

REPORTS
FROM THE
COMMISSIONERS

APPOINTED BY HIS MAJESTY

TO

**EXECUTE THE MEASURES RECOMMENDED
BY A SELECT COMMITTEE OF THE HOUSE OF COMMONS**

RESPECTING

The Public Records of the Kingdom,

&c.

1800—1819.

Printed by Order of The House of Commons.

M. DCCC. XIX.

* SAD

I.

	Page.
FIRST REPORT - - - - -	3
APPENDIX - - - - -	13
SECOND REPORT - - - - -	327
APPENDIX - - - - -	337
INDEX - - - - -	553

II.

APPENDIX,—containing ENGRAVED *fac Similes* inserted in the various
Works, with PRINTED EXPLANATIONS.

3

F I R S T
G E N E R A L
R E P O R T
FROM THE
C O M M I S S I O N E R S

Appointed by HIS MAJESTY to execute the Measures recommended by
A Select Committee of The House of Commons,

RESPECTING

**The Public Records of the Kingdom,
&c.**

IN order to give a clear and comprehensive Account of the Proceedings which have taken place, under the Commission which was issued in the Year 1800, and afterwards renewed in 1806, for the better Arrangement and Preservation of the Public Records of the Realm, it is proposed in the First place, To state the Origin of those Commissions, and the general course adopted for carrying them into execution; Secondly, The Result, so far as the specific Measures thereby directed have been hitherto carried into Execution; and Thirdly, To point out some of the general Consequences which the prosecution of these Measures has produced respecting the Custody and Arrangement of the Public Records throughout the United Kingdom.

I.

1. IN the early part of the Year 1800, the State of the Public Records was brought under the Consideration of the House of Commons; and thereupon a Select Committee was appointed "to inquire into the State of the Public Records of Great Britain, and of such other Public Instruments, Rolls, Books, and Papers, as they should think proper; and to report to The House, the Nature and Condition thereof; together with what they should judge fit to be done, for the better Arrangement, Preservation, and more convenient Use of the same."

2. Towards the end of the same Session of Parliament, the Committee presented to the House the Result of their Labours, in the form of Two connected Reports; wherein, after setting forth a brief Account of the Measures taken upon this Subject under the Authority of the Crown and Parliament in former times, and also relating the course of Proceeding by which their own Inquiries had been conducted, the Committee finally submitted to the Judgment of the House certain Measures for the better Preservation, Arrangement, and more convenient Use of the Contents of all the various Public Repositories; together with systematical and alphabetical Enumerations of all the Recorded Memorials of the History, Laws, and Government of England, from the Period of its Conquest by the Normans, to the Year in which the Union took place between Great Britain and Ireland.

3. Upon the Foundation of these Reports, an Address from the House of Commons was immediately presented to His Majesty, humbly representing, that the Public Records of the Kingdom were in many Offices unarranged, undescribed, and unascertained; that many of them were exposed to Erasure, Alteration, and Embezzlement, and were lodged in Buildings incommodious and insecure; and that it would be beneficial to the Public Service that the Records and Papers contained in many of the Principal Offices and Repositories should be methodized; and that certain of the more antient and valuable amongst them should be printed; and humbly beseeching His Majesty, that He would be graciously pleased to give such directions thereupon, as His Majesty in His royal wisdom should think fit.

Appendix,
(A.)

And

And before the Prorogation of the Session took place, the Chancellor of the Exchequer by His Majesty's Command acquainted the House of Commons, that His Majesty would give directions for carrying into effect the Measures recommended in their Address.

Appendix,
(B.)

4. Accordingly, by Commission under His Majesty's Sign Manual, dated the 19th day of July 1800, His Majesty was graciously pleased to appoint William Henry Cavendish Duke of Portland, Knight of the Most Noble Order of the Garter, William Wyndham Baron Grenville, and The Right Honourable Henry Dundas, the Three Principal Secretaries of State, The Right Honourable Henry Addington, Speaker of the House of Commons, The Right Honourable William Pitt, Chancellor and Under Treasurer of the Exchequer and First Commissioner of the Treasury, The Right Honourable Sir Richard Pepper Arden Knight, Master of the Rolls, The Right Honourable Lord Frederick Campbell, Clerk Register of Scotland, The Right Honourable Sylvester Douglas, One of the Commissioners of the Treasury, Sir John Mitford Knight, Attorney General, Sir William Grant Knight, Solicitor General, Robert Dundas Esquire, Advocate for Scotland, and Charles Abbot Esquire, to be His Commissioners for giving effect to the Measures recommended by the Address of the House of Commons. By the Tenor of their Appointment They were required to certify from time to time, under their Hands and Seals, to the Lord High Treasurer, or to the Commissioners of His Majesty's Treasury, what should be a fit and suitable Recompense to the several Persons employed under them, for their Pains and Services in the execution of the Duties to be by them performed; and They were also required to certify annually to His Majesty in His Privy Council, all and every of the several Proceedings of themselves and of the Persons employed under them, together with such other Matters, if any, as they might think deserving of His Majesty's Royal Consideration.

Appendix,
(B)

At a subsequent Period, by another Commission, bearing date the 23d day of May 1806, after reciting that Progress had been duly made under the former Commission, but that some of the Commissioners therein named were then deceased, or had become less able to attend to the Duties required of them; and that it had become expedient to appoint others in their place, and also to increase the Number of the said Persons so to be appointed, in such manner as might give more complete and permanent effect to His Majesty's Royal Intentions in that behalf, His Majesty was graciously pleased to appoint, with like Powers and under like Instructions, William Wyndham Baron Grenville, First Commissioner of the Treasury, or the First Commissioner of the Treasury for the time being, George John Earl Spencer Knight of the Most Noble Order of the Garter, The Right Honourable Charles James Fox, and William Windham, the Three Principal Secretaries of State, or the Three Principal Secretaries of State for the time being, The Right Honourable Charles Abbot Speaker of The House of Commons, or the Speaker of the House of Commons for the time being, The Right Honourable Sir William Grant Knight, Master of the Rolls, or the Master of the Rolls for the time being, Henry Erskine Esquire, Advocate for Scotland, or the Advocate for Scotland for the time being, Henry Viscount Sidmouth, The Right Honourable Lord Frederick Campbell, Sylvester Baron Glenbervie of the Kingdom of Ireland, John Baron Redesdale, the Right Reverend Father in God John Lord Bishop of Oxford, and The Right Honourable Charles Bathurst, William Wickham, and Nathaniel Bond, to be His Commissioners for carrying the Measures recommended by The Commons into further Effect.

5. In Execution of these Two successive Commissions, the Persons severally therein named have proceeded to discharge the Duties therein specified.

The first Meeting of the Commissioners took place on the 22d of July 1800; and thereupon after appointing a Secretary to conduct their Correspondence, and superintend the execution of their Orders, they appointed also divers other Persons skilled in the Business pertaining to the said Commission, to act as their Sub-Commissioners in the several Departments specially assigned to each: The Progress made by each Sub-Commissioner was thereafter certified by the Secretary in Monthly Returns to the Commissioners, and at the close of the Year, he also laid before the Board a Summary of all the several Works performed in each Department respectively; upon Consideration whereof, the Commissioners proceeded to prepare and authenticate the Two Certificates prescribed by the Commission under which they were appointed.

Appendix
(C.)

From the Year 1800 to the present time, the Business of these Commissions has been always conducted under the same Regulations, with the like Monthly Reports, Annual Summary, and Annual Reports or Certificates; and no Variation whatever in the course of these Proceedings has taken place

An

An Account of the Sums issued annually to the Commissioners, and disbursed by them in Remuneration of the several Persons employed under them in England and Scotland, from 1800 to 1812, is also subjoined; all which Payments have been duly examined with their respective Vouchers to the twenty-fourth day of June in the year 1809 inclusive, and have been allowed by the Treasury; and the further Accounts and Vouchers for the Disbursements in England to the date of this Report, are now before the Treasury for Examination.

Appendix,
(D.)

II.

§ 1. THE Measures recommended by The House of Commons, as will appear by referring to the Report of their Committee, were divided into those which separately regarded England and Scotland: Those for England were again distributed under the general Heads of 1. Buildings: 2. Calendars and Indexes: 3. Transfers: 4. Establishments of Office: 5. Selection of Original Records and Documents for Publication:—Those for Scotland comprized all the like Heads, together with the additional subject of Registration.

Of these Measures, some have been already completed; others are in Progress; others are for the present Postponed; and the rest have been found, upon consideration, not to be within the Powers vested in the Commissioners: And the Consolidated Result of all the Proceedings under each Commission is exhibited in the Lists subjoined to this Return, shewing the date of each successive Order for directing the conduct of each separate Measure, and its final Completion, or present State.

Appendix,
(E.)

§ 2. Amongst the principal Measures which have been carried into Execution either by the Commissioners themselves, or by His Majesty's Government in conformity with the Views of the Commissioners, or by the Authority of Parliament, are the following:

1. With respect to BUILDINGS. Upon the earnest Representations of the Commissioners, some steps have been taken, towards providing a more secure Repository for the State Papers in London, and also towards rendering the Arrangement of the State Paper Office more complete and more suitable to the Dignity and Importance of their Nature, and their Utility to the Public Service; Objects for which this Country has not as yet made any adequate Provision.

An increased Accommodation has been provided for the Journal and Paper Office of the House of Commons; and also for the Record Offices in the Chapter House of Westminster, and at the Tower of London; and in like manner for those Offices of the Court of Chancery, which serve for the Business of the Clerk of the Crown, the Petty Bag, the Cursitors, and the Examiners.

2. With respect to CATALOGUES, CALENDARS, and INDEXES: The Arrangement of the Records in the Chapter House has been completed, and an entire Catalogue of its Contents has been formed, One Copy whereof is preserved in the Chapter House itself, another has been deposited in the Tower, and a Third in the British Museum.

The unarranged Records in the Tower have been so far examined, that several of them have been sorted into Classes, and Calendars are now forming to many curious and neglected Records in that antient Repository. The Parliamentary Writs, the County Placita, and the Proceedings of the Court of Chancery, which are from time to time transmitted thither for Custody, have been put into a due train for having their Contents arranged in Catalogues and Indexes.

The Calendars of the Memoranda in the Office of the Lord Treasurer's Remembrancer in the Exchequer have been revised and much enlarged, and continued from the first year of King John to the beginning of King Edward the First.

In SCOTLAND, the General Register House has undergone a thorough Survey, and in many Parts a new Arrangement, in consequence of the necessary Repairs and Compression of the Records and MSS. which had been antiently neglected and considerably damaged before their Removal from the Parliament House to the present Edifice. A Repertory or Catalogue of all the Contents of that extensive Building has also been prepared, in conformity with the Plan adopted for the Chapter House at Westminster, by the double Method of ichnographical Distribution and alphabetical Reference.

3. With respect to **TRANSFERS**: In England, above 4,000 Rolls have been transferred from the Land Revenue Office to the Augmentation Office, to which they more properly belong; and from the Augmentation Office many Rolls and Books have been transferred to their proper Repository in the respective Offices of the Duchy of Lancaster and Duchy of Cornwall.

The Necessity of a regular and annual Transmission of the Copies of Parish Registers in every Diocese to the Diocesan, or his Chancellor, according to the Canon of 1603, as the best method for preserving these Evidences of Title and Pedigree from Spoliation or Confusion, induced the Commissioners at the Outset of their Proceedings in the Year 1800, respectfully to submit to the Archbishops of Canterbury and York, the Propriety of their using such means within their respective Provinces, as they might judge expedient for ensuring the due Observance of that Regulation.

In Scotland, the speedy Transmission of the subordinate Records and Registers to the General Register House at Edinburgh, was provided for by Parliament in the Year 1809; and other important Regulations for the like Purpose were established by another Statute in the Year 1810; and the antient Records of Tailzies and Inventories, and those of the Privy Council and Court of Justiciary, have been transferred to the General Register House.

4. With respect to the Establishments of Office, and the Duties and Emoluments of the Record Officers, it has not been found practicable to make any Alteration in England; principally on account of the vested Rights of Individuals. But by the Provisions of an Act passed in the Year 1810, the Forms of extracting the Decrees of the Court of Session in Scotland, and the Fees connected therewith, have been altered, and subjected to new Regulations.

5. Of the **WORKS PRINTED** by Order of the Commissioners: The Calendars, Catalogues, and Indexes form One Description; and the rest consist of Original Records, selected and published Entire, or by Abstract, according to their apparent Utility.

The Printed **CALENDARS**, **CATALOGUES**, and **INDEXES** of English Records, consist of a Consolidated Index to the Two Books of Domesday, distinguishing the Tenants, Tenures, and Principal Matters; also, Chronological Calendars to The Inquisitions Post Mortem, The Charter Rolls and Inquisitions ad Quod Damnum; The Patent Rolls in the Tower, and the Originalia of the Lord Treasurer's Remembrancer's Office in the Exchequer; each however of the preceding Compilations relates only to the early Periods of our History. Besides these, a Catalogue of the Cottonian MSS. in the British Museum has been published: and the Catalogue of the Harleian MSS. has been revised, enlarged and reprinted with the usual Alphabetical Indexes, and also with the additional Advantage of an Analytical Index, classed according to the different Branches of Learning to which those MSS. relate, for the purpose of affording a more ready clue to their Contents, such Collections losing otherwise from their Miscellaneous Nature much of their Public Utility. A Catalogue of the Lansdowne MSS. including the Burleigh Papers, is also preparing for the Press with similar Indexes.

The **ORIGINAL RECORDS**, of which Entire Copies or Abstracts have been printed in England, comprehend some of the most important Muniments of its Civil and Ecclesiastical History.

Amongst the most important Records of the Civil History of this Country are its **STATUTES**; and of these an authentic Edition has been undertaken, of which the First Volume has been already published, comprising the Charters of the Liberties of England, and all the Statutes hitherto acknowledged as such, from their earliest Date to the conclusion of the Reign of Edward the Third; with a large Introduction, explanatory of the Principles adopted and the Methods used in preparing this Work for the Press. The Collection of Charters pursues and completes the Plan of Sir William Blackstone: and in publishing the Statutes of the Realm (so denominated in the Statutes themselves) the Rules generally observed in the Selection of Sources for the Text, and in the Use of occasional References to other Sources, in the Nature of Various Readings, are conformable to the course which has been long since sanctioned by the Authority and Example of Lord Coke and Serjeant Hawkins: but in consequence of further Researches, this Publication contains many large and important Additions, for which the precise Authorities are noted throughout. The Second and Third Volumes of this Work, extending to the Reign of Henry the Eighth, are now printing concurrently.

The **JOURNALS** and **REPORTS** of the House of Commons are also Reprinting in conformity with a separate Address of the House of Commons in 1803; and in this Series all the Reports from the Year 1715 to the Year 1800, upon Matters of State Policy, Domestic or Colonial, or of any considerable

considerable Importance, respecting Finance, Agriculture, Trade, or Commerce, not included in the Body of the Journals, have been collected and arranged in Volumes according to their Subjects, and will be published with a General Index to the whole Series.

Of the great Collection of Documents known by the Name of RYMER'S FÆDERA, it has been determined to print a new Compilation, including all hitherto published by Rymer (Repetitions excepted) and completing it by the Aid of many Sources not open to his Industry; with a Continuation also to the Period of the Revolution. Large Materials for this purpose have been collected, and are collecting; and a detailed Plan of Contents for the First Volume is now under the Consideration of the Commissioners.

Appendix,
(1.)

To the Civil History of England also belong the following Works published under the Authority of the Commissioners; namely, An Abstract of the most antient Rolls of Pleadings in the King's Superior Courts, intitled ABBREVIATIO PLACITORUM, preserved in the Chapter House, and extending through the Reigns of Richard I; John; Henry III; Edw. I and Edward II.—The antient Feudal Survey intitled TESTA DE NEVILL, of the Reigns of Henry III & Edward I.—The HUNDRED ROLLS of the Reign of Edward I, shewing the Franchises then claimed; and to these will be added an Abstract of the Pleadings in QUO WARRANTO, by which these Claims were brought under Adjudication.

Appendix,
(K. 1.)
(K. 2.)
(K. 3.)

The ECCLESIASTICAL Records which have been collected and printed, are the TAXATION OF POPE NICHOLAS IV, in the Reign of Edward I;—The INQUISITIONES NONARUM in the Reign of Edw. III;—and, The VALUATION OF DIGNITIES AND BENEFICES made by the Authority of Henry VIII: Of this latter Work, One Volume, comprehending the Dioceses of Canterbury, Rochester, Bath and Wells, Bristol, Chichester, and London, and illustrated with Diocesan Maps accommodated to the Nomenclature of the Original Valuation, has been printed; and the rest are in considerable Progress.

Appendix,
(L. 1.)
(L. 2.)
(L. 3.)

The ROTULI SCOTIÆ in the Tower of London constitute an important Collection of Records illustrative of the Political Transactions between England and Scotland; and an Abstract of these Rolls from the Nineteenth Year of Edward the First to the end of Edward the Third has been long in the Press, and is now nearly completed for Publication.

Appendix
(M. 1.)

In SCOTLAND, the only Work hitherto published is, AN ABRIDGMENT OF THE RETOURS OF SERVICES for all the Counties of Scotland from A.D. 1546 to A.D. 1700. But a Selection of ROYAL CHARTERS is printing, together with an Abridgment of the Register of the Great Seal. The Records of the PRIVY COUNCIL of Scotland have also been thought deserving of Examination, and a considerable Portion of their Contents has been selected and transcribed for the Press. A Collection of all the PARLIAMENTARY PROCEEDINGS of Scotland, whilst a separate Kingdom, has been for a considerable time past in preparation. The Commissioners, by the Advice of the Lords of Session, propose to divide this Work into Three Periods; namely, 1. Prior to the Accession of King Robert I, A.D. 1306; 2. To the Return of King James the First, A.D. 1424; 3. To the Union A.D. 1707. The Materials for the last of these Periods are distributed under Two principal Heads, entitled, I, Acts of Parliament; and II, Acts which are of a Judicial Nature; which latter are divided into "Acta Dominorum ad Causas et Querelas audiendas electorum;" and "Acta Dominorum Concilij." The Commissioners, by the same Advice, have thought proper to begin by printing such as belong to the last of the Three Periods above mentioned.

Appendix,
(M. 2.)
(M. 3.)
(M. 4.)
(M. 5.)

§ 3. Of all these Works printed in England and Scotland a List is subjoined to this Return, specifying the Periods of History to which they belong, the Dates of their Publication respectively, and the Number of Volumes to which each Work extends; noticing also those which are now printing, and those which are transcribed or transcribing for the Press.—It is not the present intention of The Commissioners to direct the printing of any other Works beyond those already directed and above enumerated.

Appendix,
(N.)

The Number of Copies printed has been different in different instances. Of those Works which were most costly, and where the principal Object was to secure a correct Text, to which private Editors might afterwards resort (and such was peculiarly the Case with the projected Edition of the Statutes), the Commissioners came to a very early Determination, and upon Consultation with the most experienced Persons in the Year 1802, they were of Opinion that this Impression should not exceed Five Hundred Copies. Of other Works, however moderate the Expense might be, yet if not likely to be in very general request (and such, for Instance, were all which exclusively concerned Scotland), they limited the Impression to One Thousand: And although of some Works an

Impression

Impression was printed sufficiently large to supply the Members of both Houses of Parliament, yet of late it has been deemed more adviseable not to exceed One Thousand in any instance whatever.

Appendix, (O.) But in order that these various Publications may be very generally distributed for Public Use and Convenience, and at the same time securely preserved, Copies have been delivered to all the principal Public Libraries and Repositories Civil and Ecclesiastical throughout the United Kingdom, according to a List approved by the Lords Commissioners of His Majesty's Treasury, and hereunto annexed. And all the Surplus Stock, secured for the present in Stores properly inventoried and insured, has (with a very limited Reserve explained in the same List) been put into a course of gradual Sale, by the Authority of the Lords Commissioners of His Majesty's Treasury; for the double Purpose of placing these Publications within the reach of all Persons who may be desirous of possessing them, and also of liquidating in part the necessary Expenses of the Commission, by applying the Proceeds in Reduction of the Annual Provision made by Parliamentary Grant.

III.

BEYOND this Narrative, and Explanation of the Works executed under these Commissions, there are several Consequences of a more general Nature resulting from their Operation, which it may be proper also to notice.

§ 1. The Instruction of Persons, who may by their Employment upon the present Occasion acquire and transmit to others that peculiar Species of Knowledge which is requisite for the right understanding of Records, has appeared to the Commissioners to be of considerable Importance; and they have not been disappointed in their Endeavours to provide for it.

Appendix, (P.) By the Authority of the Lords Commissioners of His Majesty's Treasury, an enlarged Establishment of Clerks has been allowed to the Keeper of the Records in His Majesty's Tower of London, in order to expedite the Arrangement of the Rolls of various Sorts in that Office; and the Keeper of the Tower Records is required to make an annual Report of their specific Employment and Work done.

In like manner, by the liberal co-operation of the Keeper of the Records in the Chapter House of Westminster, Persons recommended by the Commissioners as the best qualified, have been appointed in succession to the vacant Situations upon that Establishment: and in the Office of the Lord Treasurer's Remembrancer in the Exchequer, similar opportunities have been made available.

In Scotland, at the instance of the Commissioners, and in concurrence with the Lord Clerk Register of Scotland, the Office of Deputy Clerk Register has been created, under His Majesty's Authority. The Warrant and Commission for appointing this Officer prescribe his general Duties; the particular Detail whereof, and the method of rendering their execution most useful to the Public, were adjusted by the Lord Clerk Register himself, upon personal Conference with the Great Law Officers of Scotland; and the solid Improvements which have been since made in the extensive System of Registration which prevails there, have justified the Wisdom and Expediency of that Appointment.

§ 2. The general Introduction of greater Regularity into the Arrangement of many Public Repositories has also followed; in some instances, from the special Interposition of the Commissioners, and in others from the increased Attention to those Matters, which the Operation of the Commissions has excited.

Appendix, (Q.) Thus, upon the Representations of the Commissioners, the Barons of the Court of Exchequer at Westminster have provided for the more regular keeping of the Records belonging to the Office of His Majesty's Remembrancer, which had fallen into great Disorder; and a Certificate respecting the State of these Records is required to be read annually in Open Court.

And by divers Communications made from time to time to the Commissioners, it has been certified that the Archives and Muniments of some Cathedrals and several Corporations, both Lay and Ecclesiastical, have been placed within these few Years in a very improved state of Security and Order.

Appendix, (R.) § 3. Many important Records have also been discovered in the course of these Researches, which had been supposed to be no longer in Existence, or had been lost in the confused Heaps of unarranged Materials. Some of these Discoveries have been made in the Progress of arranging the unsorted Records of different Offices; and others during the course of a Search for Charters and Statutes in the Cathedrals, Universities, and other public Repositories of Records throughout England

England and Ireland; Two Sub-Commissioners having been employed in the Year 1806 upon that special Service; and much additional Information has been obtained in consequence of these various Exertions, and large Additions have been made to the Knowledge of our antient Records, over and above the Matters specified in the several Returns to the Select Committee of the House of Commons, upon whose Labours these Commissions have been founded.

1. In ENGLAND, amongst The CHARTERS of the Liberties of England, the Carta de Foresta 2 Hen. III; concerning which Sir William Blackstone supposed that "the original and all authentic Records were lost," has been found at Durham; and the Originals of many other Instruments inserted in the Collection of Charters prefixed to the authentic Edition of the Statutes, have been discovered in the course of the same Researches.

2. In the TOWER of London, the diligence of the present Keeper of the Records has brought to light a large Collection of Parliamentary Petitions, exceeding Six thousand in number; many Parliamentary Returns from the Reign of Henry the Sixth to the Restoration of Charles the Second; some Parliamentary Surveys of Ecclesiastical Benefices, made during the Usurpation, of the same nature with the larger Number now deposited in the Manuscript Library at Lambeth Palace; a voluminous Collection of Letters Missive from the Kings of England, many of them in their own Hand-writing, beginning with Henry the Third, and extending to the Reign of Richard the Third; State Papers also, in great Numbers, and of various Sorts, many of which are inserted in Rymer's *Fœdera*, but without any Reference to the Original, or its Place of Deposit; besides a large Mass of Judicial Proceedings in the Reigns of Hen. III, Edw. I, and Edw. II; some Forest Surveys, and private Muniments of different Descriptions.

Appendix,
(S.)

3. In the CHAPTER HOUSE at Westminster, a great Variety of Instruments not heretofore noticed in the Calendars of that Repository, comprehending State Papers, and Records Parliamentary and Judicial, of almost every kind, has been brought to light; many of these are of great Importance to the connected History of England and Scotland; others relate to the details of Government in the Reigns of Hen. VII and Hen. VIII, including the Letters of Cardinal Wolsey and Lord Cromwell; others to the Landed Possessions which have been vested in the Crown from time to time by Attainder and other Titles; and a considerable Addition has been lately made to the Contents of this Building by the Transfer of a large Mass of Rolls of Fines, which have been rescued from destruction by Damp, to which they were exposed in their former Situation under the Temple Church, and which are now arranged and made accessible for Public Use.

Appendix,
(T.)

4. In the Office of The KING'S REMEMBRANCER, many Civil and Ecclesiastical Records have been found, of divers sorts and dates, hitherto unnoticed; Extents of the Manors and Possessions of Abbies of Royal Foundation, and of Alien Priories, and of the Knights Templars in England upon the Suppression of their Order; Extents and Accounts of the Duchy of Cornwall in the time of the Black Prince; Escheat Rolls from Edw. I to the time of Eliz.; Taxations of the Clergy and Laity; and Accounts of Offices, Civil and Military, under the Crown, from Edw. I to Car. II. And in the Office of The LORD TREASURER'S REMEMBRANCER, the Pipe Roll of 26 Hen. II has been discovered, which is one of the most antient Records of that Sort now known to be extant.

Appendix,
(U.)

§ 4. In SCOTLAND the Commissioners have endeavoured to carry into Execution the various Measures to which their Duties were directed, and the beneficial Effects of their Endeavours have been acknowledged by the highest Judicial Authorities in that part of the United Kingdom. At the instance of the Commissioners, repeated Conferences were holden at Edinburgh, in the Years 1807, 1808, and 1809, between the Lord Clerk Register and the great Law Officers of Scotland; and many Arrangements were made under their conjoint Authority. The Annual Reports required from the Deputy Clerk Register, and which by the Tenor of his Appointment are to be submitted to the Court of Session, have been also referred annually by that Court, to Committees of their own learned Body, who have successively declared their high Approbation of the Proceedings of that Officer, and have also assisted this Board by their valuable Suggestions. Several new and important Regulations have been consequently established by Acts of Sederunt; and effectual Measures have been taken by The Faculty of Advocates for the Publication of a more correct Edition of the Statute Law of Scotland.

Appendix,
(V.)

Appendix,
(W.)

Appendix,
(X.)

Many defects and irregularities having gradually impaired some Parts of the Process by which the Registration of Deeds is secured in that part of the United Kingdom, a Bill for remedying these Evils was prepared in the Year 1808 by direction of the Commissioners, and submitted to the Consideration and Revision of the principal Judges and Law Officers of Scotland, and they having approved of its Objects and Provisions, it has since been passed into a Law, under the Title of "AN ACT FOR BETTER REGULATING THE PUBLIC RECORDS OF SCOTLAND;" and its Operation appears to have been satisfactory and effectual for the ends to which it was directed.

Stat. 49 G. 3.
c. 42.

In the GENERAL REGISTER HOUSE, the number of original Documents relative to the Transactions between Scotland and other Kingdoms, is inconsiderable, in comparison with what must have formerly existed ; but even of that Number, a very small Proportion was known to have been preserved, until the late Researches and Arrangements which have been made by the Direction of the Commissioners, and of the present Lord Clerk Register.

Of the TREATIES and other Transactions between the Crowns of SCOTLAND and ENGLAND, about Fifty-one original Instruments are preserved. The counter-parts of some of these are printed in Rymer's *Fœdera* ; but some of the most curious and important are not to be found in that Collection, nor was their Preservation in the Scottish Archives known till lately. Of this Description is the TREATY OF NORTHAMPTON in 1328 ; an AGREEMENT between James III and Edward IV in 1463 ; and several others.

Of the Transactions between the Sovereigns of SCOTLAND and FRANCE, about Thirty-three original Instruments are preserved, all of which may be said to have been brought to light by the late Researches.

Of the very important Transactions between the Crowns of SCOTLAND and DENMARK, only Four original Documents are preserved ; and these have been also recently brought to light. Of this Number is the Treaty of 1468, by which the Islands of Orkney and Shetland were ceded to Scotland.

The original Documents connected with the internal Government and State of the Kingdom of Scotland, are of course more numerous and miscellaneous, and amongst these are the Chamberlain Rolls and the Accounts of the Lord High Treasurer. All these have till lately been but little attended to, and many of them are in a state of great Decay. The public Attention has also been directed of late to the defective State of the Buildings, and the want of a proper Custody for the County Records, for which it is hoped some effectual Remedy may be provided.

Appendix,
Y. 1.)

§ 5. IRELAND also has benefited, in some degree, by the Operation of these Commissions. A Valuation and Taxation of all the Ecclesiastical Benefices of Ireland, made in the Year 1292, by the Authority of Pope Nicholas IV, has been discovered amongst the Records of the Court of Exchequer in England. The Rolls containing this Survey are stated by an Entry upon the Rolls themselves to have been delivered in the 16th Year of Edw. II, to the Bishop of Exeter, then Lord High Treasurer of England, under the Seal of the King's Exchequer in Dublin.

Appendix,
(Y. 2. 3. 4.)

The Sub-Commissioners who were employed in 1806, to search for Charters and Statutes in England, extended their Journey also to Ireland ; and after inspecting most of the Record Repositories there, they delivered to the Lord Lieutenant a written Report upon their Contents, Condition, Arrangement, and future Preservation.

Appendix,
(Z. 1.)

In Conclusion, it is to be remarked, as a Testimony of the Opinion which has prevailed in favour of the beneficial Effects of such Measures as these Commissions were intended to produce, that His Majesty, upon the Address of the House of Commons, has been recently pleased to issue a Commission for the like Purposes in Ireland, directed to Persons the most distinguished for their Rank and Learning, by whose zealous Exertions an auspicious Commencement has been already made towards the Accomplishment of Measures corresponding with those adopted in Great Britain, the necessity whereof appears to be not less urgent there than in other parts of the United Kingdom.

Dated 2d June 1812.

CHARLES ABBOT.
WILLIAM GRANT.
FREDERICK CAMPBELL.
REDESDALE.
GLENBERVIE.
JOHN LONDON.
CHARLES BATHURST.

A P P E N D I X.

CONTENTS OF THE APPENDIX.

	Page
(A.) ADDRESS of the House of Commons of Great Britain to HIS MAJESTY - - - - -	13
(B.) First and Second Record Commissions - - - - -	14—16
(C.) Abstracts of Annual Reports of the Commissioners to His Majesty in Council, 1801 to 1812 - - -	18
(D.) Account of Sums annually paid in Remuneration of the several Persons employed by The Commissioners, upon Services specified in their Annual Reports, and of the Sums paid for Printing - - - - -	45
(E. 1.) Measures executed in England and Scotland under the Commissions - - - - -	46
(E. 2.) Measures in Progress in England and Scotland - - - - -	54
(E. 3.) Measures postponed - - - - -	62
(E. 4.) Measures recommended by the Select Committee, but not within the Powers of the Commission - - -	64
(F. 1.) Account of the Publication of the Calendar of the Inquisitions Post Mortem - - - - -	65
(F. 2.) Account of the Publication of the Calendars of the Charter Rolls and Inquisitions ad quod Damnum - - -	id.
(F. 3.) Account of the Publication of the Calendar of the Patent Rolls - - - - -	66
(F. 4.) Account of the Publication of the Exchequer Rolls, called Originalia - - - - -	id.
(F. 5.) Account of the Formation, Contents, and Catalogues of the Collection of Cottonian MSS. - - - - -	67
(F. 6.) Account of the Formation, Contents, and Catalogues of the Collection of Harleian MSS. - - - - -	71
(F. 7.) Account of Lansdowne MSS. - - - - -	85
(G.) Plan for the Publication of an Authentic Collection of the Statutes - - - - -	86
(H.) Series of Reports of the House of Commons upon Public Matters 1715 to 1802 - - - - -	111
(I.) Plan for a Revision and Continuation of Rymer's Fœdera - - - - -	115
(K. 1.) Account of the Publication intituled, Abbreviatio Placitorum in Domo Capit' Westm' asservat' - - -	140
(K. 2.) Account of the Publication of the Exchequer Books, called Testa de Nevill - - - - -	143
(K. 3.) Plan for Publication of the Hundred Rolls, and of the Quo Warranto Rolls Edw. I. - - - - -	144
(L. 1.) Account of the Publication of the Ecclesiastical Taxation of Pope Nicholas IV, temp. Edw. I. - - -	148
(L. 2.) Account of the Publication of the Nonæ Rolls, temp. Edw. III. - - - - -	id.
(L. 3.) Plan of the Publication of the Valor Ecclesiasticus, temp. Hen. VIII. - - - - -	151
(M. 1.) Plan of the Collection of English Records, illustrative of SCOTTISH HISTORY - - - - -	153
(M. 2.) Plan of the Abridgment of Retours of Services in SCOTLAND - - - - -	157. 270
(M. 3.) Plan of the Collection of Royal Charters of Scotland - - - - -	164
(M. 4.) Plan for Publication of the Parliamentary Records of Scotland - - - - -	169
(M. 5.) Plan for Publication of the Records of the Privy Council of Scotland - - - - -	172
(N.) List of Works printed; and of Works printing or transcribing for the Press, in ENGLAND and SCOTLAND - - - - -	174, 175
(O.) Public Libraries to which the Distribution of Works printed under the Commission is limited - - -	176
(P.) Enlarged Establishment of Clerks in the Office of Keeper of the Records in the Tower of London - - -	177
(Q.) Orders of the Court of Exchequer for regulating the Records in the Office of the King's Remembrancer - - -	178
(R.) Report of Searches for Original Records and Manuscript Copies of Charters and Statutes preserved in the Universities, Cathedrals, and other public Repositories in England - - - - -	179
(S.) Report of Records, &c. discovered in the Tower of London since 1804 - - - - -	185
(T.) Report of Records, &c. discovered in the Chapter House of Westminster since 1800 - - - - -	193
(U.) Report of Records, &c. discovered in the Office of the King's Remembrancer of the Exchequer - - -	196
(V. 1.) Proceedings of the Commissioners towards carrying into effect the Measures recommended for SCOTLAND - - -	197
(V. 2.) Reports of Deputy Clerk Register of Scotland - - - - -	201
(V. 3.) Further Measures of the Board - - - - -	219
(V. 4.) Conference of Law Officers in Scotland - - - - -	221
(W. 1.) Royal Warrant and Commission for appointing the Deputy Clerk Register in SCOTLAND, 1806 - - -	223
(W. 2.) First Annual Report of Deputy Clerk Register, 1807 - - - - -	225
(W. 3.) Second Annual Report of Deputy Clerk Register, 1808 - - - - -	232
(W. 4.) Report of Committee of Lords of Session thereon - - - - -	239
(W. 5.) Third Annual Report of Deputy Clerk Register, 1809 - - - - -	243
(W. 6.) Report of Committee of Lords of Session thereon - - - - -	247
(W. 7.) Fourth Annual Report of Deputy Clerk Register, 1810 - - - - -	249
(W. 8.) Report of Committee of Lords of Session thereon - - - - -	275
(W. 9.) Fifth Annual Report of Deputy Clerk Register, 1811 - - - - -	276
(W. 10.) Report of Committee of Lords of Session thereon - - - - -	296
(X.) Proceedings of the Faculty of Advocates towards publishing the Statutes of the Parliament of Scotland - - -	298
(Y. 1.) Account of the Valuation of Ecclesiastical Benefices in IRELAND, A.D. 1292 - - - - -	302
(Y. 2.) Report of Searches for Original Records and Manuscript Copies of Charters and Statutes in IRELAND - - -	id.
(Y. 3.) Observations upon the Condition and future Preservation of the Public Records of Ireland - - - - -	305
(Y. 4.) Letter from Lord Redesdale to Earl of Hardwicke, on the State of Public Records of Ireland - - -	309
(Z. 1.) Commission for the Arrangement of the Public Records in Ireland - - - - -	311
(Z. 2.) First Report of the Commissioners of Public Records in Ireland - - - - -	314
(Z. 3.) Extracts of the Second Report of the Commissioners of Public Records in Ireland - - - - -	318

Appendix, (A.)

A D D R E S S

OF THE

HOUSE OF COMMONS OF GREAT BRITAIN

TO

HIS MAJESTY.

EXTRACTED FROM THE VOTES,

Veneris 11^o die Julii, Anno 40^o GEORGII III^m Regis 1800.

MOST GRACIOUS SOVEREIGN,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, having taken into our Consideration the State of the Public Records of this Kingdom, and the necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, humbly beg leave to lay before YOUR MAJESTY, the Report of our Proceedings thereon; and to represent to Your Majesty, that in several of the Principal Offices we have found the Public Records preserved with great order and regularity, and in some few, with a method and care which are exemplary; but that, in many of the most important Offices, they are wholly unarranged, undescribed, and unascertained; that some of them are exposed to erasure, alteration, and embezzlement, and others are lodged in places where they are daily perishing by damp, or incurring a continual risk of destruction by fire.

A period of nearly seventy years has elapsed since the last general Parliamentary Inquiry upon this subject; and, during this interval of time, the change which has taken place in the language and written character of Judicial Proceedings, as well as the large accumulation of materials which has been progressively superadded in every department, have increased the difficulty of methodizing the several Repositories, or applying their contents to purposes of practical use.

In the course of our Inquiry we have found that many of the Public Buildings allotted to these uses, and especially those Buildings which belong to Your Majesty's Exchequer in all its branches, comprehending the antient Records and Muniments of the Rights and Possessions of the Crown, and the Vouchers and Accounts of the Public Revenues and Expenditure, are in a state so inconvenient and insecure, as to require immediate attention.

It has also appeared to us, that the salutary measures heretofore adopted by Your Majesty's Authority, for methodizing the contents of some of the principal Repositories of Your Majesty's Records and Papers of State, might also be extended to many other Repositories, with consequences highly beneficial to the Public Service.

And the same motives which encouraged our Predecessors to intreat Your Majesty's directions for printing the antient Records of Domesday, and the Rolls of Parliament, have also induced us to submit to Your Majesty's wisdom, our desire of extending the same measure to other antient and valuable Monuments of our History, Laws, and Government.

Your faithful Commons do therefore most humbly beseech Your Majesty, that You will be graciously pleased to give such directions as Your Majesty, in Your great wisdom, shall think fit, for the better Preservation Arrangement, and more convenient Use of the Public Records of this Kingdom.

And we beg leave further to assure Your Majesty, that whatever extraordinary expenses may be incurred by the directions which Your Majesty, in Your great Wisdom, shall think fit to give on this occasion, shall be cheerfully provided for and made good by Your faithful Commons.

*Jovis, 17^o die Julii;**Anno 40^o GEORGII III^m Regis, 1800.*

MR. Chancellor of the Exchequer reported to the House, That their Address of Friday last (that His Majesty would be graciously pleased to give such directions as He shall think fit, for the better Preservation, Arrangement, and more convenient Use of the Public Records of this Kingdom; and to assure His Majesty, that whatever extraordinary expenses may be incurred by the directions which His Majesty shall think fit to give on this occasion, shall be made good by His faithful Commons) had been presented to His Majesty; and that His Majesty had commanded him to acquaint this House, that He will give directions as desired by the said Address.

Appendix,
(A.)
ADDRESS.

Appendix, (B. 1.)

C O M M I S S I O N

For executing the Measures recommended by the House of Commons,
respecting the PUBLIC RECORDS of the KINGDOM.

GEORGE R.

GEORGE THE THIRD by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, &c.

To Our right trusty and right entirely beloved Cousin and Councillor, William Henry Cavendish Duke of Portland, Knight of the most noble Order of the Garter ; Our right trusty and well beloved Councillors William Wyndham Baron Grenville, and Henry Dundas Esquire, Our Three Principal Secretaries of State ; Our right trusty and well-beloved Councillors, Henry Addington, Esquire, Speaker of the House of Commons ; William Pitt Esquire, Chancellor and Under Treasurer of Our Exchequer, and First Commissioner of Our Treasury ; Sir Richard Pepper Arden Knight, Master of the Rolls, Frederick Campbell Esquire, commonly called Lord Frederick Campbell, Our Clerk Register of Scotland ; Sylvester Douglas Esquire, one of the Commissioners of Our Treasury ; Our trusty and well-beloved Sir John Mitford Knight, Our Attorney General ; Sir William Grant Knight, Our Solicitor General ; Robert Dundas Esquire, Our Advocate for Scotland ; and Charles Abbot Esquire ; Greeting :

Appendix,
(B. 1.)
FIRST
COMMISSION,
1800.

WHEREAS the Knights, Citizens, and Burgesses, and Commissioners of Shires and Boroughs, in Our Parliament of Great Britain assembled, having taken into their Consideration the State of the Public Records of this Kingdom, and the necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, have humbly laid before Us a Report of their Proceedings thereon ; and have also humbly represented unto Us, that the Public Records of the Kingdom are in many Offices unarranged, undescribed, and unascertained ; that many of them are exposed to erasure, alteration, and embezzlement, and are lodged in Buildings incommodious and insecure ; and that it would be beneficial to the Public Service that the Records and Papers contained in many of the principal Offices and Repositories should be methodized, and that certain of the more antient and valuable amongst them should be printed ; and have humbly besought us, that We would be graciously pleased to give such directions thereupon as We in Our Wisdom shall think fit ;

Now know ye, That We, considering the Premises, and earnestly desiring more effectually to provide for the better Arrangement, Preservation, and more convenient Use of the said Records and Papers, and reposing great trust and confidence in your fidelity, discretion, and integrity ;—

Have authorized and appointed, and by these Presents do authorize and appoint you the said William Henry Cavendish Duke of Portland, William Wyndham Baron Grenville, Henry Dundas, Henry Addington, William Pitt, Sir Richard Pepper Arden, Frederick Campbell (commonly called Lord Frederick Campbell), Sylvester Douglas, Sir John Mitford, Sir William Grant, Robert Dundas, and Charles Abbot, and any Three or more of you, to make a diligent and particular Inquiry into the several Matters which Our faithful Commons have, in the above-mentioned Report of their Proceedings, represented as fitting to be provided for by Our Royal Authority.

And furthermore, We do by these Presents give and grant to you Our said Commissioners, and any Three or more of you, full Power and Authority to cause all and singular the Officers, Clerks, and Ministers of the said Offices and Repositories respectively, to bring and produce upon Oath before you, or any Three or more of you, all and singular Rolls, Records, Books, and Papers or other Writings, belonging to the said Offices or Repositories, or any of them, or any Officers within the same, and which shall be in the custody of them or any of them respectively.

And

And Our further Will and Pleasure is, That ye or any Three or more of you, upon due examination of the Premises, shall cause such matters to be duly and speedily executed, as ye shall judge fitting and proper to be done for the more effectual execution of the several Measures recommended by our faithful Commons in the said Report of their Proceedings relative thereto.

Appendix,
(B. 1.)
FIRST
COMMISSION,
1800.

And to the end that Our Royal Will and Pleasure in the Premises may be executed with the greater regularity and expedition, We farther by these Presents will and command, and do hereby give full power and authority to you or any Three or more of you, to nominate and appoint from time to time such Person of ability, care, and diligence, as ye shall think fit, to be and act as your Clerk or Secretary, for the purpose of aiding you in the execution of these Presents; and also to nominate and appoint in like manner such several Persons of ability, care and diligence, as ye may think fit, to be Sub-Commissioners, to be employed under your direction and controul in the Premises; and more especially to methodize, regulate, and digest the Records, Rolls, Instruments, Books and Papers, in any of our Public Offices and Repositories; and to cause such of the said Records, Rolls, Instruments, Books, and Papers as are decayed and in danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend the Printing of such Calendars and Indexes, and original Records and Papers as ye shall cause to be printed; which said Clerk or Secretary, and Sub-Commissioners, and every of them, shall and may be removed by you or any Three of you, from time to time at your will and pleasure, full power and authority being hereby given to you to appoint others in their places respectively.

And We further will and command, and by these Presents ordain, That ye or any Three or more of you shall from time to time certify under your hands and seals unto Our Lord High Treasurer, or unto the Commissioners of Our Treasury for the time being, what shall be a fit and suitable recompense to the above-mentioned Clerk or Secretary, and Sub-Commissioners respectively, for their pains and services in the execution of the duties hereby required to be by them performed; which said recompense it is Our Will and Pleasure shall thereupon be paid to them respectively and accordingly.

And Our further Will and Pleasure is, That ye or any Three or more of you do and shall, on or before the 25th day of March in the year of our Lord 1801, and so from year to year on or before the 25th day of March in each year respectively, so long as this Commission shall continue in force, certify unto Us in Our Privy Council, under your hands and seals respectively, all and every of the several Proceedings of yourselves and of the said Sub-Commissioners had by virtue of these Presents, together with such other matters (if any) as may be deserving of Our Royal Consideration, touching or concerning the Premises, and what further measures (if any) ye shall think fit to propose thereupon.

And lastly, We do by these Presents ordain, That this Our Commission shall continue in full force and virtue; and that ye Our said Commissioners, or any Three or more of you, shall and may from time to time, and at any place or places, proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

Given at Our Court, &c. the 19th day of July, in the year of our Lord 1800.

PORTLAND.

Appendix, (B. 2.)

S E C O N D
R E C O R D C O M M I S S I O N,23^d May 1806.

GEORGE R.

GEORGE THE THIRD by the Grace of God of the United Kingdom of Great Britain and Ireland
King, Defender of the Faith :

To Our right trusty and well-beloved Councillor William Wyndham Baron Grenville, First Commissioner of Our Treasury, or the First Commissioner of Our Treasury for the time being ; Our right trusty and right well-beloved Cousin and Councillor George John Earl Spencer, Knight of the most noble Order of the Garter, Our right trusty and well-beloved Councillors Charles James Fox, and William Windham, Our three Principal Secretaries of State, or Our three Principal Secretaries of State for the time being ; Our right trusty and well-beloved Councillors Charles Abbot, Speaker of the House of Commons, or the Speaker of the House of Commons for the time being ; and Sir William Grant Knight, Master of the Rolls, or the Master of the Rolls for the time being ; Our trusty and well-beloved Henry Erskine, Esquire, Our sole and only Advocate for Scotland, or Our sole and only Advocate for Scotland for the time being ; Our right trusty and well-beloved Cousin and Councillor Henry Viscount Sidmouth ; Our right trusty and well-beloved Councillors Frederick Campbell Esq. (commonly called Lord Frederick Campbell), Sylvester Baron Glenbervie, of that part of Our United Kingdom called Ireland, and John Baron Redesdale ; the Right Reverend Father in God Our right trusty and well-beloved John Lord Bishop of Oxford ; Our right trusty and well-beloved Councillors Charles Bathurst, William Wickham, and Nathaniel Bond.

Appendix,
(B. 2.)
SECOND
COMMISSION,
1806.

WHEREAS the Knights, Citizens, and Burgesses, and Commissioners of Shires and Boroughs, in Our Parliament of Great Britain assembled, having taken into their consideration the State of the Public Records of this Kingdom, and the necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, have heretofore humbly laid before Us, a Report of their Proceedings thereon, and also humbly represented unto Us, that the Public Records of the Kingdom are in many Offices unarranged, undescribed, and unascertained ; that many of them are exposed to erasure, alteration and embezzlement, and are lodged in Buildings incommodious and insecure ; and that it would be beneficial for the public service that the Records and Papers contained in many of the principal Offices and Repositories should be methodized, and that certain of the more antient and valuable amongst them should be printed ; and humbly besought Us that We would be graciously pleased to give such directions thereupon, as We in Our Wisdom should think fit : And whereas We, considering the Premises, and earnestly desiring more effectually to provide for the better Arrangement, Preservation, and more convenient Use of the said Records and Papers, did, by warrant under Our Sign Manual, bearing date the nineteenth day of July 1800, authorize and appoint the several Persons therein severally named, and any Three or more of them, to make a diligent and particular inquiry into the several matters which Our faithful Commons had, in their above-mentioned Report of their Proceedings, represented as fitting to be provided by Our Royal Authority, and to do such other matters and things touching the Premises as are therein set forth : And whereas the said several Persons thereby appointed have duly proceeded in the execution of the several matters committed to their charge, and have made considerable progress therein, as by their annual Certificates to Us in Our Privy Council appears ; but some of the said Persons are since deceased, or have become less able to attend to the duties so required of them, and it is expedient to appoint others in their place, and also to increase the number of the said Persons so to be appointed for the purpose aforesaid, in such manner as may give more complete and permanent effect to Our Royal Intentions in that behalf :

Now know ye, That We, considering the Premises, and earnestly desiring further and more effectually to provide for the better Arrangement, Preservation, and more convenient Use of the said Records and Papers, and reposing great trust and confidence in your fidelity, discretion, and integrity, Have authorized and appointed, and by these Presents do authorize and appoint, you the said William Wyndham Baron Grenville, George John Earl Spencer, Charles James Fox, William Windham, Charles Abbot, Sir William Grant, Henry Erskine, Henry Viscount Sidmouth, Frederick Campbell Esquire (commonly called Lord Frederick Campbell), Sylvester Baron Glenbervie, John Baron Redesdale, John Lord Bishop of Oxford, Charles Bathurst, William Wickham,

and

and Nathaniel Bond, and any Three or more of you (whereof the said first Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) further to make a diligent and particular Inquiry into the several matters which Our faithful Commons have, in the above-mentioned Report of their Proceedings, represented as fitting to be provided for by Our Royal Authority: And furthermore We do by these Presents give and grant unto you Our said Commissioners, and any Three or more of you (whereof the said first Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) full power and authority to cause all and singular the officers, clerks, and ministers of the said Offices and Repositories respectively, to bring and produce upon Oath, before you or any Three or more of you, all and singular Rolls, Records, Books, and Papers, or other Writings belonging to the said Offices or Repositories, or any of them, or any officers within the same, and which shall be in the custody of them or any of them respectively: And Our further Will and Pleasure is, That ye or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) upon due examination of the Premises, shall cause such matters to be duly and speedily executed, as ye shall judge fitting and proper to be done for the more effectual execution of the several measures recommended by Our faithful Commons, in the said Report of their Proceedings relative thereto. And to the end that Our Royal Will and Pleasure in the Premises may be executed with the greater regularity and expedition, We further by these Presents will and command, and do hereby give full power and authority to you, or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) to nominate and appoint from time to time such person of ability, care, and diligence, as ye shall think fit, to be and act as your Clerk or Secretary, for the purpose of aiding you in the execution of these Presents; and also to nominate and appoint in like manner such several persons of ability, care, and diligence, as ye may think fit, to be Sub-Commissioners, to be employed under your direction and controul in the Premises; and more especially to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers, in any of Our Public Offices and Repositories, and to cause such of the said Records, Rolls, Instruments, Books and Papers, as are decayed and in danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend the Printing of such Calendars and Indexes, and Original Records and Papers, as ye shall cause to be printed; which said Clerk or Secretary, and Sub-Commissioners, and every of them, shall and may be removed by you or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) from time to time, at your will and pleasure, full power and authority being hereby given to you, to appoint others in their places respectively: And We further will and command, and by these Presents ordain, That ye, or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) shall from time to time certify under your hands and seals, unto Our Lord High Treasurer, or unto the Commissioners of Our Treasury for the time being, what shall be a fit and suitable recompense to the above-mentioned Clerk or Secretary, and Sub-Commissioners respectively, for their pains and services in the execution of the duties hereby required to be by them performed; which said recompense it is Our Will and Pleasure shall thereupon be paid to them respectively and accordingly. And Our further Will and Pleasure is, that ye or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) do and shall, on or before the twenty-fifth day of March in the year of our Lord 1807, and so from year to year, on or before the twenty-fifth day of March in each year respectively, so long as this Commission shall continue in force, certify unto Us in Our Privy Council, under your hands and seals respectively, all and every of the several Proceedings of yourselves and of the said Sub-Commissioners, had by virtue of these Presents, together with such other matters (if any) as may be deserving of Our Royal Consideration, touching or concerning the Premises; and what further measures (if any) ye shall think fit to propose thereupon. And lastly, We do by these Presents ordain, That this Our Commission shall continue in full force and virtue; and that ye Our said Commissioners, or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of the House of Commons, the Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) shall and may from time to time, and at any place or places, proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.—Given at Our Court at Saint James's, the twenty-third day of May 1806, in the forty-sixth year of Our reign.

By HIS MAJESTY's Command.

(Signed)

SPENCER.

Appendix,
(B. 2.)SECOND
COMMISSION,
1806.

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Appendix (C.)

ANNUAL REPORTS

OF THE

COMMISSIONERS UPON PUBLIC RECORDS.

ABSTRACT OF ANNUAL REPORT, 23 MARCH 1801.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Annual Report,
1801.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the nineteenth day of July 1800, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, and the necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, and the Printing of certain of the more antient and valuable amongst them, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty;

THAT in pursuance of the powers vested in us by Your Majesty's said Commission, WE assembled on the 22d day of July last, at the house of the Right Honourable The Speaker of the House of Commons, and opened the said Commission; and appointed John Topham, Esquire, of Bedford-Row, F.S.A. and Barrister at Law, to act as Secretary under the said Commission. After which, the Report of the Select Committee of the House of Commons appointed to inquire into the State of the Public Records of the Kingdom, and also the Resolutions of the House thereupon, were read, and taken into Consideration; and the following Orders were made thereupon by the said Commissioners; viz.

That the Secretary do write to James Wyatt, Esquire, Surveyor-General of His Majesty's Works, to desire him to proceed immediately to build the additional office to the Chapter-House at Westminster, according to the plan thereof laid by him before the Record Committee of the House of Commons, and communicated to the Lords Commissioners of His Majesty's Treasury; and also to cause the framework and stages of the apartment adjoining to Cæsar's Chapel in the Tower of London to be sufficiently repaired; and also, that Mr. Wyatt do prepare and provide the Repositories for the Records and Papers belonging to the Auditor's Office, the Pipe Office, and the Lord Treasurer's Remembrancer's Office in Somerset Place, according to the plans thereof laid by him before the Record Committee of the House of Commons, and the Lords Commissioners of His Majesty's Treasury; and also, that Mr. Wyatt be directed to examine and report to this Board, upon the security and convenience of the State Paper Office in Middle Scotland Yard, Whitehall, and the practicability of removing the Records and Papers now kept in that office, to a situation contiguous or nearer to the Offices of His Majesty's Principal Secretaries of State.

That the Records of Attainder, &c. now in the custody of the Clerk to the Select Committee on the Public Records of the Kingdom, be forthwith removed into the Baga de Secretis of the Court of King's Bench, and deposited there in the presence of His Majesty's Attorney General; and that the Secretary to this Board be directed to obtain the keys of office accordingly for that purpose; and that Mr. Dealtry, of the Crown Office in the Court of King's Bench, be desired to make a schedule of the Books, Papers, and Records contained in the Baga de Secretis, and that one copy thereof be deposited therein with the said Records, and another copy delivered, under seal, to His Majesty's Coroner or Attorney for the time being, to be by him kept in the Crown Office of the Court of King's Bench, for the use of His Majesty's Attorney General for the time being.

That John Caley, Esquire, of Gray's Inn, and Mr. Jonathan Hewlett of the Prothonotaries Office in the Court of Common Pleas, be Sub-Commissioners under this Board, for the purpose of methodizing and indexing the Docket Rolls of the Court of Common Pleas.

That John Caley, Esquire, of Gray's Inn, together with Mr. William Kirkby and Mr. George Vanderzee, two of the Side Clerks in the King's Remembrancer's Office in the Exchequer, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all the Records in the said office, or belonging thereto.

That John Caley, Esquire, together with Mr. Henry Playford, one of the Sworn Clerks in the Office of the Lord Treasurer's Remembrancer, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all the Records in the said office, or belonging thereto.

That

That Mr. Caley, together with Mr. Thomas Bryan Richards, and Mr. Jonathan Fearnside, a clerk in the Office of the Auditor of the Land Revenue for England, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing the Records in the Offices of the Auditors of the Land Revenue for England and Wales, or belonging thereto.

That the Secretary do write to the Trustees of the British Museum, to express the desire of this Board, that the Catalogue of the MSS. in the Cottonian Library, lately compiled by their principal Librarian, may be printed immediately; and also, that the Catalogue of the Harleian MSS. be revised, corrected, and re-printed.

That the Ministers Accounts in the Offices of the Auditors of the Land Revenue, be transferred to the Augmentation Office; and that the Records of the Duchy of Lancaster and the Duchy of Cornwall, in the Augmentation Office, be also transferred to the respective Offices to which they relate.

That the Secretary do write to the Keeper of the Records at the Chapter House, Westminster, to request him to cause complete Indexes to the two Volumes of Domesday Book, to be made, and to have the same printed with a Title and Table of Contents as prepared and recommended by the President and Council of the Society of Antiquaries, upon a reference to them from the Lords Commissioners of His Majesty's Treasury in the month of April 1783; and also to cause the Calendars and Indexes to the Records of the Court of King's Bench, from the 1st of Edw. I to the 10th of Henry V; and of the Common Pleas from the 1st of Edw. I. to 18th of Edw. I; and of the Placita Exercitûs, 24th Edw. I, to be printed, of the same size as the Rolls and Journals of Parliament.

That the Secretary do write to the Keeper of the Records in the Tower of London, to request him to cause the Calendars and Indexes to the Patent, Close, and Charter Rolls, to be printed, of the same size as the Rolls and Journals of Parliament; and of the like type as the Sessional Index to the Journals.

AND at a Meeting of the said Commissioners, held on the 4th day of November last, it was Ordered, That the Record called Pope Nicholas's Taxation, formed about the year 1291, be printed from the Transcript thereof remaining in the Court of Exchequer, after the same shall have been collated and compared with the original Rolls of the same Record, in the Exchequer, British Museum, or other Repositories, and also with the antient transcript of the same Record preserved in the British Museum; and that the variations between the different authorities be marked and printed at the bottom of each page; and that an Index of the Places therein named be printed at the end of the work.

That the Secretary do write to the Keeper of the Records in the Tower of London, the Keeper of the Records in the Chapter House at Westminster, the Keeper of the Records in the Chapel of the Rolls, the Keeper of the Records of the Privy Council, and the Clerks of the Signet, to consider and report to this Board of a proper Selection of Records, Instruments, and State Papers, in their custody respectively, for the purpose of forming a Supplement to Rymer's *Fœdera*, during the period of time which that Work comprehends; and also of a Selection to form a continuation of that Work, to the accession of His Majesty King George II.

That the Secretary do write to His Majesty's Principal Secretaries of State, or one of them, in the name of this Board, requesting them, or one of them, to give directions to the Keeper of the State Paper Office, to consider and report to this Board of a proper Selection of Records, Instruments, and State Papers in his custody, for the purpose of forming a Supplement to Rymer's *Fœdera*, during the period of time which that work comprehends; and also of a Selection to form a continuation of that Work, to the accession of His Majesty King George the Second; and also to request that they, or one of them, will be pleased to give directions to the Keeper of the State Paper Office, to cause the Records removed in the year 1770, from the House of Lords to the old State Paper Office Whitehall, to be forthwith arranged and indexed.

That the Secretary do write to the Lord Clerk Register of Scotland, to request his Lordship will cause the Parliamentary Records of Scotland, and antient Royal Charters, to be immediately printed in a form and type similar to the Parliament Rolls of England; and also to request his Lordship's attention to the other measures recommended from Scotland, so far as they are within his department.

AND at a subsequent Meeting of the said Commissioners holden on the 19th day of December last, it was Resolved, That William Robertson Esquire, one of the Deputies to the Lord Clerk Register of Scotland, Alexander Robertson Esquire his son, and James Ferrier Esquire, be appointed Sub-Commissioners for superintending the execution of the several Measures directed by this Board to be carried into effect in Scotland.

That His Majesty's Printer for Scotland do forthwith print the Parliamentary Records and antient Royal Charters of Scotland, under the superintendence of the above-appointed Sub-Commissioners, in a form and type similar to the Parliament Rolls of England.

That the Proceedings upon Special Commissions for trial of High Treason in Scotland, in the year 1794, &c. be transferred from the Crown Office K. B. to the General Register House at Edinburgh.

That

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report
1801.

Appendix,
(C.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report
1801.

That the Secretary do write to the Lord Advocate for Scotland, to request that he will promote the execution of the Measures recommended for Scotland, and signify to this Board in what particulars it may be necessary for them to interpose their authority to this purpose.

That Mr. Vanderzee do proceed to arrange the rest of the unarranged Records in the King's Remembrancer's Office of the Exchequer, with all dispatch, so far as the season and other circumstances will permit; and that he do bestow special attention upon searching for other Nonæ Rolls; and that the Nonæ Rolls of the reign of Edward the Third be fairly transcribed, and published in the same size and type as the Taxation of Pope Nicholas, with a fac-simile Engraving of one or more of the original Rolls.

That a complete and authentic Edition of the Statutes of the Realm be prepared, and printed, including every Law, as well those repealed or expired as those now in force, with a Chronological List of them, and Tables of their principal matters: And that, for the purpose of ascertaining and preserving a Memorial of the correct and intire Text of the Statute Law of the Realm, copies be distributed to the Clerk of the Parliaments of the United Kingdom of Great Britain and Ireland, to the proper Officers of the principal Courts of Justice, the Officers of State and Revenue, His Majesty's Library, the Libraries of the several Universities, Inns of Court, and such other places, for custody and public inspection in every part of the United Kingdom, as shall be best suited to the purposes of this publication.

IT being represented to this Board, that Alexander Luders, Thomas Edlyne Tomlins, and John France, Esquires, Barristers at Law; John Caley Esquire, Mr. Thomas Bryan Richards, and Mr. William Illingworth; have severally bestowed their thoughts upon this Subject, and are fit and competent persons to execute different parts of this Work, and are willing to be employed therein; and certain Papers, prepared by Messrs. Luders, Tomlins, and France, being produced to this Board, purporting to be Considerations upon a Plan for a complete and authentic Edition of the Statutes; and the same being now read;

It was Ordered, That the several Persons above-named be appointed Sub-Commissioners, for carrying this work into effect, and that the Secretary to this Board do confer with them from time to time upon the best mode of proceeding, and report to this Board at their next Meeting what progress shall have been made therein.

That The Speaker be requested to take into his consideration, whether it may be expedient to have any Selection made of Reports from Committees of the House of Commons, which are not inserted in the Journals, as a Supplement to those ordered to be printed in 1773, and continuation thereof to the Union of Great Britain and Ireland:

That the Surveyor General of His Majesty's Works be desired to consider and report to this Board, whether a proper place can be provided, at Somerset Place, for the safe and convenient custody of the Records belonging to the Clerks of Assize, &c.

THE Board having also taken into consideration the Report of the Select Committee of the House of Commons, upon the Public Records of the Kingdom, with respect to the importance of a regular Transmission of the copies of Parish Registers, in every Diocese, to the Diocesan or his Chancellor, which, by the Canons of 1603, ought to take place annually; and the great utility which may be derived from a regular observance thereof, in guarding the evidences of title and pedigree from spoliation or confusion; It was Ordered, That the Secretary do write, in the name of this Board, to the Archbishop of Canterbury, and the Archbishop of York, respectfully submitting to them the propriety of using such means as they shall judge to be expedient for causing an Annual Transmission of the copies of the Parish Registers, in every Diocese, to the Bishop of the Diocese, or his Chancellor, "to the end the same may faithfully be preserved in the Registry of the said Bishop," according to Canon passed in 1603.

And WE beg leave further most humbly to lay before YOUR MAJESTY, the following State of the Proceedings had, in pursuance of the said Orders, to the present time, and what remains to be further done thereupon.

STATE

STATE of the PROCEEDINGS to 23d March 1801.			
Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Chapter House, &c.	James Wyatt, Esq. Surveyor General of His Majesty's Works.	Alterations and Repairs. { Chapter House, Westminster. Caesar's Chapel, in the Tower. Repositories, in Somerset Place. State Paper Office.	Progress made. Done. Progress made. No Return.
Court of King's Bench.	Mr. Dealtry.	The Records of Attainder to be deposited in the Baga de Secretis; and Schedules thereof to be made by Mr. Dealtry.	Nearly two-thirds completed.
Court of Common Pleas.	Mr. Caley. Mr. Hewlett.	The Docket Rolls in the beginning of the reign of Henry 8th to be arranged.	Progress made.
Exchequer: King's Remembrancer's Office.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	To arrange and index many thousands of Bills, Answers, and Depositions, from the reign of Queen Elizabeth to King George 2d, which have been collected together, from all parts of the office, and sorted under the heads of Counties and of Kings reigns, in order of time; and also the Special Commissions and Inquisitions Post Mortem and Escheat Rolls, which have been collected together; and also the Decree Books of this Court, during the first ten years of Queen Elizabeth.	Progress made; but it will require much time to regulate, arrange, and index the whole of the numerous Records in this Department. Many important Records viz. Nonæ Rolls, Extents and Surveys of various dates and sorts, have been already discovered here.
Exchequer: Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	The sacks, in which the Records in this Office were conveyed from the Exchequer at Westminster to Somerset Place in 1793, contained Memoranda 691 Rolls, Originalia 896 Rolls. The Memoranda and Originalia from King John to Charles 2d, to be examined, arranged, and new backed, repaired, corded, and indorsed.	50 sacks of Records and Papers in this Office remain to be arranged and indexed.
Auditors of the Land Revenue.	Mr. Caley. Mr. Richards. Mr. Fearnside.	Surveys, Rentals, Particulars, and other unarranged Records, to be sorted, methodized, placed under their respective counties, and completely arranged.	The Arrangement is completed. An Index to the Inrolment of Grants is begun.
British Museum.	Joseph Planta, Esq.	The new Catalogue of the Cotton Library to be printed. The Harleian Catalogue to be corrected, completed, and reprinted.	216 pages are printed. Progress made.
Augmentation Office. Duchy of Lanc. Duchy of Cornwall.	Mr. Caley. Mr. Gray. Mr. Harper.	Transfer of Records from the Auditors of the Land Revenue to the Augmentation Office, and from the Augmentation Office to the Duchies of Cornwall and Lancaster.	Above 4,000 Rolls have been transferred from the Land Revenue Office to the Augmentation Office. From the Augmentation Office more than 400 Rolls and some Books to the Duchy of Cornwall; and several Rolls to the Duchy of Lancaster. This Work is completed.
Chapter House.	Geo. Rose, Esq.	Domesday Book.—A complete Index, &c. to be prepared and printed with the Title and Table of Contents, &c.	No Return.
Chapter House.	Geo. Rose, Esq.	The Calendars and Indexes to the Records of the Curia Regis and King's Bench, from Richard the First to Henry the Fifth, and of the Common Pleas from 1st to 18th Edward the First; and of Placita Exercitûs, 24th Edward the First, to be transcribed for the press.	Progress made.
Tower.	Thomas Astle, Esq. Rev. S. Ayscough.	The Office Calendars to the Patent Rolls, from 1st of King John to the 29th year of Edward 3d, to be printed.	176 pages are printed.

Appendix,
(C.)ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1801.

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1801.

STATE of the PROCEEDINGS to the 23d March 1801—continued.			
Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Tower.	Thomas Astle, Esq. Rev. S. Ayscough.	Pope Nicholas's Taxation.—This Record to be printed from the Copy kept in the Court of Exchequer, compared and collated with the original Rolls remaining in the same Court, and with the antient Transcript thereof in the British Museum.	96 pages are printed.
State Paper Office.	Thomas Astle, Esq. George Rose, Esq. John Kipling, Esq. Sir Steph. Cottrell. Clerks of the Signet. John Bruce, Esq.	Supplement and continuation to Rymer's Fœdera.—The several Officers to consider and report of a proper Selection of Records, Instruments, and Papers, in their respective Offices. To cause the Records removed from the House of Lords to the old State Paper Office at Whitehall, in 1770, to be arranged and indexed.	No Returns; but some may be soon expected. No Return.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm.—A complete and authentic Edition of the Statutes of the Realm to be prepared for the press.	Progress made in forming the plan and mode of proceeding in this work.
SCOTLAND.			
Genl Reg' House, Edinburgh.	R. H. Lord Fred. Campbell. Lord Advocate for Scotland.	The Lord Clerk Register of Scotland to cause the PARLIAMENTARY RECORDS of Scotland, and antient ROYAL CHARTERS, to be printed; and the Lord Advocate for Scotland requested to promote the execution of the Measures recommended for Scotland.	Progress made.

And WE beg leave most humbly to state to YOUR MAJESTY, That at the present time we have not any other matters to offer for Your Majesty's Royal Consideration, touching or concerning the Premises, or any further Measures to propose thereupon, &c. &c.

(Signed)

R. P. ARDEN. (L. s.)
GLENBERVIE. (L. s.)
J. MITFORD. (L. s.)
W. GRANT. (L. s.)
CHARLES ABBOT. (L. s.)

Dated 23 March,
1801.

ABSTRACT OF ANNUAL REPORT, 24 MARCH 1802.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 19th day of July 1800, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. Do most humbly beg leave to certify to Your Majesty, in pursuance of the Powers vested in us by Your Majesty's said Commission, That WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 23d day of March 1801.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance thereof, from the 23d day of March 1801 to the present time, and what remains to be further done thereupon.

Appendix,
(C.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1802.

STATE of the PROCEEDINGS to 24th March 1802.			
Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Chapter House, &c.	James Wyatt, Esq. Surveyor-General, &c.	Alterations } Chapter House, Westminster - - and } Repositories in Somerset Place - - Repairs. } State Paper Office - - -	This Work is done. No Return. No R turn.
Court of King's Bench.	Mr. Dealtry. Mr. Barlow.	Records of Attainder in the KING'S BENCH, from Trinity Term 17 Edw. 4th, A. D. 1478, to the 7th year of the reign of His present Majesty, to be deposited in the Baga de Secretis, with Schedules.	This Work is completed to the year 1770.
Exchequer: King's Remembrancer's Office.	Mr. Caley. Mr. Vanderzee. Mr. Kirkby.	Special Commissions, and Inquisitions Post Mortem, and Escheat Rolls, to be collected together, and to be arranged; and an Index to be made thereto. Indexes to the Decree Books and Orders of this Court during the first 35 years of Queen Eliz. and some part of the reign of James 1st, to be made.	This Index will be completed in about 12 months. Several volumes of these books of Decrees and Orders have been rebound in vellum.
Exchequer: Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Lists to be formed of the Rolls of Nomina Villarum for eight counties, 9 Edw. 2; and divers Escheat Rolls, Surveys, and other miscellaneous Records.	Completed; the fifty sacks, filled with Records and Papers, examined and arranged, and Calendars thereof now forming.
British Museum.	Joseph Planta, Esq.	The Catalogue of the Cotton Library, in the British Museum, corrected by Joseph Planta, Esq. the principal librarian, with an Index thereto, to be printed	This work is now completed in one folio volume.
	Rev. Mr. Nares.	The Harleian Catalogue to be revised and reprinted.	Progress making.
Chapter House.	George Rose, Esq.	Domesday Book.—A complete Index, &c. to be prepared and printed, with the Title and Table of Contents. Abbreviatio Placitorum, being in the nature of a Calendar and Index to the most antient Records of Pleadings in the King's Superior Courts, from Richard 1st to 24 Edw. 1st. to be printed.	Progress making. About eight or ten sheets are printed.

Appendix,
(C.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1802.

STATE of the PROCEEDINGS to 24th March 1802—continued.			
Repository.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
The Tower.	Thomas Astle, Esq. Rev. S. Ayscough. Mr. Caley.	The Office Calendars to the Patent Rolls, from 1st of King John to the end of the reign of King Edward 4th, to be printed, with Indexes thereto. Those for the Close and Charter Rolls to be transcribed for the press.	This Work is completed in one folio volume. Progress made.
	Thomas Astle, Esq. Rev. S. Ayscough. Mr. Caley.	Pope Nicholas's Taxation, A. D. 1291, to be printed from the Copy thereof kept in the Court of Exchequer, compared and collated with the original Rolls remaining in the same Court, and with the antient Transcript thereof in the British Museum.	This Work is printed in one folio volume.
	Thomas Astle, Esq. George Rose, Esq. John Kipling, Esq. Sir Steph. Cotterell. Clerks of the Signet.	Supplement and Continuation to Rymer's Fœdera.—The several officers to consider and report of a proper selection of Records, Instruments, and State Papers, in their respective offices.	No Returns.
State Paper Office.	John Bruce, Esq.	To cause the Records removed from the House of Lords to the old State Paper Office at Whitehall, in 1770, to be arranged and indexed.	Progress made.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	Statutes of the Realm.—The various plans proposed for carrying this work into execution to be considered, with respect to the sources from whence the materials were to be derived; the selection of materials to be printed; the text, orthography, typography, translation, punctuation, marginal references and notes, division into volumes, introduction, tables, and indexes, order and distribution of the work.	A General Conspectus to the end of the reign of King Edw. 2d. formed; and many of the materials collated and compared, &c.
SCOTLAND.			
Gen. Reg. House, Edinburgh.	Lord Fred. Campbell, Lord Advocate for Scotland, &c.	The Lord Clerk Register of Scotland to cause the Parliamentary Records of Scotland, and antient Royal Charters, to be printed: and the Lord Advocate for Scotland requested to promote the execution of the Measures recommended for Scotland.	Progress made.

And WE beg leave to state to Your Majesty, That the following Works are now completed; viz.

- 1st. The Catalogue of the MANUSCRIPTS IN THE COTTONIAN LIBRARY, deposited in the British Museum, corrected by Joseph Planta Esquire Principal Librarian, with a Preface and Index thereto by him.
- 2dly. CALENDARS TO THE PATENT ROLLS in the Tower of London, from the 3d Year of King John, to the end of the reign of Edward 4th, with Indexes thereto, made by the Rev. Samuel Ayscough.
- 3dly. TAXATIO ECCLESIASTICA, or the Taxation of Ecclesiastical Benefices, made by order of Pope Nicholas 4th, about the year 1291, with Indexes thereto made by the Rev. Samuel Ayscough.

And that we have ordered that the Official Calendars to the Inquisitions Post Mortem, or Escheat Rolls, in the Tower, from the 1st year of King Henry 3d to the 3d year of King Richard 3d; and also the Official Calendars to the Charter Rolls, from the 1st year of King John to the end of the reign of Edward 4th, be prepared for the press, and printed of the like type and form as the Calendar to the Patent Rolls, with Indexes of Persons and Places to be made thereto.

Dated 24th March,
1802.

(Signed)

REDESDALE. (L. S.)
CHARLES ABBOT. (L. S.)
FRED. CAMPBELL. (L. S.)
W. GRANT. (L. S.)
GLENBERVIE. (L. S.)

ABSTRACT OF ANNUAL REPORT, 24 MARCH 1803.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 19th day of July 1800, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do must humbly beg leave to certify to Your Majesty, in pursuance of the Powers vested in us by Your Majesty's said Commission, That WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty in Your Privy Council, dated the 24th day of March 1802.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 24th day of March 1802, to the present time, and what remains to be further done thereupon.

Appendix,
(C.)
ABSTRACTS OF
REPORTS
TO PRIVY
COUNCIL.
Annual Report,
1803.

STATE of the PROCEEDINGS to 24th March 1803.			
REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer; Lord Treasurer's Rem. Office.	James Wyatt, Esq.	Repositories to be provided for the Records of the Lord Treasurer's Remembrancer's Office at Somerset Place.	These are completed.
King's Bench.	Mr. Dealtry. Mr. Barlow.	Schedules to be made of the Records of Attainder in the King's Bench, deposited in the Baga de Secretis; from the reign of King Richard 2d.	This Work is completed down to the present reign.
Excheq. K. R. O.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	Indexes to be made to the Special Commissions and Escheat Rolls in the King's Remembrancer's Office in the Exchequer. Also, Indexes to the Books of Orders and Decrees of the Court of Exchequer; from the 1st year of Queen Elizabeth to the present time.—N. B. From the end of Car. 2, the Official Calendars of the Names of Parties are continued in regular series.	Considerable progress is made in this Work. This Work is nearly completed from 1st Elizabeth to the end of the reign of Charles 2d.
Excheq. L. T. R. O.	Mr. Playford.	Abstract of the Rolls called Originalia, in the Lord Treasurer's Remembrancer's Office, beginning in the Reign of Henry 3d, to be prepared.	The Index to the reign of Edward 2d, completed; 20 pages printed.
British Museum.	Rev. Mr. Nares.	The Catalogue of the Harleian Library in the British Museum to be revised.	Progress made.
Chapter House.	R ^t Hon. Geo. Rose.	A complete Index, &c. to Domesday Book, to be prepared and printed, with the title and table of Contents.	Progress made.
Chapter House.	R ^t Hon. Geo. Rose.	Abbreviatio Placitorum, being in the nature of a Calendar and Index to the most antient Records of Pleadings in the King's Superior Courts, to be printed.	The Types necessary for printing this Work being now prepared, 108 pages are printed.
Tower.	Mr. Caley. Mr. John Dale.	Official Calendars to the Close and Charter Rolls in the Tower, and of the Inquisitions Post Mortem, to be printed, and the Office Calendars to be transcribed.	Progress made.

Appendix,
(C.)

ABSTRACTS OF
REPORTS
TO PRIVY
COUNCIL.

Annual Report,
1803.

STATE of the PROCEEDINGS to 24th March 1803— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Rolls, &c.	John Kipling, Esq. Mr. Davis.	Supplement and Continuation to Rymer's <i>Fœdera</i> .— A List to be prepared of the Instruments entered on the Patent, the Close, and the Treaty Rolls, in the Chapel of the Rolls.	This Return is completed.
Tower and elsewhere.	Mr. Luders. Mr. Tomlinson. Mr. France, &c.	The Statutes of the Realm.—To proceed in the Transcript and Collation of the early Statutes.	Progress made.
SCOTLAND.			
Genl Reg ^r House, Edinburgh.	Mr. James Ferrier.	The antient Parliamentary Records and the Royal Charters of Scotland, to be prepared for the press.	Progress continues to be made.

And WE beg leave to state to Your Majesty, that there is now completed, and ready for delivery, a Volume containing,

“ The CALENDARS TO THE CHARTER ROLLS in the Tower of London, from the first year of
“ King John to the end of the Reign of King Edw. IV, with Indexes of Names and Places thereto :”

Also, “ CALENDARS TO THE INQUISITIONES AD QUOD DAMNUM ” at the Tower,
from the Reign of King John to the end of King Edw. IVth, with like Indexes.

And that WE have ordered that the Official Calendars of the “ Inquisitiones Post Mortem,” and of the Escheat Rolls at the Tower, be forthwith proceeded in and put to the press.

Also, That the Official Calendars of the Close Rolls at the Tower be printed forthwith, inserting therein such of the Articles contained in Mr. Lemon's Selection as are referred to in the Resolution of this Board of the 24th day of June 1802.

Also, That the Special Commissions in the Exchequer be proceeded in, to be arranged and indexed.

Also, That Mr. Vanderzee do prepare to proceed in printing the Nonæ Rolls in the Exchequer, in pursuance of the Order of this Board, made the 19th December 1800.

And also, That Mr. Vanderzee do complete his Part of the Index to the Decree Books in the Exchequer, by inserting therein the Orders as well as the Decrees.

Dated 24 March,
1803.

(Signed) CHARLES ABBOT, (L. s.)
FRED. CAMPBELL, (L. s.)
GLENBERVIE. (L. s.)

ABSTRACT OF ANNUAL REPORT, 24 MARCH 1804.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the nineteenth day of July 1800, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 24th of March 1803.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 24th day of March 1803 unto the present time, and what remains to be further done thereupon.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1804.

STATE of the PROCEEDINGS to 24th March 1804.

REPOSITORY.	Sub-Commissioners and others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Excheq' K. R. O.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	Indexes to the Special Commissions and Escheat Rolls in the King's Remembrancer's Office to be prepared.	Suspended until the Nonæ Rolls are printed, and the Index to the Orders completed.
Excheq' K. R. O.	Mr. Caley. Mr. Kirkby. Mr. Vanderzee.	Indexes to the Books of Decrees and Orders of the Court of Exchequer, from the 1st of Queen Elizabeth to the present time, to be prepared.	Indexes to the Decrees completed from 1 Eliz. to end of Ja. II. Indexes to the Orders from 1 Eliz. to end of Eliz.
Excheq' K. R. O.	Mr. Vanderzee.	The Nonæ Rolls to be transcribed and prepared for the press.	Progress made.
Excheq' L. T. R. O.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, in the Lord Treasurer's Remembrancer's Office, to be prepared.	Nearly completed to end of Edw. II, and printed to 25 Edw. I.
British Museum.	Rev ^d Mr. Nares.	The Catalogue of the MSS. in the Harleian Collection to be revised.	Progress made.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1803.

STATE of the PROCEEDINGS to 24th March 1804— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Chapter House.	R ^t Hon. Geo. Rose.	A complete Index, &c. to Domesday Book, to be prepared and printed, with the Title and Table of Contents.	Progress made.
Chapter House.	R ^t Hon. Geo. Rose.	Abbreviatio Placitorum to be printed.	120 pages are printed.
Tower.	Mr. Caley. Mr. Lemon, sen ^r Mr. Lemon, jun ^r Mr. Dale.	Official Calendars to the Close Rolls and Inquisitions Post Mortem, or Escheats, to be printed, and the Calendars to be revised and transcribed.	The printing of the Calendars to the Close Rolls postponed till more complete; progress made in transcribing and printing the Calendars to the Inquisitions Post Mortem.
State Paper Office, &c.	- - -	Materials for Supplement and Continuation to Rymer's <i>Fœdera</i> , to be arranged, and prepared for the press.	Postponed until Returns received from the Tower, and the State Paper Office.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm.—To proceed in the Transcript and Collation of the early Statutes, and making further Selections from the proper Records.	Further progress made in the collation and translation; and Selections have been made from the Close, Patent, and Fine Rolls, &c.
SCOTLAND.			
Gen ^l Reg. House, Edinburgh.	Mr. Ferrier.	The antient Parliamentary Records, and the Royal Charters of Scotland, to be prepared for the press.	Further progress made.

WE further beg leave to state to Your Majesty, That WE have ordered the Index to the Orders of the Court of Exchequer to be completed by Mr. Kirkby, from the end of Queen Elizabeth, to the end of the reign of King James the Second:

Also, That Mr. Vanderzee do proceed in transcribing the Nonæ Rolls, and in preparing them for the press.

Also, That Mr. Playford do proceed on the Abstract to the Originalia, and the printing thereof.

Also, That the Rev. Mr. Nares be requested to continue his attention to the Revision and Extension of the Catalogue to the Harleian Manuscripts.

Also, That Mr. John Dale and Messrs. Lemon continue the Transcript and Revision of the Inquisitions Post Mortem, in the manner already proceeded upon.

Dated 24 March,
1804.

(Signed)

CHARLES ABBOT. (L. s.)
FRED. CAMPBELL. (L. s.)
GLENBERVIE. (L. s.)
WILLIAM GRANT. (L. s.)

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1805.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 19th day of July 1800, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty in Your Privy Council, dated the 24th of March 1804.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from 24th day of March 1804 unto the present time ; and what remains to be further done thereupon.

Appendix,
(C.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report
1805.

STATE of the PROCEEDINGS to 25th March 1805.			
REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer : L ^d Treas ^r 's Rem. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, to be prepared	The first Volume printed, except Indexes, and progress made towards a second Volume.
Exchequer : L ^d Treas ^r 's Rem. Office.	Mr. Playford. Mr. H. Ellis.	Nomina Villarum 9 Edw. 2d, to be transcribed, and deficiencies supplied from MS. Harl. B. M. N ^o 6,281.	Returns for 8 Counties copied ; progress made in the MS. at the Br. Museum.
Exchequer : King's Rem. Office.	Mr. Caley. Mr. Vanderzee.	The Nonæ Rolls to be transcribed, and prepared for press.	Returns for 10 Counties already printed, and 8 more transcribed. Pages printed 152.
Excheq ^r K. R. O.	Mr. Caley. Mr. Illingworth.	The Record called Testa de Nevill sive Liber Feodorum, to be transcribed and printed.	Pages printed 100, comprehending 12 Counties, besides 7 more Counties transcribed.
Excheq ^r K. R. O.	Mr. Caley. Mr. Kirkby.	Indexes to the Books of Orders of the Court of Exchequer to be prepared.	Index completed for the first seven years of Ja ^d 1st.
British Museum.	Rev ^d Mr. Nares.	Catalogue of the MSS. in the Harl. Collection to be revised.	Nearly finished.
Chapter House.	R ^t Hon. Geo. Rose Mr. Thompson Mr. Clarke.	Complete Index to Domesday to be prepared and printed, with the Title and Table of Contents.	40 Pages, and the Title and Table of Contents, printed.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed.	196 pages printed to 4 Ed. 1.
Tower.	Mr. Caley. Mr. Lemon, sen ^r . Mr. Lemon, jun ^r . Mr. John Dale.	The official Calendars to the Inquisitions Post Mortem, or Escheats, to be printed, and the Calendars to be revised and transcribed.	Printed to 7 Ed. 2. Pages 252 : Transcripts for the press completed to 15 R. 2.
State Paper Office, &c.	- - -	Materials for Supplement and Continuation to Rymer's Fœdera to be arranged and prepared for the press.	Suspended until Report received of the materials to be selected at the Tower.

Appendix,
(C.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1805.

STATE of the PROCEEDINGS to 25th March 1805— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm. —To proceed in the Colla- tion and Transcript.	The Collation and Transcript of the Statutes from the Statute, Patent, Close, and Fine Rolls, proceeding.
Gen. Reg. House, Edinburgh.	Mr. Thomson.	SCOTLAND. The Statutes and Proceed- ings of the Parliament of Scotland.	<i>Memorandum</i> : At the instance of the Lord President, the Lord Justice Clerk, and the Lord Chief Baron, the former work undertaken upon this subject was laid aside, and a more regular and complete collection is under consideration; and a detailed Report upon this is in preparation by Mr. Thomson, who has been appointed for this purpose, on their Lordships joint recommendation.

WE further beg leave to state to Your Majesty, That the following Work is nearly completed, and will be very soon ready for delivery; viz.

“ ROTULORUM ORIGINALIUM IN CURIA SCACCARIJ ABBREVIATIO.

“ Temporibus regum Hen. 3, Edw. 1, & Edw. 2. Vol. I.”

And WE have moreover Ordered,—IN THE LORD TREASURER’S REMEMBRANCER’S OFFICE, EXCHEQUER, That Mr. Playford do proceed on the Abstract to the Originalia, Vol. II, and the Printing thereof. Also, That the Record entitled Nomina Villarum, 9 Ed. 2, in the said office, having been transcribed from the original Rolls there by Mr. Playford, That the imperfections and deficiencies therein be supplied from the MS. in the Harleian Library, British Museum N° 6,281, by Mr. Henry Ellis, and afterwards that the transcript thus corrected be printed.

IN THE KING’S REMEMBRANCER’S OFFICE, EXCHEQUER,—That Mr. Vanderzee do proceed in transcribing the Nonæ Rolls. Also, That the Book called Testa de Nevill, in the King’s Remembrancer’s Office, be forthwith transcribed and printed.

AT THE BRITISH MUSEUM,—That the Rev. Mr. Nares be requested to continue his attention to the revision and extension of the Catalogue to the Harleian MSS.

AT THE TOWER, WE have directed that the manuscript copy of the Statutes from the collations and transcripts at the Tower, be put forthwith to the press. Also, That the bundles of Petitions in Parliament, hitherto unarranged, be forthwith methodized by Mr. Lysons, the Keeper of the Records there, with occasional assistance to be afforded him. Also, That Mr. John Dale and Mr. Robert Lemon, senior, do continue the transcript and revision of the Calendars to the Inquisitions Post Mortem, in the manner already proceeded upon.

AT THE CHAPTER HOUSE,—That the Indexes to the names of places in Domesday Book, compiled by Mr. Thompson and Mr. Clarke, be completed, revised, and printed. Also, That the Work entitled Abbreviatio Placitorum in Curia Regis, be continued in the press.

And WE have recommended one of our Sub-commissioners, Mr. Richards, to the Right Honourable George Rose, to be put upon the permanent establishment of the Chapter House, which he has been pleased to comply with; and we have directed Mr. Illingworth, another of our Sub-Commissioners, to be assisting to Mr. Richards, in making a thorough examination of the unarranged Records there.

Dated 25 March,
1805.

(Signed)

CHARLES ABBOT. (L. s.)
FRED. CAMPBELL. (L. s.)
REDESDALE. (L. s.)
GLENBERVIE. (L. s.)
WILLIAM GRANT. (L. s.)

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1806.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the nineteenth day of July 1800, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1805.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 25th day of March 1805, unto the present time; and what remains to be further done thereupon.

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1806.

STATE of the PROCEEDINGS to 25th March 1806.

REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Exchequer : King's Rem ^y Office.	Mr. Caley. Mr. Vanderzee.	The Nonæ Rolls to be transcribed and prepared for press.	Returns for 18 Counties printed; the rest transcribed for the press.
Excheq ^r K. R. O.	Mr. Caley. Mr. Illingworth.	Testa de Nevill sive Liber Feodorum, to be transcribed and printed.	Pages printed 280, comprehending 27 Counties; the remainder transcribed.
Exchequer : Lord Treasurer's Rem ^y Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, to be continued in the press.	76 pages of the second Volume printed.
British Museum.	Rev ^d Mr. Nares. Mr. H. Ellis.	Catalogue of the MSS. in the Harleian Collection to be revised.	204 pages of the first Volume printed.
British Museum.	Mr. H. Ellis.	MS. Harl. 6,281, containing a copy of the Record called "Nomina Villarum" in the L. T. Rem ^y Office, to be transcribed.	Completely transcribed.
Chapter House.	R ^t Hon. Geo. Rose. Mr. Thompson. Mr. Clarke.	Complete Index to Domesday to be prepared and printed, with Title and Table of Contents.	Index in order of Counties printed 144 pages. General Index ready for press.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed.	244 pages printed, 30 Edw. I.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	A General Examination and Arrangement of all the Records in this Repository to be made, and thereupon a new Inventory of its whole Contents to be prepared ichnographically and alphabetically; and Copies thereof to be deposited at the Tower and in the British Museum.	Progress made.— <i>Memorandum</i> : The Attic Room, containing many Letters and Papers of Cardinal Wolsey and other celebrated persons, Household Books, Stewards Accounts, &c. and numerous Rolls of Assise and proceedings in Eyre, have been arranged, and Bags of Placita, &c. called County Bags, have been arranged for eighteen Counties.
Tower.	Mr. Caley. Mr. Lemon, sen ^r . Mr. Lemon, jun ^r . Mr. John Dale.	The Official Calendars to the Inquisitions Post Mortem, or Escheats, to be printed, and the Calendars to be revised and transcribed.	The 1st Vol. printed.—Transcripts for the press completed to the end of Hen. 5, also the reign of Ed. 4; that of Hen. 6 only remains to be transcribed.
Tower.	Mr. Lysons. Mr. Illingworth.	The mass of Petitions in Parliament found in this Office, to be sorted and arranged chronologically.	Classed in the Reigns to which they relate, from Ed. 1, to Ed. 4.

Appendix,
(C.)ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1806.

STATE of the PROCEEDINGS to 25th March 1806— <i>continued.</i>			
REPOSITORY.	Sub-Commissioners and Others to whom the Orders of The Board were directed.	DUTY TO BE PERFORMED.	PROGRESS.
Tower, and elsewhere.	Mr. Luders. Mr. Tomlins. Mr. France, &c.	The Statutes of the Realm. —To proceed in the Prepara- tion and Arrangement of Materials for the First Vo- lume.	<i>Memorandum</i> :—An introductory Statement, with Appendixes, has been drawn up and printed for the consideration of the Commissioners; and all the Charters of Liberties, from the time of Hen. 1, to the Great Charter of Hen. 3 inclusive; together with the Statutes and Translation thereof, to the Stat. of Westm. 1, inclusive, have been printed.
Genl Reg' House, Edinburgh.	Mr. Thomson.	SCOTLAND. Statutes and Proceedings of the Parliament of Scot- land.	<i>Memorandum</i> :—Mr. Thomson has been employed in collecting materials for his detailed Report upon this Subject, and has prepared and printed a specimen of Index to the Retours and Services of Heirs.

WE further beg leave to state to Your Majesty, That the following Work is completed and ready for delivery; viz.

“ CALENDARIUM INQUISITIONUM POST MORTEM SIVE ESCAETARUM,
“ Temporibus Regum Hen. 3, Ed. 1, & Ed. 2. Vol. I.”

And WE have moreover Ordered, That a second Volume of Calendars to the Inquisitions Post Mortem, or Escheats, commencing with the Reign of Edward the Third, be printed under the direction of the Secretary to this Board.

Also, That Mr. John Dale, and Mr. Robert Lemon, senior, do continue the transcript and revision of the Calendars to the Inquisitions Post Mortem, in the manner already proceeded upon.

Also, That Mr. Robert Lemon, junior, do make Indexes of places and persons to the second volume of Calendars to the Inquisitions Post Mortem.

Also, That Mr. Richards do transcribe the Hundred Rolls which remain in the Tower and Chapter House.

IN THE KING'S REMEMBRANCER'S OFFICE,—That the printing of the Nonæ Rolls, and also the Record entitled Testa De Nevill, be continued.

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the printing of the second Volume of the Originalia be suspended, until the first volume, lately published, hath been examined. Also, That Copy for a first volume of Memoranda, for a period corresponding with the first volume of the Originalia, be prepared for the press, but not printed, until the same hath been reported upon, and a further order made.

IN THE FIRST FRUITS OFFICE, EXCHEQUER,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th year of King Henry the Eighth, and returned into His Majesty's Court of First Fruits and Tenths, be forthwith transcribed and printed.

AT THE BRITISH MUSEUM,—That the Catalogue of the Harleian Manuscripts be printed in type and size corresponding to the Cottonian Catalogue.

AT THE CHAPTER HOUSE, WESTMINSTER,—That the General Index to Domesday, compiled by Mr. Thompson, be revised and printed. Also, That the Work entitled Abbreviatio Placitorum in Curia Regis, be continued in the press. And that Mr. Illingworth do continue to be assisting to Mr. Richards, in making a thorough examination of the unarranged Records in the Chapter House.

(Signed)

Dated 25 March,
1806.

CHARLES ABBOT. (L. s.)
FRED. CAMPBELL. (L. s.)
GLENBERVIE. (L. s.)
WILLIAM GRANT. (L. s.)

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1807.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE, the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1806.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 25th March 1806, unto the present time, and what remains to be further done thereupon.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1807.

STATE of the PROCEEDINGS to 25th March 1807.

REPOSITORY.	Sub-Commissioners and others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : King's Remem- brancer's Office.	Mr. Caley. Mr. Vanderzee.	Transcribing the Nonæ Rolls, and preparing them for press.	This Work is printed, except Index.
Exchequer : King's Remem- brancer's Office.	Mr. Caley. Mr. Illingworth.	Correcting Transcript of Testa de Nevill, and pre- paring it for press.	Printed in one volume, containing 599 pages.
Exchequer : Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Memoranda.	This Work has been proceeded in from 1 John to 10 Hen. 3.
Exchequer : First Fruits Office.	Mr. Caley. Mr. Shrigley.	Transcribing Ecclesiasti- cal Valor, 26 Hen. 8. and preparing it for press.	The Returns for the Dioceses of Canterbury and Rochester have been printed in 120 pages. Those for the Diocese of Bath and Wells have been transcribed. The Transcript of the Diocese of Bristol in some for- wardness.
British Museum.	Rev. R. Nares. Mr. H. Ellis.	Revision of the Catalogue of Harleian MSS. and ad- ditional Indexes.	468 pages of 1st vol. printed; 68 pages of 3d vol. printed.
Chapter House Westminster.	R ^t Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Complete Index to Domes- day, to be prepared and printed with Title and Ta- ble of Contents.	Mr. Clarke's Index, in order of Counties, printed in 144 pages; 44 pages of Mr. Thompson's General Index, comprehending letters A and B, printed. The Title and Table of Contents are printed.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis.	Abbreviatio Placitorum to be printed.	This Work is brought down to end of Edw. 1st's Reign, in 288 pages.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrange- ment of Records, and For- mation of an Ichnographi- cal and Alphabetical In- ventory.	The County Bags of Placita Coronæ and Assisæ, Antient Deeds, and Forest Proceedings, have been arranged for 23 Counties; and the Hundred Rolls for 10 Counties have been transcribed. The Records, intituled, "Scotia," have likewise been methodized and indexed.
Tower.	Mr. Caley. Mr. Lemon, sen. Mr. Dale.	The Official Calendars to the Inquisitions Post Mor- tem, or Escheats, to be print- ed, and the Calendars to be revised and transcribed.	Of the 2d volume of Calendars, comprehending the Reign of Edw. 3d, 176 pages have been printed. Transcripts for the press have been completed to 27 Hen. 6; the remainder of that Reign only requires transcribing.
Tower.	Mr. Richards.	To transcribe the Hundred Rolls which remain there.	Great part of the Roll for the County of Cambridge has been transcribed, and part of Huntingdon.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1807.

STATE of the PROCEEDINGS to 25th March 1807— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower and elsewhere.	Mr. Tomlins. Mr. France. Mr. Taunton. Mr. Caley. Mr. Richards. Mr. Illingworth.	The Statutes of the Realm.—To proceed in the Preparation and Arrangement of Materials for the First Volume.	1. The Introductory Statement has been corrected and enlarged. 2. All original Charters of the Liberties of England, hitherto discovered, have been transcribed and printed. 3. The Statutes and Translation thereof, heretofore printed, have been corrected, and continued from Stat. Westm. 1. (3 Ed. 1.) to the end of Stat. Westm. 2. (13 Ed. 1.) with Collations from various Records.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	Mr. Thomson having been appointed Deputy Clerk Register, is employed on the several Matters referred to him; and his Reports thereon are in preparation.

WE further beg leave to state to Your Majesty, That the following Work is completed and ready for delivery; viz.

“TESTA DE NEVILL, SIVE LIBER FEODORUM IN CURIA SCACCARIJ,
“Temporibus Hen. 3. & Edw. 1.”

And that another Work, entitled,

“NONARUM INQUISITIONES IN CURIA SCACCARIJ,
“Temp. Regis Edwardi 3.”

is nearly completed and will be soon ready for delivery.

And WE have moreover Ordered,

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the printing of the second volume of the Originalia (of which 76 pages are already printed) be continued.

Also, That the transcript and abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th Year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—That the enlarged and improved Catalogue of the Harleian Manuscripts be continued in the press.

AT THE CHAPTER HOUSE WESTMINSTER,—That the General Index to Domesday, be continued in the press.

Also, That the Work entitled Abbreviatio Placitorum in Curia Regis, be continued in the press.

Also, That Mr. Richards do proceed in his transcript of the Hundred Rolls, preparatory to printing the same, with the Nomina Villarum, and Hundred Rolls at the Tower.

And, That Mr. Illingworth do continue to be assisting to Mr. Richards in making a thorough examination of the unarranged Records of the Chapter House.

IN THE TOWER,—That the second volume of Calendars to the Inquisitions Post Mortem or Escheats, comprehending the reign of Edward the Third, be continued in the press.

Also, That Mr. Dale, and Mr. Lemon senior, do continue the transcript and revision of the Calendars to the Inquisitions Post Mortem, in the manner already proceeded upon.

Also, That Mr. Richards do continue his transcript of the Hundred Rolls.

And that Mr. Illingworth do at his spare hours continue the abstract of the County Placita.

(Signed)

CHARLES ABBOT. (L. s.)
FRED. CAMPBELL. (L. s.)
JOHN BANGOR. (L. s.)
WILLIAM GRANT. (L. s.)
NATH. BOND. (L. s.)

Dated 23 March,
1807.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1808.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE, the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to YOUR MAJESTY, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1807.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1808.

STATE of the PROCEEDINGS to 25th March 1808.

REPOSITORY.	Sub-Commissioners and others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : K. R. Office.	Mr. Caley. Mr. Vanderzee.	Transcribing Nonæ Rolls and preparing them for press.	Printed in one volume, containing 485 pages.
Exchequer : T. R. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Memoranda.	Advanced to 30 Hen. 3. in MS. but not yet printed.
Exchequer : T. R. Office.	Mr. Caley. Mr. Playford.	Abstract of the Rolls called Originalia, vol. 2. temp. Edw. 3.	Printed to 23 Edw. 3. in 200 pages.
Exchequer : First Fruits Office.	Mr. Caley. Mr. Shrigley.	Transcribing Ecclesiasti- cal Valor, 26 Hen. 8. and preparing it for press.	Advanced in the press from 120 pages to 248 pages. Dioceses printed: Canterbury, Rochester, Bath and Wells, completely; Bristol, partly.
British Museum.	Rev. R. Nares. Mr. H. Ellis.	Revision of the Cata- logue of Harleian MSS. with Indexes Alphabetical and Analytical.	1st vol. entirely printed in 656 pages. 2d vol. partly printed in 180 pages. 3d vol. partly printed in 232 pages.
Chapter House Westminster.	R ^t Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Complete Index to Domes- day, to be prepared and printed with Title and Ta- ble of Contents.	Mr. Clarke's Index in order of Counties, printed in 144 pages. 300 pages of this and Mr. Thompson's General Index printed. The Title and Table of Con- tents are printed.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis.	Abbrevatio Placitorum to be printed.	This Work is brought down to 5 Edw. 2. in 312 pages.
Chapter House.	R ^t Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Ar- rangement of Records; and Formation of an Ich- nographical and Alphabet- ical Inventory.	A General Inventory of all the Records has been made. The County Bags of Placita Coronæ and As- sisæ, Antient Decds, and Forest Proceedings, have been arranged for 25 Counties. The Hundred Rolls for 15 Counties have been transcribed, and progress made upon an Abstract of the Quo Warranto Rolls.
Tower.	Mr. Caley. Mr. Lemon, sen. Mr. Dale.	The official Calendars to the Inquisitions Post Mor- tem or Escheats, to be print- ed, and the Calendars to be revised and transcribed.	Of the 2d vol. of Calendars the whole of the Text is printed in 362 pages, and more than 100 pages of the Index. Transcripts for the press have been completed to the end of Hen. 6.
Tower.	Mr. Richards.	To transcribe the Hun- dred Rolls which remain there.	The greater part of the Roll for the County of Cam- bridge has been transcribed, and part of Huntingdon.
Tower.	Mr. Illingworth.	To make an Abstract of County Placita.	This Work has been executed for 21 Counties; eleven only remain to be done.
Tower.	Mr. Macpherson.	To transcribe the Rotuli Scotiæ in the Tower of London.	This Work is now in the press, and 12 pages printed.

36 APPENDIX TO FIRST GENERAL REPORT FROM

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
Annual Report,
1808.

STATE of the PROCEEDINGS to 25th March 1808—continued.			
REPOSITORY.	Sub-Commissioners and others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower and elsewhere.	Mr. Tomlins. Mr. France. Mr. Taunton. Mr. Caley. Mr. Richards. Mr. Illingworth.	The Statutes of the Realm.—To proceed in the Preparation and Arrangement of Materials for the First Volume.	1. The Introduction, and several sheets of the earliest Statutes, have been revised and reprinted. 2. Progress has been made in printing the Statutes, from the end of Westm. 2. 13 Ed. 1. to 14 Ed. 3. 3. Engravings of the Great Charter of King John, preserved in Lincoln Cathedral, and also the Charter of the Forest, 2 Hen. 3. and Great Charter, 9 Hen. 3. proceeded on.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	1. In consequence of a Report from Mr. Thomson, Dep. Cl. Reg ^r , divers resolutions and orders have been made by the Board, and matters have been referred to the Great Law Officers of Scotland, who have reported their opinions thereon, and the measures ordered are carrying into execution. 2. A General Repertory to the Records in the General Register House, is in great forwardness. An Abridgment of the Retours of Services is printing, and the Royal Charters and Parliamentary Records are transcribing.

WE further beg leave to state to Your Majesty, That the following Work is nearly completed, and will very soon be ready for delivery, viz.

“ CALENDARIUM INQUISITIONUM POST MORTEM SIVE ESCAETARUM,
“ Vol. II. Temp. Edw. III.”

And WE have moreover Ordered,

IN THE LORD TREASURER’S REMEMBRANCER’S OFFICE,—That the second volume of Originalia be continued in the press. Also, That the transcript and abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—That the enlarged and improved Catalogue of the Harleian Manuscripts be continued in the press.

AT THE CHAPTER HOUSE WESTMINSTER,—That the general Index to Domesday be continued in the press.

Also, That the Work entitled Abbrevatio Placitorum, be continued in the press.

Also, That the transcript of the Hundred Rolls in this Repository, and at the Tower, be continued by Mr. Richards, and that the same be forthwith prepared for the press and printed, together with the Nomina Villarum.

And that Mr. Illingworth do continue his examination of the unarranged Records.

IN THE TOWER,—That the Manuscript of the Rotuli Scotiæ be continued in the press.

That Mr. Richards do continue his transcript of the Hundred Rolls.

And, That Mr. Illingworth do at his spare hours continue his abstract of the County Placita.

(Signed)

CHARLES ABBOT.	(L. s.)
FRED. CAMPBELL.	(L. s.)
REDESDALE.	(L. s.)
GLENBERVIE.	(L. s.)
JOHN BANGOR.	(L. s.)
WILLIAM GRANT.	(L. s.)
ARCH. COLQUHOUN.	(L. s.)
CHARLES BATHURST.	(L. s.)

Dated 25 March,
1808.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1809.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th of March 1808.

And WE beg leave most humbly to lay before YOUR MAJESTY the following State of the Proceedings had in pursuance of the said Commission, from the 25th March 1808, unto the present time, and what remains to be further done thereupon.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1809.

STATE of the PROCEEDINGS to 25th March 1809.

REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : King's Remembrancer's Office.	Mr. Caley. Mr. Vanderzee.	Collecting and transcribing Monastic Records.	Collected Extents of Knights Templars' Possessions in England, Extents of Possessions of Alien Priors, Possessions of Royal Abbies and Priors, and of Ecclesiastical Possessions, Vacante Sede, Copies of Royal Charters, and Hundred Rolls, Somerset and Dorset.
Exchequer : Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Memoranda : Abstract of the Rolls.	Advanced to 37 Hen. 3. in MS. but not yet printed.
Exchequer : Lord Treasurer's Remembrancer's Office.	Mr. Caley. Mr. Playford.	Originalia : Abstract of the Rolls. Vol. 2. Temp. Ed. 3.	Printed to 44 Edw. 1. in 308 pages.
Exchequer : First Fruits Office.	Mr. Caley. Mr. Shrigley.	Ecclesiastical Valor, 26 Hen. 8 : Transcribing and preparing it for press.	Advanced in the press from 248 to 368 pages, with Ecclesiastical Maps. Dioceses printed : Canterbury, Rochester, Bath and Wells, Bristol, Chichester, London partly. — Dioceses transcribed but not yet printed : Coventry and Lichfield completely ; London almost completely.
British Museum.	Rev. R. Nares. Mr. H. Ellis.	Revision of Catalogue of Harleian MSS. with Alphabetical and Analytical Indexes.	The whole finished (except Indexes) in 3 vols.
Chapter House, Westminster.	R ^t Hon. Geo. Rose Mr. C. Ellis.	Abbreviatio Placitorum to be printed with Indexes.	This Work is finished (except Indexes) in 356 pages.
Chapter House, Westminster.	R ^t Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday : Complete Index to be prepared and printed with Title and Table of Contents.	Mr. Clarke's Index in order of Counties printed in 144 pages. 392 pages of this, and Mr. Thompson's General Index, printed. The Title and Table of Contents are printed.
Chapter House, Westminster.	R ^t Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records— and formation of an Ichnotographical and Alphabetical Inventory of the whole.	The County Bags of Placita Coronæ and Assisæ, antient Deeds and Forest Proceedings, completely arranged for England and Wales. The Star Chamber Proceedings have been arranged in better order. Hundred Rolls for eleven counties have been printed in 180 pages, and transcripts for five counties are prepared in advance. Progress also continues to be made on the Quo Warranto Rolls.
Tower.	Mr. Caley. Mr. Lemon, sen.	Inquisitions Post Mortem : The Official Calendars to be printed, and the Calendars to be revised and transcribed.	The second volume of Calendars, with proper Indexes, has been completed at the press, and delivered. The Official Calendars from 1 to 13 Ric. 2. have been corrected by examination with the Originals.

Appendix
(C.)ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.Annual Report,
1809.

STATE of the PROCEEDINGS to 25th March 1809— <i>continued</i>			
REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower.	Mr. Richards.	Hundred Rolls: Transcript.	Suspended until the Hundred Rolls at Chapter House are finished.
Tower.	Mr. Illingworth.	Arrangement of Petitions in Parliament.	The Arrangement of them is commenced, and an Index is preparing to those already printed.
Tower.	Mr. Macpherson.	To transcribe and revise in the press the Rotuli Scotiæ in the Tower of London.	Of this Work 156 pages are printed.
Tower and elsewhere.	Mr. Tomlins. Mr. France. Mr. Taunton. Mr. Caley. Mr. Richards. Mr. Illingworth.	The Statutes of the Realm.—To be continued in the press.	The Charters of Liberties, from 1 Hen. 1. to 29 Edw. 3. are printed with engraved specimens. The Statutes from Stat. Merton 20 Hen. 3. to Stat. Westm. 1. 13 Edw. 1. are in the press; and the Introduction to the first volume of the Statutes is printed for the use of the Commissioners.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland.	1. The Statutes and other Parliamentary Records of Scotland are now printing, according to a plan approved of by the great Law Officers of Scotland.

WE further beg leave to state to Your Majesty, That the following Work is completed in three volumes, and ready for delivery, except the Indexes, which will be finished as soon as possible, and delivered in a supplementary volume; viz.

“ A CATALOGUE OF THE HARLEIAN MANUSCRIPTS IN THE BRITISH MUSEUM.”

And WE have moreover Ordered, That the First Volume of the “ Statutes of the Realm ” be continued in the press.

IN THE KING'S REMEMBRANCER'S OFFICE, EXCHEQUER,—That the Collection of Extents of Alien Priories, and other Monastic Records, be completed and transcribed.

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the Second Volume of Originalia be continued in the press. And, That the Abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—That Alphabetical and Analytical Indexes to the enlarged and improved Catalogue of the Harleian Manuscripts, be prepared and printed.

AT THE CHAPTER HOUSE, WESTMINSTER,—That the General Index to Domesday be continued in the press. Also, That the Work entitled Abbreviatio Placitorum, be continued in the press.

Also, That the Hundred Rolls be continued in the press.

And, That Mr. Illingworth do continue his arrangement of the unarranged Records, and make Abstract of Quo Warranto Rolls.

IN THE TOWER,—That the Rotuli Scotiæ be continued in the press.

That Mr. Richards do continue his transcript of the Hundred Rolls. And, That Mr. Illingworth do arrange the Petitions in Parliament, and other Parliamentary Records.

(Signed)

CHARLES ABBOT. (L. s.)

FRED. CAMPBELL. (L. s.)

REDESDALE. (L. s.)

GLENBERVIE. (L. s.)

JOHN BANGOR. (L. s.)

WILLIAM GRANT. (L. s.)

ARCH. COLQUHOUN. (L. s.)

*NATH. BOND. (L. s.)

Dated 25th March,
1809.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1810.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WE the Commissioners constituted and appointed by Your Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Majesty, That in pursuance of the powers vested in us by Your Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Majesty, in Your Privy Council, dated the 25th day of March 1809.

Appendix
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1810.

STATE of the PROCEEDINGS to 25th March 1810.

REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : K. Rem. Office.	Mr. Caley. Mr. Vanderzee.	Collating and transcribing Monastic Records, &c.	Collated and transcribed Extents of Alien Priories, Possessions of Knights Templars and Bishopricks Vacante Sede, as also Transcripts of Inquisitions Post Mortem, from Edw. 3. to Elizabeth, both inclusive.
Exchequer : T. R. Office.	Mr. Caley. Mr. Playford.	Originalia: Abstract of the Rolls, Edw. 3. Vol. 2. And Memoranda: Abstracts of the Rolls to be proceeded upon.	Completely printed, with Indexes of Places and Persons. Advanced to 46 Hen. 3. in MS. but not yet printed.
Exchequer : F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Ecclesiastical Valor, 26 Hen 8. and preparing it for press.	The Text of the First Volume completed in 452 pages, with Ecclesiastical Maps; the Index Capitum printed; the Indexes of Places and Persons only remain to be printed. Dioceses transcribed but not yet printed: Coventry and Lichfield, Winton, and the greater part of Sarum.
British Museum.	Mr. Horne.	Alphabetical and Analytical Indexes to Harleian Catalogue.	The Index of Persons completed, those of Places and Matters remain to be done.
Chapter House, Westminster.	R ^t Hon. Geo. Rose. Mr. Illingworth.	Abbreviatio Placitorum to be printed with Indexes.	Indexes of Places and Persons finished, the Index of Matters remains to be done.
Chapter House, Westminster.	R ^t Hon. Geo. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday, complete Index to be prepared and printed, with Title and Table of Contents.	The Index in order of Counties printed in 144 pages, which, with the General Index to the First Volume, now completed, makes 433 pages. The Title and Table of Contents are printed.
Chapter House, Westminster.	R ^t Hon. Geo. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records, and Formation of Ichnographical and Alphabetical Inventory.	Divers Bags of Miscellaneous Records have been arranged. The Hundred Rolls have been advanced in print from 180 to 332 pages, and two Counties are transcribed in advance. Progress also continues to be made on the Quo Warranto Rolls; and the Records of Fines removed to this Office in June 1809 have been arranged from the Reign of Edw. 6. to the end of George the Second; the earlier Fines remain to be done.
Tower.	Mr. Caley. Mr. Lemon, sen.	Inquisitions Post Mortem: The official Calendars to be revised and transcribed.	The Repertories from 13 Ric. 2. to the end of his Reign have been corrected and enlarged by examination with the Originals.
Tower.	Mr. Illingworth.	Arrangement of Petitions in Parliament.	An Index has been made to the Petitions already printed, and some advancement has been subsequently made in arranging the Petitions themselves.

40. APPENDIX TO FIRST GENERAL REPORT FROM

Appendix
(C)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1810.

STATE of the PROCEEDINGS to 25th March 1810— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower.	Mr. Macpherson.	To transcribe and revise in the press the Rotuli Scotiæ in the Tower of London.	This Work has been advanced in the press from page 156 to page 336.
Tower and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth.	The Statutes of the Realm. —To be continued in the press.	Of the First Volume, 320 pages are printed. Transcripts and Translations in continuation are prepared for the press.
Scotland.	Mr. Thomson.	The Statutes and Pro- ceedings of the Parliament of Scotland, &c.	206 pages of Acta Auditorum, and 32 pages of Acta Dominorum Consilij regnante Jacobo Tertio, printed. The Royal Charters from Rob. 1. to Rob. 3. printed. Nearly 500 pages are printed of the Abridg- ment of Retours of Services. An Abridgment of the Record of Tailzies is also in great forwardness.

WE further beg leave to state to Your Majesty, That the following Work is completed and ready for delivery ; viz.

“ ROTULORUM ORIGINALIUM IN CURIA SCACCARIJ ABBREVIATIO. Vol. 2.
“ Tempore Regis Edwardi 3.”

And WE have moreover Ordered, That the First Volume of the “ Statutes of the Realm” be continued in the press.

IN THE KING’S REMEMBRANCER’S OFFICE, EXCHEQUER,—That the Extents of Alien Priories, and other Monastic Records, be transcribed, arranged, and indexed.

IN THE LORD TREASURER’S REMEMBRANCER’S OFFICE,—That the Abstract of the Memoranda be continued until sufficient matter is collected to form a Volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—That the Alphabetical and Analytical Indexes to the enlarged and improved Catalogue of the Harleian MSS. be completed.

AT THE CHAPTER HOUSE, WESTMINSTER,—That the General Index to Domesday be continued in the press.

Also, That the Work entitled Abbreviatio Placitorum, be continued.

Also, That the Hundred Rolls be continued in the press.

And, That Mr. Illingworth do continue his Abstract of Quo Warranto Rolls.

IN THE TOWER,—That the Rotuli Scotiæ be continued in the press.

SCOTLAND,—That Mr. Thomson do proceed with special diligence upon the Parliamentary Records of Scotland, and the other Works there under his Superintendence.

(Signed)	CHARLES ABBOT.	(L. s.)
	FREDERICK CAMPBELL.	(L. s.)
	GLENBERVIE.	(L. s.)
	JOHN LONDON.	(L. s.)
	WILLIAM GRANT.	(L. s.)
	ARCHIBALD COLQUHOUN.	(L. s.)

Dated 24 March,
1810.

ABSTRACT OF ANNUAL REPORT, 25 MARCH 1811.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland,
IN COUNCIL.

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1811.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Royal Highness, That in pursuance of the powers vested in us by His Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to His Majesty, in His Privy Council, dated the 25th day of March 1810.

STATE of the PROCEEDINGS to 25th March 1811.

REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: K. Rem. Office.	Mr. Caley. Mr. Vanderzee.	Collating and transcribing Monastic Records.	Collected and transcribed Extents of the Temporalities of Abbies and Priors of Royal Foundation, Extents of the Temporalities of Bishops, Accounts of the Spiritualities and Temporalities of Alien Priors, and Royal Charters in various Reigns, from Edw. 1. to Hen. 7. Arranged in Counties many of the Inquisitions Post Mortem, and proceeding with the remainder, and to make a Calendar of them.
Exchequer: T. Rem. Office.	Mr. Caley. Mr. Playford.	Memoranda: Abstract of the Rolls. Originalia: Transcribing Official Repertories.	Advanced to 2d Edw. 1. in MS. but not yet printed. Transcribed from 1 Hen. 8. to 11 James 1.
Exchequer: F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor, and preparing it for press.	The First Volume completely printed in 519 pages, exclusive of Maps and introductory Matter. The Second Volume in the press and 60 pages printed. Dioceses transcribed but not yet printed: Coventry and Lichfield, Sarum, Worcester, and the greater part of Exeter.
British Museum.	Mr. Horne.	Alphabetical and Analytical Indexes to Harleian Catalogue.	The Indexes of Persons and Places completed, the Index of Matters alone remains to be done, and is in the press.
	Mr. Douce. Rev. Mr. Baber.	Catalogue of Lansdowne MSS. to be prepared and printed.	In the press, and 72 pages printed.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Illingworth.	Abbreviatio Placitorum, to be printed, with Indexes.	The concluding Index of Matters is ready for press.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday: Complete Index to be prepared and printed, with Title and Table of Contents.	The whole completely printed (in 536 pages,) except an Index Rerum, which is now in the press.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records, and Formation of an Ichnographical and Alphabetical Inventory.	The Hundred Rolls, from 332 pages to 480 pages, printed. Quo Warranto Rolls abstracted for ten Counties. Records of Fines, removed to this Office in June 1809, completely arranged. Progress making in the further arrangement of the Bags containing Miscellaneous Records. The Inventory noticed in the preceding Column has been finished.

42 APPENDIX TO FIRST GENERAL REPORT FROM

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1811.

STATE of the PROCEEDINGS to 25th March 1811— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Chapter House, Westminster,	Mr. Macpherson.	To transcribe and revise in the press the Rotuli Scotiæ in the Tower of London.	This Work has been advanced in the press from p. 336 to p. 508.
Tower and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth.	The Statutes of the Realm. —To complete the First Volume, and prepare Ma- terials for Second Volume.	The first Volume finished, containing the Statutes of Kings Hen. 3. Edw. 1. Edw. 2 and Ed. 3. preceded by the Charters of Liberties granted and confirmed by the Kings Hen. 1. Stephen, Hen. 2. and John, Hen. 3. and Edw. 1. Materials for the second Volume, consisting of the Statutes of King Richard 2. and subsequent Reigns are ready for the press.
Scotland.	Mr. Thomson.	The Statutes and Pro- ceedings of the Parliament of Scotland, &c.	Progress made in the Parliamentary Records of Scotland. 206 pages of Acta Auditorum, and 268 pages of Acta Dominorum Consilij, have been printed. Also Royal Charters, 256 pages. And Abridgment of Re- tours of Services, 748 pages.

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete and ready for delivery; viz.

1. "THE STATUTES OF THE REALM. Vol. I."
2. "VALOR ECCLESIASTICUS;
"Temp. Hen. VIII. Auctoritate Regia Institutus. Vol. I."
3. "ABBREVIATIO PLACITORUM IN CURIA REGIS;
"Temporibus regum Ric. I. Joh. Hen. III. Ed. I. & II."
4. "CATALOGUE OF HARLEIAN MANUSCRIPTS IN THE BRITISH MUSEUM;
"Vol. IV. Containing Indexes of Persons, Places, and Matters."
5. "LIBRI CENSUALIS VOCATI DOMESDAY BOOK.—INDICES."

And WE have moreover Ordered, That a Second and Third Volume be printed concurrently, of the authentic Collection "Of Statutes of the Realm."

IN THE KING'S REMEMBRANCER'S OFFICE, EXCHEQUER,—That the Extents of Alien Priories and other Monastic Records be transcribed, arranged and indexed.

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the Abstract of the Memoranda be continued until sufficient matter is collected to form a volume.

IN THE FIRST FRUITS OFFICE,—That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th Year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—Also, That the Catalogue of the Lansdowne Manuscripts be proceeded in.

AT THE CHAPTER HOUSE, WESTMINSTER,—Also, That the Hundred Rolls be continued in the press. And, That Mr. Illingworth do continue his abstract of Quo Warranto Rolls.

IN THE TOWER,—That the Rotuli Scotiæ be continued in the press.

That, Dr. Adam Clarke do prepare Materials for a New Edition of Rymer's *Fœdera*, and a Continuation thereto.

SCOTLAND, That Mr. Thomson do proceed with special diligence upon the Parliamentary Records of Scotland, and the other Works there under his superintendence.

(Signed) CHARLES ABBOT. (L. s.)
WILLIAM GRANT. (L. s.)
FRED. CAMPBELL. (L. s.)
REDESDALE. (L. s.)
GLENBERVIE. (L. s.)
JOHN LONDON. (L. s.)
CHARLES BATHURST. (L. s.)

Dated 25 March,
1811.

ABSTRACT OF ANNUAL REPORT, 23 MARCH 1812.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland,
IN COUNCIL.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the State of the Public Records of the Kingdom, &c. &c. &c. Do most humbly beg leave to certify to Your Royal Highness, That in pursuance of the powers vested in us by His Majesty's said Commission, WE have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness, in Council, dated the 25th day of March 1811.

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1812.

STATE of the PROCEEDINGS to 23d March 1812.			
REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : K. Rem. Office.	Mr. Caley. Mr. Vanderzee.	Collecting and transcribing Monastic Records, &c.	Collected and transcribed further Extracts of Temporalities of Abbies and Priors of Royal Foundation, Accounts of Alien Priors and Royal Charters in various Reigns.
Exchequer : T. Rem. Office.	Mr. Caley. Mr. Playford.	Memoranda: Abstract of the Rolls. Originalia: Transcribing Official Repertories.	Advanced to 7 Ed. I. in MS. but not yet printed. Transcribed from 1 Hen. 8. to 13 Jas. 1.
Exchequer : F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor, and preparing it for Press.	The Second Volume has been advanced in print from 60 to 200 Pages. Dioceses transcribed, but not yet printed: Coventry and Lichfield, Worcester, Exeter, Oxford, and part of Gloucester.
British Museum.	Mr. Horne.	Alphabetical and Analytical Indexes to Harleian Catalogue.	The Fourth and last Volume of this Catalogue, containing the Indexes, is completely printed.
	Mr. Douce. Rev. Mr. Baber.	A Catalogue of Lansdowne MSS. to be prepared and printed, with an Index.	The First Part, consisting of the Burleigh Papers, completed at press in 226 pages, except Index, which remains to be done.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Thompson. Mr. A. Tomlins.	Domesday: Complete Index to be prepared and printed with Title and Table of Contents.	The whole completely printed.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. Illingworth.	Abbreviatio Placitorum to be printed.	This Volume is completely printed.
Chapter House, Westminster.	Rt. Hon. G. Rose. Mr. C. Ellis. Mr. Richards. Mr. Illingworth.	Examination and Arrangement of Records.	The First Volume of Hundred Rolls is completely printed in 700 pages. The Quo Warranto Rolls have been abstracted for Eighteen Counties. Some further Progress has been made in the Arrangement of Bags of Miscellaneous Records.
	Mr. Macpherson.	To transcribe and revise in the press the Rotuli Scotiæ in the Tower of London.	This Work has been advanced in the press from p. 508 to p. 676.

44 APPENDIX TO FIRST GENERAL REPORT FROM

Appendix,
(C.)

ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

Annual Report,
1812.

STATE of the PROCEEDINGS to 23d March 1812— <i>continued</i> .			
REPOSITORY.	Sub-Commissioners and Others appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Tower and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth.	The Statutes of the Realm —To proceed with 2d and 3d Volumes.	The Second and Third Volumes are printing concurrently; of the former 168 pages have been printed, of the latter 88 pages.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	Two Volumes of Inquisitions, from 1547 to 1700, have been completely printed, and a Supplement is preparing. The other Works now printing are, 1. Acta Parliamentorum Scotiæ. 2. Acta Dominorum ad Causas audiend'; & Acta Dominorum Consilij. 3. Registrum Mag. Sig. Regum Scotiæ. 4. Abbreviatio Registri Magni Sigilli.

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete and ready for Delivery; viz.

1. "ROTULI HUNDREDORUM,
" Temp. Hen. III. & Edw. I. Vol. I."
2. "INQUISITIONUM AD CAPELLAM DOMINI REGIS RETORNATARUM QUÆ IN PUBLICIS
" ARCHIVIS SCOTIÆ ADHUC SERVANTUR ABBREVIATIO. Vol. I. and II.

And WE have moreover Ordered, That the Second and Third Volumes of the "Statutes of the Realm," be printed concurrently.

IN THE KING'S REMEMBRANCER'S OFFICE, EXCHEQUER,—That the Transcripts of Monastic Records be continued.

IN THE LORD TREASURER'S REMEMBRANCER'S OFFICE,—That the Abstract of the Memoranda be continued, until sufficient Matter is collected to form a Volume for the Inspection of the Board.

IN THE FIRST FRUITS OFFICE,—That the Second Volume of the Ecclesiastical Survey made in pursuance of an Act of Parliament in the 26th Year of King Henry the Eighth, be continued in the press.

AT THE BRITISH MUSEUM,—That the Catalogue of the Lansdowne MSS. be continued in the press.

AT THE CHAPTER HOUSE,—That the Second Volume of the Hundred Rolls be put to press: Also, That a Volume of Quo Warranto Rolls be put to press.

IN THE TOWER,—That the Rotuli Scotiæ be continued in the press.

RYMER'S FÆDERA,—That Dr. Adam Clarke do continue to prepare Materials for Supplement and Continuation.

SCOTLAND,—That Mr. Thomson do proceed with special diligence upon the Parliamentary Records of Scotland, and the other Works there under his Superintendence.

And We further beg leave most humbly to state to Your Royal Highness, That at the present time, We have not any other Matters to offer for Your Royal Highness's Consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

(Signed)	CHARLES ABBOT.	(L. s.)
	WILLIAM GRANT.	(L. s.)
	FRED. CAMPBELL.	(L. s.)
	REDESDALE.	(L. s.)
	GLENBERVIE.	(L. s.)
	JOHN LONDON.	(L. s.)
	CHARLES BATHURST.	(L. s.)

Dated 23d March 1812.

Appendix (D.)

An Account of the Sums issued annually to the Commissioners, and disbursed by them in Remuneration of the several Persons employed under them; also of the Sums paid to His Majesty's Printers for printing the Works directed by the Commissioners, from 1801 to 1812, both Years inclusive.

Appendix,
(D.)

SUMS
Issued annually to
the Commissioners.

ANNUAL EXPENDITURE.

YEARS.	Remunerations In England and Scotland.			Printing in England.			Printing in Scotland.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
1801	1,440	—	—	Nil.			Nil.		
1802	4,140	4	6	2,381	18	2	Nil.		
1803	3,246	9	—	Nil.			Nil.		
1804	2,338	15	6	Nil.			1,000	—	—
1805	3,147	7	10	1,767	15	10	Nil.		
1806	4,997	19	1	Nil.			Nil.		
1807	3,152	6	7	3,596	11	4	594	—	6
1808	5,847	9	7½	4,348	4	4	Nil.		
1809	7,061	4	4	Nil.			Nil.		
1810	5,459	—	11	3,162	7	4	Nil.		
1811	7,247	7	4	5,826	8	8	1,865	5	5
1812	4,063	7	10	—			—		

Memorandum.—The Number and Names of the several Persons annually remunerated out of the Sums above-mentioned to have been annually advanced to the Commissioners will appear by the several Certificates contained in the preceding Appendix (C.) except as to Services in Scotland, which were executed by various Persons there, selected and superintended by Mr. Thomson, the Deputy Clerk Register of Scotland, of whose Employment an Account has been rendered to the Commissioners in each of his Quarterly Reports.

Extract of a Letter from Mr. Harrison of the Treasury, 29th April 1811, to the Secretary.

Sir,

The Lords Commissioners of His Majesty's Treasury having had under their Consideration the State of your Account, in respect to Sums issued to you between 1st September 1803 and 24th June 1809, to pay Rewards to the several Persons employed under the Direction of the Commissioners of Public Records, I am commanded by my Lords to acquaint you, that they are pleased to allow the same.

I am, Sir,

Your most obedient Servant,

GEO. HARRISON.

Treasury Chambers,
29th April 1811.

John Caley, Esq.

Appendix, (E. 1.)

M E A S U R E S

Executed in England and Scotland, under the First and Second Record Commissions ; viz. of 19 July 1800, and 23 May 1806.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
ENGLAND.		
1. BUILDINGS.		
House of Commons : Paper Office.	Requires additional space, and accommodation for Papers daily accumulating.—Rep. Sel. Com. 9. 1803, Dec. Reported that this space is now provided by the orders of The present Speaker.	1803.
Chapter House.	To have a Building added to it, to serve as an Office for Inspection of the Records, &c.—Rep. Sel. Com. 9. 1800, July 22, Ordered.	1802.
Tower.	Nothing wanted, except some additional support to the Frame-work and Stages in the large Apartment adjoining to Cæsar's Chapel.—Rep. Sel. Com. 9. 1800, July 22, Ordered.	1801.
Lord Treasurer's Remembrancer's Office. Office of Commissioners of Public Accounts. Pipe Office, Somerset Place.	Effective measures should be adopted, without delay, to prevent the risk of Fire, and the destructive effect of Damp.—1800, July 22, Ordered.—1803, March 24, Reported complete, and the Records ordered to be removed there.—N. B. 1806. Grant by Parliament for securing the Repositories from damp. <i>Memorandum.</i> —The Records in the Lord Treasurer's Remembrancer's Office were, anterior to their being placed in their present Repository, in utter confusion, not a single Document of the two great branches of Records in the Office, namely, the Originalia and Memoranda, could without the greatest difficulty be found, and the expense to parties desirous of searching was so considerable, that no use whatever of these Records was made for several years. They are now deposited with the utmost regularity in places sufficiently light, and free from damp, and recent experience hath shown that they may all be referred to with great facility.	1803.
State Paper Office, Scotland Yard.	Ought to be transferred from the present damp ruinous tenement, and lodged in some Public Building, fire-proof.—Rep. Sel. Com. 10. 1800, July 22, The Surveyor General of His Majesty's Works ordered to report ; but no Report having been made—1810, Nov. 9, Application was made by The Record Commissioners, to the Lords of the Treasury, for the Office to be removed to the House at Whitehall hitherto used as the Office of Woods and Forests, but then about to be vacated.—Recommendation acceded to by the Treasury.	1811.
Offices of Clerk of the Crown, Petty Bag, and Examiners in Chancery.	Should be placed in some Building to be constructed at the Public Expense.—Rep. Sel. Com. 10. <i>Memorandum.</i> —In the Building erected for these Offices there is also accommodation for the Corporation of Cursitors.	1812.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.	Appendix, (E. 1.) MEASURES EXECUTED.
	<p>. ENGLAND—<i>continued</i>.</p> <p>2. CALENDARS AND INDEXES.</p>		
King's Bench.	An Index should be made to the Baga de Secretis.—Rep. Sel. Com. 11. 1800, July 22, Ordered.—Reported complete from 1478 to the present reign; and the Attainder Records placed in the Baga de Secretis.	1802.	
King's Remembrancer's Office.	<i>Memorandum</i> .—The Searches in this Office, made under these Commissions, have restored to public knowledge a great number of valuable Records, consisting of Extents of Manors, Inquisitions, and Surveys of various kinds.		
Lord Treasurer's Remembrancer's Office.	<i>Memorandum</i> .—No less than 1587 Rolls of Originalia and Memoranda were, antecedent to the arrangement of the Records of this Office, compressed into sacks piled upon each other, and consequently totally inaccessible; many important Records were also discovered when these sacks were emptied, viz. Pipe Rolls, Rolls of Nomina Villarum, Escheats, Surveys, &c. &c.		
Auditors of Land Revenue.	<i>Memorandum</i> .—This Office was, as far as concerned its antient Records, in the utmost confusion; most of the Papers are now arranged, and may be referred to.		
British Museum: Harleian MSS.	It would be desirable to have a revision and correction of this printed Catalogue.—Rep. Sel. Com. 12. <i>Memorandum</i> .—This Catalogue has been revised, and reprinted in 3 vols. and to the revised Catalogue is added a classed and an alphabetical Index. The like measure has been directed with respect to the Lansdowne MSS. purchased in 1807, comprehending the Papers of Lord Burghley, Sir Julius Cæsar, &c.	1808. 1811. 1812.	
	3. TRANSFERS.		
Auditors of the Land Revenue.	A Transfer of the Ministers Accounts from this Office to the Augmentation Office would be useful.—Rep. Sel. Com. 13. 1800, July 22, Ordered.	1801.	
Duchy Office, Cornwall.	Such Records in the Augmentation Office as relate to this Duchy to be removed thither.—1800, July 22, Ordered.	1801.	
Duchy Office, Lancaster.	A similar Order.—1800, July 22.	1801.	
Parish Registers.	A large proportion of Parishes in many Dioceses having neglected to transmit copies of them to the Diocesan or his Chancellor; ordered, That the Secretary do write in the name of the Board to the Archbishops of Canterbury and York, respectfully submitting the propriety of using such means as they shall judge expedient herein, to the end the same may faithfully be preserved in the Registry of the respective Bishops, according to the canon passed in 1603.—Letter written accordingly.	1800.	
	4. PRINTING.		
	1. CALENDARS.		
Tower: Patent Rolls.	An Index to these Records should be printed.—Rep. Sel. Com. 14. 1800, July 22, Ordered.	1802.	
Charter Rolls.	An Index to these Rolls should be printed.—Rep. Sel. Com. 14. 1800, July 22, Ordered.	1803.	
Inquisitions ad quod Damnum.	<i>Memorandum</i> .—Not specifically mentioned in the Report of the Select Committee, but ordered to be printed by His Majesty's Commissioners at the end of the Charter Rolls.	1803.	

Appendix, (E. 1.)	REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
MEASURES EXECUTED.		<p>ENGLAND—<i>continued.</i></p> <p>PRINTING—<i>continued.</i></p> <hr/> <p>The Chronological Indexes to these Records should be printed.—Rep. Sel. Com. 14. 1803, March 24, Ordered to be printed. Two volumes of these Indexes from Hen. 3. to end of Edw. 3. completed. 1808.</p> <p>24 March 1804, Ordered, That Mr. Playford do proceed on the Abstract to the Originalia, and the printing thereof. 1810.</p> <p><i>Memorandum.</i>—Two volumes of this Abstract from 20 Hen. 3. to the end of Edw. 3. completed.</p> <p>There is an Index to Domesday, which should be enlarged and published, together with a Title, &c.—Rep. Sel. Com. 14. 1800, July 22, Ordered. 1811.</p> <p>Calendars to the earliest Records of the Curia Regis and Court of King's Bench, viz. the former beginning with the Reign of Richard 1. and the latter from 1 Ed. 1. to 10 Hen. 5.; and Calendars to the Records of the Common Pleas, from 1 Ed. 1. to 18 Ed. 1.; should be printed, together with an Index to the Placita Exercitūs, 24 Ed. 1.—Rep. Sel. Com. 14. 1800, July 22, Ordered to be printed.—1802, March 24, A Fac Simile of Records to be engraved. 1811.</p> <p><i>Memorandum.</i>—This Work is closed with the end of Edw. 2.</p> <hr/> <p>2. SELECTION of RECORDS and PAPERS.</p> <p>Catalogue of Cottonian MSS. by Mr. Planta should be printed.—Rep. Sel. Com. 14. 1800, July 22, Ordered. 1802.</p> <p>Exchequer: Pope Nicholas's Taxation. Pope Nicholas's Taxation should be printed.—Rep. Sel. Com. 15. 1800, July 22, Ordered. 1802.</p> <p>Exchequer: Testa de Nevill. Table of Contents should be printed, with a Specimen engraved from the Original.—Rep. Sel. Com. 15. 1804, January 24, Ordered to be printed entire. 1807.</p> <p>Nonæ Rolls. A Calendar to these should be printed, and an Explanatory Account of them, and Specimens of some of the most complete in each Diocese.—Rep. Sel. Com. 15. 1800, Dec. 19, Ordered. 1808.</p> <p>Tower and Chapter House: Hundred Rolls. Lists thereof should be printed, with a Specimen engraved from the Original.—Rep. Sel. Com. 15. 1804, July 24, Ordered to be printed entire. The first volume of this Work, the Counties being arranged in alphabetical order, concludes with Norfolk; the rest will form a second volume. 1812.</p> <p>First Fruits Office: Ecclesiastical Survey, 26 Hen. 8. 1806, July 31, Ordered to be printed, with Maps of the several Dioceses. The first volume of this Work, comprehending Dioceses of Canterbury, Rochester, Bath and Wells, Bristol, Chichester, and London, is printed. 1811.</p> <hr/> <p>5. STATUTES OF THE REALM.</p> <hr/> <p>Many Statutes and Ordinances, recorded in the Rolls of Parliament and other Records, are not inserted in the printed Statute Books, which are only compilations by private hands. A complete and authentic edition of all the Statutes should be printed: In the prosecution of such a Work, it will be proper to consult the most antient and perfect Manuscript Copies preserved in the Exchequer, and the several Public Libraries of the Inns of Court, the Universities, the Cathedrals, and the British Museum.—Rep. Sel. Com. 16.</p> <p>1800, Dec. 19, Order for printing a complete and authentic Edition of the Statutes and Ordinances of the Realm, including every Law, as well those repealed or expired as those in force; together with a Chronological List of them, and Tables.</p> <p>The first volume of this Work, containing Preliminary Introduction, Charters of Liberties, and Statutes to the end of Edw. III. with engraved Copies of the Charters, and Specimens of the Statute Roll, is printed. 1811.</p>	

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.	Appendix, (E. 1.) MEASURES EXECUTED.
General Register House, and all other Record Offices in Scotland.	SCOTLAND.		
	1. REGULATION OF REGISTRIES.		
	<p>UPON the representation of the Commissioners, in concurrence with, and through the Lord Clerk Register, that important and extensive services might be rendered in aid of the purposes and establishment of the General Register House in Scotland, by the appointment of some Barrister of considerable standing and respectable for his character in legal knowledge, to act as Resident Deputy Clerk Register, with full powers to execute the various functions of his principal; the Lords Commissioners of the Treasury have been pleased to obtain His Majesty's authority for putting upon the civil establishment of Scotland, a salary of £.500 a year, payable to such Deputy Clerk Register; and thereupon the Lord Clerk Register has, by commission under his hand and seal, appointed Thomas Thomson, Esquire, an Advocate of the Scottish Bar, of ten years standing and upwards, to be such deputy, as a person eminently qualified for the discharge of the duties of such office, with an instruction contained in the said Commission, by which he is required to prepare regulations for the formation, custody, and transmission of Records and Registers, in the view of preventing the irregularities and defects which have heretofore prevailed; and annually to report his proceedings in the exercise of the said office, and transmit the same to the Lord Clerk Register for the time being, with a duplicate thereof, to be by him communicated to the Lords of Council and Session for their information.</p>	1806.	
	<p>Since the date of his appointment the Deputy Clerk Register has made five successive Annual Reports, for the years 1807, 1808, 1809, 1810, and 1811, respectively, which have been presented to the Court of Session: and on the first, second, and third of which the Court have received Reports from Committees of their own number, and have approved thereof.</p>		
	<p>In pursuance of the suggestions in those and other Reports, by the Deputy Clerk Register, several Acts of Sederunt have been passed by the Lords of Session, for the better regulation of different Records; viz.</p>		
	<p>Feb. 13, 1807, An Act concerning the transmission of the General Minute Book of the Court of Session to His Majesty's General Register House.</p>	1807.	
	<p>Dec. 1, 1807, An Act concerning the transmission of the Books of Sederunt of the Court of Session to His Majesty's General Register House.</p>		
	<p>Feb. 1, 1808, An Act concerning the Register of the Great Seal.</p>	1808.	
	<p>March 11, 1808, An Act concerning the transmission of the Registers of Tailzies and Inventories to His Majesty's General Register House.</p>		
	<p>March 11, 1808, An Act for regulating and enforcing the ingiving of complete and correct Record Copies of Papers printed and put into the Lords' Boxes for advising.</p>		
<p>July 10, 1811, An Act concerning the Registration of Deeds, Probative Writs and Instruments of Protest in the Books of Council and Session.</p>	1811.		
<p>July 10, 1811, An Act concerning the Registers of Seisins, Reversions, &c.</p>			
<p>July 10, 1811, An Act concerning the Registers of Hornings and of Inhibitions.</p>			
<p>July 10, 1811, An Act concerning the Register of Abbreviates of Adjudications.</p>			

Appendix,
(E. 1.)MEASURES
EXECUTED.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	<p data-bbox="652 462 1033 504">SCOTLAND—<i>continued.</i></p> <p data-bbox="872 577 1290 619">2. REGISTRATION.</p> <p data-bbox="570 708 1596 858">Duplicates of all Deeds which pass the Great Seal of Scotland should be made and authenticated by the Lord Keeper's Deputy, with an Index thereto, and deposited annually in the General Repository at the General Register House. Rep. Sel. Com. 17.</p> <p data-bbox="570 887 1596 1145">A Record of all Decrees in the Sheriff's Court ought, according to the regulations enjoined by the Court of Session, to be made regularly and completely. Of the utility of executing this strictly, some doubts have been entertained; but there is no doubt of its being expedient to require, that an Annual Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the state of the Records in the Sheriff's Court, should be made to the Court of Session, and there recorded in the Books of Sederunt. Rep. Sel. Com. 17.</p> <p data-bbox="570 1174 1596 1324">The Record of Deeds in the Sheriff's Court should be entered in Books given out and marked by the Lord Clerk Register or his Deputies, as the Record of Hornings and Inhibitions now is; and no new Books should be given out, until the old are returned, with the Deeds recorded in them. Rep. Sel. Com. 17.</p> <p data-bbox="570 1353 1596 1503">All Deeds regarding the heritable property within a Royal Burgh, should be recorded in the Town Court Books of the particular Burgh; and Deeds regarding matters of personal concern within the Burgh, should be recorded in the Town Court Books, or in the Sheriff Court Books. Rep. Sel. Com. 17.</p> <p data-bbox="570 1532 1596 1647">No Deeds whatever should be recorded in the Commissary Courts; and although this practice has very generally obtained, it is irregular, and ought to be prevented in all cases for the time to come. Rep. Sel. Com. 17.</p> <p data-bbox="667 1688 1596 1765">1806, May 7, Referred to Mr. Thomson, Deputy Clerk Register of Scotland, to report thereupon.</p> <p data-bbox="667 1793 1596 1943">1806, September 16, Read Mr. Thomson's Answers to the Reference of May 7; and Ordered, That he do make a detailed Report upon the several matters above mentioned, and suggest the most effectual measures for remedying the existing defects.</p> <p data-bbox="667 1972 1596 2160">1807, July 21, 25, 30, Read Mr. Thomson's Report, made in pursuance of the preceding Order; and Ordered, That certain measures therein recommended be referred to the consideration of the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron.</p> <p data-bbox="667 2189 1596 2454">1808, March 25, Read the proceedings of the Great Law Officers in Scotland upon the matters referred to their consideration; also, Heads of a Bill for better regulating the Public Records of Scotland, prepared by the Deputy Clerk Register, in pursuance of the Orders of the Board, and transmitted as approved of by the Lord President of the Court of Session: Resolved, That the Lord Advocate of Scotland be requested to move for leave to bring in a Bill for effectuating the measures proposed therein.</p> <p data-bbox="667 2492 1596 2713"><i>Memorandum.</i> This Bill was presented to the House of Commons in April 1808; but the measure was postponed till the following Session, when, with some alterations, this Bill was passed, May 12th, 1809. It is 49 Geo. III. cap. 42. intituled, "An Act for better regulating the Public Records of Scotland." The several measures which it authorizes have been since carried into effect.</p>	

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.	Appendix, (E. 1.) MEASURES EXECUTED.
	<p>SCOTLAND—<i>continued.</i></p> <p>3. BUILDINGS.</p>		
Great Seal Office.	<p>An Apartment in the General Register House should be allowed to the Great Seal Office.—Rep. Sel. Com. 17.</p> <p>1806, May 7, and Sept. 16, Referred to the Deputy Clerk Register to report thereupon.</p> <p>1807, July 21, Read his Report on this Article, and postponed the further consideration thereof till the proposed regulations concerning the Register of the Great Seal should be finally disposed of.</p> <p>N. B. In consequence of the Regulations since established by Act of Sederunt of the Court of Session, Feb. 11, 1808, and by the Act 49 Geo. III. cap. 42, "for better regulating the Public Records of Scotland," sec. 15, the appropriation of an apartment in the General Register Office, to the Great Seal Office, has been rendered unnecessary.</p>	<p>The object of this Recommendation has been attained in a different mode, 1809.</p>	
Court of Exchequer.	<p>The Buildings occupied by this Court should be rendered more commodious and secure.—Rep. Sel. Com. 18.</p> <p>1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.</p> <p>1807, July 25, Reported to the Board, that the Measure was about to be executed under the authority of an Act of Parliament obtained for that purpose.</p>	<p>Completed under a separate Commission, 1809.</p>	
	<p>4. CATALOGUES, &c.</p>		
General Register House.	<p>It will be expedient to make an Inventory or Repertory to detached Charters and Proclamations.—Rep. Sel. Com. 18.</p>		
Original Documents.	<p>1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.</p> <p>1807, July 25, Read his Report, stating that the Measure had been executed, in so far as the Original Documents alluded to had been discovered.</p> <p>1811, Dec. 31, In the Annual Report of the Deputy Clerk Register for 1810, it is stated that other Original Documents had since been discovered, of which Inventories had been made.</p>	<p>Completed 1810.</p>	
Admiralty.	<p>An Index is wanting to such Proceedings in this Court as are carried on to final sentence.—Rep. Sel. Com. 18.</p> <p>1806, Sept. 16, The Deputy Clerk Register directed to report thereupon.</p> <p>1807, July 25, Read his Report, recommending that there be framed by the Clerks of the Admiralty Court a Chronological Table of Decrees, and that the Record of Decrees be bound in Volumes. Recommended to the Judge of the Admiralty Court to give orders accordingly.</p> <p>1808, March 25, Read letter from the Judge of the High Court of Admiralty, containing his official orders for carrying the above Measures into execution.</p>	<p>Executed 1808, and in the course of regular Progress for future years.</p>	

Appendix,
(E. 1.)

MEASURES
EXECUTED.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	<p>SCOTLAND—<i>continued.</i></p> <p style="text-align: center;">5. TRANSFERS.</p>	
General Register House. Transmissible Registers.	<p>By Act of Parliament of Scotland, 1685, Ordained, that all the Clerks within the Kingdom deliver in their Registers to the General Register House every ten years.</p> <p>Proper now to be brought in every five years, except in special cases.—Rep. Sel. Com. 18.</p>	Completed by Act of Par- liament 1809
Great Seal.	<p>The Warrants thereof, together with Duplicates of all Deeds which pass the Great Seal, and the Index to Decrees, should be carried in annually.—Rep. Sel. Com. 18.</p> <p>1806, Sept. 16, Referred to the Deputy Clerk Register to report thereupon.</p> <p>1807, July 25, Read the Report of the Deputy Clerk Register, recommending that the transmission of all those Classes of Records, which are periodically transmissible to the General Register House, should be made as soon as the Records are completed. Referred to the Great Law Officers of Scotland to consider of the expediency of this Measure, and the proper mode of carrying it into execution.</p> <p>1808, March 25, Read Minutes of Proceedings of the Great Law Officers of Scotland, in which they approve of the Measure, and recommend that it be introduced by Act of Parliament.</p> <p>N. B. The necessary Provisions for this purpose have been since included in the Act 49 Geo. III. cap. 42, “for better regulating the Public Records of Scotland,” and, in the Act 50 Geo. III. cap. 112, “for abridging the Form of extracting Decrees of the Court of Session.”</p>	
Records of Teinds, and Records of Tailzies and of Inventories.	<p>Should be carried in annually if possible, or within such period as the Court of Session may direct.—Rep. Sel. Com. 18.</p> <p>1806, Sep. 16, Referred to the Deputy Clerk Register to report thereupon.</p> <p>1807, July 25, Read his Report recommending the transference of these Records to the General Register House. Resolved, that it be recommended to the Lord Clerk Register, to present a Petition to the Lords Commissioners of Teinds respecting the Transfer of the Records of their Court to the General Register House, as suggested in this part of the Report; and that a like petition be presented to the Court of Session respecting the Records of Tailzies and Inventories.</p> <p>1808, Nov. 25, Read the Proceedings of the Court of Session upon petition of the Lord Clerk Register, ordaining the Records of Tailzies and of Inventories already completed, to be immediately transmitted to the General Register House; and ordaining that those Registers shall hereafter be kept in books duly marked and issued by the Lord Clerk Register, and be transmissible accordingly.</p>	Completed as to Records of Tailzies and of Inventories, 1808.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
	<p>SCOTLAND—<i>continued.</i></p> <p>TRANSFERS—<i>continued.</i></p> <p>1811, December 31. Upon farther consideration of the effects of the proposed measure, the transference of the Records of Teinds to the General Repository has been judged inexpedient, and new and larger apartments in the buildings of the General Register House are now fitted up for their reception, and complete arrangement.</p> <p>Court of Justiciary. The Records thereof should be transferred to the General Register House.—Rep. Sel. Com. 18.</p> <p>In 1800, These were transferred to an apartment in the buildings of the General Register House,—and in Nov. 1811, were removed into another apartment completely fitted up for their reception and regular arrangement.</p> <p>Privy Council. These in like manner should be transmitted into the General Register House.—Rep. Sel. Com. 18.</p> <p>In 1800, These were transferred along with the Justiciary Records into an apartment in the General Register House,—and in Nov. 1811, were removed from the Justiciary Office into the General Repository in the General Register House, and deposited with the other Public Records of the Kingdom.</p>	<p>Completed 1800, and 1811.</p> <p>Completed 1811.</p>
	<p>6. FEES AND EMOLUMENTS,</p> <p>And Mode of making Extracts of Decrees in the Court of Session.</p> <p>No decided opinion on this subject offered by the Committee, because it has engaged the attention of those persons whose station at the head of the Courts of Justice, enables them to form the most correct judgment, and who have had it in contemplation to propose some remedial Measures in Parliament.—Rep. Sel. Com. 18.</p> <p>By the Act of Parliament, 50 Geo. III. cap. 112. the form of extracting the Decrees in the Court of Session, and the fees connected therewith, have been altered and subjected to a new regulation.</p> <p>No alteration has been made on the fees or forms of proceeding in the other Courts.</p>	<p>Completed as to the Fees of Record Officers in the Court of Session, 1810.</p>

Appendix,
(E. 1.)
MEASURES
EXECUTED.

Appendix, (E. 2.)

Measures in Progress in England and Scotland, 1812.

Appendix,
(E. 2.)

MEASURES
IN PROGRESS.

REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS.
	ENGLAND. 1. BUILDINGS.
Exchequer of Receipt, viz. Offices of Auditor, Tellers, Tally Court, and Pells.	<p>Ought to be speedily rebuilt, and secured from the hazards of fire.—See Comm. Journ. Vol. xlv. p. 548. Rep. Sel. Com. 9, 10.</p> <p><i>Memorandum.</i>—Under Consideration of the Lords of the Treasury for rebuilding them.</p>
Auditors of Land Revenue.	<p>The like Recommendation. <i>Ibid.</i></p> <p>These Offices have been removed (for their present Accommodation) to a House at Whitehall.</p>
The Heralds Office.	<p>Requires to be removed into some Public Building, or to be made more secure from Fire.—Rep. Sel. Com. 10.</p> <p>1807, Dec. 14. The Board having been memorialized hereupon by The College of Heralds, referred the Consideration thereof to the Commissioners for Improvements in Westminster.</p>
First Fruits Office.	<p>This Office is among the Class of Private Buildings, the Records thereof are exposed to very great danger, being lodged in private Chambers in the Temple, and the Officers non-resident; Of these Records, the principal of which is the Ecclesiastical Survey, made in the Twenty-sixth Year of Henry the Eighth, there are no Duplicates.</p> <p>N. B. It is now printing, and the First Volume is delivered with Maps of each Diocese accommodated to the Record.</p> <p>Referred to the Commissioners for Improvements in Westminster.</p>
	2. CALENDARS AND INDEXES.
State Paper Office: Removal of Records from the House of Lords.	<p>No Catalogue has yet been made of the Records formerly found there, and removed 1770, from the custody of the House of Lords to the Old State Paper Office; this latter defect may be now supplied by the Persons employed in the New Establishment.—Rep. Sel. Com. 12. 1800, July 22, Ordered. Calendars produced.</p>
Chapter House, Westminster.	<p>One-third part of the whole contents of this Repository is unprovided with detailed Calendars or Indexes, particularly Matters concerning Dissolved Monasteries, Proceedings of Star Chamber, Court of Wards and Liveries, and Court of Requests: The present Establishment of Officers, if constantly attending, may execute the most important parts with sufficient dispatch.—Rep. Sel. Com. 11.</p> <p>1805, March 25. A general Examination of the unarranged Records ordered; as also that the Calendars and Indexes deficient, be completed.</p> <p>1806, March 24. The Records in the Attic Room entirely arranged, and Progress made in sorting and indexing the other Records; viz. Placita Coronæ et Assisæ, Antient Deeds and Forest Proceedings.</p>

REPOSITORIES.	MEASURES RECOMMENDED.
King's Remembrancer's Office.	<p>ENGLAND—<i>continued.</i></p> <p>2. CALENDARS and INDEXES—<i>continued.</i></p> <p>1807, March 25. County Bags of Placita Coronæ & Assisæ, Antient Deeds and Forest Proceedings reported to be arranged for 23 Counties; reported also, that the Records entitled "Scotia," have been methodized and indexed.</p> <p>1808, March 25. A general Inventory of all the Records made, County Bags of Placita Coronæ & Assisæ, Antient Deeds and Forest Proceedings arranged in Continuation to 35 Counties, some Progress made on an Abstract of the Quo Warranto Rolls.</p> <p>1809, March 25. County Bags of Placita Coronæ & Assisæ, Antient Deeds and Forest Proceedings completely arranged for England and Wales; Star Chamber Proceedings arranged in better order; Progress made on the Quo Warranto Rolls.</p> <p>1810, March 24. Divers Bags of Miscellaneous Records arranged; Progress also made on the Quo Warranto Rolls; and the Records of Fines (which were removed to this Office in June 1809 from the Prothonotaries Office in the Temple) have been arranged from the Reign of Edw. 6. to the End of George the Second; the earlier Fines remained to be done.</p> <p>1811. The Quo Warranto Rolls abstracted for ten Counties: The Records of Fines removed to this Office in 1809 completely arranged; Progress made in the further Arrangement of the Bags containing Miscellaneous Records.</p> <p>A total Want of the necessary Calendars and Indexes to those Records which are arranged, Rep. Sel. Com. 12. 1800, July 22, Ordered, That Mr. Caley, Mr. Kirkby, and Mr. Vanderzee, do arrange, methodize, and index all the Records of the said Office.</p> <p>1801, March 23. Many thousand Bills, Answers, and Depositions from Eliz. to Geo. 1. collected together and sorted, and the Special Commissions, Inquisitions Post Mortem, and Escheat Rolls collected, and made accessible to the Public, and an Index to the Books of Decrees from 1 to 10 Eliz. made.</p> <p>1802, March 24. Index to Decrees and Orders in part done to 35 Eliz.; also several valuable Records newly discovered, viz. Nonæ Rolls, Extents, Inquisitions, and Surveys.</p> <p>1806. Index to Decrees from 1 Eliz. to end Jac. 2. completed, from which time there is a regular Series of Office Calendars.</p> <p>Index to Orders completed for the Reign of Eliz. and first seven years of Jac. Further Proceedings suspended.</p> <p>1807, March 23. Ordered, That Mr. Vanderzee do collect and arrange the Monastic Records in the said Office.</p> <p>1809, March 25. Collected Extents of Knights Templars Possessions in England, Extents of Possessions of Alien Priories and Royal Abbies and Priories, as also of Ecclesiastical Possessions Vacante Sede, Copies of Royal Charters, and Hundred Rolls Somerset and Dorset.</p> <p>Transcribed P. Nich' Taxation for Ireland, Extents of Knights Templars Possessions in Ireland, and Extents of Alien Priories in England.</p> <p>1810, March 24. Collected and transcribed other Extents of Alien Priories, Possessions of Knights Templars, and Bishopricks Vacante Sede, and collected Transcripts of Inquisitions Post Mortem, from Edw. 3. to Eliz. both inclusive.</p> <p>1811, March 25. Collected and transcribed Extents of Temporalities of Abbies and Priories of Royal Foundation, Extents of Temporalities of Bishops, Accounts of Spiritualities and Temporalities of Alien Priories, and Royal Charters in various Reigns, from Edw. 1. to Hen. 7.</p> <p>Arranged in Counties many of the Inquisitions Post Mortem, and proceeding with the remainder, and to make a Calendar of them.</p>

Appendix,
(E. 2.)MEASURES
IN PROGRESS.

Appendix,
(E. 2.)

MEASURES
IN PROGRESS.

REPOSITORIES.	MEASURES RECOMMENDED.
	<p>ENGLAND—<i>continued.</i></p> <p>2. CALENDARS and INDEXES—<i>continued.</i></p> <hr/> <p>No regular or complete Inventory or Index has been made since the Restoration.—Particular Indexes have been compiled by Individuals, Rep. Sel. Com. 12.</p> <p>1800, July 22. Ordered, That Mr. Caley and Mr. Playford do arrange, methodize, and index, all the Records of the said Office.</p> <p>1801, March 23. The Memoranda and Originalia examined, and the Rolls repaired where necessary, and the arrangement nearly completed.</p> <p>1806, Jan. 31. Memoranda (a volume of) ordered to be prepared, but not printed, until reported upon—Progress reported.</p> <p>1807, March 25. Abstracts of the Memoranda proceeded upon from 1 John to 10 Hen. 3.</p> <p>1808, March 25. Abstract of the Memoranda advanced to 30 Hen. 3.</p> <p>1809, March 25. Abstract of Memoranda advanced to 37 Hen. 3.</p> <p>1810, March 24. Abstract of Memoranda advanced to 46 Hen. 3.</p> <p>1811, March 25. Abstract of Memoranda advanced to 2 Edw. 1.—Official Repertories to Originalia transcribed from 1 Hen. 8. to 11 Ja. 1.</p> <p>Some further Index to the Surveys, &c. would be useful, Rep. Sel. Com. 12.</p> <p>1804, Jan. 31, Ordered—1806, May 22, Order repeated—again repeated—1812, Jan. 21, viz. requesting a state of the Indexes, and whether the same are complete, or in what progress they are towards completion.</p> <p>The Bills, Answers, Depositions, and other Chancery Proceedings, from the Reign of Elizabeth to 1714, here deposited, have no other Indexes than of the Names of Plaintiffs and Defendants, and it might be a Work of Utility, if an Index to the Names of Places, and a short Note of the subject Matter of each Suit were made.—Commissions and Abstracts, &c. Public Records, 1807. P. 30.</p> <p>This is now doing, and the Index for the greatest part of the Reign of Elizabeth, is already made by the Clerks at the Tower.</p> <hr/> <p>PRINTING.</p> <hr/> <p>SELECTION OF RECORDS AND PAPERS.</p> <p>Lists thereof should be printed, with a specimen engraved from the Original.—Rep. Sel. Com. 15.</p> <p>1804, Jan. 24. Ordered to be printed intire.</p> <p>The First Volume is already printed, and the Counties not included in the First will form a Second Volume.</p> <p>1806, Jan. 31. Ordered to be transcribed and printed.</p> <p><i>Memorandum.</i>—The First Volume of this Work is printed, with Maps, and a Second is in the press.</p> <p>To be selected and printed ; and the same reasons which induced the House of Commons to order a selection of its own Reports to be printed in 1773, may render it proper to continue the series.—Rep. Sel. Com. 17.</p> <p>1800, Dec. 19. Ordered, That The Speaker be requested to take into his consideration, whether it may be expedient to have any selection made of Reports from Committees of the House of Commons which are not inserted in the Journals, as a supplement to those ordered to be printed in 1773, and a continuation thereof to the Union of Great Britain and Ireland.</p> <p><i>Memorandum.</i>—This Work is now printing in consequence of a Report of the House of Commons, August 1803.</p>
Lord Treasurer's Remembrancer's Office.	
Surveyor General of Crown Lands.	
Tower.	
Tower and Chapter House : Hundred Rolls.	
First Fruits Office : Ecclesiastical Survey, 26 Hen. 8.	
Reports made by Committees of either House of Parliament.	

REPOSITORIES.	MEASURES RECOMMENDED.	Appendix, (E. 2.) MEASURES IN PROGRESS.
<p>Rotuli Scotiæ, in the Tower of London.</p> <p>Rymer's Fœdera.</p>	<p>ENGLAND—<i>continued.</i></p> <p>SELECTION of RECORDS and PAPERS—<i>continued.</i></p> <p>1807, Dec. 16. Ordered to be transcribed and put to press as soon as possible.</p> <p>1808, March 25. This Work is now preparing for press.</p> <p>1809, March 25. Of this Work 156 pages are printed.</p> <p>1810, March 25. Advanced in the press from p. 156 to p. 336.</p> <p>1811, March 25. Advanced in the press from p. 336 to p. 508.</p> <p>The State Papers published here, form a most valuable Collection; they commence from the reign of Henry the First, 1154, but do not come down lower in date than the first six years of Charles the Second.</p> <p>It is desirable to have this Work completed by a Supplementary Selection of such other important Papers as were omitted by the original compilers, and to continue it to the Revolution, or even to the Accession of the House of Hanover. Rep. Sel. Com. 17.</p> <p>1800, July 22. Ordered, That the Secretary do write to The Keeper of Records, Tower, to The Keeper of Records, Chapter House, to The Keeper of Records, Rolls Chapel, to The Keeper of the State Paper Office, to The Keeper of the Records, Privy Council, and the Clerks of the Signet, to consider and report to this Board, of a proper selection of Records, Instruments, and State Papers in their custody, to form a Supplement to Rymer's Fœdera, during the period of time which that Work comprehends; and also of a selection to form a continuation of that Work to the Accession of George the Second.</p> <p>1803, March 24. The Keeper of the Records at the Rolls Chapel reported, that the selections were finished.</p> <p>N. B.—Returns from Chapter House and State Paper Office remain to be sent in.</p> <p>From the Privy Council and Clerk of the Signet Mr. Topham reported, that no return could be obtained.</p> <p>1808, March 25. Ordered, That Adam Clarke, LL.D. do make a scheme for the first volume of Supplement to Rymer, and to a first volume of Continuation thereto.</p> <p>1810, March 24. Dr. Clarke's Scheme or Plan being submitted to the Board, Ordered, That he do forthwith prepare Materials for a first volume of a New Edition of Rymer, according to the said Plan; and that when the same shall be collected and arranged, with a descriptive Table of its Contents, the entire Manuscript be submitted to the Commissioners, for examination by them, before it is committed to the press; and that Dr. Clarke be also desired to propose a Plan for carrying on the Continuation concurrently.</p> <p>STATUTES of the REALM.</p> <p>Many Statutes and Ordinances recorded in the Rolls of Parliament, and other Records, are not inserted in the Printed Statute Books, which are only Compilations by private hands. A complete and authentic Edition of all the Statutes should be printed. In the prosecution of such a Work, it will be proper to consult the most antient and perfect Manuscript Copies preserved in the Exchequer, and the several Public Libraries of the Inns of Court, the Universities, the Cathedrals, and the British Museum.—Rep. Sel. Com. 16.</p> <p>1800, Dec. 19. Order for printing a complete and authentic Edition of the Statutes and Ordinances of the Realm, including every Law, as well those repealed or expired as those in force, together with a Chronological List of them, and Tables.</p> <p><i>Memorandum.</i>—The First Volume of this Work has been printed, and the Second and Third Volumes are now printing concurrently.</p>	
<p>Tower, Chapter House, Rolls Chapel, Universities, Cathedrals, &c.</p>		

Appendix,
(E. 2.)

MEASURES
IN PROGRESS.

REPOSITORIES.	MEASURES RECOMMENDED.
<p>Sheriffs Offices.</p>	<p style="text-align: center;">S C O T L A N D.</p> <hr style="width: 10%; margin: auto;"/> <p style="text-align: center;">1. BUILDINGS.</p> <hr style="width: 10%; margin: auto;"/> <p>About one fourth of the Sheriffs Offices, public property, the rest in private houses: All should be lodged in public buildings, secured from damp and fire; and it would be productive of great accommodation to individuals, if the Records of each County were collectively lodged in one place. Rep. Sel. Com. 18.</p> <p>1806, May 7, and Sept. 16. Deputy Clerk Register directed to report thereupon.</p> <p>1807, July 25. Read his Report on this Article, and referred to the Lord Advocate to consider of proposing a Bill to Parliament for the purpose of accomplishing the measure therein recommended.</p> <p>1808, March 25. Read Letter from the Lord Advocate, (dated March 15, 1808), stating reasons for postponing the measure until the enquiries and proposed measures relative to the custody of Local Registries should be completed.</p> <p>1811, June 20. Read Mr. Thomson's Thirteenth Quarterly Report, in which the propriety of resuming the measure is urgently recommended. Ordered, That the Lord Advocate be requested to give instructions to the Deputy Clerk Register for preparing the Draft of such a Bill, to be submitted to Parliament in the next Session, as may provide more effectually for the secure preservation of the County Records in Public Buildings.</p>
<p>General Register House, Edinburgh.</p>	<p style="text-align: center;">2. CATALOGUES AND ABRIDGMENTS.</p> <hr style="width: 10%; margin: auto;"/> <p>At the General Register House, Edinburgh, it will be proper to make a General Repertory of its whole contents.</p> <p>1806, May 7th, and Sept. 16. Referred to Deputy Clerk Register to report thereupon.</p> <p>1807, July 25. Read his Report.—Ordered,—1. As a preliminary Measure, That the decayed volumes of Record, be rebound.—2. That the plan of a Press Catalogue exhibiting the contents of each apartment be prepared by the Deputy Clerk Register.—3. A General Repertory systematically arranged to be framed under his direction.</p> <p>N. B.—Since the date of this Order, the repairing and rebinding of decayed Records has been in constant progress, of which the details have been given in seventeen quarterly Reports by Mr. Thomson.</p> <p>1809, March. Reported that the General Repertory had been completed, and that the Press Catalogue was begun, and in progress.</p> <p>1809, Sept. The completion of the Press Catalogue suspended, in consequence of the operation of rebinding decayed volumes of Record still in progress, by which the bulk of the volumes is greatly diminished, and their consequent arrangement materially affected.</p> <p>1811, Dec. 31. The completion of the Press Catalogue still suspended by the continued operation of rebinding the Records.</p>

REPOSITORIES.	MEASURES RECOMMENDED.
	<p style="text-align: center;">SCOTLAND—<i>continued.</i></p> <p style="text-align: center;">CATALOGUES and ABRIDGMENTS—<i>continued.</i></p> <hr style="width: 10%; margin: 10px auto;"/> <p>Great Seal Records.</p> <p>It will also be expedient to make an Index to the Records of the Great Seal. Rep. Sel. Com. 18.</p> <p>1806, May 7. Upon the Report from the Deputy Clerk Register, relative to the collection and abridgment of Royal Charters,—Ordered, That there be prepared a concise abstract of all the Royal Charters of Scotland which exist, whether on the Public Record or otherwise.</p> <p>1807, July 25. Upon further Report by the Deputy Clerk Register, relative to the Index to the Records of the Great Seal,—Resolved, That he do proceed upon the matters therein stated, and specify his progress in his quarterly Reports.</p> <p>N. B.—From the date of these Orders, till the beginning of 1811, the formation of the Abstract of Charters, retarded by the pressure of other operations, particularly those relative to the Collation, Transcription and Printing of Antient Royal Charters, in pursuance of other Orders of the Board.</p> <p>1811, Dec. 31. Regular progress stated by Mr. Thomson in the successive quarterly Reports of the preceding year.</p> <p>Exchequer.</p> <p>An Index should be made to the Book of Decrees and Orders of the King's Remembrancer, for the purpose of supplying the loss of one removed from thence in 1767.—Rep. Sel. Com. 18.</p> <p>1806, Sept. 16. Referred to the Deputy Clerk Register to report thereupon.</p> <p>1807, July 25. Read his Report, and resolved that the Barons of Exchequer in Scotland, be requested to take the same into their consideration, and communicate to this Board what Measures their Lordships shall adopt thereupon.</p> <p>1809, Feb. 3. The Barons recommend that an Index to the Minute Book of Judicial Proceedings be made, instead of an Index to the Books of Orders and Decrees of the Court.</p> <p>1811, Dec. 31. No further proceedings have taken place.</p> <p>High Court of Justiciary.</p> <p>An Index is wanting to these Records. Rep. Sel. Com.</p> <p>1806, Sept. 16. The Deputy Clerk Register directed to report thereupon.</p> <p>1807, July 25. Read his Report, recommending, (1) The repairing and rebinding of the more antient of these Records, and the transcription of some of the earlier Volumes; and, (2) The compilation of triple Indexes, at least from the institution of the present Court in 1672; First, of Persons; Secondly, of Trials systematically arranged; and, Thirdly, of Points of Law, discussed and determined.—Ordered, That the former Measures be executed under the direction of the Deputy Clerk Register; and, as to the latter, that he communicate with the Lord Justice Clerk, and obtain his recommendation of a person properly qualified to execute the Work proposed, and that he do proceed to the execution thereof.</p> <p>1811, Dec. 31. With the concurrence of the Lord Justice Clerk, several attempts have been made to engage a fit person to execute the proposed Indexes, but hitherto without success. In the mean time, the two most antient Volumes of Records have been transcribed, and the whole of the Justiciary Records have been lately removed into a new apartment, and systematically arranged, in the view of being rebound in a complete and uniform manner.</p> <p>Chancery Office.</p> <p>In addition to the measures of this class, recommended by the Select Committee of the House of Commons, the Commissioners took into their consideration, the best means of compiling and publishing a General Index of Reference to the Register of the Retours of Services, analogous to the Abridgment of the "Inquisitiones Post Mortem" in England.</p> <p>1805, April 7. Referred to Mr. Thomson to report upon a plan for that purpose.</p>

Appendix.
(E. 2.)MEASURES
IN PROGRESS.

Appendix,
(E. 2.)

MEASURES
IN PROGRESS.

REPOSITORIES.	MEASURES RECOMMENDED.
	<p>SCOTLAND—<i>continued</i>.</p> <p>CATALOGUES and ABRIDGMENTS—<i>continued</i>.</p> <hr/> <p>1805, July 12. Approved of a plan for an Abridgment of the Record of Retours, communicated by Mr. Thomson, May 9, and ordered to be carried into execution.</p> <p>1807, July 31. Progress reported, and further details given by Mr. Thomson as to the arrangement and printing of the Work, approved and ordered to be carried into execution without delay.</p> <p>1807—1810. Progress in compiling and printing stated in Mr. Thomson's Quarterly Reports.</p> <p>1811, April 1. The Abridgment of the Record of Retours from its commencement, 1547, to the end of the Seventeenth Century, completed at the press in two Volumes in Folio, and a Supplement from Originals in Chancery, not recorded, together with Indexes of Names and Places to be added.—14th Quarterly Report.</p> <p>1811, May 21. Ordered that the two Volumes be immediately published, and that the Supplement and Indexes be proceeded on with the utmost dispatch.</p> <p>1811, Dec. 31. Continued progress in the preparation of the Supplement, &c.; reported in the 15th, 16th, and 17th Quarterly Reports.</p> <p>General Register House. The Commissioners have also been led to consider of the propriety of framing and printing an Abridgment of the Register of Tailzies from its commencement in 1685, to the present time, according to a plan proposed by the Deputy Clerk Register.</p> <p>1809, January. The execution of the Work begun, and progress stated in Quarterly Reports.</p> <p>1811, April. The completion of the Abridgment stated in the 14th Quarterly Report.</p> <p>1811, Dec. 31. The printing of this Work has been delayed till it should be carefully revised by the Deputy Clerk Register, assisted by some intelligent Members of the Society of Writers to the Signet.</p>
	<p>3. TRANSFERS.</p> <hr/> <p>These and all other Records now lodged in His Majesty's Offices of Record in England, exclusively regarding the internal Policy and Laws of Scotland, should be transferred to the General Register House. Rep. Sel. Com. 1800.—1800, Dec. 19.</p> <p>Ordered to be transferred from the Crown Office, King's Bench, to the General Register House, Edinburgh, 1811, Dec. 31. This order has not yet been obeyed.</p>
	<p>4. PRINTING.</p> <hr/> <p>These, which commence in the Thirteenth Century, and are complete to the time of the Union, appear to deserve publication. Rep. Sel. Com. 18.</p> <p>1800, July 22. Ordered, That the Secretary do write to the Lord Clerk Register of Scotland, to request his Lordship to cause the Parliamentary Records of Scotland to be immediately printed.</p> <p>1801—1803. Progress reported.</p> <p>1804, Dec. 14. Upon a representation made by the Lord President of the Court of Session, the Lord Chief Baron, and the Lord Advocate, now Lord Justice Clerk, of the many Imperfections in the Plan of this Work, as hitherto conducted, the Publication of it was ordered to be laid aside.</p>
General Register House, Edinburgh: Removal of Proceedings on Special Commissions for High Treason.	
General Register House: Records of the Parliament of Scotland.	

REPOSITORIES.	MEASURES RECOMMENDED.
Royal Charters.	<p>SCOTLAND—<i>continued.</i></p> <p>4. PRINTING—<i>continued.</i></p> <p>And upon the recommendation of the same persons, Thomas Thomson, Esq. was appointed Sub-Commissioner for Scotland, and desired to report a plan for the Scottish Statutes, &c.</p> <p>1805. Various Communications from Mr. Thomson on the Progress of his Inquiries, preparatory to a regular plan for the Publication of the Parliamentary Records of Scotland.</p> <p>1806. Read Communication to the Board by Mr. Thomson, stating the nature of his plan, for a complete Compilation of all the existing Acts and Proceedings of Parliament, from the earliest æra of Record to the Union in 1707.</p> <p>1806, May 7. Mr. Thomson directed to come to London during the ensuing Autumn vacation of the Court of Session, to examine and collate such Manuscripts in the British Museum, as contain any remains of the Antient Statutes of Scotland, and ordered to report the Progress of his Collections.</p> <p>1807. Progress reported in transcribing Parliamentary Records.</p> <p>1807, Dec. 16th. Read Report of Proceedings of the Lord Clerk Register, and Lord President, Lord Advocate, Lord Justice Clerk, and Lord Chief Baron, at Edinburgh, October 20 and 23, 1807; stating that Mr. Thomson, Deputy Clerk Register, having stated to this Meeting his Plan for the Publication of these Records; Resolved, on full Consideration of the Subject, That it will be expedient that the Publication of the Records of Parliament should commence with the Reign of James the First, and be carried on progressively without delay, and that it should be divided into two separate series, the Statutes and all other Proceedings held in full Parliament to form one of these, and the Judicial Proceedings in Private Civil Causes held before Committees of different kinds, to form a separate series; the first of these to be printed as the Second Volume, or the second part of a First Volume, in order to leave room in the series of Volumes for the more antient Parliamentary Proceedings prior to the Reign of James the First, of which the complete Compilation is not yet ready for Publication.</p> <p>1808, Dec. 12. At a meeting of the Great Law Officers of Scotland, Progress in compiling, collating, and transcribing, reported by the Deputy Clerk Register, and the delay in beginning to print, stated to have been occasioned by the preparatory operations of the Printer.</p> <p>1809, Dec. 31. Progress reported. The printing of the <i>Acta Dominorum Auditorum in Parlamento</i>, completed;—206 pages. The contemporaneous <i>Acta Dominorum Concilij</i>, forming a Supplement to the former, in Progress;—32 pages. The <i>Acta Parliamentorum, Jacobi I.</i> also in Progress at the Press. The Transcription of the Parliamentary Records in rapid Progress.</p> <p>1810, Dec. 31. Progress reported. The <i>Acta Dominorum Concilij</i> advanced in printing to page 348. The <i>Acta Parliamentorum Jacobi I.</i> finished at the press. Transcription of Parliamentary Records far advanced in Progress.</p> <p>1811, Dec. 31. Progress reported. <i>Acta Dominorum Concilij</i>, contemporaneous with the <i>Acta Dominorum Auditorum</i>, completed at press,—375 pages. The <i>Acta Parliamentorum</i> in the Reigns of James I. II. III. IV. and part of those of James V. finished at the press,—324 pages.</p> <p>The earliest of these it might also be expedient to print.—Rep. Sel. Com.</p> <p>1806, May 7. Mr. Thomson directed to report concerning such Royal Charters of Scotland, as it will be expedient to have printed.</p> <p>1807, 1808. Progress reported in the transcription of the Twelve Rolls, and first Book of Antient Charters, and the printing of the first Roll, and part of the first Book,—28 pages.</p> <p>1809, Dec. 31. Progress reported. Printing of the Twelve Rolls, and first Book nearly completed,—256 pages. Plans of further Collections, supplementary to this Volume, reported by Mr. Thomson.</p> <p>1810, June 15. Ordered, That Mr. Thomson proceed in making applications and searches for Antient Royal Charters.</p> <p>1811, Dec. 31. Progress reported in the formation of these Collections.</p>

Appendix,
(E. 2.)MEASURES
IN PROGRESS.

Appendix, (E. 3.)

MEASURES POSTPONED.

Appendix,
(E. 3.)

MEASURES
POSTPONED

REPOSITORIES.	MEASURES RECOMMENDED.
	ENGLAND.
	I. CALENDARS AND INDEXES.
Common Pleas.	<p>Alphabetical Indexes to the Docket Rolls are much wanted, but it would require a great length of time, and very considerable extra assistance, to supply the defect.—Rep. Sel. Com. 12.</p> <p>1800, July 22. Ordered.—1801, March 23. Some progress made herein for the reign of Henry the Eighth, but the Work appearing laborious and expensive beyond its immediate utility, it has been postponed.</p>
Exchequer of Receipt : Pell Office.	The Pell Office cannot be examined or arranged without much help ; postponed for like reasons.
Auditors of the Land Revenue	<p>Much already done ; some further assistance necessary, amongst the rest a General Index for each Division of Inrolments.—Rep. Sel. Com. 12.</p> <p>1800, July 22. Ordered, That Mr. Caley, Mr. Richards, and Mr. Fearnside, do arrange, methodize, and index the Records of this Office.</p> <p>1802, March 24. Suspended, owing to the death of Mr. Fearnside.</p>
Augmentation Office.	<p>A number of Bags of Records to which there are no Calendars.—Rep. Sel. Com. 12.</p> <p>The making of Calendars to these Bags not thought at present necessary, and therefore postponed.</p>
British Museum.	<p>It would be desirable to have a separate Catalogue, digested under proper Heads, comprising all the Public Records and Papers of State in the several Parts of this Library.—Postponed on account of the classed Catalogues and Indexes already made or now making, which (it is conceived) may supersede the necessity of the measure above proposed.</p>
	II. PRINTING.
	I. OF CALENDARS AND INDEXES.
Tower : Close Rolls.	<p>An Index to these Rolls should be printed.</p> <p>1800, July 22. Ordered.—But, 1804, March 24, after much labour bestowed, the Office Calendar was not found to be sufficiently complete or correct for publication.</p>
Inquisitions Post Mortem.	<p>The Chronological Indexes to these Records should be printed.—Rep. Sel. Com. 14.</p> <p>1803, March 24. Ordered to be printed.</p> <p>1808, March 25. Two Volumes of the Work have been printed, and the printing of the remainder is for the present suspended.</p>

REPOSITORIES.	MEASURES RECOMMENDED.
<p>Rolls Chapel.</p> <p>Augmentation Office.</p> <p>Duchy Office, Lancaster.</p> <p>Lord Treasurer's Remembrancer's Office and British Museum: Nomina Villarum.</p> <p>Judicial Proceedings: Placita Forestæ.</p> <p>Special Judgments: Common Law.</p> <p>Year Books.</p> <p>Systematic and uniform Edition of antient Law Writers.</p> <p>Rea Book, Exchequer.</p>	<p>ENGLAND—<i>continued</i>.</p> <p>PRINTING—<i>continued</i>.</p> <p>The following Indexes should be printed :</p> <ol style="list-style-type: none"> 1. Office Index to Charter, Patent, and Confirmation Rolls, together with the Fine Rolls. 2. Index to Private Selections from the Close Rolls. 3. Officer's Private Indexes to the Liveries. 4. Office Index to the Escheats (Names of Persons), Cardinal's Bundle and Parliament Returns. 5. Officer's Private Indexes (of Places) to Inquisitions Post Mortem, in continuation to those at the Tower.—Rep. Sel. Com. 14. <p><i>Memorandum</i>.—The previous purchase of the Private Indexes remains to be arranged.</p> <p>The Indexes deserving publication are those to the Conventual Leases, Crown Leases, and Deeds of Purchase and Exchange.—Rep. Sel. Com. 14. Postponed as not being urgent on account of its immediate utility.</p> <p>The Index to the Inquisitions Post Mortem, beginning 1 Hen. v. should be printed, in continuation of the same Indexes at the Tower and Rolls Chapel.—Rep. Sel. Com. 14. Postponed until those at the Tower and Rolls are completed.</p> <p>2. SELECTION OF RECORDS AND PAPERS.</p> <p>Should be printed in its entire form with a specimen engraved from the Original.—Rep. Sel. Com. 15.</p> <p>1804, Dec. 14. Ordered to be transcribed and printed.</p> <p><i>Memorandum</i>.—The Transcript has been made, but the printing of these and the following Works is postponed until other Works of greater utility are complete.</p> <p>Of these it might be useful to print One General Catalogue.—Rep. Sel. Com. 16.</p> <p>It would be desirable to print Lord Hale's Selections from his MSS. in Lincoln's Inn, or the Abstract in the Chapter House, or the Book mentioned in the Return from the Society of the Middle Temple, should be printed.—Rep. Sel. Com. 16.</p> <p>The Series from Edw. I. to Hen. VIII. should be completed by printing those which are unpublished, and the whole reprinted, with a General Index.—Rep. Sel. Com. 16.</p> <p>This might be given from more perfect MSS. than those hitherto published.—Rep. Sel. Com. 16.</p> <p>It would be proper to print the Ordinationes Scaccarij.—Rep. Sel. Com. 16.</p>
<p>Justiciary Office.</p>	<p>SCOTLAND.</p> <p>REGISTRATION OF JUSTICIARY COURT PROCEEDINGS.</p> <p>A Record of the Proceedings in the Circuit Court of Justiciary should be made in the same manner as the Books of Adjournal of the High Court of Justiciary at Edinburgh, and deposited in the General Repository, annually, if possible, or within such other period as the High Court of Justiciary may direct.—Rep. Sel. Com. 17.</p> <p>1806, May 7. Referred to Deputy Clerk Register to report thereon.</p> <p>1806, Sept. 16. Ordered, That he make a more detailed Report upon the matters above mentioned.</p> <p>1807, July 21. Read his Report on this Article, and referred the same to the Lord Justice Clerk, and other Lords of Justiciary, for their approbation of the measures herein suggested; whereupon the Board will make application to the Lords of the Treasury, for defraying any necessary expense which may be incidental thereto.</p> <p>1808, March 25. Read Letter from the Lord Justice Clerk, (dated Feb. 2, 1808), approving of the several measures recommended in the Deputy Clerk Register's Reports, for the improvement and better regulation of the Justiciary Records.</p> <p>1811, December 31. Further Proceedings have been postponed till a permanent fund has been procured for carrying the proposed measures into execution.</p>

Appendix,
(E. 3.)MEASURES
POSTPONED.

Appendix, (E. 4.)

Measures recommended, but not within the Powers of the Commissioners.

Appendix, (E. 4.) MEASURES not within the Powers of the Commissioners.	REPOSITORIES.	MEASURES RECOMMENDED.
		1. BUILDINGS.
	Exchequer Offices; viz. King's Remem. Office, and Clerk of the Pleas.	Ought to be rebuilt, and secured from the hazard of fire.—Rep. Sel. Com. 10.
	Registrar of Affidavits, and Clerk of Dispensations and Faculties.	Should be placed in some building, to be constructed at the Public expense, nearer to the other Chancery Offices.—Rep. Sel. Com. 10.
	The Courts of Common Law.	Stand in need of the same accommodation for the Judges and their Officers.—Rep. Sel. Com. 10.
	The Clerks of Assize.	The Clerks of Assize (except for the Northern Circuit) keep all their Records in their private Houses, in consequence whereof, many of them have been dispersed and lost; a public building should be provided in London, for preserving all their Records antecedent to a certain period.—Rep. Sel. Com. 10.
	The Clerks of the Peace.	Twenty out of fifty-two in England and Wales, have offices built at public expense, the rest should have the like.—Rep. Sel. Com. 12.
	County Registry for Middlesex.	Should be placed in some Repository more effectually secured from fire.—Rep. Sel. Com. 10.
	Ecclesiastical Courts.	The Wills and Proceedings of these Courts should every where be placed in perfect safety.—N. B. The Record Office in Doctors Commons, London, for the Prerogative Court of Canterbury, is an excellent model.
		2. CALENDARS AND INDEXES.
		Calendars and Indexes which are private Property, should be purchased for the Publick Use, and appropriated to the respective Offices to which they relate.—Rep. Sel. Com. 11.
	Clerks of the Peace.	They have in general no Calendars or Indexes to the Records belonging to their Offices; most of them think them unnecessary, others strongly recommend the Measure. The Select Committee think it desirable that it should be done as to certain Articles; viz. Inclosures, Roads, Bridges, Gaols, and other County Works.—Rep. Sel. Com. 11.
		3. ESTABLISHMENT AND DUTIES OF OFFICE.
	Lord Treasurer's Remembrancer's Office, Somerset Place.	Where no person is specifically intrusted with the Custody and Arrangement of the Records which belong to any Office of great public concern, such an Officer should be appointed; an instance of this defect occurs in the Lord Treasurer's Remembrancer's Office, since the transfer of the Office from Westminster.—Rep. Sel. Com. 13.
	Rolls Chapel and Augmentation Office.	Where there is an Officer who has no salary, and his whole compensation is derived from fees, he should be remunerated in part by salary and in part by fees, to be regulated on a moderate and fixed scale. There will be an additional reason for such an arrangement, whenever the Private Indexes of these Officers are purchased by the publick. An instance of this sort occurs in the Offices of Keeper of Records in the Rolls Chapel, and in the Augmentation Office.—Rep. Sel. Com. 13.

Appendix, (F. 1.)

Appendix,
(F. 1.)
Account of the Publication of the Calendar of the Inquisitions
Post Mortem.
CALENDARIUM
Inquisitionum
Post Mortem.2 Hen. III.
3 Ric. III.

THE Records preserved in the Tower of London, entitled, *INQUISITIONES POST MORTEM*, or, as they are sometimes called, *ESCHEATS*, commence with the early Part of the Reign of Henry the Third, and end with the Third Year of Richard the Third.

Of the Nature of these Records the following Account was given by the late Thomas Astle, Esquire, Keeper of the Records in the Tower, in his Return to the Order of the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom, printed in the Reports thereupon made, p. 54. viz.

“ These Records are preserved in Bundles, chronologically arranged ; they were taken by virtue of Writs, directed to the Escheators of each County or District, to summon a Jury on Oath, who were to inquire what Lands any Person died seized of, and by what Rents or Services the same were held, and who was the next Heir, and of what Age the Heir was, that the King might be informed of his Right of Escheat or Wardship : They also show whether the Tenant was attainted of Treason, or was an Alien, in either of which Cases they were seized into the King’s Hands ; they likewise shew the Quantity, Quality, and Value of the Lands of which each Tenant died seized, &c. and they are the best Evidences of the Descents of Families and of Property.”

The Calendar to these Records, now published in Two Volumes, is a Transcript of the official Calendars, revised and corrected with the Originals by Mr. Robert Lemon, Chief Clerk in the Tower. The First Volume commences with the Second Year of King Henry the Third ; and the Second concludes with the End of the Reign of Edward the Third. An Index Locorum and an Index Nominum are subjoined to each Volume.

JOHN CALEY,
Sub-Commissioner.

Appendix, (F. 2.)

Appendix,
(F. 2.)
Account of the Publication of the Calendars of the Charter Rolls
and of the Inquisitions ad quod Damnum.
CALENDARIUM
Rotulorum
Chartarum.
1 Joh.
23 Edw. IV.

THE CHARTER ROLLS in the Tower of London begin in the First Year of the Reign of King John, 1199, and end with the Reign of Edward the Fourth, 1483. Their Contents are thus described in the Return made by Thomas Astle, Esquire, Keeper of the Records in the Tower, to the Order of the Select Committee of the House of Commons, and printed in the Reports thereon, page 53 ; “ They contain Royal Grants of Privileges to Cities, Towns, Bodies Corporate, and private Trading Companies belonging to those Cities and Towns ; Grants of Markets, Fairs, and Free Warrens ; Grants of Creation of Nobility, from the Eleventh Year of the Reign of Edward the Second to the End of the Reign of Edward the Fourth ; Grants of Privileges to Religious Houses, &c.”

The Calendar to the Charter Rolls is printed from Three Volumes preserved in the Record Office, apparently written in the Time of James the First, and constitutes the First Part of this printed Volume.

The *INQUISITIONES AD QUOD DAMNUM* commence with the First Year of the Reign of Edward the Second, 1307, and end with the Thirty-eighth Year of Henry the Sixth. These Records are in the above Return described thus ; “ They were taken by virtue of Writs directed to the Escheator of each County ; when any Grant of a Market, Fair, or other Privilege or Licence of Alienation of Lands, was solicited, to inquire by a Jury whether such Grant or Alienation was prejudicial to the King or to others, in case the same should be made.”

Inquisitionum
ad Quod
Damnum.
1 Edw. VI.
38 Hen. VI.

The Calendar to the Inquisitions ad quod Damnum, is printed from one lately made by Mr. Robert Lemon, Chief Clerk in the Office, under the Direction of Thomas Astle, Esquire, and constitutes the Second Part of this printed Volume. Two Sets of Indexes, Locorum et Nominum, as applicable to the separate Parts of the Volume, are subjoined to the Whole.

JOHN CALEY,
Sub-Commissioner.

Appendix, (F. 3.)

Account of the Publication of the Calendar of the Patent Rolls.

Appendix,
(F. 3.)
CALENDARIUM
Rotulorum
Patentium.
3 Johann.
23 Edw. IV.

THE PATENT ROLLS in the Tower of London commence in the Third year of the Reign of King John, and end in the Twenty-third Year of that of Edward the Fourth. They are described by Thomas Astle, Esquire, Keeper of the Records there, in his Return, printed in the Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, &c. page 53, thus; "They contain Grants of
" Offices and Lands—Restitutions of Temporalities to Bishops, Abbots, and other Ecclesiastical Persons—
" Confirmations of Grants made to Bodies Corporate as well Ecclesiastical as Civil—Grants in Fee Farm—
" Special Liveries—Grants of Offices special and general—Patents of Creations of Peers, and Licences of all
" kinds which pass the Great Seal; and on the backs of these Rolls are Commissions to Justices of the Peace,
" of Sewers, and all Commissions (indeed) which pass the Great Seal."

The Calendar to these Rolls now published, is printed from Four Manuscript Volumes, procured in the Year 1775, by Mr. Astle, for Public Use, from the Executors of Henry Rooke, Esquire, collated with Two Manuscripts in the Cottonian Library in the British Museum, marked Titus C. II. & III.

Many Omissions and Deficiencies in the Tower Copy have been supplied by that in the Museum, which seems to have been compiled in the Reign of James the First, from the Records themselves, by some experienced Clerk, who has selected from them what appeared to him most useful and interesting.

It may be proper to observe, that as this Calendar, though entitled to great merit, is only a Selection, various Entries appear on the Patent Rolls which are not here described; and therefore, though this Work will be found to yield much important Information, no one is to be deterred from an Examination of any Record referred to elsewhere, as being on the Patent Roll, because it is not to be discovered here. An Index Rerum, an Index Locorum, and an Index Nominum are subjoined.

JOHN CALEY,
Sub-Commissioner.

Appendix, (F. 4.)

Account of the Publication of the Abstract of the Exchequer Rolls called Originalia.

Appendix,
(F. 4.)
ROTULORUM
Originalium
Abbreviatio.
20 Hen. III.
51 Edw. III.

THE general Nature of the Records of the Court of Exchequer, called ORIGINALIA, in the Lord Treasurer's Remembrancer's Office, was thus stated by the Right Honourable Sir Richard Heron, Baronet, in his Return, printed in the Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, &c. page 155; "The Originalia are the Estreats transmitted from the Court of
" Chancery into this Office, of all Grants of the Crown inrolled on the Patent and other Rolls, whereon any
" Rent is reserved, any Salary payable, or any Service to be performed, which Estreats commence about the
" beginning of the Reign of Henry the Third, and are continued to a late period."

The Abstract, now published, in Two Volumes, commences with the Roll of the Twentieth Year of King Henry the Third, no earlier Record of this Nature being discoverable, and concludes with the End of the Reign of Edward the Third. It has been compiled from a careful Examination of the Office Repertories with the Records themselves; the former, though of considerable Use, having been found not deserving of implicit Reliance. An Index Rerum, an Index Locorum, and an Index Nominum are subjoined to each Volume.

JOHN CALEY,
Sub-Commissioner.

Appendix, (F. 5.)

Account of the Formation, Contents, and Catalogues of the Collection of Cottonian MSS.

THE high Estimation in which the Cottonian Library has ever been held by all Persons competent to appreciate its Value, is amply evinced, not only by the multitude of Testimonies of learned Men, who have had Opportunities to notice its intrinsic Value, and real Importance; but more so by the great Solitude that has at all Times been shewn by the Legislature for its safe Custody and Preservation, as well whilst it continued in the Possession of the illustrious Family from whom it had its origin, as since it became the Property of the Public.

Appendix,
(F. 5.)
COTTONIAN
MSS.

Sir ROBERT COTTON, a Descendant from a very antient Family, which in the Reign of Edward III. flourished in the County of Chester, was born at Denton, near Conington, in Huntingdonshire, on the 22d of January 1570. He was entered at Trinity College, Cambridge, where in 1585 he took the Degree of Batchelor of Arts, and where he early imbibed a Taste for, and laid the Foundation of his pre-eminent Learning in the History and Antiquities of his Country. This bias, on his leaving College, was greatly increased and confirmed by the free Intercourse he immediately commenced with the celebrated Antiquaries, Joscelin, Lambard, Camden, Noel, and several others, who about that Time (though as yet unsuccessfully) attempted to establish a Society for the Investigation of British Antiquities. Animated by the Example of these assiduous Collectors, he neglected no Opportunity (of which Abundance offered at that Time) to acquire a Number of Chronicles, Chartularies, and other Original Muniments, which at the late Dissolution of the Monasteries had found their way into the hands of Private Persons, who in general were by no means aware of their real Importance. In these Endeavours, he was surpassed by none, nor was he in fact equalled by any of his emulous Contemporaries, most of whom ultimately co-operated to increase the Stock he was accumulating for the Benefit of his Country.

In 1599, he accompanied his Friend William Camden in a Journey to the North of England, where they jointly explored the whole Extent of the Picts Wall, and brought away several Inscriptions and Monuments, which, after having been some time deposited at Sir Robert's Seat at Conington, were presented to Trinity College, Cambridge, where they are still carefully preserved.

At the Accession of K. James I. in 1603, he was knighted. In the Year 1608, he was appointed one of the Commissioners for inquiring into the State of the Navy. And in 1611, having been the principal Promoter of the Plan for the Establishment of the Order of Baronets, he was himself raised to that Rank, being created the Thirty-sixth in Succession at the first Nomination.

After having been, during upwards of Thirty Years, a distinguished Ornament to his Country, and the principal Oracle to which Men in the highest Stations recurred for accurate Information and Advice in all Matters relating to the History, the Rights, and the Constitution of the Kingdom, during which Period he produced upwards of Thirty Tracts or Dissertations, chiefly on Political and Constitutional Subjects, most of them written at the Desire of Men in Power, if not at the express Command of his Sovereign; it is no doubt greatly to be lamented that a Life so meritorious should, towards its Close, have been embittered by base Calumny and the arbitrary Proceedings of those from whom he had an undoubted Right to expect distinguished Favour and Protection.

By Order of The Privy Council, once in the Reign of James I. 1615, and again in the Reign of Charles I. 1629, his Library was locked up, as not of a Nature to be exposed to Public Inspection, and he was himself excluded from the Use of it.

Shortly before his Death, he caused to be signified to the Privy Council, "that their so long detaining his Books from him, without rendering any Reason for the same, had been the Cause of his mortal Malady." He died on the 6th of May 1631, aged Sixty Years Three Months and Fifteen Days, and was buried on the South Side of the Church of Conington, where a suitable Monument was erected to his ever-revered Memory.

That his Library continued in Sequestration some Time after his Death, appears manifest from the Petition of Sir Thomas Cotton, his only Son and Heir, wherein he states that his Study had been a long Time locked up, and himself

Appendix,
(F. 5.)
COTTONIAN
MSS.

himself debarred from the Use of it ; and that it appeared from a Schedule of the Contents of the said Library prepared for the Purpose, that there were no Books or Papers therein but such as were the undoubted Property of the Petitioner : he therefore humbly prayed that he might henceforth have the free Use of his Study, it being the best Room in his House.

Although no Record appears to be extant that the Prayer of this Petition was complied with, yet there is every Reason to believe that it was soon after granted ; and that Sir Thomas, to whom the Property had devolved, continued to the Day of his Death, which happened in the Year 1662, in quiet Possession of his Library.

We are informed by Stukeley, that ——— Bromsall, Esquire, of Blunham in Bedfordshire, High Sheriff for the County of Bedford in the Year 1650, was greatly instrumental in preserving this inestimable Treasure during the Convulsions of the Civil Wars, in which all Documents of a constitutional and legal Nature were industriously sought after, in order to be destroyed.

Sir Thomas Cotton was succeeded by Sir John, his eldest Son ; and he too appears to have been never molested in the free Enjoyment of his Library. During the latter Part of his Life he readily permitted Doctor Thomas Smith to compile the Catalogue of the Collection, which was printed at Oxford in the Year 1696.

The next, and respecting the Public, the most important Transaction concerning this Library, is recorded in the Statute made in the Year 1700, intituled, “ An Act for the better settling and preserving the Library kept in “ the House at Westminster called Cotton House, in the Name and Family of the Cottons for the Benefit of the “ Public.” This Act, after doing ample Justice to Sir Robert Cotton, for forming a most valuable Collection of Manuscripts, Papers, Records, &c. “ of great Use and Service for the Knowledge and Preservation of our Con- “ stitution in Church and State, and generally esteemed the best of its Kind now any where extant ;” and reciting that the same had been carefully preserved, and much augmented and enlarged by Sir Thomas the Son, and Sir John the Grandson of the said Sir Robert Cotton, declares, “ that the said Sir John Cotton, in pur- “ suance of the Desire and Intentions of his Father and Grandfather, is content and willing that his Mansion “ House and Library should continue in his Family and Name, and that it be kept and preserved by the Name “ of the Cottonian Library, for public Use and Advantage.”

After this Preamble, so honourable to the Collectors, and so decisive in favour of the Utility and Importance of the Collection, the Statute enacts, that after Sir John Cotton's Death, the said Library, together with his Mansion House and its Appurtenances, be vested in Trustees ; the House, for the Use of the Descendents of Sir Robert Cotton, the Founder, for ever ; and the Library to be carefully preserved for the public Use, without suffering any Alienation or Embezzlement upon any account whatever.

The first concern of the Trustees appointed by this Act was to cause the Library to be carefully inspected, in order to ascertain and identify its Contents, that they might render the Keeper whom they were to appoint to the Care of it, responsible for the Security of the same. For this Purpose they named Matthew Hutton, John Anstis, and Humphrey Wanley, Three of the most eminent Antiquaries of those Days, to examine carefully into the State of it, and report to them concerning its Extent and State of Preservation. This Report, dated June 22d, 1703, is extant in Manuscript in the British Museum, from which it appears that they compared all the Volumes in the Library with the Entries in Dr. Smith's Catalogue, and ascertained the Number of Pages in each Volume ; but that being limited for Time, they did not make any material Corrections in the said Catalogue, which they acknowledged to be in several Places materially defective. They likewise represented many of the Volumes to be in a State of Decay, and the Place where the Library was kept not altogether calculated for its Preservation.

The Solicitude of the Legislature to have this important Collection effectually secured for the Use of the Public, induced them soon after to frame a new Statute, entitled, “ An Act for the better securing Her “ Majesty's Purchase of Cotton House in Westminster ;” in which, after reciting that the Library, in its present Situation, was by no Means in the State of Security, nor of the Degree of Utility, it was intended to be ; it was provided, that “ to the Intent so great a Treasure of Books and Manuscripts, so generously given for “ the Public Service, might not remain any longer useless ; and that it might be in Her Majesty's Power “ to make this most valuable Collection useful to her own Subjects, and to all learned Strangers ;” an Agreement had been made with Sir John Cotton, Grandson to the Donor, for the Purchase of the Inheritance of the House where the Library was deposited, for the Sum of £.4,500, which Purchase could not have been made without an Act of Parliament, the preceding Act concerning this Library having directed that the House should not be sold or alienated : and that the said House be henceforth vested in the Queen, her Heirs and Successors for ever.

Whether

Whether it was for the purpose of erecting a new Building for the Reception of the Library on the Site of the said House, which indeed was directed by the last-mentioned Act, or for what other Reason, does not at present appear ; but we are informed in a subsequent Report of a Committee of the House of Commons, that the Library was in the Year 1712 removed to Essex House in Essex-street, Strand, where it continued to the Year 1730, when it was conveyed back to Westminster, and deposited in a House in Little Dean's Yard, purchased by the Crown of the Lord Ashburnham.

Appendix,
(F. 5.)
COTTONIAN
MSS.

Here, shortly after, viz. on the 23d of October, 1731, in the Morning, a Fire broke out, which destroyed several, and damaged many of the Manuscripts, and was near proving fatal to the whole Library: what remained was removed, by Permission of the Dean and Chapter, into a new Building designed for the Dormitory of Westminster School; and the Trustees (particularly Mr. Speaker Onslow, who, instantly upon hearing of the Fire, hastened to the Spot, and personally assisted in rescuing all that could be saved from the Flames) immediately took the most effectual Steps in their Power for retrieving as much of the Damage as could be repaired. They took the Opinion of several of the most experienced Officers entrusted with Public Records, concerning the best Expedients in this Emergency, and proceeded in the Manner suggested by them in redressing the Injury. Nor was the House of Commons inattentive to this Misfortune, since we find a Report of a Committee appointed by them to view the Cottonian Library, and other Public Records of the Kingdom, dated May 9, 1732; in which an ample Account is given of the Accident itself, and of the Measures that were adopted in consequence of the Damage it occasioned. To this Report is likewise added an Appendix, showing at large what Manuscripts had been wholly destroyed or materially injured, that Persons who may be possessed of Copies of them, might have an Opportunity of contributing to the Reparation of the Loss, by communicating those Transcripts.

When at length, in the Year 1753, the Legislature was induced by the Will of Sir Hans Sloane, Baronet, to purchase his extensive Collection of Natural and Artificial Curiosities, and to establish a National Repository, under the Name of the British Museum, it did not escape them, how valuable and important an Addition the Cottonian Library would be to an Establishment of such great public Utility. The Act therefore made in that Year, after reciting the weighty Motives that prompted them thereto, directed that the said Library be deposited in the above-mentioned Museum; and that Two Trustees, to be nominated in Succession by the Representatives of the Cotton Family, be for ever added to those appointed by this Act, for the Execution of the Purposes thereof.

It remains now to lay before the Public what Steps the Curators of the British Museum have taken in order to fulfil the Intentions of the Founder, the Donor, and the Legislature, respecting this important Part of their Trust. —After causing the Library to be carefully deposited in a safe and conspicuous Part of the Department of Manuscripts, they being aware that much remained yet to be done, in order to render it as useful as the Nature of its Contents would admit of, were pleased in the Year 1793, to direct the Keeper of that Department (an Office then held by me) to take every Step that might be deemed advisable to restore such of the damaged Volumes as were thought yet capable of some further Repairs; and the Imperfection of Smith's Repertory having been repeatedly complained of, to prepare a new and more accurate Catalogue without Delay. The following Account of the Manner in which I endeavoured to acquit myself of this Task, will at the same Time convey the best Idea I can give of the present State of the Library.

This Library, which originally consisted of 958 Volumes, was by the above-mentioned Fire in the Year 1731, reduced to 861 Volumes, of which, when brought to the Museum, 105 were damaged Bundles preserved in Cases. Many of the Volumes in Bindings were not paged at all; and few indeed were paged with Accuracy. In several of them there were evident Marks that Leaves had been purloined; and some had been bound up with much Irregularity and Disorder. Concerning the Bundles in Cases, the Committee of the House of Commons, who, in the Year 1732, examined into the Damage occasioned by the Fire, reported that several of them might, in careful Hands, be so far restored as to be rendered useful. But this was afterwards rendered a Task of much greater Difficulty; the Persons by whom they had been occasionally handled, having thrown them into great, and in many Instances irretrievable Confusion.

With respect to Dr. Smith's Catalogue, the Number of Articles entered in it, does not much exceed 6,200, which it will be seen hereafter is not a Fourth Part of the Contents of these 861 Volumes. The chief Omissions are in the State Papers and Collections of small detached Tracts, of which there are no less than 170 Volumes. Most of these are entered only as single Articles, whereas upon an Average each of them contains at least 100 distinct Pieces. About 80 of these Volumes, as Sir William Dugdale informs us in his Life, were by him found in loose Bundles, and caused to be bound up, but unfortunately without any Order as to Persons, Times, or Matter; whence it follows that they have been hitherto little used, because little known, and almost inaccessible for want of proper Calendars.

Appendix,
(F. 5.)
COTTONIAN
MSS.

My first Care, on entering upon my Task, was to cause all the Volumes to be regularly paged, or at least the old paging to be accurately ascertained, without however obliterating the old Numbers, since that would have proved fatal to the many References that have been made to these Manuscripts. I then proceeded to examine the Bundles in Cases, and found Means, after many repeated and not a few unsuccessful Attempts, to arrange several Volumes and Parts of Volumes of State Papers. Some of the shrivelled Manuscripts on Vellum I likewise found capable of being restored, though not without great Care and Dexterity on the part of the Bookbinder. With his Assistance I have succeeded in restoring Fifty-one of the above one hundred and eighty-five damaged Manuscripts, which are now bound in forty-four Volumes; and though several of these be still defective, especially where Parts have been consumed or defaced by Fire; yet upon the whole it will be found that much useful and authentic Information is still preserved in them. The remaining sixty-one Bundles have appeared to me irretrievable; and indeed most of them seem to be obscure Tracts, and Fragments of little or no Importance. They are now contained in sixty-two Cases.

This done, I applied myself to the Compilation of the Catalogue. And here each separate Article has been entered in its successive Order, under as short and yet comprehensive a Title as could be devised, which, especially in the Multitude of Letters and Tracts in a great Variety of antiquated Languages and Hand-writings, and without either Argument or Rubrics, was attended with no small Degree of Difficulty and Labour. Particular Pains have been taken to discover the true Authors of anonymous and pseudonymous Works; in many Instances, especially in anonymous Poems, the first Lines have been transcribed in the Catalogue, in order to identify the Piece. Notice has been taken of those Works that have been published, and References have been made to the Titles of the Publications, or to the Collections in which they have been edited. All possible Endeavours have been used to ascertain the Dates of the Letters and State Papers where (as has but too often been the Case in the last and the preceding Century) the Writers have omitted them; and even Approximations, with Marks of Interrogation, have been inserted where the exact Dates could not be obtained. The Folio of each Article has been entered; and the Number of Folios in each Volume has been noted, both in the Catalogue and at the end of the Volume, in hopes thereby to prevent all future Mutilation, or at least to lay it open to Detection. The Form of each Volume, the Material on which it is written, and its Age, if prior to the Fifteenth Century, when it could be ascertained with any Degree of Probability, have likewise been described in the Catalogue.

This Catalogue, thus drawn up with all the Industry and Circumspection of which I was capable, will be found to contain about 26,000 Articles. That in the Variety and Perplexity of Research implied in so intricate a Maze of latent Facts, no Errors should have escaped my best Endeavours, will hardly be expected, especially by those who are apprized that in the Opinion of the best Bibliographers, no Work of this Nature, certainly none executed by one single Person, and one moreover incessantly distracted by a Variety of other Avocations, has ever been produced free from Imperfections. But it is hoped that these Imperfections, however numerous, will not materially affect the Utility of the Performance.

This Catalogue remained in Manuscript in the Library till last Year, when a COMMITTEE OF THE HOUSE OF COMMONS FOR ENQUIRING INTO THE STATE OF THE RECORDS OF THE KINGDOM, having ordered a Report concerning the Contents of the British Museum, respecting the Objects of their Researches, were necessarily informed of its Existence; and having been apprized by competent Judges that its Publication might prove an Object of much Utility, recommended the Printing of it to be proceeded upon without Delay.

British Museum,
Dec. 23, 1801.

J. PLANTA.

Appendix, (F. 6.)Account of the Formation, Contents, and Catalogues of the
Collection of Harleian MSS.HARLEIAN
MSS.

I.

THE great Repute in which the Harleian Collection of Manuscripts hath for several Years past been confessedly held, not only in England but throughout Europe, the many useful Materials already drawn from its Stores, as well by Foreigners as our own Countrymen, and the Rank it justly claims amongst the most celebrated Libraries at present subsisting, induced the learned World to express an Impatience for a more intimate Knowledge of its Contents. In order therefore to give the requisite Satisfaction, and that every Student may, with as little Inconvenience to himself as possible, be informed what Helps this Treasury of Erudition will furnish him with in promoting his Researches, the Catalogue, together with a copious Index, is now submitted to the Public.

This Collection of Manuscripts was begun, towards the latter End of the last Century, by ROBERT HARLEY, of Brampton Bryan, in the County of Hereford, Esq. who, on the 11th of February 1700-1, was chosen Speaker of the House of Commons; on the 24th of May 1711, created Earl of Oxford and Mortimer; and five Days afterwards, promoted to the important Station of Lord High Treasurer of Great Britain. An innate Love of Science, the exemplary Attachment of several of his Ancestors to Literature, and a strong Propensity to search into the Transactions of former Ages, had determined him, in the early Part of his Life, to purchase whatever curious Manuscripts he could meet with, more especially such as in anywise tend to explain and illustrate the History, Laws, Customs, and Antiquities of his native Country.

We have no Account transmitted to us of any considerable Number of valuable Books being, at any one Time, preceding the Reformation, introduced into England; except the Collections made by Order of Humphry Duke of Gloucester, for his Library at Oxford, and the curious Greek Books brought hither by the Prelates, and other Dignitaries of that Church, after the taking of Constantinople; which Archbishop Warham soon after purchased and presented to New College.

King Henry VIII. soon after the general Dissolution of Religious Houses, founded the Royal Library for the Use of the Princes of the Blood, placing therein many choice MSS. collected by John Leland and others out of the Spoils of the Monasteries. This Library was afterwards considerably augmented by his Successors, and is now preserved in the British Museum, by Order of His late Majesty King George II.

Towards the End of Queen Elizabeth's Reign, Sir Thomas Bodley turned his Thoughts to the reinstating the Public Library at Oxford, then in a ruinous Condition, and to the adorning it not only with Printed Books, but with whatever Manuscripts could at that Time be procured. To this end he quitted the Court, and dedicated the Remainder of his Life to the searching after and purchasing Books and Manuscripts at home, whilst his Agents abroad ransacked almost every Part of Europe for the like literary Supplies. By these Means he had the Satisfaction of furnishing that Library with One thousand two hundred and ninety-four rare MSS., which by the subsequent Liberality of William Earl of Pembroke, Sir Kenelm Digby, Archbishop Laud, Mr. Selden, Sir Thomas Roe, Lord Fairfax, Bishop Barlow, Franciscus Junius, Dr. Huntingdon, Sir Henry Savill, Dr. Pocock, Mr. Dodsworth, and others, were encreased to Six thousand eight hundred and eighteen Volumes, exclusive of eighteen hundred and ninety-eight deposited in the Ashmolean Museum.

Bodley's great Cotemporary, Sir Robert Cotton, had been equally diligent in collecting antient MSS. The Study of Antiquities, particularly those of this Kingdom, had engaged his Attention, though he always showed a high Regard for every Part of philological Learning, in all which he was extremely conversant. He had observed with Regret, that the History, Laws, and Constitution of Britain, were in general very insufficiently understood; and being fully convinced, that the Preservation of such Monuments of Antiquity, and other Documents, as were conducive to render the Knowledge of them, and their Deductions from their primary State, more accurate and universal, would necessarily redound to the Advantage of the Public, he had, in an expensive and indefatigable Labour of upwards of Forty Years, accumulated those numerous and inestimable Treasures which compose the Cottonian Library, and now remain an indisputable Testimony of his benevolent Disposition towards his native Country.

But,

Appendix,
(F. 6.)

HARLEIAN
MSS.

But happily, these Patrons of Literature lived in an Age peculiarly favourable to the Completion of their respective Purposes, and more especially to those of the latter. The late general Dissolution of Religious Houses had dispersed an infinite Number of curious Manuscripts; many of these were secured by the Nobility and Gentry: but no inconsiderable Number falling into the Hands of Peasants, Mechanics, and other Persons ignorant of their Importance, and totally inattentive to their Preservation, were easily to be purchased. - From this Source Sir Robert Cotton had supplied his Library with a Multitude of rare Manuscripts, and to them Mr. Camden, Mr. Lambert, Dr. Dee, and Sir Christopher Hatton, had kindly contributed their Stores.

Matthew Parker, Archbishop of Canterbury, had before taken the same Opportunity of repositing a good Number of excellent Manuscripts, both in the Public Library, and in that of Corpus Christi College in Cambridge; and many considerable Augmentations of the like Kind had been made to the Libraries of the several Colleges in the two Universities, as also to those of our Cathedral Churches, the Palace at Lambeth, and the College of Arms.

Thomas Earl of Arundel had made large Collections of Manuscripts, which afterwards were presented to the Royal Society by his Grandson, Henry Duke of Norfolk.

The Inns of Court had procured, for their respective Libraries, divers excellent antient Manuscripts, relating to the municipal Laws of this and the neighbouring Kingdoms; and Mr. Vaughan of Hengwrt had hoarded up, and perpetuated to his Family, most of the valuable Manuscripts relating to the Principality of Wales, and the History of the Antient Britons.

The Possessors of Lands heretofore belonging to Abbies, Priories, &c. being apprized that the antient Chartularies, Registers, Ledger Books, and other Muniments of those Religious Houses, might be of infinite Use in discovering and evincing the various Rights, Privileges, and Immunities annexed to those Estates, had been industrious in collecting them, in order to their being religiously preserved amongst their other Family Evidences; and as a Taste for Letters increased, many curious Persons were vying with each other in the Curiosities and other literary Furniture of their respective Libraries.

A similar Passion for collecting Manuscripts, and forming as well Private as Public Libraries, had long displayed itself in many other Parts of Europe. Pope Sixtus v. on his re-building the Vatican Library, in the Year 1588, had used his utmost Efforts to improve it, by the Addition of the most valuable Manuscripts. His Influence had procured it large Supplies, and most of the succeeding Pontiffs, particularly Pope Clement XI. having in that Respect followed his Example, their Agents and Dependents had, from Time to Time, interested themselves, and that with great Success, for its further Augmentation.

Large Collections of Manuscripts had been placed in the Archives of the Church of St. Peter, and in the following Libraries; viz. of the Fathers of St. Basil, the Dominicans of Sancta Maria Sopra Minerva, and the Palaces of Ottoboni, Chigi, Barbarini and Altieri, at Rome; the Convents of St. Severini, Monte Cassini, Monte Oliveto, and St. John de Carbonara, at Naples; the Royal Palace, and the University of Turin; the Ducal Palace at Modena; the Ambrosian College at Milan; the Laurentian (Medicean); Benedictine, and Dominican Convents at Florence; the Ducal Palace at Parma; St. Mark at Venice; the Canons Regular at Bologna; and in other Libraries in Italy.

Most of the Manuscript Collections made by the German Literati had been swallowed up by the Imperial Library at Vienna, which, after all the Monasteries in Austria, by the special Order of the Emperor Maximilian I. had been, as it were, pillaged of their Manuscripts, for its Enrichment, was further increased by the Acquisition of a great Part of the once celebrated Buda Library.

Plentiful Supplies of the like Kind had been thrown into the Clementine College at Prague, the Ducal Library at Gotha, the Magistrates' Library at Leipsic, and the Libraries of the Universities of Jena, Leipsic, and Leyden.

The Heidelberg Library, very famous on account of the many fine Manuscripts wherewith it was replete, had been further greatly enriched a little before the Disturbance in Germany occasioned its being removed into the Vatican.

No small Number of Manuscripts had been purchased for the Increase of the Royal Library at Dresden. Queen Christina had not only possessed herself of the rich Manuscript Library of Petavius, and many choice Manuscripts taken by her Father, the great Gustavus Adolphus, from the Library of the Royal Palace at Prague, and many Towns in Germany; but had even drained Sweden, and the North, of those numerous Manuscripts that she carried with her to Rome, and which, after her death, were divided between the Vatican and Ottoboni Libraries.

The

The French King's Library, from its first Institution by Francis I. had been continually and wonderfully increasing, and afterwards received an Augmentation of no less than Ten thousand Manuscripts, by the Procurement of Cardinal de Fleury, who incessantly exerted his utmost Endeavours for its further Supply.

Appendix,
(F. 6.)

HARLEIAN
MSS.

The Religious Houses in Europe had always shown a particular Zeal for the Possession of Manuscripts, and continued indefatigable in soliciting and encouraging their Patrons and Benefactors to search out the like valuable Treasures, and present them to their Libraries.

Such rare Books as were found in the several famous Seminaries of Literature in Africa, and brought into Spain, had, together with a great Number of Eastern Manuscripts, been collected, and lodged in the Escorial. Constantinople and Greece had been nearly exhausted of their Manuscripts by the European Travellers in those parts; particularly by John Lascaris, for the Laurentian Medicean at Florence; by Cardinal Bessarion, for those numerous Manuscripts which he left by his Will to the Public Library at Venice; by Leo Allatius, for the Barbarini Library; and by the Abbé St. Sevin and others, for the Royal Library at Paris.

After so many Manuscripts had been thus secured in public Libraries, and such a variety of Industry used for the Supply of those sacred Magazines of Learning, the Prospect of furnishing a new Library with any considerable Number of choice Manuscripts, was very unpromising. But whatever Discouragements it might suggest to Mr. Harley, they were far from checking his Attempts. He resolved to persevere, and steadily pursue his Plan. He soon had the Satisfaction of finding his Endeavours attended with remarkable Success; for, although the first considerable Collection which he purchased was in August 1705, we are assured by Bishop Nicolson (who well knew) that in less than Ten Years he had got together near 2,500 curious and rare Manuscripts, in different Branches of Literature; amongst which were those of Sir Simon D'Ewes, the Suffolk Antiquary; Mr. John Stow, Author of the Survey of London; Mr. Charles, Lancaster Herald; and John Fox, the Martyrologist.

These unexpected and pleasing Acquisitions would alone have sufficiently encouraged a Person less devoted to the Love of Antiquity than Mr. Harley to continue the Pursuit with Vigour; but he met with still further and irresistible Inducements. Dr. George Hicks, the great Restorer of Northern Learning, Mr. Anstis, Garter King at Arms, Bishop Nicolson, Col. Worsley, Sir Gilbert Dolben, Mr. Prior, Dr. Stratford, Canon of Christ Church, Sir Thomas Hoby, Peter Le Neve, Esquire, and other eminent Antiquaries, not only offered him their Assistance in procuring Manuscripts, but presented him with several which were extremely valuable. Thus excited, he determined to lose no time in bringing to Maturity a Design which he had so successfully begun; and therefore whilst engaged in the Service of the State, he was constantly attentive to the enlarging his Collection; and after his Retirement from public Business, spent the remainder of his Days in an unwearied Application to the gaining further Accessions to his Library, not sparing any Costs necessary for that Purpose. He likewise kept many Persons employed in purchasing Manuscripts for him abroad, giving them such written Instructions for their Conduct in that Respect, as sufficiently manifest the exact Knowledge he had acquired as well of every curious Manuscript, as of the Person, Circumstances, and Residence of its Possessor. By these Means the Manuscript Library was, in the Year 1721, increased to near Six thousand Books, Fourteen thousand Original Charters, and Five hundred Rolls.

This great Encourager of Literature died on the 21st of May 1724.

His Son Edward, Lord Harley, the Inheritor of his Honours and Fortune, with equal Firmness and Perseverance pursued the Plan; and with incessant Assiduity, and at an immense Expense, enlarged the Collection, so that at his Decease, which happened on Tuesday the Sixteenth of June 1741, the Manuscript Library consisted of near Eight thousand Volumes. But many of them being composed of several distinct and independent Treatises, the Number of Books, separately considered, may be reckoned to amount to upwards of Ten thousand; exclusive of several curious loose Papers, which have been since sorted and bound up in Volumes; and above Forty thousand Original Rolls, Charters with their Confirmations, Letters Patent, Signs Manual, Privy Seals, Grants, Feofments, Final Concords, Exchanges, Warrants, and other Deeds and Instruments of great Antiquity; for the most part relating to Great Britain and Ireland.

That the principal Point, which the Noble Founders of this Treasury of Learning had in View, was the Establishment of a Manuscript English Historical Library, and the rescuing from Oblivion and Destruction, such valuable Records of our National Antiquities as had escaped the Diligence of former Collectors, is indubitable, although it is evident that their Views were more extensive; this Library containing also large Collections in various Branches of Science and Literature; Bibles, and Biblical Books; Cabbalas, Talmuds, and Targums; Writings of the Fathers of the Church; Liturgies, Missals, and Breviaries; Evangelistaria, Lectionaries, and other Books of Religion and Devotion; besides many antient Copies of Greek and Latin Classics and Historians; Lexicons, Dictionaries, and Glossaries in most Languages; Histories, and Chronicles of many European Nations; Voyages and Travels; Works upon Civil Architecture, Ship-building, and Military Affairs; upon Astronomy;

Appendix,
(F. 6.)

HARLEIAN
MSS.

Cosmography, Geography, Natural History, and Agriculture ; and a vast variety of Chemical, Chirurgical, and Medical Tracts ; Works of Poetry, Musical Compositions, Illuminations, and Paintings, &c. &c.

The Materials which constitute the chief Value of this Collection, as forming a Manuscript Historical Library for England, Wales, Scotland, and Ireland, may be divided into Topographical Description ; Civil and Ecclesiastical History and Antiquities ; the Registers, Chartularies, and other Evidences of the Estates of antient Nobility ; and Books of Heraldry, Ceremonials, and Solemnities :

First, For the Topographical Part ; Histories and Surveys of several Counties, and the Customs of their Inhabitants ; Memorials of the Founding and Incorporation of Cities, Towns, Boroughs, and Villages, with the most remarkable Events that have happened to each ; their Antiquities and other Curiosities. Accounts of the Erections of Temples, Castles, and other Buildings ; and of the Remains (if any) of such as have been destroyed. The Establishment and Endowment of Parishes, Foundations of Religious Houses, Books of antient Tenures, Inquisitions post Mortem, Escheats, Customaries, Terriers of Manors, Perambulations of Forests, Accounts of antient Coin, Monumental Inscriptions, Forts, Camps, Roads, Military Ways, and other Antiquities, which have been casually discovered in particular Places. Notes concerning the most remarkable Rivers, Mountains, Mines, Minerals, and other Curiosities. A variety of Tracts, and Memoranda relating to particular Parts of England, as well in its pristine State, when separated into petty Kingdoms, Provinces, and Principalities, during the Times of the Britons, Romans, and Saxons, as subsequently, when under the Dominion of One Monarch ; divided into Counties, Ridings, Rapes, Wapentakes, &c. As also the laborious Collections made by Sir Simond D'Ewes, John Fox the Martyrologist, Mr. Erdeswick, honest John Stow, Mr. Charles, Lancaster Herald, and others.

Secondly, For the Civil and Ecclesiastical History ; valuable Copies of our antient Historians and Chroniclers, as Gildas, Nennius, Asserius Menevensis, Ælfred of Beverly, Abbot Benedict, Castoreus or John Beaver, J. Brompton, Raulf Boun, Douglass Monk of Glastonbury, Edmerus, Florence of Worcester, Robert of Gloucester, William Giseburn, R. Hoveden, Henry Huntingdon, Peter de Ickham, John Joselyne, R. Higden, Peter Langtoft, J. Lewis, Adam Murimuth, Geoffery of Monmouth, Robertus Montensis, John Pyke. Sir Walter Raleigh, Robert de Reading, Thomas Rudburne, Simeon of Durham, Richard Spote, Nicholas Trivett, John Wallingford, Thomas Walsingham, Walter of Coventry, Gotselinus de Sancto Bertino, and sundry anonymous Authors of good Value. A finely illuminated Copy of John Harding's Chronicle, much more perfect than the Edition published by Grafton, and containing the Letter of Defiance sent to King Henry the Fourth by the old Earl of Northumberland, Henry Hotspur, his Son, and the Earl of Worcester, his Brother, before the Battle of Shrewsbury ; some Discourses of the same old Earl, touching John of Gaunt ; a Map of Scotland, from Carlisle to the Water of Tay ; and another from thence to Sutherland and Caithness ; with sundry other Matters omitted likewise by Grafton. A Transcript of John de Trevisa's Translation of Higden's Polychronicon, differing from the Account given of that Work by Bale and Pitts ; together with several other Translations and Compositions of Trevisa, not to be met with in any other Book. No less than Four antient Copies of the Polycratica Temporum of Roger Cestrensis ; from whence R. Higden stole his Polychronicon. The famous and very antient Copy of William Malmsbury's elaborate Treatise de Gestis Regum Anglorum, which was formerly preserved with great religious Care at Rochester. An Exemplar of Four Books de Gestis Pontificum, written in the Twelfth Century, and several Transcripts of the Dunstable Chronicle, one whereof is most beautifully illuminated ; and another adorned with the Blazon of the Arms of divers Emperors and Kings.

Chronicles and Histories of Abbies, and other religious Houses ; as those of Abingdon, St. Alban's, Alnwick, Bermondsey, St. Edmund's Bury, St. David's, Hales, Lichfield, Ely, St. Paul's London, and Peterborough,

Lives of particular Kings, and Histories of their Reigns. As of Edward the Confessor. King Harold ; of whose Life and Miracles here is a very fair Copy, written in the 12th Century. Henry I. Richard I. Henry III. Edward I. Edward II. and Edward III. The History of Richard II. written by Francis de Marque, a French Gentleman Attendant on the Court in the Queen's Service ; adorned with Sixteen admirable Paintings, wherein the principal Persons and Habits of those Times are most accurately represented. As also those of Henry IV. Henry V. Henry VI. and Edward IV.

Many original Instructions to Ambassadors, and Letters which passed between them and the chief Ministers of their Courts ; together with authentic Copies of an immense Number of others.

Letters to and from Foreign Princes and States, Negotiations, Alliances, Leagues, Truces, and Treaties of Peace, Commerce, and Navigation.

