

The Chester County Pleas

CHES 29/1–22

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In the late 17th century Robert Harley of Brampton Bryan, Herefordshire (eventually created earl of Oxford and Mortimer) started a collection of manuscripts. He died in 1724, but his son and heir, Edward lord Harley, pursued the same project: when he died, in 1741, the library numbered 8000 volumes, containing more than 10,000 separate works; plus over 40,000 original rolls, charters and deeds.

The intention had been to make the collection an addition to the Cottonian Library in the British Museum, and it is now, accordingly, in the British Library.

In 1808 *A Catalogue of the Harleian Manuscripts, in The British Museum* was published ‘by Command of His Majesty King George III. In Pursuance of an Address of The House of Commons of Great Britain’. The catalogue, in two volumes, amounts to over 2000 pages. Many many items in the collection are worthy of publication, and many have been, some by the Harleian Society.

This catalogue was a republication and expansion of *Catalogus Librorum Bibliothecæ Harleianæ, or A Catalogue of the Harleian Collection of Manuscripts, Published by Authority of Parliament, for the Use of the Publick; and preserved in the British Museum. Published by Order of the Trustees, in 1759.*

The catalogue itself had been started in 1708 by Humfrey Wanley, librarian to the earls of Oxford, and continued successively by others, but the part that immediately concerns us is that from number 1 to 2407, which is as far as he had reached by the day of his death, 6 July 1726. It is his words that are quoted below in dealing with the Randle Holmes manuscripts.

One section of the catalogue, from manuscript 1920 onward, is entitled:

Here beginneth a Catalogue of the Heraldical and other MSS. bought of the Executors of Randle Holme, late Citizen and Armes-Painter of Chester.

This was, in fact, the huge collection of records accumulated by three successive Randle Holmes, heralds and genealogists of Chester, during the 17th century. They comprise not only transcripts compiled by the Randle Holmes themselves, but also manuscripts of other, some earlier, local antiquaries.

Part of the archives of the county administration were then kept in the Treasury in the castle of Chester, and were first inspected, by Randle Holme II, in 1652-3. It would seem that the archives were then in some disorder, which he strove to correct, compiling his own guide:

[Harley] 2056. *A thin Book in folio, on the out-side thus entituled by the second Randle Holme, “How to finde the Records in the several Cuberts & Presses in the Treasury in the City of Chester.” Here lett not the Reader expect an exact or a fairly-written Repertory or Kalendar to the Chester-Records; but only such loose Notes & Scraps which the second*

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Randle Holme seems to have taken for his own Use only, when he digested the said Records into some sort of Order, A.D. 1652 & 1653, and placed the same into the Cup-boards & Preses then newly bought in to receive them; after they had long layn in Confusion, and much endamaged both by Rain and Ratts. This is obscurely sett down by himself, at fol. 1.b. together with the Orders to be observed by those who should come to peruse the said Records; tending to the preservation of the same.

It is plain, that Mr. Holme as he went on in this Work, took Notes of the Names of City Officers, &c. and of the times when they served, in order to compile Lists of then; as may be seen at fol. 26. &c.

The other main repository of the county archives was the Prothonotaries' Office; these included the Cheshire plea rolls. Harley 2072 contains notes, by Randle Holme II, from some of the earliest of the county plea rolls then surviving:

A Book in folio written by the second Randle Holme, and containing his Extracts from the Rolls, kept as Records in Chester: of which, I shall give only the following brief account:

...

10 Edward I

2. *Extracts from the Chester-Rolls of ann. 10 Regis Edwardi I.*

3. *How Will. de Tableley recover'd his Lands, of which he had enfeoffed Godfrey Esmerillon; being in Prison, and through constraint.* fol. 1.¹
fol. 4.b.²

15 Edward I

18. *Extracts from the Plea-Rolls of the County of Chester, for the 15th year of K. Edward I.* fol. 14.³

19. *Inquisitio super annuo Valore Dominij de Brumfeld & Yale, ac Castri de Dinasbran.* fol. 14. b.⁴

20. *Robert Abbat of Vale-Royal was Bayliffe to Roger Bishop of Coventre & Lichfeld, as to all his Lands & Tenements in Cheshire.* fol. 17. b.⁵

21. *A stout Law-suit between the Abbots of Chester & Basingwerk, for the Advouson of the Church of West-Kirkeby, whose Incumbents had in former Times, Held the same by Hereditary Succession, untill the time of the Council held by Pope Innocent III. at the Lateran-Palace, wherin it was Enacted (if I may so say) that no Ecclesiastical Benefice, for the future, should devolve by Hereditary Succession,* fol. 18.⁶

¹ This is our Chester 29/2.

