of this term directed to þ<sup>e</sup> former Com[missioners] & sh[oul]d be at lib[er]ty to execute þ<sup>e</sup> same inter[ogatories] Inne & by a subseq[ue]nt [subsequent] ord<sup>er</sup> of þ<sup>e</sup> 18<sup>th</sup> of January Instant on þ<sup>e</sup> sd Defts pet[iti]on pub[li]cation was enlarged until þ<sup>e</sup> last day of this Term Now upon opening of þ<sup>e</sup> iure [jure] this p<sup>re</sup>sent day unto this court by Mr W<sup>ms</sup> of Co: [Counsel] with þ<sup>e</sup> plte who moved &c offered diverse reasons for cause to discharge þ<sup>e</sup> sd ord<sup>er</sup> & þ<sup>t</sup> þ<sup>e</sup> plte may be at lib[er]ty to take out a Com[mission] for þ<sup>e</sup> exa[mina]con of his witnesses þ<sup>e</sup> next vac[ation] directed to þ<sup>e</sup> former Com<sup>es</sup> [commissioners] whereupon & upon hearing of M<sup>r</sup> probyn of Co: with þ<sup>e</sup> Deft & of w<sup>t</sup> [what] was all[ow]ed on both sides This Court did not think fit to discharge þ<sup>e</sup> sd ord<sup>er</sup> but doth ord<sup>er</sup> þ<sup>t</sup> it be referred to M<sup>r</sup> Holford to app[oin]t a time & place for þ<sup>e</sup> execucon of þ<sup>e</sup> sd Com[mission] whereof the Deft is to have þ<sup>e</sup> carriage but þ<sup>e</sup> plte is to be at lib[er]ty to take a Duplicat thereof & þ<sup>t</sup> pub[li]cation be enlarged to þ<sup>e</sup> first day of þ<sup>e</sup> next term

C33/343, fol. 231, Hilary term, 11 Geo. I, 1724/5

Joh[ann]em Clifton quer con Paulis Orchard Ar, Deft<sup>53</sup>

Mercurii [Wednesday] 17 Martij [March]

Upon mocon [motion] this day made unto this Court by Mr Stuckley being of the Defts Co: [Counsel] It is ordered that the Deft be at Libty [liberty] to Examine Witnesses viva voce [orally] at the hearing of this cause to prove a Copy of a Chiragrafe<sup>54</sup> of a Fine levied in Hillary Terme 34<sup>th</sup> Car 2<sup>d</sup> by John Clifton & his wife to Richd Cole & Thomas Pearce of Certaine Lands in que<sup>st</sup>on saving all just Excons [exceptions] whereof the other side is forthw<sup>th</sup> to have notice

C33/345, fol. 264, Hilary term, 12 Geo. I, 1725/6

Joh[ann]em Clifton gent quer, Paul Orchard clr Deft<sup>55</sup>

Jovis [Thursday] 3<sup>to</sup> Febr

Whereas by an Ord<sup>er</sup> of þ<sup>e</sup> 25<sup>th</sup> day of August 11 Georgis Res [Regis] for þ<sup>e</sup> reasons therein cont<sup>d</sup> [contained] It was ord<sup>er</sup>ed þ<sup>t</sup> þ<sup>e</sup> Deft sh<sup>d</sup> [should] within a month after [per]sonal notice to him given thereof leave þ<sup>e</sup> Ind<sup>es</sup> [Indentures] of Lease & release

52. John Clifton, complainant, Paul Orchard, defendant.

53. John Clifton, complainant, against Paul Orchard, esquire, defendant.

54. Black, *A Dictionary of Law*, 201. Chiragraph is an "instrument of gift or conveyance attested by the subscription and crosses of the witnesses, which was in Saxon time called '*chirographum*'. . . . Anciently when they made a chirograph or deed which required a counterpart . . . they engrossed it twice upon one piece of parchment contrariwise, leaving a space between, in which they wrote in capital letters the word 'chirograph,' and then cut the parchment in two through the middle of the word, giving a part to each party."