Summons to Parliament from the 49th of Henry III. to the Twenty-first Year of the Reign of King Henry VIII. in many Places larger and more correct than the Work published under that Title by Sir William Dugdale. Transcripts of the Rolls, Journals, and Memoranda of Parliament ; particularly a Copy of the Parliament Rolls, beginning at the Fourth Year of King Edward II. and continued to the End of the last Parliament of King Henry

Henry VIII. in Thirty Volumes; amongst which are the Parliament Rolls of the Fifth, Eighth, and Ninth Years of King Edward II. which are, with others, omitted by Sir Robert Cotton in his Abridgment of the Tower Records, and by him supposed to have been lost. Journals of the House of Lords, from the First Year of Henry VIII. to the End of the Year 1740, in Sixty-nine Volumes. As also One hundred and eleven other Volumes; containing the Journals of the House of Commons from the First Year (inclusive) of King Edward VI. to the Eighth Day of March 1701. A numerous Collection of Privileges and Orders of Parliament; and sundry Papers relative to Parliamentary Affairs.

Appendix,
(F. 6.)

HARLEIAN
MSS.

Proclamations, Original Letters, Journals, and other Books of the Privy Council.

Books of Aids, Subsidies, Reliefs, Taxes granted to sundry particular Kings of England; and Account Books of the Product, Disposal, &c. of the antient Demesne Lands of the Crown.

Letters, Papers, Books of Docquets, &c. relative to the Offices of the Privy Seal, Signet, Ordnance, Admiralty, Navy, Victualling, Customs, and Excise; particularly a most curious and valuable Volume, once belonging to Lord Treasurer Burleigh, being a Register of the Grants, &c. which passed the Privy Seal, Signet, or Sign Manual, during the Reigns of King Edward V. and King Richard III. consisting of no less than Two thousand three hundred and seventy-eight Articles. Three Volumes of very interesting Original Papers and Letters, which belonged to John Holles, Duke of Newcastle, as Lord Privy Seal to Queen Anne; giving a better Insight into the Transactions of those Times, and the immense Sums issued on Account of the Forces employed under the Duke of Marlborough, than can easily be met with elsewhere.

Accounts of the Public Revenue, and National Expenses. Journals of Commissioners for stating the Public Accounts of the Kingdom. The Black Books of the King's House, and other Books and Papers of the Household, Treasurer of the Chamber, &c. Inventories and Indentures of the Jewel Office and Wardrobe. Orders, Proceedings, and Accounts of the Office of Works. Laws and Ordinances for Management of the Mint; with other Original Papers concerning the Mint, Coinage, and Money Matters.

Several large Collections of Letters and Speeches of our Kings, their Chief Ministers and other Persons of Eminence; particularly Four Volumes, containing Original Letters by the Royal Family of England, from King Henry VIII. to the End of King Charles I. Eighteen Volumes of Original Letters of divers considerable Persons, relating to Public Affairs from the Year 1307 to 1716. And Two Volumes, containing Letters written to Henry, Prince of Wales; together with Original Draughts of his own Letters. The above Volumes afford interesting Anecdotes, particularly relative to Queen Elizabeth, James I. Charles I. and Charles II. unnoticed by the most elaborate Writers of the English History; and may be justly deemed inestimable Remains of the Times to which they relate.

Histories of the first planting and propagating of Christianity in Britain, and its Growth and Increase under the British and Saxon Prelacies.

The Lives and Successions of English Archbishops and Bishops; particularly a most noble illuminated Copy of the Lives of the Seven first Archbishops of Canterbury, by Gotselinus de Sancto Bertino, Monk of St Augustine's at Canterbury, in the Time of St. Anselm; and of which the First Part only, containing the Life of St. Augustine, is published by Mr. Wharton.

Saxon and English Councils, and the Canons promulgated by them. Provincial and Diocesan Canons and Constitutions.

The Forms and Manner of Election, and Consecration of Archbishops and Bishops; their Jurisdictions, Privileges, and Courts. Surveys, Terriers, and Rentals of their Possessions; Taxations of their Spiritualties and Temporalities, and Inquisitions relative to the State of their respective Dioceses.

Lives and Canonizations of sundry British, Saxon, and English Saints; as St. Anselm, by Eadmerus; St. Adan and St. Alban, St. Thomas Becket, by an anonymous Author, under the Title of *Quadrilogus*. Another Life of St. Thomas Becket, wrote within Five Years after his Death, by Garnierus de Ponte S. Maxentii. Venerable Bede. St. Cuthbert, tutelar Saint of Durham. St. David, by Giraldus Cambrensis. St. Dunstan. St. Elphege, and Odo, Archbishop of Canterbury, by Osbern, Monk and Præcentor of that Church. St. Edmund, King of the East Angles, by Abbo Floriacensis; and his Cousin and Companion St. Fremund, Son of King Offa, by Burchard of Dorchester, both translated into old English by Lidgate of Bury. St. Edmund, Archbishop of Canterbury and Confessor; and St. Edward, King and Confessor, by Ælred, Abbot of Rievaulx. St. Guthlac, of Croyland. St. Goodric, the Hermit of Finchale. St. Gilbert, Founder of the English Order of Gilbertines. St. Hugh, Bishop of Lincoln, by Giraldus Cambrensis. St. Marcellinus, of York. St. Mildred, by Gotselinus de Sancto Bertino. St. Oswald, King and Martyr. St. Oswald, Archbishop of York. St. Robert, Bishop of Hereford, by William of Lanthony. St. William, Archbishop of York. St. Wulfric, Anchorite of Hasleberg, by John Abbot

Appendix,
(F. 6.)

HARLEIAN
MSS.

Abbot of Ford. St. Wlfstan, Bishop of Worcester, &c. As also an antient Calendar, in which the Festivals of all our Northern English Saints are duly noted.

Authentic Papers and Memorials relating to the Dissolution of Religious Houses, and the Establishment of the Reformation; as Original Letters to and from the Visitors appointed to examine the Abbies, &c. and from the Abbots, Priors, &c. of those Houses to Cromwell and the Visitors. Visitatorial Certificates of the Value of several Churches belonging to those Ecclesiastical Bodies; and Draughts of Acts of Parliament for their Dissolution; some in the Hand-writing of King Henry VIII. Inventories of Plate, Jewels, and other Valuables, belonging to dissolved Abbies, Priories, Colleges, free Chapels, Chantries, and Gilds. Inquisitions, with the state of several Episcopal Dioceses, and the Returns made thereto by the Bishops. Accounts of the Erection and Proceedings of the Court of Augmentation; more especially Four Original and very valuable Volumes belonging to that Court; and containing, First, Transcripts of the Surveys of the Possessions belonging to divers Gilds and Fraternities granted by Parliament to the Crown, with Warrants for leasing them. Secondly, Registers of Entries, and Descriptions of the several Houses, Manors, Lands, &c. sold by the Commissioners under Two several Commissions in the Reigns of Philip and Mary; with their Rates, and the Names of the Persons to whom they were sold.

For the antient State of particular Churches, and Religious Houses; Foundation, and other Charters. Historical Accounts of the Successions, Rights, Forms, and Instruments of Elections of Abbots, Priors, and other Superiors, and their Officers. Chartularies, Registers, and Ledger Books of sundry Monasteries, and other Religious Houses; viz. Aberconwey, St. Alban's, Alnwick, Barnewell, Blythe, St. Bees, Bittlesden, Battel, Castle-Acre, Clare, Deeping, and Dunmow. The most accurate and greatly valuable Register of Dunstable, began by Richard de Morins, the Prior of that House, on a Plan unusually copious, and regularly carried on from the Foundation of the Priory by King Henry I. to the Reformation. Those of Evesham, St. Edmund's Bury, Holme Cultram, Haghmond, Holme, Kenelworth, Lancaster, Leigh, Lichfield, Missenden, St. Mary's at York, Newnham, St. Paul's in London, Ramsey, Rufford, Reading, Roncton, Shaftesbury, Selleya, Southwike, Spalding, St. Werburgh's in Chester, Welbeck, Waltham, and Walden. Those of the Hospitals and Gilds of Holy Cross near Winchester, Chrich in Derbyshire, St. Giles in London, Christ Church at Boston in Lincolnshire, Ewelme, Clun, and Jesus at Chipping Barnet.

The Statutes of Cathedral and Collegiate Churches; as Winchester, Wells, Westminster, Durham, Ely, Exeter, and London.

Charters, Endowments, Extents, Terriers, and Rentals of Church Lands. Extracts and Collections from antient Chartularies and Registers.

Statutes of the Two Universities, and of their several Colleges and Halls, and a vast mass of other Materials relating to their History and Antiquities; with a noble Transcript of the Proceedings of the Convocation upon the Divorce of Ann of Cleves, authenticated under the hands of Public Notaries.

For the Laws, Polity, and Civil Government of the Realm of England; divers Copies of the Laws of several of the Anglo-Saxon, Danish, and Norman Kings. Transcripts of divers of the Magnæ Chartæ of K. Henry III. and an Inspeximus and Copy of his Confirmation, both of the great Charter, and of the similar one, sealed by Prince Edward at London, on the Tenth Day of March, in the Year 1264; and which Inspeximus is dated 13th of March, in his Forty-ninth Year; and witnessed by Simon Montfort, Earl of Leicester, Hugh le D'Espencer, the Chief Justiciary, Nine Bishops, and Fifteen Temporal Lords. Transcripts of sundry antient Statutes, some whereof have not been printed. Learned Readings on those and other Statutes; and Extracts of all the Private Acts of Parliament, remaining in the Chapel of the Rolls. Exact Copies of some parts of Domesday Book, and Extracts from other parts; as also from the Red and Black Books of the Exchequer. Transcripts of the Chartæ Antiquæ, and other Records remaining in the Tower of London, the Exchequer, the Chapel of the Rolls, and other Public Repositories; with divers explanatory and other Papers relative thereto. Several excellent Copies of Breton, Bracton, Fleta, Glanville, Hengham, Horne, and other Writers on the antient Municipal Laws of this Kingdom. Sundry antient Registers of Original Writs, Formulæ Placitandi, Year Books, Reports, and Adversaria of eminent Lawyers.

Historical Accounts of, and Memoranda relating to Baronies, Serjeanties, Knight-fees, and other Tenures. Copies of Escheat Rolls, Inquisitions post Mortem, Pleas of the Crown, &c. together with other Law Books in great abundance.

Plenty of Treatises on the Institution, Establishment, and Jurisdiction of the Exchequer, Curia Regis, Common Bench, Courts of Wards and Liveries, Star Chamber and Chancery, as also of the Courts Leet, Baron, Pye Powder, and other inferior Courts; the Forms and Methods of Proceedings in them respectively, and Accounts of their several Officers, Registers, and Records.

Discourses

Discourses on the Antiquity, Jurisdiction and Authority of the antient great Officers of the Kingdom ; to wit, the Marshall, Steward, Constable, and Admiral. The Forms, Ceremonies, and Proceedings used in their Courts ; and extraordinary Trials had before them.

Appendix,
(F. 6.)

HARLEIAN
MSS.

Original Charters of our antient Kings, as Edward the Elder, Edgar, Hardicanute, and Edward the Confessor. The famous Charter of King Edgar, wherein he is styled, ' Marium Brit. Dominus,' on which great Stress has been laid by several Writers, in Support of England's Superiority over the Four Seas ; but which Charter Dr. Hicks hath evidently demonstrated to be spurious, and to have been (as many others in the same Language likewise were) forged after the Norman Conquest. A most noble and curious Book, covered with crimson Velvet, and richly adorned with Bosses and Hasps of Silver gilt and enamelled ; the Cover and all the Leaves indented at the Top ; containing Four original Indentures of Covenant, illuminated and embellished with Historical Miniatures, dated the 16th of July, in the 19th Year of King Henry VII. and made between that King and the Abbot and Convent of St. Peter's, Westminster, for certain Masses, Collects, &c. to be for ever after said in the Chapel of the Virgin Mary, then determined to be built at the East End of that Church, as a Place of Reception of the Bodies of the King, Queen, and Royal Family, after their respective Deceases ; for providing Chantry Monks there ; for founding Anniversaries in that and other Chapels and Churches ; for Converses and Scholars in the University ; for maintaining Almsmen ; for the Livelihood amortized to the Abbey of Westminster for those Foundations ; and for various other Purposes. To his Indenture Book, Five Broad Seals of King Henry VII. preserved in Silver Boxes, Parcel gilt, and ornamented within, his Badges of the Portcullis and Rose-Sprigs, are appendant by Strings of Silk, and Gold and Silver Thread.

Another Book, with its Cover of blue Velvet, and the Tops of all the Leaves indented ; containing an illuminated Quadripartite Indenture, dated the Twentieth of November, in the Twentieth Year of the Reign of K. Henry VII. made between the King, the Abbot and Convent of Westminster, the Abbot and Convent of St. Alban's, and the Mayor and Commonalty of London ; whereby the Abbot and Convent of St. Alban's oblige themselves to hold a solemn Anniversary in their Church for ever ; and to pray there for the King, the Royal Family, and the Realm. Likewise numerous Transcripts of Letters Patent, Signs Manual, Privy Seals, Charters, and sundry Historical Law Tracts, and Treatises on the Antiquities, Excellence, and Usefulness of the Municipal Laws of the Kingdom.

Thirdly, Register Books, Chartularies, and other Evidences of the Estates of our antient Nobility ; as, the famous Liber Niger de Wigmore, which contains Transcripts of almost all the Family Deeds and Evidences of Edmund Mortimer, Earl of March, temp. Rich. II. and his Ancestors. The Evidence Book of John Nevil, Lord Latimer. The Chartulary of the Honour of Segrave, and those of other great Families.

Ceremonials, Pumps, and Solemnities ; as the Coronations of most of our Kings and Queens from the Time of the Anglo-Saxons to that of King George II. Several Transcripts of the Liber Regalis, and other Books of Claims of Offices to be performed by sundry Persons at those Solemnities. Royal and Princely Births, Christenings, and Marriages. Public Entries, Introductions, Receptions, and Feastings of Royal and Princely Visitors, Foreign Ambassadors, &c. with the Forms of their Departures, and Accounts of the Presents made to them on those Occasions. Tilts, Tournaments, Justs, Royal Masks, and other Public Entertainments, Public Processions and Cavalcades. Creations of Princes, Nobility, and Knights of several Orders, &c. Funerals of Kings, Queens, Princes, and great Personages allied to the Royal Family, and also of Persons of Quality and Distinction. And lastly, an infinite Number of Adversaria, collected by various eminent Antiquaries out of old Histories, Records, Chartularies, Register Books, &c.

Fourthly, Heraldical and Armorial Books ; as Forms of appointing and crowning Kings at Arms, and of the Establishment of their subordinate Officers. Grants, Alphabets, Ordinaries, and Tricks of Arms and Ensigns Armorial. Multitudes of Visitations of Kings at Arms throughout all the Counties of England, partly Originals, and partly fair Transcripts. Tracts on the Order of the Garter. Laboured and other Pedigrees of most of the Nobility and Gentry of England, in which frequently occur Notes, monumental and fenestral Inscriptions, Copies of antient Charters, Grants, and other Deeds illustrating their Family Histories.

The Principality of Wales, and the Kingdoms of SCOTLAND and IRELAND, make no inconsiderable Figure in the Harleian Collection.

In regard to WALES, there are Natural and Civil Histories of several of its Counties ; Surveys of Commotes, and Extents of Lands. Statutes touching the Lords Marchers, and Orders for the Observance of the Council of Wales.

Appendix,
(F. 6.)

HARLEIAN
MSS.

Transcripts of the Laws of Howel Dha ; Collections of particular Laws and Customs prevailing in different Parts of the Principality ; Accounts of the Revenue arising from the Principality ; Lists of Fee-Farm Rents ; and Pleas of Quo Warranto upon Liberties claimed.

Transcripts of the Acts, Statutes and Constitutions of the Bishops of St. Davids. Taxation and Extents of Lands belonging to the Bishoprick of Bangor, and Catalogues of the Parishes, Chapels, &c. within the same. Taxations of the Lands annexed to the See of St. Asaph, and the Judgment given in Parliament on the Claim made by John de Warren, Earl of Surry, of the Custody of that Bishoprick when vacant. State, Value and Taxations of the Bishoprick of Landaff. Episcopal and other Charters. Letters Patent, and Confirmations thereof. Conventions, Popes Bulls, and other Instruments, from the Year 1224, to the 32d Year of the Reign of K. Henry VIII.

The Histories of Welsh Heroes, and a plentiful Supply of Pedigrees and Genealogies of Families ; together with three Volumes of useful Materials, extracted by Mr. Hugh Thomas, from a Multitude of Public Records and Private Evidences, in order to his compiling a Genealogical History of the Nobility and Gentry of Wales, and the several Families descended from them, now living in England.

The Materials relative to the CIVIL and ECCLESIASTICAL HISTORY OF SCOTLAND are still more numerous and important ; amongst them are :

Descriptions, Histories, Chronicles, and State of the Kingdom.

A remarkable Transcript of John Fordun's Scotochronicon, with the Alterations, Interpolations, and Continuation, made by Patrick Russel, Monk of Scone, at the Request of Sir David Stuart, of Rossith ; and Baston's Verses on the Battle of Bannocks Bourne, written in the Year 1484, and not in 1482, as Dempster, and from him Bishop Nicholson, have asserted, for the Use of William Schevez, Archbishop of St. Andrews, by his domestic Chaplain, Magnus Macculloch, a Priest of the Diocese of Ross ; supposed to be either the famous Black Book of Scone, or the St. Andrew's Copy, or perhaps is the Original from which both of them were taken.

Another Copy of the same, but written in a Hand somewhat more modern. The Chronicle of Andrew Wyntone in Verse. Ker's, Lindsey's, and other Chronicles. A fine Copy of the Chronicle of Mailros. The Life of K. David I. written by Alured, Abbot of Rievaulx. Inventories of the Rolls or Records of Charters granted by the Scottish Kings. Extracts from the Register of the Exchequer, and Acts of the Privy Council. Authentic Copies of Treaties between the Scottish and French Kings, and Accounts of the several Privileges granted by the latter, to the Subjects of the former. Fair Transcripts of sundry public Instruments concerning the Vassalage of Scotland, and the Sovereignty of England over it, which are omitted by Mr. Rymer, in his *Fœdera*, and have escaped the diligent Eye of John Harding. Antient Copies of the *Regiam Majestatem* ; and Transcripts of Acts of Parliament and other Laws of Scotland. Atchievements, Arms, Pedigrees, &c. of the Nobility and principal Gentry of Scotland.

The Journal of the Treaty of Union ; and a vast Multitude of truly valuable and interesting Papers of State, partly Originals, and partly Transcripts. Particularly, a Transcript of divers public Instruments concerning the Marriage of Mary Queen of Scots to the Dauphin of France. Letters on sundry Occasions from Mary Queen of Scots, Lord Burleigh, Sir Francis Walsingham, Sir Thomas Smith, the Earl of Murray, Queen Elizabeth, &c. And other authentic Pieces, most of them unnoticed by the Writers of those Times, but extremely useful in settling many controversial Points of the History of that unfortunate Princess, and conducive to the disclosing and clearing up the mysterious Intrigues carried on during her Troubles in France, Scotland, and England, in a better and more true Manner than hath hitherto been done either by the Oppugners of her Conduct, or by her late Advocate, Mr. Gooddall, or any other of her Apologists.

Historical Accounts of the State of the Church of Scotland. Exact Transcripts of the Bulls of Popes Innocent II. Alex. III. Calixtus III. and Adrian IV. enjoining the Scots Bishops to pay Obedience to the Archbishop of York as their Metropolitan ; and of the Kings of Scotland's Recognitions of that Archbishop's Right. Rentals of all the great Benefices in Scotland ; Tax Rolls of the Abbey Lands ; and Copies of the antient Book of Taxations of all the Ecclesiastical Benefices in the Kingdom, called Bagimont's Roll, compiled about the same Time with that Taxation which was made of the Lands of England, by K. Edward I.

The Assistances that may be had from this Library for illustrating the HISTORY AND ANTIQUITIES OF IRELAND, are likewise equally valuable.

Chorographies of the Kingdom, and Topographical Descriptions of its Provinces. Antient and other Histories, Chronicles and Annals as well Ecclesiastical as Civil, more particularly, a venerable Copy of the History and Prophecies of that Country, written in the 10th Century, and in the old Irish Language. A vast Number of original Charters and Grants of Lands, given to the several Monasteries and Religious Houses in Ireland, and which F. Stafford, the Publisher of Carew's *Pacata Hibernia*, had taken infinite Pains in collecting. Many curious Pedigrees,

Pedigrees, with the Arms and Histories of the principal Nobility. A very antient Transcript of Two remarkable Pieces of the old Municipal Laws of Ireland, with Commentaries and Glosses thereon. The Text in this Manuscript is so very antient as to be coeval with the Times the Pieces relate to. The one being seemingly Part of the *Bretanime*, or *Judicia Cælestia*, with the Trial of Euna, Brother to Legarius, chief King of Ireland, for the Murder of Orane, Chariot-driver to St. Patrick, before Dubhthac, the Chief Filadha, or King's Bard; who, on that solemn Occasion, acted as sole Brehon, or Judge: With the Sentence passed thereon in the Year 430. The other, the great Sanction or Constitution of Nine; made in Favour of Christianity in Ireland, Anno 439, by Three Kings, Three Bishops, and Three Sages.

Appendix,
(F. 6.)

HARLEIAN
MSS.

The great and constant Accession of rare Manuscripts to the Harleian Library soon pointed out to its noble Possessor the Necessity of having a Catalogue of them drawn up; but the finding a Person properly qualified for such an Undertaking was, as well as the Task itself, extremely difficult. Lord Oxford, however, proved happy in his Choice; the Person he pitched upon for that Employment being Mr. Humphrey Wanley, whose extraordinary Genius first showed itself when he was scarce Twenty-three Years of Age, in his compiling the Coventry and Warwick Catalogue, and occasioned him to be recommended to Archbishop Tenison, by Dr. Charlet, then Master of University College in Oxford. Mr. Wanley's Learning and Abilities were afterwards further made known to the World, by his incomparable Catalogue of the Saxon, Anglo, Danish, and Norman Manuscripts, preserved in all the public and private Libraries of England, and which accompanied Dr. Hicks's famous *Thesaurus*, under the suitable Title of "*Antiquæ Literaturæ Septentrionalis Liber alter*."

This Catalogue was begun, in the Year 1708, by the learned Mr. Wanley, who was Librarian to Robert and Edward, successively Earls of Oxford; and he appears, from several Entries in various Parts of his Manuscript Work, to have been employed herein till his Death, July 6th, 1726. From that Time the Work seems to have been laid aside, till about the Year 1733; when it was resumed, where Mr. Wanley had left off, at number 2408, by the late Mr. Casley, Keeper of the Cottonian Library, and well known to the learned World by his Catalogue of the Royal Manuscripts. In about the Space of Three Years Mr. Casley continued the Catalogue to number 5709.

In June 1741, died Edward Earl of Oxford, the great Enlarger of this Collection of Manuscripts, and soon after his Lordship's Trustees ordered the Catalogue thereof to be taken up a Third Time by Mr. Hocker, the Deputy Keeper of the Records in the Tower, who in less than Two Years completed it as far as Number 7355; and what remained has been lately added by the Librarians belonging to this particular Department of the British Museum.

It is proper to observe, in Justice to Mr. Casley and Mr. Hocker, that the Circumstances under which they drew up their respective Parts did not allow them the Time necessary to complete the Catalogue upon so extensive a Plan as that of Mr. Wanley; whose Part of the Work contains an Abstract of most of the historical Manuscripts, and a critical Account of many of the rest.

II.

IN this State the Catalogue remained till the Year 1800, when, at the Suggestion of His MAJESTY'S COMMISSIONERS FOR THE ARRANGEMENT AND PRESERVATION OF THE PUBLIC RECORDS OF THE KINGDOM, the Trustees of the British Museum engaged the Reverend Robert Nares, the Under-Librarian of the Manuscript Department, to revise and correct the latter Part of the Catalogue, beginning from Number 3100. It was not at first supposed that any great length of Time would be required for the Purpose of Revision; but, as the Work proceeded, it soon became manifest that, to obtain the necessary Degree of Correctness, and to make that latter Part of the Catalogue bear any kind of Proportion to the former, would be a Matter of much Labour, and must occupy more Time than could be easily defined by Anticipation. It might indeed have been calculated, that, as Mr. Wanley, by the above Account, had employed Eighteen Years in describing 2408 Numbers; Mr. Casley and Mr. Hocker, Three and Two Years respectively, in making their Additions, in the very brief and inadequate Way in which they were executed; the complete Revision, and considerable Augmentation of near 5000 numbers, could not be performed in a very short Space. It employed, in Fact, all the Time and Diligence that could be given to it by the Librarian, till May 1806, when the Beginning of Volume the Third was sent to Press.

Nor could even this Progress have been made without the following Assistance: In the Beginning of 1801, the Rev. Stebbing Shaw, then engaged in writing the History of Staffordshire, offered his Services in examining the Topographical, Genealogical, and Heraldical Manuscripts; and the Librarian, by Permission of the Trustees, engaged him, at his own Expense, for that Purpose. This Aid, however, was not of long Duration, on account of the Illness of Mr. Shaw in the Summer of 1802, and his lamented Death, on the 28th of October that same Year; but his Diligence had performed as much as could be expected while he was employed. Mr. Shaw was fond of the Part for which he engaged; it was coincident with his other Pursuits, and auxiliary to them; and if there was a Fault in what he did, it was on the Side of Redundance rather than Deficiency.

After

Appendix,
(F. 6.)

HARLEIAN
MSS.

After the Printing of the Third Volume was begun, it was discovered by the Librarian that the Numbers from 2408 to 3100 also wanted Revision, and required many Additions, to make them at all uniform with either the first or the last Part of the Work. This Task was therefore voluntarily taken up, and continued till the Summer of 1807, when other Views induced him to resign the Office of Librarian, and retire to a Country Residence. At this Period he had not advanced beyond 2700, having been much impeded by Attention to the Part which was then printing.

The chief Part of what remained was afterwards taken in hand and revised by Mr. Douce, the Successor to the former Librarian ; whose Skill in executing the small Part which he undertook, will probably occasion a just Regret that he had not had a larger Share in the Work. It should not, however, be omitted, that some Additions to this Part, which now forms the latter End of the Second Volume, had been made by Mr. Planta, while he was the Librarian of that Department.

In Addition to the Historical Manuscripts already enumerated, many others were brought into Notice by this further Revision of the Catalogue.

Six curious Volumes, containing very copious Historical Collections, from the Year 1662 to 1672, had by some means been separated and overlooked in this Library. An imperfect, yet remarkable Copy of Bishop Burnett's History of his Own Times, differing in many Respects from the printed Editions ; and occasionally well illustrated by the Remarks of Dr. Gifford. A Description of England, written by Mich. Suriano, an Italian, probably a Venetian, in 1556. On the Subject of English Law, a large Collection of Readings on the several Statutes, and a Manuscript of Lord Coke, containing his original Notes on Littleton's Tenures, formerly one very large Volume, but now, for the Sake of Preservation, bound in Four ; it contains, besides the legal Notes, many private Memorandums concerning the Author, his various Promotions, and his Family. The Genealogies of the Shirley Family, written in Latin and English by Thomas Shirley. Also a splendid Book of the Arms of Knights of the Garter, from the Foundation of the Order, blazoned in Colours, but not continued so far as intended. And the Continuation of Hector Boethius's History, from 1437 to 1586, written by Robert Lindsay, of Pitscottie.

An Enumeration of this Kind might be carried to a much larger extent. Some Errors will doubtless appear in a Work of such Extent and Variety ; but it is hoped that, with the Aid of the ample Indexes of Persons, Places, and Matters, now subjoined to this Catalogue, such a Key to this inestimable Repository will at length be put into the Hands of the Learned, that nothing of great Value or Importance can long escape the Researches of the diligent Inquirer.

III.

ANALYTICAL TABLE OF THE MATTERS CONTAINED IN
THE HARLEIAN COLLECTION OF MSS.Appendix,
(F. 6.)HARLEIAN
MSS.

ADAPTED FOR THE PLAN OF A CLASSED INDEX TO MSS.

I.

THEOLOGY.

DIV. I. NATURAL RELIGION.

DIV. II. REVEALED RELIGION.

CHAP. I. HOLY SCRIPTURES.

- SECT. 1. Entire Texts and Versions of the Bible.
2. The New Testament (Entire Text and Versions).
3. Detached Books of the Old Testament (Original Languages and Versions).
4. Detached Books of the New Testament (Entire Texts and Versions).
5. Apocryphal Books :
1. Of the Old Testament.
 2. Of the New Testament.
6. Concordances, Harmonies, Dictionaries.

CHAP. II. COMMENTATORS AND CRITICS.

- SECT. 1. Jewish :
1. Commentators.
 2. Talmudical, Rabbinical, and Controversial Writers.
- SECT. 2. Christian :
1. On the Criticism and Study of the Scriptures.
 2. Commentators.

CHAP. III. COUNCILS.

Authority of Councils.

- SECT. 1. Histories of Councils.
2. Decrees, Canons, &c. of the Roman Church.
3. Canons of the Reformed Church of England.

CHAP. IV. ECCLESIASTICAL DISCIPLINE AND RITES.

- SECT. 1. Jewish Liturgies.
2. Liturgy and Rites of the Greek and Oriental Churches.
3. Liturgy and Rites, Bulls, and Indulgences, of the Latin or Roman Church.
4. Discipline and Rites of the Foreign Reformed Churches.
5. Discipline, Liturgy, and Rites of the Church of England.
6. Discipline and Liturgies of Religious Orders.
7. Miscellaneous Offices of Devotion, viz. Horæ, Prayers by Individuals, &c.

CHAP. V. FATHERS OF THE CHURCH.

- SECT. 1. Greek.
2. Latin.

THEOLOGY—continued.

DIV. II. REVEALED RELIGION—continued.

CHAP. VI. MODERN DIVINES.

- SECT. 1. Of the Greek Church.
2. Of the Latin and Reformed Churches :
1. Schoolmen.
 2. Commentators on the Schoolmen.
3. Dogmatic and Polemic Divines, (who have written in Defence of Religion in general, including Controversies between Protestants and Roman Catholics, &c. &c.)
4. Catechetic Divines (Creeds, Catechisms, Confessions of Faith, &c. &c.)
5. Sermons and Practical Treatises in Divinity.
6. Mystic Divines.

CHAP. VII. MISCELLANEOUS DIVINITY, ROMISH, PROTESTANT, &c.

DIV. III. HEATHENISM, MOHAMMEDAN THEOLOGY.

- SECT. 1. Greek and Roman Mythology.
2. Mohammedan and Hindû Theology.

II.

PHILOSOPHY.

DIV. I. HISTORY OF PHILOSOPHY AND PHILOSOPHERS, (including their Epistolary Writings.)

DIV. II. LOGIC AND METAPHYSICS.

DIV. III. ETHICS.

CHAP. I. MORALS.

- SECT. 1. Antient Moral Philosophers.
2. Modern Moral Philosophers.

CHAP. II. POLITICS.

- SECT. 1. Treatises and Essays on Politics and Government in general :
1. Antient.
 2. Modern.
2. Diplomacy.
3. Political Economy, Trade, and Commerce, &c.

Y

Appendix,
(F. 6.)

HARLEIAN
MSS.

PHILOSOPHY—continued.

DIV. III.—continued.

CHAP. III. JURISPRUDENCE.

- SECT. 1.** Law of Nature and Nations.
- 2.** Civil Law of Rome.—Commentators on the Civil Law of Rome.
- 3.** Canon Law.
- 4. British Law, Public and Constitutional :**
1. Succession and Title to the Crown.
 2. Of the King, his Prerogative, and Supremacy.
 3. Antiquity and Powers of Parliament.
 4. Constitution and Privileges of the House of Lords.
 5. Constitution and Privileges of the House of Commons.
 6. Privileges of the Subject, and Constitution in General.
- SECT. 5.** Municipal Law of Britain.
1. Anglo-Saxon, Danish, and Anglo-Norman Laws.
 2. History of English Law, and Treatises thereon.
 3. Criminal and Crown Law.
 4. Forest Law.
 5. Law of Civil Rights :
 - i. Charters of Pardon, other Charters and Records concerning private Property, Inquisitiones post Mortem, &c.
 - ii. Conveyancing, Court-Keeping, Private Deeds, Stewards' Accounts, Inventories, &c.
 6. Ecclesiastical Law :
 - i. Treatises on Ecclesiastical Law in general.
 - ii. Tithes appropriate and inappropriate.
 - iii. Wills, Executors, and Administrators.
 7. Statutes and Acts of Parliament :
 - i. Statutes in general.
 - ii. Particular Statutes, the Titles whereof are specified in the Description of several of the Collections in the Catalogue.
 - iii. Abridgments and Extracts of Statutes; Private Acts of Parliament.
 8. Judicial Proceedings :
 - i. Court of Chancery.
 - ii. Court of King's Bench.
 - iii. Court of Common Pleas.
 - iv. Court of Exchequer.
 - v. Court of Admiralty.
 - vi. Ecclesiastical Courts.
 - vii. Star Chamber.
 - viii. Court of Augmentations.
 - ix. Duchy Court.
 - x. High Commission Court.
 - xi. Court of Wards and Liveries.
 - xii. Inferior Courts.
 - xiii. Reports, Year Books, Entries, and Pleadings.
 9. Miscellanies of English Law, comprising Arguments, Charges, Common Place Books, and Legal Collections, Readings, &c. not included under any former Division.
 10. Laws of Wales, Scotland, and Ireland.

SECT. 6. Foreign Laws.

DIV. IV. PHYSICS.

CHAP. I. SCIENCES.

- SECT. 1.** Natural History and Philosophy, Chemistry, Alchemy, Magic, &c.
1. Antient Authors.
 2. Modern Authors.
- 2.** Pure Mathematics, *i. e.* Arithmetic, Algebra, and Geometry :
1. Antient Authors.
 2. Modern Authors.
- 3.** Mixed Mathematics, *i. e.* Astronomy, Astrology, Mechanics, and Navigation, &c.
1. Antient Authors.
 2. Modern Authors :
 - i. Astronomy.
 - ii. Astrology, Almanacks, and Ephemerides.
 - iii. Mechanics.
 - iv. Music :
 - (a) Antient Writers.
 - (b) Modern Writers.
 - v. Navigation.

PHILOSOPHY—continued.

DIV. IV.—CHAP. I.—continued.

- SECT. 4.** Medicine and Pharmacy,—Anatomy and Surgery,—Veterinary Art :
- i. Medicine and Pharmacy—Antient Authors. Modern Authors.
 - ii. Anatomy, Surgery, and Veterinary Art.

CHAP. II. ARTS OF PEACE.

- SECT. 1.** Arts of Design, Painting, Sculpture, Writing, Stenography, Civil Architecture :
- i. Antient Writers.
 - ii. Modern Writers.
- 2.** Agriculture, and Rural and Domestic Economy :
- i. Antient Authors.
 - ii. Modern Authors.
- 3.** Manufactures.
- 4.** Games and Amusements.

CHAP. III. ARTS OF WAR.

- SECT. 1.** Military Tactics.
- i. Antient Authors.
 - ii. Modern Authors.
- 2.** Naval Tactics.

III.

HISTORY.

DIV. I. INTRODUCTIONS TO THE STUDY AND USE OF HISTORY.

CHAP. I. CHRONOLOGY.

II. GEOGRAPHY, ATLASES, AND MAPS.

- SECT. 1.** Antient.
- 2.** Modern.

III. VOYAGES, TRAVELS, ITINERARIES, AND POLITICAL SURVEYS.

DIV. II. UNIVERSAL HISTORY.

CHAP. I. CIVIL HISTORY.

II. ECCLESIASTICAL HISTORY.

DIV. III. PARTICULAR HISTORY.

CHAP. I. ANTIENT (by Languages).

- SECT. 1.** Greek.
- 2.** Roman.

CHAP. II. MODERN (by Countries).

- SECT. 1.** England.
1. Topography of England (comprising County Histories, Heraldic Visitations of Counties, Surveys of particular Places, Grants, Chartularies, and Registers of Religious Houses, &c. &c.)
 2. Civil History of England—Narrative.
 - i. Collections, illustrative of the General History and Antiquities of England, Coronations, &c.
 - ii. Chronicles and antient Histories of England.
 - (A.) BEFORE THE CONQUEST :
 - (a) During the Time of the Antient Britons and Romans.
 - (b) During the Time of the Saxons.
 - (c) During the Time of the Danes.
 - (d) During the Time, both of the Saxons, and of the Danes.
 - (B) Annals, Chronicles, Histories, SINCE THE CONQUEST, and Memoirs of particular Reigns.
 - iii. History of England, during particular Reigns, and Memoirs relative thereto.
 - iv. Accounts of Military and Naval Expeditions, undertaken by British Forces.
 - v. Parliamentary History of England, including the History, Debates, and other Proceedings of Parliament.

HISTORY—continued.**DIV. III.—CHAP. II.—SECT. 1.—continued.**

3. Civil History of England.—Documentary.
 - i. Royal Charters connected with British History.
 - ii. Diplomatic Instruments, viz. Treaties, Instructions to Ambassadors, Correspondence, &c. Chronologically arranged.
 - iii. Proclamations, Journals, and Books of the Privy Council.
 - iv. Parliamentary, viz. Rolls and Journals of Parliament.
 - v. Mint—Public Revenue—and Royal Expenditure:
 1. Coin and Money of England.
 2. Mint.
 3. Public Revenue, Aids, Taxes, Subsidies, &c.
 4. Royal Expenditure and Estates.
 - vi. Ordnance and Military Documents.
 - vii. Admiralty and Navy, Victualling and Manning thereof.
 - viii. Trade.
 - ix. Customs, Excise.
 4. Ecclesiastical History of England.
- SECT. 2. History of Scotland.**
1. Topography of Scotland, comprising County Histories, Surveys, Chartularies, and Registers of Religious Houses, &c.
 2. Civil History of Scotland—Narrative.
 - i. Collections, illustrative of the General History, &c. of Scotland.
 - ii. Chronicles and antient History—Memoirs of particular Reigns.
 - iii. History of Scotland, during particular Periods.
 3. Civil History of Scotland—Documentary.
 - i. Royal Charters, and other Records.
 - ii. Diplomatic Instruments, viz. Instructions to Ambassadors, and other State Papers.
 4. Ecclesiastical History of Scotland.
- SECT. 3. History of Wales.**
1. Topography of Wales, (comprising County Histories, Surveys of particular Places, Grants, Chartularies, and Registers of Religious Houses, &c. &c.)
 2. Civil History of Wales.
- SECT. 4. History of Ireland.**
1. Topography of Ireland.
 2. Civil History of Ireland:
 - i. Narrative.
 - ii. Documentary, (comprising Official Lists, &c. relative to the Settlement and Government of Ireland.)
- SECT. 5. Islands forming Part of Great Britain.**
- i. Norman Isles.
 - ii. Other Isles.
- SECT. 6. History of European States (geographically disposed from the North to the South of Europe.)**
1. Denmark.
 2. Sweden.
 3. Russia.
 4. Poland.
 5. Germany:
 - i. Germanic Empire.
 - ii. Austria.
 - iii. Palatinate.
 - iv. Other German States.
 6. The United Provinces and the Netherlands.
 - i. The United Provinces.
 - ii. The Netherlands.
 7. France.
 - i. Topography of France.
 - ii. Civil History—Narrative (comprising Chronicles, Antient History, and Memoirs of particular Reigns.)
 - iii. History during particular Periods.
 - iv. Documentary—(comprising Treaties, Memorials, and other Diplomatic Papers.)
 8. Spain.
 9. Portugal.

HISTORY—continued.**DIV. III.—CHAP. II.—SECT. 6.—European States—continued.**

10. Italy.
 - i. Collections relative to Italian History in general.
 - ii. Collections relative to the History of Rome and the Roman See.
 - iii. History of other Italian States (alphabetically disposed.)
11. Turkey.

SECT. 7. History of Asiatic Countries.**SECT. 8. History of America.****DIV. IV. BIOGRAPHICAL HISTORY.****CHAP. I. CIVIL BIOGRAPHY.****SECT. 1. Antient Biography, including Letters.****2. Modern Biography.**

1. British (including Letters, Trials, Speeches, &c.)
2. Foreign Biography.

II. ECCLESIASTICAL BIOGRAPHY.

(comprising Martyrologies, the Lives, Acts, Miracles, Passions, &c. of Saints, Fathers, Popes, Cardinals, and others, of the Greek and Latin Churches.)

III. GENEALOGIES.**SECT. 1. English Genealogies and Pedigrees.****2. Welch Genealogies and Pedigrees.****3. Scottish Genealogies and Pedigrees.****4. Irish Genealogies and Pedigrees.****5. Foreign Genealogies and Pedigrees.****DIV. V. MONUMENTAL HISTORY.****CHAP. I. INSCRIPTIONS, EPITAPHS, AND SEALS.****II. HERALDRY.****SECT. 1. History and Regulations of Heralds.****2. History of Orders of Knighthood, British and Foreign:**

1. History of British and Foreign Orders of Knighthood.
2. Knights and Knighthood in general.

3. English Heraldical Miscellanies.

(comprising Miscellaneous Heraldical Treatises and Collections, Claims of Dignities and Titles of Honour, Precedency of Nobility and Gentry, Grants and Displays of Arms, the Practice of the Earl Marshal's and other Military Courts of Honour, Justs, and Tournaments, Single Combats, &c. &c.)

1. Miscellaneous Heraldical Treatises and Collections.**2. Dignities and Titles of Honour—Claims and Creations of Dignities:**

- (a) Descent of Dignities.
- (b) Claims of Dignities in Abeyance.
- (c) Creations and Grants of Dignities.

3. Nobility.—Precedency.**4. Arms, Grants and Displays thereof:**

- (a) Arms in general.
- (b) Grants of Arms.
- (c) Alphabets and Displays of Arms.

5. Earl Marshal's and other Military Courts of Honour.**6. Justs and Tournaments, Single Combats.****4. Welsh Heraldical Miscellanies.****5. Scottish Heraldical Miscellanies.**

(comprising Scottish Arms, and Creations of Dignities, &c.)

1. Scottish Arms.**2. Creations of Dignities, &c.****6. Irish Heraldical Miscellanies.**

(comprising Arms, Creations of Dignities, &c.)

1. Irish Arms.**2. Creations of Dignities, &c.****7. Foreign Heraldical Miscellanies.****DIV. VI. NUMISMATICS.—ANTIQUITIES.**

Appendix,
(F. 6.)

HARLEIAN
MSS.

Appendix,
(F. 6.)HARLEIAN
MSS.

IV.

LITERATURE.

Div. I. GRAMMAR.

CHAP. I. ALPHABETS AND DICTIONARIES OF LANGUAGES.

SECT. 1. Alphabets.

2. Dictionaries of Languages.

- i. Arabic.
- ii. Hebrew.
- iii. Persian and Turkish.
- iv. Greek, Latin, and other Languages.

II. TREATISES AND ESSAYS ON GRAMMAR in various Languages.

SECT. 1. Antient Grammarians.

2. Modern Grammarians.

3. Grammars of particular Languages.

- i. Arabic.
- ii. Armenian.
- iii. Hebrew.
- iv. Persian.
- v. Greek.
- vi. Latin.
- vii. Other Languages.

III. PHILOLOGY AND CRITICISM.

Div. II. RHETORIC.

SECT. 1. Treatises on Rhetoric.

- 1. Antient (Greek and Latin.)
- 2. Modern.

2. Orators.

- 1. Antient (Greek and Latin.)
- 2. Modern.

LITERATURE—continued.

Div. III. POETRY.

CHAP. I. METRICAL.

SECT. 1. Greek Poets.

- 1. Epic, Lyric, &c.
- 2. Dramatic.

2. Roman Poets.

- 1. Epic, Bucolic, Lyric, &c.
- 2. Dramatic.

3. English and Scottish Poets.

4. French Poets.

5. Italian Poets.

6. Modern Latin Poets.

7. Oriental Poets.

CHAP. II. OTHER WORKS OF IMAGINATION, NOT METRICAL.

SECT. 1. Antient (Greek and Latin.)

2. Modern (English, French, &c.)

Div. IV. BIBLIOGRAPHY.

SECT. 1. Typographical History and Antiquities.

2. Catalogues of MSS. and Printed Books.

Div. V. LITERARY MISCELLANIES.

CHAP. I. PROVERBS, APOPTHEGMS, &c.

SECT. 1. Antient.

2. Modern :

- 1. Oriental.
- 2. European.

II. MISCELLANEOUS AND LITERARY TRACTS.

(comprising Common Place Books, Adversaria, and other Tracts, not included under any preceding Class or Division.)

Appendix, (F. 7.)

Account of Lansdowne MSS.

THE BURLEIGH Papers form the First Division of the Lansdowne MSS. One Volume of these Papers contains Copies of Charters and other Documents of an early Period; but the Remainder, amounting to One Hundred and Twenty-one Volumes in Folio, consist of State Papers, interspersed with Miscellaneous Correspondence, during the long Reign of Queen Elizabeth; and among these is the private Memorandum Book of Lord Burleigh.

Appendix,
(F. 7.)

ACCOUNT OF
LANSDOWNE
MSS.

The Second Division of the Lansdowne MSS. comprises the Papers and Correspondence of Sir Julius Cæsar, Judge of the Admiralty in Queen Elizabeth's Time; and Chancellor of the Exchequer, and Master of the Rolls, in the Time of James I. and Charles I. Of Fifty-four Volumes in this Series, Thirty-one relate directly or in part to Admiralty Concerns; Ten to Court of Request, Chancery, Treasury, and Exchequer Business; Three to Ecclesiastical Matters; One contains Treaties; Two are Catalogues of the Cæsar Papers; and Seven are Historical, Parliamentary, &c.

The Third and last Division of these MSS. is the largest, and comprehends many valuable Works upon various Subjects. Amongst these are, a fair Transcript of Andrew of Wyntown, and a most beautifully illuminated Copy of Hardyng's Chronicle, as it was presented to King Henry the Sixth; and Two Volumes of Letters, &c. written by royal, noble, and eminent Persons of Great Britain, from the Time of King Henry the Sixth to the Reign of His present Majesty; the greater part Originals. Here are also Eleven Volumes of the Papers of Dr. John Pell, Envoy from Oliver Cromwell to the Protestant Cantons of Switzerland between 1654 and 1688, and Five Volumes of Sir Paul Rycaut's Papers. These latter Volumes contain not only Letters, &c. of a public Nature while Sir Paul Rycaut was Secretary to the Earl of Clarendon in Ireland in the Reign of James II. but also his Letters and Papers relating to public Transactions while resident at Hamburg and the other Hanse Towns.

Upon Coin and Coinage there is a valuable Work, which seems to have been intended for publication by its Author, entitled, "Brief Memoires relating to the Silver and Gold Coins of England, with an Account of the Corruption of the hammer'd Monys, and of the Reform by the late grand Coynage at the Tower, and the Five Country Mints, in the Years 1696, 1697, 1698, and 1699," by Hopton Haynes, Esq. Assay Master of the Mint, 1700.

The Heraldical and Armorial Manuscripts in this Collection are numerous; and a large Collection of Papers of the Fifteenth Century, illustrating the Institutions of Chivalry in England. In Illustration of the History of Scotland there is "A Collection of Laws, Statutes, Orders, Commissions, and Treaties, relating to the Marches or Borders of Scotland, as made and agreed on by the respective Sovereigns of England and Scotland, from 1249 to 1597."

Of the Kennet Papers, many relate to English Ecclesiastical History, containing Notes from various Abbey and Cathedral Registers, with Transcripts from many old manuscript Tracts and printed Books, Collections for the History of Convocations, &c.; Eight Volumes are Dr. Hutton's Collections from Ecclesiastical Records, the Two last including some Notes only by Bishop Kennet; Eleven Volumes contain the Bishop's biographical Memorials, mostly of the English Clergy, from 1500 to 1717; Eight relate to the Church and Diocese of Peterborough. Some of these Manuscripts have been the Materials for the Bishop's printed Works, but the larger and more miscellaneous Quantity, particularly in Biography and Local History, have been unused.

In this Division there are also several old Collections of Statutes, written on Vellum, from the earliest Date down to 23 Hen. VI.; also a "Treatise on the Court of Star-Chamber by William Hudson, Esq.;" a Collection of Royal Proclamations from 19 Hen. VII. to 17 Car. I.; and several Manuscripts which relate to Parliamentary History and Proceedings, principally Transcripts. There is also a Transcript of the Testa de Nevill, and Fifteen Volumes of Selections from the Patent Rolls preserved in the Tower.

The last and strongest Class of this Third Division of the Lansdowne Manuscripts, is that of Topography, comprising Mr. Warburton's Collections for Yorkshire; and also the Chartularies of the Abbies of St. Alban, Lunda, Gerondon and Chertsey.

HENRY ELLIS.

Appendix, (G.)

Appendix,
(G.)

Authentic
Collection
of the
Statutes.

PLAN for an AUTHENTIC COLLECTION OF THE STATUTES of the REALM.

Minutes of the Board of 25th March 1811.

AT A BOARD, holden at the House of The Right Honourable The Speaker of The House of Commons, on
Monday the 25th Day of March 1811;

P R E S E N T,

The Right Hon. CHARLES ABBOT, Speaker of the House of Commons;
The Right Hon. Sir WILLIAM GRANT, Master of the Rolls;
The Right Hon. Lord FREDERICK CAMPBELL;
The Right Hon. JOHN Baron REDESDALE;
The Right Hon. SYLVESTER BARON GLENBERVIE;
The Right Rev. JOHN Lord Bishop of London;
The Right Hon. CHARLES BATHURST;—

A Printed Copy of the First Volume of the Authentic Collection of THE STATUTES OF THE REALM having been this Day produced to the Board;

RESOLVED,—That there be laid before His Royal Highness the Prince Regent in Council, a Report of the Progress made in the said Work, together with a Printed Copy of the said Volume.

And a Report being now prepared accordingly, and agreed to by the Board, the same was signed by the several Commissioners present.

R E P O R T

Of the Commissioners for executing the Measures recommended by The House
of Commons, respecting the Public Records of the Realm.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
REGENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
I N C O U N C I L.

WE, The Commissioners constituted and appointed by His Majesty's Royal Commission, bearing Date the Twenty-third Day of May 1806, in the Forty-sixth Year of His Majesty's Reign, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, in the Year 1800, with respect to the State of the Public Records of the Kingdom, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, and the Printing of certain of the more antient and valuable amongst them, Do most humbly beg leave to certify to Your Royal Highness;

That, in the execution of our Commission, We have, among the other Matters referred to Us, proceeded to carry into effect so much of the Measures recommended by His Majesty's faithful Commons, as related to the preparing and printing a complete and authentic Collection of THE STATUTES OF THE REALM;

And,

And, having, by virtue of the said Commission, nominated and appointed several learned Persons, of Ability, Care, and Diligence, upon whose Fidelity we could sufficiently rely, to be our Sub-Commissioners, and under our Direction and Control to be assisting to Us in the Premises; and having also, upon the Reports of the said Sub-Commissioners, made to Us from Time to Time, fully considered as well of the Mode of preparing and completing the said Collection, as of the several Matters to be included therein, We have directed the said Sub-Commissioners to methodize and arrange all such Materials, as appeared to Us to be necessary for completing and duly setting forth the said Collection, and to distribute them under the following Heads :

Appendix,
(G.)

Report to
The Prince
Regent.

First, An Introduction; containing, an Account of all former printed Collections, Translations, and Abridgments of the Statutes, and of the Plans heretofore proposed for an Authentic Publication, or for the Revision, of the Statutes; together with an Account of The Charters prefixed to this Collection; The Matters inserted therein, and their Arrangement; The Nature of the several Records, and other Sources from whence the said Collection has been made, and the Mode adopted in making and printing the same; The Original Language of the Charters and Statutes, and the Translation annexed to this Collection of the Statutes; and also, An Account of the Collections of the Statutes of Scotland and Ireland heretofore published by Royal or Parliamentary Authority; with the Methods successively adopted for promulgating the Statutes before and since the Union of Great Britain and Ireland:—Secondly, The Text of The Charters of the Liberties of England, granted by King Henry I., King Stephen, and King Henry II.; and also, the Great Charters and Charters of the Forest, granted by King John and King Henry III., and The Charters of Confirmation granted by King Edward I.—Thirdly, A Chronological Table of the Statutes, and Instruments illustrative thereof, contained in this Collection; distinguishing all Matters inserted therein, which had not been inserted in any former Printed Collection of Statutes, and specifying the several Sources from which every Statute and Instrument is respectively derived; and the Language in which such Statute or Instrument is written:—Fourthly, The Text of The Statutes and relative Instruments, with Notes of various Readings where necessary:—Fifthly, The common Translation of all Matters printed and translated in former Collections of the Statutes, with occasional Notes of Emendation; and also, A Translation of Matters not translated or inserted in such former Collections:—Lastly, An Alphabetical Index of Matters.

In prosecuting this Work, the Learning, Skill, and Diligence of Our Sub-Commissioners have been long and laboriously employed: And We now beg leave to lay before Your Royal Highness this, the First Volume of their Labours: Humbly assuring Your Royal Highness, that it has been our earnest Desire and Endeavour that all the several Charters, Statutes, and other Instruments contained in this Collection, should be taken from the most authentic Records and Manuscripts now known to be extant; and presuming to hope that this has been accomplished with the Fidelity and Accuracy so peculiarly required in a Work designated by His Majesty's Faithful Commons, as highly expedient to be undertaken for the Honour of the Nation, and for the Benefit of all His Majesty's Subjects.

Dated 25 March 1811.

CHARLES ABBOT.	(L. s.)
WILLIAM GRANT.	(L. s.)
FREDERICK CAMPBELL.	(L. s.)
REDESDALE.	(L. s.)
GLENBERVIE.	(L. s.)
J. LONDON.*	(L. s.)
CHARLES BATHURST.	(L. s.)

* *Memorandum.*—Dr. John Randolph, now Lord Bishop of London, named in the Commission, dated 23 May 1806, as then "John Lord Bishop of Oxford."—His Lordship held the See of Bangor in the Years 1807, 1808, and 1809, and signed the Annual Certificates as such.

Appendix,
(G.)

Historical
and
Explanatory
Introduction.

INTRODUCTION to the Authentic Collection of the STATUTES.

CHAP. I.

SECT. I.—*Of the former Printed Collections, Translations, and Abridgments of the Statutes.*

SECT. II.—*Plans heretofore proposed for an Authentic Publication, or for the Revision of the Statutes.*

SECT. I.

Former Printed Collections, Translations, and Abridgments of the Statutes.

AN Historical Enumeration and Description of antecedent Publications of the Statutes, will best contribute to a right Understanding of the Necessity and Origin of the present Undertaking; and of the Principles upon which it has been planned and executed.

All the Publications in print of General Collections, Translations, and Abridgments of the Statutes, and of the Acts of particular Sessions, which have been hitherto discovered, are specified in Two Catalogues subjoined to this Introduction.

The Statute Rolls previous to the Beginning of the Reign of Henry VII. being sometimes in Latin and sometimes in French; and from that Time uniformly in English; the Printed Editions, according to their several Periods, contain the Statutes, either, 1st, In the Languages in which they were respectively passed, proclaimed, or printed; during various Periods from the Time of Henry III. to the End of the Reign of Ric. III. without any Translation: Or, 2dly, Translated for the whole or some Part of those Periods; and during subsequent Periods in English: Or, 3dly, In Latin and in French respectively to the End of Edward IV. or Ric. III. inclusive, with or without a Translation; and in English from the Beginning of Ric. III. or of Hen. VII.

The earliest of the Printed Editions or Collections above referred to, is an Alphabetical Abridgment of Statutes, as well previous as subsequent to Edw. III. in Latin and French, the latest Statute in which is 33 Hen. VI. A. D. 1455. This is supposed to have been published before 1481.

Another very early Edition, but supposed to be later than the preceding, and to have been printed about 1482, is a Collection of the Statutes, not abridged, from 1 Edw. III. to 22 Edw. IV. in Latin and French: This and the preceding Article are attributed to the joint Labours of the Printers Lettou and Machlinia.

The Statutes passed in the only Parliament holden by Richard III. were printed in French, by Caxton or Machlinia, or both, soon after they were passed, this being the first Instance of a Sessional Publication. The like Course was observed in the Reigns of Henry VII. and Henry VIII.; from which Time the Statutes appear to have been regularly printed and published at the End of each Session.

The Collection printed by Pynson, probably about the Year 1497, 13 Hen. VII. but certainly before 1504, 19 Hen. VII. contains the Statutes from 1 Edw. III. to 1 Richard III. inclusive, in Latin and in French respectively; and those from 1 to 12 Hen. VII. in English.

The small Edition of the Antiqua Statuta, first printed by Pynson in 1508, and afterwards frequently reprinted, contains Magna Carta, Carta de Foresta, the Statutes of Merton, Marlbridge, Westminster 1. and 2., and other Statutes previous to 1 Edward III. in Latin and French respectively. These are the earliest printed Copies now known of those Statutes.

The Abridgment of the Statutes in *English*, to 11 Hen. VIII. translated and printed by John Rastall, is preceded by a Preface on the Propriety of the Laws being published in English. This appears to be the first *English* Abridgment of the Statutes: and it helps to ascertain the Period when the Statutes were first “endited” and written in English; as the Preface ascribes that Measure to Henry VII. Subsequent English Abridgments were published at various Times by Rastall and other Printers.

Various

Various Editions of the Alphabetical Abridgment of the Statutes, above mentioned as published before 1481, were from Time to Time printed; enlarged by the Abridgment of subsequent Statutes: Of these the Edition by Owen, including the Statutes of 7 Hen. VIII. was printed in 1521. An Appendix, containing the Abridgment of the Acts of the next ensuing Session, 15 Hen. VIII. was printed in 1528, when a Title was added. These Collections form an Exception to the general Description of the Edition of the Statutes; for not only the Statutes previous to and in the Reign of Ric. III. are abridged in Latin or French, but the Abridgment of the Statutes of Hen. VII. and Hen. VIII. is in French, although they were originally passed and printed in English.

Appendix,
(G.)

Historical
and
Explanatory
Introduction.

In 1531 Berthelet printed an Edition of the Antiqua Statuta, similar to the Editions by Pynson, with some Additions. In 1532 Berthelet also printed a Collection of the Statutes previous to 1 Edw. III. not included in the Antiqua Statuta. This Collection he intituled "Secunda Pars Veterum Statutorum," and it is always so distinguished: It was frequently reprinted. The Statutes contained in it are in French and Latin respectively.

Neither in the Antiqua Statuta by Pynson, nor in the Secunda Pars Veterum Statutorum, were the Contents arranged with any Chronological Accuracy: In the Antiqua Statuta the Two Charters, and the Statutes of Merton, and Marlbridge, and Westminster 1 and 2, are placed first, and the other Matters follow in a very confused Manner. No better Order is preserved in the Secunda Pars. These Two Parts of the Vetera Statuta were frequently reprinted together. The Edition of them by Tottell in 1556 is the most known: This varies from Pynson's and Berthelet's, in some Readings of the Text of the Statutes; and it is enlarged by the Addition of "certain Statutes with other needful Things taken out of old Copies examined by the Rolls," printed at the End of the First Part. Editions by Tottell in 1576 and 1587, and later Editions by various Printers, insert only a partial Selection of Antient Statutes, with further various Readings, and add some modern Statutes. On a Comparison, made for the Purpose of ascertaining the Fact, there is reason to conclude that the Copy used by Lord Coke in his Second Institute was that of 1587.

The earliest Printed Translation, not abridged, of the Charters, and of several Statutes previous to 1 Edw. III. appears to have been made by Ferrers, a Member of Parliament, from the Editions of the Vetera Statuta and Secunda Pars before noticed. It was first printed in 1534, and contains the greatest Part, but not all, of the Matters included in those Editions, but does not arrange them in Chronological Order. In 1540 and 1542, other Editions of this Translation were published, with some Amendments and Additions.

In 1543, The Statutes in English, from the Time of Henry III. to 19 Hen. VII. inclusive, chronologically arranged, were printed by Berthelet in one Volume Folio. It has not been satisfactorily ascertained that any complete chronological Series of the Statutes from Magna Carta to 1 Edw. III., either in their original Language, or in English, or that any Translation of the Statutes from 1 Edw. III. to 1 Henry VII. had been published previous to this Edition by Berthelet; though some Books refer to Editions by Berthelet as of 1529 and 1540. It appears probable that the Translation in this Edition by Berthelet was made from the small Editions of the Vetera Statuta and Secunda Pars, and from Pynson's Edition of the Nova Statuta 1 Edw. III. to 1 Ric. III. inclusive. This Edition contains some Translations, particularly of the *Dictum de Kenilworth*, not included in either of the Editions of Ferrer's Translations: With respect to the others previous to 1 Edw. III. it agrees in general with the Second Edition of Ferrer's Translation; and Cay, in the Preface to his Edition of the Statutes, conjectures that the Whole of the Translation in this Edition was made by Ferrers. No Translation of the *Statuta Wallie* 12 Edw. I. is given either by Ferrers or in any subsequent Edition: Several other Statutes also have been always printed without Translations.

"The Great Boke of Statutes" commences with 1 Edw. III. and ends with 34 Hen. VIII. It is entirely in English. It appears to have been published at different Times, in separate Parts; and it seems not unlikely that the earliest Part may have been published previous to the English Edition printed by Berthelet in 1543, from which it differs in some Particulars: Of such Difference one Instance is the Insertion of Cap. 7. of 2 Ric. II. Stat. 1. respecting Pope Urban, which is omitted in Berthelet 1543 and subsequent Editions; from whence it seems probable that this Part was published before the severe Prohibitions, by the Acts of Hen. VIII. against acknowledging the Papal Power.

William Rastall (or Rastell) who in 1557 published his first Edition of a Collection of all the Statutes which were before that Year imprinted, was a Serjeant at Law; and was made a Judge in 1558. In this Collection the Statutes are distributed under apt Titles in Alphabetical Order, the Preambles for the most Part being omitted, and a brief Mention only made of such Statutes as were expired or repealed, or of a private or local Nature. It gives all the Statutes to the End of Richard III. in Latin or in French, as they were at first published; and all the subsequent Statutes in English. The same Collection, having the Statutes prior to Henry VII. translated into English, instead of being inserted in their original Language, was printed about 1579, and

Appendix,
(G.)

Historical
and
Explanatory
Introduction.

reprinted very frequently afterwards, until 1621. In these successive Editions, the New Statutes were from Time to Time abridged, and inserted under their proper Titles. The Translation contained in this Collection appears to have been executed with superior Care and Industry; where it borrows from foregoing Versions, it occasionally amends what was faulty: Translations are inserted in it of some Matters not before translated; of others, Translations entirely new and more faithful are given; and the Whole was sedulously revised from Time to Time; the later Editions, particularly those of 1591 and 1603, correcting Errors which had escaped Notice in the earlier Editions. Rastall died in 1565, and it is not known by whom these English Editions of the Collection bearing his Name, were prepared or edited.

The Edition of the Statutes in English, by Barker, in Two Volumes Folio, frequently bound up in one, ending with 29 Eliz. the Title to which affords the earliest Instance of the Term "Statutes at Large," agrees in general, as to the Statutes previous to 1 Hen. VII. with the English Edition by Berthelet in 1543.

After the Edition of Rastall's Collection in English in 1579, it does not appear that any of the Statutes from 1 Edw. III. to 1 Hen. VII. were printed in Latin or French, until some of them were so printed in the Edition by Hawkins in 1735.

The English Edition 1618, which in the Title-page is said to contain all the Acts at any Time extant in Print until 16 Jac. I. published by the King's Printers, Norton and Bill, in Two Volumes large Folio, is usually called "Rastall's Statutes:" although the Editor of the Collections before noticed, had been long deceased. The latest Acts inserted in this Edition are of 7 Jac. I. being the last Session preceding the Publication. The Translation of the Statutes previous to Hen. VII. does not follow the improved Translation adopted in the Editions of Rastall's Collection in English; it agrees with the Translations of Berthelet 1543, and Barker 1587; except that it is not so correctly printed.

In the same Year 1618, a Collection, in English, of sundry Statutes frequent in Use, ending with 7 Jac. I. was published by Pulton. Several Statutes, not included in the Edition called Rastall's 1618, are for the first Time translated in this Edition, and are so noted to be in the Preface; the most important of these are, *Ordinatio pro Statu Hibernie*, as of 17 Edw. I. but being, in Fact, of 17 Edw. II.;—*Ordinatio Forestarum*, 34 Edw. I.;—*De Asportatis Religiosorum*, 35 Edw. I.;—*De Terris Templariorum*, 17 Edw. II. Several subsequent Editions of this Collection were printed after the Death of Pulton: Those of 1635 and 1640 are remarkable for giving the progressive Answers to the Petition of Right, 3 Car. I. and the King's Speech on pronouncing the Assent, "Soit droit fait come il est désiré:" which are not contained in any other General Collections, though they were printed by Authority in the Sessional Publication of the Statutes of that Year.

As this English Edition by Pulton has been much copied by subsequent Editors of the Statutes, it deserves particular Notice.

The Original Edition, published in 1618, contained many Corrections of the then existing Translation, by rendering it more conformable to the Records in the Tower; and further Corrections were from Time to Time made in the subsequent Editions: But several Errors and Inconsistencies were suffered to remain, in consequence of the Translation following the old Printed Copies of the Latin and French Text, which frequently differ from those Records. Some of the Corrections made in the various Editions of the English Collection called Rastall's, were indeed adopted; but several Matters translated in Rastall's English Collection, are not included in Pulton's, particularly several of the Statutes of uncertain Date, usually classed together after the Reign of Edw. II. A Change of Phraseology also is occasionally made in Pulton, not always to the Improvement of the Translation. Titles are put at the Heads of the several Chapters, which are in fact intended as Abridgments of their Contents, and which were not given in former Editions to the Chapters of any Statute previous to Edw. IV.: though in the Chronological Table of Statutes subjoined to Rastall's Collection, Titles of a similar Kind occur from the Beginning of the Reign of Edward III. Several Parts or Chapters of the Statutes subsequent to 1 Edw. III. are omitted, and only noticed by the Titles or Abridgments.

From 1618 to 1735 the great Body of the Statutes continued to be published entirely in English; but the small Collections of the Statutes previous to 1 Edw. III. in French and Latin, were frequently reprinted till after 1618, and these were succeeded by the Collection in Lord Coke's Second Institute. The Editions bearing the Name of Pulton were continued from Time to Time from 1618 to 1670; the last by Manby, who had previously edited the Statutes passed in the Time of Car. I. and Car. II.

During the Usurpation partial Collections of Acts for different Series of Years were published, from 1646 to 1654; and an authentic Collection by Scobell, the Clerk of the Parliament, from 1640 to 1656. After the Restoration, Editions of the Statutes Car. I. and Car. II. were published by the King's Printers and others.

In

In 1676 Keble's Edition of the Statutes at Large, ending with 27 Car. II. was published by the King's Printers, "carefully examined by the Rolls of Parliament." This Edition is in many instances more correct, as to the Statutes subsequent to Hen. VII. than the Editions by Barker or Pulton, or that called Rastall's 1618: It was from Time to Time reprinted, and continued by additional Volumes. The Translation of the Statutes previous to Henry VII. contained in all the Editions called Keble's, was copied from the latest Edition of Pulton.

* Appendix,
(G.)

Historical
and
Explanatory
Introduction.

The Edition of the Statutes by Serjeant Hawkins, published in 1735 in Six Volumes Folio, ending with 7 Geo. II. contains the respective Latin and French Texts of most of the Statutes to 8 Edw. IV. with Translations of such as had been before translated, and as appeared to him to be in force or use: Of some of these Statutes a Translation only is given, without the original Text: Of the Statutes and parts of Statutes considered by him as obsolete, or which are expired or repealed, the original Text is given without a Translation, and occasionally an Abridgment without either the Text or Translation. From his Preface he seems not to have been aware that the early Statutes had ever been printed in Latin or French, in any Collection except the Second Institute of Lord Coke; and he gives the Text from the Statute Rolls in the Tower, from antient Manuscripts, or from the Second Institute; all in many Instances varying from the earliest Printed Editions. An Appendix is subjoined to the Sixth Volume, containing the Text of some of the more antient Statutes, which are omitted, or of which Translations only are given in the Body of the Work; "together with some antient Records of Statutes omitted in the Statute Roll, but entered in other Parliamentary Records." Upon the Subject of the Translation, Hawkins thus expresses himself in his Preface: "It was proposed to make a new Translation of the French and Latin Statutes, and it must be owned that there are some mistakes in the old Translation; but it having, by its long Use, obtained a kind of prescriptive Authority, and seeming for the most Part to have been done with greater Learning and Accuracy than can be expected from any modern Hand, willing to undertake a Work of such Difficulty, and it being easy for the Reader to correct the Mistakes in it by the Help of the Original, it was judged most proper to retain it."

Cay's Edition of the Statutes, published in 1758, in Six Volumes Folio, ending with 30 Geo. II. is very much upon the Plan of Hawkins's Edition, with the following Additions: In cases where the Statutes are printed from the Statute Rolls in the Tower, the Numbers of the respective Membranes of the Rolls are quoted; and in other Cases the several Manuscript Authorities from which they are printed, are distinctly cited. The Latin and French Text respectively of several Statutes prior to Edw. III. and the French Text of the Statutes 23 Hen. VI.; 12, 14, 17, and 22 Edw. IV. which had been omitted by Hawkins, are given from Manuscripts. Several Instruments, not included in the previous Editions by Hawkins, Pulton, and others, are inserted from the early Printed Copies, and some Matters not contained in any former Edition of the Statutes, are printed from the Parliament Rolls. The Translation of the Statutes previous to Hen. VII. is the same as Keble's and Pulton's: In his Preface, Cay attributes the whole of that Translation to George Ferrers, in the Time of Hen. VIII. and speaks thus of it: "It is not a good one, and the Mistakes in it are very numerous and considerable: It has often been desired that a new Translation should be made; but as this has been used for some Ages, not only by the Public in general, but even by the Parliament, and many Statutes are recited in subsequent Acts in the Words of this Translation, it seems to be too much authenticated for an Editor to presume to reject it."

The Editions by Hawkins and Cay were for some Time continued by several Volumes containing the Statutes of subsequent Years.

In 1762 was printed the First Volume of an Edition of the Statutes at Large, which was completed in 1765, by Ruffhead, in Nine Volumes Quarto, ending with the Statutes of 4 Geo. III. In this Edition is included all that was comprehended in Cay's. Several Matters, however, which by Cay were inserted in the Body of his Work, were printed by Ruffhead in an Appendix subjoined to the Ninth Volume; and in this Appendix are also introduced some Acts of Henry VII. and of subsequent Reigns, taken from former Printed Copies, and also from the Parliament Rolls, and the Inrolments of Acts in Chancery. This Edition was reprinted in 1769, &c. and has been regularly continued from Time to Time by Volumes containing the Statutes of subsequent Years.

Pickering's Edition of the Statutes at Large, in Twenty-three Volumes Octavo, ending with the Statutes 1 Geo. III. was printed at Cambridge, and published at various Times between 1762 and 1766. A Twenty-fourth Volume, containing the Preface and Index, was published in 1769. This Edition contains the same Matters, and for the most part, in the same Order, as Cay's Edition; with the Addition of the Statutes afterwards passed, and also of some Instruments and Translations from former Printed Copies, and other Sources, which, "though deemed antiquated," were added "on account of their Public or Constitutional Importance." In an Appendix subjoined to the Twenty-third Volume, some of the Matters are inserted which are contained in Ruffhead's Appendix. This Edition also has been regularly continued by subsequent Volumes published from Time to Time.

It

Appendix;
(G.)

Historical
and
Explanatory
Introduction.

It should be observed, that the Matters for the first Time introduced by Hawkins, Cay, Ruffhead and Pickering respectively, are few in Number; and that some of them are clearly not entitled to the Character of Statutes. It is evident also that Ruffhead and Pickering took, each, Advantage of the Circumstance of their Editions being in the course of Publication during the same Period; and that, in the Insertion of new Matters, they by turns borrowed from each other.

Neither Hawkins, Cay, Ruffhead, nor Pickering, take any Notice of the French Text of the Statutes of Richard III. which have been stated by some Writers to have been originally in English; whereas the Editions of the *Nova Statuta* by Pynson, Rastall's Collection, and the Sessional Publication of the Statutes of Richard III. prove that the Statutes of that Reign were originally published in French: although, in and after the Reign of Henry VI. many Bills, in the Form of Acts, are entered on the Parliament Roll in English.

The Translation now chiefly in use, which was first inserted in Pulton's Edition 1618; and thence copied, with a few Corrections, into subsequent Editions, and afterwards into those of Keble, Hawkins, Cay, Ruffhead, and Pickering successively, does not answer wholly, either to the Text as given from the Records or Manuscripts, or to the Text of any of the old Printed Editions; the Translation having been in part altered by Pulton and other Editors to suit it to the Text, as taken from the Record, and being in part suffered by them to remain, as in the earliest Editions, without making the Alterations necessary to remedy Errors, which were equally repugnant to the old Printed Copies and to the Record. Throughout the whole Translation also Sentences are frequently inserted or omitted, contrary to the Authority of the Latin or French Text, as given from the Record or Manuscript, in the opposite Column of the Book; and the Translation, thus varying from the Text of the Record or Manuscript, is sometimes consistent with, and sometimes contrary to, the old Printed Copies, which are not at all noticed.

Many palpable Errors and Omissions have been allowed to remain without Notice in all the Translations. Corrections, comparatively very few in number, were silently made in the Progress of the Editions called Pulton's and Keble's. Those made from Time to Time in Rastall's English Collection were numerous and important, but they have not been fully adopted in any Editions of the Statutes at Large. The Suggestions of Corrections by Notes in the Margin of Cay's Edition are very rare, comparatively with the numerous Errors actually existing; but the Number of these Suggestions was somewhat increased in the Edition by Ruffhead, though not to any considerable Extent. The like Observations apply to Pickering's Edition; respecting which, however, it is material to notice, that of many of the obsolete, expired, or repealed Statutes, or Parts of Statutes, a Translation only is given by Pickering, from the Edition by Pulton and that called Rastall's 1618, with some Amendments, while the Latin or French Text, or an Abridgment in English, is given in the Editions by Hawkins, Cay, and Ruffhead.

Upon the whole it is ascertained, That no complete Collection has ever been printed containing all the Matters which at different Times, and by different Editors, have been published as Statutes. The earliest Editions of entire Statutes were printed at the latter End of the Fifteenth Century, and began with the Statutes of Edward III. in their original Language: The Statutes of Henry III. Edw. I. and Edw. II. were not printed entire until the Beginning of the Sixteenth Century, and then in small Collections by themselves in their original Language; and none of these Printed Copies quote any Record or Manuscript as an Authority for the Text which they exhibit. Later Editions of the Statutes, which combine the Period previous to Edward III. with that of Edward III. and subsequent Kings, omit the original Text of the Statutes previous to Henry VII.; giving Translations only of those Statutes and the subsequent Statutes in English: And the most modern Editions which, in some Instances, insert the original Text of the Statutes previous to Richard III. from the Statute Roll and antient Manuscripts, omit the Translation of many Parts of them, and in other Instances give a Translation without the Text; and also omit many Acts in the Period subsequent to Hen. VII. Further, it is to be observed, that the several Printed Editions differ materially from each other in the Text of the Statutes previous to Hen. VIII. The Copy of the Statute of Gloucester, 6 Edw. I. in the Editions printed by Tottell in 1556 and 1587, and by Lord Coke in his Second Institute, varies most materially not only from that in the earlier Printed Editions by Pynson in 1508 and 1514, and by Berthelet in 1531, but also from that in the Edition by Marshe in 1556, the same Year in which the First Edition by Tottell was printed. The Copy of this Statute printed by Hawkins from the Statute Roll in the Tower varies as well from those printed by Tottell and Lord Coke, as from those by Pynson, Berthelet, and Marshe. This Instance is mentioned, as the Statute of Gloucester is the earliest now existing on any Statute Roll. Many other Instances occur, even in Cases where the Necessity of Correctness was most peculiarly requisite: Such are the antient Statutes relating to the Assize of Bread, the Composition of Weights and Measures, and the Measuring of Land: In all these the Calculations in the several Printed Copies vary from each other, and are all incorrect, some in one Particular, some in another. It may be noted, moreover, that many verbal Variations occur between the several Editions which appear essentially to agree with each other. Thus the Copies in Tottell 1556, 1587, and the Second Institute, though generally accordant, are not precisely so; and the same Observation applies to the Editions by Pynson, Barthelet, and Marshe. These verbal Variations may be said to be innumerable, and

and though for the most Part minute, they are occasionally important. After the Commencement of the Reign of Edward III. a greater Degree of Correctness and Uniformity prevail; but so late as the Reign of Henry VII. some Instances of material Variation continue to be met with. The Acts of Richard III. were printed in French, first by Caxton, and afterwards in Pynson's Edition of the Statutes from the Commencement of the Reign of Edw. III.: In the Editions by Berthelet, Barker, and others, these Acts of Ric. III. were printed in English, agreeing in Substance with the French Text: But in the Editions by Pulton and subsequent Editors, there are essential Variances in the Translation, not only from the Sense of the French Text, but also from the former English Editions: And even of the Statutes of Henry VII., though always printed in English, the Copies in the Editions by Pulton and subsequent Editors, differ in several Instances from those in the earlier Printed Collections.

It is moreover ascertained, That no one complete printed Translation of all the Statutes previous to Hen. VII. exists: Some, which are omitted from Berthelet 1543, and the other early Editions, including that called Rastall's 1618, are inserted in Pulton 1618, and in Editions since published: On the contrary, several Parts of the Statutes from 1 Edw. III. to 1 Hen. VII. Translations of which are inserted in Berthelet, Rastall, and other Editions, are omitted, and merely Abridgments thereof given, in Pulton and subsequent Editions. All the Statutes therefore which have been hitherto translated can be found only by uniting Pulton 1618 and Rastall 1618, together with Rastall's English Collection, and the English Editions by Berthelet, Middleton, and Barker. Many Errors and Inconsistencies occur in all the Translations, resulting either from Misinterpretation, or from improper Omissions or Insertions; and there are many ancient Statutes of which no Translation has ever yet been printed.

SECT. II.

Plans heretofore proposed for an Authentic Publication, or for the Revision, of the Statutes.

NO Complete and Authentic Edition of the Statutes has hitherto been undertaken by Authority; nor has the Design itself ever been suggested, simply, and without Connection with other Schemes of Reformation or Improvement.

A general Revision of the Statute Law has been often recommended from the Throne, and has been petitioned for by both Houses of Parliament; it has engaged the Labours of successive Committees, and has been undertaken by Individuals sometimes with, and sometimes without, the Sanction of Royal or Parliamentary Authority; but has never yet been carried forward to any Degree of Maturity.

In Queen Elizabeth's Reign, A. D. 1557, Sir N. Bacon, Lord Keeper, drew up a short Plan for reducing, ordering, and printing the Statutes of the Realm. The following are the Heads of this Plan: "First, where many Lawes be made for one Thing, the same are to be reduced and established into one Lawe, and the former to be abrogated.—Item, where there is but one Lawe for one Thing, that these Lawes are to remain in Case as they be.—Item, that all the Actes be digested into Titles, and printed according to the Abridgement of the Statutes.—Item, where Part of one Acte standeth in force and another Part abrogated, there should be no more printed but that that standeth in force.—The doing of these Things maie be committed the Persons hereunder written, if it shall so please her Ma^{ty} and her Counsell, and Daye wolde be given to the Committees until the First Daie of Michaelmas Terme next coming for the doing of this, and then they are to declare their Doings, to be considered of by such Persons as it shall please her Ma^{ty} to appoint." Then follow Lists of Twenty Committees of Four each, in which the Judges, Serjeants, Attorney and Solicitor General, &c. are named: One Judge, &c. and Three Counsel forming a Committee, to each of which it was proposed that a Title or Division of the Statute Law should be referred.

The Subject was afterwards taken into Consideration, so far as related to the Penal Laws, at subsequent Periods in the Reign of the same Queen, viz. Anno 27, A. D. 1585.—Anno 35, A. D. 1593.—Anno 39 & 40, A. D. 1597.—Anno 43, A. D. 1601.—In the Proceedings in 1593 and 1597 Sir Francis Bacon took part, and upon them he appears to have founded his Sketch or Plan of a General Revisal of the Statute Law.—King James the First, upon his Accession to the Throne of England, 1603-4, and in subsequent Periods of his Reign, recommended also to Parliament a Reform of all the Statute Law, and of the Penal Laws in particular.

In the Year 1610 a Digest and Repeal of the Penal Laws was expressly stipulated for by the House of Commons, and acceded to by the House of Lords, in their joint Transaction of the Great Contract with the Crown; and in the same Reign Sir Francis Bacon, Lord C. J. Hobart, Serjeant Finch, Mr. Noy, and others, by the King's Command, made considerable Progress in the general Work of reforming and re-compiling the Statute Law, which Lord Bacon describes as "An excellent Undertaking, of Honour to His Majesty's Times, and of good to all Times;" and recommends, in Imitation of the Statutes of 27 Hen. VIII. c. 15, and 3 & 4 Edw. VI. c. 11, for appointing

Appendix,
(G.)

Historical
and
Explanatory
Introduction.

appointing Commissioners to examine and establish Ecclesiastical Laws, that Commissioners be named by both Houses for this Purpose also, with Power not to conclude, but only to prepare and propound the Matter to Parliament.

In the British Museum is preserved a Manuscript Volume containing the Plan of an elaborate Report, particularising the several Statutes, from the Statute of Westminster the First, 3 Ed. 1. to 7. Jac. 1. 1609, then actually repealed or expired, and also the Statutes thought fit either to be absolutely repealed, or to be repealed and new Laws to be made in their Place. Possibly this may be the very Work spoken of by Sir Francis Bacon. It is drawn up as by Authority, with detailed Reasons for every proposed Measure; but it is not signed by, or addressed to, any one. A Table is subjoined to it, exhibiting the Result of the Report.

Among the Papers of Mr. Petyt, in the Inner Temple Library, is a Letter of Lord Bacon's, dated 27th February 1608, which shows that he had the Advantage of using for his proposed Plan a Manuscript Collection of the Statutes, made with great Labour by Mr. Michael Heneage, Keeper of the Tower Records, in Five large Volumes, which it is feared has been lost. Lord Bacon's Disgrace at the latter Period of the Reign of King James I. and the Distractions of the Government in what related to Parliament, were probably the Causes of the Failure of these Measures, and of the Silence that ensues respecting them in Parliamentary History.

During the Usurpation the same Undertaking was resumed with Ardour. In 1650 a Committee was named, one of the Members whereof was Bulstrode Whitelock, then First Lord Commissioner for the Custody of the Great Seal: The Purpose was "to revise all former Statutes and Ordinances now in force, and consider as well which are fit to be continued, altered, or repealed, as how the same may be reduced into a compendious Way and exact Method, for the more Ease and clearer Understanding of the People." And the Committee were empowered "to advise with the Judges, and to send for and to employ and call to their Assistance therein any other Persons whom they should think fit, for the better effecting thereof, and to prepare the same for the further Consideration of the House, and to make Report thereof." But no such Report has been preserved.

In 1651-2, Matthew Hale, Esquire, afterwards Lord Chief Justice Hale, Sir Anthony Ashley Cooper, afterwards Lord Shaftesbury, and Rushworth, the Author of the Historical Collections, with other Persons out of the House, were appointed to report to the Committee their Opinions upon the Inconveniences of the Law; and a revised System of the Law was reported to the House in the Course of the same Year. The same Labour was afterwards transferred to other Hands, but the Work was not abandoned; and in 1653 a Committee was appointed to consider of a new Model or Body of the Law. But of this Committee no Proceedings are now discoverable.

After the Restoration, Finch, Solicitor General, afterwards Earl of Nottingham and Lord Chancellor, Serjeant Maynard, Sir Robert Atkins, Mr. Prynne, and others, were appointed in 1666, to be a Committee "to confer with such of the Lords, the Judges, and other Persons of the Long Robe, who have already taken Pains and made Progress in perusing the Statute Laws; and to consider of repealing such former Statute Laws as they shall find necessary to be repealed; and of Expedients for reducing all Statute Laws of one Nature under such a Method and Head as may conduce to the more ready Understanding and better Execution of such Laws." This, however, was as ineffectual as any of the former Measures; and it is the last recorded Instance of the Interference of Parliament on the Subject, previous to those Proceedings which gave Rise to the Commissions under the Authority whereof the present Work has been executed.

The earliest Instance of the Exertions of any Individual, without the Sanction of Parliamentary Authority, towards making a Collection of Statutes from authentic Sources, appears to have been afforded by Pulton.—He was a learned Barrister, of great Age and Experience, and was employed for several Years in the Consideration of the Statute Law. He published two useful Books upon that Subject: First, an Abridgment of the Penal Statutes; and afterwards a Calendar or Abstract of all the Statutes in use, chronologically arranged; together with an alphabetical Abridgment of them, in the Manner of Rastall's Collection. He appears to have been encouraged and assisted in his first Work by Sir William Cordell, then Master of the Rolls, to whom it is dedicated; various Editions of this were published from 1560 to 1577. His Calendar, first published about 1606, is distinguished by the following Expression in the Title-page; viz. "*Editum per mandatum Domini Regis.*" But nothing else, either in the Book or elsewhere, has been found to confer any Marks of Royal Authority upon the Contents of the Book. After the Publication of these Works, without any public Patronage or Recommendation beyond a Permission to use the Records, he conceived the Plan of copying from their original Records, and printing for general Use, all the Statutes supposed to be in force.

This Plan it will be useful to state at length: And this we are enabled to do by the Preservation of the Papers containing his original Scheme, among Sir Robert Cotton's Manuscripts in the British Museum. In one of

of these Papers the Design is set forth: It is indorsed, in a Hand frequent among the Cottonian Manuscripts, "Concerning Mr. Pulton's Suite;" and has no other Title, Mark, or Description at the Beginning or End; though by another Article referring to it, there is Proof of its Date being in or previous to 1611. "Mr. Poulton seeketh to print the Statutes at Large. He promiseth to set down which Statutes or Parts of Statutes are repealed, and which, being at the first but temporary, are since expired and void, because not revived. This he hath already done in his late Abridgment, for which he had a Recompence of the Printer. Now, to make this new Book at large saleable, he promiseth to print the Statutes first in the Language the same were first written; and such as were originally in French or Latin, he will translate and print likewise in English. Where the Statute has no Title, he will devise a Title out of the Body, and print it with the Statute. He will set down which Statutes are warranted by the Record, and which not. He will correct the printed Book by the Record. For which Purpose he requireth free Access at all Times to the Records in the Tower. Being very aged, viz. almost Fourscore, he desireth that for his Ease and better enabling in his Work, the Keeper of the Records within the Tower of London may every Day deliver unto him, when he shall so require, One Parliament Roll, to be by him and his Clerk perused and viewed, in a Lodging which he hath taken near unto the said Office; the same afterwards to be redelivered by them to the said Keeper thereof. That the Clerk do help, further, and assist him in this Service by all the Means he can."

Several Objections to the Prosecution of this Plan were made by Bower and Elsynge, Keepers of the Tower Records; among others, that they and their Predecessors had actually prepared Materials for the Work in question, and that they then had ready written Five Volumes of Statutes copied from the Records. These were perhaps the Volumes alluded to in Lord Bacon's Letter before mentioned. The Dispute between the Parties was continued for some time: But there remains among the Cottonian Manuscripts a Draught of an Award for its Determination by Sir Robert Cotton himself, to whom they referred their Differences; and from a Paper in the British Museum, among the Manuscripts of Mr. Madox, it appears, that an Order of Council passed on the 24th of October 1611, granting Licence to Pulton to have the Use of the Records in the Manner asked. It recites that he undertook the Work by Persuasion of the Judges and others learned in the Laws, and requires the Keepers of the Records, on account of the Importance of the Work, and for the Benefit of the Learned, to assist and further him all they can.

Pulton lived to publish this proposed Edition in 1618; which is the Work already spoken of as Pulton's English Statutes. In his Preface, after noticing the Redundancies of former Editions, containing Subsidy Acts and other Acts "expired, repealed, altered, and worn out of Use," and his Intention to publish such only "which be now in Life, Force, and general Use," he gives the following Statement of the Means he had employed in compiling his Collection.

"First, with as great Means, Care, and Industry, as possibly I could use, so many of the old Statutes heretofore printed in the English Tongue, made and published in the Reigns of the first Ten Kings (accounting from 9 of Hen. III. unto 1 of Ric. III. inclusive), as be chiefly in Use and Practice, and which are the Foundation of Proceedings both legal and judicial, have been by me truly and sincerely examined by the original Records thereof remaining in the Tower of London; and the Residue with the Register of Writs, being the most antient Book of the Law, the old and new Natura Brevium, the Books of Entries, the Books of Years, and Terms of the Law; the best approved, printed, and written Books; and by all such other Circumstances as might best give Probability of Truth unto the Learned. By reason whereof, the foresaid Defects, Imperfections, and Emblemishments being reformed in this Edition, as it is a Collection of the most usual Laws, gathered from out the grand Codex of all the Statutes, so it may serve as a Correction to the former Impressions."

The Defects of Pulton's Publication, as a general Collection of Statutes, are chiefly these: 1st, As to the Statutes preceding Hen. VII. it is a Translation in English, and does not exhibit the Text in the original Language of the Records, as might have been expected from his Proposal: 2dly, Though it had the Permission, it had not the Authority of the King, by whom all Acts of Legislation are to be communicated to the Subject; and was only the private Work of an Individual for his own Benefit: 3dly, It is a partial Selection of such Statutes as in the Judgment of the Author were fittest to appear in his Book; their Authority and Use, whether in force or repealed, depending on his Opinion: 4thly, It is not, nor does it purport to be, a correct and examined Copy from the Original Records, of all those Acts which are given at large; but of such only as the Author thought necessary so to examine and correct: And it is left uncertain, which, and how many of them, were taken from printed or written Books. It has, therefore, though in a less Degree, the same Faults as all the Collections and Editions of Statutes printed before; and it was particularly unfortunate that the Author did not execute that Part of his Proposals which made their greatest Merit, namely, the giving an accurate Copy of the original Text of the antient Statutes from the Record.

These

Appendix,
(G.)

Historical
and
Explanatory
Introduction.

These Objections are no less applicable to the Editions by Hawkins and Cay, as falling short of the Character of a complete and authentic Collection of the Statutes. They professed indeed to have copied their Text from Original Records, or other Manuscripts, in Latin and French; but by printing some Statutes and parts of Statutes, with the Translation, and some without it, and giving only a Translation of others, they have rendered their Editions liable to still further Objections, for which no subsequent Editor has hitherto attempted to offer a Remedy.

From the preceding Statement, the Necessity and Use of an Authentic Publication of the Statutes of the Realm will appear: for, although the Defects of all former Collections have been long complained of by learned and eminent Men, and although various Propositions have been offered at different Times, for an Authentic Publication of the Statutes, none such has yet been executed. At length, however, a Select Committee, appointed by the House of Commons of Great Britain in the Year 1800, to inquire into the State of the Public Records of the Kingdom, having reported upon this Branch of the Matters referred to their Consideration, that in their Opinion, it was "highly expedient for the Honour of the Nation, and the Benefit of all His Majesty's Subjects, that a complete and authoritative Edition of all the Statutes should be published;" in pursuance of their Recommendation the present Work has been undertaken and executed, under the Authority and Direction of Commissioners specially appointed by His Majesty to carry into Effect the several Measures which were by that Committee recommended to the Attention of Parliament.

CHAP. II.

Of THE CHARTERS prefixed to this Collection of the Statutes.

A SERIES of the CHARTERS OF THE LIBERTIES OF ENGLAND is prefixed to this Collection of The Statutes: namely, CHARTERS OF LIBERTIES; 1 Henry I. A. D. 1101: 1 Stephen A. D. 1136: Of Stephen and Henry II. without Date: CHARTER for free Elections in Churches; 16 John A. D. 1214: ARTICLES or Heads of Magna Carta; 17 John A. D. 1215: MAGNA CARTA; 17 John A. D. 1215: 1 Henry III. A. D. 1216; A. D. 1217: 9 Henry III. A. D. 1224-5: 36 Henry III. A. D. 1251-2: CARTA DE FORESTA; 2 Henry III. A. D. 1217: 9 Henry III. A. D. 1224-5: And CHARTERS confirming Magna Carta and Carta de Foresta; 21 Hen. III. A. D. 1236-7: 49 Hen. III. A. D. 1264 5: 25 Edw. I. A. D. 1297: 28 Edw. I. A. D. 1300: 29 Edw. I. A. D. 1300-1.

MAGNA CARTA and CARTA DE FORESTA, granted in the 9th Year of King Henry III. have, in every Collection of Statutes which contained the Statutes previous to 1 Edw. III. been printed as the first in Order. In all Editions previous to Hawkins's, they were printed as from Charters of Inspeximus of 28 Edw. I: By Hawkins and subsequent Editors they were printed from the Charter of Inspeximus entered on the Statute Roll of 25 Edward I: But in no Edition hitherto have they been printed immediately from any Charter of 9 Henry III; and it is not known that any Statute Roll of that Date ever existed. In the present Collection, these Charters are inserted according to their place in the above Series, and are printed from Charters under the Great Seal: They are also printed again amongst the Statutes 25 Edw. I. from the Entry on the Statute Roll of that Year, being the earliest Parliamentary Record upon which they have been found.

For the Purpose of examining all the Charters, and Authentic Copies and Entries thereof, and also of searching for antient Copies and Entries of Statutes, and Instruments not now to be found on the Statute Roll, Two Sub-Commissioners were employed during the Summer of 1806, in making a Progress through England and Ireland to every Place where it appeared from the Returns to the Record Committee of 1800, or from other Intelligence, that any such Charters, Copies, or Entries were preserved: And Searches have been made successively at every Cathedral in England which was known to possess any such Charters, Copies, or Entries; and also at the Universities of Oxford and Cambridge; at Trinity College, Dublin; at the Courts of Exchequer, and other Public Offices in Dublin; and wherever else Information could be obtained on the Subject. The Result, so far as relates to the Charters, may be thus briefly stated.

In Rochester Cathedral is preserved the *Textus Roffensis*: This is a Chartulary, or Collection of Charters and Instruments, compiled by Ernulf, who was Bishop of Rochester from A. D. 1115 to A. D. 1125. In this Chartulary is an Entry of the Charter of Liberties, granted in the First Year of King Henry I. A. D. 1101.

In Exeter Cathedral is preserved an original Charter granted in the First Year of King Stephen A. D. 1136, "De Libertatibus Ecclesie Anglie & Regni."

In

In Canterbury Cathedral are several Chartularies or Registers, of very antient Date. In these are entered the Charter of King Stephen, of which an Original is in Exeter Cathedral, and the Charter of King John, granted in the Sixteenth Year of his Reign, for free Elections of Prelates, &c. in Churches and Monasteries.

In Lincoln Cathedral, an Original of the Great Charter of Liberties, granted by King John in the Seventeenth Year of his Reign, is preserved in a perfect State. This Charter appears to be of superior Authority to either of the Two Charters of the same Date, preserved in the British Museum. From the contemporary Indorsements of the Word *Lincolnia* on Two Folds of the Charter, this may be presumed to be the Charter transmitted by the Hands of Hugh the then Bishop of Lincoln, who is one of the Bishops named in the Introductory Clause; and it is observable that several Words and Sentences are inserted in the Body of this Charter, which in both the Charters preserved in the British Museum, are added, by way of Notes for Amendment, at the Bottom of the Instrument.

In Durham Cathedral, several Charters of the Liberties of England are preserved with great Care; namely, Magna Carta, 12 Nov. 1 Hen. III.—Carta de Foresta, 2 Hen. III.—Magna Carta & Carta de Foresta, 9 Hen. III. The Carta de Foresta, 2 Hen. III. is the earliest Charter of the Forest; the Original and all Authentic Records of which were supposed by Blackstone to be lost. It is remarkable that in this Original is inserted a Clause which occurs in an Entry of this Charter on a Roll, formerly belonging to the Abbey of Hales Owen in Shropshire, communicated to Blackstone by Lord Lyttelton; and which is not inserted in the Carta de Foresta, 9 Hen. III.

A Charter of the Date of 12 Nov. 1 Hen. III. was transmitted to Ireland; and an Entry thereof is preserved in the Red Book of the Exchequer at Dublin.

In several other Cathedrals are Chartularies, Registers, or Collections, of antient Date, containing Entries of the Great Charters and Charters of the Forest. The most valuable of these are at York, Gloucester, and Christ Church, Dublin.

The Magna Carta of 9 Hen. III. under Seal, from which Blackstone printed a Copy in his Edition of The Charters, and which he suggests was the Charter designed for the Use of the Knights or Military Tenants of Wiltshire, is still preserved by the Family of the Talbots, of Lacock Abbey, in that County.

In the Bodleian Library at Oxford are Magna Carta, A. D. 1217; and the Charters of Confirmation, 21 Henry III. and 29 Edward I.

In the British Museum is the Original of the Articuli Magne Carte under the Seal of King John, from which Blackstone printed the Copy in his Edition of the Charters. Two of the Great Charters of King John, one of 36th Hen. III. and the Charter of Confirmation granted by King Edward I. at Ghent, in the 25th Year of his Reign, are also preserved in the same Repository.

On the Statute Roll of 25 Edward I. are entered Charters of Inspeximus of that Date, reciting and confirming Magna Carta & Carta de Foresta of 9 Henry III. Entries of similar Charters dated 28 Ed. I. are made on the Charter Rolls of that Year; the only Difference between these several Charters of Inspeximus is, that those of the 25th Year are tested by the King's Son, and those of the 28th by the King himself. Original Charters of Inspeximus of these respective Dates, agreeing with the Entries on the Statute and Charter Rolls, are still in Existence. Of these Charters one of 25 Edw. I. confirming Magna Carta, is in the Town Clerk's Office, London. Others of 28 Edw. I. confirming Magna Carta, are in the same Repository, as also in Durham Cathedral, Westminster Collegiate Church, Oriel College Oxford, and in the Town Clerk's Office at Appleby in Westmoreland. Others of the same Date, confirming Carta de Foresta, are in Durham Cathedral, and Oriel College Oxford.

From these Materials, and others previously obtained, Transcripts and Collations were made and accurately examined by the Sub-Commissioners. The Text of the several Charters inserted in the present Collection is printed from these Transcripts; an attentive and strict Collation of the printed Text with the Transcript, has been made by one of the Sub-Commissioners, who himself assisted in making the Transcript, and in examining it with the Original; and where an engraved Copy has been made of any Charter, the printed Text has also been collated with such engraved Copy.

This Collection of Charters will be found to differ from Blackstone's Edition of the Charters, and other printed Copies, in the following Particulars: First, In exhibiting a complete Series of the Charters of Liberties, granted by the Kings of England; in which their Original and Progress may be traced until their final and complete Establishment in the Twenty-ninth Year of King Edward I.—Secondly, In affording in every Instance a faithful

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

Transcript from Original Charters or Entries thereof; in Characters representing the Manuscript with its Contractions or Abbreviations, so far as the same could be accomplished by Printing Types: Engraved Fac-Similes are also subjoined, which have been made with great Care and Attention from several of the Charters; namely, the Charter of Liberties granted by Stephen, in Exeter Cathedral; the Articuli Magne Carte of John, in the British Museum; the Magna Carta of John, in Lincoln Cathedral; the Carta de Foresta, 2 Hen. III. and the Magna Carta, 9 Hen. III. in Durham Cathedral; the Entry of the Charter of Confirmation, 21 Hen. III. on the Charter Roll of that Year in the Tower of London; and the Charter of Inspeximus, 25 Edw. I. in the Town Clerk's Office, London.—Thirdly, In inserting the Stops or Points, which Blackstone omitted, but which are justified by the Originals, and which are material to the Sense; and in avoiding many Errors, which had crept into all prior Editions, even that of Blackstone himself, in consequence of the Transcripts and Examinations being intrusted, at different Places, to different Persons not all equally competent to the Task, and from the Collation of unauthenticated Manuscript Copies supposed to be of a Date much more antient than in Truth they are.—Fourthly, In inserting Charters not before printed, viz. 1. The Charter of the Sixteenth Year of King John, for the free Election of Prelates, &c. which is particularly adverted to in the Magna Carta granted by that King: 2. The First Charter of the Forest, granted in the Second Year of Henry III. now preserved in Durham Cathedral; the Existence of which escaped the researches of Blackstone: 3. The Confirmation Charter of 36 Hen. III. which accounts for some Alterations in the Charters of Inspeximus and Confirmation of Magna Carta granted by Edw. I.: 4. The Charter of Inspeximus and Confirmation of Magna Carta, 25 Edw. I. from the Original preserved in the Town Clerk's Office, London; being of the same Date as that entered on the Statute Roll: The Authenticity of this last mentioned Charter is evinced peculiarly by the Writ which is annexed to it; and no other such Original Charter of this Date is now known to exist: 5. The Charter of Inspeximus and Confirmation of Magna Carta, 28 Edw. I.: And, 6. The Charter of Inspeximus and Confirmation of Carta de Foresta, 28 Edw. I.; both from the Charter Roll of that Year in the Tower of London. From the Charters of Inspeximus, 25 and 28 Edw. I. as entered on the Statute and Charter Rolls, Blackstone gave only Various Readings as Notes to the Charters of 9 Hen. III.; but did not print the Charters themselves at length.

CHAP. III.

SECT. I.—*Of the Matters inserted in the Collection of THE STATUTES; and their Arrangement.*—

SECT. II. *Of the Sources from whence the several Matters have been taken.*—SECT. III. *Of the Mode used in searching for, transcribing, collating, noting, and printing the Text of the Statutes.*

SECT. I.

Of the Matters inserted in this Collection of Statutes; and their Arrangement.

1. ALL INSTRUMENTS whatever, comprehended in any of the several Collections of Statutes printed previous to the Edition by Hawkins, are inserted in this Work; these having for a long Series of Years been referred to, and accepted as Statutes in Courts of Law: Together with these are inserted all Matters of a public Nature, purporting to be Statutes, first printed by Hawkins or any subsequent Editor; and also New Matters of the like Nature, contained in any Statute Rolls, Inrolments of Acts, Exemplifications, Transcripts by Writ, and Original Acts, although not heretofore printed in any general Collection of Statutes. All these are placed in the BODY of the Work as TEXT. But it is to be particularly observed, that any Decision upon the Degree of Authority to which any new Instrument may be entitled, as being a Statute or not, is entirely disclaimed.

At the Foot of the Text in each Page, there are added such VARIOUS READINGS as appeared necessary to correct its Errors, or to supply its Deficiencies; or to reconcile any material Contradiction or Repugnancy between the Text and the Translation; or between different Copies of the Text, where they were of equal or of nearly equal Authority. In the earlier Reigns, or in the Absence of any Authentic Source for the Text, such Various Readings are noted with much greater Freedom than in later Times, or where Authentic Sources exist. Writs and other Instruments, having direct or material Reference to the several Statutes, are occasionally subjoined by way of NOTES. These Various Readings and Instruments are taken from the following Sources: Inrolments of Acts; Exemplifications; Transcripts by Writ; Original Acts; Rolls of Parliament; Close, Patent, Fine, and Charter Rolls; Books containing Entries of Record; Antient Books and Manuscripts not of Record, but preserved in the Repositories of Courts of Justice, and Corporation Offices; or in the Libraries of Cathedrals, Universities, Colleges, or Inns of Court, and at the British Museum: Various Readings have been also admitted from the Printed Editions; occasionally in Confirmation of the Manuscript Sources, and more frequently in Cases where those Sources have been found deficient.

Every

Every Thing heretofore printed in any former Collection of Statutes, is in this Volume printed in an uniform Type; and all new Matters, whether Various Readings, Notes, or entire Statutes or Instruments, are distinguished by a smaller Type. The entire Matters, whether old or new, of which the Dates are ascertained, are placed in Chronological Order; and all, during the Reigns of Hen. III. Edw. I. and Edw. II., the Dates of which are uncertain, are classed together, after the Manner of former Editions, at the End of the Reign of Edward II.

A complete Enumeration of all Matters included in this Collection, whether as Text or in the Notes, is exhibited in a general CHRONOLOGICAL TABLE OF CONTENTS prefixed to the Body of the Statutes; specifying the Source or Authority, from whence the Text, Notes, and Various Readings are respectively taken.

2. OTHER MATTERS of a Parliamentary Form and Character have been recognized at different Periods of our History, as appearing to have Legislative Authority. It has been observed by Lord Coke, that "Acts of Parliament are many times in form of Charters or Letters Patent;" and many such have been inserted in all Editions of the Statutes: and that there are "many Acts of Parliament that be in the Rolls of Parliament and never yet printed:" In the Report also of the Select Committee of the House of Commons, in the Year 1800, upon the Subject of the Public Records, it is stated, that many Statutes and Ordinances in the Rolls of Parliament are not inserted in the printed Statute Books; and it is certain that many Acts and Matters not found on any Statute Roll, nor contained in any printed Editions of the Statutes, are found on the Parliament Rolls, which appear to have received the threefold Assent of King, Lords, and Commons, or to have such Qualities, as have been allowed by Courts of Law to imply that Assent.

With a View therefore to a Consideration of the Question, whether Matters of this Nature should be comprehended in the present Work, Lists of a great Number of them were prepared, not only from the Parliament Rolls, but also from other Records, particularly the Close Rolls and Patent Rolls, which were examined for the Purpose with great Care and Diligence, and Transcripts and Collations of many of them were made for the Examination of the Commissioners. In the Progress of this Labour, however, it appeared that the Matters which came within the Description above mentioned, were so numerous, that the indiscriminate Insertion of all of them would constitute a Mass, the very Bulk of which would prove inconvenient. But, what was of still greater Importance, upon Examination it became with respect to many of them, a Subject of Discussion, from which no certain Conclusion could be derived, to what Extent they had in fact received Sanction, and whether therefore they were, in any Degree, entitled to be considered as of Legislative Authority? It was obvious, at the same Time, that to have made a Selection only of such Matters as in the Opinion of the Commissioners were the least doubtful, was in Effect encountering the same Difficulty only in a smaller Degree; and the Sources, from which they were to be taken, not being in themselves conclusive Evidence, that the Matters contained in them were Statutes, the Selection in each Instance necessarily could be nothing more than the Result of private Judgment; without the Authority of that "general received Tradition," which, as Lord Hale observes, attests and approves those Statutes which are not properly extant of Record.

Acts also which received the Royal Assent, and which were entered only on the Parliament Roll, and not on the Statute Roll, have been frequently termed Ordinances; and various Distinctions have ineffectually been attempted to be made between an Ordinance and a Statute, with regard to the Nature and Validity of each respectively: But whatever has at any Time been written on this Subject is contradictory and indistinct; and in the Reign of Charles I. the Information on this Point, then of some Importance, appears to have been very unsatisfactory.

From these Considerations therefore, upon mature Deliberation, it has been deemed advisable that this Collection should include all such Instruments as have been inserted in any general Collection of Statutes printed previously to the Edition by Hawkins; with the Addition, only, of such Matters of a public Nature, purporting to be Statutes, as were first introduced by him or subsequent Editors, and of such other new Matters of the like Nature, as could be taken from Sources of Authority not to be controverted; namely, Statute Rolls, Inrolments of Acts, Exemplifications, Transcripts by Writ, and Original Acts.

In the 31st Year of Henry VIII. the Distinction between Public Acts and Private Acts is for the first Time specifically stated on the Inrolment in Chancery. No Private Acts passed after that Date have been admitted into this Collection: It has been thought sufficient to notice them, by the Insertion of their Titles only.

SECT. II.

Of the Sources from whence the several Matters have been taken.

I. THE SOURCES from which the Materials have been taken for this Collection, are necessarily of a different Character and Description in different Periods of our History.

The

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

The earliest Statutes contained in the several Collections are those of Henry III. ; but no Parliamentary Record of Statutes is now known to be extant, prior to the Statute Roll 6 Edw. I. To this interval nevertheless belong the Statutes of Merton, Marlborough, Westminster the First, and several others, always included in the Printed Editions. For this early Period, therefore, Recourse must be had to inferior Sources for the Text of our Statute Law : And even in subsequent Times, there is not only an Interruption in the Series of Statute Rolls, namely, after 8 Hen. VI. until 23 Hen. VI. inclusive, during which the like Recourse must be had to Sources of an inferior Degree of Authority ; but the Statute Rolls themselves do not, within their own Period, contain all the Instruments which have been acknowledged as Statutes. After 8 Edw. IV. the Statute Roll is not preserved ; after 4 Hen. VII. it ceased to be made up ; and ultimately it was succeeded, for practical Purposes, by the Inrolment in Chancery ; though during a short Period the Statute Roll and the Inrolment appear to have been contemporary.

The Materials for the several Periods during which no Statute Rolls or Parliamentary Records exist, can only be collected from Records, on which Copies or Extracts of Statutes have been entered ; or from other Manuscripts not of Record ; or, in Default of other Authority, from the oldest Printed Editions in which such Matters were first inserted. With respect to Entries of Record, in these Periods, That has been judged to be the most authentic Evidence of a Statute, which has been preserved as a Record or authentic Copy from antient Times, in the Custody of the highest Courts authorized for that Purpose. Such are Copies or Extracts of particular Statutes found in the Close, Patent, Fine, and Charter Rolls, being Records of Chancery. Such also are the Red Books of the Exchequer of Westminster and Dublin. On Failure of these Records, Recourse has, of Necessity, been had to Manuscripts not of Record, preserved in the Custody of Courts of Justice, Public Libraries, or other Public Repositories. Such are some antient Books of Statutes in the Exchequer at Westminster, in the Town Clerk's Office, London, in the several Cathedrals, in the Public and other Libraries of the several Universities of Oxford, Cambridge, and Dublin, and in the British Museum : When all these Sources have proved deficient, and in such Case only, a Copy has been admitted, from the oldest Printed Edition, with Various Readings from subsequent printed Editions.

During the Periods in which Statute Rolls or other Parliamentary Records do actually exist, the authentic Evidence of Statutes, (and of other Proceedings in Parliament, before the Commencement of the Journals,) must be searched for upon Statute Rolls ; Inrolments of Acts ; Exemplifications of such Statute Rolls or Inrolments ; Transcripts by Writ into Chancery for the Purpose of such Exemplifications ; Original Acts ; and Rolls of Parliament.—These are the only authentic Sources from whence, during those Periods, a Knowledge can be obtained of the different Occurrences in Parliament, whether important or minute. With the Exception of some Rolls containing Proceedings in Parliament from 18 to 35 Edw. I. which are in the Chapter House at Westminster, such of the Original Statute Rolls, Inrolments of Acts, and Parliament Rolls, as are still preserved, are deposited in the Tower of London, or at the Chapel of the Rolls, Places appropriated to the Custody of the Records of the King's Chancery, which has ever been deemed the proper Repository of the Statutes of the Kingdom.

II. THE NATURE and Qualities of the several Records and Manuscripts from whence all the Statutes, as well those of an earlier as of a later Period, have been taken for Insertion or Collation in this Work, and the Place where each original Record and Manuscript is kept, will more fully appear from the following Detail.

1. Statute Rolls.—These are Records of Chancery, of the highest Authority, on which were entered the several Statutes when drawn up in Form, for the Purpose of being proclaimed and published ; these Statutes being framed upon such Original Petitions and Answers, or Entries thereof on the Parliament Rolls, as related to Public Concerns. The earliest Statute Roll now known to exist, is that which commences with The Statute of Gloucester, 6 Edw. I. A.D. 1278. From that Period to 8 Edw. IV. inclusive, A.D. 1468, with an Interruption, after 8 Hen. VI. until 23 Hen. VI. inclusive, the Statutes are preserved in the Tower of London in a regular Series, on Six separate Rolls, each Roll consisting of several Membranes tacked together. The Contents of each Roll are as follows ; viz.

Of the Great Roll ; Statutes from 6 Edw. I. to 50 Edw. III. But this Roll does not contain all the Statutes which have been printed as of that Period.

Second Roll ; Statutes Temp. Ric. II. There is also a separate Roll, of one Membrane, containing a Duplicate of the Statutes 21 Ric. II.

Third Roll ; Statutes Temp. Hen. IV. and V.

Fourth Roll ; Statutes 1 Hen. VI. to 8 Hen. VI.

Fifth Roll ; Statutes 25 Hen. VI. to 39 Hen. VI.

Sixth Roll ; Statutes 1 Edw. IV. to 8 Edw. IV. This is the last Statute Roll now known to exist, none of a later Date having been found.

These

These have ever had the Reputation annexed to them of being Statute Rolls. Some of them are cited by that Name upon the Close and Patent Rolls; and referred to by great Law Writers, Lord Coke, Lord Hale, and the Editors of Statutes, Pulton, Hawkins, Cay, &c. There is Evidence also that Statute Rolls have existed of a subsequent Time; for the Statutes after 8 Edward IV. until 4 Henry VII. inclusive, are inserted in the early Printed Editions in a Form manifestly copied from complete Statute Rolls; and they are found in the like Form in Lib. XI. in the Exchequer at Westminster, MS. Cott. Nero C. I. in the British Museum, and in several other Manuscript Collections. But there is Reason to conclude, that the Making up of the Statute Roll entirely ceased with the Session 4 Hen. VII. as no such Roll of a later Date, nor any Evidence thereof, has been discovered; and it is observable that in the next Session, 7 Hen. VII. Public Acts were, for the first Time, printed from the several Bills passed in Parliament, and not as Part of one general Statute drawn up in the antient Form.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

2. Inrolments of Acts of Parliament.—These are Records, containing the Acts of Parliament certified and delivered into Chancery. They are preserved in the Chapel of the Rolls, in an uninterrupted Series from 1 Ric. III. to the present Time; except only during the Usurpation. By the Officers of Chancery they are commonly termed “Parliament Rolls;” and they are variously endorsed, some with the Phrase, “Inrolments of Acts.” From 1 Ric. III. to 3 Car. I. inclusive, they comprehend several other Proceedings of Parliament besides the Acts inrolled; (sometimes, for Instance, the Commissions for giving the Royal Assent to Bills are found entered on them); thus partaking of the Qualities of Rolls of Parliament, and including nearly the same Contents: until, the miscellaneous Matters disappearing by Degrees, the Acts inrolled only occur: After 5 Hen. VII. they may be considered in Effect, as coming in the Place of the Statute Roll. 25 Hen. VIII. they contain all Acts Public and Private, which were passed in every Session, each with an introductory and concluding Form of their being presented and assented to: From 25 Hen. VIII. to 35 Eliz. several of the Private Acts, and afterwards to 3 Car. I. all the Private Acts, are omitted, their Titles only being noticed. From 16 Car. I. to 31 George II. the Inrolments contain nothing but the Public Acts, and the Titles of the Private Acts, with the several Forms of Assent, without any other Parliamentary Matter. And from 32 George II. their Contents are the same, with the Omission of the Titles of the Private Acts.

At present, after all the Public-General Acts of the Session have received the Royal Assent, a Transcript of the Whole is certified by the Clerk of the Parliaments, and deposited in the Rolls Chapel: On that Occasion the Clerk of the Parliaments sends the Roll, or Rolls, containing such Transcript, apparently in a complete State, engrossed on Parchments, signed, and certified by him as Clerk of the Parliaments; and it is thereupon arranged with the other Records; and thus becomes the Inrolment of the Statutes of that Session of Parliament. For this Transcript the Clerk of the Parliaments is paid every Session out of the Hanaper, on a Receipt by the Clerk of the Records in the Rolls Chapel, stating that the Roll is delivered there.

It may be further observed upon this Subject, that the Proceedings which took Place in the House of Lords in Ireland in 1758, for the better Preservation of the Records of Parliament in that Kingdom, where the Constitution and Law of Parliament were in all essential Points conformable to those of England, afford a Strong Illustration of the Practice of certifying Statutes and recording them in Chancery.

3. Exemplifications; and Transcripts by Writ.—Exemplifications are Copies sent out of Chancery under the King's Seal; either to Sheriffs of Counties and Cities in England, or to the Chancellor or Chief Justice of Ireland, or to other Courts or Places, for the safe Custody and for the proclaiming or confirming of the Statute; or in other Cases for affording Authentic Evidence of the Statute. In the Tower of London, Copies of the Statutes 9, 10, 11, 14, 15, 18, and 20 Hen. VI. (for some Years to the Number of two, three, six, or seven Copies) are preserved on separate Skins of Parchment, which appear to have been prepared as Exemplifications, for the Purpose of proclaiming the several Statutes; and these serve to supply the Deficiency of the Statute Roll during that Period. One similar Copy of the Statutes 13 Ric II. is also preserved in the Tower.

It is not irrelevant to remark, that an Exemplification differs from an Original Grant under the Great Seal, or an Original Act of Parliament, in this; that an Exemplification is a Copy, and can be made only from the Record. At the present Day every Exemplification, being first made out in Form by the proper Officer, is examined with the Record by Two Masters in Chancery, who not only subscribe a Certificate on the Exemplification, of their having examined it with the Record, but also sign a Certificate to that Effect, addressed to the Lord Chancellor, on a Paper called the Docket, which is left with him before the Exemplification is allowed to pass the Great Seal.

Transcripts by Writ were Copies sent into Chancery in Answer to the King's Writ or Mandate, calling for a Copy of the Statute from the Officer in whose Custody it was preserved. A Transcript of the Statutes of Wales, 12 Edw. I. is preserved in the Tower of London, with the Writ annexed, by which that Transcript was required from the Exchequer at Westminster; where it was entered of Record, according to the Usage which

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

formerly prevailed of sometimes inrolling Statutes in Courts of Justice. Transcripts and Exemplifications of Statutes have also been occasionally found in various other Repositories.

4. Original Acts.—These, from the 12th Year of Henry VII. to the present Time, with some Interruption, particularly in 14 & 15 Henry VIII. and 21 Hen. VIII. are preserved in the Parliament Office. Some Petitions and Bills previous to 12 Hen. VII. are in the Tower of London, but in no regular Series. The Original Acts in the Parliament Office consist of the Bills as ingrossed after being brought into Parliament, and in the State in which, after such Ingrossment, they passed both Houses, and received the Royal Assent. Each Act is on a separate Roll numbered; and Reference is made to them from a Calendar kept of the Acts of each Session in the Parliament Office. These are the Materials from which the Clerk of the Parliaments makes up the Inrolments of Public Acts sent by him into Chancery, and preserved there; or certifies Acts into Chancery, when required so to do.

As to the comparative Authority of the Original Acts and the Inrolments in Chancery, it is to be observed, that all the Original Acts are separate from each other; and that they are frequently interlined, defaced, erased, and in many Instances, with great Difficulty intelligible: The Inrolment in Chancery is always fair and distinct: and the Acts are entered in a regular Series, on one Roll or subsequent Rolls, as Part of the Proceedings of a Parliament, the Time of the holding of which is stated at the Beginning of the Roll. In modern Practice, if any Doubt arises as to the Correctness of the Inrolment in Chancery, Application is made to the Clerk of the Parliaments; and the Original Act is thereupon produced, and compared with the Inrolment, and an Amendment, if requisite, is made in the Inrolment accordingly.

5. Rolls of Parliament.—These contain Entries of the several Transactions in Parliament; when complete, they include the Adjournments, and all other common and daily Occurrences and Proceedings from the Opening to the Close of each Parliament, with the several Petitions or Bills, and the Answers given thereto, not only on public Matters, on which the Statute was afterwards framed, but also on private Concerns. In some few Instances the Statute as drawn up in Form is entered on the Parliament Roll: but in general the Petition and Answer only, are found entered; and in such Case the Entry, of itself, furnishes no certain Evidence, that the Petition and Answer were at any Time put into the Form of a Statute.

Copies of Petitions in Parliament and Answers thereto, as early as 6 Edw. I. and in various Years of Edw. II. and Edw. III. are among Lord Hale's Manuscripts in the Library of Lincoln's Inn. Rolls containing Pleas, Petitions and Answers, and other proceedings in Parliament, from 18 to 35 Edw. I. and one of Petitions in Parliament 7 Hen. V. are in the Chapter House at Westminster. A Book of Inrolment, called *Vetus Codex*, in which are entered Proceedings in Parliament, from 18 Edw. I. to 35 Edw. I. and in 14 Edw. II. is in the Tower of London. In that Repository also are preserved Rolls containing Pleas and other Proceedings in Parliament, between 5 Edw. II. and 13 Edw. III.; Rolls of Parliament of 9 Edw. II.; 4, 5, and 6 Edw. III.; and 13 Edw. III.; and from thence to the End of the Reign of Edward IV. in a regular, and nearly uninterrupted, Series. After that Time the Rolls of Parliament are, for a certain Period, supplied by the Inrolments of Acts preserved in the Chapel of the Rolls, and finally by the Journals of the Two Houses of Parliament.

6. The Close, Patent, Fine, and Charter Rolls, among a Variety of Grants, Recognizances, and other Miscellaneous Matters, concerning the State of the Realm and the Rights of the Crown, recorded in them, include Entries of Statutes, and some Instruments having direct Reference to Statutes wherein such Statutes are recited at length. These Rolls are kept at the Tower, from the Beginning of the Reign of King John to 22 Edw. IV. and from the Reign of Edw. V. to the present Time at the Chapel of the Rolls.

7. Books of Record, containing Entries of Statutes and Parliamentary Proceedings.—Of this Sort is, The Red Book of the Exchequer at Westminster, some of the early Part of which was compiled by Alexander de Swerford, first a Clerk, and afterwards a Baron of the Exchequer, in the Reign of Henry III. It seems afterwards to have been considered and used as an authorized Repository by the Court itself; and contains Entries and Inrolments of many Charters and antient Acts of Parliament, as well as other Instruments relating to the King and the Rights of the Crown, from the Time of William the Conqueror to the End of Edw. III.: The Originals of several of these Acts and Instruments are preserved in the Tower of London, and in the Chapter House at Westminster, with References to Inrolments in this Book, or to the Circumstance of the Act being sent into the Exchequer. The Red Book of the Exchequer at Dublin is considered as of the same Authority: It contains Entries of Magna Carta, 1 Hen. III. especially granted to the People of Ireland; of the Statute of Westminster the First, 3 Edw. I. (which is not to be found on the Great Roll of Statutes in the Tower of London, being prior in Date to the present Commencement of that Roll), and also of the Statutes of Gloucester, 6 Edw. I. de Viris Religiosis, 7 Edw. I. and Westminster the Second, 13 Edw. I. agreeing in general with the Text of those Statutes on the Statute Roll in the Tower. There is reason to conclude that those Statutes were entered in the Red Book at Dublin, from an Exemplification sent over from England in the 13th Year of Edw. I. as is noticed in

in a Memorandum on the Close Roll of that Year. A Register Book marked A., preserved at the Chapter House at Westminster, as in the Custody of the Treasurer and Chamberlain of the Exchequer, contains Entries or Inrolments made in the Time of Edward I. Among these are the Statute of Gloucester, 6 Edw. I. and the Statute of Westminster the Second, 13 Edw. I. The Originals of the several Statutes and Instruments, it is stated in the Register, were deposited in certain Chests in the Chapter House; but these Originals have not been discovered.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

8. Books and Manuscripts not of Record, containing Entries or Copies of Statutes, are very numerous. In the Court of Exchequer at Westminster are Three Books, marked IX. X. XI. Book X. contains many of the earlier Statutes previous to Edw. III.: Books IX. XI. contain the Statutes from 1 Edw. III. to 7 Hen. VIII.

In the Town Clerk's Office, at the Guildhall of the City of London, are several Manuscript Volumes; in which, among other Matters chiefly relating to the Laws and Customs of the City of London, are Entries of many of the antient Statutes previous to Edward III. The greatest Number, and the earliest Copies, are in two Volumes distinguished by the Appellation, *Liber Horn*, and *Liber Custumarum*. It appears from internal Evidence that *Liber Horn* was compiled about the Year 1311, and *Liber Custumarum* not long after the Year 1320: *Liber Horn* is rendered valuable by having been in many Instances corrected, in a later Hand Writing, from Exemplifications of Statutes sent under Seal to the Sheriffs of London. In two other Manuscripts, one called *Liber de Antiquis Legibus*, and the other *Transcriptum Libri Albi*, copied from a Volume originally compiled in the Mayoralty of Richard Whityngton, A. D. 1419, 7 Hen. V., are occasional Entries of a few antient Statutes. In other Volumes marked G. H. and I. are Entries of some of the Statutes of Edw. III. Richard II. Henry IV. and Henry V.; many of them appearing to have been made from Exemplifications sent to the Sheriffs of London for Proclamation.

Of Manuscript Collections of Statutes, preserved in Public Repositories, the greatest Number collected together in any one Place, is to be found in the British Museum. They are distinguished as being of the Cottonian or Harleian Collection; from the Royal Library; Donation Manuscripts; and Lansdowne Manuscripts. The Cottonian Manuscripts Claudius D. II. and Vespasian B. VII. were resorted to by Hawkins and Cay, for Copies of Statutes previous to Edw. III.; and Nero C. I. for Statutes of Henry VI. and Edward IV. not found at the Tower.

In the Bodleian Library at Oxford, are Rawlinson's, Hatton's, and Laud's Manuscripts. Among the latter is a Roll of Statutes, No. 1036, consisting of Eleven small Membranes of Parchment united together; not much more than Four inches wide; but each being Two Feet or more in length. This Roll appears to have been written in the Time of Edw. I.: It contains no Statute later than the *Articuli super Cartas*, 28 Edw. I.

At Cambridge several Manuscript Collections of Statutes are preserved in the Library of the University, and in Trinity College Library. In Corpus Christi or Bene't College Library are the Manuscripts bequeathed to the College by Archbishop Parker.

Chartularies or Registers, preserved in several Cathedrals, contain Copies of some of the Old Statutes. Such are the Black Book of the Cathedral of Christ Church, Dublin, written between the Years 1280 and 1299, and Register A. in Gloucester Cathedral, compiled in 1397.

In Lincoln's Inn Library, are Lord Hale's Manuscript Copies of Rolls and Petitions in Parliament: In the Inner Temple Library, Mr. Petyt's Collection of Manuscripts; among which are several Volumes of the Statutes. In many other Public Libraries also, Manuscript Collections of Statutes are preserved.

Of the several Manuscripts not of Record, an extensive and careful Examination has been made in preparing for the present Edition; and it has been ascertained that, although they differ from each other considerably in their Degrees of Antiquity and Correctness, yet the Credit of no single one is entirely to be relied on; for scarcely any Manuscript has yet been discovered, in any Repository, in which there are not some material Errors, perverting or altogether destroying the Sense of the Text. In some Instances, however, such as Cott. Claud. D. II. in the British Museum, and M m v. 19, in the Library of the University of Cambridge, several of the Instruments contained in the Manuscripts purport to be examined by the Roll. In *Liber Horn*, in the Town Clerk's Office, London, several are marked as examined 'per Ceram'; 'per Ceram Gildaule'; 'per Statutum Gildaule London in Cera'; 'cum brevi cum eisdem in Gildaule adjunct'; all which signify that the Entry in the Book has been examined with an Exemplification of the Statute or Instrument under the Great Seal, sent to the Mayor and Sheriffs of London with or without a Writ for Publication thereof. The Rawlinson Manuscript No. 337. in the Bodleian Library at Oxford, and the Harleian Manuscript No. 5022 in the British Museum, refer to the Inrolment on the Statute Roll, of several Articles inserted in those Volumes, but do not profess that the Articles themselves were examined by that Roll.

III.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

III. On a mature Consideration of all the Circumstances before stated, the following Rules of Preference have been adhered to, in the Use of the several Sources for the Text, and for Various Readings of the Statutes, in the present Collection.

During the Periods in which Statute Rolls exist, such Statute Rolls have been considered and used as the highest Authority for the Statutes contained in them ; namely, the Statutes 6 Edw. I. to 8 Edw. IV. ; with the Omission of the Statutes 9 to 23 Hen. VI. both inclusive.

But for such Statutes as, during the Period of the Existence of the Statute Rolls, do not appear on those Rolls ; and for Statutes made in any Period of which the Statute Roll is not now in existence, namely, previous to 6 Edw. I. ; after 8 and before 25 Hen. VI. ; and after 8 Edw. IV. ; and also for the Correction of manifest Errors or Omissions in the Text, whether taken from Statute Rolls or elsewhere, the following Sources have been recurred to in regular Gradation ; preference being given to them according to the following Order, but all being used and collated, where necessary ; viz. 1. Inrolments of Acts.—2. Exemplifications and Transcripts.—3. Original Acts.—4. Rolls of Parliament.—5. Close, Patent, Fine, and Charter Rolls.—6. Entries and Books of Record.—7. Books and Manuscripts not of Record.—And finally, 8. The Printed Copies ; the earliest of which was not published until more than two hundred Years subsequent to the present Commencement of the Statute Rolls.

The following Reasons for Preference among Manuscripts not of Record have been adopted : 1. Their professing to be Authentic Copies from any Records, Exemplifications, or Transcripts : 2. Their Age ; the oldest being on the whole the most worthy of Credit : 3. The Uniformity and Regularity of the Series of Statutes, and Instruments in each Collection : 4. Their having been already printed, and received in use, as Evidence of the Text of Statutes ; or, if not so printed, their according with the printed Copies, and with each other, so that when the Manuscripts differ, the Majority should prevail : 5. Certain Manuscripts have been holden to be of superior Authority upon some particular Subjects, having special Connection with the Places in which they are preserved : Such as the Books preserved in the Exchequer, for Statutes relating to that Court, or to Accounts, or to Money ; Books at the Town Clerk's Office, London, relating to the Assises of Bread and Ale, Weights, and Measures, &c. : 6. In all Manuscripts some Articles are found much more correct than others ; a Judgment has therefore frequently been formed from internal Evidence in Favour of a particular Statute or Reading, although the Manuscript in which such Statute or Reading were found, might not, in other Instances, be entitled to Preference : 7. Where it has happened that several Manuscripts agreed in the Text or Reading of any Instrument, and were so equal in their Claims for Preference, that it was entirely Matter of Indifference which should be chosen for a Source of Extract or Quotation, that Manuscript has been used which has been quoted or extracted from for other Purposes, in Preference to one not before quoted ; and one which has already been printed from, in Preference to one which has not.

SECT. III.

Of the Mode used in searching for, transcribing, collating, noting, and printing the Text of the Statutes.

IMMEDIATELY after the Commissioners had given their Directions for proceeding upon the Work, according to the Plans submitted to and approved of by them, Searches were made in the Tower of London and other principal Repositories in the Metropolis, which, by the Returns made to the Committee of the House of Commons upon the Public Records, appeared to contain authentic Records or antient Copies of Statutes ; and in 1806, as hath been before mentioned, every other Place of the same Description in England and Ireland was visited by Two Sub-Commissioners. Upon these Occasions, the Statute, Parliament, Close, Patent, Fine, and Charter Rolls, and other Records and Manuscripts preserved in the several Repositories, were examined : Reports of the Contents of these Records or Manuscripts were from Time to Time laid before the Commissioners : Numerous and repeated Transcripts and Collations were made, not only of the Statutes heretofore printed, but also of very many Instruments considered as fit to be introduced at Length, or as affording Materials for Notes and various Readings : And the printed Editions from the earliest Period to the present Time were collected together, examined, and compared with each other. From the whole of these Materials Lists were prepared of the Matters to be admitted, referring to the several Records, Manuscripts, and Books, in which they were respectively preserved or published. All the Transcripts and Collations made of these Matters were compared with each other, and with the printed Copies. The Transcript which, on full Examination, appeared to be made from the most authentic Source, was used as the Copy of the Text to be printed : All the other Transcripts and Collations of the same Instrument, as also the printed Editions, were then compared and collated with this Copy ; and the requisite Various Readings noted accordingly.

The Various Readings are suggested in the following Manner : First, By substituting one Reading for another : In this Case the Word or Sentence in the Text, of which an Alteration is suggested, is included between Two Crotchets,

Crotchets, with a Figure of Reference to the Note; and in the Note is inserted the Word or Sentence proposed to be substituted, with a Quotation of the Record or Manuscript or printed Copies in which it is found. Secondly, By inserting some Word or Sentence omitted: In this Case a Reference is included within a Parenthesis, and the Word or Sentence to be inserted is supplied in the Note. Thirdly, By noting the Omission, in other Copies, of a Word or Sentence inserted in the Text: In this Case the Word or Sentence in the Text is included between Crotchets with a Reference, and in the Note the Copies which omit such Word or Sentence are particularized.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

The Entries on the Statute Rolls and Records of Chancery are very seldom broken into separate Paragraphs: though other Manuscripts are more frequently so divided. In all Cases where there is any Division of Paragraphs in the Record or Manuscript, the like Division has been made in the Transcript. The Transcript has been also occasionally divided into separate Chapters or Paragraphs, in Conformity with the printed Editions of the Statutes, and for the Convenience of Reference, in Places where such Division did not occur in the Record or Manuscript: But this has been done only when a full Stop or other Mark in the Manuscript appeared to justify the complete Separation of the Sentences. The Points or Stops are conformable to those in the Record; and in printing the Text of the antient Statutes, the same Mode has been adopted as with respect to the Charters, of exhibiting the Contractions as near as may be to the Likeness of the Original Characters. Where the Chapters or Clauses are numbered in the Record or Manuscript, such Number has been inserted in the Transcript. And the Numbers of the Chapters and Clauses in Cay's Edition, or the other Printed Editions from which the Translation is taken, are inserted at the Head of the Side-Note or Abridgment affixed to the Translation.

In this State the Copy was sent to the Printer. The Proof-Sheets supplied by him were in the first instance compared with the Manuscript Transcripts. These Proofs being corrected, they were next compared with the Original Record, or Manuscript Authority from which such Transcripts were made. In Cases of various Readings, the whole Article, as printed, was also read and compared with the Record or Manuscripts from whence the various Readings were suggested; and further Suggestions as to Notes of various Readings and Amendments were adopted, as they continued to occur. The Sheets thus corrected were again compared with the Record or Manuscript Authority, and the necessary Corrections marked thereon; which being made by the Printer, the Sheets were revised, and occasionally submitted to the Commissioners, under whose Directions many Amendments were made; and the Sheets were then finally printed off for the Work, as they now appear.

CHAP. IV.

SECT. I. *Of the ORIGINAL LANGUAGE of the Charters and Statutes.*—SECT. II. *Of the TRANSLATION in this Collection of the Statutes.*

SECT. I.

Of the original Language of the Charters and Statutes.

THE LANGUAGE of the Charters and Statutes, from the Period of the earliest Charter now given, 1 Henry I. to the Beginning of the Reign of Henry VII. is Latin or French. From that Time it has been uniformly English. The Petitions or Bills on which the Statutes were founded, began to be generally in English early in the Reign of Hen. VI.

All the Charters of Liberties and of the Forest, from 1 Hen. I. to 29 Edw. I. (with the Exception after mentioned,) are in Latin; but Translations of some of them into French, are found in various Collections. In D'Achery's Spicilegium there is a French Translation, as it is called by Blackstone, of the Charter of King John; for it is doubtful whether that Charter was ever promulgated in French in this Kingdom. Some early Manuscripts contain French Translations of the Two Charters of 9 Hen. III. and of the Charters of Inspeximus and Confirmation in 25 and 28 Edward I. though these latter appear on the Statute and Charter Rolls in Latin. The Charter dated 5 Nov. 25 Edw. I. is in French; as is also the Duplicate of that Charter dated 10 Oct. and entered on the Statute Roll 25 Edw. I.

The Statutes of Henry III. are almost entirely in Latin. Some Legislative Matters, not in the Printed Collections, are entered on the Patent Rolls in French.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

The Statutes of Edward I. are indiscriminately in Latin or French; though the former Language is most prevalent. But the Statute of Gloucester, 6 Edward I. which on the Statute Roll is in French, appears in many contemporary Manuscripts in Latin. In several Manuscripts, particularly Register A. in the Chapter House at Westminster, this Statute is given at Length both in Latin and French. On the other hand, the Statute of Westminster the Second, 13 Edw. I. which is in Latin on the Roll, appears in many Manuscripts in French; and Chapter 34 of this latter Statute, as to Violence against Women, which on the Roll appears in French, is given, like the rest of the Statute, in Latin in several Manuscripts. The French Chapter, 49, as to Champerty by Justices, is omitted in the Tower Roll, and in many other Copies, which gives the Statutes in Latin, but is found in the Copies which gives the Statute in French.

The Statutes of Edward II. are, like those of Edward I. indiscriminately in Latin or French; but the latter Language prevails more than in the Statutes of Edward I.

The Statutes of Edward III. are more generally in French than those of any preceding King; yet some few are in Latin. The Statutes of Richard II. are almost universally in French; those of the Sixth and Eighth Years are in Latin. The Statutes of Henry IV. with the Exception of Chapter 15 of the Statute 2 Hen IV. which is in Latin, are entirely in French; as are those of Henry V. with the Exception of the short Statutes 5 and 7 Henry V. which appear in Latin.

The earliest Instance recorded of the Use of the English Language in any Parliamentary Proceeding, is in 36 Edw. III. The Stile of the Roll of that Year is in French as usual, but it is expressly stated that the Causes of summoning the Parliament were declared "en Anglois;" and the like Circumstance is noted in 37 and 38 Edw. III. In the Fifth Year of Richard II. the Chancellor is stated to have made "un bone collacion en Engleys," (introductory, as was then sometimes the Usage, to the Commencement of Business) though he made use of the common French Form for opening the Parliament. A Petition from the "Folk of the Mercery of London," in the 10th Year of the same Reign, is in English; and it appears also, that in the 17th Year the Earl of Arundel asked Pardon of the Duke of Lancaster by the Award of the King and Lords, in their Presence in Parliament, in a Form of English Words. The Cession and Renunciation of the Crown by Richard II. is stated to have been read before the Estates of the Realm and the People in Westminster Hall, first in Latin and afterwards in English, but it is entered on the Parliament Roll only in Latin. And the Challenge of the Crown by Henry IV. with his Thanks after the Allowance of his Title, in the same Assembly, are recorded in English; which is termed his maternal Tongue. So also is the Speech of Sir William Thirnyng, the Chief Justice of the Common Pleas, to the late King Richard, announcing to him the Sentence of his Deposition, and the yielding up, on the Part of the People, of their Fealty and Allegiance. In the Sixth Year of the Reign of Henry IV. an English Answer is given to a Petition of the Commons, touching a proposed Resumption of certain Grants of the Crown, to the Intent the King might the better live of his own. The English Language afterwards appears occasionally, through the Reigns of Henry IV. and Henry V.

In the First and Second, and subsequent Years of Hen. VI. the Petitions or Bills, and in many Cases the Answers also, on which the Statutes were afterwards framed, are found frequently in English; but the Statutes are entered on the Roll in French or Latin. From the 23d Year of Hen. VI. these Petitions or Bills are almost universally in English, as is also sometimes the Form of the Royal Assent: But the Statute continued to be inrolled in French or Latin. Sometimes Latin and French are used in the same Statute, as in 8 Hen. VI.; 27 Hen. VI.; and 39 Hen. VI. The last Statute wholly in Latin on Record is 33 Hen. VI.; the last Portion of any Statute in Latin is 39 Hen. VI.; Chapter 2.

The Statutes of Edward IV. are entirely in French. The Statutes of Richard III. are in many Manuscripts in French, in a complete Statute Form; and they were so printed in his Reign and that of his Successor. In the earlier English Editions a Translation was inserted, in the same Form: But in several Editions, since 1618, they have been printed in English, in a different Form, agreeing, so far as relates to the Acts printed, with the Inrolment in Chancery at the Chapel of the Rolls. The Petitions and Bills in Parliament, during these Two Reigns, are all in English.

The Statutes of Hen. VII. have always, it is believed, been published in English; but there are Manuscripts containing the Statutes of the first Two Parliaments, in his First and Third Year, in French. From the Fourth Year to the End of His Reign, and from thence to the present Time, they are universally in English.

Attempts have been made by many learned Persons to explain this Variety of Languages in the earlier Periods of our Legislation; and some have referred the Preference of the one Language or of the other to the Operation of particular Causes. Nothing, however, is known with Certainty on this Subject; and at the present Day it is utterly impossible to account, in each Instance, for the Appearance of the Statute in French

or

or in Latin. It seems on the whole to be highly probable, that for a long Period of Time, Charters, Statutes, and other Public Instruments, were drawn up indiscriminately in French or Latin, and generally translated from one of those Languages into the other, before the Promulgation of them, which in many Instances appears to have been made at the same Time in both Languages.

It is Matter of Curiosity to observe, that the Use of the French Language in Statutes was preserved rather longer in Ireland than in England. The Statute Roll of the Irish Parliament 8 Henry VII. preserved at the Rolls Office in Dublin, is in French; on the Statute Roll of the two next Parliaments of Ireland, 16 and 23 Hen. VII. the Introductory Paragraphs stating the holding of the Parliament, &c. are in Latin; after which follows an Act or Chapter in French, confirming the Liberties of the Church and the Land: and all the other Acts of the Session are in English.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

SECT. II.

Of the Translation in this Collection of the Statutes.

THE PRINTED TRANSLATION of the Statutes previous to Hen. VII. used for the present Work, is that of Cay's Edition 1751: But as many Statutes and Parts of Statutes are omitted from the English of that Edition, the Deficiencies have been supplied from the Edition by Hawkins 1735, the Folio Edition 1618, usually called Rastall's; Pulton's Edition of the same Year; Rastall's Collection in English 1603; and in some few Instances from earlier English Collections, and other Authorities. Of Statutes and Instruments or Parts thereof, not heretofore translated, and of such only, a Translation has been now made, which is always distinguished by being printed in a smaller Type. In making this new Translation, the following Rules have been generally adhered to: To render the Original as literally as possible, consistently with the Purpose of conveying the Sense, in English: and to translate the same Word the same Way, if the Sense be the same. Former Translators of the Statutes having very much conformed to the Genius of the English Language in their Versions, and not servilely fallen into Latin or French Expressions or Forms of Speech, an Endeavour has been made to adopt Language of a Cast corresponding with those Versions.

In the Bodleian Library, Rawlinson Manuscript, No. 230, is a very antient Translation of some of the Statutes of the Time of Hen. III. and Edw. I. There is Reason to think, that this Translation is of a Time certainly not later than Edward III. and probably of an earlier Period: It does not contain any Statute later than 25 Edward I. In the British Museum, Harleian Manuscript, No. 4999, is a Translation of the Statutes 1 Edward III. to 18 Hen. VI. made apparently in the Time of Henry VI. or Edward IV.

For the Purpose of correcting Errors in the Translation, the several Editions, as well of the Text as of the Translation, have been compared with each other; and much use has also been made of the two Manuscript Translations just noticed, which are cited thus, the Rawlinson Manuscript as MS. Tr. 1. and the Harleian Manuscript as MS. Tr. 2. After the Commencement of the Reign of Henry VI. the Petitions or Bills entered in English on the Parliament Roll, from whence the Statute was drawn up in French or Latin, have been consulted.

Corrections of Errors in the Translation, which arise from Misinterpretation or Omission, are suggested either from other Translations, or, where no other Translation supplies a probable Correction, by new Expressions. Errors or Inconsistencies which arise from the Insertion of Words or Sentences, not authorized by the Text as given in the present Work, are noticed, either by a Reference to Records or Manuscript Authorities, or to antient Printed Copies of the Latin or French Text as authorizing such Insertion, or by a proposed Omission of the Words so inserted, in consequence of their not being justified by any Authority. Trifling Variances between the Text and the Translation, manifestly not affecting the Sense, have not been considered worthy of Notice; particularly where all former Translations agree in the same Reading. But as it was difficult, not to say impossible, to lay down any certain Standard on this latter Head, a Consistency entirely perfect may not have been uniformly observed, and is not to be expected.

The Notes and Marks suggesting the Corrections in the Translation, are to be thus understood: First, Words which are included between Crotchets, without any Note of Reference, are such as are contained in all Translations, and are authorized by printed Copies of the Latin or French Text; though not authorized by the Text, or by any various Reading, here given, from Manuscript Records or Authorities. Secondly, Words in the Translation included between Crotchets, with a Figure, refer to a Correction thereof, suggested in the Note; such Correction, if authorized by any Printed or Manuscript Translation, is printed in the Note in Roman Letter; but if not so authorized, then such Correction is printed in Italic Letter; if the Correction be justified by the Rolls of Parliament or old Manuscript Translations, they are quoted. Thirdly, A Reference within a Parenthesis between two Words, suggests an Omission, which is supplied in the Notes, in Roman or Italic Character, according

Appendix
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

according as it is or is not authorized, as before specified. Fourthly, Where any Words in the Translation are inclosed between Crotchets, with Reference to the Note "Not in Original," it is to be understood, that neither the Text, as now given from the Record or Manuscript, nor any Printed Copy, appears to authorize the Insertion of the Words. The Term "Old Translations" is applied to all published previous to the Year 1618; in which Year the Editions distinguished as Rastall's and Pulton's Statutes were both published: The Edition called Rastall's, however, having followed the Current of several former Editions of the Statutes, is included in the Term "Old" Translations; and Pulton's Translation being in many parts new, and having been generally adopted by Cay and subsequent Editors, is therefore included in the Term "Modern."

Short Abstracts or Side-Notes have been prepared, as well to the Matters heretofore translated, as to those of which a Translation is now for the first time given in this Publication; of those relating to Matters heretofore translated, some have been taken from Cay's, or former English Editions of the Statutes; and like Abstracts are added to the Acts subsequent to the Reign of Hen. VII.

CHAP. V.

SECT. I. *Of the Collections of the Statutes of Scotland and Ireland, heretofore published by Royal or Parliamentary Authority.*—SECT. II. *Of the Methods successively adopted for promulgating the Statutes, before and since the Union of Great Britain and Ireland.*

SECT. I.

Of the Collections of the Statutes of Scotland and Ireland, heretofore published by Royal or Parliamentary Authority.

ALTHOUGH no General Collection of the Statutes of England, or of Great Britain, has been hitherto published by Authority of the Crown or of the Parliament, it appears that Measures were carefully taken in former Times for collecting and authenticating the Legislative Acts, both of the Scottish and Irish Parliaments.

IN SCOTLAND, by Royal Commission from Queen Mary, dated 1 May 1566, directed to The Chancellor, Principal Officers of State, and other Persons therein named, it was ordained that all the Laws of that Realm should be inspected and corrected, so that no other but those should be printed by Royal Privilege, or have Place, Faith, or Authority in Courts of Justice: and by the same Commission it was provided that the Proceedings under it should be ratified in the next Parliament. From the Difficulties of the Undertaking, the Compilation of the Laws prior to James I. was postponed; and the only part of the Work executed was a Collection of Acts from the Return of James I. in 1424, to the last Parliament of Queen Mary in 1564. This Collection was first published in the Year 1566. It comprehended a Publication of certain Statutes of James V. printed in 1541, and of Queen Mary printed in 1565, to each of which the Lord Clerk Register, at the Time, had subjoined his Certificate vouching for the truth of the Copies extracted from the Books of Parliament. These Certificates were retained in this Edition of 1566, and to the other parts of it similar Certificates were subjoined.

Other Publications were afterwards made by Authority; such were those of James VI. 1568 and 1579, and several others prior in Date to 1597; but they related only to particular Parliaments or particular sorts of Acts; and with these concludes that Series of Printed Scottish Acts, which from their Typographical Character have in late Times been usually denominated THE BLACK ACTS.

In 1592 a Parliamentary Commission was issued "For visting and caussing of the Lawes and Actis of Parliament to be prented," which appears to have led in the first instance to the Republication of the Scottish Statutes from the Æra of James I. to 1597, in the Volumes which usually bear the name of Skene's Edition, Sir John Skene being at that Time Lord Clerk Register. But under the same Commission, Sir John Skene appears also to have proceeded to the more arduous Task of collecting the antient Laws of Scotland prior to James I.: and in 1607 he had advanced so far in this Undertaking as to exhibit to the Legislature a Copy of the Manuscripts which he had prepared for Publication, and for his Encouragement therein a special Act was passed. The Work, usually known by the Title of *Regiam Majestatem*, was at length published, in the Original Latin, in 1609; and was followed soon after by a Version in the Scottish Language.

Other Commissions for "Surveying the Lawes" were issued at subsequent Periods. The Commission of 1628, after several Renewals, was ratified by Parliament in 1633; and in 1681 another was issued, which was again renewed in 1695. But the purpose intended was never accomplished.

Upon

Upon all these Editions from the earliest downwards, it is to be observed that they contain only a Selection from the Records of Parliament, of such Acts as were supposed by the Editors to be of greater and more permanent Utility; omitting such as were either temporary, or merely of a private and personal Nature.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

THE STATUTES OF IRELAND from 10 Hen. VI. to 14 Eliz. were conducted under the Authority of Sir Henry Sidney, Lord Deputy of that Kingdom in the Reign of Queen Elizabeth; and being examined by the Justices of both the Benches, with The Chief Baron of the Exchequer and Master of the Rolls, and delivered by them to the Lord Deputy with their Hands subscribed thereto, they were afterwards, by the Advice of Lord Burleigh, then Lord High Treasurer of England, printed in the Year 1572.

At a subsequent Period, namely in 1621, another Collection of the Statutes of Ireland from 3 Edw. II. to 13 Jac. I. was abstracted from the Parliament Rolls of that Kingdom by Sir Richard Bolton, Recorder of Dublin; afterwards Chief Baron of the Exchequer, and in 1639 Lord Chancellor of Ireland; and by Direction of Sir Oliver St. John, then Lord Deputy, that Collection was perused by the Chief Judges and the Master of the Rolls, and by them allowed and thought fit to be printed, together with so many of the Statutes formerly printed, as were not by express Words repealed. And it is deserving of Observation that they thought those Statutes formerly printed and not expressly repealed, should be printed again, for Two Reasons, as therein is stated; "the one, lest peradventure any should unadvisedly tax the Editor of Partiality, that Matters of great Moment were omitted, and Matters of less Consequence published; and the other was, that although those Statutes might be out of Use or determined at that Day, yet the same might well serve for an Historical Use, whereby might be discerned both the State of the Church and Commonwealth in those Times."

In 1678 the Edition of 1621 was reprinted by the King's Printer, with the Addition of the subsequent Acts, to the End of the Session 17 and 18 Car. II.; and this Volume was reprinted in 1723 without any Additions.

In 1762 an Address was presented by the House of Lords in Ireland to the Lord Lieutenant, requesting that the Statutes at Large of that Kingdom should be printed and published, under the Inspection of the Lord Chancellor and the Judges. They were accordingly published in the Year 1765, in Seven Volumes Folio, comprehending the Statutes from 3 Edw. II. to 1 George III.: with an Eighth Volume containing Tables of the Titles of the Statutes in the several Volumes, and of the Private Acts from 1 Henry VIII. to 1 George III. and an Alphabetical Index to the Statutes.

In these Volumes, which in the Title-Page are stated to be "Published by Authority," the Statutes to the 17 and 18 Car. II. were reprinted from the Editions of 1621, 1678, and 1723; the Edition of 1572 not being noticed or referred to. For the Period subsequent to 17 and 18 Car. II. recourse was had to the Sessional Publications printed by the King's Printer. The whole Work was compiled from these Sources without Variation; except that in some Instances Errors of the Press were occasionally corrected by the Record; and that some Public Acts, of which the Titles only were specified in the former Printed Editions, were inserted at large from the Records. Some Acts inserted in the Edition of 1572 are omitted from this Collection.

Additional Volumes, containing the Acts of subsequent Parliaments, were from Time to Time published, in consequence of occasional Addresses of the House of Lords for that Purpose: and in 1786 a Re-publication of all the former Volumes took place, with additional Volumes to 26 Geo. III. These were continued by subsequent Volumes, to the End of 40 Geo. III. A. D. 1800, when the Union took place between Great Britain and Ireland.

In 1799 a Volume was published containing the Titles of the Statutes and of the Private Acts, and Indexes, to the End of the Session 38 Geo. III. 1798.

Sect. II.

Of the Methods successively adopted for promulgating the Statutes, before and since the Union of Great Britain and Ireland.

THE PROMULGATION OF THE STATUTES, which formerly took place within the Realm of England, as well as in Scotland and Ireland, has been wholly superseded by the Practice of modern Times. Before the Introduction of Printing, the Publication of the Statutes of England was made by Means of Exemplifications thereof, sent to the Sheriffs, under the Great Seal, out of Chancery, with Writs annexed, requiring the Proclamation and Publication of the same by them, and sometimes also directing Copies to be made and distributed, and the Sheriffs to return what was done by them thereupon. The earliest Statutes were published in this Manner; as appears not only by Copies of the Writs subjoined to the Records and Manuscripts of the respective Statutes, of the Thirteenth Century, but also by Original Writs still preserved in the Tower of London.

Appendix,
(G.)

Historical and
Explanatory
Introduction to
a Collection of
the Statutes.

In England printed Promulgations of the Statutes, in the Form of Sessional Publications, began in the First Year of Ric. III. A. D. 1484, very recently after the Introduction of Printing; and in consequence thereof, such Exemplifications and Writs as are above mentioned were soon altogether discontinued; yet the Statutes themselves continued nevertheless to be inrolled in Chancery; and some of the earliest Sessional Publications appear by their Form to have been printed from a Statute Roll. All the Original Bills and Acts now extant in the Parliament Office, are some Years subsequent in Date to the Commencement of the Printed Sessional Publications of the Statutes; and it is evident, from some of those Printed Sessional Publications in the Time of Hen. VII. whereof the contemporary Bills and Acts are still preserved, that such Bills and Acts, though concurrent in Time, were not then uniformly used as the Original Text for such Publications. The Sessional Publications are at present, and have for a long Series of Years been printed entirely from Original Acts in the Parliament Office.

In Scotland it was the exclusive Privilege and official Duty of the Lord Clerk Register to enter the Acts of Parliament in the proper Record, and to give authentic Copies of them to the Sheriffs, Magistrates of Boroughs, and such as might demand them. A Precept is extant for proclaiming and publishing the Statutes of Robert I. in the Year 1318; and there exists also a Parliamentary Ordinance made in the Reign of David II. 1366, by which the Acts of that Parliament are directed to be sent under Royal Seal to each Sheriff to be by him publicly proclaimed. The earliest printed Publication of Statutes in Scotland took place in the Year 1540-1.

IN IRELAND the Promulgation of such Statutes as were passed in England and transmitted to Ireland, was regularly made by means of a Transcript sent under Seal from England, with a Writ directed to the Chancellor of Ireland, requiring the same to be kept in the Chancery of that Kingdom, to be inrolled in the Rolls of the said Chancery, then to be exemplified under the Great Seal of Ireland, and sent unto and proclaimed in the several Courts and Counties throughout the Kingdom. Sometimes the Writ was to the Justices, in Ireland, simply requiring Proclamation.

With respect to the Statutes made in Ireland, Provisions are contained in several Acts for the special Proclamation of such Acts, so that the Penalties inflicted by them should not be incurred until after such Proclamation. It appears also that it was usual to proclaim the Statutes in general by the King's Writ, made out by the Clerk of the Parliament. Sessional Publications of the Acts did not take place in Ireland before the Reign of Charles I.; and such Publications were not continued regularly and uniformly until after the Revolution.

In Great Britain the Public Inconvenience experienced from the defective Promulgation of the Statutes, led to the Adoption of new Measures in the Year 1796; by which, the Acts printed by the King's Printer, whose Authority has been long deemed sufficient to entitle his Printed Copies to be received in Evidence, in all Courts of Law, were distributed throughout the Kingdom as speedily as possible after they had received the Royal Assent: And the Experience of the good Effects of those Measures led soon afterwards to their Execution in a much greater Extent.

After THE UNION of Great Britain and Ireland, a Select Committee of the House of Commons was appointed in the first Session of the United Parliament, to consider of the most effectual Means of promulgating the Statutes of the United Kingdom; upon whose Report, Resolutions for that Purpose were adopted by the Commons, and having been agreed to by the Lords, they were presented to His Majesty by a joint Address of both Houses; and His Majesty was thereupon pleased to give Directions accordingly.

By the Tenor of these Resolutions, His Majesty's Printer was authorized and directed to print not less than Five thousand five hundred Copies of every Public General Act, and Three hundred Copies of such Local and Personal Acts as were printed; the Public General Acts to be transmitted, as soon as possible after each Bill should receive the Royal Assent, to the Members of both Houses of Parliament, the great Officers and Departments of State, Public Libraries, Courts of Justice, Sheriffs, Municipal Magistrates, and Resident acting Justices of the Peace, throughout Great Britain and Ireland; according to a prescribed Mode of Distribution; with a Direction that every Chief Magistrate and Head Officer of every City, Borough, or Town Corporate, in England and Ireland, and of every Royal Burgh in Scotland, and every Sheriff, Clerk of the Peace, and Town Clerk in the United Kingdom, receiving such Copies, should preserve them for the public Use, and transmit them to his Successor in Office: And this Mode of authenticating and promulgating the Statutes is now carried into Execution, throughout every Part of the United Kingdom.

Appendix, (H.)Appendix,
(H.)Reports of
Committees
of the
House of
Commons.Series of Reports from Committees of the House of Commons,
upon Public Matters,

ARRANGED ACCORDING TO THEIR SUBJECTS AND DATES:

1715—1802.

VOL. I.

TREATY OF UTRECHT;—LAYER'S CONSPIRACY;—FORFEITED ESTATES;—CHARITABLE CORPORATION;—COTTONIAN LIBRARY AND PUBLIC RECORDS;—WATERWORKS;—CUSTOMS AND REVENUE.

Presented by

1715.	- - -	June 9.	Negotiations of Peace and Commerce; Demolition of Dunkirk; Assiento Contract; The Catalans; and Transactions relating to The Pretender	Right Hon. Robert Walpole.
1722-3.	- - -	March 1.	Layer's Conspiracy	Rt. Hon. William Pulteney.
1731-2.	- - -	March 22.	Forfeited Estates of the Earl of Derwentwater	Lord Gage.
1732.	- - -	April 18.	The Charitable Corporation;—Transactions of—Two Reports	Samuel Sandys, Esq.
1733.	- - -	April 17.		
1732.	- - -	May 9.	Cottonian Library (after Fire at Ashburnham House) and Public Records	Thomas Winnington, Esq.
1733.	- - -	May 9.	York Buildings Waterworks Company	John Plumptre, Esq.
1735.	April 15.	May 2.	Do. Two further Reports	Robert Vyner, Esq.
1733.	- - -	June 7.	Customs;—Frauds and Abuses to the Prejudice of Trade and Diminution of the Revenue.—(See Vol. XI.)	Sir John Cope, Bart.

VOL. II.

COUNTY RATES;—LINEN MANUFACTORIES;—LAND FORCES;—HUDSON'S BAY;—CHURCH OF SCOTLAND;—HAT MANUFACTORY;—SHEEP AND JOBBERS;—HARBOURS;—MILFORD HAVEN;—WEIGHTS AND MEASURES;—HIGHWAY TRUSTS.

Presented by

1738.	- - -	March 16.	County Rates;—levying and Application of, in Middlesex	Robert Hucks, Esq.
1744.	- - -	March 11.	Linens, Threads, and Tapes;—Improvement in the Manufacture of	Lord Limerick.
1751.	- - -	April 26.	Linen Manufactories;—at different Towns in this Kingdom and in Ireland; Import of the Raw Material, &c.—(See Vol. III. & Vol. X.)	Lord Strange.
1746.	- - -	June 6.	Land Forces and Marines;—Application of the Money granted for	Hugh Campbell, Esq.
1749.	- - -	April 24.	Hudson's Bay Company;—Charter granted by Charles II.—Company's Claim to a Right of Lands, to an exclusive Trade, &c.	Lord Strange.
1751.	- - -	May 24.	Ministers of the Church of SCOTLAND;—Laws relating thereto	Colonel Haldane.
1752.	- - -	February 11.	Hat Manufactory;—Perfection of the Art in this Country; French Hats, why in greater Credit than our own; Diminution of Export Trade, &c.	Alexander Hume, Esq.
1755.	- - -	February 18.	Sheep;—Petition from the County of Lincoln, on the Evasion of Act Edward VI. for restraining the buying and selling of Sheep by Jobbers, &c.—(See Vol. XI.)	Robert Vyner, Esq.
1757.	- - -	February 25.	Rye and Dover Harbours; Improvement of, by Works already carried on there; Estimate for completing the New Harbour, &c.	George Onslow, Esquire.
1758.	- - -	March 21.	Milford Haven;—fortifying and securing the Entrance	Charles Townsend, Esq.
1758.	- - -	May 26.	Weights and Measures;—Standards of; Statutes relating to; Experiments; Necessity of Uniformity; Coin of the Realm, &c.	Lord Carysfort.
1759.	- - -	April 11.		
1765.	- - -	May 16.	Highway or Turnpike Trusts;—Money or Application of Money collected under the Kensington, the Somerset Road, the Mary-le-bone, and other Trusts.—(See Vol. X.)	Charles Whitworth, Esq.

Appendix,
(H.)Reports of
Committees
of the
House of
Commons,

VOL. III.

OBSTRUCTIONS TO THE SPEAKER'S WARRANT;—NAVY TIMBER;—BREAD ASSIZE;
ASSAY OFFICES;—LINEN TRADE, HOME AND FOREIGN;—EAST INDIA AFFAIRS;
CHARTERS OF THE COMPANY, INVESTMENTS, REVOLUTION 1760, &c.; LORD CLIVE,
&c.; COUNTRY TRADE, &c.; BENGAL TRANSACTIONS.

Presented by

1771. - - - April 30.	Orders of the House;—Obstructions to, and Contempt of The Speaker's Warrant, on Apprehension of Miller, Bookseller in London, &c. - - -	Welbore Ellis, Esq.
1771. - - - May 6.	His Majesty's Navy;—State of Timber for; Scarcity; how occasioned; and means by which a better Supply may be obtained - - -	Rt. Hon. Wm. Dowdeswell.
1772. - - December 21.	Bread, Assize of;—Laws and Customs relating thereto.—(See Vol. IX.) - - -	Thomas Pownall, Esq.
1773. - - April 29.	Assay Offices;—Irregularities and Inconveniences in the Operations of, in London, Chester, Exeter, and Newcastle-upon-Tyne, &c. - - -	Thomas Gilbert, Esq.
1773. - - May 25.	Linen Trade, in Great Britain and Ireland;—Diminution in the Manufacture of, in Scotland; Improvement thereof in Germany; Emigration of Weavers to America, &c.—(See Vol. II. and Vol. X.) - - -	Lord Frederick Campbell.
EAST INDIA COMPANY'S AFFAIRS.		
1772. - - May 26.	First Report from Committee on the Nature, State, and Condition of;—Two Periods. (1.) The Charters of the Company, Acts of Parliament, Commissioners Transactions in 1756, &c.—(2.) Company's Investment, Revolution in favour of Meer Jaffier, 1760, &c. - - -	Colonel Burgoyne.
1772. - - May 26.	Second Report;—Petition of Gregore Cojamal against Company's Servants; Lord Clive, Mr. Verelst, Sir Thomas Rumbold, General Smith, Armenian Merchants, Country Trade, &c. - - -	Colonel Burgoyne.
1773. - - April 8.	Third Report;—Transactions in Bengal, from 1757 to 1765; Causes of the War between the Company and Cossim Ally Cawn, &c. - - -	General Burgoyne.
1773. - - April 21.	Fourth Report;—Trade in Salt, Beetle Nut, and Tobacco; Opinion of Mr. Verelst, Mr. Sumner, and Mr. Sykes; Free Merchants, &c. - - -	General Burgoyne.
1773. - - June 18.	Fifth Report;—Receipt of 5 Lacs of Rupees by Lord Clive; Examination of Francis Sykes, Esq. and General Carnac, &c. - - -	General Burgoyne.

VOL. IV.

EAST INDIA COMPANY'S CIVIL AFFAIRS;—TRADE, REVENUES, GOVERNMENT.

Presented by

1772. - - December 7.	Nine Reports from the Committee of Secrecy, on the State of the East India Company's Affairs; commencing with a View thereof at the Date of the Commission in 1769, and taking a Retrospect of their Civil Affairs, in Trade, in Revenues, and in Government, from 1757 to June 1773 - - -	Mr. Alderman Harley.
1773. - - June 30.		

VOL. V. & VI.

EAST INDIA COMPANY;—ADMINISTRATION OF JUSTICE IN INDIA, GRANTS TO THE COMPANY, MADRAS AND FORT WILLIAM, WAR IN INDIA.

Presented by

1781. - - May 8.	Eleven Reports;—on the Petitions of certain Agents for the British Subjects resident in India; and of Warren Hastings, Philip Francis, and Edward Wheler, Esquires; and of the East India Company; relative to the Administration of Justice in India;—commencing in 1774, and taking a View and carrying on a History of Transactions, to 1781 - - -	Richard Smith, Esq.
1782. - - February 5.		
1782. - - June 6. 12. 18.		
1782. - - July 11.		
1783. - - April 23.		
June 13. 25.—July 10.	Two Reports;—on Sums due to the Public; on Grants to the Company of Bengal, Bahar, and Orissa;—Capture of Madras and Fort William, and Restoration of the same;—War in India, &c. - - -	Sir Henry Fletcher, Bart.
Nov. 18. & 20.		
1782. - - March 27.		
1783. - - March 12.		

VOL. VII. VIII.

EAST INDIA COMPANY;—WAR IN THE CARNATIC, SECOND MARATTA WAR, CHEYT SING, HYDER ALLY.

Presented by

1781. - - June 27.	Six Reports from the Committee of Secrecy, upon the Causes of the War in the Carnatic;—commencing with the Appointment of Sir Hector Munro to the Command of the Army, and including Transactions, from 1765 to 1781; together with certain Papers concerning the Rajah Cheyt Sing, and the Success of the Company's Arms against Hyder Ally, inserted at the Close of the VIIIth Volume - - -	Lord Advocate of Scotland, (Henry Dundas, Esq.)
1781. - - July 5.		
1782. - - February 4. 6.		
1782. - - March 1. 6.		
1782. - - May 27.		

VOL. IX.

{ CORN, GRAIN, BREAD ASSIZE, PROVISIONS;—CORN TRADE;—WASTE LANDS; }
 POOR; CHARITABLE DONATIONS.

Presented by

1774. - - - June 14.	Flour from Wheat;—Methods practised in the making of	- - -	Thomas Pownall, Esq.
1783. - - - April 16.	Corn and grain;—Importation and Exportation of, 21 Geo. III.	- - -	Lord Mayor of London (Rt. Hon. Nath. Newnham.)
1783. - - - May 28.	Another Report, from the same Committee	- - -	George Dempster, Esq.
1795. - - November 16. to 1796. - March 18.]	Corn;—Five Reports from the Select Committee, on the high Price of	- - -	Right Hon. Dudley Ryder.
1800. - Feb. 10. Mar. 6.	Bread and Grain; respecting the Assize of Bread (<i>See Vol. III.</i>) and the Means of remedying the Deficiency of the Crop of 1799	- - -	Lord Hawkesbury.
1800. Nov. 24. to Dec. 31.	Provisions;—Six Reports on the high Price of	- - -	Right Hon. Dudley Ryder.
1801. - - February 12.	Provisions;—First Report on the high Price of	- - -	Henry Bankes, Esq.
1801. - - February 23.	Do. - ;—Second Report	- - -	Right Hon. Dudley Ryder.
1801. - - February 24.	Do. - ;—Third Report	- - -	Henry Bankes, Esq.
1801. - - March 20.	Do. - ;—Fourth Report	- - -	Isaac Hawkins Browne, Esq.
1801. - - April 2.	Do. - ;—Fifth Report	- - -	Mr. Secretary at War, (Right Hon. Charles Yorke.)
1801. - - May 22.]	Do. - ;—Sixth Report	- - -	
1801. - - June 24.]	Do. - ;—Seventh Report	- - -	
1802. - - March 26.	Corn Trade between Great Britain and Ireland	- - -	Lord Glenbervie.
1795. - - December 23.]	Waste Lands;—on the Inclosure and Improvement of	- - -	Sir John Sinclair, Bart.
1797. - - April 27.]		- - -	
1800. - - April 17.]		- - -	
1775. April 11. May 11.	Two Reports on the same Subject	- - -	Sir Cecil Wray, Bart. Thomas Gilbert, Esq.
1776. Feb. 21. May 21.]	Three Reports;—on Orders of last Session (1775.)—Abstract of Returns from Overseers; Resolution of Committee, &c.	- - -	Sir Cecil Wray, Bart. Thomas Gilbert, Esq.
1777. - - May 15.]	Parish Poor Children;—State of, in London and Middlesex	- - -	Owen Salusbury Brereton, Esq.
1778. - - May 1.		- - -	
1787. - - May 23.]	Poor, and Charitable Donations	- - -	Thomas Gilbert, Esq.
1788. - - June 10.]		- - -	

VOL. X.

{ FISHERIES;—NEWFOUNDLAND TRADE;—SALT DUTIES;—LINEN AND HEMPEN
 MANUFACTURE;—FLAX SEED;—COAL TRADE;—COPPER TRADE;—LIFE
 BOAT;—SIERRA LEONE;—TURNPIKE ROADS AND HIGHWAYS;—NAVAL VO-
 LUNTEERS;—PRISONERS AT WINCHESTER;—SEDITIONOUS SOCIETIES, AND
 TREASONABLE CONSPIRACIES.

Presented by

1785. - - - April 26.]	Pilchard Fisheries	- - -	Sir William Lemon, Bart.
1786. - - - May 5.]		- - -	
1785. - - - May 11.]	British Fisheries	- - -	Henry Beaufoy, Esq.
1785. June 27. July 14.]		- - -	
1786. - - February 22. to June 8.]	Four Reports, on the same Subject	- - -	Henry Beaufoy, Esq.
1798. April 5. June 27.	British Herring Fisheries;—Three Reports	- - -	Right Hon. Dudley Ryder.
1798. - - December 22.]		- - -	
1799. - - March 19.]	Four Reports on the same Subject	- - -	Nicholas Vansittart, Esq.
1800. May 12. June 30.]		- - -	
1793. - - March 26.]	Newfoundland Trade;—Two Reports	- - -	Right Hon. Dudley Ryder. Mich. Angelo Taylor, Esq.
1793. April 24. June 17.]		- - -	
1801. June 18. June 30.	Salt Duties;—Two Reports	- - -	Nicholas Vansittart, Esq.
1802. - - May 10.	Linen and Hempen Manufacture of Ireland, and Flax Seed; (<i>See Vol. II. III.</i>)	- - -	Rt. Hon. Charles Bragge.
1800. June 23. Dec. 3.	Coal Trade;—Two Reports	- - -	William Manning, Esq.
1799. - - May 7.	Copper Mines, and Copper Trade	- - -	Lord Hawkesbury.
1802. - - March 31.	Life Boat; (Mr. Greathead's);—a new Invention	- - -	Rowland Burdon, Esq.
1802. - - May 5.	Sierra Leone;—on the State of that Colony	- - -	Lord Viscount Castlereagh.
1796. April 27. May 3.]	Turnpike Roads;—Four Reports; (<i>See Vol. II.</i>)	- - -	Mr. Alderman Lushington.
1798. - - April 24. 26.]		- - -	
1800. - - March 21.	Public Highways and Turnpike Roads;—Acts 13 and 14 Geo. III.	- - -	Rowland Burdon, Esq.
1780. - - June 28.	Naval Volunteers;—Encouragement to be given to	- - -	Sir Herbert Mackworth, Bart.
1780. - - July 5.	Prisoners of War in the King's House at Winchester;—their Health, &c.	- - -	Charles Brett, Esq.
1799. - - March 15.	Ireland;—Treasonable Conspiracy	- - -	Mr. Secretary Dundas.
1801. April 13. May 15.	United Kingdom;—Two Reports, on Seditious Societies, &c.	- - -	Rt. Hon. Thomas Pelham.

Appendix,
(H.)Reports of
Committees
of the
House of
Commons.

Appendix,
(H.)Reports of
Committees
of the
House of
Commons.

VOL. XI. { ANNUITIES;—PUBLIC INCOME;—BANK;—CIVIL LIST;—SMUGGLING;—EXPOR- } Presented by
TATION OF SHEEP, WOOL, &c.—DISTILLERIES IN SCOTLAND.

1782.	- - -	July 5.	Annuities;—Amount of Sums raised, between Jan. 1776 and April 1782	-	Thomas Pitt, Esq.
1786.	- - -	March 21.	Public Income and Expenditure;—on the different Branches thereof	-	Rt. Hon. W. W. Grenville.
1791.	- - -	May 10.	The same Subject - - - - -	-	Right Hon. Dudley Ryder.
1797.	- - -	March 3. 7.	Bank of England; Restriction on Payments in Cash;—Two Reports	-	Tho. Berney Bramston, Esq.
1797.	April 21. Nov. 17.		Two Reports on the same Subject - - - - -	-	Charles Bragge, Esq.
1802.	- - -	March 15.	Civil List;—on Accounts relating thereto - - - - -	-	Rt. Hon. Charles Bragge.
1783.	- - -	December 24.	The Revenue (Smuggling);—on illicit Practices used in defrauding;—	}	Rt. Hon. William Eden.
1784.	- - -	March 1. 23.	Three Reports.—(See Vol. I.) - - - - -		
1786.	- - -	June 12.	Illicit Exportation of Wool, Live-Sheep, Worsted and Yarn, and of Live	}	Edward Phelps, Esq.
1788.	- - -	March 5.	Sheep and Lambs, Wool, Wool Fells, &c. - - - - -		
1798.	- - -	June 11.	Distilleries in Scotland; on the Laws relating thereto - - - - -	-	Rt. Hon. Sylvester Douglas.
1799.	- - -	July 12.		-	

VOL. XII. XIII. { FINANCE. } Presented by

1797.	- Mar. 31. July 17.	Debt and Taxes; 1. to 3. - - - - -	}	Charles Abbot, Esq.
		Collection of the Public Revenue; 4. to 13. - - - - -		
		Expenditure of the Public Revenue, and auditing Public Accounts; 14. to 22. - - - - -		
1798.	- - - June 26.	Revenue, Debt, and Expenditure, for 1797; 23. 24. - - - - -	}	Charles Abbot, Esq.
		Expenditure: Civil Establishment; 25. to 30. - - - - -		
		Expenditure: Military Establishment; 31. to 36. - - - - -		
1798.	- - - - - 1803.	Proceedings and Measures of Government on these Reports; and General Index to the Whole.		

VOL. XIV. { ROYAL BURGHS OF SCOTLAND;—TEMPORARY AND EXPIRED AND EXPIRING LAWS; } Presented by
PROMULGATION OF STATUTES;—PERSONS IN HOLY ORDERS;—HIGH PRICE
OF PAPER;—VACCINATION;—NITROUS FUMIGATION;—THAMES AND ISIS;—
PORT OF LONDON, AND LONDON BRIDGE.

1793.	- - -	June 17.	Scotland, Royal Burghs of;—on Petitions and Papers - - - - -	-	Rich. Br. Sheridan, Esq.
1796.	- - -	May 13.	Temporary Laws - - - - -	-	Charles Abbot, Esq.
1802.	- - -	March 31.	Expired and Expiring Laws of the United Kingdom - - - - -	-	Henry Alexander, Esq.
1796.	- - -	December 5.	Statutes, Promulgation of;—Two Reports - - - - -	-	Charles Abbot, Esq.
1801.	- - -	April 28.		-	
1801.	- - -	April 2. 14.	Holy Orders;—Eligibility of Persons in, to sit in the House:—Two Reports	-	Charles Bragge, Esq.
1801.	- - -	March 22.	Paper;—Petitions from Booksellers and Printers, on the high Price of -	-	Sir William Young, Bart.
1801.	- - -	May 6.	Vaccine Inoculation;—Petition of Dr. Jenner - - - - -	-	Henry Banks, Esq.
1801.	- - -	June 10.	Nitrous Fumigation;—Petition of Dr. Smyth - - - - -	-	Henry Banks, Esq.
1793.	- - -	May 17.	Thames and Isis Rivers;—Navigation and Trade on - - - - -	-	Ed. Loveden Loveden, Esq.
1796.	- - -	May 13.	London, Port of;—Accommodation for Trade and Shipping - - - - -	-	Sir William Young, Bart.
1799.	- - -	June 1.	London, Improvement of the Port of;—Two Reports - - - - -	}	Lord Hawkesbury.
1799.	- - -	July 11.			Charles Abbot, Esq.
1800.	- - -	July 28.	London, Port of; } further Measures for the Improvement of - - - - -	}	Nicholas Vansittart, Esq.
1801.	- - -	June 3.	London Bridge; }		

VOL. XV. { PUBLIC RECORDS OF THE KINGDOM. } Presented by

1800.	- - -	July 4. 8.	Public Records;—on the Nature, State, better Arrangement, and Preservation of:—Two Reports - - - - -	-	Charles Abbot, Esq.
-------	-------	------------	--	---	---------------------

Appendix, (I.)

PLAN for the REVISION of RYMER'S FœDERA,

AND FOR THE FORMATION OF

A SUPPLEMENT and CONTINUATION

THERETO.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Friday 25th March 1808;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.

The Right Honourable Lord FREDERICK CAMPBELL.

The Right Honourable JOHN Lord REDESDALE.

The Right Honourable SYLVESTER Lord GLENBERVIE.

The Right Reverend JOHN Lord Bishop of BANGOR.

The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.

The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.

The Right Honourable CHARLES BATHURST.

THE Secretary stated, that Adam Clarke, LL. D. having been recommended on account of his extensive Learning and indefatigable Industry, as a fit Person to revise and form a Supplement and Continuation to RYMER'S FœDERA, had prepared An Essay or Report on the best Mode of executing such an Undertaking; which Report the Secretary delivered in, and the same was now read.

First Report upon the Formation of a Supplement and Continuation to Rymer's Fœdera.

HAVING been desired by the Right Honourable The Commissioners on the Public Records of the Kingdom, to prepare an Essay or Report on the best Mode of forming a SUPPLEMENT and CONTINUATION to RYMER'S FœDERA, I think it necessary, for the Purpose of executing this Duty in the most satisfactory Manner,

- I. To give a Short History of the Origin and Progress of the Fœdera.
- II. To examine the comparative Merits of the different Editions, through which it has already passed.
- III. To consider the Materials of which it is composed; and how far they accord with the original Design.
- IV. To take into View the projected Supplement and Continuation.
- V. To consider the Nature of the proper Materials, and the Repositories in which they may be found.
- VI. To suggest the best Mode of selecting, arranging, and editing these Materials.

I.—History of the Fœdera.

The full Title of this Work is, "Fœdera, Conventiones, Literæ, & cujuscunque generis Acta Publica, inter Reges Angliæ, & alios quosvis Imperatores, Reges, Pontifices, Principes, vel Communitates, ab ineunte Sæculo

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S *Fœdera*.

" *Sæculo duo-decimo; viz. ab anno 1101 ad nostra usque Tempora habita, aut tractata. Ex Autographis, infra secretiores Archivorum Regionum Thesaurarias per multa sæcula reconditis, fideliter exscripta.*" Accurante Thoma Rymer, &c.

Of this great National Work the first Fourteen Volumes were published in Mr. Rymer's Life-time; the Fifteenth and Sixteenth were prepared for the Press, and published after his Death by Mr. Sanderson, his Assistant, afterwards Keeper of the Rolls; by whom also were added a Seventeenth Volume, with an extensive Apparatus of Indexes; and afterwards Three succeeding Volumes, making in the whole 20 Volumes Folio.

From any Thing we can learn from Mr. Rymer to the contrary, the whole of these Sixteen Volumes were collected and arranged by himself; he does not acknowledge to have seen any previous Plan, or to have had any Digests, Tables, Calendars, &c. to facilitate his Researches; nor does he give the slightest Intimation, even in his Dedication to Queen Anne, under whose Auspices the Work was undertaken; nor how he came to be employed in it, though he is, in that Dedication, circumstantial enough on Subjects in which the Historian and Antiquary are less interested. His Silence on these Heads has induced many to believe, that he alone levelled the Mountains, and filled up the Vallies, in this difficult and arduous March; having explored a Path, which even the Eagle's Eye had not before seen.

To detract from the Merit of Mr. Rymer's Labours, Industry, and Accuracy, is exceedingly remote from my Mind. He has deserved well of his Country in particular, and of Europe in general. His Work is a proud Monument to the Glory of the British Nation, and to the enlarged Views and Munificence of those Sovereigns under whose Auspices it was projected, conducted, and published.

Leaving, therefore, Mr. Rymer in quiet Possession of his well-earned Literary Reputation, it may be necessary to enquire what Helps he had at hand for the Compilation of this great Work; at whose Suggestion it was undertaken, and how from almost imperceptible Beginnings, it had a slow, but steady Growth for 137 Years, previously to the Publication of the First Volume.

I need not consider the various Attempts made in remote Reigns to methodize and arrange the invaluable Materials, which came at last under the Hands of Mr. Rymer, as any thing peculiarly helpful to his Undertaking; because the Attempts were, in general, either partial or abortive; or the Tables, Calendars, and Indexes thus made, either perished or became Private Property, and were thus, in general, lost long before his Time. Sir Joseph Ayloffé, it is well known, has published an excellent Work on this Subject, entitled, "Calendars of the Ancient Charters," &c. to which is prefixed, "An Introduction," (the substance of which was furnished by Mr. Astle) "giving some Account of the State of the Public Records, from the Conquest to the present Time." From this well-written Piece, we may collect an Account of the Materials out of which the *Fœdera* grew, and may discern even the Form, Arrangement, and Title which the Work has assumed.

The Author of this Introduction informs us, that in 1567, Queen Elizabeth, taking into Consideration the confused and perilous State in which the Records of Parliament then lay, issued a Warrant, directed to Sir William Cordell, Master of the Rolls, "to deliver into the Hands of Mr. William Bowyer, the Keeper of the Records within the Tower of London, all the Parliament, Patent, Treasurer's Close and Fine Rolls, Bundles of Escheats, Inquisitions, Attainders, and Surrenders, and all other Rolls and Records whatsoever of her Chancery, for the several Reigns of Richard III. Henry VII. Henry VIII. and Edward VI." And we are further informed, that "Mr. Bowyer was the first who reduced the Tower Records into good Order, and then digested and made Repertories of them." This Compilation was contained in Six large Volumes Folio; and in forming it, the Author spent "Eight Years, and above £. 1,000. of his own Money." *Introd.* p. xxviii. It is true, the Fruits of this laborious Man's Industry are not now to be found, but when or how lost, I cannot learn.

Having done so much for the Records of the Parliament and Chancery, the Queen extended her Care to the other Courts; for she directed Mr. Agard "to sort and digest, not only all the Records in the Four Treasuries of the Exchequer, but also all the Original Leagues and Treaties of Peace, Truce, Alliance, and Marriage, between England and Foreign Nations, and to make Calendars of them." *Introd.* p. xxix. This Work the industrious Author completed in the succeeding Reign; and it may be observed, that the Queen's Direction to Mr. Agard contains the very Articles that constitute the Title which Mr. Rymer has given to his Collection.

The Papers of Mr. Agard falling into the Hands of Mr. Powel, he published them, first in 1622, and afterwards with considerable Additions in 1631, in a small Quarto, under the following Title: "The Repertorie of Records remaining in the Four Treasuries, on the Receipt Side at Westminster; the Two Remembrancers of the Exchequer,

Appendix,
(I.)PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

“ Exchequer, with a brief introductory Index of the Records of the Chancery and Tower ; as also a perfect Calendar of all the Records remaining in the Office of Records at the Tower of London, in the Years of King John, Henry III., Edward I., Edward II., Edward III., Richard II., Henry IV., Henry V., and Edward IV.” Though this is a very brief Work, it contains a vast Fund of Information, and bears every Mark of good Judgment and unimpeachable Accuracy. To it Mr. Rymer must have been considerably indebted ; other Helps of a similar Kind he might have had, with which I am unacquainted ; and even Hints of such an Undertaking are of considerable Use, for the smallest Principle, in the Hands of an Antiquary or Bibliographer, often produces the most important Results.

In 1661 the Care of the Tower Records was confided to Mr. W. Prynne. This laborious Man is said “ to have brought to light great Numbers of antient and valuable Parliamentary and other Records, which he sorted, marshalled, and arranged in such Method, that by the Assistance of the Tables and Calendars which he made, any Person might have easy Access to any of these Records.” Ayloffe's Introd. p. xxxvi.

“ The exact Abridgment of the Records in the Tower of London, from the Reign of K. Edward II. to that of K. Richard III.” which he published from the Papers of Sir Robert Cotton, Fol. Lond. 1657, was a very valuable Work in its Time : but, as it relates almost solely to the Parliamentary Records, it could be but of little Use in the Plan of the FÆDERA, though other Collections of the same laborious Antiquary have, doubtless, contributed their Quota of Help.

But what led directly to the Object of the Undertaking, specified its Materials, and defined its Limits, was the following. Sir Joseph Ayloffe observes, that “ soon after K. William and Q. Mary's Accession, Mr. Harley, afterwards Earl of Oxford, formed a Plan for printing at the Public Expense all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which had at any Time been made between the Crown of England and other Kingdoms, Princes, and States ; intermixed with such Instruments and Papers of State, as either more immediately related to them, or were curious and useful in illustrating the English History.” He communicated this Design to the Earl of Halifax, who not only approved of the Plan, but got Mr. Rymer, then Historiographer Royal, appointed to carry it into Execution. All this Information we might have naturally expected from Mr. Rymer himself.

That Mr. Rymer might have every Facility towards the Accomplishment of so great and useful a Work, he received Q. Mary's Warrant, dated August 20, 1693, empowering him “ to transcribe and publish all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which have at any Time been made between the Crown of England and any other Kingdoms, Princes, and States, as a Work highly conducing to our Service, and the Honour of this our Realm.” And the same Warrant gave him Liberty of Access to all the different Repositories of the Public Records. To this was added an Order of the King in Council, dated April 12, 1694, to the Lord Keeper of the Great Seal, commanding him “ to cause a Writ to be sealed, and directed to the Right Honourable the Lords Commissioners of His Majesty's Treasury, and the Chamberlains of the Exchequer, authorizing and requiring them to deliver, or cause to be delivered, to Mr. Thomas Rymer, all Leagues, Treaties, &c. remaining in the several Treasuries of the Exchequer, which he shall have Occasion for, and desire.”

Thus encouraged and assisted, Mr. Rymer commenced his Work, and published the First Vol. in 1704, Eleven Years after the Date of the First Warrant. It seems, that at an early Period of the Undertaking, he had employed Mr. Robert Sanderson as an Assistant ; as we find him included with Mr. Rymer in a Third Warrant, issued by Queen Anne, dated May 3d, 1707, giving them conjointly the same Authority to search, transcribe, and publish, as by the preceding Instruments was given to Mr. Rymer alone. These Warrants are all printed in the First Vol. of the 8vo. Edit. of the *Acta Regia*, Lond. 1731, pp. xi.—xiii.

We have already seen that 14 Vols. of this Work were published during the Life-time of Mr. Rymer, who died the same Year in which the 14th was published, viz. in 1713. The 15th and 16th he left prepared for the Press, which, with the 17th, were published in the Course of the Four following Years, by Mr. Sanderson his Assistant, who afterwards added Three additional Volumes. Thus was completed, what may be properly termed the First Edition of the FÆDERA, begun in 1704, and completed in 1717.

This Edition soon becoming very scarce (for it is reported only 200 Copies were printed), Mr. Tonson obtained the “ Royal Privilege and Licence of K. George I. for the sole printing and publishing a new Edition of the FÆDERA, “ for the Term of 14 Years.” In this Work he engaged Mr. George Holmes, Keeper of the Tower Records, as Editor, who calls it the Second Edition, *ad originales Chartas in Turri Londinensi denuo summâ fide collata et emendata*. Lond. 1727-35. Mr. Holmes seems to have conducted the Re-impression of only 12 Vols. : the Re-impression of the other 8 is attributed to Mr. Sanderson.

A new Edition was undertaken at the Hague in 1738 or 39, which was completed in 10 Vols. Folio, printed with considerable Elegance on a much smaller Letter than either of the preceding Editions. In this Edition, the FÆDERA, properly speaking, is included in the first Nine Volumes ; the Tenth is occupied with a very

Appendix,
(1.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

copious General Index, and with the Analysis of the whole Work, published in French by Mr. Rapin, entitled, "*Abregé historique des Actes publics d'Angleterre recueillis par Thomas Rymer*;" and known in England by the Title of *Acta Regia*. This Analysis was begun by Mr. Le Clerc as a Critique or Review, in the *Acta Eruditorum*; continued by Mr. Rapin to the Conclusion of the 17th Volume, and brought down by an unknown Hand, to the Conclusion of Mr. Sanderson's supplementary Volumes. It is scarcely necessary to observe, that the FÆDERA commences with a Convention between Henry I. King of England and Robert Earl of Flanders, made at Dover, on the 16th of the Calends of June A. D. 1101, in the First Year of Henry's Reign: and that the last Instrument, with a Date, is a Letter from Paris, of March 22, 1654, the Sixth Year of the Reign of King Charles II. After this Letter, there are two others without Dates, but their Contents show that they were written some Time in the Course of the same Year.

The whole Compilation, therefore, includes the Period of 553 Years. But it should be remarked, that in the Reigns of Henry I., Stephen, Henry II., and Richard I., there are not less than Sixty-seven Years, for which no Kind of Instrument is found in the FÆDERA. In the Reign of Henry I. 34 Years; in the Reign of Stephen 12 Years; in the Reign of Henry II. 20; and one in the Reign of Richard I. From the Commencement of the Reign of John, no Year is found blank.

Thus we have seen by what slow Steps this important National Work was brought into being, and raised to its present State of Perfection. A Variety of pre-disposing Acts for the Preservation and Arrangement of the Public Records, prepared its Way, by furnishing the Materials. At last, Mr. Harley's Love of Literature, and Zeal for the Honour of his Country, suggested the Plan, according to which the important Undertaking was conducted; and the Munificence of Three British Sovereigns, directing and encouraging the Industry of Messrs. Rymer and Sanderson, brought it before the Public.

After Mr. Rymer's Death an Attempt was made to examine the Public Repositories of the Records, to ascertain their Contents, and the State of Preservation in which they were found. The Account of this Measure is as follows:

On Dec. 9, 1718, an Order was issued by the House of Lords, appointing Committees "to view the Records of the Court of Chancery in the Tower, and those fit to be carried thither; and to consider what Place there is proper to receive them: and likewise to view all such other Public Records as they shall think fit; and in what Manner and Place the same are now kept." This Order was carried into Execution, and very important Proceedings took place in consequence, and a Report from these Committees was laid before the House of Lords April 16, 1719, which with a humble Address were laid before His Majesty Ap. 17.—His Majesty was graciously pleased, on the 18th of the same Month, to order that the Measures therein recommended should be carried into Execution. By an Order of the Lords, the whole Proceedings relative to this Business were printed in an 8vo. Form for the Use of their Lordships. The Copy from which I quote, bears Date, London, 1723.

Whether all the Measures recommended in the above Work were carried into Execution, I cannot tell; but if they were, they must have contributed much to the Preservation of the Public Records of the Kingdom.

In the Report made to the Lords on this Occasion, a general View is given of the following Offices, their Contents, and the State of the Materials found in them: 1. The Tower; 2. The Rolls Chapel; 3. The Pipe Office; 4. The King's Remembrancer's Office; 5. The Treasurer's Remembrancer's Office; and, 6. The Augmentation Office.

II.—View of the Comparative Merits of the different Editions through which the Fædera has passed.

We have already seen that the FÆDERA has passed through Three Editions; the First by Mr. Rymer, assisted by Mr. Sanderson; the Second by Messrs. Holmes and Sanderson; and the Third by the Hague Booksellers, with the Editor of which I am unacquainted. On the comparative Merits of these Three Editions, it may not be improper to say a few Words.

Of the First Edition there is no Occasion to say any Thing in this Place, as that has been particularly described under the preceding Head.

Though the Second Edition professes to be *summa fide collata & emendata*; yet it will be found, on a careful Examination, to possess few Excellencies beyond the former, except as far as the Originals of the Contents of the First Vols. are found in the Tower; those Mr. Holmes has collated with those Originals, and corrected many Errata; but there has not been a single Instrument added, nor even the few Omissa in the First Edition inserted in their proper Places. The Third alone is that which will fairly bear a Comparison, because possessing several Peculiarities. Of the Editor we know nothing. The Work appears to have been undertaken by the Dutch Booksellers merely for their own private Advantage; but it is pretty evident that the Person whom they procured to superintend the Work, was both judicious and learned. In the Title-Pages of all the Vols. it uniformly professes to be formed after the Second London Edition; but adds, *Editio tertia, prioribus longe amplior & emendatior*.

Haga

Hagæ Comitibus, apud Joannem Neaulme. The Second Vol. bears the Date 1739; the First and Tenth, that of 1745. It is likely that this Edition was begun in 1738. In this Re-impression, the following are the Peculiarities referred to above:

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

- I. All the English Papers are translated into French; but the Original is preserved in a parallel Column.
- II. At the Conclusion of the FÆDERA, which terminates in the Ninth Volume, are found *Epistolæ Mariæ, Reginae Angliæ, ad extraneos Principes et Republicas, ab Anno 1554 ad Annum 1558, Desumptæ ex Manuscripto Originali in Bibliothecâ Ducis Kentiæ*. These Letters, probably written by Roger Askham, who was Latin Secretary to the Queen, are 107 in Number; and though not of very great Importance, yet some of them tend to throw a little light over the Political and Ecclesiastical History of that most afflictive Period, in which both the Church and State were brought to the verge of Ruin. These, certainly, should not be neglected, either in a new Edition of the FÆDERA, or Supplement to that Work.
- III. A Tract, entitled, *De l'Estat et Gouvernement du Royaume d'Angleterre, avec nouvelle Addition des principales Cours du dit Royaume, et des Officiers d'icelles Cours. Faict à la Main le 28 Mars de l'an de Salut 1565, pendant le Regne de la Serenissime et Excellentissime Princesse, la Reine Elizabeth, par un Gentilhomme, Ambassadeur en France pour Sa Majesté, après le Roi Charles IX. de ce nom.* This Manuscript is said to have been "given by the late Prince of Condé to the Count de Bethune." However useful the Information given in this Tract might have been to the French, the Dutch, or even the English, it is utterly out of its Place in such a Collection as the FÆDERA; unless it could be considered as a State Paper, written by Royal Authority. This Subject, however, deserves to be more carefully examined*.
- IV. The Tenth Volume is composed of *Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer*. This is the French Original of what is called the *Acta Regia*, begun by Mr. Le Clerc, as we have already seen, and continued by Mr. Rapin, which it appears the Earl of Halifax encouraged him to perform; and for this Purpose had the different Volumes of the FÆDERA sent to him in the Course of their Publication. It takes in more than the English Edition translated by Mr. Whately, as it gives an Analysis of the 20th Volume of the FÆDERA, which is not found in either the Folio or Octavo Edition of the *Acta Regia*. But of this Work I propose to speak more particularly in another Place†.
- V. It contains also a very copious and useful Index of the principal Matters in the Twenty Volumes of the FÆDERA, but adapted here to the Nine Volumes of the Dutch Edition. It is well known that the London Editions have no Index to the Three last Volumes; and that the *Index Nominum*, and *Index Locorum*, &c. are printed at the End of the Seventeenth Volume; and that the latter Index is divided into Seventeen Parts, each Part including the Subjects of its corresponding Volume. This is very inconvenient, as sometimes it may require Seventeen distinct Searches to find the Subject in question.

If we consider the Importance and great Utility of the FÆDERA to the Civil, Ecclesiastical, and Literary Interests of the Country, we may be astonished to find it at present so little known; and that a Work, which at its first Appearance sold for a Hundred Guineas, should, till very lately, have been sold for Fifteen or Twenty. Several Causes have contributed to this.

1. Only 200 Copies of the First Edition are said to have been printed.
2. Many Sets of the more portable Dutch Edition getting over into this Country, were sold cheap; and this in a Measure supplanted the Original.
3. The Publication of Mr. Rapin's *Acta Regia*, which was always considered to be a faithful Abridgment of the FÆDERA, was deemed also by many to be a complete Substitute for it. This again produced a further Neglect of the Original Work. On this Subject it may be necessary to say a few Words.

The *Acta Regia* is certainly a Work of considerable Merit; and it is much to be regretted that the FÆDERA had not been conducted on a similar Plan. Then, indeed, it would have been the greatest and most useful diplomatic Work ever exhibited to the World: but though the *Acta Regia* may serve as a useful Index to the FÆDERA, it never can be a Substitute for it, but with very superficial Enquirers, who must often commit themselves by an implicit Reliance on the *Acta Regia*, as it omits many important Acts and Instruments found in the Original Work.

These are the principal Causes of the low Estimation in which the FÆDERA is now held, to which might, perhaps, be added a general Ignorance of its Importance; as it is now scarcely known to any but Statesmen and Civilians. I venture, however, to predict, that since the Right Honourable the Commissioners on the Public Records of the Kingdom have taken up the Subject, and have recommended both a Supplement to, and a Continuation of, the Original Work, it will in consequence, when they accomplish their laudable design, become one of the scarcest, and perhaps the highest priced Books, in the Republic of Letters. The Hints which the Public have already heard on this Subject, have raised the Work to more than double its former Price, and have caused every Copy on Sale to be bought up.

* This Point has been examined in a succeeding Report, and a full Account given of this Tract.

† An ample Account of this Work also has been laid before His Majesty's Commissioners in a succeeding Report.

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

III.—Of the Materials of which the *Fædera* is composed; and how far they accord with the original Design.

Having considered the Origin of this Work, the different Editions through which it has passed, and their comparative Merits, I come now to examine the Materials of which it is composed.

According to the Plan of its Noble Projector, the Earl of Oxford, it should consist of “All Leagues, Treaties, Alliances, Capitulations, and Confederacies, which have at any Time been made between the Crown of England and other Kingdoms, Princes, and States, intermixed with such Instruments and Papers of State, as either more immediately relate to them, or are curious and useful in illustrating the English History;” and according to its own Title, which is an abridged Echo of the above, it consists of “The Leagues, Conventions, Letters, and all other Public Acts, between the Kings of England, and all other Emperors, Kings, Popes, Princes, or Communities.”

Whoever carefully examines the Work, will find, that though the Title agrees in general with the Contents, yet there are many Exceptions.

- (1.) It should contain all the Leagues, Conventions, &c. which could have been found: but this is not the Case; as several important Instruments in the *Collectanea Rymeri*, in other Parts of the *Cottonian Library*, and in several other Repositories of the Public Records, sufficiently evince.
- (2.) It should contain only important and authentic Documents: but whoever closely considers it, will find it contains many unimportant, and some dubious Instruments. See, for example, the Letter of the Old Man of the Mountain to the Duke of Austria*.
- (3.) It contains several Documents, which, however authentic, are perhaps improper to be published. I shall refer to Two Descriptions of this Kind of Acts.

I. Those Papers and Letters which disclose certain Secrets of Government, which I think it must be ever prudent to conceal; *e. g.* The Letters and Communications of those minor confidential Persons, whom Government, having to do with a powerful and subtle Foe, or with a procrastinating or faithless Ally, is sometimes, though reluctantly, obliged to employ. In such a Work, the Intelligence communicated by a Spy should never be inserted, unless it tend to develope some strong or important Fact, which without such Assistance would remain obscure, and destitute of its diplomatic Causes and Consequences.

II. Those Acts which disclose Family Secrets: I mean Royal Acts of Oblivion, passed on Crimes, where the King, using his Royal Clemency, so far forgives the Culprit, that all Proceedings in Civil and Ecclesiastical Law shall be stayed; the Crimes, as far as they affect Civil Society, or the Posterity of the Offenders, being fully pardoned. That such Acts as the above should be recorded, I am well aware; and that they may be useful as Matters of Reference, I have no Doubt: but perhaps it were better that none such should be published, except where the Family implicated is extinct. On this, as well as on some other Grounds, we may regret with Sir J. Ayloffe, “that Mr. Rymer had not more maturely considered the Nature, as well of several of those Instruments which he printed, as of many which he omitted.”

From the Title of the FÆDERA, the Reader is led to expect nothing but Public Acts; but he finds a large Proportion of the Work to consist of Private Acts, both of an Ecclesiastical and of a Civil Nature. These, several intelligent Persons think a Blemish in the Work, and should be omitted in a new Edition; “as they are in Hostility to the Title-Page.” I was of this Opinion myself, until I recollected the Plan of the Earl of Oxford; which states, that the Leagues, Treaties, &c. should be “intermixed with such other Instruments and Papers of State, as either more immediately related to them,” (*i. e.* the Leagues, &c.), “or were curious and useful in illustrating the English History.” This wish of the learned Nobleman, Mr. Rymer evidently kept in view, in different Parts of the latter Volumes of his Compilation especially; though he has often lost sight of it when he might have met it with great Advantage; and has made no Provision for it in his Title-Page. Probably he thought the Head *Literæ* comprehended the principal Parts of these Materials; and it must be granted, that most of them do fall under this Title.

It has been objected also, that there appears too great a Proportion of Ecclesiastical Matters in the Collection, many of which are of little Importance as Facts, and are never likely to be resorted to as Precedents. This may be deemed an Imperfection: but when we take into Consideration the great Influence claimed and exerted over England by the Church of Rome in those early Times, particularly from the 12th to the 16th Century, we need not be surprised at the Multitude of Ecclesiastical Acts, which occur in the FÆDERA. The Regal Authority in those Days, was only an Echo of the Papal Power; and the State was scarcely seen or acknowledged, but in its Vassalage to the Romish Church.

* See Strictures upon this Instrument in a subsequent Report.

IV.—*Consideration relative to the intended Supplement to Rymer's Fœdera.*

The perfecting of this great National Work, seems to have been one of the earliest Objects, that engaged the Attention of the Right Honourable The Commissioners “constituted and appointed by His Majesty's Royal Commission, bearing Date the 19th July 1800, to consider the State of the Public Records of the Kingdom.” And they directed their Secretary “to write to the Keeper of the Records in the Chapter House of Westminster; the Keeper of the Records in the Chapel of the Rolls; the Keeper of the Records of the Privy Council; and the Clerks of the Signet; and to the Keeper of the State Paper Office, to consider and report to this Board, of a proper Selection of Instruments and State Papers in their Custody respectively, for the Purpose of forming a Supplement to Rymer's Fœdera, during the Period of Time which that Work comprehends; and also of a Selection to form a Continuation of that Work, to the Accession of King George II.”

Few who have consulted the Fœdera, have thought that Mr. Rymer commenced his Work at the most proper Period. Neither the Year 1101, nor the Accession of Henry I., constitutes any remarkable Era in our Annals or History: he should at least have gone back as far as the Norman Conquest in 1066. This is a remarkable Era: none, indeed, more so, previously to the Revolution; it brought about Changes, the Influence of which has been felt through every Period of our History, from that Time to the present Day.

Should it be said, “that we cannot in general depend upon the Authenticity of the different Instruments, which occur prior to the Accession of Henry I.,” it may be answered, that we have a great Variety of Documents previously to that Time, the Authenticity of which cannot be questioned; and several others, which though not indubitably genuine, may be proved to stand on as fair a Ground as many in the Fœdera. It is true, that by Stat. Westm. 3d Edw. I. c. 39, the Year 1189, or the First Year of Richard I. is assigned as the Commencement of the legal Term, defined, “within the Time of Memory;” but this certainly cannot be understood, as stigmatizing with uncertainty, the Accounts we have of previous Transactions; had this been so understood, and had the Fœdera been constructed upon this Definition, some of the most important and valuable of its Materials had never seen the Light. And if all, prior to that Time, were to be considered dubious or uncertain, many important Articles in the Fœdera, and in our antient Historians, as well as numerous important Laws, must be rejected as presumptively spurious. Even Père Hardouin, the most fastidious of Chronological Critics, would enter his Protest against such a Conclusion.

With the utmost Deference, then, and perfectly under Correction, I submit the Opinion, that the Supplement to Rymer, projected by the Right Honourable The Commissioners, should embrace not only the Period of Time which that Work comprehends, but also the Time antecedent to it, at least from the Norman Conquest. If legitimate Materials can be procured to fill up this Chasm, as well as that from the 2d of Henry I. in 1103, to the Second after the Accession of Stephen in 1137, it will be a Consummation devoutly to be wished. There is no Paper in the Fœdera for any of these Periods. The First, indeed, does not come within the Time it comprehends. At any Rate, it can neither injure nor retard the Undertaking, to collect, in the Course of Search for other Materials, all that seems to be proper to fill up the Chasm, from the Norman Conquest to the Accession of Henry I. These may be carefully examined according to the Rules of Diplomatic Criticism; the uninteresting and spurious rejected, and those worthy of the Work inserted in their proper Places.

V.—*Of the Materials proper for this Work; and the Repositories in which they may be found.*

As to the Materials proper for this Work, they are yet latent in their respective Repositories: These are,

1. The British Museum. 2. The Chapter House, Westminster. 3. The Tower. 4. The Rolls Chapel.
5. The State Paper Office. 6. The Privy Council Office. 7. The Signet Office, &c. &c.

The Nature of the Documents contained in the above Repositories need not be pointed out here, as they have all been referred to in the Transactions of this Commission. It is sufficient to know, that in them principally must be sought the Materials which are to compose both the Supplement to, and the Continuation of the Fœdera.

It would be well also, if the Intercourse with France were open, to obtain Permission for a confidential Person to go over, and examine the Contents of the Imperial Library; as there is much Reason to believe, that several important Documents were carried thither on the Abdication of James II., and especially such as related to the Stuart Administration, and to the History of the Queen of Scots; for notwithstanding the Labours of several learned Men, an impenetrable Cloud still hangs over this Part of our History: as to the Transactions between Queen Elizabeth and that unfortunate Princess, little that is satisfactory appears in the Fœdera; as there is but one Act relating to the Subject from 1563 to 1587.

Perhaps it may not be going too far to say, that there is much Reason to suspect that several important original Records have been purloined from the Tower and other Repositories in Times of public Distraction. When Mr. Agard made his Calendar of the Records in the Tower, in the Time of Queen Elizabeth, there were then in the Study Fifteen Bundles of Petitions to Parliament, which had been presented at different Periods, from the 2d to the 30th Year of Edward III. inclusive: These were no Doubt in being when Mr. Powell published Agard's Work in 1631, in what he calls the “Repertorie of Records,” see p. 212; but Sir Joseph

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FœDERA.

Appendix,
(I.)
PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

Ayloffé has observed, that all these Bundles, except that for An. 7, are now lost. If these have been removed, might not others of greater Importance have been removed also? And does not the Paucity of Public Acts, in eventful Periods of our History, in which an Abundance might reasonably be expected, prove that Depredations must have been committed on the Public Records? On this Subject, see the Introduction to Sir Joseph Ayloffé's Calendars, pp. 6, 34, and 36.

Besides the Documents in the Repositories already mentioned, there may be many in the Bodleian and other Public Libraries, in the different Cathedrals, in the Private Libraries of Antiquaries, and in those of curious Collectors of rare and antient MSS. It might be well to invite Noblemen and Gentlemen, who may possess such valuable Papers of this Description, to permit them to be copied for the Benefit of this Work. An Application of this Kind would certainly not be without Effect; and even one authentic Document, thus recovered, might be an invaluable Acquisition to the FÆDERA. It must, however, be granted, that all Communications of this Kind should be received with the extreme of Diffidence and Caution; nor should any be adopted until it had been fully subjected to the Ordeal of Diplomatic Criticism, which alone determines the Criteria by which spurious and counterfeit Acts can be distinguished from those which are genuine.

The Letters of Queen Mary, published in the Dutch Edition of the FÆDERA, are a Proof that the Libraries of Individuals may be resorted to, in a Case like the present, with considerable Success. The Propriety of such a Measure as that recommended above, has not escaped the Notice of the Right Honourable the Commissioners, who have ordered a general Search to be made for "Originals, Records, and MS. Copies of Charters and "Statutes," through the principal Public Libraries in the Nation. This Measure, in Reference to the Object for which it was recommended, has been carried into Execution; and from it they have received very satisfactory Reports, and some invaluable original Instruments.

VI.—*Of the Mode to be adopted in selecting, arranging, and editing the Materials for the Work.*

On the best Mode of conducting the projected Supplement and Continuation, it is difficult in the present Stage of the Business to decide. With respect to the general Inquiry, I am fully of Opinion, that nothing can be proposed better calculated to answer the End, than that recommended by the Right Honourable Board itself, viz. "That the Keepers of the different Records, and the Clerks of the Signet, do consider and report to the "Board of a proper Selection of Records, Instruments, and State Papers, in their Custody respectively, for the "Purpose of forming a Supplement and Continuation of Rymer's FÆDERA." The slightest Departure from this Principle should not be admitted. The Keepers of these Records must be best acquainted with the Materials under their Care; and consequently the best qualified to examine, select, and transcribe, what may appear most proper for the Accomplishment of this great Design.

To aid them in their Researches, those Gentlemen should always have at hand a Copy of the FÆDERA, or a Synoptical Abridgment of it. By this they could at once see whether the Instrument they had discovered had been already published. When they had found an unpublished Original, suitable to the present Undertaking, they should order it to be fairly transcribed, paying the utmost Attention to the Dates, Names of Persons, Places, &c. and the Place or Office where deposited. They should collate and verify the Copy with the Original, and attest it as thus collated and verified. All Papers thus transcribed and verified, should be delivered into the Hands of such confidential and qualified Person, as the Right Honourable Board might think fit to appoint, whose Business should be to arrange, methodize, and connect the Materials into a regular Series; to collate them with the Histories of the Times to which they respectively belong; and examine whether any important Transaction of those Times, in which the State was particularly concerned, were not noticed by some Public Act: and if none appeared in the Collections put into his Hands, he should have the Power of directing a further Investigation of Records; and in order to lessen the Labour consequent on this additional Search, he should specify the Object of it, and direct to the Year under which it should be sought, as well as to the Place in which it was most likely to be found.

In all Cases of Doubt, the said Person should have Access to the Autographs themselves, that in their Presence he may have the Opportunity of verifying the Transcripts with the Originals.

In the Work of Research, the very excellent and judicious Compilation of Sir Joseph Ayloffé, and the *Calendarium Rotulorum Patentium*, the new Catalogues of the Cottonian and Harleian Libraries, published under the Direction of the Record Commission, may be of considerable Use. Implicit Confidence, however, can be placed on nothing but the Originals; for it will be observed with Concern, that some of the Articles in the Calen. Rot. Patentium bear different Dates from their Transcripts, published in the FÆDERA. There must be a Mistake somewhere. Both the Dates cannot be true: an Examination of the Originals only can ascertain to which Work the Mistake attaches; and even when found, it will probably prove no more than the extreme Difficulty of such Compilations: for where Multitudes of Dates and Names occur in every Page, it is almost impossible to keep the Work free from Error.

It is a Question of considerable Difficulty, what is the best Model after which a Work of this Kind should be published? Were it intended only to furnish Precedents, the Arrangement of Materials in Chronological Order might be deemed sufficient; and thus the Supplement and the Continuation might be conducted on the Plan
of

of the Original Work. It is true, that this would produce a comparatively shapeless Mass of Materials, having little Connection or mutual Dependence beyond what they derive from their Chronological Arrangement; but it has this Advantage, that all the Acts of one Sovereign are seen in their successive Order; and a good Index would supply the Place of a systematic Arrangement, and by this Means the different Materials might be easily classified for any existing Purpose.

If the Work were intended merely to supply the place of a regular History, it would greatly add to its Utility, though it would require much more Time and Pains in the execution, to show by short Notes at the Bottom, what gave rise to the particular Instruments which form the Body of the Compilation; and how each, either terminated in itself, or produced another regal Act, &c. This would be taking a middle Course between the present arid Appearance of the FÆDERA, and that concatenated Historical Abridgment of its Materials, given by Le Clerc and Rapin.

When the Compiler has formed what he judged a proper Selection from the Materials put into his Hands, and has arranged and connected them into a regular Series, previously to their going to the Press, they should all be subjected to the Inspection of the Right Honourable the Commissioners, with whom alone, should lie the ultimate Decision concerning what is proper, and what improper to be published.

The FÆDERA, as it now stands, may be considered the Work of an Individual; and he alone is responsible for its Defects; for it does not appear that Mr. Rymer's Work was subjected to any Examination beyond his own: but the Case will be widely different in the projected Supplement and Continuation. These will not, cannot be considered by the Public as the Work of a private Person. The Commissioners will be considered as principally responsible for whatever is done under their Authority; consequently too much Caution cannot be used, and too much Care cannot be taken, to make the Work worthy of its grand Object, and of those under whose Auspices it is compiled and issued.

As the Supplement from the Nature of its Materials must be slowly formed, it would be well to put no Part to the Press until the Whole be compiled; for as Instruments of a prior Date to those already in hand, may be the Fruits of subsequent Searches, the Whole should be collected and arranged before any Part is printed, that there may be no Appendices nor Omissa, which in a Supplement would be peculiarly improper. The Continuation from the Period where the FÆDERA ends, may, however, be proceeded on in a different Way. Each Volume might be put to Press as soon as prepared.

A Number of Observations, relative to this and other Departments of the Work, present themselves to my Mind; but I wave them for the present; and, with all due Deference, submit every Opinion here expressed, to the Correction of The Commissioners, whose Province it is, not only to decide on the Merits of this Essay and Plan, but also on the best Mode of accomplishing a Work, of which they are the Projectors and Patrons.

18 March 1808.

(Signed) ADAM CLARKE.

WHEREUPON the Board approving of the Method suggested by Dr. Clarke for the Execution of this Work;

ORDERED, That the Secretary do obtain Admission for Dr. Clarke to make Searches in the several Public Offices, Libraries, and Repositories, which it may be necessary for him to consult.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Tuesday 2d May 1809;

P R E S E N T,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable LORD FREDERICK CAMPBELL.
The Right Honourable JOHN LORD REDESDALE.
The Right Honourable SYLVESTER LORD GLENBERVIE.
The Right Reverend JOHN LORD Bishop of BANGOR.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.
The Right Honourable CHARLES BATHURST.

THE Secretary stated, that Dr. Clarke had been diligently employed since the 25th March 1808, in collecting Materials at the British Museum, Tower, Rolls, &c. and in comparing them with the Contents of Rymer's Printed Work.

ORDERED, That Dr. Clarke be desired to prepare and lay before the Board a further Report upon the Particulars of RYMER's Plan, and upon the best Plan for forming a SUPPLEMENT and CONTINUATION thereto together with his Opinion upon the Expediency of conforming therein to the Plan adopted by Rapin in his Acta Regia.

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

Second Report on Rymer's Fædera.

IN consequence of the Order of the Board of 2d May 1809, whereby I am desired to prepare and lay before the Board, a further Report upon Rymer's FÆDERA, and the best Plan for forming a Supplement and Continuation thereto, together with my Opinion upon the Expediency of conforming to the Plan adopted by Rapin in his Acta Regia, I have the Honour to state as follows :

§ 1.

FIRST, The Plan proposed by Mr. Harley, afterwards Earl of Oxford, was the following : " To print at the Public Expense all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which had, at any Time, been made between the Crown of England and other Kingdoms, Princes and States, intermixed with such Instruments and Papers of State, as either more immediately related to them," (i. e. to the Leagues, Treaties, &c.), " or were curious and useful in illustrating the English History."

Mr. Harley's Plan properly divides itself into Two Parts :

1. The collecting and publishing all the Leagues, Treaties, &c. between the Crown of England and other Kingdoms and States.
2. The collecting and publishing all such Instruments and Papers of State as might illustrate those Leagues, &c. in particular, and cast Light on English History in general.

The First Part of this Plan, as we have already seen, was executed with considerable Zeal and Diligence by Mr. Thomas Rymer, the Historiographer Royal, who had been recommended by the Earl of Halifax, as a proper Person to accomplish Mr. Harley's Design.

To the Second Part, he appears to have paid but comparatively little Attention, especially in the earlier Volumes of his Work ; as it seems to have been his original Design to insert what may be termed Regal Acts only ; and hence, few illustrative Papers, curious and antient Documents that were not of this Description, however authentic, were permitted to occupy a Place in the FÆDERA.

That he afterwards altered his Plan, probably on the further Suggestion of the Earl of Oxford, appears from Two Considerations.

1. That his latter Volumes have a much greater Proportion of those curious and illustrative Papers than the former ones, which cannot be accounted for, on the Paucity of such Materials in his earlier Periods ; as I have discovered and selected many in Times over which he passed, and with several of which I can scarcely think he was wholly unacquainted.
2. This Alteration of Plan farther appears from the Collections in 59 Volumes, Fol. (1)*, which he appears to have made after the principal part of his Work was published, and which are now deposited in the British Museum, extending from A. D. 1115 to 1698, and which are principally composed of Instruments of the Description recommended in the Second Part of the Earl of Oxford's Plan.

Hence I am led to the Conclusion, that Mr. Rymer's Plan was originally to publish Regal and Public Acts only, and such as he found sealed, or otherwise unequivocally authenticated ; and this was probably the Reason why he commenced the Work with the First Year of the Reign of Henry I. as prior to that Period he found no sealed public Instrument ; and probably few or none such exist.

That the Collection should commence at so late a Period as the Accession of Henry I., could, in my Opinion, never have been the Design of the original Projector ; for, as he wished that " all Papers and Instruments which " were curious and useful for the Illustration of the English History," should form a Part of the great aggregate Collection, so he must have designed that the Work should ascend, at least to the Termination of what may be called our fabulous Times, and take in every authentic Instrument, whether Saxon or Latin, that might cast even one steady Ray of Light on the Subject. Why Mr. Rymer should not have done this, we may readily conjecture, and conjecture too with the most plausible Appearance of Truth. It would have consumed much Time, and have been extremely laborious and perplexing. I feel in some respect competent to deliver an Opinion on this Subject, from the Difficulties I have experienced, in the Researches I have made in the Period preceding the Accession of Stephen,

* From the following Note in the Work intituled, " State of the Public Records of this Kingdom," p. 103, it appears that this Collection, called, The Collectanea of Rymer, was, after his Death, purchased by Government.

" The Committee of the House of Lords, (mentioned p. 26,) having received Information that several Transcripts of " Records left by the late Mr. Rymer, and not printed, were now in the Hands of Mr. Awnsham Churchill, a Bookseller, " their Lordships thereupon sent for, and examined the said Mr. Churchill, who acknowledged the said Transcripts were " in his Custody, but he looked upon them to be only Papers which the said Mr. Rymer threw by as not fit to print ; and " that his Executrix had procured them to be bound, and they were paid for by the Treasury, and were to be applied for the " public Inspection. And he further informed the Committee, that the said Transcripts were ready to be delivered as " Direction shall be given. And their Lordships have since given Direction that the same be, for the present, put into " the Custody of the said Mr. Incedon, your Lordship's Housekeeper."

Stephen, or rather of Henry II., when the FÆDERA may be properly said to commence; as there are only Seven Papers in it in the Reign of K. Stephen, and only Two in the long Reign of Henry I., where it professes to begin. In both these Reigns several Documents of considerable Importance will be found in the Collection now in hand.

With respect to Rymer's Arrangement of his Materials, it is only necessary to observe, that he has been directed by Chronology alone. His Kings, of course, follow each other in Chronological Order; and the Documents produced under each Reign succeed to each other in the same Way, without the slightest Attempt at Classification, a very few Instances excepted, or any other Arrangement than that of the successive Years of each Reign, and the consecutive Months, and Days of the Month, of each Year.

There is a Defect of Plan in the FÆDERA, which has been noticed by several: the following are the Words of Mr. Le Clerc on the Subject:—

“ Il seroit à souhaiter que M. Rymer nous eut fait en peu de mots, l'histoire et le plan de son dessein, et nous eut donné quelque description des Archives d'où ces Actes ont été tirés. Je suis persuadé que le Public auroit reçu agréablement ce petit detail. Il s'est contenté de nous donner dans son preface, une liste de divers faits, par le moyen desquels on peut redresser, ou supplier l'histoire, et semble promettre quelques remarques sur les Actes, qu'il publie.” Bibliothèque Choisie. Sir Joseph Ayloffe and others have made similar Complaints.

Whoever, therefore, in consulting the FÆDERA, wishes to find out an Act of a particular Description, and other Acts of the same Kind, if he know not the particular Year in which it occurs, must run down the whole Reign in its chronological Series, which must necessarily occupy a considerable Portion of Time, as many Cases may occur, in which the Indices will afford little or no Assistance. These Observations may be sufficient to answer the Desire expressed by the Right Honourable the Commissioners, “ that the Papers, Documents, &c. under each Head in the FÆDERA, should be described by Classes,” as no Classification exists, and there are scarcely any separate Heads to be found in the Work.

§ 2.

To the SECOND QUESTION of the Right Honourable the Commissioners; viz. “ What is the Plan on which the Selections for the Supplement and Continuation are proposed to be made?” I beg Leave to answer.

I. I think a very essential Distinction should be made between the Plan of the Supplement and that of the Continuation: when I undertook, by Order of the Commissioners, to make these Selections, it first appeared to me that the Plan of the Supplement should be the same with that of the Work whose Deficiencies it is intended to supply.

1st, Because it seems most consistent that the Supplement should have the same Arrangement with the original Work, however exceptionable that Arrangement, in Reference to the *lucidus Ordo*, may appear.

2dly, Because I did not know that it might be practicable to make any other Arrangement, on account of the Paucity of Instruments under certain Departments; as I was aware that the different Archives had already been ransacked by the original Compilers, so that the few Documents of Importance which now remain, possibly may not be capable of any other Arrangement than that of their Predecessors in the FÆDERA. If, however, farther Researches should bring to light any considerable Number of valuable Materials, another and better Mode of Arrangement may be successfully attempted; and this Measure, as far as I am personally considered, I have left to Discretion, to be proceeded on in that way which may appear most proper, when the Selections shall be completed.

With respect to the Continuation, “ the Plan of which” (I have already stated) “ should be widely different from that of the Supplement,” I beg Leave to offer my Opinion.

1. The Continuation will be an entirely new and complete Work, and consequently may be constructed on any Plan which the Wisdom of The Commissioners may devise, as the most proper and useful.

2. Any such Plan will be practicable, as the Instruments have not been already culled, have suffered nothing from the Wastes of Time, being comparatively recent, and are in greater Abundance than those of preceding Ages. I would advise, therefore, that a distinct and scientific Arrangement of this Part of the Work should be at once adopted, and the Selections, to save Waste of Time and Labour, be made on the Plan of Arrangement previously to be laid down. Then all Documents of a similar Description would be found under one Head; and the Chronological Arrangement would complete their Order. The Inquirer, therefore, in consulting the Work when edited, would be saved from the Perplexity and Embarrassment produced by the heterogeneous Mixture in the Original Work, which we may reasonably suppose have frequently prevented Persons from finding the Objects of their Pursuit, though actually existing, but in a discordant Alliance, in the Work under Examination. A good Arrangement of Materials in any Work is of great Importance, and often equal to Half the Sum of the most accurate Description: But as it is proposed to have complete Indexes to the Work, where the

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

Articles will necessarily be classified, this will, in a considerable Measure, supply the Want of Classification in the Work itself, which may be continued in its Chronological Arrangement as before.

§ 3.

THIRDLY, The Right Honourable The Commissioners order those who are employed in the Work, to “consider and state their Opinion upon the Expediency of forming the Supplement according to the Plan adopted by Rapin in his *Acta Regia*.”

As I have already spoken concerning the Supplement, considered merely in relation to its supplying the Deficiencies of the Original Work, I shall take it for granted, that the Work in this part of the Order may be restricted to the Continuation, which is to supply the remaining Reigns, from the Sixth of Charles II. to the Accession of His present Majesty.

The Plan of the *Acta Regia* must next be considered, to see if on the whole it may be the most proper, according to which the Continuation should be constructed.

It should not be forgotten, that what was termed in Holland *Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer*, and the English Edition, *Acta Regia*, was begun by Mr. J. Le Clerc in the 16th Volume of the *Bibliothèque Choisie*, in which Work no other Plan appears to have been either intended or followed, than that of giving a simple Analysis of the Contents of each Volume, with a Critique on the Importance of the Materials. This Analysis Mr. Le Clerc conducted through the First Volume of the FÆDERA; after which he put the Work into the Hands of Mr. Rapin, who brought it down to the Conclusion of the 17th Volume, on a Plan more extended and more methodical than that of Mr. Le Clerc; and that there might be a Uniformity in the Work, when he had gone regularly down from the 2d to the 17th Volume, he took up the First Volume, which had been analysed by Mr. Le Clerc, and abridged it on the same Plan he had adopted with respect to the succeeding Volumes.

In the Hague Edition of the FÆDERA, Vol. X., the elegant Analysis made of the First Volume by Mr. Le Clerc precedes Rapin's Abridgment; but this is totally omitted in the *Acta Regia*, or English Translation of Rapin's Work by Mr. Stephen Whateley.

What Mr. Rapin's Plan was, we learn from his own Words in the Commencement of his Work, and by these we find it differed from the Plan of Mr. Le Clerc in two important Particulars: 1. In giving a better arranged and more extensive Analysis of the Contents of each Volume; 2. In showing the Relation these Acts bore to the History of England, and of what Importance they were in illustrating the public and private Transactions of each Reign.

“Mr. Le Clerc,” says Rapin, “en donnant l'extrait du premier Tome, s'est contenté de faire connaitre en gros, l'usage qu'on pouvoit faire de ce Recueil; premierement par quelques remarques generales; & secondement, en indiquant quelques-uns des Actes les plus importants, qui se trouvent dans le premier Tome. Mais, mon but, dans les extraits suivans, a été d'entrer dans un plus grand detail, de marquer le rapport des Actes avec les evenemens qui se lisent dans l'histoire, & d'eclaircir les uns par les autres.” *Abregé Historique*.

This we may properly consider as Rapin's general Plan; but as the Transactions and Acts under the different Reigns were often much diversified, he could not reduce his Plan to general Heads, under which he might arrange the Transactions and Acts of these Reigns. Hence we find the Plan of his Analysis differs not only in each Volume, but in each Reign. The Method which he appears to have pursued was this:

1st, He carefully considered the Acts in the FÆDERA under each Reign. 2dly, He brought Acts of a similar Description together, and thus made a general Classification, under the Denomination of Articles. 3dly, He then examined the History of England in its Foreign and Domestic Relations, and selected the leading Facts which might be arranged under the Articles of the preceding Classification. 4thly, He gave an Epitome of these Historical Transactions under each Article, attaching to each the Act or Acts by which these Historical Transactions were illustrated and confirmed. 5thly, He added some Notes at the bottom, the better to explain certain Circumstances, both in the Acts themselves, and the Transactions or History of those Times. An Example taken from the Reign of Henry II. will show this Plan.

ARTICLES.

I. Of the Increase of the English Monarchy.—II. Affairs of Henry with Thomas à Becket.—III. Of the Conquest of Ireland.—IV. Rebellion of Henry's Sons.—V. Henry's Affairs with Scotland.—VI. Henry's Affairs with France.—VII. Of Richard's Rebellion.

Each of these forms a Head of Historical Discussion; at the End of which, such Acts in the FÆDERA as referred to the Subject are mentioned.

This

This Arrangement may be considered merely as *pro re natâ*, and consequently never could be of general Application; and on this Kind of perpetually varying Plan he continued his Abridgments to the Conclusion of the 17th Volume of the FÆDERA. The remaining Three Volumes were abridged by a different Hand, the Author deriving his Historical Connections from Rapin's History of England. This Abridgment is tedious, lacks lucid Arrangement and distinguishing leading Principles, and absurdly classes all the Transactions, and the Acts relating to them, in Alphabetical Order, to the Confusion and almost total Destruction of Chronological Arrangement, so essentially necessary to a Work of this Kind.

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

It is obvious, how much these important Records must be dismembered, by being reduced to such an Order as was required under—Amboine—Armée—Chambre Etoilée—Chevaliers—Colonies—Descharges—Decouvertes, &c. &c.; and to what an Excess this Confusion must be confounded in the English Translation, which, following the Order of its own Alphabet, displaced most of the Articles in the French Arrangement! Amboyna—Army—Books—Church—Dispensations—Forest Laws—Grants—Inventions—Knights, &c. &c.

Having thus examined the Plan of Rymer in the FÆDERA—Le Clerc in his Analysis—Rapin in his Abridgment—and Rapin's Continuator in his Historico-Alphabetical Details, it is Time, according to the Order of the Right Honourable the Commissioners, to consider "the Expediency of forming the Supplement according to the Plan adopted by Rapin in his *Acta Regia*."

If we take the *Acta Regia* as signifying the Original Work, we find it to consist of Three different Plans, Le Clerc's, Rapin's own, and his Continuator's;—if we consider it as implying the English Edition, which solely has the Title of *Acta Regia*, then it consists of Two Plans, that of Rapin, and that of his Continuator; Le Clerc's being omitted in the English Edition. The last Two Plans, both in the Original and the Translation, are nearly the same. As the Method pursued in the last Three Vols. which is not Mr. Rapin's, is so very injudicious, and every way exceptionable, I suppose I may consider it as out of the Question: it may answer the End of an Index, but it is quite inadequate to give a scientific, connected, chronological View of the important Contents of such a Work as the FÆDERA. Mr. Rapin's own Plan is that alone which remains; and the Question is, should the general Plan of Rymer be continued, or should Rapin's Plan be adopted?

We have already seen that Mr. Rapin's Plan consists in distinguishing the grand Historical Transactions of a particular Era, and arranging the different Regal Acts, which relate to those Transactions, under them in chronological Order: the Transactions and the Acts being connected by short historical Notices.

