
English Genealogical Research: Using Chancery Court Proceedings

By Ronald A. Hill, Ph.D., CG

The vast number of cases heard by Chancery and the wealth of information in the court's records make them a most important source for genealogical research. Many show family relationships that cannot be found elsewhere. Complicated cataloging, however, can make an individual case difficult to locate. A maze of finding aids—most of which can be accessed via the Family History Library—and an on-line search engine can help researchers navigate this important class of records.

Yes, Virginia, there is a Santa Claus! On Christmas Eve several years ago, the postal service delivered a chancery document from the Public Record Office, then in London. The following phrases from that document were indeed a gift:

Benjamin Penkevell of St. Kew, since deceased, about the year 1660 intermarried with Mary, the daughter of Thomas Achim of Pelint, also deceased . . . Thomas Hill of Michaelstow, Gent, married Ursula, the only daughter and heir of Benjamin Penkevill begot on the body of Mary his widow and relict. . . . Thomas Achim and Francis Achim, brothers of Mary Penkevell.¹

The early parish register for Pelynt, in county Cornwall—where the marriages of Benjamin Penkevell to Mary Achym, and Thomas Hill to Ursula Penkevell might have been recorded—is lost.² The only known evidence for these and other events of the Achym family lies in an invaluable genealogical resource: the records of the Chancery Court in England. Those records can no doubt shed light on countless English ancestors—not only the wealthy, but also tradesmen and yeomen, including freeholders, copyholders, and leaseholders.

The body of English chancery records is an original source of direct genealogical evidence that can be extremely valuable, especially when other sources fail; yet even experienced record searchers often overlook them. Dealing with suits over land tenure, marriage settlements, inheritances, wills, apprenticeships, money matters, and more, these court records often give insight into family histories and relationships and also document key life events. In the absence of

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1. Chancery bill, C10/513/103 [class C10, bundle 513, suit 103], 12 January 1694/5, Public Record Office, Kew, Richmond, Surrey, England. Penkevell men signed their name *Penkevell*. The name is spelled Penkevell throughout this document except in this one location, where the spelling of the document is used. The Achym men signed their name *Achym*; however, it is also spelled *Achim*.

2. *Pelynt* is the spelling found in gazetteers and in the Ordnance Survey maps and will be used in this article. Records use variant spellings, such as *Pelint* in the record above, and sometimes as strange as *Plenint*.

parish registers, for example, the account of the Achym family of Cornwall, mentioned above, rests largely on evidence found in chancery proceedings, without which that history could not have been assembled.³

Researchers encounter considerable challenges in using this resource, whether dealing with the myriad published calendars and unpublished manuscript calendars, the various finding aids (the Bernau and Sherwood indexes), or finally the original documents. Most of these records are stored in England's Public Record Office (PRO) and thus are not readily accessible. Coverage dates of the numerous chancery classes overlap, documents pertaining to a single case are filed (and indexed) separately rather than in consolidated "case files," and finding aids vary in format and ease of use. Consequently, locating pertinent records can be a time-consuming, expensive undertaking. Even after finding a desired record, the researcher can be challenged by the old handwriting. The documents introduced here, at least those from the early sixteenth century, are penned in Elizabethan script (the secretary hand). Fortunately, available aids can help one acquire aptitude in deciphering the script, with its arcane abbreviations and contractions.⁴

The key to understanding and using chancery records lies in the organization of the various chancery classes used for cataloging and storing the vast amount of material amassed over the centuries. Calendars and indexes to these classes can be accessed through the Family History Library (FHL), and some records can be accessed at home via the Internet. To provide the background and tools needed to exploit these sources, this paper will develop four themes. It will

- discuss the nature of Chancery Court and the vast array of records it has generated;⁵
- explain key finding aids, focusing on those at the FHL in Salt Lake City and two online search engines—PROCAT and Equity Pleadings;
- outline efficient search strategies; and
- demonstrate the results of chancery calendar searches for a set of Cornish families⁶ and the manner in which chancery records solved several genealogical problems.

3. Ronald A. Hill, "The Tumultuous Achym/Fulford Relationship," *The Genealogist* 14 (Spring 2000): 3–49.

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

5. For more details, see R. E. F. Garrett, "Chancery and Other Proceedings," *The Genealogists' Magazine* 15 (September 1965): 97–103; and 15 (December 1965): 139–143. Garrett provides an interesting introduction to Chancery Court. In this article, the emphasis is on understanding and using calendars and indexes available at the Family History Library (FHL). Also, Ronald A. Hill "English Genealogical Research Using Chancery Court Proceedings," *1999 NGS Conference in the States, Richmond, Virginia: Program Syllabus* (Arlington, Va.: National Genealogical Society, 1999), 383–386. Also, 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). Also, *Chancery Proceedings: Equity Suits from 1558*, Legal Record Information 22, online at the Public Record Office (PRO) web site <www.pro.gov.uk/catalogues/default.htm> under "Information Leaflets."

6. The results of a massive probate search for these same families were previously reported in Ronald A. Hill, "Maximizing Probate Research: An Analysis of Potential, Using English Records from Cornwall," *NGS Quarterly* 84 (December 1996): 261–274.

THE COURT OF CHANCERY

In English law, Chancery is the court of the Lord Chancellor of England. It was one of a number of courts in which sixteenth- and seventeenth-century English litigants could plead their grievances.⁷ The court consisted of two tribunals: one a court of common law, the other a court of equity.⁸ Litigation under common law implied procedural formality and narrow interpretation of law that, taken together, could result in the miscarriage of justice. Equity demanded redress of wrongful acts, and litigation on the “equity side” of chancery gave individuals a mechanism to petition for remedies. 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.”⁹

The requirement in common law courts to follow precedent eventually took root in Chancery’s equity court as well, and the two legal systems became competitors. Both had authority over the same matters, but they operated under different principles. Occasionally it was unclear whether one should seek remedy in equity or in common law courts. After an expensive and protracted suit a plaintiff might learn that he had chosen the wrong tribunal and be forced to seek redress of his grievance elsewhere.

Chancery’s equity tribunal operated under three types of jurisdiction, or authority: exclusive, concurrent, and auxiliary.

- *Exclusive* jurisdiction applied when plaintiffs could not obtain relief within the common law, with characteristic cases involving trusts and the rights of married women and infants.
- *Concurrent* jurisdiction came into play when common law did not give adequate relief, typical cases being fraud, accident, and nonperformance of contracts.
- *Auxiliary* jurisdiction pertained when common law courts were unable to obtain adequate evidence in a case.

PROCEEDINGS

What is interesting to genealogists is the array of documents arising from the court’s procedures. Collectively called *Proceedings*, they include the following “pleadings,” or statements, of the parties:

- *Bill of complaint*: This was the first document a plaintiff filed to publish his grievance.¹⁰ It states his name, address, and occupation. It details the grievance and requests a subpoena directing the defendant—by name—to answer the accusation.¹¹

7. For a fuller description of the other courts, see appendix B.

8. *Encyclopædia Britannica*, 11th ed., s.v. “Chancery.”

9. *Ibid.*

10. Women could—and did—file suit, but for simplification all references are given in masculine form.

11. Charles Syge Christopher Bowen (1835–1894), Lord Justice of Appeal, once noted: “A bill in chancery was a marvelous document which stated the plaintiff’s case at full length and three times over. There was the first part in which the story was circumstantially set forth. Then came the part which ‘charged’ its truth

- *Answer*: The defendant's answer responded to the bill, often charging insufficiency and inaccuracy. It presented the defendant's version of the facts, denied the allegations, and prayed for dismissal. Thus, the bill and the answer often present strikingly conflicting views of the "facts." If the defendant failed to provide an answer, or a sufficient answer, the court would order an attachment, sent to the sheriff of the defendant's county, ordering the defendant to provide an answer.

In almost a quarter of the cases the act of filing a bill prompted an out-of-court settlement with no subsequent documentation, and at least 70 percent never went beyond the pleadings stage.¹² Absent such a settlement, however, additional action followed.

- *Demurrer*: Instead of responding to a bill with an answer, a defendant had the option to submit a demurrer, taking exception to the bill. The plaintiff could consider that insufficient, however, and demand a full answer.
- *Replication*: The defendant's answer might prompt a replication, or reply, from the plaintiff.
- *Rejoinder*: In turn, the defendant might counter the replication with a rejoinder.
- *Interrogatories*: If the case went to commission, both sides then drew up interrogatories, or lists of questions to be asked of witnesses out of court.
- *Depositions*: Using the interrogatories, local commissioners deposed witnesses and recorded their sworn statements. These written depositions give deponents' names, addresses, ages, professions, and answers.
- *Country depositions*: These were statements recorded outside London.
- *Town depositions*: These were normally statements of London residents.

ENTRY BOOKS OF CHANCERY DECREES AND ORDERS

Registrars recorded the court's daily business and the progress of proceedings in Entry Books. Entries might include orders for the defendant to reply to a complaint, for a commission to take depositions of witnesses, or reflecting the judge's opinions on various phases of the proceedings. Entry Books allow the researcher to track the progress of a case.

FINDING AND USING THE RECORDS

Chancery "case files" as such do not exist. Related documents were separated early in the judicial process, sorted into disparate bundles,¹³ and filed by docu-

against the defendant—or in other words, which set it forth all over again in an aggrieved tone. Lastly came the interrogating part, which converted the original allegations into a chain of subtly framed inquiries addressed to the defendant, minutely dovetailed, and circuitously arranged, so as to surround a slippery conscience and to stop up every earth." See W. J. Jones, *The Elizabethan Court of Chancery* (Oxford: Clarendon Press, 1967): 191.

