

HIDDEN LEGACIES

What Chancery Court Records Can Reveal About Our Ancestors

Practical handout for family and local historians

KEY IDEA

Chancery records are not simply legal records. They can connect people to relationships, property, money, occupations and places—and can lead you into other records you might never otherwise find.

1. What was the Court of Chancery?

The Court of Chancery developed in the fourteenth century to provide justice where the common law could not. It applied principles of equity, focusing on fairness rather than rigid legal rules. Unlike common-law proceedings, Chancery relied heavily on written evidence, producing a substantial body of surviving documentation.

- Principal court of equity for England and Wales.
- Sat at Westminster until 1875, when it became part of the High Court.
- Could provide remedies where the common law could not—for example, compelling or preventing an action.
- Written pleadings, evidence, orders and reports generated records at many stages of a dispute.

2. Why should family historians use Chancery?

Parish registers, censuses and wills often establish names, dates and places. Chancery records can provide the story behind those facts.

Look for	What it may reveal
Family relationships	Parents, siblings, spouses, children, wider kin and sometimes several generations.
Property & inheritance	Ownership, estates, boundaries, rights of way, trusts, mortgages, rents and legacies.
Women & children	Widows, unmarried women, married women in settlements/trusts, children and guardians.
Occupations & business	Trades, partnerships, debts, accounts, merchants, apprentices and business connections.
Migration & networks	Residences, movements, neighbours, overseas property and international connections.
Personal lives	Witness testimony can preserve arguments, accusations, friendships, rivalries and opinions.

3. Why might an ancestor have ended up in Chancery?

- Property: ownership, inheritance, boundaries, rights of way, trusts and mortgages.
- Family: wills, inheritance, marriage settlements and guardianship of children.
- Money & business: unpaid debts, partnerships, trade and shipping disputes.
- Seeking fairness: fraud, broken agreements, injunctions or situations where common law offered no adequate remedy.

Do not assume your ancestor was wealthy. Chancery cases involved landowners and gentry, but also yeomen, merchants, tradesmen, copyholders, women, children, servants, apprentices, neighbours and labourers.

4. The Chancery case: think in stages, not one document

Stage	Typical records	What to look for
1. Claim	Bill of Complaint	Parties, relationships, property, history of dispute, why Chancery should intervene.
2. Response	Answer; sometimes Replication/Rejoinder	Alternative facts, new names and relationships, defences and explanations.
3. Evidence	Depositions, interrogatories, affidavits, exhibits	Ages, occupations, residences, relationships; what witnesses saw/heard/knew; documents.
4. Investigation	Masters' reports and documents	Detailed property and financial information, accounts, debts, summaries and objections.
5. Decision	Orders and Final Decree	Directions, interim decisions, what parties must or must not do, settlement/final decision.

IMPORTANT: Not every case has every document, and not every document survives. Many cases were settled without reaching a final trial or decree.

5. Reading the evidence critically

A Bill of Complaint records the plaintiff's case. It contains allegations, not automatically proven facts. The defendant's Answer may challenge those allegations and provide a different account.

- Read the Bill and Answer together whenever possible.
- Separate what the document states from what you can independently prove.
- Record names and relationships exactly as given before interpreting them.
- Note variant spellings, occupations, residences, dates and property descriptions.
- Treat witness evidence as evidence from a particular person at a particular point in time—not as an objective transcript of events.

6. Finding Chancery records at The National Archives

The National Archives Discovery catalogue is the starting point for identifying surviving Chancery records. The records are not normally arranged as one complete file for each case: documents are generally filed by record/document type. This means finding one record does not necessarily mean you have found everything.

Start with Discovery

1. Use the Advanced Search rather than the basic search.
2. Search by surname(s) of the parties.
3. Add a place where known.
4. Use “Chancery” as a keyword and, where useful, restrict the date range.
5. Use series C to focus the search on Chancery records.
6. Try different combinations of surnames and different spellings.
7. Record the full reference, date, parties and description for every promising result.
8. Use the reference to order the relevant record, where available.