This Plan is certainly to be preferred to the heterogeneous sterile Plan of Mr. Rymer; but I fear, that if it be adopted in the projected Continuation, while it contributes to the Usefulness, it will essentially alter the Form and Complexion of the FÆDERA. The Work can no longer bear the same Title:—it will consist, partly of original and authentic Diplomatic Papers, containing the "Leagues, Treaties, Letters, and all Kinds of Public Acts, between the Crown of England and other Kingdoms, Princes, and States, &c." and partly of Historical Notices of State Transactions, which gave rise to, and were consequent on, these Leagues, &c. Should, therefore, the Person who may be employed to make the Arrangement, and furnish the connecting Media, be warped by Party Prepossessions, Political or Ecclesiastical Prejudices, or be deficient in Historical Knowledge, or in Judgment, he might be led, even undesignedly, to give a false Colouring to certain Transactions; and perhaps, through this, make wrong References in the Arrangement of his Acts, Letters, &c. This, in the Body of such a Work, would be extremely prejudicial, and derogate greatly, both from its Merit and Authenticity: and I find, that even the industrious, judicious, and generally impartial Rapin, has not been wholly free from Errors of this Nature.

§ 4.

I shall, therefore, with great Deference to the Right Honourable the Commissioners, and perfectly under Correction, propose a Plan on which to conduct the Continuation, and even the Supplement itself, should a sufficient Variety of Documents be found, which shall answer all the excellent Purposes of Rapin's Arrangement, and be liable to none of the Objections by which his Plan is encumbered.

The Instruments in the FÆDERA may be divided into Two Grand Genera, under each of which a Number of Subordinate Classes may be arranged, *e. g.*

I. *Grand Division.*

Instruments which relate to

Foreign { Ecclesiastical } Transactions.
 { Political }

II. *Grand*

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

II. *Grand Division.*

Instruments which relate to

Domestic { Ecclesiastical } Transactions.
 { Political }

Whatever concerns the Church of England, and the Interests of Religion in general, may, for the Sake of Order, &c. be thus arranged :

I.—*Ecclesiastical Transactions, Foreign and Domestic.*

1. Religious Houses, Charters of Foundation, Endowments, Extended Privileges, Exemptions, &c.
2. Congées d'Elire, Translation of Bishops, Councils, Pope's Bulls, &c.

II.—*Political Transactions, Foreign and Domestic.*

1. Leagues, Treaties, Conventions, Marriages, &c.
2. Charters of Liberties, general, to the Nation, as well as particular, to Towns, Cities, &c.
3. Creation of Offices, Commissions, Patents, &c.

Or the whole may be arranged in Alphabetical Order, under the Names of the Places, Empires, Kingdoms, States, &c. to which the Transactions refer, thus :

Foreign Affairs.

Conventions, Treaties, &c. with

Algiers,	France,	India,	Portugal,	Sweden,
America,	Germany,	Morocco,	Prussia,	Turkey,
Austria,	Holland,	Norway,	Russia,	West Indies,
Denmark,	Italy,	Persia,	Spain,	&c. &c.

Domestic Affairs.

1. Treaties, &c. with Scotland, Ireland, &c.
2. Letters, Proclamations, Patents, Pardons, Summons.
3. Testamentary Declarations.

Should a New Edition of the FÆDERA be printed, and the Chronological Arrangement be observed, as in the former Editions, the Arrangement proposed here, though not followed in the Work, may be adopted with considerable Advantage in the Formation of the Indexes.

I do not pretend to say, that either of these Plans is that precise one which should be followed ; this may be determined on when a more particular View of the intended Supplement and Continuation can be taken, from a more accurate Knowledge of the Materials of which they are to be composed ; but I wish that a systematic Arrangement may be followed, so that Materials of the same description may be brought together under one Head, so that it may be properly said,

“ Quæ prius hic illuc variè dispersa jacebant,
“ Hic sunt ad proprium cuncta redacta locum.”

To expedite this, or any other Plan that may be adopted, the Recommendation of the Right Honourable the Commissioners should be strictly attended to, viz. “ That the Keepers of the different Record Offices, and the Clerks of the Signet, do consider and report of a proper Selection of Records, Instruments, and Papers in their Custody respectively, for the Purpose of forming a Supplement and Continuation to Rymer's FÆDERA.”—Abstract of Reports.

This will save Time, Labour and Expense ; Time, as the Clerks in the different Offices may be carrying on their respective Collections in concert ; Labour, as they who are the Keepers of those Instruments must be better acquainted with the particular Places in which these Instruments are deposited, the Hands in which they are written, &c. &c. ; Expense, for the Plan which saves Time, lessens Labour, and precludes the Necessity of an Increase of Sub-Commissioners and Assistants, must be executed at comparatively less Expense ; and I am sure the Commissioners wish to conduct every Measure in their great and important Undertaking, on Principles of the strictest Economy.

§ 5.

Though, in the Course of this Report, I have proceeded on the Ground that a Supplement is to be formed to the 20 Vols. of the FÆDERA already published, yet with the utmost Deference to the Judgment of The Commissioners, I beg leave to offer an Opinion which I have not adopted on dubious Evidence, and which I also beg leave to preface with a few Observations.

1. The

1. The great Utility and Importance of the FÆDERA have been acknowledged over every Part of Europe.
2. To the British Nation it is as interesting as it is honourable ; it is the faithful Depository of its most important Acts ; and as the Originals are perishing, and many become almost illegible, the Transcripts in the FÆDERA should be most carefully preserved.
3. The Original Edition of the FÆDERA has long since disappeared ; the second Edition has been long out of Print ; and the Dutch Edition, much more numerous, is scarcely ever to be met with.
4. I must add another fact ; many of the Originals used by Mr. Rymer and his Continuators, are ruined by the Means they made use of to restore the demi-obliterated and evanescent Parts. They have evidently had a Solution of Galls constantly at hand, of which they have made a most liberal Use, for the Restoration of Passages, then, not easily legible ; instead of taking up with a wet Sponge the Gall Liquor, after the Purpose of its Application had been answered, they permitted it to remain and dry on ; and the Consequence is, that the whole Surface of the Parchment is rendered as black in some cases as the Letters themselves, and thus the Whole is irrecoverably illegible ! To corroborate this Fact, which I have frequently witnessed myself, I may refer to Mr. Lysons, who has often seen and deplored the Mischief done by these Means to the Instruments which have passed under the Hands of Mr. Rymer and his Associates. I would not attribute this either to Carelessness or Unfaithfulness in those indefatigable Men ; but merely to a lack of Judgment ;—they were not aware of the ruinous Tendency of the Process they used ; nor of the Necessity of counteracting its pernicious Effects.

Considering, therefore, the vast National Importance of the FÆDERA ;—that it is now out of Print ;—that in many cases the Originals from which these Collections have been made are either lost or rendered useless ; that it would be of the utmost Consequence to have the whole Body of its Contents corrected, methodized, and arranged in Conjunction with all the new Materials, which, under the Direction of the Record Commission, have been, or may be collected ; I humbly propose the Expediency and Necessity of a NEW EDITION of the whole Work, under a more scientific and methodical Arrangement, in which all the new Materials shall be incorporated with the original Matter, under their respective Heads.

A Work of this Kind, with which the Interests and Honour of the Nation are so intimately connected ;—a Work, which has the most immediate Tendency to secure the permanent Existence of many of the fairest Monuments of the religious, literary, and political Glory of the Empire ;—a Work, for lack of which numerous Mistakes have been committed by eminent historical and political Writers, would amply compensate the Toil bestowed on it, and fully justify the Expense to the Nation, which would be incurred by its Re-publication in this improved State.

I do think, from every View I have been able to take of the Subject, that this Measure is not only pressingly necessary in itself, but would be highly honourable to the present Reign, and to that Royal Commission under which it originated.

And in favour of the Arguments already offered in behalf of a NEW EDITION OF THE FÆDERA, I might add,

1st, That when Mr. Holmes was employed to examine and correct certain printed Articles in Rymer by the Originals in the Tower, &c. and the Fruit of his Labour was a Volume of Corrections, Emendations, &c. which were printed separately ; yet this was not judged sufficient, and therefore a new Edition of the Work was recommended and executed, in which his Corrections and Emendations were inserted in their proper Places. However important these Corrections may appear, they are certainly of trivial Consequence, when compared with the Supplemental Additions recommended by the Right Honourable His Majesty's Commissioners.

2dly, I need not state to Persons so fully acquainted with every Department of Literature, that Supplements are in general of comparatively little Use ; and that they never have been, nor should be resorted to, but in cases where the Work, to which they refer, has been in general ill received by the Public, or, in the main, so uninteresting to the generality of Readers, as not to justify the Risk of another Edition, in which the Supplement might be incorporated. In this Predicament the FÆDERA does not now stand ; it has a high Character with those who know it ; and the Attention paid to its Completion by His Majesty's Commissioners will greatly increase its Credit with the Public both at home and abroad, and consequently its Sale.

Whether the Recommendation of a new Edition be adopted or not, a Volume after the Manner of Rapin may be formed of the Contents of the Work, (in whatever Shape it may appear,) which should contain a complete Abstract of the different Acts, &c., connected in a Chronological Series with the leading Facts and grand Transactions recorded in the History of the British Empire : this will serve the double Purpose of a useful Index to the whole Work, and a descriptive Catalogue of all its Contents.

To make the Work as complete as possible, several Instruments in Spelman, Hicks, Wilkins, Thorpe's *Registrum Roffense*, Thurloe's and Strafford's State Papers, and the Corps Diplomatique, should be carefully examined. The Reason why I recommend an Examination of these Printed Works is this ; I suppose that many of the Originals have perished, and that the printed Copies are perfectly authentic. Mr. Sanderson, in

Appendix,
(I.)
PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

the last Volume of the FÆDERA, has availed himself frequently of the Papers of Mr. Secretary Thurloe. Several Articles will be found among these Writers which properly belong to the FÆDERA ; and should be united to the Supplement, or incorporated with the new Edition, should the Proposal meet with the Approbation of the Right Honourable the Commissioners.

May 13th, 1809.

A. CLARKE.

Third Report on Rymer's Fædera,

AND

Upon the Use which Rymer appears to have made of our ANTIENT ENGLISH HISTORIANS ; together with Strictures on the Authenticity of the Letter of VETUS DE MONTE to Leopold Duke of Austria, exculpating King Richard from the Murder of the Marquis of Montferrat.

IN my last Report to the Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom, of Progress made in Collections for the FÆDERA, and in Answer to the Questions with which they were pleased to honour me, I stated that I should continue to make further Inquiries on certain Points, to which I could not then give an explicit Answer.

§ 1.

One of the Questions to which I have lately bent my Attention more particularly, is this ; " Whether many Instruments mentioned by Dr. Clarke, such as those regarding King John's Surrender of his Crown, &c. and taken from the Cotton MSS., were not printed before Rymer's Work, and therefore omitted by him?"

I believe this Question implies the Supposition, that Rymer inserted nothing in his Collections which he found had been printed before.

Taking this myself for granted, I have examined the References to the FÆDERA, only in order to be able to trace up the Documents in this Collection to the Sources whence they were derived. In this Research sometimes I met with Satisfaction ; at other Times with none ; and upon the Whole, with much less than I had Reason to expect.

When I met with *Ex. Ben. Ab.* in Bibl. Cotton.—*Ex Rotul. in Thesaurar.*—*Ex Orig. in Turr.*—*Ex. Rot. Pat. m. 13. d. &c. &c.* I was satisfied, because I found the References respectable ; but I felt very differently when, as was often the Case, I met only with *Ex Autogr. Ex Origin.*, without any Sort of Reference to any Place where these Originals and Autographs were deposited. How unsatisfactory this Mode of Reference must be, is sufficiently evident ; for in such Cases, it may take as much searching to find these Instruments now, as it took Mr. Rymer at the first, and perhaps more ; for he met with them in the Course of a general Search, where every Thing that came to hand served some Purpose for some Department of his Work ; but in order to find out one of these Originals, a particular Search must be instituted, which must probably be extended to several Offices, as in many Cases it would be impossible to divine where the Search should commence, from any well indicated Probability of meeting with the Article in Question.

But lame as this *Ex Originali* and *Ex Autographo* Information is, it leaves the Conviction that the Autograph may still be in Existence, and that there was an Original in the Time of Rymer, though the *Ubi* is not designated. But when nothing appears in Mr. Rymer's Margin, but simply the King's Name, Year of the Reign, and Year of our Lord, Disappointment and Perplexity have sovereign Rule. In this Case I have often, of late, found myself, while wishing to ascertain the present Residence of many Articles in the FÆDERA, under the Reigns of Stephen, Henry II., and Richard I., Reigns on which I have been for some Time past more particularly employed.

Having no Suspicion that Rymer ever copied or introduced into his Work any Thing he knew to be in Print, I, of course, sought no Information on that Head ; but the Question of His Majesty's Commissioners led me particularly to examine, whether I had not inserted some such among my Collections ; and this not only produced Part of the Information contained in my last Report, but also led to what appeared to me a curious Discovery.

On having Recourse to our early HISTORIANS AND ANNALISTS, to find whether any of the Instruments in my Collection had been printed in their Works, I met with several Regal Acts, which I recollected to have seen in the FÆDERA ; beginning to collate them with those in Mr. Rymer's Work, to see what Portion of Credit might be given to those Fathers of our History for Fidelity and Accuracy, I was surprized to find,

1. That the FÆDERA contained Instruments which were in Print more than a Century before Mr. Rymer's Time.

2. That those very Instruments are those which stand in the FÆDERA without any Reference to the Originals, or where deposited.

3. That

Appendix,
(I.)PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

3. That on a close Collation, those in the FÆDERA appear to have been Reprints from those early Editions.

These several Particulars require some Illustration ; and, in order to give His Majesty's Commissioners all the Satisfaction in my Power on this Point, I beg leave to submit a few of the Articles in question in Proof of the above Points, with the Evidence on which my Observations are founded.

In Rymer, Vol. I. p. 43, sub An. 1176, Temp. Hen. II. we find the "Agreement between Alfonsus K. of Castile, and Garcia K. of Navarre, by which they submit all the Matters in Dispute between them, to the "Arbitration of the English King," to the Original of which there is no Reference in the FÆDERA. This Treaty is found in the Annals of Roger de Hov. edit. Francof. p. 562, and also in Bromton, in the X. Script. Col. 1120.

In Rymer, p. 48, we find King Henry's Judgment on the above Case, without any Reference to an Original, or Place where to be found. This Decision may be found in Bromton, Ibid. Col. 1124, and also in R. de Hov. p. 564.

In Rymer, p. 50, we find the "Convention between the King of England, and Lewis K. of France, by which "they were mutually bound to take up the Cross against the Sarazins." This is without any Reference to an Original, as in the preceding Cases. Rymer appears to have taken this Convention from Bromton. Ibid. Col. 1134. It is also found in Hoveden, p. 571.

In Rymer, p. 52, we find the "Charter of Dowry granted by William King of Sicily, to Joan dau' of King "Henry," without any Reference to the Original. This Charter is extant in Bromton, Ibid. Col. 1113, and in Hoveden, p. 551, with slight Variations, which may be attributed to the Carelessness of the Copyist.

In Rymer, p. 65, we find, without any Reference to an Original, the curious "Charter of K. Richard, containing "the Rules and Discipline to be observed among the Troops going to the Holy Land;" in which appears the first Instance of Tarring and Feathering on Record. "Latro autem de furto convictus, *tondeatur ad modum* "Campionis, & *pix bulliens super caput ejus effundatur, & pluma pulvinaris super caput ejus excutiatur*, ad "cognoscendum eum," &c. This is verbatim in Hoveden, p. 665, also in Bromton, X. Script. Col. 1173, with a few various Readings.

In Rymer, p. 66, we see the "Pacification between Richard K. of England, and Tancred K. of Sicily;" no Original referred to. This is printed verbatim in Hoveden, p. 676, also in Bromton, X. Script. Col. 1184.

Rymer (p. 68) gives the "Form of the Oath made on behalf of King Richard, to the K. of Sicily, for the "Preservation of the aforesaid Peace;" no reference to any Original. Printed verbatim in Hoveden, p. 667; also in Bromton, Col. 1185.

In Rymer (p. 69) is "King Richard's Letter to Pope Clement, concerning the above Pacification;" no Original referred to. Extant in Hoveden, p. 678, also in Bromton, Col. 1186.

I have observed above, that these and some others found in the FÆDERA, were printed more than a Century before Mr. Rymer's Time; the Evidence of this Fact, the Recollection of the Right Honourable the Commissioners will at once supply, as they know that the *Rerum Anglicarum Scriptores post Bedam Præcipui*, in which are contained William of Malmsbury, Henry of Huntington, Roger of Hoveden, Ethelward's Chronicles, and Ingulph's Histories, were for the first Time published by Sir Henry Saville, Lond. 1569, fol.; and the Second Edition, which is that referred to in the preceding Observations, was printed at Frankfort, 1601, fol.; and that the *Historiæ Anglicanæ Scriptores Antiqui*, in which are contained Ralph de Diceto, John Bromton, &c. were published by Sir Roger Twysden, 1652, fol.; and that the First Vol. of the FÆDERA was not published until 1704; so that the Articles referred to above, from the *Rerum Anglicar. Scriptores*, were published in Two different Editions more than One hundred Years before Rymer published the First Vol. of his Work, in which those Instruments are inserted. These Enquiries might be greatly extended, did Time permit, or Necessity require it.

§ 2.

Before I finish my Observations on those Papers in the FÆDERA, which appear to have no higher Authority than what they derive from their Insertion in that Work; I beg Leave to mention an Instrument under the Year 1192, professing to be "a Letter from VETUS DE MONTE, the شيخ الجبل *Sheekh ul Jibel* (a Chief of a "Branch of the Hassanian Dynasty, who with several Thousands of his Followers were then settled at Mount "Lebanon) to Leopold Duke of Austria, vindicating Richard K. of England, from the Murder of the Marquis "of Montferrat." Most of our Historians have been struck with the Importance and curious Nature of this Instrument; and it has often been alleged in Vindication of our National Honour. On this Account, I have regretted that Mr. Rymer did not produce his Authority for its Insertion; and I have endeavoured to supply the Defect, by enquiring on all Hands for the Original. But all my Searches for such an Original, as the Letter itself pretends to be derived from, have been fruitless; and with great Deference to the Judgment of His Majesty's Commissioners, I state my Opinion, that the Instrument in question is a Forgery, and is utterly unworthy of a Place in the FÆDERA.

1. It

Appendix,
(1.)

PLAN
For Supplement
and Continuation of
RYMER'S FœDERA.

1. It is very improbable that the Sheekh ul Jibel should write such a Letter without any sufficiently obvious Motive; for there was certainly none in the present Case.

2. Had he written it, it must have been in Arabic, as there is little Probability that he, or any of his numerous Banditti, either understood or could write Latin: and we have no Evidence from History, that he had any European in his Service.

3. Had he written such a Letter, the Latin must be a Translation of the Arabic; but in the present Instance all internal Evidence is wanting; there is not a Sentence in the Letter that appears to have been drawn from an Arabic Source: the Beginning, Ending, and whole Structure would have been different had it ever been cast in an Arabic or Mahomedan Mould; nor on such a Subject could a Translation be made into any European Language without leaving unequivocal Marks of the original Arabic, had there been one.

I have endeavoured to trace this suspicious Instrument up to its Source, whether genuine or forged.

It is found in the *Annales Sex Regum Angliæ* by Nicholas Trivet, who flourished in the Beginning of the Fourteenth Century, published first by Luke D'Achery, in the 8th Vol. of his *Spicilegium Veterum Scriptorum*, printed at Paris, 13 Vols. 4^{to}, 1655-77. But these Annals were afterwards more correctly edited by Mr. Anthony Hall, 8^o Oxon. 1719.

About One hundred Years before the Time of Trivet, flourished John Bromton, who has also inserted this Letter in his Chronicon, and very gravely tells us that it was obtained from the *Vetus de Monte* by an Imperial Legation sent to him, by Richard, for this very Purpose! "Rex Ricardus misit imperialem legationem ad Veterem de Monte, rogans ipsum & assisinos suos, et per ejus epistolam, super dicto crimine de morte Marchisi, ei per Ducem Austriæ maximè imposito, innocentiam suam purgaret; quod per hujusmodi literam postea factum est." This Writer is one of the *Historiæ Anglicanæ Scriptores X.* published by Sir Roger Twysden, Lond. 1652, Fol. in which Work, Col. 1252-3, the Letter may be found verbatim & literatim as it appears in the FœDERA; and as the Copy in Bromton differs from those in all the other Annalists, and Rymer's Transcript agrees alone with Bromton, hence there is the most positive Evidence, that he copied it from Twysden's Edition.

Bromton also inserts another Letter from *Vetus de Monte*, in Vindication of King Richard, in which, with all the Inconsistency and Absurdity of the other, he makes the *Sheekh* give the *Salûm* to all the Princes and People in Christendom! "Vetus de Monte Principibus Europæ & omni Populo Christiano *Salutem*;" and makes him conclude with the Papal Benediction, *Bene valete!* See the Instrument in Twysden, Col. 1268.

Prior to the time of Bromton, flourished Ralph de Diceto, who was Dean of St. Paul's in 1181; and this Letter appears for the first time in his *Ymagines Historiarum*, Twysden, Col. 680; who honestly tells us, he received it from William Longchamp, Bishop of Ely, with the Desire that he should insert it among his Chronicles; "Willelmus, Elyensis. Episcopus, Radulfo, Decano Lundoniæ.—Mittimus ad vos literas quas *Vetus de Monte* misit Duci Austriæ, de morte Marchisii in hæc verba." Then follows the Letter, at the End of which is the Bishop's Subscription: "Nos vero harum transcriptum literarum vobis, *de cujus dilectione plenum habemus experimentum*, duximus destinandum, ut de illo agatis in Chronicis vestris."*

The Letter now rests with the Bishop of Ely, and I believe it will be impossible to trace it from him to Mount Lebanon. On this Part of the Subject, a few Words may suffice. It is well known that William Longchamp was a Norman of mean Extraction, who had Address sufficient to enable him to gain the Confidence of King Richard; so that we find him consecrated Bishop of Ely, made Chancellor, and Papal Legate, all in one Year, (1189,) the first Year of Richard's Accession; who, when he went to the Holy Land, left him Regent of the Kingdom in conjunction with the Bishop of Durham and five others. Behaving himself insolently in this Office, he was deprived of the Regency in 1191; but was afterwards, in 1193, restored by the King, whom he visited while Prisoner at Vienna, and by whom he was invariably supported against all his Adversaries.

When he sent the *Sheekh's* Letter to Ralph de Diceto, cannot perhaps, at this Distance of Time, be exactly ascertained; but it was probably in the Year 1193, after he had returned from his Visit to the King at Vienna; it being highly necessary to vindicate the Character of his Sovereign and Friend, from being accessory to the Murder of the Marquis Montferrat, with which he was loudly charged in every Court of Europe. And it was the

* The Manner in which this Business is reported by Matthew of Westminster, renders it not less suspicious. After stating that Richard defended himself amply before the Emperor, refuting all the Charges against him, and particularly that concerning the Death of the Marquis, he adds, "Insuper misit imperialem legationem ad Veterem de Monte, rogans ipsum & assisinos suos, ut per ejus epistolam supradicto crimine ei imposito suam purgarent innocentiam q. factum est anno sequenti."

An unbeliever in this History may well ask, Why should he send such an Embassy to *Vetus de Monte*? How did he know that the *Sheekh* had murdered the Marquis? And was it likely, that if he had done so, he would confess it? Does not every Circumstance here strengthen the Suspicion that the Instrument in Question is an ill-contrived Forgery, which nothing but the Ignorance of the Times could have kept concealed? See Matt. Westm. Flores Historiarum, Franc. 1601. fol. p. 259.

more

more necessary to do it at this Time, when an immense Sum of Money, 100,000 Marks, must be raised for the King's Ransom, from his already impoverished Subjects. It seems from the Bishop's Letter, that the Friendship of the Dean of St. Paul's was necessary on this Occasion, and hence those suspicious Words, *de cujus dilectione plenum habemus experimentum*, &c.; in which there appears an Air of Mystery, scarcely compatible with that Ingenuousness in which Truth ever delights to appear in Historic Detail.

Appendix,
(1.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

Bromton has increased the Absurdity and Improbability of the whole Business, by causing *Vetus de Monte* to conclude his Letter with *Anno ab Alexandro Papa quinto!* for who can suppose that the Mohammedan Sheekh would date his Proceedings by the Succession of the Roman Pontiffs, instead of the Alra of the *Seleucidæ*, or the Years of the *Hijreh*? Indeed we could scarcely expect him to acknowledge the former; though this is a possible Case; but the latter is uniformly employed by almost every Mohammedan. This most gross Blunder, Rymer has copied, because he has copied Bromton; but the Error is too palpable to have proceeded from the able and dexterous Longchamp, for the Copy which he sent to Ralph de Diceto is dated Anno ab Alexandro M. & D. & V. millesimo quingentesimo quinto: this restores the Passage to Probability, for as the Æra of Alexander, which is the same with that of the *Seleucidæ*, commenced An. ante Christ. 312, by adding this to the Year 1193, the Year in which Richard was in Prison at Vienna, we have the Sum 1505, the Date of the best Copies of this suspicious Letter; for all Circumstances of Time, Place, Person, Dates, and internal Evidence, taken together, leave it scarcely any Pretensions to Credibility.

The Date of this Letter in the FÆDERA puzzled Mr. Rapin, and would have induced him to consider the Letter as a Forgery, had he not thought that *Vetus de Monte* was a Christian! His Words are, "Si La Montagne n'étoit pas Chrétien, comme tous les Auteurs en conviennent, la Date de cette Lettre, L'an 5 du Pontificat d'Alexandre, peut faire soupçonner qu'elle est supposée."—*Abregé Historique*, p. 17. But were even the Conversion of *Vetus de Monte* a Fact, which it is not, the Date itself would prove the Letter a Forgery; for Pope Alexander died in 1181, Eight Years before Richard went to the Holy Land; and there was no other Pope of that Name till near Fourscore Years after.

If, however, this Letter should be deemed of sufficient Importance to have a Place in the FÆDERA, the other from *Vetus de Monte* to all the Princes and Christians of Europe, should also be inserted, as it is certainly of equal Importance and Authority with the preceding.

Whatever may be thought of the Authenticity of these Letters, the following Points are, I hope, sufficiently proved; viz.—1. That Mr. Rymer inserted a Variety of Instruments in the FÆDERA, which had been printed in different Works long before his Time. 2. That if he had possessed the Originals of such curious and important Articles, he surely would have quoted his Authorities, and referred to the Places where deposited; for this he has done in a great Variety of Cases of much less Consequence. 3. That the Instruments examined in the preceding Pages were, in all Probability, taken from the Printed Works already specified. 4. Hence may we not safely infer, that he had not those Originals, and that he copied the Instruments as stated above.—If His Majesty's Commissioners wish the Subject to be further examined, I shall endeavour to do it to the best of my Judgment, either as a separate Work, or as Occasion may offer.

I submit also to their Determination, whether a Copy of the FÆDERA should not be provided for the Use of the Royal Record Commission, in the Margin of which such References as the above might be inserted, with all such Corrections as may be justified by a Re-inspection of the Originals.

As some of the Questions of the Right Honourable the Commissioners appear to imply a Doubt, whether any Instruments already printed, no Matter how remote the Time or scarce the Work, should be admitted into the Supplement to Rymer, I feel it necessary to request Direction on this Point. At the same Time, with perfect Deference to their Judgment, I beg Leave to state, 1. That as the Character of the FÆDERA has long been fixed as containing every Species of State Papers, relative to the Domestic and Foreign Transactions of the Kings, &c. of England, all such Instruments should be found in that Work. 2. That as the Originals of many of those Instruments found in our antient Writers, have been lost, or have perished through the Injuries of Time, the Copies still remaining should be carefully collected, and thus a grand Aggregate formed from those in Rymer, those now collecting for a Supplement, and those, the Copies only of which remain in our antient Historians and Annalists.

I may venture to state, that scarcely one Person out of a Hundred shall be found, who having occasion to consult the FÆDERA, if he find not the Satisfaction he expected, will think of having Recourse to any other Work to supply this Defect; for where should the Object of his Search be found but in the FÆDERA? There, however, he finds it not, and can scarcely suppose it exists elsewhere. Yet we have seen that such Instruments may be successfully sought in other Places; and found even in certain early printed and now scarce and valuable Works: On these very Accounts such Works may be considered as nearly inaccessible to Nine-tenths of those who may wish to consult them. And, were they even at hand, how much Time must be consumed in searching

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

for these insulated Fragments, through a great Number of heterogeneous Volumes. But several of these are not to be met with, even in some of the most extensive Public Libraries.

The Right Honourable the Commissioners can alone determine whether a complete Collection of those antient and important Monuments, brought into One Work, and arranged under Subjects of their own Denomination, would not be of essential Service to Statesmen, Divines, Historians, and Antiquaries? Whether an ample Collection also of Ecclesiastical Charters, to complete and correct the *Monasticon Anglicanum*, would not also be an Object, not only of literary but of national Importance? But such Works are never likely to be undertaken, but by Order, and at the Expense of Government; nor is it probable that it will be done even in this way, unless under the Direction and Auspices of "The Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom."

A. CLARKE.

Jan. 31st, 1810.

AT a BOARD of The Commissioners appointed by HIS MAJESTY on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Saturday the 24th Day of March 1810;

P R E S E N T,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Reverend JOHN Lord Bishop of LONDON.
The Right Honourable SIR WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.

Resumed the Consideration of Dr. Clarke's several Reports relative to this Work; and the Board being of Opinion that this Work will be best executed by a Consolidation of all the old and new Materials in a Chronological Series, with Indexes analytical and alphabetical, according to the Plan laid down in the said Reports;

ORDERED, That Dr. Clarke do forthwith prepare Materials for a First Volume of a New Edition of Rymer, according to the said Plan; and that when the same shall be collected and arranged, with a descriptive Table of its Contents, the entire Manuscript be submitted to The Commissioners, for Examination by them, before it is committed to the Press; and that Dr. Clarke be also desired to propose a Plan for carrying on the Continuation concurrently.

Fourth Report on Rymer's Fædera.

Proceedings towards collecting Materials for the New Edition of Rymer's FÆDERA.

§ 1.

HAVING received final Instructions from the Board of the Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom, bearing Date March 24th 1810, relative to the Plan on which the Collections should be formed for a New Edition of Rymer's FÆDERA, I proceeded immediately to examine all my preceding Collections, and to separate from them, 1st, All Instruments merely Ecclesiastical; 2dly, All such as were not of the same Description with those already printed in the FÆDERA; and 3dly, All those in which Great Britain was not immediately concerned. When the Separation was made, and the Papers proper for the Work laid aside, I was obliged to have them all uniformly transcribed afresh, that they might be the more properly adapted to their Places in the intended new Edition; many of them having been so incorporated with others, which His Majesty's Commissioners gave Directions to omit, that re-transcribing was the only Method which could be safely pursued, in order to prevent Confusion and Mistakes.

As The Commissioners gave Directions that "Materials should be prepared for a First Volume of the New Edition of Rymer," (Order 24th March 1810), this Work was accordingly commenced; and having unbound the First Volume of the FÆDERA, I purposed to insert, in their proper Places, all the new Materials already collected: and having ascertained, as nearly as possible, the Quantum of the Printed Work, which, with the new Materials

Materials already collected, and in course of being collected, might probably constitute a First Volume, my Assistants and self proceeded to examine all the Indexes and Catalogues within our Reach, relative to the Reigns included in the Time comprehended in this First Volume.

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

We had not proceeded far in this Work, when it was found, that much Time must be necessarily consumed, if Searches for Materials for each Volume should be carried on in this way; because, while seeking for Materials for a First Volume, under one Reign, we often found, that the same MS. or Collection of State Papers, Royal Letters, &c. contained Instruments under several Reigns; and that the Collection must be returned, called for, and examined as many Times as it contained Instruments under different Reigns. It was, therefore, judged necessary to select, once for all, every Instrument proper for the Work, that occurred in any MS. or Collection from the Reign of William the Conqueror to the Restoration. This, in course, prevented Accumulations for one Volume exclusively, while it was providing Materials for the perfecting of different Parts of the whole Work.

As in those Searches which had been restricted to the Supply of the first hundred Years of the FÆDERA, (according to a Synopsis submitted to His Majesty's Commissioners, at the Commencement of this Undertaking), much Time had been lost, because the same Collections in the Cottonian and other Libraries, had to be re-examined for Instruments under succeeding Reigns, it was thought best to begin with the COTTONIAN LIBRARY, and examine every MS. and Extract, every Article it contained, proper for the New Edition, from the Conquest to Charles II. the Cottonian Collections coming no lower.

This has been accordingly done; and the Whole of this extensive Library has been examined; and whatever appeared to be of Importance has been transcribed; so that scarcely any thing has been omitted that falls under the Descriptions of any Department in the FÆDERA. In this Examination, and in copying the various Instruments which presented themselves for the Use of the Work, Mr. Holbrooke spent Five Months; and in collating his Extracts with the Originals, he and I spent between Four and Five Weeks.

As soon as this Work was finished, we began the HARLEIAN COLLECTION, and are now going regularly through it, on the same Plan; and about 200 Volumes of it have been examined, and the proper Selections made. But this Library, when compared with the other, is a barren Desert, affording, so far as yet examined, little of Importance for such a Work, except what it has transcribed from the Cottonian, and which, in passing through that Library, we have extracted from the Originals.

While Mr. Holbrooke was employed on the above Work, J. W. Clarke was engaged in extracting from the English and Norman Writers those Articles which, in my Examination of those Historians, I had selected, as proper to supply Defects in the FÆDERA; and concerning which, in a former Report, I had taken the Liberty to consult His Majesty's Commissioners, in which I proved that Mr. Rymer, in the earlier Part of his Work, had recourse to these Writers for some valuable Documents which are found in the FÆDERA. From a Multitude of Articles which I had marked in the Course of my Reading, a very cautious Selection has been made of such Regal Acts, Letters, and Papal Bulls, as seemed necessary to complete the Plan, and cast Light upon important Facts in English History.

When this Selection was finished, we began to extract all the important Articles in the *Collectanea* of Rymer, that came within the restricted Compass prescribed by His Majesty's Commissioners, viz. omitting all Papers merely Ecclesiastical, &c. &c. as mentioned above. Extracts have been made down to the 15th of Edward III. through all the preceding Reigns successively, contained in the First 12 Vols. and the Work is in progress, on the same Plan. The whole of the 59 Vols. of this *Collectanea*, shall be as carefully sifted as those in the Cotton Library, and nothing left on the Subject of the FÆDERA, worthy of the Attention of any future Collector.

In my Second Report (13 May 1809), I had ventured an Opinion, that "Mr. Rymer had made these Collections after a principal Part of his Work had been published;" but, as this has been doubted by others, I think it of some Importance to state the Reasons which led me to form this Opinion, of the Validity of which His Majesty's Commissioners will judge.

This Collection appears to be composed of Two Descriptions of Instruments, 1. Those collected in the Course of his Searches for the Materials of his printed Vols. and which, as not falling in with his Plan of printing Regal Acts only, he seems to have thrown aside. 2. Those which he met with in Searches subsequent to the Periods in which, in strict Chronological Arrangement, they belonged: these consequently he could not publish, because he had already passed over that Time, and printed his previous Collections. The First Opinion, I am led to form from this Circumstance: that Mr. Rymer seems to have restricted himself, especially in the early Volumes of his Work, to print Regal Acts only, and, therefore, threw aside all such Papers as fell under the 2d Part of Mr. Harley's Plan. And the Second Opinion, I ground on the Evidence afforded by these Collections themselves:—they contain several Instruments of equal, some of superior Importance to many of those printed in the FÆDERA: and I think, I may take it for granted, that had Mr. Rymer met with these in his first Searches, before he had printed his Collections for that Period to which they belong, he could not have passed them by; but,

but, as they have been passed by, I presume they were the Fruits of subsequent Researches, and were not, as some have conjectured, thrown aside by himself, as judging them of no Importance; a sufficient Argument against such a Conjecture being, in my Opinion, furnished by the Importance and Utility of several of these Documents.

While on this Part of the Subject, I think it necessary to notice a few Circumstances relative to these Collections.

1. A great Number of them are not referred to the Sources whence they were derived. This has afforded us no small Vexation and Trouble, not knowing where to look for the Originals; however, we have been happy enough to discover several, and in collating what was copied, we compared the Copies with the Originals.

2. Many Papers in the Collectanea, have been copied from the Originals with such reprehensible Carelessness, as greatly to impair their Authority: and some are so corrupted, that even conjectural Criticism, cannot restore them to common Sense and Consistency. After labouring much on several of these, of great Importance had they been correct, the Originals of which we could not discover, we have been obliged to throw them aside as utterly incurable.

3. The Papers in this Collection are generally denominated, The unedited Papers of Rymer; and in Mr. Ayscough's Catalogue, p. 235, without making any Distinction, he says, "This Collection is not printed in the FÆDERA." This Statement, however, is not altogether correct, as several of these Papers are printed in the FÆDERA; and this Fact we did not learn Time enough to prevent us from copying several. When I first entered on this Work, I considered it as a Point which admitted of no Dispute, that whatever I met with in those 59 Volumes of Importance for the Work, I might safely copy without further Examination, supposing that none of them had ever been published. This Fact, that several of them have been published, should be generally known, and should be noted in the Catalogues of this Collection, to prevent Persons from being deceived, who may suppose, from the general Opinion concerning these Volumes, that they are enriching their Collections with Materials with which the Public has never yet been favoured. On the whole, though this Collection is valuable, and Bishop Lowth, in his Life of William Wykeham, speaks of it in Terms of high Commendation, yet actual Experience has convinced me, that it is of much less Importance than has been generally supposed.

When the Examination of these Volumes is completed, I purpose to take in Hand the Whole of the MADDOX COLLECTIONS, and all others in the Museum, in the same way as the preceding; several of these afford not only Transcripts of some valuable Documents, but also Notices of others, and the Repositories in which they may be found, which will be of considerable Service for the farther perfecting of the Plan of the FÆDERA.

To the Completion of this Plan, several of the Extracts from the antient ENGLISH AND NORMAN HISTORIANS have not a little contributed, particularly relative to the Contests between Henry II. and Thomas à Becket, and the consequent Transactions; important Facts in our History, on which the FÆDERA casts but little Light.

The same might be said of the Collections made from the ORIGINAL LETTERS, &c. between Queen Elizabeth and Mary Queen of Scots, which will be found of great Use in correcting most of the Histories of those Times. On the Transactions of this Period also, the FÆDERA, through what Cause I know not, is almost totally silent. Should it be said, that these Letters, &c. may be found in the Four Quarto Volumes of Anderson's Collections, on this I beg Leave to observe, that scarcely any Dependance can be placed on this Publication. Anderson evidently could not read the Originals, or he employed Persons to copy them who were perfectly unqualified for the Task: We have collated only Three Letters in this Publication with the Originals; in one, a very short one, we found Twenty, in the Second Fourscore, and in the Third nearly One hundred Errors, several of which are excessively gross! Out of the Multitude of original Documents preserved in Caligula C. I. relative to this Subject, only such have been selected for the present Work as appear to be indispensably necessary.

Collections also have been made at the CHAPEL OF THE ROLLS for the Continuation of the FÆDERA, according to the Specifications in Mr. Kipling's Catalogue; and while on this Subject, I must request His Majesty's Commissioners to inform me, whether important or any Instruments under the Protectorate, shall form a Part of the FÆDERA? This Question, as far as I know, has never yet been determined; and it is necessary to determine it now, that if none such is to be admitted, no more Time may be lost in collecting and transcribing under that Period.

§ 2.

In the Essay or First Report on Rymer's FÆDERA, which I had the Honour to lay before His Majesty's Commissioners, in comparing the English and Dutch Editions, I noticed the Tract added to the latter, intituled, *De l'Etat, & Gouvernement du Royaume d'Angleterre, &c. fait par un Gentilhomme Ambassadeur en France, pour sa Majesté apres (aupres) le Roi Charles IX. de ce nom*, said "to have been presented by the late Prince of Condé to the Count de Bethune, ce Manuscrit a été donné par feu Monseigneur le Prince de Condé à M. le Comte de Bethune." On this Subject, I took the Liberty to remark, "that this Piece was out of its Place in the FÆDERA, unless it could be considered as a State Paper, written by Royal Authority," adding, "that the Subject deserved to be more carefully examined."

As

As the Time is now come, in which the Materials for the New Edition of the *Fœdera* should be ascertained, it is necessary to have the Decision of His Majesty's Commissioners on this Point. In order to save them the Trouble of examining this Subject, judging it to be a Matter of some Importance, I have directed my Attention particularly to it, and think myself justified in drawing the following Conclusions :

1. The Gentleman who was Ambassador in France, mentioned in the above Tract, must have been Sir Thomas Smith, who was Principal Secretary of State in the 1st of Eliz. 1599, and was One of the Commissioners, appointed by Her Majesty, to revive the Liturgy of the Church of England, in the same Year. He was afterwards appointed Ambassador to the Court of Charles IX. and in that Capacity, with Sir Nicholas Throckmorton, signed the Peace of Troyes, April 12, 1654. Rymer, Vol. XV. p. 148.

2. That the MS. in question, afterwards printed in the Dutch Edition of the *Fœdera*, was the Work of Sir Thomas Smith, is sufficiently evident from this Circumstance, that it is precisely the same with the well known Work of this Statesman, intituled, "The Common Wealth of England," which has gone through several Editions both at Home and Abroad, in Latin and English. The First Edition in Latin appears to have been printed in 1583, 4^{to}. The First in English in 1631, 12^o. I have compared this small Tract with that printed in the Dutch Edition of the *Fœdera*; Chapter with Chapter, and find them to be exactly the same Work, in different Languages.

The Editor of the English Edition, whose Name I have not yet been able to find, intimates, that previously to his Time, for he seems to have known nothing of the preceding Latin Editions, this Work had only existed in MS. and that being frequently copied, many passages had been corrupted: and he makes an Apology, "for some Terms and Matters that may seem to dissent from the usual Phrase of the Common Law." 1st, Because "the Maker was principally in the Profession of the Civill Lawes;" and 2dly, Because "the finishing of this Worke was in France, farre from his Library, and in Embassage, even in the midst of waightie affaires." Preface to the Reader, pp. 2, 3. Edit. 1640.

The Conclusion of this Work, which seems to have been directed to some Persons of Note, though not named, is very remarkable; a short Extract of which, I shall beg Leave to subjoin. "I have declared summarily, as it were in a Chart or Map, or, as Aristotle termeth it, *ὡς ἐν τύπῳ*, the Forme and Manner of Government of England, and the Policy thereof; and set before your Eyes, the principal Points wherein it doth differ from the Policie and Government at this Time used in France, Italy, Spaine, Germany, and all other Countries which doe follow the Civill Law of the Romanes; compiled by Justinian into his Pandects and Code: nor in that Sort as Plato made his Commonwealth, or Xenophon his Kingdom of Persia, nor as Sir Thomas More his Utopia, being fained Commonwealths, such never were, or shall be; vaine Imaginations, Fantasies of Philosophers, to occupy the Time, and to exercise their Wits; but as England standeth, and is governed at this Day, the Eight and twenty of March, Anno 1565, in the Seventh Year of the Reign and Administration thereof, by the most religious, vertuous, and noble Queene Elizabeth, Daughter to King Henry the Eight; and in the One and fiftieth Year of mine Age, when I was Ambassador for Her Majesty in the Court of France, the Sceptre whereof at that Time, the Noble Prince of great Hope, Charles Maximilian, did hold, having reigned Foure Yeeres." p. 270.

I believe, with the Editor of the English Work, that this Tract was written in France, as the Language of the French Copy is bad enough for the Time of Charles IX.; and were it not so, I should be led to suspect that the Dutch Editor of the *Fœdera* had translated one of the early Latin Editions into French, as he has done with all the English Papers in the *Fœdera*; which, though he has preserved in their own Language as he found them, yet has translated into French in the opposite Column. It is certain he could not have taken his Work from any of the English Editions, as even the first of them contains Additions not found in the French Work.

Whether this Work was written first in Latin, French, or English, I cannot absolutely say; but I am inclined to think that it was written originally in French, for a Reason which I shall shortly assign.

In the Title of all the Latin and English Editions from 1589, a Clause to this Effect is found, "With new Additions of the Chief Courts in England, and the Officers thereof, by the said Authour." The first Notice I find of these Additions is in the 4to Copy of 1589, which was the Third Latin Edition, and was not printed till Twelve Years after Sir Thomas Smith's Death, for he died in 1577. These Additions are in the Fourteenth and Fifteenth Chapters of the Second Book, the former of which is entitled, "Of the Court of King's Bench;" the latter, "Of the Court of Common Pleas;" and form Nine-tenths of those Chapters. This Clause is found in the French Title in the *Fœdera*; and yet the Additions to which it refers are not found in the Work! Supposing the French to be the Original of this Work, it would not include these Additions, because they are not found in the Latin Editions, which were the first. The Dutch Editor, therefore, had seen some of the Editions posterior to 1589, and copied his Title from them.

But, it may be asked, How did this Paper, written by the English Ambassador, get into the Hands of the Prince of Condé, by whom it is said to have been delivered to the Count de Bethune? Perhaps we may get an Answer to this Question by considering the following Circumstances; In 1562, Queen Elizabeth wishing to

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S *Fœdera*.

Appendix,
(I.)
PLAN
For Supplement
and Continuation of
RYMER'S FÆDERA.

assist the French Protestants (then headed by the Prince of Condé and the Admiral De Coligni) against the Duke of Guise, seized on Havre de Grace, to make a Diversion in Favour of the Hugonots. The Queen Mother, Catharine of Arragon, incited by the Cardinal de Lorraine, caused a Declaration of War to be published in Paris against the English Queen, and proceeded so far as to seize the Person and Papers of Sir Thomas Smith's Courier, then at Boulogne.

If the Treatise in question were then written, and Sir Thomas Smith says, he wrote it "when he was Ambassador for Her Majesty at the Court of France," this Circumstance may account for its being found in France; for it might have been detained by the French Government, from the Supposition, that it was the Recommendation of a new Constitution for the Empire, put into the Hands of its factious Subjects. But, it is more likely, that Sir Thomas Smith wrote the Tract for the Use of the Prince of Condé, and perhaps by Order of his Royal Mistress, not only to afford the Prince a full and comprehensive View of the Excellence of the British Constitution; but to furnish him with a perfect Model, according to which, should he be ultimately successful, he might mould one for a Protestant Kingdom in France. And, had the English Court, at that Time, followed the Advice of Sir Thomas Smith, and Sir Nicholas Throckmorton, and seized on Calais, which might have been easily done, and carried on the War with Spirit against the Guises, the Formation of such a Government in France was far from being problematical. But, as this was not done, the Protestant Interest declined for want of prompt and effectual Support; and the horrible Massacre of St. Bartholomew, a few Years after, might be, in some measure, attributed to the Indecision of the English Court, and particularly to the Queen herself; who to the Surprise of all her Friends, and her best Historians, obstinately refused to avail herself of Advantages, which Divine Providence had then evidently placed in her Hands.

I have thus endeavoured to trace out the Origin and History of this curious Tract, that His Majesty's Commissioners may be the better enabled to judge of its Importance in the present Question, and to determine whether it should occupy a Place in the New Edition of the FÆDERA, now preparing under their Direction. It is evidently not a State Paper, though drawn up by an eminent Statesman, during the Time in which he was in the most confidential Employment; and probably intended to serve the most important State Purposes.

I might add, that this Tract of Sir Thomas Smith, though of very great Importance, as a very judicious and truly accurate Work, is but little known in the Nation at present, though formerly of high Repute. If, however, His Majesty's Commissioners should determine that it shall not occupy a Place in the Body of the FÆDERA, I submit to their Consideration, whether it, or something on the same Plan, might not be proper, as an Introduction to the Work.

§ 3.

It is also necessary to have the Advice of His Majesty's Commissioners, relative to other Matters inserted in the Dutch Edition, particularly the Addition intituled "*Epistolæ Mariæ Reginæ Angliæ, ad extraneos Principes & Republicas. ab anno 1554, ad annum 1558, desumptæ ex Manuscripto originali in Bibliotheca Ducis Kentiæ.*" This Collection is found in Part IV. Vol. IX. of this Edition. If these are to be received, they must be extracted, and referred to their respective Places among the other Materials which constitute the Work.

While I take it for granted, that all the Original Plates which have adorned the different Editions of the *Fædera*, must be re-engraved, I submit to His Majesty's Commissioners whether a few others might not be added; viz. for the First Vol.

1. A Fac-Simile of the curious Account "*De Navibus per Magnates Normanniæ provis, pro passagio Ducis Willielmi in Angliam.*" The Original is in the Bodleian Library, and is evidently a MS. of that Time, the Transactions of which it relates.
2. The Charter of Battle Abbey, the very curious Original of which is in the Cotton Library.
3. If the Articuli, the Foundation of Magna Carta, the Original of which is also in the British Museum, should be admitted in the New Edition, the Fac-Simile of that Instrument might be added. But on this Subject I shall crave the Liberty occasionally to consult His Majesty's Commissioners, and shall do nothing but by their positive Orders.

The Plates in the First Volume of the FÆDERA, which I suppose should be re-engraved, are the following:

Plate I. A Fac-Simile of the three first Lines of the Cyrograph, containing the Convention between Henry I. and Robert Earl of Flanders, dated xvi. Kal. June 1001.

Plate II. Do. of the Three first Lines of the Convention between Henry II. and Theodoric Earl of Flanders, dated xiv. Kal. April 1163. This is also a Cyrograph.

Plate III. Do. of the Convention between Ric. I. and Baldwin Earl of Flanders, A. D. 1197; also a Cyrograph. N. B. These Three Fac-Similes are engraved on one Plate, about 18½ Inches long, by seven inches broad, and may be re-engraved in the same way.

Plate

- Plate IV. The Bull of Pope Innocent II. to Norman the Prior, taking Christ Church Aldgate under his Protection, A. D. 1137. This contains only the first Two Lines of the Bull, the last, the Signatures, and the Seal.
- Plate V. A Bull of Pope Eugenius to William, Prior of the Monastery of St. Giles', &c. dated 3d Kal. Apr. A. D. 1148. This contains only the Three first Lines, the last, and all the Signatures. Rymer has not printed either the Signatures or the Date in the FœDERA.
- Plate VI. The Bull of Pope Honorius to Alexander King of Scots, dated xj. Kal. of Dec. A. D. 1218. This contains only the first and last Line, and the Signatures. The Signatures, Date, &c. are not printed in the FœDERA.
- Plate VII. A complete Fac-Simile of the Instrument by which Alfonsus, King of Castile, cedes to Prince Edward, eldest Son of Henry III. all his Possessions in Gascony, A. D. 1254. Nothing but the mere Body of this Instrument is printed in the FœDERA, and the Plate referred to for the Signatures, Seal, &c.; but this is very improper, as Plates are frequently destroyed or lost, and then all Reference is useless. The printed part of this, as it stands in the FœDERA, cannot be considered of any Authority, being without the Signatures, &c. &c. The Signatures in this, and the preceding Instruments, must be inserted in the New Edition.

Appendix,
(I.)

PLAN
For Supplement
and Continuation of
RYMER'S FœDERA.

March 12, 1811.

A. CLARKE.

AT a BOARD of The Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of The Right Honourable the Speaker of the House of Commons, on Monday 25 March 1811;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Honourable JOHN Lord Bishop of London.
The Right Honourable CHARLES BATHURST.

ORDERED, That Dr. Clarke do use his best Exertions in completing a List of the proposed Contents of his First Volume of the New FœDERA, with a separate Enumeration of the new Articles proposed to be inserted therein.

The several Instruments are to be printed in their Original Language only, and no Translations.

As to Queen Mary's Letters, he is to ascertain their Authenticity, and the Place where the Originals are deposited; and for this Purpose he is to inquire at the State Paper Office, &c. If they are found to be admissible into the Body of the Work, then they are to be incorporated into their Chronological Order.

The Instruments during the Protectorate are to be included in the Course of the Work, and the French Treatise on State and Government is to be omitted.

AT a BOARD of The Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of The Right Honourable the Speaker of the House of Commons, on Monday 23 March 1812.

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Honourable JOHN Lord Bishop of London.
The Right Honourable CHARLES BATHURST.

THE Secretary having laid before the Board a List of new Articles proposed to be made in the New Edition of RYMER'S FœDERA, together with Specimens of the different Modes of printing this Work;

ORDERED, That the Specimens recommended by Dr. Clarke as an Improvement upon the Dutch Edition, and containing a larger Quantity of the same sized Letter-press in each Page, be adopted.

Appendix,
(K. 1.)

Abbreviatio
Placitorum,
Ric. I.
Edw. II.

Appendix, (K. 1.)

ACCOUNT of the Publication intituled ABBREVIATIO PLACITORUM, in Domo Capitulari Westmonast. Asservatorum Temp. Regum Ric. I. Joh. Hen. III. & Edw. I, II.

THE Work was printed under the immediate Direction, Superintendence, and Revision of the Right Honourable George Rose, Keeper of the Records in the Treasury of the Court of the Receipt of the Exchequer, preserved in the Chapter House of the Abbey of Westminster, from several Volumes of Abstracts of Pleadings during the Reigns of Kings Richard the First, John, Henry the Third, Edward the First, and Edward the Second, made by Mr. Arthur Agard, and other Keepers of such Records during the Reign of Queen Elizabeth.

From the Commencement of these Pleadings in the Reign of Richard the First, to the End of the Reign of King John, the Abstract has been framed for the most part from Rolls of the Curia Regis: But as it is difficult to decide now, when the Proceedings in the Curia Regis finished, and the component Branches of that Court became distinct and permanently severed, the whole of the Work has, therefore, been printed under the Title of "PLACITORUM ABBREVIATIO." During the Reigns of Edward the First and Second, far the greater Part of the Abstract is collected from Rolls of Pleadings in the King's Bench; there are, however, numerous Pleadings under the following mixed Titles, viz.

- " Placita coram Domino Rege in Parlamento suo apud Westminster," p. 321.
- " Placita coram Domino Rege & Concilio suo," pp. 186, 262, 277.
- " Placita coram Concilio Domini Regis," pp. 118, 119, 129, 137, 185, 186, 264, and 277.
- " Placita coram Domino Rege et locum suum tenentibus," pp. 271, 274, 275.
- " Placita coram Domino Rege vel locum ejus tenentibus," p. 274.
- " Placita coram locum tenentibus Domini Regis," pp. 242, 262, 274, 275, 279, 280, 281.
- " Placita coram Domina Regina & Concilio Domini Regis," p. 128.
- " Placita coram Archiepiscopo Ebor' & Concilio Domini Regis," pp. 118, 119.
- " Placita coram H. le Bygod, Justiciar' Anglie," pp. 146, 149.
- " Placita Exercitus Regis," pp. 300, 301.

Besides the above, the Abstract contains Pleadings during the Reigns of Henry the Third and Edward the First, before the Justices Itinerant, pp. 36, 39, 41, 43, 63, 70, 71, 115, 120, 122, 125, 126, 143, 144, 152, 153, and 154; and also before the Justices of Assize, pp. 34, 64, 68, 103, 127, 128, 145, 153, 159.

Throughout the whole much important Matter will be found, relating to Petitions of Right, and to the Parliament and the Concilium Regis; and frequent References from each of them to the King's Bench, and again from that Court to the Parliament, viz.

Petitions and Proceedings in Parliament occur in pp. 235, 241, 247, 248, 251, 254, 324, 335.

Petitions sent to the Justices of the King's Bench, to be there enrolled, pp. 241, 324, 328, 335.

Pleadings before the King, and before the King and his Council, adjourned into Parliament, pp. 211, 253, 255, 264, 289, and 290.

Pleadings also from the King's Bench remitted to Parliament, and by the Parliament again sent to that Court to be determined, pp. 253, 255, 256, and 258.

Proceedings in Error, from the King's Bench to the Parliament, will be met with in pp. 211, 249, 344, & passim.

The

The Expenses of Knights attending the Parliament, are noticed in pp. 332 and 334.

Petitions of Right addressed to the King, are in pp. 208, 228, 256, & passim.

And many Instances of their being sent to the Justices of the King's Bench to be determined, at pp. 258 260, 261, 313.

Petitions to the King and his Council, delivered to the Judges of the King's Bench, that Justice might be there done to the Parties, pp. 302, 346.

Appendix,
(K. 1.)

Abbreviatio
Placitorum,
Ric. I.
Edw. II.

In addition to Points of general Learning to be found herein, respecting the Parliament and the Concilium Regis, as they severally stood in relation to the Court of King's Bench; this Abstract furnishes much other interesting Matter in the Law, the History, and the Customs of the Country: Among the most material Heads, briefly noticed in the Index Rerum, the following may afford some Idea of the Nature and Utility of the Work, viz.

APPEALS of MURDER and other Felonies—ASSISE—ATTAINT.—Under these Heads much obsolete Law and many curious Customs are observable.

BRIDGES and SEWERS.—It will be seen, under this Title, who are, in many Instances, liable to the Repairs of Bridges and Sea Walls.

CHARTERS and GRANTS to Corporations; CONCORDS and FINES in Real Actions, and DEEDS between Party and Party are enrolled, throughout the Rolls, from whence the Abstract is taken.

DAMAGES and COSTS.—Under this Title, it is observable, that the Judges formerly exercised considerable Discretion, in assessing the Amount of Damages without a Jury.

DICTUM de KENILWORTH.—The numerous Pleadings hereon, during the latter part of the Reign of Henry the Third, and in the beginning of the Reign of Edward the First, throw considerable Light on the History of the turbulent Reign of the former Monarch.

ERROR.—Much curious Learning, relating to Cases of Error, from the Common Pleas, and from Ireland, to the King's Bench; and from the King's Bench to the Parliament, occur in many Parts of this Work.

FINES.—Numerous Decisions also occur as to the Doctrine on Fines.

GAVELKIND.—Under this Head considerable Information is to be met with, respecting this antient Tenure, and the Mode of converting it into Freehold.

HEIRS, and the Proofs of their Age, and Pedigrees.—These Several Titles will be found serviceable to the Genealogist and Historian.

HISTORICAL FACTS, relating as well to the Rebellion and Insurrections under Simon de Mountford, the Despencers, Andrew de Harcla, Thomas Earl of Lancaster, and others; as also to the Battles of Lewes and Evesham, and the Incursions of the Scots into Durham and Yorkshire; with the Submission of John, King of Scotland to Edward the First, are to be found under their various Heads in the Index.

HONOURS and BARONIES.—These Titles have been classed alphabetically, for the Purpose of more ready Reference.

JUDGMENTS.—The Reasons and Causes of Judgments, pronounced by the Courts, will be found, in Cases of Difficulty, to have been entered on Record.

JURISDICTION.—The Jurisdiction of the Ecclesiastical and other Inferior Courts is decided upon and ascertained.

JURIES.—It will be seen that Jurors were often required by the Court to state the Reason for their Verdict. Special Verdicts were not unfrequent: and under the Titles of Attaint and Certification of Assise, it will be also observed, that Verdicts were many Times called in question, reviewed, corrected, and set aside.

LIBERTIES and PRIVILEGES of Corporations, Towns, and Villages, are allowed and established.

LONDON.—The Customs of this City, and many Historical Facts relating to it, appear under that Head.

MEASURES of LAND.—The antient Measures of Land, and their various Contents, are to be found under the Titles of—CARUCATA—HIDE—FEODUM MILITIS—and PERTICA.

OBSOLETE WORDS.—Many obsolete Words and Law Terms are to be met with throughout the Work, with their several Interpretations.

PRACTICE.—The Rules observed in the Practice of the Courts, as well in Actions Real and Personal, as in other Instances, are arranged under that Head.

PREROGATIVE.—The Rights and Prerogatives of the Crown are in many Instances taken Notice of.

Appendix,
(K. 1.)

Abbreviatio
Placitorum,
Ric. I.
Edw. II.

PRIVILEGE of COURTS—and PUNISHMENTS for CONTEMPTS.—Of the strict Attention paid to the Maintenance of the Dignity and the Respect due to the King's Courts and His Judges, numerous Instances are to be found, in the severe and exemplary Punishment of Persons in Cases of Contempt; even the Prince of Wales, Son of Edward the First, did not escape Punishment and Censure for an Act of this Sort: he was banished by his Father from his Palace, upwards of Half a Year; and was not allowed Access to his Presence, till he had made a suitable Atonement to one of the Judges for his violent Language towards him, p. 256. The Official of the Archdeacon of Norfolk was committed to the Tower of London, for executing Ecclesiastical Process in the Royal Palace at Westminster, 8 Ed. I. p. 321. And Henry Lord Beaumont was committed to the Custody of the Marshal, for refusing to give his Advice, and for contemptuous Demeanor in a Grand Council holden at York, p. 342.

QUO WARRANTO.—Pleadings upon Writs of Quo Warranto were in common Use so early as the Tenth Year of Richard the First.

RECORDS of the KINGDOM.—During the turbulent Part of the Reign of Edward the Second, when Roger Mortimer and others were committed to the Tower, the Preservation and Arrangement of the Public Records were esteemed a Work of such national Importance, that all Impediment to the Persons employed under the then Special Commission, to arrange and calendar the Records, was expressly provided against, Rot. Claus' 16 Ed. 2. m. 19. d.—and the Instrument constituting Stephen de Segrave Constable of the Tower, enjoins him not to hinder, or disturb, the King's Officers from entering the Tower, for the Purpose of surveying and arranging the Treasure, Rolls, and other Remembrances therein, as had theretofore been used and done. “Et le dit Mons' Estephene ne destourbra ne empeschement ne mettra que les Ministers nostre dit Seigneur le Roy ne p'ont entrer en le dite Tour pur le Tresor Roules & autres Remembrances en icele surveer & adrescer” auxi come il ad este cea en arriere usez & fait.” Mic. 17 Ed. 2. Rot. 37. p. 343.

STATUTES and ORDINANCES.—Many of these are recorded on the Rolls of the Court of King's Bench, together with the Writs directed to the Sheriffs of Counties to proclaim and enforce the Observance of them.

TRIAL by DOMESDAY.—In Cases respecting antient Demesne, frequent References will be found to have been made to that venerable Record; wherein the Mode of Pleading it is set out in the Abstract.

TRIAL by DOMESDAY of CHESTER.—In the Archives of the Earl of Chester there formerly existed a Roll, denominated “The Domesday of Chester;” the Entries in this Roll were esteemed of high Authority, and perhaps conclusive Evidence: For in an Assize of Darrein Presentment in the County of Chester, A° 38 Hen. 3. between Roger de Sanbach and the Abbot of Deulacrese, as to the Church of Sanbach, removed by Certiorari into the King's Bench, the Court, amongst other Grounds for pronouncing their Judgment, give the following Reason: “Et quia convictum est per Domesday Cestr' quod perpetuam habet firmitatem & omnia que in eo continentur in perpetuum sunt stabilia in quo continentur quod, &c. consideratum est,” &c. Hitt 38 Hen. 3. Cestr' Rot. 10. p. 142.

TRIAL by the ROLL of WINTON.—Which existed so late as the Reign of King John; for in the First Year of that King's Reign, the Abbot of Saint Edmund in Suffolk, in a Complaint against John de Wechesham, for erecting a Gallows within the Abbot's Liberty, in setting out his Title to such Liberty from the Time of Edward the Confessor, concludes it with these Words; “Et preterea ponit se super Rotulum Wintonie,” &c.

TRIAL by DUEL.—Many interesting Particulars touching this Mode of Trial, in Criminal and in Civil Suits, are to be found herein.

TRIAL by ORDEAL.—This Species of Trial, by Fire and by Water, appears to have been in frequent Use so late as the Fifteenth Year of King John. Midd. & Kanc' Rot. 20. p. 90.

WRITS of RIGHT and other Real Actions.—There are many interesting Pleadings under these Heads, worthy the Attention of the Lawyer and the Antiquary.

A copious INDEX RERUM, prepared by me under the like Superintendence and Revision of the Right Honourable George Rose, has been added to the Work.

Record Office, Tower,
1st March 1811.

W. ILLINGWORTH,
Sub-Commissioner.

Appendix,
(K. 2.)Testa de Nevill.
Hen. III.
Edw. I.Appendix, (K. 2.)**Account of the Publication of the Exchequer Books called Testa de Nevill, sive, Liber Feodorum, Temp. Hen. III. & Edw. I.**

IN the King's Remembrancer's Office of the Court of Exchequer are preserved Two antient Books called The Testa de Nevill, or Liber Feodorum, which are described in the Return of Abel Moysey, Esq. Deputy King's Remembrancer, printed in the Reports from the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom, &c. Page 138, as containing "Nomina Villarum, Serjeanties, and Knights Fees, in several Counties, taken by Inquisition temp. Hen. III. and Edward I.;" and it is there also observed, "that these two Books contain Compilations known by the Name of Testa de Nevill;" and that in the Cover of each Book there is a Memorandum in an antient Hand, of which the following is a Copy; "Contenta pro Evidencijs habeantur hic in Sc'cio et non pro Recordo."

These Books contain principally an Account,

1. Of Fees holden either immediately of the King, or of others who held of the King in Capite, and if alienated, whether the Owners were enfeoffed ab antiquo, or de novo, as also Fees holden in Frankalmoigne, with the Values thereof respectively.
2. Of Serjeanties holden of the King, distinguishing such as were rented or alienated, with the Values of the same.
3. Of Widows and Heiresses of Tenants in Capite, whose Marriages were in the Gift of the King, with the Values of their Lands.
4. Of Churches in the Gift of the King, and in whose Hands they were.
5. Of Escheats, as well of the Lands of Normans as others, in whose Hands the same were, and by what Services holden.
6. Of the Amount of the Sums paid for Scutage and Aid, &c. by each Tenant.

THE Books appear to have been compiled near the Close of the Reign of Edward the Second, or the Commencement of that of Edward the Third, partly from Inquests taken on the Presentments of Jurors of Hundreds before the Justices itinerant, and partly from inquisitions upon Writs awarded to the Sheriffs for collecting of Scutages, Aids, &c.

FROM what Circumstance they have obtained the Name of Testa de Nevill is not ascertained; there are however two Persons, to either of whom they may be assignable; viz. Ralph de Nevill, an Accountant in the Exchequer and Collector of Aids in the Reign of Henry the Third, whose Name occurs in the Book, p. 39; and Jollan de Nevill, a Justice itinerant, of the same Reign, who, as Dugdale in his Baronage, Vol. I. p. 228, supposes, may have been the Author.

THE Entries which are specifically entitled "Testa de Nevill," are evidently Quotations, and form comparatively a very small Part of the Whole; they have in all Probability been copied from a Roll bearing that Name, a part of which is still extant in the Chapter House at Westminster, consisting of Five small Membranes, containing Ten Counties; the Roll appears to be of the Age of Edward the First, and agrees verbatim with the Entries in these Books. An Index Locorum, divided into Counties, and also a General Alphabetical Index, are subjoined to the printed Volume.

JOHN CALEY,
W. ILLINGWORTH, } *Sub-Commissioners.*

Appendix,
(K. 3.)

Hundred Rolls,
and
Quo Warranto Rolls.

Appendix, (K. 3.)

Plan for Publication of the HUNDRED ROLLS, and Rolls of Quo Warranto.

THE ROLLS, officially denominated "THE HUNDRED ROLLS," contain Inquisitions taken in pursuance of a Special Commission, issued under the Great Seal, dated the eleventh Day of October, in the Second Year of the Reign of King Edward the First.

A Transcript of the Commission itself, with the Articles of Enquiry from the Patent Roll of that Year preserved in the Tower, is prefixed to the present Collection. The Original Inquisitions for the County of Lincoln are preserved amongst the Records in the Tower of London; and those for several other Counties are repositied amongst the Records of the Court of the Receipt of the Exchequer, in the Chapter House at Westminster.

For a few Counties no Hundred Rolls have been yet discovered; and to supply this Deficiency, it has been deemed advisable to print the Extracts of the Inquisitions for all the Counties, which are entered on Three Rolls in a Hand-writing coeval with the Inquisitions, and also preserved in the Chapter House: In one Instance, viz. for the County of Bucks, the Answers to the Articles in the Eyre A° 39 Hen. 3., hitherto officially kept as part of the Hundred Rolls of that County, have been also added.

In order to form an accurate Idea of the Nature of the Hundred Rolls, it will be necessary briefly to consider the Articles usually given in Charge to the Hundredors by the Justices in Eyre, the particular Objects the King had in Contemplation in issuing this Special Commission, the Legislative Provisions which originated from the Returns thereto, and the subsequent Pleadings in Quo Warranto in Eyre which took place in consequence of some of these Provisions.

It was a Function of the Justices in Eyre, as well to enquire of Knights Fees, Escheats, Wardships, Marriages, Presentations to Churches, and Usurpations of the Rights of the Crown, (in order to preserve the profitable Tenures of the King, and that he might be duly answered of the Fruits of such Escheats, Wardships, &c. which formed a material part of his Revenue), as to enquire of Oppressions and Frauds of the King's Ministers and Officers. The Justices, therefore, (as is well known), delivered in charge to the Hundredors certain Articles called "Capitula Itineris." (*Bract. l. 2. fo. 116, 117.*) These were not always the same, but varied as Times and Places required. The Articles in Bracton were given in charge with little Variation, during the Reign of Henry the 3d. In his 39th Year, the *Annals of Burton*, 342, and the *Inquisitions for Bucks*, (page 20), furnish an Example of the Changes occasionally made in them. They are fewer, though in Substance many of them are similar to the Articles of the Special Commission A° 2 Edw. 1. Two Articles of the 39th Henry 3. are particularly levelled against the increasing Power of the Italian Clergy, and the Encroachment of the Ecclesiastical on the Civil Courts.

During the turbulent Reign of King Henry the 3d, the Revenues of the Crown had been considerably diminished by Tenants in Capite alienating without Licence; and by Ecclesiastics, as well as Laymen, withholding from the Crown under various Pretexts its just Rights, and usurping the Right of holding Courts and other Jura Regalia. Numerous Exactions and Oppressions of the People had also been committed in this Reign, by the Nobility and Gentry claiming the Rights of free Chace, free Warren, and Fishery, and demanding unreasonable Tolls in Fairs and Markets; and again, by Sheriffs, Escheators, and other Officers and Ministers of the Crown, under Colour of Law.

King Edward the First, who was on his Return from the Holy Land on the Death of his Father, did not reach England till towards the latter End of the 2d Year of his Reign (*Rot. Claus. 2 Ed. 1. m. 5. and Rot. Pat. 2 Ed. 1. m. 15.*), and these Abuses remained uncorrected till his Return. One of the First Acts of his Administration, after his Arrival, was to enquire into the State of the Demesnes, and of the Rights and Revenues of the Crown, and concerning the Conduct of the Sheriffs, and other Officers and Ministers, who had defrauded the King, and grievously oppressed the People. (*Annals of Waverley*, 235.)

The Capitula Itineris would have nearly embraced the Consideration of all these Abuses: yet as the Circuit of the Justices itinerant, who went it generally but once in Seven Years, would not return till the Sixth Year of this King's Reign, it was necessary in the Interim to afford a speedy Remedy to the Crown and to the Subject. Before, however, any specific Remedy could be provided for the Correction of the Abuses above described, Evidence was requisite of their peculiar Nature and Extent. The King, therefore, on the 11th October, A° 2° of his Reign, appointed Special Commissioners for the whole Kingdom, as appears from the Patent Rolls of that Year, whereon are enrolled Thirty-five Articles of Inquiry. Twelve other Articles, not discoverable on the Patent Rolls, are to be found among the Returns, making in all Forty-seven Articles. The latter were adapted to the Circumstances of the Place, and some of these are applicable to Maritime Counties only.

After the Commissioners had, in the third Year, returned their Rolls of Inquisitions in obedience to the Commission of 2d of Edw. I. it was necessary for the Court of Exchequer to have in one View such Parts of the

the Returns as affected the Rights of the Crown and the Abuses of its Officers; to this End certain Rolls were drawn up containing a Selection, under the Denomination of Extracts.

Appendix,
(K. 3.)

The Rolls of Inquisitions and Extracts being in the Hands of the Treasurer and Barons of the Exchequer, the Crown was at once furnished (amongst other Things) with Evidence, upon the Oath of a Jury of each Hundred and Town in every County, of

Hundred Rolls,
and
Quo Warranto Rolls.

- All the Demesne Lands of the Crown, whether antient, or newly acquired by Escheat or Purchase;
- Manors, &c. formerly in the Hands of the Crown, the Persons holding the same, the Authority, and how alienated;
- Tenants in Capite and Tenants in antient Demesne;
- The Losses sustained by the Crown in Military Services, and otherwise, by the Subinfeudations made by such Tenants in Capite, &c.;
- Alienations to the Church under Pretext of Gifts in Frankalmoigne;
- Wardships, Marriages, Escheats, Suits, and Services withholden and subtracted;
- Fee Farms of the Crown, Hundreds, Wapentakes, and Tythings;
- Courts, Wreck of the Sea, Free Chace, Free Warren and Fishery, and other Jura Regalia;
- Oppressions of the Nobility, Clergy, and other great Men, claiming to have and exercise such Rights;
- Exactions by excessive and illegal Tolls in Fairs, and for Murage, Pontage, &c.;
- Exactions and Oppressions of Sheriffs, Escheators, and other Ministerial Officers under Colour of Law;
- Unlawful Exportation of Wools, &c. &c.

The Statute of Gloucester was enacted in the Sixth Year of this King's Reign; and the First Chapter, relating to Liberties, Franchises, and Quo Warranto, was founded upon the previous Inquiries under this Commission. A Comparison of the Hundred Rolls and the ROLLS OF PLEADINGS IN QUO WARRANTO of Edw. 1. wherein the Usurpations presented by the Hundredors are inquired into, fully justifies this Conclusion.

Immediately after the passing of the Statutes of Gloucester, the stated Period of the Circuit in Eyre returned; and on the Justices going their Iter, Writs of Right and of Quo Warranto issued very generally against such Persons as claimed Manors, Liberties, &c. where the Jurors had previously said upon Oath before the Inquisitors, A° 3 Edw. 1. "Nesciunt quo Waranto" the Parties held or claimed; and again, where they said the Party held or claimed "sine Waranto," in such Case a Writ sometimes issued, but the Party usually came in upon the General Proclamation (directed by the Statute) without any special Writ of Quo Warranto. The Entry in the former case being "A. B. 'summonitus fuit ad respondend' Dño Regi quo waranto," &c. and in the other "Presentatum fuit aliàs coram Inquisitoribus Dñi Regis quòd A. B. clamat, &c. sine waranto." THE HUNDRED ROLLS for the Counties of Gloucester and Lincoln A° 3 Edw. 1. afford a stronger Instance of the Connection between these Rolls and THE QUO WARRANTO ROLLS in Eyre; since the Verdict in Eyre, whenever there was one, and in like Manner the Judgment of the Justices, or at least the Effect thereof, have been generally entered in another Hand on the Hundred Rolls of those Counties: These Entries are very numerous in the Two Counties alluded to.

It is also worthy of Observation, that many of the same Jurors who were upon the Inquest under the Special Commission, A° 2 Ed. 1. formed a Part of the Inquest on the Inquiry upon the Proceedings in Quo Warranto.

But the best Evidence that the Result of the Inquiries under this Commission was the immediate Cause of the first Chapter of the Statute of Gloucester, consists in this Circumstance, that previously to the Departure of the Justices in Eyre on their Circuit immediately following the Enactment of that Statute, these identical Hundred Rolls, or Inquisitions, were delivered to them for the Purpose of holding Pleas upon the Claims stated therein:

"De Inquisitionibz lib Memo^{um} qd Walts de Wymburn die Mart' px' añ festū Scti Georgii Martiris anno regni R septimo liberavit apud Westm' Wiffo de Sah'm Inquisiões factas in comitatibz Ebor' Notingh'm Derb de libtatibz Dñi R manibz feodis Dño Regi subtractis ad pdcas inquisiões in pdcis Com' placitand." Rot. Claus. 7 Ed. 1. m. 8. d.

Hence it may be reasonably concluded that the first Chapter of the Statute of Gloucester was enacted as a necessary Consequence of the previous Inquiry made by virtue of the Commission A° 2; nor is it unreasonable to suppose, that the Chapters 6, 8, 10, 15, 16, 19, 21, 23, 26, 27, 30, 31, and 35, of the Statute of Westminster the First, were intended to provide specifically against Offences, which appear, by the Inquisitions on these Hundred Rolls, to have been frequently committed, and which, probably, the Common Law was inadequate to correct.

After the 6th of Edw. 1. the Articles of Inquiry of the 2d Edw. 1. given in Charge by the Inquisitors, formed a Part of the "Capitula Corone et Itineris," and were always given in Charge by the Justices on their Circuits on the Crown Side to the Hundredors. They were entitled "Nova Capitula," as distinguished from the old Articles; and are to be seen in the subsequent Rolls in Eyre, particularly of the 21st Edw. 1. in the County of Surrey. The old Articles in Eyre, as in Bracton, lib. 1. fo. 116, 117, and those of the 39 Hen. 3. as also the "Nova Capitula," were all incorporated in Fleta, lib. 1. c. 20. tit. "de Capitulis Corone & Itineris."

W. ILLINGWORTH, }
Deputy Keeper of the } Sub-Commissioner.
Records in the Tower.

1st March 1812.

COMMISSION for taking the INQUISITIONS.

Ex. Rot. Pat. 2 Edw. 1. m. 5. in Turri Lond.

REX dñcis & fidelibz suis Ricō de Fukeram & Osbto de Beresford salutem. Sciatis qđ assign⁹ nim⁹ vos ad inquirend⁹ p sac⁹rum pboz & leg⁹ hominū de Com⁹ Salop⁹ Stafford & Cest⁹ p quos, &c. de quibzdam juribz libtatibz & rebz aliis nos & statū nrm necnō & statum cōitatis Com⁹ pdcoz contingentibz et insup de fēis & gestibz Vicecōitum & Ballōz quozcūq⁹ in Com⁹ predcis put in articlis quos vo⁹ inde t⁹didim⁹ plen⁹ g⁹inet⁹ Et idō vo⁹ mandam⁹ qđ ad cōtos dies & loca quos ad hoc p⁹videritis inquisicōes illas faciatis jux⁹ continentia articloz pdcoz Et eas distincte & apte fēas nob⁹ sub sigill⁹ vris & sigill⁹ eo⁹ p quos fēe fūint sine dilōe mittatis & hoc bre Mandavim⁹ enim Vicecomitibz nris Com⁹ pdcoz qđ ad cōtos dies & loca quos eis scire faciatis tot & tales p⁹bos & leg⁹ hōies de ballivis suis coram vo⁹ venire fac⁹ p quos rei v⁹itas in pmissis melius sciri pōit & inquire. In cuj⁹ &c. T. R. apud T⁹rim Londōn xj. die Octobr⁹.

Eodē modo assign⁹nt⁹ Barth⁹s de Bryaunton & Jacobus de S⁹co Victore ad inquire⁹ de q⁹bzdā juribz &c. in Com⁹ Kan⁹ Surr⁹ Susse⁹x & Midd⁹ & Civi⁹t Lond⁹.

Eodē modo assign⁹nt⁹ Wif⁹ls de Braybuek⁹ & Guydo de Taun⁹ ad inquire⁹ &c. in Com⁹ Wilt⁹es Suth⁹t Berk⁹ & Oxon⁹.

Eodē modo assign⁹nt⁹ Barth⁹s le Juvene & Rog⁹s de Chenne ad inquire⁹ &c. in Com⁹ Som⁹ Dor⁹s Devo⁹n & Cornu⁹.

Eodē modo assign⁹nt⁹ Wif⁹ls de S⁹co O⁹mō & Warin⁹ de Chalcūbe ad inquire⁹ &c. in Com⁹ North⁹t Rot⁹et & Linc⁹.

Eodē modo assign⁹nt⁹ Thom⁹ de Boulton & Wif⁹ls de Pere⁹ ad inquire⁹ &c. de Com⁹ Ebo⁹.

ARTICULI AD INQUIREND⁹

Quot & que dñica mania Rex habet in manu sua in singul⁹ Comitatus tā sciūt de antiquis dñicis Corone q⁹m de escaetis & perquisitis.

Que eciā mania esse solent in manibz Regū pdecessoz Reg⁹ & qui ea tenent nunc & quo waranto & a q⁹ t⁹pre & p quē & quom⁹ fūint alienata.

De feodis eciā dñi Reg⁹ & tenentibz ejus qui ea modo teneant de ipso in capite & quot feoda singuli ipsoz teneant & que feoda tēne solet de Rege in capite & nūc tenent⁹ p mediū & p quē mediū & a quo t⁹pre alienata fūint & q⁹liter & p quos.

De i⁹ris eciā tenenciū de antiquo dñico corone tam liboz sokemanno⁹ quam bondoz utrū p ballivos aut p eosdē tenentes & p quos ballivos & p quos tenentes & a quibz alienate fūint quali⁹ & quo tempore.

Simili modo inq⁹rat⁹ de firmis Hundredo⁹ Wappeit & Trythyng⁹ Civitatū Burgoz & alioz reddituū quozcūq⁹ & a quo t⁹pre.

Quot eciā Hundreda Wappeltak & Trythingg sint nūc in manu dñi Reg⁹ & quot & que in manibz alioz & a quo t⁹pre & quo waranto & q⁹ntum valeat quodlibet Hundredum p annū.

De sectis antiquis consuetudinibz sviciis & aliis rebus dño Regi & antecessoribz suis sub⁹t⁹ctis qui ea sub⁹t⁹xerint & a quo t⁹pre & qui huj⁹modi sectis gsuetudines svicia & alia ad dñm Regē ptinencia & consueta sibi ipis appriavint & a quo t⁹pre & quo waranto.

Qui eciā alij a Rege clamant hīe ret⁹num v⁹t extractas hīum & qui teneant placita de vetito nam & qui clamēt hīe wreccum maris quo waranto & alias libtates regias ut furcas assias panis & c⁹visie & alia que ad coronā ptinēt & a quo t⁹pre.

De hiis eciā qui hēnt libtates p Reges Angl⁹ sibi gcessas & eas ali⁹ usi fūint q⁹ facē debuissent q⁹li⁹ a quo t⁹pre & quomodo.

Itē de libtatibz gcessis que impediūt gēm justiciā & regiam potestatē subv⁹tunt & a quo concesse fūint & a q⁹ t⁹pre.

Qui insup de novo app⁹avint sibi chacias liberas v⁹t warennas sine waranto & simili⁹ qui ab antiq⁹ huj⁹modi chacias & warennas ex concessione Reg⁹ huerint & fines & metas eas excesserint & a quo t⁹pre.

Qui eciā dñi aut eo⁹ senescalli seu ballivi quicūq⁹ seu eciā dñi Reg⁹ ministri nō sustinūint execu⁹cōem mandato⁹ dñi Reg⁹ fieri aut eciā facē gtempserint v⁹t aliq⁹ modo ea fieri impederint a t⁹pre gstitucōnū fēas apud Marleberwe anno regni dñi Reg⁹ H. p⁹ris Reg⁹ nunc Quinq⁹gesimo scdo.

Item de omibz p⁹presturis quibzcumq⁹ fēis sup Regē v⁹t regalē dignitatē p quos fēe fūint q⁹lit⁹ & a quo t⁹pre.

De feodis militaribz cuj⁹cumq⁹ feodi & i⁹ris aut tenementis datis v⁹t venditis religiosis v⁹t aliis in p⁹judiciū Reg⁹ & p quos & a quo t⁹pre.

De Vicecōitibz capientibz mu⁹la ut gsenciant ad gceland⁹ felonias fēas in ballivis suis v⁹t qui negligētes extitūint ad felones huj⁹modi attachiand⁹ quocūq⁹ favore tam infra libtates q⁹ ext⁹ simili modo de c⁹cis & aliis ballivis vic⁹ de coronatoribz & eo⁹ c⁹cis & ballivis quibzcumq⁹ qui ita fecint t⁹pre dñi H. Reg⁹ post bellum de Eveshā & qui t⁹pre dñi Reg⁹ nūc.

De Vicecōitibz & Ballivis quibzcumq⁹ capientibz mu⁹la p recognitoribz removend⁹ de assis & jurat⁹ & quo tempore.

It

Itē de Vicecomitibz & aliis Ballivis quibzcuq; qui añciavint illos qui suñ fũint ad inquisiçōes fcas p pceptũ dñi Regē p defalta cum p eandē suñoniçōem psone veniunt sufficientes ad inq'siçōes huj⁹modi faciendas & q'ntum & a quibz cepint ocçōe p'dca & quo tpre.

Itē de Vicecomitibz qui t'diderint Ballivis extorsoribz populũ g'vantibz sup' modũ Hundreda Wappeltał vť Trithinggē ad altas firmas ut sic suas firmas levarent & qui fũint illi Ballivi & quibz fũint huj⁹modi dampna illata & quo tempore.

Itē cum Viç non debeant façe t'nũ suũ nisi bis in anno qui pluries feçint in anno t'nũ suũ & a quo tempore.

Itē cum fines p redisseis aut ppresturis factis p t'ram vť aquam p occultaçōe Thesauri & aliis huj⁹modi ad dñm Regē ptineant & ad Viç huj⁹modi attachiare qui cepint fines huj⁹modi & a quibz & q'ntũ.

Itē qui potestate officii sui aliquos maliçose ocçonavint & p hoc extorserint t'ras reddit⁹ ante alias prestaçōes & a quo tpre.

Qui recepint mandatũ dñi Regē ut ejus debita solvent & a creditoribz recepint aliquam porçōem ut eis residuũ solvent & nichilominus totũ sibi allocari feçint in Scçio vť alibi & a tempore.

Qui recepint debita Regē vť ptem debitorũ & debitores illos nō acq'etavint tam tpre dñi Regē H. q' tpre dñi Regē nũc.

Itē qui sumonierit aliquo ut fierent milites & p respectu hndo ab eis luc⁹ recepint & q'ntum & quo tpre Et si aliq' magnates vť alii sine pcepto Regē aliquos dist'nxerint ad arma suscipienda & quo tempore.

Itē si Viç aut Balli aliqui cuj⁹cuq; libtatis nō feçint suñ debito modo scđm formā bñs dñi Regē vť aliĩ fraudulenť seu min⁹ sufficienť executi fũint pcepta regia pce pçō vť favore & quo tempore.

Itē de hijs q' hũint pbatores ip'sonatos & feçint eos appf̄are fideles & inōcētes causa lucri & q'ndoq; eos impedierit ne ctpabiles appf̄aret & a q' tpre.

Itē qui hũint felones inp'sonatos & eo p pecũia abire & a p'sōe evadere pmišint libos & impune & q' pecũiam extorsint p p'sonũ dimittendũ p plevinā cũ sint replegē & a quo tpre.

Itē qui dona vť luc⁹ aliqua recepit p officiis suis exiçendũ vť nō exiçendũ vť exeçd vť aliĩ execut⁹ fũ it seu excessit fines mandati Regis aliĩ q' ad officium suũ ptinuit & quo tempore.

Et omia ista inquirant' tam de Vicecomitibz Coronatoribz eoz cfcis & ballivis quibzcuq; q'm de dñis & ballivis libtatũ q'rũcunq;.

Itē qui Viç vť custodes castroz vť maj⁹ioz dñi Regē quozcuq; vť eciā qui visores huj⁹modi opacōnũ ubicũq; fcas p pceptũ R. mag' gputavint in eisde q' rōnabiliť apposũint & sup hoc f̄as alloç s' fieri pcuravint Et similiť q' petrā maerem vť alia ad h⁹ opacōes epta seu pvisa ad op⁹ suũ retinũint seu amovint & qđ & q'ntũ dampnũ dñs Rex inde hũit & quo tpre.

De Escaetoribz & Subescaetoribz in seiš dñi Regē facientibz vastũ vť destruccōem i boscis pcis vivar' warenn' inf' c⁹todias s' gmissas p dñm Regē q' si & de q'bz & q'modo & q' tpre.

Itē de eisde si ocçōe huj⁹modi seiš cepint bona defunctorũ vť hēd in manũ dñi Regē injuste don⁹ redimēnt' ab eisde & qđ & quantum ita cepint p huj⁹modi redēpçōe & quid ad op⁹ suũ pp'um inde retinũint & quo tpre.

Itē de eisde q' cepint mun'a a quibzcuq; p offiço suo exequendo vť nō exequēdo q'ntũ & a quibz & quo tpre.

Itē de eisde qui min⁹ sufficienť extenderint t'ras alicuj⁹ in favore ei'dē vť altius in custodia illaz t'raz dari vendi vť gcedi debuāt in decepçōem dñi Regē & ubi & quomodo & si q'd p inde cepint & q'ntũ & q' tpre.

Appendix,
(K. 3.)

Hundred Rolls,
and
Quo Warranto Rolls.

ROLLS of Quo Warranto for the following Counties are preserved in the Chapter House, Westminster :

Bedf'	Dorset'	Kanc'	Northumb'	Suthton'
Berks	Ebor'	Lanc'	Nott'	Suff'
Bucks	Essex'	Linc'	Oxon'	Surr'
Cant'	Glouc'	Lond'	Rutl'	Sussex
Cornub'	Heref'	Midd'	Salop'	Warr'
Cumb'	Hertf'	Northiton'	Somers'	Westmerl'
Derb'	Hunt'	Norf'	Staff'	Wilts'
Devon'				

No Rolls are extant for the following Counties : viz.

Chester	Leicester
Durham	Worcester

The Rolls will be published in Alphabetical Order of Counties ;—they are in general in good Condition.

Appendix,
(L. 1.)Taxatio
Ecclesiastica,
Auctoritate
P. Nich. IV.
Temp. Edw. I.

Appendix, (L. 1.)

Account of the Publication of the ECCLESIASTICAL TAXATION of
P. Nicholas IV. Temp. Regis Edward I.

POPE Innocent the Fourth, to whose Predecessors in the See of Rome, the First Fruits and Tenths of all Ecclesiastical Benefices had for a long Time been paid, gave the same, A. D. 1253, to King Henry the Third, for Three Years, which occasioned a Taxation in the following Year, sometimes called The Norwich Taxation, and sometimes Pope Innocent's Valor.

In the Year 1288, Pope Nicholas the Fourth granted the Tenths to King Edward the First for Six Years, towards defraying the Expense of an Expedition to the Holy Land; and that they might be collected to their full Value, a Taxation by the King's Precept was begun in that Year (1288) and finished as to the Province of Canterbury in 1291, and as to that of York, in the following Year; the Whole being under the Direction of John, Bishop of Winton, and Oliver, Bishop of Lincoln.

A Third Taxation, entitled, "Nova Taxatio," as to some Part of the Province of York, was made A. D. 1318, (11 Edward II.) by virtue of a Royal Mandate directed to the Bishop of Carlisle; chiefly on Account of the Invasion of the Scots, by which the Clergy of those Border Countries were rendered unable to pay the former Tax.

The Taxation of Pope Nicholas is a most important Record, because all the Taxes, as well to our Kings as the Popes, were regulated by it, until the Survey made in the Twenty-sixth Year of Henry the Eighth; and because the Statutes of Colleges which were founded before the Reformation are also interpreted by this Criterion, according to which their Benefices, under a certain Value, are exempted from the Restriction in the Statute 21 Henry VIII. concerning Pluralities.

Various detached Parts of this Record have been published in different County Histories; but the Whole is now, for the First Time, edited from Two Manuscripts in the King's Remembrancer's Office, Exchequer, collated with a Cottonian Manuscript of much greater Antiquity, in the British Museum, Tiberius C. x. which has unfortunately suffered some Damage from the Fire which happened to the Cottonian Library whilst lodged in the Dormitory at Westminster. The Original Rolls for several Dioceses are still extant in the Exchequer, and have been consulted in this Edition; the various Readings which occur in them have been preserved; they are however but few, and are of no great Consideration; which Circumstances evince the Accuracy of the antient Transcripts.

Specimens of the Hand-Writing of the Two Exchequer Manuscripts, which appear to have been written in the Reign of Henry the Sixth, are prefixed, and a General Index is subjoined.

JOHN CALEY,

Sub-Commissioner.

Mr. Vanderzee in his Report (Appendix, Z. 1.) states, that whilst searching for Monastic Records in the Rooms of the Court of Exchequer at Westminster relating to England and Ireland, he found in a Bag Fourteen long Rolls containing an Ecclesiastical Valor and Taxation of the Whole of Ireland, made by the Authority of Pope Nicholas the Fourth. This Valor extends to the Possessions of Archbishops, Bishops, and the Religious, and also to Rectories, Vicarages, and to every Kind of Ecclesiastical Benefice.

Appendix, (L. 2.)

Account of the Publication of The NONÆ ROLLS, Temp. Ed. III.

Appendix,
(L. 2.)Inquisitiones
Nonarum,
Temp. Edw. III.

THE Origin of the Records now published, the Authority by which they were taken, and the Manner of taking them, appear in the Statutes of the 14 and 15 Edw. III. and in the Commissions, and other Records in the Exchequer; from thence the following Statement has been collected.

At the Parliament holden at Westminster the Wednesday next after Mid-Lent, in the Fourteenth Year of the Reign of Our Lord King Edward the Third of England, and the First Year of His Reign in France, Stat. 1. c. 20. the following Grant was made of a Subsidy of the Ninth and Fifteenth: "And for the Grants, Releases and
" Pardons of the said Chattels of Felons and Fugitives, and many other Things underwritten which the King
" hath granted to the Prelates, Earls, Barons, and all the Commons of his Realme for the Ease of them
" perpetually to endure, the said Prelates, Earls, Barons, and all the Commons of the Realm, willingly of one
" Assent and good Will, having Regard to the Will that the King their leige Lord hath towards them, and to the
" great

“ great Travailes that he hath made and sustained, as well in his Wars of Scotland, as against the Parts of
 “ France, and other Places, and to the good Will which he hath to travail to keep his Realme, and maintain
 “ his Wars, and to purchase his Rights : they have granted to him the Ninth Lamb, the Ninth Fleece, and the
 “ Ninth Sheaf, to be taken by Two Years then next to come. And of Cities and Boroughs the very Ninth
 “ Part of all their Goods and Chattels, to be taken and levied by lawful and reasonable Tax by the same Two
 “ Years, in Aid of the good Keeping of this Realm, as well by Land as by Sea, and of his Wars, as well against
 “ the Parts of Scotland, the Parts of France, Gascoyne, and elsewhere. And in Right of Merchants Foreign,
 “ which dwell not in the Cities nor Boroughs, and also of other People that dwell in Forests and Wastes, and
 “ all other that live not of their Gain nor Store, by the good Advice of them which shall be deputed Taxers,
 “ shall be set lawfully at the Value to the Fifteen without being unreasonably charged. And it is not the Intent
 “ of the King, nor of other great Men, nor the Commons, that by this Grant made to the King, of Fifteens, the
 “ poor boraile People, nor other that live of their bodily Travaile shall be comprized within the Tax of the
 “ said Fifteens, but shall be discharged by the Advice of them which be deputed Taxers, and of the great Men
 “ which be deputed Surveyors.”

Appendix,
 (L. 2.)

Inquisitiones
 Nonarum,
 temp.
 Edw. III.

By Statute 2. in the same Year, the King willed and granted to the said Prelates, Earls, Barons, and Commons, Citizens, Burgesses, and Merchants, that the aforesaid Grant should not another Time be had in Example, nor fall to their Prejudice in Time to come, nor that they be from henceforth charged or grieved to make any Aid, or to sustain Charge, if it be not by the common Assent of the Prelates, Earls, Barons, and other great Men, and Commons of Our said Realm of England, and that in the Parliament : and that all the Profits arising of the said Aid, shall be put and spent upon the Maintenance and Safeguard of Our said Realm of England, and of Our Wars of Scotland, France, and Gascoigne, and in no Places elsewhere during the said Wars.

By a Third Statute in the Fifteenth Year of Edward the Third, certain Conditions were expressed whereupon the Subsidy granted in the Fourteenth was given.

Assessors and Venditors were thereupon appointed for every County in England to assess and sell the Ninth and Fifteenth, and Three Commissions were issued directed to Assessors and Venditors named under the Great Seal by the King and Council.

The Execution of the FIRST COMMISSION was confined to a few Parishes only within a County, and within the Assessment and Sale the Ninth of the Religious was included.

A SECOND COMMISSION was afterwards issued by the same Authority, and directed (with a few Exceptions) to the same Persons, and this was also imperfectly executed ; but it was done in a Way different from the First, by assessing and selling the Ninth of the Articles to be levied according to the Tax or Valuation of Churches completed in 1292, 20 Ed. 1. called Pope Nicholas's Taxation. By which Proceeding it seems, that the Assessors and Venditors were to consider the Ninth of Corn, Wool, and Lambs in 1340 worth as much in a Parish, as the Tenth of Corn, Wool, and Lambs, and all other titheable Commodities, and the Glebe Lands were, when the Valuation was made of them in 1292 ; and within the Assessment and Sale by virtue of the Second Commission the Ninth of the Religious was included.

In the Fourteenth Year of the Reign of Edw. III. the Clergy both of the Provinces of Canterbury and York granted to the King a Tenth for Two Years (besides the former triennial and annual Grants) of all their Property ; and within this Grant was intended and included the Spiritualities and Temporalities of Abbies, Priories, and other Religious Houses, and Bodies. All the Property within the Valuation and Tax of 1292, in the Twentieth Ed. 1. was subjected to the Tenth, in this Year granted for Two Years, and was afterwards collected agreeable to the Tax Book, or Valor Beneficiorum, now in the Custody of the King's Remembrancer.

Notwithstanding this Grant of a Tenth by the Clergy and Religious, they were assessed and taxed to the Ninth, and both were collected ; this Exaction produced from Stratford the Archbishop of Canterbury, a Remonstrance addressed to King Edward, who afterwards (whenever the Grievance was stated) issued a Writ directed to his Treasurer and Barons of the Exchequer, and therein commanded Redress to be given.

From a Review of the Rolls of Parliament, Statutes, Register Books of Monasteries and Priories Writs of King Edward III. directed and sent to his Treasurer and Barons of the Exchequer, and other Proceedings of Record in the Court of Exchequer, in the Fifteenth, Sixteenth, and subsequent Years of the Reign of Edward III., it is evident, that from the Laity only the Grant of the Ninth and Fifteenth was considered to proceed, and that from the Religious the Ninth was not to be collected, except from those who held by Barony, and were summoned to Parliament when the Grant of the Ninth was made, and except also upon Possessions acquired by the Religious after the Twentieth Edw. 1. which otherwise would wholly escape Taxation, not being included within the Valuation then made, and called as already mentioned, Pope Nicholas's Valor, which then, and till the Reign of Henry VIII. was used as the Guide for taxing the Clergy, and other Religious Bodies and Men, and was constantly resorted to by the Treasurer and Barons to correct the Accounts of Collectors of a Tenth, and to determine the Liability of Persons and Property, and to what Amount.

Appendix,
(L. 2.)

Inquisitiones
Nonarum,
temp.
Edw. III.

A THIRD COMMISSION was afterwards issued and directed to the Assessors and Venditors on the Twenty-sixth of January, in the Fifteenth Year of the Reign of Edw. III. whereby they were instructed to levy the Ninth of Corn, Wool and Lambs in every Parish, according to the Value upon which Churches were taxed (this means Pope Nicholas's Valor and Taxation), if the Value of the Ninth amounted to as much as the Tax, and to levy more where the true Value of the Ninth should be found to exceed the Tax; but should the Value of the Ninth be less than the Tax, they were directed to levy only the true Value of the Ninth and to disregard the Tax; and to gain correct Information of these Facts, they were directed to take Inquisitions (THE RECORDS NOW PUBLISHED) upon the Oath of the Parishioners in every Parish.

In these Records it appears that the Parishioners of every Parish found upon their Oath the true Value (sometimes separately) of the Ninth of Corn, Wool and Lambs; then the Amount of the antient Tax of the Church was stated, and afterwards the Causes of the Ninth not amounting to the Tax or Value of the Church were assigned; and when the Ninth did not exceed the Tax, it was assigned for Cause thereof, that within the Valuation or Tax of the Church there were other Articles included besides Corn, Wool, and Lambs, such as the Dos or Glebe of the Church, Tithe of Hay, and other Tithes. And if any Abbey, Priory, or other Religious Corporation, had Property within any Parish, the Ninth arising from such Property was found and returned.

There were in some Counties and Parishes local Causes which reduced the Ninth very much in the Fourteenth Edw. III. Many Parishes in the Northern Counties were at the Time exposed to an invading Enemy, and totally or nearly laid waste; this Kingdom being then at War with Scotland. The Sea also had been destructive to other Parishes between the Twentieth Edw. I. and the Fourteenth Edw. III., and in consequence, Land which produced Corn when the Value and Tax of Pope Nicholas was taken, was either lost or uncultivated in the Fourteenth Edw. III. In the Counties much exposed to the Severity of a cold Winter (particularly Bedfordshire) Parishes were said to have suffered in the Fourteenth Edw. III. by the Death of Sheep and Lambs. In Buckinghamshire, the Mildew in many Parishes deteriorated and diminished the Produce and Price of Corn; the Poverty of the Parishioners and Inhabitants in many Parishes was mentioned as a cause for much Land being uncultivated and unproductive; there were other Causes assigned, and all for the Purpose of showing the great Difference between the Ninth in 1340, and the Value and Tax in 1292.

By the Nonæ Rolls it appears, that the Ninth was first attempted to be sold for more than the Tax of the Churches, then for as much as the Tax, and afterwards for the real and true Value, whether more or less than the antient Tax.

The Survey called Domesday, taken in the Reign of the Conqueror, and the Valor of Pope Nicholas, were copied into Books; the former probably, and the latter certainly, was compiled from particular Returns; some of those from which Pope Nicholas's Valor was compiled being now in the Custody of the King's Remembrancer in the Exchequer. In like Manner some of the Original Inquisitions from whence the Nonæ Rolls were formed, and the Inrolments themselves, are now in the Exchequer, though they do not appear to have been transcribed into Books; and it is to be observed, that neither the Book of Pope Nicholas's Valor, nor the Nonæ Rolls, are so ample in many Instances, as the particular Returns from whence they were respectively formed.

In the Reign of Charles the First, during the Usurpation of Oliver Cromwell, and in the Reign of Charles the Second, several of these Inquisitions, and Extracts (containing the Whole of one or more Parishes) from the Nonæ Rolls, were at the Instance of Persons (as well Laity as Clergy) exemplified under the Seal of the Exchequer, and are inrolled amongst the Memoranda; ex' gr'

Chauwelton	- - -	Nott'	- -	Termio Pasche	- -	12 Car. I.	- - -	R° 22.
Conyngesby	- - -	Linc'	- -	Termio Pasche	- -	13 Car. I.	- - -	R° 90.
Cosham	- - -	Wilts'	- -	Termio sti Hillar'	- -	13 Car. I.	- - -	R° 71.
Hetherington	- - -	Northt'	- -	Termio Pasche	- -	13 Car. I.	- - -	R° 88.
Totenho	- - -	Buk'	- -	Termio ste Trin'	- -	13 Car. I.	- - -	R° 38.
Worle	- - -	Soms	- -	Termio Pasche	- -	15 Car. I.	- - -	R° 11.
Mapledurham	- - -	Oxon'	- -	Termio sti Hillar'	- -	1659 -	- - -	R° 16.
Edwardeston	- - -	Suff'	- -	Termio ste Trin'	- -	22 Car. II.	- - -	R° 20.
Chilcomb	- - -	Dors'	- -	Termio sti Hillar'	- -	26 & 27 Car. II.	- - -	R° 92.
Sondon	- - -	Staff'	- -	Termio ste Trin'	- -	34 Car. II.	- - -	R° 3.

King's Remembrancer's Office,
24th March 1807.

GEORGE VANDERZEE,
Sub-Commissioner.

Appendix,
(L. 3.)Valor
Ecclesiastic.
temp.
Hen. VIII.

Appendix, (L. 3.)

Plan of the Publication of the VALOR ECCLESIASTICUS Temp. Hen. VIII.

AT a BOARD of the Commissioners, appointed by His Majesty for carrying into Execution the Measures recommended by the House of Commons respecting the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, the 31st Day of January 1806;

P R E S E N T,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable Lord FREDERICK CAMPBELL;
The Right Honourable SYLVESTER Lord GLENBERVIE;
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls:

IT was ORDERED, That the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the Twenty-sixth Year of the Reign of King Henry the Eighth, and returned into the Office of First Fruits and Tenths, and now remaining in the Office of First Fruits, be forthwith transcribed and printed under the Direction of the Secretary to this Board.

And at a subsequent Board, THE LORD BISHOP OF BANGOR having, by Desire of the Commissioners, examined into the State of the Books and Rolls containing the Ecclesiastical Survey, in the Office of First Fruits and Tenths, Reported, That he had, with the Assistance of the Secretary to this Board, examined the same accordingly, and that the Contents and Condition of the said Books and Rolls appeared to be as follows:

I.—B O O K S.

1st. *Original.*

1. Kent, County; viz. Canterbury and Rochester Dioceses—Original; that of Canterbury is signed by three Names. Rochester ends abruptly without Signature. N. B. D. Shoreham and Dartford stand before the Diocese of Rochester, but are stated to be within it. After Rochester are some Monasteries in the Diocese of Canterbury.
2. Bath and Wells, Diocese or Somerset County—Original; signed first by the Bishop; then several other Names.
3. Devon, County—Original; signed by the Bishop, Mayor of Exeter, and Five others.
4. Worcester, County—appears to be Original, though not signed; the Names of the Commissioners are recited at the Head of the Return, and the King's Instructions are prefixed.
5. Lincoln, County, on Paper—Original; beginning with the Possessions of the See; signed by the Bishop and Five others, in several Parts imperfect.
6. Oxford, County, on Paper—Original; but not signed; contains at the End the Estates of the several Colleges.
7. Llandaff, Diocese—Original, on Paper, but not signed, except the Account of the Bishoprick and Archdeaconry by the respective Parties, the rest in different Hands.

2d. *Copies.*

8. Lincoln County, with London, Middlesex, Nottingham, and Huntingdon, on Vellum, 34 H. 8.
9. Derby, Staffordshire, Lancashire, Cheshire, Salop, Menevens, Llandavens, Sussex, Surry, on Vellum; illuminated; stated to be copied from the Originals de verbo ad verbum.

II.—ROLLS.

1st. *Province of Canterbury.*

1. Bangor, Diocese—Original; signed and sealed by Five; the Return of the Chapter signed by the Bishop.
2. Southampton, County—Original; the Return signed by the Bishop (Ste. Winton) and 12 others.
3. St. Asaph, Diocese—Original; the Return signed by the Bishop.
4. Stafford, County—Original; but not signed; the Names of the Commissioners at the Head.
5. Leicester, County—Original; with the Names of the Commissioners at the Head; not signed but returned under three Seals.

6. Suffolk,

Appendix,
(L. 3.)

Valor
Ecclesiastic.
temp.
Hen. VIII.

6. Suffolk, County—Original ; on Paper, and in a State of Decay, signed in part by Six Names.
7. Gloucester, County—Original ; but not signed, or otherwise authenticated.
8. Northampton, County—Original ; with the Instructions and Names of the Commissioners at the Head, but not signed nor authenticated, except by the Labels of three Seals.
9. Bucks, County—Original ; with a Return signed by the Chief Justice of the Common Pleas and Seven others, and with the Instructions.
10. Wilts, County—Original ; with the Names of the Commissioners at the Head, but not signed.
11. Norfolk, County—Original ; with Instructions to the Commissioners, but not signed. On another Roll, Norwich Bishoprick and Cathedral—Original ; with the Return signed and sealed by Six Commissioners.
12. Surry, County—Original ; on three Paper Rolls and one Parchment ; the Names of the Commissioners at the Head of the Parchment Roll ; and five Signatures at the End ; the Paper Rolls not authenticated.
13. Hereford, County—Original ; with the Names of the Commissioners ; at the Head three Labels and Fragments of Seals.
14. Derby, County—Original ; with Instructions to the Commissioners, and five Labels of Seals not signed.
15. Bedford, County—Original ; with the Names of the Commissioners at the Head ; not signed or sealed.
16. Salop, County—Original ; but not authenticated ; two Instruments for the Bishopricks ; viz. Coventry, and Litchfield, and Hereford.
17. Dorset, County—Original ; with the King's Writ and Instructions ; signed by four Names.
18. Sussex, County—On Paper ; much damaged ; probably Original.
19. Warwick, County—Original ; not signed ; but stated to have been delivered by John Ashton.
20. Another Roll, containing Pensions in the Diocese of Lincoln ; Original ; with Returns of the Archdeacons to the Dean and Chapter of Lincoln's Precepts issued in pursuance of a Mandate of Queen Mary, 1554.

2dly. Province of York.

21. York, County—Imperfect, the Deaneries of Craven and Ridall being wanting ; Original ; but not authenticated ; on a separate Roll, a Return of the Names of Incumbents, by Edward, Archbishop, 1536 ; on another, Richmond Archdeaconry ; Original ; with the Instructions and Labels for Seals.
22. Cheshire, County—Original ; with the Instructions and Names of Commissioners at the Head, and five Seals ; not signed.
23. Durham, County—Original ; with the Names of the Commissioners at the Head, Bishop and nine others ; and seven Labels for Seals.
24. Cumberland, County—Original ; with the Instructions ; no Signatures or Seals.
25. Westmoreland, County—Original ; with the Instructions, and five Labels for Seals, and signed by John Herring, LL. Master in Chancery.

N. B. The Returns of the Monasteries are attached to the above ; but seem to have been given in by their respective Governors or Members.

It appears thus, that the above are so many distinct Returns, not digested exactly according to the same Method ; nor ever collected into one Set of Books. The two Books of Copies mentioned above, No. 8, 9, appear to have been a Beginning of so collecting them, by Way of Exemplification, but not carried further.

It appears also that the Original Returns of all the Counties (some of them included under their respective Dioceses) are extant, except Cambridge, Hertford, Essex, Berks, Huntingdon, Nottingham, Northumberland, Lancashire, Middlesex, Rutland, Cornwall, and the S. Wales Counties included in the Dioceses of St. David's ; that of these Berks, Huntingdon, London and Middlesex, Nottingham, Lancashire, together with the Diocese of St. David's, are preserved in the antient Copy Books ; altogether wanting are Berks, Cambridge, Hertford, Essex, Cornwall, Rutland, Northumberland, and part of Yorkshire ; of Lincoln, Derby, Stafford, Cheshire, Surrey, Sussex, Salop, and the Diocese of Llandaff, there are Duplicates, Original and Copy ; of the Counties whose Returns are lost, there is a Summary preserved in the Court of Exchequer, from which the printed Accounts are taken ; and that Summary is stated by the Keeper of these Records to have been taken for the Use of the Exchequer soon after the Returns were made.

ORDERED, That the Contents of the said Rolls and Books now transcribing for the Press be printed, with an Introductory Explanation of their Nature, a Copy of the Royal Instructions under which the Survey was made, and also with Maps, Lists of Peculiars, and copious Indexes.

Appendix, (M. 1.)Plan of the Collection of ENGLISH RECORDS illustrative of
SCOTTISH HISTORY.

AT Two several BOARDS of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on the 31st Day of July and 16th Day of December 1807 ;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable Lord REDESDALE.
The Right Honourable Lord GLENBERVIE.
The Right Reverend JOHN Lord BISHOP of BANGOR.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.
The Right Honourable WILLIAM WICKHAM.

On 31st July 1807, Mr. Thomson now present stating to the Board, that it would be of material Assistance to him, in the Execution of his several Undertakings, under their Authority, respecting the Antient Records of Scotland, if he could have Selections made from the Records regarding Scotland, which are preserved in the several Repositories of Records in London ;

RESOLVED, That Mr. Thomson be requested to propose a Plan for making such Selections, with a suitable Scheme of Instructions to such Person as may be employed for that Purpose, and to submit the same to the Consideration of the Board, together with the Name or Names of such Person or Persons, as he may think qualified to make such Search and Selections.

On 16th December 1807, Read Extracts of Letters from Mr. Thomson to the Secretary, dated 3d August and 25th November 1807, which are respectively as follows :

London, August 3, 1807.

1. By an Order of His Majesty's Commissioners on the Public Records of the Kingdom, dated 30th Ult. I have been directed to prepare a general Plan for selecting from the Public Records of England such Matters as more peculiarly relate to Scotland, and may tend to illustrate Scottish History and Records. Such a Plan I hope to lay before the Commissioners without Delay ; but I am anxious that no Time should be lost in commencing the Work, and as a Measure that will undoubtedly enter into the general Plan, I now beg leave to recommend the immediate Examination of the " ROTULI SCOTIÆ," at the Tower. Of these Rolls a meagre, uninformative, and inaccurate Calendar was printed by Ayloffé ; but I should now propose the Formation of a Calendar or Abstract much more ample and minute, stating in the appropriate Words of the Record the particular Nature and Purpose of each Writ, specifying the Names of the Persons to whom directly or indirectly it relates, and noting exactly the Date it bears. With the Assistance of such an Abstract, the more important and interesting Writs may be afterwards selected, to be transcribed at length, with a View to their future Publication.

The Person who has occurred to me as best qualified to execute this Task is Mr. David Macpherson, of whose Intelligence and Accuracy very sufficient Proofs have been given by him in an Edition of Wyntoun's Chronicle, the Geographical Illustrations of Scottish History, and some other learned and useful Works.

Edinburgh, November 25th 1807.

2. In my Letter of the 31st of July, I had proposed that a copious Abstract or Calendar of the Rotuli Scotiæ should in the first Place be framed ; and that a Selection of the more important and interesting Writs entered upon those Rolls should afterwards be made ; but in consequence of a further Examination of the Rolls themselves, and of a Conference which I had an Opportunity of holding with you and Mr. Macpherson, in the Record Office

Appendix,
(M. 1.)

English Records
illustrative of
Scottish History.

at the Tower, it clearly appeared to us to be most expedient, that instead of attempting an Abridgment, Mr. Macpherson should at once make a complete and literal Transcript of the Contents of this curious and valuable Record.

Since that Time, I have had the Pleasure of receiving from Mr. Macpherson a Transcript of the first of these Rolls, made with great Care and apparent Accuracy. I herewith send it to you for the Consideration of His Majesty's Commissioners; and I have no Hesitation in very earnestly recommending the Continuation of the Transcript, and the Printing of the Whole of this Record, with as little Delay as may be. It ought of course to be printed with all the Contractions and with a rigid Adherence to the Contents of the Original Rolls, without either Addition or Suppression of any Thing whatever.

As a fit Supplement to the Rotuli Scotiæ, I would beg Leave to recommend as complete a Selection as can be made, of all the Entries relative to the Affairs of Scotland that occur on the Patent, Close, and other Rolls at the Tower.

It may be proper here to add, and to be kept in mind, that among the Records at the Chapter House, Westminster, formerly deposited in the Chest "SCOTIA," and lately arranged by Mr. Illingworth, there are Two of the Rotuli Scotiæ, the one of the 13th and the other of the 34th Year of the Reign of Edward III. These ought of course to be transcribed and introduced in their proper Places in the Work which I have now proposed.

In further pursuance of the Order of His Majesty's Commissioners, already alluded to, I now beg Leave to suggest a more extensive and detailed Plan for making Selections from the Records of England, of those Matters which are of chief Importance to the Illustration of Scottish History and constitutional Jurisprudence. For this Task I am by no Means so fully prepared as I could have wished; but my usual Residence at a Distance from London, and the very imperfect Opportunities I have yet had of becoming acquainted with the vast Stores of important Matter that exist in the Record Offices and the Public Libraries of England, must be my Apology for the Defects of the Statement which I am about to submit to the Consideration of His Majesty's Commissioners.

I. At the Record Office in the Tower, besides the Rotuli Scotiæ, and the occasional Entries on the Patent and Close Rolls, connected with Scottish Affairs, there are various Instruments and Records, of great Importance in the early History of Scotland, and that are in particular illustrative of the disputed Succession to the Scottish Crown, on the Death of Margaret of Norway, and of the Transactions of Edward I. in consequence of that Event. Of these Instruments and Records no Inventory has been published, but some of them are very generally known. I allude particularly to the Great Roll of Scotland ("Magnus Rotulus Scotiæ") as it has been usually called, on which are recorded the chief Steps of the Process among the Competitors for the Crown; and the Ragman-Roll, on which are recorded the Instruments of Homage and Fealty to Edward I. sworn by the Clergy and Barons of Scotland. Of these Two Rolls several Duplicates appear to have been made, and are yet preserved at the Chapter House, Westminster, as well as at the Tower. The First has been printed by Rymer, Vol. II. p. 542—600; but certainly not with that Accuracy which ought to have distinguished such a Publication; and I therefore beg Leave to recommend a new and faithful Transcription of this valuable Record. Of the Ragman-Roll nothing has been ever published, excepting a careless and incorrect Abstract by Prynne, in the Third Volume of his Historical Collections from the Antient Records in the Tower; and it is from that Abstract that all our later Historians and Antiquaries have derived their Information respecting it. A faithful Transcript and Publication of this Roll I would earnestly recommend as a valuable and interesting Addition to the Materials of genuine History: And I am humbly of Opinion, that it ought to make a Part of a complete Collection of Records, illustrative of the Transactions of Edward I. in Scotland, exclusive of those Writs which will of course be comprehended in the proposed Publication of the Rotuli Scotiæ. Besides the Magnus Rotulus Scotiæ and the Ragman-Roll, the Materials for such a Collection would be found partly at the Tower, and partly, perhaps chiefly, in another Repository of Records, of the Contents of which I am next to speak.

II. In the Chapter House at Westminster have long been deposited a great many Instruments and Writings relative to Scotland, of which the far greater Part are of the utmost Importance to the connected History of the Kingdoms. Of these a Repertory was framed by Mr. Arthur Agarde, in the earlier Part of the Seventeenth Century, which forms a Part of Ayloffe's printed Calendars. On examining these Records in October 1804, I had the Mortification to discover that many of them, of a Nature highly interesting, were not to be found; and from the decayed and perishing state of some of those which remained, there was Reason to believe that the total Loss of so many might have been chiefly the Effect of Time, aggravated perhaps by injudicious Management. In the Month of April 1806, I took an Opportunity of bringing the Situation of these Records under the Notice of His Majesty's Commissioners, and a Report was made on the Subject. Since that Time, and in consequence, I believe, of that Report, the Remains of this Collection have been examined and arranged by Mr. Illingworth. From a Comparison of his Inventory with the Repertory framed by Agarde, the Amount of the Injury which has been sustained

sustained during the intermediate Period will be found to be very great ; and from Mr. Illingworth's Report of the decaying State of many of the Instruments which yet remain, there is reason to fear, that long before another Period of equal Duration has elapsed, the Amount of the Loss will be more than proportionally greater.

These Circumstances I have taken the Liberty of bringing thus formally under the Notice of His Majesty's Commissioners, as fully warranting the Measures which I beg Leave to propose.

First, The Originals of these Instruments and Records should not be allowed to remain in the small detached Boxes in which they are still lying, and where they cannot be examined without deranging that Chronological Order in which they ought to be preserved, but ought to be placed in a Cabinet appropriated to their Conservation ; and the Subdivisions of which might be so disposed in reference to a Chronological Repertory, as to admit of the easy Discovery and safe Examination of any particular Writing, without disturbing or endangering the Rest of the Collection.

Secondly, I would beg Leave most earnestly to recommend that a complete Transcript should be made of all the Instruments, Records, and Original Writings in this Collection, of which there are very few indeed that do not afford some interesting Information, and all of which are deserving of Preservation, in the only Way in which they can be very long preserved, in a faithful and literal Copy.

Besides the Collection of Original Writings now spoken of, there are several very important Instruments relative to the Affairs of Scotland in the Reign of Edward I. to be found on a Record preserved at the Chapter House, and usually intituled "Liber A." Of these, also, a faithful Transcript ought to be made, and would be fitly introduced into that complete Collection of Records relative to the Transactions of Edward I. in Scotland, which I have ventured to suggest as an important Desideratum in the History of the Kingdoms.

III. The only other Repository which I shall mention at present as a Source from which important Materials may be derived, is the British Museum ; and among the multifarious Matters contained in that vast Repository, from which Selections may be fitly made, I shall here content myself with noticing Two Manuscript Collections of Letters and other Writings.

1. The one is a Collection of Royal Letters, or "Epistolæ Regum Scotorum," in the Reigns of James IV. James V. and Queen Mary, preserved in the Royal Library at the British Museum, in Two Volumes, (13 B. II. and 18 B. VI.) of which a very incomplete Edition was given by Mr. Thomas Ruddiman in 1722 and 1723 (2 Vols. 8vo.) from a Copy in the Advocate's Library. The whole Collection ought to be transcribed and published in a more authentic Form.

2. In the Cottonian Library (Caligula B. I.—X. ; C. I.—IX. ; D. I. II.) are preserved a great many important Letters and other Writings (chiefly Original), illustrative of the State and Affairs of Scotland in the Reigns of James IV. James V. Queen Mary, and James VI. from which the best Historians of that Period have derived much of their most authentic Information. This Collection ought to be examined with Care, and a judicious Selection from it would prove an invaluable Addition to the Materials of our genuine History.

The Secretary produced the Transcript by Mr. Macpherson, mentioned in Mr. Thomson's last Letter.

RESOLVED, That it will be expedient, instead of an Abstract of the Rotuli Scotiæ, to have a complete and entire Copy thereof made.

ORDERED, That the same be accordingly transcribed, and one or more Fac-Similes of the Hand-writing made for the Purpose of being engraved, as has been ordered and carried into Effect in like Cases, and that the same be put to Press as soon as possible ; the Transcript to be made by Mr. Macpherson, and corrected through the Press by him.

REPORT upon the Contents, Method, and Uses of the ROTULI SCOTIÆ, and of the Progress made towards their Publication.

I. THE Contents of the Rotuli Scotiæ are, the Mandates issued by the Kings of England, from 19 Ed. I. to 22 Ed. IV. respecting their Attempts to conquer Scotland ; their Commissions for Truces and Treaties of Peace ; and other Negotiations and Matters concerning that Kingdom, and the English Inhabitants of Berwick, and other Parts of Scotland occupied by the English. The Records concerning Scotland, posterior to 22 Ed. IV. are to be sought for in the Chapel of the Rolls. [*Ayloff's Calendar, Pref. p. lii.*] There are also many Mandates in the Patent and Clause Rolls, which, properly selected, might make a useful Supplement to the Rotuli Scotiæ.

II. The

Appendix,
(M. i.)

English Records
illustrative of
Scottish History.

Appendix,
(M. 1.)
English Records
illustrative of
Scottish History.

II. THE Method of conducting the Work, since the Commissioners gave Orders for printing, has been to make each Mandate as nearly a Fac-simile of the Writing as Printing can approach to it. The only Additions are the Arguments, which, agreeable to the first Instructions I received, I have prefixed to each Mandate, instead of the very unsatisfactory ones written on the Margins of the Rolls, which are even frequently omitted entirely, together with some marginal Notices of Errors and Deficiencies in the Writing, and the true Reading of some Names of Persons and Places, so much perverted as to mislead the Reader, also given on the Margin: The Contents, and every other Notice of which I am the Author, are distinguished by Italic Letters.

In order to avoid the useless, lumbering, and unnecessary Expense, of printing Repetitions, which frequently occur, I refer the Reader to the first Appearance of the Mandate, wholly or partly repeated; and I have also saved the Expense of transcribing and printing many whole Membranes of Names of Persons who had Protections from Arrest and Pardons for Crimes for serving in the Wars against the Scots, as being of no historical Use, carefully preserving, however, the Places and Times at which they were granted, for the Sake of showing the Movements of the Kings.

I soon found the Inconvenience and Impropriety of leaving the Mandates in the very irregular Order in which they are written, each being apparently entered as it was brought to the Office for Registration; and I have arranged them chronologically for the sake of historical Elucidation, as Rymer, my Predecessor in a similar Labour, has done in the *Fœdera*.

Of the Two Rolls in the Chapter House, mentioned in Mr. Thomson's Letter of 25th November 1807, one is already printed, and the other will be duly attended to. In carrying the Work through the Press, I have bestowed every possible Attention upon the Correctness of it, and in having the Marks of Contractions as uniform as the prescribed Resemblance to the Original will permit. It may be observed that the most of the typographical Errors occur in the Contractions, and that they render the Labour of correcting the Proofs a vast deal heavier than that of correcting what is printed from common Writing.

III. THE chief Materials of the *ROTULI SCOTIÆ* are, Orders for levying, arming, and victualling, the Armies, and for marching against the Scots;—Orders for pressing Ships and Seamen, and for Expeditions offensive and defensive;—Appointments of Commanders, Instructions to them, Orders for issuing Pay for themselves and their Men, and the Rates of Pay allowed to every Rank in the Army;—Grants of Estates (mostly forfeited ones) to Officers and others as Compensation for Services, in some of which may be seen the different Value of an Estate in Scotland, liable to be re-occupied by the right Owner, and one of indisputable Title in England, of the same Rental;—Orders for raising Money by Contributions, by feudal Services, Forfeitures, selling and letting Lands, Houses, and Fisheries, by Customs on Exportation of Merchandise at Berwick, by additional Subsidies, frequently abrogated as being contrary to the antient Laws of Scotland, which the Inhabitants stipulated for the Enjoyment of, when they surrendered their Town, and for the Application of the Sums collected;—Orders for collecting Provisions and Arms in the various Shires for the Use of the Army and Garrisons;—for garrisoning, fortifying, and victualling the Castles and other Places in Scotland occupied by the English;—for Support allowed to Prisoners of War and Exiles, and to their Families, according to their Rank, and Agreements for the Ransom of Prisoners: And many Notices of Prices, or rather of the Value of Money; with an endless Variety of other curious and useful Matter.

The Utility of drawing forth from the Invisibility of Manuscript this rich Fund of unquestionable Historical Document, may be in some Degree estimated from the above Enumeration of Materials. It will be a guiding Star to future Historians, and will enable them to correct innumerable Errors, supply innumerable Defects, and clear up many Obscurities, in the Histories of England and Scotland;—furnishing a Store of Materials, far superior to any thing ever published, for a History of the English Army, and the Nature of the Arms and Armour, the Names of some of which were totally unknown to Grose, the Historian of antient Armour: And it throws a considerable Light upon the Naval Affairs of the Age, but not equal to the Information upon the Army, as the Navy was then very much inferior to the Army in Importance.

The Orders for the Levies may furnish Data for estimating the Population, or at least the comparative Population, of the Shires, as those for collecting Provisions may give an Idea of their comparative Fertility; and it will throw great Light on the Feudal Tenures, Wardships, Marriages, &c.

It will also be an ample Fund of Information for the Genealogist of both Kingdoms, and for those who make up Catalogues of Public Officers; and will give some Assistance to the Commentators upon Chaucer, Shakespeare, and other Writers, whose Language is now in a great Degree obsolete in England.

IV. IT is proposed that the First Volume should close with the Reign of Edward III. which, by the best Estimate that can yet be made, will run to about 1000 Pages, and will contain about as much printed Matter as Three Volumes of Rymer's *Fœdera*, of the London Edition, the Type being much smaller, and the Printing much closer, to say nothing of the Contractions, and will be probably ready for Publication about the End of next Year. The Rolls of Richard II. Henry IV. Henry V. Henry VI. and Edward IV. together with an ample General Index, indispensibly necessary to such a great Thesaurus of valuable Information, may probably fill another similar Volume.

3d April 1812.

DAVID MACPHERSON,
Sub-Commissioner.

Appendix (M. 2.)

Appendix,
(M. 2.)

Abridgment
of Retours
in Scotland.

Plan of the Abridgment of RETOURS OF SERVICES in Scotland.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on the 31st Day of July 1807;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.

The Right Honourable JOHN LORD REDESDALE.

The Right Honourable Lord GLENBERVIE.

The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.

The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.

Read Mr. Thomson's Letter to the Secretary, dated Edinburgh, 9th May 1805.

Sir,

I have had the Honour of receiving your Letter, dated on the 7th Ult. relative to the Compilation of a General Index of Reference to the Register of Retours of Services of Heirs to Lands in the several Counties of Scotland, on the Model of a similar Work upon the Inquisitions Post Mortem in England; as to which you desire me to consider of a Person fit to undertake such a Work, and to inform you whether there are sufficient Materials for it, and from what Period.

For the information of the Commissioners, I now beg Leave to submit the Observations which have occurred to me on this Subject.

As the Retours of Services in Scotland are not, I believe, in all Respects exactly analogous to the "*Inquisitiones Post Mortem*" in England, it may be proper to begin with a few Observations on the peculiar Nature and Purposes of the former. It is a Maxim of the Law of England, that "*Mortuus sedit vivum*." In the Law of Scotland it has always been otherwise. With us, the legal Character of an Heir in Feudal Property, together with the Rights and Obligations attached to that Character, cannot be regularly transferred from the Dead to the Living but by a solemn Judicial Act. The Procedure for this Purpose has been established by immemorial Usage. The Person who lays Claims to this Character must, in the first Place, obtain or *purchase* in Chancery a *Brieve of Inquest*, or, as it is more properly called, a Brieve of Succession, directed to the Sheriff or Judge Ordinary of the County or District within which the Lands are situated. The Tenour of the Brieve admits of some Variations, according to peculiar Circumstances, but in all Cases it is calculated for the double Purpose of investigating the Rights of the Claimant, and of ascertaining and securing the feudal Casualties due to the Superior. Accordingly every Brieve contains a Command to the Judge to whom it is addressed, to ascertain by the Verdict of a Jury, in what Lands or annual Rents the Person deceased was feudally invested at the Period of his Death; if he had died at the Faith and Peace of the King; if the Bearer of the Brieve be the nearest lawful Heir of the Deceased in these Lands and annual Rents; if he be of the lawful Age; what is the annual Value of the said Lands, according to what is termed the Old and the New Extent; of what Superior they are feudally held; by what Species of Tenure; by whom they are at present possessed; and why and how long they have been so possessed. To each of these Questions a specific Answer ought to be given by the Jury; and their Verdict, when drawn up and authenticated in due Form, is called a Service, and is with the original Brieve *retoured* or transmitted to the Office in Chancery from which it issued; where it is recorded, and where an authenticated Copy, commonly termed the Retour of the Service, is delivered to the Bearer of the Brieve. It would be superfluous here to enter into a more minute Detail of the Procedure in a Service, or to state the subsequent Steps prescribed by the Law for completing the Feudal Investiture in the Person of the Heir. In Illustration of the very general Account now given, I have annexed Copies of the Brieve of Inquest, and of a Retour.

A Service, such as has now been described, is, in the Language of our Law, called a Service in *Special*, but without a Reference to Investiture in any specific Feudal Property, it is sometimes desirable to establish the Character of being by Propinquity the nearest Heir of a Person deceased. In this View, the Forms of a Service or a Brieve of Inquest have been employed; although the Verdict of the Jury contains nothing more than a Declaration that the Ancestor died at the Faith and Peace of the King, and that the Bearer of the Brieve is his nearest lawful Heir. In Contradistinction to the former, this is termed a *General Service*, and is in like Manner *retourable* to Chancery.

Appendix,
(M. 2.)

Abridgment
of Retours
in Scotland.

It is generally supposed, that the Practice of recording the Retours of Services is comparatively of modern Date; and the Reasons usually assigned for this Opinion are, in the first Place, that no Record more antient than about the Commencement of the Reign of Charles I. is now known to exist; and secondly, because many original Services under the Seals of the Sheriff and of the Inquest, are to be found in the Repositories of antient Families, contrary to the modern Practice of retaining the Original in the Chancery Office, and of giving to the Bearer of a Brieve only a Copy or Extract from the Record.

Whatever Truth there may really be in the Opinion now alluded to, the Reasons assigned for it are certainly inconclusive. That the Original Service or Verdict of the Inquest was always in the first Instance *retoured* to Chancery, cannot be doubted; because the Purposes of the Service, as they regarded the Interests either of the Superior or of the Vassal, could not otherwise be accomplished: And its subsequent Re-delivery to the Vassal can afford no sufficient Ground to infer, that it had not been previously recorded in the Registers of Chancery. That such Registers were kept, I consider as highly probable; and their actual Loss or Destruction is a Fact, of which, indeed, I cannot pretend to give any certain Account, but to which I find repeated Allusions in the Writings of our Lawyers during the 17th Century.

In the Report of a Case decided in the Court of Session, in the Year 1624*, it is said, "The Lords found, that Retours of elder Dates, before the Year 1550, ought not to be decerned to make no Faith for Non-production, where the principal Service, sealed by the Assisers, is produced, albeit the same be not extant at the Chancellery, nor extracted out of the same." In Allusion to this Case, Lord Stair, who wrote in the Reign of Charles II. has said†, that "the Service is kept in the Chancery for Warrant of the Retour; yet it was found, that Services before the Year 1550 were sufficient to satisfy the Production in Improbations or Re-ductions, without producing the Retour itself; *because at that Time the Books of the Chancery were destroyed by War.*" And in the Report of a Case decided in the Year 1698, it is stated in Argument‡, that Services which had not been retoured to the Chancery were never sustained, "unless Services within a Regality, or before the Year 1550, when the Records were destroyed by the English."

I have quoted these Passages, because they contain the only Information I have ever discovered relative to a Fact which is not mentioned, so far as I know, by any contemporary Writer, but of the Truth of which there can be little Doubt. This Destruction of the Records of Chancery probably happened in the Month of May 1544, when the Town of Edinburgh, the Monastery of Holyroodhouse, and the Royal Palace adjoining, were burnt by the English Army under the Earl of Hertford §.

Whatever the Nature or Fate of the more antient Records of Chancery may have been, it is certain that the earliest Volumes of the Record of Retours of Services which now exist, are not of older Date than about the Year 1630, when the Formation of a Register was begun, without any Public Authority, by Sir John Scott of Scotstarvat, who then held the Office of Director of Chancery. The earlier Volumes of this Record consist of a miscellaneous Collection of Retours, of which the oldest is dated in 1547, but of which the Number prior in Date to 1600 is inconsiderable. From the Year 1600 to 1630, the Collection becomes gradually more ample, and approaches somewhat nearer to a regular chronological Order. From the Year 1630 downwards to the present Day, the Record may be considered as nearly perfect; and the chronological Exactness of its Arrangement appears to be disturbed only by those accidental Irregularities which may have occurred in retouring the Brieve and Service to Chancery, and by the occasional Introduction of a few more antient Services, which had never been regularly retoured, or which were anterior in Date to the Commencement of the present Record. The whole Collection amounts to 93 Volumes in Folio; of which only one, relative to the Years 1610—1614, is missing.

In stating that the Record may be considered as complete, from the Period of its regular Commencement in 1630, I proceed upon the Information of the present Officers in Chancery, aided by the general Presumption arising from the Interest of Individuals in following out the necessary Steps towards a feudal Investiture in Estates of Inheritance. This Presumption, however, does not apply with equal Force to General as to Special Services; and there is Reason to suppose, that many general Services, even of a modern Date, have never been retoured to Chancery,

* Durie's Decisions, p. 111.

† Institutions of the Law of Scotland, iii. 5, 41.

‡ Fountainhall's Decisions, vol. i. p. 819.

§ The following Account of the Devastation of Edinburgh is given by an anonymous Writer, who appears to have been in the English Army.

"And finally, it was determynd by the sayde Lord Lieutenaunt utterly to ruynate and destroye the sayde towne with fyer; which, for that the nyghte drewe faste on, we omitted thoroughly to execute on that daye; but settinge fyer in the thre or iiij. partes of the towne, we repayed for that night unto our campe. And the nexte mornynge very erly we began where we lefte, and continued burnynge all that daye, and the two dayes next ensuinge continually, so that neyther within y^e wawles, nor in the suburbes, was lefte any one house unbrent, besydes the innumerable botyes, spoyles and pyllages that our souldyours brought fro' thense, notwithstanding habundau'ce whiche was consumed with fyer. Also we brent thabbey called Holy Rode-house, and the pallice adioynynge to the same."—*The late Expedition in Scotlande &c.*—London. 1544.

Chancery, and of course have never entered the Record. This, however, is but of little Moment, compared with another Cause of Deficiency in the Register of Services both *Special* and *General*, which operated to a very considerable Extent during the Subsistence of local Jurisdictions of *Regality*. By the Grant from the Crown, establishing such Jurisdiction, the Lord of Regality was frequently authorized to have a *Capella* or Chancery of his own, from which Brieves of Inquest were issued, and to which the Services to Lands within the Regality were *retoured* in a Manner exactly similar to that which prevailed in the Royal Chancery. Prior to the Abolition of heritable Jurisdictions by Act of Parliament in the Year 1747, the Number of such Services must have been considerable; and I do not suppose, that in the ordinary Course of such Procedure, any of them were ever entered upon the Public Records.

In spite of these Imperfections, the existing Record of the Retours of Services must be regarded as of very great public Utility, by exhibiting an authentic History of the Transmission by Inheritance of the greater Part of the Landed Property of Scotland, as well as of the Descent of the greater Number of considerable Families, during the Course of the Two last Centuries. The earlier Volumes, containing Retours prior to the Year 1681, derive a peculiar Value from the Evidence they afford of those Valuations of Land denominated the Old and New Extents, which are the great Standard of *Freehold Qualification* in the Counties of Scotland. It is scarcely necessary to add, that these Records, though not originally instituted by public Authority, have long been admitted as Evidence in the Courts of Law. Hitherto, however, their general Usefulness has been greatly diminished by the Difficulties of Research, occasioned by the Want of such an Index of Reference as the Commissioners have it now in Contemplation to supply.

In considering the most eligible Mode of framing such an Index, I have examined the Structure and Contents of the Record with Attention, and have had Opportunities of consulting some of the most skilful and experienced Gentlemen of the Law. On some Points I have not been able to form a very decided Opinion; but I shall now beg Leave to submit the Result of my Observations for the Consideration of the Commissioners.

The very marked Distinction between General and Special Services, the former of which have no immediate Relation to Lands, suggests an obvious Separation of the Contents of the Record into Two Departments. The Index of Reference to General Services, admits of only one Mode of Construction, by the alphabetical Arrangement of the Names of the Persons *served and retoured*; unless perhaps the Names of the *Ancestors*, as well as of the *Heirs*, should be introduced into the List.

On what Principle the Index of Reference to Special Services ought to be framed, is a Question of greater Difficulty.

As the Lands may here be considered as the Object of primary Importance, an Arrangement exactly similar to that of the proposed Index to the *Inquisitiones post Mortem*, seems at first sight the most eligible; and if each Service related only to one Parcel of Lands, a Subdivision of the Whole into Counties, and an alphabetical Arrangement of the Lands in each, would of course be extremely easy; and, if under such Entry in the List, there were introduced the Date of the Service, the Names of the Heir, and the Ancestor, the Extent of the Lands, and the Volume and Folio of the Record, it would only require the Addition of a relative Index of the Names of Persons to make the Work as complete as could be wished. But in the Whole of the Record there is scarcely to be found a single Service which does not relate to several Parcels of Land, and in a very great Number; there are from Eight or Ten, to Twenty, Thirty, or Forty such Parcels; and without a separate Entry of each of these, the Object of a Research might often be defeated, and the Work could not be considered as even tolerably complete. If, therefore, the Plan of the Index to the *Inquisitiones post Mortem* were to be retained, it would of course be necessary under the Entry of each Parcel of Lands to repeat the same Particulars of the Date, the Names of the Ancestor and Heir, and the Volume and Folio of the Record. By these unavoidable Repetitions the Bulk of the Work would be awkwardly swelled; while, at the same Time, the Parts of the same Service would be inconveniently disjoined and scattered.

In considering how these Difficulties might be obviated, different Plans have suggested themselves; but I shall content myself with mentioning that which, on the Whole, I conceive to be least objectionable. I must begin with observing, that to render the Work in question of that Degree of Utility of which it seems to admit, it ought in every Instance to exhibit; 1. The Date of the Service. 2. The Names of the Ancestor and the Heir. 3. The Name of every Parcel of Lands. 4. The old and new Extents of the Lands; and, 5. The Volume and Folio of the Register in which the Retour is recorded. Keeping this in View, I believe it would be found impracticable to carry an Alphabetical Arrangement further in the first Instance, than to the general Subdivision of the Whole into Counties. Retaining, therefore, this general Subdivision, which is attended with some obvious Advantages, I would beg leave to suggest the Adoption of a Chronological Arrangement of the Services in each County: and under the particular Date of each Service, I would propose to exhibit as brief an Abstract as possible of the different Points entitled to a Place in the Work. In this Manner the Whole of the Information
afforded

Appendix,
(M. 2.)

Abridgment
of Retours
in Scotland.

afforded by each Retour, would be brought at once under the Eye; and whether the Investigation had an immediate Reference to Persons, or to Lands, it might be rendered perfectly easy and certain by the Addition of Alphabetical Lists of Persons and of Lands, referring to the previous Abstract.

To illustrate the Nature of the Plan now suggested, I have subjoined a Specimen containing an Abstract of a few Services to Lands in the County of Aberdeen, taken from the first Volume of the Record of Retours. In this Specimen, the different Entries are perhaps more full than is absolutely necessary, and I have no Doubt that a very little Experience might suggest various Modes of convenient Abbreviation. The accurate Execution of such a Work would obviously be a Business of considerable Labour; but I am disposed to think that in its Details there would be less Risk of Error than perhaps on any other.

Though I have been at Pains to discover proper Persons, to whom the Execution of this Work might be committed, I have not been hitherto so successful as I could have wished. The present Clerks in Chancery are fully occupied by the ordinary Details of the Office; and there are few Professional Men who could easily be tempted to devote their Time and Attention to so laborious an Undertaking. In the mean Time, however, Mr. John Dillon, whom I have ventured to recommend as a Sub-Commissioner to assist me in the Compilation of the Parliamentary Records, would be willing to employ a Portion of his Leisure in the Work in question, until others should be found to relieve him.

It would be highly desirable to have the Work begun without Delay, upon a systematic and well digested Plan; and I trust that proper Persons would be found to take it up and continue it upon the Model thus set before them. It may be proper to add, that the Abstract of Retours contained in the Appendix, No. III. was drawn up by Mr. Dillon.

These Observations I submit with great Deference to the Judgment of the Commissioners. I have already hinted, that I had not been able to form a very decided Opinion on the Subject; and on that Account I have been the more anxious to furnish every Information which appeared to me of Importance to assist the Board in deciding on the Plan to be adopted.

*J. Caley, Esquire,
Secretary to His Majesty's Commissioners.*

I am, Sir, &c. &c.

THO. THOMSON.

Appendix, No. I.

Maria, Dei gratia, Regina Scotorum, vicecomiti, et ballivis nostris de Aberdeen salutem: Mandamus vobis, et præcipimus, quatenus per probos et fideles homines patriæ, per quos rei veritas melius sciri poterit, magno sacramento interveniente, diligentem ac fidelem inquisitionem fieri faciatis, de quibus terris, et annuis redditibus, cum pertinentiis quondam Joneta Hepburne mater Willielmi Auchinlek latoris præsentium, obiit ultimo vestitus et sasitus, ut de feodo, ad fidem et pacem nostram, infra balliam vestram; et si dictus W. Auchinlek sit legitimus et propinquior hæres ejusdem quondam Joneta Hepburne matris sui, de dictis terris et annuis redditibus cum pertinentiis, et si sit legitimæ ætatis; et quantum valent dictæ terræ et annui redditus cum pertinentiis nunc per annum; et quantum valuerunt tempore pacis; * de quo tenentur per quod servitium tenentur; in cujus manibus nunc existunt; qualiter, per quem, quam ob causam, et a quo tempore. Et quod per dictam inquisitionem diligenter et fideliter factum esse inveneritis, sub sigillo vestro vicecomitis, et sigillis eorum qui dictæ inquisitioni intererunt facientæ, ad capellam nostram mittatis, et hoc breve. Teste meipso. Apud, &c. die mensis — anno regni nostri, &c.

Vicecomiti et Ballivis suis de Aberdeen.

Appendix, No. II.

Inquisitio hæc facta fuit in curia vicecomitatus de A'bi' tenta in petorio ejusd' Tertio die mensis Martii Anno Dñi Mellesimo quingentesimo quadragesimo nono coram honorabili viro Thoma Meinzie de Pitfoddellis preposito de Adb' ac vicecomite deputato dict' vics' judice pro tribunali sedeñ per supscriptos viz Alexandrum fraser de Philort? W^{ms} Turing de Foverne W^{ms} Udny de eodem Joannem Pantoũ de Pilmedden Thoman Annand de Achterallane Alexandrũ Buchan de Auchmacoy W^m Forbes de Thaistoun Alex^{rs} Tulliedaff de Ranistoun W^{ms} Leith de Barnes Mağrum Ro^{ms} Lummidene Andream Wode de finersie Joannem Hay Chremondinogat Joannem Kempty de Carmuck Joannem Cheinem Balmadie Joannem Pantoun de Bullimad Qui jurati dicunt quod quondam Joneta Hepburne dña de Schethin mater W^{ml} Auchinlek latoris pñtium obiit ultimo vestita et sasita ut de feodo ad pacem et fidem

* The former of these Valuations is called the New Extent; the latter, the Old Extent. The History of these Valuations, particularly of the latter, has been the Subject of much Speculation among Scottish Lawyers and Antiquaries.

fidem S. D. N. Regine In tota et integra tertia parte trarum et Baronie de Polgony cū teneñ tenañ et libere teneñ servitiis earund unacū molendinis multuris de suis pertineñ nec non tertia parti trarum Schethin litle meldrum Tertie partis piscarie unius cymbe vulgo lie fish bait in portu maris de Pettindrume insimul ānexat et incorporat ac etiam in tota et integra alia tīa parte trarum seu baronie antedict' vīz Polgony Moncur unacū dona'ne et advocacione cappellanie apud altare sancti dominici infra ecclesiam cathedralem ibid situat alternatis vicibus cum vacare contigerit tertia pte terrarum de Westfeild Schethin litle Meldrum fingask Molendinorum et multuarū earund cum tenēñ tenañ et libere teneñ servitiis earund unacum tīa parte piscarie unius cymbe vulgo lie fish bait in portu maris de Pettindrum cū pertineñ jaceñ infra vic' de Abirdene Et quā dicť W^m est līmus et propinquior heres ejusd quondam Jonete matris sue de predicť una et altera tīa ptibus trarum dictarū cum suis ptineñ suprascripť valent nunc p ānū octaginta libras Et quod tempore pacis ānuatim Tredecim libras sex solidos et sex denarios Et quod tenentur in Capite de S. D. N. Regine per servitium warde et relevii Et quod fuerunt in manibus ejusd. S. D. N. Regine per spatiū unius mensis ulť elaps^o Ra'ne nonintroitus per decessum dicť quondam Jonete matris ipsius W^m veri sui heredis Jus suū huc usque minime prosequēñ Datum et clausum cum brevi desuper impetrať sub sigillo officii vic' predicť nec non sigillis eorum qui dicť inquisitioni intererant die et loco prescripť.

Appendix,
(M. 2.)Abridgment
of Retours
in Scotland.

Appendix, No. III.

ABERDEEN.

WILLIELMUS BLAKHALL hæres W^m Blakhall de eod' patris, in terris de BLAKHALL; Officiis *Forestariæ* et *Coronatoris* Regalitatide *Gareoche*.—Ter. valent nunc £6.—val. temp. p. 40s.—Offic. val. nunc 30s.—val. temp. p. 10s. - - - - - Lib. I. fol. 1.

No. 1.
1 Feb. 1547.

ALEX. CUMMING hæres Joannis Cumming de Coultircumming patris, in terris et Baronia de COULTIR-CUMMING.—Valent nunc £80.—val. temp. p. £15. - - - - - Lib. I. fol. 2.

No. 2.
1 Oct. 1549.

GEORGIUS BARCLAY hæres Walteri Barclay de Eod. patris in dimidietate terr. de Moncoffer cum dimid. piscariæ ejusd. super aqua de Dovern vocat lie Kirksyde Pottis, Halfuird; Dimid. terr. de Corskie; Dimid. terr. Cowiemure; Dimid. terr. de Fowlsie; Dimid. terr. de Auchinogorth, una cum silvis et nemoribus lie *Wodes* et *boiges* earund. Dimid. terr. de Kirkoun et Drumblait; tertia parte terr. de *Gerre*; terris de Newtoun de Gerrie cum crofta et brasina; Dimid. Molendini de Dumblait.—Valent nunc £40.—val. temp. p. £10. - Lib. I. fol. 9.

No. 3.
1 Oct. 1549.

GEORGIUS LESLIE hæres Margaritæ Wentoun matris, in quarta parte terrarum de Cauclarachie, quarta parte terr. de Drimurno.—Valent nunc £6.—val. temp. p. 30s. - - - - - Lib. I. fol. 13.

No. 4.
1 Oct. 1549.

ANDREAS FRASER de Stanywode hæres Andræ Fraser de Muckallis patris in terris de KYNMUNDIE.—Val. nunc £10.—val. temp. p. £5. - - - - -

No. 5.
17 Oct. 1549.

ALEXANDER ABERCRUMBIE hæres Jacobi Abercumbie de Pitmedden patris in terris de Pitmedden, Newtoun Adeiscroft cum octava parte terrarum de Ardonie.—Val. nunc £8.—val. temp. p. 40s. - Lib. I. fol. 9.

No. 6.
29 Nov. 1549.

WILLIELMUS AUCHINLEK hæres Jonetæ Hepburne dñæ de Schethin, in tertia parte terrarum et Baronie de POLGONY; tertia parte terrarum de SCETHIN, LITTLE MELDRUM; tertia parte PISCARIE, unius cymbæ, lie Fish bait in PETTINDRUME; alia tertia parte terr. et Barronie de POLGONY MONCUR, Don. et Adv. CAPELLANIE apud altare Sñi Dominici infra Ecclesiam Cathedralem alternatis vicibus; tertia parte terr. de WESTFEILD, SCHETHIN, LITTLE MELDRUM, FINGASK; tertia parte PISCARIE unius cymbæ lie Fish bait in Pettindrummie.—Val. nunc £80.—val. temp. p. £15. - - - - - Lib. I. fol. 3.

No. 7.
3 Mar. 1549.

WILLIELMUS HAY hæres Patricii Hay de Chremound patris in terris et Baronia seu dominio lie Lairdshipe de Chremound.—Val. nunc £53. 6. 8.—val. temp. p. £12. - - - - - Lib. I. fol. 12.

No. 8.
31 Oct. 1552.

ALEXANDER FRASER hæres Gilberti Fraser Burgen. de Aberdeen, in Piscaria dimidiæ retis de Raik super aqua de Die.—Val. nunc £6. 6. 8.—val. temp. p. tantum. - - - - - Lib. I. fol. 7.

No. 9.
11 Apr. 1553.

JACOBUS WOD heres Willielmi Wod de Bonyntoun patris in terris de Birniscuik cum molendinis.—Val. nunc £30.—Val. temp. p. £6. - - - - - Lib. I. fol. 13.

No. 10.
29 Apr. 1553.

ROBERTUS INNES hæres Roberti Innes de Innermarkie patris in terris et Baronia de Monitabbok cum Molendino, Advocacione ecclesiarum et Capellaniarum earund.—Val. nunc £60.—Val. temp. p. £20. Lib. I. fol. 11.

No. 11.
8 Maij 1553.

ROBERTUS COWTIS hæres Joannis Cowltis de Auchtertoull fratris germani, in terris de Auchtertoull, viz. manerie de Auchtertoull cum molendino et terris molendinariis, terris de Stramoir, Straveltie, Tennamoune et Tayulty.—Val. nunc £20.—Val. temp. p. £6. - - - - - Lib. I. fol. 11.

No. 12.
31 Julij 1553.

ROBERTUS GORDON hæres Joannis Gordoun de Halheid avi, in terris de Halheid et Colquondesland.—Val. nunc £12.—Val. temp. p. 3. - - - - - Lib. I. fol. 6.

No. 13.
3 Oct. 1553.

ALEXANDER FORBES hæres Jonetæ Gordon portionariæ de Coltlarachie matris in quarta parte terrarum de Coltlarachie et molendini; et in dimidietate sextæ partis terrarum et villæ de Garay, et in quarta parte terrarum et villæ de Drumdornachie.—Val. nunc £10.—Val. temp. p. 30s. - - - - - Lib. I. fol. 6.

No. 14.
23 Jun. 1554.

JOANNES CHEYNE hæres Jacobi Cheyne patruī in terris de Crabbistoun.—Val. nunc £12.—Val. temp. p. £3. Lib. I. fol. 6.

No. 15.
2 Oct. 1554.

Appendix,
(M. 2.)

Abridgment
of Retours
in Scotland.

Read also Mr. Thomson's Report, dated 29th June 1807, upon the Progress that has been made in framing an Abstract of the Record of **RETOURS OF SERVICES**, which is as follows :

REPORT.

In my Letter of May 9, 1805, I stated the Plan that I proposed to follow in the Compilation of this Work; and I had afterwards the Honour of submitting to the Board a small printed Specimen for illustrating the Mode of Execution that had occurred to me as in all Respects the most eligible.

Soon after I received the Order of the Board (July 12, 1805), sanctioning the Plan of the Work, its Execution was commenced, and with some occasional Interruptions has been advancing ever since.

It will be recollected, that in framing the Abstract of Special Services, it was proposed to dispose them Chronologically under the Names of the several Counties (alphabetically arranged) in which the Lands referred to respectively lie. In this View, I directed that the Retours should in the First Instance be taken in the Order in which they occurred in the successive Volumes of the Record; but that the Abridgment should be written in such a Form, that the different Articles might be cut out and arranged in that precise Order which they were ultimately to assume. In this Manner Five complete Volumes were accordingly executed, containing in all no less than 3191 Retours, and occupying in the Original 2696 Folio Pages of a crowded and difficult Manuscript.

When the Work had proceeded thus far, I became more fully aware than at its Commencement, that if it were continued on the Plan of abridging all the Retours in each Volume in Succession, no Part of the Work could well be sent to the Press, until the Whole was brought to a Close. To avoid this disagreeable and unnecessary Delay, I gave Directions that in abridging the subsequent Volumes, the Retours of Lands in the Counties of Aberdeen, Argyll, and Ayr, should in the first Instance be selected, and in this Manner above 1000 Retours, dispersed throughout Thirty Volumes of the Record (in Addition to those contained in the first Five Volumes), have been abridged; bringing down the Work to the Year 1681, which forms a noted Era in the History and legal Importance of Retours, in so far as regards those political Qualifications of which they are the appropriate Evidence. To facilitate the Operation of abridging, a separate Book has been opened for each County, the Entries in which are so made, as to admit of their being afterwards reduced into exact Chronological Arrangement. But while the Retours of Lands in the Three Counties above mentioned have been the primary Object, a great many Entries under the other Counties of Scotland have unavoidably been made, and in explaining this Circumstance, I am led to take Notice of one of the greatest Difficulties that has been experienced in the speedy Execution of the Work.

When the Lands to which an Heir succeeds, are situate in separate Counties, several Brieves addressed respectively to the Sheriffs of those Counties must be obtained, and it was originally the Practice to obtain a separate Service under each of those Brieves, in the Court of the Sheriff to whom it was addressed. For obvious Reasons of Convenience, however, a Process was at length invented, by which all these Brieves might be brought to Trial in the same Court and by One Jury. This is accomplished by Means of a Commission issuing from Chancery, appointing certain subordinate Officers in the Court of Session to be His Majesty's Sheriffs in that Part (or for that Special Duty), by whom One complex Retour is made, comprehending a Service of the Heir in all the Lands in the different Counties to which the Brieves relate. In the Retours of many of the opulent Families of Scotland, Ten or Twelve different Counties come in this Way to be alluded to; and in abridging such Retours, upon the Principles of County Arrangement, it thus becomes obviously necessary to break them down into different Parts, and to enter each of these Parts under the Name of the County to which the Lands belong, repeating in this Manner, under each County, the general Entries of the Names of the Heir and the Ancestor. In the Detail of the Work, many minute and perplexing Difficulties have occurred, by which the Rapidity of its Progress has been somewhat retarded, and I have been repeatedly urged to abandon altogether the County Arrangement, and to adhere to the miscellaneous Disposition of the Entries in the original Record. After weighing the Objections, however, with all the Attention in my Power, and after consulting with some of the most intelligent Persons in the Profession of the Law, I determined still to persevere in the original Plan; being in my own Mind thoroughly persuaded, that the Difficulties and Delays of Execution, and even many minute Errors and Defects, would be amply compensated by the practical Advantages of a Subdivision into Counties. I have the Satisfaction of adding, that in this I have the Approbation of the Lord President of the Court of Session, to whose Judgment I submitted the Points in Question. If it should be the Wish of His Majesty's Commissioners to receive any further and more detailed Explanation on the Subject, I shall be happy to obey their Commands.

In spite of the Difficulties to which I have alluded, I have the Satisfaction to state, that with the Approbation of His Majesty's Commissioners, we shall be able instantly to commence the printing of the Work. This Measure is rendered the more practicable by the peculiar Nature of the Work, in which the Abridgment for each County will form in some Degree a separate Whole, having its own particular Indexes of Persons and of Places; and will thus admit of being distinguished by separate Series of Signatures and of Pages. I would therefore propose to begin by printing in this Manner the Abridgment for the Counties of Aberdeen, Argyll, and Ayr, from the earliest Period of the Record to the 16th of September 1681. Each of these might be afterwards continued down to the present Day; but having completed this First Part of the Abridgment of these Three Counties, I would propose to resume the Abridgments of the other Counties, and bring them down to the same Period. This Mode of Publication may seem to give the Work in a broken and disjointed State; but after the fullest Consideration, I am

satisfied

satisfied that it will prove by far the most convenient and expeditious, and when the whole Work is thus completed, the different Parts of it may be arranged with the utmost Facility in their proper Order.

I am not at present prepared to state the probable Extent of that Part of the Abridgment which I have suggested the Propriety of immediately printing; but it will obviously afford a respectable and I trust an useful Specimen of a Work that is already expected with much Anxiety. Before committing any Part of it to the Press, it is my Intention to submit the Abridgment for each County to the Examination of some of those Individuals whose local Knowledge will enable them to detect Mistakes and suggest Corrections of the Names of Persons and of Places; this Precaution is rendered advisable, not merely by the Probability of occasional Oversights in the Compilation of the Abridgment, but by the numerous Errors that occur in the Record itself. These Errors I was desirous of correcting, in the first Instance, by having Recourse to the Original Retours, preserved in Chancery, which are "Warrants" of the Record. Upon Inquiry, however, it was discovered that they were lying on the Floor of one of the lower Apartments of the General Register House, in a State of the utmost Confusion and Neglect; that even those of a very recent Date could not easily be found, and that the Whole, consisting of many Thousand detached Parchments, were, in consequence of mere Neglect, going rapidly to Decay. These Circumstances I lost no Time in making known to the Earl of Rosslyn, Director of His Majesty's Chancery; by whom the utmost Readiness was expressed to defray the Expense of having the whole examined and arranged in proper Order; an adjoining Apartment has accordingly been fitted up for their Reception; and Two Persons are now employed under my Direction in the Execution of this laborious but most indispensable Task. I trust that the Arrangement of the Whole will be completed in Time to furnish the Means of checking the occasional Errors and Obscurities that are to be met with in the Record of Retours.

Appendix,
(M. 2.)

Abridgment
of Retours
in Scotland.

RESOLVED, That the Board doth approve of the Plan suggested in the said Report, and authorize Mr. Thomson to proceed therein without Delay. And that the Progress made in the Compilation and Printing of this Work be stated in Mr. Thomson's Quarterly Reports to this Board.

EXTRACT from Mr. Thomson's Fourteenth Quarterly Report, March 1811.

RETOURS OF SERVICES.

According to the original Plan of this Work, nothing more now remained to be added, excepting the Indexes of Persons and of Places, of which a considerable Number are ready for the Press, and all the rest in Progress. On this Part of the Work we were about to proceed, when our Attention was arrested by a Discovery of very considerable Interest and Importance. In abridging the Retours, it was made an invariable Rule to follow the Orthography and other Peculiarities of the Record; but as it was suspected to contain many minute Errors, it was intended in printing the Indexes to introduce such Corrections as might occasionally be obtained from a Collation of the Record with the Original Retours preserved in Chancery.

It will be recollected, that it was chiefly with this View that in 1807 the Arrangement of the Original Retours was first suggested and undertaken. On a careful Examination of them, it has now been ascertained, that of many Retours of earlier Date, the Record has either been lost or never has been made. And that from this Source may be drawn an authentic and invaluable Supplement to the existing Books of Record. Many of these Original Retours are much injured, some of them nearly illegible, and all of them require to be cleaned. When this has been done, it will be proper to transcribe them into Books, and to print the Abridgment of them as a Supplement to the Work now in the Press. Of its probable Extent no accurate Estimate can yet be formed; but it is at present conjectured, that it may be equivalent to Two or Three of the earlier Volumes of the Record. In order to give due Authority to these Supplemental Books as a Public Record, an Act of Sederunt of the Court of Session may probably be necessary.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.

Classes of RECORDS.	MEASURES Ordered, and in Progress.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Retours of Services.	An Abridgment of the Record of Retours of Services preserved in Chancery, from its Commencement to the Close of the 17th Century, systematically arranged; with a Supplement, containing a similar Abridgment of Retours, the Originals of which are preserved in Chancery, but of which there is no Record.	The Abridgment of the Record has been formed, and printed in Two Volumes. Indexes of Persons and Places are nearly completed. The Materials of the Supplement have been selected; and their Transcription, previous to Abridgment, is in considerable Progress.	The Portion of the Work already completed, comprehends an Abridgment of nearly 50 Volumes in Folio.

Appendix,
(M. 3.)

Royal Charters
of Scotland.

Appendix, (M. 3.)

Plan of the Collection of ROYAL CHARTERS of Scotland.

EXTRACT of Mr. Thomson's Ninth Quarterly Report, December 1809.

AS an introductory Part, I should propose to prefix to this Work, certain Instruments and Inventories relative to the Public Muniments which existed in Scotland, towards the Close of the Thirteenth Century, at the Period of the Competition for the Crown between Baliol and Bruce. These Instruments and Inventories have been preserved in the Record Offices in the Tower of London, and the Chapter House of Westminster Abbey. They contain the most authentic Evidence that remains of the Nature and Extent of the Public Records of Scotland prior to the Accession of Robert I. and are, on many Accounts, highly curious and valuable. In 1774 they were published by Sir Joseph Ayloffe, in a very defective and inaccurate State, and were again reprinted from Ayloffe's Work in the Introduction to the Index of Royal Charters, published at Edinburgh in 1798*. During my Residence in London, in the Autumn of 1806, I had the Whole very carefully transcribed; and shall be able to present them to the Public in a more complete and accurate State than in the Publication above referred to. They ought, of course, to be accompanied with a succinct Narrative of Facts connected with the Removal of the Scottish Records from the Public Archives of the Kingdom in 1292, and their partial Restoration in 1296†.

The Supplementary Part which I should propose to annex to this Volume has been mentioned in several former Reports and Communications to the Board. Of the Rolls of Charters granted by Robert I. only one is preserved in the General Register House, although there remain Office Calendars of no less than Twenty-four Rolls. From the same set of Calendars it appears, that there formerly existed above Forty Rolls of Charters, granted by David II. all of which are lost; and the only Record of the Charters of that Reign now extant is a Part of the First Book of the Register of the Great Seal, which contains a Transcript nearly contemporaneous, of a few of the Rolls. Of the Records of the succeeding Reign of Robert II. scarcely any Part indicated in the Calendars appears to be wanting; but of Six entire Rolls of the Reign of Robert III. only One is now extant.

It is now out of all Hope that this Loss should ever be repaired; yet it has appeared to me of great Importance, to collect from Original Charters in private Custody, and from well authenticated Transcripts, such Materials as might, in some Degree, supply the vast Chasm that has been made by Time or by Accident, in this class of the Public Records of Scotland. In this Work considerable Progress has been made. From the Chartularies of Religious Houses, and of Bishopricks, preserved in the Advocates Library, and in other Repositories, many Charters of Robert I. and David II. have been obtained. From a Manuscript Collection made by Thomas, first Earl of Hadinton, Lord Clerk Register, in the Reign of James VI. and now deposited in the Advocates Library, many of the more curious Charters of Robert I. and a few of David II. have been taken. Lord Hadinton's Collection bears evident Marks of having been copied from the Rolls of Charters indicated in the old Calendars, and now lost or destroyed.

From these Sources alone a very valuable Supplement to the Volume now in the Press might be formed; but a more copious, and evidently a still more authentic Source, yet remains in the Repositories of original Charters. Of this Description I consider the Charters to Royal Burghs, Universities, and other Corporate Bodies, as in themselves the most important, as well as the most easily accessible; and I have little Doubt, that the Archives of all the Corporations in Scotland would be laid open to any Investigation of this Sort which His Majesty's Commissioners might think fit to authorize. In the Charter Chests of private Individuals a still greater Mass of authentic Materials must be preserved, and might, with due Pains, be brought to light; but it must at once be obvious, that an extensive and minute Investigation of this Nature could not be accomplished, even under the most favourable

Auspices,

* The minute Errors of Ayloffe's Publication are very numerous. Among the more considerable Defects I may mention, that, of the largest Inventory, containing a Specification of the Records restored to John Baliol in 1296, one Half is entirely omitted. See p. 336.

† Prior to the Publication of Ayloffe's Calendars, the late Lord Hailes had perused these Catalogues of Antient Muniments, in a Copy which is at present in my Possession.

Auspices, but at the Expense of many Years active Industry and unwearied Labour. From such an Undertaking, the most zealous Antiquary would probably be disposed to shrink : yet I am far from thinking that this particular Source of Information ought to be altogether abandoned. I persuade myself, that if the Nature and Purposes of this Plan were generally understood, many of those who possess Original Charters, of the Period in question, would willingly produce them, and permit their Transcription ; and I should, in particular, be prepared to expect a very useful Co-operation from the Society of Writers to His Majesty's Signet, to whom an Acquaintance with antient Title-Deeds almost exclusively belongs.

Appendix,
(M. 3.)

Royal Charters
of Scotland.

In this View, it has appeared to me, that the immediate Publication of the Twelve Rolls, and First Books of Charters, as the First Part of a Volume, might be highly expedient ; by a judicious Distribution of which, among such Persons as were most likely to promote an Investigation of this public Nature, a strong Degree of Attention to the Subject could not fail to be excited, and might be expected to produce very beneficial Effects. If this Suggestion should meet the Opinions and Wishes of His Majesty's Commissioners, I should employ all the Means in my Power to hasten the Completion of what would thus appear as the FIRST PART of a Collection of Royal Charters. It will be for the Consideration of the Board, whether the more general Distribution of the First Part might not be postponed till the Experiment here proposed had been fairly tried, and till the Supplemental or Second Part of the Volume were also in Readiness for Publication.

EXTRACT from Mr. Thomson's Twelfth Quarterly Report, September 1810.

At a Board of His Majesty's Commissioners on the Public Records, held on the 15th of June, it was " Resolved, That it will be important to obtain Inspection, and make exact Copies of all Royal Charters of which the Record formerly existing in His Majesty's General Register House has perished or been lost : And it was ordered, therefore, that Mr. Thomson do proceed, under the Sanction of this Board, to make Applications and Requests to the several Corporations and Universities throughout Scotland, for their Communications and Assistance, so far as they may be disposed to promote the Object in View."

In pursuance of this Order, and of the Plan contained in my previous Communication to the Board, a Letter was addressed to the Preses of the General Convention of the Royal Burghs of Scotland, dated July 11, 1810 ; in which the Attention of the Meeting was called to the Nature and Purposes of the Work now in Progress, under the Authority of His Majesty's Commissioners, and in which the Importance of obtaining Access to the Archives of the several Burghs was pointed out ; with a View to which the previous Sanction and Recommendation of the Measure by the General Convention might be of Importance, and would afford to His Majesty's Commissioners the best Assurance of the due Attention of the several Burghs to this National Undertaking.

The immediate Result of this Communication has been highly satisfactory. On the 12th of July " the Convention having considered the same, and being satisfied of the great Importance and Utility of the Work alluded to, recommended to the whole Royal Burghs to afford every Facility in their Power to Mr. Thomson, or those acting under his Authority, in the Execution of the said Work."

In following out this Proceeding, it has been judged expedient, in the First Instance, to address a circular Letter to the Chief Magistrate of every Royal Burgh in Scotland, inclosing a Copy of the Minute of the General Convention, and requesting that there might be transmitted a general List of all Royal Charters and Grants prior in Date to the Reign of King James the Fourth, to that particular Burgh, of which either the Originals, or authentic Copies, were preserved, and also of such other Charters to Individuals, to Bishops, to Religious Houses, or to other Bodies Corporate, as might now be deposited in the Custody of the Burgh.

In answer to this Letter, only a few Communications have been yet received : but these have been satisfactory ; and little Doubt now remains, that from the Archives of the Royal Burghs, very valuable Contributions will be obtained for completing the Collection of Royal Charters, from the Accession of Robert I. to the Return of James I. as well as for aiding the other proposed Collections of this Description.

In the mean Time, Inspection has been obtained of various Original Charters in private Custody, particularly of some of the more antient Families in Scotland, and Transcripts of these have been made. This is a Source which it is difficult to explore without being lost in a bewildering Detail : but though there is no reasonable Chance of exhausting it, yet a great deal will probably be procured to enrich the proposed Collections of the antient Royal Charters of Scotland.

Appendix,
(M. 3.)

Royal Charters
of Scotland.

EXTRACT from Mr. Thomson's Thirteenth Quarterly Report, December 1810.

In the Prosecution of the Plan detailed in former Reports, very considerable Progress has been made in the Collection of Original Royal Charters, of which the Record is lost.

In return to the Circular Letters addressed to the Chief Magistrates of the Royal Burghs, numerous Communications have been made, containing Inventories of the Charters in their respective Archives; and in many Instances the Charters have also been transmitted. In this last Respect some little Hesitation indeed has been felt by the Magistrates and Clerks of several Burghs, yet I do not despair of soon being able to obtain faithful Transcripts of every existing Royal Charter coming within the Limits of the present Investigation. Many other important Communications have been also made from the Repositories of private Families, which have afforded Evidence of the mutilated State of the existing Records far beyond what is generally known or suspected.

EXTRACT from the Fifteenth Quarterly Report, June 1811.

1. In the Collection and Transcription of antient Royal Charters from Originals in private Custody, and from Chartularies of Religious Houses, further Progress has been made. From several Royal Burghs Communications have been received, and some valuable Additions made to the proposed Supplement of the Work already printed.

2. The Abridgment of the Register of the Great Seal is now in regular and steady Progress. After a great deal of Consideration given to the Subject, in which I have availed myself of the best Advice I could obtain, the precise Form and Mode of this Abridgment have been settled; and as Specimen of the Work, I have printed the Abridgment of a few of the earlier Charters, James III.—It is one of the Advantages of the Form into which the Work is thrown, that the Charters of each Reign may be separately printed without regard to what shall precede or follow in the final Arrangement of the whole; and I hope, in consequence, to be able, in a few Months, to put to Press the Abridgment of the Charters of James III. which are now in rapid Progress.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.			
Classes of RECORDS.	MEASURES Ordered, and in Progress.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Royal Charters.	(1.) Collection, Transcription, and Printing of Select Royal Charters, from the earliest Period of authentic Record, to the Union of the Kingdoms of Scotland and England, in the Year 1707.	FIRST PERIOD: In the Transcription of Charters, selected from the Registers of Bishopricks and Religious Houses, and from Originals in the Archives of Royal Burghs, and of antient Families, considerable Progress has been made.	The Charters of this Period are to form the First Volume of a Series; but will not be printed till those of the later Periods have been finished.
	THREE PERIODS: I. Prior to the Accession of King Robert I. A. D. 1306. II. From the Accession of King Robert I. to the Return of King James I. A. D. 1424.	SECOND PERIOD: The earliest remaining Records of Royal Charters, contained in 12 Rolls and one Book, have been printed, extending to 256 Pages. A Supplement to the Records of this Period, drawn from the same Sources as in the First Period, and also from some authentic Transcripts of the Records of Charters now lost, is in an advanced State of Preparation for the Press.—Indexes of Persons and Places are in Progress.	This Volume is to form the Second of the Series of Select Royal Charters.

STATE of PROGRESS, &c.— <i>continued.</i>			
Classes of RECORDS.	MEASURES Ordered, and in Progress.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Royal Charters <i>continued.</i>	III. From the Return of King James I. to the Union A. D. 1707.	THIRD PERIOD: The regular Transcription of the Charters of this Period is not yet commenced.	
	(2.) Abridgment of the Register of the Great Seal, from the Accession of King Robert I. to the Period of the Union, 1707.	FIRST PERIOD: The Compilation of an Abridgment, both of the existing Records of this Period, and of those now lost, but of which several Calendars and partial Abridgments are preserved, is in considerable Progress.	
	TWO PERIODS: I. From the Accession of King Robert I. to the Return of King James I.	SECOND PERIOD: The Registers of the Great Seal for the Reigns of James I. and James II. (being Books 2d, 3d, 4th, and 5th of that Record) have been abridged; and those for the Reign of James III. are in regular Progress.	A Specimen of this Work has been printed, containing the earliest Charters of James III.
	II. From the Return of King James I. to the Union.		

Appendix,
(M. 3.)
Royal Charters
of Scotland.

EXTRACT from the Seventeenth Quarterly Report, December 1811.

1. Collection and Transcription of Charters not preserved on Record.

The Original Charters, communicated by Public Bodies and by Private Individuals since the Date of the last Report, have not been numerous; but some of them, particularly those of the Burghs of Cupar and Dumbarton, are valuable Additions to the former Collection. Many more have been promised, and in the Hope of accelerating such Communications, I shall immediately address another circular Letter to the Clerks and Chief Magistrates of the Royal Burghs, and a circular Letter to all the Clerks of His Majesty's Signet, whose Means and Intelligence afford the Hope of a very hopeful Result.

I have given Directions for framing a List of all the Charters already obtained for the proposed Supplement to the Register of the Great Seal, from the Accession of Robert I. A. D. 1306, to the Return of James I. A. D. 1424, arranged in the Order of Time, and exhibiting in Columns; 1. The Title of each Charter; 2. The Date; 3. The present Place of Deposit; 4. Its Place in the old Inventories of Rolls or Books now lost or destroyed; and 5. Such Remarks as to its Authenticity and State of Preservation, as may be necessary for deciding on the Propriety of its Insertion in the proposed Supplement.

It may be recollected, that the Plan of this Collection of Charters was partly suggested by those Calendars or Indexes of the Rolls of Robert I., David II., and of Robert II. and III., which appear to have been framed about the Beginning of the Seventeenth Century, one of which was printed by Lord Frederick Campbell in 1793. In these are inserted the Contents of Fifty-one Rolls of Charters not now existing in the General Register House, and of the Fate of which no Traces are preserved. And had the Researches of the Lord Clerk Register for these lost Records been as successful as was earnestly to have been wished for, it might at first have been concluded, that the Register of the Great Seal for that Period had been restored to its original Integrity. But the Communication of Original Charters already made to me, in pursuance of the Resolutions of His Majesty's Commissioners, has led to a very different Inference. Of these Charters the Proportion which is found entered in the old Indexes or Calendars does not exceed One Half, and it is therefore impossible to doubt, that either the Record must have been originally defective to that Extent, or that at least One Half of it had been lost prior to the End of the Sixteenth Century, when those Calendars were framed. The Second of these Alternatives is certainly the most probable, and the Consideration of it cannot fail to suggest additional Motives to Perseverance in the Attempt to supply the Chasms of the existing Register, by those Means which yet remain within Reach.

In

Appendix,
(M. 3.)

Royal Charters
of Scotland.

In former Reports and Communications to the Board, I have stated that very important Additions to the Collection of Royal Charters, were to be drawn from the Episcopal and Monastic Registers of Scotland; of these a considerable Number are preserved with great Care in the Advocates Library; from several of which the Royal Charters of Robert I. and his immediate Successors till the Return of James I. have been already extracted. Several others are known to be in the Hands of private Individuals, the Use of which, for the Purposes now in Contemplation, will I trust be obtained by the Influence of the Board. I have already had Occasion to mention the obliging Communication of the Register of the Priory of St. Andrews from the Library of Panmure; and several other antient Registries, as well as many Original Charters, are also preserved in the same Collection, the Use of which has been very liberally offered by Mr. Maule. In the mean Time, a complete Copy of the Register of St. Andrews was begun in October last, and has been in regular Progress.

The antient Chartularies and other Muniments of the Church of Glasgow were carried to France by Archbishop Beaton at the Era of the Reformation, and were deposited in the Library of the Scots College, and in the Charter House at Paris. Of these Chartularies and Original Charters select Transcripts have been made at different Times, under the Direction of the Heads of the College, and presented to the City, and to the University of Glasgow. At an early Period of my Proceedings in Execution of the Orders of the Board (May 7, 1806,) "for obtaining and transcribing all such Royal Charters as may be found to exist either in Public or in Private Repositories, and which are not at present to be found in the Register of Charters in the General Register House," these authenticated Extracts from the antient Chartularies of Glasgow were very liberally communicated to me by the City and the University for the Use of the Record Commission, and all the Royal Charters which they contained, were then copied under my Direction. It was then feared that these antient Chartularies had perished in the general Wreck of the Property of the Scots College during the French Revolution, and that their Loss had unhappily given to the Copies the Character and Value of Originals; but it has since been ascertained, that by the patriotic and fortunate Exertions of Mr. Macpherson, one of the Members of the College, the antient Chartulary in Two Volumes, together with other MSS. of Value, were saved and brought into this Country. Of these, a Part including the Chartulary were for a Time deposited in the Custody of Mr. George Chalmers, to whose historical Researches they have proved eminently subservient; and by the Favour of that Gentleman, prompted by his Ardour and liberal Zeal for the Success of those Measures which His Majesty's Commissioners had undertaken, these invaluable Records were intrusted to my Care, and at present remain in my Custody.

Upon a careful Examination it has been found, that these Two Volumes contain various Charters and Instruments not included in the modern Selections above alluded to; and on the other Hand, that these Selections contain several antient Charters copied from the Originals deposited in the Scots College, which had not been included in the Chartularies. I accordingly directed that the antient Chartularies should be completely transcribed in the first Instance, and that such other Charters as are found only in the modern Collections belonging to the City and University of Glasgow should afterwards be added. The Transcript of the first and most antient Volume of the Chartulary has been already completed with great Care; such Parts of the Second Volume as are not merely Duplicates of the First, are now in Progress, and the Whole including these Charters of which the Originals are probably for ever lost, will be completed as speedily as possible.

Of the future Destiny of these antient Chartularies I can at present say nothing. That they ought to be deposited in the Register House, or in the Advocates Library, is abundantly manifest; and I persuade myself, that the respectable Person to whose Interference we are indebted for their Preservation, will of his own Accord take the proper Steps for saving them from all future Risks. It is under that Persuasion that I refrain from making any Remarks on the Question, to whom these Records of the Archbishoprick of Glasgow do of right belong.

Appendix, (M. 4.)Plan for Publication of the PARLIAMENTARY RECORDS of Scotland.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Wednesday the 16th Day of December 1807;

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
 The Right Honourable Lord FREDERICK CAMPBELL.
 The Right Honourable Lord REDESDALE.
 The Right Honourable Lord GLENBERVIE.
 The Right Reverend JOHN Lord Bishop of BANGOR.
 The Right Honourable WILLIAM WICKHAM.

I.—Read, REPORT OF THE LORD CLERK REGISTER'S PROCEEDINGS IN SCOTLAND, for carrying into Effect the Measures recommended by the Commissioners on Public Records.

AT Conferences held in the Library of The General Register House, October 20th and 23d, 1807; PRESENT, The Right Honourable the LORD PRESIDENT OF THE COURT OF SESSION; The Right Honourable the LORD CLERK REGISTER; The Right Honourable the LORD JUSTICE CLERK; The Right Honourable the LORD CHIEF BARON; and The Right Honourable the LORD ADVOCATE; attended by MR. THOMSON, and the SECRETARY:

Read Mr. Thomson's Printed Report, and the several Measures recommended by His Majesty's Commissioners thereupon; and RESOLVED, That this Meeting approving thereof, will endeavour to cause the Measures there recommended to be carried into Execution forthwith.

PARLIAMENTARY PROCEEDINGS, &c.—Mr. Thomson, Deputy Clerk Register, stated to this Meeting his Plan for the Publication of these Records, under the following Titles, viz:

I. Acta Parliamentorum, being Legislative Acts.—II. Acta: 1. Dominorum ad Causas & Querelas audiendas, &c.; 2. Dominorum Concilij; these latter being Proceedings in Civil Causes. And, in Explanation of this proposed Arrangement, he made the following Statement:

"The Proceedings in Civil Causes, which are the Subject of this separate *Publication of Parliamentary Records*, are of Two Kinds. The one consists of the Decisions of a Committee which was usually chosen at the Commencement of every Parliament, and whose Sittings were continued from Day to Day, till that particular Parliament was prorogued or dissolved. The other consists of Decisions similar in Nature and Authority to the former, by Commissioners consisting of "*certain discreet Persons of the Three Estates*," who were usually nominated at the Close of Parliament, directly by the King, but sometimes also by the Parliament; and whose Sittings (or Sessions, as they are called) were continued from Time to Time during the Intervals between different Parliaments. The Designation commonly given to the former Class of Judges was, "*Lords Auditors of Causes and Complaints*," or, "*Domini electi ad causas et querelas audiendas*:" the Second were usually denominated "*Lords of Council*," or "*Domini Concilii*," and sometimes "*Lords of Session*."

In the Records which remain, those Two Classes of Proceedings are blended together. In the Books of Parliament, there are several Series of the Acts of the Lords of Council; and, *vice versa*, in the Records usually called the Books of Council, there are frequent Occurrences of Acts of the Lords of Parliament; and as an Illustration of their close Analogy and Connection, it may be remarked, that in the Books of Parliament, the Words "*of Counsale*" often appear to have been originally inserted, and afterwards cancelled, and the Word "*Auditouris*" sometimes substituted in its stead*. The Clerk Register and his Deputies acted as Record

* SEVERAL Instances of this will be found in the "*Acta Dominorum Auditorum*," (already printed), p. 1, 2, 3, &c. And in the second Column of Page 2, an Instance will be found of the erroneous Insertion of the Words "*of Coñsale*" having been overlooked and left uncanceled.

Appendix,
(M. 4.)

Parliamentary
Records of
Scotland.

Officers to both Classes of Judges ; and it is not difficult to imagine how such Substitution of the one Name for the other should have happened in the hurry of Writing. The Powers and Functions of the Two Courts, so far as appears, were essentially the same ; the Causes which had originated before the one were resumed by the other, and might thus be advanced in their successive Stages alternately, by the one and the other.

In these Circumstances, it was by no Means obvious and certain, that the Chronological Order of these Two Descriptions of Proceedings ought to have been broken. After very full Consideration, however, a Separation was judged expedient ; and accordingly the Acts of Lords Auditors have been printed as the first Series. These, in so far as any Record is now preserved, commence in 1466, and terminate in 1494.

In commencing the other Series, although it makes Part of the same Volume, I have thought it expedient to begin a new Enumeration of Pages ; among my Reasons for which, have been the Hope of still adding some Pages to the *Acta Auditorum* ; the Propriety of having separate Indexes for the Two Series ; and the Possibility that some Possessors of the Book might have the Desire of keeping the *Acta Dominorum Auditorum* entirely separate from the *Acta Dominorum Concilii*.

In a very broken Series, exhibiting several Chasms, the Record of this Class of Proceedings is continued downwards to 1503, when the *Daily Council* for the Decision of ordinary Causes was instituted ; whose Proceedings then became intermingled with the former, and are continued without Discrimination till the Institution of the present College of Justice in 1532. In the Course of this last Period, and particularly from the Death of James IV. the same Record becomes also blended with Proceedings of a Description generically different, and which I have formerly had Occasion to point out to the Notice of the Board, as affording Materials for a preliminary Part to the Register of Privy Council. These I now allude to only for the sake of observing, that they do not at all enter into the Plan of the Volume now in the Press, which embraces only the Proceedings in certain Civil Causes of that Class of Lords of Council, who have been usually described by our Writers as a Committee of Parliament, but who, more accurately speaking, constituted a Parliamentary Commission, for the Dispatch of certain Kinds of Judicial Business, during the Intervals of different Parliaments.

These very general Observations I have thought it necessary here to introduce, in Explanation of the Work now in progress. They relate to a Subject of very considerable Intricacy and Obscurity, on which many erroneous Opinions have been held, and to the full Understanding of which a long Discussion would be requisite. That Obscurity and Intricacy can be dispelled only by a careful Examination of those Records which are now about to be offered to the Public, and which have been hitherto unexplored by any of our Writers on the History of Scottish Jurisprudence.

RESOLVED, on full Consideration of the Subject, That it will be expedient that the Publication of the Records of Parliament should commence with the Reign of James the First, and be carried on progressively, without any Delay ; and that it should be divided into Two separate Series, the Statutes and all other Proceedings held in full Parliament to form one of these, and the Judicial Proceedings in private Civil Causes, held before Committees of different Kinds, to form a separate Series ; the First of these to be printed as the Second Volume, or the Second Part of a First Volume, in order to leave Room in the Series of Volumes for the more antient Parliamentary Proceedings prior to the Reign of James the First, of which a complete Compilation is not yet ready for Publication.

EXTRACT from Mr. Thomson's Twelfth Quarterly Report, September 1810.

For enlarging and correcting the Collection of Parliamentary Proceedings in the Reign of James the Second, a Reign as singularly obscure as it is important in the History of Scotland, some very valuable Materials have been recently obtained, chiefly by the liberal Communication of Individuals. Among these I must particularly distinguish Lord Gray, and Mr. Erskine of Mar. By the former I have been permitted to inspect and transcribe Two Original Instruments, containing the Date and Part of the Proceedings of a Parliament in the earlier Part of the Reign, of which no other Traces have been discovered, or probably exist. To the other I am indebted for Access to the Antient Muniments of the Earldom of Mar, among which are preserved several important Documents of Parliamentary Proceedings in different Parts of that Reign. Some other very valuable Articles have also been found in a small Manuscript Volume in the Advocates Library (W. 6. 44), containing Copies and Abstracts of many Public Instruments and Parliamentary Proceedings during the Fifteenth Century, of which an accurate Transcript has been made.

STATE

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland; September 1, 1811.

Appendix,
(M. 4.)

Parliamentary
Records of
Scotland.

Classes of RECORDS.	MEASURES Ordered, and in Progress.	STATE OF PROGRESS, September 1, 1811.	REMARKS.
Parliamentary Records.	<p>Compilation, Transcription, and Printing of the Acts, Ordinances, Decrees, and other Proceedings of the Parliaments of Scotland, from the earliest Period of authentic Record, to the Union of the Kingdoms of Scotland and England, in the Year 1707.</p> <p>THREE PERIODS :</p> <p>I. Prior to the Accession of King Robert I.—A.D. 1306.</p> <p>II. From the Accession of King Robert I. to the Return of King James I.—A.D. 1424.</p> <p>III. From the Return of King James I. to the Union, A.D. 1707.—The Proceedings of this Third Period to be subdivided into Two Parts, viz.</p> <p>(1.) Acts and Proceedings of the Three Estates in full Parliament.</p> <p>(2.) Proceedings of the Lords Auditors of Causes and Complaints, and other Committees of Parliament, in the Trial and Decision of Civil Causes: Together with the contemporaneous Proceedings of the Lords of Council, in the Decision of the Civil Causes, with which those of the Lords Auditors are intimately connected.</p>	<p>FIRST PERIOD :</p> <p>The various antient MSS. of the Statutes of this Period, preserved in the Library of the Faculty of Advocates, the Library of the University of Edinburgh, and the Harleian Library, have been examined, and partly transcribed and collated with each other, and with the Edition of those Statutes printed by Parliamentary Authority, under the Care of Sir John Skene, Clerk Register, in 1609.</p> <p>SECOND PERIOD :</p> <p>The Statutes and other Parliamentary Proceedings of this Period, of which the Original Record is preserved, or of which authentic Copies have been discovered, are transcribed, and nearly in Readiness for the Press.</p> <p>THIRD PERIOD :</p> <p>(1.) The Acts of the Parliaments of King James I. and King James II. (of which the Original Records are lost) have been compiled from a Collection of antient Copies preserved in the General Register House and in the Advocates Library, and of the several Editions formerly printed by Parliamentary or Royal Authority. Of the Original Records of the Parliaments of Scotland, from the Reign of King James III. to the Union, contained in 36 Volumes in Folio (some of them very large), 33 Volumes are transcribed for the Press; and numerous Defects in these Records have been supplied from authentic MSS.—Of this Third Period, the Acts of the Parliaments of King James I. James II. and James III. have been printed, extending in all to 196 Pages. Those of James IV. are in Progress at the Press.</p> <p>(2.) The Proceedings of the Lords Auditors of Parliament, from October 1466, to December 1494, are printed, extending to 206 Pages. The contemporaneous Proceedings of the Lords of Council, from October 1478 to July 1494, are also printed, extending to 375 Pages.—Indexes of Persons and of Places to these two Classes of Proceedings have been compiled.</p>	<p>The Parliamentary Proceedings of the Two First Periods are to form the First Volume in the Series of Parliamentary Records; and in the Appendix to that Volume will be printed, from the best MSS. collated with Skene's Edition, the antient Treatises of Law, entitled, "Regiam Majestatem, Quoniam Attachiamenta," &c. both in Latin and in a Scottish Version of the 15th Century.</p> <p>The Volume of which these form a Part, will also comprehend the Acts of James V. and of Mary, and will be the Second Volume of the Series of Parliamentary Records.</p>

Appendix,
(M. 5.)

Privy Council
Records of
Scotland.

Appendix, (M. 5.)

Plan for Publication of the RECORDS of the Privy Council of Scotland.

LETTER from the Deputy Clerk Register in Scotland, Edinburgh, October 10th, 1808.

Sir,

IN the Course of my Inquiries relative to the Parliamentary Records of Scotland, I was led, some Time ago, into a minute Examination of the Registers of the Proceedings of the Lords of Council in the Reigns of James IV. and James V. In these I was fortunate enough to meet with some Things illustrative of the immediate Object of my Researches ; but my Attention was, at the same time, very strongly attracted by other Matters, which I found to be of a Nature highly interesting, and which have appeared to me worthy of the Notice of His Majesty's Commissioners on the Public Records.

Without here entering into any Discussion concerning the Original Establishment and Constitutional Powers of the Lords of Council, as to which the prevailing Opinions are not very accurate, it may be enough for my present Purpose to mention, that although their primary and proper Function was the Determination of certain Civil Causes in the last Resort, yet that being usually Persons of great Influence in the Court of the reigning King, they were, at the same time, often called upon to act in the Capacity of a PRIVY COUNCIL, in Matters connected with the Political Relations and Executive Government of the Country. This appears to have been more remarkably the Case during the long Minority of King James V. a Period of violent and almost uninterrupted Political Dissension ; and in all the important Acts of the Government the Lords of Council seem to have held or assumed a very leading Part. Although the Proceedings of this last Description are of a Kind very easily distinguishable from their Decrees and Orders in a judicial Character, yet in a very rude and inartificial Manner (of which there are other Examples) the whole is blended together in one continuous Record.

From the very small Proportion in Bulk which these Public Matters bear to the Mass of Proceedings in Civil Causes, with which they are thus surrounded and encumbered, the former, though in themselves of the most essential Importance to the History of the Kingdom, have been hitherto entirely overlooked ; nor do I imagine that any of our Constitutional Historians or Antiquaries have ever thought of exploring a Record which had become almost illegible from Decay, and which was erroneously believed to comprehend only the Decisions of an abrogated Court of Law.

As there exists no separate Register of Privy Council prior to the Reign of Queen Mary, and as the Books of the Lords of Council appear thus to furnish the only appropriate Materials for supplying that Defect, I have directed a Transcript to be made of all such Entries in these Books as have a Reference to Affairs of a Public or Political Nature ; and it will give a general Idea of the Extent of this Selection to mention that the Transcript fills about 1300 Pages in Folio. I have now to submit to the Consideration of the Board, the Propriety of printing this Selection as a preliminary Part of the separate Register of Privy Council, the Publication of which has long been regarded as a great Desideratum. Hitherto the Lawyers and Historians of Scotland have been in Possession of only a few scanty Excerpts from that Register, published by Anderson, Ruddiman, and Keith ; yet it may be stated with Confidence, that scarcely any Part of our Records could better serve to illustrate the Policy and Government of the Kingdom during the Sixteenth and Seventeenth Centuries. Even with all the Pains that can be bestowed on it, the Register of Privy Council will now appear in a very mutilated State ; for notwithstanding its manifest Importance, it has sustained greater and more irreparable Injuries from Neglect and Violence, than even from Time ; but such as it now remains, I beg Leave to submit that it ought to be given entire to the Public. Of
a few

a few of the earlier Books of this Register (which are not very large) I have directed a Transcript to be made ; so that if the Measure here proposed should meet with the Approbation of His Majesty's Commissioners, the Work may now be put to the Press with very little Delay. Since these Transcripts were made, I have not had an Opportunity of submitting them, as I could have wished, to the Consideration of the Great Law Officers of Scotland : but such an Opportunity will probably occur in a very short Time, and I shall immediately communicate the Result of it to the Board.

Appendix,
(M. 5.)

Privy Council
Records of
Scotland.

John Caley, Esquire,
Secretary, &c. &c. &c.

I am, Dear Sir,
Your faithful Servant,
THOMAS THOMSON.

STATE of PROGRESS in the Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, so far as relates to Scotland ; September 1, 1811.

Classes of RECORDS.	MEASURES Ordered, and in Progress.	STATE OF PROGRESS, September 1, 1811.
Privy Council Records.	Selection and Transcription of Acts of Privy Council contained in the Register of Decrees of the Lords of Council, and of the Lords of Council and Session : And Transcription of the separate Registers of Privy Council.	The Selections from the Books of the Lords of Council, &c. from 1478 to 1542, have been made, extending to eight Volumes of Transcript : And Volumes 1st, 2d, 3d, 4th, and Parts of Volumes 5th and 6th of the separate Register of Privy Council, have been transcribed. Further Progress suspended since December 13, 1808.

Memorandum :

Of the Records of the Privy Council, beginning in 1545, more than One thousand Pages have been transcribed ; further Proceedings suspended by Order of the Board 13th December 1808, until Progress made in printing the Parliamentary Records.

Appendix,
(N.)Printed
Works.

Appendix, (N.)

List of Works printed.

Number.	T I T L E.	Date.
E N G L A N D.		
I.	Taxatio Ecclesiastica Angliæ et Walliæ, auctoritate P. Nicholai IV. - - - - -	1802.
II.	Calendarium Rotulorum Patentium in Turri Londinensi - - - - -	1802.
III.	A Catalogue of the Manuscripts in the Cottonian Library deposited in the British Museum -	1802.
IV.	Calendarium Rotulorum Chartarum et Inquisitionum ad quod Damnum - - - - -	1803.
V-VI.	Rotulorum Originalium in Curia Scaccarij Abbreviatio, Vol. I. & II. Hen. III.—Ed. III. -	1805-1810.
VII-VIII.	Calendarium Inquisitionum Post Mortem sive Escaetarum, Vol. I. & II. Hen. III.—Ed. III. -	1806-1808.
IX.	Inquisitiones Nonarum, temp. Ed. III. - - - - -	1807.
X.	Testa de Nevill sive Liber Feodorum in Curia Scaccarij, temp. Hen. III. & Ed. I. - - -	1807.
XI-XIV.	Librorum Manuscriptorum Bibliothecæ Harleianæ Catalogus, Vol. I. II. III. IV. - - -	1808-1811.
XV.	Abbreviatio Placitorum, temp. Regum Ric. I., John, Hen. III., Edw. I., II. - - -	1811.
XVI.	Libri Censualis vocati Domesday Book, Indices - - - - -	1811.
XVII.	The Statutes of the Realm, Vol. I. - - - - -	1811.
XVIII.	Valor Ecclesiasticus, temp. Hen. VIII. auctoritate Regia Institutus, Vol. I. - - -	1811.
XIX.	Hundred Rolls, Vol. I. - - - - -	1812.
S C O T L A N D.		
I-II.	Inquisitionum ad Capellam Domini Regis retornatarum quæ in Publicis Archivis Scotiæ adhuc servantur Abbreviatio, Vol. I. II. 1547—1700. - - - - -	1811.

List of Works printing, or transcribing for the Press.

Printing.	E N G L A N D.	Pages.
I.	Catalogue of Lansdowne MSS. in the British Museum - - - - -	226
II.	Rotuli Scotiæ, in the Tower of London, and Chapter House at Westminster - - -	700
III.	Valor Ecclesiasticus, temp. Hen. VIII. Vol. II., in the Office of First Fruits and Tenths -	220
IV-V.	Statutes of the Realm, Vol. II. Pages 168 - - - - - Vol. III. - - - - -	88
T R A N S C R I B I N G.		
I.	Monastic Records, K. Rem. Office, Exchequer at Westminster.	
II.	Memoranda in the Lord Treas. Rem. Office, Exchequer at Westminster.	
III.	Quo Warranto Rolls, Chapter House at Westminster.	
IV.	Calendarium Inquisitionum Post Mortem sive Escaetarum, Ric. II., in the Tower of London.	
V.	Rymer—Materials for a new and enlarged Edition, with Continuations.	

Appendix,
(N.)Printed
Works.List of Works printing, or transcribing for the Press—*continued*.

S C O T L A N D.		Pages.
Printing.		
I.	Acta Parliamentorum Scotiæ. (Vol. II. ab A.D. 1424, ad A.D. 1567.) - - - - - N.B. The first Volume of the intended Series of Parliamentary Records is not yet in readiness for the Press. The Materials for the subsequent Volumes from 1567 to 1707 are nearly complete.	432
II.	Acta Dominorum ad Causas et Querelas audiendas electorum, in Parliamentis Domini Jacobi III. } et Domini Jacobi IV. Scotorum Regum: - - - - - } Ut et Acta Dominorum Concilii, Regnantibus Domino Jacobo III. et Domino Jacobo IV. Scotorum Regibus. N.B. These Proceedings of the Lords Auditors of Parliament, and the contemporaneous Proceedings of the Lords of Council, are intended to form one Volume, connected with the Work, intituled "Acta Parliamentorum," &c. but not to make one of that Series.	206 375
III.	Registrum Magni Sigilli Regum Scotiæ. (Vol. II. ab A.D. 1306, ad A.D. 1424.) - - - N.B. This is intended to make the Second Volume of the Select Collection of Royal Charters, from the earliest Period to the Union in 1707. A Supplement to this Volume and Indexes are in Progress.—The First Volume, intended to comprehend Royal Charters prior to the Accession of Robert I. A. D. 1306, is not yet ready for the Press; but the Collection of Materials is in a State of great Progress.	256
IV.	Abbreviatio Registri Magni Sigilli Regum Scotiæ; ab A.D. 1306, ad A.D. 1707 - - - N.B. The Four Pages of this Work as yet printed are a Specimen only. The Compilation of the Work is already nearly complete from 1306 to 1513.	4
V.	A Supplement and Indexes are in Preparation to be added to the Work already printed in Two Volumes, intituled, "Inquisitionum ad Capellam Domini Regis retornatarum, quæ in "Publicis Archivis Scotiæ adhuc servantur, Abbreviatio."	
<hr/>		
Transcribing.		
I.	Acts and Proceedings of the Secret Council, from the Year 1513 to the Union, 1707. N.B. The Preparations for this Work are at present suspended.	
II.	Select Proceedings, of the Court of Justiciary, from the Reign of James IV. to the present Time. N.B. The Two earliest existing Volumes of Justiciary Records have been transcribed, but the further Prosecution of the Work is at present suspended.	
III.	Acts of Sederunt of the Lords of Council and Session from 1532. N.B. Two Sheets of this Work have been printed as a Specimen. Its further Prosecution has not been determined on.	
IV.	Abridgment of the Register of Tailzies, from 1685 to the present Time. N.B. The Compilation of this Work is completed.	
V.	Compota Camerariorum Scotiæ, ab A.D. 1326. N.B. The Transcription of the Record is in regular Progress.	

Memorandum.—1st, Of the Statutes of the Realm, in conformity with a Resolution of the Commissioners, 19th December 1800, and Report of the King's Printer, 26th March 1802, the Number of Copies printed was only 500. 2dly, Of all other Works printed in England prior to 25th March 1810, the original Number of Copies printed was 1,500. 3dly, Of all Works printed in Scotland, and of all Works printed in England since 25th March 1810, the Number of Copies was 1000.

Appendix,
(O.)

Appendix, (O.)

List of Public
Libraries and
Repositories, &c.List of Public Libraries and Repositories to which the Distribution of Works
printed under the Record Commission is limited.

HIS MAJESTY'S LIBRARY. State Paper Office. Parliament Office, House of Lords. Paper Office, House of Commons.	4	College of All Souls. 64 Magdalen. Brazen Nose. Corpus Christi. Christ Church. Trinity. St. John's. Jesus. Wadham. Pembroke. Worcester. Hertford. 22
ENGLAND. Chapter House, Westminster. Record Office, Tower. Rolls Chapel. British Museum. Library of the Inner Temple. Middle Temple. Lincoln's Inn. Gray's Inn. Library of Doctors Commons. Sion College. Royal Society. Society of Antiquaries. Royal Institution. Duchy of Lancaster. Duchy of Cornwall. College of Arms. King's Remembrancer's Office, Lord Treasurer's Remembrancer's Office, } Exchequer. Commissioners of Crown Lands, Woods, and Forests. Auditors of the Land Revenue. First Fruits Office. Augmentation Office. Town Clerk's Office, City of London. 23		UNIVERSITY OF CAMBRIDGE. The Public Library. College of Peter House. Clare Hall. Pembroke Hall. Corpus Christi. Trinity Hall. Gonvil and Caius. King's. Queen's. Catherine Hall. Jesus. Christ's. St. John's. Magdalen. Trinity. Emanuel. Sidney Sussex. Downing. 8
Archbishop of Canterbury's Library, Lambeth. Episcopal Library of Worcester, at Hartlebury. Durham, at Bishops Auckland. Carlisle, at Rose Castle. London, at Fulham. The Cathedral Library of Canterbury. York. Durham. Winchester. Ely. Worcester. Lichfield. Llandaff. Lincoln. St. Asaph. Wells. Carlisle. Peterborough. Hereford. Chichester. Bangor. Chester. Gloucester. Rochester. Exeter. St. David's. Salisbury. Norwich. Oxford. Bristol. St. Paul's. Westminster. Library of the Collegiate Church of Rippon. Southwell. Library of Winchester College. of Eton College. in the College, Manchester. 37		SCOTLAND. General Register House, Edinburgh. The Library of the Faculty of Advocates, Edinburgh. The Lyon Office, Edinburgh. The College of the University of Edinburgh. The University of King's College, Old Aberdeen. The University of Marischal College, New Aberdeen. The University of St. Andrew. The University of Glasgow. 8
UNIVERSITY OF OXFORD. Bodleian Library. Radcliffe Library. University College. College of Baliol. Merton. Exeter. Oriol. Queen's. New College. Lincoln.	64	IRELAND. Dublin Castle Library, Lord Lieutenant. Library of the King's Inns. University of Trinity College, Dublin. Royal Academy. Dublin Society. The Cathedral of St. Patrick's, } Dublin. Christ Church, Armagh. Waterford. Ossory. 10 122
		RESIDUE. His Majesty's Commissioners - - - 15 The Secretary and Sub-Commissioners - - - 13 Reserve for special Delivery, viz. Persons in Correspondence with the Com- missioners, or aiding in the Prosecution of their Undertakings; Particular Officers and Offices to whose Business the particular Publication may specially relate; And future Commissioners and Sub-Commis- sioners upon their respective Appointments Total Distribution - - - 200 Surplus Copies for Sale by Order of the Lords of the Treasury, in Reduction of the Expenses of the Commission - - - - - 800 Total Impression of all Works to be printed by Authority of the Commissioners - - - 1000

Appendix (P.)

Enlarged Establishment of Clerks in the Office of Keeper of the Records in the Tower of London.

AN ACCOUNT of the several Additions which have been made to the Establishment of the Record Office in the Tower since the Beginning of the Year 1804, when the present Keeper of the Records there entered upon his Office.

Appendix,
(P.)

Establishment
of Clerks at
The Tower.

10th May 1805.—The Keeper of the Tower Records presented a Memorial to the Lords Commissioners of His Majesty's Treasury, stating that the Allowance then made for Clerks in the Record Office amounted to no more than the nett sum of £. 123. 12s. after Payment of Fees and Taxes (exclusive of the Property Tax), and praying that their Lordships would be pleased to make such Provision for the Establishment of the Record Office as they should deem sufficient for the Purposes stated in the said Memorial.

24th May 1805.—A Letter of this Date was received by the Keeper of the Records at the Tower from One of the Secretaries to the Treasury, stating that their Lordships, finding upon Enquiry that much Labour, Diligence, and Attention would be required for the Preservation and Arrangement of the Public Records under his Care, were pleased to allow the further Sum of Two hundred Pounds per Annum, to be applied to the Increase of the Salaries of the Three Clerks in his Office, to commence from the 5th Day of July 1805.

June 1808.—The Keeper of the Tower Records presented a Second Memorial to the Lords of the Treasury, stating the Extent and Importance of the Records contained in his Office, and the Insufficiency of the Establishment of Clerks for the Purpose of taking proper Care of them, and rendering them useful to the Public; and that the whole Allowance for the Establishment (including the additional annual Allowance of £. 200.) did not exceed the nett Sum of £. 289. 7s. after Payment of Fees and Taxes (exclusive of Property Tax.) And further stating, that the Keeper of the Records had filled up the Number of Three Clerks, though by so doing he was obliged to expend annually a considerable Sum of his own Money; and praying that such an additional Allowance might be made as would enable him to form an efficient Establishment with a Gradation of Salaries, and to take some young Men of competent Education into the Record Office, who might be brought up to a Knowledge of antient Records.

18th October 1808.—One of the Secretaries of the Treasury having requested that the Keeper of the Tower Records would state for the Information of the Lords of the Treasury what Addition to his present Establishment at the Record Office would in his Opinion be necessary to obtain the important Objects stated in his Memorial, and the Amount at which he should think it proper to fix the Salaries of the respective Clerks; he submitted to their Lordships, that of the First and Second, who would be more particularly intrusted with the Care of the Records, the former should have £. 250, and the latter £. 200, per Annum, the Third Clerk £. 150, and the Fourth and Two Assistant Clerks £. 120 each.

18th Dec. 1809.—The Keeper of the Records at the Tower received a Letter from George Harrison, Esq. Assistant Secretary at the Treasury, of this Date, stating that the Lords Commissioners of His Majesty's Treasury had been pleased to comply with his Request; and that the Warrants should be prepared quarterly from Time to Time, for issuing to him nett, and without Account (other than such as he should be required to render thereof to the Treasury) such Sums as might be necessary to enable him to employ Four Clerks at the following Rates of Salary, viz. 1st Clerk £. 250; 2d £. 200; 3d £. 150; 4th £. 120.

And their Lordships were also pleased to authorize him to employ Two additional or supernumerary Clerks at an Allowance of £. 120 per Annum each, and also to employ a Person to take Care of the Office and Record Rooms at an Allowance not exceeding £. 40 per Annum, to commence from the 5th of July 1809. And that their Lordships having taken into Consideration the increased Labour of the Attendance of the Keeper of the Records, were of Opinion that he should receive his Salary of £. 500 per Annum nett, and had thereupon directed a Warrant to be prepared for that Purpose.

The Two Supernumerary Clerks engaged under the Order above stated have been chiefly employed in preparing a Calendar to the Proceedings in Chancery, deposited in the Record Office at the Tower. They have completed the Calendar of nearly 300 large Bundles during the Reign of Queen Elizabeth, each consisting of 600 Sets of Bills and Answers, &c. and 52 Bundles of the Reign of King James the First, each containing about 100 Sets of Bills and Answers, &c. and about Three fourths of an Index Locorum has been made to the Calendar of Queen Elizabeth's Reign, by the Junior Clerk in the Record Office. All which is submitted to His Majesty's Commissioners on the Public Records.

SAMUEL LYSONS.

Record Office, Tower,
21st Feb. 1812.

Appendix (Q.)

Orders of the Court of Exchequer at Westminster for regulating the Records in the Office of the King's Remembrancer.

IN THE EXCHEQUER.

Monday, the 4th Day of June 1810.

Appendix,
(Q.)Regulations
of Exchequer
Records.

REGULATIONS imposed on The CLERKS IN COURT in the Office of His Majesty's Remembrancer, on Searches.

THE Court having taken into Consideration the present State of the Records of this Office: It is this Day Ordered, That the Clerks in Court do in future observe the following Regulations:

- First, That if any or either of them hath or have in his or their Custody or Power any Public Records, he or they do restore the same to the proper Files or Places within One Month from the Date hereof.
- Second, That after having concluded a Search, they do restore to its proper File and Place, every Record by them removed from its proper Place in the course of such Search before they leave the Record Rooms.
- Third, That if it should be necessary to remove any Record from the Record Rooms at Westminster to the Office in the Temple to be copied, that they do not suffer the same to be removed out of the said Office to be copied, and that they do restore the same to its proper File and Place with all convenient Speed.
- Fourth, That they do cause a Public Book to be deposited in one of the Record Rooms, in which the Title of every Record removed out of the Record Rooms shall be entered by the Clerk in Court who removes the same, with the Day of the Month on which the same was so removed, and also the Day on which the same shall be replaced, and that he do sign his Name to each of the said Entries.
- Fifth, That they do not place any Record in any Press in the Record Rooms under Lock and Key.

And it is further Ordered, That the Deputy Remembrancer do on the first Day of Easter and Michaelmas Terms in every Year, deliver to the Lord Chief Baron a Certificate containing a List to be extracted by the Junior Sworn Clerk from the Public Book above mentioned, of all the Records removed out of the said Record Rooms, which have not been brought back and restored to their proper Files and Places, together with the Names of the Clerks in Court who so removed the same.

TAYLOR,
for the Sworn Clerks.

A. MACDONALD.
A. THOMSON.
R. GRAHAM.
GEO. WOOD.

GENERAL ORDER.

Tuesday, the 27th Day of November 1810.

REGULATIONS imposed on The CLERKS IN COURT in the Office of His Majesty's Remembrancer, the Courtkeeper, and Bagbearer, on Searches.

ON reading the Certificate of Mr. William Gatty, the Junior Sworn Clerk, bearing Date the Fifth Day of November instant, in pursuance of the General Order of the Fourth Day of June last: It is Ordered, That the Clerks in Court, Courtkeeper, and Bagbearer, do in future respectively observe the following Regulations:

- First, That the Courtkeeper do not deliver the Keys of the Record Rooms to any Person whatever, except to one of the Clerks in Court, accompanied by the Bagbearer.
- Secondly, That the Clerks in Court, or any or either of them, do not proceed to make a Search in the Record Rooms without the Presence of the Bagbearer for the Time being.
- Thirdly, That the Bagbearer for the Time being do attend the Clerks in Court on Searches in the Record Rooms, from the Beginning to the End of such Search, and do not make any Search without the Presence of a Clerk in Court; and in case of the Sickness or necessary Absence of the Bagbearer, the Courtkeeper do attend in his Stead.
- Fourthly, That in case after a Search is completed, the Records shall not be restored to their proper Places, the Junior Sworn Clerk for the Time being do report the same to the Court as soon as the same shall be discovered by him, together with the Name of the Clerk in Court who made such Search, and that he do also certify any Default of the Courtkeeper, either in his Delivery of the Keys contrary to this Order, or in refusing to attend in the Absence of the Bagbearer.

A. MACDONALD.
A. THOMSON.
R. GRAHAM.
GEO. WOOD.

(Appendix R.)

REPORT OF SEARCHES

FOR

Original Records and Manuscript Copies of Charters and Statutes preserved
in the Universities, Cathedrals, and other Public Repositories in England.

Appendix,
(R.)Searches for
Charters and
Statutes in
England.

THE SEARCHES of the Sub-Commissioners, for Originals, Records, and Manuscript Copies of Charters and Statutes, were made at the following Places, viz.

1. WINCHESTER.
2. SALISBURY.
3. WELLS.
4. GLOUCESTER.
5. HEREFORD.
6. WORCESTER.

7. LICHFIELD.
8. CARLISLE.
9. DURHAM.
10. YORK.
11. LINCOLN.
12. CAMBRIDGE.

13. ELY.
14. PETERBOROUGH.
15. NORWICH.
16. OXFORD.
17. ROCHESTER.
18. CANTERBURY.

1. WINCHESTER.—Searches were made, as well at the College as the Cathedral, but no Originals, Records, or Manuscripts were found.

2. SALISBURY.—No Originals, Records, or Manuscript Transcripts of Statutes, were found in the Cathedral at this Place. Of the Original Charter of King John, referred to by Tyrrell and Burnett as existing, (see Blackstone's Charters, 8vo. p. xxvii, xxxiv,) no Trace or Memory is now preserved here.

3. WELLS.—Among several Manuscript Instruments preserved in the Cathedral (which are numerous and well kept, and relate chiefly to the Chapter), was discovered an Exemplification or Transmiss of the SENTENTIA EXCOMMUNICATIONIS IN TRANSGRESSORES CARTARUM, A.D. 1253, 37 Hen. III. with the Labels and some Fragments of the Seals of the Archbishop and Bishops by whom it passed. In the Return to the Committee of the House of Commons on the Public Records in 1800, (See *Reports from the Committee*, pa. 341), this is incorrectly mentioned as "A Confirmation of Magna Carta, A.D. 1263".—Blackstone does not advert to any Original or Exemplification of this Sentence, as known by him to be in Existence; but states, (see his Edition of the Charters 8° pa. lxxxii,) that "many Copies of it are extant in Matthew Paris, &c. and most of the antient Manuscript Collections of Statutes in Public Libraries, no Two of which in all Points agree." The Copy in his Edition is given from what he considered as the most authentic extant, the Coeval Entry in the Red Book of the Exchequer at Westminster, "which yet (he adds) is not without its Inaccuracies."—One material Variation occurs between this Exemplification and other Copies. Among the Witnesses J. Comit̃is War̃ is written J. Comit̃is Warwyk: All Translations have interpreted the Abbreviation as John Earl of *Warren*. There is also preserved here an Exemplification of the Statute, which is printed by Hawkins, Cay, and subsequent Editors, as a Statute of 3 Ed. II. *Super pris̃is bonorum Cleri*. This Exemplification confirms the Date given to the Instrument in the oldest printed Editions, viz. 24th November in the 10th Year of Edw. II. and explains the Teste in the Entry of the Tower Roll "*Teste Rege ut supra*."—An Exemplification of the Statute 15 Edw. III. st. 1, preserved here, is incorrectly stated in the Return (*Rep. Rec. p. 341*), as a Confirmation of Magna Carta, 1 Edw. III. This Exemplification agrees in some Instances with the Statute Roll, and in others with the Parliament Roll, where they differ from each other.

4. GLOUCESTER.—The Manuscript Volume (noticed as No. 1, in the Return from the Dean and Chapter of Gloucester to the Record Committee, (*Rep. Rec. p. 335*), contains Two Registers, with Titles of the Contents prefixed to each; the First of these Registers is intituled: "Registrum de donaçonibz & confirmaçonibz diversoz Regum Anglie & Comitū, de cartis collectis anno dñi mil̃mo ccc^{mo} nonagesimo septimo p Dñm Walterum Froucestre, Abbatem S̃ci Peĩ Gloucestrie."—This Register consists of lxiiij Folios, and contains Entries of the following Instruments; but none of the Originals are now remaining in the Archives of the Cathedral.

Fo. xxvij. & seq; No. 80.} Confirmation of Magna Carta and Carta de Foresta, 12 Oct. 25 E. I. as on the 81.} Statute Roll.

xxxij.

82. Magna Carta 1 (or 2) Hen. III. very similar to that given by Blackstone from the Original in the Bodleian, and like that without a Date.

xxxv.

83. Magna Carta Johannis.

xlv.

91. Statute of Marlborough.

The

Appendix,
(R.)

Searches for
Charters and
Statutes in
England.

The other of these Registers is intituled, "Registrum ptinens ad ecclias S̄ci Pēi Gloucestre & ad eaꝝ capellas cū eaꝝ Rectorijs, Vicariis, pensionibꝫ, porcōibꝫ, litibꝫ, & s̄niis [sententiis] p̄ Dñm W. Froucestre Abbat a° do' m° ccclxxxij." This consists of lxxxvij Folios, but does not contain any Article applying to the Purposes of the Record Commission.

5. HEREFORD—6. WORCESTER—7. LICHFIELD—8. CARLISLE.—No Originals, Records, or Manuscripts of Statutes or Charters, have been discovered in the Cathedrals at either of these Places.—At *Hereford* the Manuscripts are very numerous and well preserved, but not well arranged. A further Search when they are better arranged may be desirable.—At *Worcester* is a Manuscript Volume of little Value, containing a very incorrect Transcript of the Magna Carta of Hen. III. and other old Statutes.—At *Lichfield* in a Manuscript Catalogue, intituled "Tabula omnium Instrumentorum & Archivorum in hoc Registro remanentium," appears the following Entry: "Excommunicatio Violatorum Ecclesie Libertatum 1253." This must mean the Sententia lata, 37 H. III. but the Instrument is not now to be found. It was probably of the same Nature and Authenticity as that discovered at Wells; and this affords Evidence that the Sentence was transmitted to the several Cathedrals in the Kingdom. The Catalogue above mentioned is a complete alphabetical List or Calendar of all the Endowments of the several Churches in the Diocese, and of other Deeds and Instruments relating to ecclesiastical Matters.—The antient Manuscript Chartulary of the Abbey of Wetherall at *Carlisle*, (see *Rep. Rec. p.* 343,) does not contain any Entries of Public Charters or Statutes.

9. DURHAM.—Many original Charters are preserved in the Archives of the Dean and Chapter of this Cathedral. An Index intituled "Repertorium Magnum Eccle Cathedralis Dunelm Papalium, Regalium, Archiepalium, Pontificalium, & Specialium: Fact' circa annum 1456, Rō Nevile Ep̄o, Johe Burnby Prior," refers very accurately to the different Boxes or Drawers in which the Charters are kept; each Box or Drawer being divided into Two or more Compartments, and the Instruments contained in each Compartment being regularly numbered. It also refers (but not with perfect Accuracy) to the Entries of these Charters in Three Ledger Books, lettered Cart^m I. Cart^m II. and Cart^m III. This Repertorium referred to the following Instruments, as being in the Second of the Boxes containing the Royal Charters, and in the First and Second Compartments or Divisions:

Prima S̄cde Regalium:

Carte Henrici Tertii Reḡ Anglie:

Libertas tocius regni—2°. Carta ejusdem tocius regni. C. 211. Cart. 1. 194. B. 1.

This is the Magna Carta 9 H. III. which was collated for Blackstone with the Copy printed by him from the Charter of this Date in Possession of Mr. Talbot. It has the Great Seal appendant.—Notwithstanding the Accident which happened to this Charter, (see Blackstone's Charters, pa. lxxi. note r.) it is perfectly legible, except in the Instance of a few Words, which can be supplied from the Ledger Book of the Chapter, Cart^m I.

Magna Carta—3°. Copia Magne Carte ejusdem sꝫ diversa fra. C. 209. Cart. III. 209. C. I.

This is the Charter 12 Nov. 1 H. III. printed by Blackstone. (The Seals are lost.)

Carta gen̄al' de Forestis—4°. Carta generalis tocius regni & p̄mo de Forest̄.

Signata sigill' Legat' & W. Comit'. C. III. 211. D. 1.

This is the earliest Carta de Foresta, granted in the 2d Year of HEN. III.; of which Blackstone supposes (Introduction to his Charters, p. lxxv.) "that the Original and all authentic Records of it are at present lost." On an Arrangement of the Charters at Durham about sixty years since, it was not found in its proper Drawer, and it has ever since been considered as lost. But on a diligent Search now made, it was found in a Box in a Closet in the Chapter Room among several Deeds relating to the Possessions of the Chapter. The Seal of the Legate is remaining more perfect than that to the Magna Carta of this Year in the Bodleian: but of the Earl of Pembroke's Seal only the Label remains.

The latter Part of this Charter is mutilated by Time or Accident, but the Deficiencies can be supplied from Entries in the Book X. of the Exchequer at Westminster, and also from the Entries in the Liber Niger of Christ Church, Dublin, and the Domesday Book in York Cathedral. The Discovery of this Charter seems material to the Completion of Blackstone's History of the Charters. It is remarkable that the Clause inserted in Lord Lyttelton's Roll (see Blackstone's Charters, pa. lxxiv. note w, and p. lxxviii. note z,) appears in this Charter.

Carta de Forestis—5°. Carta ejusdem generalis tocius regni de Forestis, C. 211. E. 1.

This is the Carta de Foresta 9 H. III. printed by Blackstone. (It has the great Seal appendant.)

S̄cda S̄cde Regalium:

Carte Edwardi p̄mi Regis Anglie:

1°. Carta Edwardi primi Regis de Magna Carta, & scribitur in Gallico, de lib̄tatibꝫ Archiep̄is, Ep̄is, Abbatibꝫ, & Baronibꝫ cōces̄ ab Edwardo Rege nobili filio H̄erici 2cii. A. 1. Magna Carta in Gallico.

This is a Copy or Exemplification under the Great Seal (which remains appendant) of the Whole of the Stat. 28 Edw. I. usually called "Articuli super Cartas." Blackstone has not noticed this.

2°. Carta

2^a. Carta ejusdⁱ; & est eadem cū p^ore, sⁱ ista est in Latinis, de libtatib^z cōcessis Archiepⁱs, Epⁱs, Comitib^z, Baronib^z, Abbatib^z, P^orib^z, ab Edw^o nobili filio Rēgⁱ Hen. III. C. 219. B. 1. Magna Carta in Latinis.

Appendix,
(R.)

Searches for
Charters and
Statutes in
England.

This is an Exemplification under the Great Seal (which remains appendant) of the Inspeximus and Confirmation of Magna Carta, 28 Mar. 28 Edw. I. Blackstone has not noticed this.

8^a. Confirmaçõ ejusdem sup Cartā Hērici 1^{ci} de Forest. C. 220. H. I. Carta de Forestis.

This is the Exemplification under the Great Seal (remaining appendant) of the Inspeximus and Confirmation of the Carta de Foresta 28 March 28 E. I. collated for Blackstone, with the Original of the Carta de Foresta 9 Hen. III.

Such of the foregoing Charters as were printed by *Blackstone*, (or cited by him) were not examined by himself. They were printed by him in Words at Length, although the Original Charters are full of Contractions; some Inaccuracies and Imperfections were therefore unavoidable.

10. YORK.—An ancient Ledger or Chartulary is preserved in the Cathedral here (written apparently about the Time of Edw. III. or Ric. II.) and is called Domesday Book. It is not noticed in the Return to the Record Committee; (See *Rep. Rec. p. 332.*) It contains Entries of Charters and Grants relating to the Possessions of the Cathedral. The only Articles of a public Nature which appear in it are the following:

Fo. 11. Magna Carta, 12 November, 1 Hen. III.

13. Magna Carta, 1 (or 2) Hen. III. not dated.

15. Carta Regis Henrici de Foresta, 1 (or 2) Hen. III. not dated.

11. LINCOLN.—An Original Charter of King John is preserved in the Archives of the Dean and Chapter of this Cathedral, as stated in the Return to the Record Committee. (*Rep. Rec. p. 337.*)

This Charter, from the Repository in which it has so long remained, and other Circumstances, appears deserving to be considered in a superior Light to either of those preserved in the British Museum. From cotemporary Indorsements of the Word LINCOLNIA on Two Folds of the Charter, it may be presumed to be the Exemplification transmitted to Lincoln by the Hands of Hugh the then Bishop, who is one of the Bishops named in the introductory Clause. This Charter is very fairly written, and it is observable that some Words and Sentences which in both the Charters preserved in the British Museum are inserted by way of Notes for Amendment at the Bottom, are here fairly inserted in the Body of the Charter.

In the Library are several Manuscript Volumes, one of which contains a Collection of the Charters and some old Statutes of no Importance. Unfortunately all these Manuscript Volumes have been mutilated by cutting out the illuminated Letters.

12. OXFORD.—At the Bodleian Library the several Manuscripts mentioned in the Return to the Record Committee in 1800 (See *Rep. Rec. p. 348.*) were examined, and also some others not noticed in that Return. The Magna Carta 1 (or 2) Hen. III. preserved in this Library, and printed from thence by Blackstone, as also the Charter of Confirmation 21 Hen. III. also printed by Blackstone, are preserved here. But the Charter of 29 Edw. I. stated by Blackstone to be preserved here, and of which he printed a Copy with an Engraving of the Seal, was not found on the present Search. Nor could any such be found at *Christ Church*, although it is stated by Blackstone that one of those Charters is there preserved.

Two Manuscripts, not noticed in the Return made in the Year 1800, seem deserving of some Attention. The first (Hatton 10, No. 4135,) is a very large Folio Volume, written on Vellum or Parchment in one uniform Hand-writing, apparently of the Time of Henry VII. containing the Statutes from Magna Carta, 9 Hen. III. (copied from the Inspeximus, 28 March, 28 E. I.) down to the End of the Eleventh Year of Henry VII. the whole very fair, and preceded by an alphabetical Index. One peculiar Feature of this Manuscript is, its containing the whole Body of the Statutes, as well previous as subsequent to the First of Edw. III. a Circumstance not hitherto met with in any other Manuscript Collection: the Collections of the Antiqua Statuta (previous to Edw. III.) and the *Nova Statuta* (beginning 1 Edw. III. 'Come Hugh le Despenser', &c.) are in general entirely distinct from each other.

But the most remarkable Circumstance relating to this Manuscript is its Coincidence with Mr. Petyt's Manuscript in the Inner Temple Library, in giving the Statutes of Rich. III. and of the First and Third Years of Hen. VII. in *French*, as from a Statute Roll. The Petyt Manuscript ends with the Third Year of Henry VII. and therefore leaves in Doubt the precise Period at which the making up of the Statute Roll in French entirely ceased; but in the present Manuscript the Statutes of the Fourth Year of Henry VII. are in English, immediately following the Third Year in French. This seems to afford more precise Evidence of the actual Period of this Change than has hitherto been obtained. It is observable that the Statute Roll of the Irish Parliament, 8 Hen. VII. preserved at the Rolls Office in Dublin, is in French. On the Statute Roll of the Two next Parliaments of Ireland,

Appendix,
(R.)

Searches for
Charters and
Statutes in
England.

Ireland, 16 and 24 Hen. VII. the introductory Paragraphs stating the holding of the Parliament, &c. are in Latin; after which follows an Act or Chapter confirming the Liberties of the Church and the Realm (Terre d'Irland) in French; and all the other Acts of the Session in English.

The other Manuscript in the *Bodleian Library*, (No. 1036) consists of Eleven small Rolls of Parchment, not much more than Four Inches wide, but being Two Feet or more in Length. The Writing appears of the Time of Edw. I. or early in the Reign of Edw. II. The Copy is extremely fair, and seems to have been made with great Care and Accuracy. At the End of the last Roll is written "Sum Roberti Dacres Interioris Templi A° 1533. Et modo W. Fletewode Record A° 1589." One of these Rolls contains the "Capituli Statutorum," and the other Ten the following Statutes, &c. viz. Magna Carta, and Carta de Foresta 9 Hen. III. (from Inspeximus of 28 March, 28 E. I.); Sententia lata, 37 Hen. III.; Novi Articuli (i. e. Articuli super Cartas, 28 Edw. I.); Provisions of Merton; Stat. Marlbridge; West. 1.; Gloucester; Explanations of Gloucester; Westm. 2.; Westm. 3.; De Religiosis; De Mercatoribus 13 Edw. I.; De Finibus; Stat. Winton; Districciones Scaccarii; Circumspecte Agatis; De Bigamis; De Vocatis ad Warantiam; and Compositio Monetæ.

At *Oriel College* are preserved Two Original Charters of Inspeximus, 28 Edw. I. These were compared with the Copy printed by Blackstone, in which some Errors were discovered.

13. CAMBRIDGE—*In the Library of the University*.—On Examination of the Manuscripts in this Library cited in Blackstone's Charters, (Introduction, p. lix. note o, and p. lx. note s,) viz. E. e. 1. 1. E. e. 2. 19. H. h. 3. 11. and L. l. 1. 10. & 4. 18, they appear to be Collections of old Statutes, beginning with Magna Carta and Carta de Foresta, but all apparently very incorrect and little deserving any Notice. In H. h. 3. 11, the Carta de Foresta is from the Exemplification of 25 E. I.—L. l. 4. 18, is dated 15th Nov. 2 H. III.

Besides the above, the following Manuscript Collections of old Statutes (not noticed in the Return to the Record Committee, *Rep. Rec. p. 360*.) were also examined; viz.

Class.	Shelf.	No.	Class.	Shelf.	No.	Class.	Shelf.	No.
D. d.	7,	6.	E. e.	1,	5.	K. k.	5,	33.
—	9,	38.	—	6,	1.	L. l.	1,	15.
—	—,	72.	—	—,	33.	—	—,	16.
—	10,	28.	H. h.	4,	1.	—	4,	17.
—	15,	12.	—	—,	6.	M. m.	1,	27.
—	—,	18.	I. i.	6,	25.	—	5,	19.

None of these Manuscript Collections appear to bear any Character of Accuracy or Authenticity; except the last, M. m. 5. 19; several of the Entries wherein are marked *Ex per Rot.* in the same Manner as the Manuscript Volume in the British Museum. Cott. Claud. D. 2. But the Volume is imperfect, wanting the Two Charters and the Statute of Merton. It begins with the Stat. of Marlborough, and ends with the Stat. 50 E. III.