12. Horwitz, *Chancery Equity Records*, p. 24.

13. A bundle is a "storage unit consisting of a number of individual documents, whether or not related by content or function, normally tied together by string, tape, or the like." See Peter Walne, ed., *Dictionary of Archival Terminology; Dictionnaire de terminologie archivistique: English and French with Equivalents in Dutch, German, Italian, Russian and Spanish*. 2nd rev. ed. (New York: K.G. Saur, 1988), 28. There is no fixed number of documents in a bundle.

ment type in different archival classes.¹⁴ Chancery's record-keeping system was complex, particularly from 1603 to 1842, when the "Six Clerks" acted as virtual solicitors for the plaintiffs or defendants in each suit. PRO literature provides a full explanation of the filing system, which will not be repeated here.¹⁵

Chancery Court Proceedings are cataloged and stored by class numbers assigned by the Public Record Office (class C is the designation for Chancery) as shown in figure 1.

Figure 1
Classes of Chancery Court Proceedings

C1	Early Chancery Proceedings	(1385–1558, 9 Richard II to Philip and Mary)	1,522 bundles
C2	Chancery Proceedings Series I, Elizabeth I	(1558–1603)	} (Series I: Regnal Series) 2,240 bundles
C2	Chancery Proceedings Series I, James I	(1603–1625)	
C2	Chancery Proceedings Series I, Charles I	(1625–1649)	
C3	Chancery Proceedings Series II	(1558–1660)	485 bundles
C4	Chancery Proceedings Six Clerks Office	(before 1660) Miscellaneous bills, answers, replications, and rejoinders detached from related documents in classes C1–C3; not bundled	
C5	Chancery Proceedings Six Clerks Series	Bridges Division (1613–1714)	640 bundles
C6	Chancery Proceeding Six Clerks Series	Collins Division (1625–1714)	610 bundles
C7	Chancery Proceedings Six Clerks Series	Hamilton Division (1620–1714)	671 bundles
C8	Chancery Proceedings Six Clerks Series	Mitford Division (1570–1714)	658 bundles
C9	Chancery Proceedings Six Clerks Series	Reynardson Division (1649–1714)	490 bundles
C10	Chancery Proceedings Six Clerks Series	Whittington Division (1640–1714)	546 bundles
C11	Chancery Proceedings Six Clerks Series	various divisions (1714–1758)	2,793 bundles
C12	Chancery Proceedings Six Clerks Series	various divisions (1758–1800)	2,434 bundles

Overlapping dates for bundles in class C2 (the Regnal Series) and class C3, and in class C3 and classes C5–C10 (the Six Clerks Series), add to the difficulties in locating pertinent documents. Fortunately, the PRO made locating records somewhat easier when it began to enter them into its online catalog. The process will become even simpler when it has entered abstracts of all Chancery records into an online database. For the moment, however, genealogists can conduct searches using a combination of online and traditional finding aids—all available through the FHL. The principal tools are PRO-issued calendars and indexes;

14. A class is defined as "an identifiable and self-contained sub-division of an archive group consisting of a number of items with one or more common characteristics (UK). Generally equivalent to *series*." (Walne, *Dictionary of Archival Terminology*, 37.)

15. "Six Clerks" were "Officers of the court of Chancery, who received and filed all bills, answers, replications, and other papers, signed office copies of pleadings, examined and signed dockets of decrees, etc., and had the care of all records in their office." See Henry Campbell Black, M.A. *Black's Law Dictionary*, 4th ed. (St. Paul: West Publishing Co., 1951), s.v. "Six Clerks." A description of the progress of a bill and answer through the maze of the Six Clerks Office appears in the PRO's *Guide to the Contents of the Public Record Office*, vol. 1, *Legal Records* (London: H.M. Stationery Office, 1963), 32–33.

other compiled indexes, especially the Bernau Index and the Sherwood Slip Index; and two PRO online resources, PROCAT and the still incomplete Equity Pleadings Project.

- PRO calendars to the chancery proceedings vary in content and style; some are published, others are available only as microfilmed manuscripts; none are chronological, but nearly all are arranged alphabetically by the first letter of the first plaintiff's surname; some are "full" calendars with all items needed to identify a file (plaintiffs, defendants, case descriptions, counties), while others list only surnames of the first plaintiff and first defendant. The majority of the published calendars are part of the PRO series *Lists and Indexes*.¹⁶
- The Bernau Index is an extensive, albeit incomplete, listing of chancery proceedings, town and country depositions, and other court records. It is alphabetized by surname and the first letter of the given name; however, Chancery and other classes are intermixed. A related aid, known collectively as the "Bernau Notebooks," assists researchers with class C11 by supplying information lacking in the calendars for that class.¹⁷
- The Sherwood Slip Index, another vast listing, includes many classes of chancery proceedings, town and country depositions, and other legal records. Arranged roughly alphabetically by surname only, it is more cumbersome to use than the Bernau Index.¹⁸
- PROCAT, the PRO's online catalog, includes many—but not all—chancery classes. Although it has the potential to greatly simplify the search for chancery documents, one distinct limitation is the exclusion of given names and counties in the catalog. PROCAT provides more detailed information for pre-1558 records than for later ones, making it decidedly more valuable for class C1 than for subsequent classes. For complete information, a PROCAT search should be combined with a reading of the calendar entries, especially for the post-1558 records.
- The Equity Pleadings Project, another PRO initiative, will provide an automated index to all chancery proceedings, although to date it covers only one class (C6,

16. *Lists and Indexes* is the name of the series of indexes published by the PRO. A calendar is "a list, usually in chronological order, or précis of individual documents in the same series or of a specified kind from a variety of sources, giving all content and material information essential to the user." (Walne, *Dictionary of Archival Terminology*, 29.) A calendar can also be arranged alphabetically, as some in Chancery are.

17. Created by Charles A. Bernau, the index fills 442 microfilm rolls. The film number for a given surname can be found in the online FHL catalog by doing an author search for Bernau, Charles. Click on "Genealogical Extracts from Chancery Proceedings, 1714–1758." The surname index is located after the listing of the Bernau Notebooks. For a full discussion of its use, see Hilary Sharp, *How to Use the Bernau Index* (London: Society of Genealogists, 1996). The 426 Bernau Notebooks for class C11 are on 35 microfilm rolls, as listed in appendix A.

18. Compiled by George F. T. Sherwood, the index is part of the "Sherwood Research Collection." On 130 microfilm rolls (16 mm), it consists of handwritten and typed manuscript "slips," arranged with twelve slips per sheet. One group of sheets covers the period before 1599, a second group in two parts covers 1600–1699, and a third group covers dates 1700 and later, in decades. The film number for a given surname is listed in the FHL catalog under the author, Sherwood, George Frederick Tudor. A simple way to locate the list of film numbers for the Sherwood Slip Index is to search for film number 0,472,400 in the FHL catalog, then click on "view film notes," to display the array of 130 film numbers containing the index. Also in the Sherwood Research Collection is "The Sherwood Slip Index by Surname and County," a microfilm copy (35 mm) of handwritten and typed slips. It fills 453 microfilm rolls; see appendix A.

Collins Division). It is outstanding, however, in that the database provides full names of litigants and counties. The online search engine allows for searches by place, subject, case details, and PRO record number.

For the present, an efficient way to *initiate* a search in the automated chancery classes is to use the online databases, which can be accessed at the FHL and elsewhere. Results from PROCAT should not be considered definitive, however. The list of “hits” associated with a specific surname should always be cross-checked in the appropriate calendar(s) to identify given names and counties and to add pertinent information absent from the online catalog entry. For the classes not yet automated (C2, C7, C8), simply follow the traditional method using indexes and calendars, as outlined below. The search can be accomplished entirely at the FHL, and copies of the records then ordered from the PRO.

When the Equity Pleadings Project has been completed, searches in that database will be much more useful than the current ones in PROCAT and will largely supplant the use of the traditional indexes. Refer to figure 12 for a general research strategy for locating chancery records. See at the end of this article a comparison of a search in PROCAT with one using the calendars (figure 11).

I. PROCEEDINGS

Outlined here are summaries of the finding aids for each class and suggested search strategies.

CLASS C1 (1385–1558)

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

- This class is included in PROCAT. A keyword search for a surname yields an abstract with names of plaintiffs, defendants, other parties, counties, and a description of the dispute. PROCAT is particularly useful for this class, as it provides much more detail for these records than for those after 1558. Note, however, that surnames must be entered *exactly as they appear in the documents* or the queries will yield no results.
- The PRO published calendars (chronological registers) arranged under the names of the chancellors in ten volumes as part of its *Lists and Indexes* series.¹⁹ Appendix A lists the years and bundle numbers for each volume. The calendars to these early proceedings, like PROCAT, include names of principal plaintiffs and defendants, descriptions of the disputes, and counties. Except for the bundles in the first two volumes (bundles 3–37 in No. 12 and bundles 38–69 in No. 16), the suits are arranged alphabetically by plaintiff.

19. *Lists of Early Chancery Proceedings*, 10 vols., Public Record Office Lists and Indexes, nos. 12, 16, 20, 29, 38, 48, 50, 51, 54, 55 (London: H.M. Stationery Office, 1901–36). Also, *Early Chancery Proceedings: Equity Suits before 1558*, Legal Records Information 42, online at <www.pro.gov.uk/catalogues/default.htm> under “Information Leaflets.”