55. John Clifton, complainant, Paul Orchard, clerk, defendant.

dated In August 1696 & Ind<sup>ees</sup> of Lease & release dat in 7ber 1696 & also a Deed poll<sup>56</sup> dated in March 1700 by p<sup>e</sup> s<sup>d</sup> Defts ansto<sup>r</sup> [ancestor] confessed to be in his hands w<sup>th</sup> his p<sup>e</sup> Defts Co: [Counsel] in Co<sup>urt</sup> & p<sup>t</sup> p<sup>e</sup> plte sh<sup>d</sup> be at libty [liberty] to take copies of them at his own charge & p<sup>e</sup> Deft sh<sup>d</sup> produce the aforesd deeds & writings together with all such bonds bills & notes as he hath likewise by his Answ<sup>ees</sup> confessed to have in his custody and which were entred into by p<sup>e</sup> pltes late grandfa<sup>r</sup> & fa<sup>r</sup> deced to p<sup>e</sup> Defts late fa<sup>r</sup> deced at p<sup>e</sup> hear<sup>ing</sup> of this cause Now upon opening of p<sup>e</sup> iure [jure] p<sup>e</sup> p<sup>re</sup>sent day unto this Court by M<sup>r</sup> Stowkley being of p<sup>e</sup> Defts Co: in p<sup>e</sup> p<sup>re</sup>sence of M<sup>r</sup> Martin of Co: w<sup>th</sup> p<sup>e</sup> plt p<sup>e</sup> Defts so moved & offered diverse reasons ag<sup>st</sup> p<sup>e</sup> sd ord<sup>er</sup> & for discharging p<sup>e</sup> same whereupon & upon hearing p<sup>e</sup> pltes Co: & p<sup>e</sup> sd ord<sup>er</sup> read & w<sup>ch</sup> was all [allowed] on either side & ord<sup>er</sup>ed p<sup>t</sup> p<sup>e</sup> Deft do [pro]duce p<sup>e</sup> deeds in p<sup>e</sup> sd ord<sup>er</sup> menconed to be inspected by p<sup>e</sup> plte but p<sup>e</sup> plte is not to be at lib<sup>erty</sup> to take any copys of p<sup>e</sup> sd deeds and it is further ord<sup>er</sup>ed p<sup>t</sup> p<sup>e</sup> plt be at lib<sup>erty</sup> to exen [examine] one or more witnesses viva voce [orally] at the hearing of this cause to prove a lre [letter] dat p<sup>e</sup> 24 May 1694 from Defts fa<sup>r</sup> to p<sup>e</sup> pltf grandfa<sup>r</sup> saving all just Excons [Exceptions] and p<sup>e</sup> Deft is by consent to appe [appear] gratis to hear Judgment upon six days notice to his Co: in Court & pray no day over according to an ord<sup>er</sup> of p<sup>e</sup> 19<sup>th</sup> of Nov<sup>er</sup> 11 Georgii Res

C33/345, fol. 399, Trinity term, 12 Geo. I, 1726

Joh[ann]em Clifton quer con Paul Orchard Ar Deft

Lune [Monday] 4<sup>to</sup> July

Upon p<sup>e</sup> defts humble pet[ition] this day p<sup>re</sup>ferred to p<sup>e</sup> R Hon p<sup>e</sup> Ma<sup>er</sup> [Master] of p<sup>e</sup> Rolls for p<sup>e</sup> reasons therein cont<sup>d</sup>, It is ord<sup>er</sup>ed p<sup>t</sup> p<sup>e</sup> Defts be at libty [liberty] to p[ro]duce one or more witnesses to be exed [examined] viva voce [orally] at p<sup>e</sup> hearing of this Cause to [pro]vide a copy of a deed in Hill[ary] ter<sup>m</sup> 34<sup>to</sup> Car 2<sup>d</sup> between one Richard Cole & Tho Pearse gent plte Jn<sup>o</sup> Clifton gen<sup>t</sup> & Christian his wife deforciant<sup>s</sup><sup>57</sup> saving all just excons [exceptions] whereof personal notice is forthwith to be given to p<sup>e</sup> plts Co: in Court

C33/345, fol. 392, Trinity term, 12 Geo. I, 1726

Joh[ann]em Clifton gen[erosum] Infant p[er] p[ro]x<sup>us</sup> Amit quer<sup>r</sup> Paul Orchard Ar Deft<sup>58</sup>

Jovis [Thursday] 14 July

This cause cont<sup>in</sup>uing p<sup>e</sup> 13<sup>th</sup> day of July instant as also on this day to be heard before p<sup>e</sup> R<sup>t</sup> Hon p<sup>e</sup> L<sup>d</sup> [Lord] high Ch [Chancellor] &c [etc] in p<sup>e</sup> p<sup>re</sup>sence of Co: learned on both sides upon opening debate of p<sup>e</sup> iures [jures] touching which p<sup>e</sup> plte by his bill seeks to be relieved & reading Defts Answer a Deed dated p<sup>e</sup> 17<sup>th</sup> of Sept 1696 a Recovery

56. Black, *A Dictionary of Law*, 344. "In conveyancing. A deed on one part or made by one party only; and originally so called because the edge of the paper or parchment was *polled* or cut in a straight line, wherein it was distinguished from a deed indented or indenture."