D. d. 10. 28, contains a French Translation of the Two Charters of Henry, without Date. In all the Collections above noticed the Copies of the Charters are generally very inaccurate, sometimes beginning in the Name of *Edward*, and yet bearing Teste as some of the Charters of *Hen. III.* and being in other Particulars imperfect and inconsistent on the Face of them.

Trinity College.—The French Translation of Magna Carta, 2 Hen. III. mentioned in Blackstone's Charters, (p. lix. note q,) as being in this College, is contained in a Manuscript Collection of the old Statutes, O. 1. 76. little deserving any Attention or Credit.

The following Manuscript Collections of Statutes are also preserved in this Library:

Class.	Shelf.	No.	Class.	Shelf.	No.
O.	1.	71.	O.	4.	14.
—	2.	58.	—	9.	26.
—	3.	20.	—	7.	27.
—	—	45.	R.	15.	12.

Generally speaking, none of these Collections are of any Authenticity or Value.

St. John's College.—The following short Extract from a Manuscript Volume in this College (B. 14,) on the Duties of a Priest, and Instructions to him respecting Excommunication, seems worthy of Notice; as explanatory of the Origin and Purpose of entering the Public Charters of the Realm in the Registers of the several Cathedrals.

"Casus in quibus aliquis est excommunicatus qui facit contra Statuta.

"Item

"Item excommunicati sunt ab omnibus Archiepiscopis & Ep̄is Anglie omnes ille qui veniunt aut faciunt contra Magnum Cartam que - - - pluries est confirmata.

"Item sint excommunicati qui faciunt contra aliquem articulum contentum in Carta de Foresta. Bene sciendum est quod in Magna Carta sunt 35 articuli, & in Carta de Foresta sunt 15 Articuli. Ne quis sibi pretendat ignoranciam illorum articulorum, hic breviter inseruntur."

Appendix,
(R.)

Searches for
Charters and
Statutes in
England.

Then follow Abridgments of the Articles of Magna Carta and Carta de Foresta.

Benet or Corpus Christi College.—All the Manuscripts preserved in this College are very accurately mentioned in the Return made from this College to the Record Committee. (See *Rep. Rec. p. 368.*)

The Manuscript Volume, No. 377, contains a Copy of the Article now known by the Appellation of the Statute *De Tallagio non concedendo*, and ascribed to the 34th Year of Edw. I. No Record of this Article as a Statute has yet been discovered; it is seldom found in any antient Manuscript Collection of Statutes. This Manuscript is a very fair, and apparently correct, Collection written in the Time of Edw. II.

The Manuscript Volume, No. 70, contains a History of the Reign of Henry III. and of the several Charters granted and Acts passed by him. At the End of this Volume is an Article *De Rege Edwardo filio Henrici Regis*, with a Rubrick of the Statutes made by that King *et Sigillo suo corroborata*; and a List of certain Instruments, termed *Quedam Summarie de legibus* for the Instruction of Persons not learned in the Law, is subjoined. Among the latter are classed the *Dies Communes in Banco, et de Dote*, and the *Extenta Manerii*; on which, though inserted in the old printed Collections of Statutes, Dispute has arisen whether they were to be classed as Statutes.

14. ELY.—15. PETERBOROUGH.—No Originals, Records, or Transcripts of Charters or Statutes are preserved in either of these Cathedrals.

16. NORWICH.—Blackstone in his Charters (Introduction, p. lxxi,) alludes to an antient Copy of the Great Charter of 9 Hen. III. as being preserved in the Cathedral at Norwich. The only Copies of any of the Charters now in that Cathedral are entered in a Manuscript Volume, called Branthwaite's Register, written (as appears from internal Evidence) very early in the Reign of Edw. I. One of these Entries is of the Magna Carta of King John, but very incorrect throughout, and dated 15th June, anno Regni *decimo*, instead of *septimo decimo*. The other is of the Carta de Foresta, beginning "Henricus," but without Date or Attestation. A Copy of the Sententia Excommunicationis 37 Hen. III. follows these Two Charters; after which the following Sentences occur, which may be thought deserving notice.

"Et ut memoria hujus sententie memoriter perpetueter, & in cordibus omnium indelibilis imprimatur, publicari dicta sententia statuitur p totam Angliam, in ecclesiis parochialibus, accensis candelis & pulsatis, solempniter campanis, dominicis ac festivis diebus, de precepto omnium Episcopoz: Set & episcopatibus Lincoln & London, ubicunq, populi conveniebant, sicuti in comitatibz, hundredis, & curiis laicoz, vicini sacerdotes accedentes cum crucibus & campanulis manualibus dictam sententiam horribiliter fulminarent. Protegat divina clementia omnes ecclesie regnique fideles a tanti excommunicationis voragio, terribiliter metuenda."

The Charters mentioned in the Return from this Cathedral to the Record Committee, (See *Rep. Rec. p. 339*), and several others relating to the Church, are very carefully preserved in Books of Cartridge Paper, to which the Charters are fastened, and Indexes of them are inserted in each Book. The several Charters, each distinguished in the Return as *Magna Carta*, are not Publick Charters of the Realm, but are thus distinguished, in consequence of their containing Confirmations of many former Grants, all of which are recited in the confirming Charter.

17. ROCHESTER.—In the *Textus Roffensis*, preserved in the Archives of the Cathedral, is contained the Charter or Institutions of Henry I.

18. CANTERBURY.—No Originals of the Magna Carta or Carta de Foresta are now to be found in the Archives of this Cathedral; nor even any Entries of them in the Ledger Books or Registers, of which there are several large Volumes. The Registers v. and ix. are very antient, and seem to have been transcribed and collected with Care. Register v. appears to have been written soon after A. D. 1293, and is intituled thus: "v. Registrum oim Cartaz & Composicōnū Eccle Cantuar." In fo. xliij. is the following Entry: "Carte Regum Anglie de Libertate Ecc'astica." In both these Registers are entered the Charter of Stephen of the Liberties of the Church, printed by Blackstone from Hearne; and also the Charter of the Liberties of the Church granted by King John in the Sixteenth Year of his Reign, and alluded to by him in his Magna Carta: but not printed in Blackstone's Edition of the Charters.

A Manuscript, marked K. 12, contains an antient Copy, stated to be from the Charter Roll 11 Edw. III. of the King's Charter of that Year, creating his eldest Son Prince of Wales and Duke of Cornwall, dated at Woodstock, 4th September. See printed Rot. Parl. 5 Hen. IV. nu. 22, and 3 Hen. VI. nu. 29, where this Charter is alluded to.

A Manuscript

Appendix,
(R.)

Searches for
Charters and
Statutes in
England.

A Manuscript Roll, marked K. 2, contains a Copy of the Award of Louis the Dauphin of France, respecting the Dispute between King Hen. III. and his Barons, dated January 1263. In a very small Roll annexed is a Letter from the Barons to the King, declaring their Determination, and pledging their Security, not to offer Violence to the King's Person; and an Answer from the King, dated Lewes 12th May, in which he expresses himself as follows: "De vestra securitate vel amore non curamus, sed vos tanquam inimicos dissidimus."

A Roll (referred to in the Calendars as K. 11,) containing the Ordinance of the Household 5 Edw. II. from an Exemplification under Seal, formerly preserved in the Treasury of the Church, but not now known to be in Existence, appears to afford the best Evidence hitherto discovered of the undoubted Validity (for the Time being) of that Instrument as a Statute. On comparing the Contents of this Roll with the Entry on the Roll of Parliament of this Year in the Tower, (see printed Rot. Parl. vol. I. p. 281,) it will be found that the Canterbury Roll contains many Matters omitted in the Parliament Roll; particularly the Oath of the Ordainers, by which they promise to execute the Ordinances "selonc droit & reson, & selonc le serement que nostre Seignur le Roi jura a son coronement." On the Back of the Roll the Coronation Oath is set forth as administered to the King by the Archbishop of Canterbury; *si Rex literatus est* in Latin; and *si Rex non literatus fuerit* in French. The latter Form varies a little from the Entry of the Coronation Oath on the Close Roll in the Tower (1 E. II. m. 10 d. in Cedula) as there stated to be taken by Edw. II. on his Coronation. On the Back of this Roll are also entered several Articles in Addition to and Alteration of the Ordinances; being probably such Corrections as were made An. 5 and 6 Edw. II. in consequence of the King's Writs and Commissions for that Purpose. See printed Rot. Parl. i. pa. 447. No. 11 and 13.

Two Rolls preserved here, marked M. 260, and C. 256, contain Matters elucidatory of the Proceedings previous to the Articuli Cleri 9 E. II. These Rolls are intituled as follows, viz.

M. 260. Articuli liberati Dño E. Regi ex parte Prelatoꝝ & Cleri Angl in plm̃o suo Lond in q^{dragesima}, anno Dñi M^{CC} nonagesimo nono, tempe Dñi R. Can^t Archiepi. Et postea in plm̃o Lynce in Octab^s S^ci Illarii, Anno Dñi M^{CCC} Idem articuli liberati fuer^ut. Dño Regi in p^sencia p^latoꝝ & p^{ce}z toci⁹ regni.

Gravamina illata Eccle Anglicane sup quibz petit^r remediũ cõveniens adhiberi: [34 Articles.]

C. 256. ¶ Gravamina tam vetera q^u nova illata Eccle Anglicane libera^t Dño E. Reg. fit Reg. E. p^{mi} p⁹ qstũ, ap^d Westm̃ per P^latos & Clerũ toci⁹ p^{vin}ẽ Can^t i gcilio p^{vin}cia^t cebra^t London vij⁹ k^t Decẽb^r, Ann^o Dñi M^{CCC}ix^o.

¶ I^t respõcõnes Dñi Reg^{is} ad eadẽ gravamina

¶ I^t rep^licaões & calũpnie p^latoꝝ & cleri 9^a respõsiõ Reg^{is}.

This latter Roll consists of Three Parts or Membranes. The Gravamina are introduced by the following Sentence:

"A vobis serenissimo principe Dño Edwardo, Dei gr̃a Angloꝝ Rege illustri, fideles v^{ri} ac devoti Prelati et Clerus Cantuaren^{is} Provincie humiliter petunt, quatenus in hiis que sequuntur, remedium adhibere dignemini opportunum."

Then follow the Particulars of the *Gravamina Antiqua*, which appear similar to those presented to King Hen. III. A. D. 1258, noticed by Lord Coke, 2 Inst. 599, &c. and lately discovered in the King's Remembrancer's Office in the Exchequer, on a Roll intituled "Articuli & Petitiones p^latoꝝ Anglie, &c." The Remainder of this Canterbury Roll, C. 256, appears to contain Proceedings subsequent to those entered on the Exchequer Roll; and all these Rolls together afford Matter for a much more detailed and accurate Account of the Proceedings previous to the Articuli Cleri 9 E. II. than is given by Lord Coke in his Second Institute.

Appendix (S.)

A REPORT of the several Public Records, &c. discovered in the RECORD OFFICE at the Tower, since the beginning of the Year 1804, when the present Keeper of the Records in the Tower entered upon his Office.

Appendix
(S.)
Records discovered
in the Tower.

THE present Keeper of the Tower Records, having been anxious to make himself acquainted with all the Particulars of the valuable Charge intrusted to his Care, has taken every Opportunity of examining such Bundles and Rolls in the Record Office at the Tower, as were not labelled, or noticed in any of the Calendars remaining in the Office; and the immense Mass of unsorted Records dispersed about in every Part of the Record-Rooms; in which he was assisted by Mr. Illingworth during Part of the Years 1804 and 1805, by Order of His Majesty's Commissioners on the Public Records. The Result of these Investigations has been the Discovery of the under-mentioned Records and State Papers, which do not appear in the Return made to the Committee of the House of Commons in the Year 1800.

1.

Parliamentary Records.

RETURNS TO PARLIAMENT.

A considerable Number of Returns to Parliament, from the Reign of King Henry the Sixth to that of King Charles the Second, comprising great Part of the Returns to the Three Parliaments during the Usurpation, were found covered with Filth, and dispersed in the great Heap of unsorted Records, under the Arch at the North-west Corner of the White Tower: these have been cleaned, arranged in Port-folios, and placed in the Wakefield Tower.

PETITIONS TO PARLIAMENT.

An immense Quantity of Parliamentary Petitions were discovered in the White Tower in the Years 1804 and 1805, which were cleaned, smoothed, and arranged, and a particular Report of them was drawn up by Mr. Illingworth, by Order of His Majesty's Commissioners on the Public Records, and submitted to them in the Year 1805.

Several other detached Parliamentary Records have been also discovered, among which are the Original Articles exhibited in Parliament by John Duke of Bedford, 11 Hen. VI.

2.

State Papers.

Letters Missive from the King to the Lord Chancellor, and from the different Sovereigns of Europe to the Kings of England, from the Beginning of the Reign of King Henry the Third, to the End of the Reign of King Richard the Third, were found, some of them under the above-mentioned Arch in the White Tower, and some in the North Gallery of the Chapel. Above 500 of these, during the Reigns of King Richard the Second, Hen. IV. Hen. V. Hen. VI. Edw. IV. and Richard the Third, which are written on Paper, have been cleaned, arranged, and made smooth, and about Half of them inlaid in strong Drawing Paper, and bound in Volumes.

There are also a very great Number of Letters from the Heads of different Religious Houses, and other Ecclesiastics, to the King; and about an hundred have been found addressed by the Nobility and Ecclesiastics, particularly Pandulf the Legate, to Hubert de Burgh the Chief Justice, in the Beginning of the Reign of King Henry the Third, the greater Part of which have been smoothed and arranged. The Letters of the Kings of England, and those addressed to them by their Subjects, already arranged, amount to Eight large Folio Volumes.

Appendix
(S.)

Records discovered
in the Tower.

A great Number of those from the Kings of France, the Kings of Spain, and the Kings of the Romans, and from the Dukes of Norway, the Earls of Holland, and Earls of Flanders, have been cleaned, smoothed, and sorted in Port Folios.

There are also several Instruments, containing Instructions to Ambassadors and Memorandums of Treatises, &c.

A great Mass of State Papers, which were discovered in a Closet in the Wakefield Tower, tied up in Bundles, have been placed in a large Box, in the Closet of that Tower, for the Purpose of being examined and arranged at the first convenient Opportunity; from a cursory Examination of them, it appears that several of these Instruments printed in Rymer, without any Intimation of the Repository, where the Originals were preserved, are in this Collection*.

3.

Records of the Court of Chancery.

A very great Number and Variety of unarranged Records of the Court of Chancery have been found dispersed through the Record Office, and the Chapel and Room in the White Tower, in Lockers, Drawers, and Cupboards, as well as in the great Heap under the Arch; consisting of Partitions of Lands, Assignments of Dower, Writs of Scire Facias to repeal Letters Patent, with the Pleadings thereon, (of these there are Fifty-six issued on Behalf of Henry Prince of Wales to repeal Letters Patent of Queen Elizabeth, by which she had granted to divers Persons several of the Possessions of the Dutchy of Cornwall). Inquisitions of the annual Value of Benefices in the Towns of Cambridge and Abingdon, taken under the Act for providing Maintenance for Preaching Ministers, Inquisitions Post Mortem, and Inquisitions ad quod Damnum, Writs de Ætate Probanda with Returns, and a great Number of Placita Coram Rege in Cancellaria, particularly Pleadings upon Traverses of Office in the Reigns of King Henry the Seventh and Henry the Eighth, and various other important Records relating to Lands.

In the year 1800, when a Return was made to the Select Committee of the House of Commons of the Records in this Office, it does not appear to have been known that there were any Proceedings in the Court of Chancery preserved there, of an earlier Date than the Reign of Queen Elizabeth, except a few in the Reign of King Henry the Sixth; there have since been discovered in an obscure Part of the North Gallery of the Chapel in the White Tower, a Series of these Proceedings, consisting of Bundles of Bills, Answers, and Depositions, during the Reigns of King Henry the Sixth, Kings Edward the Fourth and Fifth, and King Richard the Third.

Several hundred Bundles of Bills and Answers, which were piled up on the Top of the Presses in the Great Room, adjoining the Gallery of the Chapel in the White Tower, none of which have any Labels, or are noticed in any of the Calendars, appear by an Examination of several of them to be of equal Importance with the rest; and to contain Files of Proceedings from the Reign of King Henry the 7th to that of Queen Anne. These will be placed in Presses in the Gallery of the Great Room lately added to this Office, when the Works now going on there are completed.

The great Mass of unsorted Records lying under the Arch at the North-east Corner of the White Tower was thrown out in the Year 1809, and in the Course of that and the following Year was sorted, and the several different Kinds of Records deposited in Boxes for the Purpose of future Examination and Arrangement. By far the greater Part of this Collection was found to consist of Bills and Answers in Chancery, a very great Quantity of which, to the Amount of upwards of Seven Thousand, have been since unfolded, cleaned, smoothed, and arranged in Port Folios, under the Names of the several Chancellors; chiefly during the Reigns of King Henry the 7th, Henry the 8th, King Edward the 6th, Philip and Mary, Queen Elizabeth, and King James the First. There have been already found the Proceedings in 840 Suits whilst Cardinal Wolsey was Chancellor, 1,560 in the Time of Sir Thomas Audley, and 1,250 in the Time of Sir Nicholas Bacon.

4.

Miscellaneous Records.

A great Number and Variety of antient Records have been found in this Office, which are not particularized in the Report of 1800, and which cannot well be reduced under any General Heads. The most valuable and important of these are, a Collection of Miscellaneous Rolls from the Time of King John to that of Queen Elizabeth.

* Many of them are greatly injured by the improper Use of the Infusion of Galls.

Of these the Keeper of the Records has begun a general Calendar, a Specimen of which is subjoined to this Report. Among the Miscellaneous Records should also be mentioned two Wardrobe Accounts of the 6th and the 18th Years of King Edward the First in Books, and two other Books intituled, "*Liber Contrarotulatoris de necessariis expensis*," of the 14th and 18th Years, besides two Fragments of Books of the same Kind of the 13th and 25th Years of the same King.

Appendix
(S.)
Records discovered
in the Tower.

5.

Judicial Records.

In the South-east Closet of the Wakefield Tower were deposited a very large Collection of Rolls not noticed in the Report of 1800, the greater Part of which, on Examination, proved to be Essoin Rolls of the Reigns of King Hen. 3. Edw. 1. and Edw. 2. and also Proceedings in the Court of King's Bench and Common Pleas, and before the Justices in Eyre; which have been arranged and placed in a Press on the North-west Side of the Wakefield Tower. A particular Account of these was submitted to His Majesty's Commissioners on the Public Records, the 1st of March 1811. Some Proceedings relative to Forests were found among the unsorted Records in the White Tower, particularly "*Placita Forestarum in Com' Southt' de Foresta de Chute*," 4 Edw. 3; and "*Mete & bunde Foreste de Bradene*," temp' Edw. 3; and also a few Pleadings on Writs of Quo Warranto.

6.

Private Muniments and Papers.

Among the Heap of unsorted Records above mentioned there were found a great Quantity of Court Rolls, Deeds, Letters, and other Papers of a private Nature, the greater Part of them relating to the Families of Stoner, of Stoner, in Oxfordshire, and Darrell, of Littlecot, in Wiltshire; those of the Stoner Family are chiefly during the Reign of Henry the 6th, Edward the 4th, and Richard the 3d; several of them are particularly interesting on account of the light they throw on some Parts of the History of this Country; from these the Keeper of the Records has begun a Selection for the Purpose of printing them in a Miscellaneous Collection of Papers illustrative of the History and Antiquities of this Kingdom, from the Record Office in the Tower, and hopes to have a Quarto Volume completed in the course of the present Year; he has also begun printing a Volume of the Royal Letters Missive.

All which is submitted to His Majesty's Commissioners on the Public Records.

Record Office, Tower,
21st Feb. 1812.

SAMUEL LYSONS.

Specimen of a CALENDAR of the MISCELLANEOUS ROLLS in the Record Office at the Tower.

- 21 Hen. 3. A Roll, intituled, "*Recept' de Termino Scti Mich' anno regni Regis H. xxj.*" containing an Account of the Receipts of the Lord Treasurer of the Exchequer of Monies paid into the Exchequer.
- 50 to 54 Hen. 3. A Roll of the Purchases of Silver in the King's Mint in the Time of B. de Castell and Richard de Geoffrey, Wardens of the Mint, from the 1st July A° 50 Hen 3, to the 16th Nov. 54 Hen. 3, and of the said Bartholomew, sole Warden, from the 16th Nov. A° 54 to Christmas A° 55 Hen. 3.
- 10 Edw. 1. "*Rotulus de maneñ R. & quibzdam Castris R. comissis finiente anno R. R. E. nono inciþ x.*" containing Entries of divers Castles and Manors belonging to the Crown, committed to farm for Terms of Years, viz. the Castles of St. Briavels, Harestan, Peek, Bolesover, Leicester, Buwelt, Dyvyses, Bamburgh, and Rokingham, and the Manors of Wheteley, Neyland, Mansfield, Brehull, Estwood, Releye, Brustwyk, Cleton, Langley and Wyrardisbury, Bansted and Porstock.
- 10 Edw. 1. A Roll intituled, "*Servitium dñi Edwardi fil' Henr' suñonitum apud Rothelaneñ ad diem dñicum in crastino festi Scti Petri ad vincula anno r' ejusdem Reg' decimo contra Leollinū fil' Griffini & David Fřem ejus & alios Walen' rebelles suos pñsentibz Humfrō de Boun Com' Heref' Constabular' Angt Joñe de Boun Avunclo suo & Rogo Bygod Marescallo Angt.*"

Containing an Account of such Persons who acknowledged their Services, and who either performed the same in Person, or by their Knights or others, or who made Fine to the King in lieu of their Service.

Appendix
(S.)Records discovered
in the Tower.

- 11, 12, & 13 Edw. 1. A Roll containing the Appointments of the Assessors and Collectors of the Subsidy of a 30th granted to King Edw. 1, towards his Expedition against Wales, and an Account of various Sums thereupon paid into the Treasury in the 11th, 12, and 13 Edw. 1.
A Roll, intituled, "Transcript du Compromis' fact' av' le Pape Boniface par le procurement le Counte de Mohard et Sire Johan et des x autres nobles de Burgoine aliez n're Seigneur le Roy " sur les guerres meuez entre le Roy D'Engleterre et Roy de France." Printed in Rymer, Vol. 2. p. 814.
- 22 Edw. 1. A Roll containing a Certificate or Return of the Sheriff of Norfolk and Suffolk, of all Ships in the several Ports of those Counties; to most of which Ships are added the Names and Tonnage.
A° 22 Edw. 1.
- 26 Edw. 1. A Roll, intituled, "De Superioritate Maris Anglie et jure officij Admiralitatis in eadem."
A° 26 Edw. 1.
- 29 Edw. 1. A Roll of Proceedings before the King and Council A° 29 Edw. 1, respecting the Jurisdiction of the Bishop of Chichester, as to his Visitation in the King's Free Chapel of Hastings, in Sussex.
- 34 Edw. 1. A Roll of Pleadings at Bury St. Edmonds before William de Bereford and others, Special Commissioners, assigned to hear and determine certain Trespasses and Conspiracies between the Abbot of St. Edmund, Plaintiff, and certain Inhabitants of the Town of St. Edmund, Defendants, respecting the Infringement upon the Rights of the Abbot as Lord of the Town in taking Toll, &c. &c. A° 34 Edw. 1.
- 11 Edw. 2. A° 11 Edw. 2.—"Ppartes Hugonis le Despenser & Alianore ux'is ejus unius. Et Hugonis D'Audele " & Margarete uxoris ejus al'ius & Rog'i Damorey & Elizabeth ux'is ejus 'cie filiarum & heredū " Gilb'ti de Clare nup Comitis Glouc' & Hertf' de 'ris & ten' que nup fuerunt ejusdem nup " Comitis." With the King's Writs to the Escheators to deliver the Lands, &c. so parted.
- 19 Edw. 3. Visitation by Special Commissioners, appointed A° 19 Edw. 3, of the King's Free Chapel within his Castle of Hastings.
- 25 Edw. 3. 25 Edw. 3.—"In hoc rotulo continet' tenor indictamentoꝝ Joh'ēm Fitz Watur' tangentiū coram " dño Rege apud Chelmsford īmino S'ci Mich'is anno regni Regis Edwardi 'cij post conquestū " Angl' vicesimo quinto & regni sui Francie duodecimo."
Another Roll of the same Date, intituled, "In hoc rotulo, &c. Joh'em Fermor Chivaler " tangentiū," &c.
- 45 Edw. 3. "Noīa Eccl'iaꝝ Pochialium ac Capellaꝝ et Prebendarum in Comitatu Cornubie tam in manibus Seculaꝝ quam Religiosoꝝ existentibus." A° 45 Edw. 3.
- 16 & 17 Ric. 2. 16 & 17 Ric. 2. The Examination taken in a Cause between John Hauley of Dartmouth and John Roches of Cherburgh, respecting a Ship of Roche's taken at Sea by Hauley.
- 13 Hen. 4. 13 Hen. 4th.—"Ppars Johanne que fuit uxor Ri'ci Vernon Chivaler ip'am contingens de Castro " Man'io & dñicis de Coytyff & de Man'iis de Newcastell Newland & Lanharry cum ptiñ in Com " Glomg' in Marchiis Wallie fact' A° xij Hen. iv." before John Derehurst, the King's Escheator for Gloucestershire and the Marches of Wales, by virtue of the King's Writ to him directed.
- 3 Edw. 4. A Commission under the Great Seal, dated 8 July, 3 Edw. 4, directed to Henry Earl of Essex, John Wenlock de Wenlok Knt, and others, to inquire what Sums of Money were due to the Captain of the Town and Castle of Calais, and the Lieutenant and Soldiers of the old and the new Establishment, and of the Castles of Guynes and Hammes, and the Tower of Ruysbank, and also the Soldiers of the Retinue (retinentia) of the Treasurer of Calais and the Crossbow Men (arbalistariis), Carpenters, Masons, &c. before the 3d Day of March, in the 39th Year of the Reign of Hen. 6th.

Abstract

Abstract of Letters Missive.

TEMP. HEN. III.

Mem. All the Letters in this Reign are written in Latin.

Appendix,
(S.)

Records discovered in
the Tower.

N ^o	By whom written, and to whom addressed.	Subject.
1.	From William de Marshal Earl of Pembroke to Hubert de Burgh, Chief Justice. This and the Two following Letters have no Date; it should be observed that the Year of our Lord or of the King's Reign is very rarely mentioned in the Letters Missive.	His Kinsman, John Marshal, having signified to him that he had sent Letters of the King to Fawkes [Falcasius] de Brealte ‡ for him to have peaceable Possession of his Wood of Norton, &c. within the Bailiwick of the said Falcasius. To which Falcasius answered, That if he sent him 30 <i>Pair of Letters of the King</i> §, he should not enjoy his Wood, &c. peaceably; and used outrageous Language, and imprisoned his Bailiff, &c. He entreats the Chief Justice to restrain his Excesses.
	From William Longespée Earl of Sarum to the same.	To the same Effect as the preceding, and nearly in the same Terms.
4.	From Llewellyn Prince of North Wales to the King.	The Prince acknowledges the Receipt of the King's Command, that he should not receive or afford any Assistance to Falcasius de Breaute, who had seized Henry de Braybroc, one of the King's Justices, and imprisoned him in Bedford Castle. To which he answers, that Falcasius came to him grievously complaining of the Wrongs which had been done him by the King's Council on this Occasion; he being ignorant of the Seizure of the said Henry, and having offered that his Brother William should be answerable for it; and that he departed the same Day that he came. Nevertheless the Prince conceives that he should have been justified if he had received him, for he does not enjoy less Liberty in that Behalf than the King of Scotland, who receives Outlaws from England with Impunity: That he never had heard of any Injury Falcasius had done towards the King or his Father, but on the contrary that he had served both faithfully; and concludes with heavy complaints of the Injuries done to himself, which he has no Expectation that the King's Council will redress. And prays that on these and other Matters, God will give His Majesty and himself wholesome Council, of which they both stand in great need.
	"Pandulf Norwici electus dñi pp̄ Camer̄ Aplici Sedis leḡ H. de Bur̄g Justiciario Anglie." Dated At Cirencester. 3 Kal. Feb.	Pandulf the Legate had bent his Course towards the Parts of Wales, not for his own Advantage, but because he saw that it was expedient for the Honour of the King and his faithful Subjects; and though he had not finished that which he had undertaken, he will, at the instance of the Chief Justice, on account of the pressing Occasion which had lately occurred, direct his Journey towards London.
	"Pandulf Norwici electus dñi pp̄ Camer̄ Aplici Sedis leḡ H. de Bur̄go Justiciario Anglie." Dated At Wells. 17 Kal. Feb.	The Pope having committed to the Legate, the Archbishop of Canterbury, and the Bishop of Salisbury, the Appointment to the Church of Ely, and they having agreed in choosing the Abbot de Fontibus; the Legate presents him to the King, requesting that he would receive him favourably, and accept his Fealty.
TEMP. EDW. I.		
1.	The King to Llewellyn Fitz-Griffin Prince of Wales. Dated Westminster. 25th Oct. Anno r. 7. N.B. This and the two following Letters are in Latin.	The King having heard all that could be urged by the Prince of Wales's Attornies in the Plea betwixt him and Griffin Fitz-Wenunwen of the Land of Arwystly, &c. and also by those of the said Griffin in his present Parliament, would be justified in proceeding against the Prince as undefended, on account of the Insufficiency of what had been urged by his Attornies; nevertheless he postpones the Determination of the Cause till the next Parliament which should be at Westminster from the Day of Easter in Three Weeks, when the Parties are ordered to attend; and Llewellyn is directed to send certain Persons, by whom the King's Court may be certified whether they ought to proceed in the Premises according to the Law of Howel Da, or the Law according to which the said Griffin demands Judgment.

‡ Called by all modern Historians (except Carte) "de Brent." In antient Records the Name is uniformly written de Breaute or Brealte.
§ This Letter serves to explain the following Passage in Mathew Paris's History, which would be otherwise unintelligible: "Nempe fuerunt eo tempore [1224 in Oct. S. Trinitat.] apud Dunestabiliam Justiciarij Regis, quos Itinerantes appellamus: Martinus scilicet de Pateshulle, Thomas de Multona, Henricus de Braibroc et alij; qui ibidem tenebant Placita Regis de nova dissaisina. Ubi Falcasius inter alios qui multos spoliaverat cecidit in misericordia Regis de plusquam triginta paribus literarum; de quibus singulis in Centum libris erga Regem debuerat condemnari." M. Paris Hist. Angl. p. 320. Edit. 1640.

Appendix,
(S.)

Records discovered in
the Tower.

TEMP. EDW. I.— <i>continued</i> .		
N ^o	By whom written, and to whom addressed.	Subject.
2.	Llewellyn Prince of Wales and Lord of Snowdon to the King. Dated Nevyn. Purification of the Bl. Virgin Mary.	Some Honey and Horses of the Prince being detained at Chester by reason of a certain Wreck, before the War in his Country; when he expected to have had redress by the King's Command, his Servants sent to Chester to purchase Necessaries, were attached by the Justice, and his Honey of the Value of 4 <i>l</i> . taken from them. He complains of being ill used respecting the Suit betwixt him and Griffin Fitz-Wenunwen, and prays for Redress.
3.	The King to William Archbishop of York. Dated Rothelan. 25th Nov. [Anno r. 11 ^o .]	The King having determined to proceed against Prince Llewellyn and the Welsh, commands the Archbishop, with all his Suffragans, Abbots, Priors, and all other Heads of Religious Houses, to meet him, or certain Persons deputed by him, at York, on the Octave of St. Hilary.

TEMP. EDW. III.

Mem. These three Letters are written in Latin; many on the same Subject, and written at the same Time, are in French.

From the Prior and Convent of Pentneye (in Norfolk) to the King. Dated In their Chapter at Pentneye. Pridie Idus Marcij A. D. 1334.	They are extremely sorry that it is not in their Power to satisfy the Subsidy demanded by the King's Letters, on account of the Marriage of his Sister Eleanor, but send him 40 <i>s</i> . entreating that His Majesty would not be offended at their offering so small a Sum.
From the Abbot of Vale Royal (Cheshire) to the King. Dated At their said House. 7 Anno Regis.	Acknowledging the Receipt of the King's Letter, bearing Date at Pomfret, the 12th Day of February in the 7th Year of his Reign, in which he tells them that he deems their Excuses insufficient for not affording him the Subsidy he had demanded, on account of the Expenses of marrying his Sister Eleanor to the Earl of Gerl, and again demands the Subsidy. They state that the Monastery was refounded by his Grandfather, on account of a certain Vow he had made on his Escape from Peril of the Sea; and that it was but partially endowed, and the Fabric of their Church only begun at the Time of his Death, in consequence of which they are left in a wretched Condition; nevertheless they offer to His Majesty 100 <i>s</i> . to be paid when by his Gift their Establishment shall be completed.
From the Prior and Convent of Anglesey (Cambridgeshire). Dated At Angleseye. 17th March.	Their House is so poor and so ill-endowed, that by means of Tithes, Tallages, and Murrain of Cattle, they are unable to contribute to his Majesty's Wants on account of the Marriage of his Sister, as they wished to have done; nevertheless out of their poor Estate they will, at the ensuing Michaelmas, pay the Sum of Forty-pence to whomsoever he shall appoint, in Aid of his Charges, which small Sum they hope he will receive without Indignation.

Abstract of Royal Letters Missive.

TEMP. RIC. II.

Mem. All the Letters of this King are in French.

2.	A nre tres cher & feal Michel De la Poole nre Chancellor. Dated Hengham Castle. "Cest nuit bien tard." No Date.	The Scots having invaded the Kingdom, the Chancellor is ordered in all haste to cause to be assembled all the Lords of the Realm, with their Retinue prepared for War, in 14 Days, either at London or Northampton, as he should judge most expedient. And also to order the Sheriffs to summon all the King's liege Subjects between the Age of 16 and 60, to be at the same Place, to march with him against his Enemies; the King intending to be at Havering on the Saturday, and at London the Sunday following.
9.	A tres rev'rend pere en Dieu nre tres chier Cousin l'Archevesque de Cantorbiry nre Chancellor. Dated The Abbey of St. Albans. 2d Mareh.	The King having ordered Richard de Lone, Mason, to make Cannon Balls (piers pour Canons) in his Lordship of Harescomb in Gloucestershire; Directs that the Chancellor should make a Commission to him under the Great Seal, to take such Workmen, Artificers, and Carriages as he might stand in Need of on that Occasion.

TEMP. RIC. II.—*continued.*Appendix,
(S.)Records discovered in
the Tower.

Nº.	To whom addressed.	Subject.
12.	To the same. Dated Romsey. 13th Sept.	The Duke of Berry having informed the King, by Letters brought by the Prior of St. Thomas of Canterbury, that in consequence of the great Mortality in the Marches of Boulogne and Calais, where the Ambassadors were to assemble on the 16th Day of September following, it would be advisable that they should meet at Bruges or Amiens. It appears, nevertheless, to the King, that as the said Prior has reported, that there is no Mortality in the said Marches, or in the Marches of Piccardy, likely to be dangerous to those coming thither, it would be better not to change the Place of Meeting; yet if any reasonable Cause should arise, the Ambassadors should be empowered to change the Place, and give the necessary Passports to those resorting to them. And as Le Sire Descrop, One of the said Ambassadors, could not attend on that Occasion, the Chancellor is directed to alter the Letters Patent, putting in his Place the Name of Thomas Beaufort, Admiral of England.

TEMP. HEN. IV.

Mem. All the Letters of this King are in French.

Au Rev ^e nt pere en Dieu n ^{re} t ^s ch' cousin Jev ^e sque d'Excestre n ^{re} Chancellor. Dated On board the King's Ship named the Trinity, in the Port of Milford. 27th May.	The King, at the Request of the Duke of Rothsay, orders the Chancellor to prepare Letters of Safe Conduct, under the Great Seal, for John Spershot, Esquire, and John Feller, valet, who were formerly dwelling with Sir Thomas Mortemer, Knight, deceased, to come to the King's Presence in His Realm of England, or elsewhere, and to return at their Pleasure.
A n ^{re} t ^s chier clerc St John Searle n ^{re} Chancellor. Dated Hertford Castle. 27th Nov.	The Chancellor is directed to give in Commandment, by the King's Writs under the Great Seal to the Abbot of Cirencester, that he should not do, or cause to be done, any Damage or Molestation to the King's liege Men of the said Town, but that he should suffer the said Town to be of free Condition until the next Parliament.
To the same. Dated The Palace of Westminster. 12th Nov.	John Hulton, of Bacon-street, and John Bedenale, being by the Malice of certain Persons their Enemies, indicted of divers Murders, Rapes, and Felonies, before the Justices of Peace for the County of Stafford, the King wills, that the Indictment be removed into the King's Bench, to be there determined according to the Laws.

TEMP. HEN. V.

These Letters are written in English, as are all those of King Henry the 5th, after the Year 1417.

1. "To the Worshipful fader in God oure right trusty and welbeloved the Bishop of Duresme our Chancellor of England." Dated The Town of Vernon. 28th April.	The King encloses a Petition from the Parson of Street, in Somersetshire, complaining that the Abbot and Convent of Glastonbury had taken away his Plough, &c. and imprisoned his Men, because he had sued them for Tithes; and orders the Chancellor to call both Parties before him, "and their Causes herd, that he do unto them both Right and Equite; and "in especial that he see that the porer Party suffre no Wrong."
2. To the same. Dated Lambhith. 9th May.	The Chancellor is commanded to attend to the Petition of Margery Daye, touching certain Extorsions and Harms done unto her Husband and her by John Armesby, Notary of Leicester; and to see that Right be done to the Party complainant, "and the more favourably considering the Poverty of the said Margery."
3. To the same. Dated "In oure hoost before Roan." 9th August.	The Chancellor is ordered to cause Proclamation to be made in all the Seaports and other Places, that the Truce between the King and the Duke of Bretagne was "prorogued until Halownesse next coming."

TEMP. HEN. VI.

These Letters, as well as all those of the same King, are written in English, and most of his Letters are signed with his Initials R. H. at the Top of the Letter. The Royal Signature does not appear to any Letter before his Time.

1. "To the right reverend fader in God our right trusty and right welbeloved the Arch- bishop of Canterbury our Chancellor of England." Dated At Alsforth. 24th January. [25 Hen. 6.]	Though the King had before written to the Chancellor for the removing the Parliament, which was to have been holden at Cambridge, to Winchester, on account of the Pestilence; yet he now directs that it be holden at the Town of St. Edmund's Bury.
---	---

Appendix,
(S.)Records discovered in
the Tower.TEMP. HEN. VI.—*continued.*

Nº.	To whom addressed.	Subject.
2.	To the same. Dated Westminster. 8th July.	There being an Assize arraigned by one Edmund Cornwell in the County of Hereford, against Humphry Blount and others, of his Freehold in Ashton, before William Yelverton and Richard Bingham, Justices. The Chancellor is ordered to make Letters of Association under the Great Seal, that William Burley be associate with them, and that they should not proceed on the said Assize unless he be present.
3.	To the same. Dated At our Castle of Berkhamsted. The last Day of May. [22 Hen. 6.]	The Wardship and Marriage of the Daughter of the Duke of Somerset, then lately deceased, to be granted to the Earl of Suffolk; and the Chancellor is directed to prepare Letters Patent accordingly.

TEMP. EDW. IV.

Mem. The Letters of K. Edw. IV. are all written in English, and most of them signed by the King, with a Monogram formed of the Letters R. E. and frequently with Notes at the Bottom in the King's Hand-writing.

1.	To the R ^t Rev ^{end} fadre & entirely beloved Cousin our Chancellor of England. Dated Pomfret Castle. 2d Dec. [1463.]	A Commission of Oyer and Terminer to be made, directed to John Shipward, Mayor of Bristol, Nicholas Chook, One of the King's Justices, Thomas Yong, Serjeant at Law, and others, for the Punishment of certain Persons who had stirred up Commotions and Insurrections in the Town of Bristol and its Neighbourhood; with a Memorandum in the King's own Hand, that if the Chancellor thought he should have a Warrant, he might have one made in due Form.
2.	To the right reverend fader in God our right trusty & welbeloved the Bishop of Bath our Chancellor. Dated Canterbury. 11th June.	The King commands the Chancellor to send him by the Bearer a new Commission of the Peace for the County of Suffolk, inclosing a Schedule of the Names to be contained in it, and charging him not to change the same Commission in any wise, without a special Commandment from him so to do.
3.	"To our trusty and welbeloved Clerk Maister Robert Kirkeham, keper of our great Seel and of our Rolles in our Chancerie, and our welbeloved Counsellour Thomas Colt, clerk of our hanaper." Dated The Monastery of St. Albans. April.	The King is very much surprized that a Safe-conduct has not been made for the Kervel of Spain, lying at Southampton, and for the Master and Mariners of the same, according to the verbal Directions given by him to the Clerk of the Rolls, and the Privy Seal delivered to him by Earl of Worcester; and peremptorily commands him to make it out without Delay, for which, if the Warrant were not sufficient, he should have it renewed, though the King thought his Speech was sufficient Warrant; with a Note in the King's Hand-writing, that he "willed the Premises to be sped without Delay."

TEMP. RIC. III.

Mem. The Letters of K. Rich. 3. are all in English, signed by him at the Top with the Letters R. R.

1.	"To the right reverend fader in God our right trusty and welbeloved the Bishop of Lincolne o ^r Chancellor of England." Dated Our Town of - - - ngdon. 12th March.	The Chancellor is ordered to make a Commission under the Great Seal, for taking such Carpenters and other Artificers as might be thought expedient for the finishing of the Chapel of Our Lady and St. Nicholas, (now King's College) in the University of Cambridge.
2.	To the same. Dated The Castle of Kenelworth. 22d May.	The King of Scotland having desired a Safe-conduct for the Archbishop of St. Andrew's, with Forty Persons on Horseback, to pass to Rome; and also for certain Persons to be Commissioners to keep the Diet to be holden on the Borders; the King orders the Chancellor to prepare Letters Patent under the Great Seal, assuring him by that Letter, signed with his Hand, that His Majesty at more Leisure would make unto him such sufficient Warrant for his Discharge in that Behalf, as he should think best to be devised; enclosing a Schedule with the Names of the Scotch Commissioners, signed by the King at the Top and Bottom.
3.	To the same. Dated The Monastery of Gloucester. 2d Aug.	The Chancellor is ordered to make Letters of general Pardon, under the Great Seal, for Sir Ralph Hastings, Knight, late Lieutenant of the Castle of Guines; and also Letters of Confirmation of all Lands, "Livelode," and Offices granted to him by King Edward the Fourth, and to cause the same to be delivered to the said Sir Ralph, out of the King's Hanaper, sending unto His Majesty the very Copies of them, to the Intent he might thereupon provide a more sufficient Warrant to the Chancellor, besides that Letter signed with his Hand.

Appendix (T.)

Report of Records, &c. discovered in the Chapter House of Westminster since 1800.

Appendix,
(T.)Records discovered
in the
Chapter House.

To His Majesty's Commissioners on the Public Records of the Kingdom.

IN Compliance with the Order of His Majesty's Commissioners on the Public Records of the Kingdom, directing me to make a Report, as to Records discovered in the Chapter House, since my first Appointment to arrange them; the said Order explaining, that under the Term "Records discovered" was meant such as were in confusion, and "not noticed in any Calendar," I beg Leave to report as follows:

That the Records preserved in the Chapter House, unarranged or nor calendered, at the Time of my Appointment, were so numerous, and so very miscellaneous in their Nature, that I feel considerable Difficulty in classing them under their proper Heads. They may, however, be comprised under the following, viz.

PARLIAMENTARY.
STATE PAPERS.
JUDICIAL AND MINISTERIAL.
MISCELLANEOUS.

Under the First Head of PARLIAMENTARY
are included,

STATUTES and
PLACITA PARLIAMENTARIA.

The Statutes are,

- Enrolments or Transcripts of Statutes transmitted under the Great Seal to be enrolled, *i. e.*
- De illis qui debent poni in Juratis et Assisis.
- Gloucester.
- Winton.
- Wales.
- Westm. 2.
- De Mercatoribus.
- Resumption, &c. &c. &c.

Placita Parliamentaria:

- 10 Rolls of Transcripts of Petitions and Proceedings in Parliament sent to the Courts, either to be enrolled, or to be there judicially proceeded in and determined.

STATE PAPERS, these comprise (inter alia),
Treaties and Transactions with the different States of Europe, from Edw. 1, to Elizabeth; amongst them are these between England and Scotland.

Papers relating to the Contest and Award between Bruce, Balliol, &c. and the other Competitors for the Crown of Scotland.

Claim of Edw. 1, as Superior Lord over the Kingdom of Scotland.

Pleadings and Petitions in the Parliament of Scotland.

Royal Letters, *i. e.* from several Foreign Kings and Ministers to Hen. 8, and his Queen and Ministers.

STATE PAPERS—*continued.*

Correspondence with Kings, Ambassadors, and Ministers, under this Head:

Letters and Correspondence to, from, and with Cardinal Wolsey, Thomas Lord Cromwell, Lord Lisle, and other Persons in the Administration of the Affairs of State.

Rebellions and Treasons:

In Yorkshire and Lincolnshire in the Reign of Hen. 8.

Attainders:

Rolls in divers Counties, containing Surveys and Accounts of forfeited Estates belonging to the

Duke of Buckingham,
Marquis of Exeter,
Earls of Warwick, Spencer, Kent, Derby, Devon,
Sir John Seymour,
Sir William Compton,
Catesby, &c. &c. &c.

Inventories of Chattels relating thereto.

Divorce of King Henry the Eighth with Queen Catherine.

Papal Bulls.

Papal Supremacy.

The Imperial Crown and Jewels.

Annexation thereof to the Crown of England by James 1.

Ireland, Papers relating to the Affairs of, Hen. 3, Edw. 3, and Hen. 5.

Privy Seals for Benevolences and Loans, Hen. 7, Hen. 8.

Appendix
(T.)
Records discovered
in the
Chapter House.

JUDICIAL and MINISTERIAL, *i. e.*

Assize Rolls for each County, Chronologically
from - - - - Ed. 1. Ed. 6.
—and in Counties - - - Hen. 3. Ed. 4.

Chancery, Court of,

Privy Seal Bills - - - { Hen. 8. Eliz.
and Jas. 1.

Chivalry, Court of,

Pleadings there - - - 24 Edw 1.

Common Pleas, Court of,

Writs Original and Judicial,
Bail Pieces, Habeas Corpus
cum Causâ and Returns, Jury
Process, Records for Trial,
and Posteads, Writs of Ex-
ecution, &c. - - - } Edw. 3.
to
Car. 2.

Curia Regis,

Fines and Pleadings therein.

Eyre,

Rolls of Pleadings before the
Justices in Eyre on their
Circuits, and amongst these
the Pleadings in Quo War-
ranto - - - } Hen. 3.
to
Edw. 3.

Gaol Deliveries - - - Ed. 1. to Hen. 6.

King's Bench, Court of,

Similar Proceedings to those under
the Head "Common Pleas."

Marshalsea, Court of,

Pleadings therein - - - Ed. 1. 2. 3.

Coroner's Rolls - - - Ed. 1. Hen. 4.

Hundred Rolls

taken under a Special Commission A° 2 Edw. 1.
—Estreats thereupon.

Ministers or Stewards, Accounts of

Estates belonging to the Crown—Various Reigns.

MISCELLANEOUS, *i. e.*

Abbies,

Surveys of - - - Hen. 8.

Butlerage,

Accounts of - - - Hen. 8.

Calais,

Accounts relating to the Staple Hen. 8.

Treasurers and Comptrollers
Accounts - - - Hen. 8.

Castles, Royal, and Palaces,

Accounts of the Expense of
Buildings and Repairs of, viz. } Edw. 4.
Hampton Court } and
Windsor } Hen. 8.
York Place }

Chantries,

Particulars for Sales of Lands } Edw. 6.
belonging to - - - }

Charles 1st,

Receiver General's Accounts of } A° 1643.
Lands late belonging to - }

Colleges, *i. e.*

Ipswich.

Cardinal College, Oxon'

Endowments of - - - Hen. 8.

MISCELLANEOUS—*continued.*

Customs,

Receiver General's Accounts of Various Reigns.

Dioceses,

Bags of Deeds of divers Dioceses.

Escheats,

Rolls of Accounts of Lands es- } Hen. 8.
cheated to the Crown - }

Exchequer Accounts - - - Hen. 8.

Excise,

Receipts of Collectors for the } A° 1700.
Standard - - - }

Extents of Manors,

in various Counties - - - Various Reigns.

Forfeited Estates,

Surveyors Accounts of - - - Various Reigns.

Funerals.

Orders for Royal and other } Hen. 8.
Funerals - - - } and Eliz.

Garter,

Statutes of the Order of the - Hen. 8.

Gold, Silver, and Tin Mines in

Cornwall

Devon

Gloucester

Somerset

} Various Reigns.

Henry 7th's Chapel,

Books respecting the Founda- } Hen. 7.
tion of - - - }

The erecting of his Monument Hen. 8.

Household, Royal,

Accounts of - - - Hen. 7 & 8.

Jewels and Plate,

Indentures for the Delivery of - Ed. 2. & 3.

Jews,

Rotuli Judeorum & Starra - John & Hen. 3.

Land Revenue,

Wood Sales,

Surveys,

Manors.

Surveys, Extents and Rentals
of, various.

Mines, Royal,

Vide Gold and Silver.

Mint,

Assays, Indentures, &c. - Ed. 3, & Car. 1.

Monasteries,

Surveys and Visitations, and } Hen. 8.
Reports of Visitors, and }
Surrenders of - - - }

Pensions to Abbots, &c. of } Hen. 8.
dissolved Monasteries - }

Mortmain,

Licences to Cardinal Wolsey } Hen. 8.
to endow his College - }

Musters of Men at Arms, Hoblers, }

&c. in various Counties - } Hen. 5, 6, & 8.

MISCELLANEOUS

MISCELLANEOUS—*continued.*

Navy and Ordnance
Accounts - - - - Hen. 8.
Palaces, Castles, &c.
Accounts of Expenses of - Ed. 4. Hen. 8.
Ponthieu,
Treasurers Accounts of - { Ed. 3, Hen. 5,
and Hen. 8.

MISCELLANEOUS—*continued.*

Wardrobe Accounts - - - Ed. 1. Hen. 8.
Wills, Royal, viz.
King Ric. 2.
Hen. 5.
Hen. 7.
Hen. 8.
Wood Sales - - - - { Hen. 8. and
Edw. 6.

Appendix,
(T.)

Records discovered
in the
Chapter House.

Having thus stated a few of the general Heads, for the Purpose of showing the Nature of the Records and Documents newly arranged, I beg Leave to add, that such of them as related to SCOTLAND were contained in Two large Chests, in great Confusion, and in a perishing State. The Instruments of various Reigns were intermixed, and most of the Seals, from the decayed State of the Parchment, had fallen off, and were at the Bottom of the Chests; so that it was impracticable, in every Case, to attach them to their proper Instruments.

I have sorted the whole into regal and chronological Order; comparing them with the Calendar printed by Sir Joseph Ayloffe, and with Rymer; giving the Title to each Instrument, from the one or other of these Works, as seemed most applicable to the Subject Matter; in some Instances varying from them, in others blending both Titles, where most suitable, but always noticing in the Margin of the Calendar (which I made of them) those printed by Rymer, and their State of Preservation. Such Instruments as I found in a decayed State, I have folded up in Paper, and indorsed their Titles; and on all of them I have marked a Number corresponding with the Calendar, and placed them in Boxes, marked alphabetically, also to correspond with the Calendar; and the better to preserve them from further Decay, I have removed them into the Attic Room of the Chapter House, which I conceive to be much drier than the Basement Story of the Building.

In regard to the other unarranged Records and Documents, I found a prodigious Quantity, comprised under the 2d, 3d, and 4th Classes, lying dispersedly on the Floor of the Attic Room; which I endeavoured to arrange and divide under appropriate Heads; taking the Report of the Right Honourable George Rose in 1800 for my Guide. The Royal and other Letters and Correspondence with Ambassadors and Ministers, and those of Cardinal Wolsey, Thomas Lord Cromwell, and Lord Lisle, &c. have been placed together, and marked with Tickets, so as to afford an easy Reference to them. The Grants of the Possessions of several dissolved Monasteries have been carefully cleaned, and their Contents indorsed, as well on the Grants, as on the Boxes, in which they are placed. The Assize Rolls, and those of the Proceedings of the Justices Itinerant, have been divided into Counties, and arranged chronologically, with Tickets denoting the Nature and Year of each Roll. To every Bag, Bundle, Box, &c. of the other Records and Papers in the same Room, Tickets have been also affixed, on which are marked the Division and Subdivision of the Room, with the Number of the Bag, &c. referring to corresponding Numbers in my Calendar; in which I have noted the Contents of every such Box, Bundle, and Bag; so that any Article, seen in the Calendar, may be speedily referred to.

A similar Arrangement has been made of the Contents of the numerous Bags of Records repositied in the Chief Clerk's Office, denominated "County Bags." They contain principally Rolls of Assize, and of Pleadings before the Justices Itinerant, and especially Pleadings in Quo Warranto before the same Justices; Bailiffs and Ministers Accounts; and Surveys and Extents of, and numerous Antient Deeds relating to Manors and Lands; together with the Forest Proceedings; and the Hundred Rolls of each County. These various Instruments, from the Tickets and Numbers to each Roll and Article, corresponding with the Calendar, may also be easily referred to.

The important Advantage of this Arrangement has been already felt by the Public; and I hope I may be excused, in adverting to a recent Instance thereof, when I state, that the Adjudication of the Commissioners, under an Act for inclosing the Commons of Havering atte Bower in Essex, in favour of the Right of a great Number of Persons possessed of antient Messuages and Cottages in that Manor, was founded, in a great Measure, if not solely, on a very curious and ample Extent of that Manor, taken A° 35 Edw. I. which sets forth all the antient Customs and Rights as to Common in Havering. Many other Extents of Manors in various Parts of the Kingdom, equally important with the above, are to be found in the Calendar.

For a more detailed Account of the various Records and Documents preserved in the Chapter House, and arranged by me, I beg Leave to refer to my Press Catalogue made in the Year 1807, which His Majesty's Commissioners have been pleased to approve of; and also to the Calendar finished by me in the Year 1808, since transcribed on Vellum, which I have now the Honour of laying before His Majesty's Commissioners.

Record Office, Tower,
16th March 1812.

W. ILLINGWORTH,
Deputy Keeper of the } Sub-Commissioner.
Records in the Tower.

Appendix (U.)

Report of Records, &c. discovered in the Office of the King's Remembrancer of the Exchequer at Westminster.

Appendix,
(U.)

Records discovered
in the
Exchequer.

THE Records there discovered are of the following Description:—I. Surveys and Valuations of Property, which belonged, 1st, to the Religious, and 2d, to the Laity; but some Time in the Hands of the Crown, in the Reigns of Edward I. and in subsequent Reigns.—II. Taxations; 1st, of the Property of the Religious and the Clergy; and 2dly, the Laity; in the Reigns of Edward I. and in subsequent Reigns.

I.

(1st.)—Of the Surveys and Valuations of the Religious.

1. Extents of the Manors, and as well of the Spiritual as Temporal Possessions of the Alien Priories, (seized and kept in the Hands of the Crown during the Wars of this Country with France,) in the Reigns of Edw. I. II. III. and Ric. II. 2. Extents of the Manors and the other Temporal Possessions of Abbies and Priories of Royal Foundation (seized and kept in the Hands of the Crown during Vacancies) in the Reigns of Edw. I. II. III. Ric. II. Hen. IV. V. VI. and Edw. IV. 3. Extents of the Manors, and the other Temporal Possessions of Archbishops and Bishops, made during Vacancies, in the Reigns of Edw. I. II. & III. 4. Extents of the Manors, and as well of the Spiritual as the other Temporal Possessions of the Knights Templars in England, made upon the Suppression of the Order, and when their Property in England and Ireland was seized into the King's Hands. 5. Extents of the Manors and Spiritual Possessions of the Knights Templars in Ireland in the Reign of Edw. II. 6. Bailiffs Accounts of the Possessions of Alien Priories, of Abbies and Priories of Royal Foundation, of Archbishops and Bishops, and of the Templars; audited, passed, and declared before the Treasurer and Barons of the Exchequer in the Reigns of Ed. I. II. III.

(2dly.)—Of Surveys and Valuations of Property not belonging to the Religious.

1. Extents of Manors in the Reigns of Ed. I. II. III. 2. Bailiffs Accounts of Manors in the Reigns of Ed. I. II. & III. 3. Inquisitions Post Mortem. These are authentic Transcripts of the Inquisitions Post Mortem in the Tower, and in the Rolls Chapel; and from the Quantity and the good state of Preservation in which they are, it is very probable, that all the Defects and Losses in the two Repositories before mentioned could be supplied. 4. Duchy of Cornwall. An Extent of the Manors, Boroughs, Churches, &c. in Cornwall, taken in the 11th Year of the Reign of King Edward the Third, immediately after Edward the Black Prince was created Duke of Cornwall. This appears to be as accurate and as complete a Survey as any in Existence. 5. Bailiffs Accounts. There are, and these have been discovered of late, Ministers and Bailiffs Accounts of the Whole of the Possessions of the Duchy of Cornwall, in the Reigns of Edw. III. Ric. II. Hen. IV. & V. 6. Escheat Rolls. These Rolls contain Surveys and Valuations of Property, as well belonging to the Laity as to the Religious throughout England, in the Reigns of Edw. I. and till the Reign of Queen Elizabeth.

II.

1st. Of Taxations of the Religious and the Clergy—Pope Nicholas's Taxation in 1291, 19 Edw. I. many Original Rolls thereof, and Subsidy Rolls in the Reign of Hen. VI. 2d. Of Taxation of the Laity—Testa de Nevill, Escuage, Tenths and Fifteenths, the Ninth of Corn, Wool, and Lambs, and of Hearths. All the Records above enumerated, when first discovered, were in Rooms without a Window, or scarcely with any Light, and in Confusion. I am able to state that they are now accessible to the Public, and that many of them have been brought forward as Evidence in the Courts in Westminster Hall, and elsewhere, and have been of considerable Advantage in many Instances to Individuals.

Other Records have also been discovered, viz. Accounts of Wardrobe; Cofferers; Sheriffs; Mines in Devonshire and Cornwall; Mint and Coinage; Jewels; Plate, &c. The King's Horses; Alnagers; Profits of the Marshalsea Court; King's Butler; Expenses for Repairs and Building of Castles, Palaces, Manor Houses, &c.; Army and Navy; Expenses of Messengers, Ambassadors, &c.; Fines for Offences committed by Persons against the Forest Laws; Expenses of repairing Highways and Sewers in the City of London and Westminster; Ministers Accounts of the Possessions in North and South Wales; an Extent of the Profits of the Island of Jersey; and Accounts of the Constable of the Castle of Windsor, with the Forest of Windsor, the Manors and Hundred to the same Castle belonging. There are Records relating to the above-mentioned Accounts in the Reign of Edward the First, and in subsequent Reigns, to the Reign of Charles the Second.

King's Remembrancer's Office,
17th March 1812.

GEO. VANDERZEE,
Sub-Commissioner.

Appendix, (V. I.)

Proceedings of the Commissioners towards carrying into Effect the Measures recommended for Scotland.

Minutes of Boards, 7th May 1806.

AT A BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Wednesday the 7th Day of May 1806;

P R E S E N T,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable Lord FREDERICK CAMPBELL;
The Right Honourable Lord GLENBERVIE;
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.

Appendix,
(V. I.)

Measures
considered;
Proceedings
for Scotland.

Scotland.

THE Board proceed to take into Consideration the several Measures formerly recommended by the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom, so far as the same are at this Time unexecuted; and the said Measures appear to be as follow, under the several Heads of, 1. REGISTRATION. 2. BUILDINGS. 3. CATALOGUES. 4. TRANSFERS. 5. FEES and EMOLUMENTS. 6. PRINTING.

I.—REGISTRATION.

1. Duplicates of all Deeds which pass the Great Seal of Scotland should be made, and authenticated by the Lord Keeper's Deputy, with an Index thereto, and deposited annually in the General Repository, at the General Register House, Edinburgh.—Rep. Sel. Com. 17.

2. A Record of the Proceedings in the Circuit Court of Justiciary should be made, in the same Manner as the Books of Adjournal of the High Court of Justiciary at Edinburgh; and deposited in the General Repository, annually if possible, or within such other Period as the High Court of Justiciary may direct.—Rep. Sel. Com. 17.

3. A Record of all Decrees in the Sheriff's Court, ought, according to the Regulations enjoined by the Court of Session, to be made regularly and completely. Of the Utility of executing this strictly, some Doubts have been entertained; but there is no Doubt of its being expedient to require, that an Annual Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the State of the Records in the Sheriff's Court, should be made to the Court of Session, and there recorded in the Books of Sederunt.—Rep. Sel. Com. 17.

4. The Record of Deeds in the Sheriff's Court should be entered in Books, given out and marked by the Lord Clerk Register, or his Deputies, as the Record of Hornings and Inhibitions now is; and no new Books should be given out until the old are returned, with the Deeds recorded in them.—Rep. Sel. Com. 17.

5. All Deeds regarding the Heritable Property within a Royal Burgh, should be recorded in the Town Court Books of the particular Burgh; and Deeds regarding Matters of personal Concern within the Burgh should be recorded in the Town Court Books, or in the Sheriff Court Books.—Rep. Sel. Com. 17.

6. No Deeds whatever should be recorded in the Commissary Courts; and although this Practice has very generally obtained, it is irregular, and ought to be prevented in all Cases for the Time to come.—Rep. Sel. Com. 17.

II.—BUILDINGS.

Appendix,
(V. 1.)

Measures
considered;
Proceedings
for Scotland.

1. An Apartment in the General Register House should be allowed to the Great Seal Office.—Rep. Sel. Com. 17.

2. The Building now occupied by the Court of Exchequer should be rendered more commodious and secure.—Rep. Sel. Com. 18.

3. About one fourth of the Sheriff's Offices public Property, the rest private Houses; all should be lodged in Public Buildings, secured from Damp and Fire; and it would be productive of great Accommodation to Individuals, if the Records of each County were collectively lodged in one Place.—Rep. Sel. Com. 18.

III.—CATALOGUES.

1. At the General Register House, Edinburgh, it will be proper to make a General Repertory of its whole Contents; it will also be expedient to make an Index to the Records of the Great Seal, and another Inventory or Repertory to the detached Charters and Proclamations.—Rep. Sel. Com. 18.

2. An Index should be made to the Book of Decrees and Orders of the King's Remembrancer in Exchequer, for the Purpose of supplying the Loss of One removed from thence in 1767.—Rep. Sel. Com. 18.

3. An Index is wanting to the Records of Justiciary.—Rep. Sel. Com. 18.

4. An Index is wanting to such Proceedings in the Court of Admiralty as are carried on to Final Sentence.—Rep. Sel. Com. 18.

IV.—TRANSFERS.

1. By Act of Parliament of Scotland, 1685, Ordained, that all the Clerks within the Kingdom, deliver in their Registers to the General Register House every Ten Years. Proper now to be brought in every Five Years, except in special Cases.—Rep. Sel. Com. 18.

2. The Warrants thereof, together with Duplicates of all Deeds which pass the Great Seal, and the Index to these Duplicates, should be carried in annually.—Rep. Sel. Com. 18.

3. The Records of Teinds and Tailzies, with Inventories, should be carried in annually, if possible, or within such Period as the Court of Session may direct.—Rep. Sel. Com. 18.

V.—FEES AND EMOLUMENTS, and EXTRACTS OF DECREET, &c.

Respecting the Nature, Amount, and Inadequacy of the Fees and Emoluments assigned to the Officers employed in the Record Offices of Scotland, and particularly in the Courts of Justiciary and Admiralty, and in the Sheriff's Court, no decided Opinion on this Subject was offered by the Committee: because these and other Considerations, respecting the Mode of making Extracts of DECREETS in the Court of Session, had engaged the Attention of those Persons whose Station, at the Head of the Courts of Justice, enables them to form the most correct Judgment; and who had in Contemplation to propose some remedial Measures in Parliament.—Rep. Sel. Com. 18.

VI.—PRINTING.

1. The Parliamentary Records in the General Register House commencing in the Thirteenth Century, and complete to the Time of the Union, appear to deserve Publication.—Rep. Sel. Com. 18.

2. The earliest of the Royal Charters it might also be expedient to print.—Rep. Sel. Com. 18.

Measures ordered.

ORDERED, That the several Measures above enumerated, concerning Registration, Buildings, Catalogues, Transfers and Printing, be referred to Thomas Thomson, Esquire, Sub-Commissioner, employed under this Board for Matters regarding Scotland, to report the present State thereof, and what may be further necessary to be done for carrying the same into Execution.

ORDERED, That the Records in the Chapter House, Westminster, contained in the Chest marked "SCOTIA," be properly sorted and compared with Sir Joseph Ayliffe's printed Catalogue, correcting and completing the same, and noting any Deficiency of Records, as compared with the said Catalogue.

ORDERED,

ORDERED also, That Copies be made (under Mr. Thomson's Direction) of all such Records as were brought away from Scotland by King Edward the First; and that with respect to such others as relate to Scotland separately, or to Scotland and England conjointly, Mr. Thomson do submit to this Board a List of such as he recommends to be copied; all such Copies to be transmittted to and deposited in the General Register House, Edinburgh. Referred to the Secretary and Mr. Thomson, to consider of a better Mode of preserving them at the Chapter House.

Appendix,
(V. 1.)

Measures
ordered;
Proceedings
for Scotland.

ORDERED, That Mr. Thomson do take such early Measures as he may think most practicable for obtaining and transcribing, in the most authentic Manner, all such Royal Charters as may be found to exist, either in Public or Private Repositories, and which are not, at present, to be found in the Register of Charters in the General Register House; and that Mr. Thomson do note on such Transcript the Places from which they have been obtained, and any other material Circumstances respecting them; and that he also do report, from Time to Time, to this Board, his Progress therein.

ORDERED, That Mr. Thomson do cause to be prepared, a concise Abstract of all the Royal Charters of Scotland which exist, whether on the Public Record or otherwise, mentioning in such Abstract the Names and Descriptions of Parties, the Subject Matter, and the Date, both as to Time and Place, and annexing thereto alphabetical Indexes of Persons and Places.

Read the following Order of the Board, 19th December 1800:—"At a Board, &c. holden at the House of the Right Honourable the Speaker of the House of Commons, on Friday the 13th Day of December 1800. Resolved, That William Robertson, Esquire, one of the Deputies of the Lord Clerk Register of Scotland, Alexander Robertson, Esquire, his Son, and James Ferrier, Esquire, be appointed Sub-Commissioners for superintending the Execution of the several Measures directed by this Board to be carried into effect in Scotland; and that His Majesty's Printer for Scotland do forthwith print the Parliamentary Records and antient Royal Charters of Scotland, under the Superintendence of the above-mentioned Sub-Commissioners, in a Form and Type similar to the Parliament Rolls of England; each Volume to contain from 800 to 1000 Pages, according to Circumstances, and 1000 Copies to be printed off." And the Board taking Notice that no Step had hitherto been taken towards the Printing of the Charters mentioned in the said Order:—ORDERED, That Mr. Thomson do report to this Board concerning such Royal Charters of Scotland as, in his Judgment, it will be expedient to have printed, together with the Reasons on which he forms his Opinion on that Subject.

Read from the General Record Report, p. 397, the following Extract from the Return by the Lord Clerk Register's Deputies:—"In the Year 1676, an Inventory of the Records then in the Custody of the Lord Clerk Register appears to have been made, under the Authority of the Court of Session. That Inventory is inserted in the Books of Sederunt of the Court of Session, and there is a Duplicate of it in the General Register House. Not only have 124 Years elapsed since that Inventory was made, but it is found to be extremely defective; for, without mentioning other material Omissions, not a single Book of the Exchequer is to be found in it; although of that Branch, which consists of more than 500 Volumes, the latest bears Date 17 Years before the Inventory was made. All the most important of our Records (those of the Great Seal only excepted), and by far the greater Part of the less important, have particular Minute Books or Indexes. To form a General Repertory of the Whole would be a proper and important Measure; the preceding State will show that such a Work must be tedious and laborious, and of course expensive: With the Assistance of Two young Men, whom the present Deputy Keepers are educating in this Department with unusual Care, they conjecture that such a Repertory might be accomplished in Eighteen or Twenty Months." ORDERED, That Mr. Thomson do report on the best Mode of executing such General Repertory, specifying what extra Assistance will be required for that Purpose.

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Tuesday the 16th Day of September 1806;

PRESENT,

The Right Hon. Lord GRENVILLE, First Lord Commissioner of the Treasury;
The Right Hon. Earl SPENCER, One of His Majesty's Principal Secretaries of State;
The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable Lord FREDERICK CAMPBELL;
The Right Honourable Lord GLENBERVIE.

Read Mr. Thomson's Answers to the Reference of 7th May 1806, which are as follow:

REGISTRATION.

1. As to Deeds which pass the Great Seal.—"Nothing has yet been done for carrying this Measure into Execution. Of its Utility or Necessity I am not prepared to give a decided Opinion; but I should suppose, that

General Register
House.

Appendix,
(V. 1.)Answers to
Reference
on
Measures,
respecting
Justiciary.
Sheriff's
Court.

that though it might give an additional Security to the Public for the Preservation of the Writs which actually pass the Great Seal, yet it is in a great Degree superseded by the Records of these Writs framed in Chancery, and transmitted periodically to the General Repository in the Register House.

2. As to making Records of Proceedings in the Circuit Court of Justiciary.—“This Measure is undoubtedly one of great Expediency, but no Steps have been yet taken by the Court of Justiciary for carrying it into Effect.”

3. As to making a Record of Decrees in the Sheriff's Court.—“This Measure remains unexecuted, and I conceive that this, together with the Whole of the present System of County Registration, ought to become the Subject of very full and serious investigation.”

4. As to Registering the Record of Deeds in the Sheriff's Court.—“This is a Measure of high Expediency, and ought to make Part of a more general Plan of Reform in County and Local Registries of all Descriptions. It of course remains to be done, and may probably require legislative Authority for its Establishment.”

Royal
Burghs.

5. As to recording Deeds in Royal Burghs.—“This also remains to be done, and ought of course to become Part of a more general Plan of Reform in the existing System of local Registries: The unnecessary Multiplication of different Offices of local Record, is a great Evil in itself, and ought to be remedied.”

Commissary
Courts.

6. As to recording Deeds in the Commissary Court.—“This Point requires further Consideration.”

BUILDINGS.

Great Seal.

7. As to allowing an Apartment in the General Register House for the Great Seal Office.—“This Measure is surely a proper one, and has been hitherto delayed, chiefly, I believe, in consequence of the principal Parts of the Buildings being already so completely occupied.”

Exchequer.

8. “Measures are now in progress for re-building the Exchequer Chambers; in the mean Time, the Records have been removed to the temporary Offices fitted up for the Exchequer at the Royal Exchange.”

Sheriffs.

9. As to Sheriff's Offices.—“I have not at present any sufficient Information to be able to state what Progress, (if any) has been made of late Years, in erecting Public Offices of Record in the different Counties. The Measure would be attended with highly beneficial Consequences, and ought to make Part of that more General Investigation into the State of County and other Local Registries, which has been above alluded to.”

CATALOGUES.

General
Register
House.

10. As to Repertories, Indexes, and Inventories for Contents of the General Register House.—“Further Consideration will be necessary.”

Exchequer.

11. As to Index in the Decrees and Orders of the King's Remembrancer.—“This yet remains to be done, and would be of evident Use. If executed with Skill and Accuracy, an Index Rerum and an Index Nominum to these Records, would be of great Utility and Curiosity.”

Justiciary.

12. As to the Justiciary Court.—“It would be desirable to have a full Report on the Nature and State of the Criminal Records, in the View of ascertaining what Parts of them, or what Abstracts and Indexes ought to be published.”

Admiralty.

13. As to Indexing the Proceedings in the Admiralty.—“This yet remains to be done; of its real Utility more exact Inquiry shall be made.”

TRANSFERS.

General
Register
House.

14. As to the accelerated Transmission of Local Registers to the General Register House.—“The Advantages of this Measure would probably be very great, by operating as a more frequent and efficacious Check upon the Framers of those Records, more especially of those in the County Registries; but the Execution of it would require the Authority of an Act of Parliament.”

Great Seal.

15. As to carrying in annually the Great Seal Warrants, Duplicates of Deeds and Indexes to the Duplicates.—“In so far as respects the Transfer of the Warrants to the General Repository, this is a Measure of obvious Utility, and an order for this Purpose ought to be made by the Court of Session in the Name of the Lord Clerk Register.”

Teinds and
Tailzies.

16. As to carrying in annually the Records of Teinds and Tailzies.—“This Measure is highly expedient, and an Order for that Purpose ought to be made by the Court of Session, on an Application in the Name of the Lord Clerk Register.”

ORDERED, That Mr. Thomson do make a detailed Report upon the several Matters above mentioned, with fuller Information thereupon, and suggest the most effectual Measures for remedying the existing Defects.

(V. 2.)

AT a BOARD of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Tuesday the 21st day of July 1807.

PRESENT,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons.
The Right Honourable Lord FREDERICK CAMPBELL.
The Right Honourable JOHN Lord REDESDALE.
The Right Honourable SYLVESTER Lord GLENBERVIE.
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls.
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland.
The Right Honourable NATHANIEL BOND.

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

Detailed Report from the Deputy Clerk Register in Scotland concerning certain Measures relative to the Public Records of Scotland, formerly recommended by the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records, &c.

Address to His Majesty's Commissioners on the Public Records of the Kingdom, &c.

Edinburgh, April 2, 1807.

IN pursuance of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom, dated May 7, and September 16, 1806, I have the Honour of submitting to their Consideration the following Report, on certain Measures relative to the Records of Scotland, formerly recommended by the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom. In the Enumeration and Arrangement of the several Articles, I have followed the Abstract of the Report of the Select Committee, contained in the Proceedings of the Commissioners for 1806.

Head First.—Registration.

ARTICLE FIRST.—GREAT SEAL.

“ That Duplicates of all Deeds which pass the Great Seal of Scotland should be made and authenticated by the Lord Keeper's Deputy, with an Index thereto, and deposited annually in the General Repository at the General Register House, Edinburgh.”—Rep. Sel. Com. 17.

To enable His Majesty's Commissioners to decide on the Expediency of the Measure here suggested, it may be proper to state, that every Royal Charter or other Writ which passes the Great Seal of Scotland, is previously framed and ingrossed in the Office of the Director of Chancery, and is afterwards carried by the Grantee or his Agent to the Office of the Keeper of the Great Seal, with the Warrant on which it has been framed, by whose Deputy the Seal is affixed, and the Warrant retained. Of all Writs of this Description, a public Record has been kept from a very early Period, which is sometimes denominated the Record of Charters, but more correctly the Register of the Great Seal. This Record is framed by the Director of Chancery, or his Deputies; and, in Terms of an Act of the Parliament of Scotland (1685, c. 33.) enforced by a Decision of the Court of Session (December 1775), the successive Volumes of the Record are periodically transmitted to the General Repository, under the immediate Care of the Lord Clerk Register and his Deputy-Keepers.

The Register of the Great Seal, which is undoubtedly one of the most important of our Public Records, was obviously designed to contain a full, authentic, and authoritative Transcript of every Writ which had received the ultimate Stamp of Royal Authority by passing that Seal. But from the Subdivision of the Offices and Functions of the Director of Chancery, and the Keeper of the Great Seal, already alluded to, certain Defects in the Formation of this Register have long existed, and have even, in some Respects, been aggravated by those legislative Measures which were intended for the Prevention of those Defects. From an Act of the Parliament of Scotland in 1621 (c. 24. “ Anent Evidents past the Great Seal, which are not registrated,”) it appears to have been the usual Practice not to record such Writs, until they had been completed by appending the Seal, and that, “ through the Oversight and Negligence of the Receivers thereof, in the not returning of the same to the Director of his Highness Chancery and his Deputies, such Writs had been omitted to be registrated in their Books and Registers appointed for that Effect.” To remedy this Evil, it was enacted, that the Party, on receiving the unsealed Writ from the Director of Chancery, should not be obliged to pay more than One-half of the established Fee; and that after the Writ had been sealed, it should be re-delivered by the Keeper of the Great Seal, not to the Party, but to the Director of Chancery, to be recorded, and by him given to the party, on Payment of that Moiety of the Fee which had been retained.

Appendix,
(V. 2.)
Detailed Report
of Deputy
Clerk Register;
Scotland.

This Regulation appears to have failed of its intended effect. By a subsequent Act of Parliament in 1672, (c. 7. "concerning Writs passing the Great and Privy Seals,) "the King's Majesty, considering how much "his own Service and the Interest of his Subjects is prejudged by the Neglect of registering these Charters, "Infeftments, Gifts, Commissions, and other Writs, which do pass and are written to the Great and Privy Seals; "doth, for remeeting and preventing of this Evil for the Time to come, with Advice of his Estates of Par- "liament, statute and ordain that all Charters," &c. "which shall hereafter pass under the Great and Privy "Seals, shall be registrate in the Register of the Great and Privy Seals respective, before the Seals be appended "to them; and the Writers to those Seals, who keep the Registers thereof, are hereby ordained to registrate "every Writ passing their office, and by their Subscription to make the same on the Back thereof, to be written "and registrate by them, before they give them out to be sealed;"—"and the Keepers of those Seals are "hereby discharged to append the Seals to any Writs which are not marked and attested to be registrate, as "they will be answerable."

In consequence of this new Regulation, by which the Act of Registration took Precedence of that of Sealing, it necessarily happened, that, in the first Instance, the Record was incomplete as to the important Particulars of the Fact and Date of the Sealing; a Defect which could only be remedied by having the sealed Writ carried back to Chancery, for the purpose of completing its Registration. This, however, was a Precaution very likely to be neglected; and hence, for more than a Century past, the Register of the Great Seal has, in the far greater Number of Instances, been deprived of its complete Authority. For this obvious Evil no legal Remedy has yet been provided; and its Existence appears to have led to the Suggestion contained in the Return by the Deputy Keeper of the Great Seal to the Inquiries of the Select Committee, and adopted into their Report, of framing a new Register in the Office of the Great Seal, in which the Writs, in their complete State, should be again recorded.

As the unnecessary Multiplication of Registers is in itself a positive Evil, it may, in the present Instance, be very easily avoided; and, in Truth, the Defect which has now been described, has lately led to the Adoption of a partial Remedy, to which it would not be difficult to give complete and certain Efficacy.

It appears from the Minutes of the Society of Writers to the Signet, by whom this Branch of Business is exclusively conducted, that at a Meeting held on the 4th of February 1780, the Keeper (who is the President of the Corporation) stated, "That, at present, the Record of Charters is imperfect, in respect that no Extract from "thence bore any Evidence of the Charter being completed, by having the Great Seal affixed to it. That this "was owing to the Circumstance of the Act of Parliament 1672, ordaining Charters to be recorded in Chancery "before they were sealed, whereas before that Time they were not recorded till after sealing. That this Defect "might be remedied, if, after the Charter was sealed, it was carried back to Chancery, and that the Clerks there "should record the Sealing of it, with the Date, and which would be of considerable Advantage both to Practi- "tioners and to the Lieges. The Meeting unanimously agreed with the Keeper in Opinion, and ordered and "enacted, That every Writer from henceforth, at taking out a Charter from Chancery, shall consign Five "Shillings Sterling, and after the Charter has passed the Great Seal, shall carry the same back to Chancery, that "the Clerks may insert the Sealing of the Charter into their Record, at which Time the Writer shall be entitled "to receive up the Five Shillings formerly consigned, and that without paying any additional Fee at Chancery."

This Regulation, to the Observance of which no legal Sanction was attached, appears to have been, from the first, almost totally neglected by the Writers to the Signet; and the Clerks in Chancery did not find themselves authorised by it to demand the small Deposit, by means of which its due Observance was to be enforced. Very recently, indeed, the Practice of carrying back the Sealed Writs to the Chancery Office, to have the Record completed, has become somewhat more frequent. Still, however, it remains to provide an adequate Sanction to secure and enforce the Observance of this Practice, and for this Purpose the Authority of the Court of Session might be conveniently resorted to. Various Measures might easily be suggested; but, upon the Supposition that all other Parts of the System were to remain as at present, perhaps the simplest and most effectual Expedient would be, to authorise and require the Director of Chancery, and his Deputies and Clerks, on giving out any Writ to the Great Seal, to demand a Deposit of not less than One Guinea, to be returned when the Sealed Writ was brought back, for the Purpose of recording the Fact and Date of the Sealing. On an Application to the Court of Session by Petition in the Name of the Lord Clerk Register, an Order to this Effect would probably be granted.

Although these Observations may perhaps be sufficient to exhaust the Subject immediately under Consideration, it may not be foreign to the Purpose of this Report, here to submit some further Observations on the Expediency of diminishing rather than increasing the Number of Records of those Writs which ultimately pass the Great Seal. At present I shall confine my Remarks to one Class of Writs, which is indeed by far the most numerous; namely, Charters of Lands holden immediately of the Crown. To understand all the Bearings of this Subject would perhaps require an extensive Examination of the Principles and Practice of the Municipal Law of Scotland, relative to the Constitution and Transmission of Feudal Rights; but as I here aim at nothing more than to suggest, and lay the Foundation of further Inquiry, a very general Statement may suffice.

In

In its Progress towards Completion, a Royal Charter passes successively through Four distinct Stages. First, it originates in an English Signature, revised and sanctioned by the Barons of Exchequer, containing a Command in the Name of the Sovereign to make and pass under the Great Seal a Charter of a given Tenour: Secondly, on this English Signature is framed a Precept under the Signet, containing a Transcript in the Latin Language of the future Charter, and addressed to the Keeper of the Privy Seal: Thirdly, on this Precept is framed another, which must pass under the Privy Seal, commanding a Charter of the same Tenour to be framed in Chancery, and sealed with the Great Seal: And, lastly, the Charter itself is framed in Chancery in Terms and under the Authority of the Precept from the Privy Seal: and under the same Authority, it is afterwards completed by affixing to it the Great Seal.

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

The last of these Writs only is delivered to the Private Party; the other Three remain in the Public Offices of the Signet, the Privy Seal, and the Great Seal, as the Warrants of the respective Steps which immediately follow. The Signature having the Sign Manual of the King, or rather a Fac Simile of it, impressed with a Stamp, is retained in the Office of the Signet; the Precept under the Signet is retained in the Office of the Privy Seal; and the Precept under the Privy Seal is retained by the Keeper of the Great Seal. The First and Second of these are preserved respectively in the Signet Office, and the Office of the Privy Seal: but it does not appear to have been the Practice of the Keepers of the Great Seal, or their Deputies, to transfer to their Successors in Office the Precepts under the Privy Seal, although these are the immediate Warrants of the Royal Charters.

Besides these Original Warrants, there are at present Three Public Registers, in which, at its successive Stages, the Charter is recorded: In the Office of the King's Remembrancer in Exchequer, the English Signature is recorded; in the Office of the Writer to the Privy Seal, the Precept under the Signet is recorded; and in the Office of the Director of Chancery, the Charter itself is recorded.

This System has been devised and admired for its supposed Efficacy in preventing the Hazards of Imposition and Forgery, and in securing the Preservation of the Tenour of Royal Grants in some one at least of these numerous Transcripts. But its operose, complicated, and superfluous Precautions, have tended to defeat another Object, no less important; for by these successive Transcriptions, to say nothing of the Hurry and consequent Negligence with which some of them are usually executed, the Hazards of Inaccuracy have been multiplied in a very high Proportion. This Evil is unavoidable, while there exists so many intermediate Steps between the Original Signature, revised and sanctioned in Exchequer, and the Charter itself, framed in Chancery. Without therefore injuring the other great Objects of the System, it has occurred to me, as a desirable Change, that the Signature, which is the authoritative Groundwork of the Whole, should be framed not in English, but in the Language of the future Charter; that instead of undergoing the intermediate Transformations of a Signet Precept, and Privy Seal Precept, the Original Signature itself should pass through the Offices of the Signet and Privy Seal pro forma, and should arrive at last in Chancery, to serve as the immediate Warrant of the Charter; that it should be carried with the Charter to the Office of the Great Seal; from which both the Signature and Charter should be forced to return into Chancery, by means of the Deposit or Consignation formerly proposed as an Expedient for securing the Registration of the Sealing; and that the Signature should be retained by the Clerks in Chancery as the Warrant of the Register of the Great Seal, until both should finally be transmitted to the General Repository.

From this Arrangement several obvious Advantages would arise, 1. By framing the Original Signature in the Latin Language, the Barons of Exchequer would have before them for their Examination the precise Words of the future Charter, instead of a rude Translation into English, of what must immediately after receiving their Sanction be again turned into Latin with additional Blunders. 2. In the Process of passing a Charter, Expedition is often of great Importance; and in this Way the Delays now attending the Preparation of Two intermediate Precepts, at the Signet and Privy Seal, would be avoided. 3. The Register of Precepts for Charters and other Writs which pass the Great Seal, kept at the Privy Seal, in which, I believe, there is no real Utility, might with Propriety be discontinued. 4. In framing the Charter and the Record of the Great Seal, the Clerks in Chancery would have before them, as their Warrant, a Writing, on which the greatest Pains are always bestowed, and which cannot fail to be vastly more accurate than the Transcript made in the Office of the Privy Seal. 5. The Original Signature, which is the authoritative Groundwork of the Charter, would thus be brought at last into the same Repository with the Record of the Charter, instead of remaining at the Signet Office; and in this Way the Means of Collation would be greatly facilitated. This last, of itself, I should consider as an important Object to be accomplished, independently of any other Change in the present System.

I am unwilling to extend my Observations to greater Length, on a Subject which, I am aware, is not strictly within the Limits of that on which I have been directed to report. I shall not therefore stop to examine the Objections to this Plan which might be anticipated, but on the Weight of which, an Opportunity of submitting my Remarks may perhaps be afforded me, if the Matter should be deemed worthy of further Inquiry and Consideration.

ARTICLE

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

ARTICLE SECOND.—JUSTICIARY.

“ A Record of the Proceedings in the Circuit Court of Justiciary should be made in the same Manner as the Books of Adjournal of the High Court of Justiciary at Edinburgh, and deposited in the General Repository, annually if possible, or within such other Period as the High Court of Justiciary may direct.”—Rep. Sel. Com. 17.

In reporting on the Expediency of the Measure here suggested, it may be proper to begin by stating, that the Proceedings of the Lords Commissioners of Justiciary, both in the High Court of Justiciary at Edinburgh, and on the Circuits, are entered by their Clerks during the Sittings of the Court in Minute Books, which are regularly authenticated by the Signatures of the Judges; but in those Minute Books only general References are made to the Indictments, or Criminal Letters, and to the written Pleadings of the Parties. In the Books of Adjournal the Contents of the Minute Books are afterwards transcribed and extended; and every Writing presented to the Court, to which a Reference had been made, or for which a Blank had been left, is fully ingrossed. These Books of Adjournal are not authenticated even by the Signature of the Clerk; but they are preserved in the Justiciary Office, with the Minute Books and detached Writings, which are the Warrants of their Accuracy. No similar Transcript has hitherto been made of the Original Proceedings on the Circuits; and only the Minute Books, and detached Writings referred to in those Books, are preserved in the Justiciary Office.

The Expediency of supplying this Defect is abundantly obvious. It was suggested to the Select Committee on the Public Records, in the Return to their Orders made by the late Deputy Clerk, under the immediate Direction of the late Lord Justice Clerk, and the other Lords of Justiciary. Here, however, the Matter has been allowed to rest; but as the Measure must be carried into Effect under the Sanction and Controul of the Court, and might indeed be executed by their sole Authority, I have thought it proper, under the Reference made to me by His Majesty's Commissioners, to address a Letter on the Subject to the present Lord Justice Clerk, requesting his Opinion of the Expediency of the Measure, of the proper Mode of effecting it, and whether or not it was now in the Contemplation of the Court to adopt any steps regarding it. In the Answer which I have had the Honour to receive, his Lordship states, that he “ had taken an Opportuniny of conversing with his Brethren of the Court of Justiciary on the Subject, and that they were all of Opinion that the Measure in question would be of Public Utility.” His Lordship adds, that “ the making up of a Record of the Proceedings of the Circuit Courts, in the same Manner as the Books of Adjournal, may be done under the Inspection of the Clerks of Justiciary, who are as competent to the one as to the other, provided they are allowed additional Assistance in the Way of copying Clerks.”

The Expense of framing the Books of Adjournal is at present defrayed by the Principal and Deputy Clerks of Justiciary, who pay their Substitute or his Assistants for their Trouble in this Respect, at a certain Rate for each Page. The Formation of a similar Record of the Proceedings on the Circuits would double, at the least, the present annual Expense; but in what Manner that Expense ought to be defrayed, I do not presume to offer any Opinion. The Burden could not in fact be very weighty, and would hardly exceed Fifteen or Twenty Pounds a Year. If indeed the Measure were to have a Retrospect, the Labour of framing such a Record would be very considerable, and might require some extraordinary Aid in the Execution of it; but if this should not be deemed necessary, I would beg Leave to recommend that the Minute Books and relative Indictments remaining in the Justiciary Office should be immediately bound in regular Volumes, with Indexes or Tables of their Contents, by which the Purposes of Preservation, as well as Consultation, would be materially aided.

On the Subject of the Justiciary Records, I would also beg Leave to suggest that some further Regulation ought to be devised for ensuring their Accuracy. The Lords of Justiciary, and the Law Officers of the Crown, have indeed been in the Practice of occasionally visiting and inspecting the Books of Adjournal; but unless very frequently and regularly applied, a Check of this Sort can have no very powerful Operation. It would be therefore highly expedient that a small Committee of the Court should be appointed, Once or Twice in every Year, to examine and attest the State of the Records; and it might be no less useful in its Effects, also to give Authority and Instructions to the Deputy Clerk Register for the Time, to examine still more frequently the State of these Records, and to enter the Result of his Examinations in the Annual Reports of his official Proceedings.

ARTICLE THIRD.—RECORD OF DECREETS IN THE SHERIFF'S COURT.

“ A Record of all Decrets in the Sheriff's Court ought, according to the Regulations enjoined by the Court of Session, to be made regularly and completely. Of the Utility of executing this strictly, some Doubts have been entertained; but there is no Doubt of its being expedient to require, that an Annual Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the State of the Records in the Sheriff's Court, should be made to the Court of Session, and there recorded in the Books of Sederunt.”—Rep. Sel. Com. 17.

By

By a Clause in the Act of Parliament (20 Geo. II. c. 43.) for abolishing Heritable Jurisdictions in Scotland, &c. the Lords of Session were "directed and required to take into their Consideration what Fees they should judge reasonable to be paid to the Clerks and other Officers officiating within the Circuit Courts, and in the Courts of Sheriffs and Stewarts in Civil Cases, and to regulate the same by Act of Sederunt." On the 16th of March 1748, an Act of Sederunt was accordingly passed, by which, among other Particulars, the Fees of extracting the Decrees of Sheriffs and Stewarts were ascertained; and in Consideration of the Amount of these Fees, the Lords of Session ordained "the said several Clerks duly and faithfully to record all the Decrees extracted by them, under the highest Penalties inflicted by the Law on such neglect of Duty."

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

In explanation of the Duty thus imposed on the Clerks of Sheriff Courts, it may be proper to observe, that according to long established Usage in Scotland, the recorded Judgment of the Court, or the "Decree," as it is technically called, must comprehend not only the Judgment itself, but also a Transcript of all the Pleadings, Evidence, and Procedure in the Cause, arranged and digested in a particular Form; and that according to the strict Forms of Office, the "Decree" ought, in the first Instance, to be entered on the Record Books of the Court, and from these Books an Exemplification or "Extract" ought to be made for the Use of the successful Party. These Decrees, however, being often voluminous, the Labour and Expense of entering them on the Record Books of the Court, appear in all the Counties of Scotland to have led to a Neglect of the Duty so expressly enjoined by the Act of Sederunt; and nothing more is now commonly done, than to make a single Copy of the "Decree" for the Use of the private Party, to which the Name of an "Extract" is given; although there be preserved in the Archives of the Court no Original of that Exemplification, but only the detached Pleadings which are the Materials for framing such "Decree," and the Warrants of its Authenticity.

This is not the only Instance in which the Sheriff Clerks in Scotland, as Record Officers, have exposed themselves to the Hazard of Animadversion; against which they could have no other Defence or Apology to offer, but that the Fees and Perquisites of Office have gradually become inadequate to the Expense attending the Formation of the Records committed to their Care. At the same Time, I am humbly of Opinion, that it would not be expedient to enforce the former Regulation until the present Mode of framing Decrees shall have undergone considerable Alteration. The Expense and Inutility of these cumbrous Compilations are Evils which have long called for Redress; and in the Bill now pending in Parliament "for the better regulating the Courts of Justice in Scotland, and the Administration of Justice therein," &c. the following important and most useful Provision has been introduced: "And be it enacted, that Extracts of Decrees or other Proceedings, according to the Forms now in use in Scotland, shall be discontinued in every Court of Scotland, superior and inferior; and that it shall, in all Cases, be sufficient that the Decree be an Exemplification, signed by the Clerk of Court, containing the Summons, Petition or other Writ, by which the Cause is brought into Court, Defences or Answers, together with Interlocutors and Verdicts, and grand Decerniture in the Cause, and a Schedule or Inventory of the Proceedings and Productions in the same." If this Provision of the Bill should be passed into a Law, or if any similar Alteration in the Mode of framing Decrees should be made, there could no longer be any Hesitation as to the Propriety of rigidly enforcing the Observance of the Standing Regulations for recording Decrees; and in the view of more speedily and certainly detecting any Irregularity or Omission on the Part of the Sheriff Clerks, it would undoubtedly be expedient to adopt the Suggestion in the Report of the Select Committee, and to require that an Annual Report, signed by the Sheriff Clerk, and attested by the Sheriff, of the State of the Records in the Sheriff's Court, should be made to the Court of Session, and there recorded in the Books of Sederunt." Of this Proposal, however, I would beg leave to suggest some Modification, from which I apprehend this Measure of Vigilance and Control would derive much Vigour and Efficacy.

By an Act of the Parliament of Scotland [1672, c. 16.] "concerning the Regulation of the Judicatories," several anxious Provisions were made for ensuring the Accuracy of the County Registers of Hornings, Interdictions, Inhibitions, Seisins, Reversions, and others; and in particular it was enacted, "That in the several Shires, the Sheriff, Bailiff of the Regality or Royalty, or their Deputies, (with whom any Two of the Justices of the Peace, to be nominate by the whole Meeting, are allowed to be present), be appointed quarterly, viz. upon the First Tuesday of February, May, August, and November, to call for and take Inspection of the said Registers, and of the Minute Books relating thereto; and after collationing of the same, that they, with the said Two Justices of the Peace, if they be present, subscribe the Minute Books; certifying the saids Sheriffs and Bailiffs, if they do not meet and compare the saids Registers at the several Times above specified, they shall be liable in the Penalty of One hundred Pounds Scots for ilk failzie; and certifying the Clerks, if they shall not have the Books in Readiness at the aforesaid Times, or if any Hornings, Inhibitions, Seisins, Reversions, and others foresaid then in their Hands, shall not be registrate in the Books, they shall incur the Pain of Depri- vation, and be liable in Payment of the Parties Damage," &c.—"and the Care of seeing the Premises done and performed"—"is committed to the Lords of Session."

It would appear, that in the Execution of the very important Duty thus imposed on them, the Sheriffs were never very diligent, and that the Means of Control given to the Lords of Session were found insufficient to insure

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

the faithful and punctual Performance "of the Premises." I have discovered only one Instance of their Interference, which seems at once to show, how soon a more regular and steady System of Control had become necessary, and how inadequate to such an Object must have been the occasional and infrequent Interpositions of the Court of Session. On the 4th of January 1677, an Act of Sederunt was passed, proceeding on the Provisions of the Statute 1672, and stating, that "the saids Lords, to whom the Care of seeing the Premises done is committed by the said Act, having by Missive Letters of the 31st of July last, direct to the several Sheriffs of this Kingdom, required them by themselves or their Deputs, to go about the Performance of what is enjoined to them by the foresaid Act, and to return a satisfactory Account of their Diligence, the 1st Day of November thereafter, now by past; certifying them, if they failzied, they would be charged with Letters of Horning for the Penalties contained in the said Act: and seeing the Sheriffs of the Shires after mentioned, and their Deputs, viz. of Argyle, Renfrew, Wigtoun, Bute, Peebles, Selkirk, Perth, Kincardine, Aberdeen, Nairn, Sutherland, Caithness, Berwick, Forfar, and Inverness, the Stewart of Kirkcudbright, and the Stewart of Orkney, have not returned Reports to the said Lords of their Diligence in the Premises; therefore the Lords of Council and Session do ordain Letters of Horning to be direct against the said Sheriffs and Stewarts, and their Deputs, charging them to meet and compare the Registers of Hornings, Inhibitions, Seasines, and Reversions in their respective Shyres, with the Minut Books relating thereto; and after collationing of the same, to subscribe the Minut Books, conform to the said Act of Parliament, and to make Report of their Diligence therein to the said Lords, betwixt and the 20th Day of February next; and likewise charging them to make Payment to Sir William Sharp, His Majesty's Cash Keeper, of the Penalties already incurred by them, viz. One hundred Pounds Scots for ilk by gone Failzie, in not meeting and comparing the saids Registers at the Times exprest in the said Act of Parliament, and that within the Space of Fyften Days after the Charge, as to such of the said Sheriffs, and their Deputs, who reside upon this side of the River Spey, and upon Twenty-one Days, as to those who reside be north Spey."

These Measures, apparently so vigorous, do not seem to have produced any permanent Effect in stimulating the Diligence of the Sheriffs; and their Inefficacy is the more to be regretted, as, by a suitable Attention to the Duty so anxiously imposed upon them, would probably have prevented that State of Degradation into which the greater Part of the County Registries have ultimately fallen.

That a periodical Visitation of the Records kept by the Sheriff Clerks ought to be revived, and imposed upon Sheriff Deputes and their Substitutes, as a necessary Part of their Duty, does not appear to me to admit of a Doubt; and in order to ensure a more punctual and faithful Observance of it than heretofore, I would beg Leave to suggest a very simple, and perhaps a very effectual Expedient. It may be proper to mention, that the Sheriffs are at present bound to attend the two annual Circuits of the Justiciary Court, held within the District to which their respective Counties belong; and at the Close of the Justice Air in each District, a regular Form is observed for subjecting their official Conduct to solemn Investigation. This Proceeding usually resolves into a short complimentary or admonitory Address, by the presiding Judge; but I should propose to take Advantage of the Form, and to establish, as a positive Rule, that at one or both of these annual Circuits, the Sheriffs should be called upon by the Judge to state verbally, or in Writing, whether or not they had examined the Records of their respective Courts during the preceding Year, or Term, and what had been the Result of those Examinations; and that of this Proceeding there should be a regular Entry in the Minutes of the Court.

On the Principle of combining the numerous Registries in Scotland under one System of Control, I would further beg Leave to propose, independently of the preceding Regulation, that the Sheriff Clerk in each County should be required, on or before a certain Day in every Year, to transmit to the Deputy Clerk Register for the Time being, a Report, according to a prescribed Form, of the State of the Record of Decrets (and of all the other Records in his Office) for the preceding Year; the Result of these Returns to be given by the Deputy Clerk Register, in his Annual Report to the Court of Session.

From the Combination of these various Checks, modified with proper Pains and Circumspection, and connected, as they ought to be, with corresponding Regulations for all the other local Registries, I am persuaded that the most important Benefits would arise. Under this Conviction, I have ventured to throw out these Hints, not as a ripened System, but as the imperfect Outline of an extensive Plan, to the Completion of which a further and more detailed Investigation into the actual State of the Records of Scotland will probably be found requisite.

ARTICLE FOURTH.—RECORD OF DEEDS IN THE SHERIFF'S COURT.

"The Record of Deeds in the Sheriff's Court should be entered in Books given out and marked by the Lord Clerk Register or his Deputies, as the Record of Hornings and Inhibitions now is; and no new Books should be given out, until the old are returned with the Deeds recorded in them."—Rep. Sel. Com. 17.

The

The Registry of Deeds in the Sheriff's Court, like the other Registries of the same Description in the several Courts of Justice, Supreme and Subordinate, consists of Two distinct Branches.

Appendix;
(V. 2.)

The first and most important of these is the Record of Personal Deeds containing Clauses of Registration in virtue of which they are recorded, and which by this Operation assume the Shape and Force of Judicial Decrees on which legal Execution or "Diligence" may proceed. This Branch of the Public Records derives its Origin and Establishment from certain Principles and Rules of the Municipal Law of Scotland relative to legal Execution, and has been gradually moulded by Usage, without much Aid from artificial Regulation.

Detailed Report
of Deputy
Clerk Register;
Scotland.

The other Branch is the Record of Probative Writs, or of Original Writings of every Description, which may be registered merely for Preservation, in virtue of an Act of Parliament in the Reign of William and Mary, 1698, c. 4.

When a Deed of the former Description is presented to the Sheriff Clerk, it is his Duty immediately to record it, at full Length, in Books kept for that Purpose; to deposit the Original in the Archives of the Sheriff's Court; and to give the private Party by whom it was presented an Office Copy or "Extract," bearing to have been taken, not from the Original; but from the "Record," and containing a Warrant for Execution. On the other Hand, when a Probative Writing is presented for Registration, it is immediately recorded in another set of Books kept for that Purpose; but the Original is afterwards restored to the Party, together with an Office Copy or Extract from the Books. For these several Operations, a certain Fee is paid by the Party, according to a Table of Rates fixed by the Court of Session in 1748, of the present Inadequacy of which, very general Complaints have been made. It appears, however, from the Returns to the Select Committee, that in most of the Counties in Scotland, the Sheriff Clerks and their Assistants have, of late Years, been unwarrantably endeavouring to relieve themselves from the alleged Difficulties of their Situation, by a total Neglect of one important Branch of their Duty. In the Registry of Probative Writings, the Practice of restoring the Originals has made it indispensable immediately to record such Deeds; but in the Registry of Personal Deeds, for the Purpose of Execution, the Practice of retaining the Originals has first led to a more dilatory and slovenly Mode of entering them on the Record; and at last, in most of the Counties in Scotland, the Formation of a Record has been entirely discontinued, while at the same Time the Sheriff Clerks continue to give "Extracts" of Deeds containing all the Supplementary Clauses for warranting Execution, and falsely bearing to have been taken from the "Records" of the Sheriff Court.

Such are at least a Part of those Irregularities in the present Mode of conducting the County Registries of Deeds, which it appears to have been in the View of the Select Committee to remedy, by subjecting them to the same Regulations of marking, and Transmission to the General Register House, which have been found of so much Utility in some other Branches of the Public Records. I must, however, observe, that the County Records of Deeds never have been transmissible to the General Register House, but have always remained in the Offices where they were framed; nor shall I at present venture to say that they might be removed with Propriety, or without Inconvenience to Individuals; for on this Head I am aware that there prevails a considerable Diversity of Opinion. But, at all Events, it would be highly proper, indeed I may say it is indispensably necessary, that the Expedient of marking the Books of Record, practised with such useful Effect in most of those now transmissible to the General Register House, should be extended, without Exception, to all other Records whatever, and in particular to all those that are hereafter to be framed in the several Local Registries throughout Scotland.

In the View of regulating the County Records, I have ventured, under the preceding Article, to suggest certain Measures of Vigilance and Control, in which the Sheriffs of Counties would be called upon to take an active and useful Part. In addition to what has been there proposed, I would now beg Leave to suggest, that the Books of Record, not by Law transmissible to the General Register House, should be previously "marked" by the Sheriff or his Substitute, in the same manner as those now prepared in the Office of the Lord Clerk Register. In this Manner all the present Hazards of Interpolation and Cancellation would be avoided, while at the same Time it would directly tend to aid that Control, of which the Sheriffs would be the chief intermediate Agents.

ARTICLE FIFTH.—RECORDS OF THE SHERIFF AND BURGH COURTS.

"All Deeds regarding the Heritable Property within a Royal Burgh should be recorded in the Town Court Books of the particular Burgh, and Deeds regarding Matters of Personal Concern within the Burgh should be recorded in the Town Court Books, or in the Sheriff Court Books."—Rep. Sel. Com. 17.

The Subject of this Article, as well as that of the Two preceding ones, and the Utility of the Measure here recommended, are intimately connected with the present State of all the Local Registries in Scotland, whether in Counties or in Boroughs. On this Point much valuable Information has been communicated in the Returns made to the Select Committee, and printed in the Appendix to their Report. It is, however, to be regretted that

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

that many of these Returns are either imperfect or studiously evasive ; and that as to a very numerous Class of Registries, those in Royal Boroughs (of which there are in Scotland no less than Sixty-five), no Returns whatever have been obtained. That the far greater Part of these Local Registries have fallen into a degraded and neglected state, is a Fact of which I fear there can be little Doubt ; but without more complete Information than I am yet in Possession of, it would be impossible to give an adequate Notion of the Extent of the Evil. I should therefore consider it as a Measure of evident Expediency, that the Record Officers in Counties and Royal Boroughs should be again called upon to make a full and detailed Return, in a prescribed Form, of the State of the Records in their respective Offices ; and, in particular, it would be desirable that exact Inventories of those Records should be given, in order that their Deficiencies might be clearly discovered. I should further think it expedient that a Person of Skill in such Matters should be employed under the Authority of the Commissioners, to examine the State of the Records in at least a few of these Registries, from whose Report a more correct Idea might be obtained of the Evils which exist, than can well be hoped for from the Returns of the Officers themselves.

In stating thus broadly my Impressions on this Subject, it is proper, at the same Time, to mention what I conceive to have been the main Cause of the Evils now alluded to ; by which is furnished perhaps the best Apology that can be offered for the Conduct of the Officers to whose Care those Records have been committed. That Cause I firmly believe to have been the unnecessary and even pernicious Multiplication of Local Registries ; which by subdividing the Emoluments which arise from Registration, and by thus frittering down the Remuneration of the several Officers, has withdrawn from them the Attention of Persons duly qualified for the Execution of such a Trust, and has brought them into a State of Neglect and Insignificance, from which it will require some very vigorous Measure again to raise them. I am persuaded, that in providing an effectual Remedy, it will be found necessary to begin with a very considerable Reduction of the Number of Registries, by which the Respectability and Importance of those which remained could not fail to be advanced, while, at the same Time, the Means of Controul would be greatly simplified and improved. Independently even of these Considerations, I should indeed be of Opinion, that in the View of facilitating the Consultation of the Public-Registers, and of giving to them all that practical Usefulness of which they are susceptible, their Number ought to be diminished ; for, while there is an equal Chance of finding the Record of a particular Deed in any one of Five or Six different Registries, a Degree of Uncertainty and Expense must attend such Investigations, which will always impede, and may sometimes even defeat the Object that is in View. For these Reasons, on which I forbear at present to enlarge, I am humbly of Opinion that there ought to be no more than One Registry for Deeds in each County, and that the Borough Registries ought to be abolished, excepting for the single Purpose of recording the Title Deeds of "Burgage Tenements," that is, of Heritable Property, situated within the Liberties of the Borough. The Compensations to which the present Keepers of these superfluous Registries might be entitled, would be found too inconsiderable in their total Amount to furnish any solid Objection to the Reform here suggested. It is, however, a Measure which could not be accomplished without the Aid of an Act of Parliament.

ARTICLE SIXTH.—RECORD OF DEEDS IN THE BOOKS OF THE COMMISSARY COURTS.

"NO Deeds whatever should be recorded in the Commissary Courts ; and although this Practice has very generally obtained, it is irregular, and ought to be prevented in all Cases, for the Time to come."—Rep. Sel. Com. 17.

The Practice of recording Deeds in the Commissary Court Books cannot be said to be irregular. Not to go further back into the Origin and History of that Practice, it may be sufficient to mention, that in 1748, it became the Subject of deliberate Discussion in the Court of Session, when it was fully recognized and established. But though clearly supported by Principle and Usage, I am not the less convinced, that the present Practice is in many Respects pernicious ; and, from the Observations which have been submitted under the preceding Article, it may be inferred, that of the Expediency of the Measure here recommended I can entertain no Doubt. There are in Scotland Twenty-four different Consistorial Courts, including the Supreme Commissary Court at Edinburgh ; and in each of these Courts it has become usual to keep a Registry of Deeds, which, though strictly warranted by the usual Clauses of Registration, is totally unconnected with the proper Consistorial Functions of the Court. That those Registries ought to be entirely suppressed, appears to me an indispensable Part of that more general Plan of Reform, which I have already ventured to suggest, in the View of giving real Utility to the Registries which shall be continued. If this Measure shall be adopted, there ought, at the same Time, to be a complete Transfer to the General Register House of the Records of Deeds which already exist in the Supreme Commissary Court ; and to such Local Registries as shall be thought most convenient, a similar Transfer of those Records which exist in the several Commissary Courts in the Country.

I may take this Opportunity of observing, that in the Custody of the several Commissary Clerks in the Country, there are supposed to exist very considerable Collections of Records, as to which no Official Returns were made to the Select Committee. This I should consider as a fit Subject for further Inquiry, under the Authority of His Majesty's Commissioners.

Head Second.—Buildings.

ARTICLE FIRST.—GREAT SEAL OFFICE.

“AN Apartment in the General Register House should be allowed to the Great Seal Office.”—Rep. Sel. Com. 17.

If the Arrangements which I have already taken the Liberty of proposing, relative to the Register of the Great Seal, should be adopted, there would not remain in the Custody of the Deputy Keeper of the Great Seal any Public Records whatever, for the Security of which an Apartment would be wanted within the Buildings of the General Register House. Even under the present System no Records are framed in that Office; nor are there any Documents in the Custody of the Keeper, excepting the Precepts which come from the Privy Seal Office, as the Warrants for affixing the Great Seal. These Precepts have hitherto been completely neglected, and, under the Arrangements I have proposed, would be entirely superseded; but if they shall still be continued, there ought to be a rapid periodical Transfer of them to the General Repository, by which the Necessity of occupying an Apartment in the General Register House would also be avoided. At any Rate, there is not at present any unoccupied Apartment, excepting in the Basement Story of the Building; although at no very remote Period, some new Arrangement in the Business of the Court of Session may probably leave Room, for the Admittance of some Public Officers, who have been hitherto unavoidably excluded from the General Register House.

ARTICLE SECOND.—EXCHEQUER.

“The Building now occupied by this Court should be rendered more commodious and secure.”—Rep. Sel. Com. 18.

Under this head, it is sufficient to state, that the Measure here recommended is about to be immediately carried into Execution under the Authority of an Act of Parliament lately obtained for that Purpose.

ARTICLE THIRD.—SHERIFFS' OFFICES.

“About One fourth of the Sheriffs' Offices Public Property, the rest in Private Houses; all should be lodged in Public Buildings, secured from Damp and Fire; and it would be productive of great Accommodation to Individuals, if the Records of each County were collectively lodged in one Place.”—Rep. Sel. Com. 18.

Of the Utility and even Urgency of the Measures here recommended, no one in the least acquainted with the present State of the County Records can possibly entertain a Doubt. Hitherto the Matter has been left to the voluntary Association of the Heritors or Proprietors of Land in the several Counties; but it has evidently become necessary to adopt a more general and effectual System. This cannot be accomplished without legislative Authority; and I would humbly propose, that, under the Direction and Control of certain General Commissioners, the Proprietors of Land in each County should be authorized and required to assess themselves at a certain Rate, sufficient to raise a Sum for defraying the Expense of erecting or repairing a Set of Public Buildings in the County Town, for the Accommodation of the Courts of Justice, and for the safe Custody of the Records. Various Provisions would of course be requisite, to give complete and certain Effect to such a Measure; but of these at present it would not, I presume, be proper for me to enter into any minute Detail. I may add, that the proposed Suppression of so many Local Registries would greatly facilitate the useful Measure of lodging collectively in one Place the Records of each County.

Head Third.—Catalogues.

ARTICLE FIRST.—GENERAL REGISTER HOUSE.

“(1.) AT the General Register House, Edinburgh, it will be proper to make a General Repertory of its whole Contents: (2.) It will also be expedient to make an Index to the Records of the Great Seal: (3.) And another Inventory or Repertory to the detached Charters and Proclamations.”—Rep. Sel. Com. 18.

The several important Measures here recommended are deserving of separate Consideration.

(1.)—GENERAL REPERTORY OF THE RECORDS IN THE GENERAL REGISTER HOUSE.—Having formerly had the Honour of submitting to His Majesty's Commissioners my Opinion of the Necessity and Urgency of framing a Catalogue or Repertory of the multifarious Contents of the General Register House, I will refrain from again enlarging on a Point so perfectly evident, and will proceed, in pursuance of a particular Order of the Board (dated May 7, 1806) “to report on the best Mode of executing such General Repertory, specifying what extra Assistance will be required for that Purpose.”

Appendix,
(V. a.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

In executing this Task, I have been desirous to avail myself of the Experience of former Times, and have endeavoured to ascertain what similar Measures had been projected or carried into Effect. That there must have been some General Inventory of the Records committed to the Care of successive Keepers, and for which they were made responsible, it was natural to suppose; and of the former Existence of such Inventories I have accidentally discovered some slight Traces. My Inquiries, however, have led me to nothing of real Importance on the present Occasion prior in Date to the Year 1676.

It appears, indeed, that in 1657, when such of the Scottish Records then in the Tower of London as related to Matters of private Right, were ordered to be sent back to Scotland, an Inventory was made of the Books of Record;—"The Day and Year of the Beginning and Ending of every of the said Books being entered in a Book, and a Duplicate thereof made," in order that one of them might be kept in England, and the other sent into Scotland*. Of the Contents of this Inventory an Abstract has been preserved, and is printed by Ayloffe; but the Duplicate transmitted to Scotland appears to be now lost; nor is there now extant any similar Inventory, prior to the Year 1676, already mentioned, when it appears from the Books of Sederunt of the Lords of Session, that the State of the Public Records had attracted their particular Attention.

In June 1676, a Vacancy having occurred in the Office of Clerk Register, by the Promotion of Sir Archibald Primrose of Carington to the Office of Justice General, the Lords of Session directed Two of their Number to take Possession of the Apartments where the Public Records were deposited; and soon afterwards, "in pursuance of His Majesty's Commands," contained in a Letter addressed to their Lordships, "they did nominat and appoynt the Lords Thesaurer-deput, Collingtoun, Reidfoord, and Newtoun, or any Two of them, to meet at such Times as they shall think convenient, and to take Inspection of the haill Public Records of the Kingdome, which are or were in the Possession and Custody of the Lord Caringtoun, late Clark Register, or his Deputs and Servants, and by themselves, or such as they shall employ under them, to put and continue the same in good Order; and authorize the Lords above named to receive the saids haill Public Records from the Lord Caringtoun, upon sufficient Account and Inventar; and to that Effect the Lords in His Majesty's Name, and by his Authority, did require the Lord Caringtoun and his Deputs and Servants to exhibite and produce the saids haill Public Records to the Lords above named, or any of them, when they shall desyre the same; and allowed the said Lord Caringtoun, or any Person whom he shall authorize, to be present at the inventaring of the saids Registers, to the end Obedience may be given to His Majestie's Letter in all Points."

This Committee reported to the Court, that "they had taken a View of the haill Records in the Custody of Lord Caringtoun in the Parliament House, and in the Castle of Edinburgh; and that the Lord Caringtoun declared he would delyver the same, either upon Inventar, or in Bulk without Inventory, upon Oath that he had abstracted none of them, as the Lords should think fit to order, he being exonerated of the saids Registers: But they found the Warrants to be so many, and not in order, that it would take a long Time to inventar them."

In consequence of this Report, the Lords of Session gave the following Directions to their Committee: "They, in pursuance of His Majestie's Commands, do ordain the whole Register Books which are in the said Lord Caringtoun's Custody, to be presently inventared by John Anderson, Writer in Edinburgh, and any others who shall be appoynted by the Lords above named, who shall give their Oaths, that they shall faithfully discharge this Trust according to such Directions as they shall receive from those appointed by the Lords; and ordains the Inventory to bear what each Book contains in general, at what Time it begins, and at what Time it ends; and if there be any Blanks in the Books, that the same be marked in the Inventory," &c.

"The said Lords do appoint the Inventar of the Register Books to be set down in order of Time, and according to the several Matters contained therein: First, of the Records of Parliament: Secondly, of the Council: Thirdly, the Registers of Session; and amongst them, of Registrat Wrytes apart; of Decreets and Acts apart, and of Books of Sederunt. Next to these, the Registers of Exchequer; then the Registers of Chancellorie; and thereafter, the Registers of Sasines; both the General Register at Edinburgh, and the Speciall Registers of the Shyres; and in all to keep the Order to Time.

"As for the Warrants, those of the Registers of Session, since the Year 1660, are yet in the Hands of the Clerks Session; and the former Warrants being in great Masses, without any Order, the Lords do appoynt that the said Masses be sorted, putting the Registrat Wrytes together, and the Processes together; and that the Number of them both be taken and sett down, that thereafter they may be also digested according to the Order of Time."

"is appoynted, that so soon as the Inventory shall be perfected, it shall be insert in the Books of Sederunt."

These

* See "Proceedings relating to the carrying back into Scotland several of the Scottish Records." Ayloffe's Calendars, &c. p. 351—6.

These Instructions were given on the 13th of July 1676; and on the 28th of November following, it appears that "The Inventars of the Register Books which were in the Custodie of the late Clerk of Register, taken up by Warrant of the Lords being produced before them, according to their Appoyntment, they ordained the same to be insert in the Books of Sederunt."

Appendix,
(V. 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

From the few following Entries at the Commencement of this Inventory, the Form and Manner in which it was drawn up may be sufficiently understood.

"Inventar of the Registers of Parliament, as they are inventared, and standing in the Skailff, betwixt the Southmost Window and Charter-House, in the Castle of Edinburgh."

"Imprimis, The First thereof begins the 18th March 1481, and ends at the Act in favours of Mr. John Cullen."

"Item, the nixt Book thereof begins the 11th Day of March 1503, and ends at the Gift and Donacione granted to Alexander Lord Home, of the Lands of Colbrandispath."

"Item, The nixt Book thereof begins the Penult November 1508, and ends at the Decreet in favours of John Cockburne of Ormestoun."

"Item, The nixt Book thereof begins the 13th May 1532, and ends at the Parliament haldin be Queen Mary, 12th June 1548."

"Item, The nixt Book thereof begins the 24th April 1567, and ends at the Decreet of Reduction of the Decreet of Forefaller of David Balfour of Balbuthie."

The Whole of this Inventory is framed in the same inartificial Manner; and in the Arrangement of the different Heads and Particulars of which it consists, it follows the previous Position of the Books in the Presses and Shelves of the Repository in the Castle of Edinburgh, and in the Apartment under the Parliament House. On examining it with some Attention, I am disposed to think that it has been drawn up in a hasty and slovenly Manner; for I know not to what other Cause can be ascribed the Omission of many Volumes of the most important Records, then in the Custody of the Clerk Register. Of such Omissions a glaring Instance is exhibited in the Quotation given above; for of the Thirteen earliest Volumes of Parliamentary Records (which form the chief Part of the Volume printed under the Care of Messrs. Robertson), only Four are specified. It is with more sincere Regret I must add, that a Volume is there introduced as the Third of the Series, which, if the Entry of it be not altogether erroneous, must now, with some others specified in this Inventory, be enumerated among the many Losses which the Records of Scotland have sustained. This Inventory, however, with all its Defects, appears to have been regarded as a valuable Acquisition, although it professed to comprehend only the Records in Volumes, and left unnoticed the original Instruments and Writings which constituted the Warrants of those Records.

From the Year 1681 to the Year 1696, with only a short Interruption, the Office of Clerk Register was held by Sir George Mackenzie, created Viscount of Tarbat, and afterwards Earl of Cromertie: a Person of considerable Learning and Diligence as a Scottish Antiquary, and who appears to have been by no means neglectful of the Duties of his Office. In the Year 1693, he appears to have prepared a Petition to the Estates of Parliament, in which it was set forth, "that the Records of the Kingdom, besydes their Defects by losing of great Numbers of them in their Return from England, have been and are still obnoxious to the Hazard of being lost dayly, by the Place wher they are kept, w^{ch} consumes and rotts them so fast, that many Volumes of the Records, and much more the single Papers of the Warrants, doe dayly suffer, so as that in a few Years the King and People may suffer excessive Prejudice. That the Method of transferring the Custody of the Records, from on Clerk Register to another, is so perfunctorious as not to give any certainty to the Leidges in so weighty a Matter." That albeit ther was ane Inventar made once of the Record Books, yet they have been since so lost, especially in the late Siege of the Castle*, wher the Records of Parl^t and Great Sealls were kept, that it is not known what is or is not extant." "That the Record Books were so inventared, yet the Warrants (which are of farr more Authority and Value) were never noticed nor inventared, nor put in order; and although your Petitioner did do more towards that than was done formerly, yet what he caused do, was neither with Authority, nor compleat, nor can it afford any Assurance to the Leiges, untill a Method be fixt by Authority."

After stating several other Matters relative to the Public Records, the Petition concludes with a Proposal for the Appointment of a Committee, "To consider the Premises, and to prepare Remedies for these Evils;" relative to the Preservation, Transference, and safe Custody of the Records; and, in particular, "That a new Inventar be made of the Records," and, "That some certain Way be proposed for ordering of the Warrants, both for the practicable finding them on Occasion, and for securing them from loss or sealing."

A Copy

* From November 1688 to June 13, 1689.

Appendix,
(V 2.)

Detailed Report
of Deputy
Clerk Register;
Scotland.

A Copy of this Petition I lately found among some miscellaneous Papers in the General Register House; but whether it ever was presented to Parliament, or what Proceedings took place in consequence of it, I have not been able to discover, either from the Original Records, or from the Printed Minutes of Parliament.—Thus much is certain, that in the Course of a few Years afterwards, the Records preserved in the Castle of Edinburgh were removed to the Apartments under the Parliament House; and that a new Inventory of the Whole was framed about the Year 1701, which is still preserved in the General Repository. I do not know whether it be to this Inventory that Messrs. Robertson have alluded in their Return to the Select Committee, (Page 397) as a Transcript of that of 1676, in the Books of Sederunt; but on Examination they will be found widely different. Both have been framed on the same general Plan; but the latest has been executed apparently with greater Care, and is, in many Respects, more perfect. In some of its Branches it is brought down to the Year which I have ventured to assign as the probable Date of its Compilation; some Branches, such as the Records of Exchequer, which are altogether omitted in the Inventory 1676, are there very amply detailed; and in other Branches, such, for Example, as the Parliamentary Records, it has been rendered much more accurate and complete. Like the Inventory 1676, it follows and points out the previous Position of the Volumes in the Presses and Shelves, and in its Arrangement is thus rendered less systematic than such a Work very easily admits of; and in the Manner of entering the successive Volumes there is a close Resemblance. The following Specimen corresponds to that which has been given of the Inventory 1676:

“ Inventar of all the Books or Registers in the Lower Parliament House.”

“ In the Inner Room thereof,”

- “ The Registers of Parliament are within the new Press opposite to the Window; and the First thereof is of King Alexander’s Parliament in the Year 1210; and also of the Parliament of King James the First, Second, and Third, and of the Auditors appointed by them, beginning 26th May 1424, ending 6th May 1474.”
- “ The next is of the Parliament of King James the First, Second, and Third, and their Auditors, beginning 13th March 1424, ending 13th October, 1474, and contains also the Parliament of King Robert the Third, holden 13th February 1400.”
- “ The next is of King James the Third’s Parliament, and their Auditors, beginning 28th November 1475, ending 4th February 1481.”
- “ The next is of the Parliament of King James the Third and Fourth, and their Auditors, beginning 18th March 1481, ending 26th June 1493.”
- “ The next is of King James the Fourth’s Parliaments, and their Auditors, in the Years 1490, 1491, and 1492.”
- “ The next is of K. James the Fourth’s Parliaments, and their Auditors, beginning 27th November 1494, ending 12th November 1495.”
- “ The next is of K. James the Fourth’s Parliaments, and their Auditors, beginning 11th March 1503, ending 16th February 1505.”
- “ The next is of K. James the Fifth’s Parliament, beginning 14th November 1524, ending 9th June 1531.”
- “ The next is of K. James the Fifth’s Parliaments, beginning 13th May 1532, ending 18th July 1539.”
- “ The next is of K. James the Fifth’s Parliaments, and Queen Mary’s, beginning 13th May 1532, ending 12th June 1548.”
- “ The next is of Queen Mary her Parliaments, beginning 2d September 1545, ending 13th August 1546.”
- “ The next is of the Parliament of Queen Mary, beginning 29th November, ending 5th December 1558.”
- “ The next is of Queen Mary her Parliament, beginning 14th ending 19th Aprile 1567.”
- “ The next is a Register of a Committee of Parliament in the Year 1567,” &c. &c.

Since the Date of this Inventory, no Attempt appears to have been made to frame another upon a better Model, or to continue and carry it down by the Addition of the Records which have been subsequently transmitted to the General Repository. The accumulated Records of more than a Century (which in the Two leading Branches of Land Rights and Judicial Proceedings, have increased with a Rapidity beyond all former Example), remain without any Sort of Repertory to indicate their Existence, or their Place; and besides, since the Date of the last Inventory, the whole Mass has been transferred to the present Register Office, and has necessarily undergone a new Arrangement, bearing no Relation to that of the former Inventory. At the same Time, however, it must be obvious, that in framing a new Repertory or Catalogue, the Materials of the former may be of considerable Use in facilitating the Execution of the earlier Part of the Work.

The Mode of framing such a Repertory must, of course, depend on the Uses which it is intended to serve. These Uses I understand to be chiefly Three: First, That in the successive Transferences of the Custody of the Records from one Officer to another, it should afford the legal and appropriate Evidence of what ought to be delivered, and of what is actually received: Secondly, That it should give the Public sufficient Information of the Records which actually exist, and to which they may have Access: And, Thirdly, That it should enable the Keepers

Keepers to find every Volume of Record, and every Original Instrument or Writing that is wanted, with the least possible Trouble and Delay, and without the Necessity of wasting Years in the Acquisition of a Knowledge of local Arrangement, which must necessarily perish with the Possessor of it.

Appendix,
(V. 2.)

Detailed Report of
Deputy Clerk
Register;
Scotland.

As preliminary Steps to the Compilation of a Repertory which is to have these Objects in View, it will be indispensably necessary, as in all great Libraries, to affix some distinctive Marks on the several Apartments, Presses, and Shelves, where the Records are deposited, and to appropriate to the several Classes of Records, and to the different Volumes or Parcels of each Class, a suitable and permanent Place. In the present Register Office so much has been already done towards the Execution of the last of these Measures, that what yet remains to be done may be completed without much Trouble. In the Execution of the former, the simplest Methods are, of course, the most advisable; and, perhaps, nothing more simple, or less liable to Uncertainty and Mistake can be recommended, than to distinguish the several Apartments by Numbers, and the several Presses in each by Letters. The Shelves and the particular Places on each must, of course, be distinguished by Numbers. To complete these preliminary Arrangements, it would be proper to mark on every Volume and Bundle the Apartment, Press, Shelf, and Place to which it belongs.

Another Step of a preliminary Sort may here be mentioned. Many of the more antient Volumes of Record are in a State of Decay, and ought to be re-bound. Without this Precaution, they cannot be consulted without Injury, nor can they long be preserved from complete Destruction. I mention this at present, as in some Sort necessary to the Mechanical Arrangements of which I have been speaking.

In framing the General Repertory, the only Matter which seems to demand much Consideration, is the systematic Arrangement of the different Heads or Classes of Records into which it must be subdivided. On this Point, however, no immediate Determination is requisite; the most important and most voluminous Classes will present no serious Difficulty; and as to those of inferior Magnitude, the Determination can only be made after the different Sorts have been carefully ascertained and brought under Review.

In the Details of each Class, the Method I would venture to recommend, is at once easy in the Execution, and perhaps the most convenient for Consultation. It is to arrange the necessary Notices of the different Volumes or Bundles in the Form of a Table, consisting of Five Columns; the First, for the Number of the Volume or Bundle; the Second, for the Date of its Commencement; the Third, that of its Termination; the Fourth, for its Place in the Repository; and the last, to be allotted to such occasional Remarks as may be necessary on the State or Contents of the Record.

To each of these Classes or Tables should be prefixed a short Account of the precise Nature and Purposes of that particular Record, the Authority by which it has been instituted, the Officers by whom it has been framed, and such other Matters as may tend to facilitate the Consultation of it.

To the Whole, if it should ever be made public, ought perhaps to be prefixed a more general and extended Account of the Public Records of Scotland, in which the more important and interesting Matters connected with their History and present State might be detailed, and the Laws for their Establishment and Regulation might be explained.

In the Return made by Messrs. Robertson to the Orders of the Select Committee, it was stated, that to form a General Repertory of the Records in the immediate Custody of the Lord Clerk Register would be a laborious, and of course an expensive Work; but that with the Assistance of Two young Men then in the Office, it might, perhaps, be accomplished in Eighteen or Twenty Months. Since the Date of that Return, Mr. William Robertson and One of his Sons, there alluded to, have died; and the Office of Deputy Keeper is now held jointly by Mr. Alexander Robertson and his Nephew, also alluded to in the Return. By Mr. Alexander Robertson I have been authorized to say, that he is willing to undertake the Execution of the Work in question, without any extraordinary Assistance; although within what Period he has not been able to assure me. Indeed, if the preliminary Measures which I have ventured to propose were properly executed (the Superintendence of which I should conceive to be a Part of my official Duty as Deputy Clerk Register), I am confident that the principal Work might be executed with great Rapidity, even by Persons of moderate Skill in the Perusal of Records.

I have only to add, that it ought to be made a standing Regulation to be observed by the Deputy Keepers, to enter every Volume or Bundle of Records in the Repertory immediately on its Transmission to the General Register House.

(2.)—INDEX TO THE RECORDS OF THE GREAT SEAL.—On the Propriety and Utility of forming an Abstract of Royal Charters and other Grants which have passed the Great Seal, I have already had the Honour of submitting to His Majesty's Commissioners the Views that have occurred to me. It was on this last Occasion

Appendix,
(V. 2.)

Detailed Report of
Deputy Clerk
Register;
Scotland.

that His Majesty's Commissioners were pleased to order, "That Mr. Thomson be desired to cause to be prepared
" a concise Abstract of all the Royal Charters of Scotland which exist, whether on the Public Record or other-
" wise; mentioning in such Abstract the Names and Descriptions of Parties, the Subject Matter, and the Date,
" both as to Time and Place, and annexing thereto alphabetical Indexes of Persons and Places."

It may be proper to observe, that this Order is necessarily and intimately connected with another made at the same time, by which I was desired to take such early Measures as I might think practicable for obtaining and transcribing, in the most authentic Manner, all such Royal Charters as may be found to exist, either in public or private Repositories, and which are not at present to be found in the Register of Charters in the General Register House; noting on such Transcript the Places from which they have been obtained, and any other material Circumstances respecting them.

I have the Satisfaction to state, that both these Works are now in Progress, and that their more rapid Advancement has been retarded only by the Difficulties I have had to encounter, in finding Persons duly qualified for such a Task. As the Collection of Royal Charters naturally takes Precedence of the Formation of the Abstract and Indexes, I have been more particularly anxious to put the former in a State of forwardness; and, accordingly, Transcripts have already been made of a great many Royal Charters from the Reign of David I. downwards to that of Robert III. These have been entered in Books appropriated to the different Reigns, in such a Manner, that the several Charters of each Reign may be afterwards arranged in Chronological order, if such a Measure should be deemed expedient. On the Execution of this Measure a separate Report shall be made; at present I have alluded to it only, as having affected the Progress hitherto made in the Formation of the Abstract of Royal Charters.

There is, however, one Part of this Abstract, which unhappily stands very much unconnected with the other Work, and to which, on that Account, my Attention has in the first Instance been more particularly drawn. It is known to His Majesty's Commissioners that many Records of Charters of the Reigns of Robert I. David II. and Robert II. and III. which were extant in the Reign of Charles I. have since disappeared, without leaving behind them any Traces of their Fate; but the Loss of which may fairly be ascribed to some of those rude Accidents and Hazards to which the Public Records of Scotland were exposed during the latter Half of the Seventeenth Century. Of these Records of Charters, certain Calendars or Indexes appear to have been formed by the Officers in whose Custody they were kept; and a Copy of One of these, drawn up about the Year 1629, was discovered some Years ago among the Manuscripts in the Harleian Library; and in 1798 was published by the late Mr. William Robertson, at the Desire and Expense of the Lord Clerk Register. The Contents of this Index or Abstract, in spite of the very meagre Form in which it is drawn up, and the numerous Inaccuracies by which it is obscured and deformed, are highly valuable and interesting; and it thus becomes a most desirable Object to improve and enlarge it by means of all the Materials yet within our reach. Some Originals, and a very considerable Number of authentic Transcripts of Charters contained in the lost Rolls, have been found, and have been entered in the Collection of Royal Charters already alluded to. From these, of course, many Corrections of the Abstract may be derived; but, independently of these, I have been already fortunate enough to meet with Two other Calendars or Abstracts of the same Records, by a Collation of which with the Index 1629, many gross Errors have been corrected, and many important Additions have been obtained. One of these appears to have been compiled in the latter Part of the Sixteenth Century, and was very liberally communicated to me for the Public Use, by George Chalmers, Esquire. The other makes Part of a large Collection of Transcripts and Abstracts from the Public Records, made, as has been supposed, under the Inspection, and for the private Use of Thomas, First Earl of Hadington, Clerk Register in the Reign of King James VI. and which is now deposited in the Library of the Faculty of Advocates. Although the Abstracts in this Collection are not made with extreme Accuracy, yet are they in many Instances more copious than either of the Two other Calendars, and on this Account peculiarly valuable. I scarcely need to add, that, from these Materials, it will now be easy to exhibit a more complete Abstract of many of the lost Rolls or Charters than that which was printed in 1798.

The Abstract of the Royal Charters that may from Time to Time be recovered, or of which authentic Copies may be procured, shall be carried on concurrently with the Transcription of those Charters.

The Abstract of the Rolls and Books of the Great Seal, preserved in the General Register House, will be a Work of more laborious Compilation; but the Labour will, I trust, be considerably alleviated by Means of some former Works of a similar Kind, which I shall be able to procure. The most considerable of these is an Abridgment of about Twenty of the earliest Volumes of the Record of the Great Seal, drawn up under the Inspection and at the Expense of the late Walter Macfarlan, of Macfarlan, Esquire, a Gentleman of eminent Acquirements as a Scottish Antiquary, and who appears to have been fully aware of the Value of this Branch of the Public Records. It is now deposited in the Library of the Faculty of Advocates. It cannot, however be adopted as an exact Model of the proposed Abstracts of these Records, being in some Instances too brief, in others too copious. Charters which did not appear to be of peculiar Importance, are mentioned very slightly; while, on the other Hand,

Hand, those that were accounted more curious and interesting are quoted at great Length, and with very little Abbreviation or Omission. The Compiler had thus attempted inartificially to combine what I have already suggested, as fit Subjects of Two separate Works; namely, a concise Abstract of all the Charters, for the Purposes of Reference to the Record, and of more slight Investigations; and a separate Selection of the more valuable, as illustrative of Constitutional and Municipal Jurisprudence.

Appendix,
(V. 2.)

Detailed Report of
Deputy Clerk
Register;
Scotland.

In this Branch of the Abstract of Charters no Progress has yet been made; nor in the Execution of it should I venture to employ any Person on whose Accuracy and Judgment a very competent Reliance might not be placed. The Persons who have been hitherto engaged in the Business of the Sub-Commission, are so completely occupied with the Abridgment of the Record of Retours, and with the Transcription of Antient Charters, and of the Materials for the earlier Periods of the Parliamentary Records, that until several new Hands have been procured, and properly trained to the reading and copying of the Records, I should think it inexpedient to detach any of the former from the Employments in which they are now engaged. Such additional Assistance I have been most anxious to procure, and have not been altogether unsuccessful; and I confidently trust, that in the course of the present Year, the several important Works here alluded to may be safely commenced, and prosecuted without further Interruption.

3.—INVENTORY OF ORIGINAL INSTRUMENTS, CHARTERS, &c. IN THE GENERAL REGISTER HOUSE.—In a former Letter to the Secretary, I had the Honour of stating, for the Information of His Majesty's Commissioners, that this Measure had been carried into Execution. I have now only to add, that, in the course of the proposed Operations for framing a General Repertory, I am persuaded that other detached Instruments, &c. will be found, of which separate Entries ought to be made; and I would beg leave to suggest, that, in the Event of printing the General Repertory, it would be proper to incorporate with it the Inventory of Original Instruments.

ARTICLE SECOND.—EXCHEQUER.

“An Index should be made to the Book of Decrees and Orders of the King's Remembrancer, for the Purpose of supplying the Loss of one removed from thence in 1767.”—Rep. Sel. Com. 18.

On every Thing connected with the Records of Exchequer, I must at present speak with great Diffidence, as my Information respecting them is as yet extremely imperfect. Conceiving, however, that the Duties of Superintendence and Control attached to the Office of Deputy Clerk Register must be held to extend to this Department of the Public Records of Scotland, although now withdrawn more than formerly from the direct Interference of the Lord Clerk Register, I shall embrace the earliest Opportunities of making myself acquainted with whatever concerns their Formation, Custody, and Preservation; and I already foresee that I shall find it necessary to submit to the Consideration of His Majesty's Commissioners, and of the Barons of Exchequer, the Propriety of adopting various Measures of Regulation on each of these Heads. In the mean Time, I have only to add, that the Formation of the Index to the Book of Decrees and Orders of the King's Remembrancer appears not to be considered as a Measure of peculiar Urgency. If, however, His Majesty's Commissioners should direct the immediate Execution of it, the Clerks now in the Office might be fitly employed for that Purpose.

ARTICLE THIRD.—HIGH COURT OF JUSTICIARY.

“An Index is wanting to these Records.”—Rep. Sel. Com. 18.

On the Expediency of this Measure, as well as on that respecting the Record of the Circuit Court of Justiciary, I have thought it my Duty to request the Opinion of the Judges; and in a Letter already referred to, which I had the Honour to receive from the Lord Justice Clerk, it is stated as their unanimous Opinion, that the Measure in question “would be of public Utility; that the proposed Index of the Books of Adjournal should “be extended to the Circuit Proceedings; but that it will be a Task of considerable Difficulty; and, unless “executed both with Accuracy and Judgment, will be comparatively of little Use.”

As the great Desideratum under this Head is an Index Materialum, it is obvious, that without a considerable Portion of legal Knowledge in the Compiler, a proper Selection and Arrangement could not be expected. As, however, the more modern Records will exhibit fewer Difficulties than those of an earlier Period, when Rules and Forms, now become antiquated, were in Observance, I would beg leave to propose, that, in the first Instance, the Index should commence with the Institution of the present Court of Justiciary in the Year 1672, and be continued down to the present Day. This Index might be fitly divided into Three Different Parts or Series: 1. An Index

Appendix,
(V. 2.)

Detailed Report of
Deputy Clerk
Register;
Scotland.

Index of the Names of Parties. 2. An Index of Cases, in which, under the different Species of Crimes, arranged Alphabetically or Systematically, the Cases of each Class, in the Order of Time, should be indicated by the Names of the Parties, the Dates, and the Places of Trial. 3. An Index of Points of Criminal Law, which have been discussed and determined;—a Branch of the Work which would perhaps be the most useful, but would, at the same Time, be the most difficult of Execution.

In the View of afterwards extending the same Plan to the more antient Criminal Records of Scotland, which are in many Respects highly curious and instructive, I would earnestly recommend to His Majesty's Commissioners, that an Order should be given to have an accurate Transcript made of several of the earlier Volumes, which are already in a State of Decay, and are of difficult Perusal; and that Copies should also be made and authenticated of Two Volumes of these Records, now deposited in the Library of the Faculty of Advocates; both which are prior in Date to any of those now remaining in the Justiciary Office. Many of these earlier Volumes ought also to be re-bound without Delay.

ARTICLE FOURTH.—ADMIRALTY.

"An Index is wanting to such Proceedings of this Court as are carried on to Final Sentence."—Rep. Sel. Com. 18.

In the High Court of Admiralty, as in most other Courts of Justice in Scotland, the Decreet or Final Sentence comprehends a complete Transcript of all the written Pleadings in the Cause, of which a Copy or Extract is given to the successful Party. The Practice of recording these DECREETS, so long neglected in the Sheriff Courts, appears to have been regularly observed in the Admiralty Court; and it is to this Record that, in the Return made to the Select Committee by the Clerk of this Court, an Index is said to be wanting. After full Inquiry and Consideration, I am humbly of Opinion that, retrospectively, the Measure would be of no great public Utility, and that the ordinary Researches of Individuals may be conducted with tolerable Facility, by means of what is technically called the *Responde Book*, kept by the Deputy Clerk for the Purpose of entering the Fees of each Extract, for which he is accountable to the Principal Clerk of the Court. In future, however, there would be no Hardship in requiring the Deputy Clerk to keep a separate Book for entering, Chronologically and in the Form of Tables, the general Title, the Names of Parties, and the exact Date of every Decreet that is extracted.

I must take this Opportunity of stating, that the Record of DECREETS in this Court has for about Sixty Years back been preserved in a very slovenly Manner. Instead of being bound regularly in Volumes, as formerly, the DECREETS have been allowed to remain detached, and have been usually deposited in the same Bundle with the Warrants from which they were compiled. In this Manner they are apt to be mislaid and lost; and are in the mean Time of much more difficult Access for the ordinary Purposes of Consultation. From the Infrequency of such Consultations, this Irregularity has hitherto passed without Notice; but it ought instantly to be corrected; and I apprehend that the Clerks now in the Office ought to bear the very trifling expense of binding the Records that have been framed during the period of their own Tenure; and that for the preceding Periods only, as to which the present Clerks cannot be held responsible, the Expense should be defrayed by the Public.

Head Fourth.—Transfers.

ARTICLE FIRST.—GENERAL REGISTER HOUSE.

"By Act of Parliament of Scotland, 1685, "Ordained, That all the Clerks within the Kingdom deliver in their Registers to the General Register House, every Ten Years.—Proper now to be brought in every Five Years, except in Special Cases.—Rep. Sel. Com. 18.

The Measure here recommended I am disposed to regard as peculiarly entitled to the serious Consideration of His Majesty's Commissioners. Its Importance might justify an extended and detailed Discussion; but, at present, I shall confine myself to a few general Results, without stating all those Facts and Views with which they are connected.

In the general Establishment for the Formation and Custody of the Public Records of Scotland, Arrangements, originally casual, have been wisely and happily improved into a System of great Simplicity and Efficacy; but of which the Movements and consequent Advantages have been greatly thwarted and impeded by various minute Defects in the Mechanism of its Parts. The grand moving and regulating Principles of the whole, I conceive to be, the Separation of the official Duties of FORMING and of KEEPING the Records; the committing of the latter to a Person of high official Rank and Responsibility, invested with Powers of Superintendence and Control over every

every Part of the System ; and the frequent and compulsory Transmission of the Records from the Offices where they were framed, to the great central Office, where their Accuracy is to be tried, and where they are ultimately to remain for the public Use. It is from the joint Operation of these Principles, gradually introduced by Statute and by Usage, that a systematic Unity has been given to this Branch of the National Establishments ; and I presume, that every one acquainted with the actual State of the Records of Scotland must be convinced, that had these Principles been carried into Practice, as far as their Nature plainly admits, and had they been regularly and vigorously acted upon, we should not, at this Day, have had occasion to complain of the practical Degradation of a System, so excellent in its Plan and Theory, and so much admired and vaunted as a national Benefit and Honour. With respect to the past, much of this Mischief is beyond the reach of Redress ; but with respect to the future, I am persuaded, that without any violent Innovation, much might be done to palliate, if not to eradicate the Evil.

Appendix,
(V. 2.)

Detailed Report
of Deputy Clerk
Register ;
Scotland.

Although it is evidently a leading Principle in the System to separate the Duty of forming, from that of keeping the Records, yet neither in the Regulations which have been successively established, nor in the Practice which has actually prevailed, has this Separation been carried so far as either its Nature admits, or the Public Interest requires. In the Hope of intercepting some of those Emoluments which arise from the "Searches" of Individuals, the Officers by whom the Records are framed, have at all Times betrayed a strong Inclination to retain them in their own Custody as long as possible, to the manifest Inconvenience of the Public, and to the almost total Annihilation of those salutary Checks which depend in a great Measure on the rapid Transmission of the Records to the General Repository. Prior to the Statute 1685, such of the Public Records as were not regulated in this Respect by the Operation of marking, were transmissible at the end of Five Years ; but by the Statute alluded to, the Period was doubled ; and it was ordained, that the Clerks in the different Registries, "should thereafter only keep Ten Years Records in their own Hands for the Use of the Liedges." The Impolicy of this Extension, in itself sufficiently obvious, has been completely proved by Experience ; and in the greater Number of Instances, it has given rise to a Practice, completely subversive of that Control over the formation of the subordinate Registers, which it is a main object of such Transmission to accomplish. Instead of an Annual Delivery of the Records of every Eleventh Year, it has become common to withhold that Delivery, until the Records of Twenty Years have been accumulated, when the Records of the first Ten Years are transmitted in One Mass. This System of Delay has placed the Clerks in the subordinate Registries so much beyond the Fears of immediate Inquiry and Detection, that, by a very easy Process of Negligence and Misconduct, they have been tempted, in many Instances, not merely to execute their Work in a slovenly Manner, but totally to neglect the formation of any Record whatever, contenting themselves with receiving the Fees that are due only on Account of such Record.

To correct these Abuses, and again to invigorate that System of Control, which is so essential to the Utility, and even to the Existence of the Public Records, it appears to me of the last Importance, that the Separation of the Duties of forming and of keeping the Records should be carried as far as possible ; and that in all Cases, without Exception, the successive Volumes of Record should be transmitted to the General Repository as soon as they are completed. As to those Registers that are already transmissible in this Manner, by Means of the Operation of Marking, the Delivery has of late been accelerated by diminishing the Size of the Volumes that are issued by the Lord Clerk Register. Formerly, each of these Volumes contained above a Thousand Pages in Folio ; which in many of the Local Registries were not filled up in less than Ten, Fifteen, or Twenty Years ; and in very few of them, was the Transmission of the successive Volumes rendered sufficiently rapid to secure the highest Degree of Punctuality and Accuracy in their formation. On these Accounts, the Size of the Volumes ought to be regulated, in every Case, at the Discretion of the Lord Clerk Register, in such a Manner as to insure their Return to the General Repository in the course of One or Two Years. Again, as to those Records that are not marked, and are made transmissible only by the force of Penalties, I have already offered it as my Opinion, that all of them ought to be subjected to that Operation, by Means of which the Periods of their Transmission might be exactly regulated. At all Events, I would humbly recommend, that the Size of the Volumes to be employed in the several Registries should be exactly ascertained ; and that these should, in every Case, without Exception, be successively transmitted, as soon as they have been filled up.

The Alterations now proposed can hardly be considered as of the Nature of harsh or violent Innovations. They obviously coincide with the great leading Principles of the System, and merely aim at an Improvement of that System, by bringing those Principles still more completely and effectually into Activity. Some Compensation might, in consequence, become due to the present Officers in some of the Registries ; but its Total Amount could not be great, and might perhaps be most usefully and conveniently given, by a small Addition to the Fees of Registration.

Appendix,
(V. 2.)

Detailed Report
of Deputy Clerk
Register;
Scotland.

ARTICLE SECOND.—GREAT SEAL.

“ THE Warrants thereof, together with the Duplicates of all Deeds which pass the Great Seal, and the Index to Decrees, should be carried in annually.”—Rep. Sel. Com. 18.

I have already submitted my Opinion as to the Inexpediency of Establishing any new Record of Writs which pass the Great Seal; and now referring to what has been already said under the Head of “Registration,” I have only to add, that by the Measures there suggested, the Objects recommended by the Select Committee would be fully attained.

The Index to Decrees mentioned above, is that which has been suggested as wanting in the High Court or Admiralty. I have already expressed my Doubts of the Expediency of making such an Index for the Records of the past Proceedings of this Court; but with respect to the future, I should think it proper and useful that a Duplicate of the Index or Responde Book, containing the Titles of extracted Decrees, should be transmitted annually to the General Repository.

ARTICLE THIRD.—RECORDS OF TEINDS, AND OF TAILZIES AND INVENTORIES.

“ Should be carried in annually, if possible, or within such Period as the Court of Session may direct.”—Rep. Sel. Com. 18.

Of the Propriety and Expediency of these Measures no Doubt can be entertained, and I am humbly of Opinion that they ought immediately to be carried into Execution. Indeed, I am very clearly of Opinion, that the Practice which has prevailed, of suffering the Records above mentioned to remain in the Offices where they are formed, is not only inexpedient, by diminishing their Security and Accessibility, but is also contrary to the existing Laws of Scotland, and to the constitutional Rights and Privileges of the Lord Clerk Register. In this View, the proper Mode of Proceeding would be by Petition to the Lords of Session, in the Name of the Lord Clerk Register, in Terms of which, it is presumed, an Order might be obtained to enforce the regular periodical Transmission of the Records in question. In doing so, however, the Lords of Session would probably feel themselves bound to inquire, at the same Time, into the Amount of the ordinary official Emoluments that might, in consequence, be withdrawn from the Clerks of the Court of Teinds, and the Keeper of the Registers of Tailzies and of Inventories; and might hesitate to sanction the Measure, unless the Means of Compensation were pointed out and provided. The Amount of a fair Compensation could not, in either of these Cases, be very considerable, and might, perhaps, be most usefully given by a suitable Addition to the present Fees of Registration.

In concluding this Report, I beg Leave to add, that while I have in general confined myself to the Points which have been expressly referred to me by His Majesty's Commissioners, I have, in some Instances, ventured to extend my Observations to other collateral and connected Matters, which seemed deserving of immediate Attention. These Matters, in some Degree extraneous to the proper Subjects of this Report, I should wish to be understood as only a partial and incidental Selection of what may be deemed of chief Importance to the Regulation and Reform of the Public Records of Scotland. In the Discharge of my official Duty, I shall have Occasion again to review the Subject at large, in a more systematic Form, and in its numerous and complicated Details; but, in the mean Time, I humbly hope, that the detached Measures which I have now attempted to explain and recommend, will not only be found intelligible, but will appear to be properly adapted to the established Principles of that System of which they are meant to form a Part.

THO. THOMSON, Dep. Cl. Reg.

(V. 3.)

Minutes of Boards of the 25th and 30th July 1807.

Appendix,
(V. 3.)

Further Measures Ordered;
Scotland.

At BOARDS of The Commissioners on Public Records, holden 25th July, and 30th July 1817;

P R E S E N T,

The Right Honourable CHARLES ABBOT, Speaker of the House of Commons;
The Right Honourable Lord FREDERICK CAMPBELL;
The Right Honourable JOHN Lord REDESDALE;
The Right Honourable Lord GLENBERVIE;
The Right Honourable Sir WILLIAM GRANT, Master of the Rolls;
The Right Honourable ARCHIBALD COLQUHOUN, Lord Advocate of Scotland;
The Right Honourable NATHANIEL BOND.

Having read the Report of the Deputy Clerk Register, dated 2d April 1807, and taken the same into Consideration, the Commissioners came to the following Resolutions:

I. REGISTRATION.

Article 1, viz. Great Seal.—RESOLVED, That it be recommended to the Lord Clerk Register to make an Application to the Court of Session for an Act of Sederunt, authorizing and requiring the Director of Chancery, and his Deputies and Clerks, on giving out any Writ to the Great Seal, to demand a certain Deposit, to be returned when the Sealed Writ shall be again brought back, for the Purpose of recording the Fact and Date of the Sealing.

ORDERED, That the Secretary do transmit to the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron for Scotland, a Copy of this Part of Mr. Thomson's Report, together with the preceding Minute of the Board thereupon, requesting them to take the General Subjects of the said Extract of Report into their Consideration, and to communicate to this Board their Opinion thereupon. The Lord Advocate is requested to promote the Purpose of this Minute when in Scotland.

Article 2. Circuit Court of Justiciary.—ORDERED, That the Secretary do write to the Lord Justice Clerk, inclosing Copy of the Report on this Article, requesting his Lordship to lay it before the Court of Justiciary for their Consideration, and to communicate to this Board their Lordships Opinion thereupon, both with respect to the Propriety of the Measure therein proposed, and the Mode of its Execution; whereupon this Board will make Application to the Lords of the Treasury, for defraying any necessary Expense which may be incidental thereto.

Article 3. Record of Decrees in the Sheriff's Court; 4. Record of Deeds in the Sheriff's Court; 5. Record of Sheriffs' and Borough Courts; 6. Record of Deeds in the Commissary Courts.—ORDERED, That the Secretary do also transmit to the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron for Scotland, a Copy of these Parts of Mr. Thomson's Report, requesting them to take the same into their Consideration, and to communicate to this Board their Opinion thereon.

And further, with respect to Articles 5 and 6,

ORDERED, That Mr. Thomson do prepare, under the Direction of the Lord Advocate, a Set of Queries for obtaining the Information suggested to be necessary; and that when the same has been received by the Secretary, it be submitted to the Right Honourable the Speaker for his Directions, as to the proper Mode of forwarding the Queries to the respective Parties.

II. BUILDINGS.

Article 1. Great Seal Office.—POSTPONED, The further Consideration thereof, until some Answer is received to the Order upon Head I. Article 1.

Article 2. Court of Exchequer.—Upon this Article Mr. Thomson informed the Board, that the Measure herein recommended is now carrying into Execution, under the Authority of an Act of Parliament obtained for that Purpose.

Article 3. Sheriffs' Officers.—RESOLVED, That it be referred to the Lord Advocate to consider of proposing a Bill to Parliament, for the Purpose of accomplishing the Measure here recommended.

III. CATALOGUES.

Appendix,
V. 3.

Further Mea-
sures ordered;
Scotland.

III. CATALOGUES.

Article 1, intituled, General Register House, subdivided into the Three Branches following, viz. No. 1. General Repertory of the Records in the General Register House; No. 2. Index to the Records of the Great Seal; No. 3. Inventory of Original Instruments, Charters, &c. Upon the First Branch of this Article—RESOLVED, First, That this Board do approve of Mr. Thomson's Suggestions respecting the Preliminary Measures, of affixing distinctive Marks on the several Apartments, Presses, and Shelves in the General Register House; and also the immediate rebinding of the decayed Volumes; and direct that the same be executed with all convenient Dispatch; and that Mr. Thomson do report to the Secretary, for the Information of the Board, his Progress therein, and any extraordinary Expense incurred thereby, beyond the ordinary annual Expences of the Establishment.

RESOLVED, Secondly, That Mr. Thomson do prepare a Plan for framing an Inventory, in the Nature of a Press Catalogue, describing the general Contents of each Apartment, Press and Shelf, for the Use of the Public, and for securing thereby the faithful Transfer of the Contents of the General Register House to each succeeding Lord Clerk Register. Such a Plan to be submitted to the Board for its Consideration, in order to its being afterwards laid before the Court of Session.

RESOLVED, Thirdly, That Mr. Thomson do cause a classed Catalogue or detailed Repertory, of the particular Contents of the General Register House, to be prepared, in Columns, distinguishing the several Matters as proposed in his Report; and that a Specimen of such Repertory be laid before this Board as soon as it can be prepared.

Upon the 2d Branch of this Article, namely, the Index to the Records of the Great Seal, RESOLVED, That Mr. Thomson do proceed upon the Matters therein stated, and specify his Progress in his Quarterly Report.

Upon the 3d Branch of this Article, the Inventory of Original Instruments, Charters, &c. RESOLVED, That Mr. Thomson do proceed according to the Suggestion in this Part of his Report.

Article 2, intituled, Exchequer.—RESOLVED, That the Secretary do write to the Barons of Exchequer in Scotland, that the Board, taking Notice, that in the Return made by the King's Remembrancer to the Orders of the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom, dated 3d June 1800, it had been stated, "That there was no Catalogue or Index to the Rolls of "Judicial Proceedings in the Court of Exchequer; but that prior to the Year 1767 there had been an Index "to the said Records, which was carried out of the Office by the then Keeper; that Measures were taken by "Order of the Court for its Recovery, but ineffectually; and that it is not known whether it now exists:" And that the Select Committee had reported thereupon, that "in the Exchequer an Index should be made to the "Books of Decrees and Orders in the Office of the King's Remembrancer, for the Purpose of supplying the "Loss of one removed from thence in 1767," request the Barons to take the same into their Consideration, and communicate to this Board what Measures their Lordships shall adopt thereupon.

Article 3, intituled, High Court of Justiciary.—RESOLVED, First, That Mr. Thomson do proceed to direct the Execution of what concerns the Matters suggested in this Part of his Report, respecting the antient Criminal Records:

RESOLVED, Secondly, That with respect to the Index to all the Records of the Justiciary Court, Mr. Thomson do, on the Part of this Board, communicate with the Lord Justice Clerk, and obtain his Recommendation of a Person properly qualified to execute the Work proposed, and that such Person do proceed in the Execution thereof.

Article 4, intituled, Admiralty Court.—RESOLVED, That the Secretary do write to the Judge of the High Court of Admiralty in Scotland, recommending to his Consideration the Expediency of ordering the Clerks in Court to keep a separate Book for entering chronologically, and in the Form of Tables, The General Title, The Names of Parties, and The exact Date of every Decree that is extracted; and of transmitting a Duplicate of such Index annually to the General Register House; and further recommending to his Consideration the Expediency of ordering the Decrees of this Court for the Time past to be bound, (an Account of the Expense thereof to be transmitted to this Board), and of directing also, that the several Clerks do in future bind the same, at their own individual Expense, as formerly done; and lastly, that he be requested to acquaint the Secretary, for the Information of the Board, what is done in the Matters aforesaid.

IV. TRANSFERS.

Article 1, intituled, Accelerated and complete Transmission of Registers.—ORDERED, that the Secretary do transmit to the Lord President of the Court of Session, the Lord Advocate, the Lord Justice Clerk, and the Lord Chief Baron, a Copy of this Part of Mr. Thomson's Report, requesting their Lordships to take the same into their

their Consideration; and, in particular, to consider whether any, and which of the Matters therein stated, are fit to be adopted, and may be regulated either by Act of Sederunt or Act of Parliament; and further requesting, that they will communicate to this Board their Opinion thereupon.

Appendix
(V. 3.)

Further Measures ordered;
Scotland.

Article 2, intituled, Great Seal and Admiralty.—Whereupon the Board observe, That the Matters alluded to in this Part of the Report are included in the previous Orders of the Board, under Art. 1, Head I. and Art 4, Head III.

Article 3, intituled Records of Teinds, and of Tailzies and Inventories.—RESOLVED, That it be recommended to the Lord Clerk Register to present a Petition to the Lords Commissioners of Teinds, respecting the Transfer of the Records of their Court to the General Register House, as suggested in this Part of the Report; and that a like Petition be presented to the Court of Session, respecting the Records of Tailzies and Inventories.

ALSO RESOLVED, That the Lord Clerk Register be requested to communicate to this Board the Result of the several Applications which have been suggested in the preceding Resolutions, respecting the General Register House; and that he will cause to be communicated to this Board a Duplicate of the Report of the Deputy Clerk Register annually to be made to the Court of Session, according to the Tenor of his Appointment.

(V. 4.)

Report of Proceedings in Scotland 30th November and 21st December 1807.

AT A MEETING held at the General Register House, on Monday the 30th of November 1807, for the Purpose of taking into Consideration certain Matters referred for Opinion by the Right Honourable His Majesty's Commissioners on the Public Records of the Kingdom;

Conference of
Law Officers
in Scotland.

PRESENT,

The Right Honourable THE LORD PRESIDENT OF THE COURT OF SESSION;
The Right Honourable THE LORD ADVOCATE OF SCOTLAND;
THOMAS THOMSON, Esquire, Advocate, Deputy Clerk Register.

Read the First Article of a Report by Mr. Thomson, touching the Register of the Great Seal, and suggesting certain Alterations on the Mode of expeding Crown Charters at present established, with the Resolutions of His Majesty's Commissioners relative thereto: RESOLVED, That the proposed Object of completing the Record of Charters and other Writs passing the Great Seal, by the Addition of the Date of Sealing, would be most effectually attained by an Arrangement, that should prevent the Charter or other Writ from being put into the Hands of the private Party, until the sealing and recording thereof in its completed State should have taken place; and in this View the Meeting recommend to Mr. Thomson to take immediate Steps for bringing about such an Arrangement with the voluntary Concurrence of the Keeper of the Great Seal, and the Director of Chancery, and their respective Deputies; and, if necessary, to apply for an Act of Sederunt of the Lords of Session, for giving permanent Effect to that Arrangement: But if it should be found impracticable to establish such an Arrangement, the Meeting recommend to Mr. Thomson to prepare the Draught of an Act of Sederunt, agreeably to the Plan suggested in his Report, to be laid before the Court of Session previously to the Christmas Recess.

RESOLVED, That the General Measures proposed in the aforementioned Article of the Report, respecting the Mode of expeding Crown Charters, appear to the Meeting to be highly expedient; and they are of Opinion, that the same ought, without Delay, to be carried into Effect under the Authority of an Act of Parliament:

RESOLVED, That the Meeting do now adjourn, and that the further Consideration of the other Articles of the said Report, referred for Opinion, be resumed at a Meeting to be held at the House of the Lord Advocate, on Monday the 21st Day of December next; and that in the mean time the preceding Resolutions be communicated by Mr. Thomson to the Lord Justice Clerk and the Lord Chief Baron.

ILAY CAMPBELL.
AR. COLQUHOUN.

Appendix
(V. 4.)

Conference of
Law Officers
in Scotland.

At an ADJOURNED MEETING, held at the House of the Right Honourable the Lord Advocate, on Monday, December 21, 1807;

PRESENT,

The Right Honourable THE LORD PRESIDENT OF THE COURT OF SESSION;
The Right Honourable THE LORD ADVOCATE OF SCOTLAND;
The Right Honourable THE LORD JUSTICE CLERK;
The Right Honourable THE LORD CHIEF BARON OF THE COURT OF EXCHEQUER IN SCOTLAND;
THOMAS THOMSON, Esquire, Advocate, Deputy Clerk Register.

Read the Minutes of the Meeting held at the General Register House on Monday, November 30.—The Lord Justice Clerk and the Lord Chief Baron stated to the Meeting, that Copies of those Minutes had been duly communicated to them, and that they entirely concurred in the Resolutions there expressed.

Mr. Thomson stated, that in pursuance of the Directions of the former Meeting, he had held various Communications with the Deputy Keepers of the Great Seal, and the Deputy Directors of Chancery, for the Purpose of framing a Plan that would effectually secure against the present Defects in the Register of the Great Seal; and that in consequence of these Communications he had prepared the Draught of one Act of Sederunt, and had transmitted it to the Lord President to be laid before the Court of Session for their Consideration.—RESOLVED, That the Meeting do approve of the general Plan of the foresaid Draught; but are at the same Time of Opinion, that it may be proper to provide by Act of Parliament for the due Observance of the proposed Regulation, by some Sanction connected with the legal Validity of the Charter itself, and the subsequent Infestment.

Read Articles 3, 4, 5, and 6, under Head I. of Mr. Thomson's Report, intituled respectively, 3. Record of Decrees in the Sheriffs Courts; 4. Record of Deeds in the Sheriffs Courts; 5. Record of the Sheriffs and Borough Courts; 6. Record of Deeds in the Commissary Courts: And also the Resolutions of His Majesty's Commissioners relative thereto.

RESOLVED, First, That as a Bill has been brought into Parliament, which has for one of its Objects to introduce important Alterations in the Mode of framing and extracting the Decrees of the Courts of Justice in Scotland, supreme and subordinate, the Meeting think it expedient, as proposed in the Report, to suspend in the mean time any further Proceedings for enforcing the Observance of the existing Laws and Regulations relative to the Record of Decrees.

Secondly, That the Meeting are clearly of Opinion, as suggested in the Report, that there ought to be not more than one Registry in each County, either for recording Deeds for Execution, or for recording Probative Writs, and that in this View it would be highly expedient to suppress, by Act of Parliament, the Registries of Deeds and of Probative Writs, kept by the Clerks of Commissary Courts and of Boroughs, without any Exception even as to Deeds respecting Burgage Tenements; and that the only Local Registries of Deeds and Probative Writings ought to be kept by the Sheriffs Clerks of the several Counties respectively.

Thirdly, That the Meeting do approve of the Measures proposed in the Report for controlling the Conduct of the Sheriff Clerks, as Record Officers, by frequent periodical Visitations to be made by the Sheriffs Depute respectively, and reported by them to the Judges of the Circuits, and to the Lord Clerk Register.

Fourthly, That the Meeting are further clearly of Opinion, that it would greatly tend to the Improvement of the Local Registries of the several Counties, and to the Efficacy of the proposed Measures of Control, and would in other Respects be of high public Utility, that the Right of appointing Sheriff Clerks, as well as all other Clerks in the Civil and Criminal Courts of Scotland, should in future remain exclusively with the Crown, (making suitable pecuniary Compensation to the Individuals to whom such Right may at present belong), and that effectual Measures should be taken to enforce the Residence and Activity of all principal Clerks, and to prevent the Sale of the subordinate Offices to which they may at present have the Right of Appointment.

Read, Article 1, under Head IV. of Mr. Thomson's Report, relative to the more frequent and speedy transmission of the Public Records to the General Register House, and the Resolutions of His Majesty's Commissioners relative thereto:

RESOLVED, That the Meeting do entirely approve of the Measures proposed in this Article of the Report, and are of Opinion, that as the present Arrangements are founded chiefly on Statute, and as any Change in those Arrangements might make it necessary to provide suitable Compensation to the present Keepers of the several Records, it becomes expedient to introduce and establish such Change by Act of Parliament:

RESOLVED, That Mr. Thomson be requested to transmit the Minutes of this and of the former Meeting to the Secretary to His Majesty's Commissioners on the Public Records, to be laid before them, as containing the Opinion of this Meeting on the several Matters that have been referred to them for their joint Consideration.

ILAY CAMPBELL.
AR. COLQUHOUN.
C. HOPE.
R. DUNDAS.

Appendix (W. 1.)

Royal Warrant for appointing the Deputy Clerk Register in Scotland.

GEORGE R.

OUR Sovereign Lord ordains Letters to be passed under the Privy Seal of Scotland, in the Words and to the Effect following: George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth, To the Commissioners of Our Treasury now being, and to Our High Treasurer or Commissioners of Our Treasury for the Time being, and to the Chief Baron, and the Rest of the Barons of Our Court of Exchequer in Scotland, now or for the Time being, and to all others to whom these Presents may come or may appertain, Greeting: Whereas the Commissioners of Our Treasury have laid before Us a Memorial presented to them by Our trusty and well-beloved Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register of Scotland, stating, that the Office of Clerk Register is one of great Trust and Importance, concerning not only the Formation, but the Preservation of the Public Muniments of Scotland, which comprehend the Records of Parliament, of the Great Seal, of the Privy Seal, and innumerable other Records; and that the Superintendence of the Matters arising within this Office, should be confided to a Deputy of acknowledged Skill and Ability, being a resident Advocate of the Scottish Bar, of undoubted Learning, tried Merit, and considerable Standing, to whom all other Persons employed in the said Office should be answerable for the due Performance of the several Duties intrusted to them therein: And We being graciously disposed to testify Our Royal Favour to that Our antient Kingdom; and it appearing to Us just and reasonable, that suitable Provision should be made for a Person to be resident in Edinburgh, duly qualified by his Education and Studies, being an Advocate of the Scottish Bar, of undoubted Learning, tried Merit, and considerable Standing, who should act as Deputy to Our Clerk Register now or for the Time being, in exercising such Superintendence and Control, with regard to all Matters within the Authority of the Office, as the Clerk Register shall delegate to him by a Commission for that Purpose: Our Will and Pleasure therefore is, and We do hereby direct, authorize, and command you, or such of you, to whom it may appertain, to issue and pay, or cause to be issued and paid, out of any of Our Revenues arising in Scotland, applicable to the Payment of the Fees and Salaries for keeping up the Courts of Session, Justiciary, and Exchequer there, unto such Person as shall or may be appointed by the said Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register, or by Our Clerk Register of Scotland for the Time being, the yearly Salary of 500 *l.* to commence from the 5th Day of April last, and to be paid by the Day to the next quarterly Day of Payment, and from thenceforth to be payable and paid quarterly, at the Four most usual Days of Payment in the Year, by even and equal Portions, so long as the Deputy appointed, or to be appointed by Our Clerk Register now or for the Time being shall continue duly to demean himself in the Exercise of the said Office: And We do hereby charge and command you, or such of you to whom it may appertain, to cause the said Salary, and all Payments to be made thereon, as they shall from Time to Time become due and payable, to be inserted in the Quarterly Establishment for the Civil Affairs of Scotland, so as the Sums to be inserted therein may be allowed and paid from Time to Time, in like Manner as other the Salaries and Allowances on the said Establishment are paid: And We do hereby strictly charge and command the Person who shall or may be appointed Deputy to Our Clerk Register now or for the Time being, to observe, follow, and obey all such Orders, Directions, and Instructions, as shall be contained in any Deputation that may be granted, or that he shall receive from Our Clerk Register now or for the Time being: And these Our Letters shall be your sufficient Warrant; and these Presents shall be to the Writer of the said Seal for Writing the same, and to the Keeper of the said Seal for causing the same to be appended thereto, a sufficient Warrant. Given at Our Court at St. James's, this Nineteenth Day of June, One thousand eight hundred and six Years, in the Forty-sixth Year of Our Reign.

By His Majesty's Command,

GRENVILLE.

ALTHORP.

J. COURTENAY.

Appendix,
(W. 1.)

Appointment
of Deputy
Clerk Register;
Scotland.

*Commission, &c. consequent upon the Royal Warrant.*Appendix,
(W. 1.)Appointment
of Deputy
Clerk Register;
Scotland.

BE it known to all Men by these Presents, That I, the Right Honourable Frederick Campbell, commonly called Lord Frederick Campbell, Clerk Register for Scotland, Forasmuch as His Majesty, by a Warrant under His Royal Sign Manual, dated at the Court at St. James's, the Nineteenth Day of this instant Month of June, has been graciously pleased to signify His Royal Will, that a suitable Provision should be made for a Person to be resident in Edinburgh, duly qualified by his Education and Studies, being an Advocate of the Scottish Bar, of undoubted Learning, tried Merit, and considerable Standing, who should act as Deputy to His Majesty's Clerk Register, now or for the Time being, in exercising such Superintendence and Control, with regard to all Matters within the Authority of the said Office, as the Clerk Register should delegate to him by a Commission for that Purpose; and therefore, to direct, authorize, and command the Lords Commissioners of the Treasury, and all others to whom it may appertain, to issue and pay, or cause to be issued and paid (in the Manner therein specified) unto such Person as shall or may be appointed by me, the said Frederick Campbell, commonly called Lord Frederick Campbell, His Majesty's Clerk Register, or by His Majesty's Clerk Register of Scotland for the Time being, the yearly Salary of Five hundred Pounds, to commence from the Fifth Day of April last, and to be paid by the Day to the next quarterly Day of Payment, and from thenceforth to be payable and paid quarterly at the four most usual Days of Payment in the Year, by even and equal Portions, so long as the Deputy so to be appointed shall continue duly to demean himself in the Exercise of the said Office, as the said Warrant more fully bears: Have therefore, in pursuance of His Majesty's Royal Will and Pleasure, and being well assured of the Learning, Abilities, Diligence, and Discretion of Thomas Thomson, Esquire, the said Thomas Thomson being an Advocate of the Scottish Bar of Ten Years Standing, and upwards, nominated and appointed, as by these Presents: I, for Myself and my Successors in the Office of Clerk Register, do nominate and appoint the said Thomas Thomson, Esquire, Advocate, to the Office aforesaid, under the Title and Description of Deputy Clerk Register: Granting to the said Thomas Thomson, full Right, Power, and Authority, to exercise a full Superintendence and Control over all other Deputies, Keepers, and Officers within the Office and Department of His Majesty's Clerk Register; and in general to exercise and carry into Effect all and every the Powers and Authority which are by Law vested in the Clerk Register, and that so long as he shall continue duly to demean himself in the Exercise of the said Office of Deputy Clerk Register: And whereas in the Formation, Custody, and Transmission (where required by Law) of the Records in the numerous subordinate and other Registers in Scotland, within the Department and Superintendence of the Clerk Register, certain Irregularities have for a long Time been found to prevail; I do hereby further direct and require the said Thomas Thomson, Esquire, as Deputy Clerk Register aforesaid, within a reasonable Time from the Date of these Presents, to prepare for my Approbation and Allowance, proper Regulations for the Formation, Custody, and Transmission (where required by Law) of all Records and Registers aforesaid, in the view of preventing all those Irregularities and Defects which have heretofore prevailed, and of ensuring an Uniformity of Practice in those Matters in future; and such Regulations having been by me approved, and authorized, if necessary, by the Lords of Council and Session, that the said Deputy Clerk Register shall carefully enforce the due and faithful Observance of the same, by all Deputies, Keepers, and Officers within the said Department of the Clerk Register: And I do hereby further direct and require, that the said Thomas Thomson, Esquire, as Deputy Clerk Register aforesaid, shall, in the Month of December in every Year, prepare Report of his Proceedings in the Exercise of the said Office during the preceding Year; and that he do transmit the said Report to the Clerk Register for the Time being, with a Duplicate of the same, to be by him communicated to the Lords of Council and Session, for their Information: And I do hereby beseech the Lords of Council and Session to admit and receive the said Thomas Thomson, Esquire, to the foresaid Office, and take his Oath *de fidei*, and Oaths required by Law. And I hereby consent that these Presents be registered for Conservation in the Books of Council and Session, for which Effect I constitute

my Procurators: In Witness whereof, I have subscribed these Presents (written on this and the Two preceding Pages of stamped Paper, by David Caldwell of Golden Square, in the Liberty of Westminster, Gentleman) at London, the Thirtieth Day of June, in the Year of our Lord One thousand eight hundred and six, before these Witnesses, The Right Honourable Charles Abbot, Speaker of The Honourable The House of Commons, and The Right Honourable Sylvester Lord Glenbervie, of the Kingdom of Ireland.

FRED. CAMPBELL.

CHARLES ABBOT, Witness.
GLENBERVIE, Witness.

(W. 2.)

The First Annual Report of the Deputy Clerk Register of Scotland.—1807.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

IN the View of accomplishing the important Objects that had been proposed, in establishing the Office of Deputy Clerk Register, and of following out with Success the Instructions contained in the Commission by which your Lordship had been pleased to appoint me to that Office, I have held it to be my Duty, in the first Instance, to employ a considerable Portion of Time in preparatory Inquiry and Observation. This Mode of Proceeding will, I trust, be thought by your Lordship to be calculated the most effectually to accelerate the final Establishment of a regular and improved System; and in the First Annual Report, which I have the Honour of now presenting to your Lordship, you will expect, not so much an Account of Measures actually completed, as a General View of those Circumstances in the State of the Public Records of Scotland, which have appeared to call for particular Attention and Interference.

Appendix,
(W. 2.)First Annual Re-
port of Deputy
Clerk Register;
Scotland.
1807.

On a General Survey of the various Departments of our Public Records, one of the most striking Peculiarities which presents itself is the Systematic Unity and Connexion which prevail in this Part of the National Establishments. In Scotland, as in every other Country, the original Formation of the several Sorts of Public Record, whether of a more general or of a local Description, is necessarily entrusted to a Multitude of Individuals, in a great Measure unconnected with one another; but in consequence of Arrangements, partly accidental, and partly the Result of a sagacious and provident Policy, all, or nearly all of these Individuals, have been subjected, more or less immediately, to the superintending Vigilance and Control of one high Officer of State, whose Authority and Influence were meant to pervade every Department, and thus to bind together the whole in a connected and vigorous System. It would be foreign to the practical Purposes of this Report to trace the Origin and History of the Office of Lord Clerk Register, or to enter into a Statement and Exposition of the Statutes and Usages by which his official Powers and Authority have been gradually moulded into their present Form. It is of more immediate Importance to point out the principal Means by which his superintending Influence was meant to operate, and on which his Usefulness as a great Public Officer was chiefly to depend. To the general and leading Principles of the System, which will thus be brought into View, I shall have Occasion to refer in the Course of those Details, into which I must afterwards enter.

Looking to the Law of the Land, and keeping out of View some partial or recent Irregularities of it, it may be stated in general Terms, that of all those Records, known under the Description of the Public Records of the Kingdom, the Lord Clerk Register is by the Constitution of his Office the proper Keeper; and the Repository in which these are preserved is peculiarly and emphatically styled His Majesty's General Register House. Of many of the more antient Records there deposited, the Clerks Register, or their immediate Deputies, were themselves the original Framers; but in consequence of gradual, and in my humble Opinion very fortunate and wholesome Changes in the Constitution and Patronage of the Office, the Lord Clerk Register has almost entirely ceased to be himself the original Framer of any Public Record, either in Person or by Deputy; and the practical Duties of his Department have now come to be exclusively those of Custody and of Control. Of the direct and obvious Utility of one great central Place of Custody, accessible at all Times to the Searches of Individuals, it would here be superfluous to say any Thing, as on no one Point in the Policy of Scottish Records are Opinions more completely fixed and agreed; and it may be stated with Confidence, that the existing Deviations from this general Plan of Custody, unless when justified by Considerations of local Conveniency, or by some Peculiarities of official Arrangement, ought to be regarded as so many unfortunate Defects or illegal Departures from the general Principles of the System.

But it is to the more indirect Effects of this Plan of Custody that I would here more anxiously allude, as constituting in Truth the great Machinery by which the official Superintendence and Control of the Lord Clerk Register were to operate. Independently altogether of the Advantages of greater Security and more easy Access, derived from assembling into one central Repository the Records that have been framed in a vast Number of detached and scattered Offices, it appears to have been regarded in Scotland as a very important practical Principle, that the Formation and the Custody of a Record should not belong to the same Officer, but that these two Duties should be separated, as far as the particular Nature of the different Records renders such a Separation practicable. By this Separation of Duties an obvious Remedy is provided for those Inaccuracies and Defects which but too often find their way into the Formation of all Public Records, and which are in no way so sure of Detection as by a Transference of the Record itself into the Custody of a different Public Officer, whose Situation may be presumed to exempt him from those baneful Partialities and Sympathies for the Delinquent which are too apt to be an Overmatch for general Considerations of Public Duty.

Appendix,
(W. 2.)

First Annual Re-
port of Deputy
Clerk Register,
Scotland;
1807.

The Transmission of the Public Records to His Majesty's General Register House, and the consequent Separation of the Duties of Custody from those of original Formation, is accomplished in two different Ways. Certain Classes of Records are transmitted to that Repository periodically, while other Classes are brought back to it by the Operation of Marking, and issuing the Books in which exclusively such Records must be written.

In the former of these Classes, comprehending the various Records of the Court of Session, of Chancery, &c. the Period of Transmission has not always been the same; but, above a Century ago, it was fixed by a Scottish Statute at Ten Years; and by a culpable Stretch it has not been unusual, in various Instances, to protract the Period of Transmission to almost double its legal Endurance. Without stopping to remark on the Irregularity of Transmission here alluded to, I have no hesitation in stating it as my clear and decided Opinion, that even the legal Period of Ten Years from the Formation of a Record is a great deal too remote to answer the great and invaluable Purposes of Controul. The Anxiety of the Officers by whom Public Records are framed, to intercept some small Portion of those Emoluments which are derived from the Custody of them, has unhappily co-operated with their Desire to escape from the Consequences of more immediate Inspection; and the Result has been a regular and strenuous Effort to counteract the general Arrangements for the Security and easy Accessibility, as well as for the Accuracy and Fidelity of this Class of the Public Records of the Kingdom. To put an end, as far as may be, to the Abuses which have thus arisen, I am humbly of Opinion, that the Principle of Separation, so often alluded to, ought to be carried to its utmost practical Limit, and that each successive Volume of such Records should be legally transmissible to His Majesty's General Register House as soon as it has been completed.

In the other Class of Public Records above mentioned, this immediate TRANSMISSION is the necessary Consequence of the Process of MARKING; and if this rapid Transmission has not always secured the Accuracy or faithful Execution of such Records, it must have been owing to some partial Cause, quite unconnected with the general Excellence of the System. In addition to the Advantages of immediate Transmission, this Process of Marking the Books in which the Records are to be written, may obviously be made subservient to others of high Importance, which seem to me to point it out as deserving of Extension to almost all the other Classes of the Public Records. Not to mention that Security against Mutilation and Interpolation, which appears to have been the primary Purpose of Marking, it may evidently be made the Means of securing the Uniformity and good Quality of the Books of Record in a Degree that never can be attained, if the Choice of Materials is left to the interested Discretion of the numberless subordinate Officers by whom the Records are to be framed. But if the Books of Records were all to issue from the great central Repository; if all Temptations to the Use of Books of inferior Quality were taken away, by allowing the Officer in that Department to charge no more than the original Cost; and if, above all, a Paper peculiarly suited for Public Records were manufactured and established by the Sanction of proper Authority, I am sanguine enough to think that the good Consequences would be equally speedy and permanent.

Few of these very general Observations may have any Novelty; but I must repeat, that I have here stated them in this formal Manner, because in the following Details I must recur to them, as explaining or justifying the Measures that I may be led to suggest. I have now only to add, that in those Reports and Communications, which I have had Occasion to submit to His Majesty's Commissioners on the Public Records of the Kingdom, some of the same Statements and Suggestions have been incidentally offered; and I have the Satisfaction of adding, that in the Return made by the Great Officers of the Law to His Majesty's Commissioners, on the several Matters referred to them for Opinion, the most important of those Suggestions have been fully approved of.

In considering the several Branches of the Public Records, it will be found convenient to separate them into those of a General and those of a Local Kind; comprehending in the latter Class those which have a Reference to particular Districts, and which are not only framed, but also preserved within those Districts. Those Records which have been framed in reference to a particular District, but which are afterwards transmissible to His Majesty's General Register House, shall be considered as belonging to the former Class.

I. In considering what relates to the General Records of the Kingdom, I shall advert, in the first Place, to those which are already completed; and, in the Second Place, to those which are now in Progress, and for the better Regulation of which Provision may yet be made. Without attempting to exhaust the Subject, I shall content myself with touching on a few of those Particulars that have appeared to me to call for more immediate Attention and Interference.

1. The Loss or Destruction of many of the more antient and valuable Records of Scotland, makes it so much the more an Object of Importance, that all of them which yet remain should be carefully collected and deposited in their proper Place in the National Archives. It is not a great deal, perhaps, that can now be done in this Respect; but even that ought not be neglected.

(1.) The

Appendix,
(W. 2.)

First Annual Re-
port of Deputy
Clerk Register,
Scotland;
1807.

(1.) The Records of the Privy Council of Scotland, subsequent to the Year 1644, appear to have remained at the Union in 1707, in the Custody of the Clerks, who were Deputies of the Lord Register; and from that Æra down to the Year 1729, they seem to have been in the private Custody of one of those Clerks, or rather of his Family; when a Warrant under His Majesty's Sign Manual was obtained for their Transmission to the Office of the present Court of Justiciary, instead of the General Register House, where the preceding Volumes were preserved, and where, according to the Constitution of the Office of Clerk Register, the whole ought unquestionably to have been deposited. As I conceive it to be within the Powers of His Majesty's Commissioners on the Public Records, so I humbly apprehend that it would be a fit Exercise of their Discretion, to direct that the Books of Privy Council now in the Justiciary Office should be immediately transferred to the General Repository. I am the more anxious to urge the speedy Execution of this Measure on account of the other Measures already begun for repairing and rebinding the decayed Records, and for including the Whole in a General Repertory.

(2.) The Records of the old Court of Exchequer, from 1659 to the Institution of the present Court in 1707, together with some of earlier Date, have hitherto remained in the Custody of the Clerks and Officers of the new Court, instead of being transmitted to the General Register House, to complete the Series that is there deposited. I have reason to believe, that on an Application to the Barons of Exchequer, in your Lordship's Name, an Order will be granted for the immediate Transmission of all these Records. Some of them I know to be of great Importance to the Illustration of Scottish Constitutional History; and their Value in that respect cannot fail to be increased by restoring them to their proper Place among the Public Records of the Kingdom.

(3.) Owing to some accidental Cause, which it is not of any Importance to trace, the Books of Sederunt of the Court of Session from the Year 1553 down to the present Day, had not been deposited in the General Register House, and had long remained in an insecure Place contiguous to the present Court Room, where they were not under the Custody of any responsible Officer. To rescue this important Record from the Risks to which it was thus exposed, and to secure its future Transmission to the proper Repository, a Petition was presented in your Lordship's Name to the Court, on which an Order was granted, to authorize the Clerks to deliver the Volumes already completed to the Deputy Keepers of Records, and to transmit the successive Volumes in future, as soon as completed, and not immediately necessary for the Business of the Court.

(4.) The General Minute Book of the Court of Session was in a Situation nearly similar; but in consequence of a Petition in your Lordship's Name, the Volumes which were extant have been deposited in the General Register House; and all the future Volumes will in like Manner be annually transmitted.

(5.) The Record of Retours of Services is one of those that never has been transmitted to the General Register House; but I am humbly of Opinion that it ought to be so transmitted; and I am greatly mistaken if the state of many, of at least the older Volumes of this Record, do not afford Illustrations of the Consequences which attend the Union of the Duties of Formation and of Custody.

(6.) As the present Situation of the Records of the Teind Court, and of the Registers of Tailzies and of Inventories, has already attracted the Attention of His Majesty's Commissioners on the Public Records, I need only say at present, that, in the view of some Legislative Measures for new modelling the Commission of Teinds, it has appeared expedient to delay any Application respecting the Records of that Court; and that with respect to the Transmission of the Registers of Tailzies and of Inventories, a Petition in your Lordship's Name has been prepared and communicated to the Lord President, and that of the favourable Result of the Application there can be no Doubt.

2. On the general State of the Records now deposited in the General Register House, I have been led to bestow particular Attention. Many of the most antient and valuable are, unhappily, in a State of great Decay; and of this Fact your Lordship has been already apprized, by my Report to His Majesty's Commissioners in April last. Without immediate Interference on the Part of the Commissioners, it is evident that the Ordinary Funds of the Establishment would have been altogether inadequate to the practicable Reparation of the Evil; and I regard it as an Event of the highest Importance to the future Preservation of our Records, that His Majesty's Commissioners have been pleased to direct the immediate Rebinding of the decayed Volumes. The Operations for this Purpose are already commenced, and promise the happiest Consequences. Among the Records which must undergo this Process, I reckon those of Parliament, of the Lords of Council, of Privy Council, of the Great and Privy Seals, with many others.

3. On the Arrangement and Disposition of the several Records in the present Repository, I have scarcely any Thing to observe; it is in general perfectly correct and judicious; and any Alterations that have appeared to be advisable are Matter of minute Detail, on which it would be superfluous here to enlarge. In considering the mere Arrangement of the several Branches of the Public Records, it is impossible to avoid observing and lamenting the enormous and unwieldy Bulk of the Records of the Court of Session, which, on their present Scale, would, within no very long Period, completely fill the spacious Apartments of the General Register House.

4. As

Appendix,
(W. 2.)

First Annual Re-
port of Deputy
Clerk Register;
Scotland.
1807.

4. As being intimately connected with the Arrangement, I may next advert to the want which has been long felt, of a General Repertory of the multifarious Contents of the Register House. On this Subject I have had occasion to enter pretty fully in my Report to the Commissioners already alluded to; and it may here be sufficient to state, that, in pursuance of their Orders, the Compilation of a Repertory has been begun, and that there is a Prospect of its Completion within the next Year, in so far as regards the Volumes or Books of Record. The Repertory of the Bundles or Warrants will be much more laborious, and may probably occupy somewhat longer Time; but its necessity is too obvious to be questioned.

5. Even the General Repertory now in Progress will be found, I trust, very greatly to aid the researches of Individuals; but with respect to the more important and extensive among the Public Records, something more is strongly called for; nor can their Accessibility and real Usefulness to the Public, ever reach that Point which is obviously attainable, until more detailed Abridgments and Indexes have been compiled and published. The Abridgment of the Record of Retours, now in Progress, and for which we are indebted to His Majesty's Commissioners, will in this Manner lay open to the Public a voluminous Register, in which it was previously impossible to discover any Thing without a most expensive, irksome, and very uncertain Research. An Abridgment of the Record of Charters or the Register of the Great Seal, as to which I have also received the Orders of the Commissioners, will in like Manner prove of incalculable Utility; and it is therefore with peculiar Anxiety that I have been in Search of a Person properly qualified for the Task. A similar Index to the Register of the Privy Seal will be a Work of less Difficulty, but at the same Time of great Curiosity and Utility. But with a view to very general Advantage, the most important subsidiary Compilations would be periodical Indexes to the great Registers of Deeds and of Seisins. To carry these back to the Commencement of the respective Records would be a most Herculean Labour; but with respect to the future, and to a moderate Period of Twenty or even Forty Years back, I should think the Undertaking highly expedient, as well as easily practicable. The Waste of Labour and of Expense that would thus be saved to Individuals, is almost incredible; and until such a Plan shall be accomplished, I am confident all the Labour and Expense usually bestowed on such Researches will not protect Individuals from the Risk of serious Injury. But the Subject demands a separate Discussion, more detailed than can well enter into the present Report. In so far as relates to future Records, I shall have Occasion to resume the Consideration of it in the Sequel.

6. Connected with the Accessibility, and consequent Usefulness of the Public Records, there is another Matter which strikes me as of high Importance. It is known to your Lordship, that for every Book of Record inspected by an Individual, a Fee of not less than Five Shillings is exigible; and that from these Fees arises a main Source of Emolument to the Deputy Keepers of Records. Were there Indexes at Hand to point with Certainty the Volumes wanted, the Expense of a Search would seldom be so formidable as to prevent an Individual from making it; but from the want of such Indexes, it is obvious that the Expense must often be felt heavily even by the Rich, and may go far altogether to prevent the Applications of Others. As the Interests and Avocations of the Keepers of Public Records can hardly be expected to prompt them to the Compilation of Repertories or Indexes for the Use of the Public, and as that Interest must be in some Degree at Variance with their great Duty of facilitating the Researches of Individuals, it appears to be a Matter of evident Expediency, that the Keepers should derive a considerable Proportion of their Income, not less perhaps than Two-thirds, from Salary; and that the ordinary Fees exigible from Individuals for the Use of the Records should be reduced, as far as is consistent with the Prevention of idle or vexatious Applications. Were such an Arrangement to take place, and were the Advantages of it combined with those I have previously suggested, particularly as to the Compilation of Indexes to the more voluminous Records, as much would be done for the Accommodation of the Public, in this important Branch of its Concerns, as seems to be consistent with an Establishment of this Nature.

Leaving the Consideration of what respects the Public Records which are already completed, I now proceed to speak of those which are in Progress, and for the better Regulation of which it is not yet too late to make Provision. The Subject is of great Extent and Difficulty; but I shall endeavour to compress my Observations under a few general Heads.

In the Outset I have to observe, with regret, that all the Records of the present Day, with scarcely any Exception, are in a Hand-writing which, even now, must be accounted very indifferent; and which, in the Course of a Century, will become nearly illegible; that the Materials on which they are written are of inferior Quality, and without Uniformity; that the Ink is rarely of a durable Quality; and that the Binding is usually of the meanest and most perishable Kind.

Among the Causes of the very slovenly and illegible Writing of the principal Records, must be reckoned the enormous Quantity which is to be executed, and the very low Rate at which it is paid. While the principal Officers, whose Duty of Direction and Superintendence may in general be regarded as a Sinecure, derive a regular Emolument, which is in general more than sufficient to afford the Means of executing their respective Records in the most perfect Manner, the operative Hands are hired at the ordinary, often the lowest Rate of the Market, without sufficient Regard to their Qualifications: and for this Abuse, which no one will presume to deny, it seems to be reckoned a sufficient Apology, that what is now paid to Writing Clerks exceeds the Rate of some former Period, not perhaps very remote; and that any higher Rate would be a hard and unreasonable Diminution of the

customary

customary Emoluments of the Office. How far a Change of Circumstances might not, in various Instances, justify the Imposition of a higher Rate of Payment on the Public, I shall not here inquire; but no Principle seems to me more evident or sacred, than that a Record Officer cannot, without a Breach of Duty, relieve himself, in any Degree, from the Pressure of a Change of Circumstance, by lowering the Quality of the Record intrusted to his Care. From Experience, however, it would seem to be too much to expect that Public Records should not fluctuate in Quality with the Price that is paid for them; and the Evil is one that can be remedied or prevented only by the Establishment of a fixed Standard.

Appendix,
(W. 2.)

First Annual Re-
port of Deputy
Clerk Register;
Scotland.
1807.

With respect to the Paper or other Material on which the Public Records are written, such a Measure is easily practicable; and in that View, accordingly, your Lordship has already taken Measures for the Manufacture of Paper of the best possible Quality, and of an uniform Standard in all Respects. In those Records which undergo the Process of Marking, and of which the Books must therefore issue from the General Register House, it is obviously within the Powers of the Lord Clerk Register to enforce the exclusive Use of that Paper. As to those Records, on the other Hand, which are periodically transmissible, or which are not transmitted at all, I persuade myself that the Court of Session will perceive the Propriety and Utility of extending the same Measure, either by ordering the Use of the Standard Paper, under a Penalty, or by directing that such Records shall in future be written in Books issued from the General Register House.

But in the Regulation of the Writing of Records, the Difficulties are much more arduous. As to those extreme Cases which have occurred in very great Number within the last Twenty Years, there ought to have been no Hesitation in requiring the Keepers to replace the Books with others of better Quality; and a few Examples of just and unrelenting Severity would have been probably attended with wholesome Effects. But after all that may be done in this Way, much will still remain to bring up the Public Records of Scotland to that Standard which their intrinsic Importance plainly prescribes. I do not profess to have formed very decided Opinions on the Subject; but I may, in the first Place, observe, that it appears to me equally unsafe as unnecessary to leave it entirely in the Discretion of the Sinecure Keeper of a Public Record to employ any Person whatever, whom Chance may throw in his Way, as the operative Framer of that Record. On the contrary, it rather appears to me to be expedient that nobody should be employed in that Capacity who has not undergone a certain Discipline and Probation, of which the Lord Clerk Register and Deputy Clerk Register should have the Care and Superintendence, under the Controul of the Court of Session. In the second Place, it appears to me indispensable, that the Rate of Payment should, in all Cases, be such as to secure the Labour of the best and most faithful Hands. Without this, all general Rules must soon become a dead Letter; and, without anticipating the particular Inquiries which each Case would require for ascertaining how far the present Fees and Emoluments are adequate to this increased Expense, I must be of Opinion, from past Experience, that the Rate of Payment would be most unsafely trusted to the principal Keepers of Records. But the Details of such a Plan would require an Expansion much beyond the Limits of this Report; and at present it has been my Wish only to bring the Matter very generally under your Lordship's Notice.

Having made these few General Observations on the Formation of Modern Records, I will now direct your Lordship's Attention to some of them in particular. In enumerating these, I shall not be studious of any very nice or systematic Arrangement.

I. The Records of the Court of Session seem, on various Accounts, to demand our first Attention. These Records (in so far as concerns my present Purpose) may be divided into those of Judicial Proceedings, and those of Deeds and Probative Writings, registered either for Execution or for Preservation.

First, as to the Records of Judicial Proceedings, it is well known that the written Pleadings in Civil Actions are now become excessively voluminous; that all of these are, on the Termination of the Suit, again transcribed or recorded in the Form of what is called a Decreet; that a Duplicate of this Decreet is made and given to the successful Party; and that these Records, together with the original Proceedings, &c. as their Warrants, are periodically transmitted to the General Register House. Of this Description there is now an annual Influx of at least Thirty-six enormous Volumes, with their relative Warrants. It seems now agreed on all Hands, that this is a public Nuisance, which must at all Events be abated; but it is a Matter of great Difficulty to determine what ought to come in its place. Taking it for granted that the Mode of arguing Causes in written Pleadings is to be continued, at least to a considerable Extent, it humbly appears to me, that as an Arrangement of absolute Necessity, there ought to be a Separation of the Record of a Civil Process into two Parts; the one of which may be called the primary or principal Record, the other the secondary or extraneous. In the first should be included the Original Writ by which the Action is brought, the Original Plea in Defence, and the Interlocutors and Judgments of the Court, all in due Order. These ought to be contained in one Series of Sheets of Paper; they ought to remain constantly in the Hands of the Clerk of the Court; and to prevent the Necessity of "borrowing" these Originals, there ought to be a Duplicate of the Interlocutors and Judgment for the use of the Parties. Every one who has seen the Original Record of a Suit in the Court of Session, will at once be aware of the Reasons that have induced me to make this Separation of the primary Grounds and actual Proceedings of the Court, and to suggest that they ought not to be subject to the Injuries which the System of "borrowing" necessarily carries along with it. The extraneous Part of the Record would

Appendix,
(W. 2.)

First Annual Re-
port of Deputy
Clerk Register,
Scotland;
1867.

of course consist of the written Pleadings of the Parties, and of the Documentary or Parol Evidence that might be exhibited by them; and, were it not for the Expense attending such a Measure, I should think it expedient, that this Part of the Process also should remain always in the Hands of the Clerk, without being "borrowed" by the Parties. At the Termination of a Suit, it would be sufficient to give to the successful Party a Decreet in due Form, digested from the Materials of the primary Record, having perhaps annexed to it a Schedule or Inventory of the Papers contained in the extraneous Record. Of neither of these, however, ought any new Record to be made for Preservation; but the Originals ought to be bound up in regular Volumes, and preserved in the same Manner with the present Record of Decreets. In this View it would be expedient, as indeed in itself it seems highly proper, that the Whole should at first be written on Paper of the same Standard; and as to those Pleadings that are printed for the Use of the Judges, a very economical Improvement might easily be introduced. At present, it is the Practice to make written Copies of those printed Papers, for the Purpose of being lodged with the Clerk, as the authoritative Originals of the former. These are executed in the most slovenly, often in the most shamefully unfaithful Manner, and are in Truth of no Use whatever but to warrant a very heavy Charge against the Party. To remedy these Evils, let one Impression of every printed Pleading be made on Paper of the same Quality and Size with the other written Records of the Court, and with the written Signature of the Counsel, let this be received as an original and authoritative Record. The Expense thus saved to Litigants in the Court of Session would be very considerable, not less, I believe, than Two thousand Pounds a-Year; and in all Respects the Advantages are obvious. I have Reason to believe that this Suggestion will be proposed by the Lord President to the Court for their immediate Adoption.

The Second Class of Records are those commonly called the Books of Council and Session, in which are ingrossed all Deeds or Instruments presented in virtue of a Clause of Registration, as well as all Probative Writings recorded for Preservation. In the Reign of Charles II. there were Three Principal Clerks of Session; and in order to equalize the Emoluments of Registration, a Plan was then adopted of keeping, each of them, a separate Register. The same Method has been perpetuated to the present day; and in this Manner Three distinct Series of Registers are compiled, in any One of which indiscriminately the same Deed may be competently recorded. To increase and complicate the Evil, it has always been the Practice to keep only one Series of Books in each of the Three Offices, and thus to blend together, without Discrimination, all the multifarious Kinds of Writings that may be presented for Registration. The Trouble and Expense of a Search for a Deed of a particular Description, are in this Way multiplied in a high Ratio, while the Execution of the Record is obviously injured by this unmeaning Subdivision.

To remedy these Inconveniences, and to place the whole on a simple and rational Footing, I would humbly propose to consolidate the Three Records into One, to be placed under the immediate Superintendence of an Officer of tried Fidelity and Experience; but that of this Record there should be a Subdivision into Two or more Series, according to the Nature and Description of the Writings recorded. In the First Instance, it is obvious, on the slightest Examination of those Records, that Protests, which are numerous and of a marked Class, ought to be separated from Deeds and Probative Writings, and to be entered on a particular Series of Books. Among Deeds and Probative Writings, some further Subdivision seems also practicable; but, after much Deliberation, I still remain doubtful whether any such would on the Whole be expedient, or what it ought to be. The Expediency of the general Plan cannot, I think, be seriously disputed; and the Execution of it is rendered peculiarly easy from the Method now followed by the Clerks, of throwing the Emoluments of the Three Offices into One Sum, to be divided equally among them all. No Sort of Compensation would be requisite, and the Court of Session itself would be fully competent to the Regulation of the Business.

I have only to add, in Reference to both Classes of the Records of the Court of Session, that they ought to be transmissible to the General Register House as soon as the several Volumes are completed; and with respect to the Register of Deeds, &c. it would be expedient that it were written in Books of the Standard Quality; though not perhaps subjected to the Process of Marking.

2. The Records framed in Chancery, including the Register of the Great Seal, and of the Seal of the Prince of Wales, and the Record of Retours of Services, are all of prime Importance.

First, As to the Register of the Great Seal, and of the Prince's Seal, a Defect had long prevailed, which has had the consequence of depriving them of legal Authority. This has been fully explained in my Report of last April; and from the late Proceedings of the Lord President, Lord Advocate, Lord Chief Baron, and Lord Justice Clerk, to whom that Part of the Report was referred for Opinion, and which will be communicated to your Lordship, I presume that the Draft of an Act of Sederunt, submitted to their Consideration, will be adopted without Delay by the Court of Session. On the ulterior Plan of simplifying the Process of expediting Writs which pass the Great Seal, and of preserving the original Warrants of these Writs in the same Repository with the relative Record of them, I shall also here refrain from repeating what I have formerly submitted to His Majesty's Commissioners. At present, I am desirous of directing your Lordship's Attention to the Mode in which that Register has for many Years been written, and which appears to be unsuited to its high Dignity and Importance among the Records of Scotland. It is written on Vellum of very coarse Texture; and the Writing is inelegantly, and, I fear, not very accurately executed. The Proportion of Emoluments set apart for defraying the Expense

of

of it is, I understand, very scanty and inadequate; and till a new and proper Arrangement on that Head is made, either by adding a small additional Fee for that Purpose, or by detaching a larger Proportion of the present Emoluments, no Regulation can be on the Subject effectual.

The Record of Charters, under the Prince's Seal, is in Circumstances nearly similar, and ought to be comprehended in any new Arrangement that shall be made.

The Record of Retours, as already mentioned, has never been transmissible to the General Register House. This, for the general Reasons formerly stated, I must regard as a Defect in the System; and I am of Opinion that it ought in this Respect to be put on the Footing of those Records that are subjected to the Operation of Marking. This may probably require Legislative Authority.

3. The Register of Writs which are completed by passing the Privy Seal, has at different Periods been kept in a very slovenly and irregular manner. At present there is, I believe, much less to complain of; yet I am of Opinion, that it ought to be included with the Arrangements that may be requisite for the improvement of the Register of the Great Seal.

4. The Records of the Bill Chamber;—those particularly which regard the Process of Adjudication, seem to be in considerable Confusion, and to call for several new Arrangements. I have directed the Clerks to make a Report on several Points; and when I have received it, and have made what further Inquiries seem necessary, I shall submit the Result to your Lordship.

5. The Registers of Seisins, transmissible by means of Marking, have recently attracted so much of your Lordship's Attention, that but little Explanation is here requisite. From the Irregularity which had long prevailed in the General Seisin Office of entering the Record on Books not marked, and from some other accidental Causes, the Execution of it has for many Years past been in a very degraded State; and from this State, nothing could have tended more speedily to retrieve it, than the Measure adopted by your Lordship, of giving out Books marked with Lines and Margins, for regulating the Quantity of Manuscript to be introduced on each Page. From the few Books already returned since the Date of this new Plan, the best Hopes of its ultimate Success may be entertained. At the same time, I must apprise your Lordship, that considerable Opposition may be expected from several Quarters, and that, in order to put the whole of what relates to the Registers of Seisins, General and Particular, on a steady and uniform Plan, it may become necessary to apply to the Court of Session for an Act of Sederunt. As a preparatory Step to this, I mean to address a Circular Letter to the Keepers of the several Registers, requiring a Statement of the Rate of Fees which they are in the Custom of charging. These Returns, and the Information afforded by Inspection of the Registers themselves, will furnish all the necessary Lights that can be wanted on the Subject. I need scarcely add, that in this particular Department, the Introduction of the new Record Paper may be effectuated with the utmost Ease.

6. The Registers of Hornings, both General and Particular, would, I believe, be found to exhibit some of the worst Specimens of modern Records. The latter, which are written on Books marked and issued like those of Seisins, will partake of the immediate Advantages of the late Regulation; but the former, which, by an Irregularity not to be sanctioned by any Length of Time, are transmitted only periodically, and at long Intervals, seem to require some still more vigorous Corrective, to restore them to a proper State.

7. Under a former Head, I have alluded to the Plan that has been proposed, of subjecting the Registers of Tailzies and of Inventories to the Operation of Marking, and have stated the Probability there is of the Measure being speedily adopted and sanctioned by the Court of Session.

Your Lordship cannot fail to be aware, that to the preceding Details many other Particulars might be added. But it has not been my Aim or Expectation to exhaust the Subject; nor have I ventured, in the Suggestion of new Measures, to outrun the actual Progress of my own Inquiries and Observations.

II. On the other great Branch of the Public Records, namely, the Local Registries of Scotland, I have had an Opportunity of stating my Opinion in several Reports to His Majesty's Commissioners on the Public Records. Much, however, yet remains to be ascertained, in order to perceive the full Extent of the existing Evils, and the absolute Necessity of a general Reform. In that View, and in order to follow out the Directions of the Commissioners, I am about to circulate a Set of Queries to the Keepers of all the Local Registries, for the Purpose of discovering what Records actually exist in their several Offices, and what Compensations may be requisite in the Event of a total Suppression of certain Classes of them. In these Circumstances, I am induced to refrain from any further Discussion of the Subject in this Report, in the Persuasion that in a short Time I shall have obtained the Means of furnishing your Lordship with more extensive and correct Information.

I have only to add, that as this Report must, by the Constitution of my Office, be presented by me, in your Lordship's Name, to the Court of Session for their Consideration, I persuade myself that many Things which it contains, although here but imperfectly explained, will be intelligible to their Lordships, and may serve as the Basis of further Inquiry. Such Inquiry I shall be most anxious to aid and promote to the utmost of my Power.

Edinburgh, Dec. 31, 1807.

THO. THOMSON,
Deputy Clerk Register.

Appendix,
(W. 2.)

First Annual Report of Deputy Clerk Register, Scotland; 1807.

(W. 3.)

The Second Annual Report of the Deputy Clerk Register of Scotland.—1808.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

Appendix.
(W. 3.)

Second Annual Report of Deputy Clerk Register; Scotland. 1808.

IN arranging the several Matters which I am now to bring under your Lordship's Notice, I shall observe nearly the same general Method as in my former Annual Report; subdividing the Public Records of the Kingdom into those of a General, and those of a Local Kind; and under each of these Classes, separating what concerns the Custody and Preservation of the Records already formed, from what concerns the Formation of future Records.

I.—GENERAL RECORDS OF THE KINGDOM.

1. In considering what relates to the Custody and Preservation of the General Records of the Kingdom, I shall advert, in the first place, to the State of the Buildings in which those Records are kept, the Accommodation which is there given to the several Classes of those Records, and the means at present afforded for putting or keeping the several Record Offices in a suitable State of Repair.

The present Distribution of the Apartments in the General Register House may be stated under Three General Heads.

First.—The Apartments occupied by the Lord Clerk Register and his immediate Deputies, as Keepers of the Public Records of the Kingdom. To this Part of the present Buildings has of late been frequently given the Name of the General Repository; but, in the strictest Sense of the Words, it is what properly constitutes His Majesty's General Register House, or the Public Archives of the Kingdom of Scotland.

Secondly.—The Apartments occupied for the Formation of those General Records, which are either immediately or periodically transmissible to His Majesty's General Register House.

Those Records immediately transmissible, and to the Formation of which, Apartments have been allotted in the present Buildings, are,

- (1.) The General Register of Seisins, and the Particular Register of Seisins for the District of Edinburgh, &c.
- (2.) The Register of Tailzies,

The Records periodically transmissible to His Majesty's General Register House, to the Formation of which Apartments have been allotted, are,

- (1.) The Record of the Judicial Proceedings of the Lords of Council and Session, consisting of the Register of Decreets, together with all the Warrants of that Register, kept by the Principal Clerks of Sessions, and the numerous Deputies, Substitutes, and Extractors, in their respective Offices.
- (2.) The Record of Deeds and Probative Writings in the Books of the Lords of Council and Session, kept also by the Principal Clerks of Session, and their respective Deputies.
- (3.) The Record of Royal Charters, or Register of the Great Seal, kept by the Director of Chancery and his Deputies.
- (4.) The Record of Hornings, Inhibitions, Interruptions, &c.

Thirdly.—The Apartments occupied for the Formation or Custody of certain General Records, which are either not transmissible, or of which there is no regular Transmission to His Majesty's General Register House. These are,

- (1.) The Records of the High Court, and of the Circuit Courts of Justiciary.
- (2.) The Records of the present Court of Exchequer.
- (3.) The Records of the Commission for Plantation of Kirks and Valuation of Teinds.
- (4.) The Records of the High Court of Admiralty.
- (5.) The Records of the Supreme Commissary Court.
- (6.) Certain Records framed in the Bill Chamber of the Court of Session.
- (7.) Certain Records framed in the Office of Chancery.
- (8.) The Records of the Privy Seal.

Before the Erection and Establishment of the present General Register House, the far greater Number of the Records now enumerated were either kept in the private Houses of the several Officers, or were scattered at Random in different Quarters of the City of Edinburgh. It was the leading Object of the present Establishment to bring

bring together all those General Records into one great Repository, in which perfect Security should, as far as possible, be combined with easy Accessibility; and, to a Degree unexampled in the other Parts of the United Kingdom, these Objects have been confessedly attained. It will not be supposed that these Things are here stated for the Information of your Lordship, to whose happy Exertions the Public have been indebted for the Completion of this munificent Design; but I have brought them so formally into View, as leading to the particular Observations I am about to offer.

Appendix,
(W. 3.)

Second Annual
Report of Deputy
Clerk Register,
Scotland, 1808.

In considering the Distribution that has been made of the Apartments in the present Building, I do not find myself prepared to state with Confidence, that any of the various Records already enumerated have had a larger Share of Room allotted to them than was necessary or proper; or that, by a more sparing Distribution in certain Instances there might have remained the Means of accommodating some Branches of Record that are now either excluded, or inadequately provided. There is Reason, however, to expect, that by some intended Alterations in the Formation of the Judicial Records of the Court of Session, the Space now allotted to that important Department may be considerably diminished; and that, in consequence, some new Arrangements may become practicable for the Admission or more ample Accommodation of several Records, particularly of the Third Class above mentioned. This Observation is applicable to the Records of the Teind Court, (supposing these should continue in the Custody of the present Officers), the Records of the Commissary Court, those of the High Court of Admiralty, and some other Branches of inferior Magnitude.

These, however, are Matters for future rather than present Consideration. There is another Subject which presses itself more immediately on your Lordship's Attention. When the present Buildings were first thrown open for the Reception of the General Records of the Kingdom, the Apartments allotted to the various Records of the Second and Third Classes were almost altogether unfurnished; and it was at the private Expense of the several Officers that most of those Apartments were fitted up in a temporary and very imperfect Manner, for the Accommodation of the Records in their Custody. Even the General Repository, which more strictly constitutes His Majesty's General Register House, although fitted up at the Public Expense, had not been made in that Respect so complete as its Importance and Dignity required; and neither for its future Repairs, nor for the Support of the Building, or the Establishment connected with it, was any regular Fund at first provided. Afterwards, by a Royal Grant of £. 500 *per Annum*, the Means were afforded of paying Salaries to some of the Officers connected with the Establishment, and of meeting the ordinary Expenses incurred in its Support: But from these Purposes only a very small Surplus remains for the more common or less expensive Repairs of the Building, without affording the Means of maintaining it at all Times in that State which its Destination and its high Importance to the Public must always render so desirable; and still less for supplying those Defects in the Structure and internal Arrangement of the House, which the original Scantiness of the Fund for its Completion had rendered unavoidable.

Of the Extent of this Deficiency in the present Funds, I have had an Opportunity of becoming fully sensible; and I am persuaded, that without a considerable permanent Addition to these Funds, many Things must remain in a very unfinished and inadequate State of Repair, which it would be highly expedient to rectify and improve. Of this Kind, were it here the proper Place, I could specify many Instances; and, in Truth, I have on many Occasions been restrained from bringing them under your Lordship's Notice, from my Conviction that the present Funds were already unequal to the ordinary Expenses of the Establishment; and that in the present Situation of those Funds, any Attempt to render the House more commodious might exhaust the Means of effecting the occasional Repairs that are essential to the Preservation of the Building.

This, I am aware, is a Subject which has not escaped your Lordship's Attention, nor do I here mention it for your Lordship's Information; but I have felt it my Duty not to suppress the general Result of my own Observations and Experience on a Point of such Importance, leaving it to your Lordship to consider by what Means an Augmentation of the permanent Funds of the Establishment may be best effected.

2. With respect to the Preservation of the General Records more immediately under your Lordship's Care, I have the Satisfaction of stating that, during the last Year, Measures of very great Utility and Importance have been in regular Progress. By the Authority of His Majesty's Commissioners on the Public Records of the Kingdom, some of the more antient Records have been very carefully repaired and rebound; and even where the Materials of which they are composed were in a State of the greatest and most rapid Decay, the further Progress of the Evil has, as far as possible, been checked, and the Books again restored to a Degree of Strength that admits of their being consulted and perused without the risk of Injury. The Records which have been subjected to this Process are the Books of the Lords of Council, from 1478 to 1532, which is the oldest Judicial Record preserved in the General Register House; some of the earliest Books of the Lords of Council and Session, from the Institution of the Court in May 1532, to the Year 1553, which are peculiarly valuable, as containing many Acts of Sederunt never printed, and some Proceedings of the Privy Council of Scotland during that Period; and several Books of the Register of the Great Seal. The Process is undoubtedly very tedious, and consequently expensive; but of its infinite Utility there cannot be a Doubt; and I therefore

Appendix,
(W. 3.)
Second Annual
Report of Deputy
Clerk Register,
Scotland, 1808.

entertain the Hope, that by the same Authority all the most antient and valuable of our National Records will, in like Manner, be rescued from that Decay into which they are rapidly falling. In this Description I particularly include the Records of Parliament, the Books of the Privy Council, the Register of the Privy Seal, some of the early Records of the Exchequer, and several others of smaller Extent, but of great Interest or Importance. Some of these require only to be rebound, others to be also previously repaired and inlaid; but the former Class is fortunately by far the most numerous. To that Class belong the Books of Royal Charters, or the Register of the Great Seal, of which nearly the Whole have been already rebound in the most durable Manner; and the Minute Books of the various Records, both General and Particular, all of which, amounting to more than Five hundred Volumes, have been lately rebound. But for the more minute Details of these Operations, I beg leave to refer your Lordship to the various Quarterly Reports for the last Year, presented by me to His Majesty's Commissioners on the Public Records.

3. To the same Reports I may likewise refer for the progressive Advancement of the General Repertory of the Books of Record, which had been begun at the Date of my former Annual Report, and which, during the last Year, has been nearly completed. From this Repertory, it appears that the Books of Record in the General Register House amount to nearly Eleven Thousand; and from that Fact alone the Utility of such a Catalogue of them may readily be conceived. But of the various Purposes of this Compilation, and the particular Form in which it has been made, it is unnecessary to resume what I have before had Occasion to state in the Papers annexed to the First Annual Report.

4. Without entering into minute Details, I may be permitted here to allude to another Class of Measures now in Progress, under the Authority of His Majesty's Commissioners, as intimately connected with the Preservation and Custody of the Public Records; I mean the Abridgement of some of those Records, and the Printing of others of peculiar Interest or Importance. During the last Year, much Progress has been made in the Compilation and the Printing of the Abridgment of the Record of Retours of Services; and in the course of little more than another Year the Work may probably be brought to a Close. A similar Abridgment of the Register of Entails is now to be commenced; and may, I trust, be brought to a Conclusion within the same Period. In the preparatory Measures of transcribing the Records of Parliament, and the earlier Parts of the Register of the Great Seal, much Progress has also been made, and the Printing of both has lately been commenced, and will henceforth, I trust, be continued without any considerable Delay or Interruption.

5. On the Subject of Transfers to the General Register House, I am not enabled to add much to the Contents of my former Report. In pursuance of a Suggestion made in that Report, a Memorial in your Lordship's Name has been presented to the Court of Exchequer, containing a Proposal for the immediate Transference of the Records of Treasury and Exchequer, prior in Date to the Institution of the present Court; and in consequence of that Application some Proceedings have taken place, of the Tendency or probable Result of which it would be premature now to speak.

It may not be improper here to state, that since the Date of the former Report, a Bill was introduced into Parliament, for better regulating the Public Records of Scotland, by which, among other Provisions, the Transference of various Records to the General Register House, and the more speedy and regular Transmission of others, was to be effected. This Measure, though postponed, may probably be again resumed; but, in the mean Time, I shall refrain from adding any Thing on the Subject, to the various Communications I have had the Honour of submitting to His Majesty's Commissioners on the Public Records of the Kingdom.

These few Observations contain all that I find myself at present enabled to state on Matters connected with the Custody and Preservation of the General Records of the Kingdom; and, with respect to the Formation of the future Records of that Description, I have as yet very little to add to the Contents of my former Report. Various Suggestions were there submitted, of which few have been yet carried into Execution. As to One important Branch, however, I mean the Judicial Records of the Court of Session, the Subject cannot fail to come under the particular Consideration of the Commissioners lately appointed by His Majesty, for enquiring into the Administration of Justice in Scotland.

With respect to that Branch which falls more directly within your Lordship's official Control, namely, the Records immediately transmissible to the General Register House by means of "Marking," I have the Satisfaction of stating, that the best Effects have been already felt from the Introduction of a Paper of superior Quality, manufactured for the Purpose, and the exact Regulation of the Number and Length of the Lines on each Page of the Record. To bring the writing of these Records to a proper and uniform Standard, it is further necessary to establish a precise Regulation as to the average Number of Words in each Page; and, at the same Time, a new Enactment will become necessary for ascertaining a suitable and uniform Rate of Payment for each Page or Leaf of such Records. This I cannot help considering as a Matter of general Importance. One of the chief Causes of those Defects in the Execution of the various Public Records which I have repeatedly felt myself called

called upon to notice, is the Attempt which, for some Purpose of trifling Advantage, the operative Clerks are too often induced to make, of writing either a great deal too much, or a great deal too little, in a given Space of the Record. In the one Case, for the Sake of a small Saving in the Expense of the Books, the Pages are crowded with Words, in a minute and slender Character, which, unless executed with the utmost Nicety, and with Ink of a deep and durable Colour, very soon become almost illegible with the naked Eye. In the other Case, for the Sake of swelling the Amount of the Fees of Registration, the Pages must be filled, or must appear to be filled, with a small Number of Words, written in large Characters of awkward and most unseemly Form. By approximating these Extremes, and by fixing certain Limits beyond which it shall not be lawful to deviate, another important Step would be gained in the Formation of modern Records. To all of these it would admit of an easy and useful Application; but it is more immediately with a View to the Registers of Seisins that I have now called your Lordship's Attention to the Subject. It is one of the most important, and it has long exhibited some of the most remarkable Deviations from that Standard which I should wish to see established.

Appendix,
(W. 3.)

Second Annual
Report of Deputy
Clerk Register,
Scotland, 1808.

From the first Institution of this Record in 1617, down to the middle of the Seventeenth Century, the Average Number of Lines on each Page of the General Register of Seisins was about 42; and the Average Number of Words not less than 420. At the End of the Seventeenth Century, the Average Number of Lines was about 38; and the Average Number of Words 304. Not long prior to this Period, the Court of Session had declared and enacted, that the Standard for Public Records should be 36 Lines, and 324 Words. At the middle of the Eighteenth Century, the Average of the General Register of Seisins continued to be 38 Lines, but only 230 Words. At the End of that Century, the Average Number of Lines was reduced to 30, and the Number of Words to 135. And during Three Years preceding 1807, the Number of Lines was further reduced to 23, and the Number of Words to 115; that is a little more than One-third of the Standard of the Court of Session; and exactly a Half of the Average in 1750.

On the other Hand, in the far greater Number of the Particular Registers of Seisins, a different Course was observable. In many Instances, the Standard of the Court of Session, though certainly too high for modern Writing, was still very far exceeded; and, even at the latest Period above mentioned, the Average of Words continued to rise somewhat above that Standard. Thus, in the Particular Register of Seisins for Fifeshire, for the Years 1804, 1805, and 1806, the Number of Lines was 37, and that of Words 333.

The Explanation of these opposite Tendencies may be found in the different Modes in which the Fees of Registration are usually exacted. From a Return made by the Deputy Keeper of the General Register of Seisins, it appears, that the Fees are charged according to a certain Rate for each Leaf of the Record; while, on the other Hand, from Returns made by the Keepers of most of the Particular Registers, it appears, that their Fees are in general paid by a different, and often a very loose and indefinite Rule, unconnected with the Number of Leaves or Pages of the Record.

In these Circumstances, it is obviously necessary that a new and general Regulation should be established, both as to the writing of the Record, and the Fees of Registration. In the Books that are now marked and issued from the General Register House, the Number of ruled Lines on each Page has, after much Consideration, been fixed at 30; and after comparing various Specimens of Writing, it appears to me that the average Number of Words ought to be fixed at 200. Corresponding to this Standard in Writing, there ought to be a fixed and general Rate of Payment; and, without at present venturing to offer a positive Opinion, I am inclined to think that this Rate ought to be about One-fourth more than what is at present exacted at the General Register of Seisins. It will be observed, that even with this Addition, the Rate of Payment will be very considerably reduced below that Average to which it has been silently raised, by the unauthorised Diminution of the Lines and Words on each Page.

II.—LOCAL REGISTRIES.

Under this Head may be classed, in the First Place, those Records which are framed in Reference to a Particular District, but which are immediately transmissible to the General Register House; of which Description are the Registers of Seisins and of Hornings; and, in the Second Place, those Records framed for Particular Districts, which are not by Law transmissible to the General Register House; of which Description are all the Judicial Records of Sheriff Courts, Commissary Courts, and Burgh Courts; and all the Registers of Deeds and Probative Writings kept by Sheriff Clerks, Commissary Clerks, and Burgh Clerks.

The Observations applicable to the First of these Classes of Local Records have been already introduced incidentally under the preceding Head of General Records.

Of

Appendix,
(W. 3.)

Second Annual
Report of Deputy
Clerk Register,
Scotland, 1808.

Of the Second of these Classes, the First Branch, namely, the Judicial Records, is one of peculiar Importance ; from the Discussion of which I willingly refrain, as it constitutes one of the special Objects of the Commission under the late Act of Parliament, “ concerning the Administration of Justice in Scotland.”

It is to the other Branch of this Class of Records that I shall now confine myself, namely, the Local Registries of Deeds and Probative Writings. At the Close of my former Report, I stated that in the View of obtaining more accurate Information on the Subject, Circular Letters had, by the Direction of His Majesty's Commissioners on the Public Records, been transmitted to the Keepers of those Registries ; particularly for the Purpose of ascertaining what Records actually exist in their several Offices, and what Compensations might be requisite in the Event of a Restriction or total Suppression of certain Classes of them. From the Communications since received, some important Explanations may now be given on the State of those Registries, and on the Expediency and probable Consequences of their Modification or Suppression. This, as your Lordship knows, forms one of the most prominent Parts of the Arrangement for better regulating the Local Records of Scotland, contained in the Bill already alluded to.

In that Class of Local Registries which I am here considering, it has been usually held competent to receive and to record Instruments and Writings of the Five following Kinds :

1. Deeds containing Clauses consenting to the Registration thereof for the Purposes of Execution, or Legal Diligence.
2. Deeds containing Clauses consenting to the Registration thereof for the Purpose of Preservation.
3. Deeds containing Clauses consenting to the Registration thereof for the Purposes of Preservation, and, if requisite, of all necessary Execution.
4. Probative Writings which do not contain Clauses of Registration, but which, by Act of Parliament 1698, Cp. 4, may be recorded “ for Conservation in any Public Authentic Register that is competent.”
5. Protests on Bills and Promissory Notes, which may be recorded for summary Execution, in virtue of an Act of Parliament 1681, Cap. 20, and other subsequent Statutes.

The Books of Council and Session are the great General Register, in which Deeds and Writings of all these Kinds may be recorded.

The Particular or Local Registers, in which, by the present Laws and Usage of Scotland, it has been held competent to record Deeds and Writings of the same Five Kinds, and the Number of these Registries, according to Information I have received, are as follows :

1. The Books of Sheriff Courts, kept by the Sheriff Clerks of Counties, or by their Deputies in particular Districts of several Counties	-	-	-	-	-	-	-	-	-	-	40
2. The Books of Commissary Courts	-	-	-	-	-	-	-	-	-	-	24
3. The Books of Burgh Courts in Royal Boroughs	-	-	-	-	-	-	-	-	-	-	63
4. The Books of Burgh Courts in certain Boroughs of Regality and of Barony	-	-	-	-	-	-	-	-	-	-	15
Total Number of Local Registries of Deeds and Probative Writings											142

The Right of keeping a Public Registry of Deeds and Probative Writings, exercised or at least claimed in the various Courts of Judicature above enumerated, being secondary and accidental to the original and proper Purposes of their Institution, the Distribution of these Registries is altogether irregular, and without any regard to local Convenience or Expediency. In the County of Fife, for Example, there are Nineteen or Twenty Registries ; in the neighbouring and more extensive County of Perth there are five ; in the County of Ayr only Three are acknowledged ; and in many other Quarters of Scotland a similar Irregularity and unmeaning Disproportion in this Class of Establishments is found to prevail.

That the total Number of Local Registries very far exceeds the Necessities of the Country, becomes still more evident from an Examination of the Proportion of Employment now possessed by each, and by the Whole. Of this the Returns lately made to His Majesty's Commissioners on the Public Records, afford the clearest and most authentic Evidence.

From Returns made by the Sheriff Clerks of Twenty-two Counties, it appears, that the total Amount of their Profits, arising from the Registration of Deeds and Probative Writings, on an Average of Three Years, is £. 788. 19. 11½. per Annum ; and estimating the Emoluments of the remaining Eleven at about Half of that Sum, the total Emoluments of the County Registries may be generally stated at £. 1,200 per Annum.

From similar Returns made by Eighteen Commissary Clerks, it appears that their Profits on this Branch of Registration amount to £. 187. 16. 10¾. per Annum ; and making a proportional Allowance for the remaining Six Registries of this Class, the total Emoluments of the Commissary Registries may be stated at £. 250. per Annum.

From

From similar Returns made by the Clerks of Fifty-two Royal Burghs, it appears that the total Emoluments of Registration amount to £. 340. 12. 10 $\frac{1}{2}$. per Annum; and making an ample Allowance for the remaining Twelve Royal Burghs, all of which are of secondary or very trifling Importance, the total Emoluments of this Class of Registries may be stated at £. 400. per Annum.

Appendix,
(W. 3.)

Second Annual
Report of Deputy
Clerk Register,
Scotland, 1808.

And from similar Returns made by the Clerks of Three Burghs of Regality and Barony, it appears that their Emoluments on Registration amount to £. 4.; and it may be conjectured that the total Emoluments of this Class of Burgh Registries does not amount to £. 50. per Annum.

Of the whole Business of Local Registration, it hence appears that the County Registries are already in Possession of nearly Two-thirds, while the remaining One-third is distributed among One hundred Commissary and Burgh Registries.

On comparing the relative Emoluments of the several Burgh Registries, the Inequality of this Distribution becomes not less remarkable. Arranging into Classes, according to the Amount of the Fees of Registration, the Fifty-two Royal Burghs from which Returns have been received, the Result is as follows:

ANNUAL AMOUNT OF FEES:

	Number of Burghs.
Of £. 2. per Annum and under - - - - -	35
From £. 2. to £. 5. 10. per Annum - - - - -	7
From £. 5. 10. to £. 10. per Annum - - - - -	4
Of £. 18. per Annum - - - - -	1
— £. 20. 19. per Annum - - - - -	1
— £. 22. 10. per Annum - - - - -	1
— £. 45. 1. 5. per Annum - - - - -	1
— £. 52. 0. 6. per Annum - - - - -	1
— £. 84. 17 6 $\frac{1}{2}$. per Annum - - - - -	1

From these Details, it is easy to arrive at various Conclusions, all tending to demonstrate the Inutility of this crowded Establishment of Burgh Registries. But their Inutility is by no means their greatest evil. Without affording any material Accommodation in point of easy Accessibility, they not only multiply the Difficulties of a Search, and the Chances of ultimate Failure in such a Search, but by their Insignificance in point of Emolument, the Duties of the Office can occupy but little of the Attention or Regard of those to whom they are intrusted; and, above all, by their great Number, they preclude the Possibility of bringing the Whole of this Department of the Public Records under one general and effectual System of Regulation and Control.