- The Harleian Society published an index to one of the unalphabetized volumes (No. 12).²⁰
- The Bernau Index includes the first five of the PRO volumes (Nos. 12, 16, 20, 29 and 38).
- The Sherwood Slip Index includes the first seven of the PRO volumes (Nos. 12, 16, 20, 29, 38, 48, and 50, and bundles 935–987 in No. 51).

Figure 2 shows an example of a search in this class.

Figure 2
Sample Search, Class C1 (1385–1558)

Subject of search: Thomas Hill

1. Search PROCAT or the Bernau Index (both yield same information)
The Bernau Index gives this reference on one card:
Thomas Hill: Early Chan: Pro: Vol. 5, p. 12 (1515–1518)
PRO *Lists and Indexes*, No. 38 (Volume 5), page 12, reads:

EARLY CHANCERY PROCEEDINGS — BUNDLE 383				
SUIT	PLAINTIFFS	DEFENDANTS	CAUSE	COUNTY
28	William Badcok and Margaret, his wife, dau and heir of John Walton	Thomas Hill	Detention of deeds relating to a messuage and land in Spaldwick, mortgaged to defendant, tenant of the premises	Huntingdon

2. Order a copy of this bill (class C1, bundle 383, suit 28) from the PRO as C1/383/28. (See figure 12 for ordering records.)

Original document: This bill, which predates the Anglican parish registers, introduces the plaintiff, William Badcok, and names his wife, Margaret, and his father-in-law, John Walton. The calendar suggests that Badcok or Walton, or both, mortgaged a messuage (house with gardens) and land in Spaldwick, Huntingdonshire, to Thomas Hill, who was a tenant of these premises. Thomas Hill apparently holds the deeds to the premises and will not relinquish them. A careful reading of the bill would reveal the nature of the dispute, whether the mortgage was satisfied, and the reasons the plaintiffs believed that Thomas should deliver the deeds.

CLASS C2 (Eliz: 1558–1603; James: 1603–1625; Chas: 1625–1649)

The series begins with the reign of Elizabeth (1558). Called Series I, or the Regnal Series, it is divided into three classes: C2/Eliz, C2/James, and C2/Chas.

20. Claude A. Walmisley, ed., *An Index of Persons Named in Early Chancery Proceedings, Richard II (1385) to Edward IV (1467)*, Preserved in the Public Record Office, London, 2 vols. (London: Harleian Society, 1927–28); FHL microfilm 0,162,077, items 3, 4.

C2/Eliz (1558–1603)

- Although these records are not in PROCAT, they are easy to locate. A PRO Record Commission published three volumes of calendars for class C2/Eliz (1558–1603).²¹ The principal plaintiffs and defendants, the object of the suits, and the counties are all listed. These calendars are fully indexed and are the easiest of all the Chancery calendars to use, making them a required resource for any English family history spanning the years of Elizabeth's reign.²² See appendix A for FHL microfilm numbers and bundles.

Figure 3 shows an example of a search in this class.

C2/James (1603–1625)

- This class is not in PROCAT.
- A PRO calendar was published as volume No. 47 in *Lists and Indexes*. The fully calendared, unindexed volume is alphabetical by plaintiffs whose names begin with A–K.²³
- The Sherwood Slip Index lists both plaintiffs and defendants from that volume.
- Unpublished manuscript calendars for plaintiffs whose names begin with letters L–Z are on microfilm (see appendix A). These fully calendared, alphabetical manuscripts were not indexed by Sherwood or Bernau.

Figure 4 shows an example of a search in this class.

C2/Chas (1625–1649)

- This class is not in PROCAT.
- The British Record Society published four volumes of partial calendars for this class.²⁴ Arranged alphabetically by plaintiff, they contain only the surname for the first plaintiff and first defendant. Dates and counties are not given. Consequently, these calendars (along with the published calendars for C9, discussed below) are not very useful unless the surname is an uncommon name.
- The Sherwood Slip Index lists defendants' surnames.

Figure 5 shows an example of a search in this class.

CLASS C3 (1558–1660)

- This class can be searched in PROCAT (surnames only) by first plaintiff, first defendant, and county.
- These records are fully calendared in three volumes published by the PRO in the

21. J. Caley and J. Bayley, eds., *Calendar of the Proceedings in Chancery in the Reign of Queen Elizabeth*, 3 vols. (London: Record Commission, 1827–32).

22. *Ibid.*

23. *Index of Chancery Proceedings (Series I), James I*, Public Record Office Lists and Indexes, no. 47 (London: H.M. Stationery Office, 1922).

24. W. P. W. Phillimore, ed., *A Calendar of Chancery Proceedings, Bills & Answers, Charles I*, The Index Library, vols. 2, 5, 6 (London: The British Record Society, 1889, 1890, 1891); also, Edward Alexander Fry, ed., *Calendar of Chancery Proceedings, Bills & Answers*, vol. 14 (London: The British Record Society, 1896).

Figure 3
Sample Search, Class C2/Eliz (1558–1603)

Subject of search: John Hill and James Hill

1. Search the index of the published calendars (this class is not in PROCAT)

The index gives a reference to page 272 in Vol. 3, which reads:

PROCEEDINGS IN CHANCERY — W.w. 14				
NO.	PLAINTIFFS	DEFENDANTS	OBJECT OF THE SUIT	COUNTY
39	Henry Wheeler — 1580	John Hill	Claim under an assignment of lease — Two fulling mills and lands in Suylford [Guylford] held by James Hill for a term of years, who under- let to Edward Porter, and he assigned to the plaintiff	Surrey

In addition to plaintiffs and defendants, the calendar names other parties mentioned in the suit.

2. Order the bill (class C2/Eliz, bundle W14, suit 39) from the PRO as C2/Eliz/W14/39.

Original record: The bill has related documents attached: John Hill's answer, Wheeler's replication, and John Hill's rejoinder. The bill mentions that Dorothy was the wife of James Hill and that James and Dorothy are the parents of John. Wheeler's replication documents that John has a brother William. These records, written in 1580, after James Hill's death, demonstrate one of the greatest values of the chancery proceedings; they provide genealogical data predating baptism and marriage records in the Guildford, Surrey, parish registers (1558).*

*Holy Trinity Parish Register, Guildford Muniment Room, Guildford, Surrey, 1558–1924; FHL microfilm 0,804,128.

Lists and Indexes series.²⁵ The years and bundle numbers contained in each volume are listed in appendix A. The suits are arranged alphabetically by plaintiff.

- Both the Bernau Index and Sherwood Slip Index include all three volumes.
- A manuscript calendar of records in this series transferred from unsorted bundles, arranged alphabetically by plaintiff and cataloged, also exists (see appendix A).

Figure 6 shows an example of a search in this class.

CLASS C4

This series comprises a miscellaneous collection of bills, answers, replications, rejoinders, commissions, and depositions. Some may have become detached from

25. *Index of Chancery Proceedings (Series II)*, Public Record Office Lists and Indexes, nos. 7, 24, 30 (London: H.M. Stationery Office, 1896, 1908, 1909).

Figure 4
Sample Search, Class C2/James (1603–1625)

Subject of search: Random discovery (A–K)

1. Search in *PRO Lists and Indexes*, No. 47 (not in PROCAT or Bernau)
The search produces this reference on page 308:

NO.	PLAINTIFFS	DEFENDANTS	DESCRIPTION	COUNTY
E6/26	Edward Emptage and Anne his wife, Mark Howse and Amy his wife, Henry Greene and Agnes his wife, and Dorothy Symes	Margaret Symes, wid., Robert Broome, clerk, and John Bungay	Lands and tenements in Littleborne and Wichhambruxe, late of Robert Symes, natural father of plaintiffs Anne, Amy, Agnes, and Dorothy	Kent

The calendar entry itself names the late Robert Symes's daughters, his wife, and three of his sons-in-law.

2. Order the bill of complaint (class C2/James, suit E6/26) from the PRO as C2/James/E6/26.

Figure 5
Sample Search, Class C2/Chas (1625–1649)

Subject of search: Hill family (common name search)

Search in the calendar published by the British Record Society (Vol. 5); not in PROCAT.

The search produces this reference on page 126:

CHANCERY PROCEEDINGS [CHARLES I. 1625–1649] BUNDLE H. 45		
NO.	PLAINTIFFS	DEFENDANTS
67	Heblethwayt	Howley, etc.
68	Hill	Hill, etc.

Suit No. 68, *Hill v. Hill* (common name), is one of 296 in this class involving Hill as plaintiff from any county in England. If one were looking for a specific case, identifying the precise one would require ordering all 296 suits for Hill as a plaintiff—a daunting task not likely to be undertaken. By contrast, searches for uncommon names yield better results. Suit 67 for Heblethwayt is not likely to be one of many, and would be worth ordering. A search for the name “Achym,” another unusual name, produced fifteen chancery records for Achym v. “others,” three for *Buller v. Achym*, and one for *Fulford v. Achym*. All involved the Achym family of Pelynt in Cornwall, the family being studied.

