

ENGLISH CHANCERY COURT RECORDS

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Regular and discerning subscribers to the *Quarterly* will have observed that a substantial majority of the evidences for Anglo-American family relationships described in the series "Genealogical Gleanings in England" have derived less from traditional genealogical sources than from lawsuits and other legal documents preserved in the Public Record Office (PRO). The reason for this is not that the writer is either a lawyer or a prisoner in the PRO, but that there is probably more personal history accumulated in Chancery documents than in any other single English archive relating to Britain's family and business links with the colonial empire. Because the greater part of genealogical inquiries originating in America about English ancestry are necessarily devoid of precise chronological or geographical points of reference, it is frequently necessary, in order to track down and isolate one emigrant ancestor, to compile a family history extending over several English counties and generations. An essential ingredient of such detailed studies should always be the genealogical wealth of Chancery proceedings, for they can often reveal the personal, business, and family relationships more clearly, and with greater detail, impartiality, and accuracy, than a fistful of wills and yards of parish register entries. Proceedings in Chancery were, of course, instituted mainly, though not exclusively, by those with money and property, and it would be unreasonable to expect to discover here any detailed information about the laboring classes. Furthermore, it would be less than honest to say that Chancery documents are either easily located or simple to interpret, and the PRO itself suggests that some experience is advisable before tackling this class of record. Nevertheless, the serious searcher should not be too easily deterred, provided he has either allowed enough time for the purpose, or can afford to employ a professional record searcher on his behalf.

An essential preliminary to effective use of Chancery records is to understand, if only in a rudimentary way, the various stages of an action at law. The aggrieved party, called the plaintiff, would have his lawyer draw up a Bill setting out in stiff, formal language, and always at great length, the substance of his complaint. The Bill always begins by naming the plaintiff, giving his title or occupation and place of residence, and concludes by naming the offending parties, the Defendants, and seeking the Court's authority to require them to provide written Answers to a series of specific questions. In due course the Answers would appear, often sworn before witnesses at the place where they

were made out, and the wheels of law would then begin to grind. (Note, however, that defendants did not include their occupation or place of residence in their Answers.) The preliminaries could occasionally be further protracted by the submission by a plaintiff of his objections to Answers, called a Replication, which would normally be followed by further Answers. The defendants could, on their part, enter a Demurrer, a plea that the case alleged is defective in law and therefore requires no Answer. It is, unfortunately, the exception rather than the rule to find Bills and Answers filed together under the same reference.

After the opening paperwork both plaintiffs and defendants were at liberty to call for sworn statements, called depositions, from witnesses in order to bolster up their arguments before the case came for hearing. Subpoenas were served on material witnesses to attend or to be represented at the trial and a record of these and other judicial preliminaries were entered in a register of Affidavits.

A trial could be adjourned from one sitting to another of the Chancery Court and, during its progress, the name of the principal plaintiff or defendant could be changed by the Court's authority, and it was not at all unusual for a trial to be opened under one title but to end with one completely different. All these shufflings, notes on the progress of the trial, a full summary of the cases submitted by plaintiffs and defendants, and the text of the final judgments were entered in the Register of Decrees and Orders.

When a case required, for example, the preparation of accurate pedigrees in order to establish claims under the terms of a will or to allocate an estate, the papers would be referred to a Master in Chancery whose task it was, after making exhaustive inquiries, to prepare a detailed report containing his decisions and recommendations. All such reports are filed as a separate series in the PRO and their value to the genealogist will be obvious.

It is worth noting that all Chancery Bills and Answers were written on parchment and have therefore survived reasonably well the ravages of time and movement. Furthermore all Chancery documents of the 16th century and later relating to proceedings at law are written in English, so that the only barriers to full comprehension are the penetration of the various scripts and handwriting styles and a degree of toleration for the cumbersome and repetitive phraseology.

Depositions are divided into two groups. Town Depositions (C24) were recorded on paper and were so-called because they were taken in London. Country Depositions (C21, C22, C11, C12) were taken on parchment before a special commission which usually set themselves up in a rural inn at or near the place where the deponents lived. Many Town Depositions, however, were made by people normally resident in the country or overseas, and a few Country Depositions are by London citizens. Both classes contain the name, age, status or profession, and usually the signature or mark of each deponent.

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It may now be useful to illustrate a method of tackling the vast array of Chancery documents in logical order to establish a particular family history. If one assumes that the search is being made for Ridgworth family records during the latter part of the 17th century, the first recourse should be had to the Bernau Index, remembering that Charles Bernau filed his cards in strict alphabetical order according to spelling in the original documents. Ridgworth might therefore appear as Ridgeworth, Redgworth, Redgeworth, Ridworth, or Redesworth. Next, an examination of the Six Clerks' series of calendars for Ridgworth plaintiffs would probably add substantially to the list of probable sources. Equipped with this preliminary list, it should now be possible to build up a detailed family history (in priority of dates, locations, and Christian names if necessary) by examining the appropriate Bills, Answers, and Depositions. Where a particular case is of special interest or importance it is worth an intensive effort not only to locate and study the related Affidavits, Masters' Reports, and Decrees and Orders, but to hunt down all the Town and Country Depositions relating to the case, remembering that both plaintiff and defendant could and did obtain separate sets of depositions. This technique has been found particularly useful in building up pedigrees where parish registers are defective or missing, where testamentary records have been destroyed, or where records of nonconformist families are sought.