That a System of Regulation and Control more vigilant and effectual has become necessary, is sufficiently evident from the Admission of the Keepers of about Three-fourths of the Local Registries throughout Scotland, that they have ceased altogether to keep any Register of the Deeds presented to them for the Purposes of Preservation or of Execution, with the inconsiderable Exception, in most Cases, of a Register of Probative Writings, the Originals of which must be returned to the Parties. This Observation seems to hold true of all the different Classes of Local Registries; yet it is no more than Justice to add, that in each Class there appear to be creditable and striking Exceptions, where, without any unauthorized Augmentation of their Fees, the Keepers have continued to discharge this primary and fundamental Branch of their Official Duty, and thus to demonstrate the Utility and the Practicability of what in the greater Number of Local Registries has been neglected for many Years.

In the Bill which was introduced into Parliament during the last Session, a System of Regulation and Control was proposed, in the View of restoring the Local Registries of Deeds and Probative Writings to a State of permanent Respectability and Usefulness; and as an indispensable Preliminary to the Accomplishment of that important Object, it was proposed to reduce their Number somewhat nearer to the Standard of real Utility and Local Expediency, by abolishing those of the Commissary and Burgh Courts, and by preserving only those of the Sheriff Courts, as being sufficiently numerous in point of Local Accommodation, and as admitting more easily and certainly than any other of a regular and steady Control.

It will be recollected, that to this Plan various Objections were urged from different Quarters, and particularly on the Part of the Royal Burghs of Scotland. These Objections are not undeserving of Attention; and your Lordship will readily believe that I do not here introduce them as Matter of controversial Discussion, but as suggesting and leading to some useful Results, with a View to the Arrangements that may in future be devised for the Improvement of the Public Records.

One of the most striking Objections of which I have yet been apprised, arises out of the probable Effect of the original Plan on the Jurisdiction of the Burgh Courts in the Recovery of Civil Debts. It is a remarkable Fact, that the only Courts of Civil Jurisdiction in Scotland, which have the Power of carrying their own Judgment

Appendix,
(W. 3.)

Second Annual
Report of Deputy
Clerk Register,
Scotland. 1808.

ment into Execution against the Person of the Debtor, are those of Royal Burghs. This they do by means of what is called an Act of Warding; which is an Order or Warrant of the Judge for imprisoning the Defender in the Suit, until he have paid the Debt; and such Acts of Warding may of course be competently granted on Decrees of Registration, as well as on Decrees in ordinary Causes. In all other Courts, from the highest to the lowest, this can be effected only by the circuitous and comparatively slow and expensive Form of Letters of Horning and Caption passing under His Majesty's Signet; by which the Debtor is proclaimed a Rebel against the King, if the Debt be not discharged within a certain Time, and in virtue of which he may be ultimately thrown into Prison, not as a Debtor, but as a Rebel.

Of the comparative Advantages and Disadvantages of these Two Modes of Personal Diligence, I do not here mean to enter into any full Discussion. I may, however, be permitted to say, that I am not aware of any peculiar Advantages now resulting from the antient Mode of Diligence by Horning; while that which is practised in Royal Burghs has the decided Superiority of being more simple, more direct, and much less expensive. The Difference in this last Respect has been stated as in the Proportion of One to Thirty; and in Debts of small Amount, this must be considered as a very serious Object.

Viewing the Matter in this Light, I have no Hesitation in admitting, that the legal Remedy of Acts of Warding on Decrees of Registration in Burgh Courts ought not to be lost to the Public. Either, therefore, the Registration of Deeds for Execution, on which that Mode of Diligence and Execution is competent, ought to be reserved to the Clerks of Royal Burghs; or that Species of Diligence and Execution ought, under proper Modifications, to be transferred to the Sheriff Courts, and made more general than it hitherto has been. With a View to the Objection that has been urged on the Part of the Royal Burghs, the former Expedient may be the easiest; but with a more extended View to Public Utility, I should conceive the latter to be by far the most desirable. If the former shall be resorted to, it may be proper to bear in Mind, that the only Class of Registrations which it can be of any Importance to reserve to the Clerks of Burghs, is that of Protests on Bills and Promissory Notes; for I believe it may be safely asserted, that an Act of Warding on a Decree of Registration, of any other Species of Writing, is almost without a Precedent in the Practice of Burgh Courts.

The only other Objection of which I feel myself here called upon to take Notice, is of a Kind which I should scarcely have expected at the present Day, and in the present Circumstances of almost all the Local Registries of this Class. It has been very anxiously urged, that the Abolition of this Class of Registries would deprive the Royal Burghs of Scotland of the most valuable Source of Emolument and Remuneration to their Clerks and the legal Assessors of their Magistrates; and, in Support of this Objection, it has been stated, "That the Town Clerks have either no Salary at all from the Common Funds, or at most a very small Allowance from that Source. Their Emoluments arise entirely from the Fees attached to the Business performed by them as Clerks of the Burgh Courts, and as Notaries and Keepers of the Burgh Records. In consideration of these Fees, Town Clerks act not merely as Clerks of the Burgh Courts and Keepers of the Burgh Records; they, in general, act also as Assessors to the Magistrates in all civil and criminal Causes, keep the Records of the Proceedings of the Corporation, and take Charge of the multifarious Business of the Burgh. Compared with the other Duties which they have to discharge, the Custody of the Burgh Records is attended with much less Labour, and the Fees arising from these Records are the legal Compensation they receive for other Services, which would otherwise be wholly gratuitous, or would be performed without any adequate Remuneration. The obvious Effect, therefore, of the Removal of the Burgh Records, is either a Diminution of the Patronage of the Magistrates, and of their Power to obtain Persons properly qualified for discharging the Duties of Town Clerks, or a corresponding Diminution of the annual Revenue of the Burgh, in order to replace the Emoluments of which those Public Officers will be deprived. Were the Compensation to be given by the Act made permanent, and the Annuity or Satisfaction to be given to the present Incumbents provided to their Successors, this Objection would no doubt be removed; but it will remain for the Promoters of the Bill to consider whether such an additional Public Burden is likely to be compensated by any Public Good that will arise from the proposed Change in the Custody of this Branch of the Public Records of Scotland."

Of the real Force of this Objection, an Idea may be obtained from the Details which have been already submitted. It now appears from unquestionable Evidence, that the gross Amount of the Fees of Registration of Deeds, Protests, and Probative Writings, in all the Royal Burghs of Scotland, does not exceed £.400 per Annum. And in estimating the actual Loss that will arise from the Limitation or Suppression of this Class of Registries, there must be deducted from the gross Amount of Fees the necessary Expense of making a proper Record, and of furnishing the first Extracts of Deeds, Protests, and Probative Writings. According to the Statements received from many of the local Registries throughout Scotland, these Expenses are hardly repaid by the Fees of Registration; and, after making the proper Allowances, the Surplus of actual Emolument, for which Compensation would be due, must, in all Cases, bear a moderate Proportion to the gross Amount of Fees.

In estimating the Amount of the actual Loss of Emoluments, it may further become necessary to ascertain the Effects of reserving the Registration of Protests of Bills, for the Purpose of Execution. The exact Proportion of the

the Emoluments of this Branch of Registration has not been ascertained in more than a few Instances; but, from these, it appears that the Registration of Protests alone yields about Two-thirds of the whole. In the City of Glasgow, the Proportion of Protests seems more than usually small; yet the Emoluments are to those of other Registrations as Five to Three. Under such an Arrangement, therefore, the Total Amount of Fees to be eventually withdrawn from the Clerks of Royal Burghs would not exceed £. 150 per Annum; and of this Sum, not the whole, but only a certain Proportion could be fairly stated as an actual Diminution of Emoluments. Whatever that Proportion may be, it must be obvious that full and permanent Compensation for it may be given either by making a small Addition to the present Fees of Registration in those Classes of Records which will still remain, or by an annual Payment, of very inconsiderable Amount, to the Clerks of Royal Burghs, and their Successors in Office. In this Way, it may be hoped, all Objections on the Head of pecuniary Emolument or Patronage will entirely cease.

These Observations on the probable Effect of the Suppression or Modification of certain Classes of local Records, may perhaps at first Sight be thought to occupy a disproportioned Space in this Report; but regarding that Suppression or Modification as the only secure Basis of a permanent Reform in that Department, I persuade myself it will not appear useless to have thus attempted to obviate some of the chief Obstacles that have been opposed to its Introduction.

Edinburgh, Dec. 31, 1808.

THO. THOMSON,
Deputy Clerk Register.

(W. 4.)

REPORT of Committee of the Lords of Session.—March 1810.

REPORT from the Committee of the Lords of Council and Session, appointed to consider the First and Second Annual Reports of the Deputy Clerk Register, and Proceedings of the Court thereupon. Extracted from the Books of Sederunt.*

Appendix,
(W. 3.)

Second Annual
Report of Deputy
Clerk Register,
Scotland, 1808.

March 10, 1810.

THIS Day the Committee to whom, on the 10th Day of March 1808, and 11th Day of March 1809, it was referred to consider the FIRST and SECOND ANNUAL REPORTS of the DEPUTY CLERK REGISTER, and to report their Opinion thereon to the Court, gave in their said Report, of which the Tenor follows:

REPORT, &c.

The Committee to whom it was referred to consider the First and Second Annual Reports of the Deputy Clerk Register, for the Years 1807 and 1808, and to report their Opinion thereon to the Court, have carefully examined those Reports, with the Appendixes annexed to them, containing, among other Articles, various Extracts from the Proceedings of the Right Honourable His Majesty's Commissioners for the Arrangement and Preservation of the Public Records of the Kingdom; and have also perused the Printed Reports of the Proceedings of those Commissioners for the Years 1806, 1807, 1808, and 1809, so far as relates to Scotland, presented by them to Parliament, and of which, by their Direction, the Committee have had the Honour to receive Copies: and the Committee have also repeatedly conferred with the Deputy Clerk Register on the several Matters contained in his Reports; and they now submit to the Lords the Opinion they have formed on various Matters which have been thus brought under their Consideration.

There appears to the Committee to be, on the present Occasion, an obvious Propriety in adverting to the high Importance and probable Advantages of the recent Institution of the Office of Deputy Clerk Register. In the Royal Warrant for the Establishment of the Office, its Objects are stated to be the more efficient and regular Superintendence and Control of all Matters arising within the Department of the Lord Clerk Register, in the Formation, Preservation, and Arrangement of the Public Muniments and Records of Scotland; and while the Committee acknowledge with peculiar Satisfaction this "gracious Testimony of the Royal Favour to this His Majesty's antient Kingdom," they think it their Duty more particularly to state, that, for the permanent Efficacy and Utility of this Institution, a great deal in future will depend upon the vigilant Attention and steady Support that may be given by the Court to the Proceedings and Suggestions of this Officer. It is in this View, and in pursuance

* See First and Second Annual Reports.

Appendix,
(W. 4.)

Report of Lords
of Session, Scot-
land, 1840.

pursuance of the special Instructions contained in his Commission, that the Deputy Clerk Register has presented to the Court the above mentioned Annual Reports of his Proceedings in the Exercise of his Office : and the Committee beg leave to state, that they consider the Formation of such Reports, and the regular Communication of them to the Court, as well calculated to promote those important Views which have led to the Establishment of the Office, by bringing the Conduct of the Deputy Clerk Register directly under the Observation of the Court, and by submitting to their Notice such Matters relating to the Formation, Preservation, and Arrangement of the Public Records of Scotland, as may be thought to require the Interference of the Court, or may be fitly made the Subject of further Regulation.

Before proceeding to consider in Detail the various Matters contained in the First and Second Annual Reports, the Committee cannot refrain from expressing the high Satisfaction with which they have perused the above mentioned Proceedings of His Majesty's Commissioners on the Public Records, and the sincere Gratification it has afforded them to observe the Progress that has been made at the General Register House, in the Execution of the various and important Measures which are now in Progress under the Direction of the Deputy Clerk Register. These Measures are chiefly of Two Kinds, having for their Object, on the one Hand, the Preservation, Arrangement, and greater Accessibility and Usefulness of the Public Records deposited in the General Register House ; and on the other, the Publication, in the most authentic Form, of such as are most valuable and generally interesting to the History and Law of the Country. Of the former Kind, the Committee have observed with peculiar Satisfaction the Measures which have been adopted for rescuing, as far as now is possible, some of the more antient and valuable Records from that state of progressive, and even rapid Decay, into which, from their Age, and from former Accidents and Neglect, they had unfortunately fallen ; and for rebinding such of the Records as had suffered from frequent Use, or had in this Respect been originally insufficient. And as to this Class of Measures, the Committee may be permitted to express their earnest Hope, that His Majesty's Commissioners may be induced to proceed in what has been so laudably commenced, until the whole of the Records are restored to that Condition which their infinite Utility must render an Object of the utmost National Importance.

With respect to the other Class of Measures, relating to the Publication of some of the more valuable and interesting Records, the Committee shall not here enter into any minute Detail ; but they may be allowed to say, that they consider the several Works now in Progress under the Direction of the Commissioners, as all of the highest Importance to the Constitutional History and Jurisprudence of Scotland ; and that the successful Completion of what has been already begun, as well as of other similar Works which appear to be in Contemplation, must be anxiously expected by all who are capable of duly appreciating the Value of those Researches to which such Publications are subservient.

In considering the various Matters contained in the Two Annual Reports of the Deputy Clerk Register, the Committee have found that some of the Measures and Regulations there suggested have been already approved of by the Court, and carried into Effect, by Acts of Sederunt ; that others have been enforced by the late Act of Parliament, for better regulating the Public Records of Scotland ; and that those which particularly regard the Formation of the Judicial Records of the Court of Session, have already fallen under the Consideration of the Commissioners for inquiring into the Administration of Justice in Scotland. The Committee shall here, therefore, avoid offering any particular Remarks on these Matters, and shall confine their Attention to such as either remain unexecuted, or seem to merit the more immediate Notice of the Court. In doing so, the Committee shall proceed nearly in that Order in which the several Matters occur in the Two Annual Reports of the Deputy Clerk Register.

I. The Importance of maintaining the General Register House in the most perfect State of Repair, and of completing all the proper Arrangements in the Interior of the present Building, is abundantly manifest ; and it is therefore, with sincere Regret that the Committee have perused the Statements contained in one of the Annual Reports, from which it appears, that the present Funds of this Establishment are inadequate to the Objects in View. This is an Evil to which, of course, it is not within the Competency of the Court to apply any Remedy ; but the Committee may be permitted to express a Hope, that the Subject may meet with that serious Attention elsewhere, which it so well deserves.

II. With respect to the general State of the Public Records deposited in the General Register House, the Committee observe, with Satisfaction, that their present Arrangement is regarded by the Deputy Clerk Register as, upon the whole, correct and judicious ; and they have only to add their strongest Recommendation, that no Pains may be spared by him in rendering that Arrangement, in all Respects, as perfectly clear, simple, and systematic, as the Nature of a Collection, so vast and multifarious, and the Accommodations of the Building, will admit. With respect to those Records which are in a decayed State, or which require to be rebound, the Committee have already taken Notice of the Measures which have been adopted by His Majesty's Commissioners under the
immediate

immediate Inspection of the Deputy Clerk Register, and have expressed their Hope, that they may experience no Interruption until this important Work shall have been fully completed.

Appendix,
(W. 4.)

Report of
Lords of Session,
Scotland, 1810.

III. It is well known, that, from various Causes, many of the Public Records of Scotland have entirely perished, and that many have been removed from those Repositories where they ought to have been preserved. To this Subject the Attention of the Court has been often called at different Periods; and, in numerous Instances, they have successfully exerted their Authority in recovering and replacing in the General Register House such Records as have been found to exist either in Private Custody, or in Public Offices, to which they did not legally belong. On this Subject, several important Particulars are stated in these Reports; and the Court cannot too earnestly recommend to the Deputy Clerk Register, to adopt every Means in his Power to bring to light such Records as may now be missing; in the Restoration of which to Public Custody and Use, they will afford him the Aid of their utmost Authority.

IV. In the Reports of the Deputy Clerk Register, the Committee observe, with the highest Satisfaction, the Measures proposed, and in Part already adopted, for promoting the Accessibility of the Public Records, and the Facility of Research. The Committee particularly allude to the Compilation of a General Repertory, and of a Press Catalogue of the Records in the General Register House; Measures of great and manifest Utility, which have been rendered practicable by the Aid and Encouragement of His Majesty's Commissioners on the Public Records. By the same Means, other Works of the same Class, and of still more arduous Execution, have been also undertaken, or are in the Contemplation of His Majesty's Commissioners; particularly an Abridgment of the Record of Retours of Services, which is already in a State of great Advancement; an Abridgment of the Register of Tailzies, now in Progress; and another of the Register of the Great Seal. Of these, and some other Works of a similar Kind which may probably be executed, the Committee must express their unqualified Approbation.

Under this Head of Measures, they have been induced more particularly to bestow their Attention to a Suggestion contained in the First Annual Report, for the Compilation of Indexes of easy Reference to some of the more bulky and useful Records, such as the Register of Seisins, and the Records of Deeds and Probative Writs in the Books of Council and Session. They agree with what is stated in the Report as to the impracticable Nature of any Attempt to give the Measure a remote Retrospect; but, they are of Opinion, that it might be highly expedient to compile such Indexes for the Records of this Class, at least from the Commencement of the present Century downwards, and to make such Arrangements as would secure the regular Formation of such Indexes in future: and they consider the Subject as deserving the further Consideration of His Majesty's Commissioners, and of the Deputy Clerk Register.

V. Among the Plans for improving the Accessibility of the Public Records, contained in the First Annual Report, the Committee observe a Suggestion for diminishing the customary Fees of the Keepers of these Records, and compensating that Diminution by Public Salary. The Committee are fully aware of the Importance of the Subject, and regard it as deserving of Inquiry and deliberate Consideration; but at present they refrain from offering any Opinion whatever on the Expediency of the Measure proposed in the Report.

VI. With respect to the future Formation of those Public Records which are now in regular Progress, the Committee observe, with high Satisfaction, that a great deal of Pains and Attention have lately been given to the Subject; and that various Measures have been adopted, from which it is reasonable to hope that much Advantage to the Public will ultimately be experienced. Among those Measures, the Committee particularly approve of the Manufacture and Adoption of Paper of very superior Quality for all those Books of Record that are previously issued under the Authority of the Lord Clerk Register; the exact Regulation of the Number and Length of the Lines on each Page; and the proposed Regulation of the Number of Words to be ingrossed on each Page of the Registers. To this last Point the Committee beg Leave to direct the immediate Attention of the Court, in so far as it yet requires the Authority of an Act of Sederunt. The Committee further beg Leave to direct the Attention of the Court to another Measure of the same Class, which is strongly recommended in the First Annual Report, and from which the Committee apprehend that great Advantages would arise. They allude to a Plan for preventing Persons from being employed as the operative Framers of Public Records, who have not previously undergone a certain Discipline and Probation, and been found duly qualified; and on this Subject the Committee would suggest, that the Deputy Clerk Register ought to be directed to prepare a more detailed Scheme of Regulations for the Consideration of the Court.

VII. In these Reports various Statements and Suggestions are given respecting the future Formation of some particular Records, more especially as to those of the Court of Session. On the Judicial Records of the Court for Reasons already mentioned, it is not necessary here to say any Thing: but with respect to the Registration of Deeds, Protests, and Probative Writs, in the Books of Council and Session, certain Improvements are proposed in those Reports, which the Committee think deserving of Adoption. They allude to the Consolidation of the Three different Records, now kept in the Three Offices of the Court of Session, to be placed under the Care of one efficient Officer; and the Subdivision of that Record into Two Series or Branches, namely, a

Appendix,
(W. 4.)

Report of
Lords of Session,
Scotland, 1810.

Record of Deeds and Probative Writs, and a Record of Instruments of Protests on Bills and Promissory Notes. The Committee further approve of the Proposal of Engrossing these Records in the Books of the Standard Quality, to be issued under the Authority of the Lord Clerk Register, but without being subject to the more expensive Operation of Marking. By the Adoption of these Improvements, the Record in question would be assimilated to the Records of Deeds, Probative Writs, and Protests, now kept in the Sheriff Courts, under the Authority of the late Act of Parliament for better regulating the Public Records of Scotland.

VIII. In what concerns the Formation of Writs passing under the Great Seal and the Privy Seal, some important Alterations, originally suggested in the Reports now before the Committee, have been carried into Effect by the above mentioned Act of Parliament: but it appears, that in the Formation of the Registers of those Writs in Chancery, and in the Office of the Privy Seal, some further Regulations are still wanting to render those Records as perfect in all Respects as their Dignity and Importance manifestly require. On this Head, the Committee would recommend to the Deputy Clerk Register to prepare a more detailed Statement for the Consideration either of the Court, or of His Majesty's Commissioners on the Public Records.

IX. From the Statements in the First Annual Report, and from verbal Communications made to the Committee by the Deputy Clerk Register, it appears, that it has been hitherto the Practice in the Bill Chamber to retain the original Abbreviates of Adjudication, and from these to frame a Record, which is periodically transmitted to the General Register House. The Committee are of Opinion, that this Record of Abbreviates ought to be discontinued; that the original Abbreviate, signed by the Lords Ordinary in the Processes of Adjudication, should be held as the only Record, and should, as such, be periodically transmitted to the General Register House; and that, for this purpose, an Act of Sederunt ought to be passed.

X. In the Two Annual Reports, and in the Appendix to the Second, many important Details are given respecting the Formation of the Registers of Seisins; from which it appears to the Committee, that an Act of Sederunt ought now to be passed, for regulating the Quantity of Writing on each Page of the Record, and for ascertaining the Fees to the Keepers, and to the operative Clerks, according to that Standard of Writing. The Draught of an Act for that Purpose is annexed to this Report.

XI. With respect to the Registers of Hornings and Inhibitions, the Committee observe, that those kept in the Counties, by the Sheriff Clerks, are subjected to the Operation of Marking, while those of the General Register are exempted from that Control. The Committee are of Opinion, that this Exemption has been productive of the worst Consequences in the Formation of those Registers, and that they ought henceforth to be written on Books issued under the Authority of the Lord Clerk Register, of the same Kind with those recommended above for the Record of Deeds, &c. in the Books of Council and Session, and already in use in the Local Registries, under the Authority of the late Act of Parliament.

XII. In these Reports, and in the Appendixes annexed to them, the Committee have found many important Details and Suggestions relating to the Local Registries in Shires and Burghs. Since the date of the Second Report, some of these Suggestions have been adopted into the Act for better regulating the Public Records of Scotland: and, at present, the Committee have only to observe, that the Arrangements of Regulation and Control introduced by that Act, can only receive complete Effect from the vigorous Exertion of the Authority of the Court, in repressing and punishing all Attempts to infringe or evade its salutary Provisions.

ROBERT BLAIR

C. HOPE.

ALLAN MACONOCHE,

WM. ROBERTSON.

The Lords approved of the above Report, and directed the Deputy Clerk Register to communicate Copies of it to the Lord Clerk Register, and also to the Right Honourable His Majesty's Commissioners, for the Preservation and Arrangement of the Public Records of the Kingdom.

(W. 5.)

Appendix,
(W. 5.)Third Annual
Report of Deputy
Clerk Register,
Scotland, 1809.*The Third Annual Report of The Deputy Clerk Register of Scotland—1809.*

To the Right Honourable Lord Frederick Canpbell, Lord Clerk Register.

THE various Matters which fall within the Period of the present Report, cannot, I conceive, be more fitly presented to your Lordship's Notice than in the Order which has been observed in my Two former Annual Reports;—"subdividing the Public Records of the Kingdom into those of a General and those of a Local Kind; and under each of these Classes, separating what concerns the Custody and Preservation of the Records already formed, from what concerns the Formation of future Records."

I.—GENERAL RECORDS OF THE KINGDOM:

1. In what regards the State of the Buildings of the General Register House during the Period of this Report, there is not a great deal that at present requires any minute Discussion. Under your Lordship's immediate Inspection certain Alterations have been executed, for the better Accommodation of those who are in regular Attendance at the Register House, as well as for the Improvement of the principal Access to the Interior of the Building; and of these Alterations, it may be enough for me to say, that they promise to be attended with all the Advantages that were proposed. These are indeed but a small Portion of those Operations for the general Improvement of the House, which have been in Contemplation, and the Importance of which has been deeply felt by your Lordship, but of which the Execution has been hitherto rendered impracticable by the Scantiness of the Funds provided for such Purposes. Of these, one of the most interesting Subjects of Consideration has been the Mode of heating the central Parts of the Building in which the Public Muniments and Records of the Kingdom are deposited; and from the Measures already taken by your Lordship, there is Reason to hope that this Object will soon be effectually accomplished.

Under this Head, I have only to add, how much the Experience of another Year has increased the Conviction expressed in my last Report, of the absolute Necessity of an Augmentation of the ordinary Funds of the Establishment, in order to maintain the General Register House in that State of Repair, which its Destination and public Importance must always render so desirable; and without which there must be an accelerating Accumulation of Wants and Disrepairs, which it would require only a moderate Effort to anticipate and prevent; but the ultimate Removal of which may become an arduous, perhaps a hopeless Undertaking. On the general Point, as stated in my former Report, I have the Satisfaction of being supported by the Sentiments of the Committee of Lords of Council and Session, to whom my First and Second Annual Reports were referred for Consideration. In a Report from that Committee, after concurring in Opinion as to the manifest Importance of maintaining the General Register House in the most perfect State of Repair, and of completing all the proper Arrangements in the Interior of the Building; and after expressing their sincere Regret that a Deficiency of Funds should have been experienced, the Committee add, that though "it be an Evil which it is not within the Competency of the Court to remove, yet they must express their Hope, that the Subject may meet with that serious Attention elsewhere which it so well deserves."

2. The Preservation of the Records in the General Register House, and the Restoration of such as have been seriously injured by Accident or Time, have continued to be Objects of particular Care and Attention with His Majesty's Commissioners on the Public Records of the Kingdom. The minute Details of the Progress that has been made in repairing and rebinding various Classes of Records, since the Date of my last Annual Report, will be found in the several Quarterly Reports during the Year 1809, which I have communicated to the Board. It may be enough here to state in general, that, among the decayed Records which have been repaired, are those of the Privy Council of Scotland prior to the Restoration in 1660; of which many were in a mutilated, as well as a perishing Condition. A Part of this Series, which for some Years past, has been deposited in the Justiciary Office, but which, I have reason to presume, will be soon transferred into the General Register House, are about to be subjected to the same Process. Among the Records which have been rebound, or which are in the Course of being rebound, I may particularly specify the earlier Volumes of the General Register of Seisins, which, from original Insufficiency in this Respect, and from frequent Use, were in a State of Disrepair, which rendered this Operation highly proper. The same Operation will, I trust, be extended not only to the Particular Registers of Seisins, but to the Record of Decrees of the Court of Session, prior to the Year 1660; the Records of Deeds, &c. in the Books of Council and Session; and several other Records in frequent use. To the high Utility of this Class of Measures, the Committee of the Court of Session have borne the most ample Testimony: and they have, at the same Time, "expressed their earnest Hope, that His Majesty's Commissioners may be induced to persevere in what has been so laudably commenced, until the Whole of the Records are restored to that Condition which their infinite Utility must render an Object of the utmost Importance to the Public."

3. Among

Appendix,
(W. 5.)

Third Annual
Report of Deputy
Clerk Register,
Scotland, 1809.

3. Among the collateral Advantages which are likely to attend the Operations last alluded to, your Lordship will have Satisfaction in learning, that it promises a very considerable Economy of Space in the Presses and Shelves of the Register House. The Books, when in that loose and unmanageable State, with hardly any Thing that can be called Binding at all, which your Lordship well knows to be true of a considerable Proportion of the Whole, are found to occupy more Space, by at least a Fourth, than when they are firmly compacted, and can bear to be placed in the Shelves close to each other. In the crowded State of many of the Apartments, the Effect now described has become of considerable Importance. It has, however, by an obvious Consequence, led to an inconvenient Delay in completing the Press Catalogue of the Records, which depends entirely on the minute Arrangements of the Shelves and Presses, and of which almost all that has been already framed will be rendered useless by unavoidable Changes in those Arrangements. The Delay thus afforded, and the Changes which may be necessary, will, I trust, be usefully improved, by rendering the Arrangement of the several Classes of Records more accurate and systematic;—an Object to which, as of peculiar Importance, the Committee on my former Reports have been pleased to direct my particular Attention.

4. Among those Measures which may be regarded as relating to the Preservation of the Public Records, I may here state very generally, what in the Quarterly Reports to the Commissioners of Records will be found more fully detailed, that the Transcription and Printing of some of the more antient and valuable Monuments of Law, and of Constitutional History, have been continued under the Direction of the Board. The remaining Record of Royal Charters, during the Reigns of Robert I., David II., Robert II., Robert III., and the Regency of Robert Duke of Albany; in other Words, from the Accession of Robert Bruce in 1306, to the Return of James I., in 1424, comprehended in Twelve Rolls, and One Book, has been nearly finished at the Press; and to supply, in some Degree, the Loss of a great Proportion of the Record of Charters during that Period, and to form a Supplement to the Volume now in the Press, it is hoped that important Contributions may be drawn not only from the remaining Chartularies, and Registers of Religious Houses and Bishopricks, but also from the Archives of Burghs and other Bodies Corporate, and even from the Repositories of Individuals.

During the Period of this Report, that Class of Parliamentary Proceedings called Acts of the Lords Auditors of Causes and Complaints, and of which, during a Part of the Reigns of James III. and James IV. a considerable Series has been preserved, have been printed; and, as a necessary Accompaniment, the contemporaneous Proceedings of the Lords of Council are now in Progress at the Press. These, together, constitute the earliest Judicial Record that now remains in the General Register House.

Of the Works of this Description now in Progress, the most important undoubtedly is the proposed Collection of the Proceedings of the Three Estates in Parliament, from the earliest Period of authentic Record downwards to the Union in 1707. Owing to the Labour and Difficulties of a minute Collection, the Advancement hitherto made in this great Work has been comparatively inconsiderable. The Acts of the Parliaments of James I. and James II. which are the Commencement of what will ultimately form the Second Volume of the whole Series, have been sent to the Press; and I trust that a Work, to the successful Execution of which your Lordship's Attention has been so long directed, may soon proceed without Interruption. Immediately connected with this larger Collection, will be the proposed Edition of Acts of Parliament for more popular Use; in the Promotion of which, there is Reason to hope for valuable Aid from some of the Members of the Faculty of Advocates, who, as a Body, have been pleased to express their unqualified Approbation of the Undertaking*.

The Compilation of an Abridgment of the Record of Retours of Services, from its Commencement to the End of the Seventeenth Century, has been completed, and about One Half of it has been printed. Including very ample Indexes of Persons and Places, it will form at least Two Volumes in Folio. The Compilation of a similar Abridgment of the Register of Tailzies is now in considerable Progress.

To the Importance of these various Measures for giving Publicity to some of the more interesting Records, the Committee on my former Reports have given the Sanction of their strongest Opinion; to which I feel much Satisfaction in referring.

5. In my first Report†, I took occasion to suggest and recommend the Compilation of Indexes of easy Reference to some of the more bulky and most generally useful of our Records, such as the Register of Seisins, and the Records of Deeds and Probative Writs, &c. in the Books of Council and Session. On this Subject, the Committee of the Court of Session have said, “ That they agree to what is stated in the Report, as to “ the impracticable Nature of any Attempt to give the Measure a remote Retrospect: but they are of Opinion “ that it might be highly expedient to compile such Indexes, for the Records of this Class, at least from the

* See Extract from Proceedings of the Faculty of Advocates respecting the Publication of the Act of the Parliament of Scotland, 11th February 1809.

† See First Annual Report.

“ Commencement

“ Commencement of the present Century downwards, and to make such Arrangements as would secure the regular Formation of such Indexes in future ; and they consider the Subject as deserving the further Consideration of His Majesty’s Commissioners, and of the Deputy Clerk Register.”

Appendix,
(W. 5.)

Third Annual
Report of Deputy
Clerk Register,
Scotland, 1809.

In pursuance of this Recommendation, and under the Persuasion that an Opinion so weighty cannot fail of its due Effect, I shall beg Leave here to state very briefly the further Views which have occurred to me on the Subject. By aiming at too much in minute Detail, as much as by giving the Plan too remote a Retrospect, its ultimate Execution would, I conceive, be endangered. I shall therefore suggest, in the First Instance, what may certainly be regarded as falling considerably short of obvious and practicable Perfection. As the Ground-work of the Index to any particular Record, I would propose to take the Minute Book of that Record ; and beginning with some more exact and rigid Regulations for the Formation of Minute Books, or rather with a more strict Enforcement of existing Regulations, it should be imposed as a Duty on the Keepers of such Records, instantly to transfer the Names of Persons and of Places from the Minute Books, into Books prepared as Schedules, in an alphabetical Arrangement. Both the Minute Books and the Index Books should be issued under the Authority of the Lord Clerk Register, at the same Time with the Record Book to which those are to relate ; and with that Record Book, when filled up, the relative Index Book, as well as the Minute Book, ought also to be returned. Of the Degree of Exactness in alphabetical Arrangement, of which in the First Instance these Indexes might be made susceptible, I do not speak with absolute Confidence ; yet I apprehend that, with a little Pains in the Construction of the Schedule, it might approach very near to absolute Accuracy. This, however, would in the more considerable Records be of the less Moment, as I would further propose, that at the End of every Ten Years, the several Index Books of that Period should be reduced into one alphabetical Series for Persons, and another for Places, exactly arranged : And this last Operation, which would be one of little more than mechanical Labour, must of course be executed in the General Register House, and must fall either on the ordinary Keepers under the Lord Clerk Register, or on a Particular Officer appointed to that Duty. In proposing that the Index Books and Minute Books should be issued from the General Register House to the Keepers of the several Records, at the same Time with the Record Books, I see no Propriety or Necessity in exacting any additional Fee for the Delivery of those Books, beyond their prime Cost. At the same Time, in a different View, I would propose the Exaction of a small Fee at the Time of Delivery, to serve as a Recompense for the Trouble of afterwards reducing the Indexes of Ten Years into One Series ; for which Fee, as well as for his own Trouble and other Expenses in this Business of Index-making, the Keeper might be fully indemnified by a fractional Addition to the regular Fees of Registration. Such is the Outline of the Plan I have conceived for the compilation of the proposed Indexes to future Records ; and though it would be no very difficult Task to condense into One larger Series the Indexes of several Decades, I do not imagine that any practicable Benefit of much Moment would be gained by it. With respect to the Indexes of the first Ten Years of the present Century, now nearly elapsed, some extraordinary Provision would of course be requisite ; and which, if the principal Measure should be adopted, might perhaps be obtained from His Majesty’s Commissioners on the Public Records.

6. Although, during the Period of the present Report, no Discovery has been made of any of those Public Records which are known to be missing, it may not be improper in this, and in every future Annual Report, at least to bring the Subject into Notice : And your Lordship will have observed with Satisfaction, that it is a Subject which has particularly interested the Committee of the Court of Session, to whom my former Reports were referred ; and as to which they observe, That “ the Court cannot too earnestly recommend to the Deputy Clerk Register to adopt every Means in his Power to bring to light such Records as may now be missing, in the Restoration of which to Public Custody, they will afford him the Aid of their utmost Authority.”

The only missing Record, of the Existence of which I have at present any district Traces, is an early and important Volume of the Register of Privy Council, beginning June 12, 1567, and ending December 27, 1569 ; and I hope, that, ere long, the Means will be found of restoring it to Public Custody.

7. With respect to the Transference of Records from other Public Offices into the General Register House, the only considerable Instance during the Period of this Report, is that of the Record of Deeds in the Commissary Court, which has taken place, or rather which ought to have taken place, under one of the Provisions of the Act, passed in the last Session of Parliament, “ for better regulating the Public Records of Scotland.” At the Period when this Transference ought to have taken place, namely, the 12th of November last, the Record of a considerable preceding Period had not been made up. For this Reason, a Delay of a few Months has been requested ; in acceding to which, no material Inconvenience will, I trust, be experienced.

In my last Annual Report, I alluded to an Application to the Court of Exchequer, which I had made in your Lordship’s Name, in which a Proposal was made for a Transference into the General Register House of the Records of Treasury and Exchequer, prior in Date to the Institution of the present Court in 1707. Your Lordship

Appendix,
(W. 5.)

Third Annual
Report of Deputy
Clerk Register,
Scotland, 1809.

is already apprised of the Refusal of that Application ; and, without entering into any controversial Discussion on the Question of legal Right, I shall only observe, that the Application was made solely on the Grounds of a Public Nature ;—that it is a Measure of obvious and undeniable Expediency and Propriety, to collect into some one Repository, the scattered Parts of the same Series of Records ;—and that, if it should ultimately be settled, that the Antient Records of Exchequer in the Custody of the present Court, ought to remain in the Apartments belonging to the Exchequer in the General Register House, it may become proper to transfer into those Apartments such Parts of any broken Series of Volumes as may be in the Custody of the Lord Clerk Register. But, until a regular Inventory of the various Records of Exchequer, now in the Custody of those Officers, has been framed, it will be impossible to state on what Terms and by what reciprocal Concessions, a reasonable and expedient Arrangement can be made.

Your Lordship is already aware of the broken state of the Records of Privy Council ; of which about One Half of the existing Volumes have always been deposited in the General Register House ; and the other Half, not in regular Succession, but in another broken Series, have of late been kept in the Justiciary Office. The History of this accidental Disorder of those Records, in so far as I have been able to trace it, your Lordship will find detailed more fully in one of the Numbers of the annexed Appendix ; and I have the Satisfaction of stating, that the Whole will probably, with the Approbation and Concurrence of the Court of Justiciary, be soon restored to the General Repository, and placed in that Order which originally belonged to the successive Volumes of this highly curious and important Record.

8. From the Transference of Records, of which I have been now speaking, must be distinguished as generically different, the progressive Transmission of Records into the General Repository, from the Offices in which they have been framed. On this Head, some important Alterations have taken place since the Date of the last Annual Report. By one of the Provisions of the Act, “for better regulating the Public Records of Scotland,” those Records which were before periodically transmissible, after a Lapse of Ten Years, must now be delivered, with their respective Minute Books and Warrants, within Three Months after they have been severally completed and filled up. This Regulation applies to the Registers of the Great Seal and of the Privy Seal, the Record of Decrees, and that of Deeds, &c. in the Books of Council and Session, the General Registers of Hornings, and of Inhibitions, and the Record of Abbreviates of Adjudications. As the Principle of this Alteration of System, and the probable Advantages of it, have been fully stated in former Reports, I refrain from any enlarged Discussion of the Subject.

The several Matters now treated of, relate more or less directly to the Preservation and Custody of the Records already framed and completed ; I now pass to some of those Matters which concern the Formation of future Records.

9. In my former Reports, I have explained at considerable Length the Advantages which might be expected to arise from the exact Regulation of the Quantity to be written on each Page or Leaf of the Records. Preparatory to such Measure, the Use of Paper of a fixed Standard in Size and Quality, and the Regulation of the Number and Length of the Lines on each Page, have now been introduced with excellent Effect into all those Classes of Records transmissible to the General Register House by means of Marking : and in the Report of the Committee of the Court of Session on my former Reports, the fullest Approbation has been expressed of the further Proposal contained in my Second Report, of fixing the Number of Words on each Page of the Records so ruled, at an Average of 200. I trust that an Act of Sederunt to this Effect, applicable not only to the Registers of Seisins, but to every other Class of Records, transmissible in the Manner above mentioned, to the General Register House, will be passed without Delay.

10. Another General Measure for Improvement of the Public Records, which I ventured to suggest in my First Annual Report, has also received the Approbation of the Committee ; I mean the Plan for preventing any Person from being employed as an operative Clerk in framing Public Records, who has not undergone a certain Discipline and Probation, and been found duly qualified. This Proposal, the Committee have recommended to the Attention of the Court ; and have further suggested, that the Deputy Clerk Register ought to be directed to prepare a more detailed Scheme of Regulations for the Consideration of the Court. This Instruction I shall have the utmost Satisfaction in obeying : but as the Measure is one of considerable Delicacy, I shall not now attempt to explain at length the Means by which it may be most effectually accomplished.

11. With respect to the Formation of particular Classes of Records, I may begin with mentioning that what concerns the Judicial Records of the Court of Session, has occupied much of the Attention of the Commissioners on the Administration of Justice in Scotland, and in consequence of their Reports, will probably become the Subject of Parliamentary Discussion ; at present, I shall therefore refrain from touching on the Subject.

In what regards the other great Branch of the Records of the Court of Session, namely, the Register of Deeds, Probative Writs, and Protests, the Measures proposed in my former Report of consolidating the Three existing Records

Records into One:—subdividing it into Two Branches, viz. Deeds and Probative Writs as one Series, and Instruments of Protests as another;—and the Introduction of Books issued under the Authority of the Lord Clerk Register, have been approved of by the Committee of the Court; and although attended with some Perplexities in its final Arrangement, I trust that no serious Impediment to the Execution of the Plan is likely to occur.

12. In the Formation of Charters which pass the Great Seal, an important Alteration has been introduced by the Act “for better regulating the Public Records of Scotland,” namely, the total Omission of the Precepts under the Privy Seal, the Adoption of the Signet Precepts as the Warrants of the Charters, and the Transmission of those Precepts along with the Register of Charters to the General Register House. By another important Provision of the same Statute, Extracts from the Register of the Great Seal are rendered probative; and the Production of Original Charters in Proceedings at Law, and the consequent Risks of Loss or Destruction to which they are usually exposed, may thus be henceforth avoided.

13. In what particularly respects the Registers of Seisins, of Hornings and Inhibitions, and of Abbreviates of Adjudications, I hope that the favourable Report of the Committee of the Court will lead to the speedy Adoption of the several Measures recommended in the First and Second Annual Reports.

II.—LOCAL REGISTRIES.

Your Lordship is aware, that in the Formation of the Records of Deeds, Probative Writs, and Protests, in the Sheriff Courts, and in the Courts of Royal Burghs, very important Changes have been introduced by the late Act “for better regulating the Public Records of Scotland.” In what regards the Records in the Sheriff Courts, the Mode of their Formation, and the Plan of Control provided by the Act, coincide with the Suggestions contained in my former Reports. In what regards the Records of Royal Burghs, there is a considerable Departure from those Suggestions; inasmuch as the Statute, instead of totally abolishing those Records, has placed them under certain Limitations, and established over the Keepers a System of Inspection and Control, similar to that which has been provided in the County Records. Without entering into a full Detail of those Provisions of the Statute, I shall beg Leave to refer to a short Analysis of its various Contents in the annexed Appendix; and in what regards the Steps that have been hitherto taken for carrying the Act into Execution, I beg Leave to refer your Lordship to the Eighth and Ninth Quarterly Reports, and to the Circular Letters I have had Occasion to address to the several Keepers of the Local Registries. The most important perhaps of these preparatory Measures, has been the Introduction of a new Mode of marking the Books issued under your Lordship's Authority, to the Keepers of these Registries; and of this, an ample Explanation will be found under the last Head of the Ninth Quarterly Report. In future Annual Reports, it will become the Duty of the Deputy Clerk Register to enter into minute Details of the State of those Local Registries, as certified by the Sheriffs-depute and Chief Magistrates of Royal Burghs, in the manner prescribed by the Act; and it is by the Publicity so given to the Conduct of the several Keepers of such Records, that the Control provided by the Act is likely to operate with the most salutary Effect.

THO. THOMSON,
Deputy Clerk Register.

Appendix,
(W. 5.)

Third Annual
Report of Deputy
Clerk Register,
Scotland, 1809.

(W) 6.

REPORT of the Committee of the Lords of Session.—March 1811.

REPORT of the Committee of the Lords of Council and Session, appointed to consider the Third Annual Report of the Deputy Clerk Register.

THE Committee to whom it was referred to consider the Third Annual Report of the Deputy Clerk Register for the Year 1809, and to report their Opinion thereon to the Court, have carefully examined that Report, with the Appendix annexed to it, containing, in particular, the Quarterly Reports of Proceedings in Execution of the Orders of His Majesty's Commissioners on the Public Records of the Kingdom in Matters regarding Scotland; and have also conferred with the Deputy Clerk Register on various Matters contained or alluded to in the said Annual and Quarterly Reports; and they now submit to the Court the Observations which have occurred to them on the several Matters which have been thus brought under their Notice.

I. With respect to the Pecuniary Establishment of His Majesty's General Register House, the Committee cannot refrain from expressing their Concern, as on a former Occasion, that any serious Deficiency should be experienced. To complete the necessary Arrangements in this Great Repository of the Records of the Kingdom; to maintain it in a proper State of Repair; and in some degree to anticipate or correct the incessant Injuries of Time and of Accident, on the vast Mass of Books and of Papers which it contains, are Objects of high National Importance; and it is therefore most earnestly to be wished, that the Means may be speedily provided for meeting that Expenditure, without which the Objects now alluded to cannot be attained.

II. From

Appendix,
(W. 6.)

Report of Lords
of Session, Scot-
land, 1811

Appendix,
(W. 6.)

Report of Lords
of Session, Scot-
land, 1811.

II. From that Subject the Committee have peculiar Satisfaction in turning to the Operations which have been in Progress since the Date of the last Report, for the better Preservation of some of the Records in the General Register House, for which the Public are indebted to the Interference of His Majesty's Commissioners on the Records of the Kingdom. The Details of these Operations are given in the Quarterly Reports above alluded to ; and while the Committee express their Approbation of the wise and liberal Policy by which those Measures have been dictated, they beg Leave particularly to mark the Satisfaction with which they have observed the Progress now made in repairing decayed Books and Papers, and in re-binding, in a very suitable Manner, some of the more important and voluminous Series of Records.

III. Another important Class of Measures, of which the Details are likewise to be found in these Reports, relate to the Transcription, Abridgment, and Publication of some of the more antient or useful Records. In a former Report, the Committee had Occasion particularly to take Notice of the Abridgment of the Retours of Services, as a Work which promised to be of great Utility ; and they have the Satisfaction of finding that great Progress has been now made towards its Completion.

Under this Head, the Collection of Royal Charters, and the Compilation of the Parliamentary Records, are particularly mentioned in the Third Annual Report, as in regular Progress ; and the Committee have had the Satisfaction of observing the Advancement of these Two great Works. From the Dignity and high Importance of both, they are of Opinion that too much Pains cannot be bestowed in endeavouring to render them as perfect, in all Respects, as may now be possible : And, from what has been already done, they are persuaded that the Execution will prove not unworthy of the Design.

Besides the great Compilation of Parliamentary Proceedings, already in Progress, the Committee have peculiar Satisfaction in observing the Measures that are in contemplation for giving to the Public a new Edition of the Scottish Statutes, more complete and accurate than those at present in Use. From daily Experience, the Propriety and Expediency of such a Publication are abundantly apparent ; and the Committee cannot too earnestly recommend the Prosecution of the Design.

IV. In pursuance of a Recommendation of the Committee on a former Occasion, there is given, in the Third Annual Report, a detailed Plan for the Compilation of Indexes of Reference to some of the more voluminous and useful Records. Of that Plan the Committee fully approve, and recommend its immediate Adoption, both in the Registers of Seisins, and in the Record of Deeds and Probative Writs in the Books of Council and Session.

V. With respect to the Register of Deeds, Probative Writs, and Instruments of Protest, in the Books of Council and Session, the Committee have had again under their Consideration the Propriety of consolidating the Three existing Series of Records, in the Manner proposed by the Deputy Clerk Register. Without any Interference with the pecuniary Interest of the present Keepers, it has been found practicable to carry this Measure into immediate Effect ; and the Draught of an Act of Sederunt for that Purpose is annexed to this Report. By that Act several other Improvements will be also secured ; namely, the Use of Books of Record properly Marked, and of the best Quality, issued from the Lord Clerk Register's Office ; the Use of Minute Books also Marked, and of the best Quality ; and the Compilation of Indexes of Persons, as recommended under the immediately preceding Head.

VI. As the Act of Sederunt for regulating the Registers of Seisins, recommended in a former Report, has not yet been passed, the Committee have again considered the Draught of that Act, and have added to it the necessary Provisions for the Formation of Indexes of Persons and Places, and they beg Leave to recommend its immediate Adoption.

VII. The Committee have also had again under their Consideration the Measures proposed in this and former Annual Reports, for better regulating the Registers of Hornings and Inhibitions ; and the Draught of an Act of Sederunt for carrying those Measures into Effect has been approved by them, and is annexed to this Report.

VIII. The Committee have had also under their Consideration the Draught of an Act of Sederunt for regulating the Register of Abbreviates of Adjudications, on the Plan suggested by the Deputy Clerk Register, and formerly recommended by this Committee ; and they now propose it for immediate Adoption.

In the preceding Observations, the Committee have directed the Attention of the Court to such only of the Proceedings and Measures stated in the Third Annual Report as have appeared to call for immediate Notice or Interference. The System of the Public Records, subjected to the Control of the Lord Clerk Register and his Deputy, branches out into so many complicated Details, as to require the utmost Watchfulness and Vigour to preserve the Whole in a sound State. The various Measures which have been recently adopted for the Improvement of the System, appear on the Whole, to be well calculated for the Ends in View ; and, in concluding this Report, the Committee may again repeat their Assurance, that the Authority of this Court shall not be withheld from giving the fullest Efficacy to those Measures, and to all the existing Laws and Regulations for the Maintenance of the Public Records.

C. HOPE.
ALLAN MACONOCHE.
W. ROBERTSON.

(W. 7.)

The Fourth Annual Report of The Deputy Clerk Register of Scotland.—1810.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

IN the successive Reports which it has been my Duty to present to your Lordship, and to the Court of Session, I have endeavoured to give a general View of the more important Proceedings relative to the Public Records of Scotland, which had taken place during the Year to which each of those Reports particularly referred, and of such Measures of Alteration or Improvement on the established System, as appeared most immediately to deserve the Attention of your Lordship, or to require the Interference of judicial or legislative Authority. In the Report which I have now the Honour to present to your Lordship, the same general Plan shall be pursued; and in the Arrangement of the several Matters to which I am desirous that your Lordship's Notice should be drawn, I shall also continue to observe the same Method as formerly;—under each of the Two great Divisions of General and of Local Records, considering what regards the Preservation, Arrangement, and Custody of the Records already formed, distinctly from what concerns the Formation of the Records in Time to come.

I.—GENERAL RECORDS OF THE KINGDOM:

I. On the State of the Buildings of the General Register House, your Lordship will not expect that I should have it at present in my Power to say a great deal: being so fully aware of the Insufficiency of the Funds of the Establishment to meet even the ordinary Repairs of the House, much more to complete the various Alterations and Improvements which it would be highly expedient to execute. One important Improvement, however, to which your Lordship's Attention has been long particularly directed, and to which I had Occasion to allude in the last Annual Report, has been lately accomplished. I allude to the Erection of an Apparatus for heating the central Parts of the Building in which the Public Muniments and General Records of the Kingdom are deposited. For this important Purpose no adequate Provision had been made in the original Structure of the House; owing partly to this, that what now forms the principal Receptacle of the most voluminous Classes of Records, was destined, in the original Design of the Building, to another Use. To remedy this Defect was an Object of great Importance; for, in consequence of the decaying State into which so many of the Records of Scotland have been brought by the rude Accidents to which at different Times they have been exposed, but more especially by the wretched Accommodation afforded them before their Removal into the present Repository, they have been rendered much more susceptible of Damp, and require to be maintained at a higher Temperature, than if the Texture of their Materials had remained entire, or had been affected only by the slow Waste of Time.

In considering the most advantageous Mode of heating the great circular Saloon, with its contiguous and surrounding Apartments, the Exclusion of Dust and Smoke was a Condition of primary Importance; and, in this View, the Introduction of a Current of heated Air was obviously the safest and least exceptionable Mode of any that has hitherto been devised. From the great Extent and peculiar Form of the central Apartments of the Register House, great Doubts had been entertained by Persons of Skill, how far it was practicable, in this Manner, to raise and maintain the Temperature of the Place at that Degree which was requisite to any useful Purpose: but these Difficulties appear to have been over-rated; and, in so far at least as the Experience of a few Months can enable me to judge, there seems every Reason to be assured, that the Apparatus for heated Air, which has been erected by your Lordship's Directions, will be completely effectual.

II. The Alteration lately introduced by Act of Parliament, on the Form of recording and extracting the Judicial Proceedings of the Court of Session, has left several Apartments unoccupied, which may be usefully disposed of for the better Accommodation of some other Branches of the Public Records. The Records of the Commission of Teinds, which it would not, perhaps, be expedient to withdraw from the Custody of the Clerks of that Court, are at present crowded into one of the smaller Apartments, where the whole Business of the Office is carried on, in a Manner by no Means suited to their Importance, or very consistent with their Safety. These I should propose to remove into one of the larger Apartments lately occupied as an Extracting Room; and if it should be found compatible with other necessary Arrangements, I should think it desirable that a smaller contiguous Apartment should also be allotted to the Clerks of the Teind Court for carrying on their ordinary Business.

The Accomplishment of the Plan for consolidating the Three separate Offices for Registration in the Books of Council and Session, which may be now confidently expected, will lead to a considerable Change in the Occupancy of several Apartments; and will make it necessary to set apart some others for that important

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register.
Scotland, 1810.

Branch of the Public Records. The Arrangement which has occurred to me as most expedient is, that the Justiciary Office should be transferred from its present Place into another larger Apartment in the same Gallery, lately occupied as an Extracting Room, in order to make Way for the new Registry of Council and Session; and I have the Authority of the Lord Justice Clerk to state to your Lordship, that he fully approves of such a Transference, if the pecuniary Means shall be found for carrying it properly into Execution. It is here that the main Obstacle occurs to the several Measures of this Description which I have now ventured to suggest, as well as to some others of the same Kind, which I should have otherwise long ago submitted to your Lordship's Consideration. It is irksome to be thus under the Necessity of recurring so often to the Topic of pecuniary Difficulty; but it is one which unhappily presents itself at almost every Step, and as to the Consequences of which I cannot more forcibly express myself than in the Words of the Committee of the Lords of Session: "To complete the necessary Arrangements in this great Repository of the Records of the Kingdom; to maintain it in a proper State of Repair; and, in some Degree, to anticipate or correct the incessant Injuries of Time and of Accident, on the vast Mass of Books and of Papers which it contains, are Objects of high National Importance; and it is therefore most earnestly to be wished, that the Means may be speedily provided for meeting that Expenditure, without which these Objects cannot be attained."

III. With respect to the minute Arrangement of the Books of Record, and the other miscellaneous Contents of the General Register House, it seems unnecessary in this Place to enter into any Details. One of the happy Effects of re-binding so many of the older Registers has been to render them much less bulky than they were before in their comparatively loose and incompact State, and thus to admit of various Alterations in placing the more voluminous Classes of Records. The ultimate Consequences of these Operations, in the Economy of Space, and in the more systematical Disposition of the whole of the Records, will, I trust, be very great.

Among the Objects of my particular Attention, I ought not to omit the Collection and Arrangement of the Original Public Documents and Papers which are yet preserved in the General Register House. The Loss or Destruction of the far greater Part of this important and interesting Class of National Muniments is a Fact, as to which unhappily there can be no Doubt, and which has been often the Subject of just and deep Lamentation. That the whole of the Public Records and National Muniments preserved in the Royal Archives of Scotland at the Death of King Alexander III. were swept away by the hostile Policy of Edward I. we know from authentic Evidence; and among the most curious Documents of that Period which yet remain, may be reckoned the Instruments and Inventories which were framed in Relation to the Removal of those Records. Of the intentional Destruction of any of them there is certainly no Evidence; and from the few which yet remain in the Chapter House at Westminster, it seems more probable that the rest have perished by Neglect and the gradual Ravages of Time. That any of them were restored to Scotland, after the Expulsion of Baliol, seems improbable; and the only Reason for any Doubt on this Head, of which I am aware, is to be found in the Treaty of Peace concluded between the Kingdoms in 1328, commonly called the Treaty of Northampton, the Originals and Records of which are preserved in the General Register House. It was one of the Articles of that Treaty, "That all Writings, Obligations, Instruments, and other Muniments touching the Subjection of the People and Country of Scotland to the King of England, together with all other Instruments and Privileges touching the Freedom of Scotland which might be discovered, should be given up and restored to the King of Scots, so soon as they could be found, according to a special Indenture or Inventory thereof." These formed undoubtedly the most important and interesting Class of the national Records; yet they certainly were but a small Part of what Edward I. had taken Possession of; and if the other Classes of Records were still in the Hands of the English, it seems strange and unaccountable that their Restoration should not likewise have been made a Condition of the Treaty. Certain it is, that in the General Register House there does not now exist a single Fragment of any Public Instrument or Record anterior to the Accession of Robert Bruce in the Year 1306.

Even from that Period, comparatively recent in the History of Scotland, the Number of Original Public Instruments which remain, independently of the Record of Private Rights, is very inconsiderable. Of the History and Extent of the successive Injuries which, in common with other Classes of Records, they may have sustained during the Fourteenth, Fifteenth, and Sixteenth Centuries, very little can be traced; and their usual Deposition in the Castle of Edinburgh, a Fortress deemed impregnable, ought to have protected them from all Injuries but those of Time. And undoubtedly the most fatal in its Consequences of all the Disasters which had befallen them since the Time of Edward I. was their Removal from the National Archives during the Civil Wars, in the Seventeenth Century. On the Surrender of the Castle of Edinburgh to the English Forces under Cromwell, in December 1650, it was made one of the "Articles of Rendition*"—"that the Public Registers, Public Moveables, Private Evidences, and Writs, should be transported to Fife or Stirling, and that Waggons and Ships should be provided for the transporting of them." In the Month of August 1651, when Stirling Castle was surrendered to the English Army under General Monk, the Governor made an ineffectual Attempt to stipulate "that the

" Records

* See "The Articles of Rendition of Edinburgh Castle to the Lord General Cromwell, &c. Dec. 24, 1650.—Published by Authority."—London, 1650—4to.

"Records of Scotland might be conveyed to some other Garrison;" and on taking Possession of it, there was accordingly found "all the Records of Scotland, the Chair, and Cloth of State, the Sword, and other rich Furniture of the Kings," &c.* These Records were soon afterwards transported to the Tower of London.

In September 1653, upon a Report from the Council of State, it was ordered by the Parliament, "that such Registers as concern private Persons' Rights, Securities, and Conveyances of Lands, Bonds, and Contracts between Party and Party, with their Warrants, and all Process of Plea be sent back to Scotland, to be disposed of as the Commissioners for the Administration of Justice there shall find expedient for the good of that Service; and that such as are of Public Concernment, and for the Benefit and Advantage of the Commonwealth, be preserved and kept†." This partial Restoration of the Records of Scotland does not appear to have been actually accomplished till the Year 1657, when in pursuance of several successive Orders of the Protector and Council, a Separation was made of the Registers and Records of a private Nature, from those of a public Nature, and the former were delivered over by Mr. Ryley, the Keeper of the Records at the Tower, to Sir Archibald Johnstoun of Waristoun, Lord Clerk Register, to be deposited in the proper Apartments in the Castle of Edinburgh. From the Inventory subscribed by these Officers, and which comprehends Registers of Charters, Signatures, Deeds, Decrees, Seisins, Lawburrows, Suspensions, Acts of Caution and Consignation, Comprisings, Valuations of Kirks, Hornings, and Inhibitions, and some others, being in all about 1,600 Volumes, it appears that they were brought back, and are now extant in the General Register House.

The other great Class of Records, more permanently valuable as National Muniments, and as the Basis of Constitutional History, were not in this respect so fortunate. It is well known, that after the Restoration, all that then remained, or were supposed to remain in the Tower, were shipped on board a Frigate, in order to be brought back to Scotland; and that of this Cargo eighty-five Hogsheads were in a Storm shifted out of the Frigate into another Vessel, which sunk with its Cargo at Sea‡. From this Wreck there escaped several most important Classes of Records, particularly those of the Parliament and of the Secret Council; but the Want of any Inventory of the Whole must leave us for ever in the Dark as to the real Extent of the Loss which was then sustained. Among the lost Records, however, we may probably reckon the Rolls of the greater Part of the Charters of Robert I. and David II. which were extant in the Reign of James VI. and which were not among the Registers delivered to Lord Waristoun in 1657; and the far greater Part of the Original Instruments of a public Nature, which must be presumed to have existed in the Archives of the Kingdom, at their Removal from Scotland in 1651§. It would be otherwise difficult to account for the inconsiderable Number of Original Documents of this Nature which are now to be found in the General Register House.

At the same Time it cannot be disguised, that among the Causes to which the Disappearance of such Documents may be traced, not the least powerful and fatal has been Neglect. To say nothing of what may have occurred at earlier Periods, or of the Accidents which may have attended the hurried Transference of the Records from Edinburgh to Stirling, and the successive Removals which preceded their ultimate Restoration to Scotland, it does not appear that even after this last Event, a becoming Degree of Anxiety was awakened for the Preservation and Arrangement of those National Muniments, which, from being unconnected with private Rights, were not immediately subservient to the Interest of Individuals. In the Year 1676, the Registers or Books of Records were arranged and entered in an Inventory, in pursuance of a special Order of the Court of Session; and further Orders were then given for the Arrangement of the Warrants of these Records. But it does not appear that any particular Care was bestowed on those detached Instruments and Papers of a public Nature to which I have been directing your Lordship's Attention. In a Paper drawn up by Mr. James Anderson, the Editor of "*Diplomata Scotiæ*," which now lies before me||, some strong Statements on this Subject are given. He insinuates, with what Degree of Justice I do not pretend to determine, that during the Period preceding the Revolution, there prevailed an Inclination to suppress or destroy such antient Deeds or Records as might have tended to illustrate the antient Freedom of the Constitution; but his Authority is of greater Weight when he informs

* See "A Letter of the Surrender of Stirling Castle, &c. with the Articles at large, for Surrender of the same.—Published by special Order."—London, 1651—4to.

† See "Proceedings relating to the carrying back into Scotland several of the Scottish Records," in Ayloffe's Calendars, &c. p. 351.—Journals of the House of Commons, Vol. 6. p. 316.

‡ See, in the Registers of Parliament, in the General Register House, B. xxv. Fol. 11,—January 11, 1661, Two Acts, exonerating the Persons to whose Care the Records had been committed. A Part of the Evidence taken on the Subject is preserved among the Warrants of the Parliamentary Record.—See also Return of the Lords of Session to an Order of the House of Lords relative to the Scottish Peerage, Feb. 27, 1740.—Acts of Sederunt.—Edinburgh, 1790.—p. 348.

§ That some of the Deeds and Instruments of the Kind here spoken of may have been embezzled by Individuals, before their Transportation to England, is not improbable. In a Manuscript by Mr. James Anderson, it is stated apparently on traditional Authority, that the hostile Seizure of the Public Records by Cromwell, "made some take what they could of them, thinking it no Trespass or Wrong in such a Case."

|| This Paper, in the Hand-writing of Mr. James Anderson, is entitled, "Note of my Collections, when, how, and why made." It is dated London, December 1714.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

informs us, that at a subsequent Period, when his own Researches afforded him the fullest Opportunities of Observation, the detached Instruments and Papers were suffered to remain "in Heaps or in Barrels;" and that he himself had "found valuable Papers loose upon the Ground, and treading under Foot, which probably, if known, would have gone the Fate of others. What yet may remain," he adds, "if duly looked after, I know not, there being many loose Papers uninventoried: but the Place where they are kept being dark and very unwholesome, and few or none applying themselves to that laborious Work, may make many Things in our Records obscure."

The Reality of this Indifference and Neglect does not rest solely on the Authority of Anderson. In the Return of the Lords of Session to an Order of the House of Lords in 1740, already referred to, it is stated among the Apologies they had to offer for the imperfect Information to be obtained from the Records as to the actual State of the Peerage, that besides the total Loss of Eighty-five Hogsheads of Records in 1660, "Ten Hogsheads more of the Records brought down from London at that Time, lie still unopened in the General Register House, through some Neglect of the Officers to whose Charge they were committed, that cannot be well accounted for*." In the Year 1753, the neglected State of these Hogsheads attracted the Attention of the Faculty of Advocates, and of several eminent Writers to the Signet. On an Application to the Court of Session in the Name of the Dean and Faculty, a Warrant was granted for their Examination in a convenient Place, by several Persons of Skill; and a Report of this Search was afterwards presented to the Court by the Dean and Faculty. This Report stated, that Messrs. George Chalmers, Samuel Mitchelson, and William Tytler, Writers to the Signet, attended by several other Gentlemen, and by James Ker, the Lord Clerk Register's Deputy Keeper of Records, "had inspected the Papers contained in Five of the above Hogsheads, and put such of them as were useless again into the Hogsheads; that such as appeared to be of Value they put in separate Parcels, with Labels expressing their general Titles, such as Royal Letters, Commissions, Charters, Retours, Seisins, Decrees of Valuation of Teinds, &c.; and delivered the same to the above James Ker, to be kept in some Place in the Laigh Parliament House. That their Time would not allow them to make particular Inventories; but that James Ker had made an Inventory of the Decrees of the Valuation of Tithes, which appeared to be the most necessary:—And that it would be of great Advantage to the Public, that some method were devised for inspecting the remaining Hogsheads, and for making exact Inventories of the Whole." For this Report the Gentlemen received the Thanks of the Court, and were requested to continue their Care and Inspection into the rest of the Hogsheads. I do not know that this Recommendation led to any immediate Consequences, or that any farther Research was made, till the whole of the Public Records were removed from the Lower Parliament House into the present Register House; when, after selecting what appeared to be valuable, the Remainder was deposited in one of the lower Apartments of the Building. In pursuance of your Lordship's particular Directions, these Papers have been again examined; and I have the Satisfaction of stating, that, after carefully sifting this half putrid Mass, a few curious and valuable Documents have been found. With respect to those which had been selected from the Hogsheads in 1753, it appears that the Parcels, in which they were then very hastily and confusedly put up, had been laid aside without further Examination. The Whole has been now carefully inspected; every Document of a public Nature has been separated from the Mass; and, together with the other Original Instruments of this Class preserved in the General Register House, they have been arranged in Chronological Order, and entered in a Calendar or Repertory, similar in Form to that of the Records relating to Scotland in the Chapter House at Westminster, compiled by Arthur Agarde in the Reign of James VI. To the Contents of this List I am afraid no considerable Additions are likely to be made; and, imperfect as it is, I persuade myself that its Publication will be gratifying to the curious, from whose Notice this Class of National Muniments has been hitherto almost entirely withdrawn†. I may here add, what indeed might be inferred from the preceding Account, that many of these Original Instruments are now in a State of Decay, and some of them much mutilated, and nearly illegible. In so far as they admit of being repaired, the utmost Pains shall be bestowed to save them from further Injury or Mutilation.

IV. As connected with the Arrangement and Disposition of the Records in the General Register House, it may be proper here to take notice of an Application that has been made to me by the Clerks of Session, relative to those Processes in the Court of Session in which the Decrees have never been, or cannot now be extracted; in which no Record of the Decrees can be formed; and which are therefore not regularly transmissible to the General Register House. Of these Processes a large and cumbrous Mass has gradually accumulated in the Offices of the different Clerks; for the ultimate Disposal of which there is no regular Provision by Law; but which it certainly seems expedient to remove from its present Situation. This Removal the Clerks of Session have urged as an indispensable

* See Acts of Sederunt, Edin. 1790, p. 348.

† Many Illustrations of this Remark might be drawn from the Writings of the most intelligent and inquisitive Authors on the History of Scotland. As a striking Example, I may refer to the famous Treaty of Northampton in 1328. In his "Annals of Scotland," Lord Hailes says, that "the Original Treaty is not extant, neither is there any Transcript of it to be found; yet, from a careful Examination of Public Instruments, and of the Writings of antient Historians, it may be collected, that the chief Articles of the Treaty were these following," &c. Vol. II. p. 127. But it now appears, that the Original Ratification of this Treaty is preserved in the General Register House; and, it is impossible to suppose, that it could have escaped the Researches of Lord Hailes, had its Existence been known at the Date of his admirable Work.

indispensable Measure ; at the same Time it is obvious, that sufficient Space for the Purpose cannot with Propriety be given in the principal Apartments of the General Repository ; and the lower Apartments of the Building could not be made fit for the Reception of these Papers but at a considerable Expense, to which the Funds of the Establishment are at present inadequate. Before any such Removal could take place, it would be also necessary that a complete Repertory of the Whole should be framed, by which any particular Process or Paper might be readily found ; and I understand, that in this preparatory Measure, no considerable Progress has been yet made by the Officers in whose Custody these Records are now placed.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Register, Scot-
land, 1810.

V. I have peculiar Satisfaction in reporting to your Lordship, that the Execution of the Measures for the better Preservation of the Records in the General Register House, under the Sanction of His Majesty's Commissioners on the Public Records of the Kingdom, have proceeded, during the last Year, with increased Rapidity. From the minute Details given in the Quarterly Report for the Year 1810, your Lordship will find that the Registers of Secret Council prior to the Restoration have been the principal Subject of the more delicate and tedious Process of inlaying. Having shared the common Fate of the Public Records of Scotland during the Civil Wars, they appear to have suffered severely in the Course of their successive Removals ; and it is probable, that some Parts of the Series were then entirely lost. The Proceedings recorded in these Registers are of the utmost Importance to the genuine History of Scotland during the Sixteenth and Seventeenth Centuries ; and the Preservation and Arrangement of the Series, so far as it remains, seemed well worthy of every Pains that could be bestowed on it. The Operations for this Purpose, on that Part of the Record which precedes the Year 1660, were begun in the Month of July 1809, and were completed in the last Quarter of the Year 1810 ; the Number of Folios repaired and inlayed amounting nearly to Twelve Thousand. The Whole of the Series, including those Volumes which have been of late deposited in the Justiciary Office, must be rebound.

The other Operation of rebinding Books of Record has also been continued with increased Rapidity. It has been chiefly confined to the Register of Seisins ; and, in the Course of the last Year, Eleven Hundred Volumes of that Record have been rebound in a substantial and suitable Manner.

The Measures I have alluded to, may be considered as in their Nature the most useful of any that could possibly be adopted with respect to the Public Records of Scotland. Of their general Propriety, every one must of course be satisfied ; but of the Degree of that Propriety, I may rather say, Necessity, those only can be aware, who have had Occasion particularly to examine the State of our Records. The Subject is, in my Mind, so important, that I hope to be pardoned for here making a few further Observations upon it.

On examining the most antient Records which yet remain to us, such as the Rolls and earlier Books of Royal Charters in the Fourteenth and Fifteenth Centuries, the Rolls of Public Accounts for the same Period, and some others, they will be found to have been formed of the finest Materials, and to have been written in the best Manner of the Times. As we descend to later Ages, almost every Species of Public Register and Record seems gradually to decline in Quality ; and, had we not before us the most humiliating Proofs of the contrary, we might have been induced to conclude, that long before the Close of the Eighteenth Century, the Keepers of Records had reached the lowest point in the Scale of Deterioration. The radical cause of this Evil may be traced to the Practice which has long prevailed, at least as to the more voluminous Records, of imposing the Expense of furnishing Books and framing the Records as a Burden on the general Fees and Emoluments of the respective Keepers. In this Manner the public Duty and private Interest of the Keepers have been placed in Opposition to each other ; the Chances of progressive Improvement have been counteracted ; and the increasing Price of every Article necessary to the Formation of a perfect Record, has been always at hand as a Pretext and Apology for any perceptible Decline in the Quality of the Materials, or in the Mode of Execution. Even in those Records, where the Books have been issued from the General Register House, but where they are in like Manner paid for by the several Keepers, the same Circumstances have had an Influence in occasioning their gradual Deterioration.

In no Part of the necessary Expense of framing the Public Records, has there been a more ruinous Economy than in the Article of Binding : and, in this Particular, it must be admitted, that with some inconsiderable Exceptions, the Records of the Sixteenth and Seventeenth Centuries have been originally as defective as those of later Date*. Few of them have had any other covering than of loose Parchment or " misused Vellum ;" and, from the

* On this Subject there is to be found a mortifying Testimony in the Writings of an English Lawyer of considerable Note, who had an Opportunity of observing the State of the Records of Scotland during the Period of their Detention in the Tower of London. The Author to whom I allude is Fabian Philipps of the Middle Temple, Esq. who has left behind him several Treatises on the Impolicy of establishing in England a Registry of Deeds and Conveyances. One of these is intitled, " The Reforming Registry ; or a Representation of the very many Mischiefs and Inconveniences which will unavoidably happen by the needless, chargeable, and destructive Way of Registries proposed to be erected in every County of England and Wales, for the recording of all Deeds, Evidences, Mortgages, and whatsoever may incumber the Sale or Settlement of Lands not being Copyhold, &c.—the greatest Part thereof being written in the Year 1658.—London 1671." In his Zeal to counteract the pestilent Example of Scotland, the Author has bestowed a great deal of Pains in endeavouring to explain and expose our System of Registration, in a tone of Violence and Prejudice which can now only excite a Smile. The following Passage, though deeply tinged with Exaggeration and national Contempt, is but too well warranted

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

the very inartificial and imperfect Manner in which the Books have been compacted, their Leaves are either altogether detached from the Cover, or in hazard of falling to Pieces on every Occasion of using them. Even in the most valuable Classes of Records, in those, for example, of the Lords of Council, or in the Registers of the Secret Council, the Decay of this miserable Binding has, in many Instances, occasioned the total Loss of Leaves and Parts of Volumes, and, in many more, a Degree of Confusion in the Arrangement of the broken Fragments that remain, which it has often required the Labour of Days to unravel. In latter Times the Mode of binding has been somewhat different; but, in the primary Qualities of Strength and Durability, it has been at least equally defective; and in general Appearance, it has been, if possible, still more mean and unworthy of the Public Records of a civilized Country.

These Observations I have thought it proper to make, in order to show in its true Light and Utility the Importance of the Measures which His Majesty's Commissioners have been pleased to sanction, for repairing and rebinding certain Classes of the Public Records of Scotland. Of the Existence of the Evil, your Lordship has been long aware; but it was an Evil to which, in your official Capacity, your Lordship had not the Means of applying any adequate Remedy. Its Extent was, indeed, so formidable, that the Application of any effectual Remedy had been usually considered as chimerical and desperate. Looking, however, to the Importance of the Object, there was certainly no good Reason for Despondency. The Operations of repairing a great many of the more antient Records, and of rebinding a considerable Proportion of the Whole, were obviously of a tedious and expensive Sort; but, in comparison with the obvious Advantages of the Measure, that Expense cannot be regarded as any Objection, or even as any serious Obstacle to its Execution; and of this I am persuaded, that no other Expense of equal Amount could be so usefully betwowed on the Records of this Part of the Kingdom. In stating these Views of the Subject, I derive much additional Confidence from knowing that they coincide with the Sentiments of the Judges of the Court of Session, whose Committee, in Two successive Reports, have expressed "their peculiar Satisfaction in observing the Operations now in Progress for the better Preservation of the Records of the General Register House, for which the Public are indebted to the Interference of His Majesty's Commissioners on the Records of the Kingdom;" and who, while they applaud "the wise and liberal Policy by which these measures have been dictated," have "expressed their earnest Hope that they may experience no Interruption until this Important national Work shall have been fully completed."

VI. In the Quarterly Reports to His Majesty's Commissioners for the Year 1810, your Lordship will continue to remark the Progress that has been made in printing some of the more antient and valuable Records preserved in the General Register House, and in framing and printing Abridgments and Indexes of some others;—a Class of Measures to which I have alluded in my former Annual Reports, but the Importance and general Interest of which may justify a more ample Account of their Nature and Objects.

1. From their Dignity and general Importance, the first Place is due to the Records of the Parliament of Scotland; of which a Collection from the earliest Period down to the Union of the Kingdom with England in 1707, has been undertaken, and is now in a State of regular Progress. In the Plan of this Work are comprehended not only the Statutes and Public Ordinances of the Legislature, but every other Proceeding of a judicial or administrative Nature, of which any authentic Record is preserved; and in this Respect it is vastly more extensive than any of the Compilations projected or partially executed at former Periods.

In

by the exterior Appearance of the Records to which he alludes. After stating in detail the Fees of different Sorts of Registration and Law Procedure, the Author proceeds:—"The Poverty, Peasantry, and Vassalage of the Tenants, and common Sort of People of that Nation, their great Want of Money and Silver, which may make smaller Fees to be big and unwieldy; and that more Labour may be had there for a little Money where it is scarce, than where it is more plentiful, may without any Force or Imposition put upon any Man's Belief be understood to be so large enough and sufficient, as that they might have bestowed a better Care and Dress upon their Records and Registries of their Law Matters, then by their homely recording and registering of them, to render and expose them to be but rather as so many Abortions, Outcasts, and Neglects of Time, than Records and Registers, which being for the most Part (some few little Parchment Bukes of Memorials onely excepted) but clad in Paper, and reaching very little beyond One hundred Years last past; and their Writs and Process as so many Scraps and Fragments, nastily crouded and crammed together, in sordid, broken, and tattered Pokes, as they call them, or little Bags of misused Parchment or Canvas made them whilst they were in the Tower of London, (though with great Pains and Care there put into a more cleanly and orderly Custody), seem to be but as the Misusage of Records and Registries, and Deformity itself imprisoned and taken captive."—p. 287—9.

Some Account of the Author, from whose Writings this Quotation is made, may be found in Wood's *Fasti Oxonienses*, Vol. II. Edit. 1721, Col. 3.—and in *Biographia Britannica*, Vol V. From the general Style and Spirit of his Work on Registration, a Reader of the present Day will not be disposed to rate his Understanding very high; at the same Time it should not be forgotten, that even in Scotland similar Prejudices were then but lately exploded. In the Year 1609, the Scottish Convention of Estates passed an Act abrogating the Register of Seisins (which had been first established by Statute in 1600)—"the same Register serving for little or na uther Use then to acquire Gayne and Commoditie to the Clerkis Keiparis thair of, and to draw His Majesties good Subjects to neidles, extraordinarie, and most unnecessair Trouble, Tormoyle, Fasherie, and Expenss, howsoever the generall Wele and Benefite of the hole Estait was pretendit, at the making of that Statute." This clamorous Denunciation of a Record, which was re-established by Act of Parliament in 1617, and which has been since regarded as an Object of National Pride, must be ascribed in part to Political Animosity against the Secretary Elphinston (Lord Balmerino) by whom its original Establishment had been promoted, and who had then recently fallen from his official Power and Influence.

In the Course of the Fifteenth, Sixteenth, and Seventeenth Centuries, there may be traced a very interesting Series of Attempts to rescue from the Injuries of Time and of Accident the more antient Laws of the Realm ; to restore them to a State of Purity and Authenticity ; and ultimately to reduce the Whole into a more systematic Form. Indeed the main Object in view seems to have been, not so much to restore the genuine Text of those Treaties and Compilations of Law which were then currently in use, or to distinguish those Parts that were Authentic from such as were Spurious or Apocryphal, and thus to ascertain what actually was the Law of the Realm ; as to consider and determine what it was expedient to adopt as Law, and what Alterations and Amendments it was desirable to introduce into the Municipal Code.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

As early at least as the Beginning of the Fifteenth Century, various Collections of antient Statutes and Ordinances, blended with legal Treatises and Compilations of very questionable Authority, appear to have been current in the Country, and to have obtained a certain Degree of Credit in Courts of Justice. Of these Collections and Compilations there was no fixed Standard or Record ; and the "Fraud and Guile" which were occasioned in Judicial Proceedings by the Want of an authentic Code, was one of the many Subjects of useful Reform which engaged the Attention of the Legislature in the Reign of James I. In March 1425-6, "It is sene spedful and ordanit be the King and the Parliament, that Sex wise and discrete Men of ilkane of the Thre Estatis, the quhilkis knawis the Lawis best, sal be chosyn, quha (sen Fraude and Gyll awe to help no Man,) sal se and examyn the Bukis of Law, that is to say, Regiam Majestatem and Quoniam Attachiamenta, and mend the Lawis that nedis mendment*."

It would be here out of Place to consider how far any legitimate Inferences may be drawn from the Terms of this Act, respecting the Authenticity of those well known Treatises which are here specified as giving a general Name to the "Bukis of Law," which were to be the Subject of Examination and Revision. Of the actual Failure of the Attempt to establish a correct and uniform Text we may judge from the various Manuscripts of those Books, posterior in date to the Statute 1425, which are yet preserved, and which exhibit a wide Diversity of Readings in numberless Instances. Indeed the Growth of this Evil appears not to have been checked ; and, in the Reign of James III, the Plan of a General Revision of the Laws and Statutes of the Realm, and of a Digest of the Whole into one Code, was again taken up by the Legislature. Among the various Matters which, in the Parliament, Nov. 20, 1469, were referred to a Committee of Twelve to "avise and commune" upon, and to report to the next Parliament, was the following : "Item of the Reductione of the Kingis Lawis, Regiam Majestatem, Actis, Statutis, and uthir Bukis, to be put in a Volum, and to be authorizit, and the Laif to be destroyit †."

It may be regarded as fortunate that this rude Project, like the former, proved abortive. Of the Labours of the Committee nothing appears on Record ; and it may be presumed that this authoritative Compilation was abandoned as an impracticable and hopeless Attempt. There is, at least, no Doubt, that "the Laif" escaped that Destruction to which, on the Completion of the projected Code, they had been destined by the Scottish Parliament.

In the succeeding Reign of James IV. a more useful and practicable Design was conceived, for giving Publicity not only to the Laws of the Kingdom, but also to its Historical Monuments and Ecclesiastical Rituals. In the Year 1507, the Art of Printing was introduced into Scotland under the Royal Auspices, avowedly for the purpose of "imprenting within our Realme the Bukis of our Lawis, Actis of Parliament, Croniclis, Mess "Bukis," &c. and exclusive Privileges were conferred on the first Printers for their Encouragement and Support in the Execution of these National Works. These, however, had not proved an adequate Inducement to the Publication of the Acts of Parliament ; and it was not till the Year 1541, that any Part of the Scottish Statute Book appeared in print. A Selection from the Acts of several Parliaments of James V. was then published by Legislative Authority ; and, at the Distance of Twenty-four Years, this was followed, in 1565, by the Publication of the Acts of a Parliament of Queen Mary, in 1563.—But the Utility of a more extensive Compilation of the Laws and Statutes of the Realm began at length to be strongly felt ; and in 1566, on the Suggestion of the celebrated John Lesley, Bishop of Ross, there was issued a Commission by the Queen under the Great Seal, setting forth the Necessity "that certane leirnit wyse and expert Men quhilkis best knawis the Lawis sould be "chosen to see and examinat the Bukis of the Law and set thame furth to the Knowlege of Her Subjectis ;"—and appointing the Chancellor, and other Officers of State, together with certain Lords of Session and Advocates, to be Her "Commissaris in that Part,"—"gevand to them (as Persounis of quhais Science and Experience in "the Lawis of the Realme, Her Majestie speciallie dois confide and is assurit of thair Industrie and trew "Diligence in executing and perfyting of Hir Command and Chargeis) full Powar and Autoritie, expresse "Command and Charge in Her Name and Behalf, to visie, syght, and correct the Lawis of this Realme maid "be Her and Her maist nobill Progenitouris, be the Avise of the Thre Estatis in Parliament haldin be thame, "beginnand at the Buikis of the Law called Regiam Majestatem and Quoniam Attachiamenta, and swa "consequentlie following be Progress of Tyme unto the Dait of this Commissioun : Swa that na uthers bot "the

* Acta Parliamentorum Jacobi I.—11 Martii A.D. 1425,—10.

† Acta Parliamentorum Jac. III.—Nov. 20. A.D. 1469,—20. The Act here referred to is not printed in the First Edition of the Statutes 1566. In that of Sir John Skene, in 1597, it is erroneously given as a Part of the Proceedings of a Parliament in 1487. This is one of the very few Additions made by Skene to "the Black Acts."

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

“ the saidis Lawis sychtit mendit and correctit be Her saidis traist Counsalouris and Commissaris, or ony Sax
“ of them, conjunctlie, salbe be Her Privilege, Imprintit or have Place, Faith or Autorite to be allegeit and
“ reheirsit afoir ony Her Jugeis and Justices quhatsumever in judgement and outwith.” And Her Majesty
further “ promits to cause this present Comissioun with all and quhatsumever Thingis quhilkis Her saidis
“ Counsalouris and Commissaris be vertew heirof sall happin to do, performe, accomplishe, and determinat,
“ be ratifeit, apprevit, and perpetuallie confirmit be the Avise of the Thre Estatis in the nixt Parliament*.”

Although the Plan was thus limited to that Portion of the Proceedings of Parliament which consists of general Statutes and Ordinances, yet the Execution of the Whole was found to be a Task of serious Difficulty : And, in the Preface to their Edition of the Statutes, it is stated, that, “ in the undertaking of this Charge and Work, the
“ saidis Lordis thocht it maist expedient for the present to begin at the mending and furthsetting of the Actis
“ of Parliamentis halden be Kingis James the first, secund, thrid, feird, and fyft, and be Hir Majesteis powar
“ havand and Hir self ; and thairefter in all gudlie diligence to reik and extend thair cure to the emendatioun
“ and publicatioun of the precedent and mair ancient lawis, the quhilkis, as they ar mair difficill to be decernit
“ on, swa they requyre langar tyme to thair dew correctioun.”

In the Execution of that Part of their Task to which the Commissioners confined themselves, they appear to have proceeded with a Degree of Dispatch which precludes the Supposition that due Pains or Care could have been bestowed on the minute Details of Collation and Correction. A Volume containing the Acts of Parliament from 1424 to 1564 was printed within Six Months after the Date of the Commission† ; and although the subsequent Loss of some Parts of the Original Record, then extant, has unfortunately given to this Edition an adventitious Degree of Value and Authority, it is impossible to deny that it bears abundant Marks of that Precipitation with which it was thrown upon the Public. To the more arduous Part of their Task, the Emendation of the more antient Laws, it does not appear that these Commissioners ever afterwards proceeded : and it may be presumed that the political Events of the following Year put an End to the Undertaking altogether.

Within a few Years afterwards, another Project was formed, resembling, in one of its leading Features, the abortive Attempt in the Reign of James III. for reducing the whole Body of the Law into One authoritative Code. In a Council, or Convention of Estates held in 1574-5, during the Regency of the Earl of Morton, the Chancellor and other distinguished Persons were appointed to assemble, and with the Aid of such Lords of Session and Advocates as they might think fit to associate in their Labours, “ to visite the Bukis of the Law, Actis of Parli-
“ ment, and Decisionis befor the Sessioun ; and drawe the Forme of the Body of our Lawis, aillswell of that
“ quhilk is alreddy Statute, as thay Thingis that were meit and convenient to be Statute ;” in the View of after-
wards establishing, by the Authority of the Legislature, “ samekell thairof as salbe found gude and allowabill,” —
“ quhairthrow

* “ Our Soverane Ladyis Commission for viseing, correcting, and imprinting of the Lawis and Actis of Parliament ;” — dated May 1, 1566 ; prefixed to the First Edition of the Statutes. The Commissioners were, “ George Erle of Huntlie
“ Lord Gordoun and Badyenach, our Chancellar, Archibald Erle of Ergyle Lord Campbell and Lorne, James Erle of Murray
“ Lord Abirnethy, James Erle Bothuile Lord Hailis Chreichtoun and Liddisdail, John Erle of Athole, Lord Balvany,
“ Williame Erle Marchell Lord Keith, John Erle of Mar Lord Erskin, Reverend fathers in God Johne Bishop of Ros
“ Commendatour of Our Abbay of Lundoris, Alexander Bishop of Gallaway Commendatour of Inchaffray, Adame
“ Bishop of Orknay, Schir Richard Maitland of Lethingtoun Knycht, keipar of our Privie Seill, Schir James Balfour of
“ Pittindreich Knycht, Clerk of our Register, Schir John Bellenden of Auchinnoull Knycht, Clerk of our Justiciare ;
“ Maister Williame Baillie Lord Provand, Maister John Spens of Condie, and Robert Chreichtoun of Eliok, our Advocatis ;
“ Maister David Chalmer, Chancellar of Ros, and Maister Edward Henryson, Doctour in the Lawis,” &c.

In the Preface to this Edition of the Statutes, it is said, that “ albeit nane of all the Lords Commissaris can be praised
“ aneugh and proportionallie to thair Worthynes for the Travell and Diligence takin be thame in this present Edition and
“ Outset, yit in speciall with all Menis Favouris, Twa of the saidis Lordis ar to be remembrit and commendit : Thay are to
“ say, ane Reverend father in God Johne Bishop of Ross, Lord of our Soveranis Secreit Counsaill and of Hir College of
“ Justice, for his Suggestioun to our Soverane of this notabill Purpose, eirnestfull performing of the said Comissioun, and
“ Cure in convening of my Lordis Commissaris his Colligis, and Liberalitie in the Furthsetting of this Imprinting : And
“ Schir James Balfour of Pettindreich, Knycht, Clerk of the Register, &c. for his sinceir, afald, and glaid Concurrence
“ to perfyte this Wark and Exhibitioun of the Originallis out of the Register, and making of thame patent at all Tymes,
“ on na wayis regardand his awin particulare outhr Proffeit or Gloir, bot onlie the common Weill of the Realme.” — The
Writer of this Preface, and the Person upon whom the active Duties of Editor appear to have been devolved, was
“ Maister Edward Henryson, Doctour in the Lawis ;” in whose Favour the Queen granted an exclusive Privilege and
Licence “ to imprint, or cause imprint and sell, the Lawis and Actis of Parliament, that is to say, the Bukis of Law callit
“ Regiam Majestatem, and the remanent auld Lawis and Actis of Parliament consequentlie maid be Progress of Tyme
“ unto the Dait of thir Presentis, viseit, sychtit, and correctit, be the Lordis Commissaris speciallie deput to the said
“ viseting, sychting, and correcting thairof, and that for the Space of Ten Yeiris next to cum.” This Licence, dated
“ June 1, 1566, is prefixed to the Edition of Statutes in that Year. The Record of the Instrument, in the Books of
the Privy Seal, contains some Clauses and Expressions omitted in the Printed Copies. — Doctor Edward Henryson was
one of the Judges appointed on the first Establishment of the Commissary Court of Edinburgh in 1563. In 1565 he
was appointed an extraordinary Lord of Session.

† Some Copies of the Book are dated October 16 : — but the greater Number are dated November 28, 1566. During the intermediate Period, certain Acts, relative chiefly to the Suppression of the reformed Doctrines in Religion, have been cancelled.

" quhairthrow thair may be ane certane writtin Law to all oure Soverane Lordis Jugeis and Ministereis of
" Law to juge and decyde be*."

Appendix,
(W. 7.)

The Conception of this Plan has been ascribed to the Regent himself, by Hume of Godscroft, the Historian of the House of Douglas; who says, "Hee set a foot a great good work, and would (no question) have seen it perfected, if hee had brooked his Regencie a while longer, which was the reducing of our lawes into a more easie forme, and method, than now they are. The Care of this," he adds, "was committed to, and the Task laid upon Sir James Balfoure, and Master John Skeene, Clerk Register, and Master of the Rols. The Work (as I am informed) was well advanced, but when he quit his Authority, they left off any further proceeding in it†." It would be a Matter of considerable Curiosity and Interest to trace the Proceedings which really took place in the Execution of this Work; but its History seems to have been lost Sight of, and nearly forgotten amidst the Cabals and Intrigues of that busy Period. That Sir James Balfour was one of the original Commissioners, is certain‡; but it may be doubted how far a Person of his Age and official Rank, to say nothing of other Circumstances, was likely to be engaged in the Details of so laborious a Work, were it not for the remarkable Coincidence of the Plan, with that of a well known Collection from the Books of Law, Acts of Parliament, and Decrees of the Session which has been handed down in Manuscript under the Title of "Balfour's Practicks;" and which was printed in 1754. If I might be allowed to indulge in Conjecture, I should be inclined to suppose that the Conception or Project of this Digest of the Laws may have originated with Balfour; that his own Exile afterwards precluded him from continuing to take any Part in its Execution; that the active Drudgery of the proposed Investigation was devolved upon younger Men; and that the unfinished Result of their Labours is perhaps no other than the Volume of "Practicks" to which the Name of Sir James Balfour has been traditionally annexed§.

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

Certain it is, that at an early Period in the Progress of the Work, Mr. John Skene, who had then recently finished his academical Education abroad, was assumed as one of its Conductors; and continued to devote his Time to its Execution for several Years after. Of this Part of his Labours, he has indeed said nothing in any of his Printed Works; but that such was the Fact appears from the Grant of an annual Pension out of the Thirds of Ecclesiastical Benefices, which was made to him in 1577; in which it is stated, "that forsamekle as our Soverane Lord, he advise of his derrest Regent, haid chargeit Mr. Johnne Skene to serve and travell with certane utheris in the revewing of the auld Municipall lawes of this realme, and of the Registeris of the Decreitit gevin be the Lordis of counsale, with the actis of Parliament; to the effect that all being togidder considerit and sene, it may be proponit to the States that thair sould be made ane certane Lawe, be the quhilk all our Soverane Lordis liegis may be governit, in the quhilk the said Mr. Johnne haveand speciall command of the said Lord regent hes this lang tyme bypast concurrir and diligentlie travellit, and hes bene thairby withdrawin fra the awaiting upoun the said Sessioun, and likewise man attend ane lairge space heirefter upon the perfectioun of the said werk already undertakin, be the quhilk he hes bene and wilbe abstractit and disapointit of his audience and attendance in the said sessioun, quhairunto he addictit himself at his last arryving in this realme frome the scullis, and in lykwise from his uthir cure office and industrie, quhairby-he mycht advance himself to have honest and profitable furtherance for his sustentatioun;" and therefore,

* The Act here referred to is preserved in the Registers of Secret Council, and is in the following Terms:—"Apud Halirudhous quinto Marcii anno, &c. lxxiii"—"Anentis the Sichting, Collection, and Reformation of the Lawis of this Realme."—"My Lord Regentis Grace and Estattis presentlie convenit, understanding the Harm quhilk this Commoun Weill sustenis throw Want of a perfyte written Law, quhairupoun all Jugeis may knaw how to proceid and decerne, Thairfor it is thocht convenient and concludit, that thir Personis following, thay ar to say, Johnne lord Glamis, chancellair, Williame lord Ruthven, thesaurare, Robert lord Boyd, Johnne lord Hereis, James commendatäre of Pittenweme, Maister Williame Baillie lord provand, president of the College of Justice, Maister James Haliburtoun provest of Dunde, Maister Michael Cheisholme burges of Edinburgh, and Johnne Patersoun provest of Couper, sall convene togidder in Edinburgh upoun the tent day of apryle nixtocum, and thair calling unto thame sic vtheris of the lordis of the Sessioun or advocatis as they sall think expedient, sall begin and visite the Bukis of the law, actis of parliament, and decisionis befor the Sessioun, and draw the forme of the body of our lawis alsweill of that quhilk is already statute, as thay thingis that were meit and convenient to be statute, That the same being reportit agane to the estatis, it or samekell thair of as sall be found gude and allowabill may be ratifit and establisit in parliament, Quhairthrow thair may be ane certane written law to all our soverane lordis jugeis and ministeris of law to juge and decyde be."

† History of the Houses of Douglas and Angus, by Master David Hume of Godscroft.—Edinburgh, 1544. in Folio,—p. 358.

‡ I presume that Sir James Balfour is the Person described in the Act of the Council as "James Commendatäre of Pittenweme." Previously a Lord of Session, and Clerk Register, he obtained a Grant of the Priory of Pittinweem in Commendam, September 1567. In December 1567 he was promoted to the Place of President of the College of Justice; and, in the Records of the Court of Session, he is described thus: "M. Ja. Balfour, Commendatarius de Pettinweme Preses." He was superseded in that Office in 1569: But there is no Reason to doubt that he retained the Priory of Pittinweem. These Circumstances would not have been deserving of Notice in this Place, had it not been heedlessly asserted by his Biographer, Mr. Walter Goodall, that Sir James Balfour was not one of the Commissioners named in the Act 1574, and that he was then in exile.—See Preface to Balfour's Practicks.—p. viii.

§ In the oldest existing Copy of this Work, which is preserved in the Advocates Library, and which I should conjecture to have been written about the Year 1600, Balfour's Name does not appear, except in a Hand comparatively recent. I am not at present aware of any Authority for ascribing it to Sir James Balfour more antient than the Reign of Charles II.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

therefore, "that the said werk interprisit being sa necessar for the commoun weill" may not. "seis in default" of expensis for sustenyng of thame quha sall travell thairintill," &c.—a Pension is granted to him for his Life, out of the Revenues of the Abbey of Aberbrothock*. This Pension was, on the same Grounds, confirmed to Skene Two Years afterwards; but as that Confirmation might have been obtained through the Influence of Morton, it does not contradict the Assertion of Hume of Godscroft, that the Undertaking did not survive the political Elevation of its alleged Author. Whoever may have been its original Advisers and Supporters, the Idea of such a Digest was obviously suggested by the Compilations of Justinian; and in a Country where the Roman Jurisprudence was a favourite Object of Attention, and where the Materials of our own Municipal System were buried in Manuscripts and Records inaccessible to ordinary Students, it was not unnatural that "a Body of our Lawis," formed on the Roman Model, should be regarded as a most desirable Acquisition. Having apparently excited so much Interest and Expectation at the Time, it is surprising that this National Work should have left no distinct Traces of its Progress; unless it be supposed, that the crude and incomplete Collections of Skene and his Coadjutors, are preserved to us in the Compilation ascribed to Sir James Balfour.

From the Accession of James VI. Selections from the Public Acts of successive Parliaments were printed with some Degree of Regularity, and formed a Sequel to the Collection published in 1566. Still, however, it was felt, that much remained to be done for retrieving from Obscurity this Part of the Municipal Law; and in the Parliament at Edinburgh, June 1592, an Act was passed, ordaining the Chancellor, with the Assistance of some of the most distinguished Lawyers of the Time, "to visite the lawis and actis maid in this present Parliament, and all utheris municipall lawes and actis of Parliament bygane, quhair of thair is registaris or autentik monumentis extant; and to consider quhat lawis or actis necesserlie wald be knawin to the subjectis, quhilkis suld be kepit and obeyit be thame; ande to mak thame inexcusable of ignorance, to caus the samen lawys and actis be copyt, and autentik copies subscrivit to be deliverit to his hienes prentar†," &c. The Plan thus prescribed by the Parliament was similar in its Nature and Extent to that of the Royal Commission of 1566; unless perhaps in so far as it was modified by the perilous Discretion of determining "quhat lawis or actis necessarilie wald be knawn to the subjectis, quhilkis suld be kepit and obeyit be thame." Among the Persons to whom this important Task was assigned was Mr. John Skene; who not long afterwards was advanced to the Office of Clerk Register, and upon whom the Execution of the Work appears to have been devolved. Like his Predecessors in the Reign of Mary, he did not find it expedient, in the First Instance, to go back to the earliest Period of "Registers and authentic Monuments;" but like them commenced his Publication of the Statutes from the Return of James I. in 1424, and continued it downwards to December 1597. In that Portion of the Volume which contains the Statutes prior to James VI. he has followed closely the Edition of 1566, with the Omission of a considerable Number of Statutes which he must be presumed to have thought unimportant, and with the Addition of a very few, which do not certainly bear any obvious Characters of Preference to the former. In the Choice of Materials for the subsequent Part, he seems, in a great Measure, to have been directed by the successive Publications already alluded to‡; and throughout the Whole, he would appear to have rarely consulted the Original Records; and has, in many Instances, adopted the Errors of former Editions with heedless Servility§. With the Exception of those Statutes of most recent Date, which had not been printed before, he cannot be said to have added much to the Stock of public Instruction: but he had the Merit of proceeding afterwards to the more arduous Part of the Undertaking, and of giving to his Countrymen, for the First Time, a Collection of the more antient Laws of the Realm. The Difficulties and Hazards of the Task must be, on all Hands, admitted to have been great; though his own

Statement

* The Pension granted to Skene was 10 Chalders of Meal annually. The Grant is dated at Dalkeith, June 10, 1577. It was ratified and confirmed in 1579. These Grants are recorded in a Register of Ecclesiastical Benefices preserved in the General Register House.

† This Act is intituled, "For vistting and caussing of the lawes and actes of Parliament to be prented."—The Chancellor at this period was "Johnne lorde of Thirlstane;" and the Lawyers appointed to assist him were, "Mr. Johnne Lindsay, parsoun of Menmure, (a lord of Session from 1581 to 1597), Alexander Hay of Easter Kennet, Clerk of Register, (and also a Lord of Session from 1579 till his Death in 1594), Maister Johnne Skene, advocat, Mr. George Young, archdeacon of Sanctandrois, Mr. Thomas Hammiltoun, appearand of Preistfield, (afterwards first Earl of Haddingtoun), Maister Williame Scott, Directour of Chancellarie, and Maister Johnne Hay, Sone and Deput to the said Clerk of Register."

‡ The latest of these Sessional Publications certainly known to exist is that of the Acts of Parliament in Mary, 1584; but traces have been said to exist of subsequent Publications in 1588 and 1594. With these ends the Series of what have been usually known by the Name of The Black Acts.

§ The utility of this Publication, however, and the Merits of the Editor, appear to have been very favourably appreciated by his Contemporaries. In "the Conventioun of the Nobilitie and Estaites haldin at Halyrudhous the penult Day of Junij, anno 1598," the following Act was passed, "Anent the selling of the actis of Parliament."—"Oure souerane lorde and estaitis presentlie convenit considering with what grit charges and expensis the hail actis of parlement maid be his haienes and nobill progenitouris of worthie memorie hes bene imprentit be Mr. Johnne Skene, clerk of Register, and that nathing is mair necessar for the hail leigis of this realm nor the knowledge of the saidis lawis and actis of parliament, that be the ignorance of the same they pretend not ane excuis for thair offence: Thairfoir his hienes and estaitis hes remittit ordour to be takin be the Lordis of Sessioun how that the saidis actis alreddy imprentit may be bocht be sic subjectis within this Realme as ar of that substance and habilitie to by the samyn: And declaris that quhateuer in the said mater salbe concludit be the saidis lordis sall haif the strenth, force, and effect of ane act of this present convention. Sic subscribitur. JAMES R."

Statement of them certainly seems to be tinged with much Exaggeration. In a Dedication to the King, he has thus expressed himself:—"Constitutionibus tuo mandato in lucem editis, quæ in publicis regni tui Scotiæ Comitibus, post Regem Robertum ejus nominis tertium, promulgatæ sunt (Acta Parlamenti vulgo vocant) cum in priscas et antiquas leges, paulo diligentius inquirerem, incidi in Augæ stabulum, quod ne Herculis quidem labore purgari aut evacuari potest. Libri enim complures mihi obijciuntur; antiquæ quidem fidei, sed tinearum et blattarum epulæ. In his multæ, quæ antiquitatem nobis ignotam, et judiciorum formulas olim usitatas, nunc ab usu remotas, sapiunt. Verba peregrina, prisca, obsoleta, et antiquata, quæ facilius admirari quam interpretari licet."—"In his quoque libris, scriptorum imperitia et negligentia, multa corrupta, divulsa, multa sparsim et confuse digesta, quæ sensum corrumpunt, aut nullum reddunt. Verum tamen ab opere incepto non destiti."—"Ut igitur ursus informem partum, lambendo informat; ita improbro labore, fructum aliquem, nescio an satis solidum, et maturum, ad communem Reipublicæ usum, producere conatus sum. Quantum enim ipsius rei difficultas, timoris attulit, tantum ademittit ejusdem rei, a nullo adhuc tractatæ, nulliusque pede tritæ, tum novitas, tum utilitas*."

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

In the Month of August 1607, Sir John Skene at length exhibited to the Parliament of Scotland the Fruit of these painful Researches and critical Labours, in a Volume prepared by him for the Press, containing the Treatises called *Regiam Majestatem* and *Quoniam Attachiamenta*, with several others of lesser Importance, and a Collection of Statutes prior in Date to the Reign of James I. at which his former Publication had commenced. This Compilation seems to have been received by the Legislature with high Approbation; and in an Act passed "In favouris of the Clerk of Register, anent the prenting of the Book callit *Regiam Majestatem*," it is stated, that "the auld lawes of this realme befor the dayes of King James the First wer almaist perisheit and not extant, and sua money of thame as were extant wer writtin in paperis and were altogiddir uncorrect:"—And that in pursuance of former Acts and Ordinances to that Effect, the Clerk of Register "hes be his gret travellis painis and expensis visitit correkit mendit and reduceit in ane volum the saidis auld lawes of this realme befor the dayes of King James the First; the quhilk volum continand *Regiam Majestatem* and utheris lawes the said Clerk of Register hes presentit befor the haill estatis of this present Parliament; whilk they have considerit, and hes allowit thair of as memorable and worthie actis to be prentit, wherewith and be the actis of Parliament maid sensyne the haill leges of this realme sall be judgeit reulit and governit."

This Work, so long expected, and so anxiously desired by his Countrymen, was published by Skene in 1609, both in the Latin original, and in a Translation professedly executed by himself, "out of Latine in Scottish Language." Of this latter Work he states in "the Epistle to the Reader," that "His Majestie being one benevolent and loving King toward his subjects, willing them to know his lawes, hid and concealed fra them of before, and to conforme their maner of living and obedience thereunto; and understandand that lawes cannot be profitable to them wha are ignorant thereof, commanded me promoted be his Majestie, to the office of the Clerk of Register, Councill and Rolles, to translate and convert the samine auld lawes forth of Latin in English, that the samine may be knowine to all his subjects."—He afterwards adds, "Quhat I have done, I remit it to thy judgment and censure: I have travelled meikill, ane lang time; but how profitable I cannot declare. I am the first that ever travelled in this mater, and therefore am subject to the reprehension of many, quha sall follow after me; quhem I request maist friendlie to take in gude part, all my doings. For my purpose and intention was to correct, interpret, and reduce the auld lawes to their awin integritie, that they might be understand with some frute be all Our Sovereigne Lords lieges."

These Two Publications of our ancient Law appear to have been received by his Countrymen with all that Favour which their Editor so earnestly bespeaks. It may indeed be fairly doubted if any of his Contemporaries were at Pains, by a critical Examination of the ancient Manuscripts, to form a just Estimate of their Merit: nor was it till a Period comparatively very recent, that the Labours of Skene were subjected to that Severity of "Reprehension" which he anxiously deprecates, and which, in the general Opinion, has ultimately reduced them to a very low Level in point of Accuracy and Fidelity. Of the Authenticity of *Regiam Majestatem*, and some of the other Portions of Skene's Compilation, a very unfavourable Opinion had been sanctioned by the Names of Sir Thomas Craig and Lord Stair; but the Fidelity of Skene as an Editor was I believe for the first Time seriously questioned by the late Lord Hailes; obviously because he was the first, who, with competent Qualifications for the Task, had the Curiosity and the Zeal to put Skene's Edition to the Test of Collation with the existing Manuscripts†. His Opinion, which was received with Surprise and Reluctance, has been ever since

gaining

* Dedication prefixed to the Latin Edition of *Regiam Majestatem*.

† In a Tract, entitled, "An Examination of some of the Arguments for the High Antiquity of *Regiam Majestatem*," published by Sir David Dalrymple (Lord Hailes) in 1769, the Author observes, "that many MSS. of *Regiam Majestatem* still exist, but they have never been critically examined: This Labour, in itself irksome, was supposed to be unnecessary. —All Parties concurred in relying on Skene as a candid and accurate publisher. I would not willingly derogate from the Labours of others, but Truth obliges me to observe, that, to all Appearance, Skene was a careless, if not an unfaithful Publisher. From what MSS. it was that Skene published his Edition of *Regiam Majestatem*, no one can with Certainty determine. Of the Tenor and Contents of those MSS. we can only judge by the MSS. which are still extant; and if we judge by this Rule, we must conclude that Skene was a careless, if not an unfaithful Publisher."—Page 4.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

gaining Ground so rapidly, that I presume there is now scarcely any one who will venture to dispute the Observation of that learned and candid Critic, that, "to all Appearance, Skene was a careless, if not an "unfaithful Publisher."

Although the intrinsic Defects of Skene's Editions of the Statutes and antient Laws of the Realm appear to have been unknown to his Contemporaries, yet the Utility of a more extensive Collection seems still to have been plainly perceived; and, at the Beginning of the succeeding Reign, the Project of a systematical and authoritative Code of Municipal Law was again revived and prosecuted with much apparent Zeal. In 1628 a Commission was granted by King Charles I. under the Great Seal, repeatedly renewed, and finally sanctioned by Parliament in 1633, for authorizing a considerable Number of the most distinguished and learned Persons of the Age, "to meitt and conveene at quhatsumever Tymes and Places convenient; and to reid, recognosce and consider the haill Lawes, Statuites, and Actes of Parliament of the said Kingdome alsweill printed as unprinted, togider with the Customes and Consuetudes of the said Kingdome quhilks ar and haue beine observit as Lawes withine the same aither in the Civill or Criminal Iudicatoris; And quhilks haue beine receaved in practick by the Decreits of the Lords of Sessione or Justice Generall: And to that Effect to caus be exhibit befor thame be the Clerk of Register and Justice Clerk and thair Deputtes, The haill Registers and Rolles conteining the Lawes and Actes of Parliament of the said Kingdome alsweill unprinted as printed, with the Registers of Decreitts and Interloquutars of the Lords of Session and Justice Generall; Togider with the Buikes intitulat Regiam Majestatem, quhilk contienes ane Record of the auncient Lawes and Customes observit within the said Kingdom: And efter dew Consideratioun thair of, to conclude and determine anent the trew Sense Meaning and Interpretatione of all such Lawes and Actes of Parliament quhilks ar unclear and doubtfuls in the selff, and may receaue divers Interpretationes, And quhilk hes beine drawn in Questioun befor the Lords of Session in respect of the Doubtsomnes and Uncleirnes thair of: And anent the printing of such Lawes and Statuites as ar not yett printed; And anent the Omission of such Actes and Statuites as ar abrogat or become in desuetude and out of Use: And siclyk to collect and sett downe the haill Customes and generall Consuetudes inviolable observit in the said Kingdome, alsweill in the Civill as Criminall Judicatories, To the Effect the samyne may be thair Allowance Ratificatione and Approbatione be registrated in the Buikis of Parliament, and be maid notour and knawen to the haill Liegis: Lykas his Majestie with Consent of the Estates presentlie conveyned, finds and declaris that the Acts and Ordinances to be aggried resolved and concluded vpon in the Premisses, and everie one of thame, Togider with the generall Customes and Consuetudes quhilk be the Command and Authoritie of the saids Commissioners, sall be ordanit to be registrat in the Buikes of Parliament, To have the Force and Authoritie of a publick Law unto the Second and Thride Session of the nixt enschewing Parliament quhilk sall be haldin in this Kingdome: At the quhilk Tyme the haill Proceedings Conclusiones and Determinationes done acted and concludit be vertew of this present Commissioun, Togider with the said generall Customes and Consuetudes quhilk sall happine to be allowed and approvine be thame as said is, sall be exhibite to the saids Estatis of Parliament to be advysed and considerit be thame, And sall take finall Determinatione thair vpon," &c.*

It is to be lamented, that of the Proceedings under this Commission, all Traces seem now as completely obliterated as of those under the Regency of Morton; but we may fairly presume, that the Difficulties of the Enterprise were found on Trial to be insuperable, and that it was ultimately abandoned as desperate. Had the Advisers of this vast Project been contented to limit their Views to the humbler Object of collecting the scattered Fragments of the Statute Law of the Kingdom, and of selecting whatever was important in the Records of the Supreme Courts of Justice, without aspiring at the same Time to determine what was worthy or unworthy of Adoption into a complete and finished Code of Municipal Laws, they might have conferred a lasting and invaluable Benefit on Scottish Jurisprudence.

The total Failure of this gigantic Attempt does not appear to have led to the Adoption of any more limited or practicable Measure; and the Compilation of a more extensive System of Parliamentary and Judicial Proceedings has ever since remained among the Desiderata of Scottish Policy. In the Parliaments of July 1681, and of July 1695, Commissions for revising the Laws were issued, nearly similar in their Purport to those in the Reign of Charles I., but without any useful Result. In the Year 1679, the Royal Licence had been granted to Sir Thomas Murray of Glendook, Clerk Register, to reprint "the whole Acts, Laws, Constitutions, and Ordinances of

"Parliament

* The preceding Quotation is made from the Act of Parliament, June 1633, entitled, "Commission for surveying the Lawes." From the Preamble of the Act it appears that the First Royal Commission was dated at Whitehall, June 2, 1628; that "in respect of sundrie interveining impediments the samyne had not takin the effect quhilk his Majestie wished, and thairfor his Majestie in the Convention of Estaits haldin and begun upon the tuentie aucht day of July 1630 caused the said commissioun with the vtilitie and necessitie thair of to be proponit to the saids thrie estaits; quha eftir dew consideratione &c. humblie desyred some mae persones out of ilk estait to be addit to the former commissioners; conforme to the quhilk ane new commissioun was exped under the great seale of the dait the thretteine day of october 1630 yeirs, quhilk was thaireftir renewed be ane new commissioun past under the great seale vpon the 18 of Januar 1631 yeirs: Sen the quhilk tyme thaire hes beine divers meittings of the saids commissioners, and suudrie pointes and articles treated and commouned for advauncing of the samyne," &c. The Purpose of the Act 1633 is to confer additional Powers on the Commissioners.

"Parliament of the Kingdom of Scotland, both old and new;" but his Edition of the Statutes, published in 1681*, is copied implicitly from that of Skene in 1597, and from the subsequent Sessional Publications. This is the more unpardonable, that he professes to have extracted the Work from the Original Records of Parliament; whereas, in fact, even the more accurate and ample Edition of 1566 does not appear to have been consulted. Yet it is this Edition, that, for more than a Century, has been usually quoted in all our Courts of Justice as a correct and genuine Code of the Laws of Scotland.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

From the preceding Detail, an Idea may be derived of the Difficulties, as well as Importance, of the various Attempts which have been thus successively made to retrieve the more antient Records of the Law of Scotland from that Obscurity and Corruption under which they have unhappily laboured. These Attempts, however, it must be obvious, have had an exclusive Reference to forensic Practice, and have aimed solely at the Establishment of an authentic Standard for the Decisions of Courts of Law. This is, undoubtedly, the most important Object to which such Researches can be made subservient; yet there are other Objects which, in due Subordination, ought not to be overlooked, or rather which may be said, from their comprehensive Nature, to embrace the former as an essential Part. Without attempting to analyze the various Considerations and Inducements which may here be supposed to operate, I am persuaded that all those whose Minds have been directed to such Pursuits will acknowledge the Propriety, and even the Duty of attempting to rescue from the Wreck of Time every genuine Fragment of Constitutional History and National Proceeding, however unimportant it may, on a superficial View, appear to be to the business of common Life. The antient Statutes and Ordinances of the Scottish Legislature, in many Instances, may have been abrogated, or may have lost their Force by Disuse; the Judicial Proceedings of the Court of Parliament may have ceased to be regarded as affording Precedents for the Guidance of modern Courts of Justice; and, in few, perhaps, of the other solemn Acts and Proceedings of the Great National Council will be found any Thing that now bears directly on the great public Rights and Interests of the Kingdom: But as essential Parts of the Civil, Political, and Domestic History of Scotland, as Facts illustrative of the early State and gradual Progress of Law, in all its Branches, as Links of that unbroken Chain which, at almost every Point, connects the more refined and complicate System of modern Policy and modern Manners with the rude Institutions and Customs of former Times, there are no Fragments of Parliamentary Record, however minute and apparently unimportant, which do not possess an intrinsic and permanent Value, sufficient to reward their Discovery and Preservation.

In these more extended Views of the Subject, the proposed Publication of the Parliamentary Records of Scotland will supply one of the greatest Desiderata in the History and Jurisprudence of the Kingdom; and even from the mutilated and imperfect State in which those Records are now found, very powerful Incentives might be drawn for carefully collecting whatever has yet escaped Destruction, and for preserving those Remains from future Accident, in the Mode of all others the most effectual, by committing them to the Press.

Under a previous Head of this Report, I have alluded to the almost total Loss of the Original Records and Muniments of the Kingdom, prior in Date to the Reign of Robert Bruce; and in that Loss the Records of a Parliamentary Nature have had their full Share. Among those of which a faint Remembrance is yet preserved, in the Indentures and Lists drawn up by the Officers of Edward I. are several of this Class, particularly the following: "Unus rotulus de antiquis statutis regni Scocie;"—"Duo rotuli de legibus et assisis regni Scocie, et de legibus et consuetudinibus burgorum Scocie, et de quibusdam statutis editis per reges Scocie;"—"Item, unus rotulus de statutis regis Malcolmi et regis David;" not to mention many others of a judicial Nature. But of this First Period, with the exception of a very few Original Instruments, and some small Rolls of Placita in the Reign of John Balliol, still preserved in the Chapter House at Westminster, the only existing Remains of a Parliamentary Nature are to be found in Manuscript Collections of the Fifteenth and Sixteenth Century, in which they are usually combined with the Treatises of Regiam Majestatem, Quoniam Attachiamenta, &c. For the subsequent Period, from the Accession of Robert Bruce to the Return of James I. in 1424, the Proportion of Original Record is much more considerable, and the Purity and Authenticity of the existing Copies greatly superior; yet here, as in the preceding Period, a great deal must depend on careful Collation and critical Selection, in any Attempt to retrieve the genuine Text of the antient Statute Law of Scotland. In the great Work now in Progress under the Direction of His Majesty's Commissioners, the Remains of Parliamentary Proceeding, from the earliest Period to the Year 1424 are to form the Materials of the First Volume; as an Appendix to which will be included the Books called Regiam Majestatem and Quoniam Attachiamenta, &c. both in Latin and in an antient Scottish Version; which, although of doubtful Origin and questionable Authority, have yet been so far recognised by the Legislature as "Books of the Law," and so long referred to in Courts of Justice, at least as Evidence of antient Usage, that their Preservation in

* The Printer to whom Sir Thomas Murray assigned his Privilege, published Two Editions, one in 12mo. and another in Folio. Of the Two, the last is the least inaccurate; having been purged of some of the more palpable typographical Errors of Skene's Edition, which have been retained in the former. Of the Acts of Parliament from 1681 to the Period of the Union in 1707, there is a Series of Sessional Publications in Folio and in 12mo, the latter of which is that in ordinary Use.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

in the most correct and authentic Form now attainable, has become an Object of manifest Propriety. The successful Accomplishment of this earliest Portion of the Parliamentary Work, is obviously surrounded with most formidable Difficulties; and the same Considerations which influenced the Labours of Henrison and Skene, and their respective Coadjutors, have likewise, on the present Occasion, rendered it more expedient to proceed in the first Instance to the Parliamentary Acts of James I. and his Successors.

Even at this Period, comparatively modern, the Records of Parliament have been found in a mutilated and imperfect State. Of the Reigns of James I. and James II. no Part of the Original Books are extant; and the Statutes of those two Sovereigns have been obtained from a Collation of several old Manuscripts with the first printed Edition of 1576. The existing Series of Original Parliamentary Records commences only in 1466; and even from that Period down to the Year 1578, the Series is broken by numerous Mutilations and Deficiencies, most of which are altogether irreparable, but of which several may be partially supplied from early Transcripts, as well as from the earliest Traditions.

Of the Original Records of the Period now alluded to, the most palpable Feature of Peculiarity is the Intermixture of the Proceedings of those Parliamentary Committees called "Lords Auditors of Causes and Complaints," with the Proceedings of the Three Estates in full Parliament. These Proceedings of "the Lords Auditors," in the Adjudication of Private Civil Actions, are partially preserved for about Twenty-eight Years, beginning in 1466, and terminating in 1494. They are in themselves interesting, and well deserving of Preservation, as illustrative of the State of Manners as well as of Law; but, at the same Time, they form a cumbrous and inconvenient Excrescence on the Record of public Parliamentary Proceedings; and therefore it has been thought expedient to detach the Whole, and throw it into a separate Volume, under the Title of "*Acta Dominorum ad causas et querelas audiendas electorum in Parliamentis Jacobi III. et Jacobi IV. regum Scotorum.*" Of the particular Constitution of these Committees I shall not here enter into any Statement, further than to mention, that their Sitzings were limited to the Duration of each particular Parliament; and that, in the Intervals, between successive Parliaments, or successive Sessions of the same Parliament, the same Causes and Classes of Causes fell directly under the Cognizance of another temporary and fluctuating Tribunal, appointed by the King, and denominated usually the Lords of Council. The Proceedings of this Court have been preserved, in a broken Series, from the Year 1478 till the Institution of the present College of Justice or Court of Session in 1532; and, from these, the Part contemporaneous with the Acts of the Lords Auditors has been taken, and annexed as a proper and almost indispensable Supplement, under the Title of "*Acta Dominorum Concilii regnantibus Jacobo III. et Jacobo IV. Scotorum regibus.*" From the former Annual Reports, and the Quarterly Reports which accompanied them, your Lordship has been apprised of the Progress that has been made in printing this separate Volume of Judicial Proceedings; and, from the Quarterly Reports annexed to the present Annual Report, it will be seen that it is now nearly finished at the Press, although its Publication may probably be postponed until the Volume which comprehends the public Parliamentary Proceedings of the same Period be also ready for Circulation. In that Volume, which is intended to form the second in the great Series of Parliamentary Records, will be comprehended the Statutes and all other Proceedings of the Three Estates in Parliament, from the Return of James I. in 1424, to the Accession of James VI. in 1567; and although its Progress at the Press has been hitherto much retarded, and may hereafter be still considerably affected by the Difficulty of adjusting those parts of the Text where the Original Records of Parliament are not preserved as an authoritative Guide, I trust that the Whole will be completed in the Year 1812. In the Preparation of the subsequent Volumes for the Press, the Difficulties will be comparatively few. The Original Record of Parliament for the first Ten Years of James VI. and that of the Parliaments of Charles I. from the Year 1633, have indeed been lost or destroyed, and can be but very partially restored by Means of any existing Transcripts; but, with these Exceptions, the Series from the Accession of James VI. in 1567, to the Union in 1707, is nearly entire. Of the Period within which the Whole of these Records may be printed, I cannot yet presume to form any probable Estimate; but, I have no Doubt that at least One Volume may be annually finished at the Press; nor do I see any very serious Obstacle to a still more rapid Advancement.

2. Next to the Parliamentary Records of Scotland, the most important of those intended Publications, which are now in Progress, is a select Collection of antient Royal Charters, drawn not only from existing Records, but from Original Charters in the Possession of Individuals, and Public Bodies, and from other authentic Sources. The very imperfect State of the existing Record of Charters in the General Register House is a Fact well known; although the full Extent of the Deficiency has not, I believe, been very exactly appreciated. From the Inventories and Indentures relative to the Public Muniments and Records at the End of the Thirteenth Century, already alluded to, it is evident that the Registers of this Class were of great Extent and Importance; comprehending probably, a Record of Grants under the Great Seal, from the Time of Alexander I. or David I. to the Death of Alexander III. Of these not a Vestige now exists; and of this most important Class of Writs, in which so much of the History, as well as of the Law of the Kingdom, is necessarily embodied, whatever now remains must be sought for either in Private Repositories of Original Charters, or in antient Registers and Chartularies of Bishopricks and Religious Houses, of which a few have been happily preserved.

In

In the subsequent Period, from the Accession of Robert Bruce in 1306 to the Return of James I. in 1424, a Part of the Record of Royal Charters, or, as it is technically called, the Register of the Great Seal, has been preserved; but that Part plainly bears a small Proportion to what has been lost or destroyed within the last Two Hundred Years. Of about Fifteen Rolls, containing nearly 700 Charters of Robert I. which were extant at the Beginning of the Seventeenth Century, and of which Official Calendars are preserved, there is now only one Roll to be found; containing 94 Charters, or somewhat less than One Seventh Part of what were probably lost in the Removal of the Public Records to England in 1651. Even those Fifteen Rolls can be considered as but the Remains of a more extensive Series of Records; for the great Number of authentic Charters of Robert I. still preserved, of which no Entry is to be found in the Official Calendars above alluded to, leaves little Room for Doubt that many other Rolls of the Charters of that Sovereign had been lost at a still earlier Period. In the subsequent Reign of David II. the Loss is little less considerable. Of about 28 Rolls of various Magnitude, containing nearly 600 Charters of that King, of which Official Calendars are extant, not one has been saved; but, in a Book, now called the First Book of the Great Seal, nearly 300 Charters of David II. are recorded. In the Two succeeding Reigns of Robert II. and Robert III. and in the Regency of the Dukes of Albany, the Injuries which this Record has suffered are comparatively smaller. Yet the Number of existing Original Charters, not entered in that Record, is such as to indicate its very imperfect State. The same is equally true of the Reigns of James I. and James II.; and even in that of James III. the apparent Defects are very considerable; nor is it till about the Beginning of the Sixteenth Century that the Series of Registers of the Great Seal begins to be tolerably complete.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

These various Deficiencies in the present Record of Royal Charters are obviously so great as to preclude all Hope of their being ever repaired in any considerable Degree. Yet the Sources which have been already mentioned, are neither so scanty nor so inaccessible as to justify Inactivity or Despair in attempting to diminish the vast Extent of the Evil: and His Majesty's Commissioners have accordingly sanctioned an Experiment for that Purpose, from which, if prosecuted with Vigour and Perseverance, very useful Results may be expected. Of Royal Charters, prior in Date to the Accession of Robert I. it has been resolved to form as ample a Collection as can be procured, not only from Originals remaining in the Custody of Individuals and public Bodies, but also from antient Chartularies and other authentic Manuscripts: and from that Collection, in which considerable Progress has been already made, it is intended to select a Volume of Charters of more remarkable Importance, such as will tend to illustrate the Constitutional History, the National Antiquities, and the early Feudal Jurisprudence of Scotland. The Utility of such Documents, as applicable to a Period, of which the more regular Historical Monuments are so meagre and defective, has been long well known: and it here deserves to be remembered, that, above a Century ago, at a Time when that Utility was less understood and acknowledged than at present, a Collection of Charters was prepared by Command of the Parliament of Scotland, and ultimately given to the Public, under the Title of *Diplomata Scotiæ*. The Splendour and Accuracy of that Work have been justly admired; and, as a regular Series of Specimens of the Hand-writing of successive Ages, its Use has been considerable: But, for every other Purpose of Information, either of a public or private Nature, the Collection has been found by far too scanty. To aim at the Recovery of every curious and important Document of this Kind, would, of course, be vain and chimerical; yet it is only by an ample and diversified Collection of antient Charters,—such a Collection, however, as moderate Industry and Perseverance may accomplish,—that the great Objects of historical and constitutional Information can be attained in any considerable Degree.

In the succeeding Period, from the Accession of Robert I. to the Return of James I. the Series of Royal Charters becomes, on many Accounts, peculiarly important; and the Sources from which a Supplement to the existing Registers of the Great Seal may be derived, become also more abundant. The Record itself, consisting of Twelve Rolls and One Book, is intended to form the First and principal Part of a Second Volume in the Series of Select Royal Charters. For obvious Reasons of Convenience, it has been first sent to the Press; and, from the Quarterly Reports for 1810, it will now be seen that the Printing of this Portion of the Work has been completed. In the mean Time, numerous Contributions of original Charters have been procured, from which, and from the Transcripts of Chartularies and other authentic Manuscripts, which have been gradually accumulated during the last Four or Five Years, a very valuable Supplement will be obtained. Among the various Sources which it has been thought fit to explore, the Archives of the Royal Burghs of Scotland are particularly entitled to Notice; and the Applications which have been made to the Magistrates of the several Burghs are likely to be attended with the desired Success. In the Charter Chests of many antient and noble Families are also contained very valuable Deposits of the same Description: from which, it is hoped, that Communications may be obtained, which will tend very greatly to enrich the proposed Collection of early Royal Charters.

In the subsequent Period, from the Reign of James I. downwards, the Collections of extraneous Materials must be less considerable and important; yet are they by no Means to be neglected; and, from the existing Registers, augmented by such Contributions as may be reasonably expected, a Selection of curious and important Charters may be formed. Those which have a Relation to the Constitution of Public Bodies, and to the Creation or
Limitation

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

Limitation of Dignities and Honours; and those, above all, which afford instructive Illustrations of the Principles and Rules, the Usages and the Language of Feudal Jurisprudence in the Fifteenth and Sixteenth Centuries, are chiefly deserving of Attention; and, of this Description of Charters, accordingly, will the Third Volume of the proposed Collection be formed. In point of practical Utility, in Reference to ordinary Business, this Volume cannot fail to prove a very desirable Acquisition to the Lawyer, as well as to the Historian and Antiquary.

3. From its intimate Connection with the proposed Collection of Royal Charters, I may, in the next Place, take Notice of the intended Abridgment of the Record of Charters or Register of the Great Seal, from its Commencement down, at least, to the End of the Seventeenth Century, or to the Union in 1707. In the Period, commencing at the Accession of Robert I. and ending with the Return of James I. this Abridgment will comprehend not only an Abstract of the existing Record, but also an Index or Calendar of those Rolls of Charters which are now lost, compiled carefully from the several Official Calendars or other Abridgments which have been preserved. In the succeeding Period, from James I. downwards, although the Record be imperfect, I am as yet aware of no existing Abridgments or Calendars from which the Contents of the last Volumes might be ascertained.

This Work has been justly considered as one of great Public Utility and Importance, not only as it must facilitate the Researches of Individuals in this voluminous Record, but as it may be made to embrace and convey much interesting Information of a more general Nature. In framing the Plan on which the Work is to be conducted, I have been anxious not to lose Sight of any of those useful Objects to which it may be made subservient. These Objects I conceive to be chiefly the following:—First, to ascertain the Descent and Transference of Landed Property:—Secondly, to ascertain the Existence and mutual Relation of Individuals, and to exhibit or illustrate the Genealogy of Families:—Thirdly, to verify historical Facts and Dates, either directly referred to, or incidentally connected with other Facts and Dates specified in the Charters:—and, Fourthly, to illustrate the legal Rules, Usages, and Phraseology of former Times, with which those of Modern Jurisprudence are so intimately connected. Of these, the Two former may be regarded as the more direct and practical Objects to be aimed at in an Abridgment of Charters: the Two latter, as the more permanently important and interesting; but the Attainment of them all seems, fortunately, to be within Reach, and has, I trust, been effectually provided for, without the Hazard of Inconvenience from extending the Work beyond moderate Bounds.

As the Order of the Charters in the Record is often desultory and unaccountably irregular, it has been found expedient to arrange the Abridgment in the Order of Time; but no further Classification of the Contents of the Record seems to be necessary or proper. In abbreviating each particular Charter or Grant, the Name and Addition of the Grantee, and the Description of the Subject of the Grant are given in the precise Words of the Record, divested, however, as much as possible, of unimportant Expletives and Tautologies;—the Occasion of the Grant, if connected with any remarkable Circumstance or historical Event, is briefly noticed;—the Mode and Limitation of the Tenure, if at all peculiar or curious, is preserved;—and, lastly, the Witnesses, at least in the Charters of the Fourteenth and Fifteenth Centuries, are either inserted, or indicated by a Reference to some preceding Article in the Abridgment. It would be unnecessary here to enter into any farther Detail of the Mode of Execution which is followed in this Work, or of the Varieties in technical Form which are prescribed by the peculiar Structure of different Sorts of Royal Charters. I will only add, that throughout the Whole, the peculiar Phraseology of the Originals has been carefully followed, with the single Alteration, in Form, of the First into the Third Person,—an Alteration which has been found conducive at once to the Brevity and Perspicuity of the Abridgment.

4. Another Work analogous in its general Nature to that now described, is the Abridgment of the Record of Retours of Services, from its Commencement in the Reign of Queen Mary to the End of the Seventeenth Century; to which I have alluded in my former Annual Reports, and the Progress of which has been minutely stated in the Quarterly Returns to His Majesty's Commissioners on the Public Records.

The Record, to which this Abridgment relates, is well known to be one of great practical Importance; but from its Extent and peculiar Structure, the Labour and Uncertainty of private Research have greatly diminished its Usefulness. This Evil, it is the Object of the present Work to diminish; and from the Modes of Arrangement and of Abbreviation which have been adopted, it may be confidently hoped, that, for every ordinary Purpose of Investigation, the real Value of this Record will be greatly enhanced. But on this Head, I am unwilling to fatigue your Lordship with a full Statement of what, on several other Occasions, I have already had Occasion to discuss at considerable Length; and at present I shall content myself with saying, that the present Progress of this Work at the Press affords the Prospect of its being published in the Course of a few Months, in a State not indeed absolutely complete, but in which it cannot fail to be extremely useful. There will still remain to be published, at an after Period, not only the Alphabetical Indexes of Persons and of Places, which, from the Nature of the Record, are
very

very large; but also a Supplement of Retours, of which the Originals are preserved in Chancery, but the Record of which has long been lost, if indeed a complete Record of the Whole did ever exist. In a Preface which has been lately prepared, the Nature of this Record, and the Structure of the Abridgment of it, have been distinctly explained*.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

5. Besides the several Works which have been now alluded to, there are others of great Utility and Interest which have been occasionally the Subject of Consideration with His Majesty's Commissioners, and the Execution of which may, I trust, be hereafter undertaken, when the immediate Pressure of those already in Progress has been somewhat diminished. Without attempting to enumerate all of these, or to discuss their comparative Value and Importance, I cannot refrain from mentioning such as appear to be more peculiarly desirable.

In deducing the History of the various abortive Projects and Attempts which have been conceived, for giving Publicity to the Parliamentary Records of Scotland, and for compiling a great Digest of Municipal Law, it has been seen that the Registers of the Decrees of the Lords of Council and of the present Court of Session were one of the main Sources from which the Materials of that Digest were meant to be drawn. These Registers may be regarded as the great authentic Repository of Scottish Jurisprudence, in which its Rules and Maxims might be traced, at least, from the End of the Fifteenth Century down to the present Day. But of the Contents of those Registers, and of the Judicial Proceedings and Decisions of our Supreme Civil Courts, prior to the Period at which the printed Collections of Cases begin, in the Reign of Charles I. we scarcely know any Thing, excepting from the very imperfect Compilation of Balfour, already referred to, and from a few meagre and unsatisfactory Reports; and an active Period of a Century and a Half, during which the Foundations were laid of much of that Law which now prevails, lies hid from the View of the Lawyer in a voluminous and hitherto neglected Record. A small Specimen of that Record will be given in the "*Acta Dominorum Concilii*," &c. from 1478 to 1494, now in the Press; but the Continuation of the Work, on the same Scale, could not be attempted; and, indeed, the Proportion of instructive Matter, in so far as the Lawyer is concerned, is very small in reference to the Bulk of the entire Mass. But I am humbly of Opinion, that from these Records, prior in Date to the Restoration, a Selection of Cases and of Extracts might be made, which would prove an invaluable Acquisition; and though the Labour of careful and judicious Selection would be great, I persuade myself, that Persons of very competent Skill would be found willing to lend their Aid to the Undertaking. The Record to which I now allude consists of nearly 700 Volumes; but I am at present of Opinion, that the Parts which are valuable in the View now suggested might be comprehended in Two or Three Printed Volumes, similar in Form to the Parliamentary Records.

Another Class of Records which may be considered as very prolific of curious and instructive Matter are those of the Secret or Privy Council. These Records are chiefly of Two Kinds;—Proceedings in Matters of State;—and Proceedings in Matters of Private Right. From the latter, many interesting Articles might be selected; but it is to the former that the chief Attention ought to be directed: and I can venture to assert, without any Fear of Contradiction, that the genuine History and State of Scotland, its Policy and Manners for Two Centuries which preceded the Union in 1707, must continue to be very imperfectly understood, till these Records are given to the Public. The existing Series of separate Registers of Secret Council begins in 1545; but at a still earlier Period, those Records, which are called Books of the Lords of Council, and which consist chiefly of Judicial Decisions, have been found to contain many Proceedings in Matters of State, more particularly during the Minority of James V. by which very important lights are reflected on the History of Scotland. These proceedings, from the Year 1478 to the Year 1532, have been selected and transcribed from the Books in which they lie scattered, and would form a valuable preliminary Part to the more regular Series of Registers beginning in 1545. Several Volumes of these have also been transcribed for the Press, in the View of their entire Publication; but the Work remains at present suspended, until the other Publications already in Progress have attained a greater Degree of Advancement. It is one which I trust His Majesty's Commissioners will never lose Sight of.

As I am not here attempting to fill up the complete List of Records deserving of Publication, I will at present mention only one other Class; leaving unnoticed many others of a Miscellaneous Sort which will be found well deserving of Attention. The Class which I now allude to, comprehends the Public Accounts of the Kingdom; of which there are various Sorts; but the most prominent and interesting are the "*Compota Camerarii Scotiæ*," or the Rolls of Accounts of the Lord High Chamberlain; and the "*Compota Thesaurarii*," or Accounts of the Lord High Treasurer; which, at different Periods, embraced the principal Branches of the Public Expenditure, as well as that of the King and of the Royal Household. Those of the High Chamberlain are preserved, but in a broken Series, from the Year 1328 till the Reign of James I. when this Officer ceased to take charge of the Royal Revenues. The Accounts of the High Treasurer are preserved, but likewise in a broken Series, from the Year 1474 till the Union; and the Blank between those Two Sets of Accounts, as well as the other

* See Proceedings of the Commissioners for the Arrangement and Preservation of the Public Records of the Kingdom, 1806—1808, so far as relates to Scotland.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

Chasms, are partially supplied by various Sets of Accounts rendered by the Sheriffs, Bailies of Royal Burghs, and other Administrators of Royal Revenues and Demesnes. These various Accounts have hitherto attracted but a slight Degree of Attention; yet unquestionably they contain a vast Treasure of authentic Information relative to the internal State of the Kingdom, at a Time when its professed Annals are very meagre and inaccurate. In truth, it is chiefly in these Records that we must seek for all that can be known with Certainty of the Territorial Produce, the Domestic Industry, the Trade, the Public Revenue, the Civil and Military Establishments, the Modes of Life, the Food, the Dress, and even Amusements of the People of Scotland in the Fourteenth, Fifteenth, and Sixteenth Centuries; and in a more indirect and incidental Manner they would be found no less useful in ascertaining and verifying innumerable Details in the Political History of the Kingdom which remain at present very vague and uncertain, or as to which the received Statements are confused and inaccurate.

To publish the Whole of these Accounts of the Chamberlain and Treasurer would not be advisable; and to select the truly useful and curious Portions of them would require no ordinary Care and Discrimination: yet the Attempt ought certainly to be made, and if successfully accomplished, would furnish a most important Addition to our present Stock of Historical and Political Knowledge.

VII. Among the various Modes which may be devised for rendering the Public Records more useful and accessible, I have had frequent Occasion to recommend the Formation of Indexes of Reference to such as are more voluminous and most commonly resorted to. In my last Annual Report, I endeavoured to follow out the previous Instructions of the Committee of the Court of Session, by suggesting a Plan for the regular and progressive Compilation of Indexes to the Registers of Seisins, and to the Register of Deeds, Probative Writs, and Protests, in the Books of Council and Session. Of that Plan, the Committee have since expressed their Approbation; and although the Measure has not been carried so speedily into Effect as I had anticipated, I can now entertain no Apprehension respecting it*. Neither do I feel any Doubt of its future Application to several other Branches of the Public Records; particularly to the Register of the Decrees of the Court of Session, as to which several new Arrangements must soon become the Subject of serious Consideration.

VIII. Within the Period of this Report, no Successful Attempt has been made for the Recovery of any of those Public Records which are known to be missing:—but I continue to think, that, in every successive Annual Report, the Expediency of unremitting Perseverance in such Attempts should be distinctly brought into Notice.

IX. Neither am I enabled to report that any Records have been transferred from other Public Offices into the General Register House. The Registers of Privy Council still remain deposited in the Justiciary Office: but their Transference may be confidently expected, so soon as a new Apartment has been prepared for the proper Records of the Court of Justiciary: and it appears to me, that, on such Occasions, the proper Authority to be resorted to is that of His Majesty's Commissioners on the Public Records of the Kingdom. In a few other Instances, where such Transferences might be expedient, the same Authority might be effectually employed, were it not that pecuniary Compensations must, at the same time, be provided to the present Keepers. In making this Remark, I have particularly in my Eye the Record of the Retours of Seisins, now preserved in the Office of the Director of Chancery. The Transference of the existing Volumes of that Record, and the Transmission of the succeeding Volumes, by the ordinary Process of marking and issuing the Books in which they are to be written, I consider as an expedient Measure for securing their more accurate Formation in future.

By the “Act for better regulating the Public Records of Scotland,” it was provided, that the successive Volumes of the Register of Decrees of the Court of Session, in common with the other Records previously transmissible at the End of Ten Years, should be regularly transmitted, with their respective Minute Books and Warrants, within Three Months after they had been severally completed. This Part of the Law has been altered by One of the Clauses of an “Act for abridging the Form of extracting Decrees of the Court of Session “in Scotland,” &c.—[20th June 1810.] which, among other still more important Regulations, has enacted, that the Records of Judicial Proceedings, as new modelled, shall be transmitted to the General Register House, “at the Expiration of Five Years after the Date of the final Decree or last Proceeding in that Court.” On the Expediency of this Deviation from the general Rule established by the Act of 1809 for better regulating the Public Records, I shall at present refrain from offering any Remarks.

X. On the Mode of framing the various Classes of Records transmissible to the General Register House, I have, in my former Reports, proposed certain General Regulations, which have already received the Approbation of the Committee of the Court of Session, to whom those Reports were remitted; but, from Accidental Causes, the final Establishment of these Regulations by Act of Sederunt has been postponed. I do not, however, despair

* Since the Period to which this Fourth Annual Report properly relates, the Measure here alluded to has been fully accomplished by several Acts of Sederunt of the Court of Session.

of their speedy Adoption; and, in the mean Time, an Opportunity has been afforded of considering and digesting the minute Details of the Measure with additional Care*.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

XI. In my last Annual Report, I mentioned, that the Formation of the Judicial Records of the Court of Session had engaged much of the Attention of the Commissioners on the Administration of Justice in Scotland; and I have now to add, that the Result of their Deliberations on the Subject has been adopted as the Basis of the Act of Parliament above referred to. The Provisions of that Act differ in several important Points from the Measures which I ventured humbly to propose in my First Annual Report: and though I am strongly impressed with the Belief, that the System thus established will be found defective in some essential Parts, I conceive it improper to obtrude my Observations on your Lordship's Attention, until the Experience of another Year may have afforded the Means of judging more deliberately on its Merits.

The other great Branch of the Records of the Court of Session, namely, the Registers of Deeds, Probative Writs, and Instruments of Protest, has not yet undergone that Reform which has been the Subject of Discussion in former Reports, and upon which the Committee of the Court of Session have already expressed a clear Opinion; but I have the satisfaction of stating, that the chief official and pecuniary Difficulties have been removed, and that the Measure now only waits for the final Sanction of the Court †.

XII. The same Observation may be made as to the proposed Regulation of the Registers of Seisins, of Hornings and Inhibitions, and of Abbreviates of Adjudication. There is no longer any Obstacle to the Adoption of the Measure; and I therefore confidently anticipate its speedy Establishment by the necessary Acts of Sederunt ‡.

II. LOCAL REGISTRIES:

I. Under this Head I must beg Leave, in the first Place, to call your Lordship's Attention to the State of the Buildings in which the County Records of Scotland, the most important Class of Local Registries, are at present deposited.

In 1800, the Select Committee of the House of Commons, on the Public Records of the Kingdom, directed their Attention to this Subject; and they reported, that, "upon Inquiry into the Record Offices of the Sheriffs, it appears that about One-fourth of the Number are placed in Buildings which are Public Property, but the Rest are in Private Houses, where the Records are exposed in many Instances to certain though gradual Destruction, and are in all Cases liable to Loss and Dispersion: All of them should certainly be lodged in Public Buildings, secured from Damp and Fire; and it may be productive of great Accommodation to Individuals, if the Records of each County are lodged collectively at one Place."

In a Report, which I had the Honour of submitting to His Majesty's Commissioners on the Public Records, (April 7, 1807), it was stated, that, "of the Utility and Urgency of the Measures here recommended, no one acquainted with the State of the County Records could entertain a Doubt. Hitherto the Matter had been left to the voluntary Association of the Heritors or Proprietors of Land in the several Counties; but it had evidently become necessary to adopt a more general and effectual System; this could not be accomplished without Legislative Authority;" and it was "humbly proposed, that under the Direction and Control of General Commissioners, the Proprietors of Land in each County should be authorised and required to assess themselves at a certain Rate sufficient to raise a sum for defraying the Expense of erecting or repairing a Set of Public Buildings in the County Town for the Accommodation of the Courts of Justice, and for the safe Custody of the Records."

On considering this Part of the Report, His Majesty's Commissioners, at a Board holden 25th July 1807, Resolved, That it be referred to the Lord Advocate to consider of proposing a Bill to Parliament, for the Purpose of accomplishing the Measure here recommended."

The other Measures then under Consideration for modifying and regulating the Records of the Counties and Burghs, by which the Extent of the County Records might be eventually affected, were considered by the Lord Advocate as standing in the Way of any immediate Steps for the Erection of the necessary Buildings; and, since the Date of the Act of Parliament "for better regulating the Public Records," by which those previous

* Since the proper Period of this Report, some of the Regulations here referred to have been carried into Effect by Four different Acts of Sederunt, dated July 10, 1811.

† By the Act of Sederunt, July 10, 1811, intituled, "An Act concerning the Registration of Deeds, Probative Writs, and Instruments of Protest, in the Books of Council and Session," the Measure here referred to has been fully established.

‡ The Regulations alluded to have been established by Three Acts of Sederunt, July 10, 1811, intituled respectively, "An Act concerning the Registers of Seisins, Reversions," &c.—"An Act concerning the Registers of Hornings and of Inhibitions:"—and "Act concerning the Register of Abbreviates of Adjudications."

Arrangements

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

Arrangements were carried into Effect, no further Proceeding in the Business has taken place ; but the Measure, as recommended by the Committee of the House of Commons in 1800, and by His Majesty's Commissioners in 1807, has certainly not declined in Importance or Urgency. By one of the Clauses of that Act requiring the Sheriffs to make Annual Reports on the Subjects of their respective Records, they are directed particularly to specify the State and Situation of the Buildings in which the Records of the several Shires are kept. To this Provision of the Act, I took the Liberty of directing the particular Attention of the Sheriffs, in a Circular Letter, dated August 24, 1810 ; in which I suggested, " that in their first Reports under the Act, it was " of peculiar Importance, that on this Head the Information to be given should be very complete ; with a View " to a general Plan of erecting and upholding in proper Repair a Set of Buildings for the safe Custody of the " Records in each County throughout Scotland."

In the Reports which have been accordingly presented by the Sheriffs to the Court of Justiciary, and since transmitted to the General Register House, the present State of the several County Record Offices forms, in general, a distinct Head. The Result of these Communications not only confirms the Statement in the Report of the Select Committee 1800, but clearly evinces, that every Year's Delay has tended to increase the general Evil, and to multiply the Risks attending the Custody of this important Class of Public Records. It would not be too strong to apply to the whole (a very few Counties excepted) the Words of one of the Lords Commissioners of Justiciary in Reference to the Counties within the Department of the Southern Circuit,—“ that the “ State of these Repositories is most miserable.” It would be tedious and unprofitable here to enter into the minute Details of what relates to the different Counties ; but the Conclusion obviously to be drawn from the Whole is, that a General Legislative Measure, authorizing and enforcing the Erection of Public Record Offices, has become indispensable, and ought not to be delayed. I believe it is the prevailing Opinion, that the same Act should be extended to the erecting, or repairing and upholding of County Court Houses and Jails ; but on that I do not presume to offer any Observations.

On the State of the Repositories of Records in the Royal Burghs I am not enabled to speak with the same Confidence and Precision. From my own limited Observations, and from other Sources of Information, I can state generally, that while a few of them are well contrived, and in good Condition, many others are in a neglected and even ruinous State. On this Subject I will endeavour to obtain more accurate and extensive Information ; and, I trust, that when the Matter is understood, the General Convention of the Royal Burghs of Scotland will be induced to concur in some effectual Measures for the safe Custody of those Records, the Formation of which they have, on some late Occasions, discovered the utmost Anxiety and Zeal to retain, as an essential Part of their fundamental Rights and Privileges.

II. In my Circular Letter to the Sheriffs of the several Counties, August 24, 1810, I took the Liberty of suggesting, that, as a Second and separate Head in their Annual Reports at the ensuing Circuits, they should specify “ the State of Preservation and Arrangement of the County Records already framed, or rather what “ were framed prior to the Year to which the Reports more particularly refer.”

On this Head, accordingly, some of the Reports contain very full Statements ; but, in the greater Number, these are too brief and vague to afford any useful Information. As in the State of the Buildings, so in that of the Records, it is to be expected that there should exist considerable Varieties : I am, however, disposed to fear, that in few of the Counties are the Records in that State of Arrangement and careful Preservation which is to be desired and aimed at. In the First Place, the total Want or imperfect State of Accommodation in the present Buildings has operated as a great, in many Cases an insurmountable Obstacle to the proper Disposal of those Records ; and, in the Second Place, the Want of any Pecuniary Fund for repairing and rebinding the decayed Records, has prevented the Sheriff Clerks from making any Effort to counteract the Injuries either of Time or of past Neglect. The first of those Evils will, I trust, be speedily removed : for the second some general Remedy must also be sought ; but, until my Information on the Subject is more exact and detailed, I cannot venture to trouble your Lordship with any Suggestions on the Subject.

III. But the most important Topic to which, under this general Head, I have to call your Lordship's Attention, regards the Execution of the Act “ for better regulating the Public Records of Scotland,” in so far as it establishes a permanent System of Control over the Keepers of Local Registries, both in Counties and in Royal Burghs.

By that Act, it is provided, that the Books to be used by Sheriff Clerks, for the Registration of Deeds and other Writings, shall be previously marked and issued by the Lord Clerk Register, or his Deputies : and that, as to the Progress and State of these Records, the Sheriffs Depute of the several Counties shall annually prepare regular Reports, to be transmitted through the Court of Justiciary to the General Register House ; and that it shall be competent for the Lord Clerk Register to proceed, by Summary Complaint to the Court of Session, against any of the Sheriff Clerks, or their Deputies, who shall appear to be chargeable with Neglect or Malversation in the Business of the Records committed to their care.

By

By another Part of the Act, analogous Regulations are established as to the Records of Seisins, and of Deeds and other Writs kept by the Clerks of Royal Burghs; as to the progressive State of which the Chief Magistrates are required to make Annual Reports to the Court of Justiciary, to be afterwards transmitted to the General Register House.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

The Operation of this Part of the Act commenced on the 12th of November 1809; and the first Set of Annual Returns by the Sheriffs, and by the Magistrates of Burghs, became due in the Autumn of 1810. From the Correspondence above referred to, your Lordship will learn some of the Steps which were taken for putting the Sheriff Clerks and Burgh Clerks in Possession of proper Sets of Books for their respective Records. For the County Registers, it has been arranged, that each Sheriff Clerk shall keep Two distinct Series of Books, one for the Registration of Deeds and Probative Writs, and another for Instruments of Protest on Bills and Promissory Notes. For the Burgh Registries, it has been arranged, that there shall be one Series of Books for the Registration of Seisins within Burgh; and that the Registers of Deeds, and of Instruments of Protest shall, in the Option of the Clerks, be kept either blended together in one Series, or separated, like those of the Counties into Two distinct Series. This Alternative has appeared reasonable, on account of the inconsiderable Number of Registrations which are likely to occur in the less populous Burghs; and, accordingly, only a very few Burghs have adopted the double Set of Registers for Deeds and for Protests; and several have declared their Intention of discontinuing the Practice of Registration altogether. Progressive Tables of the Register Books issued to each County and Burgh have been begun upon a regular Plan, and ought to be carefully continued in future. In the practical Business of that Control which has been established by the Act of Parliament, such Tables may be often usefully resorted to: and, in that View, a Duplicate has been prepared for the particular Use of the Deputy Clerk Register.

In my Circular Letter to the Sheriffs, August 24, 1810, I proposed a certain Tabular Form, in which, with a View to Uniformity and Precision in their several Reports, it would be most convenient to state the Progress actually made at successive Periods in the Formation of the Records. From the Reports thus obtained (and which have been nearly complete) it appears, that some of the Sheriff Clerks had failed to bring up their Records to the Dates of the Reports, and that, from Remissness or Misapprehension, some others had omitted to procure the proper Books, or to begin the Use of them; yet I must admit, that the general Result has not materially disappointed my Expectations. In the Infancy of a System of this Sort, some Deficiencies and Oversights were to be looked for; but on the Part of the Sheriff Clerks, there has appeared no Reluctance to comply with the Provisions of the Statute; and, when fully understood, I have no Doubt that the Business will speedily fall into a regular and proper Train.

Instead of here attempting to enter into the minute Details of these Reports, I have thrown the whole into a Tabular Form, exhibiting, in reference to each County, the Date of the Report, the Folio of the Book, and the Date of the first and of the last Entries in the Registers of Deeds, and of Protests respectively, made during the Year to which the Report relates; together with such Remarks as have been furnished for explaining any apparent Irregularity in the Formation of the Record. And I am of Opinion, that a similar Abstract of the Sheriff's Returns ought in future to accompany every Annual Report by the Deputy Clerk Register. From its peculiar Structure it is calculated to detect and exhibit any culpable Delays that may occur in the regular Formation of these Records.

Of the Mode in which these Records has been framed and executed, the Sheriffs have in general reported favourably; but until a positive Regulation has been made as to the Quantity of Writing on each Page of the Registers, I do not think it likely that they should be uniformly executed in a Manner suitable to their Importance; and such a Regulation cannot, I fear, be obtained without Legislative Authority, and without some accompanying Provision for enlarging the present Fees of Registration. But to this Subject I may probably request your Lordship's more particular attention in a future Report. From the Correspondence your Lordship will perceive, that the Consideration of the Subject is involved in very serious Difficulties.

Of the actual State of the Burgh Records for 1810, the Information I have received has been very incomplete. Reports have been received from the Chief Magistrates of only Nine Burghs; although the Clerks of 43 other Burghs have applied for, and been furnished with Register Books, agreeably to the Provisions of the Statute. Of the Contents of these Nine Reports, an Abstract, similar to that of the County Reports, has been framed; and in order to exhibit the Extent of the Deficiency now mentioned, a List has been added of those other Burghs to which Registers have been issued, but from whose Chief Magistrates no Returns have been received.

IV. There is another Class of Local Registries, to which I must now, for the first Time, beg leave to direct your Lordship's Attention; I mean the Parochial Registries of Births, Marriages, and Deaths throughout Scotland. These are nearly coeval with the present Ecclesiastical Establishments of the Country; and of their great Utility and Importance, there is, and can be but one Opinion, either in Reference to Private Individuals, whose Rights and Interests are often dependent on the Evidence they afford, or on Public Grounds, as illustrative of the progressive Population and political State of the Kingdom. It is, however, I believe, a Matter of great and general Regret, that the regular Formation and safe Custody of these small Local

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

Records have been hitherto so little attended to, and so imperfectly provided for. They are committed, as your Lordship must know, to the immediate Care and Superintendence of the Kirk Session of each Parish, consisting of the Minister and certain Lay Elders; and the Session Clerk, who is usually the established Parochial Schoolmaster, is the proper Officer to whom not only the Formation, but also the Custody of this Record is committed. It is certainly in the Power, and is the proper Province of the Kirk Session, to see that this Record is faithfully and regularly framed; to take Care that it be not unnecessarily exposed to Hazard, and, that in passing from one Session Clerk to another, no Part of it be lost or mislaid; yet, when it is considered, that in comparatively few Parishes are the existing Records of greater Antiquity than the Beginning of the last Century, and many of them much less, it must be manifest, that the present System of Custody is altogether unsafe and improper; and without going further into the Sources of the Original Imperfection of such Registers under the present System, it might be sufficient to mention, that they exclude nearly the Whole of those who are Religious Dissenters from the Established Church of Scotland.

To remedy these known Evils, it seems undeniable, that some new Regulations and Checks must be resorted to; and it seems at the same Time of considerable Importance, that some new Arrangements should be devised, by which these small Local Registers may be made more effectually subservient to those more public and permanent Uses to which they are capable.

In consequence of some previous Communications, I addressed a Letter on this Subject to the Procurator of the Church of Scotland, dated May 23, 1810, in which I slightly sketched the Outline of a Plan for better regulating the Parochial Records of Scotland. That Letter was submitted by him to the General Assembly of the Church, in the Form of an Overture; and certain Proceedings were held respecting it, which distinctly marked the Opinion of that Venerable Body as to the Importance and Necessity of some Reform in that Branch of their Establishments. And although I have it not in my Power to state that any further Progress has been made in the Preparation of a digested Plan, I still venture to hope that the Matter will not be lost sight of. In the mean Time, I beg leave here to submit a few additional Hints, for the Purpose of explaining or modifying the Views which were suggested in my Letter to the Procurator for the Church.

Upon fuller Consideration, I am satisfied, that, in order to establish an efficient Control over those scattered Registers, and at the same Time to derive from them the greatest Utility to the Public and to Individuals, the Whole ought to be connected together into one System; of which the most proper Centre would be His Majesty's General Register House. From that central Repository might be issued the Books to be employed by each Kirk Session, both for a principal Record and for a Duplicate; and, to that Repository, the principal Record might be returned at the End of every Ten Years, to remain among the other Records of of the Kingdom. But, in order to ensure the regular Formation of the principal Record, and of its Duplicate and at once to furnish an efficient Check, and to open a Source of important Information, I would further propose, that, besides annually examining and certifying the State of the Record and of its Duplicate, the Kirk Session should also certify a brief Abstract of the total Numbers of Births, Marriages, and Deaths, in the preceding Year, according to a Schedule to be issued for the Purpose; which Abstract should be communicated to the Clerk of the Presbytery; and when the Whole of the Abstracts for the Presbytery have been so collected, that they should be forthwith transmitted to the General Register House: that the Fact of their regular Transmission should be immediately certified to Exchequer; whereupon a Warrant should be issued, in such Form and Manner, as might be found most convenient, for paying to each Session Clerk a small Gratuity for his Trouble, not exceeding, on an Average, £. 1 per Annum. Without some small pecuniary Allowance of this Sort, it would scarcely be equitable to impose so much additional Labour and Responsibility on the Schoolmasters and Session Clerks of Scotland, whose Fees are at present very low; and by means of it there would be introduced a new and powerful Principle of Control, which could not be attained by merely augmenting the Rate of Fees payable by Individuals for each particular Registration. Without attempting to enter further, at present, into the minute and subordinate Details of such a Plan, I would be understood merely as having thrown out these general Hints for more deliberate Consideration.

THO. THOMSON,
Deputy Clerk Register.

Papers referred to in the preceding Report.

(No. 1.) *Preface to the Abridgment of the Register of Retours of Services.*

THE Record, of which an Abridgment is here given, comprehends all those Proceedings by "Inquest," or the Verdict of an "Assize," which originate in certain Writs issuing from Chancery, and which are ultimately transmitted or "retoured" to that Office.

The peculiar Forms, or legal Effects of those Proceedings, it would be out of Place here to explain; but an Enumeration of their different Sorts, and a slight Outline of their Nature, may be useful to those who are not already conversant with the Practice of the Law of Scotland.

Of

Of those Proceedings, the most considerable in Number and Importance originate in a Writ issuing from Chancery, in the King's Name, called sometimes the Brieve of Mortancestry, but more properly the Brieve of Succession; the Purpose of which is to establish a Claim by Inheritance, or to be "served nearest lawful Heir" to those Subjects of a Feudal Nature, in which the alleged Ancestor of the Claimant was vested at the Time of his Death.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

According to the Rules of the Law of Scotland, the complete and effective Right to such Subjects does not pass immediately and spontaneously from the Ancestor to the Heir; but is said to remain "in hereditate" "jacente" of the deceased Owner, until the Claim of the Heir has been formally recognised and established by the Procedure under a Brieve of Succession.

By that Writ the Judge to whom it is addressed is authorised and required to ascertain, by the Verdict of a Jury, the following Points:—1. In what Lands and Annual Rents, within the Limits of his Jurisdiction, the alleged Ancestor of the Claimant died vested and seised as of Fee, at the Faith and Peace of the King; or in the Words of the Brieve, "de quibus terris et annuis redditibus, cum pertinentiis quondam B. C. pater D. C. latoris præsentium obiit ultimo vestitus et sasitus, ut de feodo, ad fidem et pacem nostram, infra balliam vestram;"—2. If the Claimant be the nearest lawful Heir of the deceased in these Lands, &c.;—3. If he be then of lawful Age;—4. What is the annual Value of the Lands, &c. according to certain Valuations, usually called the Old and the New Extent, or in the technical Language of the Brieve, "quantum valent dictæ terræ et annui redditus cum pertinentiis nunc per annum; et quantum valuerunt tempore pacis;"—5. Of whom, as Feudal Superior, the Lands are held;—6. By what Feudal Service or Species of Tenure;—7. In whose Possession the Lands now are and on what Account, and how long they have been so possessed. The Result of these Inquiries, duly authenticated, the Judge is directed to transmit to Chancery, together with the Original Brieve.

According to the more antient Usage, this Brieve was addressed to the Sheriff, or local Judge of the District where the Lands were situated which were the Subject of the Claim; and where the Lands were situated in different Counties, a corresponding Number of Brieves was issued from Chancery. This Mode of Procedure may still be followed: But, in order to avoid a Multiplicity of Proceedings in such Cases, a particular Process has been introduced for trying the whole of the Claim at once, under a Commission to certain inferior Officers of the Court of Session, as "Sheriffs in that Part," or delegated to that particular Duty. This was unquestionably an Innovation upon the original Practice of Chancery; but of the History of its first Introduction nothing is known, and among the earliest Retours which now remain on Record in that Office, some of this Description are to be found.

Another apparent Innovation upon antient Usage, has been the Application of the Brieve of Succession, to the Establishment not of a Claim to any specific Inheritance, but of the general Character of Heir to the alleged Ancestor. The Form of the Brieve remains in this Case unaltered, but the Verdict of the Jury is, of course, restricted to those general Points, which it is the immediate Object of the Claimant to ascertain.

The Proceedings which are held in pursuance of a Brieve of Succession, are usually denominated a "Service." Those which have relation to a particular Estate of Inheritance, are denominated the "Service of an Heir in Special," or a "Special Service;" in Contradistinction to those other Proceedings last mentioned, which are denominated the "Service of an Heir in General," or a "General Service." These Proceedings may sometimes involve a great deal of judicial Discussion: but whether in a Special or General Service, it is only the ultimate Verdict of the Jury, framed in a certain technical Form, that is transmitted to Chancery. It is there entered on Record by the Director of Chancery or his Deputies; an Extract of that Record is given to the Claimant; and, in this completed State, it is commonly termed the "Retour of the Service."

Of the antient Practice of Chancery in the Registration of the Retours of Services no certain Knowledge is preserved. That the Original Inquisition or Verdict of the Assize was "retoured" to the Chancery as a necessary Step towards the feudal Investiture of the Heir, may be confidently presumed; and that, of this Inquisition, some Record or Memorandum was preserved by the Officers of the Chancery, cannot be doubted; but that the Original Inquisitions were again delivered to the private Party, and not merely an Extract, as at present, may be fairly conjectured from the many Originals which yet remain in private Custody.

But those antient Records of Chancery, whatever may have been their peculiar Form, appear to have been totally destroyed before the Middle of the Sixteenth Century. Of that Event, no historical Account is preserved; but in the Writings of the following Age, it is alluded to as a distinct Tradition, and is even founded on as the Basis of several judicial Decisions*. It is probable that this Destruction of the Records of Chancery happened in the

* In the Report of a Judgment of the Court of Session in the Year 1624, it is said, "The Lords found, that Retours of elder dates, before the year 1550, ought not to be decerned to make no faith for non-production, where the principal Service, sealed by the Assizers, is produced; albeit the same be not extant at the Chancellery, nor extracted out of the same."—Durie's Decisions, Feb. 17, 1624, Lord Elphinston contra Earl of Mar. In allusion to this Case, Lord Stair, who wrote in the Reign of Charles II., has said, "The Service is kept in the Chancery for warrant of the Retour; yet it was

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

the Month of May 1544, when the Town of Edinburgh, the Monastery of Holyroodhouse, and the Royal Palace adjoining to it, were burnt by the English Army under the Earl of Hertford. The Zeal and Perseverance with which that Work of Devastation was carried on, leave but too little Reason to wonder at the Loss of those public Muniments which were not protected by the Fortifications of the Castle*.

The supposed Destruction of the Records of Chancery in the Minority of Queen Mary is perfectly consistent with the State of those which now remain in that Office. Of the Original Inquisitions retoured to Chancery, the present Series begins no earlier than the Year 1547; and no Original Retours of prior Date have been found, but such as may have been preserved in the Custody of Individuals, and long afterwards deposited and recorded in the Office. The Imperfections in the Series subsequently even to the Period above mentioned, are indeed very great; but these may be traced to other Causes. Till the Erection of the present General Register House, no proper Repository had been provided for this Branch of the Public Records; many of them meanwhile appear to have been lost; many others to have perished by Damp; and of those which remained, and were in a tolerable State of Preservation, no Arrangement had been made till the Year 1807; when, on the Suggestion of His Majesty's Commissioners on the Public Records of the Kingdom, that necessary Work was accomplished, at the Expense of the Director of Chancery.

Of the present Series of Inquisitions retoured to Chancery, commencing in the Minority of Queen Mary, no Record appears to have been made till about the Year 1630. The Office of Director of Chancery was then held by Sir John Scott of Scottstarvet, a Person of considerable Note, and who has left behind him numerous Traces of his Activity and Zeal in the Discharge of his official Duties. The retoured Inquisitions of all Sorts, which had been preserved in the Chancery Office, were then recorded in a Series of Books; and from that Period the Practice of recording Inquisitions has been regularly continued. The Whole of the Series, ending March 25, 1811, consists of 102 Volumes in Folio; but of this Series the Fifth Volume, relative to the Years 1611—1614, is known to have been lost; and from the very considerable Number of Original Retours which have been discovered in consequence of the late Arrangement above alluded to, of which there are no Traces in any of the existing Volumes of the Record, it must be inferred, either that several other Volumes have been lost, or that the original Plan of recording the Whole had been imperfectly executed. Of the Completeness or Accuracy of this Record in other Respects, it might be difficult to speak with Confidence; but it ought not to be disguised, that throughout the Series, from its Commencement downwards, it exhibits many Instances of negligent Transcription, which can be detected only by a Collation with the Original Inquisitions, or the "Warrants" of the Record.

The Importance of the Record of Retours, independently of its primary Purposes, is too well known to require Illustration. With certain Limitations, it may be considered as exhibiting an authentic History of the Transmission by Inheritance of the far greater Part of the Landed Property of Scotland, as well as that of the Descent of the greater Number of its considerable Families during the Course of the Two last Centuries. That part of the Record which precedes the Date of the Scottish Statute of 1681, "concerning the Election of Commissioners for Shires," derives a peculiar Importance from its affording the appropriate Evidence of a certain Class of Freehold Qualifications. But, in all these Respects, the Usefulness of this Record has been hitherto greatly diminished by the Difficulties of Research: and a methodized Abridgment of its Contents must therefore be considered as an important public Work, by which the Value of the original Record will be greatly enhanced.

It has been already stated, that the Two distinct Classes of Inquisitions under the Brieve of Succession, commonly called Special and General Retours, have been entered promiscuously in the Record, nor has the Order of Time, at least in the earlier Volumes, been very exactly observed. But in the following Abridgment, the Retours of Special and of General Services have been separated from one another, as well as from these other Species of Retours with which they are blended in the Record.

In the Abridgment of the Retours of Special Services, a local Arrangement has been adopted, according to the several Counties in which the Lands are situated; subdividing the complex Retours, and arranging their different Portions

"was found, that Services before the year 1550, were sufficient to satisfy the production, in Improbations or Reductions, "without producing the Retour itself; because, at that Time, the Books of the Chancery were destroyed by war."—Institutes of the Law of Scotland, III. 5, 41. And in the Report of a Case decided in the Year 1698, it is stated in Argument, that Services which had not been retoured to the Chancery were never sustained, "unless Services within a Regality, or before the year 1550, when the Records were destroyed by the English." Fountainhall's Decisions, Feb. 2, 1698, M'Intosh against M'Intosh.

* The following Account of the Events here alluded to, is given in a Narrative published by Authority, entitled, "The late Expedition in Scotland made by the Kynges Hyhnys Armye, vnder the conduit of the Ryght Honorable the Erle of Hertforde, the yere of oure Lorde God 1544."—"And finally, it was determyned by the sayde Lorde Lieutenant vitterly to ruynate and destroye the sayde towne with fyre; which, for that the nyghte drewe faste on, we omytted thoroughly to execute on that daye; but settyne fyer in three or iiii. partes of the towne, we repayred for that night vnto our campe. And the next mornynge very erly we began where we lefte, and continued burnynge all that daye, and the two dayes nexte ensuinge contynually, so that neyther within ye wales nor in the suburbes, was leyfe any one house vnbrant, besydes the innumerable bottes, spoyles, and pyllages, that our souldyours brought frō thense, notwithstanding habundaūce whiche was consumed with fyre. Also we brent thabbey called Holy Rodehouse, and the pallice adionynge to the same."

Portions under the Counties to which the Lands respectively belong. In arranging the Retours of each County, the Order of Time has been exactly observed; and in framing the Abridgment of each Retour, whether simple or complex, there is given the Date of the Service; the Names of the Heir and the Ancestor; their natural Relation to each other; the specific Description of Heirs to which the former belongs; an exact Enumeration of the Lands and Annual Rents to which the Claimant has been "served Heir;" and a Statement of the Valuation of the Whole, or of its different Portions, according to the Old and New Extent. There is subjoined a Reference to the Volume and Folio of the Record; and where the Retour is of a complex Kind, there is added a Reference to the other Counties under which, in their Chronological Place, the other Portions of the Retour are to be found. In Connection with this Part of the Work there are given Alphabetical Indexes both of Persons and of Places; and for the Sake of easy Reference in these Indexes, the successive Articles of the Abridgment under each County are regularly numbered.

In the Arrangement of the Retours of General Services the Order of Time has been observed; and in framing the Abridgment of each, nothing more has been necessary than to specify the Names of the Heir and the Ancestor; their natural relation to each other; and the particular Description of Heirs to which the former belongs. In like Manner as in the Abridgment of the Special Retours, there is subjoined a Reference to the original Record; and in Connection with this Part of the Work there is given an Alphabetical Index of Persons, in which the References are likewise made to the Numbers of the successive Articles of the Abridgment.

The other Classes of Inquisitions retoured to Chancery, and there recorded, are of inferior Importance to those hitherto considered. One Class of these originates in what is called the Brieve of Tutor; and has for its Object to ascertain who is the Person that by Law ought to be appointed to the Office of Tutor to a Minor under the Age of Puberty, as being the nearest Agnate or Paternal Relative, of the Age of Twenty-five Years. Another Class originates in what is called the Brieve of Idiocy or of Furiosity; the Purpose of which is to ascertain, in the First Place, the mental Incapacity of the Individual alluded to for the Management of his own Affairs; and, in the Second Place, who is the nearest Agnate of proper Age and Capacity on whom that Management is to be devolved. In the following Abridgment, the Retours of both these Classes have from their Analogy been arranged together in the Order of Time, under the general Title of "Inquisitiones de Tutela."

Two other Sorts of Retours have been found in these Records; but so few in Number, that it has been thought fit, instead of abridging them, to print them entire in an Appendix. These are, in the First Place, Inquisitions of the Extent or estimated Value of the Whole of the Lands of a County or other District; of which, it is to be regretted, that only a few have been preserved: and, Secondly, Inquisitions taken and retoured to Chancery, in virtue of an Act of the Parliament of Scotland, 1584, c. 2, of which the Object was to ascertain the Real Estates of which Persons forfeited for Treason were in Possession for Five Years preceding the Dates of their Forfeiture.

The present Work has been brought down no further than to the End of the Seventeenth Century. It embraces the Contents of about Forty-nine Volumes of the Record; as also those more antient Retours which have been deposited in Chancery at a later Period, and which are to be found in the Posterior Volumes of the Record. And as a necessary Supplement to the Work, there is annexed, an Abridgment of those Original Retours of which the existing Books contain no Record, but which were fortunately recovered to the Public in the Manner already alluded to. An accurate Copy of these Retours has also been made, and deposited in the Chancery Office.

It may be proper to add, that throughout the Whole of this Abridgment, the Names of Places, as given in the Record, have been exactly followed. Where the Record was known to be grossly erroneous in this Respect, the true Name or spelling has been frequently added, within Brackets; and where a gross Error was suspected, a conjectural Reading, followed by a Point of Interrogation, has sometimes been inserted. But there is good Reason for believing that many other Errors of the same Kind exist in the Record, and have been unavoidably transferred into the Abridgment, which only a minute local Knowledge could possibly have afforded the Means of detecting.

THO. THOMSON.

(No. 2.) *Parochial Registers.*

Extract of a Letter from the Deputy Clerk Register to John Connell, Esq. Advocate, Procurator for the Church of Scotland, upon the Subject of Parochial Registers of Births, Marriages, and Deaths, throughout Scotland.

Edinburgh, May 23, 1810.

I presume that no Diversity of Opinion can exist as to the high Importance of such Registers, both to the Interests of Individuals, and on Public Grounds, as illustrative of the progressive Population, and the Political State of the Kingdom; and, I am afraid, that, as little Doubt can be entertained of the very defective Manner in which those Registers are now formed, and the very serious Hazards and Injuries to which they are afterwards exposed in the private Custody of the Parochial Officers by whom they are kept, as well in their successive Transmission from one Office to another.

Appendix,
(W. 7.)

Fourth Annual
Report of Deputy
Clerk Register,
Scotland, 1810.

I believe, that over the Conduct of Session Clerks, in the Formation of these Registers, no regular or efficient Control has been hitherto exercised or established; and even where the Clerk is disposed to discharge his Duty with Fidelity, I believe that he does not conceive himself to be bound, or even entitled, to make any Entry in his Register, unless when required by a Party concerned. But such Requisitions are rarely made by the Parties, unless with a View to their own Admission to some Ecclesiastical Privilege; and hence it must be obvious, that, in the present State of Religious Dissent in Scotland, a considerable Proportion of Births must, this Account alone, be in general omitted altogether in the Parochial Registers.

With respect to their subsequent Custody, it is unnecessary to point out the Hazards to which they must be exposed in the Private Houses of the Parish Officers, by whom they are usually framed; and I am besides very fully persuaded, that here, as much as in the Case of any other Public Record, it is expedient, in the Way of Control, that it should not permanently remain in the Hands of the Officer by whom it has been originally framed, but should be periodically transmitted and placed under the Custody of some other public and responsible Officer.

But without enlarging on the Defects of the present System, I shall beg Leave to give you in a few Words, an Outline of the Plan which has occurred to me as necessary to the accurate Formation and safe Custody of this Class of Records. I need scarcely premise, that what I have to propose, cannot be carried into Effect without the Sanction of an Act of Parliament.

1. That it be made the positive Duty of the Session Clerk, without any Exception whatever, to record every Birth, Marriage, and Death, that takes place in the Parish, and which reaches his Notice, whether he be specially required to do so or not.

2. That, for every such Entry, the Session Clerk be entitled to demand a certain moderate Fee; and in case the proper Party shall omit, within a certain Time, to enter the Birth, Marriage, or Death, and to pay the Fee of Registration, that it be competent to the Clerk to recover a certain larger Sum in the Name of Fine or Penalty, on a summary Complaint to the Justices of the Peace. Paupers to be of course exempted from the Payment of such Fees, Fines, and Penalties.

3. These Registers to be kept in Books of a certain Standard, Quality, and Form, and of a moderate Size; previously marked on every Leaf, and docketed by the Presbytery Clerk, somewhat in the same Manner with most other Classes of the Public Records now established in Scotland.

4. At the End of every Year, the Register to be minutely examined by the Minister and Kirk Session, and the Result of such Examination entered on the Record, and duly attested.

5. If any culpable Inaccuracy should be detected, certain Fines and Penalties to be imposed on the Session Clerk, to be levied for the Benefit of the Poor; and if a criminal Breach of official Duty has been committed, that it be reported to the Presbytery, and be punished by Suspension or total Deprivation.

6. A Duplicate of the Register to be made by the Clerk, and to be compared and certified in the Kirk Session, at their annual Meeting for that Purpose above mentioned.

7. At certain Periods of moderate Length, and not exceeding Seven or Ten Years, the principal Registers of the several Parishes in each Presbytery to be transmitted by the Presbytery Clerk, and new Books to be then issued to the several Session Clerks, in the Form already prescribed.

8. The Duplicates of the Registers to remain in the Custody of the respective Kirk Sessions, for the Use of the Inhabitants of the Parish.

9. It will be Matter for deliberate Consideration, whether the principal Registers should ultimately remain in the Custody of the Presbytery or be transmitted for still greater Security, and more extensive Usefulness, to His Majesty's General Register House at Edinburgh.

These are the rude and very general Outlines of the Plan which has occurred to me on frequently considering the Subject. It can scarcely fail to interest the Members of the General Assembly of the Church, whether Clergy or Laity; and as they are peculiarly entitled and qualified to judge of the Expediency of such a Measure, I should think it fortunate for the Public if it could be fitly brought under their Notice, and if any Steps should be adopted, by which a well-digested Scheme might, with their Concurrence and Approbation, in due Time, be submitted to the Consideration of Parliament.

I have the Honour to be, &c.

THO. THOMSON.

EXTRACT from the Minutes of the General Assembly of the Church of Scotland.

Edinburgh, Saturday, May 26, 1810. Session 9.

The General Assembly proceeded to consider the Overture respecting the Registration of Baptisms, &c.; which being read, the Assembly approved of the Measure proposed in the Overture, and appointed a Committee to take the Subject of the Overture under their Consideration, to digest the Matters contained in Mr. Thomson's Letter, to communicate with him upon the Subject, and to report to the next Assembly. The Procurator to be Convener.

(W. 8.)

*REPORT of the Committee of the Lords of Council and Session, appointed to consider the Fourth Annual Report of the Deputy Clerk Register.*Appendix,
(W. 8.)Report of Lords of
Session, Scotland,
1812.

THE Committee appointed to consider the Fourth Annual Report of the Deputy Clerk Register, and state to the Court their Opinion on it, have examined it with Attention, together with the Appendix annexed to it, and have also inspected the Progress made in the great National Works now carrying on by the Commission upon the Public Records of the Kingdom; and it is now their Duty to submit their Remarks to the Consideration of your Lordships.

On the present Occasion, however, the Committee have the greatest Satisfaction in declaring, that they find this Duty nearly altogether superseded by the learned, comprehensive, and enlightened Views afforded by the Report itself, on the highly important Matters to which it relates, and by the Ability and Success with which the Business is conducted.

The great Progress made in furnishing a correct Edition of the Statutes, notwithstanding Difficulties that had hitherto proved so unsurmountable, must be Matter of mutual Congratulation to your Lordships, to the Bar, and to every Man of Information in the Country.

The Measures taken for collecting and bringing to light the remaining Fragments of our antient Laws, and more important public Documents, are adopted with such Skill and Prudence as cannot fail to meet with the Approbation of every Person competent to form any Opinion on the Subject.

And the Access now in such Forwardness to the Royal Charters of remote Times, to the Retours of Services, and to that Mine of our older Judicial Proceedings which has been hitherto unopened, affords a Prospect of conferring on the History of our Law a Degree of Precision and Certainty as desirable as formerly it was hopeless.

We cannot, however, leave this Subject without expressing our Hope and Confidence, that a Commission, which has done so much for the Law and Antiquities of this Country, will persevere in the enlightened System of Proceeding which it has hitherto adopted; and that the Legislature will enable it to bring to light, with that discriminating and considerate Wisdom with which its Measures are distinguished, whatever is extant in Record, or can be traced as authentic, that promises to afford desirable Materials for the Lawyer, the Antiquary, or the Historian. Nor can we refrain from avowing the serious Satisfaction we have experienced in observing that Soundness of Judgment which the Report displays, in suggesting the various Matters, whose superior Importance demands their Publication, while a Selection only is recommended, where there is a Risk of an Accumulation of Matter more likely to encumber, than instruct the Studios.

The Court must of course be much gratified at learning from the Report, the successful Introduction of those Improvements in keeping the Records, which were suggested in the former Reports, and have been authorised by late Acts of Sederunt; and the promising Appearances, that the Measures taken will be attended with the beneficial Consequences which were expected from them.

The Committee concur very decidedly in approving of the Suggestions in the Report, as to procuring suitable Accommodations for the County Records; and the Hints given, that proper Jails ought now to be furnished, from Sources which are very different from those resorted to for that Purpose in the Seventeenth Century, are certainly just. In former Times a Sort of Police was maintained by the Proprietary Jurisdictions, which had Jails belonging to them. These are now obliterated; and the Villages swarm with Manufacturers; so that there is neither Principle nor Justice in continuing in the present Times to impose on the Royal Burghs, however decayed or insignificant, the Burden of supplying the Country with Jails; a Burden now of great Magnitude, both from augmented Population, and from the Information and Humanity of the Age, which exact decent Accommodation for Persons even of the worst Descriptions.

The Court require no additional Evidence to convince them of the patriotic Zeal which the Lord Clerk Register exerts in every Quarter to perfect the System of our Records, and establish the most improved Method in their Formation, Arrangement, and Preservation. Much Expectation therefore, will naturally be indulged as to the Perfection that this highly valuable Institution may soon attain; and it would certainly be Matter of much Regret, if a Revenue requisite for accomplishing a Design of such Superior and unquestionable Utility should be withheld, and the Success of Efforts dictated by so much public Virtue, and Knowledge of the Business, be thereby in any Degree crippled or impaired.

Edinburgh,
June 20, 1812.

C. HOPE.
ALLAN MACONOCHE.
W. ROBERTSON.

Proceedings of the Court of Session upon the Above Report.

The Lords approved of the above Report, and ordained the same to be entered in the Books of Sederunt; and further directed the Deputy Clerk Register to transmit Copies thereof to the Lord Clerk Register, and likewise to the Right Honourable His Majesty's Commissioners for the Preservation and Arrangement of the Public Records of the Kingdom.

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

(W. 9.)

The Fifth Annual Report of Deputy Clerk Register of Scotland.—1811.

To the Right Honourable Lord Frederick Campbell, Lord Clerk Register.

THE last Annual Report which I had the Honour of addressing to your Lordship, embraced a considerable Range of Topics connected with the State, both of the General Records of the Kingdom, and those of a Local Nature. The Extent of these Discussions enables me to limit my present Report, to comparatively a few Particulars, demanding your Lordship's more immediate Notice.

I.—GENERAL RECORDS OF THE KINGDOM.

1. I formerly stated to your Lordship, that several Alterations in the Distribution or Allotment of the Apartments of the General Register House had become expedient and practicable; and, in the course of the last Year, such of those Arrangements as were more immediately necessary to the Public Service have been carried into Effect. By an Act of Sederunt passed on the 10th July 1811, the Three separate Offices for the Registration of Deeds, Probative Writs, and of Instruments of Protest, in the Books of Council and Session, which previously occupied Three of the Smaller Apartments of the General Register House, have been at length consolidated into one Office; and for its Accommodation, the large Apartment hitherto occupied by the Justiciary Office, and a smaller adjoining Apartment, have been suitably fitted up.

In the Prospect of this New Arrangement, One of the Large Apartments formerly occupied as an Extracting Office, has been commodiously fitted up with Presses and other Furniture for the Reception of the Records of the Court of Justiciary. For the orderly Disposal of these very important Records, no adequate Provision had been made in their late Repository; but the Defect, which was an obvious one, has been very completely remedied; and, in this new Office the Records of the High Court of Justiciary, and those of the Three Circuits may be arranged separately, and in such a Manner as to provide for the progressive Accumulation of each Class for many years to come. A small adjoining Apartment, formerly occupied by One of the Offices for the Registration of Deeds, &c. has also been found requisite for the Accommodation of the Clerks of Justiciary.

The Apartment originally allotted to the Clerks of the Court of Teinds, having proved extremely inadequate to their suitable Accommodation, and the Records of that Department having accumulated beyond the Possibility of regular Arrangement within such narrow Bounds, another of those larger Apartments lately occupied as an Extracting Office, has been fitted up with Shelves to serve as a Repository for those Records; and for carrying on the ordinary Business of the Office, a small contiguous Apartment, formerly occupied by One of the Offices for the Registration of Deeds, &c. has been altered and fitted up with the necessary Shelves and Furniture.

The Apartment hitherto occupied by the Teind Office, adjoining to the Bill Chamber, may be now very suitably appropriated to the General Register of Hornings and Inhibitions; and as the present Accommodation of the Officers and Clerks belonging to the General Register of Seisins is insufficient, I would propose to enlarge it by the Addition of the present Horning Office.

Prior to the late Act of Parliament, (50 Geo. III. cap. 112.) "For abridging the Form of Extracting Decrees of the Court of Session," these Decrees, with the corresponding Warrants or Processes, were delivered, in the first Instance, by the extracting Clerks (Eighteen in all) to Three of their own Number, called Collectors of Dues, by whom these Records were respectively arranged in Three distinct Series, and lodged in Three separate Offices, preparatory to their final Transmission, at the End of Ten Years, to the General Repository of the Register House. In the Sequel, I shall have occasion to consider more particularly the apparent Deficiencies in the late Act of Parliament, in regard to the Formation and Arrangement of the Judicial Records of the Court of Session: and, under this Head, I am merely to state, that One large Apartment having become necessary for their intermediate Deposit, it has been fortunately found in that lately occupied by the Third Extracting Office. This Apartment has been fitted up with Shelves and Tables, and will be hereafter the Place of Arrangement and intermediate Deposit between the Offices of the Clerks of Session, and the General Repository; into which, at the end of Five Years, the Judicial Records of that Court must be progressively transferred.

Under the late Act of Parliament above mentioned, a new Office has been created, for collecting those Fees on the successive Steps of Judicial Procedure, which constitute what the Act denominates the Fee Fund; and by the Judges it had been thought requisite, that an Apartment in the Register House should be appropriated to the Collector,

Collector. One of the Three Apartments formerly set apart for the Purpose of arranging the Records of the Court of Session, has been accordingly allotted to the Office of the Fee Fund. The Two other Record Rooms, together with a small Apartment lately occupied by One of the Three Registers of Deeds, &c. now remain unappropriated; but are still occasionally used by the Clerks of Session, whose Accommodations for Transcribers are scanty:

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

In my last Report* I stated, that in the Apartments occupied by the Clerks of Session and their Deputies, there had been gradually accumulated a vast Mass of unextracted Processes and other Judicial Proceedings, which by the existing Laws and Usage are not transmissible into the Repository of the General Register House, and to which, indeed, in the proper Apartments of that Repository no adequate Space could be conveniently allotted. For these extraneous Records, the Clerks of Session have become anxious and urgent for some fit Place of Deposit; and it has been proposed, that a certain Number of the small Rooms in the basement Story of the House should be set apart, and prepared for their Reception. I am not aware of any better Mode of disposing of these extraneous Records, the Consultation of which cannot be very frequent, yet the Arrangement of which, in an accessible State, is certainly expedient. I must however repeat the Observation made in my former Report, that before these Records are removed, it will be necessary that Inventories of the Whole should be framed; and for that Purpose, I trust, that some Arrangements will be speedily made.

Before quitting this Head of my Report, it may be proper to mention, that I have been requested by the Procurator for the Church of Scotland to propose to your Lordship, than an Apartment in the Register House should be allotted to the Records of the General Assembly, and the other Manuscripts belonging to the Church. Regarding these as important National Muniments, there is evidently no fundamental Objection to the Proposal, if the Measure should be found expedient or practicable. At present these Records are deposited in a small Gothic Aisle of St. Giles's Church, contiguous to that in which the General Assembly is held; and on examining the Place, I have found it in a most neglected and almost ruinous State. It appears to me, however, to admit of being completely repaired, and rendered not merely a safe, but a very handsome Repository; and if the necessary Funds for that Purpose can be procured, it is obviously the most eligible Situation in which the Records of the Church can be placed. Having already communicated these Views to the Procurator, and having Reason to think they will be acted upon, I need not at present trouble your Lordship with any further Observations on the Subject.

II. The Consideration of the several Arrangements now alluded to, is intimately connected with another Subject, to which, at least in general Terms, I have had occasion to call your Lordship's Attention in all my former Reports: I mean the Necessity of enlarging the ordinary Pecuniary Establishment of the General Register House, and also of providing immediately for some Part of that extraordinary Expenditure which would be requisite for putting the whole into a suitable State of Repair. From the Opinions which have been so strongly expressed by the Court of Session, I can entertain no Doubt of the successful Result of a regular Application on the Subject; and, in that View, I will now take the Liberty of entering somewhat more fully into the Grounds and Details of such an Application, keeping in View, as a fit Precedent, the Proceedings which were adopted by your Lordship on a former Occasion.

In the Year 1791, a Memorial† was presented by your Lordship to the Lords Commissioners of the Treasury, setting forth, that the Edifice commonly called His Majesty's General Register House, which had been then recently erected, by the Bounty of His Majesty and the Public, as a Repository for the Records of the several Supreme Courts of Law in Scotland, as well as for the antient Muniments and General Records of the Kingdom, was still defective in many Articles of Furnishing, which could not be procured without an additional Grant of Money from the Crown:—and further, that in order to maintain and keep in Repair this great Public Edifice, there would be wanting an annual Establishment, amounting to the Sum of £. 500.; of which Sum there should be allotted £. 100. as a Salary to the Deputy Keepers of Records; £. 200. to the necessary Repairs of the Building; £. 100. to the Expense of Coals and of Lamps; £. 50. as Salary to a Surveyor or Overseer of the Building; and £. 50. to Porters and Servants in daily Attendance.

In consequence of this Memorial, and of a Report thereon by the Barons of Exchequer, Two separate Warrants under the Privy Seal, were issued; by the one of which, His Majesty authorized the Lords Commissioners of the Treasury, and the Barons of Exchequer, to issue and pay out of any of the Revenues of Customs and Excise in Scotland, applicable to the keeping up of the Courts of Session, Justiciary, and Exchequer there, to the Lord Clerk Register, without Account, the Sum of £. 1,525. 8. 2. to be applied towards defraying the Expense of completing and fitting up the General Repository for the Public Records of Scotland.

* See Fourth Annual Report.

† This Memorial, with the Report of the Barons of the Exchequer, and the Royal Warrants proceeding thereon, are subjoined to this Report.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

Scotland. And by the other Warrant, His Majesty authorized the Lords Commissioners of the Treasury, and the Barons of Exchequer, to pay out of the same Revenues of Customs and Excise, to the Lord Clerk Register for the Time being, the Sum of £.500. yearly, to be applied in the Manner and according to the Allotments particularly specified above; but providing that the Lord Clerk Register should be obliged annually to exhibit in Exchequer an Account of the Application of the said Sum, and that the Balances unexpended should be charged in his next Year's Account, applicable to the Purposes of the Grant, as future Contingencies might require.

The Sum of £.1,525. 8. 2. paid under the first of these Warrants, was fully expended in various necessary Operations on the Fabric of the Building, as well as in fitting up and furnishing some of those Apartments into which the Public Records of the Kingdom have been transferred and deposited, and where the Public Business of this Department is carried on by the Deputy Keepers of Records. In virtue of the other Warrant, the Sum of £.500. has been annually received, for the due Expenditure of which, Accounts have been regularly presented to, and passed by the Barons of the Exchequer.

Of this annual Sum, £.200. are by the Royal Warrant appropriated to the Payment of Salaries to certain Officers and Servants. Of the remaining £.300., the Sum of £.100. was originally calculated as the annual Expense of Fuel, of Lamps, and of Candles;—and £.200. were meant to be appropriated to the ordinary Repairs of the Building. But the Expense of Fuel and of Lamps has gradually risen to nearly double its original Amount; and as the necessary Expense of keeping and cleaning the numerous Apartments of the House has likewise increased considerably beyond the original Estimate, the Consequence has been to reduce the Fund for the Expense of repairing and maintaining the Fabric to One-third of its original Amount, or to about £.70. *per Annum*. In this Manner, on that most important but variable and contingent Head of Expense, the Maintenance and Repair of the Fabric of the General Register House, there would arise an Annual Average Deficiency of at least £.130., even on the Supposition that the Sum originally destined to that Purpose would now be sufficient. But from the great Increase in the Wages of Labour, and in the Price of all necessary Materials during the last Twenty Years, the Sum of £.200. would now prove very inadequate to this Branch of the Expenditure of the House; and, in addition to these Considerations, it must here be stated, that the necessary Repairs of the Fabric, and the various Alterations and Improvements rendered indispensable by the occasional Change of System in the different Offices, as well by the rapid Accumulation of Records, beyond all former Experience, have of late Years been much more considerable than was contemplated when the present Establishment was granted. It has also been found from Experience, that the Establishment of Servants for cleaning the House had been calculated upon too narrow a Scale: And above all, one important Branch of Expense has been left altogether unprovided for; namely, that of putting the Public Records themselves into a better and more durable State. Under the Authority of His Majesty's Commissioners, much has been done to meet the Deficiency now alluded to, in so far as regards the more ancient and decayed Classes of Records: But, independently of these extraordinary Expenses, for which no regular and permanent Provision could have been made, there is an obvious Necessity of providing for those ordinary and constant Outlays which are required for keeping the more voluminous Classes of Records in a State of good Repair, and for rendering them more useful and accessible.

To these growing Deficiencies in the Ordinary Funds of the Establishment, the Attention of the Court of Session has been frequently called in the former Annual Reports; and the Opinions successively expressed by their Committees, and afterwards approved of and adopted by the Court, are so pointed, and of so much Weight, that it cannot be thought improper again to repeat them.

One of these Committees, in a Report, dated March 10, 1810, has stated, "That the Importance of maintaining the General Register House in the most perfect State of Repair, and of completing all the proper Arrangements in the Interior of the present Building, is abundantly manifest; and it is therefore, with sincere Regret, that the Committee have perused the Statements contained in One of the Annual Reports, from which it appears, that the present Funds of this Establishment are inadequate to the Objects in View. This is an Evil, to which of course it is not within the Competency of the Court to apply any Remedy; but the Committee may be permitted to express a Hope that the Subject may meet with that serious Attention where which it so well deserves."

And, in a subsequent Report, (dated June 6, 1811), it is stated, that, "With respect to the Pecuniary Establishment of His Majesty's General Register House, the Committee cannot refrain from expressing their Concern, as on a former Occasion, that any serious Deficiency should be experienced. To complete the necessary Arrangements in this great Repository of the Records of the Kingdom; to maintain it in a proper State of Repair; and, in some Degree, to anticipate or correct the incessant Injuries of Time and of Accident, on the vast Mass of Books and Papers which it contains, are Objects of high National Importance; and it is most earnestly to be wished, that the Means should be speedily provided for meeting that Expenditure, without which the Objects, now alluded to, cannot be attained."

These

These liberal Views cannot be too speedily carried into effect; for the Delay of every successive Year has tended to accumulate Embarrassments and Difficulties, the Removal of which must gradually become more and more impracticable. After giving to the Subject all the Attention which it so much deserves, I am humbly of Opinion, that, for accomplishing the several Objects which have now been explained, there is indispensably required an additional Allowance of not less than £.400.; making in all £.900. In the Disposal of that Sum, I certainly conceive it adverse to the public Advantage, that the Lord Clerk Register should be fettered by any precise Scheme of Allotment; but it may be proper here to specify generally the several Heads of Service which will naturally fall to be provided for in every Year.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

Under the present Establishment, it will be recollected, that £.100. was allotted by the Royal Warrant to the Salary of the Deputy Keepers of Records; £.50. to a Surveyor or Overseer of the Buildings, and £.50. to Porters and Servants in daily Attendance; being in all £.200. for Salaries. To this Sum, an Addition of not less than £.50. ought to be made for the Purpose of improving the very limited and inadequate Establishment of Servants for cleaning the House: Indeed, I apprehend it to be obvious, that even this enlarged Sum of £.100. a Year must prove rather a scanty Allowance.

According to the Calculation on which the present Establishment was founded, £.200. were meant to be allotted to the Maintenance and Improvement of the Fabric of the Buildings. An Addition of £.100. to that Sum, making in all £.300., must be reckoned moderate, and indeed in point of practical Effect, will leave this Branch of the Establishment lower than it was in 1792, when the Wages of Labour, and Price of Materials, were scarcely a Half of the present ordinary Rates.

The Sum originally allotted to the Expense of Fuel and of Lamps was £.100.; but it has long proved inadequate to the Purpose; and, from the gradually increasing Amount of these Articles, I should think it prudent now to estimate this Head of Expense at £.200. Under this Head, I would be understood to include several miscellaneous Articles of Expense connected with the cleaning of the Apartments in the General Repository.

To these former Branches of the Establishment, there remains to be added an annual Allowance for keeping certain Classes of Records in Repair; for improving their Accessibility by the Formation of progressive Indexes, and for various other Purposes connected with the Preservation and Arrangement of the Public Records. Under this general Head, a smaller Sum than £.150. ought not to be stated; indeed a much larger Sum might be usefully and properly employed.

These various Sums, it will be found, amount to £.900. *per Annum*; and it now remains for me to add, that a further annual Sum of £.100. must also be provided for a particular Head of Service; the Nature of which will require a detailed Explanation.

In the Report from the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom in 1800, it was recommended that a "Record of the Proceedings of the Court of Justiciary (in Scotland) should be made in the same Manner as the Books of Adjournal of the High Court of Justiciary at Edinburgh, and deposited in the General Repository annually, if possible, or within such other Period as the High Court of Justiciary may direct." By the same Committee it was also suggested, that an Index to the Records of Justiciary was also wanting*.

In the Year 1806, (Sept. 16,) His Majesty's Commissioners on the Public Records directed me, as Deputy Clerk Register, to report on the proper Mode of carrying into Effect the above mentioned Propositions respecting the Records of the Court of Justiciary†:—and, in 1807, (July 25,) my Report, on that Head, was "referred by the Board to the Lord Justice Clerk, and other Lords of Justiciary, for their Approbation of the Measures therein suggested; whereupon the Board would make Application to the Lords of the Treasury, for defraying any necessary Expenses which might be incidental thereto‡."

On the 2d of February 1808, the Lord Justice Clerk transmitted to the Commissioners of Records the Opinion of the Court on the several Measures suggested by the Deputy Clerk Register; expressing their Approbation of those Measures; but, at the same Time, stating, that, without a regular Allowance of considerable Amount, these Measures could not possibly be executed. This Letter to the Commissioners of Records, together with the Reports to which it relates, were presented by the Board to the Two Houses of Parliament, in the Year 1808, as a Part of their Proceedings, so far as related to Scotland§.

The

* See Report of Select Committee, page 18.

† See Proceedings of the Record Commissioners, 1806—8, so far as relates to Scotland, presented to Parliament, April 1808, page 4, and page 8.

‡ Ibid, page 13, and page 26.

§ See Proceedings, &c. page 57. The Letter subjoined to this Report, p. 290.

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

The Measures, thus recommended and sanctioned, were, in the first Place, the Formation of a proper Record of the Proceedings of the Circuit Court, not only in Time to come, but with a Retrospect to a certain Period; and, in the second Place, the Formation of regular Indexes of Reference to the Records, both of the High Court and of the Circuit Courts. Other Measures, requiring an immediate and extraordinary Expenditure, were also recommended; the Execution of which seems more properly to fall within the Province of His Majesty's Commissioners of Records; but, for the Purposes mentioned above, a regular and permanent annual Allowance would be requisite. After due Inquiry, I am of Opinion, that this Allowance cannot be stated at less than £. 100.; and it was the Opinion of the Lord Justice Clerk, that it would amount to a still larger Sum.

In order, therefore, to carry these important Public Services into Execution, under the Inspection of the Lord Clerk Register, and the Deputy Clerk Register, and under the Control of the Court of Justiciary, I am humbly of Opinion, that the Sum of £. 100. a Year should be added to the other Allowances to His Majesty's General Register House; for the due Expenditure of which the Lord Clerk Register should be bound to account in Exchequer, in the same Manner as for the other Parts of the proposed annual Establishment. For a considerable Time to come, it is probable that this Addition will fall short of the necessary Expenditure on this Head: In other Years it may occasionally exceed that Expenditure; but, in either Case, I would propose, that the Balance, whether of Debt, or of Credit, should be carried to the General Annual Account to be made in Exchequer by the Lord Clerk Register.

Such are the Grounds upon which, I humbly conceive, an Application ought now to be made for an Enlargement of the annual Sum provided for the ordinary Expenditure of His Majesty's General Register House. For the Attainment of Objects of so much National Importance, the Allowance now proposed must, I conceive, be regarded as moderate; and I have only to add, that, with a View to the most economical and most useful Application of the Fund, according to the varying Circumstances of different Years, I should consider it as highly expedient, that the whole Sum should be granted as generally applicable to the Purpose of this Establishment, without any positive Allotment of particular Sums to particular Purposes, and without any other Obligation, than that of applying the Fund to the Support of the General Register House, and to the Preservation of the Public Records of the Kingdom, in such Manner, and according to such Proportions, as the Lord Clerk Register, in his Discretion, may judge necessary; subject always, as at present, to the Obligation of accounting for his Receipts and Expenditure annually in Exchequer.

The preceding Statements have an exclusive Reference to the ordinary Expenditure of His Majesty's General Register House: And it becomes necessary for me here to observe, that, in estimating the probable Amount of that Expenditure, I have not included those extraordinary Alterations and Repairs in various other Record Offices included within the Fabric of the General Register House, of which I have had Occasion to take Notice under the preceding Head of this Report; namely, in the new Justiciary Office; in the new Record Room and Office for the Court of Teinds; in the new Consolidated Office for the Registration of Deeds, &c.; in the Books of Council and Session; in the newly established Office for arranging the Judicial Records of the Court of Session; or in those Apartments which may be allotted to the "unextracted" Proceedings of that Court. All of these Alterations and Repairs, excepting the last, had become immediately and indispensably necessary; and, in order that the public Service might not be at a stand, Directions were given, that they should be executed without further Delay. The estimated Expense amounts to nearly £. 800.;—for which, as for all extraordinary Expenses connected with every Department of the Public Records of the Kingdom, I humbly conceive it to be the most regular and expedient Course, that Application should be made to the Treasury, in the Name of the Lord Clerk Register, as the great constitutional Superintendent of the Whole. If that Measure should not be adopted, it will remain for the Clerks and Keepers of Records in the several Departments to make their separate Applications; or, what seems rather more convenient, an Application in the Name and on Behalf of those several Clerks and Keepers of Records, may be made by the Deputy Clerk Register.

To the extraordinary Sum of Expense now mentioned will remain hereafter to be added, that of fitting up the Apartments in the basement Story for the "unextracted" Proceedings of the Court of Session; that of fitting up Offices of Record for the Supreme Commissary and Admiralty Courts; both of which (but more especially the latter) are in a most improper, and, I must say, a disgraceful State of Neglect;—and that of certain Repairs in the Bill Chamber, the Chancery Office, and the Offices for Registration of Seisins and of Hornings. These various Heads of Expense have been estimated, and will amount to above £. 700. It is needless, perhaps, to add, that these are Expenses which could not possibly be defrayed, even out of the enlarged Establishment which has been proposed above, for meeting the ordinary Expenditure of His Majesty's General Register House.

III. Under the General Heads of the "Arrangement" and the "Preservation" of Records, I feel it unnecessary at present to add much to the Observations contained in my former Reports; but it must be satisfactory to your Lordship to learn from the Quarterly Reports to His Majesty's Commissioners on the Public Records, that during the last Year, very rapid Progress had continued to be made in repairing decayed

decayed Records, and in re-binding Books of Record. Without entering into minute Details, it may be enough to state, that the Twelve Rolls of Antient Charters, (already printed), the Rolls of the Accounts of the High Chamberlain of Scotland, chiefly in the Fourteenth Century, and the Rolls of other Public Accounts in the Fourteenth, Fifteenth, Sixteenth, and Seventeenth Centuries, have been carefully cleaned and repaired; and that, besides several detached Volumes of decayed Records, a great Number of those which contain the Registers of Seisins, and the Registers of Deeds, &c. have been carefully mended, preparatory to their being rebound. To these Two voluminous Classes of Records, the Operations of the Binder have been almost exclusively confined; of the Registers of Seisins, General and Particular, above Twelve Hundred Volumes, (in addition to those formerly reported), and of the Register of Deeds, nearly Six Hundred Volumes have been rebound. Of this last mentioned Record, the peculiar Utility of which is well known, your Lordship will not fail to observe with Regret, that in consequence of former Accidents or Neglect, a considerable Number of Volumes (above Twenty in all) are now in a state of such Decay as to be totally incapable of Repair.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

When the whole of the Register of Deeds has been repaired and rebound, I propose to make some Alterations on its present local Arrangement in the General Repository. This Record consists of several distinct Series. From the Institution of the Court of Session in 1532 to the Year 1554, Deeds presented for Registration were blended together in the same Series of Books with the Judicial Decrees of the Court, and its Acts of Sederunt. In 1554 a Separation of these Three distinct Classes of Proceedings first took place, and has been ever since continued. From November 1554 to August 1659, a single Series of Registers for Deeds, &c. was kept, of which 621 Volumes are now extant. In 1661 an unfortunate Innovation took place, by permitting a separate Register of Deeds to be kept in each of the Three Offices of the Clerks of Session; and from that Period, down to the Close of the last Year, Three different Series of such Records have been framed, now consisting each of above Three Hundred Volumes. To make way for the progressive Additions to each of these Three Sets of Registers, they have been placed in Three separate Apartments; and the earlier Series preceding 1661 has been placed in a Fourth contiguous Apartment. By an Act of Sederunt passed on the 10th July 1811, "concerning the Registration of Deeds, Probative Writs, and Instruments of Protest, in the Books of Council and Session," these Three separate Registries have been consolidated into One; and among the subordinate and incidental Consequences of this Change, I may here state, that it will enable us to dispose of the whole of the Record of Deeds, &c. prior to January 1812, in One of the four Apartments, and a Part of another; and will thus be productive of considerable Economy in Space, as well as of Convenience in Consultation. This Alteration of Arrangement (as I have already hinted) I propose to make as soon as the Operation of rebinding these Records has been completed; at the same Time I shall regret if the Means do not then exist, of also fitting up the Apartments for that Purpose in a more commodious and suitable Manner than at present.

On the Head of "Arrangement," your Lordship will give me Leave to add, that I consider it as highly expedient, That One or Two of the smaller Apartments of the House should be fitted up in the most secure and most commodious Manner, for the Reception of the Records of Parliament, of Privy Council, and of Exchequer, and such other Registers or Documents as are more strictly of a Public Nature, which are at present dispersed in different Parts of the General Repository. All of these Records are now in Progress of being repaired and rebound in a Manner suitable to their Value and Importance as great National Muniments; and when these preparatory Operations have been completed, it seems a Measure of obvious Propriety, that the Whole should be collected, and deposited in some one suitable Part of His Majesty's General Register House.

IV. In my last Annual Report, I submitted to your Lordship a detailed Account of the various Works which were then either in Progress, or in Prospect, for giving Publicity to some of the more antient and valuable Classes of Records; and in the Quarterly Reports for the Year 1811, your Lordship will find the Particulars of the further Advancement which has since been made in these Works, under the direction of His Majesty's Commissioners.

The Abridgement of the Record of Retours, from its present Commencement in 1547, to the End of the Seventeenth Century, having been finished at the Press, the Work has been published in Two Volumes in Folio; and in the Preparation of a Supplement to be drawn from Original Retours not on the Record, considerable Progress has been made.

But, during the last Year, the most important Branch of Progress under this Head, has been in printing the "Acta Parliamentorum," or "Proceedings of the Three Estates in full Parliament." The Volume, now in the Press, has advanced from the Reign of James I. to about the Middle of that of James V.; and as it will close with the Reign of Mary in 1567, I have now no Doubt of its Completion within the Period promised in my last Report.

In the Collection of Antient Royal Charters, of the general Plan of which an Account was given in my former Reports, very considerable Advancement has been made during the last Year. From its Nature, it is a Work

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

that must be desultory and uncertain in its Progress; but as its Objects become more generally known and understood, it may be confidently expected, that the Repositories of Individuals, as well as the Archives of Public Bodies, will be more freely laid open to Inspection. The Indications of this increasing Confidence, have been already such as to afford sanguine Hopes of ultimate Success in this important Undertaking, sanctioned as it has fortunately been by the Authority of His Majesty's Commissioners, and recommended, as it manifestly is, by its peculiar Importance to the legal and constitutional Antiquities of Scotland.

Among the Compilations intended to facilitate the Researches of Individuals, as well as to furnish directly much accurate and valuable Information, I shall here only mention the Abridgement of the Register of the Great Seal, or Record of Royal Grants and Charters, as one which has been regularly in Progress during the greater Part of the last Year, and the Publication of which will now be urged with as much Dispatch as may be practicable in a Work of so much minute Detail.

V. The Formation of progressive Indexes to the more voluminous and practically useful Records,—a Measure of which I have had Occasion to say so much in my former Reports,—has been effected, to a great Extent, by four different Acts of Sederunt passed by the Court of Session on the 10th July 1811. These Acts relate to the Registers of Deeds and of Protests, in the Books of Council and Session,—the Registers of Seisins, General and Particular,—the Registers of Hornings and of Inhibitions, General and Particular,—and the Register of Abbreviates of Adjudications: to each of which it now becomes a Part of the ordinary Duty of the respective Keepers to frame Indexes of Persons and of Places, to be transmitted to the General Register House, with the successive Registers, and their relative Minute Books. It is an important Part of the Plan, that at certain stated Periods, perhaps of Ten Years, these Indexes to single Books should be systematically digested into one Series; and, that the Indexes of these short Periods should be gradually generalized in such a Manner, and to such an Extent, as further Experience of their Utility may suggest. This important Operation is one of those connected with the Arrangement and improved Accessibility of the Public Records, in the Contemplation of which, I have suggested an Enlargement of the Ordinary Funds of the General Register House.

Of all these Indexes, the most important and most complicated is that of the Register of Seisins; and having found a considerable Diversity of Opinion to prevail as to the most proper Mode of framing it, I have been anxious to collect the Suggestions of the Keepers of that Record, whose Experience best enabled them to judge in the Matter. The Delay which has been thus occasioned in the regular Commencement of the new System, will, I trust, be more than compensated by the consequent Maturity of the Plan to be ultimately adopted and enforced.

The Formation of a progressive Index to the Register of Decrees of the Court of Session, I have formerly stated as a Measure of obvious Expediency, for which no Provision had yet been made; but I have now the Satisfaction to think, that it may be effectually combined with another Measure for the Arrangement of the Judicial Records of that Court, to which I have already alluded, and of which I shall have yet to speak more fully in the Sequel.

As soon as the Formation of these progressive Indexes has been regularly begun, every Means shall be employed for carrying into Effect the Measure proposed in my former Reports, and sanctioned by the Committee of the Court of Session, and by His Majesty's Commissioners * of compiling similar Indexes to these Records, from the beginning of the present Century. Whether it may not yet be practicable to give the Measure a more remote Retrospect, I will not here venture to say. I have formerly stated my Opinion as to the Difficulties of such an Undertaking; yet I cannot even now abandon the Hope that the Means may be found of carrying it back for at least Half a Century, and of thus giving a vast Facility to all those Researches which have in View the prescriptive Period of Heritable Rights established by the Law of Scotland, and which, in the Absence of all Aid of this Nature, are rendered extremely laborious and expensive, and not a little precarious and insecure.

VI. The "Recovery of lost Records," I am sorry to observe, can form little more than a nominal Head of this, as it has done in some former Reports. During the Course of the last Year, only Two Books of that Description have been recovered, which, though not of the highest Class in point of practical Value, I consider as here deserving of Notice. The one of these is a Register of Charters, Leases, and other Grants by the Cistercian Monastery of Cupar in Angus, from the Year 1539 till the Dissolution of the House at the Reformation. The preceding

* At a Meeting of the Commissioners appointed by His Majesty on the Public Records of the Kingdom, holden at the House of the Right Honourable the Speaker of the House of Commons, on Saturday, 24th March 1810, it was ordered, "That the Secretary do inform Mr. Thomson, that this Board approves of his proceeding to make such Indexes as he has described in his Third Annual Report for the Register of Seisins, and Records of Deeds, and Probative Writs, &c. reducing the several Indexes afterwards into one Series, each for every Period of Ten Years, beginning with the present Century."

preceding Volume of this Record, from 1443 to 1538, has been deposited in the General Register House probably ever since the Annexation of the Lands of that rich Abbey to the Crown; and in the Advocates Library is preserved an Abridgement of a still more antient Record of its Endowments and Privileges. The other Record, to which I have alluded, is a Book of the Accounts of the Lord Treasurer of Scotland, for the Year 1620, by the Recovery of which one of the Imperfections in the existing Series of those interesting Documents is supplied. These Two Books were lately exposed to Sale among the Collections of a deceased Antiquary*, and have been secured to the Public. Of their previous History I have discovered no Traces; but, by such Occurrences, we may be justified in cherishing the Hope that other more important Discoveries may yet be made.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

VII. Under the general Head of the "Transference of Records" into His Majesty's General Register House, the only Instance I shall here have Occasion to mention, is that of the Registers and other Records of the Privy Council of Scotland deposited in the Justiciary Office, the Propriety of which I have had Occasion to state in my former Reports. From the Documents subjoined to this Report† your Lordship will learn by what Means these Records have been so long withheld from their proper Repository in the General Register House. It appears that on the Dissolution of the Privy Council of Scotland, in consequence of the Union 1707, several of its Registers and other Records, had been suffered to remain in the private Custody of a Person who had acted as an Assistant under one of the Clerks of Privy Council. This Fact having been communicated to the Court of Session in 1717, by one of the Lords, a Committee was appointed to examine into the Condition of these Records; and from an imperfect Minute of the Proceedings of that Committee, it appears, that Measures were taken for framing an Inventory of them, and for having them forthwith deposited in His Majesty's General Register House. By what Influence or Accident this laudable Purpose was then defeated, does not appear; but it may be inferred from the Documents in the Appendix, that in virtue of a Royal Warrant, these Records had been committed to the Custody of the Keeper of His Majesty's Signet, and his Deputy; and that by the same Authority they were transferred to the successive Keepers of the Signet till the Year 1746, when, by another Warrant, they were ordered to be deposited in the Court of Justiciary. From that Period these Records appear to have passed into the private Custody of the successive Clerks or Depute Clerks of Justiciary; nor was it till the Year 1800, that there existed a public Office or Place of Deposit for any of the Records of that Court, when the Whole were removed, together with those of the Privy Council, to an Apartment in the Buildings of the General Register House. In these successive Transfers, the Books or Registers appear to have passed according to an Inventory; but the Warrants and other Original Documents were taken in the Mass (per aversionem) without any Specification of their Number or Contents. Of these Inventories I have discovered none prior in date to 1787; and in it the Number of Registers is stated to be 47, of which 33 Volumes are described as Acts and Decrees, from 1572 to 1705;—12 Volumes as Registers of State Affairs, from 1661 to 1703;—and 2 Volumes as Registers of Commissions for trying Crimes, from 1607 to 1624. Of the first of these Three Series, the 8th Volume is stated to be wanting; and, in a Note annexed to the Inventory, some Account is given of Two other Volumes, one of which has been since deposited in the General Register House, the other still remains in private Custody‡. Besides these Volumes, there have been all along preserved in the General Register House 36 Books of the Register of Privy Council; of which, all excepting Two are prior in Date to the Restoration.

The Propriety of re-uniting these Two broken Series in one Place of Deposit did not escape the Attention of the Select Committee of the House of Commons in 1800; and the immediate Transference of those in the Justiciary Office to His Majesty's General Register House, was accordingly one of the Measures recommended in their Report, and which the Commissioners appointed by His Majesty to carry those Measures into Execution had therefore full Power to accomplish. In pursuance of the Directions of the Board on that Head, I accordingly addressed an Order to the Clerks of Justiciary, (annexed in the Appendix), authorizing and directing them to deliver into the General Repository in His Majesty's General Register House, upon Receipt, the several Books and Registers, as also all the Original Warrants and Papers of the Privy Council of Scotland in their

* Mr. George Paton of the Custom-house, long well known as an industrious and intelligent Collector of Scottish and English History, Topography, and Antiquities. In Justice to the Memory of Mr. Paton, I am bound to disavow the slightest Suspicions of his having acquired those Books in any Way unbecoming the irreproachable character he had sustained throughout a long Life.

† These Documents are subjoined to this Report, Page 291.

‡ The Note above alluded to, written by the late Mr. Joseph Norris, Depute Clerk of Justiciary, is as follows: "There is in Possession of the Clerks of Session a Volume of the Privy Council Record, beginning 24th May 1689, and ending 29th November 1689. This Volume was some considerable Time ago put up to Public Auction, amongst some other Books; and Notice thereof having been communicated to the Court of Session, they ordained it to be taken into the Custody of the Clerks, where it still remains."

"There is in the possession of the Lyon Clerk another Volume of the Privy Council Record, beginning 12th June 1567, and ending 27th December 1569. This Volume was found amongst the Books of the late Lord Alemore, at Haukhill, when his Library was sold to Charles Elliot, Bookseller in Edinburgh, from whom it went into the Possession of the Lyon Clerk."

Of the subsequent History of this last-mentioned Volume, I have discovered, that after the Death of Mr. Cumming, about the Year 1794, it was sold, with other Manuscripts, to Mr. Archibald Constable, Bookseller in Edinburgh, from whom it was immediately purchased by the late John Davidson, Esq. Deputy Keeper of the Signet; in the Hands of whose Executors it is understood now to be.

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

their Custody, together with an Inventory of the Books and Registers. This Order was forthwith obeyed; and, from the Delivery made by the Clerks of Justiciary to me as Deputy Clerk Register, it appears, that besides the Forty-six Books mentioned in the Inventory of 1787, there had been preserved several other Volumes of Privy Council Records, and a considerable Mass of Warrants and Original Papers from the Restoration 1660 to the Union 1707. These Papers were in a State of the utmost Disorder and Neglect, and have been as yet only partially arranged; but the Whole shall be carefully examined and reduced in such Order as their Nature may require. I trust that in a short Time, the Whole of this invaluable Series of Records will at last be completely arranged, repaired, and rebound.

VIII. Passing to what concerns the "Formation of New Records," I have in the first Place, the Satisfaction of Stating, that by the Acts of Sederunt passed by the Court of Session in July 1811*, the Regulations proposed in my former Reports for framing the Registers of Seisins, of Hornings, and Inhibitions, of Abbreviates of Adjudications, and of Deeds and Protests in the Books of Council and Session, have been carried into Effect. In what respects the Three former, I do not at present foresee the Necessity of any further Regulation; but with respect to the last, some new Arrangements are still required to give complete Efficacy to the Provisions of the Act of Sederunt, the Nature and Occasion of which it becomes necessary here to explain.

In each of the Three Offices which have till now been open for the Registration of Deeds and Protests, there were Two principal Keepers (One of whom was usually a Sinecure Officer), and a certain Number of operative Clerks for writing the Records and the Extracts. But though the Three Offices were kept so far distinct, yet, in consequence of certain Arrangements among the Clerks of Session, the Whole of the Fees of these Offices were thrown into One general Fund. Of that Fund, which may at present be stated to amount to £. 3,000 per Annum, about One-half is paid in nearly equal Moieties, according to certain fixed Rates, to the Lord Clerk Register, and to the principal Clerks of Session, or rather to the Fee Fund, as entitled under the late Statute, to draw that Proportion which formerly belonged to the principal Clerks. Of the remaining Half of the Fund, about Two-thirds are paid to the operative Clerks employed in writing the Record, and making the Extracts from that Record which are given to the Parties, and in defraying the Expense of the Books employed in framing the Record; and the remaining Third, or about a Sixth Part of the gross Fund, remains as a Balance to be divided among the Six Keepers, of whom, as already mentioned, Two or Three have been usually sinecure Officers.

On considering the State of this Establishment, the first and most important Observation which occurs is, that the Allowance made to the operative Clerks is by no Means sufficient to secure the Formation of a proper Record. By the Act of Sederunt of July 10, 1811, regulating this Register, the Clerks are expressly required to write on an Average Two Hundred Words upon each Page; and in adjusting the Fees of the Writing Clerks in the Registers of Seisins by an Act of Sederunt of the same Date, it has been determined by the Court of Session, that Sixpence for each Page is no more than a fair Allowance. But, according to the present Rate of Payment established in the Office for Registration of Deeds and Protests, the Proportion allotted to the Formation of the Record will amount to little more than Three-pence One Farthing *per* Page, or about One-half of what ought to be given for remunerating this most important Part of the Service. For this Purpose, it does not appear necessary that any additional Fee should be imposed on the Public; but I conceive it to be indispensably necessary, that there should be retained out of what is now paid into the Fee Fund as much as will make up the present Deficiency in the Rate of Payment to the Writing Clerks; and, in that View about a Half, or rather more than a Half of the Portion drawn by the Fee Fund, would be requisite. But by the Act 50 Geo. III. cap. 112. "For abridging the Form of extracting Decrees of the Court of Session, &c." it is enacted, "that the Proportion which the Clerks of Session have been in use to receive of Fees paid upon "Registration, and upon Extracts of Deeds and Instruments recorded in the Books of Council and Session," shall be paid to the Collector, and "form Part of the Fee Fund thereby established." And without the Authority of a repealing Act, it is obvious, that the Arrangement now proposed could not be effected. This, however, I humbly conceive to be a Matter of clear Expediency, and such as calls without Delay for the Interference of Parliament. Indeed, until the Plan now proposed, or some equivalent Measure, shall be carried into Effect, it is manifest that the Formation of this most important Record must proceed under the greatest Disadvantages.

Another Part of this Establishment which appears to me to require new Regulation, is the State of the Principal Keepers and their Allowances. By the Consolidation of the Three Offices into One, it is obvious that their Number may be greatly reduced; and by means of that Reduction an Allowance nearly adequate to the Importance of the Trust may be obtained. I would therefore humbly propose, that instead of Six Keepers of equal Rank and Emolument, some of whom never do any Duty at all, there should be One principal Keeper, and Two Assistant Keepers, among whom should be distributed in certain fit Proportions the Whole of the Emoluments now received by the Six Keepers: Or rather, perhaps certain fixed Salaries payable out of the General Fund should be given to each; and, instead of burthening that Salary with the variable Expense of the Books in which the

* These Acts of Sederunt have been already printed in the Appendix to the Fourth Annual Report, No. II.

the Record is to be written, and which, under the late Act of Sederunt, must be issued from the General Register House, I would propose, that the Net Expense of those Books should also be made a Charge against the General Fund. In making these Arrangements, it would probably be necessary to provide Compensations for at least Three of the present Keepers, who would thus be removed altogether; but the Amount of these would not be very considerable: and, after making an adequate Provision for all those effectively employed in keeping and framing this important Register, there would ultimately remain an Annual Surplus applicable to the Fee Fund.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

IX. On several Occasions, and particularly in my First Annual Report, I have ventured to call your Lordship's Attention to the Formation and Arrangement of the Judicial Records of the Court of Session; and although the Subject has lately undergone much Discussion, and has recently been under the Consideration of Parliament, it appears to me, though with great Deference, that some further Regulations are still wanted, and have indeed become necessary to remedy some Defects created by the late Statute. These I shall endeavour to explain with as much Brevity as possible.

From the earliest Period, it appears to have been justly regarded as an important Object, that there should be framed and preserved a regular and complete Record of the Judicial Proceedings of all the Courts of Law, both Civil and Criminal, and more especially of the Courts of Supreme and Paramount Jurisdiction. Accordingly it is known to your Lordship, that there is preserved in the General Register House an almost unbroken Series of the Register of Decrees of the Court of Session, from its Institution in 1532 down to the Period of the late Act of Parliament (50 Geo. III. c. 112). In framing those Registers, the same Degree of Fulness and Minute Detail has not always been given; but at every Period, the Nature and Ground of the Proceedings, and the successive Acts and Judgments of the Court have been accurately preserved; and in later Times, as is well known, every Part of the Pleadings, however voluminous, was repeated in the registered Decree.

The Formation of this Record in every Case, has been long connected with, and made dependent upon, the Demand and Payment for Extracts or Exemplifications from the Record for the Purposes of Execution: And as the superfluous Length and consequent Expense of such Extracts had made them to be generally felt and acknowledged as a Grievance, it was at length regarded as a Matter of sound Policy to abolish the antient Forms altogether, and to substitute, in their stead for the Purposes of Execution, Abridgments so extremely short and meagre, as to furnish no Information respecting the Nature and Progress of the Proceedings upon which the ultimate Judgments of the Court had rested. In a word, for every purpose of legal Information, the abridged Form of framing, recording, and extracting the Decrees of the Court of Session has been rendered completely uninformative.

1. Upon the Propriety of abridging the Extracts of Decrees furnished to the Parties, there is here no Occasion to make any Remarks, further than to say, that the just Abhorrence of the Evil which had been before so loudly complained of, may perhaps have induced the Authors of the Measure to carry it somewhat beyond the exact Limits of real Utility. The Point to which I am here desirous of adverting is not essentially connected with the Formation of those Extracts; at the same Time, it has been accidentally and most unfortunately so connected in the old System, by making the Duties and the Emoluments of the Clerks in framing the Registers of the Decrees of the Court to depend upon the fortuitous and irregular Demands of the private Parties for Extracts from the Record. I am not prepared to say, that, in sweeping away the old cumbrous Extracts it would have been expedient to provide the Means of continuing the Record itself in the same Form as before. It must, however, be admitted, that the Preservation of such a complete Record of the Proceedings of the Court, (accompanied as it ought to have been by proper Indexes of Reference), might not only have been of great Use for the Purposes of Research, but that it was in itself no unsuitable Monument to the Laws and Justice of a civilized and enlightened Country.

But taking it for granted that the Continuance of a Record in this Form was unnecessary or inexpedient, it must surely be admitted that an adequate Succedaneum ought to be provided; for it cannot surely be Matter of serious Question that the Proceedings of the Supreme Court of Justice in Civil Causes ought to be preserved entire and accessible at every future Period. For this Succedaneum it now becomes necessary to look to the Original Process, consisting of the detached Pleadings and Productions of the adverse Parties, and the Interlocutors of the Court which are usually inscribed on those Pleadings. To those who are unacquainted with the Practice of the Court of Session, it would not be easy to convey an adequate Notion of the usual State of these Originals or "Processes" as they are technically called: But on the present Occasion it may be enough to say, that they are framed without any Regard to Uniformity or Regularity of external Appearance; and that in the Course of a Litigation of even moderate Length, they are often so much injured and mutilated as to be unfit for Preservation.

In this last observation, it will readily be understood that I allude to the well known Practice of lending out the "Process" to the Parties, and their Agents; in whose Hands it meets with much careless and irreverent Treatment. This Practice of borrowing the Original Proceedings is one so long established by Usage and so

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

intimately connected with the inveterate Habits and Modes of conducting Business which prevail among the legal Practitioners of the Court, that any Attempt to put an End to it, or even by stricter Regulations to diminish the Facilities hitherto allowed would certainly prove ungrateful to such as have no distinct Perception or strong Feeling of the ulterior Objects aimed at in the Preservation of those Judicial Records. I cannot however allow myself to doubt, that the Importance of those Objects will be thought to warrant the Sacrifice of some petty and temporary Conveniences; and without presuming here to propose any finished Plan, a Task for which I am by no Means prepared, it may not prove useless or out of Place to suggest a few General Hints upon the Subject.

If the Original Process, or what under the old System were called the Warrants of the Decree, are now to be looked to as the only complete and authentic Record of the Proceedings of the Court, it becomes important in the first Place, that the different Parts of the Process should be so framed as to admit of being bound up in regular Volumes; for past Experience has fully demonstrated, that of all the possible Modes of transmitting Records to Posterity, the most insecure, as well as the most troublesome, is by Bundles of detached Papers; against the Disorder and Loss of which no Diligence or Fidelity can fully secure. In the View of ultimately reducing these Original Proceedings into Volumes or Books of Record, nothing more is requisite in the first Instance, but that the Parties should be required to write their Pleadings upon Paper of a standard Size and Quality; and for that Purpose, the most proper in every respect is that which has been lately adopted into General Use for the Public Records of Scotland; some additional Regulation might also be proper for compelling the Parties to execute these Writings with greater Care and Accuracy.