Figure 6
Sample Search, Class C3 (1558–1660)

Subject of search: Achym family

1. Search PROCAT, Bernau Index, or Sherwood Slip Index

The PROCAT search (using precise spelling "Achim") gives the following information only:

C3/330/4 *Achim v. Grenville*, Cornwall

The alphabetical (by plaintiff) calendar in *Lists and Indexes*, Vol. No. 30, gives more information:

CHANCERY PROCEEDINGS, SERIES II, A.D. 1621–1625 — BUNDLE 330				
NO.	PLAINTIFFS	DEFENDANTS	CAUSE	COUNTY
4	Achim, Barnard, and Thomas	Grenville, Sir Barnard, knt. and others	Trelawney, copyhold of manor	Cornwall

Details in the calendar, compared with the limited information from PROCAT, could help a researcher decide the relevance of the case and whether to order it from the PRO.

2. Order this bill (class C3, bundle 330, suit 4) from the PRO as C3/330/4.

Original record: The calendar yields more data than PROCAT, listing the complainants as "Bernard and Thomas," and the defendant as "Sir Barnard Grenville." The original bill adds even more valuable information about the family. It names the plaintiffs as "Barnard Achym and Thomas Achym, infant sons of Thomas Achym, late of Pelynt, in Cornwall, esq., deceased, by Sir Francis Fulford of Fulford, in Devon, knt., their uncle and guardian." It names the defendants as "Sir Barnard Grenville and John Trelawney." This is one of a sequence of suits describing protracted litigation over a tenement called Trelay, a copyhold in the manor of Trelawny, in Pelynt.

their related pleadings in C1–C3. Most of the series has not been listed in detail, and the arrangement of the records is thus unknown. An unpublished descriptive list of part of the series is available at the PRO.²⁶ No calendar or index is available at the FHL. Only a portion of C4 is searchable in PROCAT.

26. Abi Husainy, e-mail duty officer, Reader Information Services Department, Public Record Office, Kew, Richmond, Surrey, in an e-mail message to the author, 31 August 2001. This office can be reached at <enquiry@pro.gov.uk>.

CLASSES C5–C10 (1613–1714)

In the seventeenth century, the Six Clerks began to file proceedings in their respective divisions. Now called the Six Clerks Series (1603–1714, James I–Anne), records are classed as C5–C10.

Class C5 (Bridges Division, 1613–1714)

- This class can be searched in PROCAT—(surnames only) by first plaintiff, first defendant, and county.
- Published calendars are in four volumes of the PRO's *Lists and Indexes*.²⁷ Suits are fully calendared and listed alphabetically by plaintiff. (See appendix A.)
- The Bernau Index and the Sherwood Slip Index include full names for all four volumes.

Class C6 (Collins Division, 1625–1714)

- This class is searchable in the PRO Equity Pleadings database—by persons, places, subjects, case details, and document numbers. To date, this is the only chancery class available in that database. Providing both given names and surnames of all litigants, the database is distinctly more valuable than PROCAT for searches in C6.
- Microfilmed manuscript calendars, alphabetical by plaintiff and fully calendared, but not indexed, are available. (See appendix A.)

Class C7 (Hamilton Division, 1620–1714)

- This class is not in PROCAT.
- Microfilmed manuscript calendars, alphabetical by plaintiff and fully calendared, but not indexed, are available. (See appendix A.)

Class C8 (Mitford Division, 1570–1714)

- This class is not in PROCAT.
- Microfilmed manuscript calendars, alphabetical by plaintiff and fully calendared, but not indexed, are available. (See appendix A.)

Class C9 (Reynardson Division, 1649–1714)

- This class is searchable in PROCAT—(surnames only) by first plaintiff and first defendant.
- A partial calendar published in two volumes by the British Record Society contains only surnames for first plaintiffs and first defendants.²⁸
- Defendants' surnames are indexed in the Sherwood Slip Index.
- A manuscript calendar to the first forty-one bundles is on microfilm. (See appendix A.) This fully calendared manuscript, alphabetical by plaintiff, is not indexed.

27. *Index of Chancery Proceedings, Bridges Division 1613–1714*, Public Record Office Lists and Indexes, nos. 39, 42, 44, 45 (London: H.M. Stationery Office, 1913, 1914, 1915, 1917).

28. Edward Alexander Fry, ed., *Index of Chancery Proceedings (Reynardson's Division), 1649–1714*, The Index Library, vols. 29, 32 (London: The British Record Society, 1903, 1904; reprinted, New York: Kraus Reprints, 1968).

Class C10 (Whittington Division, 1640–1714)

- This class is searchable in PROCAT—(surnames only) by first plaintiff, first defendant, and county.
- Microfilmed manuscript calendars, alphabetical by plaintiff and fully calendared, but not indexed, are available. (See appendix A.)

CLASS C11 (1714–1758)

- This class is searchable in PROCAT—(surnames only) by first plaintiff and first defendant.
- Chancery Proceedings after 1714 continue to be filed in various divisions of the Six Clerks and are calendared. Unfortunately, the manuscript calendars consist only of plaintiff and defendant surnames (counties not included) and thus are not very helpful.
- Bernau Notebooks provide information lacking in the calendars—dates, full names of plaintiffs and defendants, and place names for each suit.²⁹ Bundle/suit numbers recorded in the notebooks are on FHL microfilm as listed in appendix A.

For an illustration of a search in C11, see the examples from a study of Cornwall families below.

CLASS C12 (1758–1800)

- Manuscript calendars consist only of plaintiff and defendant surnames (counties are not included) and are not very helpful.
- A Bernau index exists for this class, with surnames only. (See appendix A for microfilm numbers.) It is arranged alphabetically by plaintiff and lists all defendant surnames. In the case of multiple defendants, entries are repeated for each defendant's surname. Places and dates are not included. Surnames in this finding aid are not listed in the main Bernau Index. However, the full names of deponents in two divisions of the Six Clerks Series (Whittington–Sewell and Purcas–Winter) can be found in the Bernau Index in two guises, either as C12 or as Chancery Proceedings, 1758–1800.

II. DEPOSITIONS

As previously observed, depositions may not exist for a given case because many suits never reached the stage of drawing up interrogatories and taking sworn statements. Depositions that do exist are filed in separate classes from the bills and other documents to which they are related. Finding aids for depositions given from 1558 are described below.

- Depositions related to C2–C10 are grouped into four classes: C21–C24. Unfortunately, the calendars contain only plaintiff and defendant surnames. Nevertheless, if one has discovered a chancery bill of interest, it is relatively easy to locate related depositions, assuming any exist.

29. A total of 108,368 suits in the 2,793 bundles in C11 are in Bernau's Notebooks, numbered 1 to 426.

Class C21. Original manuscript calendars for country depositions (taken outside London by Commission), 1558–1649, are microfilmed. (See appendix A.) Deponents are also in both the Bernau and Sherwood Slip Indexes. These are accessible in PROCAT for first plaintiff and first defendant.

Class C22. Depositions taken for cases in any of the Six Clerks Series before 1714 may be filed and calendered with any of the six divisions (Bridges, Collins, Hamilton, Mitford, Reynardson, and Whittington). If, for example, a chancery bill or answer is discovered in Whittington Division (C10), and if depositions for that case exist, they may be filed in any of the six divisions. A separate search has to be conducted to find the depositions, which are microfilmed. (See appendix A.) They are also searchable in PROCAT for first plaintiff and first defendant.

Class C23. This contains sworn statements given for cases that never reached trial. These sealed depositions, taken for contingencies that never arose, are not accessible to researchers.³⁰

Class C24. Town depositions (in London) from the Examiner's Office, 1534–1558, are microfilmed. (See appendix A.) The film contains only a fraction of extant records, however. Deponents in 2,509 bundles of depositions covering the period 1534–1853 are in the Bernau Index. Some are accessible in PROCAT.

- Depositions for classes C11 (1714–1758) and C12 (1758–1800) are included with the bills and answers indexed by Bernau.

III. DECREES AND ORDERS

Chancery registrars logged day-to-day operations of the court in Entry Books of Chancery Decrees and Orders, organized as class C33. Entries mention court orders, interim decisions, judges' opinions, and other data that collectively shed light on the progress of a given case. The volumes are massive, some at least ten inches thick. Individual pages can be photocopied only at the discretion of the PRO staff.

CLASS C33

The Entry Books are divided into two series, known as "A" books (beginning 36 Henry VIII [1544]) and "B" books (beginning 1 Edward VI [1547]). Until Trinity term, 1629, each series contains entries of decrees and orders in suits whose titles begin with any letter from A to Z. From Michaelmas term, 1629, suits with titles that begin with letters A–K are recorded in the "A" series books and those beginning with letters L–Z are recorded in "B" series books.³¹

- Manuscript calendars to Decrees and Orders (called "INDs"): After Michaelmas term, 1629, even-numbered INDs contain indexes to the first half of the alphabet; odd-numbered INDs contain indexes to the last half.

30. *Chancery Proceedings: Equity Suits from 1558*, Legal Record Information 22.

31. The four terms of the court were Hilary, Easter, Trinity, and Michaelmas, which correspond to winter, spring, summer, and fall.

- The manuscript calendars (INDs) to Chancery Decrees and Orders have not been microfilmed by the FHL and are available only at the PRO.

For an example of information found in C33, see figure 7.