57. *Ibid.*, 347. "One who wrongfully keeps the owner of lands and tenements out of the possession of them."

58. John Clifton, gent, infant, by his next friend, complainant, Paul Orchard, esquire, defendant.



Suffered of þ<sup>e</sup> p<sup>r</sup>emises in queon [question] a Lre [letter] from Charles Orchard to John Clifton dat þ<sup>e</sup> 20<sup>th</sup> of Oct 1701 another Lre from þ<sup>e</sup> sd Charles Orchard to þ<sup>e</sup> sd John Clifton dated in þ<sup>e</sup> year 1694 a Note dated þ<sup>e</sup> 30<sup>th</sup> of Sept 1696 a Deed dated þ<sup>e</sup> 20<sup>th</sup> of August 1696, a Lease dated þ<sup>e</sup> 30<sup>th</sup> August 1696 a rec<sup>t</sup> [receipt] dated þ<sup>e</sup> 8<sup>th</sup> of Dec<sup>er</sup> 1696, a rec<sup>t</sup> dated þ<sup>e</sup> 22<sup>d</sup> of April 1697, a rec<sup>t</sup> dated 24<sup>th</sup> of May 1697, a Deed dat þ<sup>e</sup> 9<sup>th</sup> of July 1697 an Indorsm<sup>t</sup> [endorsement] thereon a release dated the 25<sup>th</sup> of March 1700 had Lres signed Charles Orchard þ<sup>e</sup> one dated þ<sup>e</sup> 4<sup>th</sup> of July 1698 & þ<sup>e</sup> other dated þ<sup>e</sup> 2<sup>d</sup> of May 1699 a Lett<sup>er</sup> signed John Clifton dated þ<sup>e</sup> 2<sup>d</sup> of Dec<sup>er</sup> 1704 & þ<sup>e</sup> proofes taken in þ<sup>e</sup> Cause & hearing w<sup>h</sup> [which] was all[owed] on either side His Lopp [Lordship] declared he saw no cause to give þ<sup>e</sup> plte any relief & doth therefore ord<sup>er</sup> þ<sup>t</sup> þ<sup>e</sup> pltes bill be dismissed out of this Court but þ<sup>t</sup> such Dymission be without paym<sup>t</sup> of any costs by þ<sup>e</sup> plte in respect thereof

*Final Decree for Clifton v. Orchard*

The final decree of the court is in the online chronolist for 1725 and 1726. The decree, dated 14 July 1726, relates that the defendant produced deeds showing that John Clifton deeded the property to Charles Orchard and the complainant's bill was dismissed.<sup>59</sup> The entire proceeding (bill, answer, depositions, and decrees and orders) is reproduced in the final decree.

The complexity of the decree rolls is demonstrated by five consecutive decrees in the chronolist: three dated 12 July 1726, one dated 13 July 1726, and the Clifton decree dated 14 July 1726. They were recorded on four separate rolls, C78/1799, C78/1793, C78/1741, and C78/1742.

WORDS OF ADVICE

Onsite abstracting of documents measuring three or four feet across can be challenging. Reading such documents and struggling to keep track of which lines have been read and abstracted, can take hours. Reading digital images on a computer screen, where the words can be studied at leisure, is easier. Image editing software can improve image readability by enlarging images, and adjusting shadows/highlights or brightness/contrast. Documents can be read line by line in one window while keying information into a word processing program in a second window. For help interpreting medieval symbols, contractions, and abbreviations in sixteenth- through seventeenth-century documents, see the author's published article.<sup>60</sup>

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59. "C78 1726," index entry, *University of Houston* ([http://www.uh.edu/waalt/index.php/C78\\_1726](http://www.uh.edu/waalt/index.php/C78_1726)). This page is a chronological list of class C78 bundles for year 1726. Search the webpage for text "John Clifton" to locate the 14 July 1726 entry for the decree. In the entry's last column, click the link to navigate to the start of the digital images for roll C78/1741, no. 5, John Clifton v. Paul Orchard.

60. Ronald A. Hill, "Interpreting the Symbols and Abbreviations in 16th and 17th Century Documents," *Genealogical Journal*, 21, nos. 1–2 (1993): 1–13.