It is a Matter of more difficult Regulation to provide against the Injuries and Losses to which these Original Proceedings are exposed, during the Dependence of the Suit to which they relate. I could sincerely wish it might be possible to strike at the Root of the Evil, by abolishing altogether the Practice of lending the Original and authoritative Papers of the Process. In considering how far such a Plan would be expedient or practicable, I would beg Leave to refer to a Proposal suggested in my First Annual Report*, of “separating the Record of a Civil Process into two Parts; the one of which may be called the Primary or Principal Record, the other the Secondary or Extraneous Record. In the First should be included the Original Writ by which the Action is brought, the Original Plea in Defence, and the Interlocutors and Judgments of the Court, all in due Order. These ought to be contained in one Series of Sheets of Paper; they ought to remain constantly in the Hands of the Clerk of Court; and to prevent the Necessity of borrowing these Originals, there ought to be a Duplicate of the Interlocutors and Judgment, for the Use of the Parties,”—the Extraneous Part of the Record would of course consist of the written Pleadings of the Parties, and of the Documentary or Parole Evidence that might be exhibited by them; and were it not for the Expense attending such a Measure, it would be expedient that this Part of the Process also should remain always in the Hands of the Clerk without being borrowed by the Parties. At the Termination of a Suit it might be sufficient to give to the successful Party a Decree in due Form, digested from the Materials of the Primary Record, having perhaps annexed to it a Schedule, or Inventory of the Papers contained in the Extraneous Record. Of neither of these however ought any New Record to be made for Preservation; but the Originals ought to be bound up in regular Volumes, and preserved in the same Manner.” In this View it was suggested in the Report here referred to, not only that the different Parts of the Process should be written upon Record Paper of the Standard, Size and Quality; but it was proposed, and the Measure was soon after carried into Execution by an Act of Sederunt, that of those Pleadings and other Papers which are printed for the Use of the Judges, an Impression on Record Paper should be substituted in place of the written Copies of those printed Papers formerly in Use, and with the written Signature of the Counsel should be received as an Original and authoritative Record, and preserved as such with the other Records of the Kingdom. The Expense, it was observed, which would be thus saved to Litigants in the Court of Session would be very considerable, not less than several thousand Pounds a Year;—and among the collateral Advantages that may be derived from the Measure, it is certainly none of the least, that it entirely supersedes the Necessity of lending those Parts of the Process; the Copies printed for the Use of the Parties make it unnecessary to borrow the Record, and the only Motive for doing so which now remains, is to obtain the Interlocutors of the Court which still continue to be written on the Ends and Margins of those Papers. But of these Interlocutors, whether written as at present, or in the manner suggested above, in a separate Series of Sheets, a Duplicate for the Purposes of borrowing and lending might be made. Thus far there are no serious Obstacles in the Way of the proposed Improvement on the present System, and it only remains to be considered whether or not the written Pleadings and Process prepared during the Dependence of Causes in the outer House might not also be rescued from Injury and Loss, by requiring Duplicates to be made and lodged for the Use of both Parties. The Expense of making those Copies seems the only Obstacle to the Adoption of the Measure, but that Expense would probably be more compensated to the Parties by the Saving which

* See First Annual Report.

which has been produced under the Act of Sederunt above alluded to, respecting the printed Pleadings of the Court.

Appendix,
(W. 9.)

These Observations I have ventured to throw out, rather as Matter for further Discussion and Inquiry than as the Outlines of a regular Plan. I am fully aware of many of the minor Difficulties and Objections which might be thought to come in the way of its Adoption; but these I am confident might easily be surmounted; and the Object in view is one of so much Importance, as to merit the immediate and most serious Consideration of the Court. Under the Operation of the present Law and Practice, there does not exist any Thing for future Preservation deserving of the Name of a Record of the Proceedings of the Court of Session. In point of Value and Utility as a Record, the nominal Register of Decrees, in their present abridged Form, may be accounted as substantially nothing: And to supply the Deficiency, nothing remains but the Originals of the Process, of the wretched Condition of which the Judges of the Court must be too well aware, not to perceive the Necessity of adopting some Measures of Regulation of the Nature of those which have been now suggested.

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

2. Another Matter, to which I must here call the Attention of your Lordship, regards the Arrangement of the Judicial Records of the Court of Session. Under the former System, these Records were framed by Eighteen different Officers, called Extractors, of whom Six were attached to each of the Three Offices of the Clerks of Session. And in each of these Offices one of the Six Extractors was employed under the Name of a Deputy Collector, to receive Payment of the Fees upon these Records, to arrange the Records and the Warrants of that Office into regular Order, and to retain them under his Custody, in a Record Room set apart for the Purpose, until at the End of Ten Years they were finally transmitted to the General Repository in His Majesty's General Register House. In this Manner, ever since the Establishment of the Three Offices after the Restoration 1660, the Register of Decrees, and the relative Warrants, have been arranged and preserved in Three separate Series, although it would have been evidently more expedient to reduce the Whole into one regular Series, as the Practice had been from the Institution of the Court till the Period of the Restoration. The Three Extractors thus employed in arranging and keeping the Records and Warrants of the Court, appear to have latterly received only a small Salary from the Principal Collector of Fees, amounting to Ten Pounds yearly, or Thirty Pounds in all. This Allowance was plainly inadequate to an Office of so much Labour and Responsibility; but among the Eighteen Extractors, whose particular Employment and Emoluments depended upon their Connection and Influence among the Practitioners before the Court, the Office of a Deputy Collector, which necessarily brought them into frequent Contact with those Practitioners, was an Object of much Ambition; and the Labour and Responsibility, which attended it, were remunerated, not by the nominal Salary, but by the indirect and consequential Advantages of the Situation.

By the late Act of Parliament this System has been wholly swept away: The Eighteen Extractors have been reduced in Number to Six; these remaining Six no longer derive their Income from the fluctuating Manufacture of Extracts, but are paid by fixed Salaries; and the Office of Deputy Collector, and Keeper of Records, with its Salary and contingent Emoluments, no longer exists. Each of these Six Extractors is bound, as a Part of his Duty, to arrange his own particular Records and Warrants, and at the End of Five Years (to which the Period of Transmission is now limited) to deliver them into His Majesty's General Register House: But among the Six no One is now bound as formerly, to receive and arrange into due Order the Records and Warrants of the other Officers, under the Operation of the existing Law; therefore, instead of Three Series of Records and of Warrants, there would be ultimately transmitted to the General Repository no less than Six separate Series, whereas upon obvious Principles of Expediency, those separate Series ought to be reduced into one.

In order to meet this Difficulty, some temporary Expedient appeared to be indispensably requisite; and with the Concurrence of the Clerks of Session, and the Approbation of the Lord President of the Court of Session, a large Apartment in the General Register House has been selected and fitted up for the Reception and Arrangement of the Judicial Records of the Court, and a Person of competent Skill has been employed to take charge of the Business, for whose Remuneration in the mean Time I have been requested to present an Application to His Majesty's Commissioners on the Public Records. This I trust may prove effectual for the temporary Purpose in view; but it is obviously necessary that some permanent Arrangement should be devised and carried into Effect. As the Salary of this new Officer must be drawn from the Fee Fund, the Aid of an Act of Parliament becomes necessary; and by ultimately connecting the Office with that of the Collector of the Fee Fund, which appears to be practicable and expedient, a considerable Economy of Salaries might be produced. Of the Patronage of the Office, I shall at present say nothing, but that it ought to be placed more or less directly under the Control of the Court of Session: And with respect to its Duties, I conceive that besides arranging the Whole of the Records into one connected Series, the same Officer might be employed in framing Indexes to these Records upon a more extensive and useful Plan than has been hitherto attempted. If the other Measures already suggested, respecting the Originals of Processes, shall be adopted, some Addition will of course be made to the Labour of arranging those Originals, and preparing them for their final Deposition in His Majesty's General Register House.

II.—LOCAL

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

II. —LOCAL REGISTRIES.

I. On the State of the Repositories for the Local Records of Counties and of Burghs, I have not been enabled to make any further Statement in addition to what was given in my last Annual Report. The Evils there alluded to still remain unabated; and the Necessity of legislative Interference becomes every Year more apparent and imperious. In the Report of the Committee of the Lords of Council and Session appointed to consider the Fourth Annual Report, I have the Satisfaction of finding that the Committee have concurred very decidedly in approving of the Suggestions in that Report as to procuring suitable Accommodations for the County Records, as well as other Buildings and Establishments connected with the Courts of Civil and Criminal Jurisdiction; and it is earnestly to be hoped, that the Weight of this Opinion, as well as of that which has been already given oftener than once by His Majesty's Commissioners on the Public Records, will speedily lead to the Adoption of an adequate Remedy for Evils of such acknowledged Magnitude.

II. With respect to the Formation of the various Registers in the County and Burgh Courts, according to the Regulations of the late Statute, I have the Satisfaction of reporting to your Lordship, that their Progress appears to be comparatively more advanced than in the former Year. The Reports presented by the Sheriffs of the several Counties are not indeed quite complete, owing I am persuaded to accidental Causes unconnected with any particular Deficiency in the Records of those Counties. In the Returns from the Royal Burghs a still greater Deficiency will be observed, yet, I have Reason to believe that in most of those Burghs to which the new Registers have been issued, the several Records are in a regular Train of Progress. In consequence of the defective Returns of the former Year, from the Royal Burghs, as well as from some of the Counties, I resolved to avail myself of an Opportunity for obtaining more exact Information from the Reports of the Inspector of Stamps, Part of whose official Duty it is to examine the Registers of Deeds and Instruments in every County and Burgh, for the Purpose of checking the Frauds and Evasions that are practised against the Stamp Laws. This Officer makes his Tour of the whole of Scotland in Two Years; during the last Summer, he visited all the Record Offices in the Northern Half of the Kingdom, and in pursuance of my particular Instructions, he has communicated to me a Report of the Progress that had been made in the Formation of their respective Records. From the Tables exhibiting the progressive State of the County and Burgh Registers for the Year 1811, your Lordship will discover to what Extent I have been thus enabled to supply the Deficiency of the regular official Reports of the Sheriffs and Chief Magistrates of Burghs. In the Transmission of these official Reports, I trust that greater Regularity will be gradually established, at the same Time I shall not hesitate again to avail myself of the same Means of additional Information as to the Southern District of Scotland, which the next annual Tour of the Officer above alluded to may place within my Reach.

III. The progressive Advancement of the several Local Registries may be received as the Evidence of a most substantial Improvement upon the State of these Records, as they existed prior to the Statute "for better regulating the Public Records of Scotland." But in order to secure the proper Formation of these Records, particularly in the several Counties, some further Regulations appear to have become necessary for enabling the Keepers of those Records to execute in the best Manner a certain Average Quantity of Writing on each Page of their Registers as has been lately done in the Register of Deeds and Protests in the Court of Session, in the Registers of Seisins, and in the Register of Hornings and Inhibitions. In my last Report, I expressed my Apprehension that no effectual Regulation in this Respect could be introduced into the County Registries without some corresponding Addition to the present Fees of Registration. On this Subject the Claims of the Sheriff Clerks appear to me, with all Deference, to be entitled to the immediate Consideration of the Legislature; and from certain Statements printed in the annexed Appendix, the Grounds of those Claims will be found more fully detailed than could here with Propriety be attempted. In general I am humbly of Opinion that by an Act of Parliament similar to that under which the Fees and Emoluments of the Sheriff Clerks were regulated in 1748, Authority should now be given to the Court of Session to inquire into the State of the Records of the Sheriff Courts, and to fix such a new Table of Rates as may be suitable to the present Circumstances and Duties of those Officers. I have had Occasion formerly to observe that, to the Execution of any Measure of this Sort Two formidable Obstacles had always been opposed; the one that many of the Sheriff Clerks themselves had been in Fault in so far as regarded the Formation of regular Registers; the other that their Offices being saleable, any Augmentation of Fees was conceived as likely to operate in the End merely to the Advantage of the Individual in whom the Right of Sale might happen to be vested. Under the salutary Operation of the late Statute, the first of these Difficulties now appears to be almost entirely obviated; the Removal of the Second is a Matter of such obvious public Expediency that it can only be Matter of Surprise and Regret, that a Practice so mischievous and absurd, should have been suffered so long to prevail.

THO. THOMSON,
Deputy Clerk Register.

Papers referred to in the Deputy Clerk Register's Fifth Report.

(No. 1.) *Establishment of His Majesty's General Register House.*—1792*.Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

I. MEMORIAL for Lord Frederick Campbell, Lord Clerk Register of Scotland.

To the Lords Commissioners of His Majesty's Treasury.

THE Public Records are, by the Laws of Scotland, so essential to the Security of Property, that, for Two Centuries before the Union, they were the constant Object of Attention in Parliament, as may be seen from the great Number of Acts that were passed for regulating and securing them, from the Year 1503 to the Year 1707.

These Records were originally kept in the Castle of Edinburgh, but that Situation having been found inconvenient, they were, by Act of Parliament 1662, removed to Two Rooms, fitted up for them, under the Inner Session House, where they remained till the Time of the Union, with Safety and tolerable Convenience.

From that Period, the growing Prosperity of the Country, the frequent Transfers of Landed Property, the Increase of the Public Revenue, and the Accounts and Vouchers connected with it, soon multiplied the Public Records to such a Degree, that the Two Rooms allotted for their Reception, could not contain them. The Records of the daily Proceedings of the Court of Session, Justiciary, and Exchequer Courts, and the valuable Papers that are produced in the Course of these Proceedings, for Want of proper Accommodation, were obliged to be kept in various Apartments, in distant Parts of the Town, where they were not only exposed to the Danger of Fire and other Accidents, but from Want of Space, and from their dispersed Situation, they became so confused that it was impossible for those intrusted with the Charge of them, to comply with the Orders and Regulations of the different Acts of Parliament, for making them at all Times accessible to those who had Occasion to consult them.

To remedy these Inconveniences, a Building has been erected by the Bounty of His Majesty and the Public, as a Repository for the Records of the Court of Session, Justiciary, and Exchequer Courts, and for the General Records of the Kingdom, which are now collected from the damp and dispersed Rooms, in which they were formerly lodged, and are placed in this Public Repository, where they are safe and accessible to the Public, and a sufficient Space is still left to receive those of some Centuries to come.

The Trustees, under whose Care this Building was erected, have received, at different Times, from His Majesty and the Public, the Sum of £. 20,000, which with the growing Interest thereon, amounting upon the Whole to £. 36,200, they have wholly expended in purchasing Ground, completing the Building, making good the several Areas, Avenues, and Streets, and in removing all the Records from the several Places where they were formerly kept.

But still several Articles are wanting to complete and make this Repository more commodious, such as Presses, Desks, Shelves, and Furniture of different Kinds,—a large Cupola Clock and Bell, Water to be conveyed in Pipes to the different Parts of the Building, &c. Some small Offices are also necessary to accommodate the Soldiers allotted to guard the Building, the Servants who are to attend to it, and to supply the various other Purposes, which must become necessary to a Building in which so many Persons are daily carrying on Business. The Expense of these Articles, upon the best Calculation that can be made, will amount to the Sum of £. 1,000.

In order to maintain and keep in Repair this useful and extensive Building, the principal Object of which is to preserve the Records of the Court of Session, Justiciary, and Exchequer, and to accommodate the Clerks and Officers of these Courts, with proper Apartments for carrying on the Business of the Public, with Convenience and Security, there will likewise be wanting an Annual Establishment, amounting in the Whole to a Sum not exceeding £. 500, and consisting of the following Articles :

1. To the Two Deputy Keepers of the Records, who at present only receive the antient small Fees, upon Searches made, and which, are in no Degree equal to the increased Labour of attending to, and disposing of, in distinct Order, such a Multiplicity of Records £. 100 — —
 2. To the keeping in Repair the Roof and Body of the Building, extending 200 Feet in Front, and 90 Feet in Diameter; to preserving all Pavements, Drains, Leaden Pipes, Windows, Lamps, Iron Rails, &c. in good Order; to painting the various Parts of the Building, both within and without, when necessary; and to make good the numberless Damages, which are unavoidable, to so extensive a Building, and its Appurtenances - £. 200 — —
- £. 300 — —

3. To

* The following Papers have been copied from the Records of Exchequer.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

	Brought over	£. 300 — —
3. To the Expense of lighting a great Number of Lamps in the surrounding Areas and Avenues of the Building; to providing Coals for the several Stoves below and above; to supplying Coals and Candles for the Use of the adjoining Guard Room, Porters and Servants	£. 100 — —	
4. To a Surveyor or Overseer, whose Business it must be, from Time to Time, carefully to inspect the Building and its Appurtenances, and to report to the Lord Register, or his Deputies, whatever shall appear to him necessary to keep the same in complete Repair, to receive his or their Orders upon this Report, and afterwards to see the Works executed in the best Manner	£. 50 — —	
5. To Porters and Servants to attend to opening and shutting the Doors, keeping the Inside of the Building clean, and the outer Areas free from Weeds	£. 50 — —	
	£. 500 — —	

It being enacted by the 10th of Queen Anne, Cap. 26, Sec. 108. "That the Fees, Salaries, and other Charges allowed or to be allowed by Her Majesty, Her Heirs or Successors, for keeping up the Court of Session, Justiciary, and Exchequer Courts of Scotland, are and may be chargeable upon the said Customs and Excise (of Scotland), preferable to all other Payments whatsoever, the Charge of Management excepted, but so as not anyways to prevent any Application of the Excrescence out of the said Customs :"

Your Memorialist hopes, that the Expense of completing and keeping up this Building, which is the Place where Records of the Courts of Session, Justiciary, and Exchequer Courts, are kept, and where all their Clerks and other Officers carry on the Business of the said Courts, will be considered by your Lordships as chargeable upon the Customs and Excise of Scotland; and that you will allow your Memorialist, who, by his Office under several Acts of Parliament, has the Care and Superintendence of all the Records of Scotland, humbly to request your Lordships, that you will be pleased to apply to His Majesty for His Majesty's Warrant to the Barons of Exchequer in Scotland, to pay to the Memorialist, out of the Produce of the said Customs and Excise, the Sum of £. 1,500. for the Purposes above mentioned; and that you will likewise be pleased to apply to His Majesty for His Majesty's Warrant to pay to the Memorialist, and his Successors in Office, the annual Sum of £. 500. to commence from Whitsunday last, or so much thereof as the Memorialist, and his Successors in Office, shall make appear, by proper Vouchers, to have been expended for the Purposes above mentioned, in an Account to be passed once in every Year, before the Barons of His Majesty's Court of Exchequer in Scotland.

II. LETTER to the BARONS of Exchequer in Scotland, relative to the preceding Memorial.

My Lords,

Treasury Chambers, 1st July 1791.

Having laid before the Lords Commissioners of His Majesty's Treasury a Memorial for Lord Frederick Campbell, Lord Clerk Register of Scotland, stating, that several Articles are wanting to complete the Repository lately erected at Edinburgh, for keeping the Records of the several Courts of Scotland; and that the Expenses thereof, upon the best Calculation that can be made, will amount to the Sum of £. 1,000, and that, in order to maintain and keep in Repair the Building, an Annual Establishment will be wanting, amounting to £. 500. a Year, to consist of the Allowances mentioned in the said Memorial; and therefore praying, that a Warrant may issue for paying to the Memorialist the Sum of £. 1,500. for the above Purposes, and also a further Warrant to the Lord Clerk Register, for the Time being, for the annual Sum of £. 500. to commence from Whitsunday 1790, or so much thereof as the Memorialist, and his Successors in Office, shall make appear, by proper Vouchers, to have been expended for the Purposes therein mentioned, in an Account to be passed once in every Year before you: I am commanded by their Lordships to transmit the said Memorial to you, and to direct you to consider the same, and report to my Lords your Opinion thereon.

I am, My Lords,

Your Lordships'

Most obedient humble Servant,

George Rose.

III. REPORT by the Barons of Exchequer, on the preceding Memorial.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

May it please your Lordships,

In Obedience to your Lordships Directions, communicated to us by Mr. Rose's Letter of the 1st Instant, we have considered the annexed Memorial for the Lord Clerk Register of Scotland, and humbly report:

That, in consequence of a Requisition from us, an Account of the Particulars mentioned in the Memorial, as wanting to complete the Register Offices, has been laid before us, containing an Estimate of the Expense of executing

executing the sundry Articles, amounting in all to £.1,525. 8s. 2d. Upon Examination of which, we are of Opinion, that all the Articles are necessary for the Purposes specified, and that the Prices are charged at the usual Rates.

Concerning the Particulars of the proposed Annual Establishment, the first, being the Allowance to the Deputies of the Lord Register, is a very proper Charge; and, as far as we can judge of the other Articles, they appear to be as moderately estimated as is consistent with the proper Care and Support of so extensive and useful a Repository.

We think it proper to observe, that the Expense, which is the Subject of this Memorial, relates to the Completion and future Maintenance of the Fabric in general, and to the Accommodations in the public Apartments of the Lord Register and his Deputies, and is separate and distinct from the Expense that was the Subject of our Application to your Lordships, in our Letter of 3d February last, which referred only to the Arrangement of the Records of our own Courts, under the Charge of our Officers, and to the internal Accommodations necessary in the Chambers allotted for their Reception.

We have the Honour to be,
Your Lordships'
Most faithful humble Servants,

Ja. Montgomery.
Fle^r Norton.
Ar. Cockburn.

Exchequer Chambers, Edinburgh,
28th July 1791.

IV. WARRANT under the Privy Seal, granting £.500. per Annum for the Support of the General Register House.—Jan. 12, 1792.

GEORGE THE THIRD, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and so forth. To the Commissioners of Our Treasury now being, and to Our High Treasurer or Commissioners of Our Treasury for the Time being, and to the Chief Baron, and the rest of the Barons of Our Court of Exchequer, in that Part of Our Kingdom of Great Britain called Scotland, now and for the Time being, and to all others to whom these Presents shall come or may appertain, Greeting: Whereas the said Lords Commissioners of Our Treasury have laid before Us a Memorial, presented to them by Our trusty and well-beloved Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register for Scotland, with a Report from Our said Barons of Exchequer thereupon, dated the Twenty-eighth Day of July last, stating, that a Building had been erected by Our Bounty and that of the Public, as a Repository for the Records of the Courts of Session, Justiciary, and Exchequer in Scotland, and for the General Records of that Kingdom; and that, in order to maintain and keep in Repair that useful and extensive Building, there will be wanting a permanent annual Allowance or Establishment. And we being graciously disposed to testify Our Royal Favour to that Our antient Kingdom; and it appearing to Us just and reasonable, that a permanent Establishment should be appointed for the Support and Preservation of a Fabric of so much public Utility, and that the same should be charged upon the Fund after mentioned: Our Will and Pleasure is, and We do hereby direct, authorize, and command you, or such of you to whom it may appertain, to issue and pay, or cause to be issued and paid, out of any Our Revenues of Customs and Excise in Scotland, applicable to the Payment of the Fees and Salaries, and other Charges, for keeping up the Courts of Session, Justiciary, and Exchequer there, unto the said Frederick Campbell, commonly called Lord Frederick Campbell, and to his Successors in Office, Our Clerk Register in Scotland for the Time being, the Sum of Five Hundred Pounds yearly, to be by the said Frederick, commonly called Lord Frederick Campbell, and his said Successors in Office for the Time being, applied in Payment of the Sum of One Hundred Pounds annually, by the Quarterly Payments after mentioned, to the Deputy Keeper or Keepers of the Records named by the said Clerk Register, and of the Sum of Fifty Pounds annually, by the like Quarterly Payments to a Surveyor or Overseer, to be employed by the said Clerk Register for the Time being, for inspecting the Building and its Appurtenances, reporting the State thereof, from Time to Time, to the Clerk Register, or his Deputies, and superintending the necessary Repairs or other Works to be made and executed upon, in, or about the Building, and the Sum of Fifty Pounds annually, by the like Quarterly Payments, to Porters and Servants to be employed by the said Clerk Register for the Time being, for the Purpose of opening and shutting the Doors, keeping the Inside of the Building clean, and the Areas round the Building free from Weeds, and otherwise clean, and in good Order; and of the Sum of Two Hundred Pounds, or whatever Part of that Sum may be necessary annually for keeping in Repair the Roof and Body of the Building, preserving all Pavements, Drains, Leaden Pipes, Windows, Lamps, Iron Rails, &c. in good Order, painting the various Parts of the Building, both within and without, when necessary, and making good the incidental Damages of every Kind occurring to the Building, and its Appurtenances; and of the Sum of One Hundred Pounds, or whatever Part of that Sum may be annually needful to defray the Expense of Lamps in the surrounding Areas and Avenues of the Building, providing Coals for the several Stoves below and above, supplying Coal and Candles for the Use of the adjoining

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

adjoining Guard Room, Porters, and Servants. And the Payment of which annual Sum of Five hundred Pounds, to be applied as aforesaid, is to commence from the Term of Whitsunday last, One thousand seven hundred and ninety-one Years, and from thenceforth to be paid to the said Frederick, commonly called Lord Frederick Campbell, and his Successors in Office, quarterly, at the Four most usual Quarter Days of Payment in the Year, by equal Portions: And We do hereby authorize and command you, or such of you to whom it may appertain, to cause the said annual Sum of Five hundred Pounds, and all Payments to be made thereupon, as they shall, from Time to Time, become due and payable, to be inserted in the Quarterly Establishments for the Civil Affairs in Scotland, so as the Sums to be inserted therein, may be allowed and paid, from Time to Time, in like Manner as other Salaries and Allowances on the said Establishment are paid: But it is hereby expressly provided and declared, that the said Frederick, commonly called Lord Frederick Campbell, and his Successors in Office, Our Clerk Register for the Time, shall be obliged annually to exhibit before you, Our Barons of Our said Court of Exchequer in Scotland, an Account, properly vouched, of the Application of the Sums hereby appointed to be paid to them; and whatever Balance of the said Sums may at any Time appear at the Foot of the said Account as unexpended, the same shall be charged upon the Clerk Register for the Time being, in his next Year's Account, applicable to the Purposes of this Grant as future Contingencies may require: And for your doing whereof, these Presents shall be a sufficient Warrant. Given at Our Court at St. James's, and under Our Privy Seal of Scotland, at Edinburgh, the Twelfth Day of January One thousand seven hundred and ninety-two Years, in the Thirty-second Year of Our Reign.

Per Signaturam manu S. D. N. Regis suprascript. manibusque quorundam Dominorum Commissionariorum Thesaurarii Magnæ Britanniae, Necnon manibus quorundam Dominorum Baronum Scacarii Scotiæ subscript.

V. WARRANT, under the Privy Seal, granting a Sum for defraying certain extraordinary Expenses in fitting up the General Register House.—Jan. 11. 1792.

GEORGE the Third, by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, and so forth. To the Commissioners of Our Treasury now being, and to Our High Treasurer or Commissioners of Our Treasury for the Time being, and to the Chief Baron, and the rest of the Barons of Our Court of Exchequer in that Part of Our Kingdom of Great Britain called Scotland, now and for the Time being, and to all others to whom these Presents shall come or may appertain, Greeting: Whereas, by a Report of Our said Barons of Exchequer in Scotland, upon a Memorial from Our trusty and well-beloved Frederick, commonly called Lord Frederick Campbell, Our Clerk Register for Scotland, presented to the said Lords Commissioners of Our Treasury: It is made known to Us, that the Sum of One thousand five hundred and twenty-five Pounds Eight Shillings and Two-pence, would be necessary for defraying the Expense of sundry Articles wanting to the completing and fitting up the Repository that has been erected in Scotland, for keeping the Records of the Courts of Session, Justiciary, and Exchequer, and other Public Records of that Kingdom, and for the Accommodation of Our said Clerk Register, and his Deputies therein. And We being graciously pleased, that the said Sum should be granted out of the Fund after mentioned: Our Will and Pleasure is, and We do hereby direct, authorize, and command you, or such of you to whom it may appertain, to issue and pay, or cause to be issued and paid, out of any our Revenues of Customs and Excise in Scotland, applicable to keeping up the Courts of Session, Justiciary, and Exchequer there, unto the said Frederick Campbell, commonly called Lord Frederick Campbell, Our Clerk Register in Scotland, without Account, the foresaid Sum of One thousand five hundred and twenty-five Pounds Eight Shillings and Two-pence, to be by him applied towards defraying the Expense of completing and fitting up the foresaid Repository for the Records in Scotland, in the manner specified in his Memorial aforesaid: For your doing of which, these Presents shall be to you a sufficient Warrant. Given at Our Court at St. James's, and under Our Privy Seal of Scotland at Edinburgh, the Eleventh Day of January, One thousand seven hundred and ninety-two Years, in the Thirty-second Year of Our Reign.

Per Signaturam manu S. D. N. Regis suprascript. manibusque quorundam Dominorum Commissionariorum Thesaurarii Magnæ Britanniae, Necnon manibus quorundam Dominorum Baronum Scacarii Scotiæ subscript.

(No. 2.) *Records of Justiciary.*

LETTER from the Right Honourable the Lord Justice Clerk to the Secretary of the Commissioners on Public Records.

Sir,

Edinburgh, 2d February 1808.

I am favoured with your Letter of the 22d, inclosing a Copy of a Minute of the Board of Commissioners on the Public Records, of the 21st July last, and requesting my Answer thereto, on or before the 10th Current.

Having

Having fully and frequently communicated with Mr. Thomson, the Deputy Clerk Register, on the Subject referred to in the above Minute, I was not aware that any further Answer was expected from me; as I stated to him, that, after consulting with my Brethren, I had nothing to add to what he has stated in his Report, p. 9, 10, and to what I formerly stated to him, both verbally, and in the Letter, which he there quotes.

There can be no Doubt of the Utility of the Measure he proposes in regard to the Circuit Records; and the Honourable Commissioners have only to signify to me their Orders on the Subject, and whatever they determine, shall be immediately put into a Train for Execution. But the Honourable Board themselves can alone determine to what Extent they choose that Mr. Thomson's Proposal shall be executed.

To make up a complete Record of the Circuit Proceedings, from the earliest Times to the present Day, certainly will be a Work of much Labour and Time, and of great Expense, of which it is quite impossible to form any previous Estimate. But its Utility is obvious; and if the Board order it, there can be no Difficulty in accomplishing it, providing that the necessary Expense is defrayed. This should be done by an annual Allowance, with which, if the Board are pleased to entrust me, I shall see it properly and economically applied, in such a Manner as Mr. Thomson and I shall judge best for accomplishing the Object in View. The Board must judge of the Amount of the annual Allowance; Two or Three Hundred Pounds a Year would go a great Way, probably as far as Mr. Thomson or I could probably superintend.

If the Board do not choose to be at that Expense, then the other Measure recommended by Mr. Thomson, of having the Old Minute Books of the Circuit Proceedings, with the relative Papers, bound up into proper Volumes, will be highly proper and absolutely necessary to preserve them, till the greater Work can be accomplished.

If the Board, at present, shall content themselves with ordering, that the Circuit Proceedings in Time to come shall be formed into a proper Record, like the Books of Adjournal of the High Court, I shall immediately give the necessary Orders, and endeavour to furnish the Board with an Estimate of the Expense, which I apprehend must be defrayed by the Public.

Perhaps originally it was a Fault in the Justice Clerks and their Deputies, that the Circuit Records were not made up as the Books of Adjournal; but as that never has been customary, the Salaries of the different Clerks have not been fixed with a View to that Expense, and therefore there would be evident Hardship and Injustice in obliging them to perform this new Duty on their present Salaries. But the Expense, as Mr. Thomson observes, must be a mere Trifle annually.

As to the Books of Adjournal, it certainly is a Defect, that they are not in any Shape authenticated, either by the Signature of the Justice Clerk, or of any of his Deputies; and I think some Provision should be made for this.

In regard to the Current Books, there can be no Difficulty in requiring, either that every Page, or every Tenth Page, with a Docquet at the End, mentioning the Number of Pages in the Volume, shall be signed either by the Justice Clerk or one of his Deputies. To authenticate the former Books in the same Manner, will be more troublesome and tedious, but it can easily be done, and should be done.

It would be also extremely proper, as suggested by Mr. Thomson, that the Justice Clerk and Deputy Clerk Register should be required to inspect the Books of Adjournal, at least once a Year, and make up a joint Report as to the Accuracy of them, and the Period to which they are brought up, to be laid before the Honourable Board.

I think this exhausts every Thing to which the Minute of the 21st July refers; and I beg the Honourable Board to be assured, that I should have made this Communication long ago, if I had been aware that it was expected of me, after the Conversations I have had with Mr. Thomson.

C. Hope,
Lord Justice Clerk.

(No. 3.) *Documents relative to the Custody of the Records of the Privy Council, subsequent to the Union 1707.*

1. EXTRACT from the Books of Sederunt of the Lords of Council and Session.—(Book X. fol. 203.)

Sederunt vigesimo septimo, Junii 1717.

Norberik Preses, Arnestoun, Fountainhall, Pollock, Ormistoun clericus justiciarii, Minto, Forglen, Grange, Cullen, Dun, Poltoun, Pankaitlain, Coupar, et Kimmergeme.

THE Lord Kimmergeme having represented to the Lords that several of the Records of Privy Counsell with the Warrands were in the hands of John Richy writer late servant to Sir James Forbes some time Clerk of Privy Counsell The Lords remitted to the Lords Justice Clerk, Minto, Poltoun, Pankaitlain, and Kimmergene, or any three of them to call for the said John Richy and examin into the condition of the said Records and werands in his custody and also to inquire after any other publick records or warrands thereof which may be in any other private hands and to Report.

Appendix,
(W. 9.)

2. MINUTE of Proceedings of the above mentioned Committee of the Lords of Council
and Session—(without Date.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

Sederunt in the Laigh Parliament House Lord Justice Clerk, Poltoun, Pancaitland, and Kimmerghem.

THE Lords ordain John Ritchie against Wednesday nixt to make up inventars of the hail Warrands Records and other Writs belonging to the Privy Council in his Custody which he may be ready to depone upon in order to his Exoneration and appoint him to give an account of what he can clame for his Chargis and pains in keeping these Records since the Council was dissolved.

3. WARRANT for Delivery of the Records of the Privy Council of Scotland, August 20. 1744.—(From the Warrant Book in the Secretary of State's Office, London.)

GEORGE R.

WE do hereby authorize and require you to deliver, or cause to be delivered, unto our Right Trusty and entirely beloved Cousin and Counsellor, John Marquis of Tweeddale, One of Our Principal Secretaries of State, and Keeper of our Signet in Scotland, or to any having Authority from him, the Records of the Privy Council of Scotland, with all Things whatsoever thereunto belonging; for doing whereof this shall be your Warrant. Given at Our Court at Kensington, the Twentieth Day of August 1744, in the Eighteenth Year of Our Reign.

By His Majesty's Command,

To Mr. Robert Pringle, Advocate, and the Representatives
of Mr. Thomas Pringle, late Deputy Keeper of the
Signet at Edinburgh, and others in whose Hands the
said Records shall be found.

Carteret.

4. WARRANT for Delivery of the Records of the Privy Council of Scotland, May 7, 1746, and Proceedings of the Court of Justiciary thereon.—(Extracted from the Books of Adjournal.)

May 30, 1746.

The said Day, the Lord Justice Clerk produced in Court a Warrant by His Majestie, whereof the Tenor follows, superscribed thus:

GEORGE R.

WHEREAS by Our Warrant, bearing Date the Twentieth of August, in the Year of Our Lord One thousand seven hundred and forty-four, We did direct, that the Records of the Privy Council of Scotland, with all Things whatever thereunto belonging, should be delivered to Our Right Trusty and intirely Beloved Cousine and Councillor John Marquis of Tweeddale, or to any having Authority from him to receive the same; and the said Marquis of Tweeddale having authorized you Mr. Thomas Hay, Advocate, to receive the said Records, Our Will and Pleasure is, that you do furthwith deliver all the said Papers and Records to Our Right Trusty and right intirely well-beloved Cousin and Councillor Archibald Duke of Argyle, Our Justice General, Our Trusty and well-beloved Andrew Fletcher of Milton, Esquire, Our Justice Clerk, and the rest of Our Lords of Justiciary, To remain in Our Court of Justiciary, and for so doing this shall be your Warrant. Given at Our Court at St. James's the Seventh Day of May 1746, in the Nineteenth Year of Our Reign.

By His Majesty's Command,

To Mr. Thomas Hay, Advocate, Deputy Keeper
of the Signet for Scotland.

Holles Newcastle.

The Lord Justice Clerk and Commissioners of Justiciary having taken the said Warrant under Consideration, they ordained the Clerk of Court to give Notice thereof to the said Mr. Thomas Hay, Advocate, and to require and receive from him upon Inventory, the Papers, Records, and other Things thereto belonging, mentioned in the said Warrant; and on receiving thereof, to deliver up to the said Mr. Thomas Hay the principall Warrant with his Receipt for the said Papers and Records; and thereafter to lodge the said Papers, Records, and other Things with the other Records of this Court; and they ordained the Clerk to report this Dilligence herein against next Court Day.

And. Fletcher, J. P. D.

July 4, 1748.

The said Day, in consequence of an Order of Court, dated the Day of June One thousand seven hundred and forty-six, proceeding upon a Warrant from His Majesty, of Date the Seventh Day of May said Year, directing the Records of Privy Council, formerly lodged in the Hands of Mr. Thomas Hay, Advocate, to be delivered to the Lord Justice General, Justice Clerk, and Commssioners of Justiciary, to remain in His Majesty's Court of Justiciary; the Clerk of Court reported, that in Obedience to the said Order of Court he had waited upon Mr. Hay, in order to require and receive from him the Papers and Records of the said Privy Council, and other Things thereto belonging; and produced a Report signed by the said Mr. Thomas Hay, of the Tenor following, viz.

REPORT

10th June 1746.

REPORT by Mr. Thomas Hay, in relation to the Records of Privy Council, in his Custody, to the Right Honourable the Lords Justice Clerk, and Commissioners of Justiciary.

Appendix,
(W. 9.)

Fifth Annual Report of Deputy Clerk Register, Scotland, 1811.

Mr. Hay has seen a Warrant and Order from His Majesty, and an Order from the said Lords, empowering the Clerk of Court to require and receive from him the Papers and Records of the Privy Council, and other Things thereto belonging, and is most willing to comply therewith; but as the Order of Court appoints this to be done upon Inventory, he must inform their Lordships, that all of the said Papers, Records, and other Things he has relating to the Privy Council, consist of some Books, all in Folio, and of a large Press, containing some Acts and Warrants of Decrees and Orders of the said Privy Council: That the said Books he received on Inventory from the Person in whose Custody they happened to be lying, some on Receipt, as containing Acts and Warrants, and other Papers relative to the Privy Council, without any Inventory, and that *per aversionem*, and which Press has ever since lyen by him without his having Occasion to look into the same.

It is therefore hoped the Lords will authorize and appoint their Clerk to receive from him the whole Books upon Inventory and Receipt, and the foresaid Press by Receipt only, as containing in general, Papers relating to the Privy Council, being the Way, in consequence of a Royal Warrant some Years ago, he came to be possess of the Books and Press aforesaid himself.

Tho. Hay.

And upon the Back of this Report, there is a Declaration or Certificate, signed by Mr. Robert Pringle, Advocate, of the following Tenor:

Edinburgh, 21st June 1748. I Mr. Robert Pringle, Advocate, in whose Custody the Records, &c. of the Privy Council, mentioned in the within Report were, before the same were delivered to Mr. Thomas Hay, in consequence of His Majesty's Royal Sign Manual within mentioned, Hereby Certify, that the Books were delivered over to Mr. Thomas Hay, conform to Inventory, which I have marked of this Date; and that the Press, containing the Acts and Warrants of the Privy Council, was delivered only *per aversionem* to Mr. Hay, without Inventory, falling into his Hands by his Father's Death, and I having neither found nor caused make an Inventory thereof.

Ro. Pringle.

The Lords Commissioners of Justiciary having considered the former Warrant, with the above Report by Mr. Thomas Hay, Advocate, and Certificate on the Back thereof by Mr. Robert Pringle, Advocate, produced and recorded as above, they granted Warrant to, and empowered the Clerk of Court to receive from the said Mr. Thomas Hay the whole Books and Records of the Privy Council in his Custody, upon Inventory and Receipt, and the foresaid Press, as containing some Acts and Warrants of Decrees and Orders of Privy Council, *per aversionem* upon Receipt only; and thereafter ordained the said Mr. Thomas Hay to make Oath before their Lordships, of his having faithfully delivered up the Whole, and, to his Knowledge, that none of the said Books or Papers in the foresaid Press have been abstracted since they came into his Custody.

Ch. Areskine, J. P. D.

July 30, 1748.

The said Day, in obedience to an Order of Court, of date the Fourth instant, compeared Mr. Thomas Hay, Advocate, and being solemnly sworn, examined, and interrogate, Deponed, that he had delivered up the Whole Books or Records of the Privy Council in his Custody by Inventory and Receipt, and the Press mentioned in the said Order, containing some old Papers relating to the Privy Council *per aversionem*, on Receipt only, to John Davidson Principal Clerk of Justiciary; and depones that, to his Knowledge, none of the said Books or Papers that were in the foresaid Press have been abstracted since they came into his Custody; and this is the truth, as he shall answer to God.

Tho. Hay.

Ch. Areskine, J. P. D.

5. ORDER for the Delivery of the Records of the Privy Council of Scotland into His Majesty's General Register House.—1811.

Edinburgh, November 12, 1811.

In the Report from the Select Committee of the House of Commons appointed to inquire into the State of the Public Records of the Kingdom, in the Year 1800, it was recommended, among other Measures relative to the Public Records of Scotland, that the Records of the Privy Council deposited in the Justiciary Office should be transferred to the General Repository in His Majesty's General Register House.

In pursuance of an Order of the Right Honourable the Commissioners appointed by His Majesty for executing the Measures recommended by the House of Commons respecting the Public Records of the Kingdom, you are hereby authorized and directed forthwith to deliver into the General Repository in His Majesty's General Register House, the several Books and Registers, as also all the Original Warrants and Papers of the Privy Council of Scotland, now in your Custody, together with a general Inventory of the said Books and Registers; for which a Receipt by the Deputy Clerk Register, or the Deputy Keepers of Records annexed to this Order, shall be to you a sufficient Discharge.

I have the Honour to be, &c.

To the Clerk of the High Court of Justiciary,
or his Deputies.

Tho. Thomson,
Sub-commissioner of Records for Scotland.

Appendix,
(W. 9.)

Fifth Annual Re-
port of Deputy
Clerk Register,
Scotland, 1811.

6. RECEIPT granted by the Deputy Clerk Register for Delivery of the Records of the Privy Council into His Majesty's General Register House.—1811.

General Register House,
Edinburgh, November 1811.

I do hereby acknowledge, that in Terms of the preceding Order, Thomas Smith, Esq. Depute Clerk of the High Court of Justiciary, has delivered into His Majesty's General Register House the Books or Registers of the Privy Council of Scotland, according to a General Inventory signed by me as relative hereto, together with a Collection of Papers contained in an old Press, which are supposed to be the Whole of the Warrants and Original Proceedings of the Privy Council preserved in the Justiciary Office; and the said Books and Papers have now been deposited by me among the other Public Records of the Kingdom.

Tho. Thomson,
Deputy Clerk Register.

(W. 10.)

Act of Sederunt concerning the Fifth Annual Report of the Deputy Clerk Register.

Mr. Thomas Thomson, Advocate, in Terms of his Commission of Deputy Clerk Register, presented to the Lords the Fifth Annual Report of his Proceedings in that Office; and the Lord President, the Lord Justice Clerk, and the Lords Meadowbank and Robertson, were appointed a Committee, (whereof the Lord President, Convener,) to take the same into their Consideration, and report their Opinion thereon to the Court.

Appendix,
(W. 10.)

Report of Lords
of Session, 1812.

REPORT of the Committee of the Lords of Council and Session, appointed to consider the Fifth Annual Report of the Deputy Clerk Register.

THE Committee appointed to consider the Fifth Annual Report of the Deputy Clerk Register, and state to the Court their Opinion on it, and the Matters treated of in it, have examined it accordingly; and bestowed on the various Subjects, which it embraces, as much Attention and Deliberation as the Pressure of Public Business at this Season permitted. And although the Committee have it not as yet in their Power to offer a matured and digested Opinion on the most important of those Subjects, they conceive it may, nevertheless, be of Advantage to submit in general what has occurred to them, in the Hope of attracting the greater Attention of your Lordships to it during the ensuing Vacation, in the Course of which the Committee propose, with the Leave of the Court, to resume their Deliberations.

The Suggestions in the Report, as to the Pecuniary Support requisite for the Register House, appear to the Committee equally prudent and moderate; and the only Remark which has occurred on this Subject, is that the Allowance proposed of £.100. per annum for Servants to keep the Register House clean and decent, seems extremely narrow. It was thought that at least £.50. should be added to this Sum. In contemplating this Matter the Committee was much struck with the Liberality with which the Commission on the Public Records defrays the extraordinary Expenditure requisite to put the Remains of our national Muniments into a Condition, which not only promises Preservation for Ages, but affords them an Appearance and Situation suited to their Value, and is equally honourable to the good Taste which presides in the Management, and to the Country to which they belong. And it is with great Pleasure the Committee observes that this liberal Attention extends to the putting into a right Course of Preservation and Arrangement the whole System of our Records, and is always directed to those Quarters where Reformation and Improvement are most called for. It is obvious, that without the extraordinary Remedy of a well-conducted and persevering Interposition of this Nature, no System of correct Management, promising Perpetuity, could be effectually introduced; and nothing can be more gratifying to your Lordships than to learn, that the Measures taken for this Purpose have been dictated by such extensive Views, and such thorough Knowledge of the Details of the Business, as to promise in due Time to be followed every where with the most complete Success.

The new Arrangement and Distribution of Apartments, as to some of the Offices, have been inspected by the Committee, and appear to be unexceptionably proper.

The Changes in the Office of Registration in the Books of Session appear to require the Alterations suggested in the Superintendence of the Business, when proper Authority for it can be obtained; and the proposed Increase of Wages to the Writers of the Record seems indispensable, and the Means pointed out for the Purpose suitable and adequate.

The Measures taken for establishing an improved Method and Correctness in the System of County and Burgh Records also appear to be proper, and likely to attain a Perfection which will at last accomplish their Purpose. Indeed some Degree of Energy as well as Steadiness may be here called for; and most certainly, Perseverance in obtaining Information is indispensable. As to the requisite Accommodations, it is to be hoped the Counties will be

be disposed to afford them, provided only a Law were obtained conferring on them the Authority necessary to render their Resolutions for that Purpose compulsory.

Appendix,
(W. 10.)

The new Situation of the Record of Processes is however the Subject which will attract in a particular Manner the Attention of the Court. Previous to the Act of the 50 Geo. III. the Emoluments of the Clerks of Session chiefly arose from their Power to compel Litigants to defray the Expense of extracting the Processes brought under the Cognizance of the Court: And One Consequence was, the regular Insertion in Manuscript Volumes of a clean Copy of the whole written Proceedings in Detail, of almost every Action since the Period of the Reformation. But as the Statute has relieved Litigants of this Obligation, and the Extract of the Process has been almost confined to an authentic Copy of the Judgment which forms the Warrant of Execution, the only Record of the Proceedings in the Register House at present, is the Proceedings themselves, in all their Variety of Form, Size, and Construction, made up into Bundles of separate Papers, after having been worn, and often rendered imperfect, by that Circulation, to which the present Course of Discussion exposes them. The Committee are of Opinion that Bundles of this Sort are little else than mere Rubbish and Lumber, or must soon become so; and that something ought to be done, and that speedily, to render Processes which have been decided capable of being preserved in some Measure complete, and at the same Time accessible to the Court and the Lieges. For this Purpose, the Committee agree with the learned Reporter in being of Opinion, that a Uniformity in the Size of the Proceedings, so as to fit them for binding into Volumes, is an essential Requisite; and that in every Cause the Procedure, or what is entered by the Clerks of Court or done by the Judges, should be preserved apart, and a Paper altogether separate from the Pleadings, Proofs, or Documents of the Litigants should be employed for them. But though Measures for these Purposes were taken, still, unless some Means were adopted to form a Duplicate of the Record of Procedure, so that the Original should always remain in Court or in the Clerks Offices, and only an authentic Duplicate be liable to circulate among the Judges, Clerks, and Practitioners, there is obviously no absolute Security against Waste and Loss of the most important Parts of the Record. If this Security however were attained, and the Processes regularly bound up under the Direction of an attentive Person, it is thought, that the Register of Processes might be rendered by regular Indexes fully as accessible as it was previous to the Statute. The Establishment of an Officer as the Custodier, and Maker-up of Processes for the Bookbinder, as suggested by the Report, is obviously connected necessarily with any Measure of this Kind, and ought to constitute a Reward for experienced Fidelity and Diligence among the Clerks in inferior Departments.

Report of Lord
of Session, Scot-
land, 1812.

The Committee conceive it is incumbent on the Court, to adopt some effectual Means for preserving to the Country the Advantages it has so long derived from a Record, which perhaps has contributed more than all other Causes put together, to that singularly rapid Improvement, which distinguishes the Progress of our Municipal Law, during the First Century subsequent to the Reformation. And the principal View of the Committee in proposing to resume its Deliberations on the Report is to consider at Leisure and in Detail that Variety of Circumstances, which must be provided for in any authoritative Measure that could afford a reasonable Promise of Success in such an Undertaking.

The Committee in the mean Time observe with Satisfaction the Steps taken to arrange the Processes into One Series, after they are delivered over by the Extractors; and feel indebted for that Exertion of public Spirit, which is employed in obtaining some Provision for the Person who has undertaken that Task.

The Committee have only to add, that they trust no Measure which Prudence can suggest will be omitted, for procuring Restoration to the Records of any of the missing Volumes which can be traced as still extant in any Quarter.

C. HOPE.
D. BOYLE.
ALLAN MACONCHIE.
WM ROBERTSON.

Act of Sederunt upon the Report of the Committee of Lords of Council and Session.

THE LORDS having heard the above Report, approve of the same, and ordain it to be entered in the Books of SEDERUNT; and of new appoint the Committee to take the Matters contained in the Deputy Clerk Register's Fifth Report into their further Consideration, and report their Opinion thereon to the Court. And THE LORDS direct the Deputy Clerk Register forthwith to transmit an Extract of the above Report of the Committee, and of the Proceedings of the Court thereon, to the Right Honourable His Majesty's Commissioners for the Preservation and Arrangement of the Public Records of the Kingdom, and to the Lord Clerk Register.

Appendix,
(X.)

Proceedings of the
Faculty of Advoca-
tes, Scotland,
1809.

Appendix, (X.)

PROCEEDINGS of the Honourable the FACULTY OF ADVOCATES, respecting the Publication of the ACTS OF THE PARLIAMENT OF SCOTLAND.

Edinburgh, February 11, 1809.

The DEAN Present.

THE Dean laid before the Faculty a Letter addressed to him by Thomas Thomson, Esq. One of the Members of Faculty, and Deputy Clerk Register ; which the Clerk read, and is of the following Tenor :

Sir,

Edinburgh, February 6, 1809.

I am directed by the Lord Clerk Register to request, that, in your Capacity of Dean of the Faculty of Advocates, you will have the Goodness to call the Attention of that learned Body to a Plan now in Contemplation, of publishing a full and accurate Collection of the Acts of the Parliament of Scotland.

Of the Defects of all the former Editions, and the Utility of a more accurate and comprehensive Publication of the Scottish Statutes, the Faculty of Advocates appear to have been long aware ; and its Members, both as a Body and as Individuals, have avowed a deep Interest in the successful Execution of such a Work.

In the Year 1772, the Curators of the Advocates Library presented to Lord Frederick Campbell, as Lord Clerk Register, a Memorial, of which I have now the Honour to enclose a Copy, in which the Defects of the Printed Collections were very truly stated, and a Proposition was made of compiling, at least for the Use of the Faculty, a Sort of Supplementary Collection of the Scottish Statutes. But, in the Execution of this Plan, to which his Lordship very cordially gave the Consent that was requested, it does not appear that any further Steps were taken.

The Failure of this Attempt is the less to be regretted, as its Objects were a great deal too limited, and fell short very far of what has since been aimed at, and what is now likely to be accomplished.

About Twenty Years ago a Plan was formed by the Deputy Keepers of the Public Records, of printing a complete Edition of the Statutes, from the Reign of James I. to the Union in 1707 ; and of the Utility of such an Undertaking, and of its strong Claims to Public Encouragement, they received Assurances the most flattering and satisfactory.

In a Letter on this Subject, addressed by the late Lord Hailes to Sir Ilay Campbell, then Lord Advocate of Scotland, of which also I beg Leave to enclose a Copy, this projected Edition of the Scottish Statutes is strongly characterised as “ a noble Plan,” to the successful Execution of which that very learned and intelligent Person looked forward with the utmost Pleasure. It is scarcely necessary for me to say, that on the Utility and Propriety of such a Work, no Man of his Age was better qualified than Lord Hailes to judge and to pronounce with Confidence.

This Plan, which seemed to open under such favourable Auspices, was, however, delayed, if not altogether abandoned ; and its Execution, in the Manner originally intended, was at length superseded by the still more extensive and noble Plan of printing the whole of the Parliamentary Records of Scotland, from the earliest Periods down to the Union in 1707. In the Report from the Select Committee of the House of Commons on the Public Records of the Kingdom (in 1800), it is stated, that “ the present Lord Clerk Register has had this great Work in view for many Years, and some of the earliest Volumes have been, by his Order, prepared for the Press.” Its Execution, accordingly, became one of the first Objects of Attention to the Commissioners soon afterwards appointed by His Majesty for carrying into Effect the Measures recommended by the House of Commons respecting the Public Records of the Kingdom.

Of

Of the various Causes which have retarded the Completion of this Design, it is not necessary here to enter into any Explanation. I rather hasten to state, that, under the Authority of His Majesty's Commissioners, a Compilation has been preparing, which is meant to embrace every Act and Proceeding of the Scottish Legislature, of which either the original Record or any genuine and authentic Copy yet remains. The First Part of the Work, comprehending whatever can be recovered of the Parliamentary Records of Scotland prior to the Return of King James I, in 1424, is not yet ready for Publication; but the subsequent Part, commencing from the Era now mentioned, and for which the Materials are more abundant and accessible, has been put to the Press, and will now be carried on progressively, and as rapidly as the Nature of such a Work admits. That Part of which I now speak, it has been found advisable to divide into Two separate Series; the Statutes, and all other Proceedings held in full Parliament, to form One of these; and the Judicial Proceedings in private Civil Causes, held by the Lord Auditors and other Committees of Parliament, to form the other Series. That an Idea may be given of the Method and Scale of the Work, I have the honour of inclosing some of the Printed Sheets of each Series; and in Explanation of these Specimens, it is only necessary to observe, that in a Work which is intended to perpetuate, as far as may be, the antient and authentic Muniments of our Law, and of the Constitutional History of the Kingdom, the most scrupulous and minute Fidelity to the Original Records, even in their Abbreviations and other Peculiarities of Writing, has been invariably aimed at. As nearly as modern Typography admits of such an Attempt, it may be regarded as a Fac Simile of the Originals from which it has been taken.

Appendix
(X.)

Proceedings of the
Faculty of Advocates,
Scotland,
1809.

From the Form of the Work, as well as from the Mode of Publication, it will readily be seen, that it is not intended for daily and ordinary Use; and in particular, that it is not calculate to supersede a popular Edition of the Scottish Statutes on a more limited Scale. If, however, the Execution shall prove worthy of the Design, it must hereafter, next in Order and Rank to the Original Record, be resorted to as an authentic and authoritative Publication of those Statutes; and among other Purposes of a higher Kind, it will obviously furnish the Means of facilitating an Edition of Statutes for ordinary Use, more complete and more correct than any of those of which the Public are yet in Possession.

It is chiefly with a View to the Preparation and Publication of such a Work, that I have been directed to bring these Details under your Notice. It will readily occur, that in the Plan of the Work, in the Selection of those Statutes which ought to be given at large, and in the Abridgment of those which remain from that Selection, much Skill and Judgment may be required; and even the practical Details of Execution will demand no ordinary Degree of Diligence and Care. All of these are happily to be found in that learned Body which is most naturally and strongly called upon to take a Concern in a Work of this Description; and in now soliciting and expecting the Co-operation and Assistance of the Faculty of Advocates, I am persuaded that the Lord Clerk Register only anticipates what all its Members must feel the utmost Satisfaction in granting. I do not presume to suggest what particular Course the Faculty ought to take for the Promotion of the Plan which I have had the Honour of submitting to your Consideration; and I have only to add, that I shall be happy to afford every further Explanation on the Subject of this Letter, which it may be in my Power to give.

I have the Honour to be, with the utmost Respect,

Sir,

Your very faithful and obedient Servant,

To Matthew Ross, Esquire,
Dean of the Faculty of Advocates.

THO. THOMSON.

Papers relative to a new and complete Edition of the Scottish Acts of Parliament, referred to in the preceding Letter.

T. MEMORIAL of the CURATORS of the ADVOCATES LIBRARY, addressed to The Right Honourable LORD FREDERICK CAMPBELL, Lord Clerk Register; with his Lordship's Answer thereto, August 13, 1772.

To the Right Honourable the Lord Clerk Register for Scotland.

The MEMORIAL of the CURATORS of the ADVOCATES LIBRARY.

The Printed Collections of the Public Acts and Proceedings of the Parliament of Scotland are incomplete, and it is even said they are not altogether correct.

The Printed Lists of the Private Acts of Parliament are not only incomplete, but the Titles of these are so very general that they give no Information of the Contents, mentioning only the Name of the Person in whose Favour they are, without saying what is given or granted.

It

Appendix
(X.)

Proceedings of the
Faculty of Advocates,
Scotland,
1809.

It appeared to the Memorialists that it was a Matter of Public Concern to have these Defects supplied, and for that End to submit the following Proposals to the Lord Register :

1. That a fair Copy be made of all the Public Acts and Proceedings of the Parliament of Scotland, which are not contained in the Printed Collections.
2. That a Comparison be made of the Printed Acts with the Record ; and if there be any Errors, that the Corrections be marked on the Margin of a Printed Copy.
3. That a List be made of all the Private Acts, specifying the Substance of the Contents, in the same Manner as the Contents of Acts of Parliament are now usually specified in the Titles thereof.

The Memorialists propose, that the above Copies and Lists be taken at the Expense of the Faculty ; and the same, when complete, lodged in the Advocates Library, and all, or any Part thereof, printed by them as they shall think fit ; and the Memorialists, before they engage in the Whole, in order to form some Idea of the Expense, mean to have a Specimen of a small Part.

These Things the Memorialists beg Leave to lay before the Lord Register, and humbly pray his Lordship to take them under his Consideration, and to make such Order, and give such Permission thereupon, as to his Lordship shall seem reasonable.

JOHN SWINTON.
RO. CULLEN.
JO. MACLAURIN.
ALEX. MURRAY.

Ardincaple, August 13, 1772.

It appears to me, that what has been desired by the Curators of the Advocates Library, is a Matter of great Public Utility ; and therefore you are hereby authorized to comply with their Request, by giving Copies and Lists in the Terms proposed, but without authenticating the same by any Subscription.

FRED^C CAMPBELL.

To the Keepers of the General Records
in the Laigh Parliament House.

II. LETTER from the Honourable Sir DAVID DALRYMPLE Lord Hailes to the Right Honourable
ILAY CAMPBELL, Lord Advocate of Scotland.

My Lord,

The Messrs. Robertsons of the Laigh Parliament House have a Plan of printing a correct Edition of our Acts of Parliament, from the Reign of James I. and of adding the unprinted Acts as they appear in the Record.

It is a noble Plan, and it gives me great Pleasure to find that there are Men willing to undertake that Work, and capable, as the Messrs. Robertsons are, of executing it.

They cannot, with any Propriety, undertake such a Work without the Approbation and Authority of the Lord Register : they are anxious to have your Lordship's Countenance in applying to the Lord Register ; and I presume, on this Occasion, to solicit your Lordship's Aid, and that in the most earnest Manner.

When the Faculty of Advocates, about Thirteen or Fourteen Years ago, applied to the Lord Register for a Copy of the Statutes, his Lordship expressed his Sentiments of the Faculty's Purpose in the most judicious Manner, and gave Orders accordingly. I suppose that the Expense attending such a Transcript deterred them from proceeding in their Purpose. Now there is an Opening for having something much better, a Printed Book within every one's Reach, instead of a Manuscript Copy, to be consulted in the Advocates Library.

The Honour of such a Publication will belong to Lord Frederick Campbell ; and he will appear in a better Light than his Predecessors ; for they have given nothing to the Public but imperfect, careless, and I might even say, jobbed Editions of the Statute Book.

May I entreat your Lordship to use your good Offices with the Lord Register, and that with your earliest Conveniency, in obtaining his Approbation of a Work, which, if not undertaken soon, will never be executed at all.

Whatever I can do in superintending the Work, consistently with my necessary Avocations, will be readily bestowed.

I am, with great Respect,
My Lord,
Your Lordship's most obedient,
and devoted humble Servant,
DAV. DALRYMPLE.

Newhailes, 16th January, 1786.

III. LETTER

III. LETTER from the Right Honourable Lord FREDERICK CAMPBELL, Lord Clerk Register, to the Right Honourable ILAY CAMPBELL, Lord Advocate of Scotland.

My Dear Lord,

London, 26th January, 1786.

Many Thanks to you for the Communication of Lord Hailes's Letter of January 16th.

Be so good as to assure his Lordship, that I will, upon his Lordship's Recommendation, give every Facility in my Power to Messrs. Robertsons Plan of printing a correct Edition of the Acts of Parliament from the Reign of James the First, and of adding the unprinted Acts as they appear in the Record.

I think myself particularly fortunate in having so useful a Work begun in my Time by Men equal to the Undertaking, and superintended by Lord Hailes, in whose extensive Knowledge and unwearied Researches the Public have so much Reason to place entire Confidence.

I am, My dear Lord,
&c. &c.

FRED^K CAMPBELL.

Thereafter the following Motions were read from the Chair, and unanimously agreed to :

" That the Faculty consider the Publication of a full and accurate Edition of the Acts of the Parliament of Scotland, as a Work of great National Importance, in the successful Execution of which they feel a deep Interest.

" That the following Members, viz. Mr. Robert Craigie, Mr. David Hume, Mr. John Clerk, Mr. Robert Hamilton, Mr. Alexander Irving, Mr. George Cranstoun, Mr. Henry Mackenzie, and Mr. Robert Græme, be appointed a Committee to confer and advise with Mr. Thomson on the Plan and Execution of the proposed Edition of the Acts of Parliament, and to report thereon to the Faculty, from Time to Time, either for their Information or for Direction, as they may see Cause ; of which Committee Mr. Thomson to be a Member, and the Convener.

" That the Dean be requested to present to the Lord Clerk Register the Thanks of the Faculty, for the Communication which his Lordship has made to them, on a Subject so peculiarly interesting to them as Individuals, as well as a Body ; and to express to his Lordship the strong Sense they entertain of his zealous and successful Exertions for the Preservation and Improvement of the Public Records of Scotland."

MAT. ROSS, D. F.

Edinburgh, 18th February, 1809.

Extracted from the Records of the Faculty by
ALEX^R MANNERS, Cl. Fac.

Appendix,
(X.)

Proceedings of
the Faculty of
Advocates, Scot-
land, 1809.

Appendix,
(Y. 1.)

Account of Eccle-
siastical Benefices,
in Ireland.

I R E L A N D.

Appendix, (Y. 1.)

Account of the Valuation of Ecclesiastical Benefices in Ireland.

WHILST searching for Monastic Records in the Rooms of the Court of Exchequer at Westminster relating to England and Ireland, I found in a Bag Fourteen long Rolls containing an Ecclesiastical Valor and Taxation of the Whole of Ireland, made by the Authority of Pope Nicholas the Fourth, A.D. 1292. I had before read several Instruments in Rymer's *Fœdera*, Volume 2, which induced me to suppose such Records were in some Repository in Ireland. The Valor extends to the Possessions of Archbishops, Bishops, and the Religious, and also to Rectories, Vicarages, and to every Kind of Ecclesiastical Benefice.

Upon the Rolls there is this Entry, "Hos rotulos simul cum aliis rotulis de Taxatione bonorum Beneficiorum totius Hibernie recepit hic ad Scaccarium Walterus Exon' Episcopus tunc Thesaurarius primo die Octobris anno regni Regis Edwardi filii Regis Edwardi xvj^{mo} in quadam бага sigillo Scaccarii Dublin consignata per manus Willielmi de Lugteburgh nuncii domini Regis eandem bagam sub sigillo predicto deferentis et eam dicto Thesaurario ex parte Thesaurarii et Baronum dicti Scaccarii Dublin' liberantis."

GEO. VANDERZEE,
Sub-Commissioner.

Appendix,
(Y. 2.)

Searches for
Charters and
Statutes, in
Ireland.

Appendix, (Y. 2.)

REPORT of Searches for Original Records and Manuscript Copies of Charters and Statutes in IRELAND; with Observations upon the Condition, Arrangement, and future Preservation of the Public Records of IRELAND.

Report of Searches.

1. IN the *Red Book* of the *Exchequer* at DUBLIN (fo. 69. & seq.) is an Entry of the Magna Carta 12th November 1 Hen. III. transmitted to Ireland, and collated from that Book for Blackstone, with the Magna Carta of England of that Date. On Examination of this with the Printed Copy by Blackstone, several Errors were discovered. In fo. 81. to 91. of this Red Book, is contained an Entry of the Statute of Westminster 1. 3 Edw. I. which is not to be found on the Statute Roll in the Tower of London. This Entry is followed by the Entries of the Statutes of Gloucester (6 Ed. 1.); de Viris Religiosis (7 Edw. 1.); and Westminster 2. (13 Edw. 1.) As it appears on a Comparison that the Entries of these Statutes agree with those on the Statute Roll in the Tower, it may be concluded that the Entry of Stat. Westm. 1. must have been taken either from that Statute Roll when perfect, or from some Source equally authentic. It is consequently entitled to more Credit than any Copy which has been hitherto met with in *England*.

It seems probable that this Entry was in fact made from an Exemplification sent over from England in the 13th Year of Edw. I. and noticed in a Memorandum on the Close Roll of that Year in the Tower of London, m. 5. d. *: but although the Statute pro Mercatoribus is there mentioned, yet neither the Statute of Acton Burnel, 11 Edw. I. nor the Statute Staple, 13 Edw. I. are contained in this Red Book.

In

* De Statutis liberatis } Memo^d qđ die Ven^{is} in festo Exalta^ois S^ce Crucis anno &c. xij^o apud Wynton^e libata sunt Rog^o Bretun C^lico ven^{is} p^ris W. Watford E^pi tūc Justi^c Hibⁿ quedam Statuta p^r Regem & consiliū suū edita & p^rvisa, videt^r Statuta Westmⁿ statim post corona^oem R^e edita, & Statuta Glouc^e, & Statuta p^r m^catoribz f^ca ac Statuta Westmⁿ in pleamento Reg^e Pasch^e anno p^rdc^o p^rvisa & f^ca, in Hibⁿ deferenda & ibidē p^rclamanda & ob^rvanda.

In this Red Book of the Exchequer of Ireland are also found the following Articles :

Fo. 4. "Ordinationes in Parlamento apud Westm' tempore Regis Edwardi 3^{ui} tento, prout tam inferius et in Rot. Mem. S^cc^rii Dublinii de termino Sancti Michaelis anno ejusdem Regis 5^o, quam in Rot. Cancellarⁱ Hibnie de anno 6^o dicti Regis irrotula^t continentur.

"Edwardus Dei gratia Rex Anglie, D^{ñs} Hibnie, & Dux Aquitanie, Justic^{us}, Cancellarⁱ, & Thesaur^{us} suis Hibnie, Sa^{lm}. Mandamus vobis quod articulos subscriptos, quos pro emendatione status terræ n^{re} Hibnie & quiete & tranquillitate n^{ris} ibidem, per advisamentum consilii n^{ri} in ultimo Parlamento n^{ro} apud Westm^{onasterium} tento, ordinavimus, in dicta terra Hibnia quantum ad vos attinet teneatis & observetis, & per alios fideles nostros dicte terre teneri & observari faciatis. Tenor autem articulorum predictorum talis est.

"Imprimis,"—then follow some Articles partly illegible, but which appear to be the same as are contained in the Printed Parl. Rolls 5 Edw. III. No. 3, 5, 6.

Fo. 8. Writ of Hen. IV. directed to the Justice, Chancellor, and Treasurer of Ireland, for the Observance of the "Statutum de Absentibus in parlamento D^{ñi} Richardi Secundi post Conquestum anno regni suo tertio tento. Teste me i^pso apud West^{monasterium} 17 Dec^{embris} anno regni 1^{mo}."—At the foot of the said Writ is this Memorandum, viz.

"Mem^{orandum} quod Statutum sive Ordinatio de absentibus super quo ista brevia fundantur est in Albo Libro hujus S^cc^rii."—Of the Liber Albus here mentioned, nothing is known at the Exchequer. Nicolson states that it was destroyed. The Statute alluded to is in Printed Rot. Parl. 3 Ric. II. nu. 42—44.

Fo. 20. An Entry of Cap. 4. of the English Stat. 28 Ed. III. respecting Escheators, which appears to agree with the Entry on the English Statute Roll in the Tower.

Fo. 22. Entry of Chap. 5. of Stat. 13 Ric. II. st. 1. and of Cap. 3. of 15 Ric. II. c. 3. for regulating the Jurisdiction of the Admiral.—These appear to agree with the Entries on the English Stat. Roll.

Fo. 23. Entry of Chap. 10. of Stat. 14 Ric. II. as "L'Estatut encontre Customers, Controllers, & autres:" agreeing with the English Statute Roll.

Fo. 33--36. "Mem^{orandum} q^{uo}d 4^{to} die Maii anno regni Regis Ed. fit^{us} Regis Ed. 17^o D^{ñs} Rex mandavit Cancellario suo Hibnie quedam Statuta apud Lincolⁿⁱ & Eborum edita, & ea in eadem terra publicari & observari precepit, per breve q^{uo}d sequitur in hæc verba :

"Edwardus Dei g^{ra} Rex Anglie, Dominus Hibernie, & Dux Aquit^{anie}, Cancellario suo Hibernie, Salutem. Quedam Statuta," &c. [*as in the Writ entered on the Stat. Roll of 12 Edw. II. in the Tower of London.*].—The Teste is as follows :

"Teste me i^pso apud Notingh^{am} xx die Novemb^{ris}, anno r^{egis}. n^{ostri}. decimo septimo : p^{ro} i^pso Regem & consiliū."—The Date of the Year does not appear on the English Statute Roll, the Uncertainty of which is supplied by this Entry.

Fo. 79. An Entry of the Statute of Roteland, or New Stat. of the Exchequer, 10 Edw. I. This appears to agree with the Entry on the Close Roll in the Tower (12 Edw. I. m. 7. d.) as printed in Hawkins' Edition of the English Statutes.

2. In the *Office of the Town Clerk at the Sessions House in Dublin*, whither all the Records of the Tholsel were removed in the Year 1796, is a Book (written apparently about the Time of Edw. II.) called the Chain-Book, having been kept chained to a Table at the Tholsel. It contains an Enumeration of the Customs and Privileges of the City of Dublin, and at the End is an Instrument in French relating to the Assise of Bread and Ale, &c. the former Part of which is very similar to the English Statute usually printed as the Assisa Panis, &c. and the latter to some Parts of the Judicium Pillorie, 51 Hen. III.

3. In the *Library of Trinity College, Dublin*, the following Manuscript Articles are preserved :

Class.	Shelf.	No.	
K.	4 & 5.	—	Selecta quedam ex Rotulis Patentibus :
(14 Folio Volumes.)			A Collection of Instruments from the Patent Rolls in the Tower of London, from 1 Hen. III. to 22 Edw. IV. This contains several private as well as public Instruments, and appears to have been collected by <i>Henry Powle</i> , Keeper of the Records in the Tower, afterwards Master of the Rolls, whose Signature appears at the Beginning of each Volume. Many of the Instruments are in Rymer.
(23 Folio Volumes.)			Transcripts of the Rolls of Parliament 5 Edw. II. to 4 Hen. VIII. inclusive.
E.	1	4.	Index Inquisitionum Escaetarum terrarum in Anglia que inveniuntur in Turri Londini ; cum Tabula Alphabetica nominum.
(1 Folio Volume 200 pp.)			This contains Minutes of Escheats and Extents from the Time of Hen. III. to 36 H. VI. It does not appear to be so full as the Calendar No. VI. printed by Order of the Commissioners of Records, so far as that goes, which is only to the End of Edw. II.

Appendix,
(Y. 2.)

Searches for
Charters and
Statutes, in
Ireland.

- E. 3. 18. Article 1. Modus tenendi Parliamenta & Concilia in Hibernia p Hen. II. ordinatus :
Et Exemplificatio ejusdem p *Hen. III.* *

* This seems erroneous ; the Exemplification begins " Henricus Dei gratia Rex Anglie, Francie, & Dominus Hybernie ;" and ends " Teste prefato locum nostrum tenente apud Trym 12^o die Januarii regni nři 6^o." The Manuscript ends thus :

" This is a true Copy of the Exemplification under the Great Seal of Ireland, remaining in the Hands of S^r Rob^t Cotton Kn^t Dan. Molyneux, Ulster King of Arms."

Article 2. Modus tenendi plm̃ta in Anglia temp̃ E. fit Etheldredi &c. cum Tractatu de Officio Senescalli.

[This Article is also in the Manuscript, E. 4. 5. Article 2.]

- | | | | |
|----|----|-----|---|
| G. | 1. | 23. | } Manuscript Collections of Statutes, incorrect, and of no value. |
| E. | 5. | 6. | |
| E. | 6. | 3. | |
- G. 3. 1, 4, } Manuscripts as to holding of Parliaments and passing Bills ; all of which, it is believed,
& 15. } have been printed.

4. *At the Cathedral of Christ Church, Dublin*, in the *Liber Niger* there, written between the Years 1280 and 1299, [9—27 Edw. I.] are Entries of the following Articles :

- 162 (b) Magna Carta Johannis—incorrect.
- 165 Magna Carta Henrici III. 6 Nov. anno regni 2^o.
- 166 (b) Carta de Foresta - - - D^o - D^o.
- 167 (b) Stat. Merton, 20 H. III.
- 168 (b) Dict. de Kenelworth, 51, 52 H. III.
- 170 Stat. Marlbridge, 52 H. III.
- 173 Stat. Westm. 1. 3 Edw. I.
- 178 Stat. de Judaismo, 3 Ed. I.
- 179 (b) Districōnes Scaccarii temp. H. III.
- Id. Stat. Gloucester 6 Edw. I. (agreeing with the Statute Roll in the Tower.)
- 181 Les Estatuz de Religion. The Stat. 7 Edw. I. de Viris Religiosis, in French.

At this Cathedral are also preserved Three Folio Volumes, containing Transcripts of Charters, Bulls, Statutes, and other Matters relating to the Cathedral ; made by Dr. Lyon about Fifty Years since, and thus intituled :

" *REGISTRUM NOVUM*; continens Chartas & Literas tam Regum quam aliorum, Bullas Pontificales, Conventiones factas, Inquisitiones, Testamenta, Parliamenti Statuta, Rotulos computales, Rentalia, & quædam alia memorabilia de Ecclesia Cathedrali S. Trinitatis seu Ædis Christi Dublin. Ex Autographis, infra Archiva ejusdem per multa æva conservatis, fideliter exscripta ; sigillaque ipsa autographorum unicuiq, appensa sparsim delineata. Cum tabula accurata, & indice præcipuarum rerum copiosissimo."

To these Volumes is annexed an " *Index Rerum*," very well arranged, and by which the Entry of any Article may be found, and the Original (remaining in the Archives of the Cathedral) readily produced. The Drawings made from the Seals are very faithful and elegant.

5. The Transmission of the Statutes entered in the Red Book of the Exchequer at Dublin, is inaccurately noticed in Sir R. Bolton's Edition of the Statutes of Ireland, (printed A. D. 1621.) in a Note on the Act 10 H. 7, c. 22, where he states that he had seen an Exemplification of these and other Statutes in the Treasury of the City of WATERFORD. Bishop Nicolson, in his Irish Historical Library, (p. 66.) refers to the Close Roll above noticed in Correction of Sir R. Bolton's Statement. But on a diligent Search made at WATERFORD no Trace of such Record or Exemplification exists, either in the Archives of the Dean and Chapter, or of the Corporation of Waterford. It is related that when the old Exchange at Waterford was pulled down, about Forty Years since, the Mayor ordered several Cart Loads of very old Manuscripts to be thrown in a Heap in the Street, and burned as useless Lumber. In the Time of King Charles I. Waterford was several Times taken by the Duke of Ormonde, who carried away from thence to KILKENNY Castle numerous antient Records relating to Waterford. Maps and Records relating in particular to the Church and its Possessions are known to be now there ; and several Instances have occurred where they have been produced from Kilkenny Castle, and read in Evidence on Trials relating to the Title of the Chapter. The Burleigh Family also about the same Period conveyed many Records to LISMORE Castle ; a Fire happened there some Years since, when the Records were thrown in a confused Heap into a Tower in the Castle, where they now lie.

(Y. 3.)

Appendix,
(Y. 3.)OBSERVATIONS *on the Condition, Arrangement, and future Preservation of*
THE RECORDS OF IRELAND.

Condition and Arrangement of Records, in Ireland.

THE OBSERVATIONS of the Sub-Commissioners have resulted from the Information given them at the Offices and Places following; viz.

- | | |
|--|----------------------------|
| 1. The Office of Under Secretary for Civil Affairs, | } In the Castle of Dublin. |
| 2. Bermingham Tower, | |
| 3. The Office of Surveyor General of the Crown Lands, | |
| 4. The State Paper Office, | |
| 5. The House where the Acts, &c. of the Irish Parliament are kept, | } In the City of Dublin. |
| 6. The Rolls Office, | |
| 7. The Court of Exchequer, | |
| 8. The Sessions House, | |
| 9. Trinity College, | |
| 10. The Cathedral of Christ Church, | |

1. In THE OFFICE OF UNDER SECRETARY FOR CIVIL AFFAIRS are preserved Twenty-six Manuscript Folio Volumes, compiled in English by Mr. Lodge, heretofore for Forty Years Deputy Keeper of the Rolls, and of the Records in the Bermingham Tower, and which were purchased of his Representatives by the Government of Ireland. The Terms on which this Purchase was made appears by the King's Letter, dated the 15th of August 1783, entered at the Signet Office.

The following is a short Epitome of the Number and Contents of the several Volumes of this Collection:

No. of Vols.

13. Abstract of Inrolments of Grants entered on the Patent, Close, and other Rolls preserved in the Rolls Office and the Bermingham Tower, Dublin, from 31 Edw. I. to 31 Geo. II.
 1. Index to the said Thirteen Volumes.
 1. Grants of Fairs and Markets. Lettered as Vol. XIV.—(C.)
 1. Parliamentary Register.—(D.)
 2. List of Patentee Officers in Ireland from 33 Hen. VIII. to 13 Geo. III.—(E.)
 1. List of Converts, and Protestant Settlers.—(F.)
 2. Grants of Wardships and Liveries, Pardons for Alienations, &c. temp. Hen. VIII. to Charles II.—(G.)
 1. Agreements with Irish Chiefs; general and particular Pardons, &c. Grants of Money, Pensions, &c. from the Time of Hen. VIII. to Geo. III.—(H.)
 1. Miscellaneous Inrolments.—(I.)
 1. List of Members of King's Inns from the Year 1607.
 1. King's Letters 27 Hen. VIII. to 12 Eliz. for the Appointment of Chancellors and other Officers of State.—Also Letters to and from Ministers, on Transactions in Parliament during that Period.
 1. Orders for Money Payments, 1651—1656.
- 26.

There are also Five Volumes, containing Printed Proclamations, from 1618 to 1711: viz. Vol. I. 1618 to 1689;—II. 1660 and 1661;—III. 1670 to 1711;—IV. 1688 to 1700;—V. 1689 to 1709.

Mr. Lodge's Collection appears to be of great Importance, as containing a vast Mass of useful Information, well abstracted and digested; and most peculiarly congenial to the Purposes for which the Commission was appointed. It may perhaps serve to suggest a Plan and at the same Time to offer a Specimen for translating, arranging, and digesting the Contents of all the Records of the Kingdom, so as to afford the easiest Reference and the completest Abstract possible. By means of these Volumes the Sub-Commissioners were directed in their Searches at the Bermingham Tower and the Rolls Office to the Patent and Close Rolls; in both which Places Lodge's Books, as far as they go, are complete Calendars, Abstracts, and Indexes.

2. In the BERMINGHAM TOWER, besides the Patent and Close Rolls abstracted by Mr. Lodge, are also preserved the Pipe Rolls. From a Manuscript in the Library of Trinity College, Dublin, it appears that one Pipe Roll, as early as the 13th and 14th of King John, was preserved here in 1678; but it may be doubted whether that Roll now exists. There are also preserved Rolls of Common Pleas, Pleas of the Crown, &c. but without any sufficient Calendars or Indexes. The Contents and Condition of these Records appear more fully from the Return made by Mr. Warburton, the Deputy Keeper of the Records in that Tower, in consequence of his receiving a Copy of the Questions sent by the Committee on Records in the Year 1800 to the Keepers of the several Repositories of Records in Great Britain.

Appendix,
(Y. 3.)

Condition and Arrangement of Records, in Ireland.

" The Records deposited in the above Tower consist of Three Sorts ; namely, 1st. Compoti or Pipe Rolls, being the Transcripts of the Accounts of Public Accountants. 2dly. Patent Rolls ; (and a very few Close Rolls.) 3dly. Plea Rolls, or Proceedings of the several Courts of Justice."

" The Pipe Rolls commence in the Reign of Hen. III. and continue (but not in regular Succession) to the middle of the Reign of his late Majesty Geo. II. the greater Part of which were transmitted to the Tower from the Pipe Office, only a few Years since.—The Patent Rolls commence in the 31st Edw. I. and end in the Reign of Hen. VII ; they are not in regular Succession, and some of them mentioned by Mr. Lodge are not now in the Tower, and some few Rolls not mentioned by him have been found.—The Plea Rolls commence the 36th Hen. III. and 3d Cha. I."

" An Index or Calendar is kept in the Tower, consisting of Two Volumes ; but it refers only to the Patent and Plea Rolls, and it is so extremely imperfect and incorrect, as to be nearly useless. To the Pipe Rolls there is no Index or Calendar whatsoever."

" The Condition of the Building in which the above Records are lodged, is extremely good, both as to Security and Accommodation for the keeping thereof. It is a very large Circular Room with good Presses all round and in the Centre. The Records at present lodged there, do not occupy One Half of the Presses, and there is sufficient Room for an Inner Circle (similar to that in the Chapter House at Westminster) for any other Records or Papers which it might be deemed necessary to deposit in the Tower."

" The Rolls in general appear in good order ; but some of them were destroyed, and others injured by a Fire that took place about 30 Years ago."

" There are not (as before stated) correct Calendars or Indexes to the said Records in said Tower ; but in Mr. Lodge's Books in the Castle of Dublin, there is a Calendar to the principal Matters contained in the Patent Rolls, but not to the others. From the Nature of these Records, it is submitted it would be of considerable Utility to have regular and correct Calendars made, but it would take many Months unremitting Attention and proper Assistance to complete them."

The Patent and Close Rolls actually found here, were compared with a List made by Mr. Lodge, and inserted in the First Volume of his Abstracts above noticed. Several of those stated by Mr. Lodge to have been preserved here could not be found by the Sub-Commissioners ; but some Rolls were found which had not been noticed by Mr. Lodge : These are distinguished in a List of the Rolls, made by the Sub-Commissioners : Mr. Lodge, in his List, states that the Patent and Close Rolls in the Bermingham Tower have been left there by Mistake, and ought to be deposited in the Rolls Office, with the rest of the Patent and Close Rolls there. It seems indeed desirable that all Rolls of a like Nature should be preserved in the same Repository ; by which means, in this Instance, the Series would be rendered more complete, and the Confusion and Uncertainty resulting from Records of the same Nature being kept in Two different Repositories, in Two Series, both interrupted, would be remedied.

Mr. Warburton, in his Return, states his Allowance, as Deputy in this Office, at Twelve Guineas per Annum. It appears from Lodge's List of the Patentee Offices, that the Salary of the Principal (of whom no Attendance is required) is now Five hundred Pounds. It was first raised to that Sum (from Two hundred Pounds) on Mr. Addison's being appointed to that Office.

3. In the Office of SURVEYOR GENERAL of the Crown Lands are kept the Maps made by Sir William Petty, on the Survey of the Forfeited Lands (1656—1659, &c.) in several Counties in Ireland, usually called The Down Survey. As also Copies of Barony Maps, by General Vallancey. The Nature of these Maps, and the Occasion on which they were made, are very fully and clearly stated in the Fourth Report of the Commissioners of Inquiry relative to Fees and Abuses in Offices in Ireland, dated 19th July 1806, printed by Order of the House of Commons in December 1806.

The Particulars of these Maps were given to the Sub-Commissioners in a Form similar to that in which they had previously been delivered to the Commissioners of Inquiry.—Some of Sir William Petty's Maps are accompanied with Certificates, which others want. This Distinction was not noticed in the Return to the Commissioners of Inquiry.

As these Maps of the Down Survey have been frequently produced in Evidence, and are by Law recognized as of high Authenticity ; (see Irish Acts 14, 15 Car. II. c. 2. § 36. Clause 2. of Instructions ; and § 98.—17, 18 Car. II. c. 2. § 5, 23, 100 ;) the insecure State in which they are kept is to be regretted : They are in a small Room, at the Top of an old House, very subject to Accidents by Fire (a Circumstance which occurred not long since,) and where there is very little Convenience for consulting them. Add to this, that several of the Maps of the Down Survey have been injured in consequence of the Lines which mark the Boundaries of Parishes and Places having been traced over with a Pin, or Knife, or sharp Instrument, for the Purpose
of

of making exact Copies. This Practice of late has been discontinued. But the State in which the Maps are kept requires on the whole very serious Consideration.

Appendix,
(Y. 3.)

4. An Account of the original Institution of the STATE PAPER OFFICE is given in Lodge's Lists of Patentee Officers, Vol. I, p. 156. The Office appears now to have become a Sinecure, with an annual Salary of Five hundred Pounds annexed to it. The Business is transacted by the Clerks of the Under Secretary for Civil Affairs; one of whom receives Ten Pounds a Year, and an Allowance of Fifty Pounds in lieu of Apartments. It is the Duty of this Clerk to have the Custody of the Books (in which the Papers preserved here are entered) during any Vacancy in the Office of the Lord Lieutenant; and at all Times to give Copies of Papers when duly required. The earliest Volume of Entries is dated 1697. The Papers entered in those Volumes consist of Correspondence of Ministers in Ireland with the Ministers in Great Britain, and with the Treasury and Commissioners of Revenue in Ireland; all Appointments of Civil and Ecclesiastical Officers by the Government of Ireland; Petitions for Allowances and Gratuities, &c. The Books are in good Order, well kept, and have Indexes to each Volume. In this Office is preserved a Letter written in March 1806 by Lord Redesdale, then Lord Chancellor of Ireland, to the Earl of Hardwicke, the then Lord Lieutenant, on the Subject of the Records of Ireland, containing very important Hints relative to the present State of the Parliamentary Records in particular, and to the future Regulation and Preservation of the Records.

Condition and Arrangement of Records, in Ireland.

5. The Records and Papers preserved in the PARLIAMENT HOUSE in Dublin, at the Time of the Union, commencing in 1634, and ending in 1800, have been removed to a very insecure House, No. 35, Anglesea-street. Among them are all the Original Bills and Acts of Parliament, in a Series, somewhat interrupted, from 1692 to 1715, and thence uninterruptedly to the Time of the Union. These were in very great Confusion and Disorder; and as there is no Calendar or Index to them (except the Journals of the House of Lords,) it is very difficult either to obtain Information of the Existence of any Act, or to have recourse to the Act if known to exist. This Deficiency is the more prejudicial as the like Defect exists at the Rolls Office, whither engrossed Copies of the Acts were from Time to Time transmitted; (*Vide the Account of that Office.*) It is feared that some Papers or Records have been lost, as the Removal took place under Circumstances very unfavourable to Security or Accuracy; the Records having been delivered up by the late Deputy Clerk of the Parliament to the Person employed as Architect in altering the Parliament House for the Bank. This Person sent the Records to their present Repository by Cart-loads, without Order or Method, and free from any Check whatever. After the Union an Officer was appointed, to whom the Custody of the Parliamentary Records was nominally committed, with a considerable Salary, charged on the Civil List.

The Mode in which the Original Acts here are indorsed on passing their several Stages, seems deserving of Attention, as conveying more Information than the Indorsements of the Acts preserved in the Parliament Office at Westminster.

The following is the Form of the Irish Indorsement:

An Act (setting out the Title)
Mercurii, 26^o Die Martii 1800,
prima vice lecta;

Jovis, 27^o Die Martii 1800,
secunda vice lecta;

Lunæ, 31 Die Martii 1800,
tertia vice lecta;
Soit baillé aux Seigneurs.

G. F. Hill,
Cler. Dom. Com.

Die Jovis, 10^o Aprilis 1800,
prima vice lecta;

Die Sabbati, 12^o Aprilis 1800,
secunda vice lecta;

Die Martis, 15^o Aprilis 1800,
tertia vice lecta;

J. Gayer,
D. Cler. Parl.

A cette Bille les Seigneurs ont assentus.

At the Top of the Act, on the Inside of the Roll, the Title and Time of passing are written, *e. g.*
AN ACT, &c.

Thursday the Twelfth day of June One thousand eight hundred, Royal Assent given.

Joh. Gayer, D. Cler. Par.

6. THE ROLLS OFFICE.—The Patent Rolls preserved in this Office appear to agree with the List made by Mr. Lodge, and inserted in the First Volume of his Abstracts. On a Comparison of this List with that of the Rolls in the Bermingham Tower, it will be found that some of the Deficiencies at the Rolls may be supplied from the Bermingham Tower; and that by this means, though the Series of Rolls would not then be complete, yet all the Rolls of the same Nature would be together, and could then be easily referred to in the same Office: Whereas

at

Appendix,
(Y. 3.)

Condition and Arrangement of Records, in Ireland.

at present the Search must be made in Two Places for Rolls of a like Nature ; *e. g.* the Patent Roll 17 E. III. is at the Rolls Office ; those of 20 & 21 Ed. III. &c. in the Bermingham Tower ; some of the 26th Year at the Bermingham Tower ; and some of that Year at the Rolls Office ; three of the 29th and 32d Years at the Bermingham Tower ; one of the 32d at the Rolls ; the 46th and 48th at the Rolls ; the 49th at the Bermingham Tower ; and the 51st at the Rolls ; and so in many other Instances.

The Calendars of the Rolls kept at the Rolls Office do not commence till the 22d of Hen. VIII ; so that any Reference to previous Rolls can be had only from Lodge's Abstracts and Indexes. From 22 Hen. VIII. to the present Time the Calendars are regular and complete, but not nearly so full or methodical as Lodge's Books. Some of the Calendars require to be re-copied, being nearly worn out. The Contents of the Rolls themselves, particularly in latter Times, seem to require Animadversion. The Distinction between Patent and Close Rolls is not now observed. In fact the modern Rolls are neither Patent nor Close Rolls : From about the Time of Charles II. they have obtained the Term of Mixed Rolls ; Private Grants and Conveyances being entered on them, as well as Royal Patents and Public Grants. It was suggested that some practical Difficulties and Delays have occurred, in particular from entering on those Rolls Bargains and Sales of Bankrupts Effects, which ought to be inrolled in the Office of Clerk of Inrolments in Bankruptcy ; where all other Proceedings respecting Bankrupts are inrolled. This Part of the Subject may deserve further Inquiry and more diligent Investigation.

With respect to the Transmisses and Inrolments of Acts of Parliament preserved at the Rolls Office, it has been already remarked, that a like Defect prevails here as in the present Repository for the Original Acts and Proceedings in Parliament. The Statute Rolls, or Rolls of Parliament, from 5 Hen. VI. are preserved here ; but there is not any Index or Calendar of those early Acts in the Office. Calendars of the Acts, Public and Private, from 11 Jac. I. to A. D. 1711. (9 & 10 Anne,) are preserved in tolerably good Order, and the inrolled Acts of that Period can occasionally be found and referred to ; but after that Period to the Union in 1800 the Lists contain only the Private Acts, and they are not easily found. Among those Private Acts are several not included in the printed Editions of the Irish Statutes. The Lists have not been continued since the Union.

Notwithstanding the Report made by the House of Lords in Ireland, and the Resolution of that House on February 23, 1758, (see Journals of the House of Lords of Ireland, vol. iv. pa. 109—117.) it does not appear that the Acts after being passed were duly certified into Chancery at the End of each Session, as required by that Resolution. Some Rolls of Acts between 1711 and 1758 have been found, but not signed or certified by the Clerk of the Parliaments ; and it is observable that the Heads or Introductions of these Rolls have been cut off. Since the Year 1758 it seems that instead of the whole Body of Acts being certified authentically into Chancery at the End of the Session, Copies of each separate Act uncertified have been delivered into the Rolls Office, and put by without Regularity or Method, and without being calendared or indexed. This Confusion appears peculiarly to have prevailed of late Years, so that it is almost impossible to trace out or find any Act whatever ; and when found, many of them are rendered illegible by the careless Method in which they were originally transcribed, and the Injury suffered from the Damp, and by unskilful Management ; so that on the whole the State of the Records of the Statute Law of Ireland appears more confused and erroneous than at the Time of the Parliamentary Proceedings in 1758. The Security and Accommodation of the Bermingham Tower seem particularly adapted to the Reception of all Records of Statutes. In that Place they could be collected and arranged in the First Instance, and if perfect Duplicates were then found to exist, one Set might remain in the Tower, and the other, being duly examined and certified, be sent to the Rolls. Some such Measure, however laborious, seems absolutely requisite, in order to prevent the Evidence of the Statute Law of this Part of the United Kingdom, previous to the Union, from being completely lost, or at least completely inaccessible.

The Room in which these and other Records are kept, though large and commodious, is not secure from the Weather. At the Top of the Presses in which the Rolls are contained, immediately under the Ceiling, through which the Wet occasionally makes its Way, are deposited a very great Number of Bundles of Inquisitions post Mortem, in a State entirely confused and irregular, and fast approaching to Decay. Several Inquisitions of a like Nature are also said to be deposited in the Court of Exchequer, in a State not much more favourable to their Preservation. There are no Calendars or Indexes to any of these.

It has been asserted that some Uncertainty or Irregularity prevails as to the Custody of certain Records in this Office, particularly Answers in Chancery. The Accuracy or Inaccuracy of this Assertion may deserve Inquiry.

7. THE EXCHEQUER.—As to the valuable Contents of the Red Book, it is necessary here to add, that it contains some Acts of Irish Parliaments not noticed in any Edition of the Irish Statutes.

8. The Records in the TOWN CLERKS OFFICE at the Sessions House relate chiefly to the Liberties and Privileges of the City of Dublin. Calendars and Copies of all the Instruments are kept in the Office ; and a Copy is making for the Recorder of Dublin, with Translations of the several Charters and other Matters of Importance to the City.

9. TRINITY

9. TRINITY COLLEGE.—See before, pa. 303, as to several Manuscripts preserved here. Some other Manuscripts seem deserving Notice, as connected with the Records of Ireland, *e. g.*

Appendix,
(Y. 3.)

F. 3. 17. Contents of the Red Council Book of Ireland from 4 H. VIII. to 6 E. VI. An Alphabetical Table to the Collection of Letters concerning the Public Affairs of Ireland in the Reign of King Jac. I. as contained in the Council Books by Sir William Ussher.

Condition and Arrangement of Records in Ireland.

F. 1. 3. Liber Inrotulamentorum Literarum Patentium sub Magno Sigillo Regni Hibernie in Annis 9, 10, 11, & 12 Caroli 1^{mi} Regis cum Indice Nominum.

E. 3. 4. Index seu Liber Repertorius omnium Inquisitionum & Rotulorum Regalium Servitiorum a 20 R. II. usq. ad 19 Eliz. inclusivè; remanentium in Officio Capitalis Rememoratoris Scaccarii Hibernie: Factus per Walterum Harolde Deputatem Rememoratoris ejusdem Scaccarii.

E. 3. 34. Copy of the Exemplification and Order of King James I. for enrolling the several Inquisitions concerning the Six escheated Counties in the North of Ireland, taken in the Seventh Year of his Reign, with a Recital of the said Inquisitions at large.

10. CHRIST CHURCH CATHEDRAL.—See before, pa. 304.

(Y. 4.)

Letter from the Right Honourable LORD REDESDALE, LORD CHANCELLOR OF IRELAND, to his Excellency the Earl of Hardwicke, Lord Lieutenant of Ireland, upon the State of the Public Records of IRELAND.

Appendix,
(Y. 4.)

MY LORD,

Dublin, 3d March 1806.

YOUR EXCELLENCY having mentioned to me your Concern at the State of the Public Records of Ireland, and your Anxiety to adopt some Measure for the Purpose of placing them in a better Situation, I have considered the Subject, and I intended to have presented to your Excellency a Plan for the Purpose, if I had continued in Office, so as to have Leisure to make more minute Inquiries than I have been able to do.

Letter of the
Lord Chancellor of
Ireland, 1806.

The Condition of the Records and Documents of different Descriptions, which were lodged in the Parliament House, has come before me, in more than one Instance; and particularly as one of the Corporation of Commissioners for Charitable Donations and Bequests, and in consequence of an Order of the House of Lords for delivery to the Commissioners of the several Documents and Papers which had been from Time to Time collected for the Use of the Committee for Charitable Donations and Bequests, ordinarily appointed by the Lords of Ireland before the Union; and which the Commissioners were informed, comprised not only valuable Information, but Deeds and Instruments importantly concerning the Objects of their Trust. On application to the Person in whose Custody those Documents and Papers ought to have been, we found that every Thing in the Two Houses of Parliament, of that Description, had been removed, promiscuously, on Sale of the Building to the Bank, and lodged in a House in Anglesea-street, where they remained in utter Confusion, and in danger of Destruction. It seems to me that your Excellency cannot be too early in taking some Step for the Preservation of Records and Documents so importantly concerning the Public as well as Individuals. But the final Disposition of them appears to me to be properly the Object of Attention of both Houses of Parliament; and on my Return to England I shall probably think it my Duty to state the Matter in the House of Lords, and propose some Measures to be taken in concurrence with the other House of Parliament. Until such Measures can be adopted, I think it necessary the Lord Lieutenant of Ireland should attend to the immediate Safety of those Records and Documents; and I strongly recommend to your Excellency personally to visit them, and consider what may be fit to be done for that Purpose; or if the Time of your Excellency's Stay here should not permit your Interference, that you would mention the Subject to your Successor, as Matter requiring his early Attention.

The Carelessness which has characterised the Proceedings with respect to the Records and Documents belonging to the Two Houses of the Irish Parliament, since the Union, has probably been produced by the Measure then adopted, of compensating the Officers of those Houses to the full Extent of their Emoluments, and thus inducing them to consider those Offices as wholly at an End, and that they had become mere Pensioners for Life without any Obligation of Public Duty; and I very much fear your Excellency will find that similar Consequences have flowed from the same Source in other Departments. Indeed, according to all the Information which I have been able to obtain, the Public Records and Documents of every Description have been very much neglected, and are in a State of great Confusion, except those which are now lodged in the Building, comprizing the Four Courts, and the Offices of many of their Officers, to which the Office of Register of Deeds has been added very lately, in Exclusion of some of the Officers of the Courts, the Documents in whose Offices are of great Public Concern. It seems to me also, that the Office of the Register would have remained more properly at the Castle, under the Protection of the Castle Guard; and I strongly recommend that it should be removed back to the Castle as soon as proper Buildings can be provided for the Purpose, for which I understand there is ample Space.

Appendix,
(Y. 4.)

Letter of the
Lord Chancellor of
Ireland, 1806.

I think it important here to state to your Excellency, that the Four Courts and the adjoining Buildings have been erected on Ground belonging to the Society of King's Inns, on which the Buildings antiently used by the Society had stood. It seems to me that the Site of the Four Courts, and Repository of Records, ought to be formally vested in the Crown, discharged from all Claim of the Society of King's Inns, who ought, I think, to receive a Compensation, and to be relieved from a Burthen which they have imposed on themselves to accommodate the Public, by taking other Ground for the Site of their Hall Library and Chambers, at a very high Rent, and paying Tip-staves to attend the several Courts, with which they have nothing to do except as Owners of the Soil on which those Courts stand. The Records and Documents in the several Offices there, I believe, are generally in good Order; but the Buildings are not well adapted in general to the Purposes for which they are designed; several of the Rooms, and all in the Basement Story, are, I understand, very damp; and indeed the whole Building ought to be secured from Inundation, and the constant oozing of the Banks of the River, to which it is liable. I believe this to be practicable, though at considerable Expense. I think the Building intended for Public Use ought to be immediately completed, and I feel the greatest Anxiety for the Adoption of this Measure, because in the Discharge of my Duty as Chancellor, I have found that for want of proper Public Offices many important Documents have been lost, or remain in Private Hands, either neglected or made the Source of precarious but unjust Profit; so that the Court of Chancery has not in its Power any of those Documents which ought to be in the Hands of its Officers, and which, in many Instances, I have found would have been important to its Decisions.

I also think it would be highly proper to procure for the Public a considerable Portion of the adjoining Ground, not merely for the Erection of new Offices, but to secure those already erected; and although the Expense may be considerable, yet I think it will be compensated by the removal of Buildings which may be deemed Nuisances to the Public Buildings; and by the Convenience of assembling round the Courts the Practisers and Officers who would probably reside in the Neighbourhood, if they could procure wholesome and convenient Houses there.

But many Public Offices have not come in any Manner under my View; and I learn their Situation only by Report: According to Report they require careful and serious Investigation; I therefore strongly recommend the Adoption of a Commission, similar to the Commission issued in England, for executing the Measures recommended by the House of Commons, respecting the Public Records of Great Britain; either by extending that Commission to Ireland, by establishing a subordinate Commission, or by issuing an Original Commission wholly distinct and confined to Ireland; one Part of the Objects of the Commission now subsisting for Great Britain could only be executed for Ireland in Ireland; but other Objects of that Commission, I think, would be more easily attained, and with more general Benefit, through the Medium of a Commission under the Great Seal of the United Kingdom, having for its Object the Public Muniments of the whole Kingdom, as the Muniments of one Empire; and with that View it appears to me that a subordinate Commission for Ireland would be the necessary, and the most advantageous Measure, for obtaining that Information upon which the General Commission might act with respect to Ireland, as well as the best Method of procuring that Reform in the Management of Records and Public Documents, which their present Condition in Ireland, I apprehend, requires.

If the Measures of a General Commission for the whole Kingdom, and a subordinate Commission for Ireland, should be thought fit to be adopted, I apprehend it will be necessary for your Excellency, or your Successor, to lay the Matter before His Majesty's confidential Ministers, that they may advise His Majesty thereupon; or that the Matter should be brought before the Parliament; and the Commissions which I propose, if adopted, might be founded on such Resolutions as the House of Commons, or both Houses of Parliament, might think fit to frame and carry into Execution, by Address to His Majesty; (as was done in the Case of the subsisting Commission for Great Britain, which issued in pursuance, I apprehend, of an Address of the House of Commons;) or by such other Measures as their Wisdom might suggest.

If, during my stay in this Country, I can be of any Use to your Excellency or your Successor, either in attending an Inspection of the Records, or in any other Manner, with a View to attain that Order and Arrangement which are necessary to their Use, and that Care which is necessary to their Preservation, I shall be very ready to give my Assistance; but I apprehend nothing effectual can be done without the Aid of Authority specifically applied to the Subject, by a Royal Commission, and indeed without the Aid of Parliament.

I have, &c.

*To his Excellency
The Earl of Hardwicke,
&c. &c. &c.*

(Signed) REDESDALE.

Appendix, (Z. 1.)

Appendix,
(Z. 1.)

Commission for
Ireland.

Commission for the Arrangement of the Public Records in Ireland.

GEORGE R.

GEORGE THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, and so forth.

To Our right trusty and well-beloved Councillor Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Our right trusty and right entirely beloved Councillor Euseby, Archbishop of Dublin; and Our right trusty and well-beloved Councillors John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland, and the Persons severally holding the said Offices for the Time being; Our right trusty and right well-beloved Cousin John Chambre, Earl of Meath; Our right trusty and right well-beloved Cousin Francis William, Earl of Charlemont; Our right trusty and right well-beloved Cousin and Councillor Lawrence, Earl of Rosse; the Right Reverend Father in God Our right trusty and well-beloved Councillor Charles, Bishop of Kildare; Our right trusty and well-beloved Councillor Patrick Duigenan, Doctor of Laws; and Our trusty and well-beloved George Hall, Doctor in Divinity, Provost of Trinity College, Dublin.

WHEREAS Our most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into their Consideration the State of the Public Records of Ireland, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same, have humbly laid before Us the Report and Observations of the Public Records in the Year One thousand eight hundred and six; and also humbly represented unto Us, that in some of the Repositories in that Part of the United Kingdom the Public Records are preserved with Order and Regularity, but that in others they are wholly unarranged, undescribed, and unascertained; that some of them are exposed to Erasure, Alteration, and Embezzlement, and that others are lodged in Places where they are suffering from Damp, or incurring a continued Risk of Destruction by Fire; that some of the Buildings allotted to these Uses, particularly the House in which the Records of the late Parliament of Ireland are deposited, are in a State so incommodious and insecure, as to require immediate Attention; and humbly besought Us, that We would be graciously pleased to give such Directions as We, in Our Wisdom, should think fit, for the better Preservation, Arrangement, or more convenient Use of the Public Records in Ireland; and that whatever extraordinary Expenses may be incurred by the Directions which We, in Our Wisdom, shall think fit to give on this Occasion, shall be cheerfully provided for, and made good by Our faithful Commons;

We, considering the Premises, and earnestly desiring to provide for the better Preservation, Arrangement, and more convenient Use of the said Records, are graciously pleased to condescend to the Request of Our faithful Commons:

Know ye therefore, that We, of Our special Grace, certain Knowledge, and mere Motion, by and with the Advice and Consent of Our right trusty and right entirely beloved Cousin and Councillor Charles Duke of Richmond, Our Lieutenant General and General Governor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland, and according to the Tenor and Effect of Our Letter, and Our Privy Signet and Royal Sign Manual, bearing Date at Our Court at Saint James's, the Eighteenth Day of July One thousand eight hundred and ten, in the Fiftieth Year of Our Reign, and now enrolled in the Rolls of Our High Court of Chancery of Ireland;—

Have made, constituted, ordained, and appointed, and by these Presents do make, constitute, ordain, and appoint you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; Our right trusty and well-beloved Councillor John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court

of

Appendix,
(Z. 1.)

Commission for
Ireland.

of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being; Our right trusty and right well-beloved Cousin John Chambre, Earl of Meath, and right trusty and right well-beloved Francis William, Earl of Charlemont; Our right trusty and right well-beloved Cousin and Councillor Lawrence, Earl of Rosse; the Right Reverend Father in God Charles, Bishop of Kildare; Our trusty and well-beloved Patrick Duigenan, Doctor of Laws; and Our trusty and well-beloved George Hall, Doctor in Divinity, Provost of Trinity College, Dublin; or or any Three or more of you: Whereof some One of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, to make a diligent and particular Inquiry into the several Matters which Our faithful Commons have as aforesaid represented as fitting to be provided for, by Our Royal Authority, giving and granting unto you, Our said Commissioners, or any Three or more of you, whereof some One of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of the United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, full Power and Authority to cause all and singular the Officers, Clerks, and Ministers, of the Offices and Repositories respectively, wherein such Records are deposited, to bring and produce upon Oath before you the said Commissioners, or any Three or more of you, whereof some One of you the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of the Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland, and the Persons severally holding the said Offices for the Time being, is to be one, all and singular Rolls, Records, Books, and Papers, or other Writings belonging to the said Offices and Repositories, or any of them, and which shall be in the Custody of such Officers, Clerks, and Ministers, or any of them respectively.

And Our further Will and Pleasure is, That you Our said Commissioners, or any Three or more of you; whereof some One or more of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, upon due Examination of the Premises, shall cause such Matters to be duly and speedily executed, as you shall judge fitting and proper to be done for the more effectual Execution of the several Measures recommended as aforesaid by Our faithful Commons.

And to the End that Our Royal Will and Pleasure in the Premises may be executed with the greater Regularity and Expedition, We do by these Presents, by and with the Advice and Consent aforesaid, give full Power and Authority to you Our said Commissioners, or any Three or more of you, whereof some One of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be one, to nominate and appoint from Time to Time such Person of Ability, Care, and Diligence, as you shall think fit, to be and act as your Clerk or Secretary, for the Purpose of aiding you in the Execution of these Presents; and also to nominate and appoint such several Persons of Ability, Care, and Diligence, as you may think fit to be Sub-Commissioners, to be employed under the Directions and Control of you the said Commissioners in the Premises; and more especially to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers in any of Our Public Offices and Repositories; and to cause such of Our said Records, Rolls, Instruments, Books, and Papers as are decayed, and in Danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof, and to superintend the printing of such Calendars and Indexes, and Original Records and Papers, as you the said Commissioners shall cause to be printed; which said Clerk or Secretary, and Sub-

Sub-Commissioners, and every of them, shall and may be removed by you the said Commissioners, or any Three or more of you, whereof some One of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland, and the Persons severally holding the said Offices for the Time being, is to be One, from Time to Time, at the Will and Pleasure of you Our said Commissioners, full Power and Authority being by these Presents given to you to appoint others in their Places respectively.

Appendix,
(Z. 1.)

Commission for
Ireland.

And We do ordain and appoint, That you Our said Commissioners, or any Three or more of you, whereof some One of you the said Thomas Manners Baron Manners Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be One, shall from Time to Time certify under your Hands and Seals, unto the Commissioners of Our Treasury of Ireland for the Time being, what shall be a fit and suitable Recompence to the above mentioned Clerk, or Secretary, and Sub-Commissioners respectively, for their Pains and Services in the Execution of the Duties hereby required to be by them performed; which said Recompence, it is Our Will and Pleasure shall be thereupon paid to them respectively and accordingly.

And We do ordain and appoint, That you Our said Commissioners, or any Three or more of you, whereof some one of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be One, do and shall on or before the Twenty-fifth Day of March in the Year of Our Lord One thousand eight hundred and eleven, and so from Year to Year on or before the Twenty-fifth Day of March in each Year respectively, so long as said Commission shall continue in force, certify unto Us in Our Privy Council, under your Hands and Seals respectively, all and every the Proceedings of yourselves and of the said Sub-Commissioners, had by virtue of this Our said Commission; together with all such other Matters (if any) as may be deserving of Our Royal Consideration, touching or concerning the Premises; and what further Measures (if any) the said Commissioners shall think fit to propose thereupon.

And lastly, We do ordain, That Our said Commission shall continue in full force and virtue, and you Our said Commissioners, or any Three or more of you, whereof some One of you, the said Thomas Manners Baron Manners, Our Chancellor of that Part of Our United Kingdom of Great Britain and Ireland called Ireland; the most Reverend Father in God Euseby, Archbishop of Dublin; John Foster, Chancellor of Our Exchequer; William Downes, Chief Justice of Our Court of King's Bench; John Philpot Curran, Master of the Rolls; John Baron Norbury, Chief Justice of Our Court of Common Pleas; Standish O'Grady, Chief Baron of Our Court of Exchequer; and William Wellesley Pole, Chief Secretary to Our Lieutenant General and General Governor of Ireland; and the Persons severally holding the said Offices for the Time being, is to be One, shall and may, from Time to Time, and at any Place or Places, proceed in the Execution thereof, and of every Matter and Thing therein contained, although the same be not continued from Time to Time by Adjournments.

Provided always, That these Our Letters Patent be inrolled in the Rolls of Our High Court of Chancery, in that Part of Our United Kingdom of Great Britain and Ireland called Ireland, within the Space of Six Months next ensuing the Date of these Presents.

In Witness whereof, We have caused these Our Letters to be made Patent. Witness Our aforesaid Lieutenant General and Governor General of Ireland, at Dublin, the Thirtieth Day of August, in the Fiftieth Year of Our Reign.

WESTMEATH.

Inrolled in the Office of the Rolls of His Majesty's High Court of Chancery in Ireland, the First Day of September, in the Fiftieth Year of the Reign of King George the Third, and examined by

RICHARD HETHERINGTON,
Deputy Keeper of the Rolls.

Appendix, (Z. 2.)

First Report of the Commissioners of Public Records in Ireland, 1811.

To the King's Most Excellent Majesty in Council.

Appendix,
(Z. 2.)Report of Record
Commissioners,
in Ireland, 1811.

WE, the Commissioners, constituted and appointed by Your Majesty's Royal Commission, bearing Date the Thirtieth Day of August One thousand eight hundred and ten, for carrying into Execution the Measures recommended in the humble Address of the House of Commons to Your Majesty, with respect to the State of Public Records of Ireland, and the Necessity of providing for the better Arrangement, Preservation, and more convenient Use of the same: Whereby We, the said Commissioners, are authorized and empowered, to nominate and appoint, from Time to Time, Persons of Ability and Diligence to act as Secretary and as Sub-Commissioners, to be employed to methodize, regulate, and digest the Records, Rolls, Instruments, Books, and Papers in any of Your Majesty's Public Offices; and to cause such of the said Records, as were decayed and in Danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend the printing of such Calendars and Indexes and Original Records and Papers as should be ordered to be printed: And to certify unto the Commissioners of Your Majesty's Treasury, for the Time being, what would be a fit and suitable Recompence to such Secretary and Sub-Commissioners respectively, for their Pains and Services in the Execution of the Duties required to be by them performed; and further requiring, that the said Commissioners, or any Three or more of them, should on or before the Twenty-fifth Day of March in every Year, during the Continuance of the said Commission, certify to Your Majesty's Privy Council in the Manner therein directed, all and every of the several Proceedings of themselves and the said Sub-Commissioners, had by virtue of the said Commission, together with such other Matters, if any, as might be deserving of Your Majesty's Royal Consideration, touching or concerning the Premises:

Do most humbly beg Leave to certify to Your Majesty, that in pursuance of the Powers vested in us by Your Majesty's said Commission, we assembled on the Eleventh Day of September last, at the Office of the Right Honourable the Chief Secretary to the Lord Lieutenant, and opened the said Commission, and appointed William Shaw Mason, of the First Fruits Office, Esquire, to act as Secretary under the said Commission; after which the Report and Observations on the Public Records of Ireland, made to the English Record Commissioners, by Messrs. Tomlins and Illingworth, in the Year 1806; and also the Lord Redesdale's Letter to the Earl of Hardwicke, dated the 3d of March 1806, on the Records of Ireland; and also a List of the Public Repositories in Ireland, containing Records, Books, and Papers prepared by the Secretary, were severally read and taken into Consideration; whereupon, after due Deliberation, the following Order was made by the said Commissioners:

That the Secretary do forthwith prepare Queries, similar to those directed by the Select Committee of the English House of Commons in the Year 1800, and do transmit same to the several Officers of Record Repositories in Ireland, requesting from each of them separate and distinct Answers to such Queries; and that in framing same a due Regard be had to the following Points:

- 1st. The State of the Building in which Records, &c. are contained, as to Security and Accommodation.
- 2d. The Degree in which the Catalogues, Calendars, and Indexes are complete.
- 3d. The Number, Duties, and Remuneration of the Officers.

And that the Secretary, on obtaining the proper Answers to such Queries, report same, with any Observations that might occur to him, connected with the Subject, to the Board, at their next Meeting.

And at a subsequent Meeting of the said Commissioners on the Eighteenth Day of February last, at which a Report, dated First February One thousand eight hundred and eleven, made by the Secretary pursuant to the said Order of the Eleventh Day of September last, with an Appendix, containing the Forms of the several Sets of Queries, transmitted to Officers of Record Repositories, pursuant to said Order; as also another Appendix, containing Returns made from many of said Repositories, was read and taken into Consideration; and after due Deliberation the following Orders were thereupon made by the said Commissioners:

- That the said Report of our said Secretary, together with the several Appendixes thereto, be printed.

That the Secretary do write to the Board of Works, requesting them to direct their Architect or Inspector of Civil Buildings, to examine into the State of Buildings adjoining the Courts of Justice, allotted for the Preservation of the Public Records; as also the Security and Convenience thereof; and also to enquire and report, whether there be any Building already formed suitable to the intended Purpose; and if not, to prepare Plans of such additional

additional Buildings, at the Rear of the Four Courts, as may appear necessary for the more convenient Use and better Preservation of said Records ; and that in framing said Plan, particular Attention be paid to secure the Records from the Hazard of Fire or Damp ; and also that their said Officer do, after communicating with our Secretary thereon, report same to this Board forthwith.

Appendix,
(Z. 2.)

Report of Record
Commissioners,
in Ireland, 1811.

That William Warburton of the Tower, and William Betham of the Office of Arms, Esquires, be Sub-Commissioners under this Board, for the Purpose of arranging and methodizing the several Records, Rolls, Books, and Papers in Bermingham Tower, or belonging thereto ; in making proper Indexes to the same ; and also in preparing a General Catalogue or Repertory thereof ; and that our said Secretary be joined with the said William Warburton and William Betham in said Commission, for the Purpose of conferring with them in all Proceedings to be adopted under this Order.

That James Rafferty and Theobald Richard O'Flaherty, Esquires, be Sub-Commissioners under this Board, for the Purpose of arranging and methodizing the several Records, Rolls, Books, and Papers in the Parliament Office, or belonging thereto ; in making proper Indexes to the same ; and also in preparing a General Catalogue or Repertory thereof : And that our said Secretary be joined with the said James Rafferty and Theobald Richard O'Flaherty in the said Commission, for the Purpose of conferring with them in all Proceedings to be adopted under this Order.

That Richard Nash, Esquire, Inrolling Clerk in the Rolls Office, together with James Mayne and Francis Nash, Gentlemen, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all Records, Rolls, Inquisitions, Instruments, Books, and Papers in said Office, or belonging thereto ; and in preparing a General Catalogue or Repertory thereof : And that our said Secretary be joined with the said Richard Nash, James Mayne and Francis Nash, in said Commission, for the Purpose of conferring with them, in all Proceedings to be adopted under this Order.

That William Nash of the Rolls Office, Esquire, and Mr. Tierney of the same Office, be Sub-Commissioners under this Board, for arranging, methodizing, and indexing all the Records, Rolls, Instruments, Books, and Papers in the Chief Remembrancer's Office, or belonging thereto ; and in preparing a General Catalogue or Repertory thereof : And that our said Secretary be joined with the said William Nash and Mr. Tierney, for the Purpose of conferring with them, in all Proceedings to be adopted under this Order.

That Mr. Henry Harding, Clerk of the Records in the Auditor General's Office, together with John Fowler, Gentleman, be Sub-Commissioners under this Board, for arranging and methodizing, as well the several Records, Rolls, Books, and Papers belonging to the Auditor General's Office, and now in the Dome of the Four Courts ; as also such Rolls, Books, and Papers, as are in the said Office, in the Lower Castle Yard ; and that General Catalogues, as well as particular Indexes, be prepared therein : And that our said Secretary be joined in said Commission with the said Henry Harding and John Fowler, for the Purpose of conferring with them, in all Proceedings to be adopted under this Order.

That the several Sub-Commissioners appointed, or to be appointed under this Board, do on the First Day of every Month, from the Date of their Appointments, make a Return to the Secretary of the Measures taken, and the Work executed by them, under the Order of the Board ; and the Secretary is hereby directed thereupon to inspect such executed Work, and at the End of Three Months from the Twenty-fifth of March next, and so on every Three Months, to make a Report thereon to this Board, on their next following Meetings.

That the Secretary do write to the Chief Secretary to the Lord Lieutenant, in the Name of this Board, requesting him to give Directions to the Keeper of the State Papers, to consider and report to this Board, what Means can be taken to complete the Objects pointed out in the several Patents respecting a State Paper Office ; and that in the mean Time his Deputy do give a Description of such Books as are referred to in Mr. Laba's Letter of the Twenty-fourth December One thousand eight hundred and ten.

That the Secretary do write to the Chief Secretary to the Lord Lieutenant, in the Name of this Board, requesting him to hand over to the Secretary to this Commission for the Time being, the several Manuscript Books compiled by the late John Lodge, now in the Office of the Under Secretary for the Civil Department, for the Purpose of Reference, Transcript, or Printing, as this Board shall think proper to direct.

That a complete and authentic Edition of the Statutes and Ordinances of Ireland be prepared and printed ; including every Law, as well those repealed or expired as those now in force ; with a Chronological List of them, and Tables of the principal Matters : and that for the Purpose of ascertaining and preserving a Memorial of the correct

Appendix,
(Z. 2.)

Report of Record
Commissioners,
in Ireland, 1811.

correct and entire Text of the Statute Law of Ireland, Copies be distributed throughout the United Kingdom for Custody and Public Inspection, in such Manner as shall be determined on hereafter by this Board.

It being represented to the Board that William Ball, Bartholomew Thomas Duhigg, Edward Lawson, and Henry Mason, Esquires, Barristers at Law, have severally bestowed their Thoughts on this Subject, and are fit and competent Persons to execute different Parts of this Work; It is ordered, that the said several Persons be appointed Sub-Commissioners under this Board, for carrying this Work into Effect; and that the Secretary to the Board do confer with them, from Time to Time, upon the best Mode of Proceeding; and Report to this Board at their next Meeting, what Progress shall be made therein.

That the Secretary be empowered to hire a proper Apartment, and fit up same as an Office, with Desks, Tables, and other Conveniencies for the Meeting of the Sub-Commissioners, and the other Purposes of this Commission: Provided that the Rent and other annual Expenses of same do not exceed a Sum of Fifty-six Pounds Seventeen Shillings and Sixpence; and that he shall be authorized to employ a proper Person to act as Messenger to this Board and in the said Office, at a Salary of Twenty-two Pounds Fifteen Shillings per Annum.

That our said Secretary do proceed to call on the Officers or Keepers of the several Record Repositories and other Persous, to whom Queries have been transmitted under the Order of the Board of the Eleventh of September last, and who have not made Returns or Answers as required by said Order; to prepare and send in such Returns or Answers on or before the Twenty-fifth Day of March next; and in Default thereof, that the Secretary do report the Names of such Officers, &c. for the Purpose of adopting further Measures with respect to such Defaulters. And on the Whole of such Returns being made, that the Secretary do make a further Report thereon to this Board, arranged under the Head of Buildings, Catalogues, &c. Duties, &c. of Officers, Transfers, &c. and Selections for Printing.

And We beg Leave most humbly to state to Your Majesty, that in pursuance of the said several recent Orders, Progress is generally making by all the Sub-Commissioners; and that a particular Report of Progress has been made by the Sub-Commissioners upon the Statutes, which is hereunto annexed; and that at the present Time we have not any other Matters to offer to Your Majesty's Royal Consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Majesty's Royal Consideration.

Dublin, 18th March 1811.
Entered on the Minutes,
W. S. MASON, Secretary.

MANNERS, C.	(L. s.)
WILLIAM DOWNES.	(L. s.)
CHARLES KILDARE.	(L. s.)
PAT ^k DUIGENAN.	(L. s.)
GEO. HALL.	(L. s.)

REPORT of Progress by the Sub-Commissioners on the STATUTES referred to in the preceding Report of the Commissioners.

IN Obedience to the Order of the Eighteenth of February last, requiring a Report at the next Meeting of the Commissioners of Irish Records, of such Progress as should be made by the Sub-Commissioners appointed to prepare and publish a complete and authentic Edition of the Irish Statutes and Ordinances, we have the Honour to submit the following Report, which, although unavoidably imperfect, may at least evince our Solicitude for the prompt and punctual Discharge of the important Trust reposed in us.

Our primary Attention was naturally directed to form a suitable Plan for regulating our future Operations; but after revolving various Suggestions for that Purpose, it seemed advisable to postpone the absolute Adoption of any, until an Answer can be obtained from the English Statute Sub-Commissioners, to a Request which has been transmitted to them at our Instance, for particular Details of the Steps which they have pursued, and of such further Measures as their Experience may induce them to recommend.

This short Delay appeared indispensable, to preserve throughout the Printed Statutes of the whole Empire that Uniformity, which ought not to be departed from, unless some Part of the English Plan should be found inexpedient, or some material Improvement should occur.

A similar

A similar Application has been made for so much of the New Edition of the English Statutes as has been published, to enable us to ascertain whether that Portion contains any Statutes applicable to this Country, that admit of ulterior Correction by the Help of Records, which (on account of the deranged Condition of some of our Public Repositories) may have escaped the Diligence of the English Sub-Commissioners.

Appendix,
(Z. 2.)

Report of Record
Commissioners,
in Ireland, 1811.

Such Statutes preceding the Tenth of Henry the Seventh, as they have collated with the most authentic Records, it would perhaps be superfluous to collate over again; and it might possibly suffice to reprint from their Text in the proposed Edition of the Irish Statutes, such of the English Statutes antecedent to that Period, as are not wholly excluded by their Scope and Subject Matter from any possible Application to this Country. Upon these Points, however, we are desirous of precise Instructions, and submit to the Determination of the Board, whether and how far we ought to collate anew the Statutes prior to Poyning's Law, which have been published under the English Record Commission; and how much of them ought to be incorporated in the meditated Edition of the Irish Statutes.

Awaiting further Information on the above Heads, but anxious that no intermediate Time should be lost, we have applied for unbound Sets of the last Edition of the Statutes and Journals of the Irish Parliament, to facilitate the Collation of the Statutes by Portions, with the Original Rolls, which cannot be removed; and to ascertain and supply as far as possible whatever Chasm may occur in them, by referring to the Journals.

Solicitous to proceed immediately to collate the Printed Statutes with the Originals, and resort in the first Instance to the Rolls of Parliament as the most direct and authentic Documents, previous to investigating any secondary Evidence, we have made every practicable Enquiry and Exertion respecting the several Record Repositories; but found all those which contain the earliest Records in such a State, that our attempting to transact Business in them at present, would only embarrass the Persons who are actually employed in sorting the Records.

The Office of Parliamentary Records (which contains the principal Mass of Original Statutes) being however so crowded with Piles of Boxes, Books and Papers, that there is no room even for any Attempt to clean or arrange them, we have collated a Number of the later Statutes deposited there which were the most readily accessible, and have detected so many Inaccuracies in the printed Text, as make it less to be regretted that several Volumes of the last Edition are wholly out of Print; so that a complete Set is now hard to be procured.

Purposing to proceed on the latest Statutes until the early Records shall be somewhat arranged, we beg Leave to conclude with an Observation not so strictly relevant to our particular Department as it is important in a more extended View; namely, that the Writing of the very last Irish Statutes, though ingrossed in a large and massy hand, is already much impaired in many Places, owing to the Quality of the Ink and the Manner in which they are made up.

William Ball.
B. T. Duhigg.
Edward Lawson.
Henry J. Mason.

11th Day of March 1811.

Appendix,
(Z. 3.)

Extracts from the
Second Report:
Ireland.

Appendix, (Z. 3.)

Extracts from the Second Report of the Commissioners of Public Records in Ireland.

EXTRACTS from the SECOND REPORT of The Commissioners of Public Records in Ireland, dated 16th March 1812, under the following Heads: viz. I. PARLIAMENTARY RECORDS; II. ROLLS OFFICE; III. EXCHEQUER; IV. STATE PAPERS; V. SEARCHES FOR CHARTERS, &c. VI. PARISH REGISTERS; VII. GENERAL REGISTRY; VIII. CATALOGUES, CALENDARS, AND INDEXES.

I. PARLIAMENTARY RECORDS.

The General Arrangement of the Records, Books, and Papers in this Repository, which presented a great Mass of Confusion and Disorder, has been proceeded on; and the MS. Lords and Commons Journals, the Printed Statutes, with some thousands of various Public Documents, consisting of Copies of Cases and Appeals, Writs of Error, Private Bills, and Acts of Parliament, Petitions of Claims of Peerage, &c. have been arranged in Bundles, and the Original Rolls of Public and Private Statutes placed in Chronological Order in Boxes, which are numerically arranged; as are the Paper Copies of Bills and Transmissions of Public Acts; and a rough Schedule has been formed of the same.

STATUTES AND ORDINANCES OF IRELAND.—The Collation of the Printed Statutes with the Original Rolls, commencing Charles First, in the Parliamentary Record Office, has been nearly completed; and Materials towards forming the First Volume, consisting of some hundreds of antient Statutes, all previous to the 10th Henry VII., have been collected, transcribed, and translated.

II. ROLLS OFFICE.

Upwards of 2,500 Transmisses of Acts of Parliament, commencing in the Reign of Henry VIII. and ending 40th George III., were collected from all Parts of the Record Room, arranged in Bundles chronologically, and placed in Presses. Several hundred Decrees were in like Manner collected and arranged; and during the Winter Months a Repertory thereto has been commenced by Messrs. M. and F. N., and 165 Pages formed thereof.

In the Course of the Summer they likewise sorted and arranged upwards of an hundred thousand Records of various Descriptions, consisting of Fiant, King's Letters, Orders of Council, Letters of Guardianship, Powers of Attorney, Bankrupts Deeds, Qualification Rolls, and a Variety of other Public Documents, which lay scattered through the Gallery of the Record Room in considerable Disorder, and quite inaccessible to the Public, comprising a Period of near 300 Years.

A general Arrangement has also been made of the Inquisitions Post Mortem, a most important Lot of Records, represented by the English Sub-Commissioners to be in "a State entirely confused and irregular, and fast approaching to Decay." These have been collected and sorted into Counties and Kings Reigns, and a General Repertory thereto commenced.

III. EXCHEQUER.

CHIEF REMEMBRANCER'S OFFICE.—The Arrangement in chronological Order of all the Rolls in the Office, consisting of the Memoranda Rolls, commencing Edward I., Rolls of Decrees of Innocents, Certificates of Adventurers, Soldiers, &c. under the Act of Settlement, was completed during the Summer Months.

During the same Period, an Arrangement of the Inquisitions into Counties chronologically was formed, and each Inquisition examined with the Books of Reference now in the Office, and all Rolls endorsed and Bundles labelled, so as to be rendered accessible to the Public.

AUDITOR GENERAL'S OFFICE.—During the Summer Months, about Two Thirds of a vast Collection of Public Documents belonging to this Office, consisting of several thousand Rolls of Public Accounts, Vice Treasurer's Pells, Vice Chamberlain's, &c. Books, which had been placed in the Dome of the Four Courts, have been completely arranged, convenient for Reference, and preparatory to forming a General Inventory of its Contents. Latterly Indices Nominum et Rerum to the Books of Patents, King's Letters, &c. have been commenced.

SURVEYOR

SURVEYOR GENERAL'S OFFICE.—Under the Order of the Board a General Inventory has been formed of the Books of Maps preserved in this Office; and a Report thereon, as well as on the Arrangement, Condition, and Security of those Documents, has been made to the Board.

Appendix,
(Z. 3.)

Extracts from the
Second Report :
Ireland.

IV. STATE PAPERS.

RYMER, &c.—The Secretary then stated, that he had, under the Direction of the Lord Chancellor, taken every Opportunity to promote the Objects of Researches in Dublin, respecting Collections for a New Edition of Rymer's *Fœdera*, by Dr. Adam Clarke, one of the English Sub-Commissioners, who had been sent here for that Purpose, when it was suggested, that Special Instructions should be given to the Sub-Commissioners on that Head; whereupon the Board ordered, that the several Sub-Commissioners acting under the Board should be instructed to specify particularly in their Monthly Returns all State Papers, &c. similar to those contained in Rymer's *Fœdera*, which they might happen to meet with in the Course of their Researches in the several Record Repositories; and in like Manner, an Account of all Statutes prior to the 10th of Henry the Seventh.

V. SEARCHES FOR CHARTERS, &c. THROUGHOUT THE DIFFERENT PUBLIC REPOSITORIES OF RECORDS IN IRELAND.

The Secretary stated that he had proceeded, pursuant to Order, to call on the Officers or Keepers of the several Record Repositories, for Returns to the Queries transmitted to them in the latter End of last Year, in consequence of which many of those Returns had been made, but that several of them were still outstanding, as appeared by a List then laid before the Board, which precluded his reporting thereon, pursuant to the Order of 18th February last, and that previous to his making such Report, it would be necessary to inspect some of those Repositories, and particularly the Diocesan Registries, and the Offices of the Clerks of the Peace; whereupon the Board ordered, that the Secretary should summon to appear before this Board, upon their next Day of Meeting, all such Officers, &c. of Record Repositories as had neglected to make Returns to the Queries transmitted under the Order of the 11th September preceding, and to account personally for their Neglect in making such Returns, pursuant to said Order; and that previous to making a Second Report, the Secretary should be authorized and empowered to inspect personally all such Record Repositories in Ireland as might be deemed necessary, taking with him on such Occasion any One or Two of the Sub-Commissioners acting under this Board; and that in the Course of their Inspection and Enquiries their Attention should be particularly directed to antient Charters, Statutes, and State Papers, and such other Public Documents as are to be found at Kilkenny, Waterford, and Lismore.

VI. PARISH REGISTERS.

With respect to Parochial Registers, the Board are so strongly impressed with the public Importance of their regular Returns and Transmission to some secure Repository, and of their careful Arrangement and Preservation therein, as well as with the long experienced Inefficacy of the Law, as it now stands, to attain those Objects, that they feel themselves emboldened most humbly to submit to Your Royal Highness's Consideration, whether it may not be expedient that the Provisions of a Bill, now under the Consideration of the Legislature, for the better Regulation and Preservation of Parish and other Registers of Births, Baptisms, Marriages, and Burials, for establishing General Repositories for all such Registries in England, should, if approved of for that Part of the United Kingdom, be extended also to Ireland, where some Legislative Provision for the like Purpose is certainly very much wanted.

VII. GENERAL REGISTRY.

At a Meeting of the Commissioners, 31 July 1811; A Report, dated the 23d Day of July Instant, from the Sub-Commissioners appointed on the Registry Office, made pursuant to an Order of the 16th of March last, was also read, and ordered to be taken into further Consideration: A Copy of this Report we likewise beg Leave to lay before Your Royal Highness, in the Appendix, as containing some useful Information upon the Structure and Operations of a System, the legislative Establishment of which throughout Ireland has been attended with the most beneficial Effects, and suggesting some necessary Arrangements, not only for correcting Abuses, but for improving the original Plan, which, "however matured by the Experience of a Century, and the repeated "Efforts of Legislative Wisdom," may yet require its further Interposition.

The Inrolments and Registry of Deeds and Wills to perpetuate Evidence of Titles, and render notorious all Transfers and Incumbrances of Landed Property, was practised Centuries ago, both in Great Britain and on the Continent; but a Tract of Sir Matthew Hale seems to have produced the English Acts of Second and Fifth of Anne, from whence ours are chiefly copied, perhaps with improved Precision.

For many Years after the Establishment of our registry Office, the Number of Memorials was comparatively small. The intrinsic Utility of the Plan, and the growing Prosperity of the Country, have augmented their Number with such progressive Rapidity, as seems abundantly to compensate for the great Reduction in the

Appendix,
(Z. 3.)
Extracts from the
Second Report :
Ireland.

the Value of Money, insomuch, that although the Fees for Searches and Entries there continue (nominally at least) at their original Amount, the Net Profits of the Office appear substantially augmented, (half the entire Number of Memorials having been filed within the last Twenty Years).

The Portfolios lie horizontally between Shelves, numbered correspondently. The Memorials in general contain the essential Requisites prescribed ; and nearly as much Care seems to be taken of their Preservation as the frequent Recurrence to them will permit ; but it might possibly conduce to their Security, if Doors were annexed to all the Presses containing Memorials above Thirty Years old ; and if, instead of the Register's Clerk (whose Attention is distracted by a Multiplicity of Searches, and who is hardly responsible,) a sworn Officer, bound by sufficient Bail, were to remain constantly in charge of the Original Memorials, continue with them during Office Hours, and deliver them out for Trials only upon proper Dockets from the Deputy Register. The Danger of committing to the same Clerk the Originals, Transcripts, and Catalogues is obvious ; and (besides the Loss of many Original Memorials) Mr. Moore has frankly declared his Suspicions, that One of Two Memorials dated in 1793 is spurious. To guard against future Interpolations, he has this Year begun a numerical Inventory of the Memorials, to enable him (in the Mercantile Phrase) to take periodical Accounts of Stock ; but though proper Duplicates of Memorial Books would cost somewhat more, they would not only serve to detect Frauds, but to supply Passages decayed, mutilated, or erased.

To all the Original Memorials and the Transcript Books there are Indexes, of the same Material, Size, Shape, and Binding as those Books ; one Series of these Indexes is for Lands and Premises, alphabetically arranged in one or more Volumes for each County (Three for the City of Dublin, commencing at different Periods). This Plan is simple, and in general satisfactory ; the Names of the Town Land, Square, Street, &c. forming One Column, the Baronies a Second, the Parishes a Third ; the next Space contains the Parties Names and Additions, a short Description of the Premises, &c. ; and the Three succeeding Columns include the Number and Page of the Transcript Book, and the Number of the Original Memorial.

The English Local Registry Acts do not apparently prescribe any Index of Parties Names ; and the Irish Statutes are not explicit as to its Form. Hence the Parchment Folios of Names, up to 1785, contain only the Grantor's or Testator's Names, merely arranged under their Initials (as the Memorials come in), followed by those of the Grantees, and the Reference, without any Addition of Degree, or Place, Denominations, Date, or Nature of the Instrument. Thus the Name sought was often overlooked in tracing down several Thousands, and when found, had nothing discriminative attached to it.

As a new Register Office is already almost indispensable, we shall conclude with briefly suggesting some Particulars, which appear to us material for its Construction and Arrangement. To guard against malicious Mischief, the Light should only be admitted through the upper Part of the Building ; and to provide the utmost Space for arranging the Books distinctly, it should be surrounded internally with projecting Partitions, having Shelves on both Sides, lettered and numbered (as in great Public Libraries), to obviate the extreme Inconvenience of too long a numerical Series. The Books (especially Indexes) to have Two Inches clear Margin, and Three at the Bottom ; and the Parchment to be good, and dressed on both Sides. The Land Index to contain a Column for the next Town, and the Number of every Town House ; and the Index of Names to contain Columns for the County, Barony, Date, and Nature of the Instrument, Affidavits accompanying Memorials, to specify which are the Two or Three chief Denominations, and their computed Distance from the next Town (naming it) ; but the Transcript Books to be no longer swelled with Copies of the Affidavits, and common Covenants at Length.

In a commercial Country it is essential that Land should be easily negotiable, to prevent its being monopolized, and render it instrumental to trading Enterprize. All Transfers or Incumbrances of Land should therefore be notorious, that the opulent may lend or purchase secure from Fraud, and the indigent mortgage or sell unoppressed by Exactions.

It might considerably diminish the Trouble and Risk attending Purchases, if registering (not only Statutes, Recognizances, and Judgments,) but all Wills, Conveyances, and Decrees affecting Lands and Premises (within a certain Time), were made essential to their Validity (at least against Third Persons) ; and if all Marriages, Settlements, and other Trust Deeds, and perhaps all Deeds of great Importance, were to be also deposited, or be inrolled at Length (being first duly acknowledged by the Grantors or their Attornies, before a Judge of some Court of Record or Provincial Registers, and certified by him), so that attested Copies of them should be Evidence under proper Restrictions ; and that (in the Language of Lord Hale) " the Purchaser or Lender may not " be as much in the Dark as before, and cheated under the Credit of a Public Office erected to prevent it."

VIII. CATALOGUES, CALENDARS, AND INDEXES.

On Consideration being had, of the great Importance of proper Forms of Catalogues, Calendars, Indexes, &c. being adopted by the several Sets of Sub-Commissioners, in executing the Orders of the 18th February last ;
It

It was Ordered, That the Secretary, on obtaining Lodge's Manuscripts from the Chief Secretary's Office, should call a Meeting of one or more of each Set of Sub-Commissioners, for the Purpose of examining into the Method and Forms adopted by Mr. Lodge, and to consider how far his Books might serve as a Model for arranging and digesting all the Records of Ireland; and likewise examine into and discuss any other Plans that might be suggested by the Members of such Meeting; and, finally, to determine on such general Plans of Catalogues, Calendars, Indexes, Inventories, Registries, Repertories, or Schedules, as might afford the most complete Abstracts of, and the easiest Reference to the Contents of the several Public Record Repositories in Ireland; and that they should prepare and lay before this Board a full Report thereon, at its next Meeting.

Appendix,
(Z. 3.)

Extracts from the
Second Report :
Ireland.

The Board, considering the great Utility and Advantage which the Public must derive from a general Knowledge of the Contents of the several Record Repositories, by Means of classified Schedules or Inventories, which at the same Time might afford a Check or Control over the Officers to whose Care the Custody of the Records should at any Time be admitted; It was Ordered, That the Secretary should write, in the Name of the Board, to the Principal Officers of the several Courts of Justice in Ireland, requesting them respectively to prepare a Classified Schedule or General Inventory of all the Records, Rolls, Books, Papers, and other Public Documents belonging to their respective Offices or Repositories, which had been committed to their Care, and were then in their Custody; the said Schedule or Inventory to be in the Nature of a Press Catalogue, describing the Contents of each Apartment, Press, and Shelves, and specifying the Title and numerical Marks affixed to each Record, &c.; the same to be certified and signed, not only by the Principal, Deputy, or other proper Officer, but also by the Person or Persons having the actual Custody and Possession of such Records, &c. &c. as being true in all Particulars to the best of their Knowledge and Belief; and that such Schedule or Inventories, so certified as aforesaid, should be delivered to our said Secretary, who was by said Order directed thereupon to inspect and compare the same with the Contents of the several Repositories, with the Assistance of one or more Sub-Commissioners acting under the Authority of this Board, and also to cause Duplicates to be made of such Schedules or Inventories, and after certifying same on the last Page, and also by affixing his Name to every Page of such Duplicates, to return such Duplicates to the proper Officer of each Repository in which they had been made, there to remain among the Records of said Office, for the Use of such Officer and his Successors.

Previously to framing Catalogues, the Records themselves should be disposed in a secure, compact, and convenient Manner. None of those Objects is compatible with the Form of Rolls, derived from the Infancy of Writing. They admit Dust, and Air impregnated with Moisture and Acids, to decompose the Ink*; they occupy much more Room than Portfolios, and they cannot be kept in so regular a Series, nor inspected with equal Facility. The Parliament Rolls in particular often extend many Perches in Length, actually requiring a Machine to uncoil and wind them up, and to prevent their not only being trailed upon the Ground, but torn asunder by their own Weight in the Operation. In general, it appears that Records should lie horizontally between sliding Shelves; that proper Divisions of Terms, Years, or Subject Matter may lie preserved, without leaving empty Spaces; and that a Shelf of Records may be drawn out, sufficiently to examine the Marginal Marks upon each, without disturbing their Arrangement.

If the Size of the Skins were regulated according to the Nature of the Record, and none received without a Margin of One Inch at least, they might be laced in Portfolios, so that any of them could be detached when wanted as Evidence, and that every Record, consisting of many Skins, might be stitched or bound.

The Contents of each Repository being sorted in the most usual and convenient Classes, and such as are not reducible to any general Head placed in a miscellaneous Division; the Partition or Press for each Class should be distinguished by its proper Title, and also by a different Capital Letter in Succession; and each Shelf or Subdivision by a small Letter alphabetically. In this Way near Five Millions of Records might be distinctly numbered without using more than Four Figures for any One; whereas in the Registry Office, great Inconvenience and Errors arise from a single Series of Numbers not amounting to Half a Million.

Each Subdivision should contain, nearly, an equal Quantity, ranged in order of Time, and be marked, not only with its small Letter, but with the Reign, Year, Term, or other Period, to assist those who might wish to search by the Date, and each Record contained, should be marked on the Left Hand or Corner with the Letters of

* Common Ink contains, at least, Six elementary Substances, so precariously combined, that a small Quantity of one of them bestows the Blackness, which a little more Oxygen totally destroys. Sepia, used by the Antients, [Persius, 3 Sat.] or some of the Combinations of Oils, Gums, and Lamp-black, recommended in chemical Books, would form more permanent Ink, the Basis being Carbon, which defies every Thing but Fire. The Price, however, and the Difficulty of keeping them fluid in this Climate, will prevent their Adoption, unless for Numbers, Labels, and short Entries, much exposed to Air and Rubbing, in which they might be used advantageously with the Rœd Pens employed in Drawing, to make the Writing massy. In the First Report on Public Records in England, (p. 496 to 502,) the Sub-Commissioners to whom it was referred, appear almost unanimous in their Disapprobation of the Form of Rolls; and Mr. Astle states, as an Instance of the superior Durability resulting from the Form above recommended, that the Domesday Books, which are above Seven hundred Years old, are still in admirable Preservation.

Appendix,
(Z. 3.)

Extracts from the
Second Report:
Ireland.

of the Class * and Subdivision, and its own Number, that, if misplaced, it may be readily reinstated, that the Reference to it may be as short as possible, and that it may be found without drawing all the similar Records of a Term or Year (and thus rubbing or tearing them,) to find the Parties or Attornies Names at opposite Corners. This Arrangement obviously admits of more concise Reference than any Distribution confined to Reigns, Years, or Terms, which must be very disproportionate and irregular. The Mode of citing antient Rolls, by the Reign, Year, Membrance, Part, Side, and Number † is singularly prolix and inconvenient, and some bearing several repugnant Numbers, others none at all, no sufficient Objection appears against reducing them all to the general Plan here recommended.

The Records being arranged and marked, the next Inquiry is how to facilitate Searches for them. As they must relate to Persons or Things, which are usually connected with some Place, they are divisible into Personal and Local. The former includes the great Mass of Law Pleadings. To the ordinary Proceedings of Courts of Justice there is in general no Guide, but the Books of Orders, Pleadings, &c. which, like a Merchant's Day Book, merely contain the miscellaneous Transactions of each Day, without any further Index than one consisting of the Titles of Causes composed at the End of the Term or Year, and occupying the concluding Pages of the Volume. This suffices tolerably, while the Proceedings are fresh in the Recollection of the Parties; but afterwards Searches become tedious and perplexing, for want of any Index incorporating all these occasional ones, and referring to a Ledger made from them, so as to exhibit all the Proceedings in each particular Cause in one View. It would conduce to this End, if, for want of a Plea Roll, the Parties were obliged to endorse on the Declaration in each Cause a short Entry of each successive Proceeding, and its Date, which would obviate many vexatious Motions turning on disputed Facts and Dates.

The Bill Books in Equity aim at uniting the Day Book and Ledger: there is a Book for each Year, in which is entered, in succession as it comes in, every Bill and Answer under the principal Plaintiff's Name, with the Names of all the Parties, the Attornies, and even the subscribing Counsel, and in Chancery the Six Clerks. Space proportioned to the probable Exigency is then left, for adding the Dates of the several Amendments, Replications, and Rejoinders; and the Names of further Parties, Attornies, &c. and an Index, not strictly in Dictionary Order, of Plaintiff's Names divided by Terms, is subjoined in the same Volume. But the nominal Defendants being often the principal and most conspicuous Parties, a general alphabetical Index of all Parties named in the Title of each Cause is still wanting; containing some brief mention of the Place to which it relates, and the principal Scope of the Bill; such as Account, Injunction, Foreclosure, Redemption, specific Execution. These Particulars the Plaintiffs should be required to subjoin to its Title, that they may be transferred to the Bill Book.

None of the above mentioned Books convey the least Idea of the Subject of Litigation; and perhaps no adequate Advantage would result from a more detailed Account of the Contents of such Records, as are merely transitory and personal in their Nature, and regard only the Transgressions and moveable Property of Individuals. But the Judgments and Decrees which may affect Lands require more Attention; and perhaps ought all to be registered in a General Reference Office, to save a Multiplicity of Searches.

When it is considered how much of the History of Property and Pedigrees, Equity Proceedings may illustrate, and that the mere Pendency of them has been deemed Notice to all the World; it seems unaccountable that no Repertory or Index of their principal Contents exists.

* E. G. A. b. 21. If one Kind of Records require a disproportionate Quantity of Presses, or Partitions, each may then contain such a Period as will best equalize the Portions, and should be marked with the Dates, and a Capital, forming, if possible, Part of the general Alphabetical Series of the Repertory. For this Purpose, the other Classes should be first lettered, that the surplus Letters might be successively allotted to such an accumulating Series of one Description.

† E. G. Rotul. Ann. 32 Hen. 3 Pars 2, Membran. 15, Numer. 25, Dorso. When several Skins form one Record, each Skin should be numbered as Part of the general Numerical Series, unless the Record compose a complete Volume; in which Case it may be paged, and have a particular Index or Table of Contents, as most expedient.

End of the First Report.

SECOND REPORT.

324

S E C O N D
G E N E R A L
R E P O R T

325

FROM THE
C O M M I S S I O N E R S

APPOINTED BY HIS MAJESTY

TO EXECUTE THE

MEASURES RECOMMENDED

BY A

SELECT COMMITTEE OF THE HOUSE OF COMMONS

RESPECTING

The Public Records of the Kingdom,
&c.

WITH AN ACCOUNT OF THEIR PROCEEDINGS,
1813—1819.

Ordered, by The House of Commons, to be Printed,
5 July 1819.

326

S E C O N D
GENERAL
R E P O R T
FROM THE
COMMISSIONERS

327

Appointed by HIS MAJESTY to execute the Measures recommended by
A Select Committee of The House of Commons,

RESPECTING

**The Public Records of The Kingdom ;
&c.**

OF the Origin of these Commissions, and the General Course adopted for carrying them into Execution, from the year 1800 to the year 1812, a full Account has been already laid before Parliament, in the Report presented by the Commissioners in the latter year.

I.

§ 1. IN continuation of that Report, it is now to be stated, that a Third Commission, bearing date the 25th day of June 1817, has been issued under the Sign Manual of His Royal Highness The PRINCE REGENT, acting in the name and on the behalf of HIS MAJESTY; whereby the powers granted to certain of the Public Officers named in the former Commissions are extended to all such Persons as do or may fill the like offices for the time being, in England and in Scotland; and accordingly the same powers and instructions as under the former Commissions are thereby given to Robert Banks Earl of Liverpool, Knight of the Most Noble Order of the Garter, First Commissioner of the Treasury, or the First Commissioner of the Treasury for the time being; Henry Viscount Sidmouth, Sir Robert Stewart (commonly called Viscount Castlereagh) Knight of the Most Noble Order of the Garter, and Henry Earl Bathurst, the Three Principal Secretaries of State, or the Three Principal Secretaries of State for the time being; Charles Manners Sutton, Speaker of the House of Commons, or the Speaker of the House of Commons for the time being; and Sir William Grant, Knight, Master of the Rolls, or the Master of the Rolls for the time being; Alexander Maconochie, Esquire, His Majesty's Advocate for Scotland, or His Majesty's Advocate for Scotland for the time being; Archibald Colquhoun, Esquire, Lord Clerk Register of Scotland, or the Lord Clerk Register of Scotland for the time being; and to these Public Officers there are specially added by name, Henry Viscount Sidmouth, William Lord Bishop of London, Sylvester Lord Glenbervie, John Lord Redesdale, Charles Lord Colchester, and the Right honourable Charles Bathurst, William Wickham, and Nathaniel Bond.

§ 2. Under

Appendix,
(B.)

§ 2. Under these successive Commissions, the same course of proceeding has been observed from the year 1812 to the present time; as in the former period, Monthly Reports have been prepared in like manner by the Secretary, appointed to superintend the operations of the Sub-Commissioners in their respective departments, and a Summary thereof having been annually laid before the Board, the Commissioners have thereupon framed and presented their annual Report to His Royal Highness The PRINCE REGENT in Council, and they have also transmitted their annual Certificate to the Lords Commissioners of His Majesty's Treasury.

Appendix,
(C.)

§ 3. An Account of the Sums issued annually to the Commissioners, and disbursed by them in remuneration of the several Persons employed under them in England and Scotland, from 1812 to 1818, is also hereunto subjoined; all which Payments have been duly examined with their respective Vouchers, to the 23d day of July 1817 inclusive, and have been allowed by the Treasury. The further Accounts and Vouchers for the disbursements in England, to the 17th day of March 1818, have been examined with the Vouchers, and are now before the Treasury.

II.

Appendix,
(D.)

IT has been deemed convenient to state briefly the result of the several Measures carried into execution from the year 1812 to the present time, under the same heads as in the former Report; and to subjoin a general Abstract of all the Measures recommended by the House of Commons in the Report of their Committee in the year 1800, specifying such of them as are now completed or in progress.

§ 1. BUILDINGS. It is with great satisfaction that the Commissioners are now enabled to state, that measures have been recently taken towards providing a more secure Repository for the State Papers in London; and it is much to be desired, that the future arrangements of the State Paper Office may be completed in a manner adequate to the dignity and importance of its objects.

Upon inquiry they find, that the repairs and alterations which are necessary for the security of the Chapter House, Westminster, have been for some time under the consideration of the Surveyor General of His Majesty's Works; and it is to be hoped, that their execution will not be much longer delayed.

They also think it incumbent on them to call the public attention once more to the inconvenient and perilous state of the several Buildings belonging to the Exchequer of Receipt, so repeatedly, but ineffectually, brought under the notice of Parliament by Reports from Committees of the House of Commons, and from Commissioners appointed under various Acts of Parliament.

Appendix,
(E.)

Under the same head must be mentioned the insecure state of the office of First Fruits, which should also be remedied without delay, on account of the valuable Ecclesiastical Records which it contains.

Appendix,
(F.)

With respect to the College of Arms, many well-founded and urgent representations have been made to the Commissioners since the date of their former Report; which they have referred to the consideration of His Majesty's Government, conceiving that the imminent hazard from fire, to which that building is peculiarly exposed, requires speedy and effectual interposition.

Appendix,
(G.)

§ 2. CATALOGUES, CALENDARS, and INDEXES. In the State Paper Office, great exertions have been made since the year 1802, in compiling Calendars to the Royal Letters, Books of the Council of State during the Interregnum, Papers relating to Trade, Fisheries, Foreign Plantations, Law matters, and the other various contents of this office. Thirteen Calendars of this description have been already completed, and Five others are in progress. Much useful labour has been also bestowed, in arranging and binding more than Four hundred Volumes of various papers and documents relating to Public Affairs, between the years 1516 and 1780. The Records transmitted in 1770 from the House of Lords to the Old State Paper Office in the Treasury, have, in conformity with the recommendation of the Commissioners, and by the order of the Secretary of State in October 1800, been since examined, and distributed into Two Classes; the first relating to Civil Affairs, from Hen. III to Hen. VIII; and the

the latter to Military Matters, from Edw. III to Hen. VIII ; and Two chronological Calendars of these articles have been formed. The Records are again deposited in the Old Office in the Treasury.

In the Chapter House, Westminster: The revision and extension of the Calendars and Indexes have not only been continued with diligence and regularity, but since the appointment of the present officer, further exertions have been made in forming Calendars to the Books of Surveys of the Court of Wards and Liveries in the reign of Hen. VIII, and in making Indexes to Fines in various counties, from Rich. I to Hen. VII ; and also in revising and rendering more complete the arrangement of Treaties between England and Foreign Powers, and other State Papers and Documents.

Appendix,
(H.)

In the Tower: Progress has been made in arranging the State Papers from the reign of Henry III to that of Edw. III, and in arranging and indexing the proceedings of the court of Chancery, during the reigns of Queen Elizabeth and King James the First ; both of which objects are now nearly completed.

Appendix,
(I.)

In the Lord Treasurer's Remembrancer's Office: The Calendars of the Memoranda have been revised, enlarged, and continued, from 1 John to the end of the reign of Edw. I ; and the Originalia have been indexed from 1 Hen. VIII to the end of Jas. I.

In Scotland: The General Register House having undergone a further change in the arrangement of its contents since the date of the last Report, for the necessary purpose of obtaining more Space to accommodate the growing mass of its contents, the usefulness of the Catalogue mentioned in the former Report, has been in great measure superseded ; but steps have been taken for making such other Catalogues, as will be more conformable to the present state of that Repository.

§ 3. TRANSFERS. With respect to Parish Registers, the irregular transmission whereof was noticed in the former Report, the importance of adopting some remedy having been universally acknowledged, a Law has been passed, with the intention of rendering the Formation of these Registers more perfect, their Preservation more secure, and the Transmission of them more regular from each Parish to the Registry of the proper Ecclesiastical Jurisdiction. But how far this law has been duly carried into execution, or, upon experience, may have been found effectual for its intended purposes, is well deserving of consideration.

Stat.
52 Geo. III,
c. 146.

§ 4. OF PRINTED WORKS: The only Catalogue prepared, or in preparation, since the date of the last Report, is that of the Lansdowne collection of MSS ; the first part whereof, containing the Burleigh MSS, had been then completed and printed, but the publication thereof was necessarily postponed till the rest of the volume, containing the MSS of Sir Julius Cæsar and others, should be finished. The whole Work has been since completed for delivery. The first division of this Catalogue, comprehending the Burleigh MSS, consists chiefly of State Papers, interspersed with miscellaneous correspondence, during the long reign of Queen Elizabeth. The other division contains the papers of Sir Julius Cæsar, relating to the courts of Admiralty, Exchequer, and Star Chamber, in the reigns of Elizabeth, James the First, and Charles I ; during which period he successively filled the offices of Judge of the Admiralty, Chancellor of the Exchequer, and Master of the Rolls. It also comprizes the Papers of Dr. Kennett, Bishop of Peterborough, relating chiefly to English Ecclesiastical History, the Petyt Parliamentary MSS ; and, besides other curious articles, some valuable MSS in Biblical and Classical learning ; and a large variety of documents, belonging to British History, Topography, Jurisprudence, Coinage, and Heraldry, and Treatises by some of the most eminent of our English Antiquaries.

Appendix,
(K.)

The Authentic Edition of the Statutes of the Realm, with a preliminary collection of the Charters of the Liberties of England, has been brought down to a late period, and approaches now to its proposed termination. In the Introduction prefixed to the First volume of this work, an historical account is given of all former printed Collections, Translations, and Abridgments of the Statutes, and of the plans heretofore proposed for an authentic publication of their text, or for a revision of their contents. An explanation is also given of the materials inserted in the present collection ; the sources from whence taken ; the modes used in searching for, transcribing, collating, noting, and printing the Text ; together with Remarks upon the original

Language of the Charters and Statutes, and the Translation inserted in this edition ; and a Statement of the Collections of the Statutes of Scotland and Ireland, heretofore published by Royal Authority, and of the methods successively adopted for promulgating the Statutes before and since the Union of Great Britain and Ireland.

Six volumes of this work are now completed, and published ; a Seventh, extending to the end of the reign of William the Third, is considerably advanced in the press ; and it is proposed, by the addition of Two further volumes, to complete the series to the end of the reign of Queen Anne. A series of the Sessional Acts subsequent to the accession of George the First, printed by the King's Printer, has been collected under the directions of the Commissioners, and is now deposited in the British Museum, from which the correct Text of those Statutes is made accessible to the Public ; and it is proposed that this collection shall be annually completed.

The JOURNALS of the HOUSE of COMMONS, whereof the reprinting was noticed in the former Report, have been since completed, with their respective Indexes, and the Reports from the year 1715 to the year 1800, forming a distinct series of Fifteen Volumes, have also been printed, comprehending a large and valuable mass of information upon matters of State Policy, Foreign, Domestic, and Colonial, and including many of considerable importance, respecting the Ecclesiastical, Naval and Military Concerns of the Empire, its Finances, Agriculture, Trade and Commerce ; the Encouragement of its Fisheries ; the Improvement of Roads ; Establishment of Charities ; Maintenance of the Poor ; and various Discoveries or Inventions of Public Utility. To each of these Volumes a particular Index has been provided, and also a General Index to the contents of the whole Collection.

Appendix,
(M.)

DOMESDAY BOOK. This Work originally printed in pursuance of an Address to His Majesty, has been since completed, by the addition of suitable Title Pages and Indexes, together with an ample Dissertation upon the nature of this Record, as illustrated from its own contents, respecting the various descriptions of Persons and denominations of Lands and Money, as well as the Jurisdictions, Tenures, and Usages of the period in which it was formed ; and in further illustration of this antient and important Record, the Commissioners have thought it their duty to print a Supplemental Volume of similar Surveys, of nearly co-eval date, for Exeter, Ely, and Winton, which appear to have been the original Inquisitions from whence the General Book was compiled, so far as relates to those Districts ; and the County Palatine of Durham not having been comprized within the Conqueror's Survey, they have thought it expedient to add the contents of a similar Survey for that County, denominated The Boldon Book, although its date is somewhat later.

Appendix,
(N.)

RYMER'S FÆDERA. The Plan for completing and continuing this Work, as formerly detailed, has been since unremittingly pursued. The First Volume in Two Parts, and the First Part of the Second Volume, upon the enlarged plan, have been printed and published, comprehending the period from the Conquest to the end of the reign of Edward the Second, with engraved Fac Similes of some of the most important Instruments of each reign, and the Seals of each Sovereign. A general Introduction is prefixed to the First Volume, explaining the origin and progress of the Work as originally undertaken by Rymer ; the materials of which it was composed, and the sources from whence they were derived ; the comparative merits of the different Editions through which it has passed ; the grounds upon which a further Edition was deemed to be necessary ; and the mode in which the present enlarged Edition has been executed. The Chronological Table prefixed to each Volume displays at one view the extent of the Additions which have been made to the original Work, and also states the Repositories in which the Original of each Instrument is still preserved, or the authority upon which it has been inserted, so far as it has been practicable to ascertain the same.

Appendix,
(O. P.)

HUNDRED ROLLS AND QUO WARRANTO ROLLS. Of these the Second Volume (which concludes the Work,) has been published ; and a separate Volume has been also published, comprehending the Pleadings in Quo Warranto, founded upon the Inquisitions contained in the preceding Rolls. To each of these Works a full Statement is prefixed, setting forth the Proceedings under which the Inquisitions now called, The Hundred Rolls, were taken by virtue of a Commission issued in the second year of the reign of Edward the First ; and also the nature of those proceedings in Quo Warranto before the Justices in Eyre, in the seventh year of Edward the First, after the passing of the Statute of Gloucester. Their great importance

importance and utility are strongly proved by the frequent reference in Courts of Law to these pleadings, upon questions arising in modern times respecting boundaries, franchises, descents of manors or advowsons, and rights claimed under Royal Charters by lay and ecclesiastical corporations.

INQUISITIONS POST MORTEM. A Third and concluding volume of the documents preserved at the Tower, and described under this denomination, completing the series from Richard the Second to Richard the Third, is now printing. The period comprised within these three volumes, extends from the reign of Henry the Third to that of Richard the Third. The rest of the series is preserved at the Rolls Chapel. These Inquisitions, or as they are sometimes called Escheats, were taken by virtue of Writs directed to the Escheator of each county or district, and show, amongst other things, of what lands any person died seised; their quantity, quality, and value; by what rent or service they were holden; and who was the next heir, and of what age; and they constitute the best evidence which can be had of the descent of families and of property, so long as this process made part of the law of England. To superintend and regulate these inquiries the Court of Wards and Liveries was instituted by Stat. 32 Hen. VIII; and this Court itself was abolished at the restoration of King Charles the Second, together with the oppressive tenures upon which it was founded.

VALOR ECCLESIASTICUS. Of this work the Second and Third Volumes, containing the Dioceses of Winton, Sarum, Oxford, Exeter, Gloucester, Hereford, Coventry and Lichfield, Worcester, Norwich, and Ely, have been published, with their relative Maps; and further progress is making on the Fourth Volume, intended to contain the Dioceses of Lincoln, Peterborough, Bangor, St. Asaph, Landaff, and St. David's. The remainder of this Work will be comprehended in a Fifth Volume; and preparations are now making for a General Index to the Whole, exhibiting alphabetically, 1. All Ecclesiastical Jurisdictions of Dioceses, Archdeaconries, and Deaneries, with the Benefices situated within their respective Limits. 2. The Religious Houses, and their several Possessions. The original Books, some of which were in a state of great decay, have been repaired and bound; and the Rolls, so far as appeared necessary, have also been repaired, and put into tin cases for their better preservation.

ROTULI SCOTIÆ. This Work has been completed at press in two volumes, together with a Preface and copious Indexes. These Records extend from the nineteenth year of the reign of Edward the First, to the eighth year of Henry the Eighth, and the materials of which this collection of Historical Documents is composed, relate to many of the most important transactions connected with the disputed succession to the Crown of Scotland; the negotiations, military levies, garrisoning of castles, and impressment of ships and seamen in the wars of those times; attainders, grants of estates and benefices, licences for fighting duels in Scotland, and for Scottish Students to prosecute their studies in the Universities of England, and various matters connected with Revenue and Trade; the whole collection strongly illustrating the Manners and Usages, civil and military, of the two Nations, during that long period.

IN SCOTLAND. A third volume of the Abridgment of Retours of Services, has been published, with Indexes and a Preface, to complete the proposed period from 1546 to 1700; a volume has also been published, intitled, *Registrum Magni Sigilli*; and, with respect to the Parliamentary Acts and Proceedings, five volumes have been published, and a sixth volume is now far advanced in the press; but the first volume of this Series has not yet been prepared, the Sub-Commissioner to whom that duty, with the sanction of the great Law Officers of Scotland, has been intrusted, representing the delay as arising from difficulties in collecting and arranging the materials which he has deemed necessary for its completion.

§ 5. Subjoined to this Report is a List of the several Works printed or now printing in England and Scotland, under the authority of this Commission; and the Commissioners adhering to the intention expressed in their former Report, have not directed any other works to be printed beyond those above enumerated, so that the only Works now remaining in progress are, the enlarged edition of Rymer's *Fœdera*, and the concluding volumes of the Statutes, Inquisitions, and Valor in England; together with an introductory volume of the earliest Parliamentary Acts and Proceedings in Scotland.

Appendix,
(U.)

III.

III.

§ 1. IN the course of superintending these various operations, the Commissioners, impressed with the extreme importance of appointing to the several Offices in which the Public Records are preserved, Persons whose habits and experience have rendered them competent to the discharge of such duties, have constantly borne in mind the expediency of securing a succession of Persons trained up in the peculiar knowledge requisite for understanding the character and language of our antient Records; in which respect they have the satisfaction to state, that their views have been materially assisted by the liberality of the Public Officers in several departments, and by the Office of Keeper of the Records in the Chapter House at Westminster, having been conferred by His Majesty's Government as a reward for distinguished merit in this class of learning.

For the purpose of exhibiting correctly the various characters of Hand-writing used in ancient Records and Instruments, and the changes which those characters have undergone at different periods of time, one or more engraved Fac-similes have been inserted in the several volumes printed under the authority of this Commission; and a copy in common type has been added in each instance, not only to render the particular contents of the Engraved Specimen more easy to be understood, but also as contributing to preserve and extend the knowledge of the character itself. A copy of each Engraving, and its printed Explanation, with an account of the Work to which it belongs, and Copies also of such of the Royal Seals as have been engraved for the *Fœdera*, are subjoined to this Report.

§ 2. The Commissioners have had the satisfaction to observe, that the Regulations, introduced upon their recommendation, for the better arrangement and preservation of the Public Records, have been generally maintained in due force. The Barons of the Court of Exchequer, under whose controul is placed so large a portion of the public Evidences in which the rights of the Crown and the Subject are concerned, and which are so frequently resorted to by the Suitors of the Court, have continued to require that the due restitution of all such Records to their proper places shall be publicly certified in open Court twice in each year: And it appears that the highest authorities of this Court have thought it their duty, in former times, to exercise very special powers for restoring Records to their proper custody; as was instanced in the case of an ancient Register Book or Chartulary, which, after having been kept in private custody for many years, was, by direction of the Chancellor of the Exchequer, and allowance of one of the Barons there, restored to its proper repository, the Augmentation Office, in the year 1620, where it now remains.

Appendix,
(V.)

But with a view to the more effectual preservation of the most antient Records, and to prevent in every department, as much as possible, the loss or damage of particular Instruments, which has occurred in some important instances at no very remote period from the present time, the Commissioners have taken general measures for the reparation of such Records in the different Offices as are now in a decayed or mutilated condition, and for binding up many of them in the form of Books; which latter operation has the further advantage of materially reducing the Space necessary for containing them, and will give to the existing Repositories a capacity of holding more than double the amount of their present contents, and obviously lessen the labour of searches.

Of these various advantages the Commissioners have had much practical experience within their own observation, and they are well satisfied of the usefulness of these measures, which, although they will require a continued superintendence for some time to come, may nevertheless be executed at a very moderate charge to the Public. The largest trial has been made in the General Register House, Scotland, and with the most perfect success. In England, this operation has been completed with respect to all the Records of the Valor Ecclesiasticus in the First Fruits Office, by special direction of the Commissioners; and in some of the other Offices it has been commenced, viz. in the Chapter House, the Tower, the Duchy of Lancaster, and the Augmentation Office.

Upon these grounds the Commissioners have proceeded to call for Estimates of the time necessary for completing the same operation in the Tower, Chapter House, King's Remembrancer's Office, Treasurer's Remembrancer's Office, Rolls Chapel, and Augmentation Office, and

and also in the Duchy of Lancaster. Its extension to other offices will, of course, depend upon a consideration of their importance, and the state of their contents.

§ 3. The valuable establishment of the General Register House of Scotland, so wisely planned and carefully administered for a long course of years, has continued to maintain its character for efficiency and utility. The operations for improving its condition and arrangement have been carried on under the particular superintendence of the Deputy Clerk Register. More than half of the number of Record Books there deposited, have been repaired. One hundred and eighty volumes, containing 33,000 folios, have been inlaid, and six thousand five hundred volumes have been rebound.

Appendix,
(W.)

By the diligent researches which have been going on, many other important Documents have been discovered since the period of the last Report; and the Commissioners have not been wanting in zeal to promote the recovery of such as have been accidentally dispersed; with which view they have, by their representations through His Majesty's Government, obtained, from the liberality of the Canton of Berne, in Switzerland, a very curious Record of some of the most antient Laws of Scotland.

The general results of the Proceedings carried on under the direction of the Lord Clerk Register in Scotland, will appear in the Annual Reports made by his Deputy to the Court of Session, and in his Quarterly Reports to the Commissioners of the Public Records in England.

§ 4. During the period which has elapsed since the date of the former Report under these Commissions, much industry has been exerted, and much progress made, by the Commissioners appointed by His Majesty for the like purposes in Ireland; and a Statement is subjoined, showing the result of their various proceedings, with such observations as they have thought necessary for the better explanation of the course they have pursued. The disorder and confusion into which the Public Records of that part of the United Kingdom had fallen, and the imminent hazard of destruction to which many of them were exposed, were brought under the consideration of the Irish Government in the year 1806, by Lord Chancellor Redesdale, who recommended the like proceeding as in England; and the present Commission for Ireland was issued in 1810. From that time its labours appear to have been systematically prosecuted, and with great activity, in proportion to the difficulties which belonged to an undertaking, where it was found that there did not exist any one serviceable Calendar, Repertory, Index, or Inventory to any of the Public Records or State Papers, with the exception of Lodge's MS. Works, and that only two or three of the Persons, in whose custody they were placed, were competent to read the more antient writings.

Appendix,
(X.)

Under the authority of the IRISH COMMISSIONERS, many important measures have been already completed, and more are still in progress; amongst which it is due to these distinguished persons to state, that at their instance, the Records of the Court of Chancery have been secured from injury by weather, and that further provision is making to guard them from the hazard of fire; and that a new Registry and Record Repository have been recently constructed for like purposes. It appears also, that all the principal Records in the Bermingham Tower, the State Paper Office, the Parliamentary Record Office, and the several Offices of the Rolls, Common Pleas, Exchequer, Auditor General, Surveyor General, Prerogative, and First Fruits, have been examined, arranged and catalogued. The celebrated Down Survey has been carefully and substantially repaired, and the Barony Maps of General Vallancy, together with the other Surveys, have been permanently secured and conveniently arranged for reference. Many Transfers have been made between different Offices, which have brought together portions of the same classes of Records hitherto disjoined and scattered. And considerable preparations have been made, by transcript and collation, for publishing a more complete and exact edition of the Statutes of Ireland; and also, a collection of such Acts and Instruments of State, as may constitute a Work in the nature of the Acta Regia of Rymer.

IN concluding the present Report, it remains only to observe upon the scope and course of all these Proceedings, which are now drawing towards their close, that a period of nearly twenty years has elapsed since these inquiries were first planned and put into a train of execution, and that the Commissioners successively appointed to superintend and complete them, have

gone through all the principal matters suggested by the Report of the Select Committee of the House of Commons in 1800, which it was the pleasure of His Majesty to give directions for duly carrying into effect.

In discharging this trust, they have pursued the track marked out by their Predecessors in similar undertakings, and have specially kept in view those measures, which, in former times, appeared, in the judgment of Lord Oxford, Lord Halifax, and Lord Somers, to be most important for preserving the Memorials of the Foreign Transactions of this Country, and also of its Domestic Records as connected with its internal Laws and Government.

They have indeed proceeded upon a more extended Plan, so far as regards many considerable Record Repositories in England; the whole of Scotland has also been a new field for their inquiries; in addition to which they have thought it their duty not to omit collecting and stating what has been done of a like nature in Ireland, and they are willing therefore to hope that they have materially contributed to advance what has been formerly described to be a very necessary and noble work, of singular advantage to the Rights of Individuals, and an Honour to the Nation.

It will be for the wisdom and vigilance of future times to maintain what has been now done, and to go further where it may be judged necessary; but whatever may be the result of future determination, it must be of unquestionable utility that there should always subsist, under the authority of The Crown, some specific Commission of superintendence and controul, which may be called into action from time to time, for enforcing the due arrangement and preservation of the Public Records of the Realm, so important also to the Private Rights of the Subject, and for ensuring the diligence and fidelity of the officers employed in the various Repositories.

Dated, July 1, 1819.

COLCHESTER.

CHARLES MANNERS SUTTON.
GLENBERVIE.
REDESDALE.
CHARLES BATHURST.

A P P E N D I X.

C O N T E N T S

OF THE

APPENDIX TO SECOND GENERAL REPORT.

Appendix.	Page.
(A.)—THIRD Record Commission - - - - -	337
(B.)—Abstracts of Annual Reports of the Commissioners, to His Royal Highness The PRINCE REGENT in Council, 1813 to 1819 (1.) (2.) (3.) (4.) (5.) (6.) (7.) - - - - -	340
(C.)—Account of Sums annually paid in remuneration of the several Persons employed by the Commissioners upon Services specified in their Annual Reports, and of the Sums paid for Printing - - - - -	354
(D.)—Measures, in England and Scotland, executed, in progress, or postponed - - - - -	355
(E.)—Memorial from First Fruits Office, 1808 - - - - -	360
(F.)—Memorials, &c. as to College of Arms, 1813 to 1816 - - - - -	361
(G.)—Report from State Paper Office, 1818 - - - - -	363
(H.)—Annual Report from Chapter House Westminster, 1819 - - - - -	365
(I.)—Annual Reports from the Tower, 1813 to 1819 - - - - -	367
(K.)—Preface to the Lansdowne Catalogue - - - - -	372
(L.)—Preface to the Second and each successive Volume of Statutes - - - - -	374
(M.)—Dissertations on Domesday - - - - -	381
(N.)—General Introduction to the <i>Fœdera</i> - - - - -	476
(O.)—Preface to the Second Volume of Hundred Rolls - - - - -	504
(P.)—Preface to Quo Warranto Rolls - - - - -	506
(Q.)—Preface to <i>Rotuli Scotiæ</i> - - - - -	507
(R.)—Preface to the Third Volume of <i>Retours</i> - - - - -	508
(S.)—Preface to the <i>Registrum Magni Sigilli</i> - - - - -	511
(T.)—Preface to Parliamentary Acts and Proceedings in SCOTLAND - - - - -	513
(U.)—List of Works printed - - - - -	516
(V.)—Extract from Records in the Augmentation Office - - - - -	518
(W.)—Annual Reports of the Deputy Clerk Register of SCOTLAND - - - - -	519
(X.)—Summary of Proceedings in IRELAND - - - - -	543

A P P E N D I X ;

PROCEEDINGS OF THE COMMISSIONERS, 1813—1819.

Appendix (A.)

THIRD RECORD COMMISSION;

25th JUNE 1817.

IN THE NAME AND ON THE BEHALF OF HIS MAJESTY;
GEORGE P. R.

GEORGE THE THIRD by the Grace of God of the United Kingdom of Great Britain and
Ireland King, Defender of the Faith :

TO Our right trusty and right well-beloved Cousin and Councillor Robert Banks Earl of Liverpool, Knight of the Most Noble Order of the Garter, First Commissioner of Our Treasury, or the First Commissioner of Our Treasury for the time being, Our right trusty and well-beloved Cousin and Councillor Henry Viscount Sidmouth, Our right trusty and well-beloved Councillor Sir Robert Stewart (commonly called Viscount Castlereagh) Knight of the Most Noble Order of the Garter, and Our trusty and right well-beloved Cousin and Councillor Henry Earl Bathurst, Our Three principal Secretaries of State, or Our Three principal Secretaries of State for the time being ; Our right trusty and well-beloved Councillors Charles Manners Sutton, Speaker of the House of Commons, or the Speaker of the House of Commons for the time being ; and Sir William Grant Knight, Master of the Rolls, or the Master of the Rolls for the time being ; Our trusty and well-beloved Alexander Maconochie, Esquire, Our sole and only Advocate for Scotland, or Our sole and only Advocate for Scotland for the time being ; Our right trusty and well-beloved Cousin and Councillor Henry Viscount Sidmouth ; Our trusty and well-beloved Archibald Colquhoun, Esquire, Lord Clerk Register of Scotland, or the Lord Clerk Register of Scotland for the time being ; The Right Reverend Father in God Our right trusty and well-beloved Councillor William Lord Bishop of London ; Our right trusty and well-beloved Councillors Sylvester Lord Glenbervie, of that part of Our United Kingdom called Ireland ; John Lord Redesdale ; Charles Lord Colchester ; Charles Bathurst ; William Wickham, and Nathaniel Bond.

WHEREAS the Knights, Citizens, and Burgesses, and Commissioners of Shires and Boroughs, in Our Parliament of Our United Kingdom of Great Britain assembled, having taken into their consideration the state of the Public Records of this Kingdom, and the necessity of providing for the better arrangement, preservation, and more convenient use of the same, have, heretofore, humbly laid before Us a Report of their Proceedings thereon ; and also humbly represented unto Us, that the Public Records of the Kingdom are, in many offices, unarranged, undescribed, and unascertained ; that many of them are exposed to erasure, alteration, and embezzlement, and are lodged in buildings incommodious and insecure ; and that it would be beneficial for the public service, that the Records and Papers contained in many of the principal offices and repositories should be methodized, and that certain of the more antient and valuable amongst them should be printed ; and humbly besought Us, that We would be graciously pleased to give such directions thereupon as We in Our Wisdom should think fit:

Appendix,
(A.)
THIRD
COMMISSION,
25 June 1817.

Appendix,
(A.)
THIRD
COMMISSION,
25 June 1817.

And whereas We, considering the Premises, and earnestly desiring more effectually to provide for the better arrangement, preservation, and more convenient use of the said Records and Papers, did, by Warrant under Our Sign Manual, bearing date the twenty-ninth day of May 1806, authorize and appoint the several Persons therein severally named, and any Three or more of them, to make a diligent and particular Inquiry into the several matters which Our faithful Commons had, in their above-mentioned Report of their Proceedings, represented as fitting to be provided for, by Our Royal Authority; and to do such other matters and things touching the Premises as are therein set forth: And whereas the said several Persons thereby appointed have duly proceeded in the execution of the several matters committed to their charge, and have made considerable progress therein, as by their Annual Certificates to Us in our Privy Council appears; but some of the said persons are since deceased, or have become less able to attend to the duties so required of them; and it is expedient to appoint others in their place, in such manner as may give more complete and permanent effect to Our Royal intentions in that behalf: Know ye that We, considering the Premises, and earnestly desiring further and more effectually to provide for the better arrangement, preservation, and more convenient use of the said Records and Papers, and reposing great trust and confidence in your fidelity, discretion and integrity, have authorized and appointed, and by these Presents do authorize and appoint you the said Robert Banks Earl of Liverpool, Henry Viscount Sidmouth, Sir Robert Stewart (commonly called Viscount Castlereagh,) Henry Earl Bathurst, Charles Manners Sutton, Sir William Grant, Alexander Maconochie, Henry Viscount Sidmouth, Archibald Colquhoun, William Lord Bishop of London, Sylvester Lord Glenbervie, John Lord Redesdale, Charles Lord Colchester, Charles Bathurst, William Wickham, and Nathaniel Bond, and any Three or more of you, (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, The Speaker of the House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one), further to make a diligent and particular Inquiry into the several matters which Our Faithful Commons have, in the above-mentioned Report of their Proceedings, represented as fitting to be provided for by Our Royal Authority.

And furthermore, We do by these Presents give and grant unto you Our said Commissioners, and any Three or more of you, (whereof the First Commissioner of Our Treasury, one of Our Principal Secretaries of State, The Speaker of the House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one,) full power and authority to cause all and singular the Officers, Clerks, and Ministers of the said Offices and Repositories respectively to bring and produce, upon Oath, before you or any Three or more of you, all and singular Rolls, Records, Books and Papers, or other Writings belonging to the said Offices or Repositories, or any of them, or any Officers within the same, and which shall be in the custody of them or any of them respectively: And Our further Will and Pleasure is, That ye or any Three or more of you, (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, The Speaker of the House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one,) upon due examination of the Premises, shall cause such matters to be duly and speedily executed as ye shall judge fitting and proper to be done, for the more effectual execution of the several measures recommended by Our Faithful Commons in the said Report of their Proceedings relative thereto.

And to the end that Our Royal Will and Pleasure in the Premises may be executed with the greater regularity and expedition, We further, by these Presents, Will and Command, and do hereby give full Power and Authority to you, or any Three or more of you, (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, The Speaker of the House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one,) to nominate and appoint, from time to time, such Person of ability, care, and diligence, as ye shall think fit, to be and act as your Clerk or Secretary, for the purpose of aiding you in the execution of these Presents; and also to nominate and appoint, in like manner, such several Persons of ability, care, and diligence, as ye may think fit, to be Sub-Commissioners, to be employed under your direction and controul in the Premises; and more especially to methodize regulate and digest the Records, Rolls, Instruments, Books and Papers, in any of Our Public Offices and Repositories, and to cause such of the said Records, Rolls, Instruments, Books and Papers, as are decayed and in danger of being destroyed, to be bound and secured; and to make exact Calendars and Indexes thereof; and to superintend the printing of such Calendars and Indexes, and Original Records and Papers, as

ye

ye shall cause to be printed : Which said Clerk or Secretary, and Sub-Commissioners, and every of them, shall and may be removed by you or any Three or more of you, (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of The House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one,) from time to time, at your will and pleasure; full power and authority being hereby given to you to appoint others in their places respectively.

And We further Will and Command, and by these Presents Ordain, That ye or any Three or more of you (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, The Speaker of the House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one) shall from time to time certify, under your hands and seals, unto Our Lord High Treasurer, or unto the Commissioners of Our Treasury for the time being, what shall be a fit and suitable Recompense to the above-mentioned Clerk or Secretary, and Sub-Commissioners, respectively, for their pains and services in the execution of the duties hereby required to be by them performed; which said Recompense, it is Our Will and Pleasure, shall thereupon be paid to them respectively and accordingly.

And Our further Will and Pleasure is, That ye, or any Three or more of you, (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, the Speaker of The House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one,) do and shall, on or before the twenty-fifth day of March, in the year of our Lord 1818, and so from year to year, on or before the twenty-fifth day of March in each year respectively, so long as this Commission shall continue in force, certify unto Us, in Our Privy Council, under your hands and seals respectively, all and every of the several Proceedings, of yourselves and of the said Sub-Commissioners, had by virtue of these Presents, together with such other matters (if any) as may be deserving of Our Royal Consideration, touching or concerning the Premises; and what further measures (if any) ye shall think fit to propose thereupon: And, lastly,

We do by these Presents ordain, That this Our Commission shall continue in full force and virtue, and that ye Our said Commissioners, or any Three or more of you, (whereof the said First Commissioner of Our Treasury, one of Our Principal Secretaries of State, The Speaker of the House of Commons, The Master of the Rolls, or Our Advocate for Scotland, severally and respectively for the time being, to be one,) shall and may from time to time, and at any place or places, proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by Adjournment.

Given at Our Court at Carlton House, the Twenty-fifth day of June 1817, in the Fifty-seventh Year of Our Reign.

By the Command of His Royal Highness The PRINCE REGENT, in the Name and on the Behalf of HIS MAJESTY.

(Signed)

SIDMOUTH.

Appendix,
(A.)
THIRD
COMMISSION,
25 June 1817.

Appendix (B.)

ABSTRACTS OF REPORTS TO PRIVY COUNCIL.

(1.)—Abstract of ANNUAL REPORT, 25 March 1813.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland, in Council.

Appendix,
(B.)

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That, in pursuance of the Powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness in Council, dated the 25th day of March 1812.

STATE OF THE PROCEEDINGS, TO THE 25th MARCH 1813.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : T. R. Office.	Mr. Caley. Mr. Playford.	Memoranda : Abstract of the Rolls. Originalia : Transcribing official Repositories.	Advanced to 21 Edw. I, in MS. but not yet printed. Transcribed from 1 Hen. VIII, to 16 James I.
Exchequer : F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor, and preparing it for press.	The second volume has been advanced in print from 200 to 336 pages. Dioceses transcribed, but not yet printed : Lichfield and Coventry, Worcester, Gloucester, Hereford, and part of Lincoln.
British Museum.	Mr. Ellis. Rev. H. H. Baber.	Catal. of Lansdowne MSS. Part 1.	The first part, consisting of the Burghley Papers, completely printed (index inclusive.) Of the second part, containing the Cæsar Papers, &c. 16 pages printed.
Chapter House, Westminster.	Mr. Caley. Mr. Illingworth.	Hundred Rolls. Quo Warranto Rolls.	Of the second volume 128 pages have been printed. The first volume has been put to press, and 112 pages printed.
Chapter House, Westminster.	Mr. John Clarke. Mr. F. Holbrooke.	Examination and arrangement of Records.	Further progress has been made in the examination of bags of Miscellaneous Records, and a calendar to Treaties and other State Papers is making.
Tower, and elsewhere.	Mr. Tomlins. Mr. Taunton. Mr. Illingworth. Dr. Adam Clarke.	The Statutes and Ordinances of the Realm. Rymer's Fœdera, New Edition.	The second and third volumes are printing concurrently; of the former, 228 pages have been printed, of the latter 208. Materials have been collected for the first volume.

(continued.)

State of PROCEEDINGS to the 25th March 1813—continued.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of the Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	Progress continues to be made in the Parliamentary Records; viz. First volume, preparations making; Second volume, Acts and Proceedings from 1424 to 1567, in 591 pages, have been finished at press, except a short Appendix of Parliamentary Instruments in the reign of Queen Mary; Third volume, Acts and Proceedings have been begun at press, and 56 pages printed. A supplement and indexes to the two volumes are in regular course of preparation.
	Mr. Macpherson.	To transcribe and revise in the press the Rotuli Scotiæ in the Tower of London.	This work has been advanced in the press from 676 to 880 pages.

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(1.)
Proceedings to
25 March 1813.

WE further beg leave to state to Your Royal Highness, that the following Work has been made complete and ready for delivery; viz.

“A Catalogue of the Lansdowne Manuscripts in the British Museum; part 1, containing, The Burghley “Papers.”

And We have moreover ordered,

“Statutes of the Realm:”—That the second and third volumes of this Work be printed concurrently.

In the King’s Remembrancer’s Office, Exchequer:—That the transcripts of Monastic Records be continued.

In the Lord Treasurer’s Remembrancer’s Office, Exchequer:—That the Abstract of the Memoranda be continued, until sufficient matter is collected to form a volume for the inspection of the Board.

In the First Fruits Office:—That the second volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the Press, including the Dioceses of Winton, Sarum, Oxford, Exeter, and Gloucester.

At the British Museum:—That the Catalogue of the Lansdowne MSS. be continued in the Press.

At the Chapter House and Tower:—That the second volume of the Hundred Rolls be continued in the Press.

Also,—That the first volume of the Quo Warranto Rolls be continued in the Press.

In the Tower:—That the Rotuli Scotiæ be continued in the Press.

Exeter and Winton Domesdays, and Boldon Book:—That the transcripts of these MSS. after careful examination and correction, be put to press.

Rymer’s Fœdera, New Edition:—That the first volume of this work be put to press.

Scotland:—That Mr. Thomson do proceed with more diligence upon the Parliamentary Records of Scotland, and the other works there under his superintendence.

AND we further beg leave most humbly to state to Your Royal Highness, That at the present time We have not any other matters to offer for Your Royal Highness’s consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)

Dated 25 March 1813.

CHARLES ABBOT. (L. s.)
W. GRANT. (L. s.)
FRED. CAMPBELL. (L. s.)
REDESDALE. (L. s.)
GLENBERVIE. (L. s.)
JOHN LONDON. (L. s.)
CHARLES BATHURST. (L. s.)

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(2.)—Abstract of ANNUAL REPORT, 25 March 1814.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland, in Council.

(2.)
Proceedings to
25 March 1814.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That, in pursuance of the powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness in Council, dated the 25th day of March 1813.

STATE OF THE PROCEEDINGS, TO THE 25th MARCH 1814.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer : T. R. Office.	Mr. Caley. Mr. Playford.	Memoranda : Abstract of Rolls. Originalia : Repertories.	Advanced to end of Edw. I, in MS. but not yet printed. Transcribed from 1 Hen. VIII, to end of James I.
Exchequer : F. F. Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor, and preparing it for press.	The second volume completed in print, except part of Index. Dioceses transcribed, but not yet printed ; Dioceses of Lichfield and Coventry, Worcester, Hereford, and great part of the diocese of Lincoln.
British Museum.	Mr. Ellis.	Catalogue of Lansdowne MSS. Part 2 ^d .	Twenty pages printed.
Chapter House.	Mr. Caley. Mr. Illingworth. Mr. J. Clarke. Mr. Holbrooke. Mr. Barnes. Mr. Ellis. Mr. Ellis. Mr. Ellis.	Hundred Rolls. Quo Warranto Rolls. Examination of Records. Exeter Domesday. Winton Domesday, and Boldon Book.	Of the second volume, 264 pages have been printed. 236 pages printed. Further progress made in examining bags of Miscellaneous Records ; and a calendar to Treaties and other State Papers making. 120 pages printed ; the remainder of the MS. transcribed. 4 pages printed ; remainder of the MS. transcribed. 12 pages printed ; remainder of MS. transcribed.
Tower, and elsewhere.	Mr. Tomlins. Mr. Taunton. Dr. Adam Clark.	The Statutes of the Realm. Rymer's Fœdera, new edition, enlarged.	The second and third volumes are printing concurrently ; of the former, 432 pages have been printed ; of the latter, 392. First volume, 128 pages printed.
Scotland.	Mr. Thomson. Mr. M ^c Pherson.	The Statutes and Proceedings of the Parliament of Scotland. Rotuli Scotiæ.	Progress continues to be made on the Parliamentary Records. Vol. I has been completed at press, in 983 pages.

WE

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete, and ready for delivery :

1.—“ Rotuli Scotiæ, in Turri Londinensi et in Domo Capitulari Westmonasteriensi asservati. Vol. I. Temp. regum Angliæ Edwardi I, Edwardi II, Edwardi III.”

2.—Valor Ecclesiasticus, Temp. Hen. VIII, Auctoritate Regia Institutis, Vol. II.

And We have moreover ordered,

“ Statutes of the Realm :”—That the second and third volumes of this Work be continued in the press concurrently.

In the First Fruits Office :—That the third volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th year of King Henry the Eighth, be put to press.

At the British Museum :—That the Catalogue of the Lansdowne MSS be continued in the press.

At the Chapter House and Tower :—That the second volume of the Hundred Rolls be continued in the press.

Also—That the Quo Warranto Rolls be continued in the press.

In the Tower :—That the second volume of Rotuli Scotiæ be put to press.

Exeter and Winton Domesdays, and Boldon Book :—That these Works, in one volume, be continued in the press.

Rymer's *Fœdera*, New Edition, enlarged :—That the first volume of this Work be continued in the press.

Scotland :—That Mr. Thomson do proceed with more diligence upon the Parliamentary Records of Scotland, and the other Works there, under his superintendence.

AND we further beg leave most humbly to state to Your Royal Highness, That at the present time We have not any other matters to offer for Your Royal Highness's consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)

Dated 25 March 1814.

CHARLES ABBOT.	(L. s.)
W. GRANT.	(L. s.)
FRED. CAMPBELL.	(L. s.)
GLENBERVIE.	(L. s.)
CHARLES BATHURST.	(L. s.)

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(2.)
Proceedings to
25 March 1814.

(3.)—Abstract of ANNUAL REPORT, 23 March 1815.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland, in Council.

(3.)
Proceedings to
23 March 1815.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That, in pursuance of the Powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works, stated in our Report to Your Royal Highness in Council, dated the 25th day of March 1814.

STATE OF THE PROCEEDINGS, TO THE 23d MARCH 1815.

REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: First Fruits Office.	Mr. Caley. Mr. Shrigley.	Transcribing Eccl. Valor. and preparing it for press.	Second Volume completed at press, and 160 pages printed of the third volume. Dioceses transcribed, but not yet printed: Coventry and Lichfield, Worcester, and the greater part of Lincoln.
British Museum.	Mr. Ellis.	Catal. of Lansdowne MSS. Part 2 ^d .	Twenty pages printed.
Chapter House.	Mr. Caley. Mr. Illingworth.	Hundred Rolls. Quo Warranto Rolls.	Of the second volume 376 pages have been printed. 352 pages printed.
Chapter House.	Mr. John Clarke. Mr. John Johnson.	Examination of Records.	Further progress made in examining bags of Miscellaneous Records, and in a calendar to Treaties and other State Papers.
	Mr. Barnes.	Exeter Domesday.	280 pages printed, remainder of MS. transcribed.
	Mr. Ellis.	Winton Domesday.	4 pages printed, remainder of MS. transcribed.
	Mr. Ellis.	Boldon Book.	12 pages printed, remainder of MS. transcribed.
		Liber Eliensis. Chapter House Domesday.	MS. transcribed, but not yet printed. Minutes for a General Introduction, printed in 124 pages.
Tower of London, and elsewhere.	Sir T. E. Tomlins. Mr. Taunton.	The Statutes of the Realm.	The second and third volumes are printing concurrently; of the former, 536 pages have been printed, of the latter 580.
	Dr. Adam Clarke. Mr. Holbrooke.	Rymer's Fœdera, new edition enlarged.	First volume, 552 pages printed.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	First volume, materials collecting; second and third volumes printed.
	Mr. Macpherson.	Rotuli Scotiæ.	A volume of Royal Charters printed. Of the second volume 160 pages have been printed.

WE

WE further beg leave to state to Your Royal Highness, that the following Works have been made complete, and ready for delivery ; viz.

1. "The Acts of the Parliaments of Scotland, vols. II and III."
2. "Registrum Magni Sigilli," &c.

And We have moreover ordered,

"Statutes of the Realm :"—That the second and third volumes of this Work be continued in the press concurrently.

In the First Fruits Office :—That the third volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the press.

At the British Museum :—That the Catalogue of the Lansdowne MSS. be continued in the press.

At the Chapter House and Tower :—That the second volume of the Hundred Rolls be continued in the press.

Also,—That the Quo Warranto Rolls be continued in the Press.

In the Tower :—That the second volume of Rotuli Scotiæ be continued in the press.

Exeter and Winton Domesdays, Boldon Book, and Liber Eliensis :—That the volume containing these Works be continued in the press.

Rymer's Fœdera, New Edition, enlarged :—That the first volume of this Work be continued in the press.

Scotland :—That Mr. Thomson do proceed with diligence upon the Parliamentary Records of Scotland, and the other Works there, under his superintendence.

AND We further beg leave most humbly to state to Your Royal Highness, That at the present time we have not any other matters to offer for Your Royal Highness's consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)	CHARLES ABBOT.	(L. s.)
	W. GRANT.	(L. s.)
	FRED. CAMPBELL.	(L. s.)
	CHARLES BATHURST.	(L. s.)

Dated 23d March 1815.

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(3.)
Proceedings to
23 March 1815

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(4.)—Abstract of ANNUAL REPORT, 23 March 1816.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,

Regent of the United Kingdom of Great Britain and Ireland, in Council.

(4.)
Proceedings to
23d March 1816.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1806, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That, in pursuance of the Powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness in Council, dated the 23d day of March 1815.

STATE OF THE PROCEEDINGS, TO THE 23d MARCH 1816.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer: First Fruits Office.	Mr. Caley. Mr. Newsom.	Transcribing Eccl. Valor, and preparing it for press.	Of the 3d volume, 344 pages have been printed. Dioceses transcribed, but not yet printed: Norwich, Lincoln, and Peterborough.
British Museum.	Mr. Ellis.	Catalogue of Lansdowne MSS. part 2 ^d .	36 pages printed.
Chapter House.	Mr. Caley. Mr. Illingworth.	Hundred Rolls. Quo Warranto Rolls.	Of the second volume, 576 pages have been printed. 556 pages printed.
Chapter House.	Mr. John Clarke. Mr. John Johnson.	Examination of Records.	Further progress made in examining bags of Miscellaneous Records, and in a calendar to Treaties and other State Papers.
	Mr. Barnes. Mr. Ellis.	Exeter Domesday. Inquisitio Eliensis.	Completed, at press in 492 pages. 8 pages printed; remainder of MS. at press.
	Mr. Ellis.	Winton Domesday. Boldon Book.	4 pages printed; remainder of MS. transcribed. 12 pages printed; remainder of MS. transcribed.
Tower of London, and elsewhere.	Sir T. E. Tomlins.	The Statutes of the Realm.	The second volume completed, at press in 692 pages, exclusive of index. Of the third volume, 704 pages printed.
	Dr. Adam Clarke. Mr. Holbrooke.	Rymer's Fœdera, new edition enlarged.	The first volume completed, at press in 1018 pages, exclusive of index.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	First volume; materials collecting. Second and third volumes printed and delivered. Of the fourth volume, 540 pages printed.
	Mr. Macpherson.	Rotuli Scotiæ.	A supplementary volume of Retours, and a volume of Acta Auditorum et Dominorum Concilii, printing. Of the second volume, 340 pages have been printed.

WE

We further beg leave to state to Your Royal Highness, That the following Works have been made complete and ready for delivery :

1. " Rymer's Fœdera, new edition enlarged, Vol. I. Part I."
2. " The Statutes of the Realm, Vol. II."

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(4.)
Proceedings to
23 March 1816.

And we have moreover ordered,

Statutes of the Realm :—That the third volume of this Work be continued in the press.

In the First Fruits Office :—That the third volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the press.

At the British Museum :—That the Catalogue of the Lansdowne MSS. be continued in the press.

At the Chapter House and Tower :—That the second Volume of the Hundred Rolls be continued in the press.

Also,—That the Quo Warranto Rolls be continued in the press.

In the Tower :—That the second Volume of Rotuli Scotiæ be continued in the press.

Exeter and Winton Domesdays, Boldon Book, and Inquisitio Eliensis :—That the volume containing these Works be continued in the press.

Rymer's Fœdera, New Edition enlarged :—That the second volume of this Work be put to press.

Scotland :—That Mr. Thomson do proceed with diligence upon the Parliamentary Records of Scotland, and the other Works there, under his superintendence.

AND We further beg leave most humbly to state to Your Royal Highness, That at the present time We have not any other matters to offer for Your Royal Highness's consideration, touching or concerning the premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)

Dated 23 March 1816.

CHARLES ABBOT.	(L. s.)
ARCH. COLQUHOUN.	(L. s.)
FRED. CAMPBELL.	(L. s.)
REDESDALE.	(L. s.)

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(5.)—Abstract of ANNUAL REPORT, 25 March 1817.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland, in Council.

(5.)
Proceedings to
25 March 1817.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 23d day of May 1817, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That in pursuance of the Powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness in Council, dated the 23d day of March 1816.

STATE OF THE PROCEEDINGS, TO THE 25th MARCH 1817.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer.	Mr. Caley. Mr. Newsom.	Transcribing Eccl. Valor, and preparing it for press.	Of the third volume, 500 pages have been printed. Dioceses transcribed, but not yet printed : Lincoln, Peterborough, Landaff, Bangor, and part of Saint Asaph.
British Museum.	Mr. Ellis.	Catalogue of Lansdowne MSS. Part 2 ^d .	44 pages printed.
Chapter House.	Mr. Caley. Mr. Illingworth.	Hundred Rolls. Quo Warranto Rolls.	Of the second volume, 720 pages printed. 700 pages printed.
Chapter House.	Mr. John Clarke. Mr. John Johnson.	Examination of arranged Records.	Further progress made in examining bags of Miscellaneous Records, and on a calendar to Treaties and other State Papers, and on a better arrangement of Fines.
Rolls Chapel, and elsewhere.	Mr. Ellis.	Domesday Tracts, viz. Exeter Domesday, Inq. Elien. Winton Domesday, and Boldon Book.	Completed in one volume.
	Sir T. E. Tomlins.	The Statutes of the Realm.	The third volume completed. Of the fourth volume 196 pages printed.
	Mr. Raithby.	- - - - -	Of the fifth volume 424 pages printed. Of the sixth volume 424 pages printed.
Scotland.	Dr. Adam Clarke. Mr. Holbrooke.	Rymer's Fœdera enlarged.	Of the second volume 226 pages have been printed.
	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	First volume, materials collecting. Second, third, and fourth volumes are printed. Fifth volume printing. Third and last volume of Retours printed. A volume of Acta Auditorum et Dominorum Concilii, printing.
	Mr. Macpherson. Mr. Caley. Mr. Illingworth.	Rotuli Scotiæ.	Of the second (and last volume) 456 pages have been printed.

WE

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete, and ready for delivery:

1. "The Statutes of The Realm," Vol. III.
2. "Domesday Book Additamenta."
3. "The Acts of the Parliaments of Scotland," Vol. IV.
4. "Inquisitionum ad Capellam Domini Regis Retornatarum Quæ in Publicis Archivis Scotiæ adhuc servantur Abbreviatio," Vol. III.
5. "Valor Ecclesiasticus, Temp. Hen. VIII. Auctoritate Regia Institutus," Vol. III.

N. B. Of this last volume the text is printed off, and the entire volume, including Indexes and Maps, will be ready for delivery before Midsummer next.

And we have moreover ordered,

"Statutes of the Realm :"—That the fourth, fifth, and sixth volumes of this Work be continued in the press.

In the First Fruits Office :—That the third volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the press.

At the British Museum :—That the Catalogue of the Lansdowne MSS. be continued in the press.

At the Chapter House and Tower :—That the second volume of the Hundred Rolls be continued in the Press.

Also,—That the Quo Warranto Rolls be continued in the press.

In the Tower :—That the second volume of Rotuli Scotiæ be continued in the press.

Rymer's *Fœdera*, New Edition enlarged :—That the second volume of this Work be continued in the press.

Scotland :—That Mr. Thomson do proceed with diligence upon the Parliamentary Records of Scotland, and the other Works there, under his superintendence.

AND We further beg leave most humbly to state to Your Royal Highness, That at the present time We have not any other matters to offer for Your Royal Highness's consideration, touching or concerning the premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)	CHARLES ABBOT.	(L. s.)
	WILLIAM GRANT.	(L. s.)
	REDESDALE.	(L. s.)
	GLENBERVIE.	(L. s.)
	CHARLES BATHURST.	(L. s.)

Dated 25 March 1817.

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(5.)
Proceedings to
25 March 1817.

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(6.)—Abstract of ANNUAL REPORT, 17 March 1818.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland, in Council.

(6.)
Proceedings to
17 March 1818.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 25th day of June 1817, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That, in pursuance of the Powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness in Council, dated the 25th day of March 1817.

STATE OF THE PROCEEDINGS, TO THE 17th MARCH 1818.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer :	Mr. Caley. Mr. Newsom.	Transcribing Eccl. Valor, and preparing it for press.	Third volume completed. Of the fourth volume 116 pages have been printed. Dioceses transcribed, but not yet printed : viz. Lincoln, Peterborough, Landaff, Bangor, St. Asaph, and Saint David's.
British Museum.	Mr. Ellis.	Catalogue of Lansdowne MSS. Part 2d.	140 pages printed.
Chapter House.	Mr. Caley. Mr. Illingworth.	Hundred Rolls.	The second (and last) volume completed.
Chapter House.	Mr. Clarke. Mr. Johnson. Mr. Horne.	Quo Warranto Rolls. Examination of arranged Records.	This work completed in one volume. Progress made on the following works ; viz. Bags of Miscellaneous Records, and calendar of Treaties and other State Papers ; as also on the Records of the Court of Wards and Liveries ; and upon the Fines for Bedford and Berks.
Rolls Chapel, and elsewhere.	Sir T. E. Tomlins.	The Statutes of the Realm.	Of the fourth volume 808 pages printed.
	Mr. Raithby.	- - - - -	The fifth volume completed. The sixth volume also completed.
	Dr. Adam Clarke. Mr. Holbrooke.	Rymer's Fœdera enlarged.	The first part of the second volume completed.
Scotland.	Mr. Thomson.	The Statutes and Proceedings of the Parliament of Scotland, &c.	First volume materials collecting. Second, third and fourth volumes are printed. Fifth volume printing. A volume of Acta Auditorum et Dominorum Concilii, printing.
	Mr. Caley. Mr. Illingworth.	Rotuli Scotiæ.	Of the second (and last) volume 512 pages printed.

WE

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete and ready for delivery :

1. " The Statutes of the Realm, Vol. V. and VI."
2. " Rymer's Fœdera, new edition, enlarged, Vol. II. Part. I."
3. " Rotuli Hundredorum. Temp. Hen. III. and Edw. I. Vol. II."
4. " Placita de Quo Warranto, Temp. Edw. I, II, III."

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(6.)
Proceedings to
17 March 1818.

And We have moreover ordered,

Statutes of the Realm :—That the fourth volume be continued in the press, and the seventh volume be put to press.

In the First Fruits Office :—That the fourth volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament in the 26th year of King Henry the Eighth, be continued in the press.

At the British Museum :—That the Catalogue of the Lansdowne MSS. be continued in the press.

In the Tower :—That the second volume of Rotuli Scotiæ be continued in the press.

Rymer's Fœdera, New Edition, enlarged :—That the second part of the second volume of this Work be put to press.

Scotland :—That Mr. Thomson having neglected to make any Reports since July 1817, though repeatedly called on so to do, be directed forthwith to transmit such Reports, and to proceed with diligence upon the Parliamentary Records of Scotland, and the other works there under his superintendence.

AND We further beg leave most humbly to state to Your Royal Highness, That at the present time We have not any other matters to offer for Your Royal Highness's consideration, touching or concerning the Premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)	CHARLES MANNERS SUTTON.	(L. s.)
	THOMAS PLUMER.	(L. s.)
	ARCHIBALD COLQUHOUN.	(L. s.)
	WILLIAM LONDON.	(L. s.)
	REDESDALE.	(L. s.)
	COLCHESTER.	(L. s.)
	CHARLES BATHURST.	(L. s.)

Dated 17 March 1818.

Appendix,
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.

(7.)—Abstract of ANNUAL REPORT, 24 March 1819.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES,
Regent of the United Kingdom of Great Britain and Ireland, in Council.

(7.)
Proceedings to
24 March 1819.

WE the Commissioners constituted and appointed by His Majesty's Royal Commission, bearing date the 25th day of June 1817, for carrying into execution the Measures recommended in the Report made by the Select Committee of the House of Commons, with respect to the state of the Public Records of the Kingdom, &c. &c. &c.—Do most humbly beg leave to certify to Your Royal Highness, That, in pursuance of the Powers vested in us by His Majesty's said Commission, We have proceeded in the further execution of the several Works stated in our Report to Your Royal Highness in Council, dated the 17th day of March 1818.

STATE OF THE PROCEEDINGS, TO THE 24th MARCH 1819.			
REPOSITORY.	Sub-Commissioners and Others, appointed by Direction of The Board.	DUTY TO BE PERFORMED.	PROGRESS MADE.
Exchequer.	Mr. Caley. Mr. Newsom.	Transcribing Eccl. Valor, and preparing it for press.	Of the fourth volume, 256 pages have been printed.
British Museum.	Mr. Ellis.	Catalogue of Lansdowne MSS. Part 2 ^d (and last.)	This work completed.
Chapter House.	Mr. Clarke. Mr. Johnson. Mr. Horne.	Examination of arranged Records.	Progress made on the following Works, viz. Surveys of the court of Wards and Liveries, calendar of Treaties and other State Papers, and Fines for Berks and Bucks.
Tower.	Mr. Caley. Mr. Bayley.	Inquisitions post mortem. The official calendars to be revised and printed.	Of the third (and last) volume, 164 pages printed.
Roll's Chapel, and elsewhere.	Sir T. E. Tomlins. Mr. Raithby.	The Statutes of the Realm.	The fourth volume completed. The fifth volume completed. The sixth volume also completed. Of the seventh volume, 228 pages printed.
Scotland.	Dr. Adam Clarke. Mr. Holbrooke.	Rymer's Fœdera enlarged.	Of the second part of the second volume, 212 pages printed.
	Mr. Thomson. Mr. Caley. Mr. Illingworth.	The Statutes and Proceedings of the Parliament of Scotland, &c. Rotuli Scotiæ.	First volume, materials collecting; second, third, fourth, and fifth volumes are printed; of the sixth volume, 512 pages printed. The second (and last) volume completed.

WE

WE further beg leave to state to Your Royal Highness, That the following Works have been made complete and ready for delivery :

- 1.—“ The Statutes of the Realm, Vol. IV, V, VI.”
- 2.—“ The Catalogue of the Lansdowne MSS. in the British Museum.”
- 3.—“ Rotuli Scotiæ, Vol. II.”

And We have moreover ordered,

“ Statutes of the Realm :”—That the seventh volume be continued in the press.

In the First Fruits Office :—That the fourth volume of the Ecclesiastical Survey, made in pursuance of an Act of Parliament, in the 26th year of King Henry the Eighth, be continued in the press.

In the Tower :—That the third volume of the Inquisitions post mortem be continued in the press.

Rymer's Fœdera, New Edition enlarged :—That the second part of the second volume of this Work be continued in the press.

Scotland :—That Mr. Thomson do proceed with diligence upon the Parliamentary Records of Scotland, and the other Works there, under his superintendence.

AND we further beg leave most humbly to state to Your Royal Highness, That at the present time We have not any other matters to offer for Your Royal Highness's consideration, touching or concerning the premises, or any further Measures to propose thereupon.

All which is most humbly submitted to Your Royal Highness.

(Signed)	CHARLES MANNERS SUTTON.	(L. s.)
	ALEXANDER MACONOCHIE.	(L. s.)
	ARCHIBALD COLQUHOUN.	(L. s.)
	WILLIAM LONDON.	(L. s.)
	GLENBERVIE.	(L. s.)
	REDESDALE.	(L. s.)
	COLCHESTER.	(L. s.)
	CHARLES BATHURST.	(L. s.)

Dated 24 March 1819.

Appendix
(B.)
ABSTRACTS OF
REPORTS TO
PRIVY
COUNCIL.
(7)
Proceedings to
24 March 1819.

Appendix,
(C.)

Appendix (C.)

AN ACCOUNT OF THE SUMS

Issued annually to the Commissioners, and disbursed by them, in Remuneration of the several Persons employed under them; also, of the Sums paid to His Majesty's Printers, for printing the Works directed by the Commissioners; from 1813 to 1818, both years inclusive.

ANNUAL EXPENDITURE.			
YEARS.	REMUNERATIONS IN ENGLAND AND SCOTLAND.	PRINTING IN ENGLAND.	PRINTING IN SCOTLAND.
	£. s. d.	£. s. d.	£. s. d.
1813.	5,708 10 7	Nil.	Nil.
1814.	3,197 1 10	12,858 1 —	Nil.
1815.	7,405 16 11	6,112 14 —	8,394 19 5
1816.	2,874 17 4½	Nil.	Nil.
1817.	4,848 18 11	10,084 9 10	Nil.
1818.	2,276 10 3½	14,610 2 8	Nil.

Memorandum.:—The number and names of the several Persons annually remunerated out of the Sums above mentioned to have been annually advanced to the Commissioners, will appear by the several Certificates contained in the preceding Appendix (B.); except as to Services in Scotland, which were executed by various Persons there, selected and superintended by Mr. Thomson, the Deputy Clerk Register of Scotland; of whose employment an Account has been rendered to the Commissioners in each of his Quarterly Reports.

Extract of a LETTER from Mr. Harrison, of the Treasury, in July 1819, to the Secretary.

SIR,
HAVING laid before The Lords Commissioners of His Majesty's Treasury your Account, as Secretary to the Commissioners on Public Records, in respect of Sums issued between 24th June 1809 and 17th September 1817, to pay Rewards to the several Persons employed under direction of the said Commissioners, &c. I have it in command from their Lordships, to signify to you, their approval of this Account.

I am, Sir,
Your obedient Servant,
Geo. Harrison.

John Caley, Esq.

Appendix (D.)

MEASURES EXECUTED IN ENGLAND AND SCOTLAND,

Under the Second and Third Record Commissions,

viz. of 23 May 1806, and 25 June 1817.

Appendix,
(D.)
MEASURES
in England
and Scotland,
Executed,
in Progress, or
Postponed.

REPOSITORIES.	MEASURES RECOMMENDED AND	COMPLETED.
	<p style="text-align: center;">England.</p> <hr style="width: 10%; margin: auto;"/> <p style="text-align: center;">I. BUILDINGS.</p>	
State Paper Office, } Scotland Yard: }	<p>Ought to be transferred from the present damp, ruinous tenement, and lodged in some Public Building, fire proof. Rep. Sel. Com. 10.</p> <p>1819. This Building is now directed to be pulled down, and the contents are lodged in a temporary house in Great George-street, Westminster, until the former Repository is rebuilt.</p>	
Offices of the Clerks of the Crown, Petty Bag, and Examiners, in Chancery: }	<p>Should be placed in some Building, to be constructed at the public expense. Rep. Sel. Com. 10.</p> <p><i>Memorandum.</i> In the Building erected for these Offices, there is also accommodation for the Corporation of Cursitors.</p>	Since the date of the former Report, all these Offices have been removed to the new Building in the Rolls-Yard, Chancery-lane.
British Museum, Lansdowne MSS.	<p style="text-align: center;">II. CALENDARS AND INDEXES.</p> <p>This Catalogue is in two parts; the first, containing the Burghley Papers; the second, those of Sir Julius Cæsar, and the other parts of the Collection;—</p>	Has been completed at press.
	<p style="text-align: center;">III. PRINTING.</p> <hr style="width: 10%; margin: auto;"/> <p style="text-align: center;">(1.) CALENDARS.</p>	
Tower Inquisitions, Post Mortem.	<p>The Chronological Indexes to these Records should be printed. Rep. Sel. Com. 14.</p> <p>A considerable progress has been made on a third volume, comprehending the remaining Inquisitions Post Mortem at the Tower, from Rich. II to Edward IV, both Reigns inclusive.</p>	
Chapter House, Westminster, Domesday.	<p>There is an Index to Domesday, which should be enlarged, and published, together with a Title, &c. Rep. Sel. Com. 14. 1800. July 22.</p>	<p>Completed at press, and a supplemental Volume has also been printed, containing the Exeter, Ely, and Winton Domesdays, and the Boldon Book of Durham.</p> <p style="text-align: right;">(continued.)</p>

356 APPENDIX TO SECOND GENERAL REPORT FROM

Appendix,
(D.)
MEASURES
in England
and Scotland,
Executed,
in Progress, or
Postponed.

REPOSITORIES.	MEASURES RECOMMENDED.	COMPLETED.
Tower and Chapter House, Hundred Rolls.	(2.) SELECTION OF RECORDS AND PAPERS. Lists thereof should be printed, with a Specimen engraved from the Original. Rep. Sel. Com. 15. 1804, July 24. Ordered to be printed entire. 1806, July 31; Ordered to be printed, with Maps of the several Dioceses. The fourth volume is now printing; and the Work will be completed in a fifth and last volume.	Completed at press in two volumes.
First Fruits Office : Ecclesiastical Survey, 26 Hen. VIII.		
Tower, Chapter House, Rolls Chapel, Universities, Cathedrals, &c.	IV. STATUTES OF THE REALM. Many Statutes and Ordinances, recorded in the Rolls of Parliament and other Records, are not inserted in the printed Statute Books, which are only compilations by private hands. A complete and authentic edition of all the Statutes should be printed. In the prosecution of such a Work, it will be proper to consult the most antient and perfect Manuscript Copies preserved in the Exchequer, and the several public Libraries of the Inns of Court, the Universities, the Cathedrals, and the British Museum. Rep. Sel. Com. 16. Six volumes have been published, and a seventh, to the end of the Reign of William the Third, is advancing in the press.	

Measures in progress in England and Scotland, 1813 to 1819.

REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS.
The Heralds Office :	<p style="text-align: center;">England.</p> <p style="text-align: center;">1.—BUILDINGS.</p> <p>Requires to be removed into some Public Building, or to be made more secure from Fire. Rep. Sel. Com. 10.</p> <p>1807, Dec. 14. The Board having been memorialized hereupon by the College of Heralds, referred the consideration thereof to the Commissioners for Improvements in Westminster.</p> <p>1813, June 18. Further Memorial.—Ordered, That this Memorial be communicated to the Duke of Norfolk, as Earl Marshal; and that his Grace be requested to acquaint the Commissioners with his opinion upon the matters therein stated.</p> <p>1815, Dec. 12. Further Memorial.—Resolved, That the Deputy Earl Marshal be made acquainted with the opinion of this Board, upon the importance and urgency of some effectual measure being taken for the preservation of the Records belonging to the College of Arms.</p> <p>1816, Jan. 27. A Letter was sent to the College by the Under Secretary of State, Home Department.</p> <p style="text-align: right;">See these Proceedings under the Article, Appendix (F.) (continued)</p>

REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS.	Appendix, (D.) MEASURES in England and Scotland, Executed, in Progress, or Postponed.
First Fruits Office :	<p>This Office is among the class of Private Buildings ; the Records thereof are exposed to very great danger, being lodged in private chambers in the Temple, and the Officers non-resident. Of these Records, the principal of which is the Ecclesiastical Survey, made in the twenty-sixth year of Henry the Eighth, there are no Duplicates.</p> <p>See a Memorial from the Remembrancer of the First Fruits, Appendix (E,) referred to the Commissioners for Improvements in Westminster.</p>	
State Paper Office : Removal of Records from the House of Lords.	<p style="text-align: center;">2.—CALENDARS AND INDEXES.</p> <p>No Catalogue has yet been made of the Records formerly found there, and removed 1770 from the custody of the House of Lords to the Old State Paper Office ; this latter defect may be now supplied by the persons employed in the New Establishment. Rep. Sel. Com. 12. 1800, July 22, Ordered. Calendars produced.</p> <p>The subsequent progress made upon the Calendars, &c. in this Office, will be seen in Appendix (G.)</p>	
Chapter House, Westminster.	<p>One third part of the whole contents of this Repository is unprovided with detailed Calendars and Indexes, particularly matters concerning dissolved Monasteries, Proceedings of Star Chamber, Court of Wards and Liveries, and Court of Requests. The present establishment of Officers, if constantly attending, may execute the most important parts with sufficient dispatch. Rep. Sel. Com. 2.</p> <p>1812, March 23. Domesday. Complete Index to be prepared and printed, with Title and Table of Contents :—The whole completely printed in 570 pages.</p> <p>Abbreviatio Placitorum in Curia Regis, &c.—This volume is completely printed in 585 pages.</p> <p>Examination and arrangement of Records, &c.—The first volume of Hundred Rolls is completely printed in 700 pages. The Quo Warranto Rolls have been abstracted for eighteen Counties. Some further progress has been made in the arrangement of bags of Miscellaneous Records.</p> <p>1813, March 25. Hundred Rolls :—Of the second volume, 128 pages have been printed.</p> <p>Quo Warranto Rolls :—This volume has been put to press, and 112 pages printed. Further progress has been made in the examination.</p> <p>Examination of bags of Miscellaneous Records, and a Calendar to Treaties and other State Papers, is making.</p> <p>1814, March 25. Hundred Rolls :—Of the second volume 264 pages have been printed.</p> <p>Quo Warranto Rolls :—236 pages printed.</p> <p>Examination of Records :—Further progress made in examining bags of Miscellaneous Records, and a Calendar to Treaties and other State Papers making.</p> <p>1815, March 25. Hundred Rolls :—Of the second volume 376 pages have been printed.</p> <p>Quo Warranto Rolls :—352 pages printed.</p> <p>Examination of Records :—Further progress made in examining bags of Miscellaneous Records, and in a Calendar to Treaties and other State Papers.</p> <p>Chapter House Domesday :—Minutes for a General Introduction, printed in 124 pages.</p> <p>1816, March 25. Hundred Rolls :—Of the second volume 576 pages have been printed.</p> <p>Quo Warranto Rolls :—556 pages printed.</p> <p>Examination of Records :—Further progress made in examining bags of Miscellaneous Records, and in a Calendar to Treaties and other State Papers.</p>	

(continued)

358 APPENDIX TO SECOND GENERAL REPORT FROM

Appendix, (D.) MEASURES in England and Scotland, Executed, in Progress, or Postponed.	REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS
	Chapter House, Westminster, <i>continued.</i>	<p>2.—CALENDARS AND INDEXES—<i>continued.</i></p> <p>1817, March 25. Hundred Rolls:—Of the second volume 720 pages printed. Quo Warranto Rolls:—700 pages printed. Examination of arranged Records:—Further progress made in examining bags of Miscellaneous Records, and on a Calendar to Treaties and other State Papers, and on a better arrangement of Fines.</p> <p>1818, March 17. Hundred Rolls:—The second (and last) volume completed. Quo Warranto Rolls:—This work completed in one volume. Examination of arranged Records:—Progress made on the following Works; viz. Bags of Miscellaneous Records, and Calendars of Treaties and other State Papers; as also, on the Records of the Court of Wards and Liveries, and upon the Fines for Bedford and Berks.</p>
	King's Remembrancer's Office.	<p>A total want of the necessary Calendars and Indexes to those Records which are arranged. Rep. Sel. Com. 12. 1800. July 22, Ordered, That Mr. Caley, Mr. Kirkby, and Mr. Vanderzee, do arrange, methodize, and index all the Records of the said Office.</p> <p>1812, March 23. Collecting and transcribing Monastic Records; collected and transcribed further extents of Temporalities of Abbies and Priories of Royal Foundation; accounts of Alien Priories and Royal Charters in various reigns, from Edw. I to Hen VII.</p>
	Lord Treasurer's Remembrancer's Office.	<p>No regular or complete Inventory or Index has been made since the Restoration; particular indexes have been compiled by individuals. Rep. Sel. Com. 12.</p> <p>1812, March 23. Memoranda:—Abstract of the Rolls, advanced to 7 Ed. I. in MS. but not yet printed. Originalia:—Transcribing official Repertories; transcribed from 1 Hen. VIII to 13 Jac. I.</p> <p>1813, March 25. Memoranda:—Abstract of the Rolls; advanced to 21 Ed. I. in MS. but not yet printed. Originalia:—Transcribing official Repertories; transcribed from 1 Hen. VIII to 16 Jac. I.</p> <p>1814, March 25. Memoranda:—Abstract of Rolls; advanced to end of Edw. I. in MS. but not yet printed. Originalia:—Repertories transcribed, 1 Hen. VIII. to end of Jac. I.</p>
	Surveyor General of Crown Lands.	<p>Some further Index to the Surveys, &c. would be useful. Rep. Sel. Com. 12.</p> <p>1804, Jan. 31, Ordered. 1806, May 22, Order repeated; again repeated, 1812, Jan. 21. viz. requesting a state of the Indexes; and whether the same are complete, or in what progress they are towards completion. N. B. No Answer has been as yet received.</p>
	Tower.	<p>The Bills, Answers, Depositions, and other Chancery Proceedings, from the Reign of Elizabeth to 1714, here deposited, have no other Indexes than the names of plaintiffs and defendants; and it might be a work of utility, if an Index to the names of places, and a short note of the subject-matter of each suit, were made. Commissions and Abstracts, &c. Public Records, 1807, p. 30.</p> <p>This is now in course of compilation, and the Index for the greatest part of the reign of Elizabeth is already made by the Clerks at the Tower.</p>
	Tower and Chapter House: Hundred Rolls.	<p>PRINTING.</p> <p>SELECTION OF RECORDS AND PAPERS:</p> <p>Lists thereof should be printed, with a Specimen engraved from the original. Rep. Sel. Com. 15.</p> <p>1804, Jan. 24. Ordered to be printed. Memorandum. The entire Work has been since published in two volumes.</p>
	First Fruits Office: Ecclesiastical Survey, 26 Hen. 8.	<p>1806, Jan. 31. Ordered to be transcribed and printed. Memorandum. The first, second and third volumes of this work are printed, with Maps, and a fourth volume is in the press.</p>

(continued.)

REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS.	<p>Appendix, (D.)</p> <p>MEASURES in England and Scotland Executed, in Progress, or Postponed.</p>
<p>Reports made by Committees of either House of Parliament:</p>	<p>SELECTION OF PAPERS AND RECORDS—<i>continued</i>.</p> <p>To be selected and printed; and the same reasons which induced the House of Commons to order a selection of its own Reports to be printed in 1773, may render it proper to continue the series. Rep. Sel. Com. 17.</p>	
<p>Rotuli Scotiæ in the Tower of London.</p>	<p>1800, Dec. 19. Ordered, That the Speaker be requested to take into his consideration, whether it may be expedient to have any selection made of Reports from Committees of the House of Commons, which are not inserted in the Journals, as a Supplement to those ordered to be printed in 1773, and a continuation thereof to the Union of Great Britain and Ireland.</p> <p>Memorandum: This Work, in consequence of a Report of the House of Commons, August 1803, has been printed in fifteen volumes, ending with the year 1800.</p> <p>1807, Dec. 16. Ordered to be transcribed and put to press as soon as possible.</p> <p>1812, March 23. To transcribe and revise in the press, the Rotuli Scotiæ in the Tower of London:—This Work has been advanced in the press from p. 508 to p. 676.</p> <p>1813, March 25. To transcribe and revise in the press, the Rotuli Scotiæ in the Tower of London:—This Work has been advanced in the press from 676 to 880 pages.</p> <p>1814, March 25. Rotuli Scotiæ:—First volume has been completed at press, in 983 pages.</p> <p>1815, March 25. Rotuli Scotiæ:—Of the second volume, 160 pages have been printed.</p> <p>1816, March 23. Rotuli Scotiæ:—Of the second volume, 340 pages have been printed.</p> <p>1817, March 25. Rotuli Scotiæ:—Of the second (and last) volume, 456 pages have been printed.</p> <p>1818, March 17:—Of the second (and last) volume, 512 pages printed.</p> <p>1819, March 24. Rotuli Scotiæ:—The second (and last) volume completed.</p>	
<p>Rymer's Fœdera.</p>	<p>The State Papers published here, form a most valuable collection; they commence from the reign of Henry the First, 1154, but do not come down lower in date than the first six years of Charles the Second.</p> <p>It is desirable to have this work completed by a Supplementary Selection of such other important Papers, as were omitted by the original Compilers, and to continue it to the Revolution, or even to the accession of the House of Hanover. Rep. Sel. Com. 17.</p> <p>1813, March 25. Rymer's Fœdera, New Edition; the materials have been collected for the first volume.</p> <p>1814, March 25. Rymer's Fœdera, enlarged; first volume, 128 pages printed.</p> <p>1815, March 25. Rymer's Fœdera, enlarged; first volume 552 pages printed.</p> <p>1816, March 25. Rymer's Fœdera, enlarged; the first volume completed at press in two parts, 1018 pages, exclusive of Index.</p> <p>1817, March 25. Rymer's Fœdera; of the second volume, 226 pages have been printed.</p> <p>1818, March 17. Rymer's Fœdera enlarged; the first part of the second volume completed.</p> <p>1819, March 24. Rymer's Fœdera enlarged; of the second part of the second volume, 212 pages printed.</p>	

Appendix,
(D.)
MEASURES
in England
and Scotland,
Executed,
in Progress, or
Postponed.

REPOSITORIES.	MEASURES RECOMMENDED, AND IN PROGRESS.
Tower, Chapter House, Rolls Chapel, Universities, Cathedrals, &c.	<p>STATUTES OF THE REALM.</p> <p>Many Statutes and Ordinances recorded in the Rolls of Parliament and other Records, are not inserted in the printed Statute Books, which are only compilations by private hands ; a complete and authentic edition of all the Statutes should be printed. In the prosecution of such a work, it will be proper to consult the most antient and perfect manuscript copies preserved in the Exchequer, and the several Public Libraries of the Inns of Court, the Universities, the Cathedrals, and the British Museum. Rep. Sel. Com. 16.</p> <p>1800, Dec. 19. Order for printing a complete and authentic edition of the Statutes and Ordinances of the Realm, including every Law, as well those repealed or expired, as those in force ; together with a Chronological List of them, and Tables.</p> <p>Memorandum : Since the date of the last Report, the second, third, fourth, fifth, and sixth volumes are printed ; and the seventh volume is now printing.</p>

Scotland.

MEASURES COMPLETED AND IN PROGRESS.

THE actual state of these Measures cannot be specified with perfect accuracy ; as the Commissioners have been unable to obtain the necessary Returns from the Deputy Clerk Register, to whom the superintendence of these works has been committed, as their Sub-Commissioner in Scotland.

Appendix (E.)

Memorial from First Fruits Office, 1808.

Appendix,
(E.)
MEMORIAL
from
First Fruit's Office,
1808.

LETTER from Richardson Harrison, Esquire, Remembrancer of the First Fruits and Tenths, to John Caley, Esquire, Secretary to His Majesty's Commissioners on the Public Records.