THREE CASES

TWO MARRIAGES IN CORNWALL

Diligent researchers can uncover a wealth of information in chancery records to complement what they have learned from other sources. Details gleaned from

Figure 7

Class C33 (Entry Books of Chancery Decrees and Orders)

Date: 28 January 1634/35 to 18 January 1639/40

Subject of search: Achym and Fulford families

The Achym/Fulford family history tells of a flurry of suits between the Achym and Fulford families heard in Chancery.* The issue revolved around a marriage settlement and claims that the Achym children were treated unfairly after their parents' deaths. The suit included claims and counterclaims of the Achym brothers over the inheritance of lands in Pelynt. The court heard the complaints as a single case and struggled over a solution.†

Results: Twenty-five entries in Chancery Decrees and Orders show how the litigation progressed. In an early interim solution to the ownership of land, the judge admonished the brothers, stating:

His lordship wishing there may be no struggling between the said parties [the brothers] touching the possession [of properties].‡

A later decree states:

Vpon the hearing and long debating of the matters vpon both the said billes this present daie in the presence of the Councell learned on both sides the question . . . but as touching the Barton of Trenake and the said Pynes tenem^t This Court declared it seemed to be a perplexed thing, and therefore moved for avoyding further suites and expence of money the said parties being brethren that the said Barnard Achym would accept of 250^l from the said Deft Thomas Achym for his pretended Interest therein, vnto wch motion both the said parties did submitt and assent.§

Collectively the decrees illustrate the court's difficulty in reaching an amicable settlement and its ultimate success in persuading the parties to accept an equitable solution, thus saving additional legal expenses. The entries add to the family's story and also give a glimpse of the court's basis in equity.

*Hill, "The Tumultuous Achym/Fulford Relationship," 21, 22.

†For additional discussion of the use of chancery records in marriage settlements, see Amy Louise Erickson, *Women and Property in Early Modern England* (London: Routledge, 1993).

‡Chancery Decrees and Orders, C33/171, fol. 134v, 20 February 1636/37, Public Record Office, Kew, Richmond, Surrey.

§Chancery Decrees and Orders, C33/173, fol. 355v, 5 February 1637/38.

the court documents can add substance and color to a family's history. Illustrative is a comprehensive search of chancery records for a set of sixteen family surnames in county Cornwall for whom 365 probate records had been previously identified. The search, carried out using the county column in the chancery calendars at the FHL, turned up 145 chancery records for the same families. The ratio of chancery proceedings to probate cases for this set of families is 40 percent.³²

The study, which focused on the ancient deaneries of Trigg Major and Trigg Minor and on the Achym family of Pelynt, showed that not only the wealthy sued in Chancery. Residents of Trigg Major were largely yeoman farmers of moderate means with small leased land holdings. Many Trigg Minor residents were of the "landed gentry"—families included in the *Visitations of Cornwall* and whose family heads were often styled *gentleman* or *esquire*, and who had typically larger land holdings.³³ The search for chancery records showed that litigants came from both groups, although the Trigg Major residents appear less frequently in suits than their wealthier neighbors in Trigg Minor. (See figure 8.)

Figure 8
Numbers of Family Court Cases versus Family Probates
Northern Cornwall, England: 1600–1714

	C2/JAS	C3	C5	C6	C7	C8	C9	C10	TOTAL CHANCERY	PROBATE
Trigg Major 11 surnames	6	18	1	2	6	7	1	6	47	311
Trigg Minor 5 surnames (including Achym)	4	19	1	11	22	9	5	27	98	54
16 TOTAL	10	37	2	13	28	16	6	33	145	365

Two other worthwhile lessons, one methodological and one substantive, derive from a suit found in the Whittington Division (C10): *John Nicholls v. Thomas Achim, Francis Achim, Thomas Hill and Ursula his wife, Mary Penkevill, and Francis Fulford*. John Nicholls, the plaintiff, was unknown at the outset of this study of Hill and Achim families. A search for relevant plaintiffs (arranged alphabetically by the first plaintiff) would not have included searching under the letter N. An alternative approach—looking for defendants—theoretically would have found

32. Hill, "Maximizing Probate Research;" a map of the parishes in the ancient deaneries of Trigg Major and Trigg Minor is shown on page 274. Because the time span in this example extends to 1714, the same span as the chancery records, the number of probates for these families differs from that published in Hill, "Maximizing Probate Research."

33. Lt. Col. John Lambrick Vivian, *The Visitations of Cornwall, The Heralds' Visitations of 1530, 1573, and 1620, With Additions* (Exeter: William Pollard and Co., 1887). Families included in the study are: Achym of Pelynt, 1; Hill of Wendron and Egloshayle, 231–32; Hill of Heligan, 227–28; Mathew of St. Kew, 310–13; Penkevill of Penkevill, 414–15; Roscarrock of Roscarrock, 399–401.

Hills and Achims, signaling the record as pertinent. The point is probably moot, however, because few researchers would have tackled the long list of unalphabetized names recorded in small and crowded handwriting. A third option is to search by county, which is easy, accurate, and fast. Scanning the calendar's county column for all suits in Cornwall allowed the researcher to spot this record:

C10/513/103: John Nicholls *v.* Thomas Achim, Francis Achim, Thomas Hill and Ursula his wife, Mary Penkevill, and Francis Fulford.³⁴

A key piece of information came to light in the original bill obtained from the PRO. Dated 12 January 1694/5, it concerns land mortgaged to provide a settlement for Mary Achim when she married Benjamin Penkevell. The bill contains the following family information:

Benjamin Penkevell of St. Kew, since deceased, about the year 1660 intermarried with Mary, the daughter of Thomas Achim of Pelint, also deceased . . . Thomas Hill of Michaelstow, Gent, married Ursula, the only daughter and heir of Benjamin Penkevill begot on the body of Mary his widow and relict . . . Thomas Achim and Francis Achim, brothers of Mary Penkevill . . .

As stated earlier, this demonstrates that chancery records can solve genealogical problems when other records are missing. The bill provides the only known evidence for the two family marriages because the early Pelynt register is lost.

MULLIS SISTERS OF CORNWALL

Another study of the Hill family of Cornwall found proof in chancery records of a previously unknown relationship. A need for information about Thomas Hill of Michaelstow in Cornwall in the early 1700s led to a search in class C11. The Bernau Index identified 190 suits for Thomas Hill; a follow-up search in the Bernau Notebooks for suits mentioning Michaelstow identified two "winners": suit C11/2727/84 (1715) and suit C11/1394/38 (1716). Both pertain to arguments regarding the inheritance of lands in Tregrenwell in the manor of Helstone in Trigg, part of the Duchy of Cornwall, held by the Mullis family. The two bills, and an earlier one discovered in Whittington Division (C10/513/103), name the surviving children, with their spouses, of John and Alice Mullis of Michaelstow and thus offer proof—not found elsewhere—that Elizabeth Mullis (who married Thomas Hill Jr. at St. Beward, 6 May 1711)³⁵ and Mary Mullis (who married Francis Hill at Michaelstow, 2 January 1714/5)³⁶ were sisters.

34. Note that an initial search for "Achim" in PROCAT would have yielded only this reference: "C10/513/103, *Nicholls v. Achim, Hill, Senkevill, and Fulford, Cornwall, 1694.*" This underscores the value of using the calendar, which gave more information.

35. St. Beward parish register, DDP 20/1/1, Cornwall Co. Record Office, Truro; FHL microfilm 1,545,325.

36. Michaelstow parish register, DDP 151/1/1, Cornwall Co. Record Office, Truro; FHL microfilm 1,596,056.

COLWILLS IN CORNWALL

An ongoing research project on the Colwill families of Cornwall led to a search in the Bernau Index for all Colwill/Collwill/Colwell/Collwell entries in class C11. Sixteen suits were found, five of which originated in Cornwall and Devon. One entry in the Bernau Notebooks (entry C11/275/63), dated 12 April 1725, reads: 1725 Saml Lyne of Launceston, Cornwall, gent, v. John Colwell.

Introductory material in the complaint states that John Colwell was formerly of Bratton Clovelly and now of Kenn, both in Devon. Kenn is located near Exeter and far from Cornwall, which makes it unlikely that he was part of the Cornwall Colwill families. However, buried further in the text, the chancery proceeding revealed that John Colwill had earlier held property in Poundstock in Cornwall.

On 20 May 1718, in consideration of two mortgages, Samuel Lyne lent John Colwell £80. The first mortgage was a lease granted to John Colwell of Arnold's tenement in Widmouth, Poundstock, dated 12 February 1694/5. The second was a 5 March 1714/5 lease to John Colwell of premises in West Coombe in the parish of Sourton in Devon on the lives of John Colwell, Mary Williams the daughter of William Williams, late of Sourton, and Johan the daughter of John Colwell. Only one John Colwill at Poundstock with a daughter Johan was known; his family is listed in figure 9.

Two additional Colwill children appear in the Poundstock parish registers, with parents John and Mary/Marie Colwill:

- b. 20 June 1716 William, s of John Colwill & Marie
- b. 4 February 1717/8 Nicholas, s of John Colwill & Mary³⁷

Who were these two, and were they related to the John Colwill family in figure 9? The critical clues that tied all together lay not in the parish registers but in the chancery record cited above. The first of the two mortgages places a John Colwell in Poundstock in 1694/5. The second, makes reference to a John Colwell in Devon in 1714/5:

“... John Colwell, Mary Williams the daughter of William Williams late of Sourton, and Johan the daughter of John Colwell.”