7. When a case is difficult to find

Do not assume that a failed Discovery search means that a case has not survived. The catalogue title may not be the title under which the case was originally known, and records may be encountered through contemporary finding aids.

- Try variant spellings and different combinations of party names.
- Search using additional names discovered in other documents.
- Use contemporary finding aids where appropriate, including indexes, Bill Books and Cause Books.
- Record pleadings and dates carefully: these can help match a modern catalogue entry to a historical case.
- If you identify one record, use its references and names to look for related documents.

8. The National Archives research guides

The National Archives provides dedicated research guides for Chancery records. These are worth checking before beginning a detailed search because the surviving records and finding methods differ by period.

Research guide	Use it for
Chancery equity suits before 1558	Court of Chancery equity suits from the late fourteenth century to 1558. Covers pleadings, depositions, decrees/orders and searching the principal series, including C 1.
Chancery equity suits 1558–1875	Court of Chancery equity suits from 1558 until the creation of the High Court in 1875.
Chancery Division since 1875	Civil cases heard by the Chancery Division of the High Court from 1875 onwards.

Research guide links

- **Chancery equity suits before 1558**
<https://www.nationalarchives.gov.uk/help-with-your-research/research-guides/chancery-equity-suits-before-1558/>
- **Chancery equity suits 1558–1875**
<https://www.nationalarchives.gov.uk/help-with-your-research/research-guides/chancery-equity-suits-after-1558/>
- **Chancery Division since 1875**
<https://www.nationalarchives.gov.uk/help-with-your-research/research-guides/civil-court-cases-chancery-division-since-1875/>

The National Archives' general civil-court overview is also useful when you are unsure which court may have dealt with a dispute.

- **Civil court cases: an overview**

<https://www.nationalarchives.gov.uk/help-with-your-research/research-guides/civil-court-cases-overview/>

9. Other useful finding aids and sources

Source / finding aid	Potential use
Indexes in IND 1	Contemporary Chancery administrative finding aids.
Bill Books	Registers of bills filed in Chancery; useful for identifying parties, dates/terms and administrative information.
Six Clerks' Cause Books	Can provide parties, pleadings and dates and may help reconstruct a case when the modern catalogue is difficult to search.
Bernau Index	Specialist finding aid for Chancery material.
Coldham's Index – Inheritance Disputes	Useful for inheritance-related cases.
Anglo-American Legal Tradition	Online access to selected historical legal materials.
Local record offices	Complementary property, family and local records.
Newspapers	Can provide notices, case names and dates that help identify a case.
Dormant Funds / Estate Duty Registers	Potential follow-up sources for financial and estate information.

10. A practical research workflow

Use this as a working checklist when you suspect an ancestor may have been involved in Chancery proceedings.

Step	Action
A. Establish the person	Collect known names, variant spellings, places, dates, occupations and family relationships.
B. Identify a possible dispute	Look for clues in wills, deeds, newspapers, family papers, property records and other sources.
C. Search Discovery	Start with Advanced Search; test names, places, dates, Chancery and series C.
D. Capture the reference	Record parties, date, subject, reference number and any related references.
E. Map the case	List every document found and build a chronology of pleadings, evidence, orders and reports.
F. Build the family	Draw a pedigree from the case before attempting to interpret all the relationships.
G. Read both sides	Compare Bill and Answer; distinguish allegations from responses and evidence.
H. Follow every lead	Investigate people, places, property, prisons, businesses and documents mentioned in the case.
I. Cross-check	Compare Chancery evidence with wills, deeds, manorial, parish and other records.
J. Cite carefully	Keep a research log with repository, class/series, piece, document and page/image details where available.