SIR,

IN answer to your Letter received some time ago, and which I should have attended to before now, but for illness, whereby I am desired to send to you, for the information of His Majesty's Commissioners on the Public Records, " A Report of the State of Security of the Records deposited in the First Fruits Office, " and an account of its convenience, as a place of public resort, for payment of Monies to the Crown ;"—

I beg leave to state to you, for the information of His Majesty's said Commissioners, that the Office of First Fruits is situated in Private Chambers in Inner Temple Lane, a situation rather dark, and not very commodious ; but where the Office has been held for many years ; and wherein, amongst other Records and Papers, is deposited the Ecclesiastical Survey, taken by authority of Parliament, in the twenty-sixth year of the reign of Henry the Eighth ; a Record consisting of several volumes and many rolls, of which no duplicate is known to be extant.

The state of Security of these valuable public Documents is by no means good. They are certainly exposed in no small degree to the hazard of fire ; and there being no convenience in the office for the residence of my clerks, the danger of the loss of the Record, in case of such an accident, is thereby increased.

As to the convenience of the present office, as a place of public resort, for the payment of Monies to the Crown, I cannot but observe it to be in that respect sufficiently convenient (inasmuch as it is central) ; but it would be equally convenient if an apartment were allotted for the purpose at Somerset Place : or even if the office were removed to Westminster, no serious inconvenience would arise to individuals from the necessity of their resorting thither, at all to be compared with the state of insecurity of the Records and Papers in the present office.

If His Majesty's Commissioners should be pleased to direct the removal of the office into some public building, I humbly conceive it would be a measure of beneficial tendency.

I am, Sir,
Your obedient humble Servant,
Richardson Harrison,
Remembrancer.

First Fruits Office,
7th April 1808.

Appendix (F.)

Memorials, &c. as to the College of Arms; 1813 to 1816.

I.

To the Commissioners appointed by His Majesty, for carrying into execution the Measures recommended by the House of Commons, respecting the Public Records of the Kingdom;

THE MEMORIAL of the Kings, Herald, and Pursuivants, of the College of Arms, in Chapter assembled,

SH EWETH,

THAT, in obedience to an Order of the Select Committee of the Honourable House of Commons, bearing date the twenty-fourth day of February, in the year 1800, Your Memorialists, on the second day of May following, returned their Answers to the several questions by the said Order propounded to them, relative to the state of the great and important body of Records committed to their charge; and, among other matters, respectfully represented, that the Building in which those Records are preserved was not only falling fast to decay, but in constant and imminent danger from fire, inasmuch as a sugar house, the timbers of which are actually inserted in the walls of the college, immediately adjoins the library, and there is no party wall between the buildings:—The truth and justice of which representation the said Committee were pleased soon after to ascertain by a personal inspection, and to report, in consequence, to the Honourable House of Commons, that it was necessary to remove the College into some Public Building, or to secure it against the extreme peril of fire to which it was exposed:

That Your Memorialists, on the fourteenth day of December, in the year 1807, presented unto you, a Memorial, the Copy of which is herewith inclosed; which Memorial, as it appears from your subsequent Reports to His Majesty, you had been pleased to refer to the Commissioners for improving Westminster; and that your Memorialists are not apprized that any steps have been taken in consequence of such your reference:

That, in the course of thirteen years which have elapsed since the date of the Report of the Select Committee as aforesaid, the decay of the said Building hath increased so rapidly, as to render it even an unsafe residence to those officers who inhabit certain parts of it; and in particular your Memorialists having observed that some of the library presses had sunk considerably, and that the books contained in them were suffering from damp, they, in searching for the cause, discovered that the north wall had become so ruinous as to render it absolutely necessary to lay a great part of it bare, by taking down three of the said presses; and they were, in consequence, obliged to remove several hundred volumes of manuscripts, which were contained in them, into their hall, which is the public passage to the office, where they have remained for some months, in a situation not only very inconvenient, but in some degree insecure:

That your Memorialists, under all these circumstances, find, and are advised, that the said Building can no longer be maintained by them as a safe repository for the Records which they are bound to guard, as an habitation for themselves, or as an office for the exercise of their accustomed duties and occupations, by a continuance of those partial repairs which they have long been bestowing on it, at a heavy and constantly increasing charge:

Your Memorialists, therefore, under the most serious alarm, not only for the security of the said Records, but for their own joint and separate interests, so essentially connected with that security, beg permission to submit the premises to your consideration; and, with as much earnestness as may be consistent with the utmost respect, intreat such relief as to your wisdom may seem fit.

Signed by Order of Chapter,

College of Arms, }
June 18, 1813. }

Ralph Bigland, Norroy and Dep^y Reg^t.

II.

To the Commissioners appointed by His Majesty for carrying into execution the Measures recommended by the House of Commons, respecting the Public Records of the Kingdom.

THE MEMORIAL of the Kings, Herald, and Pursuivants, of the College of Arms, in Chapter assembled; who from the serious and lamented indisposition of the Earl Marshal are unfortunately for the present deprived of the benefit of his Grace's aid in their behalf;

SH EWETH,

THAT in obedience to the Order of a Select Committee of the Honourable House of Commons, bearing date the twenty-fourth day of February in the year 1800, Your Memorialists, on the second day of May following, returned their Answer to the several Questions by the said Order propounded to them, relative to the state of the great and important body of Records committed to their charge, and, among other matters, respectfully represented the ruinous state of the Building which has so long been the Repository for those Records, and the habitation of their predecessors and themselves; and more particularly the constant peril

Appendix,
(F.)
MEMORIALS,
&c.
College of Arms,
1813 to 1816.

from fire, to which the said Building was exposed, from the fact of its positive junction, without the protection even of a party wall; to a large sugar house, the truth and justice of which representation the said Committee was pleased soon after to ascertain by a personal inspection, and to report in consequence to the Honourable House of Commons that it was necessary to remove the College of Arms into some Public Building, or to secure it against the danger of fire, to which it was so exposed; and that your Memorialists have, by two subsequent Memorials, to wit, on the fourteenth day of December, in the year 1807, and on the eighteenth day of June 1813, to which they humbly beg leave now to refer, reiterated their representation of the continuance of the said peril from fire, and of the rapidly increasing decay of their Building, together with their prayer for relief:

That it has been the earnest desire of your Memorialists, which they hope has been proved by their subsequent silence under such severe pressure, humbly and patiently to await such Measures as you might be pleased to devise and recommend for such relief; but that a circumstance has lately occurred, which compels them to implore your instant attention, if they may presume to use that expression, to the dreadful consequence to which their own persons and property, as well as the public treasure of Records of which they have the custody, are continually exposed, by the recent erection and use of a Steam Engine of considerable force in the said sugar house; and that the anxiety and terror which the contiguity of such a formidable apparatus would at any time have excited in the minds of your Memorialists, have been aggravated to the utmost by the contemplation of that awful and instantaneous calamity, which within a few weeks past occurred in Goodman's Fields, in this Metropolis, by which at least twelve persons lost their lives, in the application too of such an apparatus, to purposes precisely similar in a sugar house:

Your Memorialists, conscious that the Statement of such a fact can acquire no additional force from any comment which they might be able to add, beg only permission therefore to submit it, to your consideration, in an humble confidence of the impression which it cannot fail to make, and to intreat such relief as to your wisdom may seem fit.

And Your Memorialists shall, &c.

College of Arms,
12th Dec. 1815.

Signed by Order of Chapter,
Ralph Bigland, Norroy and Register.

III.

Gentlemen,

Whitehall, 27th January 1816.

I am directed by Lord Sidmouth to acknowledge the receipt of your Memorial, containing a statement of the insecure and ruinous condition of the College of Arms; and also representing that it is in constant danger of fire, being immediately contiguous to a sugar house.

In reply, I am to acquaint you, that his Lordship gave directions that a regular survey of the Building should take place; and I inclose for your information a copy of the Report of the Surveyor of the Phoenix Fire Office, who was employed upon the occasion. I am further to acquaint you, that your Memorial has been subsequently referred, for the consideration of the Lords of the Treasury, in order that their Lordships may decide upon the expediency of giving further directions upon the subject to which it relates.

The Kings, Heralds,
and Pursuivants at Arms.

I have the honour to be,
Gentlemen,
Your most obedient humble Servant,

J. Beckett.

“THE Depôt for the Records belonging to the College of Heralds is situate on the North Side of the quadrangle of Buildings occupied by the College, on Saint Benett's Hill, Doctor's Commons. It is a very old brick Building, and not at present in good condition. The apartments in which are deposited the Records, abut upon the sugar refinery of Alderman Smith, which is also an antient Building; and the wall which divides them is old, and not a proper party wall as now required betwixt adjoining buildings, being deficient in thickness; it rises however above the roof of the Heralds College.

“The drying stove in Mr. Smith's sugar house, is also on the side adjoining the Depôt, but the steam boiler erecting by Mr. Smith, the completion of which however is not quite certain at present, is placed in his sugar house at the end of it, most remote from the College. The girders of the sugar refinery rest in the wall of separation, and if a fire should take place in this sugar refinery, the danger of which is certainly not less, than that of sugar refineries in general) the Heralds College would be much endangered thereby. The risk of an explosion of the steam boiler is at present problematical, the erection of it being at present suspended; but such an explosion being supposed, the Heralds College might possibly be destroyed, or greatly injured by it.

“If the Depôt of Records in question, is considered an object of National Importance, the present Building by no means possesses the security requisite for such purposes.”

Appendix (G.)
Report from State Paper Office, 1818.

SIR,

State Paper Office, Whitehall, May 6th, 1818.

IN obedience to the commands of the Right honourable Lord Viscount Sidmouth, His Majesty's Principal Secretary of State for the Home Department, signified to me by a Letter from Mr. Hobhouse, dated April 28th, 1818, that I should prepare and transmit, for the information of the Commissioners on the Public Records, an Account of the Progress made on the Calendars of the Papers in the State Paper Office, since the year 1802, particularly as to those removed, in 1770, to the Old State Paper Office from the House of Lords; I have the honour to acquaint you—

Appendix,
(G.)
REPORT,
State Paper Office,
1818.

That the following CALENDARS have been compiled in this Office, since the year 1802; viz.

- I.—A Calendar to the Original Royal Letters in the State Paper Office, from the reign of Henry VIII to George III inclusive, in Three parts or divisions: The First, or Antient Royal Letters, from Henry VIII to Queen Anne, consisting of 30 volumes; the Second, or Modern Royal Letters, from Queen Anne to George II, in 38 volumes; and the Third, or Supplementary Royal Letters, principally in the reign of Geo. III, in 7 volumes.
The Calendar to this series of valuable and highly important Documents, consists of six volumes large folio, and comprehends the substance of each particular Letter, with reference to the volumes and pages, where each Original Letter may be referred to.
- II.—A separate Calendar to each of the 24 volumes of the Books of the Council of State during the Interregnum, 1648 to 1660. These Calendars are attached to their respective volumes; besides which, an Analytical Calendar has been formed, in one volume folio, exhibiting, at one view, the contents of the whole 24 volumes, under an alphabetical arrangement of the most important subjects.
- III.—Separate Calendars to 20 volumes of Law Papers, and Attorney and Solicitor General's Reports and Opinions, principally in the reign of Charles II.—These Calendars are attached to each volume.
- IV.—Alphabetical Calendars to 40 volumes of Petitions, from Elizabeth to Charles II (principally in the reign of Charles II); containing the substance of each Petition, with reference to the Pages.—These Calendars are attached to their respective volumes.
- V.—A Calendar to a collection of Antient Deeds, Leases, &c. in 14 large bundles; from Henry III to Charles II; with Indexes.
- VI.—A Calendar to a collection of Grants and Leases of Crown Lands, in 7 large bundles; during the reign of Charles I; with Indexes.
- VII.—A Calendar to the contents of 21 bundles of Certificates of Musters, in the different Counties of England; during the reign of Queen Elizabeth, James I, and Charles I. These Certificates of Musters are arranged chronologically.—The Calendars Nos. V, VI, and VII, are bound together, in one volume folio.
- VIII.—A Calendar to above 2,000 original Sign Manual Bills, for grants of Offices, Lands, Pardons, &c. and for payment of Money for Public Services, in the reigns of James I and Charles I, in 60 bundles. This Calendar gives the substance of each Instrument, with references to the bundle and number, with Indexes; in one volume large folio.
- IX.—A Calendar to a collection of Law Papers, and Attorney and Solicitor General's Reports and Opinions, from 1684 to 1768, in 8 volumes; giving the substance of each Document, with references to the volumes and pages where the originals are to be found; in one volume folio.
- X.—A Calendar to a large collection of Papers relating to Criminals Petitions, Reports, &c. from 1687 to 1780, in 29 volumes; giving the substance of each Document, with references to the volumes and pages of the Originals; in 2 volumes large folio.
- XI.—A Calendar to a large collection of Papers relating to Trade, Fisheries, and Foreign Plantations, comprized in 62 volumes, from 1542 to 1761; giving the substance of each Document, with references to the volumes and pages; in three volumes large folio.
- XII.—A Calendar to a collection of Papers relating to the East India Company and Trade, from 1581 to 1755, in 7 volumes; giving the substance of each Document, with reference to the volumes and pages, in one volume folio.
- XIII.—A Calendar to the whole of the Warrant Books in the State Paper Office, from 1661 to 1711. The drafts of this Calendar are completed, and are now transcribing; of which four large folio volumes have already been finished and bound; and the whole, when completed, will make six or seven volumes large folio.

I further

Appendix,
(G.)
REPORT,
State Paper Office,
1818.

I further beg leave to acquaint you, pursuant to Lord Sidmouth's directions, for the information of the Commissioners on the Public Records, that the under-mentioned Calendars are now in a state of progression; viz.

- XIV.—A Calendar to a large collection of County Local History, from Henry VIII to Charles II, in 36 volumes.
- XV.—A Calendar to the domestic part of Sir Leoline Jenkins's collection of Manuscripts, during the time he was Secretary of State in the latter end of the reign of Charles II, in 20 volumes.
- XVI.—A Calendar to a large collection of modern Royal Letters, recently arranged under the denomination of "Royal Letters, New Series," in 26 volumes.—This Calendar will be executed in the same manner as the Calendar of Antient and Modern Royal Letters above specified, No. I.
- XVII.—A Calendar to a large collection of Miscellaneous Manuscript Books in the Old Office, from Henry VIII to Charles II, consisting of at least 150 volumes.
- XVIII.—A Calendar to an immense collection of Papers relating to the Sequestrations and Compositions on the Forfeited Estates of Royalists during the Interregnum.

I have also to bring under the notice of the Commissioners on the Public Records, that, exclusive of the compilation of the Calendars and Indexes above specified, the magnitude and difficulty of which they can fully appreciate, the following Works have been undertaken and completed in this Office, since the year 1802; viz.

- I.—The chronological arrangement and binding of the series of Correspondence relating to Scotland and the Borders, from 1525 to 1650; in 69 folio volumes.
- II.—The chronological arrangement and binding of a collection of Original Papers relative to Mary Queen of Scots, during her imprisonment in England, 1568 to 1587; in 8 folio volumes.
- III.—The chronological arrangement and binding of a Collection of Original Letters from the Kings and Queens of Scotland to the Kings and Queens of England (Henry VIII to Elizabeth); in 2 folio volumes.
- IV.—The chronological arrangement and binding of the series of Irish Correspondence, from 1516 to 1706; in 116 folio volumes.
- V.—The chronological arrangement and binding of a collection of Law Papers, and Attorney and Solicitor General's Reports and Opinions, from 1684 to 1768; in 8 folio volumes.
- VI.—The chronological arrangement and binding of a collection of Papers relating to Criminals Petitions, Reports, &c. from 1687 to 1780; in 29 folio volumes.
- VII.—The chronological arrangement and binding of a collection of Papers relating to Trade, Fisheries, and Foreign Plantations, 1542 to 1761; in 62 folio volumes.
- VIII.—The chronological arrangement and binding of a collection of Papers relating to the East India Company and Trade, from 1581 to 1755; in 7 folio volumes.
- IX.—The geographical and chronological arrangement and binding of Sir Joseph Williamson's collection of Copies of Treaties with Foreign Powers, and Diplomatic Manuscripts, from the reign of Henry VIII to Charles II; in 40 folio volumes.
- X.—The geographical and chronological arrangement and binding of Sir Leoline Jenkins's collection of State Papers, in two parts: first, Foreign, from 1676 to 1684, in 45 folio volumes; second, Domestic, from 1677 to 1684 in 20 folio volumes.
- XI.—The geographical and chronological arrangement and binding of a collection of Royal Letters, denominated "Royal Letters, New Series," in the reigns of Geo. I, Geo. II, and Geo. III: in 26 folio volumes.
- XII.—The alphabetical arrangement and binding of an immense collection of Papers relating to the Sequestrations and Compositions on Royalists Estates during the Interregnum, of which 35 large folio volumes have already been arranged and bound.

In answer to the latter part of Lord Sidmouth's letter of the 28th April 1818, desiring information respecting the Records transmitted in the year 1770 from the House of Lords to the Old State Paper Office, I have the honour to acquaint you, for the information of the Commissioners on the Public Records, that, as soon as practicable after the receipt of the Duke of Portland's orders respecting those Records, dated October 1st 1800, the whole of them were brought from the Old Office to this Office, and arranged, classed, and ticketed. The first class of them consists of Rolls of Pleas held in the King's Palace Courts, Rolls of Exchequer Accounts, and Privy Seal Writs and Warrants for payment of Money, from Henry III to Henry VIII, in 355 bundles.—The second class consists of Original Indentures of War, or Contracts between the Sovereign on the one part, and

and individual Nobility and Gentry on the other, for furnishing the King with military aid in his foreign wars ; from Edw. III to Henry VIII inclusive ; in 15 bundles. When the whole were arranged and ticketed, two Chronological Calendars were formed, divided into the two classes above-mentioned, specifying the contents of each bundle ; which Calendars are bound together in one volume folio.

These Records are at present deposited in four presses in the Old Office.

I have the honour to be, Sir,

Your most obedient humble servant,

(signed)

John Bruce,
Keeper of State Papers.

John Caley, Esq.

Secretary to the Commissioners on the
Public Records, &c. &c. &c.

Appendix,
(G.)
REPORT,
State Paper Office,
1818.

Appendix (H.)

Annual Report from Chapter House Westminster, 1819.

REPORT of the Proceedings at the Chapter House Westminster, from Lady-day 1818 to Lady-day 1819.

To the Right Honourable the Lords Commissioners of His Majesty's Treasury.

May it please Your Lordships,

IN submitting to the consideration of your Lordships, this First Annual Report of the Proceedings of myself, and of the Persons employed under me, in arranging and making Indexes to the Records in the above Repository, since Lady-day last, it was my intention to have prefaced it with an enumeration of the several Records which it contains ; but upon adverting to the Return made in the year 1800 to the Select Committee of the House of Commons, by my predecessor the late Mr. Rose (printed in the General Record Report, p. 1, &c.) I find them there so fully described as to render it unnecessary for me here to mention them in further detail ; to that Report, therefore, I beg leave to refer ; and will now beg permission to state briefly, 1st, What has been done in this Office towards arranging and indexing its Records from the year 1800 to Lady-day 1818 ; and, 2dly, What further Proceedings have been had from that time to the present.

Appendix,
(H.)
REPORT,
Chapter House
Westminster,
1819.

Immediately after the establishment of His Majesty's Commission on the Public Records (19 July 1800) the valuable Documents preserved in this Repository became objects of the notice of the Commissioners.

One of their first Orders (22 July 1800) was, that a complete Index, with Titles and Table of Contents, &c. should be made to DOMESDAY BOOK, and that Calendars and Indexes to the Records of the Curia Regis, King's Bench, and Common Pleas (since published under the title of *Abbreviatio Placitorum*) should be transcribed and printed.

These Proceedings continued to be carried on, by direction of the Record Commission, from this time until the year 1811, concurrently with the duties of the Clerks upon the establishment.

Previously, however, to this time, viz. in the year 1805, His Majesty's Commissioners were pleased to direct, by their order of the 25th March in that year, the execution of a Measure, which has proved of singular advantage to this office, namely, that a general examination and arrangement of all the Records in this Repository should be made, and thereupon a new Inventory of its whole contents should be prepared, ichnographically and alphabetically ; and copies thereof should be deposited at the Tower and in the British Museum.

Towards accomplishing these desirable objects, extra assistance was afforded by the Commissioners, in aid of the officers on the establishment, and on 25 March 1811, it was reported to the Board, that the arrangement, &c. having been proceeded on (from time to time) the Inventory directed to be formed had been made complete.

From that time to the present, the Record Commission has not ceased to direct its attention, in aid of the Keeper of the Records, to the Examination of the Arranged Records, and the formation of new or better Calendars and Indexes to them. In addition to this, it may be stated, that between the years 1812 and 1818, under the peculiar direction and superintendence of His Majesty's Commissioners of Records, two volumes of Hundred Rolls, and one of the Pleadings of *Quo Warranto*, have been printed and published ; as also all the *Rotuli Scotiæ*, preserved in this Repository.

Under the same authority the new edition of RYMER'S *Fœdera*, the first volume of which was published in 1816, has received and is still receiving much benefit, by the insertion of many important documents remaining in this office.

Appendix,
(H.)
REPORT,
Chapter House,
Westminster,
1819.

Having now stated, with as much brevity as I trust the subject would admit of, the progressive improvements that have been made, in arranging, indexing and publishing the Documents in the Chapter House, from the year 1800 to Lady-day last, a short time before which your Lordships were pleased to appoint me on the decease of Mr. Rose, to be his successor in this office, I now humbly beg leave to lay before your Lordships the following Statement of the Proceedings had since that time.

The Clerks on the present Establishment are three in number :

First clerk - - - - - Mr. John Clarke ;
Second clerk - - - - - Mr. John Johnson ;
Third clerk - - - - - Mr. Thomas Hartwell Horne.

On my entrance into office I found Mr. Clarke engaged upon an Index to some proceedings of the Court of Wards and Liveries, temp. Hen. VIII, (Records of undoubted value and use,) but as this Index was neither to the most valuable part of them, nor comprehended more than the names of persons, I directed him to discontinue it, and instead thereof, to make an Index of Persons, Places and Premises, to the several Books of Surveys of this Court ; and in this work he has advanced since Lady-day last, from the 5th year to the 19th year of King Henry the Eighth.

At Lady-day last, Mr. Johnson, the second clerk, was employed, and had been so for a considerable time before, in sorting, chronologically, and into the several countries to which they related, certain antient Treaties with Foreign Powers, and other State Papers, some years since discovered in a large chest, in a state of rapid decay for want of necessary exposure to air ; to these Papers he was also forming a Calendar.

Since that time, Mr. Johnson has finished his arrangement and Calendar to these Treaties and State Papers, and has made a fair transcript of the Calendar to them. They are in number nearly four hundred, and some of them have been, and others will be inserted in the new edition of Rymer's *Fœdera*.

This Work might altogether now have been reported complete, but that a discovery has lately been made among the Star Chamber Proceedings, and in other parts of the Office, of more than one hundred additional Instruments, which seem to have formed part of this Collection, and to have heretofore been taken out of the large chest above-mentioned. Mr. Johnson has therefore received directions to arrange them in their proper places in the other collection, and to add them to his Calendar.

The Records called *Pedes Finium*, on which the junior clerk, Mr. Horne, is engaged, remain only to be noticed.

The utility of these Records to all persons desirous of tracing property and pedigree, is unquestionable.

They commence, in this office, as early as the reign of Richard the First, and are continued in an almost unbroken series to the reign of George II^d.

The Fines from the earliest periods to the reign of Richard 3^d, are preserved in order of counties. As the Indexes to them are very imperfect and incomplete, new Indexes of persons, places and premises, in alphabetical county order, have become necessary ; and upon the mode directed by me, I have the honour to state to your Lordships, that the Index to the County of Berks has been completed since Lady-day last by Mr. Horne ; in one hundred and fifty pages, and that he has already advanced on the Index of the Fines for the County of Bucks, from the reign of Richard the First to the ninth year of King Henry the III^d.

I further beg leave to state to your Lordships, that Thomas Bevan is a person employed in brushing the Records, and keeping the office clean ; and that he is sober and diligent in his situation.

Lastly, I beg permission to state to your Lordships, that I applied by letter, in May last, to the Surveyor General of the Board of Works, on the subject of the defects in this Building, and the need of amendment of the same, particularly as to the offices for the clerks ; and that I almost immediately received for answer, that a plan was preparing for altering the clerks offices, and for securing the whole against any accident from fire. I regret to add, that although I again applied to the Surveyor General in July, and received a similar answer, nothing has yet been done towards the reparations proposed.

All which matters I humbly beg leave to submit to the consideration of your Lordships.

Chapter House Westminster,
March 1819.

John Caley.

Appendix (I.)

Annual Reports from the Tower; 1813 to 1819.

I.

Record Office, Tower, 1st March 1813.

A REPORT of the several Works performed in the Record Office at the Tower, under the direction of the Keeper of the Records, as "Supervisor of the Work of digesting and putting in order the Records, now being in Cæsar's Chapel, and other Records within the Tower of London;" between the first day of March in the year 1812, and the first day of March 1813.

Appendix
(I.)
REPORTS
from the Tower,
1813 to 1819.

DURING the last year, much time has been necessarily occupied in making temporary arrangements of the Records in the White Tower during the continuance of the alterations carrying on there, so as to preserve them from injury, and to prevent the great mass of bundles from getting into confusion, and also in the final arrangement of them since the Presses for their reception have been completed.

I have now the satisfaction of stating, that the fitting up of the great Store Room, and the alterations in the Gallery of the Chapel and the Room adjoining, were completed at Christmas last; and no place could be more convenient than the White Tower now is, not only for the arrangement of all the Records of the Chancery at present there, but also for the reception of others, if there should hereafter be an overflow at any of the offices in Chancery-lane. The Bills and Answers in Chancery, from the beginning of the reign of King Charles the II^d, to the end of that of Queen Anne, are now arranged in chronological order in the new Presses in the great Room; the Depositions during the same period in the gallery of the same Room; and the Depositions lately removed from the Examiner's Office, in the Presses round the gallery of the Chapel.

All the contents of the several lockers in the Chapel of the White Tower have been taken out and sorted; and shelves have been fitted up, instead of those lockers, to receive the Proceedings in Chancery of the reign of Queen Elizabeth, which have been all placed there in regular order; of the contents of these lockers, such as consisted of Writs and Pleadings in Personal Suits, fragments of Ministers Accounts, and other matters of little or no importance, have been tied up in sixty large canvas bags, ticketed and placed on the upper shelves of the lofty Presses in the great room adjoining the Chapel, where the space they occupy is of little consequence from the difficulty of access.

The great mass of Letters contained in those lockers have been sorted into reigns; and all those of the reign of King Henry the Third, and 220 of that of King Edward the First, have been cleaned, smoothed, and placed in proper Books, and an Index has been formed to these (amounting to the number of 1,120,) consisting of the names of the Persons by whom written, to whom addressed, and the date, when it could be ascertained. The number of Letters missive of Sovereigns, Nobility, and Ecclesiastical Persons, which have been already found in this Office, amounts to upwards of 15,000. A considerable number of Petitions in Parliament were also found in the lockers, which will be cleaned, sorted, and placed in the Wakefield Tower, at the first convenient opportunity.

Further progress has been made in forming a Calendar of the Proceedings in Chancery during the reign of King James the First, which now extends to seventy-five bundles of that reign. The Index Locorum to the Calendar of the Proceedings during the reign of Queen Elizabeth is nearly completed; and a similar Index to the Calendars of the Proceedings in the reign of James the First has been made at the same time with the Calendar.

II.

1st March, 1814.

IN the course of the preceding year, what remained to be done of the Index Locorum to the Proceedings in Chancery during the reign of Queen Elizabeth, has been completed, and that Index has been arranged in regular alphabetical order. The Keeper of the Records has begun printing this Index, being fully persuaded that it will be of great use to the Public. The Calendar of the Proceedings in Chancery during the reign of King James the First, has been continued; and one hundred and three bundles of that reign are now calendered, and an Index Locorum made to the Calendar, as it has proceeded.

It should be observed, that the progress of this Calendar during the reign of King James, has been much slower than that of the reign of Queen Elizabeth, not only from the bundles containing the Proceedings in a much greater number of causes, and those Proceedings running to a much greater length, but from their having been

Appendix,
(1.)
REPORTS,
from the Tower,
1813 to 1819.

been, for the most part, so carelessly tied up, as to require much time in making them smooth and legible, and afterwards placing them in a state for future preservation.

The early Proceedings in Chancery, from the end of the reign of King Edward the Third to the beginning of that of King Henry the Seventh, have been brought into some sort of arrangement, tied up in cartridge paper, and ticketed; and a selection has been made of some Specimens from each reign, to be prefixed to the printed Copy of the Index Locorum above mentioned.

It is intended, in the course of the ensuing summer, to complete the arrangement of these valuable Records; which do not appear hitherto to have been noticed, but which serve to throw considerable light on the early history of the Court of Chancery.

ARRANGEMENT OF STATE PAPERS:

An Abstract has been made of all the Letters missive, of the most importance, of the reign of King Henry the Third, mentioned in the Report of last year, for the purpose of enabling Dr. Clarke to make a Selection to be introduced in the new edition of RYMER'S FÆDERA; and about two hundred more Letters of the same reign (since discovered, on a careful examination of the Writs, &c. removed from the lockers in the Chapel,) have been cleaned, smoothed, and added to the former collection.

III.

1st March, 1815.

CONSIDERABLE Progress has been made in the Calendar of Proceedings in Chancery during the reign of King James the First, and the Index Locorum to that Calendar. The Index Locorum which has been made to the Proceedings of the reign of Queen Elizabeth, the printing of which is nearly completed, having already proved very useful for finding, in a few minutes, the Proceedings in causes which have been applied for, and which probably could not have been otherwise discovered without several days search, if at all, the Keeper of the Records has thought it most advisable to continue the Index Locorum to the whole body of Proceedings, in the first instance; and the Clerks who have been employed in abstracting the Proceedings for the Calendar, &c. are now continuing only the Index Locorum during the remainder of the reign of King James the First, which he flatters himself will be the means of its completion within the present year; whereas the Abstract or Calendar of the residue of that reign could not, he imagines, be finished within seven years, by the Clerks now employed on it.

An Index Locorum has also been begun to the great collection of bundles of Bills and Answers, &c. removed from the top of the presses in the great room adjoining the Chapel in the White Tower, and now deposited in the great room on the West side of that tower, particularly mentioned in the Report of the 1st of March 1810. These, as far as the Index has been made, appear to be of equal importance with those which have been regularly arranged and ticketed; many of them relate to Manors, Lands, Tythes, &c. and some of the Bills in the Reign of King Henry the VIIIth have the Decrees indorsed on them; a circumstance which has not been observed in any of the Proceedings of a later date.

A considerable Progress has been made in the course of the preceding year, in cleaning and smoothing the great mass of unsorted Proceedings in Chancery under the arch in the great room adjoining the Chapel, with a view to their being hereafter arranged in port folios.

The remainder of the early Proceedings in Chancery, mentioned in the last Report, have been arranged tied up in cartridge paper, and deposited in chronological order in the North gallery of the Chapel in the White Tower.

ARRANGEMENT OF STATE PAPERS:

The Collection of Letters, Treaties, &c. of the reign of King Edward the First is extremely numerous, from which a selection of the most valuable has been made, and placed in three large folio volumes. About 400 of these have been arranged in chronological order, as far as the 21st year of this Reign, and Abstracts have been made of about 250 of them to the end of the 15th year, for the purpose of enabling Dr. Clarke to make a Selection for the new edition of RYMER'S FÆDERA. It may be observed, that there are many Instruments printed in the former editions of the Fædera, with no other reference than "Ex Autograph," "Ex Orig." &c. the repositories of which have been hitherto unknown. Most of these, as far as the arrangement has been completed, have been found in the Tower, and they are now placed in a state of permanent preservation. The Close Rolls of King Edward the First, which contain a great fund of historical information, have been carefully examined to the 25th year of his reign, and Abstracts made from them of every thing which appears proper to be introduced in the new edition of the Fædera. A large portion of the Letters, &c. of King Edward II^d has been cleaned and smoothed, preparatory to their arrangement.

ARRANGEMENT OF CHARTERS, &c.

The great quantity of Charters, Deeds, Wills and other Instruments of a private nature, separated from the great mass in the White Tower, have been placed in boxes, and deposited in the Wakefield Tower, and an Index has been begun to them, as a specimen to be proceeded with, when matters of greater importance are completed.

IV.

IV.

1st March 1816.

ARRANGEMENT AND CALENDERING OF CHANCERY PROCEEDINGS:

THE Index Locorum to the Proceedings in Chancery of the reign of King James the First, has been continued during the preceding year; but the progress of this Work has been a good deal interrupted, from the necessity which has occurred of putting in order the Chancery Depositions, which were sometime since transmitted to the Record Office, and now deposited in the White Tower, in consequence of some Depositions having been missed, which were necessary for establishing the right of one of the parties in a Suit, depending in the Common Pleas, to Landed Property of great value, and which Depositions, after a careful search through a great number of bundles, were fortunately discovered in one to which they did not belong. Other Proceedings being also wanted, which could not be found in the bundles to which they belonged, the Keeper of the Records thinking that no part of the work of Arrangement would be more immediately useful than that which related to these important documents, directed the whole of the Depositions to be carefully looked over, and such as had been misplaced to be restored to their proper bundles. Considerable progress has been made in this work, in the course of which a great number of Depositions have been found misplaced.

Further Progress has been also made in examining and indexing the unsorted and unticketed bundles of Bills and Answers, in the West gallery of the great room in the White Tower. An Index Locorum has also been begun to the Calendar of Bills and Answers in Chancery, in three volumes folio, which was prepared several years ago by Mr. Robert Lemon.

ARRANGEMENT OF STATE PAPERS:

The Arrangement of the collection of Letters, Treaties, &c. of the reign of King Edward the First, has been completed since the last Report, and considerable progress has been made in arranging those of the reign of King Edward the Second; and Abstracts have been made for the purpose of a selection for the new edition of Rymer's *Fœdera*. The Close Rolls have also been examined to the end of the Reign of King Edward the First, and Abstracts made for the same purpose.

V.

1st March 1817.

ARRANGEMENT AND CALENDERING OF PROCEEDINGS IN CHANCERY:

Considerable Progress has been made, in the course of the preceding year, in the Index Locorum to the Proceedings in Chancery of the reign of King James the First; and a Calendar has been begun to the Depositions transmitted to the Tower from the Examiner's Office, which commence with the reign of King Henry the Eighth, there being no Index at all to one half of them, and a very imperfect one to the other. The Index Locorum to the Calendar of Bills and Answers, in three volumes folio, prepared several years ago by Mr. Lemon, which was mentioned in the Report of last year, as being then begun, has since been completed.

ARRANGEMENT OF STATE PAPERS:

The Arrangement of the collection of Letters, Treaties, &c. of the reign of King Edward the Second, has been completed in the course of the preceding year; and the arrangement of those of the reign of King Edward the Third is considerably advanced. Selections have also been made from those of King Edward the Third, for the new edition of Rymer's *Fœdera*; and the Close Rolls of that reign have been examined, and Abstracts made for the purpose of a selection for that Work.

VI.

1st March 1818.

THE several Works, specified in the Report of last year, have been since carried on, and considerable Progress has been made in them. The Index Locorum to the Proceedings in Chancery of the reign of King James the First, has occupied a much longer time than was at first expected; in consequence of the bad condition of many of the bundles, which rendered them illegible without a good deal of investigation. This Work is however so far advanced, that the Keeper of the Tower Records has little doubt but the Index will be arranged and in use before the ensuing winter.

The chronological Arrangement of the Letters, Treaties, &c. of the reign of King Henry the Third, is considerably advanced, and two volumes of the Letters are completed. The selections of Letters, &c. from those of the reign of King Edward the Second, for the new edition of Rymer's *Fœdera*, has been completed; and some Progress has been made in the arrangement of the Letters and other State Papers of the reign of King Edward the Third.

Appendix,
(I.)
REPORTS
from the Tower,
1813 to 1819.

The Keeper of the Tower Records begs leave, on this occasion, to call the attention of His Majesty's Commissioners on the Public Records, to a subject nearly connected with that of this Report, namely, the additional accommodation required for the Record Office; as it is impossible for him to pay that attention to the Works going on there which he is desirous of doing, so long as there is no private room for his accommodation. The following Statement, of what has been already done, will shew that he has spared no pains for the attainment of this object:—

IN the year 1811, in consequence of a meeting of persons on behalf of the several departments in the Tower, by direction of the Lords Commissioners of His Majesty's Treasury, respecting the appropriation of the houses in the old Mint, for the purpose of making a Report to their Lordships on that subject, it was agreed, as far as related to the Record Office, that three houses in the old Mint should be given up to the Keeper of the Records, for the purpose of being exchanged for the Bloody Tower, occupied by a warder of the name of Ridgewell, the house adjoining occupied by Shepherd a warder, and another house on the north side of the Octagon Record Tower, occupied by Price a warder; which buildings had been before ascertained to be particularly desirable, and indeed necessary for the accommodation and security of the Record Office and Tower adjoining, and for affording a residence for the Keeper of the Records or his deputy. And it was then understood, that the Warders occupying those houses would not object to the exchange, as the houses proposed to be given to them were superior in most respects to their own, provided the taxes of them were lowered, and made equal to those of the houses for which they were to be exchanged; except that Shepherd expected some further allowance on account of the eligible situation of his house on the parade, which enabled him to let the apartments in it to great advantage, he having never resided in it himself. On the 28th September 1813, the Commissioners for the Affairs of Barracks informed Mr. Harrison, that the three houses in the old Mint, which had been selected for the purpose of this exchange, were in good repair, and ready to be transferred to the Record Office.

In consequence of which, the exchange of one of the warder's houses, that occupied by Price, took place; and he is now in possession of one of the houses of the old Mint; and the house so given up is at present occupied by the person who has the care of the Record Office. The Lords of the Treasury were afterwards pleased, by their warrant dated the 7th of June 1814, to authorize the Keeper of the Records in the Tower to pay to warder Shepherd annually the sum of £. 25, after the exchange should be completed, so long as he should continue a warder. And their Lordships were also pleased to direct, by an order dated the 21st of December 1813, that the excess over and above the taxes, to which the houses then occupied by the three warders were liable, should be paid by Mr. Wright, and included in the accounts of the Tower, so long as they should continue in possession of the houses so to be taken by them in exchange. Yet warder Shepherd afterwards absolutely refused to give up his house, which he considered as his freehold property, unless he should receive the value of it in money.

Finding that there was no probability of obtaining possession of this house, and conceiving that if the small piece of ground adjoining the Record Office on the north side, could be obtained from the Board of Ordnance, the office might be somewhat enlarged on that side; and that the Bloody Tower might be fitted up as a residence for the Keeper of the Records, or his Deputy, with a view to the addition of Shepherd's house adjoining, when it could be obtained; the Keeper of the Records at the Tower, applied to that Board, and in the month of February 1815, met Sir Robert Moorsom, the Surveyor General of the Ordnance, for the purpose of inspecting the piece of ground in question.

In consequence of which, the Secretary to the Board of Ordnance soon afterwards informed the Keeper of the Records, that the Board had agreed to accommodate the Record Office with the ground required; and a plan was made by Mr. Robert Smirke for the fitting up of the Bloody Tower, and for adding two small rooms to the Record Office; which plan was laid before the Lords of the Treasury, and by their Lordships transmitted to the Board of Works, with orders for its immediate execution.

Ridgewell, the warder, who was in possession of the Bloody Tower, had, in the meantime, sold his warder's place, and with it his house, to one Clark, with an understanding, as the late Tower Major declared, that the exchange should take place; but on being required to give up his tower for the purposes of the alteration being made, and the key of the house in the Old Mint being offered to him, he refused to make the exchange, giving as a reason for his refusal, that there was an out-house in the court of the house offered to him, which had formerly been considered as belonging to it, but which had been taken possession of by the Tower Major, and let to a washerwoman.

Finding that it was not probable that this difficulty would be soon removed, the Keeper of the Tower Records requested Mr. Smirke to make an alteration in the plan, and arrange it so, that the addition to the office on the Ordnance ground might be made first, and the dwelling house added hereafter, whenever the Bloody Tower could be obtained; which building is so connected with the Octagon Record Tower, that it is very desirable, both on the score of accommodation, and for the greater security of the last-mentioned tower, that it should be annexed to the Record Office.

This reduced plan is now before the Lords of the Treasury; and the Keeper of the Records hopes that their Lordships will, ere long, give directions for its being carried into execution.

VII.

1st March 1819.

ARRANGEMENT AND CALENDERING OF CHANCERY PROCEEDINGS:

THE Index Locorum to the Bills and Answers of the reign of King James the First, is now completed, and is arranging in alphabetical order; as soon as that arrangement is made, it will be sent to the press, and will, probably be ready for publication with the first volume, containing the Index Locorum to the Bills and Answers of the reign of Queen Elizabeth, by the beginning of Michaelmas Term.

The Index Locorum to the Depositions in Chancery, transmitted from the Examiner's Office, has been continued, and is now complete, for the reigns of King Henry the Eighth, Edward the Sixth, and the greater part of Philip and Mary.

ARRANGEMENT OF STATE PAPERS:

The Chronological Arrangement of the antient Letters and State Papers, has been continued; and a selection of Letters, &c. during the reign of King Edward the Third, has been made for the new Edition of Rymer's *Fœdera*, in which work many of them have been already printed.

The Keeper of the Records in the Tower has lately received an order from the Lords Commissioners of His Majesty's Treasury, for the transmission to the Record Office of certain Documents, supposed to relate to the Forfeited Estates in Scotland, now remaining in the upper part of the State Paper Office, which is about to be taken down, but which are not in the charge of the Keeper of the State Papers; and has made an arrangement for the reception of them.

All which is submitted to His Majesty's Commissioners on the Public Records.

Sam. Lysons.

Appendix (K.)

Preface to the Lansdowne Catalogue.

Appendix,
(K.)
PREFACE
to the
LANSDOWNE
Catalogue.

THE Collection of Manuscripts which forms the subject of the present Catalogue, was purchased in 1807, by a vote of Parliament, of the representatives of the then late Marquis of Lansdowne, for the sum of £. 4,925.

It is divided into Two parts; the First division or class consisting of the Burghley Papers only; the Second, comprehending the remainder of the Manuscripts in general, including the Cæsar and Kennett Papers.

Of the Burghley Papers, one volume contains copies of Charters and other Documents of an early period; but the remainder, amounting to one hundred and twenty-one volumes in folio, consist of State Papers, interspersed with Miscellaneous Correspondence, during the long reign of Queen Elizabeth; and among these is the private Memorandum-book of Lord Burghley. The Burghley Papers descended from Sir Michael Hicke, Lord Burghley's Secretary, to his great grandson Sir William Hicke, who about 1682 sold them to Richard Chiswell, a stationer in London, who again disposed of them to the Reverend John Strype, Vicar of Low-Leighton, in Essex. On Strype's decease his representatives sold them to Mr. James West.—Strype, it need scarcely be added, had made an extensive use of these papers in his different works on English ecclesiastical history.—After Mr. West's death, they came into the possession of Lord Lansdowne.

To this part of the Catalogue, on account of the importance of the Papers, a separate Index has been added.

Of the remaining Manuscripts, in a series of more than fifty volumes, are comprised a large portion of the papers and correspondence of Sir Julius Cæsar, Judge of the Admiralty in Queen Elizabeth's time, and Chancellor of the Exchequer and Master of the Rolls in the time of King James the First and King Charles the First. Sir Julius Cæsar's Manuscripts, consisting originally of one hundred and eighty-seven volumes, were dispersed by auction in 1757, when nearly one-third of the collection was purchased, in single lots, by Philip Carteret Webb, Esquire; after whose death they were again purchased, together with other manuscripts, by Lord Lansdowne, at that time Earl of Shelburne. Of the volumes purchased by Mr. Webb, and now in the Lansdowne Collection, thirty-one relate directly or in part to Admiralty concerns; ten to Court of Request, Treasury, Star-chamber, and Exchequer business; three to ecclesiastical matters; two contain Copies of Treaties; one relates to the state and government of Ireland; and the rest are historical, parliamentary, &c.

The Papers of Dr. White Kennett, Bishop of Peterborough, extend through a hundred and seven volumes of different sizes; the greater part written by the Bishop's own hand. Of these, many relate to English ecclesiastical history, containing collections from ecclesiastical records, notes from cathedral and abbey registers, transcripts from old manuscript tracts and printed books, collections for the History of Convocations, &c. An immense volume, entitled, "*Diptycha Ecclesiæ Anglicanæ*" (*a*), contains an account of the regular succession of all the principal dignitaries of the different cathedrals of England and Wales, from the time of the Norman Conquest to the reign of King William III, together with an attempt at a series of the abbots, priors, and prioresses of different monasteries, alphabetically arranged; the whole abstracted from patent rolls, chartularies, chronicles, &c. Eleven volumes contain Bishop Kennett's Biographical Memorials, mostly of the English Clergy, from 1500 to 1717. Eight volumes contain collections for a Register and Chronicle of the Church of England, from 1660 to 1679 (*b*). Four volumes contain materials for an Ecclesiastical History of England from 1500 to 1717. Eight or ten contain collections for a History of the Diocese of Peterborough; and one is filled with Etymological (*c*) collections. Some of these manuscripts have been the materials for the Bishop's printed works; but the larger and more miscellaneous quantity, particularly in biography and local history, have been unused.

Exclusive of these larger series, the Lansdowne Collection of Manuscripts comprehends many valuable Works on different subjects.

In British History, Topography, and Jurisprudence, for the limited extent of the Collection, it is particularly rich; and here, a beautifully illuminated manuscript of Hardyng's Chronicle (*d*), as it was presented by its author to King Henry the Sixth, in the middle of his reign, deserves especial notice. It was formerly Sir Robert Cotton's; and differs from the printed copies of the Chronicle (which come down to King Edward the Fourth's time) so much as not even to admit of collation. Here also may be noticed, a fair transcript of the Chronicle of Andrew of Wyntown (*e*), "*A Collection of Laws, Statutes, Orders, Commissions, and Treaties, relating to*" the

(*a*) No. 935.

(*b*) A portion of these volumes, including the period from 1660 to 1663, was published in folio in 1728, under the title of the first volume of Bishop Kennett's "*Register and Chronicle*."

(*c*) No. 1033.

(*d*) No. 204.

(*e*) No. 197.

“ the Marches or Borders of Scotland, as made and agreed on by the respective Sovereigns of England and Scotland, from 1249 to 1597 (*f*); ” “ A Collection of Royal Proclamations, from the 19th of Henry VII to the 17th Cha. I (*g*), ” and three volumes of Original Correspondence (*h*), the first containing Letters written by royal, noble, and eminent persons of Great Britain, from the time of King Henry the Sixth to the reign of His present Majesty ; the second and third, Letters written by Foreign sovereign Princes, and other eminent strangers, during the sixteenth, seventeenth, and eighteenth centuries ; amongst the more important documents in the first of these volumes is the memorable Letter of Lady Jane Gray, as Queen of England, to the Marquis of Northampton, requiring the allegiance against what she calls “ the fayned and untrew clayme ” of the Lady Mary, bastard daughter to our great uncle Henry th’ eight of famous memorye.”

Three Portfolios contain original Letters written in the years 1655, 1656, 1657 and 1658, by various Persons, to Henry Cromwell, when chief governor of Ireland (*i*), being a part of those used by Dr. Birch, the editor of Secretary Thurloe’s State Papers ; two volumes of Papers also, formerly belonging to William Bridgeman, Esq. (*k*) under-secretary to the Earl of Sunderland in the time of King James the Second, and secretary to the Board of Admiralty in the time of King William the Third, contain the principal depositions taken before the Privy Council at the time of Monmouth’s rebellion. In Topography, exclusive of Mr. Warburton’s collections for Yorkshire (*l*), and a large and very curious assemblage of epitaphs and arms, drawings of monuments, painted glass, &c. chiefly collected by Nicholas Charles, Esq. Lancaster Herald in the time of James the First (*m*), are numerous abbey and other registers or chartularies. Amongst them are registers of the Priory of St. John of Jerusalem (*n*), of Harewood Priory in Yorkshire (*o*), of Lunda, Monk Bretton or Breton Priory, in the same county (*p*), of Gerondon in Leicestershire (*q*), of Malmesbury Abbey (*r*), of the Abbey of Melsa or Meaux, in Yorkshire (*s*), two registers of Chertsey Abbey (*t*), and one of the prebendal church of Edyndon in Wiltshire (*u*), Registers of the Almoner of St. Alban’s (*v*), and of the Infirmary of St. Edmundsbury Abbey (*w*) ; a Register of the muniments of Oriel College, Oxford, compiled in 1397 (*x*) ; a Register-book of the Archbishop of York, written about 1309 (*y*) ; and a rental of the Priory of Coventry (*z*). There is also a fragment of a Register of the Priory of Christ Church or the Holy Trinity, in London (*a*).

Five volumes contain Mr. Petyt’s Parliamentary collections (*b*), beside several other manuscripts relating to Parliamentary history and proceedings. There is likewise a very valuable treatise on the Court of Star Chamber, written in the time of King James the First and King Charles the First, by William Hudson, Esq. of Gray’s Inn (*c*) ; an antient transcript of the Testa de Nevil (*d*) ; numerous manuscripts of the “ Antiqua ” and “ Nova Statuta ” (*e*), and fifteen volumes of selections from the Patent Rolls in the Tower of London (*f*). Above fifty volumes contain Reports of Law Cases, from the time of King Henry the Eighth to the time of King Charles the First (*g*), beside numerous other volumes of Law collections, readings, entries, pleadings, &c.

The Heraldical and Armorial manuscripts in this Collection are rather numerous, by Segar, Lee, the St. Georges, Dugdale, Harvey, Le Neve, &c. together with a curious volume of papers, chiefly of the 15th century, illustrating the institutions of Chivalry in England, the greater part of which once belonged to Sir John Paston, of Norfolk (*h*). There are also several manuscripts relating to Coronations (*i*).

Upon Coin and Coinage there is a valuable Work, which seems to have been intended for publication by its author, entitled, “ Brief Memoires relating to the Silver and Gold Coins of England, with an account of the “ corruption of the hammer’d Moneys, and of the Reform by the late grand Coyage at the Tower and the Five “ Country Mints, in the year 1696, 1697, 1698 and 1699 ; ” by Hopton Haynes, Esq. Assay Master of the Mint, A. D. 1700 (*k*).

In Biblical learning, the Lansdowne collection possesses two volumes of particular interest. One is a fine manuscript of part of the Old Testament in English, as translated by Wicliffe (*l*) ; the other is a volume, elegantly written on vellum and illuminated, containing part of a French Bible, translated by Raoul de Presle or Praelles, at the command of Charles the Fifth of France (*m*) ; a version of extreme rarity even in that country. Among the few manuscripts in Theology also are five volumes of Saxon Homilies, transcribed by Mr. Elstob and his sister (*n*).

Of Classical Manuscripts, there are copies of Cicero “ de Rhetorica ” and “ de Officiis ” (*o*) of the fifteenth century ; a copy of Martial of the fourteenth (*p*) ; Virgil (*q*), Suetonius (*r*), and the works of Boethius (*s*) of the fifteenth ; a manuscript containing part of Horace, with the Satires of Juvenal and Persius, which formerly belonged to Matthias Corvinus, king of Hungary, of the fifteenth century (*t*) ; a fac-simile of the celebrated Virgil in the Vatican Library, made by Bartoli in 1642 (*u*). There is also a French translation of the first ten books of Livy, by Pierre Berceure or Bercheur of the fourteenth century (*v*).

In

- (*f*) No. 263. (*g*) No. 198. (*h*) No. 1,236—1,238. (*i*) No. 821, 122, 823. (*k*) No. 1,152. (*l*) No. 886—918.
(*m*) No. 263. (*n*) No. 280. (*o*) No. 391. (*p*) No. 405. (*q*) No. 415. (*r*) No. 417. (*s*) No. 424.
(*t*) No. 434, 435. (*u*) No. 442. (*v*) No. 375. (*w*) No. 416. (*x*) No. 386. (*y*) No. 402. (*z*) No. 400.
(*a*) No. 448. (*b*) No. 511—515. (*c*) No. 622. (*d*) No. 257. (*e*) See No. 467, 478, 575, 652, 1,174, 1,176.
(*f*) No. 287—301. (*g*) No. 1,058—1,114. (*h*) No. 285. (*i*) See No. 278, 284, and 317. (*k*) No. 801.
(*l*) No. 454. (*m*) No. 1,175. (*n*) No. 370—374. (*o*) No. 831, 832. (*p*) No. 837. (*q*) No. 835.
(*r*) No. 838. (*s*) No. 842, a, b. (*t*) No. 836. (*u*) No. 834. (*v*) No. 1178.

In Poetry, beside two beautiful manuscripts of the fifteenth century on vellum, one containing the Sonnets of Petrarch (*w*), the other the Comedia of Dante (*x*), is a very fair and perfect copy, also on vellum, of the Canterbury Tales of Chaucer (*y*), written about the reign of Henry the Fifth; in the initial letter of which is a full length portrait of the author. In this department of literature also may be named, a volume, partly on vellum and partly on paper (*z*), containing a collection of the poems of John Lydgate, monk of Bury, many of which have never been printed; an unpublished poem by Skelton, entitled, "The Image of Ypocresye (*a*), believed to be the author's autograph; and a translation by Hugh of Caumpeden, of "The History of King Boccus and Sydracke the philosopher (*b*).

There is likewise a Volume containing near twenty very interesting Treatises on Musick of the fifteenth century (*c*), originally belonging to John Wylde, precentor of Waltham Abbey, and afterwards to Thomas Tallys, organist to king Henry the Eighth; a manuscript which has been particularly commented upon by Sir John Hawkins and Dr. Burney, in their respective Histories of Musick.

Among articles of a miscellaneous nature may be noticed eleven volumes of the Papers of Dr. John Pell (*d*), Envoy from Oliver Cromwell to the Protestant Cantons of Switzerland, between 1654 and 1658; five volumes of Sir Paul Rycaut's papers (*e*), containing not only Letters, &c. of a public nature, while Sir Paul Rycaut was secretary to the Earl of Clarendon in Ireland, in the reign of James the Second, but also his Letters and Papers relating to public transactions while resident at Hamburgh and the other Hanse Towns; three volumes of the Earl of Melfort's Letters during his negotiation at Rome in 1690 (*f*); a volume of original Letters from Mr. Thomas Hearne, of Edmund Hall Oxford, to Mr. James West, principally on subjects of literature (*g*), and two volumes of a Diary kept by Humphrey Wanley, of occurrences relating to the Earl of Oxford's library and collections, whilst under his care, from 1715 to 1726 (*h*); a Chinese Map of the country of China (*i*); a hundred Views in the interior (*k*), and a hundred and eighty-two Drawings of the different trades, plants, fruits, and vessels of that country (*l*), all executed by native artists of the first ability, complete the present enumeration.

It may be proper to add, that the Burghley Papers, with a very large portion of the numbers in the second part of the present volume, were catalogued by Francis Douce, Esq. the late Keeper of the Manuscripts in the British Museum. The remainder, including the Cæsar and Kennett Papers, with about two hundred other volumes, together with the revision of the whole of the Second Part, was made by the present Keeper of the Manuscripts.

British Museum,
March 15th, 1819.

Henry Ellis.

Appendix (L.)

Prefaces to the Second and each successive Volume of Statutes.

(L. 1.) PREFACE TO THE SECOND VOLUME OF STATUTES.

THIS Second Volume of the STATUTES OF THE REALM, contains the Statutes from the commencement of the reign of Richard II, to the end of the reign of Henry VII, A. D. 1377 to A. D. 1503-4.

In the Introduction to the First Volume (*a*), it is stated, generally, that the Statute Rolls in the Tower of London, include the period from 6 Edward I, to 8 Edward IV, with an interruption after 8 Henry VI, until the 23d year of that reign inclusive; and that, though the latest Statute Roll now known to exist, is that of 8 Edward IV, there is evidence that Statute Rolls have existed of subsequent periods, until 4 Henry VII inclusive; after which time, the Public Acts were printed from the several Bills passed in Parliament, and not as part of one General Statute drawn up in the antient form. In the same Introduction (*b*), it is mentioned, that the Statutes of Richard III, were printed, in his reign, in French; and that the Statutes of 1 and 3 Henry VII, in French, are found in some Manuscripts.

The general principles laid down in that Introduction, with respect to the sources from which the Text of the Statutes is printed in this Collection, have been pursued, without variation, in the present Volume; but a more

- (*w*) No. 787. (*x*) No. 839. (*y*) No. 851. (*z*) No. 699.
 (*a*) No. 794. (*b*) No. 793. (*c*) No. 763. (*d*) No. 745—755. (*e*) No. 1153. (*f*) No. 1163. (*g*) No. 778.
 (*h*) No. 771, 772. (*i*) No. 1241. (*k*) No. 1243. (*l*) No. 1242, 1244.
 (*a*) Chapter III, sect. II, pa. xxxiv—v. (*b*) Chapter IV. sect. I. page xli.

more detailed and explanatory Statement appears requisite to be here given, with relation to the Statutes of the several years after 8 Henry VI, to 23 Henry VI, and from 12 Edward IV, to 4 Henry VII. The Acts of 7 Henry VII, and all the subsequent years, are printed from undoubted authority, the Inrolment of the Acts on the Parliament Roll in Chancery; and, in instances where that is mutilated or deficient, from the Original Bills or Acts passed in Parliament, and preserved in the Parliament Office, from the 12th year of Henry VII, (*c*).

Appendix,
(L.)
PREFACES
to the
STATUTES.

(L. 1.)
Preface to the
Second Volume.

The French Text of the Statutes, from 9 to 20 Henry VI, both inclusive, is printed in this Volume (*d*), from Transcripts of the Statutes of those years, preserved in the Tower of London, and apparently made for the purpose of being exemplified or transmitted by writ for contemporary promulgation. Whenever more than one transcript of the Statute of any year has been preserved, of which several instances occur, all the transcripts have been compared with each other; the most correct transcript has been printed as the Text, with Notes of Amendment, where necessary, from the other transcripts. In the editions by Hawkins, Cay, and succeeding Editors, the French Text of the several Statutes of these years was printed with a general reference to "Rot. Orig. in Turr. Lond." without adverting to the nature of the Roll so quoted; which appears on examination to have been, in each instance, one of the Transcripts above referred to, but frequently not that which is the most correct. Notes of amendment of the existing Translation of the Statutes of these years are inserted, from the Parliament Roll, in all instances where the Bills or Acts are found entered thereon in English.

The French Text of the Statute, 23 Henry VI, is printed from the Cotton Manuscript, Nero C. I. from whence it was first printed by Cay. This Text has been compared with the entries on the Parliament Roll, of such Bills or Acts as are there entered in French, as also with the entry of the whole Statute in French, in Liber XI, in the Exchequer at Westminster, and with the old Printed Copies; and Notes of Amendment inserted were requisite. From the entries of such Bills or Acts on the Parliament Roll, as are in English, notes have been made for amendment of the translation (*e*).

From the beginning of the 12th to the end of the 22d of Edward IV, the French Text of the Statutes, as printed in Cay's and subsequent Editions, was stated to be taken from the same Cotton Manuscript. But on examination of the Text in that Manuscript, it appears to be very incorrect, and by no means to tally with the Copy so professed to be printed therefrom. There is good reason to conclude, that the French Text of the Statutes of these years was in fact printed by Cay, not from the Manuscript quoted, (which, though probably seen, was not accurately examined by him;) but from the earliest printed Edition of the Statutes, by Maclinia (about 1482:) for it is observable, that almost all the errors and omissions which actually exist in the Cotton Manuscript, are corrected and supplied in that early printed edition, with which the printed copy in Cay agrees in almost every particular. It is also to be observed, that the edition of the Statutes, printed by Pynson (about 1498,) is generally incorrect in the Statutes of those years, in the very same instances as the Cotton M.S.; while Maclinia's edition bears internal evidence of having been printed from the most authentic source, viz. a Statute Roll made up and translated into French from the English Bills entered on the Parliament Rolls; with which the French Text of that edition agrees in most instances to a great degree of nicety.

On having recourse to the entry of the Statutes of these years, in French, in Liber XI, in the Exchequer at Westminster, the text there appears in general much more correct than that of the Cotton Manuscript, and to agree more nearly with the earliest Printed Editions. This text has therefore been now printed (*f*), with some notes of amendment from the Cotton Manuscript, and with many more from the Petyt Manuscript, No. 8, in the Library of the Inner Temple; which latter is of great accuracy and value, although not on the whole, in this instance, equal to the Exchequer Book. Where these manuscripts, (and others which have been consulted on the occasion, but without advantage, and therefore not necessary to be here quoted) are deficient, the oldest printed copies have, in general, supplied the desired reading: yet, finally, some instances occur in the French text of the Statutes of these years, in which all the copies, manuscript and printed, are equally deficient.

The English Text of the Statutes of this period, from 12 to 22 Edw. IV, has always been printed in the several editions of the Statutes, in the form of a Translation, made from the French Text, as contained in the old printed copies, sometimes from the earliest and best copies, sometimes from the later and more incorrect. This English Text, therefore, has now been printed, in this as in preceding years, with notes of amendment from

(*c*) In the introduction to Volume I, chapter III, sect. 11, page xxxvii, it is stated that "some Petitions and Bills, previous to 12 Henry VII, are in the Tower of London, but in no regular series." An arrangement of these Bills and Petitions has been lately made; the earliest are of the 29th and 33d years of Edward I, to which latter year belong the Petitions inserted in the Appendix to the first volume of the printed collection of Rolls of Parliament, &c. page 460; there attributed to uncertain years in the reigns of Edward I and II. There are also several Petitions in the reigns of Edward I, II, and III, the dates of which have not been ascertained; of others, the dates are known; among which, in 9 Edward II, is the original Petition of the Clergy, on which was framed the Statute of that year, usually cited as "Articuli Cleri." In the reigns of Richard II, Henry IV, V, and VI, and Edward IV, although the Series is by no means either regular or complete, there are several bundles of Petitions, private as well as public; the latest being of the 17th year of Edward IV. Upon many of these Petitions, which are not inserted in the printed collection of the Rolls of Parliament, there appear memoranda and indorsements, affording considerable information on the mode of drawing up and passing Acts, and framing the Statute Roll.

(*d*) See page 263 to 325 of this volume, and the Notes subjoined to the Statutes of each year.

(*e*) See page 326 to 343 of this volume, and the Notes there.

(*f*) See page 43: to 476 of this volume, and the Notes there.

from the Bills or Acts, which during this period are uniformly entered on the contemporary Parliament Roll in English. The otherwise incurable deficiencies in the French text are thus also remedied, by reference to that source from whence the Statute must have been originally framed.

The Statute passed in the reign of Richard III, and the Statutes of 1, 3, and 4 Henry VII, require especial notice, as the several Printed Editions of these Statutes differ from each other in certain particulars; and a material alteration in the mode of printing them has been introduced in this collection.

The earliest Printed Editions of the Statute of Richard III contain the text of the Statute in French. All editions in English, previous to that by Pulton in 1618, contain a translation of the Statutes from that French text. In Pulton's and subsequent editions, some, but not all, of the Acts contained in the Statute, are printed from the Inrolment in Chancery. These differ, particularly in their preambles, from the correspondent chapters of the old English translation of the Statute: and thus there appear conflicting printed texts of certain parts of the Statute of this reign. In the present volume (*g*), the French text of this Statute has been printed from Liber XI in the Exchequer at Westminster, which, in general, is exceedingly correct, and correspondent with the oldest printed editions. Notes of amendment, where requisite, have been made from the Petyt Manuscript before referred to, and from the old printed copies. For the English text, all the Bills or Acts, corresponding to the several chapters of the Statute, are now printed from the Inrolment in the Parliament Roll of this year, being the earliest Inrolment of Acts preserved at the Chapel of the Rolls; with such notes from the old English translation of the correspondent chapters of the Statute, as are requisite to produce a corrected translation of the French Statute.

The Statutes of 1 and 3 Henry VII, (being the first and second Parliaments of that King) appear to have always hitherto been printed in the complete form of Statutes, in English (*h*), and are so entered in Liber XI, in the Exchequer at Westminster. In the editions by Hawkins, Cay, &c. one chapter (the 9th) of the 3d year is printed from the Inrolment in Chancery, which, in a note to that chapter in Hawkins, is termed "the Statute Roll in the Rolls Chapel." But in the present volume (*i*), a French text of these Statutes has been for the first time printed, taken from the Petyt Manuscript in the Inner Temple Library, with notes of amendment from the Hatton Manuscript 10. in the Bodleian Library at Oxford; these being the only manuscripts yet discovered which contain the Statutes of those years in French. The general agreement of this French text with the printed editions in English, affords evidence that the Statutes of those years were framed in French, in like manner as in the reign of Richard III, and preceding reigns. The commencement of the French Statute, and a short chapter recognizing the King's title, in conformity with the Act for that purpose, as inrolled on the Parliament Roll, but not contained in the printed English copies of the Statute, afford further evidence that this French text was copied from some Statute Roll framed, at the time, from the several Original Acts so inrolled; and which evidence is, in some instances, corroborated by the superior accuracy of the French text over the old English copies. It is observable, that the last Act of the 1st year, (chapter 10) respecting the Merchants of Italy, and that of the 3d year, (chapter 16) respecting certain suits then depending in the names of Trustees outlawed, are not inserted in the French text of the Statutes; probably because they were not considered as Public Acts. For the English text, all the Bills or Acts, correspondent to the several chapters of the Statutes, are now printed from the Inrolment on the Parliament Roll, (in conformity with the method pursued in the Statute of Richard III) with notes of the variations in the Exchequer Book, and the old Printed Copies.

The statute of 4 Henry VII (the third Parliament of this King) has always been printed in English, in the complete form of a Statute, and is so entered in Liber XI in the Exchequer at Westminster, and in the Hatton Manuscript before referred to; in which latter, the Statutes of the first and third years, as has been noticed, are entered in French (*k*). This is the most exact evidence hitherto obtained of the precise period at which the change took place in the language used in framing the Statutes. From what source the earliest copies of this Statute were printed, or the existing manuscripts transcribed, cannot now be ascertained. They are valuable, as affording the latest evidence of the Statute being made up in the antient form, and the printed copies have been in general use as evidence of the Statute of that year; the Statute is therefore now printed (*l*) from the entry in the Exchequer Book, in the column appropriated, in former reigns, to the Statute Text; and in the opposite column, formerly appropriated to the Translation, are printed the Acts inrolled in the Parliament Roll of this year, which correspond to the several Chapters of the Statute; this Inrolment being the evidence of those Acts, as passed in Parliament, although they have not heretofore been inserted from that source in any former printed collection of Statutes. It will be seen that several Clauses, or Provisoes, in favour of particular Persons, are contained in these Acts, which are not inserted in the Statute as entered in the Exchequer Book, nor printed in any Edition of the Statutes; these are, therefore, printed in a smaller type.

The completest copy which existing Records or Manuscripts can now afford, is thus given, as well of the Statutes of Richard III, and 1, 3 and 4 Henry VII, as of the several Bills or Acts on which those Statutes were respectively

(*g*) See page 477 to 498, and the Notes there.

(*h*) As to Abridgments in French of the Statutes of Henry VII, and also of Henry VIII, see Introduction to Vol. I, chapter 1, sect. 1.

(*i*) Page 499 to 523 of this Volume, and the Notes there.

(*k*) The Petyt MS. ends with the Statute 3 Henry VII.

(*l*) See page 524 to 548 of this Volume, and the Notes there.

respectively framed; these latter operating as a translation and amendment, where requisite, of the French text, in the years when the Statute is in French, and being also the highest evidence of the general authenticity of the Statute, as inserted in the early Printed Editions, or now first printed from the Manuscripts above quoted.

Appendix,
(L.)
PREFACES
to the
STATUTES.

(L. 1.)
Preface to the
Second Volume.

After this period, such of the Acts of each session as have been considered as Public, have always been inserted, either at length or abridged, in the several Printed Collections, in separate Chapters, unconnected by any authentic Statute form. These were printed, in some instances, from the Inrolment in Chancery; and in others, in and after 12 Henry VII, from the Original Acts preserved in the Parliament Office at Westminster.

In this Volume, the Acts of 7 Henry VII, and every subsequent year of his reign, are now uniformly printed from the Inrolment on the Roll of Parliament in Chancery; compared, after 12 Henry VII, with the Original Acts in the Parliament Office, whenever such are still preserved. From the beginning of this seventh year till the end of the reign of Henry VII, the Inrolment in Chancery is the only substitute for the Statute Roll; but it does not make any marked distinction between such Acts as are to be considered Public, and therefore proper to be inserted in the Statute Roll, and such as are Private, or not to be considered as part of the General Statute of the year. Many Acts heretofore printed, in the collections of the Acts of those years, are merely of a private nature; and on the contrary, some omitted to be so printed, are manifestly of Public Concern; it has therefore been judged proper, that all the Acts which appear on the Inrolments of these years should be printed; such of them as have never been before inserted in any Collection of the Statutes, being distinguished by being printed in a smaller type.

It happens, in some instances, that Acts not included in the Statute of the year in which they were passed, and therefore not printed in this or any other Collection of Statutes, are, nevertheless, referred to by subsequent Statutes, or by Acts inrolled in Chancery. In these cases, reference is made to the Entry of the Act referred to, on the Parliament Roll of the year in which it was passed. An early instance of this nature occurs 31 Henry VI, chapter 7; and many similar references appear in those Acts of the latter part of the reign of Henry VII, which are now, for the first time, printed. An Engraving is prefixed to page 1 of this Volume, presenting a fac simile of the Statute Roll, which begins with 1 Richard II, now preserved in the Tower of London; and at page 477, there is inserted an Engraving of the beginning of the entry of the Statute 1 Richard III, in French, in the Exchequer Book at Westminster, from whence that Statute, and others, have been printed in this Volume.

London,
25th March 1816.

T. E. Tomlins,
W. E. Taunton,
Sub-Commissioners.

(L. 2.) PREFACE TO THE THIRD VOLUME.

THIS Third Volume of the STATUTES OF THE REALM contains the Acts from the beginning to the end of the reign of King Henry VIII, A. D. 1509-10 to A. D. 1545 (*a*), printed from the Inrolment on the Rolls of Parliament in Chancery, when the Acts are found entered thereon. In default of such Inrolment, all Acts, which are contained in any former printed collection of the Statutes, are here printed from the Original Bills or Acts preserved in the Parliament Office (*b*). In two instances only, where the Inrolment and the Originals are both deficient, recourse has been had to another authentic source, and to the earliest Printed Collections (*c*). In every instance where an Act is not printed from the Inrolment on the Roll of Parliament, as specified at the commencement of each year, a note is annexed, referring to the source from which it is printed.

(L. 2.)
Preface to the
Third Volume.

From the first year to the end of the twenty-eighth year, all the Acts, whether heretofore printed or not, which appear on the Inrolments of those years, are now printed; such Acts as were not heretofore printed, being distinguished by a smaller type, in conformity with the plan pursued through the seventh and subsequent years of King Henry VII, in the Second volume of this Work.

In the thirty-first year, when the distinction between Public and Private Acts is first specifically stated on the Inrolment, and in all the following years, such Acts only are printed in this volume, as are so specified to be Public Acts, or as have been uniformly inserted in, or referred to, as such, in Sessional and other Printed Collections of Statutes. The Act now inserted as Chapter LI, of 32 Henry VIII (*d*), enabling Kings of England to make Jointures on their Queens, is the only exception to this rule: that Act is printed from the Inrolment in Chancery, as being decidedly distinct in its character from all the other Acts of those years not heretofore printed.

All Acts here printed from the Inrolment in Chancery, have been compared with the Original Acts in the Parliament Office, whenever any such still exist. Of the Acts passed in the two Sessions, one holden in the fourteenth

(*a*) For the Title of the only Act passed in the 38th year, A. D. 1546—7, see the last Articles in the Chronological Table immediately following this Preface, and the Note there.

(*b*) The first Act printed wholly from the Original, not being inrolled, is 32 Hen. VIII, c. 49, p. 809. In 5 Hen. VIII, c. 19, p. 120, certain Letters Patent referred to in the Act are not inrolled; and in 7 Hen. VIII, c. 11, p. 203, the Roll is mutilated and ends abruptly. These two latter Deficiencies are supplied from the Original Acts.

(*c*) See 37 Hen. VIII, c. 12, p. 999, and c. 25, p. 1019. (*d*) See p. 824 of this volume.

Appendix,
(L.)
PREFACES
to the
STATUTES.

(L. 2.)
Preface to the
Third Volume.

fourteenth and fifteenth years (*e*), and the other in the twenty-first year (*f*); no Originals are preserved, nor are any Acts of those Sessions noticed. In the Calendars or Journals now existing at the Parliament Office: Several of the Original Acts of other Sessions are also wanting there. It will be seen, that instances continually occur in which amendments of the Inrolment are suggested from the Original Acts; and sometimes, though rarely, errors in the Original Acts have been amended in the Inrolment (*g*). Where any manifest error or deficiency appears to exist, both in the Inrolment and the Original, recourse has been had to the Printed Copies, which, not unfrequently, substitute a corrected reading in the place of an erroneous one; when that is not the case, an amendment is suggested by a note (*h*).

All such Acts as are printed, either from the Inrolment where no Original Act exists, or from an Original Act which is not inrolled, have been compared with the Printed Copies, and the variations noted; except in cases where the printed copies are manifestly erroneous, or the variations are wholly unimportant.

The Titles of the Acts as inrolled in Chancery during the period contained in this Volume, differ from those on the Original Acts; and in the Calendars in Chancery and in Parliament, there are still further differences. In the Chronological Table following, it has been thought sufficient to notice those Titles only which appear on the Inrolment and on the Original Acts. The Title prefixed to each chapter, in the body of the work, is that which is inserted in the margin of the Roll at the beginning of the Act, in all cases where any such appears. Sometimes a List of the Acts is given at the commencement of the Roll, with Titles differing from those in the margin of the entry of each Act; and sometimes where a List is so given, no Titles are inserted in the margin: in this latter case, the Titles in the List are also prefixed to each Chapter as printed. The Titles of the Acts which are printed from the Originals, are those which are generally indorsed on, but sometimes written at the head of, such Original Acts.

Tables of the Titles of the Acts of each Session have been printed in the modern editions of the Statutes, distinguishing them into Public and Private Acts; including, in the first description, all such as have been printed in Sessional and other Collections of Statutes, and considering as Private Acts all such as have not been so printed. These Tables have, on examination, been found inaccurate in many instances; as well in inserting the Titles of Acts under improper years, as in inserting Titles not justified by any existing Acts, and omitting the Titles of some Acts actually passed. The ensuing Chronological Table refers to all the Acts of each Session, whether printed or not, which are either inrolled in Chancery or preserved among the Original Acts, or which, though not now so enrolled or preserved, yet are specifically stated in the Journal of the House of Lords to have received the Royal Assent. In this Table are inserted not only the number of the Chapters, but also the numbers entered on the Inrolment of the several Acts in Chancery, and upon the Original Acts in Parliament: In many instances the Original Acts are preserved in the Bundles, and referred to by the Calendars, of improper years, and are referred to by this Table accordingly. The Chapters of the Acts heretofore printed, are numbered according to the uniform series in former printed collections of the Statutes; the Acts, now first printed, are numbered, in the volume and the Table, in a succession of Chapters, after the other Acts heretofore printed; and of all such Acts, in and after 31 Henry VIII, as are not so printed, the Titles are inserted in the Table in a like Succession.

Two Engravings, one of the commencement of the Roll in Chancery of 31 Henry VIII, and the other of the first Act entered on that roll, are inserted at pages 717 and 718 of this Volume.

London, 1st January 1817.

T. E. Tomlins.

W. E. Taunton.

Sub-Commissioners.

(L. 3.) PREFACE TO THE FOURTH VOLUME.

(L. 3.)
Preface to the
Fourth Volume.

THIS Fourth Volume of the STATUTES OF THE REALM, contains the Acts from the beginning of the reign of King Edward VI, to the end of the reign of King James I. A. D. 1547 to A. D. 1624, printed from the Inrolment on the Rolls of Parliament in Chancery, when the Acts are found entered thereon; in default of such Inrolment, all Acts which are contained in any former Printed Collections of the Statutes are here printed from the Original Bill or Acts preserved in the Parliament Office. In three instances, when the Inrolments and the Originals are both deficient, recourse has been had to the early printed collections. These are, 18 Eliz. chap. XXIII, the Lay Subsidy; 23 Eliz. chap. XVI, the Pardon; and 39 Eliz. chap. XXVI, the Subsidy of the Clergy. In every instance where any Act is not printed from the Inrolment in the Rolls of Parliament, specified at the commencement of each year, a note is annexed, referring to the source from whence it is printed. In one year, 18 Jac. I, it has happened, that the deficiency arising from the non-inrolment of the two Subsidy Acts could not be supplied by the original Acts, nor by any Manuscript or Printed Copy, although very diligent searches were made for the purpose.

All such Acts as, during the period above particularized, are found entered in any List of Public Acts at the head of the Inrolment in Chancery, or as have been uniformly inserted or referred to as such in Sessional or other printed collections of Statutes, are printed in this Volume. In addition to these, some Acts have been now first printed from the Inrolment in Chancery, which seemed deserving of a place in this collection: these are distinguished

(*e*) See p. 206 & seq.

(*f*) See p. 282 & seq.

(*g*) See 25 Hen. VIII p. 465, n. 6—26 H. VIII, c. 3, p. 496, n. 4, c. 19, p. 518, n. 1.

(*h*) For material amendments afforded by the printed copies, see 21 Hen. VIII, c. 3, p. 284.

distinguished by a smaller type, in conformity with the plan in former volumes. They are only seven in number ; viz. 1 Eliz. chap. XXIII, for the Restoration of Queen Elizabeth in Blood, and declaring her inheritable to her Mother ;—chap. XXIV, for annexing certain Religious Houses to the Crown :—5 Eliz. chap. XXXII, for defraying the Charges of the Royal Houshold :—8 Eliz. chap. XXI and XXII, relative to the manufacturing Alum, Copperas and Salt :—23 Eliz. chap. XVII, for abolishing the Tenure of Gavelkind, in Exeter ; and 27 Eliz. chap. XXXI, for the Government of the City of Westminster.

The same method has been pursued in comparing the Inrolment in Chancery with the Original Acts in the Parliament Office, and with the Printed Copies, as was adopted in printing Vol. III, and which is fully explained in the Preface to that Volume.

It is hoped that the marginal notes in this Volume will not be found less satisfactory or complete than those in Vol. III, although prepared by only one of the Sub-Commissioners engaged in the superintendence of that Volume.

This Volume is divided into two parts, on account of its size, in like manner as Vol. I, of the New Edition of Rymer's *Fœdera*.

London, 25 March 1819.

T. E. Tomlins.

Appendix,
(L.)
PREFACES
to the
STATUTES.

(L. 3.)
Preface to the
Fourth Volume.

(L. 4.) PREFACE TO THE FIFTH VOLUME.

THE Fifth Volume of the STATUTES OF THE REALM contains the Statutes from the commencement of the reign of King Charles I, A. D. 1625, to the end of the thirty-second year of the reign of King Charles II, A. D. 1680.

(L. 4.)
Preface to the
Fifth Volume.

In conformity with the Plan laid down in the Introduction to the First Volume, and pursued in the subsequent volumes, certain Acts which are not to be found on the Inrolment in Chancery, have been printed from the original Bills or Acts preserved in the Parliament Office ; and in every instance where an Act is not printed from the Inrolment in Chancery, a note is annexed, stating, that it has been printed from the Original Act ; and the number of the Act in the Bundle of Acts at the Parliament Office is referred to in the margin.

It is obvious, that in such cases the numbers of the Chapters could not be preserved uniformly with the numbers of the Chapters in the common printed editions ; but it has been thought right to preserve the usual arrangement of Chapters in conformity with those editions, whenever it could be done. In the 18 & 19 Car. II, p. 601, and in the 19 & 20 Car. II, p. 624 and p. 630, that arrangement will be found to be broken ; the reason for which is stated in a note at the bottom of those pages respectively.

As the important uses for which this Collection of the Statutes has been prepared must depend wholly upon the accuracy with which each particular Statute has been compared with the Record, of which it professes to be a copy ; a short Statement of the means employed for this purpose, in this and the subsequent Volumes, will shew what degree of confidence may be placed in their authenticity.

The MS. Copy of the Acts contained in each Volume is, in the first place, collated with the Inrolment in Chancery ; or, if the Act be not inrolled there, with the Original Act in the Parliament Office, by competent persons employed for that purpose, and is then delivered to the undersigned Sub-commissioner, by whom this and the subsequent Volumes are prepared for the press. The same Copy, with the addition of the Marginal Notes framed by him, is then delivered to the King's Printer, and the sheets, as worked off are sent, together with a due proportion of the copy, from the King's Printer's office, to the collator, to be examined by him ; and the revises are then collated by him at the Parliament Office with the Original Act ; and the variations, if any, noted and returned to the Sub-commissioner. The Sub-commissioner thereupon finally collates the same with the Record ; and the sheets, upon such final collation, are printed off. Where any manifest error or deficiency appears to exist, both in the Inrolment and in the Original Act, recourse has been had to the King's Printer's copy, and the variation stated in a note, in each respective case, at the bottom of the page.

The Chronological Table to this Volume is framed upon the principle adopted in the preceding Volumes ; but the Titles of the Acts on the Inrolment in Chancery and in the Parliament Office agreeing, except in very few instances, it has not been deemed necessary to repeat them. They are stated therefore in one column, in the words in which they appear on the Inrolment in Chancery, and the variations are referred to in a note as they occur.

In the Index to this Volume the several matters contained in the Statutes comprized in it are classed under General Heads ; and the substance of the Enactment of each Statute, and of each Section, if the Statute contain two or more Sections, is succinctly stated, proceeding under each head chronologically ; and in order to show the present state of the Law on each respective head where any alteration of the law has taken place, references are inserted to the amending or repealing Act immediately after the statement of the particular Statute or Section containing the original Enactment.

Two Engravings ; one of the Petition of Right, 3 Charles I, and the other of the Act for a perpetual Anniversary Thanksgiving on the nine-and-twentieth day of May, 12 Charles II, are inserted respectively at pages 23 and 237 of this Volume.

London, March 1819.

John Raithby,
Sub-Commissioner.

(L 5.) PREFACE TO THE SIXTH VOLUME.

Appendix,
(L.)
PREFACES
to the
STATUTES.

(L. 5.)
Preface to the
Sixth Volume.

THE Sixth Volume of the STATUTES OF THE REALM contains the Statutes from the commencement of the reign of King James the Second, A. D. 1685, to the end of the 6th and 7th years of the reign of King William and Queen Mary, A. D. 1694.

This Volume has been printed, and the Chronological Table and Index have been framed, in strict conformity with the principles referred to in the Preface to the Fifth volume ; and it is therefore unnecessary to repeat them here : It may however be proper to mention, that although Queen Mary appears to have died between the passing of the Statutes Chapter II and Chapter III of the 6th and 7th years of the reign of King William and Queen Mary, yet the heading is continued throughout those years " 6 & 7 Gul. & Mar." as the Record affords no authority for breaking the year ; indeed it seems probable, had the attention of the Legislature at that time been called to the subject, that the Statute which now stands as Chapter III, 6 & 7 William and Mary, would have followed a corresponding heading upon a new Parliament Roll, as Chapter I, 1 William III. ; as it is obvious that no year or chapter from the last act of the reign William and Mary could have been correctly designated as a continuing year or chapter of the reign of William the Third.

Three Engravings ; the First, of the Act for removing and preventing Questions and Disputes concerning the assembling and sitting of the then present Parliament, 1 William and Mary ; the Second, of the Act for establishing the Coronation Oath, 1 William and Mary ; and the third, of the Act for recognizing King William and Queen Mary, and for avoiding all Questions touching the Acts made in the Parliament assembled at Westminster the 13th Feb. 1688, 2 William and Mary, are inserted respectively at pages 23, 56, and 156 of this Volume.

London, March 1819.

John Raithby,
Sub Commissioner.

Appendix, (M.)

Appendix (M.)

DISSERTATIONS ON DOMESDAY.

GENERAL INTRODUCTION

TO

Domesday.

I.—Formation of the Record.

Sect. 1.—Name.

DOMESDAY BOOK, one of the most antient Records of England, is the Register from which Judgment was to be given upon the value, tenure, and services of Lands therein described.

Other Names by which it appears to have been known, were, *Rotulus Wintoniæ* (a), *Scriptura Thesauri Regis* (b), *Liber de Wintonia* (c), and *Liber Regis* (d). Sir Henry Spelman adds, *Liber Judiciarius*, *Censualis Angliæ*, *Angliæ Notitia & Lustratio*, and *Rotulus Regis* (e).

Sect.

Appendix
(M.)
DISSERTATIONS
ON
DOMESDAY.

I.
Formation of
the Record.

§ 1. Name.

(a) Ingulphus. ed. Gale, p. 79. See also Placit. Abbrev. 1 R. Joh. Suff. rot. 7. Ibid. 11 R. Joh. Linc. rot. 6. in which last reference it is said: "Preterea idem Robertus ponit se super *Rotulum Wintoniæ* quod terra illa pertinet a Conquestu Angliæ ad feudum quod ipse habet tenere in capite de Domino Rege."

(b) Registr. Mon. Abend. MS. Cotton. Brit. Mus. Claud. B. vi. fol. 150. Stow, Annals, p. 118. fol. Lond. 1631, tells us, "The Booke of Bermondsey saith this Book was laid up in the *King's Treasure* (which was in the Church of Winchester or Westminster,) in a place called *Domus Dei*, or God's House, and so the name of the booke, therefore called *Domus Dei*, and since shortly *Domesday*."

(c) Domesd. tom. i. fol. 332 b.

(d) Registr. Mon. de Bello in agro Sussex. MS. Cotton. Domit. A. ii. fol. 13 b. 17 b.

(e) Glossar. in v. DOMESDAY. The author of the *Dialogus de Scaccario* gives the following explanation of the Name. "Hic Liber ab indigenis *Domesdei* nuncupatur, id est, *Dies Judici*, per metaphoram: sicut enim districti et terribilis examinis illius novissimi sententia nulla tergiversationis arte valet eludi; sic, cum orta fuerit in regno contentio de his rebus quæ illic annotantur, cum ventum fuerit ad librum, sententia ejus infatuari non potest, vel impune declinari. Ob hoc nos eundem *Librum Judicarium* nominavimus; non quod ab eo sicut a prædicto *Judicio* non licet ulla ratione discedere." Madox Hist. Excheq. edit. 4°. vol. ii. p. 398. So Rudborne, Angl. Sac. tom. i. p. 257. "Vocatus *Domysday*; et vocatur sic, quia nulli parcit, sicut nec magnus dies *Judicii*." The same interpretation, almost in the words of the *Dialogus de Scaccario*, is cited by Spelman from the Escheat Rolls of the reign of Edward the Third. Gloss. v. DOMESDAY.

From the Introduction to the *Abbreviatio Placitorum*, we learn that, in the archives of the Earls of Chester, there formerly existed a Roll, denominated, *The Domesday of Chester*. The entries in this Roll, it is observed, were esteemed of high authority, and perhaps conclusive evidence; for in an Assize of Darrein Presentment in the County of Chester, anno 38 Hen. III. between Roger de Sandbach and the Abbot of Deulacrese, as to the Church of Sandbach, removed by Certiorari into the King's Bench, the Court, amongst other grounds for pronouncing their judgment, give the following reason, "Et quia convictum est per DOMESDAY CESTRE quod perpetuam habet firmitatem et omnia quæ in eo continentur in perpetuum sunt stabilia in quo continetur quod, &c. consideratum est, &c." Hill. 38 Hen. III. Cestr. rot. 10.

Dugdale quotes a Deed in the *Monasticon Anglicanum*, tom. iii, p. 164, "ex Registro quodam nuncupato DOMESDAY, penes Decanum & Capit. Ebor."

Among Dr. Rawlinson's manuscripts in the Bodleian Library at Oxford, is a fragment of a survey of all the manors belonging to the Deanery of *St. Paul's*, taken in 1181, and called "*Domisday Radulphi de Diceto*." Diceto was the Dean, under whose direction it was made. A manuscript note of Bishop Kennett, also in the same library, in a copy of Cowel's Law Interpreter, quotes the *Domesday of the Nuns of Haliwell*. This last it is probable was only a Leiger Book of the Monastery.

Sect. 2.—Date.

I.
Formation of
the Record.
§ 2. Date.

THE exact time of the Conqueror's undertaking the Survey is differently stated by Historians. The Red Book of the Exchequer seems to have been erroneously quoted (*f*), as fixing the time of entrance upon it in 1080; it being merely stated in that Record (in which the original of the *Dialogus de Scaccario* is found) that the work was undertaken at a time subsequent to the total reduction of the island to William's authority.

From the Memorial of the Completion of this Survey, at the end of the second Volume, it is evident that it was finished in 1086.

Matthew Paris (*g*), Robert of Gloucester (*h*), the Annals of Waverley (*i*), and the Chronicle of Bermondsey (*k*), give the year 1083 as the date of the Record; Henry of Huntingdon places it in 1084 (*l*); the Saxon Chronicle in 1085; Bromton (*m*), Simeon of Durham (*n*), Florence of Worcester (*o*), the Chronicle of Mailros (*p*), Roger Hoveden (*q*), Wikes (*r*), and Hemingford (*s*), in 1086, and the Ypodigma Neustriæ (*t*), and Diceto (*u*), in 1087.

If, from internal evidence, the progress of its formation could be traced, there would be little difficulty in reconciling the testimonies of these Historians.

The person and the property of Odo Bishop of Bayeux are said to have been seized by the Conqueror in 1082 (*v*), but as the estates of that prelate are retained in the Survey in terms which indicate actual possession, we are left to conclude, either that his property was not confiscated, or that the Survey of it was taken at a period earlier than his disgrace. The probability which the entries afford is, that the estates were under sequestration, but not forfeited (*w*).

From the words "Hugo de Grentemaisnil tenet feudo Reginæ," in fol. 232 a. of the first volume of Domesday, Nichols conjectures (*x*) that the account of Leicestershire was taken before the death of the Conqueror's Queen, that is before the 2d of November 1083; and it is a curious fact that, in the Survey of her property in *Buckinghamshire*, it is said "*Matilda tenet*," as if the inquest for ascertaining the value of the estates had been held while the Queen was living; though, at the close of the Return, when the improved rent is noticed, it is said, "*Quando vivebat Regina, xv lib.*" From other passages, however, in folios 68 b, 83 b, 163 b, 170 b, and 222 of the same volume, we have the clearest evidence possible, that the surveys of the counties of Wilts, Dorset, Gloucester, and Northampton, were taken after that event (*y*). From an incidental mention of the siege of the Castle of Saint Susanna in Maine, fol. 158 b, it is evident that *Oxfordshire* must also have been surveyed after the same event (*z*). Rudborne, in his *Historia major Wintoniensis*,

(*f*) Webb's Short Account of Domesd. Book, p. i. Dissert. pref. to Hutchins's Hist. of Dorsetshire, &c.

(*g*) Mat. Par. fol. Lond. 1684. p. 9. See also Mat. Westm. fol. Francof. 1601. p. 229.

(*h*) Rob. Glouc. vol. ii. p. 373.

(*i*) Annal Waverl. Hist. Angl. Scrip. v. ed. Gale. fol. Oxon. 1687. p. 133.

(*k*) Harl. MS. Brit. Mus. No. 231.

(*l*) Henr. Huntind. Script. ap Savile. fol. Lond. 1596. p. 212.

(*m*) Script. X. Twysd. p. 979.

(*n*) Ibid. p. 213.

(*o*) Flor. Wigorn. fol. Francof. 1601. p. 641.

(*p*) Script. ap. Gale, tom. i. p. 161.

(*q*) Rerum Anglic. Script. ap. Savile. fol. Lond. 1596. p. 263 b.

(*r*) Hist. Angl. Script. v. ed. Gale. fol. Oxon. p. 23.

(*s*) Ibid. p. 461.

(*t*) Angl. Hib. Norm. Cambr. a vet. Scripta Gul. Camd. fol. Francof. 1602. p. 439.

(*u*) Script. X. Twysd. 487. 53. Baron Maseres in the Notes to his "Excerpta ex Orderico Vitali," p. 259, represents the Survey to have begun in the fourth or fifth year of the Conqueror's reign, that is as early as 1071.

(*v*) See Halsted. Hist. Kent. Vol. i. p. 61.

(*w*) In Gloucestershire, two or three instances occur of land, which had been held by the Bishop of Bayeux, being "in manu regis." See Domesd. tom. i. fol. 163.

(*x*) Hist. Leicest. Introd. volume, p. xxxv.

(*y*) In fol. 222, we are told "W. rex dedit Scadewelle S. Edmundo pro anima regine Mathild." Indeed, in Dorsetshire, tom. i. fol. 83. the death of Matilda is expressly alluded to. Anschitil, who held it, is stated, according to his own account, to have held it of the Queen, but it is added, that *after her death*, he did not petition the King for the land. "Hanc tñ tenuit Anschit [f. Ameline] de regina ut dicit. sed post mortem ej⁹ regem non requiuit."

(*z*) This fruitless Siege in 1083 is described by Ordericus Vitalis; it was raised after three years. See Bouquet, Recueil des Historiens des Gaules & de la France, tom. xii. p. 617.

Wintoniensis, assures us that William did not entertain the project of his *Census* till after the Queen's death (a).

In folios 77 b, and 91 of the first volume, Maurice is mentioned as Bishop of London, who, according to the Annals of Waverley (b), was chosen to that dignity in 1083, though according to the Saxon Chronicle, not till 1085 (c).

The date of that part of the Survey which relates to *Shropshire* is ascertained from fol. 252, where the Abbey of Shrewsbury is mentioned, "quā facit ibi comes." Ordericus Vitalis says the foundation of this Abbey was vowed by Roger de Montgomery in 1083. The Church was evidently building at the time of the Survey; and, according to the history of the Abbey, which Dugdale gives from a Register formerly in Sir Richard Leveson's possession, it appears to have been finished in 1087 (d). The Conqueror's Charter shews that the monks were not seated in it till the latter year (e).

That Lincolnshire was not surveyed till 1085, or even later, seems evident from the following passage: "Residuā dimidiā caruc⁴ træ habuit 7 habet Sca Maria de Lincolia. in qua n̄c est episcopatus." (f). The absolute removal of the see from Dorchester in Oxfordshire, to Lincoln, having taken place, according to Matthew Paris, in that very year (g).

William Bishop of Thetford, mentioned in the Second Volume of the Domesday Survey, did not become so till 1085 (h).

An attentive consideration of the passages already referred to, added to the entry at the close of the Second Volume of the Survey, leads us to believe that, by the multiplication of subordinate Inquests, the work must have been completed in a short time; and, that from a transcript or abridgment of the Breviates from the different Counties, the great Register was afterwards formed, which has ever since been known by the name of *Domesday* (i).

Sect. 3.—Origin and Object.

1. INGULPHUS affirms, that this Survey was made in imitation of the policy of Alfred, who, at the time he divided the Kingdom into Counties, Hundreds, and Tithings, had an Inquisition taken and digested into a Register, which was called, from the place in which it was reposit, the Roll of Winchester (k).

§ 3.
Origin and Object.

The formation of such a Survey, however, in the time of Alfred, may be fairly doubted; as we have only a solitary authority for its existence, and the most diligent investigation has not been able to recover, among the Records either of the Saxon or of later times, the slightest indication that such a Survey was ever known. Had it existed in the Century immediately preceding the Norman Conquest, it would have prevented the necessity of giving those minute Descriptions of Land so common among the later of the Saxon Charters. The separation of Counties also is known to have been a division long anterior to the time of Alfred (l).

Bishop Kennett, in his *Parochial Antiquities*, tells us that Alfred's Register had the name of *Dome-boc*, from which the name of DOMESDAY BOOK was only a corruption. This may, perhaps, serve as a clue to the explanation of the whole. They who were familiar with the name of Domesday (and it was the common appellation for the Conqueror's Survey among the English,) considered that the Dome-boc of Alfred, being almost

(a) "Istius Matildis consilio Wilhelmus rex pacificè cum Anglis tractabat, quamdiu ipsa vixisset; post mortem vero ipsius Matildis omnem induit tyrannidem. Unde statim misit Justitiarium per totam Angliam singillatim per Comitatus; & inquirere fecit & diligenter perscrutari, quot acra vel jugere terræ, quidque uni militi sufficere posset; fecitque inquirere de urbibus, et villis, et viculis, ad quid in solidum ascenderent. Inquisivit, etiam, quot animalia possent sufficere ad unius hydæ culturam." *Angl. Sacr.* tom. i. p. 257.

(b) *Hist. Angl. Script.* v. ed. Gale, p. 133.

(c) See other authorities for this latter year in Madox, *Hist. Excheq.* 4^o edit. vol. i, p. 7. Newc. *Repert.* vol. I, p. 10.

(d) *Dugd. Mon.* tom. i, pp. 375, 376.

(e) *Ibid.* p. 381.

(f) *Domesd.* tom. i, fol. 336.

(g) *Matt. Par. sub. an.* "Hoc autem authore, hoc tempore, et his de causis incepta est Ecclesia moderna Lincolnensis."

(h) Madox, ut supr. *Blomef. Hist. Norf.* fol. edit. vol. i, p. 402.

(i) Under Sandwiche, tom. i, fol. 3, we read, "In anno quo facta est hac Descriptio;" and under Roelent, in Cheshire, tom. i, fol. 269, it is said, "Ipso anno huj⁹ Descriptionis datū ē ad firmā huj⁹ burgi theloneū p III, solid."

(k) *Hist. Ingulphi*, ed. Gale. pp. 79, 80.

(l) *Co. L.* 168, a. 2 *Inst.* 71.

almost synonymous, was intended to designate the same kind of Register : whereas the *Dom-boc* was, in reality, the Code of Saxon laws. It is noticed as such in the Laws of Edward the elder (*m*), and more particularly in those of Æthelstan (*n*).

2. The Saxon Chronicle furnishes a passage, under the year 1085, which enters minutely into the motives for the formation of this Survey, and which, if correct, also fixes the time of its commencement to that year.

“ An. MLXXXV. Hoc anno, rumor incessit, et serio dictum est, Canutum Regem Denmearciæ, Sweini Regis filium, terram hanc cogitasse, et voluisse eam subjugare, Rodbeardi Comitis Flandrensis auxilio, propterea quod Canutus haberet [uxorem] Rodbeardi filiam. Quum Willelmus Anglorum Rex, qui tunc agebat in Normannia (possedit enim tum Anglorum terram tum Normanniam) hoc intellexisset, profectus est in Anglorum terram cum tanto exercitu equitum ac peditum, à Francorum regno atque à Britannia [conscriptorum,] quantus nunquam antea hanc terram petebat; adeo ut homines mirarentur, quo modo hæc terra posset totum illum exercitum alere. Verum Rex permisit dispertiri exercitum per totam hanc terram inter suos subditos, qui exercitum aluerunt, pro sua quisque terræ portione. Experti sunt incolæ multos dolores hoc anno; et Rex permisit devastari terras maritimas, ut, si inimici ejus [in terram] ascenderent, iis non esset in promptu commeatus. Quum autem Rex pro certo haberet, suos inimicos impeditos fuisse, nec potuisse expeditionem facere, dimisit aliquam partem exercitus in propriam nationem, aliquam retinuit in hac terra donec hyems finiretur. Ad natales fuit Rex in Gleawceaster cum suis proceribus, et tenuit ibi Curiam suam v. dies; postea autem Archiepiscopus & Clerici habuerunt Synodum trium dierum. Ibi fuit Mauricius electus in Episcopum ad Lundene, et Willielmus ad Northfolc, et Rodbeardus ad Ceasterscire; hi autem omnes erant Regis Capellani. Post hæc, tenuit Rex magnum Consilium, et graves sermones habuit cum suis proceribus de hac terra, quo modo incoleretur, & a quibus hominibus. Mittebat idcirco per totam Anglorum terram in singulos Comitatus suos servos, quibus permisit scrutari quot hydarum centenæ essent in Comitatu, quidque Rex ipse haberet terrarum & pecorum in eo Comitatu; et quantum Census annui deberet percipere ex eo Comitatu. Permisit etiam describi quantum terrarum ejus Archiepiscopi haberent, et Dioecesani Episcopi, ac ejus Abbates, ejusque comites; et, ne longior in hoc sim, quid aut quantum unusquisque haberet, qui terras possideret in Anglorum gente, sive terrarum sive pecoris, quantumque illud pecuniâ valeret. Tam diligenter lustrari terram permisit, ut ne unica esset hyda, aut virgata terræ, ne quidem (quod dictu turpe, verum is factu turpe non existimavit,) bos, aut vacca, aut porcus præter mittebatur, quod non is retulerat in censum: omniaque postea scripta ad eum afferebantur (*o*).”

Upon this passage Sir William Blackstone has the following Commentary. “ We learn,” he says (*p*), “ from the Saxon Chronicle, that in the nineteenth year of King William’s reign an invasion was apprehended from Denmark; and the military constitution of the Saxons being then laid aside, and no other introduced in its stead, the kingdom was wholly defenceless: which occasioned the King to bring over a large army of Normans and Bretons, who were quartered upon every landholder, and greatly oppressed the people. This apparent weakness, together with the grievances occasioned by a foreign force, might co-operate with the King’s remonstrances, and the better incline the nobility to listen to his proposals for putting them in a posture of defence. For, as soon as the danger was over, the King held a great council, to inquire into the state of the nation; the immediate consequence of which was the compiling of the great Survey called Domesday Book, which was finished the next year: and in the latter end of that very year the King was attended by all his nobility at Sarum, where all the principal landholders submitted their lands to the yoke of military tenure, became the

King’s

(*m*) Wilk. Leg. Anglo-Sax. p. 50, LL. Eadw. 8.

(*n*) Ibid. p. 57, LL. Æthelst. 3. See also p. 77, LL. Eadg. 3. The following is Dr. Wilkins’s notice of the *Dom-boc* in his Glossary, p. 398. “ Dombec. *Liber Judicialis*. Frequens est in his Legibus Judicialis Libri mentio, neque interim quis fuerit usquam apparet. Beda lib. Eccles. Hist. ii. cap. 5. ait, Æthelbertum Cantiae Regem scripsisse idiomate Saxonico libellum, cui nomen indidit *Decreta Judiciorum*, atque Judicia illa vel sua memoria tradit fuisse observata. Hic noster etiam Ælfredus in Præfatione fatetur, se ex Æthelberto sumpsisse nonnulla. Quid plura? Asserius Menevensis, olim Ælfredo Regi familiaris, prodit ipsum Regem Saxonice mandasse literis *Judiciorum Decreta*, verum ad nos pervenire injuria temporum non permisit.

Carte, in the Gen. Hist. of England, vol. i. p. 314, appears to have had the same notion of Alfred’s *Dom-boc*. Edward the Elder, he observes (the son and immediate successor of Alfred) in the Preface to his Laws, enjoins all his reeves and ministers, who had any charge in the state, to judge equitably according to the directions of that Book, to which they were to adhere strictly in all cases. In the page immediately following, there is a sentence less intelligible: Carte laments “ that the Dome-Book of Alfred, so much respected in Westminster Hall to the time of Edward IV. hath been since lost.”

(*o*) Gibs. Chron. Sax. p. 186.

(*p*) Commentaries on the Laws of England, edit. 4^o Oxf. 1766, B. ii. p. 49.

King's vassals, and did homage and fealty to his person (*q*). This seems to have been the æra of formally introducing the feudal tenures by law; and probably the very law, thus made at the Council of Sarum, is that which is still extant, and couched in these remarkable words: '*Statuimus, ut omnes liberi homines fœdere & sacramento affirmant, quod intra & extra universum regnum Angliæ Wilhelmo Regi domino suo fideles esse volunt; terras & honores illius omni fidelitate ubique servare cum eo, & contra inimicos & alienigenas defendere*' (*r*). "This new polity therefore," says Sir William Blackstone, "seems not to have been imposed by the Conqueror, but nationally and freely adopted by the general assembly of the whole Realm, in the same manner as other nations of Europe had before adopted it, upon the same principle of self-security. And, in particular, they had the recent example of the French nation before their eyes, which had gradually surrendered up all its allodial or free lands into the King's hands, who restored them to the owners as a *beneficium* or feud, to be held to them and such of their heirs as they previously nominated to the King; and thus by degrees all the allodial estates of France were converted into feuds, and the freemen became the vassals of the Crown. The only difference between this change of tenures in France and that in England, was, that the former was effected gradually, by the consent of private persons; the latter was done at once, all over England, by the common consent of the nation" (*s*).

Sir Martin Wright also supposes that, as this general Homage and Fealty was done about the time that Domesday Book was finished, and not before, the Survey was taken "in order to discover the quantity of every man's fee, and to fix his Homage; because antiently the name and quantity of the fee, &c. was specified in the Homage. And this probably" he adds, "was the reason why almost all the historians of those times join the account of this Survey and of the homage done about that time together, in such a manner that we must needs think they took them to have immediate relation one to the other" (*t*).

On the other hand, Lord Coke, the Judges of Ireland in the case of Tenures, Mr. Selden, Nathaniel Bacon, and others, were of opinion, that Tenures were not brought into England by the Conqueror, but that they were common among the Saxons: and the internal evidence of Domesday itself bears no reference whatever to any simultaneous surrender of former tenures and re-grant of the same as feudal.

Sect. 4.—Mode of Execution.

1. FOR the adjusting of this Survey, certain Commissioners, called the King's Justiciaries (*u*), were appointed. Those for the midland Counties at least, if not for all the districts, were, Remigius Bishop of Lincoln, Walter Giffard Earl of Buckingham, Henry de Ferers, and Adam the brother of Eudo Dapifer, who probably associated to them some principal person in each Shire. This we learn from the following curious document in the Register of Saint Mary Worcester, usually called Heming's Chartulary, preserved among the Cotton Manuscripts in the British Museum, Tib. A. XIII.

"Indiculum Libertatis de Oswaldeslawes Hundred que a toto vicecomitatu UUIREACESTRE sacramento iuris iurandi firmata est, Willelmo seniore regnante (*v*).

"In

(*q*) "Omnes prædia tenentes, quotquot essent notæ melioris per totam Angliam, hujus viri servi fuerunt omnesque se illi subsidere, ejusque facti sunt vassalli, ac ei fidelitatis juramenta præstiterunt, se contra alios quoscumque illi fidos futuros."

(*r*) Conc. M. Brit. cap. 52, Wilk. p. 228. See also L. C. Baron Gilbert's Law of Tenures, 8°. Lond. 1796, p. 96.

(*s*) Blackst. Comment. ut supra p. 50. See also Wright's Introduction to the Law of Tenures. 8°, in the Savoy, 1730, p. 52.

(*t*) Wright, Ibid, p. 56.

(*u*) See Mat. Par. They are called by the same name in the Abbreviatio Chronicorum per Rad. de Diceto, MS. Cotton. Claud. E. III. fol. 59.

(*v*) Hearne, in his Edition of Heming's Chartulary, printed in 1723, p. 291. gives the list of Jurors for the Hundred of Oswaldeslaw in Worcestershire. The leaf of the Original which should contain this, is gone, and was probably lost in 1731 at the time the Manuscript itself suffered material injury in the fire of the Cotton Library.

"Isti juraverunt ex parte Episcopi, Reoland Trokemardtune, Adam de Lent, Normanus pincerna Episcopi. Ex parte Prioris, Willelmus Rupe, Rodbert le Parler, Ricard de Grimelei. TESTES, Algarus canonicus de Lantona & dapifer Episcopi, qui juramentum suscepit in loco Episcopi Johannis, Thomas Abbas de Persora, Godefrid archidiaconus, Laurentius prior de Coventre, Gilbertus prior de Æstlei, Willelmus de Bello campo, Rand de Lent, & frater ejus, Walterus & Alfred, Nicholaus de Muttuine, Adam de Cromb & filii ejus Thomas & Simd, Willelmus de Edmundscote & filius

Appendix
(M.)DISSERTATIONS
on
DOMESDAY.I.
Formation of
the Record.§ 4.
Mode of Execution.

“ In uicecomitatu uuireceastre habet s̄ca Maria de uuireceastre unū hundred qđ uocat' oswaldes lau, in quo iacent ccc. hidē, de quibz ēps ipsi⁹ ecclē a constitutione antiquoꝝ tēpoꝝ habet omnes redditiones socarū & oīns consuetudines inibi ptinentes ad dñicū uictū & regis seruitiū & suū, ita ut nec uicecomes [nec aliq̄s regalis seruitii exactor] possit ibi habere ullā querelā, neq̄ in placitis neq̄ in aliq̄ re, teste uicecomitatu. Et hē p̄dictē ccc. hidē fueṛt de ipsi⁹ dñio ecclē, & quocūq̄ modo prestitē fuissent & cuicumq̄ p̄stitē fuissent ad seruiendū inde Ēpo, ille qui eam prestitā terrā tenebat nullā omnino consuetudinē sibimet retinere poterat n' p ēpm, neq̄ terrā retinere n' usq̄ adimpletū tēpus qđ ipsi in se constituerunt, & nusquā cum hac se uertere poterat, nec jure hereditario eā usurpando retinere aut feudam suam eā clamare poterat, n' s̄c̄dm uoluntatē ēpi & s̄c̄dm conuentionē quā cū illo fecerat. *Hoc testimonium tot' uicecomitat' uuireceastre, dato sacramento, iurisjurandi firmauit, exhortante & ad laborante piissimo et prudentissimo patre dōno WULSTANO EP'o tempore regis Witlmi senioris, corā principibz ei⁹dē regis, REMIGIO scilicet LINCOLNIENSI EPISCOPO, & comite WALT'io GIFFARDO, & HENRICO DE FERERIS, & ADAM FR'e EUDONI DAPIFERI REGIS, qui ad inquirendas & describendas possessiones & consuetudines, tam regis qua' principu' suor' in hac provincia & IN PLURIBUS ALIIS AB IPSO REGE DESTINATI SUNT eo tempore quo totā Angliā idem rex describi fec̄. Vnde super hac re facta ab ipsis, inquisitione & testimonio toti⁹ uicecomitat⁹, sacramento firmato, in autentica regis cartula hoc testimoniū scribi feceṛt & regali suaq̄ auctoritate stabilitū deinceps absq̄ querela & calūnia eandē lib̄tatē firmā ēpo de ipso hundred & trīs ad eū ptinentibz pmanere, rege annuente, iudicaueṛ. Ad huj⁹ rei c̄firmationē exemplar ei⁹ in autentica regis cartula ut p̄dixi scriptū ē que in thesauro regali cū toti⁹ Anglię descriptionibz conseruatur.”*

The Inquisitors, it appears, upon the oaths of the Sheriffs, the Lords of each Manor, the Presbyters of every Church, the Reves of every Hundred, the Bailiffs and six Villans of every village, were to enquire into the name of the place, who held it in the time of King Edward, who was the present possessor, how many hides in the Manor, how many carrucates in demesne, how many homagers, how many villans, how many cotarii, how many servi, what free-men, how many tenants in socage, what quantity of wood, how much meadow and pasture, what mills and fish-ponds, how much added or taken away, what the gross value in King Edward's time, what the present value, and how much each free-man or soch-man had or has. All this was to be triply estimated: first, as the estate was held in the time of the Confessor; then, as it was bestowed by King William; and thirdly, as its value stood at the formation of the Survey. The jurors were moreover to state whether any advance could be made in the value.

Such are the exact terms of an Inquisition, accompanied by the names of the Jurors and the Return of property, in the counties of CAMBRIDGE and HERTFORD, belonging to the monastery of ELY; the following transcript of part of which, from another manuscript in the Cotton Library (*w*), will shew more minutely the description and condition of the Jurors.

CAMBRIDGESHIRE.

“ Hic subscibitur inq̄sicio trarum, qm̄ barones regis inquirunt, uidelicet p sacramentū uicecomitis scire, & omniū baronum, et eorum francigenarū, & toci⁹ centuriatus, p'sbiti, p̄pōti, vi. uillani uniuscui⁹q̄ uille. Deinde qm̄ uocatur mansio, quis tenuit eam tempe R. E. Quis m̄ tenet, Quot hidē, quot carī in dominio, quot hoīm, qt̄ uill, qt̄ cot, quot serui, qt̄ libi homines, quot sochemani, q̄ntum silue, q̄ntum prati, quot pascuorū, qt̄ moī, qt̄ piscine, q̄ntū ē additum uī ablatū, q̄ntū ualebat totum simul, & q̄ntum m̄, q̄ntum ibi quisq̄ lib̄ homo uī sochemanum habuit, uī hī. Hoc totum tripliciter, sciit tempe Regis Ædūrdi, & qñ Rex Wit̄s dedit, & qm̄ sit m̄, & si potest plus haberi quam habeatur. Isti homines iurauerunt.

“ In Staplehou hund Nicholas de Cheneta, Wit̄s de Chipenham homo Gaufridi, Hugo de Heseling, Warin de Saham, Rodb̄t⁹ Anglicus de Fordham, Ordmar de Billingshā, Alan⁹ de Burewelle, Aluriz de Sneilewelle.

“ Isti

& filius ejus Sind, Walterus de Doverville, Garm. de Circhulle, Willelmus le Brun, Walterus de Ribesford, Fulc. filius Edwini, Petrus de Vpetun, Ivo capellanus episcopi, Ebrond decanus, Rodbertus presbiter, Nicholas Blace, Willelmus de Lei, Hugo putrer, Alfred de la berte & filii ejus Rodbertus & Osbertus, Edricus de timber hangel, Morice de Ambreslei, Jordanus de Rinhale, Willelmus de Chereswalle, Willelmus filius Alberti, Osbernus filius Edwini albi, Hugo filius Lithegrimi & filius ejus Petrus, Alaard filius Wlfrici prepositi, Thurben le bedel, Ric. de Bimplinton prepositus ejusdem hundredi, Monachi, Rič. cantor, Andreas, Gervasius, Nicholas, Walterus, Walcelin. de Euesham, Rodbert de Wuttum, Rod le cint, Rand presbiter de Lei, et Mauricius filius ejus.”

(*w*) MS. Cotton. Brit. Mus. Tib. A. vi. fol. 38.

“ Isti homines iurauerunt. In Caelai hund iurauerunt scit. Rič pfect⁹ hui⁹ hundreti, Æduardus homo Albici de uer, Radulfus de Hotot, Wiffrs de Mara, Standard de Seuerlaio, Frawinus de Queteling, Carlo de Caelaio, Wlmar⁹ homo Wighen.

“ In hund de Stanas iurauerunt homines, scit. Alerann⁹, Rogg homo Walti Giffardi, Rič, pfect⁹ hui⁹ hundreti, Farmannus huscarlo de Suafham, Leofwin⁹, Harald homo Hard de Scaliis, Aluric⁹ de Wiburgeham, & alii omnes Franci & Angli de hoc hūdreto iurauerunt.

“ In Erningeford hund iurauerunt Walt, Hunfridus de Ansleuilla, Hugo Pedefold, Rič de Morduna, Colsueyn, Alm eius filius, Turulfus, Alfuinus Odesune, & om̃s alii Franci & Angli in hoc hund iurauerunt.

“ In Trepslau hund iurauerūt homines, scit. Radulfus pposit⁹ hui⁹ Hund, Wiffrs de Caleis, Radulfus de Barentona, Teodbald⁹ homo Hard, Standard de Hauekestune, Godriz de Fulmere, Aluric⁹ de Trepslau, Sigar dapifer, & omnes alii Franci & Angli de hund iurauerunt.

“ In Radefelde hund. hii iurauef. Manfrid⁹, Daud de Belesham, Wiffrs homo Walti, Radulf⁹ de Cluneia, Adestan de Westuna, Grim de Wrattincge, Algar de Dollingeham, Pinna de Belesham, & omnes alii Angli & Franci de hoc hund iurauef.

“ In Flammigedic hund iurauerunt, Rodbt⁹ de Histona, Osmundus paruus. Fulcold hō abbtis de Ely, Baldeuinus cocus, Æduuin⁹ pbr, Wlfuric de teusā, Sylā, Godwine de Fulburne.

“ In Witelesforda hund iurauerunt, Anschitellus de Herolfuilla, Paganus dapifer, Hard. Girardus Lothensis, Herueus de Salsitona, Leodm Wittlesford, Lefo de Dodesuurda, Leofriz filius Grimi, Lemarais de Haustitona.

“ In Wederlai Hund iur Siurid⁹ pposit⁹ Hund, Radulfus de Bans, Fulcheus homo uicecomitis, Rumold hō comitis, Eustachio, Saward⁹ de Harlestona, Turbert de Orduelle, Brixet de bton, . . . mar Blacsune & alii omnes . . . ci & Angli de hoc Hundreto iurauerunt.

“ In Stouu hund iurauerunt Wiffrs homo Picoti Vicecomitis, Tehel ppositus abbatis Ely, Warinus pbr, Wido homo abbatis de ramesio, Godriz de crochet, Aluriz ppositus Eudonis, Wlwi de etelaie, Almar cilt, & om̃s alii Franci & Angli de h. H. iuraū.

“ In Pampeworda Hund. Ric homo Hard, Radulf⁹ de Felgeres, Albert hō Abbatis de Ramesio, Thehard homo abbtis Ely, Leofuinus gric⁹, Osmund⁹ hō Gillebt de Gant, Briztan hō Gilleberti de Gant, Goduvin⁹ pbr, & omnes alii Angli & Franci de h. Hund iurauerunt.

“ In Nordstouue Hund iurauef Walt de Cleis, Roger⁹ Maurini filius, Hugo Farsit, Robt filius Warini, Godliue, Azor, Godmar⁹ de Gretona, Waluric⁹ de Grettona, & os alii Franci & Angli de h. H. iuraū.

“ In Cestretona Hund iurauerunt Rog de Cildlaia, Giffard de Draitona, Gillebt de Histona, Sturmīdus de Cotenā, Bruning⁹ de Cestretona, Almar de Cotham, Ledmar⁹ de Draiton, Ermus de Cilderlaio, & omnes alii Franci & Angli de hoc Hund iurauerunt.

“ In duobus Hundretis de Ely, q conueniunt apud Wichfordam, iurauerunt homines, scit Rainald⁹ de Dunham, Gostrid⁹ ppositus hūdreth horum, Tanccredus de Suttuna, Osmundus de Stratham, Gillebtus de Lindona, Gosfridus cunestabutius Abbatis, Robtus camerari⁹, Bernard⁹ de Monte, Huna de Ely, Alriz Wordepund, Alriz Serdere, Osmund de Wicheham, Alnodd de Suttuna, Ledmar de Wichdford, Leodmanus pbr, Alfuinus de Haningetuna.

“ *Hertford.* In Wedwines treu Hund iurauerunt homines, scit Radulfus Baiard, Raculfus homo epi HERTFORDSHIRE. Lundoniensis, Rodri homo Episcopi, Huait de Noderes, Godwin⁹ de Horemera, Lexius hō abbatisse de Chatriz, Siriz homo comit Eustachii, Siuuard⁹ de Horemēda, & omnes alii Franci & Angli de hoc hundreto iurauerunt.

“ In duobz Hund de Bradewatre iurauerunt homines scit Letard⁹ hō Abbtis, Goisbt⁹ Beluacensis, Willelm⁹ de Lanceuorda, Liuet homo G. de berc, Radulfus de Stepehala, Humfrid de Chenebna, Goisfrid de Ciuesfeld, Goisfrid de Westbroc, Alward de Merdelaio, Haldene, Thorchill de Digesuelle, Alriz de Winmodeslaio, Alfuin⁹ de Werlaio, Alm de Westuna, Alward Framward, Alward de Mondena, & omnes alii Franci & Angli de his duobz Hund iurauerunt.

“ In Odeseia Hund iurauerunt homines, scit Hugo homo epi baioacensis, Fulcho homo Goisbti Beluacensis, Germundus de sō Audoeno, Alfuinus de Riscedene, Boia homo epi, Wlsi de teresfelda, Alb de Samsona, Wigar⁹ de Horeuella, & omnes alii Franci & Angli de hoc Hundreto iurauerunt.”

Appendix
(M.)
DISSERTATIONS
on
DOMESDAY.
I.
Formation of
the Record.
§ 4.
Mode of Execution.
2.
Inquisitions.

2. The method generally followed in entering the Returns, was, first to entitle the Estate to its owner, always beginning with "Terra Regis" (*x*). The Hundred was next specified; then the Tenant; with the Place; and afterward, the description of the property.

The writer of the Saxon Chronicle, with some degree of asperity, informs us, that not a hyde or yardland, not an Ox, Cow, or Hog, were omitted in the Census. It should seem, however, that the jurors, in numerous instances, framed returns of a more extensive nature than was absolutely required by the King's precept; and it is, perhaps, on this account that we have different kinds of descriptions in different Counties (*y*). In some Counties, when the Exchequer Domesday was excerpted from the Rolls, the irrelevant matter appears to have been struck out, while in others it was probably retained. The words also of the Rolls were for the most part given in full, or but partially contracted; while, in the transcribed Survey, an abundance of minute contractions were used, as if with an intention of compressing the whole into the form most convenient for the purpose of a Court of Law.

These conclusions are not drawn from the ELY Manuscript alone; the EXETER Domesday appears to have been another record copied from the same Rolls from which the first Volume of the great Domesday was compiled.

In the Ely, as well as in the Exeter return, the live stock every where occurs; and there is the same difference observable in each, in style and diction, from the Exchequer Survey, in which an uniformity of return from the different Rolls seems at least to have been intended. Essex, Norfolk, and Suffolk, which form the second Volume of the great Survey, probably contain Transcripts of the Original Rolls; contracted perhaps in words, but full in respect to the sense of the Returns.

In Domesday Book the arrangement of the Ely property is different from that in the Cotton Manuscript; the irrelative returns not only of live stock, but of other particulars, even the names of the sub-feudatarii, or under-tenants, are omitted; and there is this still more striking difference, that an advanced value is occasionally given to the property. The spelling of the names both of persons and places likewise varies.

In the Exeter Domesday, instead of T. R. E. (tempore regis Edwardi), the words "*cū die quā Rex Edwardus fuit vicus et mortuus*" constantly occur; and in the Ely Manuscript, "*Tempore regis Edwardi et in morte*," is several times used. The former of these phrases occurs more than once in the great Domesday itself. Tom. I, fol. 127, under Stibenhede. *Hanc trā teñ Wiſſs eþs in dñio die q rex E. fuit uiuus 7 mortuus*. Again, fol. 162, in Devonshire, "*Iste mansion fuer in firma regis E. die qua fuit uiuus 7 mortuus*." There are several other instances in the returns of Hertfordshire, Cambridgeshire, and Essex.

The Inquisitions having been taken, were sent by the Justiciaries to Winchester, and there classed and methodized, and entered in a Register such as we now view it.

3.
Modes of Rating.

3. Ingulphus makes a boast that the possessions of Croyland Abbey were not *rated* in their full extent. Speaking of the Jurors, he says, "*Isti penes nostrum monasterium benevoli et amantes, non ad verum pretium, nec ad verum spatium nostrum Monasterium librabant, misericorditer præcaventes in futurum regis exactionibus, et aliis oneribus, piissima nobis benevolentia providentes*" (*z*). But from the Chartulary of Battle Abbey, founded by

(*x*) No entries under "Terra Regis" occur either in Shropshire or in Cheshire. In Somersetshire, the names of the Tenants, as enumerated at the beginning, do not answer to the arrangement of the return: and at the beginning of Cheshire they are omitted altogether.

(*y*) The variation in our old Historians respecting the nature of the returns required by the Domesday Inquest is observable. Ingulphus's testimony is most consonant with the Precept already quoted from the Ely Chartulary. He takes no notice whatever of any return of live stock; nor is any noticed in the Chronicle of Robert of Gloucester. Bromton, Henry of Huntingdon, and Knyghton, say a return was ordered to be made "*quot animalia*:" Hoveden, Florence of Worcester, and Simeon of Durham, say "*quot animalia, imo quantum vivæ pecuniæ quisque haberet in omni regno a maximo usque ad minimum*." Matthew Paris, who is followed by Matthew of Westminster, only says, "*quot animalia possent sufficere ad unius hydæ culturam*." The testimony of the Saxon Chronicle has been already quoted. Bromton adds "*quot Ecclesiæ parochiales*:" and Sprott "*quot Ecclesiarum dignates*." The sight of partial extracts from the Survey may possibly have given rise to these variations.

(*z*) Hist. Ingulphi. ed. Gale. p. 83.

by the Conqueror himself, we find that the property of that Monastery was occasionally *over-rated* in the Survey : “ In Wasingate diċ Liċ regis quod ecclā h̄t vnā virgatā s; n̄ h̄t n̄ dimid̄.” “ In Wilminte diċ Liċ regis quod ecclā h̄t sex virgatas s; n̄ h̄t n̄ qnq̄.” (a).

That there was no oppression in the valuation, even when owners of land refused to make their own return, is evident from more than one entry (b). A remarkable instance of the equity attaching to the formation of the Survey, will be found in the account of the land at Brunfelde in Shropshire, belonging to the Church of St. Mary Shrewsbury, tom. I, fol. 252 b; and it is clear from the Survey itself, that the Inquisitions, in many instances, caused the restoration of property (c).

4. The *Clamores*, or Claims, entered in the Survey, were usually between Norman and Norman on King William's donation (d). In most counties they occur under the respective property. Those in the counties of York and Lincoln are entered by themselves. In Essex, Norfolk, and Suffolk, there are three titles of the same import. In Essex *Invasiones*, No. XC: in Norfolk *De Invasiōibus*, No. LXVI: and in Suffolk *Invasiones super Regem*, No. LXXVI. Under these heads were comprised such lands as were possessed without a Title from the Conqueror. That is, they that held them were neither put in possession by the Sheriff with authority from the King, nor by his lega or special Commissioner, nor by Writ or Brief, and thus they were Invaders or Intruders, and possessed without Title, and the Lands called Invasions (e).

5. Camden indeed has conjectured that *many parts were left out*, “ quia pensitationibus liberæ,” and Kelham thinks the observation may be well founded (f). In Worcestershire we are expressly told, that seven out of twelve hundreds were omitted in that County: “ In ipso comitatu sunt XII. hund. hoꝝ VII. ita sunt quieti siċ scira dicit qđ uicecom nichil habet in eis 7 idō siċ dicit in firma multū pdit ” (g). And it is often said that such, or such land, was never hidated, and that the Hundred can give no account of it. Nevertheless in other parts of this great Return, Lands which did not pay geld are inserted. Among the possessions of the Church of Bath we find two out of five hides at Escetone, “ a geldo quietæ, ċcessu E. 7 W. regum.” (h).

6. The names of the Hundreds in the respective Counties, have undergone a great change. Lincolnshire is divided into thirty Wapentakes or Hundreds, yet there are only about nineteen which bear any thing like the same name in Domesday as they do at present; and in Warwickshire there is not now one remaining out of the ten there set down (i). In Leicestershire indeed, they remain nearly the same (k), a well as in Cambridgeshire (l). In Bedfordshire the names of the Hundreds have been altered but in few instances, but in many cases the manors have been transferred from one Hundred to another (m). The same may be said of Berkshire (n), and probably of a very large portion of the Counties in general. Buckinghamshire, when the Survey of Domesday was taken, was divided into eighteen Hundreds, and there are now only eight which compose separate districts (o). In Middlesex the Hundreds of Osulvestane, Gara, Heletorne, Spelethorne, Delmetone, and Honeslavy (now Isleworth), are all enumerated: but in Dorsetshire, with the exception of Bochelande and Porbich, no Hundreds are mentioned, which renders the Domesday of that county very obscure.

Northumberland,

(a) Reg. Monast. de Bello. MS. Cotton. Brit. Mus. Domit. A. ii. fol. 13 b.

(b) Under the title of Earl Hugh's land in Gloucestershire, tom. i. fol. 166 b. we read, “ Ipse coñ ten II. ⅞ de. IIII. hid geldant. 7 II. hoēs ej⁹ de eo Elnod 7 Leuin⁹ tenuef. T. R. E. Non fuit q responderet de his tris. sed p hoēs comitat⁹ appciant VIII. lib.” “ Non fuit q de hac tra respondet.” occurs again, fol. 170.

(c) See a remarkable entry of this kind in the account of the possessions of Robert de Oilgi in Berkshire, tom. i, fol. 62. In one instance, in Berkshire, the Commissioners referred the right of property to a trial, tom. i, fol. 58 b. “ Osbern⁹ eps ten in dñio Bocheland de epatu suo ut dicit. Vluric chenp T. R. E. ibi mansit. Vnde judicium n̄ dixet. sed ante regem ut judicet dismisef.”

(d) Kelham, Domesd. Book Illustr. p. 126.

(e) Append. to Brady's Introd. to the Old Engl. History, p. 24.

(f) Domesday Book Illustrated, p. 17.

(g) Tom. i. fol. 172. So, in Sussex, tom. i. fol. 28. “ Ipse Wills ten Wasingetone. Guerd coñ tenuit T. R. E. Tc se defd p LIX. hid. Modo n̄ dat geldū :” and in Cheshire, fol. 269, “ In hoc eod ⅞ ē silua una. Nunq̄ geldauit nec hidata fuit.”

(h) Domesd. tom. i. fol. 165. col. 2.

(i) Domesd. Book Illustr. p. 17.

(k) Nichols's Hist. Leic. Introd. vol. p. xxxviii.

(l) Lysons's Mag. Brit. vol. ii. p. 13.

(m) Ibid. vol. i. p. 3.

(n) Ibid. p. 166.

(o) Ibid. p. 452.

(p) West's Hist. of Furness, p. xiii.

Northumberland, Cumberland, Westmorland, and Durham, *are not described in the Survey*; neither is Lancashire under its proper title; but Furness (*p*), and the northern part of the county, as well as the south of Westmorland, with part of Cumberland, are included within the West-riding of Yorkshire (*q*); that part of Lancashire which lies between the rivers Ribble and Mersey, and which at the time of the Survey comprehended six hundreds and a hundred and eighty-eight manors, is subjoined to Cheshire (*r*); and part of Rutlandshire is described in the counties of Northampton and Lincoln (*s*). To which may be added, that in later times the two antient Hundreds of Atiscross and Exestan, deemed a part of Cheshire in the Survey, have been transferred to the counties of Flint and Denbigh in the principality of Wales (*t*). Herefordshire, which in the time of the Conqueror appears to have been esteemed almost a Welch County, is included in the Return. In the account of Gloucestershire we find a considerable portion of Monmouthshire included, probably all between the Wye and the Usk (*u*).

Kelham thinks (*v*) it probable, that the King's Commissioners might find it impossible to take any exact survey of the three Counties northernmost of all, as they had suffered so much from the Conqueror's revenge (*w*).

As

(*q*) See Domesd. tom. i. fol. 301 b.

(*r*) Ibid. fol. 269 b.

(*s*) Ibid. fol. 293 b. 367 a. See also Kelham, ut supr. p. 3. Morton, in some "Remarks on Domesday Book concerning Northamptonshire," MS. Donat. Brit. Mus. No. 3560, says, "Exclusive of the part of Rutlandshire mentioned in this County, several other places are comprised in it from adjoining Counties, as Salwebrige, Berchwelle, and Whitacre from Warwickshire; Finemere, Sildeswelle, Glintone, Oitone, Hortone, Eyforde, Colesford, Cerlentine, and Scipford, from Oxfordshire; Farnedis (*Farndish*), and Potentone from Bedfordshire; Adelintone (*Elton*), Terninge (*Thurning*), Cateworde (*Catworth*), and Slabintone (*Slibington*), from Huntingdonshire."

Many instances might be cited from the Survey, where Entries belonging to one county, either for convenience, or the juxtaposition of the property of a particular landholder, or some other reason, have been confessedly placed in another. Of a hide in Lonchelei in Berkshire, tom. i. fol. 61 b. it is said, "H' t̃ra jacet 7 ap̃ciata ē in Gratenton qd ē in Oxenefordscire, 7 tañ dat scotū in Berchescire." The Manors of Hanlie and Forhelmentone in Gloucestershire, with six Manors in Worcestershire, are entered, fol. 180 b. in Herefordshire. In Huntingdonshire, fol. 203. b. under Botulvesbrige, we read, "Ibi p̃br 7 æccia. 7 LX. aē p̃ti. 7 XII. aē siluæ pastil in Hantescyre." Ibid. "In Partenhale. h̃b Aluuin⁹. 1. uirg tr̃æ ad gl̃d. Tra dīm car. H. t̃ra. sita ē in Bedefordscire. sed gl̃d 7 seruitiū reddit in Hontedunescyre." Again fol. 207 b. "In Caissot h̃b Aluuline. 1 uirg tr̃æ ad gl̃d cū saca. 7 soca. Tra II. boū. Jacet in Bedefordscira. s; gl̃d dat in Hontedunescire." In Shropshire, fol. 253. under "Membrefelde. cū XVIII. bereuich," "Vna ex his Bereuū Caluestone de 1. hida. est in Wirecestrescire." In Lincolnshire, fol. 337. "Albt⁹ unā æcciam S. Petri cū. II^{ab}. manš. 7 dīm car tre quæ jacet in Rotelande in Hemeldune." Under Weleve in Hampshire, tom. i. fo. 50. "De isto t̃ abstulit Waleran unā v. 7 dīm 7 misit foras comitať 7 misit in Wiltesire." In Herefordshire, tom. i, fol. 181, we have another instance of the arbitrary shifting of land from the jurisdiction of one County to that of another. "In Niware sunt II hidæ 7 dimid. quæ conuenieb 7 opabant sed Roger⁹ de pistes T. W. comitis diuertit ilas ad Glouuecestrescire."

(*t*) At the end of Atiscros Hundred, tom. i. fol. 269. it is said, "Rotbert⁹ de Roelent ten de rege NORTWALEs ad firmā p XL. lib p̃t illā tr̃a quā rex ei dederat in feudo. 7 p̃t tras episcopat⁹. Isd Robt⁹ calūniat un Hund Arvester. qd ten Rogerius comes. Walenses testificant istū Hund ēē. de his NORTWALIS." In a previous part of the Volume, fol. 186 b. eleven manors are enumerated "in Marcha de WALIS."

(*u*) Domesd. tom. i. fol. 162. "Castellum de Estrighoiel" is supposed to mean either Chepstow, or a small Castle, some remains of which may still be seen on a brow of the Forest of Wentwood, four miles from Chepstow, commanding the antient road thereto from South Wales. See Williams's Hist. of Monmouthshire, p. 140. which says, the Cambrians called it Castell Glyn Ystrigul, or the Castle near the River Ystrigul, which falls into the Usk, between Brynbiga and Caerleon. Lamecare (*Lanvair*), Poteschiuet (*Portsewit*), and Dinan, are mentioned in the Survey as Hardeuices, or villages belonging to Herdmen. The enumeration of sixty-three villages follows, without the name of any one being mentioned. At the end, it is said, "hos misit. W. comes ad c̃suetud Griffin regis licentia regis W." Caruen (*Caerwent*) and Caldicot are also noticed, as well as Caer-leon. Turstinus the son of Rolf is said to hold six carucates "ultra Huscham," beyond the Usk:

(*v*) Domesd. Book Illustr. p. 15.

(*w*) See Ordericus Vitalis, Lib. iv. p. 514. A. D. 1069. "Spatio centum miliariorum castra ejus diffunduntur. Plerosque gladio vindice ferit, aliorum latebras evertit, terras devastat, et domos cum rebus omnibus concremat. Nusquam tanta crudelitate usus est Guillelmus, hic turpiter vicio succubuit, dum iram suam regere contempsit; et reos innocuosque pari animadversione peremit. Jussit enim ira stimulante segetibus et pecoribus cum vasis et omni genere alimentorum repleti, et igne injecto penitus omnia simul comburi; et sic omnem allimoniam per totam regionem trans Humbranam pariter devastari. Unde sequenti tempore tam gravis in Anglia latè sævit penuria, et inermem ac simplicem populum tanta famis involuit miseria, ut Christianæ gentis utriusque sexus et omnis ætatis homines perirent plūs quam centum milia."

Compare

As to Durham, he adds, all the country between the Teis and Tine had been conferred by Alfred on the Bishop of this See; and at the coming in of the Conqueror he was reputed a Count Palatine (*x*).

From the particulars which have been stated, the Survey seems to have been made with as much exactness as was possible (*y*). The greatness of the design might of itself be expected to occasion some omissions. Those in the larger districts have been accounted for; and, in the smaller ones, it may be reasonable to suppose that as some places mentioned in the Survey have been since quite depopulated, and every memorial of them lost, so that many other places which are now of consequence did not exist in the time of the Conqueror. Manors continued to be created till the statute of "Quia Emptores," which passed in the eighteenth year of Edward the First, and numerous parcels of land which now form Manors of themselves, at the time of the Domesday Survey must have been parcels of other Manors still in existence.

II.—Principal Matters noticed in this Record.

Sect. 1.—Persons.

II.
Principal Matters
noticed in this
Record.

§ 1. Persons.

1. AFTER the Bishops and Abbats, the highest persons in rank were the Norman BARONS. In Domesday, the "Barones Regis" are but rarely noticed; and even then, in most cases, we are to understand the King's justiciaries, before whom the claims on property were litigated (*a*). From one or two entries, however, there can be little doubt that the designation was generally applied to the King's immediate freeholders, the tenants in capite. In the account of Wareham in Dorsetshire, it is said, "De parte S. Wandregisili s̄t ibi. XL.V. dom⁹ stantes 7 XVII. s̄t vastæ. De partibz alioz Baron' s̄t ibi. XX. dom⁹ stantes. 7 LX. s̄t destructæ (*b*). And, in the account of Warwick, it is said, "habet Rex in dñio suo. C.XIII. domus. 7 Barones regis h'nt CXII. de quibz omibz rex

Compare also Hoveden, Script. post Bedam, fol. Lond. 1596. p. 258 b. Brady, Append. p. 17. without any reference to the Historians here quoted, suggests that the counties alluded to *might be at that time in the hands of the Scots, or else in such condition as no Commissioners dare adventure into them to take the returns of Juries and make the Survey.* So complete however was the Conqueror's devastation, that William of Malmesbury states that this district, above sixty miles in length, which had been full of towns and cultivated fields, remained barren and desolate even to his time. Malmesb. lib. iii. p. 105. In fol. 301 b. of the first volume of Domesday, after the enumeration of the names of no less than sixty-one places in Agemundreness, it is said, "Oms hæ uille iacent ad Prestune. 7 III. ecclæ. Ex his xvi. a paucis incoluntur. Sz quot sint habitantes ignoratur. Reliqua sunt wasta. Roğ pict habuit."

(*x*) Kelh. Domesd. Book Illust. p. 15. The Bishop's property, as a tenant in capite, in other Counties is specifically mentioned. See Berksh. tom. i. fol. 58. Bedf. fol. 210. b. Northampt. fol. 220. Yorksh. fol. 304 b. Lincolnsh. fol. 340 b. Essex. tom. ii. fol. 15 b.

(*y*) That charters were exhibited to the Commissioners for the Domesday Survey is evident from several passages; as under Niwetone in Devonshire, fol. 101 b. "De hoc ̄ ostend Osbn⁹ eps cartas suas q̄ testant' æcciam s̄ Petri inde fuisse saisitam anteq rex E. regnaret." So, again, of the Abbey of Evesham in Worcestershire, "Ipsa æccla ten Ambreslege. Hæc antiquitus p III. hid fuit liba siç dñt cartæ de æccla. sed T. R. E. fuit numerata p XV hid." In tom. ii. fol. 389 b. under "Terræ Ricardi filii Comitis Gisleberti," we read, "H. maneriū dedit Aluricus fili⁹ Wisgari S̄co Johanni. t. r. e. concedente filio suo. & quendā sacerdotē Ledmarū & alios cū illo imposuit. Facta etiā carta eccliam, & omnē locū Leuestano abbī ad custodiendū c̄misit." A very large portion of the forged Saxon Charters which at this day exist are to be referred to the period of the Domesday Survey. They were fabricated by the Monks in the anxiety to make the titles to their property good when the Norman Commissioners came among them. Some had even forged Seals, an appendage of Norman origin introduced by Edward the Confessor.

The Seals both of Edward the Confessor and William are frequently noticed in the Survey. Once we have a mention of the Seal of Odo bishop of Baieux and Earl of Kent; unquestionably the earliest specimen in England of a Baronial Seal. An engraving of it will be found in the first Volume of the Archaeologia of the Society of Antiquaries. Odo is represented on one side as an Earl, in armour, on horseback.

(*a*) Under Thorp in Suffolk we read, "hanc t̄rā inuadianit Abbas [S. Edm.] c̄f Barones Regis. scilicet W. ep̄m Engelricū. 7 Rad. Stalrā pro c̄." And, again, in the same County, upon the Bishop of Baieux's property at Asfelda, "h̄c inuener̄ Barones Regis in pace inter Roğum bigot 7 Hugonē comitē." tom. ii, fol. 367 b. 377.

(*b*) Domesd. tom. 1, fol. 75.

Appendix
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 1. *Persons.*

rex habet geldū suū.” An enumeration of the persons holding these masures follows ; after which it is said, “ Hæ masuræ p⁴ti⁴n ad tras q⁴s ipsi barones tē⁴n extra burgū. 7 ibi ap⁴p⁴ciatæ sunt”(c). “ Barones regis ” occur continually for Tenants in chief in the Exeter Domesday (d).

2. The TAINI, *Tegni*, *Teigni*, *Teini*, or *Teinni*, are to be next mentioned, because those of the highest class were, in fact, the Nobility, or Barons of the Saxon times. The Thanes of the Saxon times, says Kelham, were divided into Thani Regis, Thani mediocres, and Thani minores. The Thani mediocres were equal to the lesser Barons or lords of manors, Selden says to the Vavasors, of the Normans. The Thani inferiores are said to have made up the lowest class of Freeholders (e).

Although the name of Baron appears, in time, to have supplanted that of Thane, yet, not merely in the beginning, but to the very end of the Conqueror's reign, the title of Thane existed, and was acknowledged (f). Nor was it likely that the use of language could have been so suddenly altered, that the title of Baron only should have immediately superseded it. Archbishops, Bishops, and Abbats, as well as the great Barons, are also called Thanes (g).

Sir Henry Spelman(h) and Wilkins(i) seem to make but two kinds of Thanes. “ A Thane,” says Sir Henry, “ was (in like manner with an Earl) (k), not properly a title of dignity, but of service : so called in the Saxon of ðenian *servire*, and in Latin, Minister à *ministrando*. But as there be many degrees of service, some of greater estimation and some of less, so those that served the King in places of eminency, either in Court or Commonwealth, were called Thani majores and Thani Regis ; and those that served under them in like manner as under Dukes, Earls, and other great Officers of the Kingdom, and also under Bishops, Abbats, and the greater Prelates of the Church, were called Thani minores, or the lesser Thanes. And, as the titles of honourable office and service in Dukes, Earls, &c. became at length to be made hereditary ; so this of Thanes descended at last, with their fathers land, upon their children and posterity ; and continued thus till after the Conquest, as appears by some writs and charters of the Conqueror.” “ Buchanan ” (l), Sir Henry Spelman continues, “ describing the quality of their persons, calleth them *Præfectos Regionum sive Nomarcas et Quæstores rerum capitalium*, Governours of places, principal Ministers of Justice, Chequer-men, Sheriffs, &c. But we will take them as the Saxons themselves describe them in the place above mentioned, where it thus followeth, ƳƳf Ceopl Ƴe ðeah Ƴ he heƳde fullice ƳƳf hƳða aƳener lande, &c. if a Churl or Husbandman throve so that he had fully five hides of his own land, a Church and a Kitchen, a Bell-house, and a Gate-house, a seat and a several office in the King's hall, then he was from thenceforth worthy of the rights of a Thane : meaning (as I understand it) he was then one of the greater Thanes or King's Thanes. For the lesser Thane is by and by described also in that which followeth, viz. And ƳƳf ðegen Ƴeðeah, &c. And if a Thane himself

(c) Ibid. tom. i, fol. 238. Compare Seld. Not. ad Eadm. p. 169. Wilk. LL. Anglo-Sax. p. 197. Note.

(d) Among the Laws of Edward the Confessor, as confirmed by the Conqueror, we have one, “ 21. *De Baronibus qui suas habent curias et consuetudines.*” See Wilkins, p. 202. See also the Law of Henry the first, “ *De privilegiis Procerum Angliæ.*” Ibid. p. 247.

(e) See Kelham, Domesd. Book Illustr. p. 343. Compare also Tyrrel, Introd. Hist. Engl. p. 76. Selden tit. Hon. p. 625.

(f) There are many Charters of William the First, both in English and Latin, in which they are mentioned. The Chartulary of the Abbey of St. Peter Westminster, MS. Cotton. Brit. Mus. Faust. A. iii, affords numerous instances. As, fol. 112 b. “ Willem King gret Bundi Stallere, and Sawold Sirefen, and alle *mine Thegnes* on Oxnefordscire freondlice.” And again, in the same folio, “ Willem King gret Stigan Aæbiscop and Eustacies eorll, and all *mine Thegnes* on Surreya freondlice.” In the Latin charters, the word *Ministri* is frequently made a substitute.

(g) Domesd. tom. i. fol. 56 b. “ Hi subscripti TAINI de Oxenefordscire habue⁴ tra in Walingeford. Lanfranc Archieps. Remigi⁹ ep⁹s. Abb. de S. Albano. R. abb. Comes Hugo. Walter⁹ Gifard. Robt⁹ de Oilgi. Ilbert⁹ de Laci. Roger⁹ F. Seifridi. Orgar. Hugo de Bolebec. Hugo Grando de Scoca. Drogo. Rob⁹ Armenteres. Wazo.” From the “ *Judicia Civitatis Lundoniæ sub rege Æthelstano edita.*” Wilk. LL. Anglo-Sax. p. 71. we learn that the Saxons had ƳæƳre Ƴegener 7 Ƴopulb Ƴegener, *Ministri ecclesiastici* and *Ministri seculares*.

(h) English Works. Diss. on Feuds and Tenures, p. 16.

(i) Glossar. ad LL. Anglo-Sax. p. 428.

(k) “ *Consul Eustachius*” occurs for Earl Eustace in the Survey ; tom. ii. fol. 20 b. but *Comes* is the more general name. Tom. ii, fol. 119. we have “ Ad op⁹ Ƴsul x. i. ad num.” “ *Consulatus testimonium,*” tom. ii. foll. 14. 91. is synonymous with “ *Testimonium sciræ.*”

(l) Hist. Scot. Lib. 6.

himself so prospered that he served the King, and rid upon his Message as others of his Court, and then had a Thane (i. e. an under or lesser Thane) that followed him, which had five Hides (or Plough-land) chargeable to the King's expedition, and served his Lord in the King's Court, and had gone thrice upon his errand to the King: he (this under Thane) might take an oath instead of his Lord, and at any great need supply the place of his Lord. And, if a Thane did so thrive as he became an Earl, he had the rights of an Earl. And a Merchant might become a Thane, &c. (*m*). Mr. Lambard (*n*) conceiveth this place to discover but three Degrees among the Saxons, viz. Earls, Thanes, and Ceorls, not admitting the Under Thane to be a several Degree. The words seem otherwise, and the Saxon division before recited maketh four degrees, Earl, Ceorl, Thegn, and Theoden or under Thane. Some therefore distinguish Thanes into majores and minores, some into majores, minores (otherwise called mediocres,) and minimi, whom Canutus in his Forest Laws, calleth Minuti and Tinemen. The Saxon division first mentioned, I find to be pursued by Norman terms in the laws of Edward the Confessor and William Conq. delivered by Ingulfus, viz. Count, Baron, Valvasor, and Villain; where he placeth Count instead of Earl, Baron instead of King's Thane, Valvasor instead of Theoden or lesser Thane, and lastly Villain instead of Churl; as though the division both of the Saxon and Norman times did hold analogy one with the other, and both of them with ours at this Day, viz. of Earls and Barons of the Kingdom, including the greater Nobility; Barons of Towns and Manours, including the lesser Nobility or Gentry; and that of our Yeomen, including the Husbandmen."

At the end of many Counties in Domesday there is a title for Thani, Servientes, and Ministri Regis; but the Thani are generally distinct from the Servientes and Ministri, as seeming to be of a superior degree, and holding offices of a less servile nature than the others (*o*).

References to entries in the Survey in which the Teigni Regis are mentioned will be found in great abundance in the Index Rerum. We have also Teigni Reginæ, Teigni Heraldî Comitîs, Teigni Stigandî Archiepiscopi, Teigni Comitîs Algari, Teigni homines Alrici filii Goding, Teigni liberi, and in one instance, "unus francus Teignus" (*p*). The Taini Sciræ, whose testimony appears so often to have decided the Returns of the Commissioners in the appropriation of property (*q*) were, no doubt, of the order of "mediocres." In the account of the Manor of Wicheburne in Nottinghamshire, it is said, "Duas bou de hac trā tenuē. v. taini. unus eoz erat senior alioz" (*r*).

3. The VAVASSORES, in dignity, were next to the Barons and higher Thanes. Selden says, they either held of a mesne lord, and not immediately of the King, or at least of the King as of an honour or manor, and not in chief (*s*). Vavassores, however, are mentioned but twice in the first volume of the Survey, at least under that denomination. At Avicetone in Hampshire we read, "Ibi manet qdā uauassori⁹ hñs. II. uac" (*t*). And at Caldecote in Buckinghamshire it is said, "Ibi sunt II. uauassores redd XXXII. soł. 7 VI. den" (*u*). At the close of the account of Suffolk, however, we find a distinct title of "Terra Vauassorum" (*v*), the perusal of the contents of which satisfactorily proves that throughout the greater part of the Survey the title was sunk in the general name of Liberi homines.

"The Grantees," says Sir Henry Spelman, "that received their Estates from the Barons or Capitanei and not from the King, were called Valvasores (a degree above Knights,) and were unto their Lords (the Capitanei or Barones Regis) as they the Capitanei were unto the King: and did in like manner subdivide their Lands among their Socmen and military followers, who in old time were called Valvasini; whom I take to be the same

(*m*) *Judicia Civitatis Londoniæ*. Wilkins, LL. Anglo-Sax. p. 70. § ult. et seq. (*n*) *Itin. Cant.* p. 502.

(*o*) Compare *Domesd.* tom. i. fol. 36 b. 49 b. 63 b. 73 b. 74 b. 84. 84 b. 98 b. 117 b. 118. 142. 153. 160 b. 170 b. 207 b. 236 b. 244. 250 b. 278 b. 292 b. 330 b. 370 b. Tom. i. fol. 143, we have "Taini Regis & Eleemosinarii." The relief of the Thane is given from the Saxon Laws in p. 148.

(*p*) Tom. ii. fol. 54. b. The "Teigni liberi" must have been such by tenure and not as "Ministri."

(*q*) See the returns for Wiltshire.

(*r*) Tom. i, fol. 291. Of the Thanes attached to the escheated fee of Robert of Poicteau, between the Ribble and the Mersey, we read, "Oñs isti taini habueť ċsuetud reddē II. oras denarioz de unaquaque caruc træ. 7 facieb p ċsuetud domos regis 7 quæ ibi ptineb siċ uilli. 7 piscarias. 7 in silua haias 7 stabilituras. 7 qui ad hæc ñ ibat qđo debeb. II. soł. eñdab. 7 postea ad op⁹ uenieb 7 opabat donec pfecť erat. Vñ⁹ quisq eoz uno die in Augusto mitteb messoros suos secare segetes regis. Si non 7 p II. soł eñdabat." (*s*) *Kelham*, p. 354. (*t*) *Domesd.* tom. i. fol. 53.

(*u*) *Ibid.* fol. 146 b.

(*v*) *Ibid.* tom. ii. fol. 446.

Appendix
(M.)
DISSERTATIONS
on
DOMESDAY.
II.
Principal Matters
noticed
in this Record.
§ 1. *Persons.*

same at this day that are the Lords of every Manour, if not those themselves that we call Knights, as owners of a Knight's Fee. For in this, the feudal Law itself is doubtful and various, as of a thing lost by antiquity or made uncertain by the differing manners of several nations. Insomuch that Valvasores and Valvasini grew to be confounded, and both of them at last to be out of use, and no other military Tenures to be known amongst us than *tenere per Baroniam*, and *tenere per Feodum militare*. But in a charter of Henry I. (w) it is said: 'Si exurgat Placitum de divisione Terrarum, si interest Barones meos Dominicos, tractetur in Curia mea; et si inter Valvasores duorum Dominorum, tractetur in Comitatu,' &c. where the Valvasores were also, and the Barons themselves suitors and attendants (x). Bracton mentioneth them in Henry III.'s time, to be Viri magnæ dignitatis (y). Nor was their memory clean gone in Richard II.'s days; as appeareth by Chaucer. Yet do I not find in any of our antient Laws or Monuments, that they stood in any classick kind of Tenure, other than that we may account the Baron, Vavator, and Knight, to be (as our Lawyers at this day term them) the Chief Lord, Mesne, and Tenant (z).

Fleta, whose Book was written after the thirteenth of Edward the first, places the Vavassores next to the Milites (a). Kelham, from Madox's *Baronia Anglica*, says, "We read of Vavassours in the time of Henry the first belonging to the barony of the Archbishop of York, to the barony of Robert Fossard, and others; but they were not numerous." (b)

The Relief of the Vavator will be hereafter given. In the Conqueror's Laws it follows that of the Baron. (c)

4th. The ALOARII, *Alodarii*, or *Alodiarii*, Tenants in Allodium, are the next to be mentioned. "The tenure of Allodium," says Kelham, "refers to the tenants and possessors chiefly before the Conquest. It signifies an hereditary and perpetual estate, free and in the power of the possessors to dispose of by gift or sale, but subject to the common and constant land-tax of hidage (d); and, in Kent, the King, on the commission of particular offences was entitled to pecuniary mulcts from all the allodial tenants and their men. He was also, on the death of an allodial tenant, entitled to Relief (e). Entries relating to this tenure are found in the Survey in Kent, Sussex, Surrey, and Hampshire, and a few times in Berkshire.

One or two entries in Sussex seem to represent allodial property, at least in England, as of a more qualified nature than Sir William Blackstone, who follows the opinions of the feudists abroad, is willing to allow. Under Bercheham, it is said, "Goduin⁹ comes tenuit de rege E. sicut Alodiū" (f). At Bristelmestune we are told "Tres Aloarij tenuer[unt] [VI hid. 7 uñ. v] de rege E. 7 potuer[unt] ire qlibet" (g). And in another instance they occur as under-tenants to Earl Goduin, at Laneswice in Sussex (h). At Codintone in Surrey, we read, "Leuui⁹ com tenuit. Tc se defd p XXX. hid. De q'bz teneb com XX. hid 7 X hid teneb Alodiarij uillæ q cū suis tris quo uoleb recede poterant" (i). At Solafel in Berkshire we find *Alodiarii* still existing as tenants at the formation of the Survey, "*Ibi sunt v. Alodiarij cū II. cañ 7 bord uno*" (k).

Of

(w) De tenend. Comitibus.

(x) LL. Hen. I. cap. viii.

(y) Bract. Lib. i. c. 8. nu. 4.

(z) Spelm. English Works. Of Parliaments, p. 58. Compare also Seld. Tit. Hon. p. 625. and Spelm. Glossar. ed. 1687. p. 550.

(a) Kelham, p. 398.

(b) Kelham, p. 354.

(c) See p. 148.

(d) As in Hampshire, tom. i. fol. 54. "Soartin ten⁴ Drodintone de rege. Ipse 7 alter lib homo tenuer in aloð de rege. E. Tc' geld⁴ p una hida 7 dim. tcia parte uni⁹ v min." See other instances, tom. i. fol. 22 b. 23 b. 24. 29 b. 39. 39 b. 43. b. 45. b. &c.

(e) Domesd. tom. i. p. 154. Brady's Hist. of Engl. p. 204. Gloss. p. 1. Compare, also, what relates to the *Alodiarii* of Kent, Domesd. tom. i. fol. 1. "ALLODIARII ut mox *Allodiales*. Chartul. Gemetic." tom. i. p. 275. 'Præbet Willelmus meo permissu Apostolorum Principi sex acras terræ, atque sex *homines liberos*, qui vocantur *Alodiarii*.' Du Cange.

"ALLODIUM. Gloss. vett. Allodium dicitur hæreditas, quam vendere vel donare possum ut mea propria. Item, *Allodium*, id est prædium. Rhenanus lib. ii. Rerum Germ. sic dictum *Alodem* putat, quasi *Anlod*. Cujacius quasi sine lode, quasi ejus possessor nemini sit *leodes*." Glossar. Lindenbrog.

(f) Domesd. tom. i. fol. 22 b.

(g) Ibid. fol. 26 b.

(h) Ibid. fol. 26.

(i) Ibid. fol. 31 b.

(k) Ibid. fol. 63. b. Numerous instances might be adduced of the virtual existence of the Tenure of Allodium in the reign of the Conqueror. In the Register of the Abbey of Westminster already quoted, fol. 57. the Conqueror gives to the Monks the Manor of Euereslea in Hampshire, "cum omnibus rebus et consuetudinibus et legibus *sicut quatuor socemanni* de Edwardo rege pro iij. maneriis in *Allodio libere tenuerunt*." So fol. 58, in a Confirmation of land at Chelsey, —"cum

Of the description of Allodial Tenants were the *DRENCHS* or *Drenghs*, mentioned upon the lands between the Ribble and the Mersey, in Lancashire. Sir Henry Spelman considers them as military vassals, "Tenentes per servitium Militare:" (*l*) and, from the few entries in which they occur (*m*), it certainly appears that the allotments of territory they possessed were held as manors. Sir Edward Coke calls them free tenants of a Manor (*n*). The *DINGES* mentioned, tom. i. fol. 298. are supposed to have been persons of the same description.

5. *MILITES*.—The term Miles appears not to have acquired a precise meaning at the time of the Survey. Sometimes implying a soldier or mere military servant, and sometimes a person of higher distinction. The "Miles Regis dominicus" occurs once in the account of Berkshire (*o*): and in another entry, under Dorsetshire, "Bricsi miles regis Edwardi" occurs (*p*). In fol. 4. of the Survey, after "Terra Archiepiscopi Cantuariensis," we have "Terra *Militum ejus*," under which title we find Hamo the Sheriff, and even the Earl of Ow, holding land (*q*). In the account of Wiltshire, at Poterne, among the possessions of the Bishop of Salisbury, it is said, "De ead̄ tra huj⁹ 10 ten. 11 angli VI. hid. 7 unā v træ. Vn⁹ ex eis ē Miles *jussu Regis*. 7 nepos fuit Hermannī epi" (*r*). At Gistelesworde in Middlesex we have, "Francig 7 qda anglicus. IIII. hid 7 sunt *Milites p̄bati*. Sub eis manent int̄ uiff 7 bord. XII" (*s*). Another entry which appears to relate to the Milites of higher consequence, occurs in the return of the Lands between the Ribble and the Mersey. "Int̄ Ripā 7 Mersham VI. Hund. Modo tenet Rex 7 h̄ in dñio XII. cañ 7 IX. *Milites feudū tenentes*. Int̄ eos 7 eoꝝ hoēs. sunt CXXV. car. 7 III. boues. Qd̄ dedit militibz' XX. lib. 7 XI. solid̄ ap̄ciatur" (*t*). The Barons and greater persons who held under the Archbishop of Canterbury, were probably his *milites* in consideration of taking the command of his soldiers jointly with their own, when brought into actual service. Many of the Milites who held under the Bishops appear to have had larger allotments of land than under other tenants in capite (*u*). Under the lands of the Bishop of Baieux in Surrey, it is said, "Wadardus ten de epi Ditone. Ille q ten de Wadardo: redd̄ ei L. sol. 7 *seruitium uni⁹ militis*" (*v*). Cumbe also, one of the Bishop's manors in Kent, appears to have yielded four pounds, "7 *seruitiu uni⁹ militis*." (*w*). The instances, throughout the Survey, are very numerous where the Milites hold a single hide.

Of

—"cum omnibus rebus et consuetudinibus et legibus tam bene et tam plene sicuti melius et liberius Turstanus huscarl Edwardi Regis de eodem Rege in *Allodium libere tenuit*." Brady, Gloss. p. 3. says, according to the particular municipal Customaries of France there was, in that country, Alodium Nobile and Alodium Villanum: the former not obnoxious to feudal service. See Berault *Customes de Norm.* art. 102.

(*l*) Glossar. edit. 1687. p. 184.(*m*) Domesd. tom. i. fol. 269 b.

(*n*) See also Somner on Gavelk. p. 124. Kelham, p. 200. Compare also Wilkins LL. Anglo Sax. p. 287. Spelman quotes their origin from a Manuscript History of the Sharnburne family of Norfolk. "Edwinus [de Sharneburne] et quidam alii qui ejecti fuerunt [è terris suis] abierunt ad Conquestorem, & dixerunt ei, quod nunquam ante Conquestum, nec in Conquesto suo, nec post, fuerunt contra ipsum regem in consilio et auxilio, sed tenuerunt se in pace. Et hoc parati sunt probare, quomodo ipse Rex vellet ordinare. Per quod idem Rex fecit inquiri per totam Angliam si ita fuit. Propter quod idem rex præcepit ut omnes illi qui sic tenuerunt se in pace in forma prædicta, quod ipsi rehaberent omnes terras et dominationes suas, adeo integre et in pace, ut unquam habuerunt vel tenuerunt ante conquestum suum. Et quod ipsi in posterum vocarentur *Drenges*." The authenticity of the account here quoted is rejected by Camden in his *Britannia*, as well as by Brady in his *Introd.* pp. 12. 270. It is even inconsistent with the accounts of Sharnburne in the Survey itself. On *Drengage* also, compare Nicolson's and Burn's *Hist. of Westmorl. and Cumberl.* vol. i. pp. 21, 22.

(*o*) Domesd. tom. i. fol. 56 b.(*p*) Ibid. fol. 83.

(*q*) Kelham says, Men that held great estates of the Earls and Barons of England, as five, six, seven, eight, nine, ten, or more Knight's fees, were called by them their Barons; but were not Barones Regni, or Parliamentary Barons. And as the King had, so these Earls and Barons had their Dapifers or Seneschals, Chamberlains, and other officers in their households. Domesd. Book Illustr. p. 273. Compare also Madox, Bar. p. 133. Brady, *Introd.* Gloss. p. 18. *Hist.* p. 201.

(*r*) Domesd. tom. i. fol. 66.(*s*) Ibid. fol. 130.(*t*) Ibid. fol. 270.

(*u*) Under "Terra Monachorum Archiepiscopi Cantuar." in Kent, at Edesham, it is said, "De tra huj⁹ 10 ten. II. milites de Archiepo. III. solins. 7 ibi h̄nt in dñio IIII. cañ. 7 XVIII. uilli cū V. bord. h̄nt. I. cañ." "Qd̄ Milites ten ual XI. lib. 7 tam̄ redd̄ XIII. lib." tom. i. fol. 5. In Somersetshire, under "Terra Epi Wellensis," at Wivelescome, we read, "De hac tra huj⁹ 10 ten. III. milites de epi. IX. hid. 7 ibi h̄nt XVI. cañ. H. tra ē de dñio episcopat⁹ nec potest ab epi separi. Valet epi X. lib. militibz. XV. lib." Ibid. fol. 89. In Hertfordshire after the account of thirty-six hides of land belonging to the Bishop of London, it is said, "Has XXXVI. hid ten epi London 7 sui milites. 7 cū his reclamat. IIII. hid quas ten abb. de Ely in Hadam." Ibid. fol. 134.

(*v*) Domesd. tom. i. fol. 52.(*w*) Ibid. fol. 10. b.

Appendix
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 1. *Persons.*

Of the entries in which the *Milites* appear as mere soldiers, and in which they are sometimes classed with the inferior orders of tenantry, the following, taken as they occur in the record, may serve as specimens. Under the manor of Wingeham in Kent, belonging to the Archbishop, it is said, “De hoc tē ten Wiffts de Arcis. I. solin in Fletes. ibi hē in dñio I. car. 7 IIII. 7 uifkos. 7 un’ milite cū I. car” (x). Under “Terra Eccl. August. Cant.” at Tanet, it is said, “De isto tē ten III. milites tant’ de tra uillanoz. qd’ ual’ IX. lib’ quando pax e’ in tra. 7 ibi hn’t. III. car” (y). At Meldone, in Surrey, among the lands held of Richard Fitz Gilbert by Robert de Watevile, we read, “De his hid ten un’ miles I. hid. 7 unā v. 7 ibi hē I. car. 7 I. uifm. 7 un’ bord. 7 I. acram prati” (z). At Heortha, in Wiltshire, under “Terra Hugonis Comitis,” “Ibi I. miles. 7 III. coscez. 7 V. aē pti” (a). In Devonshire, at Ratreu, “De hac tra ten. II. milites unā v trā” (b). The *Milites* belonging to the Abbey of Westminster, in Middlesex, appear to have resided on the demesne of the Monastery, “in Villa ubi sedet æccl’a S. Petri” “Silua c. porc. 7 xxv. dom’ militum Abb’is 7 alioz hōum. qui reddt VIII. soł p annū” (c). At Hichetone, in Hertfordshire, it is said, “In ead’ uilla ten II. milites de comite [Eustachio] XX. acras” (d). Among the Bishop of Worcester’s lands at Crumbe in Rippel, in Worcestershire, we find a singular entry. “Hanc trā tenuit Sirof de eō T. R. E. quo mortuo ded’ eōs filiā ei’ cū hac tra cuidā suo militi. qui et matrē pasceret 7 eō inde seruiret” (e). On the lands of Turchill de Warwic, at Cestreton, in Warwickshire, we find “V. milit’ Angli hñtes IIII. car 7 dimid.” (f). At Saint Edmundsbury, in Suffolk, we find, “XXXIII. milites int’ Fr. 7 Angli. 7 sub eis XXII. bord” (g). The word *Milites*, as used by Matthew Paris in his account of the Survey, must undoubtedly be understood as of soldiers. Among the customs of Berkshire, we have a passage which clearly proves this. It relates to their pay, “Si rex mitteb’ alicubi exercitū de v. hid tant’ un’ miles ibat. 7 ad ej’ uictū t’ stipendiū de unaqua, hida dabant. ei IIII. solidi. ad II. menses. Hos uero denar’ Regi n’ mittebant sed militib’ dabunt” (h). In the account of Colchester in Essex, the word *Soldarii* is used as a substitute for *Milites*, “Est autem consuetudo unoq, anno quinto decimo die post pascha reddunt burgenses regij duas marcas argenti 7 hoc ptinent ad firmā regis. Ptea de unaqua, domo p annum. VI. denarios. quæ redde potest ad uictū soldarioz regis. vt ad expetitionē trā ut maris; & hoc n. ē. ad firmā. Et hoc sit si rex soldarios habuerit ut expetitionē fecerit. Et prop’ hos. VI. denarios tota ciuitas ex omibz debitis reddebat tēp’ r. e. XV. lib. 7. V. soł. 7. III. d. in unoquoq, anno” (i).

6th. *LIBERI HOMINES* appears to have been a term of considerable latitude; signifying not merely the freemen or freeholders of a manor, but occasionally including all the ranks of society already mentioned, and indeed, all persons holding in military tenure. Many of the *liberi homines* were tenants of the King in capite (k). We find the same latitude of expression in the Conqueror’s laws (l): and the term is used in a sense equally general by William of Malmesbury, even at a later period (m).

The ordinary freemen, before the Conquest, says Kelham, and at the time of compiling Domesday, were under protection of great men; but what their quality was, further than that their persons and blood were free, that is, that they were not *nativi* or bondmen, it will give a knowing man trouble to discover to us (n). These freemen under protection, are called in the Survey *liberi homines commendati*. They appear to have placed themselves by voluntary homage under this protection; their Lord or Patron undertook to secure their estates and persons; and for this protection and security they paid him an annual stipend, or performed some annual service (o). The great similarity of this bond of homage to that of the Patron and Client among the Romans,

..will

(x) Domesd. tom. i. fol. 3 b.

(y) Ibid. fol. 12.

(z) Ibid. fol. 35.

(a) Ibid. fol. 68.

(b) Ibid. fol. 111.

(c) Ibid. fol. 128.

(d) Ibid. fol. 173.

(e) Ibid. fol. 173. “We learn by this, says Dr. Nash, that in the manor of Ripple the bishop had the power of marrying his tenants daughters to whom he pleased, and upon conditions which he dictated; as here, that the husband should maintain her mother. Obs. on Domesd. for Worc. p. 13.

(f) Domesd. tom. i. fol. 241 b.

(g) Ibid. tom. ii. fol. 372. “III. francig milites” occur on the lands of St. Augustine Canterbury, at Cistelet in Kent. tom. i. fol. 12.

(h) Domesd. tom. i. fol. 56 b.

(i) Domesd. tom. ii. fol. 107.

(k) See what is said of *Liber Homo*, p. 169.

(l) LL. Will. Conq. 55. 58. 59. Wilk. LL. Anglo. Sax. pp. 228. 229.

(m) In his account of Henry the First, it is said, “Filiū habuit rex Henricus ex Matilde nomine Willelmum dulci spe, et ingenti cura in successionem educatum, et provectum. Nam et ei, vix dum XII. annorum esset, omnes *LIBERI HOMINES* Angliæ et Normanniæ, *cujuscunque ordinis et dignitatis*, *cujuscunque domini fideles*, manibus et sacramento se dedere coacti sunt.” Malmesb. ed. Savile. fol. Lond. 1596. fol. 93. In Domesday, tom. ii. fol. 204 b. “lib hō teinn” occurs.

(n) Domesd. Book Illustr. p. 254.

(o) Kelham, p. 178. Pref. Brad. Hist. p. 56.

will not be overlooked by the most ordinary reader. The origin of this "Commendatio" is unquestionably to be sought for in the Roman civil law.

According to the Returns of the Survey, some appear to have sought a patron or protector for the sake of obtaining their freedom only; such the *Liberi homines commendatione tantum* may be interpreted. According to the Laws of the Conqueror, a quiet residence of a year and a day, upon the King's demesne lands, would enfranchise a villein who had fled from his lord. "Item si Servi permanserint sine calumnia per annum et diem in Civitatibus nostris vel in Burgis in muro vallatis, vel in Castris nostris, a die illa liberi afficiuntur et liberi a iugo servitutis suæ sint in perpetuum" (p).

The *Commendati dimidii*, says Kelham, were persons who depended on two several lords, and were to pay half their annual rent for their protection to one, and half to the other. *Sub-Commendati* were such as, like under-tenants, were under command of those who were themselves depending on some superior Lord. *Sub-Commendati dimidii* were those who were under the *Commendati dimidii*, and had two patrons or protectors, and the same as they had (q). *Liberi homines integri* are occasionally mentioned, as those who were under the full protection of one lord, in contradistinction to the *Liberi homines dimidii*, whose homage was divided. Under Vluestuna, in Suffolk, we have a singularly minute division of the *Commendatio*. "Aluin⁹ p̄r lib̄ hō 7 sexta pars cōm'dationis suæ erat cuidam Commendato" (r).

This *Commendatio* appears in the Domesday Survey under different forms, exclusively in the second Volume, and principally in the Descriptions of Norfolk and Suffolk (s). From numerous entries in both counties, it appears to have existed in the time of King Edward the Confessor (t). It is possible that it might have

(p) LL. Will. Conq. 66. Wilk. p. 229. Blomefield, in his History of Norfolk, vol. i, p. 657. fol. edit. quotes a remarkable instance of the Appeal to this Law. Sir John de Clavering, in 1312, sued William Fiz and seventeen others, villanes of his Manor of Cossey, for withdrawing themselves, their goods and chattels, out of his manor, and dwelling in other places, to his and the King's prejudice, upon which a writ was directed to force them to come and dwell in the Manor, and bring all their goods with them, upon execution of which, six of them pretended to be free-men, and came to their trial, and pleaded that they came by their freedom in this manner, viz, by being citizens of the City of Norwich, having lived there, and paid scot and lot for above thirty years with the free citizens there, and two of them pleaded they were born in the walls of the City, and as such produced the Conqueror's Charter, in which it was contained, that if any Servants or Villanes lived without claim of their Lords, (i. e. without paying Chevage, or a fine for licence so to do) for a year and a day, in any of the King's Cities, walled Towns, or in the Camp, from that day they should be free-men, and their posterity for ever, upon which these six were declared Free-men, and an Appeal from the King's Charter was not admitted; and two more pleaded and obtained their Freedom, by proving that Edward I. granted their Fathers houses and lands in Norwich, to hold of him and his heirs, according to the custom of the City, and that they were their fathers heirs; but all the rest were forced to return and live in Villenage under their Lord. The original of this case is on the Placita Roll. Term. Pasch. 6 Ed. II. (q) Kelham, p. 178. (r) Domesd. tom. ii. fol. 376 b.

(s) In Norwich, it is said, tom. ii. fol. 116. "Sup L [burgenses] habebat Stigand⁹ soca 7 saca 7 comendatione & sup XXXII. habebat herold⁹ soca 7 saca 7 comendatione. Quorū un⁹ erat ita ei dñic⁹ ut n̄ poss& recedæ nec homagiū facere sine licentia ipsius." Fol. 182. among the lands of Roger Bigot, we read, "In Hadescou unus sochemanus Edrici de Laxsefelda . . . hic socheman⁹ cōmdauit se Aluino tempore. Willi. regis. & erat inde saisitus quando rex dedit terram Rogero bigoto."

(t) See fol. 139. 182. 185. 187. 287. At Grundesburh in Suffolk, fol. 300. we have, "1. lib̄ hō. cōmdatus heroldi. t. r. e. 7 uxor eius cōmd̄ haldein [tenentes] LX. ac t̄ræ. p̄ 1. m. m. tenent III. libi." At Dersa, in the same county, among the lands of Robert Malet "1. lib̄ hō. Edric⁹" occurs: "Hic Edric⁹ cōmdat⁹ fuit Edrico. de Laxsefelda antec Rot̄ti Malet pri⁹q. rex. E. obiss&. P⁹ea udlagauit Edric⁹; Rex. E. saisiuit tota sua tram. P⁹ea conciliat⁹ est regi. E. 7 concessit ei tra sua. dedit etiā breue 7 sigillū ut quicuq. de suis libis cōmd̄ hominibz ad eū uellent redire. suo concessu redirent; Hunc Edricū saisiuit R. E. in sua manu p⁹ea n̄ uidit Hundret ut ad Edricum dñm suū redir& s̄z tñc ipse dicit 7 offert iuditū qd̄ rediit. & libos hōes quos h̄t sub se cōmd̄ tenet; & ex eis reuocat Robtū Warant." tom. ii. fol. 310 b. 311. At fol. 401 b. we read, "Aluenelega tēf̄ brungar lib̄ hō Rot̄ti cōmd̄ tantum. t. r. e. p̄ man." "Sup hanc habuit. s̄cs. e. soč & sacā. t. r. e. 7 Rodbtus fili⁹ Wimarce 7 pať sueni. cōmd̄ tantū. Eodē t̄p̄r fueť furati equi inuenti. in domo istius brungari. ita qd̄ abbas cuius fuit soca 7 saca & Rodbt⁹ qui habuit cōmdationē sup istū uenēf̄ de hoc furto ad placitū 7 sič H. testat. discesseť amicabiliť sine iuditio qd̄ uidissē hundrt." Du Cange, quoting two extracts from this part of Domesday, says: "Ex quibus patet Commendatos fuisse liberos homines, quibus licitum fuit cui vellet sese commendare. Ranfredus Jurisconsult. qui vixit sub Frederico II. in Ordine iudiciario, tit de Villanis: 'Recommendati dicuntur, qui veniunt sub alienis partibus, et habitare volunt in civitate tua, elegit patrociniū tuum, et dicit, Domine, volo esse tuus Recommendatus, ut habeamus tuum defensionem annis singulis, et serviam in Pascha

Appendix,
(M.)
DISSERTATIONS
on
DOMESDAY.

II.
Principal Matters
noticed in the
Record.

§ 1. Persons.

have fallen into disuse after the Conquest, as a separate and distinct reciprocal duty, in consequence of the prevalence of military tenure. Commendatio sometimes signified the annual rent paid for the protection.

Liberi homines ad nullam firmam pertinentes were those who held their lands independent of any lord. Of others it is said, "qui remanent in manu regis" (u).

In a few entries of the Survey we have *LIBER FEMINÆ* (v); and one or two of *Liberæ feminæ commendatæ*. At Aspleia, in Bedfordshire, it is said, "Hoc t̃. tenuit Leueua cōmdata Wallef comitis 7 quo uoluit cū terra sua recedere potuit" (w).

7. The *SOCHEMANNI*, or *Socmens*, says Nichols, were those inferior land-owners who had lands in the *Soc* or franchise of a great baron; privileged villans, who, though their tenures were absolutely copyhold, yet had an interest equal to a freehold. Their services were fixed and determinate. They could not be compelled to relinquish these tenements at their lord's will, nor against their own: et ideo, says Bracton, denominantur liberi (x). It seems idle, Nichols adds, to suppose that they took their name from the *soca* or plough (y); for it no where appears that they held by plough service. Such men were actual freeholders, and a certain number of them were necessary in every manor to hold the pleas of the Manor Court. Socmen were, of consequence, those who owed suit and service to the lord's court; and it is from the word *Soc*, which gave them their name, that we must derive our tenures in free and common socage (z).

Domesday, however, exhibits different conditions of Socmen, sometimes enjoying the usu-fruct within the soke freely, and sometimes performing certain inferior services of husbandry. On the manor of Bocheton in Yorkshire, it is said, "In hac uilla ē soca de XII. carucatis 7 VI. bouatis ad gl̃d. Ibi sunt ñc VII. sochī h̃ntes XII. uiffos. 7 VI. bord cū IX. cañ. 7 1. molend. II. solidos" (a). In the five wards of Stamford, in Lincolnshire, it is said, "sunt LXXVII. mañs sochemanos qui h̃nt tras suas in dñio. 7 qui petunt dominos ubi uolunt. sup quos rex nichil aliud h̃t nisi em̃dationē forisfacturæ eoꝝ. 7 heriete. 7 theloneū" (b). "Sochemanni cū omni c̃suetudine," occur several times in Norfolk. Among the lands of Roger Bigot, in Norfolk, we read, "In Hadescou unus sochermanus Edrici de Laxsefelda XXX. acras et III. bordarios. 7 una carruca & dimidia. VI. acrae prati. & III. libos homines sub illo XIX. acras. t̃c̃ uał. X. solidos. modo. XIII. & III. d. Ibi ē & iam pastura ad L. oues. hic socherman⁹ cōm̃dauit se Aluino tempore. Wit̃i regis. & erat inde saisitus quando rex dedit terram Rogero Bigoto" (c).

Lord Lyttelton says, by mistake, that in Domesday Book the Socmen are distinguished from other free tenants, called there *liberi homines*, by not having the power, which these enjoyed, of giving away or selling their estates without leave of their lords (d). This certainly was the case with a description of Socmen different

vel in Natali duas gallinas, vel libram piperis, vel aliquid aliud. De istis multos inuenies apud Neapolim, in villis eorum et Bononiæ. Isti de jure nihil aliud debent conferre; sed Neapolitano ab illis multa exigunt, et fere omnia quæ exigunt Domini a Vassallis." Glossar. tom. ii, col. 849.

(u) See Kelham, pp. 253. 254. (v) In the Laws of Æthelberht we find the term *ppur* used. LL. Æthelb. 72.

(w) Ibid. fol. 213. In Surrey, tom. i, fol. 32 b. we read, "Rainald⁹ ten⁴ unā hid in Aissela de ipsa Abbacia [de Certesyg] 7 p̃ xv. acris ded̃ geld. Quedā femina tenuit T. R. E. 7 potuit ire quo uoluit. s; p̃ defensione sub Abbacia sē misit."

(x) Compare also Blackst. vol. ii. p. 100.

(y) See Blomef. Hist. Norf. fol. edit. vol. iii. p. 539.

(z) Hist. Leic. Introd. Vol. p. xlvi.

(a) Domesd. tom. i. fol. 314 b.

(b) Ibid. fol. 336 b.

(c) Ibid. tom. ii. fol. 182.

(d) Hist. Hen. II. 4^o Lond. 1767. vol. ii, p. 251. "Potuit ire cum terra quo uolebat," is a phrase which frequently occurs in the Domesday Survey. The tenant could either part with his land, or place himself under the protection of any lord he pleased. So again, "recedere non poterat a domino suo," he could not depart from his lord; or, as Dr. Nash interprets it, he was unalienable from the manor; he could not separate himself from the manorial soke, the court baron of later times. Among the customs of the Lands between the Ribble and the Mersey, we find a heavy compensation paid by those who withdrew from the King's protection. "Si quis de tra regis recedere uolebat. dab. XL. sol. 7 ibat quo uoleb." tom. i. fol. 269 b. Of Contune in Hampshire, it is said, "Quinq⁴ teini tenuer̃. de rege E. 7 quo voluer̃ ire potuerunt." tom. i. fol. 48 b. In the second Volume of the Survey, we read, "In Hund de Ceffeorda ē 1. lib hō. de XL. ac. q̃ ptinebat ad hauelingas. t̃. r̃. e. quē m̃ h̃t. S̃cs Petr⁹ de uuestmonas̃io. q̃a sua sponte uenit ad abb̃iam. 7 ñ reddit consuetudinē ad hauelingas." tom. ii. fol. 100. At Hiwi in Wiltshire, tom. i. fol. 72, we read "Toti emit eā T. R. E. de æccla Malmesbiensi. ad etatē triū hōum. 7 infra h̃c t̃minu⁴ poterat ire cu⁴ ea ad que⁴ uellet dñm."

different from those which have been just noticed; but it is not a general description of tenure in socage. At Widemondesfort in Essex, it is undoubtedly said, "Isti Sochemani siċ comitat⁹ testat. non poŋant remouere ab illo man⁴"(e). At Holeslea in Essex, it is said, "Huic manerio ptinent v. soc. de LVI. acr. Hii. v. non potuer⁴ uendere trā suam nec dare alicui."(f). And at Brumeswella in Suffolk, "In ead. 1 soc. XXX acr. 7 ñ potuit uendere nec dare"(g). These appear rather like exceptions from the general condition of the Socmen.

The following entries afford proofs that the Socmen sometimes performed services of Husbandry: "In Soca de Walecote, in Lincolnshire," it is said, "Ibi I. socċs arat. II. bob³"(h). On the Manor of Brochelesbi in the same county, it is said, "Ibi Nigellus hō Iuoñ hċ II. socċcū II. bob⁹ arantes"(i). And in Tavelesbi in the same county, we find, "III. socċ arantes v. bob³"(k).

8. Of this description of tenantry also were the RACHENISTRES or *Radchenistres*, who appear likewise to have been called RADMANNI, or *Radmans*. From the following, which appear to be the principal entries relating to the Radchenistres, it will be seen that like the Sochmen, some were less free than others. At Gosei in Berkshire, "I. Racheneste cū sua caŋ."(l) is mentioned. At Berchelai in Gloucestershire, "XIX libi hōes Radchenist hñtes XLVIII. caŋ cū suis hōib³"(m). At Teodechesberie, "Ibi erant uiffi. XXI. 7 IX. Radchenist hñtes XXVI. caŋ. 7 v. colib^{ti} 7 un⁹ bord cū v. caŋ. Hi Radchenist arabant 7 herciabant ad curiā dñi"(n). At Derheste in the same county, on the land of Saint Peter Westminster, it is said, "De terra huj⁹ teneb³ Radchen id est libi hōes T. R. E. qui tam om̄s ad op⁹ dñi arabant 7 herciabant. falcabant 7 metebant"(o). In Herefordshire, upon the King's manor of Maudine, we read, "Terrā W. filij Norman. tenuer. III. Radchenist. nec poterant de hoc tē separari"(p). "Radchen [de Leofminstre T. R. E.] dabant XIII. soċ. 7 IIII. denar 7 III. sext meŋ"(q). Upon a manor in the Hundred of Tornelais in Herefordshire, we read, "Ibi fueŋ 7 sunt III. Radchen cū III. caŋ. 7 seruiunt dño"(r). Of the Radmanni, at Longdune in Worcestershire, on land tenanted from Saint Peter Westminster by Roger de Laci, it is said, "De eo ten. 1. radmam Lefric unā hid 7 unā v. 7 ibi hñ. 1. caŋ. 7 III. uiff. 7 VIII. bord. cū. IIII. caŋ"(s). In Poiwic in the same county, belonging to the same abbey, "Ibi fueŋ. VIII. Radmans. Ageluard. Eduuard. Bricmer. Saulf⁹. Aluui⁹. Godric. Alui. Ketelbert. hñtes inter se X. caŋ. 7 plures bord. 7 seruos. cū VII. caŋ. Qđ teneb³ ualb. c. solid. Ibi Radmans secabant. 1. die in anno in ptis dñi. 7 om̄e seruitiū qđ eis iubebat faciebant"(t). In one instance we find the transfer of two Radmen to another manor. At Merlie in Hertfordshire. "Ipse Comes deđ Radulfo de bernai. II. Radmans. 7 misit eos extra hoc tē. cū trā quā teneb³. Hi hñ. II. caŋ"(u). Dr. Nash conjectured that the Radmanni and Radchenistres were probably a kind of freemen who served on Horseback (v).

9th. VILLANI. The clearest notion of the tenure of the VILLANI is probably to be obtained from Sir William Blackstone's Commentaries. "With regard to folk-land," says that learned writer, "or estates held in *Villanage*, this was a species of tenure neither strictly feudal, Norman, or Saxon, but mixed or compounded of them all (w); and which also, on account of the Heriots that usually attend it, may seem to have somewhat Danish in its composition. Under the Saxon government there were, as Sir William Temple speaks(x), a sort of people in a condition of downright servitude, used and employed in the most servile works, and belonging, both they, their children and their effects, to the lord of the soil, like the rest of the cattle or stock upon it. These seem to have been those who held what was called the folk-land, from which they were removable at the lord's pleasure. On the arrival of the Normans here, it seems not improbable that they, who were strangers to any other than a feudal state, might give some sparks of enfranchisement to such wretched persons as fell to their share, by admitting them, as well as others, to the oath of fealty; which conferred

(e) Domesd. tom. ii. fol. 66. (f) Ibid. fol. 317. (g) Ibid. fol. 324. (h) Ibid. tom. i. fol. 345 b.
(i) Ibid. fol. 350 b. (k) Ibid. fol. 352. (l) Ibid. fol. 59. (m) Ibid. fol. 163.
(n) Ibid. tom. i. fol. 163. (o) Ibid. fol. 166.

(p) Ibid. fol. 179 b. So under Malpedresham in Hampshire, "Duo rachenistre tenuer. nec alicubi recede potuerunt."
(q) Ibid. fol. 180 b. (r) Ibid. fol. 187. (s) Ibid. fol. 174 b. (t) Ibid. (u) Ibid. fol. 180.

(v) Obs. on Domesd. for Worc. pp. 9, 10. Rað-cniht is usually interpreted by our Glossarists, *Equestris homo* sive *Miles*; and Rað-hepe *Equestris exercitus*.

(w) See Wright, p. 215. "A Tenure of a mixed nature, advanced upon the Saxon bondage, and which gradually superseded it."
(x) Introd. Hist. Eng. p. 59.

conferred a right of protection, and raised the tenant to a kind of estate superior to downright slavery, but inferior to every other condition (*y*). This they called Villenage, and the tenants Villeins, either from the word *villis*, or else, as Sir Edw. Coke tells us (*z*), *a villa*; because they lived chiefly in villages, and were employed in rustic works of the most sordid kind.

“ These villeins, belonging principally to lords of manors, were either Villeins *regardant*, that is, annexed to the manor or land; or else they were *in gross*, or at large, that is, annexed to the person of the lord, and transferable by deed from one owner to another (*a*). They could not leave their lord without his permission; but, if they ran away, or were purloined from him, might be claimed and recovered by action, like beasts or other chattels. They held, indeed, small portions of land by way of sustaining themselves and families; but it was at the mere will of the lord, who might dispossess them whenever he pleased; and it was upon villein services, that is to carry out dung, to hedge and ditch the lords demesnes, and any other the meanest offices (*b*); and these services were not only base, but uncertain both as to their time and quantity (*c*). A villein could acquire no property either in lands or goods; but if he purchased either, the lord might enter upon them, oust the villein, and seize them to his own use, unless he contrived to dispose of them again before the lord had seized them; for the lord had then lost his opportunity. In many places also a fine was payable to the lord, if the villein presumed to marry his daughter to any one without leave from the lord (*d*): and, by the common law, the lord might also bring an action against the husband for damages in thus purloining his property (*e*). For the children of villeins were also in the same state of bondage with their parents, whence they were called in Latin *Nativi*, which gave rise to the female appellation of a villein, who was called *a neife* (*f*). In case of a marriage between a free man and neife, or a villein and a free woman, the issue followed the condition of the father, being free if he was free, and villein if he was villein, contrary to the maxim of the civil law, that *partus sequitur ventrem*. But no bastard could be born a villein, because, by another maxim of our law, he is *nullius filius*; and as he can gain nothing by inheritance, it were hard that he should lose his natural freedom by it (*g*). The law, however, protected the persons of villeins, as the King’s subjects, against atrocious injuries of the lord.”

“ Villeins,” continues Sir William Blackstone, “ might be enfranchised by manumission, which is either express or implied: express; as where a man granted to the villein a deed of manumission (*h*): implied; as where a man bound himself in a bond to his villein for a sum of money, granted him an annuity by deed, or gave him an estate in fee, for life, or years (*i*): for this was dealing with his villein on the footing of a freeman; it was in some of the instances giving him an action against his lord, and in others vesting an ownership in him entirely inconsistent with his former state of bondage. So also, if the lord brought an action against his villein, this enfranchised him (*k*); for, as the lord might have a short remedy against his villein, by seizing his goods (which was more than equivalent to any damages he could recover), the law, which is always ready to catch at any thing in favour of liberty, presumed that by bringing this action, he meant to set his villein on the same footing with himself, and therefore held it an implied manumission. But, in case the lord indicted him for felony, it was otherwise; for the lord could not inflict a capital punishment on his villein, without calling in the assistance of the law.

“ Villeins, by this and many other means, in process of time, gained considerable ground on their lords; and in particular strengthened the tenure of their estates to that degree, that they came to have in them an interest in many places full as good, in others better than their lords. For the good-nature and benevolence of many lords of manors having, time out of mind, permitted their villeins and their children to enjoy their possessions without interruption, in a regular course of descent, the common law, of which custom is the life, now gave them title to prescribe against their lords; and, on performance of the same services, to hold their lands, in spite of any determination of the lord’s will. For, though in general they are still said to hold their estates at the will of the lord, yet it is such a will as is agreeable to the custom of the manor; which customs are preserved and evidenced by the rolls of the several courts baron in which they are entered, or kept on foot by the constant immemorial usage of the several manors in which the lands lie. And, as such tenants had nothing

(y) Wright, p. 217.

(z) 1. Inst. 116.

(a) Litt. § 181.

(b) Ibid. § 172.

(c) Bracton, l. iv. tr. 1. c. 28.

(d) Litt. § 177.

(e) Ibid. § 202.

(f) Ibid. § 187.

(g) Ibid. § 187. 188.

(h) Ibid. § 204.

(i) Litt. § 204. 205. 206.

(k) Ibid. § 208.

nothing to shew for their estates but these customs, and admissions in pursuance of them, entered on those rolls, or the copies of such entries witnessed by the steward, they now began to be called *tenants by copy of court roll*, and their tenure itself a *copyhold* (*l*).

"Thus copyhold tenures," as Sir Edward Coke observes (*m*), "although very meanly descended, yet come of an antient house; for, from what has been premised, it appears, that copyholders are in truth no other but villeins, who, by a long series of immemorial encroachments on the lord, have at last established a customary right to those estates, which before were held absolutely at the lord's will. Which affords a very substantial reason for the great variety of customs that prevail in different manors, with regard both to the descent of the estates, and the privileges belonging to the tenants. And these encroachments grew to be so universal, that when tenure in villenage was abolished, (though copyholds were reserved,) by the statute of Charles II. there was hardly a pure villein left in the nation. For Sir Thomas Smith testifies (*n*), that in all his time (and he was secretary to Edward VI.) he never knew any villein in gross throughout the realm; and the few villeins regardant that were then remaining, were such only as had belonged to bishops, monasteries, or other ecclesiastical corporations, in the preceding times of popery (*o*).

There are, however, numerous entries in the Domesday Survey which indicate the Villani of that period to have been very different from Bond-men (*p*). They appear to have answered to the Saxon Ceopls, while the Servi answered to the ðeopar or Eyrnen. By a degradation of the Ceopls and an improvement in the state of the Eyrnen, the two classes were brought gradually nearer together, till at last the military oppression of the Normans thrusting down all degrees of tenants and servants into one common slavery, or at least into strict dependance, one name was adopted for both of them as a generic term, that of *Villeins regardant*.

It has been already noticed that "VI. uillani uniuscujusque villæ" formed a part of the Jury or Inquest who made the Domesday Returns (*q*). The relief of a Villane will be noticed in a future Section. The *Dimidii Villani* appear to have been persons who held moieties only of villenage tenements (*r*): or who were half liberi and half villani.

10. The BORDARII of the Survey appear at various times to have received a great variety of interpretations. Lord Coke calls them "boors holding a little house with some land of husbandry, bigger than a Cottage" (*s*). Some have considered them as cottagers, taking their name from living on the *borders* of a village or manor (*t*): but this is sufficiently refuted by Domesday itself, where we find them not only mentioned generally among the agricultural occupiers of land, but in one instance as "circa aulam manentes," dwelling near the manor house; and even residing in some of the larger towns. In two quarters of the town of Huntingdon, at the time of forming the Survey as well as in King Edward's time, were a hundred and sixteen burgesses, "7 sub eis," it is said "sunt c. bordarii qui adjuvant eos ad persolutionē geldī" (*u*). In Norwich there were no less than four hundred and eighty bordarii, "q̄ p̄pt pauperiē nullā reddnt c̄suetudinē" (*v*). And of twenty bordarii in Thetford it is said, "De supdictis bord. hab& rex scotū de suo capite tantū" (*w*).

Bishop

(*l*) F. N. B. 12.

(*m*) Cop. § 32.

(*n*) Commonwealth, B. iii. c. 10.

(*o*) Blackst. Comment. edit. 4^o Oxf. 1766. vol. ii. pp. 92—96.

(*p*) At Chingestune in Surrey, tom. i. fol. 30. it is said, "De uillis huj⁹ uillæ habuit 7 h̄ Hinfrid⁹ camerarius unū uillan̄ in custodia. causa codunandi lanam reginæ. De ipso etiā acceḡ. XX. sol in releuam̄ cū pat⁹ ej⁹ fuit mort." At Merchelai in Herefordshire, Ibid. fol. 179 b. we read, "In dñio sunt III. car. 7 XXXVI, uilli.—hi uilli arant 7 seminant de p̄po semine qt. XX acras frum̄ti 7 totidē ad auenas p̄ter IX acras." In Leofminstre, Ibid. fol. 180, "Villi arabant CXL. acs træ dñi. 7 seminaḡ de p̄po semine frum̄ti. 7 dāb de c̄suetud XI. lib. 7 LII. den." In Shropshire, "uillani integri" occur, Ibid. fol. 252. : and, in different entries "uilli arantes" and "uilli ñ arantes." Archbishop Lanfranc had no fewer than two hundred and nineteen villani on his manor of Mellinges in Sussex, tom. i. fol. 16. At Pageham, in the same county, he had, "de Herbagio. un. porc de unoqq. uillo qui. h̄. VII. porcos." Ibid. fol. 16 b. In Hampshire, under Cilbodontune, we read, "de tra huj⁹ Ricard⁹ Sturmīd ten alias hid. Quidā p̄fect⁹ tenuit. 7 ñ potuit ire qlibet. 7 II hid ex his habuit quasi uill⁹s." and again, in Crundele, "De eod⁹ ten. Wills. III. v. de epo in Beddeleie. Aluric⁹ tenuit de epo quasi uillan⁹." Ibid. fol. 41. There is a remarkable entry in the first page of the second volume of Domesday, under Benflet, respecting the *Villanus*. It refers to the time of Edward the Confessor. "In hoc manerio erat tē tēporis quidā lib̄ homo de dimidia hid qui m̄ effect⁹ c' unus de uillanis." He was a yeoman and became a tenant.

(*q*) See p. 13.

(*r*) Kelham, p. 361.

(*s*) Inst. lib. i. sect. 1. fol. 5 b. fol. edit. 1628.

(*t*) See Nichols's Leic. Introd. vol. p. xliv.

(*u*) Domesd. tom. i. fol. 203.

(*v*) Ibid. tom. ii. fol. 116 b.

(*w*) Ibid fol. 173.

Appendix,
(M.)
DISSERTATIONS
ON
DOMESDAY.
II.
Principal Matters
noticed in this
Record.
§ 1. *Persons.*

Bishop Kennett says "The Bordarii often mentioned in the Domesday Inquisition were distinct from the Servi and Villani, and seem to be those of a less servile condition, who had a bord or cottage with a small parcel of land allow'd to them, on condition they should supply the Lord with poultry and eggs, and other small provisions for his *board* and entertainment" (x). Such also is the interpretation given by Blomefield in his History of Norfolk (y). Brady says "they were drudges, and performed vile services, which were reserved by the lord, upon a poor little house, and a small parcel of land, and might perhaps be domestic works, such as grinding, threshing, drawing water, cutting wood," &c. (z).

Bord, as Bishop Kennett has already noticed, was a cottage. In a charter of King Edgar printed in the Monasticon we read "quinque videlicet mansas cum XV. carucis terræ, cum XVIII. servis, et XVI. villanis; et X. Bordis cum LX. acris prati" (a). Bordarii, it should seem, were cottagers merely: and in the Ely Manuscript, we find *Bordarii* where the Breviate of the same entry in Domesday itself reads *Cotarii*. Their condition was probably different on different manors. In some entries in the Survey we have "Bordarii arantes." At Evesham, on the abbey demesne, we have "XXVII. Bordarii servientes curiæ" (b). On the demesne appertaining to the castle of Ewias were twelve Bordarii "opantes una die ebdomad" (c). At St. Edmundsbury in Suffolk the Abbat had a hundred and eighteen "homines," "7 sub eis LII bord. a qbz abb potest habere aliqd adjutorii" (d).

The COSCETS, *Coscez*, *Cozets*, or *Cozez*, were apparently the same with the COTTARII and COTMANNI; cottagers who paid a certain rent for very small parcels of land: although, tom. i. fol. 71. we have there mentioned distinctly "XIII. coscez. 7 II cotar." The shade of difference is undiscoverable. At Tateshale in Yorkshire "XVI. Coteri" occur (e). Bishop Kennett says, "Spelman and Du Fresne make Cotarius and Coterellus to be both servile inhabitants. But I think in the Domesday Register and other antient Manuscripts there does appear a distinction, not only in their name, but in their tenure and quality. The Cotarius had a free socage tenure, and paid a firm or rent in provisions or money, with some customary service. But the Coterellus held in absolute villenage, and had his person and goods dispos'd at the pleasure of the lord" (f). *Coterellus* however does not occur in Domesday. In a solitary instance, at Stoches in Shropshire, "IX. *Feminæ Cotar*" occur (g).

11. The BURES, *Buri*, or *Burs*, are noticed in the first Volume of Domesday itself as synonymous with Coliberti. In an entry relating to the manor of Dene in Hampshire, fol. 38. "† Bures" is an interlineation in a coeval hand, above the word Coliberti (h).

The name of the COLIBERTI was unquestionably derived from the Roman Civil Law. They are described by Lord Coke as Tenants in free socage by free rent (i). Cowel says, they were certainly a middle sort of Tenants, between servile and free, or such as held their freedom of tenure under condition of such works and services; and were therefore the same landholders whom we meet with [in after times] under the name of Conditionales (k). In Du Cange's Glossary the tenure of the Coliberti is discussed at considerable length (l).

Such are the different descriptions of Tenantry, and their rights, more particularly noticed in Domesday.

12. SERVI. It is observed by Bishop Kennett, and by Morant after him, in his History of Essex, that the Servi and Villani are, all along, in Domesday divided from each other; but that no author has fixed the exact distinction between them. The Servi, Bishop Kennett adds, might be the pure villanes, and villanes in gross, who, without any determined tenure of land, were at the arbitrary pleasure of the lord appointed to servile

(x) Gloss. Par. Antiq.

(y) See also Morant, Hist. Essex, vol. i. p. xxvii.

(z) Brad. Pref. p. 56.

(a) Mon. Angl. tom. i. p. 37.

(b) Domesd. tom. i. fol. 175 b.

(c) Domesd. tom. i. fol. 186. See also Du Cange.

(d) Ibid. tom. ii. fol. 372. Bordmen occur in the Abbreviatio Placitorum, vol. i. p. 211. "Tenentes sic vocati in manerio de Wyham, servitia multum servilia facere debent." Pasch. 14 E. I. Kanc. rot. 19.

(e) Domesd. tom. i. fol. 316 b.

(f) Glossar. Par. Antiq. "Cotarii debent talliari ad voluntatem Domini; facere servitia incerta; nihil dare, nihil vendere, nihil proprium habere, nec possunt acquirere, nisi ad promotionem Domini sui. Ex Lib. irrotul Eccles. Christi Cantuar. fol. 211." Nash, Obs. on Domesd. Worc. p. 14.

(g) Domesd. tom. i. fol. 260 b.

(h) Lambard in his Gloss. LL. Anglo-Sax. ed. Whel. p. 218. says, "*Colonus*. Sax. geþune; villicus ad certum censum singulis annis pendendum ascriptus."

(i) Inst. edit. 1628, lib. i. sect. i. fol. 5 b.

(k) Law. Interpr. in voce. See also Kelham, p. 176.

(l) Glosss. v. COLIBERTI.

servile works, and received their wages and maintenance at the discretion of the lord. The other were of a superior degree, and were called Villani, because they were Villæ et glebæ adscripti, i. e. held some cottage and lands, for which they were burthened with such stated servile works as their lords had annexed to them (*m*).

"Our Northern Servi," says Bishop Kennett, "had always a much easier condition than the Roman slaves. 'Servis nos in nostrum morem descriptis per familiam ministeriis utuntur. Suam quisque sedem, suos penates regit. Frumenti modum Dominus, aut pecoris, aut vestis, colono injungit, et servus hactenus paret.' Tacit. de Morib. German. which plainly describes the condition of our Saxon and Norman Servants, Natives, and Villanes."

The Saxon name for Servus was *Ērne*. The amelioration of the Servi from any thing like absolute slavery, forms a strong feature in the Anglo-Saxon laws: and we have the authority of Bracton, at a later period, for asserting, that, however unhappy the condition of the Servi was in other respects, yet their lives and their limbs were under the protection of the laws; so that if the master killed his bondman, he was subject to the same punishment as if he had killed any other person (*n*).

The form for emancipation of the Servi, is minutely described in the laws of the Conqueror (*o*). And we have one instance, at least, in Domesday, where such an emancipation took place. "In Terra Wilti Levric" at Heile in Gloucestershire, it is said, "Ibi erant XII serui quos Will's liberos fecit" (*p*).

The ANCILLÆ of the Survey were females under circumstances nearly similar to the Servi. They were disposed of in the same way at the pleasure of the lord. The laws, however, protected their chastity; they could not be violated with impunity even by their owners.

At Witelavesford in Warwickshire, the Abbey of Evesham is said to have had "v. serui 7 II. ancillæ 7 IIII. uillani in dñio" (*q*).

13. CENSARII, CENSORES, or CENSORII, were also among the occupiers of land. They appear to have been free persons *censum reddentes* (*r*). The Relief of such persons is noticed in the Conqueror's Laws (*s*).

14. PORCARI. Although in one or two instances in the Domesday Survey, mere Swine-herds seem to have been intended by *Porcarii*, (*t*) yet in the generality of entries in which they are mentioned they appear in the rank of free occupiers, who rented the privilege of feeding pigs in the Woodlands, some for money (*u*) and some for payments in kind (*v*).

15. The HOMINES, who are so frequently mentioned, included all sorts of feudatory tenants. They claimed a privilege of having their causes and persons tried only in the Court of their Lord: (*w*) to whom they owed the duty of submission and professed dependance (*x*).

That

(*m*) Kennett, Gloss. Par. Antiq. Morant's Hist. of Essex, vol. i. p. 27.

(*n*) Bract. lib. 1, c. 9.

(*o*) LL. Willh. Conq. 65. Will. p. 229. By Servi, bond-men in general seem here to have been intended.

(*p*) Domesd. tom. i. fol. 167 b. In many cases, Nichols observes, in Leicestershire, the Servus seems to have been like a bailiff or steward, to direct the rest of the tenants, farmers, and labourers. There is frequently no more than one at a place, and he is then always named before the Villani and Bordarii. Hist. Leic. Introd. vol. p. xliii.

(*q*) Domesd. tom. i. fol. 239.

(*r*) Tom. i. fol. 287, we have "II bord. 7 II. censor. hñtes III. car." fol. 299 b. "IIII. censores q¹ reddt. XXX. sol." fol. 302 b. "XV. censores hñtes VII. car." fol. 331, "Ibi II. censores hñt. IX. uill'i cu' III car." fol. 314. "III. censarios 7 alios XIII uill'os." Tom. ii. fol. 15. "XX censarii" occur upon the Bishop of Durham's lands at Walham in Essex. Du Cange explains CENSARII, "villani censui obnoxii, qui censum præstant." Gloss. ii. 489. (*s*) See p. 149.

(*t*) As in Herefordshire, tom. i. fol. 180. "Ibi moliñ de VI. solid. 7. I. porcari⁹ 7. I. uacarius:" and among the lands of the church of Evesham in Worcestershire, tom. i. fol. 175 b. "In Oleberge sunt XII. acra⁴ træ 7 ibi sunt II. rustici porcarii."

(*u*) In Devonshire, at Otrei, "Ibi v. porcarij redd. XXX. sol. 7. XV. den." tom. i. fol. 104.

(*v*) At Cadeberie in Somersetshire, "un⁹ porcarius redd. XII. porcos p añ." tom. i. fol. 97 b. At Lideford, "una leū siluæ in lǝ 7 la⁷. 7 porcarius redd. X. porcos." Ibid. fol. 99. At Peintone in Devonshire, "Ibi v. porcarij redd. L. porc." At Nimetone, "XVII. porcarij redd. q¹. XX¹. 7 X. porcos." Ibid. fol. 102. In Herefordshire we find a porcarius who had held half a hide in the time of the Confessor: "Isd. Rog. [de Luci] ten dimid hid quā tenuit un⁹ porcarius T. R. E." At Writelam in Essex, tom. ii. fol. 5 b. "in tēp⁷ haroldi fuit 1. porcari⁹ reddens consuet huic manerio sedens sup 1. uirg t⁷æ 7. XV. ac. s3 Rob grino p⁹q rex venit accepit eum de manerio & fe⁷ foristariū de silua re⁷g."

(*w*) Kennett, Par. Antiq. p. 152. and Glossar.

(*x*) Consult Du Cange, v. HOMINIUM Homage.

That the tenure of a Manor was not incompatible with the service of a *Homo*, may be seen in an entry in the account of Huntingdon. "Dicunt [homines qui juraverunt in Huntedune] trā Wluuini chit de Westone p se fuisse maneriū. 7 non pertinuisse ad Kenebaltone sed tam eū fuisse hoēm haroldi comitis" (y).

16. *Angli* and *Anglici* occur frequently in the Survey among the under-tenants, holding in different capacities. At Hanlege in Dorsetshire, we have "duo Angli liberi" (z). "Angli liberi homines" likewise occur at Dorchester in Oxfordshire. The Angli and Francigenæ were alike called upon in the valuation of property before the Conqueror's Commissioners, as we learn from the Ely Inquest. At Newentone in Wiltshire, among the possessions of Alured de Merleberge, we read of certain land held by Girardus; "Valuit x. liḡ modo xviii. liḡ. Ab anglis ap̄ciat xii. liḡ" (a). The "Angligenæ burgenses" of Shrewsbury will be hereafter noticed.

17. Among the OFFICES attached to names we find *Accipitrarii* or *Ancipitrarii*, *Arbalistarii* or *Balistarii*, *Arcarii*, *Biga* (b), *Camerarii*, *Campo*, *Constabularius*, *Cubicularius*, *Dapifer*, *Dispensator*, *Equarius* (c), *Forestarii*, *Huscarli* (d), *Ingeniator*, *Interpres*, *Lagemanni* (e), *Latinarius*, *Legatus*, *Liberatores*, *Marescal* or *Marescalcus*, *Medici*, *Monitor* (f), *Pincerna*, *Rector navis Regis*, *Scutularius* (g), *Stalre* (h), *Stirman* or *Stiremannus Regis*, *Thesaurarius*, and *Venatores*, of a higher description.

Offices of an inferior description, and Trades, are, *Aurifabri*, *Carpentarii* (i), *Cementarii*, *Cervisiarii*, *Coci Coqui* or *Koci*, *Fabri* (k), *Ferrarii*, *Figuli*, *Fossarii*, *Fossator*, *Granetarius*, *Hostiarius*, *Inguardi*, *Joculator Regis*, *Joculatrix* (l), *Lauatores*, *Loricati*, *Lorimarius*, *Loripes*, *Mercatores*, *Missatici*, *Monetarii* (m), *Parcher*, *Parm't*, *Piscatores*, *Pistores*, *Portarius*, *Potarii* or *Poters*, *Prebendarii* (n), *Prefecti*, *Prepositi* (o), *Salinarii*, *Servientes*, *Sutores*, *Tonsor*, and *Vigilantes homines*.

Among ecclesiastical Offices, we have *Capicerius* *Æccl. Winton'*, the Sacrist; and *Matricularius* *Æccl. S. Johannis, Cestriæ*. *Buzecarls* were Mariners: (p) *Hospites*, occupiers of Houses.

18. Among the ASSISTANTS in HUSBANDRY we find *Apium custos*, *Arantes homines* (q), *Berquarii*, (r), *Bovarii* (s), *Caprarum mediator* (t), *Daia*, *Granatarius*, *Mellitarii*, *Mercennarius* (u), *Porcarii* (v), and *Vacarius*.

(y) Domesd. tom. I. fol. 208.

(z) Ibid. fol. 78 b.

(a) Ibid. fol. 70.

(b) An officer appointed to provide Carriages, &c. for the use of the King. See *De Bigariis capiendis*. Rym. Fœd. vol. ix. p. 261. Kelham, Domesd. Book. Illustr. p. 163.

(c) "Quidam equarius regis." tom. i. fol. 218 b.

(d) These were domestic Servants, although among them we find Thaners, and some of the higher tenantry.

(e) Lagemanni, Law-men or Lesser Thaners.

(f) Tom. ii. fol. 104 b.

(g) Tom. i. fol. 85.

(h) Kelham, p. 339. says, "Master of Horse, Constable, Standard-bearer." He quotes Seld. Tit. Hon. p. 612. In a curious Manuscript enumerating the possessions, reliicks, abbats, &c. belonging to the monastery of Waltham in Essex, I find the following interpretation of Stalre. Harl. M.S. Brit. Mus. 3776. "Esgarus regiæ Procurator Aulæ, qui et Anglice dictus STALRE, id est Regni Vexillifer.

(i) Tom. i. fol. 202. we have, "Duo Carpentarii Regis," among the tenants in chief in Cambridgeshire.

(k) *Faber*; Kelham says, "a Smith, also a Carpenter." In the account of Herefordshire, however, tom. i. fol. 187. it is said, "Ibi p̄posit⁹ 7 fab' 7 carpentari⁹." In general, the Fabri seem to have been Smiths; though in one or two instances the men employed in fusing and working Iron Ore are certainly intended. Dr. Nash, Obs. on Domesd. for Worc. p. 16, remarks, "A person who could shoe horses and work in iron was a valuable appendage to a manor."

(l) Joculator and joculatrix were minstrels.

(m) See p. 95.

(n) Purveyors. See tom. i. fol. 74. 218.

(o) "Prefecti" "and Prepositi" were synonymous. See Domesd. tom. I. fol. 218 b.

(p) Under Malmesberie in Wiltshire, "Q'do rex ibat in expeditionē l̄ trā l̄ mari ⁊ habeb de hoc burgo aut xx. solid ad pascendos suos buzecarl'. aut unū hominē duceb secū p honore v. hidarū." When Earl Tosti was driven from the Humber, where he had arrived with sixty ships, by Earl Edwin, it is said in the Saxon Chronicle p. 172. þa Butre-carlar hine 7onrocen. His sailors left him.

(q) Domesd. tom. ii. fol. 176 b.

(r) A corruption, or rather abbreviation of Berbicarii. Shepherds. See Du Cange, pp. 1128. 1129. 1130.

(s) Neat herds.

(t) Hantesc. Domesd. tom. i. fol. 47. in Neteham hundr. "Wills de Braiose ten de rege dim hidā. Wenesi tenuit de rege E. ad c̄suetud sič ej⁹ antecessor tenuit qui fuit mediator caprarum. Non potuit se vertere ad aliū dñm." One who attends the she-goats. A goat-herd, a keeper or feeder of goats. Kelham, p. 270.

(u) Tom. ii. fol. 26 b. A hired servant. Kelham.

(v) See p. 48.

Sect. 2.—Lands.

1. THEIR DENOMINATIONS.

IN the Domesday Survey, four principal descriptions of Land are mentioned: *Terra*; *Silva*; *Pastura*; and *Pratum*.

§ 2. Land.

"TERRA, put simply, uniformly signifies arable land, as distinct from wood, meadow, and common pasture" (a).

"Cultura Terræ," "Frustum Terræ," "Lucrum Terræ," "Membrum Terræ," "Particula Terræ," and "Parum Terræ," were names for inferior parcels or slips of land. Among the King's lands in the Isle of Wight, it is said, tom. i. fol. 39b. "In insula h̄t rex uñ frustū tr̄e. unde exeunt VI. uomeres." "Plañ," "Planum," or "Plana tra," was *plain*, or open ground, opposed to woods and coppices. In Worcestershire, tom. i. fol. 176 b, it is said, "T. R. E. fuit numerata pro XV. hid int' silua' 7 planu'."

In folio 8. of the first volume of the Survey, we read of "II Mansuræ tr̄e in Cantuaria de XII. denar." as appertaining to the manor of Otringdene. Hasted says, that these were pieces of land of no determined size. Thorn, Script. X. Twysd. p. 180 b. speaks as if the Solidata and Mansura Terræ were the same sub ann. 1144. "Illas uero tres solidatas terræ quas monachi in curia Romana conventionati sunt reddere, sicut exitus ipse probat, prædicti abbas et monachi de proprio jure suo dederunt præfato Archiepiscopo et Ecclesiæ suæ extra aquilonalem portam civitatis Cant. tres videlicet *Mansuras* simul conjunctas contra scilicet australem angulum cimiterii Sancti Gregorii juxta magistram viam a dextris sicut itur in civitatem."

SILVA and NEMUS are the usual terms in the Survey for wood: and in a few entries SILVULA. The woodland appears to have been every where carefully entered. "Not that the timber was at that time of great value," says Nichols, "but principally on account of the acorns and beech-mast, which, when the country was in a very imperfect state of cultivation, had a degree of importance of which we can form a very inadequate idea at this time." (b)

At Brotham in Kent, tom. i. fol. 3. we have, "Silua q̄do fructific' q̄ngent porc'." At Marovrde in the same county, fol. 14. "tant' siluæ unde exeunt. LX. porc' de pasnag'." At Seneorde in Hampshire, fol. 44 b. "Silua de IIII. porc. maxima pars ej⁹ uento corrui." Of the manor of Adelingham in that county, fol. 50. it is said, "De isto t̄. ē. una hida in foresta regis. 7 tantū siluæ unde exhibant. XX. porc' de pasnag'." At Fuleham in Middlesex, fol. 127 b. on the land in the Bishop of London's demesne, "Silua mille porc'" occurs; and on the tenemental land of the See held by Fulcheredus on the same manor, "Silua CCC. porc'." At Totehele in the county of Middlesex, we have, "Silua CL. porc'"; and at Westminster, "Silua C. porc'." Ibid. 127 b. 128. At Mundene in Hertfordshire, "Silua CL. porc' 7 altera Silua unde. CC. porc. pascere." At Cestrehunt in the same county, "Silua mille CC. porc' 7 XL. denar." Ibid. fol. 137.

Pasnagium, or Pannage, had a double acceptation in the Survey. It meant, first, the running and feeding of Hogs in the Woods; and, in a secondary sense, the price or rate of their running. In one or two entries it is termed *Pastio*.

In Huntingdonshire, under the possessions of Thorney Abbey, the abbot of Bury is stated to have held of that monastery a fishing vessel, two fisheries, two fishermen, and a virgate of land, "7 p̄ his dat *pastionē* sufficientē CXX. porcis. 7 si pastio deficit' de annona pascit & impinguat LX. porcōs" (c): and at Stanlei in Warwickshire we have "past ad II miñ porc'." (d). Among the rents of Patricesy, belonging to the abbey of Westminster, it is said, "De uiffo habente X porc. uñ porc⁹. si min⁹ nil dat" (e). And again at Leofminstre

in

(a) See Kennett Glossar. Par. Antiq. *Terra arabilis*, however, is nevertheless occasionally mentioned; several times in Yorkshire and Lincolnshire, and once in Essex. In one or two entries in the first Volume of the Survey, "terra arabilis" duplex, or "ad duplum" occurs: and once "terra duplici ad arand." Once the phrase occurs "XLI. ac. de aratura." tom. ii. fol. 2 b. Tom. i. fol. 306. we find "campus arabit."

(b) Diss. on Domesday Book. introd. Vol. Hist. Leic. p. xliii.

(c) Domesd. tom. i. fol. 205.

(d) Ibid. fol. 238.

(e) Ibid. fol. 32.

in Herefordshire, "Quisq⁴ uillanus hñs X. porcos dat uñ porcū de pasnagio" (*f*). Under Cedesfelle in Sussex, we have "Silua III. porc. 7 herbag⁴ v. porc" (*g*). Sō at Cherchefelle in Surry, "Silua CXL. porc de pasnag. 7 de herbagio: XLIII. porc." (*h*) and in numerous other instances. Under Wochinges in Surry, it is said, "Istud t̃ habet 7 habuit c̃suetudinē in silua regis de Wochinges hoc ē qđ dñs uillæ huj⁹ potest hãbe in ipsa silua CXX. porc sine pasnagio" (*i*).

"Silua infructuosa," "Silua inutilis," "Silua ad ignem tantum," "Silua nil reddens," and "Silua sine pasnagio," are terms of frequent occurrence in the Survey, indicating that the woods so described afforded nothing that could, comparatively speaking, become an object of attention. The Saxons, Nichols observes, even estimated the value of a tree by the number of hogs that could lie under it (*k*). In the laws of Ina, it is said, "Si quis autem detruncet arborem sub qua triginta porci consistere queunt, et fiat convictus, solvat sexaginta solidos" (*l*). Even trespasses on the woods were punished with severity. "Si quis in querceto suo porcum absque Domini venia inueniat, sumat tunc sex solidos pignoris pretium. Si ibi non fuerint plus una vice tunc unum solvat solidum proprius ejus Dominus, et confirmet per capitale suum quod amplius non sit intraturus ibi. Si duo ibi fuerint, solvat duos solidos. Si pasnagium a porcis sumatur, de tridigitali tertius, de duo digitali quartus, de pollicis crassitudine quintus porcus sumatur" (*m*). The laws of Hoel Dha, Nichols observes, which were written not long before the time of the Survey, seem to have been made with the same view.

It must not however be passed over, that wood, such as might be useful, even for domestic purposes, is occasionally particularly specified in Domesday. "Silua ad clausuram," for making fences, is commonly noticed: as well as "Nemus ad sepes reficiendas," "Nemus ad sepes et domos," "Nemus ad domos Curia," and "Silua ad faciendos domos," also occur; "Silua in defenso," or "in defenso Regis," implied, that it was fenced in to secure its growth. "Silua minuta" or "modica" was under-wood or coppice. Once we have "Risपालia ad sepes" (*n*). And in a few entries, "Broca," or brushwood (*o*), and "Grava." "Alnetum" occurs several times, and at Spallinge in Lincolnshire, "Silua alnorum" (*p*). "Fraxinetum," a grove of Ash trees, a furlong both in length and breadth, is mentioned at Langeport in Northamptonshire (*q*). "Querci," Oaks, are mentioned by name but three times: yet the great encouragement which the cultivation of them received is not proved merely by the entries already quoted concerning pannage. In Dorsetshire, under Bridetone, it is said, "Boscus ten Havocumbe. ptin ad Bridetone. ita qđ T.R.E. duæ partes ej⁹ erant in firma. regis t̃cia ũ pars t̃ t̃cia quercus erat Edwini comitis quæ m̃ ptinet ad Frantone t̃ S. Stefani cadoñsis" (*r*). At Tovetune in Nottinghamshire we have, "paruum Salictum," and in Ciluelle in the same County "III ac Salicti:" plantations of Osiers (*s*). "Spinetum" occurs several times, according to Kelham, for thorney ground (*t*), or perhaps for a Spinney, as it is provincially called, or young plantation (*u*). In two entries we have "Virgultum:" and once "X ac runceti" (*v*). "Dena Siluæ," a Valley or low ground of Wood, occurs in different

(*f*) Domesd. tom. i. fol. 180. Bishop Kennett says, "In Scotland, the tithe or tenth hog was paid for pannage; as in those forest laws—'Iste autem est modus pannagii videlicet de qualibet cindre, id est de decem porcis, Rex habebit meliorem porcum, et forestarius unum hogastrum.' This custom," he adds, "obtained in England, and was here called Tack. 'Dabit pannagium vocatum Tack, videlicet, pro decem porcis unum porcum meliorem, et si non habet decem dabit Domino decimum denarium porcorum suorum cum appretiati fuerint per vicinos suos.' Ex Lib. Baroniae de Sherborn. MS." Gloss. Par. Antiq. (g) Ibid. fol. 18. (h) Ibid. fol. 30.

(i) Ibid. fol. 31. Of payments in money for Pannage, the following may serve as instances. In Hampshire, at Rincvede, "Silua de C. qter XX. 7 IX. porc de pasnag. Hoc qđ rex hñ. ualet VII. lib. 7 X. sol numero." Domesd. tom. i. fol. 39. In Oxfordshire, at Cheriellintone, we read, "De ptis 7 pascuis 7 pasnagio 7 aliis consuetud. VIII. lib." Again, under Sceiptone, "De ptis 7 pasnagio 7 gablo 7 aliis c̃suetud XII. lib. 7 XVII. solid:" and at Blochesham and Ed-bvrgberie, "De pasnagio XXIII. sol 7 VII. den. 7 XL. porc cū onerat: 7 aliqđo LXVI. porc." Ibid. fol. 154 b. Compare Manwood's Treatise of the Laws of the Forests, 4^o. Lond. 1665. chap. x. p. 195. (k) Hist. Leic. ut supra.

(l) LL. Inæ. 44. Wilk. p. 22.

(m) LL. Inæ. 50. Wilk. p. 22.

(n) Domesd. tom. i. fol. 140 b.

(o) In Dorsetshire at Lichet, "Brocæ i. leū in l̃g 7 lat" occurs: tom. i. fol. 80 b.; and at Bortone in Lindesig we have "LXX. ac brocæ." tom. i. fol. 347.

(p) Ibid. fol. 351 b.

(q) Ibid. fol. 226 b.

(r) Ibid. fol. 75.

(s) Ibid. foll. 287 b. 289 b.

(t) Domesd. Book Illustr. p. 338.

(u) Nichols's Dissert. on Domesd. ut supra.

(v) "Roncaria, or Runcaria," says Lord Coke, "signifieth land full of brambles and briars, and is derived of Roncier, the French word, which signifieth the same." *Runcalis*, *Roncalis*, *Roncacia*, ager incultus, *runcandus* a noxiis & inutilibus herbis et sentibus, quas inde *Ronces* vocant Galli." Du Cange. *Runco* is a weeding-hook.

different entries in both volumes of the Survey. At Tarentefort in Kent we have "de Silua VIII. denæ parua. 7 III magnæ" (w). We have also "Silua pastilis per loca," in many instances, where the Woods appear to have been mixed with pasturage.

In the mention of "Essarz," we have probably the earliest notices of increasing cultivation. In the account of Merchelai in Herefordshire, we read, "In eod̃ ̃ sunt LVIII. acrã tr̃a p̃jecta de silua 7 p̃positus 7 alii II. h̃des teñ plures acs de ipsa tra" (x). Under Leofminstre it is said, "de Exsartis siluæ exeunt XVII. solid̃ 7 IIII. denar" (y). At Wibelai in the same county, "tra ad I. cañ de Essarz" occurs (z). Essarts was a forest-phrase for a cultivated spot, from the French *assartir* to make plain (a).

PASTURE was another of the leading features into which the Domesday Survey appears to have divided the face of the country. "Pastura ad Pecuniam Villæ" perpetually occurs (b), and in a few instances "Pasturæ communes." Of a small parcel of land at Svere in Dorsetshire, we read "prius erat pascualis m̃ semina-bilis" (c). At Sunburne in Hampshire the King's bailiff claimed for the manor a virgate of land, and "pascuā quā vocant dunā," a Down (d). "Herbagium" is a term also used for feed.

"PRATUM bobz," or "Carrucis," is to be interpreted Meadow sufficient for the oxen employed in tilling the arable land, or proportionable to the ploughlands. At Fuglemære in Cambridgeshire we have "P̃tum om̃ib⁹ car" (e).

MARESC, *Mersc*, or *Mora*, is Marsh or Fen Land, and occurs principally in Cambridgeshire, Huntingdonshire, and Lincolnshire, the rent being chiefly paid in eels.

FORESTS, PARKS, &c.

FORESTS being no objects of assessment, and being of private and special jurisdiction, are rarely noticed in the Domesday Survey; the *names* of four only, exclusive of the New Forest in Hampshire, being discoverable in that Record: viz. Windsor Forest in Berkshire (f), the Forest of Grauelinges in Wiltshire (g), Winburne in Dorsetshire (h), and Hucheuuode, or Whichwood in Oxfordshire (i).

The formation of *The New Forest* has added much to the load of reproaches laid on the memory of the Conqueror. Our historians concur in accusing him of laying waste the country in Hampshire to a very large extent, of expelling the inhabitants from their houses, seizing their property, and even destroying Churches, without giving the sufferers any compensation for the injury. Knyghton, who makes William Rufus a partner in the devastation with his father, represents opinion to have varied in the number of Churches destroyed, from twenty-two, beside dependant Chapels, to fifty-two (k). Domesday undoubtedly bears testimony to the afforestation; and numerous entries occur in which portions only of Manors appear to have been afforested. Under Borgate, we read, "Silua huj⁹ ̃ ẽ in foresta regis" (l): under Avere, "Toñ nem⁹ huj⁹ ̃ est in foresta regis" (m): under Bichetone, "Pastura huj⁹ ̃ est in foresta regis 7 quædam pars siluæ" (n): under Ripple, "De isto ̃ sunt III. hidæ in foresta regis. 7 totū nemus" (o): under Esselei, "Silua huj⁹ ̃ de VIII porc ten rex in sua foresta" (p). Besides these, the lands "in Nova Foresta et circa eam" form a distinct division of Hampshire in the Survey, in the Hundreds of Rodbridge, Rodedic, Egeiete, Rincuede, and Bovre (q). The enquiry

(w) Domesd. tom. i. fol. 2 b. (x) Ibid. fol. 179 b. (y) Ibid. fol. 180 b. (z) Ibid. fol. 184 b.

(a) See Spelm. Glossar. v. *Essartum*.

(b) On the different acceptations of *Pecunia*, see p. 425.

(c) Domesd. tom. i. fol. 80 b.

(d) Ibid. fol. 39 b.

(e) Ibid. fol. 196 b.

(f) Domesd. tom. i. fol. 196 b.

(g) Ibid. tom. i. fol. 58 b.

(h) Ibid. fol. 74. "Forestarii Regis ten. I. hid. 7 dim in foresta de Grauelinges. val. XXX. sol."

(i) Ibid. fol. 78 b.

(j) Ibid. fol. 154 b. "In Scotorne. Stauuorde. Wodestoch. Corneberie. 7 Hucheuuode dñice forestæ regis s̃t. h̃ft. IX. leū l̃g. 7 totid̃ lat." A Forest also in Herefordshire, but without a name, is several times alluded to, foll. 179 b. 181. 184. 186. In Langebrige Hundred in Gloucestershire, another Forest is mentioned. Lewis, in his "Historical Inquiries concerning Forests and Forest Laws;" 4° Lond. 1811. p. 2. says, "At the time of the Conquest, the number of Forests in this Kingdom, according to Cowel, was sixty-eight." Cowel, however, only says, that "besides New Forest, there are sixty-eight Forests in England." He took his list from Spelman's Glossary, and Spelman says nothing of the Conquest.

(k) Script. X, Twysd. col. 2354. 2373.

(l) Domesd. tom. i. fol. 39.

(m) Ibid. fol. 44 b.

(n) Ibid. fol. 50 b.

(o) Ibid. fol. 51 b.

(p) Ibid.

(q) Ibid. fol. 51. 51 b.

enquiry after the condition of property in the time of Edward, and the circumstance that numerous plots of land were in part only afforested, were perhaps the reasons why so much notice was taken of the forest.

On the destruction of Churches by the Conqueror, we have only to observe that the fact is allowed even by his own chaplain, Willielmus Gemeticensis; who, speaking of the death of William Rufus and his brother Richard (*r*), in the Forest, says, “*Ferunt autem multi, quod ideo hi duo filij Willielmi Regis in illa sylva iudicio Dei perierunt; quoniam multas villas et Ecclesias, propter eandem Forestam amplificandam in circuitu ipsius destruxerat*” (*s*).