That reference prompted a search for a marriage record of John Colwell and Mary Williams. A parish register shows that on 30 July 1715 John Colwell of Bridestow and Mary Williams of nearby Lewtrenchard married at Stowford in Devon.³⁸ What was the groom's relationship, if any, to the John Colwell married to Joan Cowling? (See figure 9.) The Poundstock church register showed that Joan, wife

37. Both in Poundstock parish register, DDP 193/1/1, Cornwall Co. Record Office, Truro; FHL microfilm 1,596,143.

38. Stowford parish register, microfiche MF1, Devon Co. Record Office, Exeter. Bridestow, Lewtrenchard, Stowford, and Bratton Clovelly are clustered in Devon, about seven miles east of St. Giles in the Heath, a parish in the deanery of Trigg Major. For a map of the deanery, see Hill, “Maximizing Probate Research.”

Figure 9
Family of John Colwill and Joan Cowling

DATE	MARRIAGE/BAPTISM
11 April 1694	John Cowllwill of Week St. Mary & Joan Cowling*
30 January 1694/5	Grace, d of John Coullwill & Joane*
[?]	[Joan (?)] [§]
20 March 1699/1700	John, s of John Colwel & Joan [†]
22 June 1702	Philipa, d of John Colwill, Yeo, & Joan [†]
13 May 1704	William, s of John Colwill, Yeo, & Joan [†]
08 7br 1705	Philip, d of John Colwill, Yeo, & Joan [†]
DATE	BURIAL
02 February 1694/5	Grace, d of John Collwill & Joane*
17 May 1704	William Colwil, infant [‡]
06 August 1704	Philep Colwill, infant [‡]
29 January 1707/8	Joan, wife of John Colwill [‡]

*St. Teath parish register, DDP 219/1/1, Cornwall Co. Record Office, Truro; no microfilm available.

[§]No baptismal record has been discovered; however, Joan and her mother, Joan, are mentioned in the will of a William Watts of St. Teath, dated 27 January [1698/9], proved 18 February 1700/01: Probate record AP/W/1617, Archdeaconry Court of Cornwall, Cornwall Co. Record Office; FHL microfilm 1,471,609. Joan and her siblings are also named in the will of their uncle Weymouth Colwill of Week St. Mary, dated 28 November 1709, proved 5 May 1710; probate record AP/C/2638, Archdeaconry Court of Cornwall, Cornwall Co. Record Office, Truro.

[†]Poundstock parish register, DDP193/1/1, Cornwall Co. Record Office, Truro; FHL microfilm 1,596,143.

[‡]Poundstock Bishop's Transcripts, BT193, Cornwall Co. Record Office, Truro; FHL microfilm 0,090,264. The BT for 1704 does not appear on that microfilm; however it exists in file BT193 at the Cornwall Co. Record Office.

of John Colwill, had died there in January 1707/8.³⁹ The researcher's first guess is the obvious one—after his wife's death, widower John Colwell married Mary Williams. Other known records support that theory.⁴⁰ The couple had two children at Poundstock—William and Nicholas, previously mentioned; both were baptized there in 1716 and 1717/8.

The chancery records show that John Colwill borrowed £80 from Samuel Lyne and mortgaged his leaseholds of Arnold's tenement in Poundstock and West Coombe in Sourton. In 1721, records find John and Mary Colwill in Bratton Clovelly in Devon, where a daughter Grace was baptized. By 1722/3 church registers place the family in Kenn in Devon where John Colwill had two

39. Poundstock Bishop's Transcripts, BT193, Cornwall Co. Record Office, Truro; FHL microfilm 0,090,264.

40. Burial record, William Colwill of [blank] in Cornwall, Kenn parish register, Devon Co. Record Office, Exeter. Also, probate record, William Colwill of Week St. Mary, butcher, dated 14 June 1716, proved 6 July 1716; probate record AP/C/2789, Archdeaconry Court of Cornwall, Cornwall Co. Record Office.

more children baptized.⁴¹ John's troubles surface in the records in 1725 when Samuel Lyne sued in Chancery Court charging that John Colwill, formerly of Bratton Clovelly and late of Kenn, had defaulted on the mortgages taken out years earlier.

Together with probate and parish records mentioned here and in other known records, the evidence buried in this chancery bill about the default of some mortgages identified the "two" John Colwills as one, which led to the documenting of his second marriage, clarified the relationships of other family members (figure 10), and traced the family's movements in Cornwall and Devon.

Figure 10
Family of John Colwill and Mary Williams

DATE			MARRIAGE/BAPTISM
30	July	1715	John Colwell of Briddestowe & Mary Williams of Lewtrenchard*
20	June	1716	William, s of John Colwill & Marie [†]
04	February	1717/8	Nicholas, s of John Colwill & Mary [†]
15	November	1721	Grace, d of John Colwell & Mary [‡]
06	February	1722/3	George, of John Collwill & Mary [§]
22	October	1724	Miriam, of John Collwill & Mary [BT: Wm of Jn ^o Collwill & Mary] [§]
DATE			BURIAL
30	August	1722	William Colwill of [blank] in Cornwall [§]
22	May	1725	Gorge Collwill [§]

*Stowford parish register, microfiche MF1, Devon Co. Record Office, Exeter.

[†]Poundstock parish register, DDP 193/1/1, Cornwall Co. Record Office, Truro; FHL microfilm 1,596,143.

[‡]Bratton Clovelly parish register, microfiche MF1, Devon Co. Record Office, Exeter.

[§]Kenn parish register, microfiche MF5, Devon Co. Record Office, Exeter. The gender of the child is not given in the register or in the Bishop's Transcript. The original parish register lists the name Miriam; the Bishop's Transcript lists the name Wm.

PROCAT AND CALENDARS: A COMPARATIVE SEARCH

As noted, the PRO has facilitated somewhat the search for chancery records. Researchers should nevertheless be aware of the possible limitation of using PROCAT to the exclusion of other methods. A search for records of the Achym family of Pelynt in Cornwall is illustrative. Achym is a sufficiently uncommon surname, with a number of suits in various classes, to offer a good test.

41. Bratton Clovelly parish register, microfiche MF1; and Kenn parish register, microfiche MF5; both Devon Co. Record Office, Exeter.

Figure 11
Comparison of Calendar Search with PROCAT Search
for the Surname Achym/Achim

PROCEEDING	CALENDAR	PROCAT	IN PROCAT UNDER VARIANT SPELLINGS
STAC2	1	1	
STAC5	3	0	Acheham, Acham, Archam
STAC4	1	0	Achyn
C2/Eliz	1	n. c. [†]	
C2/James	4	n. c.	
C2/Chas	19	n. c.	
C3	7	7	
C5	0	0	
C6	2	2*	
C7	3	n. c.	
C8	2	n. c.	
C9	4	2	Achyn, Achin
C10	8	6	Ashyn, one not listed
C21	8	3	Achin (2), Achem, Atchim, Archin
C22	7	6	Ashym
TOTALS	70	27	13

*Listed under Equity Pleadings
†n.c. = not catalogued in PROCAT

Figure 11 shows the results of a comparative search in PROCAT and in the calendars. A search for the surname in the calendars for the Court of Star Chamber (STAC) and the Court of Chancery (C) identified seventy proceedings. Reading the calendar entries allowed the researcher to identify suits filed under previously unknown variants in the spelling of the surname. In contrast, the search for the surnames Achym and Achim in PROCAT turned up only twenty-seven proceedings.⁴² A follow-up search revealed that the suits “missing” in PROCAT were actually there, but under variant spellings—some as different as Acheham, Archam, and Atchim—that were picked up by reading the calendars.

Obviously not definitive, these findings illustrate a point. PROCAT can be a good place to *start* a search, but searching it alone would not find every suit. All calendars should be examined to ensure comprehensive results.

A summary of research steps to locate chancery records using Family History Library and online finding aids can be seen in figure 12.

42. At the time of this search (January 2003), PROCAT did not contain proceedings for classes C2/Eliz, C2/James, C2/Chas, C7, and C8. As mentioned, chancery proceedings for class C6 are cataloged under Equity Pleadings.

Figure 12
Strategy for Locating Chancery Records
Using Family History Library and Online Finding Aids

1. Identify the class(es) (by date) that might contain the relevant records. *Note* that dates overlap for some classes. For a given period more than one class may have to be searched.
2. Determine whether the class
 - a. is accessible online in PROCAT or in the Equity Pleadings database (the latter for C6 only);
 - b. has been indexed in the Bernau Index, the Sherwood Slip Index, or another index;
 - c. has an indexed calendar.

If a search can be made in one of the finding aids listed in 2 above, proceed with steps 3–7. If not, see “Alternative search” below.
3. Conduct a surname search online or in an index.
4. Write down relevant information found: i.e., name, county, parish, nature of suit, date, PRO reference number, etc. Note that finding aids differ in what information they contain.
5. Consult the calendar (in the appropriate volume of the PRO's *Lists and Indexes*), which has abstracts of the original records. Confirm information and note additional details that might have been lacking in a given index or online (i.e., names of other parties, county, date, etc.). Remember that abstracted data in the calendars varies, and some calendars have details not found online, especially for cases after 1558.
 - County search in calendar: Because most calendars mention counties, researchers can also use them to get a county-wide picture of all plaintiffs and defendants (of any name) who were involved in any proceeding. Go directly to the calendars in the *Lists and Indexes* volumes, bypassing the Bernau and Sherwood indexes. Scan the county column for each county of interest, checking for all pertinent plaintiff and defendant names. This approach has the advantage that findings do not depend on the completeness or accuracy of the indexes, and one can easily spot variant spellings of surnames.
 - Calendars without counties: For calendars that do not include counties (as for C11 and C12), consult Bernau's notebooks, which supplement the information found online and in the indexes. (See appendix A for microfilm numbers.)
6. Study the information from the above finding aids to determine which cases are relevant.
7. Order the desired record(s) using PRO reference numbers in the aids and/or the calendars.