² 2:162.

³ Chester 29/3.

⁴ 3:273.

⁵ 3:101

⁶ 3:21, 67

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I am informed, that some late Clergymen of our Church, by Money, have evaded the force of that Canon, and succeeded their Fathers in the same Benefice without Fear or Shame: one example of this kind, is now at Coventre.

Then follow,

15-16 Edward I.

*22. Extracts from certain Plea-Rolls of the County Palatine of Chester, for the 15th & 16th years of K. Edward I. fol. 20.*⁷

16-17 Edward I.

*23. Extracts from like Rolls, for part of the 16th year, and the whole 17th year of K Edward I. fol. 27.*⁸

Here I find,

*24. A Copie of the Agreement made between Simon Abbat of Chester, & the Citizens of the same City, concerning the Place where the annual Fair of S. Werburg should be held. fol. 28.*⁹

20-21 Edward I.

*25. Extracts from like Rolls, for part of the 20th year, & for the 21st year of K. Edward I. fol. 36.*¹⁰

Here I find mention of

*26. A particular Privilege granted to the Abbey of Vale-Royal, by the King its Founder. fol. 43. b.*¹¹

22 Edward I.

*27. Extracts from like Rolls, for the 22 year of K. Edward I. fol. 46.*¹²

Here I find,

28. A particular Protection granted by the King, as to the Goods & Estate of Henry de Lascy Earl of Lincoln, who was about to make a Voyage to Gascoign. fol. 46. b.

...

Then, in the calendar, for Harley 2079, we have:

A Book in folio, begun by the Second Randle Holme; and enlarged by his Son, & others by his Direction. On the out-side it is thus Entitled, Deed & Breviats out of the Records in the Prothonotary's Office in Chester-Castle, etc.

...

⁷ Chester 29/4.

⁸ Chester 29/5.

⁹ 5:72.

¹⁰ Chester 29/7.

¹¹ 7:102 &c.

¹² The original appears to be now lost.

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58. Breuates (i. e. short Notes collected) out of the Records in Chester Castle. *pag.* 111.
59. Ex Libro Rubro *irrotulatorio in Archivis Cestr. ibid.*
60. De Willelmo Win-peny, qui interfecit Johannem Fabrum apud Congleton, et post factum, captus fuit, et simul cum Bonis suis, missus fuit ad Castrum de Halton, et ibi detentus. Postea, Ballivi Dni. Comitis Lancastrie de Halton, Corpus predicti Willelmi (eo quod super Curiam ibidem se ponere noluerit) ad Castrum Cestrie misit. Postea, predictus Willelmus fecit Finem, pro Pace Comitis habenda. *pag.* 113.¹³
61. *How William de Huxlegh, a notorious Thief, (with other Thieves) broke the Castle of Halton, and carried away with them Goods to the Value of £40. Which William being taken, & Indicted at the Assizes, Pleaded that He was a Clergy-man, & consequently not bound to answer in that Court. The Court then caused open Cry to be made, whether His Bishop had sent any person to demand him; which not Appearing, the Jury brought him in Guilty of that, & other Robberies. pag.* 115.¹⁴
62. Breve Edwardi Comitis Cestrie, &c. *directum* Ricardo Sutton, Servienti Pacis in Comitatu Cestr. *in quo* (quia nonnulli Malefactores et Pacis perturbatores Homicidia et alia Malefacta perpetraverant in Balliva sua) precipit quod Pacem in Balliva sua inviolabiliter conservet, &c. et quòd predictos Malefactores et capi, et ad prisonam Castri Cestr. duci, vel extra Patriam fugari faciat, citra Festum Natalis Domini; sub pena forisfacture Ballive sue. Teste, &c. 3 Decembris anno 4 Regis Edwardi II.¹⁵ *pag.* 121
63. Willelmus Walke appellavit Adamum filium Johannis de Woodhouses de incendio Domorum suarum, et Asportatione Bonorum suorum. Et predictus Adam captus fuit, et ad Castrum Cestrie ductus, etc. Et idem Adam ad Appellationem nihil respondit, sed Mutum se tenuit. Sed qui testificatum fuit Adamum loqui posse, si vellet, &c. Ideo commissus est Gaole ad Dietam, &c. Et postea testificatur per Johannem le Morgan Constabulario Castri Cestrie, quod predictus Adam mortuus est ad Dietam, &c. Ideo, &c. de Castell. inquirend. *ibid.*¹⁶
64. Hugo Cholmondelege Serviens Pacis presentavit ad Castrum Cestrie Caput Davidis le Cooper decollati pro Burglaria cujusdam Domûs apud Burwardesley, et cujusdam Domûs apud Cholmondley, &c. anno 6 Edw. II. *pag.* 124. *vid. pag.* 131. 133. 172.¹⁷
65. Jacobus de Coghull, &c. presentaverunt ad Castrum Cestr. caput cujusdam hominis capti fugiendo cum quodam Equo furato; et presentaverunt Equum cum Capite. Qui quidem Equus postea vendebatur per Camerariam Cestrie pro 5 Solidis. *ibid.*¹⁸
66. David de Buckley & Robertus de Woodhull Servientes Pacis sub Ricardo de Sutton, presentaverunt apud Castrum Cestrie Caput Thome Fox Felonis et Fugitivi; et nihil presentaverunt de Bonis. Ideo Inquisicio, etc. *ibid.*¹⁹
67. *In a Suit tried* anno 3 R. Edwardi II. . . . Abbas (*de Valle Regali*) dicit quod Dns. Edwardus Pater Domini Regis nunc, fundavit Abbatiam suam, et dotavit de diversis Libertatibus, &c. per Cartam suam eis concessit Catalla Deodand. infra Dominium ipsius Abbatis. Et dicit quod Infortunium predictum contingebat in filo Aque predictae (*de Wevere*) Et quod filum & cursus Aque est infra Dominium suum. Et profert quandam Cartam per Seipsam lectam, sed Curie non ostensam nec liberatam. *Et* dictum est eidem Abbati per Justiciar. *eandem* Cartam Curie liberari, ad intrandam Clausulam, per quam clamat Libertatem predictam: et Abbas hoc facere recusans, in Contemptu Curie recessit. Ideo, de