11. What to extract from each document

- ☐ Full names and variant spellings
- ☐ Relationships: parent, child, sibling, spouse, in-law, guardian, trustee
- ☐ Age or approximate age
- ☐ Occupation or status
- ☐ Residence and previous residence
- ☐ Property: description, location, ownership, tenancy, rents, boundaries
- ☐ Money: legacies, debts, payments, accounts, interest
- ☐ Dates of deaths, marriages, agreements and transactions
- ☐ Names of witnesses, servants, neighbours, business partners and professionals
- ☐ Other courts, prisons, businesses, ships, places or records mentioned
- ☐ Document type, date and reference number
- ☐ Whether the statement is an allegation, response, witness evidence, order or finding

12. Following the trail beyond Chancery

One of the greatest strengths of Chancery research is its ability to point you towards other sources.

- If a case mentions a prison, search the relevant prison records.
- If it mentions a will or estate, investigate probate and estate records.
- If it mentions land, compare deeds, manorial records, maps and local archives.
- If it mentions businesses or trade, investigate business records and newspapers.
- If it mentions a place, use local records to reconstruct the community and property context.

13. Challenges to expect

Challenge	Practical response
You do not know whether your ancestor was involved.	Search widely and use indirect clues: newspapers, wills, deeds, property and business records.
The catalogue does not show the expected case.	Try variants and additional names; use contemporary finding aids where appropriate.
Documents are separated by type.	Build a case chronology and track each reference separately.
The handwriting is difficult.	Allow time for palaeography; transcribe carefully and retain uncertainties.
The case is incomplete.	Use surviving documents to identify what is missing and look for related sources elsewhere.
The papers are large/bulky/dirty.	Plan archive visits accordingly and follow repository handling guidance.

14. Five tips to take away

1. Always search Discovery first.
2. Read the Bill and the Answer.
3. Draw the pedigree before anything else.
4. Follow every document mentioned—if it survives.
5. Do not stop with Chancery: use wills, deeds, manorial records, parish records and other sources to test and extend the evidence.

15. Further reading

The following books provide useful background on Chancery and equity records, particularly for family and local historians.

- **Moore, S. T. (2003).** Family Feuds: An Introduction to Chancery Proceedings. Federation of Family History Societies (FFHS).
- **Moore, T. Susan (2017).** Tracing Your Ancestors Through the Equity Courts: A Guide for Family and Local Historians. Pen & Sword.
- **Garrett, R. E. F. (1968).** Chancery and Other Legal Proceedings. Pinhorn.
- **Hanbury, H. G. (1944).** English Courts of Law. Oxford University Press.
- **Horwitz, H. (1998).** A Guide to Chancery Equity Records and Proceedings 1600–1800. Public Record Office.
- **Horwitz, H. (2001).** Exchequer Equity Records and Proceedings 1649–1841. Public Record Office.
- **Jones, W. J. (1967).** The Elizabethan Court of Chancery. Oxford University Press.

Particularly useful starting points: For family historians beginning to work with equity records, Moore's two books are the most directly practical. Horwitz is especially useful for understanding the organisation and nature of the surviving Chancery records for 1600–1800; the Exchequer volume is useful when a dispute falls within that court's equity jurisdiction.

16. Quick reference: Chancery terminology

Term	Meaning in this research context
Bill of Complaint	The plaintiff's statement setting out the case and asking Chancery to intervene.
Answer	The defendant's response to the Bill; may dispute or explain the allegations.
Deposition	Evidence given by a witness in response to questions/interrogatories.
Affidavit	A written statement sworn to be true.
Interrogatories	Questions put to a witness as part of the evidence-gathering process.
Master	A Chancery official who could investigate evidence, property and financial matters and report to the court.
Master's Report	A report summarising the Master's investigation, potentially containing detailed financial/property information.
Order	A direction or decision made by the court during the progress of the case.
Final Decree	The court's final decision and the obligations imposed on the parties.
Bill Book	A register of bills filed in Chancery; a finding aid rather than the Bill itself.
Cause Book	A contemporary administrative record giving information about causes/cases, parties and pleadings.
Six Clerks	Senior administrative officials whose divisions handled Chancery business; not six separate courts.

The National Archives — Discovery

Start with the catalogue, but use the research guides and surviving finding aids to understand how the records are organised.