Alternative search:

If the class has not been indexed or included in an online database, browse the calendar:

- Browse for names of plaintiffs and defendants if the arrangement is alphabetical.
- If counties are included in the calendar, browse the county column, identifying relevant plaintiffs and defendants. (This strategy is effective for C2//James, surnames beginning with letters L–Z; C7; C8.)

Note: To order Chancery Court proceedings, write to Reader Services Department, Public Record Office, Ruskin Avenue, Kew, Richmond, Surrey TW9 4DU, UK. Request a quote for a particular document. Alternatively, order from the Public Record Office web site at <www.pro.gov.uk>. This site gives instructions for completing an "Estimate Order Form." Five documents can be included on one Estimate Order Form. The charge for documents, handling, and estimating the photocopy and mailing charges is £10 as of this printing, which must be paid by credit card when placing the Estimate Order. The Reprographics Department attempts to complete an estimate within ten working days of receipt of payment. Terms and conditions are explained in greater detail on the web site.

APPENDIX A
FHL Call Numbers and Microfilm Numbers for
Chancery Proceedings, Classes C1–C12

C1 Early Chancery Proceedings (1385–1558, 9 Richard II to Philip and Mary)

Bundle 1: Printed in *Calendar of Proceedings in Chancery*, vol. 1, pp. i–cxlvii, FHL microfilm 0,874,093, item 1. Bundle 1 contains examples of chancery proceedings from the reign of Richard II to Elizabeth I. Abstracts of each suit are followed by transcriptions of the bills, answers, replications, and rejoinders. The early suits are in French, with translations; the later suits, in English, are printed as exact transcriptions with medieval symbols. These transcriptions provide the student of Chancery Court with excellent examples of the phrasing of Chancery Court Proceedings.

Bundle 2: Printed in *Calendar of Proceedings in Chancery*, vol. 2, pp. i–lxxvi, FHL microfilm 0,874,093, item 2. Bundle 2 contains examples of Chancery proceedings, as above, for Richard II–Henry V.

Lists and Indexes, Early Chancery Proceedings, FHL call number Q942 B4pre;⁴³

No. 12: 1385–1467, bundles (bdls.) 3–37; indexed in Harleian Society vols. 78 and 79 (microfilm 0,162,077, items 3–4).

No. 16: 1433–1485, bdls. 38–75

No. 20: 1485–1500, bdls. 76–235

No. 29: 1500–1515, bdls. 236–377

No. 38: 1515–1529, bdls. 378–600

No. 48: 1529–1538, bdls. 601–771

No. 50: 1533–1538, bdls. 772–934

No. 51: 1538–1544, bdls. 935–1094

No. 54: 1544–1553, bdls. 1095–1324

No. 55: 1553–1558, bdls. 1325–1488

No. 55: various dates, some early, bdls. 1489–1519

C2/Eliz Chancery Proceedings (Series I, 1558–1603, Eliz I to James I)

Calendars of the Proceedings in Chancery in the Reign of Queen Elizabeth. Volume 1 of this three-volume set is prefaced by bundle 1 of *Early Chancery Proceedings*, mentioned above. Volume 2 is prefaced by bundle 2 of *Early Chancery Proceedings*, mentioned above. These three volumes are available only on microfilm, the volumes having been withdrawn:

Vol. 1: bdls. A.a.1–H.h.6 (microfilm 0,874,093, item 1)

Vol. 2: bdls. H.h.7–R.r.12 (microfilm 0,874,093, item 2)

Vol. 3: bdls. S.s.1–Z.z.1 (microfilm 0, 874,094)

Larger format microfilms (microfilms 1,501,916–18)

Bundles Omitted from the Printed Calendars, fully indexed: letters A–D (microfilm 1,501,919, item 2)

C2/James Chancery Proceedings (Series I, 1603–1625, James I)

Lists and Indexes, Index of Chancery Proceedings (Series I), James I, FHL call number Q942 B4pre,

No. 47: A–K only (microfilm 0,924,081, item 2)

Unpublished Public Record Office manuscript calendars

No. 32: L–M (microfilm 0,916,576, item 2, or 1,501,921, item 1)

No. 33: N–R (microfilm 0,916,576, item 3 or 1,501,921, item 2)

No. 34: S–Z (microfilm 0,916,576, item 4; 0,916,577, item 1) or 1,501,923, item 1)

C2/Chas Chancery Proceedings (Series I, 1625–1649, Chas I)

The Index Library, A Calendar of Chancery Proceedings, Bills & Answers, Charles I, FHL call numbers 942 B4b

Vol. 2: A–D (microfilm 0,962,742, item 1)

Vol. 5: E–L (microfilm 0,962,742, item 2)

Vol. 6: M–R (microfilm 0,962,742, item 3)

Vol. 14: S–Z (microfilm 0,564,344, item 1)

43. The letter Q in the call number indicates that this is a large book that is not shelved in the "942" area. It is in the Q942 area with other oversized books. Note that the call number 942 B4pre will locate *Lists and Indexes* in the FHL catalog; however, none of the chancery volumes are listed in the catalog by title. A search by call number will identify the individual volumes, but when conducting this kind of search, do not enter Q as part of the call number, as that will produce a "no matching titles found" response.

C3 Chancery Proceedings (Series II, 1558–1660, Eliz I to Commonwealth)

Lists and Indexes, Index of Chancery Proceedings (Series II), FHL call number Q942 B4pre

No. 7: 1558–1579 bdls. 1–202 (microfilm 1,696,603, item 10)

No. 24: 1579–1621 bdls. 203–329 (no microfilm)

No. 30: 1621–1660 bdls. 330–469 (no microfilm)

Records from unsorted bundles cataloged in Series II; calendar, alphabetical by plaintiff (microfilm 1,501,919, item 3)

Eliz I, 1558–1603, bdls. 470–478 Undated bdls., 483–484

James I–Chas I, 1603–1649, bdls. 479–481 Miscellaneous bundle 485

Commonwealth bundle 482

C4 Not accessible**C5 Chancery Proceedings, Six Clerks Series, Bridges Division (1613–1714)**

Lists and Indexes, Index of Chancery Proceedings, Bridges Division 1613–1714, FHL call number Q942 B4pre.

No. 39: A–C (no microfilm available) No. 44: I–Q (no microfilm available)

No. 42: D–H (no microfilm available) No. 45: R–Z (no microfilm available)

C6 Chancery Proceedings, Six Clerks, Collings Division (1625–1714)

Public Record Office manuscript calendar

Plaintiff A–F: (microfilm 0,824,637)

Plaintiff G–N: (microfilm 0,824,638)

Plaintiff M–V: (microfilm 0,824,639)

Plaintiff W–Z: (microfilm 0,824,640,
item 3)

Plaintiff A–K: (microfilm 0,824,640,
item 1)

Plaintiff L–Z: (microfilm 0,824,641)

Another Filming:

Plaintiff A–F: bdls. 1–268 (microfilm
1,501,925, item 2)

Plaintiff G–R: bdls. 1–268 (microfilm
1,501,926)

Plaintiff S–Z: bdls. 1–268 (microfilm
1,501,927, item 1)

Plaintiff A–Z: bdls. 269–355 (microfilm
1,501,927, item 2)

Index to Personal Estates: contains the names of persons whose estates the proceedings covered, i.e., the names in the “dispute” column of the manuscript calendar for bundles 1–268 only (0,824,640, item 2; or 1,501,925, item 1).

Single Bills: contains calendars for bdls. 356–610 in Collins Division (microfilm 0,824,643 or 1,501,924, item 3). Parts of this manuscript calendar contain suits listed by surname v. surname; other parts contain the surname and given name for both plaintiff and defendant. The nature of the dispute and location are not listed.

C7 Chancery Proceedings, Six Clerks Series, Hamilton Division (1620–1714)

Public Record Office manuscript calendar

Plaintiff A–C: (microfilm 0,824,644)

Plaintiff D–G: (microfilm 0,824,645)

Plaintiff H–K: (microfilm 0,824,646)

Plaintiff L–O: (microfilm 0,824,647)

Plaintiff P–S: (microfilm 0,824,648)

Plaintiff S–V: (microfilm 0,824,649)

Plaintiff W–Z: (microfilm 0,824,650)

Another Filming:

Plaintiff A–E: (microfilm 1,501,928)

Plaintiff F–K: (microfilm 1,501,929)

Plaintiff L–S: (microfilm 1,501,930)

Plaintiff S–Z: (microfilm 1,501,931)

C8 Chancery Proceedings, Six Clerks Series, Mitford Division (1570–1714)

Public Record Office manuscript calendar

Plaintiff A–C: (microfilm 0,824,651)	Another Filming:
Plaintiff C–H: (microfilm 0,824,652)	Plaintiff A–F: (microfilm 1,501,932)
Plaintiff H–N: (microfilm 0,824,653)	Plaintiff G–R: (microfilm 1,501,933)
Plaintiff O–S: (microfilm 0,824,654)	Plaintiff S–Z: (microfilm 1,501,934)
Plaintiff T–Z: (microfilm 0,824,655)	

C9 Chancery Proceedings, Six Clerks Series, Reynardson Division (1649–1714)*The Index Library, Index of Chancery Proceedings (Reynardson's Division), 1649–1714*, FHL call number 942 B4b.