¹³ no date given; this entry is not found in Chester 29/1-22.

¹⁴ no date given; this entry is not found in Chester 29/1-22.

¹⁵ 3 December 1310; this would be in Chester 29/23.

¹⁶ no date given; this entry is not found in Chester 29/1-22.

¹⁷ this would be in Chester 29/25 or /26.

¹⁸ 22:663.

¹⁹ no date given; this entry is not found in Chester 29/1-22.

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Libertate predicti Abbatis quoad Catalla predicta, ad Judicium, ad proximum Comitatum, &c. *ibid.*²⁰

68. . . . Ricardus Goyel Monachus de Cumbermere interfecit Fratrem Adamum Carpentarium, cum quodam Cultello; et statim, Abbas et Conventus ejusdem Loci ceperunt eum, et imprisonaverunt secundum Consuetudinem Ordinis, &c. *pag.* 127. (Anno 1 R. Edw. II.)²¹

69. Assisa venit recogn. (anno 1 R. Edwardi II.) si Hamo de Massy, &c. injuste disseisiverunt Petrum de Dutton. de libero Tenemento suo in Worperton, &c. . . . ideo capiatur Assisa, &c. Et quia idem Hamo est Baro Dni. Regis, et Tenementa sua tenet de Dno. Rege in Capite, per Baroniam mediate; et ad Assis. seu Jurat aliqu. de aliquibus Tenentibus de Dno. Rege in Capite, tentis absque Corporibus Militum Gladio cinctorum, et discretis Hominibus Comitatus, non est procedendum; et Vice-comes modo in Panello suo, retornavit homines simplicis Statûs et Tenure, non Milites, seu Discretos Comitatus, &c. Ideo preceptum est Vice-Comiti, quod venire faciat ad proximum Comitatum, duodecim Milites Gladio cinctos; et preter illos viginti-quatuor liberos et legales Homines ejusdem Comitatus ad faciend. Assis. &c. *pag.* 130.²²