The calendaring and indexing of Chancery documents has come rather low on the PRO's list of priorities and a large proportion of existing work in this field has come from private enterprise, and in particular from Charles A. Bernau, whose monumental index to legal proceedings, though it is far from comprehensive, contains tens of thousands of names. A microfilm copy of this index is lodged at the Society of Genealogists in London.

The following description summarizes the availability of those Chancery documents of greatest interest to the genealogist, and of calendars and indexes to them. In the context of this article the term "calendar" is used to denote a grouping of names or cases by their initial letter, and "index" for a completely alphabetical listing. Unless otherwise stated, all the documents referred to are available in the Public Record Office, to the Deputy Keeper of which I am indebted for his cooperation and review.

BILLS AND ANSWERS

Period 1386-1558. PRO class C1. Printed calendars: Early Chancery Proceedings vols. 1-10. (Lists & indexes vols. 12, 16, 20, 29, 38, 48, 50, 51, 54, 55.) Name index for period 1386-1467 in Harleian Society Publication, vol. 78.
 Period 1558-1603. PRO class C2/Eliz. Printed calendar in 3 vols. published by Royal command in 1827. Name and place index in each of the 3 vols.
 Period 1558-1660. PRO class C3. Printed calendar: Chancery Proceedings, series II in 3 vols. (Lists & indexes vols. 8, 24, 30.) Indexed by Bernau (Society of Genealogists).
 Period 1603-1625. PRO class C2/Jas. I. Printed calendar: Chancery Proceedings, series I. (Lists & indexes vol. 47 for suits by plaintiffs A-K only.) 3 vols. MSS calendars for

suits L-Z. Indexed by Bernau for suits A-K only. Useful MS place index in 2 vols. (So-called Index Nominum is merely a calendar of suits by surname.)
 Period 1625-1649. PRO class C2/Chas. I. Printed calendar in 4 vols. by surname of plaintiff only. No name or place indexes.

Period 1649-1714 (but many earlier suits included).

PRO class C5 (Bridges Div.). Printed calendars in 4 vols. (Lists & indexes vols. 39, 42, 44, 45.) Indexed by Bernau (Soc. of Gen.).

PRO class C6 (Collins). MSS calendars for bundles 1-265 only. MSS calendars by surname of plaintiff only for remaining 340 bundles. No indexes except for typed index by name of testator to disputed estates in bundles 1-265.

PRO class C7 (Hamilton). MSS calendars in 14 vols. Typed index to testamentary disputes completed by Coldham.

PRO class C8 (Mitford). MSS calendars in 14 vols. No indexes, but some testators' names in Great Card Index at Soc. of Genealogists.

PRO class C9 (Reynardson). MSS calendars to bundles 1-43 only. Printed 2-vol. index by plaintiffs' surnames only. Bernau indexed defendants' surnames.

PRO class C10 (Whittington). MSS calendars in 14 vols. No indexes. Typed index to testamentary disputes in preparation by Coldham.

Period 1714-1758. PRO class C11. MSS calendars in 18 vols. by surname of plaintiff only. Indexed by Bernau (Soc. of Gen.).

Period 1758-1800. PRO class C12. No calendars. Typewritten index in 12 vols. by surname of plaintiff only.

Period 1800-1842. PRO class C13. MSS calendars in 11 vols. by surname of plaintiff only. No indexes, but principal actions are indexed in printed law reports and in *The Times*.

AFFIDAVITS

Period from 1615. PRO classes C31 (originals) and C41 (Register copies). Calendared by suit in chronological order in IND 14545 etc. No indexes.

TOWN DEPOSITIONS

Period 1547-1853. PRO class C24. Calendared by chronological list. IND 16759 is MSS index of deponents period Henry VIII-Mary, with indication of subject. Bernau indexed deponents to about 1800. IND 9115-9121 contain alphabetical indexes of depositions arranged by title of suit.

COUNTRY DEPOSITIONS

Period 1558-1650. PRO class C21. MSS calendars by title of suit; Depositions Eliz.-Chas. I. Indexed by Bernau (Soc. of Gen.).

Period 1650-1714. PRO class C22. Printed calendar for bundles 1-495 and MSS calendar for bundles 496-601 at Society of Genealogists. MSS calendars by title of suit; Depositions before 1714. Index to deponents included in printed volume.

Period 1714-1758. PRO class C11. Depositions filed among Bills and Answers and calendared with them. Indexed by Bernau (Soc. of Gen.). Typed topographical index to depositions 1714-1744 (Soc. of Gen.).

Period 1758-1800. PRO class C12. No calendars. Indexed by Bernau (Soc. of Gen.). Depositions filed among Bills and Answers and indexed with them according to title of suit.

DECREES AND ORDERS

Period 1544-1841. PRO class C33. IND 1388 etc. are chronological calendars arranged by title of suit. No indexes.

REPORTS AND CERTIFICATES

Period 1544-1841. PRO class C38. Chronological calendars arranged by title of suit: 1606-1759 in IND 1878-2028; 1760-1800 in IND 10700 (1)-(41); 1800-1841 in IND 14919-14959. No indexes.