Vol. 29 letters A–K (microfilm 0,990,401)

Vol. 32 letters L–Z (microfilm 0,526,491, item 3)

Public Record Office manuscript for bdl. 1–41 of the 491 bdl. (microfilm 0,824,656, or 1,501,935)

C10 Chancery Proceedings, Six Clerks Series, Whittington Division (1640–1714)

Public Record Office manuscript calendar

Plaintiff A–C: (microfilm 0,824,657)	Another Filming:
Plaintiff D–K: (microfilm 0,824,658)	Plaintiff A–C: (microfilm 1,501,935)
Plaintiff L–P: (microfilm 0,824,659)	Plaintiff D–M: (microfilm 1,501,936)
Plaintiff Q–S: (microfilm 0,824,660)	Plaintiff N–Z: (microfilm 1,501,937)
Plaintiff T–Z: (microfilm 0,824,661)	

C11 FHL Film Numbers for Bundles/Suits in the Bernau Notebooks (1714–1758)

Pt.	Film	Bdl/Suit to Bdl/Suit	Notebooks	Pt.	Film	Bdl/Suit to Bdl/Suit	Notebooks
1	0,385,284	1/1	60/19	1–12	23	0,385,306	1736/28 1816/1 253–264
2	0,385,285	60/20	164/17	13–24	24	0,385,307	1816/2 1888/13 265–276
3	0,385,286	159/5	254/68	25–36	25	0,385,308	1888/14 2000/3 277–288
4	0,385,287	255/30	334/11	37–48	26	0,385,309	2000/4 2116/24 289–304
5	0,385,288	329/19	384/8	49–60	27	0,385,310	2116/25 2207/22 305–316
6	0,385,289	384/9	505/26	61–72	28	0,385,311	2207/23 2289/59 317–332
7	0,385,290	501/29	584/7	73–88	29	0,385,312	2289/60 2378/12 333–348
8	0,385,291	597/7	719/26	89–104	30	0,385,313	2378/13 2461/9 349–364
9	0,385,292	719/27	795/22	105–116	31	0,385,314	2461/10 2560/19 365–380
10	0,385,293	795/33	869/66	117–132	32	0,385,315	2560/20 2650/43 381–396
11	0,385,294	869/67	970/21	133–140	33	0,385,316	Not Chancery
12	0,385,295	965/8	1085/2	141–152	34	0,385,317	2650/42 2699/46 397–404
13	0,385,296	1085/3	1145/56	153–160	35	0,385,318	2699/47 2736/27 405–416
14	0,385,297	1146/1	1190/31	161–168	36	0,385,319	2736/28 2793/88 417–426
15	0,385,298	1190/32	1232/19	169–176	Also		22/36 22/74
16	0,385,299	1227/19	1275/17	177–184			24/25 24/48
17	0,385,300	1275/18	1327/44	185–196			25/26
18	0,385,301	1327/49	1393/22	197–204			29/21 29/32
19	0,385,302	1393/23	1456/24	205–216			33/21 33/36
20	0,385,303	1456/25	1515/7	217–224			64/47
21	0,385,304	1515/8	1602/18	225–236			175/22
22	0,385,305	1602/19	1736/27	237–252			

Some overlap of bundle numbers occurs, mainly between bundles 100 and 1000.

C12 FHL Film Numbers for Chancery Proceedings in Bernau (1758–1800)

Vol. 1: A–Bez (microfilm 0,087,884)	Vol. 5: Gri–Jax (microfilm 0,087,886)
Vol. 2: Bib–Cim (microfilm 0,087,884)	Vol. 6: Kac–Nye (microfilm 0,087,886)
Vol. 3: Cla–Dys (microfilm 0,087,885)	Vol. 7: Oad–Sid (microfilm 0,087,887)
Vol. 4: Eab–Gre (microfilm 0,087,885)	Vol. 8: Sie–Zou (microfilm 0,087,887)

**FHL Microfilm Numbers for
Chancery Depositions for Proceedings in Classes C2–C10**

C21 Country Depositions or Depositions taken by Commission (1558–1649)

Original manuscript calendars are on microfilm, alphabetically by surname of plaintiff, as follows:

Vol. 1: A–J (microfilm 0,916,583, item 2)	Another Filming
Vol. 2: K–S (microfilm 0,916,582, item 5)	Vol. 1: A–J (microfilm 1,501,923, item 2)
Vol. 2: S–Z (microfilm 0,916,583, item 1)	Vol. 2: K–Z (microfilm 1,501,923, item 3)

C22 Chancery Depositions, Six Clerks Series (before 1714)

Manuscript calendars are on microfilm, alphabetically by surname of plaintiff, as follows:

Collins Div.:	bcls. 1–219 (microfilm 0,916,577, item 3)
Hamilton Div.:	bcls. 220–307 (microfilm 0,916,577, item 3)
Hamilton Div.:	bcls. 308–311 (microfilm 0,916,578, item 1)
Bridges Div.:	bcls. 312–581 (microfilm 0,916,578, item 1)
Mitford Div.:	bcls. 582–738 (microfilm 0,916,578, item 2)
Whittington Div.:	bcls. 739–824 (microfilm 0,916,578, item 3)
Whittington Div.:	bcls. 824–953 (microfilm 0,916,579, item 1)
Reynardson Div.:	bcls. 954–1052 (microfilm 916,579, item 2)

C24 Town Depositions

Calendars of town depositions from Examiner's Office, 1534–1558, are available on microfilm 0,916,577, item 2. Deponents for (1534–1853) are listed in the Bernau Index.

APPENDIX B

Sixteenth- and Seventeenth-Century English Courts

Sixteenth- and early seventeenth-century English litigants had access to a number of courts in which to plead their grievances. Courts functioned either as common law courts, whose judgments adhered strictly to established legal precedent, or as equity courts, where judgments grew out of “natural reason or ethical insight, but independent of the formulated body of [common] law.”⁴⁴

- **The Court of Chancery** consisted of a court of common law and a court of equity where citizens sought justice, avoiding the rigid formality of common law. More than 1.2 million suits were filed in the equity side from the time of Richard II, 1385 to 1873.

44. *Black's Law Dictionary*, s.v. “Equity.” Also, *Encyclopædia Britannica*, 11th ed., s.v. “Chancery.” Common law contrasts with statute law as law not set down by the ruling body. It is the law prevailing between man and man, unless the court of Chancery, the equity court, assumed jurisdiction. Common law would include the doctrines that the eldest son alone is heir to his ancestor, that a deed is not valid unless sealed and delivered, doctrines “not set down in a written statute or ordinance, but depending on immemorial usage for their support.” Also, Garrett, “Chancery and Other Proceedings;” and Horwitz, *Chancery Equity Records and Proceedings*.

- The **Exchequer Court** was one of three common law courts at Westminster, the other two being the Court of Common Pleas and the Court of the King's Bench.⁴⁵ The Exchequer Court dealt primarily with revenue collection. In the sixteenth century its jurisdiction in equity arose when persons sued over money and land issues. Equity cases were a small portion of cases heard in this court, however, with fewer than 100,000 suits initiated in two centuries.⁴⁶
- The **Court of Star Chamber**, created in 1487, heard cases about offenses that were too serious to be taken up by the ordinary courts.⁴⁷ It had unlimited jurisdiction in civil cases and in such criminal cases as murder, forgery, felony, perjury, riots, fraud, libel, slander, duels, and acts tending to treason. The Tudors, wielding power through this court, silenced critics of the Crown. Parliament abolished the court in 1641.
- The **Court of Requests** examined petitions of the humble people.⁴⁸ It functioned as an equity court involving small procedural expenses. Typically it handled cases of less importance than those presented to Chancery. It ceased to function at the suppression of the Star Chamber in 1641.
- The **Duchy of Lancaster Court** dealt with all matters within the jurisdiction of the Royal Duchy of Lancaster.
- The **Palatinate Courts of Lancaster, Chester, and Durham** heard equity cases within their territorial jurisdictions.
- The **Court of Augmentations** handled disputes between persons over lands confiscated from the monasteries.⁴⁹ A branch of the Exchequer, it was established 27 Henry VIII (1535–36) and was dissolved in Mary's reign.

45. *Encyclopædia Britannica*, 11th ed., s.v. "Chancery," and s.v. "King's Bench, Court of."

46. Henry Horwitz, *Exchequer Equity Records and Proceedings, 1649–1841*, Public Record Office Handbook No. 32 (London: H.M. Stationery Office, 2001), 1. Also, *Equity Proceedings in the Court of Exchequer*, Legal Records Information 19, online at <pro.gov.uk/catalogues/default.htm> under "Information Leaflets."

47. *Encyclopædia Britannica*, 11th ed., s.v. "Star Chamber" Also, *Court of Star Chamber, 1485–1642*, Legal Records Information 3, online at <pro.gov.uk/catalogues/default.htm> under "Information Leaflets."

48. *Encyclopædia Britannica*, 11th ed., s.v. "Requests, Court of." Also, *Court of Requests, 1485–1642*, Legal Records Information 4, online at <pro.gov.uk/catalogues/default.htm> under "Information Leaflets."

49. *Encyclopædia Britannica*, 11th ed., s.v. "Augmentation, also Exchequer."