70. *Rescriptum* Pagani de Tibetot Justiciarij, *ad R. Ewardum*²³ II. anno sui REgni 4^{to}. Quia Johannes Anker captus fuit, et in Prisonsa Dni Regis de Macclesfeld adhuc detentus est per Appellum Amicie filie N. de Falo, quod Appellum adhuc pendet, ut mihi videtur, corpus predicti Johannis apud Notingham, ducere non debui, quousque Appellum illud fuerit terminatum. Et etiam, quia totus Comitatus Cestrie dicit, quod Comes Cestrie est Comes Palatij, et habet talem Libertatem, quod omnes Prisonsa capti in Comitatu Cestrie, sive extra, coram Justiciariis. Cestrie infra Comitatum predictum arrenari et judicari debent; et a tempore quo non extat memoria, arrenari et judicari consueverunt, et non alibi extra Comitatum illum: nec unquam aliquis captus infra Comitatum predictum pro aliqua Felonia, ad Sectam alicujus, misus fuit extra Comitatum. Et quia, si ita est, *esset* contra Statum Dni. Regis Comitatus Cestrie, ut mihi videtur, si dictum Johannem extra Comitatum Cestrie misissem, de sicut unicuique versus eum sequenti, secundum Legem & Consuetudinem Patrie, paratus sum Justiciam facere. *ibid.*²⁴

...

72. Placitum Comitatus Cestr. anno 26 R. Edw. III. de Contencione mota inter Hundred. de Bucklowe, et Hundred. de Northwico, de Misa 1000 Librarum Dno. Comiti concessarum. *Jurati* dicunt, quod Hundred. de Bucklowe ad quamlibet Misam centum Librarum, debet solvere 20 Solidos plus quam Hundred. de Northwico: ita quod Hundred. de Bucklowe debet solvere ad quamlibet Misam Centum Librarum, 14 Libras; et Hundred. de Northwico, 13 Libras, &c. *pag.* 146.

The abovementioned Extracts from the Chester-Plea-Rolls being over, I come to,

...

75. *Notes collected from the Plea-Rolls of Chester.* *pag.* 158. A.

Here I observe,

76. *The Claims of Liberties & Privileges made by the Superiors of Religious Houses, Noblemen, Gentlemen, & Officers.* *ibid.*

...

80. Searches made in (*i. e.* *Notes taken from*) the Records of Chester, by Philip Ouldfeild of Bradwall Esq; Learned in the Lawes. *pag.* 169. *Among these, I find one, shewing that*

²⁰ 22:683.

²¹ 20:415.

²² 20:417.

²³ *sic*

²⁴ 22:1094.

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81. Alicia que fuit Uxor Rogeri Turnoke petit versus Thomam de Weste-dish, tertiam partem, &c. ut dotem suam, &c. Et Thomas et alij veniunt et dicunt quod predicta Alicia non debet inde Dotem habere. Dicunt enim, quod Ipsa in Vita predicti Rogeri elongavit se de eodem Rogero, et morabatur in Adulterio cum quodam Ricardo de Syddinton apud Somerford, et cum eo moram traxit; ita quod in vita ipsius Rogeri, nunquam fuit eidem Rogero reconciliata; et hoc parati sunt verificare per Patriam. She denying the Allegations against Her, They prove *the same* to the Jury. *Wherefore* the Verdict went for the Defendants. *pag.* 175.

Harley 2077 is described as:

A Book in folio, written by several Hands, and on the Back, entituled by the Third Randle Holme by this only Word DEEDS: but I take the Liberty of giving the following Account of it.

...

9. *Note of a Suit of one Wentilian (perhaps a Welsh-woman) against Sir Hugh Venables, who had betrothed himself to Her near 28 Years before, & had begotten Children upon Her. Hugh appeared, owned the Children, but denied the Contract: but, as it seems, was obliged to Marry her. This happened A.D. 1240. pag. 14. (et pag. 15. where it appears by the Testimonies of many Witnesses, that he was lawfully married to Her in the Chapell of Peever.)*

...

Among the families researched by Holme was that of the Actons of Over Alderley, and he noted ‘Acton’ and ‘Alderley’ in the margin of many entries in the early plea rolls. His findings were brought together in manuscript 2099, described in the Wanley catalogue as:

A Book in folio, for the most part written by the Hand of the Second Randle Holme, & by his Son, on the Out-side this Entituled, Deeds & other Writings of seuerall Familys in Cheshire, &c. In the Description whereof, I shall proceed in the same manner as I have before used with Books of this Sort. It contains therefore,

1. Copies of, and Extracts from Records preserved in the Protho-notaries Office in Chester, relating to the Family of Alderley (*antiently written Aldredes-lega.*) *fol.* 248.

Among these, many do likewise relate to the Family of Acton, &c.

...

A Select Committee on the Public Records in 1803 received a return from the Deputy Prothonotary and Clerk of the Crown of the Court of Great Session of Flint, and Court of Session of Chester, listing their archives. These included:

Parchment Rolls, whereon are enrolled the fines and recoveries in each session, the patents of the judges, attorney generals, and prothonotaries, and the pleadings in all actions which are brought to trial and issue in each session, and deeds when they have been enrolled, but they are very few.

In 1819 George Ormerod published *The History of the County Palatine and City of Chester; compiled from Original Evidences in Public Offices, the*

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Harleian and Cottonian MSS., Parochial Registers, Private Muniments, Unpublished MS. Collections of Successive Cheshire Antiquaries, and A Personal Survey of Every Township in the County; incorporated with a Republication of King's Vale Royal and Leycester's Cheshire Antiquities. In his discussion of Chester castle (vol. i p. 283 n. z) Ormerod states:

In the exchequer office, and the prothonotary's office, contained in the great front of this pile of buildings, to the west of the shire hall, are deposited the valuable series of legal documents relative to the county of Chester, described in the following papers, the first of which was communicated by Faithful Thomas, esq. deputy keeper of the records of the county of Chester, and the second is abstracted from the Reports of the Commissioners of the Public Records.

There then follows:

An abstract of the inquisitions, enrollments, and other records in the exchequer, was made by Mr. F. Thomas, between the years 1804 and 1811, at such times as were not occupied by his private business, but the time actually consumed may be calculated at between four and five years of constant application. The overwhelming labour of the undertaking can only be estimated by those who have seen the **antient and half-obliterated MSS.** which were examined; and the skill and precision with which the work was executed, are most honourable to the undertaker of it. It is however to be regretted, that the abstracts, which are written on paper of a very perishable texture, have not been fairly transcribed in that permanent form which their importance merits, and an index of reference made thereto. The value of the documents can never be appreciated until this is done, nor can the abstracts be of general use, for, to find any thing inquired after, a search must be made through the whole of the extracts, excepting the Inquisitions post mortem, of which Mr. Thomas has made an index for his own convenience.

There then follows 'A Table of the Records of the County Palatine of Chester kept in the Exchequer Office there': this shows no documents earlier than the reign of Edward II. From Edward II's reign (1307-1327) the only records surviving were 14 'Recognizance on ²⁵ Remembrance Rolls':

The Recognizances, Ministers' Accounts, and Chamberlain's Accounts, Rolls of Debts, and Court Rolls, are written upon long slips of parchment, sewed together and made up in rolls; and the rest of the records are written upon skins of parchment. The Recognizances contain the exemplifications of inquisitions post mortem, of fines, recoveries, grants, and other legal proceedings relating to real property. Also enrollments of grants, and confirmations thereof, of licences to buy and sell lands and tenements, special liveries without any probations of age, acknowledgments of debts due to the different kings and princes as earls of Chester, and to others.

²⁵ sic, for *or*

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Although the main thrust of Ormerod's work is a genealogical investigation into the descent of the individual manors in the county, the greatest attention therefore being given to mediaeval records, he does not seem to have searched the records in the castle himself, except as mediated by Holme's notes as above.

In reviewing the archive sources available to him, Ormerod refers in his preface (vol. i p. xv) to:

And as evidences of a mixed nature, consisting partly of original deeds and copies of deeds, civil and ecclesiastical, and partly of the voluminous collections of the **four** Randle Holmes and other Cheshire Antiquaries, the immense series of Cheshire evidences preserved in the British Museum. The principal part, consisting of the collections said to have been refused by the corporation of Chester, but purchased by the earl of Oxford at the request of bishop Gastrell, consists of 257 MS volumes, chiefly of the largest size, extending from Harl. MSS. 1920 to 2177 inclusive; but numerous other volumes on the same subject exist in other parts of the Harleian collections, and among the Cotton, Lansdowne, and other MSS. in this invaluable Depository.

but as for the earliest rolls at the castle, he says:

An account of the other documents in the Exchequer, and the Prothonotary's Office, will be found under the head of Chester Castle.²⁶ Among the latter are the records and fines, which, with some other evidences (as stated in the official return), **are injured, and chiefly illegible, before the time of Elizabeth**; but copious abstracts,²⁷ from Edward I. to Charles I. inclusive, are extant, in Harl. MSS. 2068, 69, 70;²⁸ and another abstract by Dr. Williamson, transcribed by Mr. William Cowper (from 23 Hen. III. to 17 Car. I.), was lent to the author, with the rest of the Cowper collections.

Here we have mention of a record from 23 Henry III (**1238-1239**), extant in the time of 'Dr. Williamson'. Edward Williamson produced a study of the townships of Cheshire called *Villare Cestriense*, ascribed to 1701; Ormerod used it extensively in his own work. In his discussion of the township of Clutton (vol. ii p. 410), Ormerod gives further details:

Dr. Edward Williamson, younger brother of the vendor of the manor, was one of the most laborious, and certainly the most intelligent of the Cheshire collectors. His *Villare Cestriense* exists in many MS Copies. A large portion is transcribed in Cole's MSS. Another copy by Bassano was presented by Mr. Lysons to the British Museum, and a third was transcribed and continued to 1739, by John Stones, M.A. rector of Coddington. Dr. Gower is mistaken in describing this work as arranged under Hundreds and Parishes, its order being simply the alphabetical series of townships. The general collections of Dr. Williamson were arranged after his decease, by Dr. Cowper, in one folio volume, closely written in a diminutive hand, with numerous abbreviations. These collections commence with the **29th**

²⁶ as above

²⁷ sic

²⁸ as above

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year of Hen. III. and proceed in regular series through fines, charters, and Inquisitions, to 7 Car. I. It is only a well-merited praise of this book to say, that its contents are more really useful and important to an investigator of Cheshire antiquities, than all which the successive generations of the Randle Holmes have treasured up in their three hundred volumes.

By statute 1 & 2 Vic. c. 94, the records of the abolished palatinate of Chester were placed under the charge and superintendence of the Master of the Rolls. 11 September 1839 the Master of the Rolls issued instructions to William Henry Black of Clement's Inn to 'proceed forthwith to Chester' to survey the records as well as those of the abolished courts of the principality of Wales. Henceforth, for a while, the Cheshire records were referred to as part of the 'Welsh Records'.

Black's report is printed in the appendix to the 1st Report of the Deputy Keeper of the Public Records. This is the portion relating to the archives of which the plea rolls were one part:

All the Sessional Records of the County Palatine of Chester, and those of the Great Sessions of Flint, have always been preserved in the castle of Chester; and they are now deposited in the "Record Rooms," mentioned in the Return of Mr. Eaton, Deputy Prothonotary in 1800,²⁹ as then in preparation to receive them. Those rooms constitute the greater part of the south-western extremity of the main building, erected at the end of the last century on the site of the ancient castle. The ground-floor consists of the Grand Jury Room on the left of the entrance (being contiguous to the County Hall), and of the witness room, and (through it) the Prothonotary's Office on the right; the upper floor consists of the two Record Rooms of the Prothonotary on the right, and those of the Exchequer on the left.

In what state the Prothonotary's Records were kept before the accident mentioned in Mr. Lloyd's Return of 1831,³⁰ which had caused their hasty removal, I cannot learn; but from the condition in which I found them, after all the labour since bestowed upon them, they appear to have suffered very much from damp, disorder, dirt, and perhaps vermin. The fire of 1817 destroyed none; their present damaged state must have been acquired long before that time. The principal portion of them was arranged by Mr. Illingworth, as stated in Mr. Lloyd's Return; that is, he selected the ancient Plea Rolls, and placed them reign by reign, distinguishing the two several Counties of Cheshire and Flint in the presses numbered "1,"—"5;" also the Plea Rolls, and the other principal species of Records, for the reigns of Anne, George I., and George II., together with all the ancient chirographs, down to George II. for both Counties, in presses, "6"—"11." These, with press "12," and two that are not numbered,³¹ stand in the inner room; the former contains modern assize Records subsequent to 1830, and the latter were almost void, containing only some old confused files and bundles. The outer room contains presses numbered "13"—"20," and a closet in which the Docket Books are kept; the contents of these presses were in the utmost confusion, excepting only the latest Plea Records and Fines. I found also two large chests of ancient Plea Rolls and other records, which had been for years laid aside as containing evidence on the Shrievalty question, and a large box of damaged rolls marked "Illegible, Illingworth;" all the contents of these I have

²⁹ Reports of the Select Committee on Public Records, 1800, p. 248.

³⁰ General Report of the Commissioners on Public Records, 1837, p. 215.

³¹ Called by me Presses A and B.

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ascertained, and put in their proper places. I found it indispensable also, in order to understand the nature and extent of these records (as directed by my instructions), to distribute into their several classes, and to put into distinct compartments, all the confused rolls and files that were contained in the presses of the outer rooms, as well as to remedy much disorder in those of the inner room.

Although Mr. Lloyd, before the abolition of the late judicature, exerted himself to retrieve these Records from the neglected state into which they had fallen (as stated in that gentleman's Return),³² yet, since that period, little has been done for their improvement. About 80 cubic feet of old records, books, and fragments, yet remained on the floor, from which I have selected and put away all that were entire, and placed the remainder in presses, where, by a more advantageous disposal of their contents, I was able to find space for that confused mass. The records in the office below appear to be in very great confusion also: there is little contained in the six presses of that room but what is comparatively modern, and of little importance; yet, the room being accessible to the hall-keeper, and used as a sort of warehouse for the judges' furniture, and the presses not being locked, I desired Mr. Lloyd to obtain the key from Mr. John Evans, his late clerk or deputy,³³ and to secure them under his own personal custody; especially as I was unable minutely to examine their contents, partly for want of convenient space, but chiefly for want of time.

The following enumeration of the several classes of records does, for this latter reason, not include any of the rolls or files of the same species in the lower office, nor the damaged, unsorted, and fragmentary records, which I have placed in the presses A and B, and part of "9," nor the loose modern parchments relating to Cheshire and Flint, in certain parts of presses "19" and "21" respectively, nor the mass of private papers, books, and documents, belonging to the predecessor of Mr. Lloyd, which were mixed up with some of the records, and are now placed by me in part of press "18," nor the loose and damaged records heaped on the top of some of the presses in both the upper rooms, as mentioned in Mr. Lloyd's Return. But the total bulk of all these will be included in the statement, under that head, in the Appendix to this Report.

I. "*Placita*," or "*Plea Rolls*" containing inrolments, not only of all actions at law brought on to a verdict, but in ancient times of the preliminary steps in actions that never proceeded even so far as an issue; also pleas of the crown, except in modern times, when few have been recorded; inrolments of the patents of judges, King's attorneys and prothonotaries; deputations from the judges; deeds and other documents ordered to be inrolled; and all fines and recoveries. The most ancient records of this class are very miscellaneous in their contents, and abound with curious historical matter; they are also made up for unequal periods; some rolls for one year, some for two or part of two, some for several years together (as one very large roll,³⁴ of 27-32 Edw. III.); but for the three last centuries they have been made up in Sessional Rolls.³⁵ **The earliest reign is that of Edward I.**, to which belong the following Cheshire Rolls: anno 10 Edw. I.³⁶, annis 15 & 16³⁷, 16 & 17³⁸, 20 & 21³⁹, 23 &

³² Page 216.

³³ See the Return, p. 125.

³⁴ Found lying open and loose. among unsorted Records in press "14," and made up, with great difficulty, into a roll twelve inches in diameter.

³⁵ The ancient practice was for the Judge to sit eight or nine times every year; which being found inconvenient, the statute 32 Henry VIII., chap. 43, directed that only two sessions should be holden yearly, one at Easter, the other at Michaelmas. See also the Stat. 33 Henry VIII., chap. 13, which enabled the Sheriff to hold county courts for small pleas.

³⁶ now Chester 29/2

³⁷ now Chester 29/4

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24⁴⁰, 24 & 25⁴¹, 25 & 26⁴², 27⁴³, 28⁴⁴, 28 & 29⁴⁵, 29⁴⁶, 33, one membrane⁴⁷; 33 & 34⁴⁸; and the following *Flintshire* Rolls, 12 Edw. I., 19, 31 & 32, 35. Besides these, there are three Rolls of the same reign, intitled respectively, *Placita Forestæ Com. Cestr.* 13-18 Edw. I.; *Placita Civitatis Cestr.* 16-24 Edw. I.; and *Indictamenta Civilatis Cestr.* 16-24 Edw. I.

...

The following is an exact account of the number of Plea Rolls extant, for every reign, distinguishing the two counties:

This gives 17 rolls for Cheshire from the reign of Edward I, 19 from the reign of Edward II. Black also mentions:

2. *Fines and Recoveries.* The earliest bundles of Fines are two, containing chirographs of Fines, and transcripts or originals of Deeds, recorded in the County Court of Chester, in various years of the reign of Edward I., which have been filed, but do not now lie in the order of time. The oldest document in the one bundle is a small membrane of *Inrolments of Charters, &c.*, made in the **28th year of Henry III.**⁴⁹, **probably a fragment of a Plea Roll**, and more ancient than any other record that I have seen in Chester or Wales.

Black also dealt with the Exchequer records, in particular the ‘Recognizance Rolls’:

“*Recognizance Rolls*,” or “*Patent Rolls*,” containing inrolments of grants, and confirmations of lands, offices, and liberties, under the seal of the earldom, licences to alienate lands, pardons, commissions, writs, warrants for the livery of lands and tenements, special liveries, exemplifications, and other patents; also recognizances of debts due to the Earls of Chester, and to other persons; whence these Records are also called “*Recognizance Rolls*.” They extend, in a regular series, from the reign of Edward II.⁵⁰ to that of Charles II., inclusively (there being as many as 14 of the first-named reign), and amount to the number of 352 rolls. All these important Records have been calendared by Mr. Faithful Thomas in a judicious and elaborate manner.

...

At the abolition, both the offices of baron and seal-keeper were executed by Philip Humberstone, Esq., the former as deputy baron, the latter in his own right. He still continues to hold the custody of the Records, and attends at the Record rooms in Chester Castle, by

³⁸ now Chester 29/5

³⁹ now Chester 29/7

⁴⁰ now Chester 29/8

⁴¹ now Chester 29/9

⁴² now Chester 29/10

⁴³ now Chester 29/11

⁴⁴ now Chester 29/12

⁴⁵ now Chester 29/13

⁴⁶ now Chester 29/14

⁴⁷ ? now part of Chester 29/17

⁴⁸ now Chester 29/18

⁴⁹ 1243-4

⁵⁰ Mr. Humberstone states, in his answers to my questions, that there is *one roll of the reign of Henry III.* without a date; but it is not mentioned in the notes shown to me by Mr. F. Thomas, nor did I perceive it when I made my examination of these records.

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special appointment, or Mr. Humberstone, junior, his son, attends in his absence, or one of his clerks. For searches in the ancient Records, the aid of an experienced gentleman in the city, Faithful Thomas, Esq., one of the coroners, is, I believe, commonly resorted unto; by whom, indeed, I have been favoured with almost all the information that I have to report to your Lordship respecting these Records.

In Black's concluding remarks, he appeared to endorse the retention of the archives at Chester:

Few counties can boast of public buildings equal in magnitude and convenience to those of Chester; and the rooms in which the Records are, may be considered quite safe and fire-proof, though furnished with stoves and every convenience. It is true that they are only 50 yards distant from the magazine of gunpowder for the garrison. The Exchequer Record-rooms are three; of which the innermost alone has an iron door, and no fire-place: it is fitted up with open racks, while the others have close presses.

...

The old plea-rolls at ... Chester, are in a very worn and bad state. The broken files at Chester ... are very numerous, and would require two or three men for twice as many years to put them in perfect order. It would far exceed my limits to point out all that ought to be done; for, even where the Records are in the best state, the important Records are very foul, and need much cleansing before they can be used. The books, too, in most places are worn, and need rebinding; while a great proportion (as I have frequently stated), remains yet in an unbound state.

It was estimated that the records in the Prothonotary's offices amounted to 1563 cubic feet; those in the Exchequer to 1281 cubic feet; and it was eventually decided to remove them in their entirety to the Public Record Office in London, which took place in 1854.

Commencing in 1865, in an appendix to the 26th Report of the Deputy Keeper of the Public Record Office, a *Calendar of Deeds, Inquisitions, and Writs of Dower, Enrolled on the Plea Rolls of the County of Chester*, compiled by Peter Turner, was published. Of course, only a small part of the contents of the plea rolls was calendared: the great bulk of litigation is not covered.

In 1894 the Public Record Office issued *Lists and Indexes No. IV. List of Plea Rolls in Various Courts, preserved in the Public Record Office*. Under 'Courts of Wales and Chester', we find 'Plea Rolls (Chester)' on pages 82 to 86. The numbers, from 1 to 856, are those that are now used, preceded by Chester 29/, as the call numbers for rolls in this collection.

Two or three decades later, John Brownbill prepared a calendar in English of the first five surviving rolls, for Ronald Stewart-Brown and W. Fergusson Irvine, and this was printed by the Chetham Society in 1925, with an introduction by Stewart-Brown. The dabs of gall on the earliest rolls may have been made by Brownbill trying to decipher difficult patches of text.

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