It is remarkable, that out of seventy-three allotments of territory noticed in this part of the Survey of Hampshire, two Churches only occur, one at Melleford, and the other at Broceste, while, in the rest of the county, we find no fewer than a hundred and fifteen.

It has been clearly proved that the names of places, such as *Church Place* in one walk, and *Church Moor* in another, Castle Malwood, Peel Hill, Castle Hill, Lucas Castle, the castle in Burley, Thomson’s Castle, Roe Castle, and Queen’s Bower, are not the only indications of former edifices within the present circuit of the Forest. These different spots, by ridges and inequalities of surface, and by fragments of building materials which have been found within them, upon digging, shew strong marks of former foundations. At the castle in Burley the foundation of a church or chapel is said to have been formerly visible (*t*).

Gough in his edition of Camden (*u*), and Warner in his Topographical Remarks relating to the South Western parts of Hampshire (*v*), gave, each, a tabular estimate of the quantum of injury which William was supposed really to have occasioned to the population and agriculture of this part of England by the afforestation, abstracting the quantity of land in hides, virgates, and acres, with the respective values of the different allotments of property in the Confessor’s and the Conqueror’s reigns. A third tabular arrangement has been made by the Rev. Mr. Bingley, among his preparations for a history of Hampshire. From this table it appears, that at least a hundred and forty hides had been afforested between the time of Edward the Confessor, and that of the Survey. These, reckoning four virgates in each hide, and thirty acres to make a virgate, will amount to nearly seventeen thousand acres. The greater part of the additions, thus made, appear to have been on the borders of an anterior forest, mentioned by several writers under the name of *Țtene*, and, in the making of them, there can be little doubt of the destruction of numerous habitable places. The latter is evident, from the names of many of them terminating in *ham* and *ton*, or *tune*: as Truham, Greteham, Adelinge ham, Wolnetune, Bermintune, and others, all indicating former villages or hamlets. Two hundred and fifteen hides, four virgates, four acres of land, producing in the reign of Edward the Confessor £. 363. 19. 10. appear to have been reduced by the *Conqueror* to seventy-six hides, one virgate, twenty-six acres, yielding only £. 129.

Gough’s Table was the least extensive of the three already mentioned; taking in only that part of the Survey which in itself purported to relate immediately to the New Forest and its environs, and omitting all the other parts of the Survey of the county in which lands are stated to have been afforested: thus reducing the quantity of land really added by the Conqueror almost an half.

Of certain manors in the hundred of Broctone, it is said, “*De istis ȥ habebat olim p̃posit⁹ mel 7 pasturā ad firmā suā. 7 siluā ad faciendas domos. Modo hñt ȥ forestarij. p̃positi nichil*” (*w*). Under Edlinges, we read, “*T. R. E. ualḡ. XXXVIII. liḡ. 7 VIII. solid⁹ 7 IIII. den. 7 post⁹ similiḡ Modo⁹ XX. liḡ 7 tam redd. LII. liḡ. 7 VI. soḡ 7 ũn den. cū illis rebz quæ cadunt in Foresta*” (*x*).

The VENATORES in the Survey are numerous. They appear frequently among the officers of the great barons. Waleran, the huntsman, is entered, in Hampshire, as holding several manors in that county in capite: with still

(*r*) In that part of the Survey which relates to Hertfordshire, Aldene is said to hold Teuinge under Peter de Valoines, “*Hoc ȥ*” it is added, “*tenuit isd teign⁹ R. E. 7 uende potuit. Sed W. rex ded hoc ȥ huic Aldene 7 matri ej⁹ pro anima RICARDI filii sui, ut ipsemet dicit 7 p breue suū ostend. Modo dicit Petrus qd habet hoc ȥ ex dono regis.*” tom. i, fol. 141 b. See a similar entry in the Exeter Domesday for Dorsetshire, p. 20.

(*s*) Will. Gemeticens. lib. viii. c. 9. Hist. Normann. Script. antiqui a Duchesne. fol. Par. 1619. p. 296.

(*t*) See the Researches of Mr. William Stewart Rose, as they are detailed in his Notes to the Red King. pp. 204-208.

(*u*) Addit. to Camden’s Britannia, edit. 1789. vol. i. p. 129.

(*v*) 8° Lond. 1793. vol. i. p. 182-189.

(*w*) Domesd. tom. i. fol. 38 b.

(*x*) Ibid.

still larger possessions held in chief in Wiltshire and Dorsetshire (*y*). He also held lands in Hampshire under the abbey of St. Peter Winchester (*z*). Croch the huntsman likewise occurs among the tenants in chief in Hampshire (*a*). Eduinus the huntsman held two hides in Hampshire, which had been given to him by King Edward the Confessor (*b*). Wluuinus and Wigot are mentioned as huntsmen to the Confessor (*c*). Aluuin⁹ was the Venator to Editha the Confessor's Queen (*d*). Richard the Forester, who is also called Richard Venator and Richard Chinen, is said to have held his lands in Warwickshire, of the gift of the Conqueror, by the service of keeping the forest of Kenoc in Staffordshire, and paying to the King ten marks yearly (*e*).

Among the customs of Berkshire, as existing in the time of Edward the Confessor, it is said, "qui monitus ad *stabilitionem venationis* ñ ibat. L. soġ regi eĩdabat" (*f*). The "Stabilitio in silua," mentioned under Hereford, will be noticed among the customs of the Burghs. The "Stabilitio Venationis" also occurs in the Account of Shrewsbury (*g*). *Stabilitio* meant stalling the Deer. To drive the Deer and other Game from all quarters to the centre of a gradually contracted circle where they were compelled to stand, was *stabilitio*. Malmesbury, Script. post Bedam. edit. 1596. p. 44. speaking of the mildness of Edward the Confessor's temper, says, "Dum quadam vice venatum isset, et agrestis quidam *STABULATA illa, quibus in casses cervi urgender, confudisset, ille sua nobili percitus ira, per Deum, inquit, et matrem ejus tantundem tibi nocebo, si potero.*"

At Fledberie in Worcestershire, the Bishop of Worcester had a Wood, "II. lew lġ 7 dimiđ laġ. de qua ġit eġs quicquid de ea exit in uenatione et melle (*h*)."
Among the lands of Osbern Fitz-Richard, "in Marcha de Walis" it is said, "Excreueġ silua in quibz isđ Osġnus uenationē exercet. 7 inde hġ qđ cape potest. Nil aliud" (*i*). At Chingestone in Herefordshire, upon the King's demesne, we read, "Ibi silua nōe Triueline. nullā reddens ċsuetudinē nisi uenationem. Viġi T. R. E. ibi manentes. portaġ uenationē ad Hereford. nec aliud seruitiū facieġ ut scira dicit" (*k*).

The Forests, consisting of woody and desert tracts which had never been disposed of in the first distribution of lands, were considered, even in the Saxon times, as belonging to the Crown. Freeholders, however, had the liberty of sporting on their own territories, as is fully expressed in the following law of King Canute: "Volo etiam, ut quilibet homo sit dignus venatione sua in sylva, et in agris sibi propriis, ac abstineat quilibet a venatione mea ubicunque pacem haberi volo pro plena mulcta" (*l*). So also, in the laws of the Confessor: "Et omnis sit venatione sua dignus in nemore, in campo, in dominio suo, et abstineat omnis homo a venariis Regis, ubicunque pacem eis habere voluerit, super plenam witam, i. e. Forisfacturam" (*m*).

These laws, it is probable, gave rise to the PARKS, which we find entered in the Survey; some of which were of considerable extent. The persons who are enumerated as holding Parks, beside the King, are the Bishop of Baieux, the Earl of Ow, Earl Roger, the Bishop of Winchester, Ernulf de Hesding, Hugh de Grentemaisnil, Peter de Valongies, Walter Giffard, Urso, Roger de Laci, the Countess Judith, Hugh de Belcamp, Suien of Essex, the Earl of Moretaine, Robert Malet, and Robert Blund. The usual term is "Parcus" "Parcus bestium siluaticarum," or "Parcus ferarum siluaticarum." The monastery of St. Alban appears to have had a Park in the vill adjoining (*n*). Stow, in his Annals, (*o*), and Sir William Dugdale in the History of Warwickshire, appear to have been misled by John Ross into the opinion that the
Park

(*y*) Domesd. tom. i. fol. 48 b. 72. 82.(*z*) Ibid. fol. 42 b.(*a*) Ibid. fol. 49.(*b*) Ibid. fol. 50 b.(*c*) Ibid. fol. 190 b. 217.(*d*) Ibid. fol. 139 b.(*e*) Kelham, Illustr. of Domesd. Book, p. 112. from Dugd. Warw.

(*f*) Domesd. tom. i. fol. 56 b. In the Laws of Henry I. we have one "*De Placitis Forestarum.*" "*Placitum quoque Forestarum multiplici satis est incommoditate vallatum, de essartis, de cæsione, de combustione, de venatione, de gestatione arcus et jaculorum in Foresta, de misera canum expeditatione. Si quis ad STABILITATEM non venit. Si quis pecuram suam reclusam dimiserit de ædificiis in Foresta,*" &c. Wilk. 245.

(*g*) Domesd. tom. i. fol. 252. "Quando rex jaceġ in hac civitate seruabant eū vigilantes. XII. hōes de melioribus ciuitatis. Et cū ibi venationem exerceret similiġ custodiebant eū cū armis meliores burġses caballos habentes. Ad *stabilitionem* u mittebat uicecomes. XXXVI. hōes pedites. quādiu rex ibi esset. Ad parcū auġ de Marsetelie. inuenieb. XXXVI. hōes p ċsuetudinē VIII. diebz." (*h*) Domesd. tom. i. fol. 172 b. (*i*) Ibid. fol. 186 b.

(*k*) Ibid. fol. 179 b.(*l*) Leg. Canut. 77 LL. Anglo-Sax. Wilk. p. 146.(*m*) Leg. Edw. Conf. 35. Ibid. p. 205.(*n*) Domesd. tom. i. fol. 135 b.(*o*) Edit. 1631. p. 143.

Park of Woodstock in Oxfordshire, said to have been made by King Henry the First, was the earliest in England (*p*).

The *HAIAE* noticed in the Survey occur chiefly in Worcestershire, Herefordshire, Shropshire, and Cheshire. In the first of these counties, under Chintune, we find, "I. Haia in qua capiebant feræ" (*q*). In Herefordshire, under Rviscop, it is said, "Ibi ē una Haia in una magna silua" (*r*): and under Bernoldune, "Silua ē ibi magna. sed q̄titas n̄ fuit dicta. Ibi ē una Haia. in qua q̄d potest cape captat." This is among the lands of Hugh Lasne (*s*). In Shropshire, at Lege, "III. Haiaē firmæ" are noticed (*t*): at Wrdine, "Silua in qua sunt III. Haiaē" (*u*): at Cortune, "Ibi ē Haia capreolis capiend̄" (*v*): and at Lingham, on the land of Ralph de Mortemer, "III. Haiaē capreoī capiendis" (*w*). In Cheshire, at Wivreham, "II. Haiaē capreolorum" (*x*): at Chingeslie, "III. Haiaē" (*y*). In Warwickshire, upon the Earl of Mellent's lands at Dornelei, we read, "Ibi Haia h̄ns dimiđ leuu l̄g 7 tantd lat" (*z*). At Lailand in Lancashire, among the lands between the Ribble and the Mersey, it is said, "Hoēs huj⁹ 7 de Salford non opabunt ad aulā regis. Tantm. I. haia in silua facieb̄" (*a*): and, among the possessions of St. Peter Gloucester at Hamme and Nortune in Gloucestershire, it is said, "Ibi habuit Æcc̄lia venationē suā p III. haia" (*b*). Beasts were caught by driving them into a hedged or paled part of a wood or forest, as elephants are in India or deer in North America. This is the Haia (*c*).

In one instance only, at Hache in Lincolnshire, on the lands of Earl Alan, we have *WARENNA LEPORUM* (*d*).

VINEYARDS.

A Controversy arose a few years ago, relating to the culture of the Vine in England. Agard first started a doubt, whether by *Vineæ* we were not to understand Orchards (*e*). The lovers of paradox encouraged the interpretation, which was patronized by Sir Robert Atkyns in his History of Gloucestershire (*f*); and pursued at considerable length by Barrington, first in his Observations on the Statutes, and afterwards in the Archaeologia of the Society of Antiquaries (*g*). Dr. Pegge, however, considered the question still farther, and proved from undeniable authorities, that by the term *Vineæ* true and proper Vineyards only could have been intended (*h*).

Domesday furnishes, at least eight and thirty times, in the different counties, entries of Vineyards, which are usually measured by the Arpent, or Arpenna (*i*). At Bistesham in Berkshire, on the land of Henry de Ferrieres "XII. arpendi uineæ" are entered (*k*). At Wilcote in Wiltshire, "Æcc̄lia noua 7 dom⁹ optima 7 uinea bona"

(*p*) Joannis Rossi Hist. Regum Angliæ, edit. Hearne. 8°. Oxon 1716, p. 138.

(*q*) Domesd. tom. i. fol. 176.

(*r*) Ibid. fol. 185 b.

(*s*) Ibid. fol. 187.

(*t*) Ibid. fol. 254 b.

(*u*) Ibid. fol. 255 b.

(*v*) Ibid. fol. 256 b.

(*w*) Ibid. fol. 260.

(*x*) Ibid. fol. 263 b.

(*y*) Ibid. fol. 267 b.

(*z*) Ibid. fol. 240.

(*a*) Ibid. fol. 270.

(*b*) Ibid. fol. 165 b.

(*c*) "HAIA, *Sepes, Sepimentum, Parcus*, a Gall. *Haie et Haye*. Rot. Inquisit. de Statu forest. in Scaccar. 36 Edw. iii. tit. Woolner et Aisholt Hantisc. 'Dominus Rex habet unam capellam in Haia sua de Kingesle.' Bract. lib. ii. cap. 40. nu. 3. 'Vallatum fuit et inclausatum fossato, *haya*, et Palatio, Hinc extensius illud Rete quo è campis redeuntes cuniculos intercipiunt, *an Haye* dicitur; eosque sic intercipere et prædari, *to haye*, a Gall. *haier. i. sepire*.' Spelm. Gloss. edit. fol. Lond. 1687, p. 272. The well known Rothwell *Haigh*, near Leeds, was the Park belonging to the Manor house of the Lacies at Rothwell. The out park of Skipton castle is called the *Hawe-Park*; and that of Knaresborough the *Haye-Park*. Whitaker's Hist. of Whalley. 4° Blackb. 1800. p. 175.

(*d*) Domesd. tom. i. fol. 347.

(*e*) Spelm. Glossar. edit. 1687, p. 44. v. *ARPENNIS*.

(*f*) Antient and present State of Gloucestershire, edit. 1768. p. 17.

(*g*) Observ. on the Statutes. 4°. Lond. 1775. 4th edit. p. 233. Archaeol. Soc. Antic. vol. iii. p. 67.

(*h*) Archaeol. vol. iii. p. 53.

(*i*) In several entries in Wiltshire the Arpenz or Arpeni are used as measures of Meadow land, tom. i. fol. 73. 74 b. and once we find "II. arpenz siluæ." Ibid. fol. 74 b. The Arpen, Arpent, or Arpenna, properly signified an Acre or Furlong of Ground. Cowel, however, quotes the Register of Wormsley Priory in a passage where it seems to be a quantity something less than an Acre. In England, probably, as in France, the measure of the Arpenna was various. See Spelman and Du Cange's Glossaries. The latter, from Gregory of Tours, Hist. lib. v. cap. 29, says "Statutum fuerat ut possessor de propria terra unam Amphoram Vini per Aripenne redderet." Quoting the Vetus Regestum Camere Computor. Paris. the same writer says, "*voce ACRA, XL. perticæ terræ faciunt virgatam; duæ virgatæ faciunt Arpentum*." Compare also the Glossary to the Codex Legum Antiquarum of Lindenbrogius, p. 1358. v. *ARIPENNIS*.

(*k*) Domesd. tom. i. fol. 60 b.

bona" (l). At Holeburne in Middlesex, it is said, "Wifls Camerarius redd̄ uicecomiti regis p annum VI. soł. p terra ubi sedet uinea sua" (m). In the village of Westminster, at Chenetone in Middlesex, and at Ware in Hertfordshire, Vineyards recently planted occur (n). At Hantun in Worcestershire, "uinea nouella" (o). Under Rageneia, in the second volume of the Survey, among the lands of Suein of Essex, we have the most remarkable of all, "M. I. parc⁹ 7 VI. arpenni uineæ. 7 reddit XX. modios uini si bene procedit" (p). At Wdelesfort in Essex, on the land of Ralph Baignard, "II. arpenni uineæ portantes. 7 alij ñ portantes" are entered (q). Again, under Stabinga, "II. arpenni uineæ 7 đ. 7 dimidi⁹ portat" (r): and lastly, on the property of Alberic de Ver, at Belcamp in Essex, "M XI. arpenni uineæ I. portat" (s). In four instances, Vineyards are measured by the acre (t).

That our records and historians were as well acquainted with the words *Pomerium* and *Hortus* as with *Vinea*, cannot be questioned. *Pomerium*, indeed occurs but once in the Domesday Survey, but that once is quite sufficient for our purpose. At Nottingham, it is said, "Wifmo Peurel ċcessit rex X. acras terræ, ad faciendū *Pomeriū*" (u).

Horti, *Orti*, and *Hortuli*, occur in the Survey. At Warwick, it is said, "Extra burgū. C. bord̄. cū hortulis suis redd̄t L. solid̄" (v). Our word *Orchard* is derived from the Anglo-Saxon word *Opceapd*, and that from an elder word *Op̄tgeapd*, or *Veop̄tgeapd*, a plantation of Herbs; so that its application to fruit trees is of later date.

Vopiscus carries the antiquity of the Vine in England at least as far back as A. D. 280. He informs us that the Emperor Probus, toward the latter part of his reign, restored the privilege of the Vineyard to most of the provinces to the North and West. "Gallis omnibus, et Hispanis, ac Britannis hinc permisit ut vites haberent vinumque conficerent" (w). We have the authority of Bede, for the existence of the Vine amongst us in the middle of the eighth century: and Vineyards are noticed in the laws of Alfred (x). Exclusive, however, of the testimony of Vopiscus, or Bede, or Alfred's Laws, the following passage in Malmesbury's History "de Gestis Pontificum" lib. IV. affords a decisive proof, if any were wanting, that the difference between the Vineyard and the Orchard was sufficiently known in the Norman times. He is describing Gloucestershire, "Terra omnis frugum opima, fructuum ferax hic et sola naturæ gratia, illic culturæ solertia, ut quamvis tædiosum per socordiam provocet ad laboris illecebram, ubi centuplicato fœnore responsura sit copia. Cernas tramites publicos *vestitos pomiferis arboribus* non insitiva manus industria, sed ipsius solius humi natura. Regio plusquam aliæ Angliæ provincæ *Vinearum frequentia densior, proventu uberior, sapore jucundior. Vina enim ipsa bibentium ora tristi non torquent acredine, quippe parum debeat Gallicis dulcedine*" (y). In another passage, relating to Thorney, he describes the very growing of the Vine. "Nulla ibi vel exigua terræ portio vacat, hic *in pomiferas arbores* terra se subigit; hic *prætexitur ager VINEIS quæ vel per terram repunt, vel per bajulos palos in celsum surgunt*" (z).

From the entries in the Survey, and from other authorities, we learn that in the Norman times few of the great Monasteries were without their Vineyards (a). *Vinitor*, a Vine-dresser, once occurs in the Survey (b).

The

(l) Domesd. tom. i. fol. 69. (m) Ibid. fol. 127. (n) Ibid. fol. 128. 129 b. 138 b. (o) Ibid. fol. 175 b.

(p) Domesd. tom. ii. fol. 43 b. The Cotton Manuscript Galba E. iv. mentioning the French Vineyards belonging to the Monks of Christ Church Canterbury, fol. 30, says, "Item. Memorandum quod una Arpenta Vini quando vinum communiter bene se habet, respondebit de viij. mod̄ vini. Et aliquando de vj. et aliquando de x."

(q) Domesd. tom. ii. fol. 73 b.

(r) Ibid. fol. 74.

(s) Ibid. fol. 77.

(t) Tom. i. fol. 69 b. 86 b. 212. tom. ii. fol. 71.

(u) Domesd. tom. I. fol. 280.

(v) Ibid. fol. 238.

(w) Hist. Augustæ Script. vi. edit. Casaub. fol. Par. 1620. p. 240.

(x) LL. Anglo-Sax. Wilk. p. 31. LL. Ælfr. 26. "Si quis damnum intulerit alterius *Vineæ* vel agro, vel alicui ejus terræ, compenset sicut ejus illud attinet."

(y) Gulielm. Malmesb. Script. ap Savile, fol. Lond. 1596. p. 161.

(z) Ibid. p. 167.

(a) Compare also, Gunton's Hist. of Peterb. pp. 23, 290. 295. Bentham, Hist. Ely, pp. 127. 157. In the Register of Spalding Priory, is the following short character of Prior John, the Almoner, who lived in the thirteenth Century; "Non est autem silendū qualiter se gessit in Officio Elemosinarii. Permissione Prioris emit terras, edificavit domos et capellam, fecit ortum, plantavit *Vineam* et *Pomaria*, congregavit miseros, prebens eis necessaria alimenta." MS. Cole. Brit. Mus. vol. xliii. p. 93.

(b) Domesd. tom. i. fol. 36.

The compiler of the life of Bulleyn, in the last edition of the *Biographia Britannica*, says, "It is affirmed we have still upon record some treaty of peace between France and England, in which it is stipulated, that we should root up our Vineyards, and be their customers for all our Wine. If such extirpation of the English Vineyards was not owing to this, it might be to the falling of Gascony into the hands of the English, whence Wine was imported cheaper and better than we could make it" (c).

Other proofs beside those which Domesday affords might certainly be brought, that Wine of native growth was formerly used in England.

MILLS.

In Domesday Book wherever a Mill is specified we generally find it still subsisting (d). Mills antiently belonged to Lords of Manors; and the tenants were permitted to grind only at the Lord's Mill. This circumstance sufficiently accounts, not only for the great number of Mills noticed in the Survey as objects of profit to the landholder, but for the large sums which they are continually stated to yield. Sometimes even the site of a Mill is mentioned, which had formerly existed, no doubt as a valuable capability. In one instance, "fract⁹ molin⁹ q nichil redd," a broken Mill, or one out of repair, occurs (e): and at Merchelai in Herefordshire, "Moliñ nil redd nisi tanť uictū ej⁹ qui eū custodit" (f). The "Molinum hiemale ñ æstivum" meant a Mill, the water-course of which was dry in summer.

The produce of Mills is variously stated in the Survey; sometimes in money, sometimes in grain, sometimes partly in money and partly in grain, and occasionally from the fishery in the Mill stream. In one instance we have "I. Moliñ. de V. Ores" (g). At Lolingeston in Kent, we have "Uñ Moliñ. de XV. solid. 7 CL. anguill" (h). At Wichendone in Buckinghamshire, "I moliñ de XX. soł 7 qt XX. anguill" (i). At Maurdine in Herefordshire, "Moliñ de XX. solid. 7 XXV. stiches anguill" (k). At Avretone in the same county, "Moliñ redd III. modios annonæ 7 XV. stiches anguill." At Wasmertone in Warwickshire, it is said, "Ibi moliñ. de XX. soł. 7 III. sūm sał. 7 mille anguill" (l). At Dover in Kent, "Hugo ten uñ moliñ. qui reddit. XLVIII. ferlingels de fruñto. 7 ñ ptiñ ulli Manerio" (m). At Arundel Castle, we have "Uñ moliñ reddens X. modia fruñti 7 X. modia grossæ annonæ Insup. III. modia" (n). The average value in Sussex, where were a hundred and forty-eight Mills, was eight shillings and two-pence.

In the very first page of the Survey, we are told, "In introitu portus de Douere est unū molendiñ. qđ oñs pene naues confringit p magnā turbationē maris. 7 maximū dānū facit regi 7 hominibz. 7 non fuit ibi. T. R. E. De hoc dicit nepos Herberti, quod eps baiocensis concessit illū fieri Auunculo suo Herberto filio Iuonis." This could scarcely be any but a Tide-Mill; either afloat, or worked by a reservoir filled at high water.

Another complaint relating to a Mill erected after the time of Edward the Confessor, occurs among the Clamores in Lincolnshire. "In Crosbi debet hañe Witfs blund⁹ unū hortū. in tra Iuonis tallebosc. sed impedit ppt Molendiñ qđ non fuit ibi T. R. E." (o).

Barrington,

(c) Biogr. Brit. last edit. vol. iii. p. 2.

(d) Warton's Hist. of Kiddington, p. 30.

(e) Domesd. tom. i. fol. 210 b.

(f) Ibid. fol. 179 b.

(g) Domesd. tom. i. fol. 146 b. At Stamford, in Lincolnshire, we have "I moliñ de XXX. solid."

(h) Ibid. fol. 6.

(i) Ibid. fol. 147.

(k) Ibid. fol. 179 b.

(l) Ibid. fol. 239.

(m) Ibid. fol. 11.

(n) Ibid. fol. 23. in Herefordshire, tom. I. fol. 186 b. we have, "tcia pars molini redditis XIII. soł. VIII. denař." Mills are mentioned, in Records of a later date, as things of considerable value. In Stratford upon Avon, the Bishop of Worcester had, in the year 1291, two carucates of land rated at twenty shillings, and one Mill yielding a hundred shillings. In the year 1299, part of the Bishop's revenues there was eleven score acres and an half of arable land, at five pence per acre yearly; twenty-seven acres of meadow at two shillings and sixpence per acre yearly; seven acres of pasture value seventeen shillings and eight pence; his Mills there nine pounds per annum. See Nash's Observ. on the Return of Domesday for Worcestershire, p. 12. from Dugd. Warw. edit. by Thomas. p. 683. col. a.

In the eleventh and twelfth years of K. Henry III. the bishoprick of Durham was in the King's hands. Master Stephen de Lucy accounted to the Crown for the issues and revenues of it arising in the vacancy. He answered to the King, amongst other issues, "de DCCCC & xxvj l. xij s. & v d. ob. de firmis Molendinorum de eodem tempore." See Madox, Hist. Excheq. 4^o edit. vol. ii. p. 717. note l.

(o) Domesd. tom. i. fol. 376.

Barrington, in his *Observations on the Statutes* (*p*), says, "less is to be found with regard to Mills in the laws of England, than perhaps [in] those of any other European country (*q*). The Statute de Pistoribus, between the 51st of Hen. III. and 13th of Edw. I. is the first in which they are mentioned. The toll is directed to be taken according to the custom of the land, and according to the strength of the water-course, either to the twentieth or four and twentieth Corn" (*r*).

At Cetelingei, in Sussex, we find the miller valued with the Mill (*s*). Molinarii occur, tom. i. foll. 176 b. 180 b. 260 b. 264. The "Molini reddentes plumbas ferri" were Mills belonging to Iron Works (*t*).

SALT WORKS.

THE frequent occurrence of Salt Works in the Domesday Survey, requires explanation. Those mentioned in counties bordering on the coasts, were, unquestionably, ponds and pans for procuring Marine Salt by evaporation. Those in more inland parts were what are called the Refineries of Brine or Salt Springs. At the time of forming the Survey, Rock or Fossil Salt was not known in England. The first Pits of it were accidentally discovered in Cheshire, on the very spot where Domesday mentions Brine Springs, as late as the year 1670 (*u*).

In the Returns for Kent and Sussex, Salinæ occur frequently: though in Surrey, Hampshire, Dorsetshire, Devonshire, Buckinghamshire, Gloucestershire, Herefordshire, Warwickshire, and Shropshire, we find them more sparingly entered. In the earlier counties returned in the Survey, the Salt Works do not seem to have been objects of the greatest importance; sometimes yielding scarcely any thing. Two hundred and eighty-five Salinæ in Sussex averaged at two shillings and five-pence halfpenny. At Stollant in Dorsetshire (*v*), thirty-two Salt Pans yielded only forty shillings. In Devonshire, at Flueta, eleven Salinæ yielded but eleven pence per annum (*w*). At Ermentone in the latter county, however, we have a Salina yielding thirteen pounds ten-shillings "ad pensā 7 arsurā" (*x*).

Berkshire, Wiltshire, Cornwall, Middlesex, Hertfordshire, Oxfordshire, Cambridgeshire, Huntingdonshire, Northamptonshire, Leicestershire, Staffordshire, Derbyshire, and Yorkshire, seem to have been some almost, and some entirely, without them. At Sopeberie in Gloucestershire, it is said, "Ad hoc ƿptin una ƿ in Wiche. quæ reddeþ. XXV. sext salis. Vrsus uicecom ita uastauit hoēs qđ m redde ñ possunt sal" (*y*).

In Worcestershire, the Salinæ are very numerous. At Bremsgrave, in the King's demesne, thirteen Salt Works were appendant to the Manor, and three Salinarii, wallers or boilers of the Salt (*z*), who rendered three hundred mitts, or measures, for which, in the time of King Edward, three hundred cart loads of wood were given by the managers of the timber. In the Conqueror's time here were six "plumbi," or leaden vats, for

(*p*) 4°. Lond. 1775. p. 212.

(*q*) Mills form one of the principal heads of the Law of Scotland. To *thirl*, in the Scottish dialect, which in its primary sense signifies to enslave or thrall, in a secondary meaning signifies "to bind, by the terms of a lease, or otherwise, to grind at a certain Mill." Thirlage is the Scottish term for the servitude by which lands are so astricted. The jurisdiction attached to a Mill, or that extent of ground, the tenants of which are bound to bring their grain thither, is called in the Scottish Law *the Sucken of a Mill*. Probably from the Anglo Saxon *rocne*, privilegium. Compare Jamieson's Etym. Dict. of the Scottish Language. See also Erskine's Instit. B. ii. tit. 9. s. 20. For the Laws of the more antient nations concerning Mills, see the Codex Legum antiquarum of Lindenbrogius, fol. Francof. 1613. Ll. Wisig. lib. vii. Tit. 2. 12. p. 145. viii. Tit. 4. 30. p. 174. Lex Sal. Tit. 24. p. 324. Ll. Longob. lib. i. Tit. 19. 4. 5. p. 547. See also Spelman, Glossar. edit. 1687. p. 416.

(*r*) Stat. of the Realm, vol. i. p. 203.

(*s*) Domesd. tom. i. fol. 22 b.

(*t*) See p. 75.

(*u*) See the Philos. Transact. vol. v. p. 2015.

(*v*) Domesd. tom. i. fol. 80.

(*w*) Ibid. fol. 104.

(*x*) Ibid. fol. 100 b.

(*y*) Ibid. fol. 163 b. Mr. Lysons says, "The Survey of Domesday for Cornwall mentions ten Salt Works at Stratton. Dr. Borlase speaks of a place in the parish of Sennen, near the Land's-end, where traces of Salt Works were to be seen; and adds, that, according to the tradition of the place, the Works were discontinued, not through any deficiency of materials, or incongruity of situation, but through the neglect or dishonesty of the persons employed." Mag. Br t. Cornw. p. ccxiii.

(*z*) From the Anglo Saxon *ƿeallan*, *furere*, *bullire*. A *Lead-walling*, Bishop Kennett says in his Manuscript Glossary, is the brine of twenty-four hours boiling for one house. MS. Lansd. Brit. Mus. num. 1098. Dr. Nash was of opinion, that Salina in Worcestershire, meant a portion of Brine rather than the Seal or Furnace in which the Brine is boiled. See his Collect. for Worcest. vol. i. p. 296.

for boiling the Salt(*a*). In Wich, in the same county, also in the King's demesne, King Edward is stated to have had eleven houses, and his share in five Salt Pits. At one Pit, Upewic, fifty-four Salinæ and two Hocci yielded six shillings and eight-pence. At another Pit, Helperic, were seventeen Salinæ. At a third Pit(*b*), Midelwic, twelve Salinæ and two portions of a Hoccus, or lesser Pit(*c*), yielding also six shillings and eight pence. At five other Pits there were fifteen Salinæ. Of all these, it is said, King Edward had for rent fifty-two pounds. In these Pits Earl Edwin had fifty-one Salinæ and a half, and from the Hocci, six shillings and eight-pence. The whole paying twenty-four pounds rent. At the time of forming the Survey, King William had in his demesne both the share of King Edward and that of the Earl. The Sheriff, to whose care the Salt Works seem to have been consigned, paid thence sixty-five pounds(*d*), and two measures of Salt, when he was allowed wood. If the wood (used in boiling the Salt) was not allowed, the rent went unpaid(*e*).

In Terdeberie were seven Salinæ and two Plumbi, paying twenty shillings and a hundred measures of Salt(*f*). In Norwiche in the same county, a Salina paid a hundred measures of Salt for a hundred cart-loads of wood(*g*). Dr. Nash observes that a Salt-pan in Droitwich was worth four shillings, when a house at Worcester was valued at one(*h*).

The Salt Works of Cheshire, however, were those of the greatest consequence. The detail of the laws and customs of the Cheshire Wiches form a singular and a very curious article in the Survey.

In Warmundestrou hundred, it is said, in King Edward's time, was a Wich with a Pit for making Salt, and eight Salinæ. Of the rents and profits of these Salinæ, King Edward had two portions, and Edwin Earl of Chester the third: beside which, the Earl had a Salt Work of his own adjacent to the Manor of Acatone, from which his own household was supplied. If the Earl sold any from it, the King had twopence as toll, and the Earl the third penny. The owners of private Salt Works were also permitted to have Salt, for the use of their families, toll free; but paid toll for all which they sold, whether at the Works or in any other part of the county of Chester. The Salinæ, both in and out of demesne, were encircled in one part by a stream, and on the other by a foss. In King Edward's time the rent of this Wich, including the profits of the hundred, amounted to twenty pounds. When Earl Hugh received it, one Salina only was productive: the rest of the Wich was disused. At the time of forming the Survey the rent was reduced to ten pounds. In Mildestvich, now Middlewich Hundred, was another Wich, the Salt Works of which had also belonged jointly to King Edward and Earl Edwin, though none were in demesne. In King Edward's time this Wich had yielded a rent excluding the profits of the Hundred, of five pounds. When Earl Hugh received it, in King William's time, the disuse of the Wich had reduced the rent to twenty-five shillings. A third Wich, called Norwich, in Mildestvic hundred, likewise belonging in the Saxon time to King Edward and Earl Edwin, also produced eight pounds. When Earl Hugh received this Wich it was totally unproductive; but at the time of making the Survey, it produced thirty-five shillings(*i*).

It is probable, say the authors of the new *Magna Britannia*, that the chief exportation of Salt at this early period, from Cheshire, was to Wales; the people of which country are said to have called Nantwich, Hellath Wen, or the White Salt Pit, from the whiteness of the Salt there made(*k*).

It is singular, that at Lentune, now Lymington, in Hampshire, no Salt Works are entered in the Survey, although in the year 1145 a tithe of the Salt manufactures there was granted by Richard de Redvers to the abbey of Quarre in the Isle of Wight. (*l*) Lymington has still the most considerable manufacture of Marine Salt of any place upon the Southern coast of England.

In

(*a*) Domesd. tom. i. fol. 172. (*b*) From the pit the brine was pumped into the Salt Pans for evaporation before boiling.

(*c*) Dr. Nash, Obs. on Domesd. for Worc. p. 10, conjectures that Hoccus signified a small measure of Salt-water.

(*d*) "LXV lib ad peis."

(*e*) Domesd. tom. i. fol. 172.

(*f*) Ibid. fol. 172 b.

(*g*) Ibid. fol. 173 b. It is afterwards said, "Ad eund⁴ t⁴ptin in Wich. III. dom⁹ reddt. III. mittas Salis 7 de fabrica plumbi. ii. solid." *De fabrica plumbi*, I suppose, is on the construction of a new leaden pan or vat for boiling the Salt.

(*h*) Nash, Obs. on Domesd. for Worcest. p. 10.

(*i*) Domesd. tom. i. fol. 268.

(*k*) Lysons Mag. Brit. vol. ii. part ii. p. 409.

(*l*) Dugd. Mon. tom. i. pp. 760. 763. Warner in his "Topographical Remarks relating to the South-Western parts of Hampshire," vol. ii. p. 28. speaking of Hurst Castle, says, "The coast from hence to the westward, for four or five miles,

was

In fol. 265 b. of the first volume of the Survey, William Malbedeng is said to hold Actune of Earl Hugh, "7 in Wich. I. domū quietā ad sal faciendū." At Spallinge in Lincolnshire "Area Salinarum," occurs (*m*).

In Essex and Norfolk, in the second volume of the Survey, the Salinæ are numerous: but not so numerous in Suffolk.

The measures of Salt noticed in the Survey, are *Ambra*, *Bulliones*, *Mensura*, *Mitta*, *Sextaria*, and *Summa*.

An *Ambra* was four bushels (*n*). At Wassingeton, in Sussex, we have "v. salinæ de CX. ambris salis" (*o*). *Bulliones* occurs but once in the Survey: fifteen are said to have made a Summa or Horse-load of Salt (*p*). *Mensura* are mentioned at Muceltude in Gloucestershire: "XXIII mensuræ Salis in Wich" (*q*). The *Mitta*, according to some writers, was ten bushels (*r*). At Hadesore in Worcestershire, seven Salinæ yielded a hundred and eleven Mits of Salt (*s*). The *Sextarium* appears to have been of uncertain quantity. In most of the entries in the Survey in which it occurs, it is mentioned as a measure of honey (*t*), and two or three times for corn or flour (*u*). The *Summa*, Seme, or Horse-load, is used in the Survey for Salt, Corn, Flour, Malt, Peas, and Fish (*v*). Its relative quantity for Salt has been already noticed under *Bulliones*.

IRON AND LEAD WORKS.

The circumstance that the arts of refinery and working Metals could not have been unknown even in the Saxon times, renders it singular that so few notices should occur in the Domesday Survey concerning the mineral productions of the country. No mention whatever of *Tin* occurs in that part of the Survey which relates to Cornwall (*w*); but *Iron* is mentioned in different Counties: and *Blomes*, *Masses*, and *Plumbæ* of Iron,

was anciently occupied in some degree by salt-works, as appears from Domesday Book, in which mention is made of the Salinæ, both in Milford and Hordle manors. They have long since disappeared; though by certain wooden stakes, which may be discovered at very low ebbs, as I am informed, their former situation is nearly ascertained."

(*m*) Domesd. tom. i. fol. 368.

(*n*) See the Registr. Honoris de Richm. App. p. 44. where in an Extent of the Manors of Crowhurst and Fylesham, in Sussex, 8 Edw. I. we read "XXIII. ambra salis, quæ faciunt XII. quarteria secundum mensuram Londoniæ." Ibid. p. 258. it is added "Quarterium Londinense octo Modios sive Bussellos continet, AMBRA igitur quatuor modios." It is singular that Cowel, and Kelham in his Domesd. Book Illustr. p. 154. should represent the Ambra as a Measure the quantity of which is not now known. Wilkins, LL. Anglo-Sax. Glossar. p. 389, considered the modern firkin as coming nearest to it.

(*o*) Domesd. tom. i. fol. 28. (*p*) Ibid. fol. 268. (*q*) Ibid. fol. 166, "Mensuræ frumenti" occur, tom. i. fol. 255.

(*r*) Kelham, Domesd. Book Illustr. p. 275.

(*s*) Domesd. tom. i. fol. 177.

(*t*) For honey, at least, there seem to have been sextaries of different capacities. In King Edward's time, the city of Gloucester, among other rents, paid "XII. sextaria mellis ad mensurā ejusd burgi," Domesd. tom. i. fol. 162. Under Chenemartune, in the same county, we have "VIII. sextaria mellis ad mensuram regis." Ibid. fol. 166. And in the account of Warwick, it is said, "Modo inter firmā regaliū Manerioꝝ 7 placita Comitatus—redd XXIII. sextar mell cū majori mensura. de Burgo. VI. sextar mell. Sextar scilicet pro. XV. denar." Ibid. fol. 238.

(*u*) Domesd. tom. i. foll. 179 b. 254 b. 257 b. Compare Seld. Jan. p. 98. Tit. Hon. p. 618. Spelm. Glossar. in *v*.

(*v*) The abbat of St. Peter Westminster had in Lewes, "p forisfactura uillanoꝝ IX. lib 7 III. sūmas de pisis." Domesd. tom. i. fol. 17 b. At Holecome in Devonshire, "Ibi sū III. salinarij. reddt. III. solid 7 IX. denar. 7 v. sūmas salis. 7 una sūmā piscium." Ibid fol. 115. A Seam of Corn is still a term used in some parts of England. See Kennett's MS. Glossary. Spelman says Summa Annonæ was a horse-load or eight London bushels. Mat. Paris, in anno 1205, says "Suma frumenti duodecim solidis vendebatur."

(*w*) The Conquest of Cornwall by Athelstan, it will be remembered, was not completed till the year 935. In 997 the province was ravaged by the Danes: and again in 1068 by Godwin and Edmund the sons of Harold, in their return to Ireland. These convulsions will probably account for the neglect of the Cornish Tin Mines in the Eleventh Century. Certain it is, that from the time when Cornwall was governed by its native Earls, till after the formation of the Domesday Survey, its product of Tin must have been inconsiderable. Had Edward the Confessor received any revenue from the Mines, there can be no doubt but it would have been noticed in the Survey.

Madox informs us, (Hist. Excheq. 4^o edit. vol. ii. p. 132.) that "In the tenth of K. Richard I. William de Wrotham accounted at the Exchequer for the ferm and issues of the Mines of Devonshire and Cornwall, and for several receipts as well in money as in tin, for one whole year." Mag. Rot. 10. R. 1. rot. 12 b. He adds, "In the fourteenth year of K. John, William de Wrotham accounted for CC. marks, the ferm of the Stannary of Cornwall, for the 13th and 14th years of that King; and for CCL. the ferm of the Stannary of Devonshire for the same space of time; and for Dxlj l. vs. for the Marks

Appendix,
(M.)
DISSERTATIONS
ON
DOMESDAY.

II.
Principal Matters
noticed
in this Record.
§ 2. Lands.

Iron, are several times noticed as rents. In Somersetshire, under "Terra Regis," at Sudperet, we read, "Huic w reddebat T. R. E. de Cruche p añ c suetudo. hoc. z . VI. oues cū agnis totidē 7 q sq. li b hō. I. *blomā ferri*" (x). In the same county, under the head of "Terra Epi Sarisberiensis," under Seveberge and "Seveberge alia," it is said, "jacue r in Crvche w regis. 7 qui tene b inde ñ poterant separi 7 redde b in Crvche p consuetud. XII. oues cū agnis. 7 *una bloma ferri* de uno q q. li b o homine (y). Among the Earl of Moretain's lands, at Stantune, we have, "CCLX. a c siluæ. 7 L. a c pasturæ redd t . IIII. *blomas ferri* (z): at Bichehalle "Hoc w debet p c suetud t in Cvri w regis. V. oues cū totidem agnis 7 q sque li b hō *unā blomā ferri* (a): and at Aldedeford, "de uittis, VIII. *blomas ferri*" (b). At Alwintunē in Herefordshire, we read "In dñio sunt II. ca f . 7 XII. uiffi cū. IX. ca f 7 redd t . XX. *blomas ferri* 7 VIII. sextar mellis" (c). At Pulcrecerce, in Gloucestershire, belonging to Glastonbury Abbey, it is said, "Ibi. X. serui. 7 VI. ho e s redd t C. *massas ferri*. x. minus (d). In Herefordshire, at Merchelai, in the King's demesne, we find a single hide yielding fifty massæ, "De hoc w est una hida ad Turlestane quæ T. R. E. redde b L. *massas ferri*. 7 VI. salmones" (e). The *plumbæ ferri* occur in two entries only, in Somersetshire. Among the lands of Earl Eustace at Lecheswrde, we read, "Ibi II. molini redd t . II. *plūbas ferri*" (f); and at the same place, in the enumeration of the possessions of Baldewin de Execestre, "Ibi moliñ redd t . II. *plūbas ferri*" (g). In Cheshire, in the Hundred of Atiscross, we find Robert de Roelent holding, beside a Moiety of the castle and burg of Roelent, "medietatem æcclæ 7 monetæ. 7 *Minariæ ferri ibid t inuentæ*. 7 medietatē aquæ de Cloith," &c. (h). In Lincolnshire, at Westbitham, seven foreigners appear to have held two carrucates of land and three Iron-forges, yielding forty shillings and eight-pence. "Ibi VII. francigene hñt II. ca f . 7 III. *fabricas ferri* de XL. solid t 7 VIII. den" (i).

Fabri, smiths, occur several times in the Survey, as will be hereafter noticed; but in two instances, in the Return for Northamptonshire, from the great sums paid, they seem to have been rather Iron-workers. At Norton in that County, it is said, "Fabri redde b VII. li b . T. R. E." In the same page (k), at Tovecestre, "Fabri redde b C. so t m nichil."

The LEAD-WORKS mentioned in the Survey are all upon the King's demesne in Derbyshire. In Mestesforde, we read, "Ibi VIII. a c pti 7 *una plūbaria*" (l). In Werchesworde, "Ibi sunt III. *plumbaræ*." "In Badeqvella, *una plumbaria*." "In Aisseford, *una plumbaria*" (m). After Badeqvella, Aisseford, and Hope, it is said, "H. tria Maneria reddebant T. R. E. XXX. li b . 7 V. sestarios mett 7 dimidiū 7 V. *plaustratas plūbi de L. tabulis*. Modo reddunt X. li b . 7 VI. solid t . Wi f ts Peurel custodit" (n). Kelham translates "V. *plaustratas plūbi de L. tabulis*," five cart-loads of Lead of fifty tables. Pilkington, speaking of the pieces, or blocks of Lead cast in moulds, of which two make a pig, says, "Lead is not always disposed of in this state and form. Sometimes it is first rolled into *sheets* at works erected for that purpose in the neighbourhood of the furnaces" (o). The *Tabulæ* of Domesday Book, for roofing Cathedrals, must have been cast at the Foundry.

FISHERIES.

Marks proceeding from the Tin of Cornwall and Devon for the 13th year, and for Dclxviiij l. xij s. ix d. for the like for the 14th year." Mag. Rot. 14 Joh. rot. 8 b. post Devenesciram. These seem to be the earliest notices we have of the Tin Mines of Cornwall, during the reign of the Norman Princes.

(x) Domesd. tom. i. fol. 86.

(y) Ibid. fol. 87 b.

(z) Ibid. fol. 91 b.

(a) Ibid. fol. 92.

(b) Ibid. fol. 92 b. Bloma, Sax. *metallum*. Ireney-bloma, *massa ferri*. Bloom of Iron. From a Sow of Iron rolled into the fire, the workmen melt off a piece called a Loop, which they beat with iron sledges, and then hammer it gently, which forces out the cinder and dross, and then beat it thicker and stronger till they bring it to a *bloom*, which is a four square mass of about two feet long. This operation they call shingling the Loop. Kennett's Glossary. MS. Lansd. num. 1098. fol. 43. Blomary or Bloomery is still the name for the first forge in an Iron Work, through which the metal passes after it is melted out of the Ore.

(c) Domesd. tom. i. fol. 185 b.

(d) Ibid. fol. 165. In the time of Edward the Confessor the Burgesses of Gloucester paid to the King, in part of rent for their Burgh, thirty-six dickers of Iron and a hundred iron rods for making nails for the King's Ships. Macpherson, Annals of Commerce, vol. i. p. 295. observes, "The copious Mines of Iron near Gloucester are noted in the following century by Giraldus Cambrensis." Itin. Cambriæ, lib. i. c. 5.

(e) Domesd. tom. i. fol. 179 b.

(f) Ibid. fol. 91 b.

(g) Ibid. fol. 94.

(h) Ibid. fol. 269.

(i) Ibid. fol. 360 b.

(k) Ibid. fol. 219 b.

(l) Ibid. fol. 272

(m) Ibid. fol. 272 b.

(n) Ibid. fol. 273.

(o) Pilkingt. View of the present State of Derbyshire, vol. i. p. 123. *Stone Quarries*, or *Stone Pits*, are mentioned in the Survey in few instances. Tom. i. fol. 23. we have "Quadraria de VI. so t 7 VIII. d." Ibid. fol. 23 b. "Quadraria de X. so t 7 X. denar." Ibid. fol. 29 b. "Quadraria de IX. so t 7 IIII. den." In Surrey, tom. i. fol. 34. "Due fossæ Lapidum de II. so t " occur in the property of Battle Abbey at Limenesfeld.

FISHERIES.

FISHERIES form another of the more important sources of rent noticed in the Domesday Survey. Where the produce in kind is mentioned, it seems to have consisted chiefly in Eels, Herrings, or Salmon.

The rent in *Eels* appears sometimes to have been paid numerically, as, at Thapeslav one of the Bishop of Bayeux's manors in Buckinghamshire, "De piscar. mille anguiff" (*p*). At Archelov in Shropshire, we have, "Piscaria de mille 7 qngent 7 II. anguiff magnis" (*q*): and in Yorkshire, under Bevreli, "Piscar VII. miliū anguillarū" (*r*). Sometimes they were paid by *stiches* or sticks, every stick having twenty-five (*s*). Among the Bishop of Lincoln's dependants at Dorchester in Oxfordshire, we find, "Piscator redd. XXX. stich anguiff" (*t*). At Leofminstre in Herefordshire ninety stiches were paid to the King, which were not included in the computation of the rent of the Manor (*u*). The payment of Eels in rent from mills has been already noticed in a former page; it was then that they were usually measured by stiches. At Patricesham in Surrey, we have, "Piscar de mille anguiff 7 mille lampridut" (*v*).

The *Herring Fisheries* occur in Kent and Sussex, once in Norfolk, and very numerous in Suffolk. Sandwich in Kent, which belonged to Christ Church Canterbury, yielded annually forty thousand Herrings for the refectory of the monks (*w*). The church of Saint Peter Winchester, had thirty-eight thousand five hundred Herrings from the villeins on their manor at Lewes in Sussex (*x*). William de Warene had sixteen thousand Herrings from the burgesses of Lewes (*y*). He had also four thousand "de gablo" from the villani and bordarii of Bristelmestone (*z*). The manor of Beccles in Suffolk, in King Edward's time, yielded thirty thousand Herrings to the abbey of Saint Edmund. This rent in the Conqueror's time was increased to sixty thousand (*a*). Hugh de Montefort's manors in Suffolk yielded numerous rents of Herrings (*b*).

Salmon are mentioned in the Survey, by name, but in few entries. Among the possessions of Judhel de Totenais in Devonshire, we find two Fisheries, one at Lodeswille, and the other at Corneorde, each yielding thirty Salmon, as rent (*c*). Both in the time of Edward, and in King William's time, the church of Saint Peter Gloucester received sixteen Salmon in part of rent from its own burgesses in the city (*d*). A hide of land belonging to Merchelai in Herefordshire, in the time of King Edward, yielded six Salmon, in part of rent to the Crown (*e*). Earl Hugh had a Fishery at Etone in Cheshire, which yielded annually a thousand Salmon (*f*). Fisheries in the Severn and the Wye, no doubt principally for Salmon, are frequently noticed in Gloucestershire. Under Tedeneham, among the lands belonging to the crown, we find, "In Sauerna. XI. piscariæ in dñio. 7 XLII. piscariæ uillanoꝝ. In Waia. I. piscaria. 7 uillanoꝝ II. piscariæ 7 dimidia. Roger⁹ comes creuit in Waia II. piscarias" (*g*).

At Mortelage in Surrey, "Una Piscaria sine censu" occurs. It is added, "Hanc Piscariā habuit Heraldus comes in Mortelaga T. R. E. 7 Stigand⁹ arch habuit diu. T. R. W. 7 tam dñt qđ Herald⁹ ui construxit eā T. R. E. in terra de Chingestone. 7 in terra S. Pauli" (*h*). This Fishery was a Weir. There are Haiæ for fishing at Kingston now.

At Saham in Cambridgeshire, we find, "VII. Piscatores reddentes regi p̄sentation⁴ Piscū ter in anno scđm quod possunt" (*i*). The abbey of Ely appears to have enjoyed great advantages from the fisheries in the two Hundreds of Ely: as, "m̄ Dodinton. De piscariis. XXVII. m̄t anguiff. 7 CL. De p̄sentationib⁹ XXIII. soł." "m̄. Litelport. De piscar. XVII. m̄t anguiff. De p̄sentation⁴ piscū. XII. soł 7 IX. den." "In Stuntenei. De Piscar. XXIII. m̄t Anguiff. De p̄sent. XVIII. soł" (*k*). At Saham, also, "una nauis quæ piscat in mara p̄ consuetud⁴" is reckoned, with the demesne there, belonging to the Abbat. (*l*) At Saham too, the abbat of Saint Edmund had his Fishery. "In Sahā ten ipse abb. VI. acras træ. Ibi ē un⁹ piscator hñs. I. saganā in lacu ejusd⁴

(*p*) Domesd. tom. i. fol. 144.(*q*) Ibid. fol. 253 b.(*r*) Ibid. fol. 304.(*s*) In the Chartulary of Christ Church Canterbury, MS. Cotton. Brit. Mus. Galba E. iv. fol. 28 b. we read, "Bind Anguillarum constat ex X. stikes et quelibet stik ex XXV. anguillis."(*t*) Domesd. tom. i. fol. 155.(*u*) Ibid. fol. 180.(*v*) Ibid. fol. 32 b.(*w*) Ibid. fol. 3.(*x*) Ibid. fol. 18.(*y*) Ibid. fol. 26.(*z*) Ibid. fol. 26 b.(*a*) Ibid. tom. ii. 370.(*b*) Ibid. tom. ii. foll. 407. 407 b.(*c*) Ibid. tom. i. fol. 109.(*d*) Ibid. fol. 165 b.(*e*) Ibid. fol. 179 b.(*f*) Ibid. fol. 263 b.(*g*) Ibid. fol. 164.(*h*) Ibid. fol. 31.(*i*) Ibid. fol. 189.(*k*) Ibid. fol. 191 b.(*l*) Ibid. fol. 190 b.

ejusdē uillæ (*m*). At Wisbece in Cambridgeshire, it is said, “hī abb de Ramesi. VIII. piscatores. redd. v. mīt 7 CCLX. anguit” (*n*). Of the burgesses of Nottingham, it is said, “In aqua Trente soliti erant piscari. 7 m querelā faciunt eo qđ piscari phibent” (*o*). In the second volume of the Survey *Piscatio* occurs twice for *Piscaria* (*p*).

Twenty-four fishermen in Gernemutha [Yarmouth] were appendant to the royal manor of Gorlestuna in Suffolk (*q*).

The *Piscinæ* or *Vivaria* were stews or fish-pools, the greater number belonging to the religious. At Tudeuorde in Yorkshire, among the possessions of Robert Malet, it is said, “Ibi XX. Piscinæ redd XX. milia anguilla” (*r*). The Abbat of St. Edmund had “II. vivaria t piscinæ in villa ubi quiescit humatus Scs Eadmundus” for the supply of the refectory of his monastery; “ad victum monachorum” (*s*).

At Svafam in Cambridgeshire, the Abbat of Ely is said to have received six shillings, “de theloneo retis” (*t*): and Walter de S. Waleri, at Hamntone in Middlesex “de Sagenis et Tractis in Aqua Temisiæ III. sol” (*u*).

The *Heiemarkis* was a Sea-hedge, now called a Pitched Net, or Choll Net. It is mentioned in the following entry under Sudwolda in Suffolk, among the lands belonging to the abbey of Saint Edmund: “Medietas uni⁹ Heiemarkis. 7 qrta pars alfi⁹ medietatis. Tc reddebat XX. mīt. alletū. m. XXV. mīt. s. e. soc. 7 sac.” (*v*). Saint Edmund having the Soc and Sac seems to imply more than a mere inclosure of the sea.

2. MEASUREMENT OF LAND.

THE following is Bishop Kennett's definition of the HIDE. “Hide of Land.” Not as Polydore Vergil fancies, from the hide of a beast, as if an English hide of land were like the extent of Carthage, *Quantum taurino possint circundare tergo*; but from the Saxon hȳd, a house or habitation, from hȳdan to cover: the word was sometime taken for a house, as we still preserve the word Hut for a cottage. And what Bede calls *Familias* (which Familia seems to have been a circuit of ground sufficient for the maintenance of a family) his Saxon interpreter King Alfred calls hȳdelander (*w*). The quantity of it was afterwards described to be as much as was sufficient to the cultivation of one plough. ‘Hida Anglice vocatur terra unius Aratri culturæ sufficiens,’ whence our term of Ploughland. The quantity of a Hide was never expressly determined. The Dialogus de Scaccario makes it one hundred acres (*x*). The Malmsbury manuscript cited by Spelman, computes it at ninety-six acres: one hide four virgates, and every virgate four acres. And yet the history of the foundation of the Abbey of Battle (*y*) makes eight virgates go to one hide. But Polydore Vergil blunders most, who reduces a hide to twenty acres. The truth seems to be that a hide, a yardland, a knight's fee, &c. contained no certain number of acres, but varied according to different places. In the Domesday Inquisition, the first enquiry was how many hides” (*z*).

Selden

(*m*) Domesd. tom. i. fol. 192.

(*n*) Ibid. fol. 192 b. The Fisheries and *Meers*, “piscariæ 7 maræ,” in Huntingdonshire, belonging to the abbat of Ramsey, were valued in the Survey at ten pounds; those of the abbat of Thorney at sixty shillings; and those of the abbat of St. Edmund at four pounds. See tom. i. fol. 205.

(*o*) Ibid. fol. 280.

(*p*) In the Exeter Domesday, p. 97. *Piscatia* occurs more than once for *Piscaria*: and p. 105, *Piscatoria*.

(*q*) Domesd. tom. ii. fol. 283.

(*r*) Ibid. tom. i. fol. 321.

(*s*) Ibid. tom. ii. fol. 372.

(*t*) Ibid. tom. i. fol. 190 b.

(*u*) Ibid. tom. i. fol. 130. *Sagena*. Dr. Dunham Whitaker, quoting some Household Accounts of the Cliffords of Skipton Castle of the sixteenth century, gives this extract in his History of Whalley. “Item there is in the Gallary nets, viz. a great *sene* and less *sene* as draught nets.”

(*v*) Domesd. tom. ii. fol. 371 b. Kelham, p. 229. noticing this passage, says, “Lector! tu tibi Œdipus esto.”

(*w*) Compare Bedæ Hist. Eccles. cura Jo. Smith. lib. iii. cap. 24. lib. iv. cap. 13. 16. 19. The Hide was a very old denomination of Land among the Saxons. It is mentioned in the Laws of Ina. LL. Inæ, 14: Wilk. p. 17.

(*x*) “Ruricolæ melius hoc norunt; verum sicut ab ipsis accepimus, Hida a primitiva institutione ex centum acris constat.” Madox, Hist. Excheq. 4°. Lond. 1769. vol. ii. p. 399.

(*y*) Mon. Angl. tom. i. p. 313. from MS. Cotton. Domit. A. ii.

(*z*) Glossar. Par. Antiq.

Selden says, the just value of a hide that might fit the whole kingdom never appears from Domesday, and was ever of an uncertain quantity (a). From an entry in Buckinghamshire, one would suppose the hide in that county at least had been measured with peculiar exactness. In Latesberie, it is said, "ten Eps Lisiacensis de Eps Baiocsi I. hid v. *pedes minus*" (b). Hutchins, in his Dissertation on Domesday Book, prefixed to the History of Dorsetshire, says, "The Hide was the measure of land in the Confessor's reign; the Carucate that to which it was reduced by the Conqueror's new standard." Among the possessions, however, of Goisfridus de Werce in Leicestershire, we read, "Ipse G. ten Medeltone. Ibi s̄. VII. hidæ 7 una car træ 7 una bouata. In unaqq̄ hida. s̄. XIII. car træ 7 dimid" (c). In the same county, under Cilebi, we read, "Ogerus Brito ten de rege. II. partes uni⁹ hidæ. id est XII. car træ" (d). And, in the lands between the Ribble and the Mersey in Lancashire, it is expressly stated, "in unaquaque hida sunt. VI. caruc træ" (e). Even at Odetun in Dorsetshire, we read, "Bricsi tenuit. miles regis. E. 7 geldb p XII. hid. Tra est XVI. car. De ea s̄ in dñio III. carucata" (f).

Agard takes considerable pains to prove, that both before and after the Conquest, six score acres went to the Hide. He quotes a manuscript entitled, "Restauratio ecclesiæ de Ely," in which were these words: "Et non invenerunt de terra quæ mulieris jure fuisset, nisi unam HIDAM per series xx. Acras, et super Hidam XXIV. Acras:" and again, "In Wilberham emit Abbas ab Alfuuino et uxore ejus duas HIDAS duodeciis xx. Acrarum, et totum Hundredum unius cujusque emptionis fuit in testimonium" (g).

In illustration of the same measure, as having been used for the Hide subsequent to the Conquest, Agard quotes the "Placita de Jur. et Assis. coram Joh. de Vallibus et aliis Justic. Itin. apud Cant. 14 Edw. I. Dicunt quod sunt in Hokinton XII. Hidæ terræ, quarum quælibet HIDA continet in se series viginti acras terræ" (h).

Under Caplefore, in Herefordshire, a distinction is made in Domesday between the *English* and *Welsh Hides* (i). Bishop Kennett says, that in the 15th of Henry the Second, A. D. 1169, a hide of land at Chesterton contained sixty-four acres. He adds, the yearly value of a hide of land at Blechingdon in Oxfordshire, in the 35th of Henry III. was forty shillings (k).

The CARUCATA, which is also to be interpreted the plough-land, was as much arable as could be managed with one plough and the beasts belonging thereto in a year; having meadow, pasture, and houses for the householders and cattle, belonging to it (l). The Carucate was of Norman introduction, and usually, in the Domesday Survey, follows the measure of the hide. Thus every place is said to have paid geld for so many hides T. R. E. and then follows its present measure of so many carucates. It has been already shewn that with reference to the Hide the measure of the Carucate was various, even in the Survey. It probably differed according to the nature of the soil, or the custom of husbandry in every county. Agard thought that in those counties of Domesday where no Hides are mentioned, the Carucate and the Hide were co-extensive

(a) Seld. Tit. Hon. p. 622. Kelham, Domesd. Book Illustr. p. 231.

(b) Domesd. tom. i. fol. 145. Under "Terra Epi Constantiens" in Gloucestershire, it is said, "Isd Eps ten un maner de una hida 7 Goismer de eo. In ista hida qdo arat non sunt nisi LXIII. ac træ." tom. i. fol. 165.

(c) Domesd. tom. i. fol. 235 b.

(d) Ibid. fol. 236.

(e) Ibid. fol. 269 b.

(f) Ibid. fol. 83.

(g) Reg. Honor. Richm. Append. p. 10. The circumstance that six score went to the hundred, is countenanced by an entry relating to the mansiones in Lincoln. "Ex p̄dictis man̄ quæ T. R. E. fuer̄ hospitata. sunt. m̄ waste. CC. *anglico numero. CCXL.*" Domesd. tom. i. fol. 336. So, before, in the same folio, "In Civitate Lincolia erant tēpore regis Edwardi nouies centū 7 LXX. mansiones hospitata. *Hic numerus Anglice computat. I. centu' p̄ c. XX.*" Hence probably the old Saw,

"Five Score of Men, Money, and Pins,
Six Score of all other things."

Of this remarkable mode of computation by the greater decads, or tens which contain twelve units, called the *Tolfrædic*, see Hickeysii Thesaurus. Gramm. Isl. p. 43.

(h) Reg. Honor. Richm. ut supr.

(i) "In Caplefore sunt v. hidæ anglicæ geld. 7 III. hidæ Waliscæ." Domesd. tom. i. fol. 181 b. "Hida Walesca" also occurs, fol. 182 b.

(k) Paroch. Antiq. pp. 125. 244.

(l) Hence the expressions "P̄tū XXX. car" [i. e. carucis]. "P̄tū bob̄." "Ibi p̄tū sufficiens carrucis." Trā ē. III. bob̄. 7 p̄tū totid bob̄." tom. i. fol. 196 b.

co-extensive(*m*): as in Derbyshire, Nottinghamshire, Rutlandshire, Yorkshire, and Lincolnshire(*n*). He quotes Walter Wytlessey, a monk of Peterborough, who, as far as one county is concerned, writes, "In provincia *Lincolniæ* non sunt Hidæ sicut in aliis Provinciis, sed pro Hidis sunt *Carucatæ terrarum, et non minus valent quam Hidæ*." He also cites a passage from Knyghton, "de qualibet Hida, id est *Carucata* terræ." Bishop Kennett informs us from a Deed in the Monasticon, that a Carucate in the reign of Richard the First was computed at sixty acres(*o*). "Yet," he adds, "another charter, 9 Rich. I. allots a hundred acres to a Carucate. And Fleta temp. Edw. I. says, if land lay in three common fields, then nine score acres to a Carucate, sixty for winter tillage, sixty for spring tillage, and sixty for fallows. But if the land lay in two fields, then eight score acres to a Carucate, one half for tillage, and the other for fallow"(*p*). "The measure of a carucate," he continues, "was different according to time and place. In 32 Edw. III. one carucate of land in Burcester in Oxfordshire, contained a hundred and twelve acres; and two carucates in Middleton were three hundred acres"(*q*).

In abbreviating the Domesday returns, the Norman scribes appear occasionally, even in the same county, to have used the contraction *cañ* or *car* both for *caruca* and *carucata*: although the one signified the plough and team, and the other, as Dr. Nash expresses it, the team's tillage. The omission to observe this has led many of the translators of Domesday into error.

In different parts of the Survey, we have frequent intimations that the land could maintain more ploughs, that is, was capable of improvement. As in Herefordshire, at Bertune, "In dñio possent esse II. car plusquã sunt"(*r*). Again, at Moneslai in the same county, "una cañ plus potest esse"(*s*). In Yorkshire the entries of this description are extremely numerous. As "X. carucatæ 7 VI. cañ possẽ ẽẽ:" "XII. carucatæ 7 VII. cañ possẽ esse:" "XXV. carucatæ 7 XIII. carucæ possẽ ẽẽ:" "quañ XX. 7 XVI. carucatæ træ in qb3 possẽ esse LX. carucæ"(*t*). These latter entries are perhaps to be ascribed to the slow recovery of Yorkshire from devastation. In Norfolk, at Caustituna, after the description of the manor in the time of King Edward the Confessor, it is said, "Tnc 7 p⁹ IIII. car in dñio. m III. & due possnt restaurari." "Tnc 7 p⁹ XXVI. car. hom. [belonging to the tenemental lands] m. XVI. & alie possent restaurari"(*u*).

The SOLIN is a measure of land only found in Kent. In the Register of Battle Abbey, preserved among the Cotton Manuscripts in the British Museum, the Manor of Wi in Kent, which was given to that monastery by the Conqueror, is noticed, "cum omnibus appendiciis suis septem *Swulingarum*, id est HIDARUM"(*v*). In the second folio of the Survey of Kent is this entry: "In cõmuni tñra S. Martini sunt CCCC acrae 7 dimid. quæ fiunt II. SOLINOS 7 dimid." "Now," says Agard, "this word *dimidium* first named, must have relation to half an Hundred, and not to half an Acre. For in all the whole book there is not named half an Acre"(*w*). And then I take it, that a Solin of Ground, after English account, containeth two hundred and sixteen Acres. If after Norman tale, then nine score Acres. And to this agreeth somewhat near a Note taken out of a Leiger Book, which the Bishop of Norwich, D^r. Redman, hath, in these words: 'Item Abbas dicit quod in libro vocato Domesday Sancti Edwardi apud Westm. sic habetur, Abbas Sancti Augustini tenet Manerium de Langeport. Ibi est unum *Solin* et unum Jugum, &c. Et ulterius idem Abbas dicit secundum interpretationem antiquorum terminorum unum Solin continet CC Acras"(*x*).

The

(*m*) Reg. Honor. Richm. Append. p. 10.

(*n*) In the Survey of Dorsetshire, tom. i. fol. 77. of sixteen Carucates of land at Shirburn, it is said, "H' tra nunq p hid diuisa fuit." It is possible this might have been the case with the Counties above mentioned.

(*o*) So Carpentier in the Supplement to Du Cange. "Charta Richardi reg. Angl. an. 20. regni ejusd. in Chartul. abbat. Boniportus: 'Dedimus circa locum illum XX. carrucas terræ, scilicet unicuique carrucatæ lx. Acras terræ ad perticam nostram, scilicet XXV. pedum'."

(*p*) Fleta. lib. ii. cap. 72. § 4.

(*q*) Glossar. Par. Antiq.

(*r*) Domesd. tom. i. fol. 181 b.

(*s*) Ibid. fol. 185 b.

(*t*) Ibid. fol. 303. 305 b. 302 b.

(*u*) Ibid tom. ii. fol. 115.

(*v*) MS. Cotton. Domit. A. ii. fol. 13 b. So Somner, from a Charter granted to Christ Church Canterbury: "Terram trium Aratorum, quam Cantiani Anglice dicunt *three Swolinges*." Antiq. Cant. p. 21.

(*w*) In this assertion Agard was incorrect; See Domesd. tom. i. fol. 23. under Treverde. Ibid. fol. 26 b. under Wintreburne, "una ac pti 7 dim."

(*x*) Registr. Honor. Richm. Append. p. 9. "Unum Solinum, or Solinus terræ," says Sir Edward Coke, Inst. fol. Lond. 1628. part i. sect. i. fol. 5. "in Domesday Booke, conteyneth two plow lands and somewhat lesse than a half, for there it is said, "septem Solini or Solinæ terræ sunt XVII. carucat."

The Carucate bore the same variety of proportion to the Solin as to the Hide. Sometimes, when it is said of land, “*p uno Solin se defd.*” it is added, “*Terra ẽ VI. cař.*” At others, “*Ťra ẽ III. cař.*” “*Ťra ẽ V. cař.*” “*Ťra ẽ IIII. cař.*” “*Ťra ẽ II. cař.*”

On the JUGUM, or Yoke of land, a measure likewise confined to Kent in the Survey, the opinions of writers also differ. Matthew Paris, Ralph de Diceto, Bromton, and the Annalist of Dunstaple, write as if the Jugum and the Hide were the same. But this is not the case in the Domesday returns. Agard notices a passage in which the Jugum appears to have been equivalent to half a Carucate. It is among the entries relating to the property of the Bishop of Baieux. “*Odo ten de epo in Hadone I. jugum. Ťra ẽ dim cař*” (y). From another entry, however, it should seem as if four Juga went to the Solin. “*Hugo de Montfort ten uñ ̅ Estwelle. qđ tenuit Frederic de rege E. 7 p uno Solin se defd. Tria Juga sunt infra divisionẽ Hugonis. 7 qrtũ jugũ ẽ extra 7 ẽ de feudo epi Baioc*” (z).

The VIRGATE, it is probable, differed from itself in different places at the time of the Survey, as much as at subsequent periods. In the Account of Oxford, the “*uirg quæ ẽsuetudinariæ erant T. R. E.*” are mentioned (a). Webb, from the consideration of the Ely and Exeter Manuscripts, decides, that four Virges or Virgates must have formed the Hide of the Survey (b); although the Register of Battle Abbey (c), which is of early authority, says eight Virgates made the Hide. Agard says, “*Virgata is taken diversly, as I find in a Register Book of Ely, which now the Dean hath, in sundry towns sundry measures, as in Leverington a Yard-land is LX. acres, in Fenton, XXX. acr. in Tyd. XXXII. acr. In bundello Eschaet. 26° E. I. infra Turrim Lond. sunt ibi VII. Virgata terræ in dominico continentes quinquies XX. & XII. acras, quarum quælibet Virgata valet VIII. s. prec. Acr. VI. d. Ergo XVI. Acr. pro Virgata. In Coln Virgata operabilis XV. Acr. And in another town, not named by my note, XX. Acr. And so I have seen in Extents*” (d). Dr. Nash says, the Virgata is explained in a MS. *t. Hen. V.* to contain thirty acres sometimes twenty-four, and sometimes fifteen. He adds, in the Receipt of the Exchequer is an antient Deed from John Wace to St. Mary’s of Stanleig of a Virgate of land in Henton, where the Virgate appears to be eighteen acres (e).

The BOVATA, or Oxgang, was originally as much as an Ox-Team could plough in a year. Eight Bovates are usually said to have made a Carucate: but the number of acres which made a Bovate are variously stated in different records, from eight to twenty-four. Dr. Nash says, “*Bovata terræ continet VIII. acras terræ in campis Doncastriæ.*” Trin. 21 Edw. I. Rot. 26 Ebor. coram Rege. “*Una Bouata de XVI. acris, et alia bovata continet XVII. acras.*” Trin. 26 Edw. I. Ebor. de Banco (f).

In a few entries of the Survey we find the FERDING mentioned as a measure of Land. At Dolvertune in Somersetshire, it is said, “*Huic ̅ s̅ additæ. II. hidæ træ dimd̅ ferd̅ing min̅*” (g). It is, no doubt, the same with the FERLING which occurs several times in Somersetshire and Devonshire, and evidently in its original signification meant the *ƿeopðling*, or fourth part (h). From a comparison of different entries it will be found to be less than either the Hide or the Virgate. Agard considered it of the same dimensions with the Oxgang, about fifteen Acres (i). Lord Coke is certainly wrong in making the Ferling and Quarentena the same. (k)

ACRA an acre, from the Anglo Saxon *Æcep* a field, and that from the Roman *Ager*, appears originally to have signified no determined quantity of land. It is mentioned however as a measure at a very early period; and from a passage in the Battle Abbey Register, so often quoted, it appears that the Normans had an Acre confessedly differing from that of the Saxons. We find a grant in it of “*triginta acras prati, ad mensurum Normannie*”

(y) Domesd. tom. i. fol. 9.

(z) Ibid. fol. 13.

(a) Ibid. fol. 154.

(b) Short Account of Danegeld, p. 27. It may also be gathered from the entries respecting Werste, in Sussex, Domesd. tom. i. fol. 20. and Svei, in Hampshire, tom. i. fol. 51. Dr. Nash quotes two Records of the time of John, to shew the same.

(c) Registr. Honor. Richm. Append. p. 11.

(d) Obs. on Domesd. for Worc. p. 9.

(e) Wilts, bag.

(f) Obs. on Domesd. for Worc. p. 9. In another place, p. 15, he says, Masura, when applied to land, contained four Oxgangs. For further information consult Spelman and Du Cange.

(g) Domesd. tom. i. fol. 86 b. See also in Hampshire, fol. 50 b.

(h) The FERLINGS at Huntingdon were a different thing. They were the Quarters or Wards into which the town was divided. “*XLVIII. FERLINGELS de frumento.*” tom. i. fol. 11, were Quarters of Corn.

(i) Registr. Honor. Richmond App. p. 11.

(k) Instit. fol. Lond. 1628. Part 1. sect. i. fol. b.

Appendix,
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 2. *Lands.*

Normanniæ dimensas, in fundo manerii sui vocabulo Bodeham" (*l*). The different proportions of the Acre in the time of Edward the first, with the intermediate admensurations, are laid down in the "Statutum de Admensuratione Terrarum:" when the Acre was ten perches in length, it was to be sixteen in breadth; and when eighty perches in length, to be two in breadth (*m*). The elementary Acre, however, was forty perches long by four perches wide.

The PERCA, or PERTICA, according to the Register of Battle, consisted of sixteen feet (*n*). Agarde says, in the Arrentations of Assarts for Forests, made in the reigns of Henry the third and Edward the first, for forest ground the commissioners let the land "per perticam XX. pedum" (*o*). Spelman says, the Pertica Regis upon the Close Rolls of the 11th of Henry the third was of twenty-four feet (*p*). Different measures of the Perch, from ten to twenty feet, may be found in deeds in the Monasticon (*q*). Abroad, it extended to twenty-five, and even twenty-seven feet (*r*). By the Statutum de Admensuratione Terrarum five yards and a half of the Ulna Regis, or yard of three feet, were to make a Perch (*s*).

The LEUCA and QUARENTENA of the Survey were most commonly applied to Woodland. The LEUCA, LEUGA, and LEUUA, according to the Register of Battle Abbey, consisted of four hundred and eighty perches, or twelve Quaranteines. Ingulphus, however, who is good authority, speaks of the Leuca as a mile (*t*). The ordinary mile of England, it will be remembered, in former times, was more of a traditionary than an ascertained Measure. It was nearly a mile and a half of the present standard (*u*).

The QUARENTENA, called *Quadragenaria* in the Exeter Domesday, was the Forty long, or Furlong: from the French *Quarente*, forty. A measure of forty Perches (*v*).

Sect. 3.—Money.

1. DIFFERENT DENOMINATIONS.

§ 3. *Money.*

THE different Computations of Money in the Survey are by the *Libra* or Pound, the *Mark*, the *Ora*, the *Shilling*, the *Penny*, the *Half-penny*, the *Farthing*, and the *Minuta*.

The *Libræ*, or Pounds, appear to have been of three kinds, the *Libræ ad numerum*, the *Libræ ad pensum*, and the *Libræ ad ignem et ad pensam*. The *Libra ad numerum*, was the pound of ready money, made up not of shillings but of Oræ, and, as we ascertain by different entries, was valued at the rate of twenty-pence to the Ora. The *Libræ albæ*, *de albo argento*, *blancæ*, *candidæ*, *de albis denariis*, *denariorum candidorum*, *alborum nummorum*, or *candidorum nummorum*, appear to have been the same with the *Libræ ad numerum*,
as

(*l*) MS. Cotton. Domit. A. 11. fol. 30.(*m*) Stat. of the Realm, vol. i. p. 207.(*n*) MS. Cotton. Domit. ut supr. fol. 14.(*o*) Registr. Honor Richm. ut supr. Compare the Glossary to Kennett's Parochial Antiquities.(*p*) Glossar. Rot. Claus. II. H. III. m. 6.(*q*) Mon. Angl. tom. i. p. 313, ii. pp. 157. 158. 159. 204. 273. iii. pp. 15. 16.(*r*) v. Du Cange.

(*s*) The Cotton Manuscript, Galba E. IV. of the time of Edw. III. fol. 28 b. says, "Recta Mensura Ulnæ et Perticatæ. Memorandum quod Ulna continet quinque pedes. Et quinque Ulnæ et dimidai faciunt unam Perticatam, secundum standardum Mariscalliæ domini Regis." A larger Perch than that fixed by the Statute of Measures, is still in use for wood land.

(*t*) Compare Spelm. Glossar. edit. 1687. p. 356. See also Dr. Nash's Observ. on Domesday for Worc. p. 9.

(*u*) Blomefield, in his History of Norfolk, renders Leuua a *league*, meaning by the term an extent not exceeding two miles, which appears to have answered in the generality of places he examined as to their extent. It must not be forgotten that LEUUA or LEUGA has another meaning in a few Entries of the Domesday Survey. The Leuua or Lowy, as it is called, of Tonbridge Castle in Kent, will be found noticed in p. 116. See a particular account of the "Leuga S. Wilfridi," in Yorkshire, Domesd. tom. i. fol. 303. The "Carucata S. Johis liba a geldo regis," in Beverley, ibid. fol. 304. was the same thing.

(*v*) Kennett, Glossar. Par. Antiq. In this computation the Perch, according to the Monasticon Anglicanum, tom. iii. p. 16, consisted of twenty feet. "Quælibet Virga unde Quarentenæ mensurabuntur, erit viginti pedum."

as may appear from several quotations, in which they are likewise valued at twenty-pence to the Ora(w). The *Libra ad pensum*, were by weight. The *Libra ad ignem et ad pensam, arsæ et pensatæ*, or *ad pensam et arsuram*, formed the payment when the coins offered at the Exchequer were defective in fineness as well as in weight. On this occasion the Receivers at the Exchequer either melted a sample of the money paid, or received sixpence or a shilling over every twenty in lieu of actual combustion. Madox tells us, that in cases where the money had a baser alloy than ordinary, the King's officers required even a larger sum than the shilling in every pound for a compensation. The money so melted, or having the supplemental payment added, was said to be dealbated or blanced(x). Brady, in his History, says, "When Domesday was compiled, there was always a fire ready in the Exchequer, and if they liked not the alloy of the money, they burnt it, and then weighed it(y)." One of the entries of money paid *ad pensam et arsuram* seems to indicate a great depreciation of the currency at the time of the Survey. Under Boscama in Sussex, we read, "Totū t. R. E. 7 post: ualuit XL. lib. Modo similiter XL. lib. Tam reddit L. lib. ad arsurā 7 pensū quæ ualent LXV. lib."(z). Under Godalminge in Surrey, it is said, "T. R. E. ualuit XXV. lib. 7 post: XX. lib. Modo XXX. lib. ad numerū 7 tam reddit ad pensū 7 arsurā XXX. lib."(a).

The *Marka Auri* is noticed in the following and probably in other passages. Tom. i. fol. 23. Of the Manor of Salletone in the County of Sussex, it is said, "Modo appciat qt XX 7 XIII. lib. 7 unā mark auri. Tam reddit CXX. lib. 7 unā mark auri." Fol. 32. At Totinges in Surrey, "Hanc trā accepit Comes Wallef de Suan. p^o mortē regis E. 7 inuadiuit p II. mark auri Alnodo Lundoniensi." Fol. 50. Of a small portion of land at Herlei in Hampshire, it is said, "Qui tenet hanc trā dicit qd emit eā de Wiffo comite II. mark auri. sed nunquam ante habuerat eam." Tom. ii. fol. 287 b. "Rog dicit qd reddebat plus XL. sol ad numerū 7 una marca auri"(b).

The

(w) Tom. i. fol. 164. we read "XXV. lib de XX. in ora 7 albas." Again, "XL. lib alboz numoz de XX. in ora." "And, in a third passage, "XXIII. lib candidoz numoz de XX. in ora." Tom. i. fol. 39 b. "redd XII. lib blancas de XX in ora." Madox Hist. Excheq. edit. 4^o. 1769. tom. i. p. 284, makes a variation in some cases between the payments, *blank* and *de numero*. He recites some precedents wherein the two are compared together, but acknowledges his inability to adjust the difference. He ascribes it to the temporary corruptness of the money paid; and considers the difference to have varied in some measure after that proportion. In one instance in Domesday, tom. i. fol. 220, we have "XL. lib ad pondus de XX in ora."

(x) Madox Hist. Excheq. 4^o. edit. tom. i. p. 275. "Lib ad pondus & combustionē" is occasionally the language of the Exeter Domesday, pp. 78. 89.

(y) Kelham's Domesd. Book Illustr. p. 157. Madox says, "As the Revenue in ancient times was wont to be paid in at the Exchequer, sometimes by weight, and sometimes by tale; so there were proper officers and utensils provided there for weighing, telling, assaying, and laying-up of the money. There was a Pesour or weigher, a Fusor or melter, Goldsmiths, and others." Hist. Excheq. ut supr. Among the Escheats in the County of Southampton, temp. R. Joh. Harl. MS. 313. fol. 32. we read, "Thomas de la Fede tenet villam de Fede per ponderacionem denariorum ad Scaccarium." Of the mode of making the Assay we read the following in the Dialogus de Scaccario. Lib. i. cap. 6. "Quid ad Militem Argentarium. Porro Miles Argentarius ab inferiori Scaccario ad superius defert loculum examinandi argenti, cujus supra meminimus; quem cum intulerit signatum sigillo Vicecomitis, sub omnium oculis effundit in Scaccario quadraginta quatuor solidos, quos de acervo sumptos prius signaverat, factaque commixione eorundem, ut ponderi respondeant, mittit in unum Vasculum trutinæ libram ponderis, in alterum vero de denariis quod oportuerit, quo facto numerat eosdem, ut ex numero constare possit, si legitimi ponderis sint; cujuscunque vero ponderis inventi fuerint, seorsum mittit in Ciffum libram unam, hoc est XX. sol. ex quibus examen fiat; reliquos vero xxiiij. sol. mittit in loculum. Item duo denarii præter libram examinandam, dantur Fusori, non de fisco sed de parte Vicecomitis, quasi in præmium sui laboris. Tunc eliguntur a Præsidente, vel a Thesaurario si ille absens fuerit, alii duo Vicecomites, ut simul cum Argentario nec non et Vicecomite cujus examen faciendum est, procedant ad ignem; ubi Fusor ante præmonitus præparatis necessariis eorum præstolatur adventum: ibi iterum præsentat Fusore et hiis qui a Baronibus missi sunt, diligenter computantur, et fusori traduntur. Quid ad Fusorem. Quos ille suscipiens manu propria numerat, et sic disponit eos in Vasculum ignitorium cinerum quod in fornace est. Tunc igitur artis fusoriæ lege servata redigit eos in massam, conflans et emundans argentum." Hist. Excheq. ut supr. vol. ii. p. 377.

(z) Domesd. tom. i. fol. 16.

(a) Ibid fol. 30 b.

(b) Wilkins LL. Anglo Sax. Gloss. p. 416. says "Aureæ Marcæ valor, Saxonum ævo, me adhuc latet, Normannorum autem ex sequentibus colligendus: Ebrardus Dapifer Willielmi de Albamari reddit compotum de II. Marcis auri, ne sit amplius Dapifer Willielmi, in Thesauo VI. lib. pro I. Marca, et debet I. Marcam auri." Sic. in Rot. Mag. Pipæ 1 Hen. 2. rot. 3. membr. 1. in tergo. Hinc patet Marcam auri sex argenti libras, aut circiter valuisse, cum in Charta quadam Johannis Regis dat. 7 Junii, anno regni sui primo, Marcam auri decem argenti Marcas valere docemur. Capiatur (charta loquitur) una Marca auri vel decem Marcæ argenti ad opus Cancellarii."

The *Marka Argenti* occurs several times in the first page of the Survey of Dorsetshire. In the account of Bertvne in Gloucestershire (c), it is said, "Hoc 7 Bristow reddt regi c. 7 X. mark argenti. Burgenses dñt qđ eþs G. hñ XXXIII. mark argenti 7 unā mark auri pter firmā regis."

The Half-Mark, both of Silver and Gold, occurs in numerous passages referred to in the Index Rerum; both the Mark and the Half-Mark were computations of money only.

Such also was the *Ora*, whatever it might have been in other parts of Europe. In the Domesday Survey, and (as Dr. Hickes assures us) in many articles of bargain and sale, it is used for the ounce, or twelfth part of the nummular pound (d).

The *Shilling* of the Domesday Survey, like the Pound, the Mark, and the *Ora*, was only Money of account. Tom. I. fol. 180. we have "C. soł. de alþ denar." The Saxon Shilling consisted of five pence (e). That of Domesday Book is always twelve-pence.

The *Penny* was the only coin known in England till long after the date of Domesday Book. In the Survey it is usually called *Denarius*; but in a few instances *Nummi* occur for *Denarii* (f). In one entry we read of the penny of Rouen. Of the manors of Otrei and Rovrige in Devonshire belonging to St. Mary's Church at Rouen, it is said, "H. II. Maner reddt p annū LXX. liþ denar rodmensium" (g). The Exeter Domesday, p. 178, reads "Rothomagensium." *Libræ Rodomenses* are more than once mentioned by Ordericus Vitalis, Hist. Norm. Script. antiq. fol. Par. 1619. pp. 468. 583.

The *Obolus*, or Halfpenny, and the *Ferding*, *Ferdinc*, *Ferting*, or *Quadrans*, were literally fractions, or broken parts of the penny. Parcels of Coins, from the Saxon times to the reign of Edward the Third, are rarely found without containing some of these. A remarkable instance occurred a few years ago at Winterslow in

(c) Tom. I. fol. 163.

(d) Clarke on the Connexion of the Roman, Saxon, and English Coins, 4^o. Lond. 1771. p. 316, says "the perpetual valuation of the *Ora* at twenty-pence is, as Du Cange has observed, an abundant proof that there were, or had been, several sorts of *Oras* then in use; and therefore, to prevent all ambiguity or dispute between the Crown and the subject, the sums payable to the Exchequer were fixed at a certain value in their current cash. In Domesday, tom. i. fol. 2 b. "CXI. solid de den. XX. in Ora." Fol. 11 b. "CXV. liþ 7 X sol de XX. in Ora." Fol. 64 b. "De Wiltescire hñ rex X. liþ p accipitre. 7 XX. solid pro sūmario. 7 p feno C. solid 7 V. Oras." Fol. 145 b. "Ipsi III. [teigni] reddideþ p annū V. ores de c̃suetudine ad monasterium de Stanes." Fol. 146 b. "1. molifi de V. Ores." Fol. 150 b. "1. molifi de V. Oris argenti." Fol. 177. "Salina de II. Oris." Fol. 179 b. "Oræ denariorum." Fol. 264. "T. R. E. ualt VI. liþ. XII. Oras q̃ uilli reddeþ." Fol. 336 b. "XL. Oræ argenti." In earlier times an *Ora* had been used of sixteen pence. Gloss. ad Script. X. ap. Twysd. See also Clarke, ut supr. p. 308.

(e) See Wilkins L.L. Anglo-Sax. p. 415.

(f) Tom. i. fol. 164. Of Chenvichelle in Gloucestershire, we read, "Modo reddt XL. liþ alboþ nūmoþ de XX. in Ora." And, in the same page, of Tochintune, "Modo reddt XXIII. liþ candidoþ nūmoþ de XX. in Ora." Fol. 189 b. Under Chavelai in Cambridgeshire, "III. den de albis nummis." Tom. ii. fol. 5. Under Stanuega in Essex, "reddebat unoq̃q̃ anno huic maner XXXII. nōmos." Fol. 309 b. In Coteduna in Suffolk, "v. ac̃ 7 ual decē numos."

The "*Denarii S. Petri*" are only once noticed, tom. i. fol. 87 b. They are mentioned in the Laws of William the Conqueror. Wilk. p. 222.

The *Wardpeni* also occurs but once; under Lidlintone in Cambridgeshire. "Hoc 7 tenuit com Algar. Hōes huj⁹ 7 reddeþ Warpenā vicecomiti regis, aut custodiam faciebant." tom. i. fol. 190. It occurs in different Charters of the Conqueror. See Madox. Formul. Anglic. p. 176. Monast. Anglic. tom. i. p. 622. tom. ii. pp. 14. 16. 17. 134. 827. "Wardpeni, Warpeni, Denarii Vicecomiti, vel aliis Castellanis persolvi soliti, ob castrorum *wardas* seu custodias." Du Cange.

The *Denarius tertius Comitatus*, or "*de Scira*," is thus commented on by Bishop Kennett. "In the fines and other profits arising from the County Courts, two parts were allotted to the King, and a third part or penny to the Earl of the County, who either received it in specie, at the Assizes and Trials, or had an equivalent composition paid from the Exchequer." Glossar. Par. Antiq. Madox, Baron. p. 137. says, the most antient way of creating Earls was by Charter; the King thereby granted the Earl "*tertius Denarius Comitatus*," the third penny of the County, and then girded him with the sword of the County or Earldom. See Kelham, p. 193. In Domesd. tom. i. fol. 69. in Wiltshire, under "Redditus Edwardi Sarisber." we read, "Edward⁹ uicecomes hñ p anñ de denar q̃ ptin ad uicecomitat. CXXX. porc. 7 XXXII. bacons. Fruiti II. mod. 7 VIII. sextar. 7 tñd brasij Auenæ. V. mod 7 III. sextar. Mellis XVI. sextar. uel p melle XVI. solid. Gallinas. CCCC. 7 q̃t XX Oua. mille 7 sexcenta Caseos. cēf. Agnos. LII. Vellera ouiu CC. XL. 1. Bled Annonæ. CLXII. acs." Under Piritone in Dorsetshire, it is said, "Huic etiā 7 piritone adjacet tcius denar de tota scira Dorsete." tom. i. fol. 75. So in Cheshire, under Maclesfeld, "Tcius denarius de Hundret ptin huic 7 T. R. E."

(g) Tom. i. fol. 104.

in Wiltshire; where an earthen pot was discovered, containing a large assemblage of pennies from the Saxon times to the reign of Stephen, many of which were found neatly and accurately cut into halves and quarters. The cross, sometimes double, which appears on the reverse of so many of our early pennies, was intended to facilitate the breaking of silver.

The *Minuta* occurs once only (*h*). From the circumstance of its being mentioned in Cheshire, it is suspected to have been the small copper coin used by the Northumbrian Kings, called the *Styca* (*i*).

It is curious that the Etymology of the word Money (from *Pecus* cattle) should be its usual meaning in Domesday Book, so that the word *Pecunia* appears to occur but three times, as denoting Money. Tom. i. fol. 40. b. "per pecuniam suam habuit a rege," fol. 196 b. Under Papeuorde in Cambridgeshire, "Hanc trā Ricard⁹ sup regē occupavit 7 de ea XX. soł pecuniæ accepit." fol. 376 b. "Archieps Ældrid⁹ adqsiuit Lauintone 7 Schillintone cū Berew Harduic. de Vlf tope sune p pecuniā suā quā ei dedit uidente Wapent. 7 postea uidef sigillū regis," &c. (*k*). In one instance it seems to imply property in general: tom. i. fol. 176. "Si quis morte præuentus non diuisisset quæ sua erant: rex habeb̄ om̄em ej⁹ pecuniā." In all the rest it implies Cattle. "Pastura ad pecuniam uillæ" (for the cattle of the village) is a common entry in the accounts of Middlesex, Hertfordshire, Herefordshire, Cambridgeshire, Huntingdonshire, and Bedfordshire (*l*).

As an appendage to this section the *Aurum Reginae*, or Queen Gold, must be introduced. The following are the principal passages of the Survey in which it is noticed. At Lestone in Bedfordshire, under Terra Regis, we read, "Int totū redd̄ p annū XXII. lib̄ ad pensum. 7 dimid̄ diē ad firmā regis. in frum̄to 7 melle 7 aliis rebz ad firmā ptinentibz. Ad op⁹ Reginae. II. uncias Auri (*m*). Again, under Loitone, "Reginae III. unc. Auri" (*n*). Under Houstone, "Reginae. II. unc Auri" (*o*).

Prynne wrote, "Aurum Reginae; or a Compendious Tractate and Chronological Collection of Records in the Tower and Court of Exchequer, concerning Queen Gold:" dedicated to Katherine Queen-Consort of King Charles II. 4^o Lond. 1668. He defines it to be "a royal debt, duty, or revenue, belonging and accruing to every Queen-Consort, during her marriage to the King of England, due by every person of what quality or calling soever, within the realms of England, or Ireland, who hath made a voluntary oblation or fine to the King, amounting to ten marks or upwards, for any privileges, franchises, dispensations, licenses, pardons, grants, or other matters of royal grace or favour conferred on him by the King, arising from and answerable to the quantity of such his oblation or fine; to wit, one full tenth part over and above the entire fine or oblation to the King; as one mark for every ten marks, and ten pounds for every hundred pounds fine, and so proportionably for every other sum exceeding ten marks; or one mark of gold to the Queen for every hundred marks fine in silver to the King, which sum becomes a real debt and duty to the Queen, by the name of Aurum Reginae, by and upon the parties bare agreement with the King for his fine, without any promise to or contract with the King or Queen for this tenth part exceeding it, which becomes a debt on record to the Queen, by the very recording of the Fine." Lord Coke, in the twelfth part of his Reports or Institutes, having "over-much clipped this Gold Coine, and mistaken or misapplied some Records concerning it," Mr. Prynne wrote his Book upon the subject. During the reigns of Edward the Sixth, Queen Mary, and Queen Elizabeth, a period of sixty years, there being no Queen-Consort, this duty was suspended, but it was again claimed in the fourth year of King James the First, by Queen Anne, and, upon a reference to the Judges, it

(*h*) Domesd. tom. i. fol. 268.

(*i*) The words "duo *Minuta*" in the Latin Gospels, Mark xii. 42. are translated in the Saxon version *ƿeƿegen Stȳcar*. Leake, in his Account of English Money, Introd. p. 14. speaking of the Saxons, says, "They had copper Stykas also, smaller than the Penny, having the King's name on one side, and coiner's on the other, eight of which made a penny, and served them for ordinary change. Of these, a vast quantity were found at Rippon in Yorkshire in the year 1695, before which we had much fewer of brass than silver." Compare also Hickes, Thesaur. Pars iii. Dissert. Epist. pp. 164. 165. tab. X. The Northumbrian Stykas are the only ones we are now acquainted with.

(*k*) In the Exeter Domesday, p. 19, *Pecunia* is used for money, with a specification of pounds, shillings, and pence.

(*l*) Tom. i. fol. 32. we read "Ej⁹ pecunia cōputat̄ supius cū alia." Fol. 63. "Ipse qq̄ transportauit halla 7 alias domos et pecuniā in alio m̄." Fol. 68. "Postea ū reddid̄ eas [hidas] æccleā cū om̄i pecunia sua." Fol. 74 b. "Terra ē III. caſ 7 nil pecuniæ." Fol. 235 b. Huj⁹ terræ pecunia supius ē annumerata." Fol. 280 b. "Si tain⁹ hſis sacā 7 socā 7 forisfecit trā suā / int̄ regē 7 comitē hſit medietatē trā ej⁹ atq̄ pecuniæ 7 legalis uxor cū legitimis hæredibz si fuerint hſit aliā medietatē."

(*m*) Tom. i. fol. 209.

(*n*) Ibid.

(*o*) Ibid. fol. 209 b.

it was determined to be her undoubted right. It was also claimed by Henrietta Maria the Queen of King Charles the First. The oldest account of Queen Gold is that in the *Dialogus de Scaccario* (*p*).

Payments de "*Gersumma* Reginæ," as a free gift to the Queen, are mentioned in the entries relating to the customary rents of the Counties of Oxford and Warwick (*q*), as well as in what relates to Norwich, in the second Volume of the Survey (*r*). In the account of the rents from Northamptonshire we have "*de dono* Reginæ 7 de feno X. lið 7 v. oras" (*s*).

2. MONEYERS, and the LIBERTY of COINAGE.

From the laws of Æthelstan, we learn that a Mint was antiently one of the usual privileges of a Burgh. In Canterbury, it is said, there are seven Moneyers, four belonging to the King, two to the Bishop, and one to the Abbot: in Rochester, three; two belonging to the King, and one to the Bishop: in London eight: in Winchester six: in Lewes two: one at Hastings: one at Chichester: two at [South] Hampton: two at Wareham: two at Exeter: two at Shaftesbury; and one in the other Burghs (*t*).

In the Domesday Survey, payments *de Moneta* (*u*), for the privilege of coining, are mentioned at Pevensey, Lewes, Malmsbury, Bath, Taunton, Oxford, Gloucester, Roelent, Nottingham, and Thetford; and *Monetarii* occur at Lewes, Wallingford, Dorchester in Dorsetshire, Bridport, Wareham, Shaftesbury, Oxford, Worcester, Hereford, Huntingdon, Leicester, Shrewsbury, Chester, Nottingham, York, Lincoln, Colchester, Norwich, Tingohu, Sudbury, and Ipswich. The workmen who were employed in coining did not enjoy the same liberty with other artists, of following their own fancies, and making such coins as they pleased; but they received all their dyes from the Exchequer, and they wrought under the inspection of officers, who were called "*Examinatores Monetæ*," and "*Custodes Cuneorum*," Essayers and Keepers of the Dyes, whose business it was to take care that their coins were of the standard weight and fineness (*v*).

At Hereford there were seven Moneyers, one of whom belonged to the Bishop. On a recoinage, the royal moneyers paid twenty shillings to the King, and the Bishop had the same sum from his moneyer. When the King went there, the moneyers were to make as many pennies of the King's silver as he pleased. The seven moneyers had their own soc and sac. If any one of the King's moneyers died, the King had twenty shillings for a relief; and if he died without having disposed of his effects, the King became possessed of his property (*w*). At Shrewsbury the King had three moneyers, who, after they had purchased their dyes like the other moneyers of the country, on the fifteenth day gave, each, twenty shillings to the King; and this was done while the money was in coining (*x*). At Chester there were, in the time of Edward the Confessor, seven moneyers. At Norwich the Bishop was allowed a moneyer, if he wished for one (*y*).

It is a fact worthy of remark, that many places of mintage occur upon the coins both of Edward the Confessor and the Conqueror, which are not noticed as such in the Domesday Survey. Exeter, Hastings, London, Rochester, Southampton, Southwark, Stamford, and Winchester, occur upon the coins of both Monarchs. Aylesbury, Bedwind, Chichester, Hertford, Hornidune, and Maldon, are found on those of the Confessor only. Bridgenorth, Bricci (supposed to be Bristol), Canterbury, Dover, Hithe, Marlborough, Salisbury, Stafford, Wilton, and Witney, occur on those of the Conqueror.

(*p*) See Madox's *Hist. Excheq.* 4^o edit. vol. ii. p. 447. *Dialog. de Scacc.* cap. xxvi. "*De Auro Reginæ*."

(*q*) *Domesd.* tom. i. fol. 154 b. 238.

(*r*) *Ibid.* tom. ii. fol. 117 b.

(*s*) *Ibid.* tom. i. fol. 219.

(*t*) LL. Æthelst. Wilkins, p. 59.

(*u*) This was probably the same kind of payment which is elsewhere called "*Geldum Regis de Monedagio*." *Domesd.* tom. i. fol. 336.

(*v*) Henry's *Hist. of Britain*, edit. 8^o. 1805. vol. vi. p. 298. In the entry concerning Worcester in the Domesday Survey, tom. i. 172. it is said, "*Quando moneta vertebatur, [i. e. mutabatur] quisque monetarius dabat XX. solid. ad Lundoniā pro cuneis monetæ accipiendis*."

(*w*) *Domesd.* tom. i. fol. 179.

(*x*) *Ibid.* fol. 252.

(*y*) "*In hoc burgo si uult ep̄c potest habere 1. monetariū*." *Domesd.* tom. ii. fol. 117 b.

Sect. 4.—Territorial Jurisdictions and Franchises.

THEIR DENOMINATIONS.

COUNTIES.—THEIR SUBDIVISION AND CUSTOMS.

THE greater Subdivisions of the Shires or Counties in the Domesday Survey appear to have been *Tredings*, or *Ridings*, *Lests*, *Rapes*, *Wapentakes*, *Hundreds*, *Half-Hundreds*, and *Half-Lests*.

§ 4. Territorial
Jurisdictions and
Franchises.

The *TREDING*, or *Riding*, is only found in Yorkshire and Lincolnshire, and implies a third part (*z*). It had its court, inferior to that of the county, but superior to the jurisdiction of the wapentake (*a*). These Ridings in Yorkshire still have distinct Lieutenancies and Commissions of the Peace; the three parts of Lincolnshire the latter only.

The *LEST*, *Last*, or *Lathe*, is stated in the laws of Edward the Confessor to have been the same with the *Riding*. It could not, however, have comprised the third part of the Shire; as in Kent, the only county in which it is named, no less than seven distinct Lasts occur. It derived its name from the Saxon *gelaðian*, to assemble: and Spelman cites a passage in his Glossary (*b*), from the "*Ordinatio Marisci Romeneiensis*," pa. 73, where it has a similar signification. "*Si aliquis super hoc convincatur per testimonium ballivi et juratorum in communi LASTO, amercietur in X. solidis*" (*c*).

The *RAPE* of Sussex appears to have answered generally to the *Lest* or *Lathe* of Kent. Lye, in his edition of Junius's Etymologicon, calls it "*Comitatus portio, cujusmodi sunt sex portiones in agro Sussex*" (*d*).

We have no mention in the Domesday Survey of any Mote or Court attached to the Rape; nor is there any reference to its testimony, as in the case of the Hundred. Indeed the Rapes seem to have been intrusted to the jurisdiction of individuals: for in the account of Sussex, in the Survey, we read of *Rapum Comitatus de Moritonio*, *Rapum Willielmi de Braiose*, *Rapum Comitatus de Ow*, *Rapum Willielmi de Warene*, and *Rapum Comitatus Rogerii* (*e*). The Rapes mentioned by their own names are those of Arundel, Hastings, Lewes, and Penevesel (*f*). Chichester Rape does not appear. It was under Earl Roger's authority; but perhaps usurped from the Bishop. *Hreppar* means District in Iceland, to this day: and it is not improbable that the Rapes of Sussex were military districts, for the supply of the Castles which existed in each.

The *WAPENTAKE* occurs in the Northern Counties, and is synonymous with the Hundred in the Counties of Nottingham, York, and Lincoln to this day. The best explanation of the Wapentake is given in the laws of King Edward the Confessor: "*De Hundredis et Wapentachiis*. Ewerwickshyre, Nicolshyre, Nottinghamshyre, Leycestershire,

(*z*) Erant etiam et aliæ potestates super Wapentachia, quas vocabant þrúhingar quod erat *tertia pars Provinciae*. Qui vero super eas dominabantur, vocabantur þrúhingerefar; ad hos deferebantur causæ quæ non poterant definiri in Wapentachiis. Sicque quod Angli vocabant Hundredum, isti Wapentachium: et quod Anglice vocabant 3 vel 4 Hundreda, isti vocabant þrúhinga. In quibusdam vero Provinciis Anglice vocabantur Leð, quod isti dicunt trihinge: quod autem in þrúhingæ definiri non poterat ferebatur in Scyram." LL. Edw. Conf. § 34. Wilk. Leges Anglo-Sax. p. 204.

(*a*) Among the "*Clamores quæ sunt in Sudtreding Lincolniæ et Concordia eorum*," we read, tom. i. fol. 375 b. "*Testificant' hōes de Calnodeshou Wap consentiente toto Treding qd &c.*" The Court belonging to the Treding, or Trihing, was called the *Tridingmot*. In a charter of King Henry the First to the church of St. Peter York, it is said, "*Nemo de terra Canonorum S. Petri Wapentacmot, nec Tridingmot, nec Shiresmot sequebatur, sed calumpnians vel calumpniatus ante ostium Monasterii S. Petri rectitudinem et recipiebat et faciebat*," See Cowel's Law Interpr. edit. 1727. Compare also Spelman, Of the antient government of England, pp. 50, 52.

(*b*) Spelm. Gloss. fol. Lond. 1687, p. 348.

(*c*) Bishop Kennett in a manuscript Glossary among the Lansdowne MSS. N° 1098. p. 235, says, "*The annual Court at Dimchurch in Romney March, held for the election of a Bailiff and other Officers, is called Dimchurch-Lath.*"

(*d*) He adds: "*Somnerus derivat a rap funis*. Ego malim derivare ab Isl. *repp* vel *ripp*, quod, teste Verelio, districtum vel tractum terræ notat." Sir Thomas Smith, in his Work "*De Republica Anglorum*," lib. ii. cap. 9. gives etymons of *Lathe* and *Rape* of too ludicrous a kind to be gravely quoted.

(*e*) See tom. i. fol. 16, 17, 17 b, 20, 20 b, 21 b, 22, 22 b, 24, 24 b, 25, 26, 26 b, 27, 27 b, 28, 28 b.

(*f*) Penevesel is in one instance called a Hundred, tom. i. fol. 22.

Leycestershire, Northamptonshire, usque ad Watlingstrete, et octo miliaria ultra Watlingstrete sub lege Anglorum sunt. Et quod Angli vocant Hundredum, supradicti comitatus vocant Wapentachium: et non sine causa: cum quis enim accipiebat præfecturam Wapentachii, die statuto in loco ubi consueverant congregari, omnes majores natu contra eum conveniebant, et descendente eo de equo suo omnes assurgebant ei. Ipse vero erecta lancea sua ab omnibus secundum morem foedus accipiebat: Omnes enim quotquot venissent cum lanceis suis ipsius hastam tangebant, et ita se confirmabant per contactum armorum, pace palam concessa. Anglice enim arma vocantur pæpnu et taccape confirmare; quasi armorum confirmatio vel, ut magis expresse secundum linguam Anglicam dicamus Wapentac, armorum tactus est; pæpnu enim arma sonat, tac tactus est. Quamobrem potest cognosci quod hac de causa totus ille conventus dicitur Wapentac, eo quod per tactum armorum suorum ad invicem confœderati sunt" (g).

Ranulphus Cestrensis tells us (h), "quod quoties novus esset Hundredi Dominus ei in subjectionis signum arma redderent Vassalli;" an explanation which, in some measure, connects the English Wapentake with the *Wapinschaw*, or *Wapinschawing*, of the Scots (i).

That the Wapentake was one of the earliest terms used by the Saxons in this Country for a district of territory, seems more than probable. It may be traced among the more antient tribes of the North. Professor Ihre tells us, that among the Goths *Wapntak* implied the manner in which decrees were passed by the people at large, by the clashing of their arms. Tacitus, he adds, has described the usage in his time. He further informs us, that *Wapntak* also denoted the confirmation of a judicial edict by the touch of arms. The votes being collected, the judge reached forth a spear, by touching which all his assessors confirmed the sentence (k).

The Gemote, or Judicial Assembly, in the different Wapentakes, is expressly defined in the Laws of Æthelred. "Et ut habeantur Conventus in quolibet Wapentachio, et exeant Seniores xii Thani et Præfectus cum eis, et jurent super Sanctuarium quod eis in manus datur, quod nolint ullum innocentem accusare, nec aliquem noxium celare" (l). That the Wapentake was in every respect the same, and paid the third penny like the Hundred, is evident from a passage in the very first page of the account of Nottinghamshire, fol. 280. where it is said, "Duo nūmi regis 7 tcius Comitibus qui exeunt de Apletreu Wapent sunt in manu uicecomitis testim duarū scirarū."

The division of the HUNDRED has been variously accounted for by our antiquaries and historians. In the *Dialogus de Scaccario* it is said, "Hundredus vero ex Hydarum aliquot centenariis sed non determinatis; quidam enim ex pluribus, quidam ex paucioribus Hidis constat" (m). Lambard and Spelman think it is to be

(g) Wilkins, LL. Anglo-Sax. p. 203.

(h) Lib. i. cap. 5. see Cowel. Compare also Chron. Joan. Bromton, Ap. X. Script. Twysd. p. 957.

(i) Jamieson's Etymolog. Dict. of the Scottish Language, v. WAPPIN.

(k) "WAPNTAK erat modus per strepitum concussorum armorum plebiscita olim condendi, uti recte hanc vocem explicat Dolmerus, in Notis ad Jus Aul. Norrw. p. 9. conf. Heims Kr. tom. ii. p. 313. *Their bardo saman wapnom sinom, oc dæmdo tha alla utlaga*, arma sua concutiebant, omnesque eos exsules esse jusserunt. Ib. p. 414. *Arni beiddi, at men skuldo gera Wapnatak at Thui, at dæma med lagum Sigurd Jarl oc allam flock Theirra til fiandans*: Arni ad populum ferebat, ut concussis armis plebiscitoque publico Sigurdum Comitem omnesque sectarios illius diabolo adjudicaret. Adde Knytl. S. p. 44. Rem suo jam ævo usitatam describit C. Tacitus de Mor. Germ. cap. xi." "Considunt armati—si displicuit sententia, fremitu aspernantur: sin placuit, frameas concutiunt." Vocatur assensus hic bellicus *Thingtak*, in Jure Aul. Norrw. cap. I. ubi vide a Dolmero annotata." "2. Notat confirmationem sententiæ in Judicio prolatae per contactum armorum: lectis enim suffragiis hastam Judex proferebat, quam Assessores omnes tangentes sententiam confirmabant." Sir Thomas Smith gives an explanation of the Wapentake more consonant to the practices of later times; he says, '*Wapentachium* è Danorum aut Saxonum sermone emanavit. Totidem quippe ex oppidanis in unum locum convenerunt, ubi Armorum (Anglice *Weapon*) delectus habebatur; quique idoneis fidejussoribus de probe et pacate in posterum vivendo non satisdabant, illis arma detrahebantur." De Repub. ut supr. Dr. Wilkins, in his Glossary upon the Anglo-Saxon laws, derives Wapentake from peapan *arma* and *teacan docere*: as the district where a given number of persons in each county were accustomed to meet and train themselves in the use of arms.

(l) Wilkins LL. Anglo-Sax. p. 117. See also Chron. Joan. Bromton apud X. Script. Twysd. 895.

(m) Madox Hist. Excheq. 4^o. edit. vol. i. p. 399. In a very antient Leiger-book of Peterborough Abbey, preserved in the Library of the Society of Antiquaries, is the following enumeration of the Hundreds of Northamptonshire, and their contents, referring to the time of King Edward the Confessor, in which every Hundred is made to consist of a *hundred hides*; the hides paying geld being particularly distinguished from those in the royal occupation, and the waste or uncultivated land.

be understood of a Hundred Men. Brompton that it comprised a Hundred Villages(n). The origin of the Hundred is usually ascribed to King Alfred; though we find it among the oldest of the Saxon institutions on the

Appendix,
(M.)
DISSERTATIONS
ON
DOMESDAY.

II.
Principal Matters
noticed
in this Record.

§ 4. Territorial
Jurisdictions and
Franchises.

" Ðiſ iſ into buttuner hundneb þat iſ an hundneb hiba. ſpa iſ pær on Æbuuanþer beſe kýnger. 7 þen of iſ ge peneb an 7 tuenti hibe 7 tþabel an hibe. 7 fouſti hibe in land. 7 x. hibe þer kýnger ahhen ſenme land. 7 VIII. 7 XX. hibe þer. 7 þubbel an hibe.

" Ðiſ iſ into penþuner hundneb þ iſ an hundneb hiba ſpa hit pær on Eabþanþer beſe kýnger. 7 þen of iſ ge peneb XVIII. hibe buton ane gearþe. 7 XL. hibe in land. 7 I. 7 XL. hibe þer. 7 I. gearþe.

" Ðiſ iſ into klegele hundneb þ iſ an hundneb hibe ſpa iſ pær on Eþv beſe kýnger. 7 þen of iſ ge peneb. XVIII. hibe. 7 fouſti hibe in land. 7. II. 7 XL. hibe þer.

" Ðiſ iſ into gnaueſende hundneb þ iſ an hundneb hibe ſpa iſ pær on Eabþ beſe kýnger. 7 þen of iſ ge peneb XVIII. hibe 7 I. alþ hibe 7 V. 7 XXX. in land. 7 V. hiba þer kýnger agen ſenme land. 7 I. 7 XL. hibe þer 7 I. healþ hibe.

" Ðiſ iſ into Eabbolþer ſtope hundneb þ iſ an hundneb hiba ſpa iſ pær on Eabþ beſe kýnger. 7 þen of iſ ge peneb. III. 7 XX. hiba. 7 I. healþ hibe 7 V. 7 XL. hibe in land. 7 V. hibe þer kýnger. 7 XXVI. hibe þer 7 I. healþ hibe.

" Ðiſ iſ into egelpenþerle hundneb. þ iſ an hundneb hibe ſpa hit pær on Eabþanþer beſe kýnger. 7 þen of iſ ge peneb. XVI. hibe 7 I. healþ hibe. 7 XL. hibe in land. 7 æt noſtune ſeueþe healþ hibe ne cō nan peni of þ ah Oſmund þer kýnger ſenme. 7 ſeuen. 7 XXX. þer.

" Ðiſ iſ into uoxle hundneb þ iſ an hundneb hiba eal ſpa hit pær on Eabþ beſe kýnger. 7 þen of iſ ge peneb. XVI. hibe. 7 XXX. hibe in land. 7 I. 7 XX. hibe þer kýnger ahhan land 7 III. 7 XXX. hibe þer.

" Ðiſ iſ into uýceſte hundneb. þ iſ an hundneb hiba. ſpa hit pær on Eþv beſe kýnger. 7 þen of iſ ge peneb. XVIII. hibe. 7 XL. hibe in land. 7 XX. hibe þer kýnger ahhen land. 7 I. 7 XX þer.

" Ðiſ iſ into hocheſ hlara hundneb. þ iſ II. 7 LX. hiba. þur hit pær on Eþv beſe kýnger. 7 þen of iſ ge peneb. VIII. hiba. 7 XV. hiba in land. 7 VIII. 7 XXX. hiba þer.

" Ðiſ iſ into pileþnoce hundneb. II. 7 LX. hiba. þur hit pær on Eþv beſe kýnger. 7 þen of iſ ge peneb. VII. hiba 7 XI. hiba in land. 7 XIII. hiba þer þur iſ into þ healþe hundneb 7 þ healþe hundneb eal un peneb þ heah ſe kýng.

" Ðiſ iſ into þar tpa hundneb to uptune gneſe ſiſ ſýþe tpenþi hiba 7 nigeþa healþ hiba. þur iſ pær on Eabþ beſe kýnger. 7 þen iſ ge peneb ſiſti hiba. 7 VII. 7 XX. hiba in land. 7 VIII. 7 XX. hiba þer 7 I. healþ hiba. 7 of V. ſiþe XX. hiba iſ þubbe healþ hibe un peneb. 7 þ heah Ricanþ en gearþe.

" Ðiſ iſ into nauenerlund tpa hundneb. VIII. ſýþe tpenþi hibe. þur hit pær on Eabþ beſe kýnger 7 þur micel iſ ge peneb into þar tpa hundneb. þ iſ. VIII. 7 XX. hiba 7 i. hiba. 7 VIII. 7 ſiſti hiba in land. 7 tþelſta healþ hibe þer. 7 of þar. VIII. ſýþa tpenþi hiba iſ. VIII. hiba un peneb. 7 þ eah ſi læþþi þer kýnger ſiſ.

" Ðiſ iſ into neþerþonþa hundneb. II. 7 LX. hiba. þur hit pær on Eþv beſe kýng. 7 þur micel iſ ge peneb XV. hiba. 7 XIII. hiba in land. 7 III. 7 XXX. hiba þer.

" Ðiſ iſ into pocabnoc hundneb. II. 7 LX. hiba. þur iſ pær on Eþv beſe kýng 7 þen iſ. X. hiba peneb. 7 XX. hiba in land. 7 II. 7 XXX. hiba þer.

" Ðiſ iſ into ðet oþer healþe hundneb into neopþole gnaue þ iſ oþer healþ hundneb hiba þen iſ inne ſiſ 7 ſeopþenþi hiba buton an healþ gearþe pane ſea land 7 ge peneb. 7 þen iſ healþ hundneb hibe 7 II. 7 XX. hibe in land. 7 III. 7 XXX. hiba 7 I. healþ gearþe þer. 7 þur hit pær on Eþv beſe Kýng.

" Ðiſ iſ þ oþer healþe hundneb into gylþerþunþ. 7 þen iſ inne oþer healþ hundneb hiba. 7 þen iſ XVI. hiba þer. 7 ge peneb. 7 þen iſ healþ hundneb hiba 7 XVIII. hibe in land. 7 þen iſ healþ hundneb hiba 7 XVIII. hibe in land. 7 þen iſ healþ hundneb hiba. 7 XVI. þer. 7 þur hit pær on Eabuuanþ beſe kýnger.

" Ðiſ iſ into ſpelhoh hundneb þur ſýþe tpenþi hiba 7 X. hiba. 7 þen iſ tpenþi hiba 7 I. alþ hiba þer. 7 ge peneb. 7 ſiſ. XX. hiba býrgland. 7 into habintune. X. hiba Ricanþer land ne cō nan peni. of 7 into Miltune. VI. hiba. Willmeſ land ne cō nan peni of. 7 VIII. 7 XX. hiba þer. 7 an healþ. h'.

" Ðiſ iſ into hpicþſlea þer hundneb þ ſýnbōn þur ſýþe XX. hiba. 7 þur hit pær on Eþv beſe kýng. 7 þen of iſ ge peneb. X. hiba. 7 fouſti hit in land. 7 XXX. hiba þer.

" Ðiſ iſ into hpicþſlea eaſt hundneb þ ſýnbōn þur ſýþe XX. hibe eal ſpa hit pær on Eþv bæge Kýng 7 þen of iſ XV. hibe peneb 7 þen iſ þur 7 XXX. hibe in land 7 I. 7 XXX. hibe þer.

" Ðiſ iſ into ſtoþalbe hundneb þ iſ an hundneb hibe ſpa hit pær on Eþv bæge kýng. 7 þen iſ ge peneb of. VIII. hibe 7 I. healþ gearþe. 7 þen iſ fouſti hibe in land. 7 ſiſti hibe þer 7 ſenþe healþ gearþe.

" Ðiſ iſ into ſtoce hundneb þ iſ fouſti hiba. ſpa hit penon on Eþv bæge Kýng. 7 þen of iſ ge peneb eahtetenþe healþ hibe. 7 ælleoþte healþ hibe. in land. 7 XII. hibe þer.

" Ðiſ iſ into oþer healþe hundneb into hehham þ iſ oþer healþ hundneb hibe ſpa hit pær on Eþv bæge Kýng 7 þen of iſ ge peneb ſiſti hibe buton an alþ hibe. 7 þur 7 fouſti hibe in land 7 ſiſ 7 ſiſti hibe þer. 7 X. hiba mane 7 liþ into anþonþer ho.

" Ðiſ iſ into maleſ le hundneb þ iſ þur ſiþe. XX. hiba. 7 þen of iſ peneb. XII. hibe. 7 þen iſ. XXX. hibe in land 7 þen iſ. XXX. hibe þer. 7 þen iſ. VIII. hibe unpeneb þ ah ſe kýng.

" Ðiſ iſ into copeþi hundneb þ iſ VII. 7 XL. hibe ſpa hit pær on Eþv bæge kýng. 7 þen of iſ ge peneb. VIII. healþ hibe 7 XII. healþe hibe in land. 7 þen iſ XII. hibe 7 I. gearþe þer Kýnger ſenme lande þer 7 unpeneb. 7 V. hibe unpeneb þa. III. hibe eah þe ðe ſcorþe Kýng. 7 oþer healþ hibe eah þý læþeth 7 vñ. I. healþ hibe. 7 XI. hibe þer buton ane gearþe.

(n) See next page.

" Ðiſ

the Continent(*o*). The Centenary, or Hundredor, an officer who was retained among the Franks, Lombards, and Wisigoths, as well as the Anglo-Saxons, is termed in the Survey *Custos*, *Prefectus*, or *Prepositus de Hundret*(*p*).

Exclusive of what is said in the Survey relating to the legal privileges, services, and transgressions(*q*) in the different Towns and Burghs, we find the customs of some of the Shires occasionally entered separately; in many instances after the enumeration of the principal burgh-customs in each have been given. The customs agreed upon by an inquest of four of the Lests in Kent are enumerated (after what relates to Dover) in the very first page of the larger Volume. Those of Berkshire in the time of King Edward follow the account of Wallingford. fol. 56 b. Those of Wiltshire, fol. 64 b. The customs of Oxfordshire, in the time of William, are given at fol. 154 b. The customs and services of Worcestershire follow the account of Worcester, fol. 172 b. Northamptonshire follows Northampton, fol. 219. And the customs of Nottinghamshire and Derbyshire precede the list of Tenants in capite of the former county, in fol. 280. Beside which, the Customs of the Hundred of Oswaldeslow in Worcestershire are given separately in folios 172 b. and 174. The "Consuetudines Walensium in Arcenefeld," in the time of King Edward, in the account of Herefordshire, fol. 179. The Laws of the Wiches of Cheshire, fol. 268. And the Customs of the Lands between the Ribble and the Mersey, in folios 269 b. and 270. No account of the Services and Customs of the Shires of Essex, Norfolk, or Suffolk, occur in the Second Volume of the Domesday Survey.

CITIES AND BURGHS, AND THEIR CUSTOMS.

The Services, Charges, and Customs of the Cities and Burghs noticed in the Survey, form a valuable illustration of the Saxon laws. A comparison of the two shows in how small a degree the Normans interfered with the antient institutions of the people(*r*).

London, Winchester, Abingdon, and a few others, were omitted, probably on account of Charters of immunity previously granted(*s*). They probably compounded for all Dues and Consuetudines. The City of London does so now for all Middlesex. Of the following Cities and Burghs, the Customs are particularly noticed. In the first Volume, at Dover, fol. 1. Canterbury, fol. 2. Pevensey, fol. 20 b. Lewes, fol. 26. Wallingford,

" Ðiſ iſ into Roðepelle hundreð þ iſ. LX. hiða þur hit þeſ on Eoð⁴ bæge kȳng. 7 þeneoſ iſ. X. hiðe þeneð. 7 XX. hiða inlanð. 7 XV. hiðe unþeneð þa ſeuen hiðe 7 I. healf hiðe eah ðe kȳng 7 ſeuen hiðe 7 I. healf hiðe eah ðeſ Kȳnges þiſ 7 Robb⁴tes þiſ heonleſ 7 Willelm engane.

" Ðiſ iſ into andneſðeſ hoh hundreð þ iſ. IIII. ſiða tpenſi hiða. 7 X. hiða. þur hit þaſ on Eoð⁴ bæge kȳn 7 þeſ of iſ ge þeneð. V. 7 XX. hiðe inlanð. 7 IX. 7 XXX. hiðe þeſte.

" Ðiſ iſ into Oſðlingbæne hundreð. IIII. ſiðe tpenſi hiðe. þur hit þaſ on Eoð⁴ bæge kȳn. 7 þeſ of hiſ ge þeneð. VIIII. 7 XX. hiðe. 7 I. healf hiðe 7 IIII. 7 XX. hiðe 7 I. healf hiðe in lanð. 7 V. hiðe un þeneð þ eah Willelm engane 7 piteget þneorſ 7 I. 7 XX. hiðe þeſte.

" Ðiſ iſ into þ oðeſ healf hundreð in to þimeſeſlea þ iſ oðeſ healf hundreð hiða ſpa hit þeſ on Eoð⁴ bæge kȳn. 7 þeſ of iſ þeneð. I. 7 XL. hiðe. 7 III. ſiðe tpenſi hiðe inlanð 7 VIIII 7 XL. hiðe þeſte."

(*n*) X. Script. Twysd. p. 957. See, also, Thomæ Smithi de Repub. Anglorum, lib. ii. c. 19.

(*o*) Tacitus de Moribus Germanorum, c. 12. "Eliguntur in iisdem Conciliis et principes, qui jura per pagos vicosque reddunt. Centeni singulis ex plebe Comites, consilium simul et auctoritas, adsunt." Compare what is said on this subject in the Introduction to the Population Abstract of 1811. pp. xi. xii.

(*p*) Domesday tom. i. foll. 142 b. 218 b. tom. ii. foll. 66, 99, 120, 266. Of his Office see King Edward's Laws, sect. 28.

(*q*) Forisfacturæ.

(*r*) In the account of Dover, as will be presently noticed, it is said, "Omnes hæ consuetudines erant ibi quando Willielmus Rex in Angliam venit." So under Wallingford, fol. 56. "Modo sunt in ipso burgo consuetudines omnes ut ante fuerunt." And in what relates to the Hundred of Oswaldslaw in Worcestershire, it is said, "in quo jacent CCC. hidæ. De quibz eþs ipsi⁹ æcclia a constitutione antiquorum temporum hñ om̃s redditiones socharum, &c. Hoc attestatur totus comitatus." tom. i. fol. 172 b.

(*s*) For the liberty of London, see Mat. Paris, and the London Charters. It is singular that Ciltecumbe, now Chilcomb, a mile and half from Winchester, which, according to the Abstract of Answers and Returns to the Population Act of 1811, contains but twenty Houses, should be entered in the Survey as having nine Churches, tom. i. fol. 41; the manor was "de victu Monachorum Wint." There is no accounting for the difference between the statement of the Domesday Survey and that of the Population Act concerning Chilcombe, without adverting to the probability that it must have formerly included a part of the suburbs of Winchester. The petition of the City of Winchester to King Henry the Sixth in 1450, printed in the first volume of the Archaeologia, enumerates no fewer than seventeen Churches and nine hundred and ninety-seven "householdes" which had fallen down, chiefly, within the eighty years preceding.

Wallingford, fol. 56. Dorchester, Bridport, Wareham, Shaftsbury, fol. 75. Taunton, fol. 87 b. Hertford, fol. 132. Buckingham, fol. 143. Oxford, fol. 154. Worcester, fol. 172. Pershore, fol. 174 b. Hereford, fol. 179. Cambridge, fol. 189. Huntingdon, fol. 203. Northampton, fol. 219. Leicester, fol. 230. Warwick, fol. 238. Stafford, fol. 246. Shrewsbury, fol. 252. Chester, fol. 262, 263. The Wiches, fol. 268. Nottingham, fol. 280. Derby, fol. 280. York, fol. 298. Lincoln, fol. 336. Stamford, fol. 336 b. Torksey, fol. 337. Grantham, fol. 337 b. and Louth, fol. 345; and in the second Volume, at Colchester, fol. 107. Norwich, fol. 116. Yarmouth, fol. 118. Thetford, fol. 118 b. Ipswich, fol. 290. and Dunwich, fol. 311 b.

At *Dover*, the Burgesses appear to have had a Guild-Hall. They supplied the King with twenty ships for fifteen days once in every year, each vessel having twenty-one persons on board, and this, because he had granted them sac and soc. When the King's Messenger arrived, they paid three pence in winter, and two in summer for transporting his Horse. They also found a pilot and his assistant. Whosoever, constantly residing in the town, paid his customary rent to the King, was free of toll through England. It is expressly added that these customs were found here at the King's coming. The burning of the town at the Conqueror's first arrival in England prevented any computation of its value at the time it was given to the Bishop of Baieux. When the Survey was formed, it was appreciated at forty pounds though it paid considerably more.

In *Canterbury* the larger portion of land held by the burgesses was in the tenure of Allodium: a species of free-hold which will be hereafter explained.

At *Lewes*, if the King sent a force to keep the sea, twenty shillings were collected of every burgess, which were paid to those who manned the vessels. Whoever sold a horse in the town paid a penny to the bailiff, and the purchaser paid another: for an ox, a halfpenny: for a man four-pence, wheresoever the purchase might have been made within the Rape. For blood-shed, seven shillings and four-pence were made the mulct: for adultery or rape, eight shillings and four-pence by each of the parties; and, as in Kent, for adultery, the man became the property of the King, and the woman of the Archbishop.

The customary services of *Taunton* in Somersetshire, a burgh belonging to the Bishop of Winchester, were, "Burgheristh, Latrones, Pacis infractio, Hainfare, Denarii de Hundret, et Denarii S. Petri, Circieti ter in Anno, Placita Episcopi sine ammonitione, Profectio in exercitum cum hominibus Episcopi" (t).

At *Oxford*, in the time of King Edward, the burgesses in the room of toll, gable, and all other customary rents, paid the King twenty pounds and six sextaries of honey; and to Earl Algar ten pounds besides the mill which he had within the city. When the King went on an expedition twenty of the burgesses went with him for the rest, or they paid twenty pounds that all might be free. At the time of forming the Survey the city paid sixty pounds in tale, every ora of the value of twenty pence. Within and without the walls of the city two hundred and forty-three houses paid geld; and beside these, four hundred and seventy-eight houses were so desolated that they could not pay geld. The King held twenty mural mansions, which in the time of the Confessor had been Earl Algar's, paying thirteen shillings and ten pence. They were called mural mansions, because, if need required and the King commanded, the tenants were bound to repair the city wall. A hundred and ninety-one mansions belonging to individuals "liberæ propter reparationem muri" are also enumerated, of which eighty are stated to have been "vastæ" (u).

In

(t) Domesd. tom. i. fol. 87 b.

(u) The extraordinary number of houses specified as desolated at Oxford requires explanation. If the passage is correct, Matthew Paris probably gives us the cause of it, under the year 1067, when William the Conqueror subdued Oxford in his way to York. "Eodem tempore Rex Willielmus urbem Oxoniam sibi rebellem obsidione vallavit. Super cujus murum quidam, stans nudato inguine, sonitu partis inferioris auras turbavit, in contemptum videlicet Normannorum, unde Willielmus in iram conversus, civitatem levi negotio subjugavit." Mat. Par. ed. Watts. sub. ann. 1067, p. 4. See also William of Malmesbury, Script. post Bedam, p. 58. whom Matthew Paris copies. It must not however be concealed, that although the Manuscripts of Matthew Paris (MS. Reg. 14 C. vii. and MS. Cotton. Nero D. v.) read *Oxoniam*, three Manuscripts of William of Malmesbury (MS. Cotton. Claud. C. ix. and Harl. MSS. 447. 528.) read *Exoniam*. The siege of Exeter in 1067 is also mentioned by Simeon of Durham, col. 197; Hoveden, col. 258; Ralph de Diceto, col. 482; Florence of Worcester, fol. Francof. 1601. p. 635. and Ordericus Vitalis, p. 510. In the account of Lincoln, Domesd. tom. i. fol. 336 b. there is a remark, which deserves attention, on the "Mansiones wastæ," enumerated in that city. "Reliquæ LXXIII. wastæ sunt extra metam Castelli, non propter oppressionem vicomitum et ministrorum, sed propter infortunium, et paupertatem, et ignium exustionem."

Appendix,
(M.)DISSERTATIONS
on
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 4. Territorial
Jurisdictions and
Franchises.

In *Hereford*, in the time of Edward the Confessor there are said to have been a hundred and three tenants settled within and without the wall of the city, whose customs are very fully enumerated. If any one wished to depart from the city, with leave of the bailiff, he might sell his masure, or house and plot of land adjoining, to any other person who engaged to perform the proper service, and then the bailiff had the third penny of the sale. But if any one from poverty could not perform service, he relinquished his house to the bailiff without reward, who took care that no house remained untenanted, and that the King did not lose his rent. Every entire masure within the wall of the city paid seven-pence halfpenny, and four-pence toward hiring horses, and the tenants did the personal service of reaping at Maordine three days in August, and gathering hay, one day, wherever the sheriff directed. Whoever had a horse went three times in the year with the sheriff to the County and Hundred Courts at Vrmlauia. When the King went to hunt, one person went from each house to the stand or station in the wood. Other tenants, not having entire masures, found three men to guard the King when he came into the city. When a burgess serving [in the army] with his horse died, the King had his horse and arms; or, if he served without a horse, ten shillings, or his land and houses. If any one had not devised his property before his death, the King had the stock belonging to his land. Every man whose wife brewed, either within or without the city, paid ten pence. Six smiths paid every one a penny for his forge, and made a hundred and twenty nails from the King's iron. Each received three pence by custom; and these smiths were free from all other service. The moneyers, who will be more particularly noticed hereafter, were seven in number, and performed a service not altogether unsimilar: when the King came to the city, they were bound to coin as much of his silver into pence as he demanded, and had sac and soc. When a moneyer died, the King had twenty shillings for a heriot; or, if he died without having disposed of his effects, the King had all. When the sheriff went with an army into Wales, the tenants of the burgh went with him: or if any one who was called upon did not go, he paid forty shillings to the King. The King had three forfeitures in his demesne; the breach of his Peace, Heinfara, and Forestel. Whoever was guilty of either, was mulcted a hundred shillings to the King, notwithstanding his being under the protection of any tenant in capite. At the time of making the Survey, Hereford was the King's demesne. The English burgesses continued with their former customary services. The foreigners who were burgesses paid twelve pence for all forfeitures besides the three above-mentioned. (v) This city paid sixty pounds by tale to the King, "de candidis denariis."

At *Cambridge*, the customary payments amounted to seven pounds; and, for Landgable, seven pounds and two oræ and two pence. The burgesses in King Edward's time lent their ploughs to the sheriff three times in the year: though at the time of forming the Survey nine turns were exacted. In the time of King Edward they found neither ploughs nor carts, but both appear to have been required by the sheriff at the formation of the Survey. Picot the sheriff had as a heriot of the Lagemen in the town, eight pounds, a palfrey, and the arms of a knight. When Aluric Godricson was sheriff, it is said he took twenty shillings for a heriot.

The city of *Leicester* in King Edward's time paid yearly to the King thirty pounds by tale, every ora of the value of twenty pence, and fifteen sextaries of honey. When the King marched with his army through the land, twelve burgesses of that borough went with him. If the King went over sea against the enemy, they sent from that borough four horses as far as London, to carry arms or such other things as circumstances required. At the time of forming the Survey, King William had, for all Rents from that city and county, forty-two pounds and ten shillings in weight. Instead of one hawk, he had ten pounds by tale; and instead of a baggage or sumpter horse twenty shillings.

At *Warwick* the King had a hundred and thirteen houses, and his barons a hundred and twelve, of which the King had the geld or tax. The residue of the masures in the city, nineteen in number, belonging to as many burgesses, who enjoyed them with sac and soc, and all customs, as they had done in the time of King Edward. In the time of the Confessor the shrievalty of Warwick, with the burgh and royal manors, paid sixty-five pounds and thirty-six sextaries of honey, or twenty-four pounds and eight shillings in lieu of the honey. But, at the time of the Survey, in the firm of the royal manors, they paid yearly one hundred and forty-five pounds in weight, twenty-three pounds for the custom of dogs, twenty shillings for a sumpter horse, ten pounds for
a hawk,

(v) These foreigners must have taken up their residence in Hereford after the arrival of the Conqueror: they would otherwise have continued with the same customary services as the English burgesses. Among the Conqueror's Laws there is one which explains this point. "54. *De jure Normannorum qui ante adventum GUILLIELMI cives fuerant Anglicani. Et omnis Francigena qui tempore Edwardi propinqui nostri fuit in Anglia particeps consuetudinum Anglorum, quod ipsi dicunt an hlote and an rcote persolvat secundum legem Anglorum.*" Wilk. LL. Anglo-Sax. p. 228.

a hawk, and a hundred shillings to the Queen, as a fine or gift. Besides this, they paid twenty-four sextaries, of honey, of the greater measure, and the Burgh six sextaries, viz. fifteen pence a sextary, and five shillings. The custom of Warwick was, that whenever the King went in person in any expedition by land, ten of the burgesses went for all the rest. Whoever was summoned to give his attendance and did not go, paid a hundred shillings to the King. If the King went against his enemies by sea, the burgesses provided four batsuens (*w*), or paid four pounds in money.

At *Stafford*, in the time of King Edward, the town paid nine pounds in money for all customary payments. Two portions were the King's; the third belonged to the Earl. At the time of the Survey, the King received seven pounds as rent from the burgh, between himself and the Earl: a moiety of the King's own part was paid to Robert de Stadford by grant.

Shrewsbury had two hundred and fifty-two houses belonging to the same number of burgesses, paying seven pounds sixteen shillings and eight-pence by way of rent. The Customs as they stood in the reign of Edward the Confessor are very minutely enumerated. If any one knowingly broke the peace which the King had given under his hand, he was outlawed. If any one broke the peace which the Sheriff preserved, he was fined a hundred shillings: and he gave the same for Forestel or Heinfare. These three forfeitures, it is added, the King had throughout England, exclusive of Rents. When the King rested in the city, twelve of the principal inhabitants formed his guard; and, in like manner, when he took the exercise of hunting, the principal burgesses who had horses attended him armed. The sheriff sent thirty-six men on foot to the deer-stand while the King remained there. He also found, by custom, thirty-six men for eight days at the park of Marsetelie. When the sheriff went into Wales, whoever was called upon to attend him and did not go, paid forty shillings as a forfeiture. A widow receiving a husband, paid twenty shillings to the King; a maid paid ten shillings. If any burgess's house was burnt, either by negligence or accident, he paid a forfeiture of forty shillings to the King, and two shillings each to his two nearest neighbours. When a burgess in the King's demesne died, the King had ten shillings for a heriot. If any Burgess broke the time assigned him by the Sheriff, he paid ten shillings. Whoever was guilty of blood-shed, paid forty shillings. When the King (at any time) left the city, the Sheriff furnished him with twenty-four horses, and the King took them as far as the first house in Staffordshire. The English burgesses of Shrewsbury complained that, at the time of forming the Survey, they paid the whole geld, or civil tax for the support of the state, as it was paid in the time of King Edward, although the castle of Earl Roger had occupied the site of fifty-one masures, and fifty others were laying waste. In the time of King Edward too, forty burgesses, who were francigenæ, held taxable mansions; and Earl Roger had given to the abbey at its foundation thirty-nine burgesses, who formerly had paid tax with the rest.

The laws of *Chester* as they stood in the time of the Confessor are enumerated at greater length than those almost in any other city; and they are as full upon the rights allowed to the Earl as on those of the Crown. The forfeitures upon breaking the King's peace are first enumerated. If any free-man committed burglary, and murdered a man, all that belonged to him became a forfeiture to the King, and he was himself declared an outlaw. The Earl had the same forfeiture of any of his own homagers. No outlaw, however, could be restored to the King's peace but by the King. Whoever was guilty of bloodshed between Monday morning and the ninth hour on Saturday, was to forfeit ten shillings; or, from the ninth hour on Saturday to Monday morning twenty shillings. The same punishment of twenty shillings fine was inflicted for the twelve days of the Nativity, the day of the Purification of the Virgin, the first days of Easter and Whitsuntide, Ascension day, the Assumption or Nativity of the Virgin, and the feast of All Saints. On these holidays, whosoever slew a man forfeited four pounds; though, on other days, only forty shillings. Whoever committed Heinfare or Forestel on these days or on Sunday, also forfeited four pounds; but on ordinary days forty shillings. For Hangewithe the forfeiture was ten shillings, or if the King's or the Earl's bailiff was the person, the forfeiture became twenty shillings. Whoever was guilty of Revelach, Latrocinium, or violence toward a Woman was to forfeit forty shillings. A widow "si alicui se non legitime commiscebat," forfeited twenty shillings. Whosoever seized upon, or laid claim to, the land of another within the city, and could not prove his right to it, forfeited forty shillings. Whoever wished to have relief either for his own or a relation's land, paid ten shillings; and the same sum was to be forfeited by him who neglected to pay his gable or rent at the regulated time. If a fire happened in the city, the person at whose house it broke out forfeited three

Oræ

(*w*) Sailors. Bromton, in the Laws of Æthelred, 23. uses *Batus* for a Boat. "Qui ad pontem veniat cum *bato* ubi piscis inest unus ob. dabatur in Theloneum." Script. X. Twysd. col. 897.

Appendix,
(M.)DISSERTATIONS
on
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 4. Territorial
Jurisdictions and
Franchises.

Ora of twenty pence in the Ora, and to his nearest neighbour two shillings. Of all these forfeitures two parts were the King's. The third belonged to the Earl. If any vessels came to or departed from the haven of the City without the King's licence, the King and the Earl had forty shillings from each person on board. If, contrary to the King's peace, and against his prohibition, a ship arrived, both it, the persons on board, and the cargo, were forfeited to the King and the Earl. If, however, a vessel came with the King's licence, those who were in it were allowed to trade, but, at its departure, the King and the Earl had four-pence duty upon every Last of the cargo. If the cargo was of Martern skins the King's bailiff was to order, under the penalty of forty shillings, that none should be sold till he had examined them. Any man or woman giving false measure, or brewing adulterated beer, forfeited four shillings, or was placed in the dung chair (x), and paid four shillings to the bailiffs. This forfeiture was received by the officers of the King and the Earl in the City, of every person, whether under the protection of the Bishop or of any one else. At this time there were twelve Magistrates of the city selected from the homagers of the King, the Bishop, and the Earl. For the repairs of the city wall and the bridge, one labourer was demanded by the bailiff for every hide in the county. Whoever neglected to send his homager on this occasion forfeited forty shillings to the King and the Earl. This forfeiture was exclusive of rent. The city paid forty-five pounds as rent and three timbers of Martern skins. At the time of making the Survey the Bishop of Chester had also his customs in the City. If any free-man worked on a holiday the Bishop received eight shillings as a fine; and from a servus, or a maid servant, four shillings. If a trader came into the city with his pack, and opened it, between the ninth hour on Saturday and Monday, or on any festival, without licence from the Bishop's officer, he forfeited four shillings. If one of the Bishop's homagers found a stranger carting goods (y) within the *leuua* of the city, the Bishop had a forfeiture of four shillings, or two oxen.

At *Nottingham*, the Trent and the way to York were in the custody of the Town. If any one prevented the passage of vessels in the river, or ploughed, or dug a ditch within two perches of the King's highway, he forfeited eight pounds.

In *Derby* there were, at the formation of the Survey, a hundred burgesses, and forty others who are called *minores*. At Martinmas the burgesses paid the King twelve thraves of corn, of which the abbot of Bertone had forty sheaves. The King had eight masures in the town, with sac and soc.

In *York* the burgesses were exempt from payments for relief.

In *Lincoln* and *Stamford* Lagemen occur, as distinct from burgesses. These were an order of men recognised in the laws of King Edward the Confessor (z). In both towns the number of twelve only is mentioned; so that they probably answered to the XII. *Judices Civitatis* of Chester, and the XII. *Lahmen* mentioned in the "Senatus Consultum de Monticulis Walliæ." They have been already noticed in Cambridge. Their privileges in Stamford are minutely set down. They were reduced to nine in number in that town at the formation of the Survey.

At *Torksey*, whoever possessed a mansion in the vill was free of toll at entering or departing from it. When the King's messengers came there, the watermen of the place conducted them as far as York, the Sheriff supplying the provisions for both "ex firma sua." If any burgess removed from the town he could sell his house without licence from the bailiff.

At *Colchester* there were, in common, among the burgesses, fourscore acres of land, and round the wall of the town, eight perches, of all which the burgesses, at the time of forming the Survey, had sixty shillings a year for the King's service, if necessary; but if not, they divided it in common. And the custom was, every year, on the fifteenth day after Easter, for the King's burgesses to pay two marks of silver. This belonged to the King's ferm. Likewise sixpence a year was paid out of every house, which might be applied either for the maintenance of the King's soldiers, or for an expedition by sea or land. This payment, it is said, did not belong to the King's ferm.

Norwich, in the time of Edward, paid twenty pounds to the King, and ten pounds to the Earl; and, besides these payments, twenty-one shillings and four-pence for measures of provender, six sectaries of honey, a bear, and

(x) *Cathedra stercoris*. The Cucking stool; used in more modern times for scolds. In the Promptorium Parvulorum, an old English and Latin Dictionary, compiled about 1440, *esyn*, or *cukkyn*, is interpreted by *stercoriso*. See MS. Harl. 221.

(y) Interfering, probably, with the peculiar privileges of the persons under the Bishop's protection.

(z) Compare Wilkins. LL. Anglo-Sax. p. 200. Dugd. Gloss. *in voce*.

and six bear-dogs. At the time of forming the Survey, it paid to the King seventy pounds by weight, and a hundred shillings by tale as a free gift to the Queen, a palfrey, and twenty pounds of silver uncoined to the Earl, and twenty shillings by tale as a free gift to Godric. The manumission of Slaves, Turner observes, increased the numbers of the independant part of the lower orders: and while some of the emancipated became agricultural labourers, and took land of the clergy and the great, many went to the burghs and towns, and as the King was the lord of the free, they resided in these under his protection, and became free burghers or burgesses (*a*).

From the entries relating to the different Cities and Burghs it appears that some of the inhabitants were under other lords beside the King. In Romenel eighty-five burgesses belonged to the archbishop (*b*). In Bath, beside the burgesses belonging to the King, ninety are enumerated belonging to other persons, who paid sixty shillings (*c*). At Buckingham, we have a particular enumeration, not only of the superior lords of the burgesses in that town at the time of forming the Survey, but the names of the persons to whom they had belonged in the time of King Edward (*d*). Hamo Dapifer had fifteen burgesses in Colchester who had belonged in Edward's time to Thurbernus (*e*). Many burgesses were attached to particular manors, and some even in the most privileged cities (*f*). In Norwich the burgesses had no peculiar corporate rights. The majority paid their custom and rents to the King and the Earl. Stigand the archbishop had the rent of fifty, and Harold of twenty-two (*g*). Among the lands held in capite in Bedfordshire, we have "Terra burġsiū de Bedef." The burgesses however did not hold in a corporate capacity, but individually.

The annual assessments of the towns appear to have varied as much from each other in the time of Edward as in that of William, and probably differed according to the circumstances of the different places. London, York, Winchester, and Exeter have been already mentioned as places enjoying superior privileges. In some burghs, Turner observes, the members had been so wealthy as to have acquired themselves a property in the burgh. At Canterbury, the burgesses had forty-five masures without the City, of which they took the gafol and the custom, while the King retained the legal jurisdiction. They also held of the King thirty-three acres of land in their gild (*h*). The state of subjection to gafols, customs, and services, the same writer adds, under which the people of the burghs and towns continued, had this great advantage over the condition of the servile, that the exacted burthens were definite and certain, and though sometimes expensive, were never oppressive (*i*). In many of the Cities and Burghs, the Conqueror appears to have raised the tolls and customs.

In Norwich, *meinburgenses* are mentioned, answering probably to the *burgenses minuti* of Tateshale (*k*). *Burgenses minores* occur in Derby also. A hundred poor burgesses in Ipswich paid nothing but a penny a head toward the King's tax, or geltum regis (*l*). It has been already noticed, that in Hereford the English burgesses enjoyed their antient customs, while the alien burgesses, who were probably new settlers, were placed under a different arrangement (*m*).

CASTLES.

(*a*) Hist. of the Manners, Landed Property, &c. of the Anglo-Saxons, 8°. Lond. 1805, p. 142.

(*b*) Domesd. tom. i. fol. 4.

(*c*) Ibid. fol. 87.

(*d*) Ibid. fol. 143.

(*e*) Ibid. tom. ii. fol. 106.

(*f*) Under Tarente, tom. i. fol. 3. it is said, "Ad hoc ̄ pertinent v burḡses in roucest." Under Salteode, fol. 4 b. "Ad hoc ̄ ptin CCXXV burḡses in burgo Hedæ." Under Lanchei, fol. 34. Ibi æccla. 7 XIX. burgenses in Londonia qui reddt. XXXVI. sol. Under Sarisberie, fol. 66. it is said, "In Wiltune VII. burġses ptin huic ̄." Under Mertone, fol. 248. "In Stadford, XVIII. burġses ptin huic ̄." and in other instances, too numerous to quote. In Winchester, the abbot of Romsey had thirteen burgesses, fol. 43 b. The church of St. Denys at Paris had thirty burgesses in Gloucester, and two in Winchcombe, as belonging to the Manor of Caneberton in Gloucestershire, fol. 166.

(*g*) In the second volume of Domesday, fol. 438. in the account of Suffolk, we read, "Terra Normanni Vicecomitis. Dim. h de Gapeswiz. In burgo h̄ Normannus II. burgenses. unū in uadimonio contra eundē. & alterū p debito. sed Rex h̄ suas consuetudines."

(*h*) Turner's Hist. of the Manners, &c. of the Anglo Saxons, 8°. Lond. 1805. p. 144. The *Gilds*, or social confederations of the Anglo Saxons, are more frequently mentioned in the contemporary judicial codes than in the Domesday Survey. "They seem, on the whole," says Turner (p. 139) "to have been friendly associations made for mutual aid and contribution, to meet the pecuniary exigencies which were perpetually arising from burials, legal exactions, penal mulcts, and other payments or compensations." In Canterbury, the Clergy had their gild as well as the Burgesses. In Civitate Cantvaria habet Archieps. XII. burgenses. 7 XXXII. mansuras quas tenent Clerici de villa in gildā suā."

(*i*) Turner, p. 144.

(*k*) Domesd. tom. i. fol. 316 b.

(*l*) Ibid. tom. ii. fol. 290.

(*m*) Ibid. tom. i. fol. 179. There is a curious entry concerning the use of the Norman Customs in Cheshire, fol. 269. in Roelend, "Ibi ē nouū burgū 7 in eo XVIII. burġs. int Comit (Hugonem) 7 Robtū ut supdictū ē. Ipsis burġsibz annue"

Appendix,
(M.)
DISSERTATIONS
ON
DOMESDAY.

II.
Principal Matters
noticed
in this Record.

§ 4. Territorial
Jurisdictions and
Franchises.

Appendix,
(M.)DISSERTATIONS
on
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 4. Territorial
Jurisdictions and
Franchises.

CASTLES.

Another point on which the Domesday Survey throws considerable light, is the history of our antient Castles. Castles, walled with stone, and designed for residence as well as for defence, are said by Grose to be, for the most part, of no higher antiquity than the Conquest. The Conqueror himself was sensible that the want of fortified places had greatly facilitated his success. To remedy this defect, and to overawe his subjects, he erected numerous Castles. Matthew Paris says, "Ad Castra quoque construenda, Rex antecessores suos omnes superabat" (*n*). His reign was in fact a new era in the history of our castellated Structures.

In *Kent*, we have an incidental mention of the Castle at Canterbury (*o*); and under Elesford, an entry relating to the site of Rochester Castle (*p*).

In *Sussex*, the Castelry of Hastings is stated to have been given by King William to the Earl of Ow (*q*). Under Borne, "Custodes Castellī occur" (*r*); and again under Ferle (*s*), Arundel Castle is noticed as existing in the reign of Edward the Confessor (*t*). Brembre Castle is stated to have stood upon part of fifty-nine hides which were released from geld (*u*). Otringheia in Norfolk is mentioned in the second volume of the Survey, as "de Castellatione de Lawes (*v*);" "Castellum de Lauues" also occurs subsequently (*w*), among the possessions of William de Warren, no doubt meaning the Castle of Lewes in Sussex. "Castellum de La quis," also intended for Lewes, occurs, fol. 164 b. 165 (*x*).

In *Hampshire*, in the Isle of Wight, a Castle is noticed at Alwinestune, the lewa of which was also released (*y*). This is now Carisbrook, the land on which the Castle stands being part of the manor of Avington (*z*).

In *Berkshire*, eight hagæ were destroyed at Walingford for the Castle works (*a*). Under Clivore, now Clewer, the Castle of Windsor is mentioned (*b*).

In *Dorsetshire*, we are told that King William built the Castle of Wareham on a hide of land belonging to Chingestone, for which he had exchanged the church of Gellingeham with the nuns of Shaftsbury. "De t̃ Chingestone h̃t rex. i. hid. in qua fẽ castellū Warhā. 7 p̃ ea ded̃ S. Marie æccl̃am de Gellingehā. cū appendic̃ suis q̃ uat̃ XL solid̃" (*c*).

In *Somersetshire*, the Earl of Moretaine had his Castle called Montagud at Biscopestone (*d*); and among the possessions of William de Moion, we find a castle at Torre (*e*).

In

annueſ leges 7 c̃suetudines quæ sunt in Hereford 7 in Breuill. scilicet qđ p̃ toſ annū de aliq̃ forisfactura ñ dabunt nisi XII. denar. p̃ homicidiū 7 furtū 7 heinfar prægogitata." In the Domesday Survey for Gloucestershire, fol. 162 a. Lands are said to have been given "sicut fit in Normannia."

(*n*) Mat. Par. His. Major. ut supr. p. 9. So Wilh. Gemetic. cap. xli. "Rex autem monitus quidem prudentia qua consule in cunctis regi novit immunita regni providissima dispositione perlustravit, ac ad arcendos hostium excursus tutissima castella per oportuna loca stabilivit, quæ militum electissimo labore, et uberrima stipendiorum copia munivit." Camd. Script. fol. Francof. 1602. p. 669.

(*o*) Domesd. tom. i. fol. 2.

(*p*) Ibid. fol. 2 b. From the continual mention of the "*Leuua*" or "*Leuga Ricardi de Tonebrige*" in this county, tom. i. fol. 5 b. 6 b. 7. 7 b. 8 b. and 9. there can be no doubt of the existence of Tunbridge Castle at the time of the Survey, although it is not noticed by its proper name. The district round the Manor and Castle, is even at the present day called the *Lowy* of Tunbridge. See Hasted's Kent, vol. i. p. 308.

(*q*) Domesd. tom. i. fol. 18.

(*r*) Ibid. fol. 20 b.

(*s*) Ibid. fol. 21

(*t*) Ibid. fol. 23.

(*u*) Ibid. fol. 28.

(*v*) Ibid. tom. ii. fol. 163. Otringhithe, now called Methwold. See Blomefield, Hist. Norf. fol. edit. vol. i. p. 508.

(*w*) Ibid. tom. ii. fol. 163 b.

(*x*) See Kelham's Domesd. Book Illustr. p. 248. Camden says, there was antiently a Castle in every Rape.

(*y*) Domesd. tom. i. fol. 52 b.

(*z*) Sir Richard Worsley's Hist. of the Isle of White, p. 41.

(*a*) Domesd. tom. i. fol. 56.

(*b*) Ibid. fol. 62 b. Under Draintone in Buckinghamshire, we read, "Hoc t̃ tenuit Leuuiñ⁹ de Neuhā. de rege. 7 postea. T. R. W. de eodē Leuuiño tenuit Radulf⁹ passaquā. 7 inueniebat. II Loricatos in custodia de Windesores." fol. 151 b.

(*c*) Ibid. tom. i. fol. 78 b.

(*d*) Ibid. fol. 93.

(*e*) Ibid. fol. 95 b.

In *Devonshire*, under the lands held in capite by the Bishop of Exeter, Havstone and Botintone are mentioned. "Hæc II. Maner deð eþo Comes Moriton p excābio Castelli de Cornualia" (f). Baldwin the sheriff is said to have held Ochementone" (now Okehampton,) "7 ibi sedet Castellum" (g).

In *Cornwall*, the Earl of Moretaine had one Castle at Dunhevet; (h) and another at Tremetone with a Market(i).

In *Gloucestershire*, at Gloucester, sixteen houses had been taken down to make a site for the Castle (k). In this county, the Castle of Estrighoiel in Monmouthshire is entered (l). Under Nesse it is said, "In Nessa sunt v. hidæ ptinent ad Berchelai q̄s W. com̄ misit ext̄ ad faciendū un̄ castellū ñ Roger? calūniat?" (m).

In *Worcestershire*, the Castle of William Fitz Ansculf is entered at Dudelei. The manor is said to have been previously held by Earl Edwin(n). Belintones is, afterwards, said to be in the Castelry (o).

In *Herefordshire*, Ralph de Mortemer occurs as possessor of the Castle of Wigemore. It is said to have been built by Earl William, upon waste ground called Merestun, which one Gunnert had held in the time of King Edward(p). This was William Fitz Osbern, Earl of Hereford, who ended his days in prison in 1071(q). The Castle of Monemude is stated to have yielded to the King a hundred shillings annually: the church within it, with the whole tithe and two carucates of land, belonging to the monastery of St. Florentius at Saumur(r). Ralph de Toden is spoken of as holding the Castle of Clifford. Earl William is said to have built it on waste ground, which in the time of King Edward had been held by Bruning. "Istud Castellū ē. de regno Anglie. non subjacet alicui hundret neq̄ in ēsuetudine"(s). It had been, no doubt, confiscated. The Castelry is represented as extensive. The Castelry of Ewias is several times mentioned (t). "Aluredus de Merleberge ten̄ castellū de Ewias de W. rege. Ipse Rex enī concessit ei tras quas Wiffs comes ei dederat qui hoc castellum refirmaverat. hoc est v. carucatas træ ibidē. 7 ad Manitone alias v. carucatas. Terrā qq̄ Radulfi de bernai ccessit ei rex. quæ ad castellū ptinebat. Hoc castellum Ewias uať x. lib"(u). Osbern Fitz Richard is said to have held the Castle of Avretone(v): and William de Scohies is stated to have held eight carucates in this county of the Castle of Carlion(w). One Roger is said to have held two masures in the Castle of Henry de Ferieres(x). In Herefordshire also are two entries intimately connected with the Castles of the county. Roger de Laci is said to hold Herdeslege, situated in the middle of a wood: "7 ibi ē dom⁹ una defensabilis"(y). Gilbert Fitz Turoid is entered, in another page, as holding Watelege, which had been Earl Harold's. He also had a "Dom⁹ defensabilis, 7 silua magna aduenand. Wast fuit." (z).

In

(f) Domesd. tom. i. fol. 101 b.

(g) Ibid. fol. 105 b. Exeter having been designedly omitted in the Survey, no notice of the castle in that City can be expected. Ordericus Vitalis, however, mentions the building of it by the Conqueror in 1067. "Locum vero intra mœnia ad extruendum Castellum delegit, ibique Balduinum de Molis filium Gisleberti Comitis, aliosque milites præcipuos reliquit, qui necessarium opus conficerent, præsidioque manerent." Hist. Normann. Script. antiq. fol. 1619. p. 510.

(h) Domesd. tom. i. fol. 121.

(i) Ibid. fol. 122. Borlase, Obs. on the Antiq. of Cornwall, p. 323, carries the antiquity of Trematon much higher than the Conquest. According to the Exeter Domesday, Reginald de Valle Torta held this Castle under the Earl of Moretaine.

(k) Domesd. tom. i. fol. 162.

(l) Ibid. See before, p. 20. The mention of Ships convinced Mr. Coxe that Chepstow Castle was here intended. Sir Robert Atkyns supposed the Castle of Eastbridge Hotel in Gloucester was meant; and Rudder thought it was the Castle of Gloucester, miscalling it Esbrighoiel. See Coxe's Hist. Tour in Monmouthshire, p. 367.

(m) Domesd. tom. i. fol. 163.

(n) Domesd. tom. i. fol. 177. The Habingdon MSS. say, Dodo, the famous Saxon, raised a strong fortification here, which remained till the Conquest. Nash. Collect. for Worcestershire, vol. i. p. 358.

(o) Domesd. ibid.

(p) Ibid. fol. 180 a. 183 b.

(q) Kelham. Domesday Book Illustr. p. 84.

(r) Domesd. tom. i. fol. 180 b. St. Florent les Saumur was an Abbey of the order of St. Benedict, in the diocese of Angers, founded by the Emperor Charlemagne. Al. Priories, vol. ii. p. 78. See Kelham, p. 318.

(s) Domesd. tom. i. fol. 183.

(t) Ibid. fol. 181 b. 184. 186.

(u) Ibid. fol. 186.

(v) Ibid. fol. 186 b.

(w) Ibid. fol. 185 b. The ruins of Caerleon Castle in Monmouthshire, were remaining in Leland's time. See Gough's Camden, edit. 1789, vol. ii. p. 488.

(x) Domesd. tom. i. fol. 185.

(y) Ibid. fol. 184 b.

(z) Ibid. fol. 187 a.

In *Cambridgeshire*, at Cambridge, "pro Castro sunt destructæ XXVII. dom⁹." (a).

In *Huntingdonskire*, the Castle of Huntingdon appears from several entries as of recent construction" (b).

In *Northamptonshire*, "Rex ten⁴ Rochingehā Trā ē III. car⁴. Hanc trā tenuit Boui cū saca 7 soca. T. R. E. wasta erat qdo rex W. jussit ibi castellū fieri. Modo uat⁴ XXVI. sot⁴" (c).

In *Warwickshire*, in the town of Warwick, we find "III [masuræ] sunt wastæ ppt⁴ sitū castelli" (d).

In *Staffordshire*, it is said, "Henricus de Ferreres hñ castellū de Toteberie. In burgo circa castellū sunt XLII. hoīes de mercato suo tant⁴ uiuentes. 7 reddt cū foro. III. lib⁴ 7 X. solid⁴. In Bvrtone hñ dimid⁴ hidā in qua sed⁴ ej⁹ castellū. In qua T. R. E. erant XII. car. Ibi sunt m⁴ III. car in dñio" (e). In Cebbesio in the same County we read, "Ad hoc t⁴ ptinuit tra de Stadford in qua rex pcepit fieri castellū qd m⁴ est destructū" (f).

In *Shropshire* we have this notice of the Castle at Shrewsbury: "Dicunt anglig⁴ burḡses de Sciropesberie. multū graue sibi ēē qd ipsi reddt toī geld⁴ sicuti reddebat. T. R. E. quāuis castellū comit⁴ occupauerit. LI. masur⁴ 7 aliæ L. masuræ sint vastæ," &c. (g). Earl Roger, who was afterwards advanced to the Earldoms of Arundel, Chichester, and Shrewsbury (h), is said to have held Meresberie and Rainaldus under him. It is added, "Rex E. tenuit. Ibi VII hidæ geld⁴. 7 Ibi fecit Rainald castellum Lvre" (i). One Helgot is said to have held of Earl Roger Stantvne: "Ibi hñ Helgot Castellū" (k). The Castle of Montgomery in this county is expresly said to have been built by Earl Roger: "Ipse com⁴ construī castrū Mvntgvm⁴eri uocatū ad qd adjacent. LII. hidæ 7 dimid⁴. quas tenuer⁴ Seuuar Oslac Azor de rege E. qetas ab omī geldo. ad venandū est habuer⁴" (l).

In *Cheshire*, the Castle of Roelent is several times mentioned: "In ipso t⁴ Roelend ē factū nouit⁴ castellū. similit⁴ Roelent appellat⁴" (m). Among the lands between the Ribble and the Mersey, at Peneverdant, it is said, "Modo ē ibi castellū" (n).

In *Derbyshire*, "Terrā castelli in Pechesers Wiffi Peurel tenuer⁴ Gernebern 7 Hundine" (o).

In *Yorkshire*, two castles appear to have been built by the Conqueror at York, at an early period of his reign. They are alluded to in the following extracts: "In Eboraco civitate tempore Regis Edwardi præter Scyrā archiepi fuer⁴ VI. scyræ. Vna ex his ē vasta in castellis. In q'nq⁴ scyris fuer⁴ mille & quadringentæ & XVIII mansiones hospitatae. De una harū scyarū habet archieps adhuc t'ciā partē. In his nemo alius habebat consuetudinē nisi ut burgensis. præter Merlesuain in una domo quæ ē infra castellū." "Præterea de una mañs Vctred cuj⁹dā. dicunt burgenses. W. de pci asportasse sibi in castellū postq de Scotia rediit. Ipse u⁴ Wiffi terrā ej⁹dē Vctred negat se habuisse. sed p hugonē uiccomitē domū ipsius dicit se in castellū tulisse pmo anno p⁹ destructionem castelloz" (p). The building of these is also noticed by our historians (q). An entry among the "Clamores de Evrvicscire in Æstreðing" says, "Hōes autē de comitatu tā de illa quā de tota terra ej⁹ Willelmū malet saisitū uideī. donec inuasū est castellum" (r). One of the castles of York is undoubtedly here alluded to. In another entry we have, "VI. carucatas ibidem habuit Wiffi Malet quādiu tenuit castellū de Euruic" (s). Under the head of "Terra Rogerii Pictaviensis," we read, "t⁴ in Bernulfesuuic Gamel.

(a) Domesd. tom. i. fol. 189. Cambridge Castle is stated to have been built by the Conqueror, while the Isle of Ely was held against him by the English Nobility. Lysons's Mag. Brit. vol. ii. part. i. p. 135. Grose says, in the first Year of the Conqueror's reign. Ordericus Vitalis, p. 511. places the building of it in 1068.

(b) Domesd. tom. i. fol. 203. See Order. Vitalis ut supra.

(c) Domesd. tom. i. fol. 220.

(d) Ibid. tom. i. fol. 238. See Order. Vitalis, p. 511.

(e) Domesd. tom. i. fol. 248 b.

(f) Ibid.

(g) Ibid. fol. 252.

(h) Kelham. Domesd. Book Illustr. p. 31.

(i) Domesd. tom. i. fol. 253 b.

(k) Domesd. tom. i. fol. 258 b.

(l) Ibid. fol. 254.

(m) Ibid. fol. 269. This was *Ruthelan* Castle in Flintshire. See Kelham's Illustr. of Domesd. Book, p. 315. In Duchesnes Scriptores, p. 993. it is called *Reuolent*.

(n) Domesd. tom. i. fol. 270.

(o) Ibid. fol. 276.

(p) Ibid. fol. 298.

(q) Simeon Dunelm. Hist. Script. X. Twy⁴d. col. 197, A. D. 1068. Rex autem Willielmus cum exercitu suo Snotingham venit ubi castello firmato EBORACUM perrexit, *ibidemque duobus castellis firmatis quingentos milites in eis posuit*, et in civitate Lincolnia aliisque locis castella firmari præcepit." Henr. de Knyghton, Ibid. col. 2344. 34. "Hoc quoque anno Rex Willielmus firmavit castrum apud Snotingham et aliud apud Lincoliam, et *duo castra apud Eboracum*." See also, Brompton. Ibid. 965, 38.

(r) Domesd. tom. i. fol. 373.

(s) Ibid.

Gamel XII. car. ad glđ. Bereng de todeni. tenuit. s3 m 8 in castellatu Rog Pictauensis" (t). Pontefract Castle is probably alluded to in the following entry: "Oñis Tornoure sedet infra metā castelli Ilhti" (u). Ilbert de Laci was, no doubt, the person alluded to. The Castelry of Earl Alan, mentioned in the Summary of the North Riding of Yorkshire, contained a hundred and ninety-nine manors, of which a hundred and eight were waste (v). This undoubtedly alludes to the Castle of Richmond (w).

In *Lincolnshire*, at Lincoln, a hundred and twenty-six mansions were destroyed "ppter Castellum" (x); and, at Stanford, five were laid waste "ppter opus Castri" (y). In the second volume of the Survey, in *Essex*, at "Rageneia," we are told, "fecit Suein suū Castellū" (z). This was Raleigh, in the hundred of Rochford, the chief of fifty-nine manors held by the same person, who was settled here before the Conquest (a).

In *Norfolk*, we find the only Castle noticed, in the county, is that of Norwich (b).

In *Suffolk*, we are told, W. Malet fecit suū castellū ad eiam 7 eadē die q erat mercatū in manerio epi. W. Malet fecit aliū mercatū in suo castello" (c).

Of forty-nine Castles here mentioned, one only, Arundel, is noticed as existing in the time of Edward the Confessor. Eight are known, either on the authority of Domesday or our old historians, to have been built by the Conqueror himself. Ten are entered as erected by greater Barons; and, one by an under-tenant to Earl Roger. Eleven more, of whose builders we have no particular account, are noticed in the Survey, either expressly, or by inference, as *new*.

It is singular, that the ruins which are now remaining of almost all these Castles have preserved one feature of uniformity. They are each distinguished by a Mount and Keep: marking the peculiar stile of architecture introduced in our castellated fortifications by the Normans at their first settlement.

The Castles of Dover, Nottingham, and Durham, known to have been built by the Conqueror, *with the White Tower* in the Tower of London, are noticed in the Survey (d).

The walled Towns and Cities noticed in the Survey are fewer than the Castles. *Canterbury, Nottingham, and York*, appear each to have been surrounded with a foss. *Oxford, Hereford, Leicester, Stafford, Chester, Lincoln, and Colchester*, are noticed as walled Towns and Burghs.

MANERIUM.

Manors, although in substance, perhaps, as ancient as the Saxon constitution (e), are considered by our best writers on English Antiquities as of Norman introduction (f). Dugdale says, the reign of Edward the Confessor,

(t) Domesd. fol. 332. Dr. Whitaker in his *Hist. of Craven*, 2^d edit. 4^o Lond. 1812, p. 59. seems to decide that the Castellate of Clitheroe is here intended.

(u) Domesd. tom. i. fol. 373 b.

(v) Ibid. fol. 381.

(w) "Hic Alanus primo incepit facere Castrum et Munitionem juxta Manerium suum capitale de Gilling, pro tuitione suorum contra infestationem Anglorum tunc ubique exhæreditorum, similiter et Danorum; et nominavit dictum Castrum *Richemont*, suo idiomate Gallico, quod sonat Latine *divitem montem*, in editiori ac fortiori loco sui territorii situatum. Et obiit sine exitu de corpore suo, et apud Sanctum Edmundum sepultus est. Gale. Registr. Hon. de Richmond." Mr. Gough, in his *Additions to Camden*, vol. iii. p. 91. speaks of the square tower of this Castle, now remaining, as the work of Conan, Earl of Richmond, in the twelfth Century.

(x) Domesd. tom. i. fol. 336 b. See Order. Vit. p. 511.

(y) Domesd. tom. i. fol. 336 b.

(z) Ibid. tom. ii. fol. 43 b.

(a) Morant's *Hist. of Essex*, vol. i. p. 273.

(b) Domesd. tom. ii. fol. 116 b. "In illa tra de qua Herold⁹ habebat soca. snt XV. burg. 7 XVII. mansure uacue. que snt in occupatione castelli, & in burgo CLXXX. mansure uacue in hoc qd erat in soca reg 7 comitis. 7 LXXXI. in occupatione castelli." The Castle of Norwich was besieged by William the Conqueror in 1074. Mat. Par.

(c) Domesd. tom. ii. fol. 379.

(d) How much the number of these Fortresses had increased between the time of the Survey and the reign of King Henry the Second, we learn from Matthew Paris. "Castella adulterina, quæ tempore Regis [Henrici secundi] a quocunque constructa sint, diruentur, quorum numerus ad undecies centum et quindecim excrevit." Sub. an. 1153.

(e) Blackst. Comment. ed. 4^o 1766, tom. ii. p. 90.

(f) Compare Kennett. Glossar. Par. Antiq. See also Du Cange in voce. Somner, in the Glossary to Twysden's *Scriptores*, says, "Ante Normannorum tempora, vox apud nos, in chartis aut aliis nostris bonæ fidei monumentis, frustra quæritur."

Confessor, is the first in which they are mentioned (*g*); a circumstance which is easily accounted for by the fondness of Edward for Norman institutions. "Tenuit de rege E. p. ⅞" occurs frequently in the early part of the Survey. The name is either from the French *Manoir*, or from the Latin *manendo*, as the usual residence of the owner on his land (*h*).

The antient demesne of the Crown, as recorded in the Survey, consisted of 1,422 manors in different Counties, besides some scattered lands and farms not comprehended therein, and quit rents paid out of several other manors (*i*).

According to Brady's calculation, the Earl of Moretaine, the Conqueror's half brother, held no fewer than seven hundred and ninety-three Manors (*k*). Alan, Earl of Bretagne, who commanded the rear of the army in the battle of Hastings, possessed four hundred and forty-two Manors (*l*). Odo, Bishop of Baieux, held four hundred and thirty-nine (*m*). The Bishop of Coutance, who was also a soldier, two hundred and eighty Manors (*n*). Roger de Busli had a hundred and seventy-four Manors in Nottinghamshire (*o*). Ilbert de Laci had a hundred and sixty-four Manors, most of them in Yorkshire (*p*). William Peverel, the Conqueror's natural son, had a hundred and sixty-two Manors (*q*). Robert de Stadford, a hundred and fifty (*r*). Roger de Laci, a hundred and sixteen Manors (*s*). Hugh de Montfort, more than a hundred (*t*). William de Warren had territorial allotments in Sussex, Hampshire, Buckinghamshire, Oxfordshire, Cambridgeshire, Huntingdonshire, Bedfordshire, Yorkshire, Lincolnshire, Essex, Norfolk, and Suffolk.

The assistance which William the Conqueror obtained in his expedition, from the Norman Barons, was voluntary (*u*), and evidently given with a view to the possessions which were afterwards obtained. This accounts for the circumstance in Domesday, that the King's lands are almost uniformly those which Edward, Harold (*x*), Earl Godwin, Ghida the mother of Harold (*y*), Goda the sister of King Edward, Guert, Tosti, Stigand, Algar Earl of Mercia (*z*), Earl Edwin, Earl Morcar (*a*), Edric, or Editha, the Confessor's Queen (*b*) had

quæritur. Egfridus (fateor) filius regis Offæ donasse dicitur Ecclesiæ S. Albani terram quinque maneriorum, ut in Vitis Abbatum ibid. per Mat. Paris, pag. 36. Ipsa vero donationis charta, pag. 239. habet, terram quinque *manentium*. Nec in toto legum antiquarum gentium exterarum Codice, *Manerii* vocabulum reperitur. A Normannis (inter alia ejus farinae verba) è Gallia huc adductum conjicio, quorum in Angliâ præcessoribus, *Hida*, *Familia*, *Villa*, *Sulinga*, *Casata*, *Mansura*, *Manens* (ut *Mansus*, *Mansio*, *Mansum*, *Colonica*, et eis, et exteris simul) idem significarunt, ac ipsis et aliis posterioris ævi populus *Manerium*: quod quomodo differat à *Mansione*, vide Flet. li. 6, ca. 51."

(*g*) Gloss. in voce. See also Whitaker. Hist. of Whalley, p. 129. who says, "The Lageman habens socam et sacam super homines suos, was indisputably the same character which was afterwards termed Lord of a Manor."

(*h*) Ordericus Vitalis l. iv. says, "Galfridus Constantiensis Episcopus—dono Gulielmi regis ducentas et octoginta villas, quas a *manendo* vulgo vocamus obtinuit." In the account of the Wiches in Cheshire, Domesd. tom. i. fol. 268. we read, "Homo *manens* in isto hund."

(*i*) Lord Lyttelton's Life of Henry II. vol. ii. p. 237. Nichols' Hist. Leic. introd. Vol. p. xxxviii.

(*k*) Brady's Introd. p. 13. His usurpations upon other manors may be found in different parts of the Survey. Some of them are more particularly noticed, tom. i. fol. 68 b. 121 b. See also the Exeter Domesday, p. 491.

(*l*) Brady's Introd. Kelh. Domesd. Book Illustr. p. 40.

(*m*) Hutchins's Dissert. on Domesd. p. 11. His usurpations of other property may be found Domesd. tom. i. fol. 9 b. 176. 216.

(*n*) Hutchins, ut supr.

(*o*) Kelham, p. 117.

(*p*) Ibid. p. 118.

(*q*) Ibid. p. 48.

(*r*) Ibid. p. 49.

(*s*) Ibid. p. 50.

(*t*) Ibid. p. 27.

(*u*) William of Malmesbury, ap. Savile, fol. Lond. 1596, p. 56, says, "Papa vexillum in omen regni Willielmo contradidit, quo ille accepto, conventum magnum apud Lillibonam fecit, super negotio singulorum sententias sciscitatus. Cumque omnes ejus voluntatem plausibus excipientes magnificis promissis animasset, commeatum navium omnibus pro quantitate possessionum, induxit. Ita tunc discessum, et mense Augusto ad sanctum Walericum in commune ventum, Portus ita per metonymiam dicitur. Congregatis itaque undecunque navibus, foelix expectabatur aura, quæ illas ad destinatum eveheret." Among the Manuscripts in the Bodleian Library at Oxford, is a small folio [MS. in hyperoo Bibl. Bodl. num. 166.] written upon vellum, apparently about the thirteenth Century, one article in which is, "De Navibus per Magnates Normanniæ provisus pro passagio Ducis Willielmi in Angliam." It is printed at length in Taylor on Gavelkind, as well as in the Appendix to the first book of Lord Lyttelton's History of Henry the Second, Num. 1. Its authenticity, however, is doubtful.

(*x*) See more particularly tom. i. fol. 120. 143 b.; tom. ii. fol. 1, 4 b. 5. 6. 7. 109 b. 111. 114 b.

(*y*) Tom. i. fol. 101. See also one entry, tom. i. fol. 65.

(*z*) See tom. i. fol. 203 b. 246. 246 b. 272 b. 273. 338; tom. ii. fol. 3 b. 4. 129 b. 289 b

(*a*) Tom. i. fol. 299, 299 b. 337 b. 338. 338 b.

(*b*) See more particularly tom. i. fol. 87. 180. 337 b. 338. 338 b.

had held: while the lands of the Saxon nobles appear to have been doled out to the officers of the Conqueror's army, apparently either in proportion to their rank in Normandy, or according to the supplies they furnished in the expedition (c). "Those," says Lord Chief Baron Gilbert, "who held their territories immediately from the Crown, were said to hold in capite; but those who held in capite had other chiefs, or lords, or barons, subordinate to them; they also granted to hold of themselves. These intermediate persons were denominated the mesne lords, of whom so much is spoken in our laws. Even these divided their lands among their followers; and every Lordship or Manor was itself the similitude of the Kingdom at large. The lord divided his Manor, as the state had divided the kingdom, into two parts: the one he retained for his own support, and was partly cultivated by his villeins and copyholders, and was called his demesnes (d); the other part was parcelled out among his dependants, who returned him their services" (e). Such was the history, and such the multiplication of Manors in the times immediately succeeding the Norman Conquest. The Statute of Quia Emptores, already noticed in a former page, in 1290, put an end to their farther increase.

Aula, Halla, or Haula, a hall or chief mansion house, was the usual appendage of a Manor. At Apedroc in Sussex, in the account of the Earl of Moretaine's lands, it is said, "Ibi ē una v ubi com hñ aulā suā." (f) At Westone, in Nottinghamshire, "hñr Elmer. Eluui. Osñn. Grim. Edric. Stenulf. quisq aulā suā. 7 un⁹qsq. 1. bō tre" (g). Under Fentone in the same county, "Tra 1. car. cū saca 7 soca sine aula" (h). In Lincolnshire, it is said, "In Burtone hñ Godric II. car tre ad glđ. Tra II. car. soca in Scantune. s; tam fuit ibi aula" (i). In Berkshire, under Ebrige, of Hugolinus Stirman it is said, "Transportavit Hallā 7 alios domos 7 pecuniā in alio t" (k). At Langeton in Yorkshire, it is said, "Ibi habuerunt Torfin 7 Pinegal. II. haulas. Torfin cū saca 7 soca. 7 terci⁹ nōe Tor reliq trā cū saca 7 soca s3 non haulā" (l). In one instance "Halla" is used for a Manor. "Istos hñes posuit Ingelric⁹ ad suā hallā" (m). In Northamptonshire, we have another term for the Hall: under Pihteslea, we read (n), "Hoc t. fuit de firma monachorum [Ecclesiæ Lincolniensis] 7 ibi fuit dñicū ædificiū." "Caput Manerii" also occurs several times in both volumes in the same sense (o).

Curia,

(c) In the Exeter Domesday, p. 75. we have, "Dñicatus Regis ad Regnu' pertinens ī Devenescira."

(d) *Dominium*, or that part of an Estate which was held to the proper use of the lord, among the Normans, answering to the Saxon *Inland*, as the tenemental land of the Normans, held in service, did to the *Outland* or *Neatland* of the Saxons. See the laws of Edgar, 1 Wilk. p. 76. Compare also Ingulphus sub. an. 833. Gloss. X. Script. v. *DEMANIUM*. *Inland* appears to be occasionally used in the Survey for the more antient part of the demesne, such as it existed in the Saxon times. Among the Bishop of Lincoln's lands at Banesberie in Oxfordshire, it is said, "Ibi sñ L. hidæ. De his hñ eps in dñio trā X. car. 7 III. hid preter *Inland*." So foll. 155 b. 159. 219 b.

Bocheland or *Bocland*, occurs but once in the Domesday Survey in its proper acceptation, tom. i. fol. 11 b. "Rannulf⁹ de ualbadon ten dimid jugū in HAMESTEDE, qđ tenuer. II. libi hñes. de rege E. in Bochelande." As the name of a place it frequently occurs.

Reveland occurs but three times: tom. i. fol. 69. fol. 179 b. and fol. 181. In the last entry we read, "H' tra fuit tainland T. R. E. sed postea cūersa ē. in Reueland. 7 idō dñt legati regis. qđ ipsa tra 7 census qui inde exit furtim aufert regi." *Lepep-land* is interpreted by Lye, Diction. Saxon "tributarium Territorium." See Sir Henry Spelman's Comment on this passage. English Works, fol. Lond. 1727. Orig. Growth, &c. of Feuds and Tenures by Knights service, chap. xxiv. p. 39.

Under Toresbi and Alwoldebi in Lincolnshire, "*Torueland* redd. X. sol" occurs, tom. i. fol. 342 b.

Tainland is defined by Spelman, "Terra hæreditaria, et colonorum servituti non obnoxia."

(e) Gilbert on the law of Tenures, Introd. p. 10. The whole number of the greater tenants mentioned in the first volume of the Survey, including Bishops, Churches, Abbeys, Barons, Thanes, Eleemosynaries, Ministri, and Servants, amounts to five hundred and ten, exclusive of the lands entered under the title of "Terra Regis." In the second volume, in which many of the tenants are again repeated, there are a hundred and sixty-two titles entered.

(f) Domesd. tom. i. fol. 21 b.

(g) Ibid. fol. 285 b.

(h) Ibid. fol. 286 b. So again, fol. 12. 293. 307 b. 308.

(i) Ibid. fol. 368 b.

(k) Ibid. fol. 63.

(l) Ibid. fol. 309.

(m) Ibid. fol. 29 b. Under Bocheham in Surrey, tom. i. fol. 32 b. we have, "Ferraria quæ operat' ad hallā:" a smith's forge.

(n) Ibid. fol. 222.

(o) See tom. i. fol. 11, 26. 166. tom. ii. fol. 227. 293 b. Bishop Kennett, Glossar. Par. Antiq. says, "Caput Baronie, head of a Barony, was the capital Village of a Barony, where the Baron had his principal seat and common residence." Under Teodechesberie in Gloucestershire, tom. i. fol. 163. we read, "In capite t erant in dñio XII. car." Under the lands of Bucfestre Church in Devonshire, we read, "Bucfestre est caput Abbathie," tom. i. fol. 104. Of the manor of Crop-hille in Nottinghamshire, among the lands of Ilbert de Laci, "Wapentac port testiñ Ilbt fuisse saisiñ. m ē in manu regis. pt tcia partē 7 Tainū q est cap manerii quē tenet Ilbtus." tom. i. fol. 291.

Appendix,
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 4. Territorial
Jurisdictions and
Franchises.

Curia, which occasionally seems to have implied the Court or Manor house only of the lord (*p*), in one or two entries appears to have a more immediate reference to manorial jurisdiction. Tom i. fol. 35 b. "Robt⁹ ten de Ricardo Scaldefor. Duo frs tenuer T. R. E. Vn⁹quisq, habuit domū suā. 7 tam manseſ in una *Curia*. 7 quo uoluer ire potuer." Under Actune in Cheshire, it is said, "Hoc ̄ hſ suū placitū in aula dñi sui" (*q*).

Of the increase and decrease of Manors, and of the removal of lands from one Manor to another, the instances throughout the Survey are numerous. In the account of Surrey, in what relates to the property of the abbey of Westminster, we read, "Abb de Certesi ten unā hid. quā pfect⁹ uillae huj⁹ [Patricesy] ppt inimicitia qdā ab isto ̄ abstulit 7 misit in Certesi." Under Ordie in Hampshire, "Terra. ̄. I. car. maneriū fuit. modo ̄. appositū in alio ̄" (*r*). Before this, in the lands of Robert Fitz Gerold, under Tedorde, it is said, "Duo libi hoēs tenuer in alodiū de rege E. p II. ̄. Tc 7 m geld p. III. hid. Robt⁹ fecit un. ̄." (*s*).

A curious instance of the formation of a new Manor occurs in the account of Gloucestershire. "In Lindene fecit com. W. un ̄ de III. tris quas ab earū dñis accepit. De dñio epi Hereford. III. hid. De dñico uictu monachoꝝ de psore VI. hid. ubi erant VI. uifſi cū. III. car. De duobz teinis acceſ. III. hid 7 dim" (*t*).

In Bura, in the county of Essex, we read, "Huic manerio addite sſ XL. ac. t. regis Wifſi" (*u*): and a similar entry occurs in the same county under Lallinga (*v*). In another passage in the description of Essex, we read, "CCIII. ac træ. 7 sſt additi huic Manerio postquā rex aduen. suo precepto" (*w*). In Norfolk we read, "Est gamera ten& Eluolt. I. lib homo. t. r. e. et fuit libata frederico p terra ad pficiendū mañ" (*x*). So again, under Gunatorp, "Hæc terra fuit libata ad pficiendū I. manerium bernai" (*y*). In Suffolk, under Brantestuna, it is said, "Addite sſ huic manerio. LXXX. ac. terræ p man. t. r. e." (*z*). Under Wimundwelle, in Leicestershire, we read, "Hanc trā tenuer. II. frs p II. ̄ 7 postea emit alter ab altero partē suam. 7 fecit unū ̄ de duobz. T. R. E." (*a*).

Sometimes instances occur of the removal of the "liberi homines," or "sochemanni" from one Manor to another. At Folsham in Norfolk, the record says, "Huic Manerio adjuncti snt. II. libi hoēs p radulfū talibosc. t. r. W." (*b*). Under Stiuecai, "Huic man additi sſ. III. sochem." (*c*). Again, under Taterforda, "De hoc Manerio sſ ablati III. soč. XL. acſ. 7 tenet W. de War" (*d*). In Suffolk, "LXXX. libi 7 III. sſt additi de hoc hundret [Wanneforda] ad maneriū de Montfort tēpe regis W. de quibz sſt supdicti. XII. qui ñ reddiderſ ullā consuetudinē" (*e*); and, under Bura, it is said, "In eađ. II. libi hoēs heroldi et poterant uende. et hſt LX. ac. et I. car et uaf v. sol. et fueſ libati ad pficiendū mañ." (*f*) A certain number of freemen or socmen were necessary to every lord of a manor for holding the pleas of the Manor Court, or Soke.

Many of the Earl of Moretaine's Manors in Somersetshire appear to have made payments to the paramount Manor of Cori, belonging to the King (*g*). So, in the same county, fol. 97. among the lands of Ralph de Limesi. Under Alresford, it is said, "Hoc ̄ redd p c̄suetudinē XII. oues p añ in Carentone ̄ regis. Radulf⁹ hanc c̄suetudinē usq, m detinuit" (*h*). At Leofminstre in Herefordshire, we read, "Ad hoc ̄ ptineſ. II. ̄. Stanford 7 Merchelai T. R. E. qui reddt m regi XXX. lib. ut supius dictū est." A large enumeration of lands follows, which in the time of Edward belonged to Leofminstre (*i*).

Among

(*p*) In Huntingdonshire, in the account of the possessions of Thorney Abbey, is this singular entry, in which *Curia* seems to mean the close or court-yard of a Mansion. "In Witelesmare hſ abb de Ramesy. I. nauē. 7 abb de burg. I. nauē. 7 abb de Torny. II. naues. De his duabz ten unā abb. de burg. 7 II. piscarias. 7 II. piscatores. 7 unā uirg. træ de abbē de Torny. 7 p his dat pastionē sufficientē. CXX. porcis. 7 si pastio deficit de annona pascit 7 impinguat. LX. porcōs. Sed & materiē inuenit ad unā domū. LX. pedū. 7 uirgas ad curiā circa domū. Reficit etiā domū 7 curiā si defecerint. H' conuentio T. R. E. facta. ̄ int eos." tom. i. fol. 205.

(q) Tom. i. fol. 265 b.

(r) Ibid. fol. 46 b.

(s) Ibid.

(t) Ibid. fol. 164.

(u) Tom. ii. fol. 86.

(v) Ibid. fol. 103.

(w) Ibid. fol. 110.

(x) Ibid. fol. 170 b.

(y) Ibid. fol. 257 b. See also foll. 206 b. 258.

(z) Ibid. fol. 431 b.

(a) Ibid. tom. i. fol. 233.

(b) Ibid. tom. ii. fol. 127.

(c) Ibid. fol. 122 b.

(d) Ibid. fol. 262 b.

(e) Ibid. fol. 282 b.

(f) Ibid. fol. 435 b. In several instances in Suffolk, we find the following singular valuations of manors. tom. ii. fol. 357 b. "H' mañ exceptis libis uaf. sēp. XL. sol." Again, fol. 358 b. "H' mañ exceptis libis tē [t. r. e.] uaf XXX. sol. modo XL." See also tom. ii. fol. 331. 358 b. 359 b. 362 b.

(g) Tom. i. fol. 91 b. 92.

(h) Ibid. fol. 97.

(i) Ibid. fol. 180.

Among the Terræ Regis in Devonshire, under Alseminstre, we read, "Huic ̄ debent̄ XV. denar de Cherletone ̄ epi. ̄stantiens. 7 De Honetone. ̄ comitis Morit. XXX. den. 7 de Smaurige ̄ Radulphi de Pomerei. XXX. den 7 de Maneberie ̄. Wiffi cheure. XXX. den 7 de Rouerige ̄ S. Marie Rotomag. XXX. denar. Hos denar jā p plures annos rex ñ habuit" (k). The parent Manor had belonged to King Edward. To the King's Manor of Mollande in Devonshire, it is said, "Ipsi manerio ptin̄ tcius denarius de Hund Nortmoltone. 7 Badentone 7 Brantone. 7 tciū animal pasturæ moraī." So, again, "Manerio Mortone ptin̄ tci⁹ denari⁹ de Tanebrige Hund" (l).

That Manors were sometimes shifted from one Hundred to another, we have an instance in Gloucestershire, under Wenric, belonging to the abbey of Winchcombe. "Hoc ̄ quē ten̄ Elsi de abbe. injuste jacuit in Salemonesberie hđ. postq̄ Bolle mortuus fuit. Modo jacet in Bernitone hđ. iudicio hōum ej⁹dē hund." (m). In Northamptonshire, the Manor of Tingdene, consisting of twenty-seven hides, was situated in six different Hundreds. "Huj⁹ ̄ tra sic jacet. In Hechā Hund? X. hid 7 dim. In Hocheslau Hund? I. hid 7 dim. In Geritone Hđ. una hida. In Rodeuuel hđ. III. partes I. hidæ. In Ordinbaro hđ IIII. hid 7 una v̄ træ. In Neueslund hđ. IX. hidæ 7 dimidia" (n).

In Yorkshire, the Manors are frequently measured more minutely than in other Counties: the length and breadth being usually set down.

Maneriolum occurs once in the Survey, in Lincolnshire: "Remigius eps ht, I. maneriolū cū. I. caī. contiguū in ciuitate Lincolia. cū saca 7 soca 7 cū Thol 7 Theim."

VILLA,

In the Domesday Survey, was another term for a Manor or Lordship; "two, or more of which," says Nichols, "were usually united to form a Villata, though in some few cases a Villa was sufficiently large to stand single, when it was said to answer pro villa integra: and when two were joined together, each was called dimidia villatæ" (o).

A *Berewic*, or *Berewite*, according to Dr. Nash, is in some antient books explained to be used synonymously for Manerium: but it implied rather a member severed from the body of a Manor, as a vill or hamlet of a Manor or Lordship (p). Bromesgrave in Worcestershire, had eighteen Berewicks, Chideminstre sixteen, Cedeslai eight. Recordine in Shropshire had eight, Membrefeld eighteen. Suduuelle in Nottinghamshire, had twelve Berewicks. In Yorkshire they occur in greater numbers, and more frequently than in most counties. In two or three entries they appear to be called *Members* of Manors: as in Leicestershire, under Rodolei, "Huic ̄ ptin̄ subsequentia mēbra," to the amount of twenty (q). So in Warwickshire, "H? duo mēbra jac̄ ad Stanlei ̄ regis" (r).

MANSIO.

(k) Domesd. tom. i. fol. 100.

(l) Ibid. fol. 101.

(m) Ibid. fol. 165 b.

(n) Domesd. fol. 220. Small parcels of land are sometimes entered as appertaining to no Manor; as tom. i. fol. 30^b. at Dorchinges, "Ex his hid. hī Ricard⁹ de tonebrige unā. quæ nulli ̄ ptin̄."

(o) Hist. Leic. introd. Vol. p. xlv.

(p) Hist. Worc. Diss. on Domesd. p. 8. See also Chauncy's Hist. Antiq. of Hertf. pp. 30. 330.

(q) Domesd. tom. i. fol. 230.

(r) Ibid. fol. 238. See also, fol. 260 b. In the first volume of the Survey, fol. 111 b. in the account of Baentone in Devonshire, it is said, "Huic ̄ adjacet una hida. quā teneb̄ v. taini in Paragio p̄ v. maner. T. R. E." Cowel says, from Spelman, that Parage signifies equality of name, blood, or dignity; but more especially of land, in the partition of all inheritance between co-heirs. Brady, from Dufresne, says, "Or it is when the younger brothers hold their share of the fee of the elder brother, and he of the lord, and does the homage and service, they contributing their shares." Paragium, however, in the language of Domesday, meant holding in equal portions, as well in rights and privileges as in actual property. So, Du Cange, in one explanation of the word, "Quævis portio in re aliqua." He quotes "Tabularium Vindocinense, fol. 54. Guido de Blasone dominicus vassus accedens ad Dom. Odericum Abbatem donavit eis tractum sagenæ unius in universis aquis suis, ubicumque piscaturas habere dinoscitur, ita ut ipse in eadem sagena unius hominis habeat portionem, quam nominant Paragium, reliquæ autem portiones sunt S. Trinitatis et Monachorum." So in Domesday, tom. i. fol. 7. "Hanc trā tenuer̄ T. R. E. duo hōes in paragio." Fol. 45. "Ipse. H. ten̄. Warneford. Vluric⁹ 7 Oluard⁹ tenuer̄ in paragio de rege. E. 7 II. Aulas habuer̄." Fol. 46. "Ipse. H. ten̄ in Chenep unā hidā 7 Hugo de eo. Tres alodiarij tenuer̄ in paragio de rege. E. 7 III. aulæ fuer̄." Fol. 63 b. "Tres taini tenuer̄ in paragio. 7 potuer̄ ire cū terris suis quo uoluer̄." Fol. 96 b. "Huic ̄ additæ s̄t. XXII. masuræ. quas teneb̄. XX. hōes in paragio. T. R. E. reddit. XII. solid."

Among

Appendix,
(M.)
DISSERTATIONS
on
DOMESDAY.

II.
Principal Matters
noticed
in this Record.

§ 4. Territorial
Jurisdictions and
Franchises.

Appendix,
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 4. Territorial
Jurisdictions and
Franchises.

MANSIO.

IN the Exeter Domesday, *Mansio* is almost constantly used for *Manerium*: and there is one entry in the second volume of the present Survey which at least serves to shew, that in the return for Essex, the two words were considered as synonymous. "Haneghefelda—p uno Mañ." "In ead̃ tenuer̃ XXIII. libi hōes XIII. hid. q possent receðe sine licentia dñi ipsius Mansiōis" (s). In other instances the *Mansio* seems to have been but a member or hamlet of the *Manerium*. Under Alnoitone in Kent, we read, "Huic ̃ adjacent III. Mansiones tr̃æ in Roucestre" (t). In the account of Lincolnshire it is said, "In Stov. h̃b Eddiua III. mansiōn cū saca. 7 soca Rad h̃" (u). In Huntingdon, "Siuard¹ com̃ h̃b I. mansiōn cū domo cū saca 7 soca quietā ab om̃i c̃suetudine quā m̃ h̃ Judita comitissa" (v). So, after the enumeration of the *Mansiones* and their possessors in Stafford, it is said, "Hi om̃s h̃nt sachā 7 sochā. Rex h̃t de om̃ibz geldū p añ" (w). Under Cratafelda in Suffolk, it is said, "7 huic manerio iacent V. franci hōes de XXVI ač. 7 semp II. car & silua ad VI. porc. 7 uaf. VI. soł 7 VIII. deñ. Et isti redd̃ socā huic mañ p̃terea II. hōes. de XL. ač. 7 I. car. 7 uaf. V. soł. 7 soca de istis duobz in bledeburc. Et has II. mansiones tenet uilielmus bainardus" (x).

Bracton, de Legibus et Consuetudinibus Angliæ, fol. Lond. 1569. lib. v. cap. 28. De Except. p. 434. gives us the following as an explanation of the difference between the *Mansio*, the *Villa*, and the *Manerium*. "Videndum igitur quid *Mansio*, quid *Villa*, et quid *Manerium*. *Mansio* autem esse poterit constructa ex pluribus domibus, vel una quæ erit habitatis una et sola sine vicino; etiam etsi alia *mansio* fuerit vicinata non erit *Villa*, quia *Villa* est ex pluribus mansionibus vicinata, et collata ex pluribus vicinis. *Manerium* autem fieri poterit ex pluribus villis vel una, plures enim villæ possunt esse in corpore manerii sicut et una, et ad unam mansionem pertinere potuerunt plura tenementa" (y).

The *Prefecti* or *Prepositi Maneriorum* or *Villarum*, were the Reeves, Bailiffs, or Stewards of Manors whose business it was to collect the rents, to levy distresses, to prevent trespasses, to keep the peace, and to do all the offices

Among the "Clamores quæ sunt in Sudtreding Lincolniæ & Concordia eorū p homines qui iuraueŕ." tom. i. fol. 375. are two entries explanatory of the tenure. "De calūnia int̃ epm̃ dunelm̃ 7 Eudonē filiū Spireuic. portauer̃ testimoniū hōes de Horneastre Wapent. annuente toto Treding. qd̃. III. fr̃s Herold 7 Godeuert 7 Aluric diuiseŕ dñicā terrā patris sui equaliter 7 pariliter. 7 solūm Herold 7 Godeuert diuiseŕ socā patris sui sine t̃cio fr̃e. 7 equalit̃ 7 parilit̃. tenuer̃ eam T. R. E." "De soca. VI. bouat unde. ē calūnia int̃ epm̃ 7 Eud̃ in Langetone 7 in torp̃. dñt hōes de Waragehou Wap̃ qd̃ p̃dicti duo fr̃s eqlit̃ 7 parilit̃ habueŕ socā. T. R. E. s; eo anno quo isd̃ rex mortuus est filii Godeuert habebant socā totā. s; nesciunt qua ratione eā habebant. utrū ui. uel dono patri sui." Tom. i. fol. 168 b. under Wadune we read, "Quinq; fr̃s tenuer̃ p v. ̃ 7 poterant ire quo volebant 7 pares erant."

(s) Domesd. tom. ii. fol. 25. "Quomodo vocatur *Mansio*?" are the Words of Enquiry in the Ely Manuscript. See p. 13.

(t) Domesd. tom. i. fol. 8.

(u) Ibid. fol. 363.

(v) Ibid. fol. 203.

(w) Ibid. fol. 246.

(x) Ibid. tom. ii. fol. 415.

(y) In a few entries of the Survey *Mansiones* seem to intend houses simply. "Mansio and Domus," says Mr. Kelham, Illustr. of Domesd. p. 267. "seem to be distinguished, but wherein the difference consisted is not easy to say." Of the same import was *Mansura*. Dr. Nash, in his Collections for Worcestershire, says, that *Mansura*, in a town, signified a House; in the country, a Messuage, that is house and land. Blomefield, in the History of Norfolk, says that it signified a mansion-house in decay, or a place where a mansion-house formerly stood, or a place convenient to make a house in. Cowel says, *Mansura* and *Masura* are used in Domesday, and other antient Records, for *mansiones vel habitacula villicorum*. In the Survey, tom. i. fol. 3. there are said to have been three hundred and eighty-three *mansuræ* in Sandwich: and in Shrewsbury, a hundred and ninety-three *mansuræ* occur. In Hampshire, under Edlinges, tom. i. fol. 38 b. it is said, "In Foresta sunt occupatæ. XVI. mansuræ uillanor̃ 7 bordarior̃." At Thvinam in the same County, fol. 44. "In burgo VI. masuræ de XIII. soł 7 III. denar." In the account of Walingford in Berkshire, we read, fol. 56. "In Suttone una acra in qua sunt VI. masuras de XII. denar. 7 in Braio una acra. 7 ibi XI. masuras de III. solid. Rainald⁹ h̃t unā acrā in qua sunt XI. masuræ de XXVI. denar. 7 p̃tin in Eldeberie quæ ē. in Oxeneford." In Derby, fol. 280. "Hugo com̃ h̃t. II. masuras. 7 I. piscaŕ cū saca 7 soca. Henric⁹ de ferariis III. masur̃ cū saca 7 soca simil." "Adhuc in eod̃ burgo sunt VIII. masuræ cū saca 7 soca. Hæ fueŕ Ælgar. m̃ sunt regis."

Hagæ occur principally in the Cities, Burghs, and larger Towns, as at Rochester, Canterbury, Chichester, Lewes, Boscum, Arundel, Rochintone, Waltham, Itratone, Epinges, Guildford, and Winchester. From a passage in tom. i. fol. 30. *Haga* and *Domus* appear to have been synonymous: and from one or two entries under Walingford the same opinion will probably be formed in respect of *Haga* and *Masura*. In the account of Norwich, however, a distinction seems intended between *Mansura* and *Domus*.

offices of Equity and Right between the Lord and Tenants (z). The office of the Prepositus Villæ (a) is more particularly explained in the following of King Edward's laws: "28. *De Animalibus et alia re inventa*—Si quis adduxerit animal in villam, vel apportaverit pecuniam, et dixerit se invenisse, priusquam in domum introducat suam vel etiam alterius, ante Ecclesiam ducat, et coram sacerdote Ecclesiæ, et Præposito Villæ, et melioribus hominibus totum ostendat inventum quicquid sit. Præfectus Villæ mox mittat ad quatuor Villas propinquiores pro Sacerdotibus et Præpositis villarum, qui adducant secum tres vel quatuor de melioribus hominibus de unaquaque villa, quibus congregatis ostenditur totum inventum. Postea vero testimonio ipsorum præpositus (de cujus dominio inventor est) custodiat inventum usque in diem crastinum. Die autem crastino cum aliquantibus vicinorum suorum qui viderunt inventum, ad Hundredi eat præfectum, in quo Hundredo sua villa est, et ipsi ostendat totum. Et si homo alicujus domini sit in cujus terra inventum est hoc, et Dominus in cujus terra inventum est non habet consuetudines suas, scilicet sake et soke, omnia tradat Præfecto Hundredi (si habere voluerit) cum bonis testibus. Sed si Dominus habuerit consuetudines suas, in Curia Domini rectum teneatur" (b).

The *Bedelli* were the Under-Bailiffs of Manors. In Leominstre in Herefordshire, the Manor of which had sixteen members or berewicks, there were eight prepositi and eight bedelli (c). At Feccheham in the same county, we find "XXX. uiffi 7 XI. bord 7 pposit 7 bedel" (d).

"*Præfecti regis et Bedelli et Eleemosinarii*" occur at the close of the tenants in capite in Bedfordshire (e).

The following is the enumeration of stock received with a small estate of tenemental land held under Eudo Fitz Hubert, detailed in the Survey in the Hundred of Hertford in Hertfordshire. "Cū quasupsit Hunfrid⁹ qdo de Eudone recep. LXVIII. Aalia (f) 7 CCC. L. oues. 7 CL. porc. 7 L. caps. 7 I. equā. 7 XIII. sof. 7 IIII. den de censu regis. 7 int pannos 7 uasa. XX. sof." The estate consisted of half a Hide, with one plough in demesne, and another belonging to four bordarii. It had seven cottagers, a mill yielding six shillings and eight-pence, and wood for fifty porkers. It had belonged to one of King Edward's bailiffs, and its value both under the Confessor and the Conqueror had stood at sixty shillings (g).

MARKETS AND TOLLS.

At what period the establishment of public Markets first took place in England, we are not told; but the constantly increasing severity of the Anglo-Saxon laws against Theft, probably multiplied their number. To escape this severity, it was necessary that every Man, and especially a dealer in goods, should be always able to prove his legal property in what he possessed (h).

In the Laws of Ina, it is expressly said, "Si mercator inter vulgus mercetur, faciat hoc coram testibus. Si furto ablatum illud emptum inveniatur, et ipse non emerit id coram bonis testibus, confirmet pænæ loco, quod nec furti conscius, nec furatus sit, vel compenset pænæ loco triginta sex solidos" (i): and in those of Athelstan, it is enacted, that no one shall make a purchase beyond twenty pennies "extra portam," but that such bargains should take place within the town, in the presence of the Port-reve, or some other person of veracity, or of the reves in the folc-mote (k).

The following, among the Conqueror's Laws, is copied almost verbatim from one of the Laws of Canute: 22. "*Ne quis rem aliquam emat sine testibus*. Nemo emat quantum IV. denariis æstimatur, neque de re mortua neque de viva absque testimonio IV. hominum aut de Burgo, aut de Villa. Et si quis rem vendicat, et is non habeat testimonium, si nullum habeat Warrantum respondeat alteri Catallum suum, et forisfacturum habeat qui habere debet, et si testimonium habeat ut jam diximus advocet tribus vicibus, at vice quarta disrationet, aut rem reddat."

In

(z) Kennett. Glossar. Par. Antiq. In the Hundred of Wilge in Bedfordshire, a curious entry occurs in Domesday, tom. i. fol. 218 b. "In eod hund tefi Osiet regis pfect⁹ dim hid de rege. Hanc tra tenuit. I. sochs T. R. E. que rex W. cu tra hac pdicto pfecto comdavit. ut quadiu uiueret uictu 7 uestitu ei pberet." Among the possessions of Robert de Oilgi in Buckinghamshire, we find at Evreham, fol. 149. four fisheries yielding "mille 7 qngent anguill 7 pisces p dies ueneris ad op⁹ ppositi uilla."

(a) Sax. Buph-gepepa. In the first volume of the Survey, fol. 2 b. "Alestan prepositus London" occurs.

(b) Wilk. pp. 202, 203.

(c) Domesd. tom. i. fol. 180.

(d) Ibid. fol. 180 b.

(e) Ibid. fol. 218 b.

(f) Cattle. *Animalia otiosa* were cattle not fit for husbandry.

(g) Domesd. tom. i. fol. 139.

(h) Turner, Hist. Anglo-Sax. ed. 8^o. vol. iv. p. 312.

(i) Wilk. p. 18. LL. Inæ. 25.

(k) Wilk. p. 58. LL. Æthelst. 12.

Appendix,
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 4. Territorial
Jurisdictions and
Franchises.

In the county of *Kent* two Markets are mentioned in the Survey, one at Favreshaunt, which yielded four pounds (*l*); the other at Newedene, which yielded thirty-nine shillings and seven pence (*m*). In *Hampshire* three Markets occur; one at Neteham yielding eight pounds (*n*), one at Basingestoch, of thirty shillings (*o*), and at Ticefelle, "Mercatū 7 theloneū XL. solid" (*p*). In *Berkshire*, we have one at Wallingford, and another newly established at Cocheham. "De nouo mercato qđ ibi. ē modo XX. sol" (*q*). Under Bertune it is said, "X. mercatores ante portā æcc̃æ manentes redd XL. den" (*r*). In *Wiltshire* a Market yielding forty-five shillings occurs at Bradeford (*s*). In *Somersetshire* no less than seven Markets are mentioned, one at Frome yielding forty-six shillings, one at Mileburne not separately valued, a third at Givelcestre, producing with its appendages eleven pounds, one at Cruche producing four pounds (*t*), one at Milvertone yielding ten shillings (*u*), one at Tantone yielding fifty shillings (*v*), and one at Ileminstre yielding twenty shillings (*w*). In *Devonshire* a Market occurs at Ochementone (*x*). In *Cornwall*, among the Bishop of Exeter's lands at Matele, it is said "Forū huj⁹ Manerii hī com Moriton qđ eps habeſ T. R. E." (*y*). There was a Market at St. Germans, held on Sundays, but it produced nothing on account of its proximity to the Market belonging to the Earl of Moretaine (*z*). Launceston had a Market, it is said, in the time of King Edward, which yielded twenty shillings, but it was taken away by the Earl of Moretaine (*a*). Other Markets occur at Bodmine (*b*), at Liscarret yielding four shillings (*c*), and at Tremetone yielding three shillings (*d*). This last is noticed with the Earl of Moretaine's Castle at Tremetone. In *Oxfordshire*, we find a payment of fifty shillings "de Mercato" at Bentone (*e*). In *Gloucestershire*, a Market is noticed at Berchelai, "Ibi un forū in quo manent XVII. hōes. 7 reddt censū in firma:" and another at Teodekesberie, "qđ Regina constituit," yielding eleven shillings (*f*). In *Herefordshire*, a Market recently established occurs at Etune (*g*). In *Bedfordshire*, the toll of the Market at Lestone produced seven pounds; that at Loitone a hundred shillings (*h*); a third at Alriceseie produced ten shillings (*i*). In *Northamptonshire*, under Vndeale, we have a payment "de mercato" of twenty shillings (*k*). A Market also occurs at Hecham of the same value. In *Leicestershire*, a Market occurs at Medeltone (*l*). In *Staffordshire*, at Tutbury (*m*). In *Lincolnshire*, a Market occurs at Chirchetone (*n*); another at Ludes, yielding twenty-nine shillings; a Market in Bolinbroc lately established (*o*); one in Spallinge producing forty shillings (*p*); in Bertone, "I. Mercatū 7 passagiū de III. lib" (*q*); and, in Partene, a Market, yielding ten shillings (*r*). At Dumham in *Norfolk*, we have "dimidium mercatum" (*s*); a Market at Coleneia apparently of recent establishment (*t*); and at Turchetel "quarta pars unius Mercati" (*u*). In *Suffolk*, one at Tornai (*v*); one at Beccles, of which the fourth part was the King's, with all customary payments (*w*); the remainder, as appears by another entry, belonged to St. Edmondsbury Abbey (*x*); one at Sutberie (*y*); one in Eia, in which twenty-five burgesses were constantly resident (*z*); and one in Carahalla, "de dono regis" (*a*). Under Hoxana we have a curious entry, which seems to show that the Norman tenants in capite had sometimes the power of establishing a Market for their own advantage. "In h. manerio erat unū Mercatū t. r. e. 7 p⁹q. Wifmus rex aduen; 7 sedebat in sabhato, et W. malet fecit suū castellū ad eiam 7 eadē die q erat Mercatū in manerio epi. W. malet fecit aliū Mercatū in suo castello et ex hoc ita peioratū ē Mercatū epi: ut parū ualeat. et m sedet die ueneris. Mercatū auſ de heia sedet die sabbati. m teñ Roſ de dono regis" (*b*). The Bishop, to whose fee the Market had belonged, was Ailmarus Bishop of Thetford. Under Clara, it is said, "semper unū mercatū" (*c*); and under Haverhella we have a Market, the only one in the second volume of which the value is recorded, yielding thirteen shillings and four pence (*d*).

The

(*l*) Domesd. tom. i. fol. 2 b.(*p*) Ibid.(*t*) Ibid. fol. 86 b.(*x*) Ibid. fol. 105 b.(*a*) Ibid.(*e*) Ibid. fol. 154 b.(*i*) Ibid. fol. 212.(*l*) Ibid. fol. 235 b. See Nichols's Hist. Leic. introd. Vol. p. xl.

(*m*) "In Burgo circa Castellum sunt XLII. hōes de Mercato suo tantum viventes. 7 reddt cū foro IIII. lib. 7 X. solid." Domesd. tom. i. fol. 248 b.

(*n*) Ibid. fol. 338 b.(*r*) Ibid. fol. 355.(*v*) Ibid. fol. 281 b.(*z*) Ibid. fol. 319 b.(*a*) Ibid. fol. 330 b.(*m*) Ibid. fol. 4.(*q*) Ibid. fol. 56 b.(*u*) Ibid. fol. 87.(*y*) Ibid. fol. 120 b.(*b*) Ibid.(*f*) Ibid. fol. 163, 163 b.(*k*) Ibid. fol. 221.(*n*) Ibid. fol. 38.(*r*) Ibid. fol. 58 b.(*v*) Ibid. fol. 87 b.(*z*) Ibid.(*c*) Ibid. fol. 121 b.(*g*) Ibid. fol. 181 b.(*x*) Ibid. fol. 369 b.(*c*) Ibid. fol. 389 b.(*o*) Ibid. fol. 39.(*s*) Ibid. fol. 67.(*w*) Ibid. fol. 91.(*d*) Ibid. fol. 122.(*h*) Ibid. fol. 209.(*o*) Ibid. fol. 351.(*s*) Tom. ii. fol. 137.(*w*) Ibid. fol. 283 b.(*b*) Ibid. fol. 379.(*p*) Ibid. fol. 351 b.(*t*) Ibid. fol. 204 b.(*x*) Ibid. fol. 369 b.(*c*) Ibid. fol. 389 b.(*q*) Ibid. fol. 354 b.(*u*) Ibid. fol. 207 b.(*y*) Ibid. fol. 286 b.(*d*) Ibid. fol. 428.

The Market of St. Germain's in Cornwall is expressly said to have been held "in die Dominico," on Sunday. This was forbidden by the Laws of the Northumbrian Priests, about the year 950: "Diei solis mercaturam prohibemus ubique, et omnem populi conventum, et omne opus, et quamlibet peregrinationem, tam in curribus quam in equis cum oneribus" (e). Again in the Liber Constitutionum of King Æthelred, and in the Laws of Canute (f). Matthew Paris, however, informs us, under the year 1200, that Fairs and Markets were constantly so held in England from a remote period. He is speaking of Eustace abbot of Flai, who came into England in the time of King John. "Nundinas vero et Mercata Dominicæ diei adeo interdixit; quod omnia fere, quæ diebus Dominicis per Angliam fieri consueverant, constituerent in una hebdomadæ sequentium feriarum: Sicque Dominicis diebus fidelis populus divinis solummodo vacans obsequiis, omne opus servile penitus abdicavit. Veruntamen, tempore procedente, plerique ut canes ad vomitum, sunt reversi" (g). The Statute of the 27th of King Henry the Sixth appears to have abolished the custom entirely.

On the subject of holding Markets in fortified places, we read the following in what is called, "Carta Regis Willielmi Conquistatoris de quibusdam Statutis." "Item nullum mercatum vel forum sit, nec fieri permittatur, nisi in civitatibus regni nostri, et in burgis, et muro vallatis, et in castellis, et in locis tutissimis, ubi consuetudines regni nostri, et jus nostrum commune, et dignitates coronæ nostræ, quæ constitutæ sunt a bonis prædecessoribus nostris deperiri non possint, nec defraudari, nec violari, sed omnia rite et in aperto, et per iudicium et justitiam fieri debent. Et ideo castella, et burgi, et civitates sitæ sunt et fundatæ et ædificatæ, scilicet, ad tuitionem gentium et populorum regni, et ad defensionem regni, et idcirco observari debent cum omni libertate, et integritate, et ratione" (h).

Feria, a fair, occurs once only, in the second Volume of the Survey, at Aspella, a manor belonging to Ranulph Peverell: "In ead̄ ġcia pars æcc̄iæ. & ġcia pars feriæ" (i).

"DE THOL.

"THOL (quod nos dicimus Tholoneum) est scilicet, quod habeat libertatem vendendi et emendi in terra sua" (k). *Tol*, *Thol*, or *Theloneum*, in the language of the Domesday Survey, was not merely the liberty of buying and selling, or keeping a market; it also signified the customary dues or rents paid to the Lord of a Manor for his profits of the Fair or Market (l), as well as a tribute or custom for passage (m). In the very first page of the Survey, the burgesses of Dover are represented in the time of King Edward, to have been free of toll through England. "Quicunq; manens in villa assiduus. reddebat regi cōsuetudinē: quietus erat de theloneo p totā Angliā." Under Cedeorde in Gloucestershire, Wlward⁹ who held it in the same reign, is said to have received "Theloneū saī qđ veniebat ad aulā" (n). At Lestone in Bedfordshire, we have, "Theloneū de Mercato redd̄ VII. liḡ" (o). Under Northwich in Cheshire, it is said, "Quisq; ex alia scira carrū adducebat cū. II. bobz aut cū pluribz dabat de theloneo. IIII. denar" (p). Among the Clamores in Lincolnshire, several cases occur of the exaction of Tolls unknown in the time of Edward. Among those of the North Riding of the County, we read, "In Bertune 7 in Ferebi accipiunt hoēs Gisleḡti de Gand Theloneū aliud quā acceperunt. T. R. E. de pane. piscibz. coriis. 7 aliis rebz plurimis. unde nunq; datū fuit. In Castre faciunt simitr hoēs regis" (q).

(e) Wilk. LL. Anglo-Sax. p. 101.

(f) Ibid. pp. 114. 130. In the "Capitul. Karoli et Ludovici Impp." Lib. i. tit. 145. the Sunday market also is forbidden: "Ut Mercatus die dominico in nullo loco habeatur." See also Lib. ii. tit. 7. Codex LL. antiq. ex bibl. Lindenbrogii. fol. Francof. 1613. pp. 852, 860.

(g) Mat. Par. Hist. Major. ed. fol. Lond. 1684. p. 169.

(h) Wilkins, Leg. Anglo-Sax. p. 229. LL. W. Conq. 61.

(i) Domesd. tom. ii. fol. 418.

(k) Wilkins, Leg. Anglo-Sax. p. 202. LL. Edw. Conf. 24.

(l) Kennett, Gloss. Par. Antiq. Edmund Earl of Cornwall granted to the Rector and Bonhommes of Asherugge and their Tenants "ut in omnibus burgis et villatis nostris et etiam in singulis nundinis et mercatis nostris libere valeant emere et vendere omnes mercandisas absque ullo theloneo seu stallagio."

(m) See Bracton. lib. ii. cap. 24. § 3. So MS. Cotton. Galba E. IV. "Toln. Quite de ton doner."

(n) Domesd. tom. i. fol. 164.

(o) Ibid. fol. 209.

(p) Ibid. fol. 268.

(q) Ibid. fol. 375 b.

Sect. 5.—Tenures and Services.

I. INSTANCES AND PECULIARITIES.

§ 5. *Tenures and Services.*

Tenure in frankalmoine frequently occurs. This is the tenure by which the antient Monasteries and Religious Houses held the larger portion of their lands. The high and exalted nature of the Service which they rendered, discharged them from all secular burthens but that of the *trinoda necessitas*, of repairing the bridges, building castles, and repelling invasions. They prayed for the soul of the donor and his heirs.

Among the possessions of the Church of Saint Martin Canterbury, we read, "Terra Nordeuode 7 tra Ripe. 7 tra Brandet reddt XX. soł. 7 VI. den ad S. Martiñ in elemosina" (r). Under "Terra Æcclæ. S. Augustini" it is said, "Juxta ciuitatē Cantuar hñ S. Aug⁹tin⁹ IIII. acs tre qs ten. IIII. Moniales in elemosina de abbe" (s). In Sussex we find several clerici holding single hides of land "in elemosina" (t). The abbey of Almanesch held Clepinges, in that county, of Earl Roger by the same tenure (u). The abbey of Troard, also, held Rochintone of the same Earl in alms (v). In Berkshire, the Bishop of Durham held Waltham of the King, in alms; Vluuinus the Canon had before held it of Harold (w). Under "Terra Walterii filii Ponz," in the same county, at Etone, we read, "De isto t. III. hid. ded Ponz S. Petro de Westmonast pro anima sua" (x). Of a hide of land at Horcerd in Dorsetshire, it is said, "Hanc hidā ded Hugo p anima sua æcclæ de Creneburne" (y). In Somersetshire, we read, "Goduin⁹ ten dimid hid in t qd uocat Ragiol. de rege in elemosina. Valet III. soł." "Eddida monialis ten in elemosina de rege. XII. acs træ ibi hñ qt XX. acs siluæ 7 pasturæ. Vat. v. solid. Duæ nonnæ ten de rege in elemosina II. v træ 7 dimid in Honecote" (z). In Hertfordshire, at Deneslai, we find, "I. francigena elemosinari⁹ regis" (a). In Wales it is said, immediately after the entry relating to the city of Gloucester, "in Elemosina regis ē una uilla quæ p anima ej⁹ redd æcclæ ad fest S. Martini. II. porč. 7 C. panes cū ceruisia" (b). In Gloucestershire, it is said, "Æcclā de Cirecestre ten de rege. II. hid in elemosina. 7 de rege. E. tenuit qetas ab oñi c̄suetudine" (c). Under Alac and Lene in Herefordshire, "Horç II. t æcclās 7 p̄bros 7 decimas. 7 duos uillos. ten S. Maria de Cormeliis in elemosina de rege" (d). Under Toruei in Bedfordshire we find Aluuinus, a priest, holding the third part of half a hide. It is added, "Rex ū. W. sibi postea in elemosina c̄cessit. unde p anima regis 7 reginæ oñi edda. II. feria missā psoluit" (e). In Essex, under Estinfort, we read, "Ad Eccliam huj⁹ manerij jacent XXX. ač qs vicini dedeñ in elemosina" (f). In Norfolk, "in Heuincham. I. liḡ. hō pr. XL. ac træ in elemosina & cantat unaq̄ ebdomada tres missas" (g). Again in Wittuna. "I. pr XXX. ac in elemosina semp. IX. soc. de XII. ac træ semp. II. car. 7 II. ac pti. Ex hoc cantat. III. missas p rege & regina. 7 tnc redd. II. soł. 7 totu ht" (h). Under Bertuna in Suffolk, we read, "Ecclīæ huj⁹ uillæ L. ač de liḡa trā ptiñ p elemosina" (i). At Saint Edmundsbury, the abbat had "XLIII. Elemosinarii. qsq̄ hñ. I. bord" (k).

The Services performed by the Towns and Burghs have been noticed under a separate head.

Firma unius Noctis, one night's entertainment, is a Service which frequently occurs, usually as having been rendered in the time of Edward the Confessor. As at Borne and Beddingham in Sussex (l): at Cavna, Bedvinde, Amblesberie, Guermistre, Chepeham, and Théodulveside in Wiltshire (m): at Warham, Bridetone, Bere, Winborne, Pinpre and Winfrode in Dorsetshire (n): at Summertone, Cedre, Nordperet, Sudperet, Churi, Willetone, Candetone, and Carentone in Somersetshire (o): and at Betune and Wesberie in Gloucestershire (p). Under Wititone in Shropshire we find this Service referred back at least as far as the time of Ethelred. "Tēpore Adelredi patris E. regis reddb h tria t dimid firmā noctis" (q). At Lintune in Herefordshire,

(r) Domesd. tom. i. fol. 2.

(v) Ibid. fol. 25 b.

(x) Ibid. fol. 61.

(a) Ibid. fol. 132 b.

(e) Ibid. fol. 218 b.

(i) Ibid. fol. 361 b.

(n) Ibid. fol. 75.

(s) Ibid. fol. 12.

(w) Ibid. fol. 58.

(y) Ibid. fol. 84.

(b) Ibid. fol. 162.

(f) Ibid. tom. ii. fol. 24 b.

(k) Ibid. fol. 372.

(o) Ibid. fol. 86. 86 b.

(t) Ibid. fol. 22.

(z) Ibid. fol. 91 b.

(c) Ibid. fol. 166 b.

(g) Ibid. fol. 133.

(l) Ibid. tom. i. fol. 20 b.

(p) Ibid. fol. 162 b. 163.

(u) Ibid. fol. 25.

(d) Ibid. fol. 179 b.

(h) Ibid. fol. 133 b.

(m) Ibid. fol. 64 b. 65.

(q) Ibid. fol. 253 b.

Herefordshire, "quarta pars firmæ unius noctis" occurs (*r*). At Neuport in Essex, "firma de duabus noctibus" (*s*). The county of Oxford rendered the entertainment of three nights, or one hundred and fifty pounds (*t*). In Hampshire, it is said, "H. tria w Basingstoc. Clere. Esseborne. reddunt *Firmam unius diei*" (*u*). Under Saham, Fordham, and several other manors on the King's demesnes in Cambridgeshire, we find the entertainment of three days noticed, "inter mel, frumentum, et brasium" (*v*); a service which, in the Conqueror's time, appears to have been uniformly commuted for in each by the payment of thirteen pounds eight shillings and four pence "de albis nummis."

In the Account of Lanpiran in Cornwall we read, "De hoc maner ablatae s t II. træ q redde b canonicis [S. Pierani] T. R. E. *Firmā III. Septimanarum. 7 decano XX. solid p c ſuetudine*" (*w*).

The Castle of Arundel yielded in the time of Edward the Confessor, "*de III. Conuiuiis XX. solid p* " (*x*).

Under Newetone in Surry it is said, "De w de Mildentone reddit p in Neuuetone una c ſuetudo idest *xxviii. pensæ Caseo g* " (*y*). The "*Consuetudo Caseo g* " occurs again in Berkshire (*z*).

At Chinttenham in Gloucestershire a render was made, in the time of Edward, of three thousand cakes of dog-bread: "*ter mille panes canibus.*" For this at the time of the Survey sixteen shillings were paid in money (*a*). For the county of Warwick, in the time of the Conqueror, twenty-three pounds were paid, "*p c ſuetudine Canum*" (*b*).

Of the Manor of Cumbe in Kent, it is said, "T. R. E. uale b . LX. so t . 7 post L. so t . Modo III. li b . & *seruitium uni p militis*" (*c*). The same Service occurs in Surry (*d*). This must have been by finding a man for the wars.

In Cornwall, "De Æccl a S. Germani ablata e I. hida træ q redde b *p c ſuetudin u unā Cupā Ceruisiæ. 7 XXX. denar*" (*e*).

The royal demesne of Portland in Northamptonshire, in the time of Edward, beside forty-eight shillings rent, paid ten shillings, "*pro feltris sommario g regis:*" for skins or rugs for the King's sumpter horses (*f*).

Among the baser Services was "*Auera*," which, with the exception of two entries in Kent, occurs principally in Hertford and Cambridge shires, generally accompanied in the latter county by "*Inguard*," or "*Inward*." *Auera* is usually interpreted a day's work of the Plough, though it also signified that service which the tenant owed to the King or other Lord, by horse or by ox, or by carriage with either (*g*). *Inward* was the guarding the person of the King when he lodged in a city, or the attendance on the Sheriff. It also implied certain servile works about the King's demesnes or the Lords inlands (*h*).

At Barham, in Kent, it is said, "De *Auera* idest *seruitium LX. so t* " (*i*). At Chenepeworde in Hertfordshire, "De c ſuetud p . I. *Auerā* inuenie b . cū rex in scyra veniebat. Si non p V. denar reddebat" (*k*). In Cambridgeshire, under Esselinge, "un p qsq p in servitio regis inuenit *Auerā. t p VII. den p t p mancipiū*" (*l*). Under Warating, it is said, "Hanc trā tenuer p X. so c hi. ho e s abbis fue r . 7 absq p ej p licentia trā suā uende p ñ potuer p . Ho g . VI. inuenie b *Aueras. III. inu p jnguard p . si rex ueniret in scyra. Si non. VIII. den p *p p auera 7 III. p p inguard reddebant*" (*m*). Under Svafam in Cambridgeshire, we read, "Hanc trā tenuer p . VI. so c hi sub Eddeua. ñ potuer p sine ej p licentia recede p . s z inuenie b uicecomiti III. jneuard p 7 I. *Auerā p p annum*" (*n*). The repetitions of this Service are very numerous upon the lands which had belonged to the fair Eddeva. In Waratequorde, it is said, "Hanc trā II. so c hi regis E. tenuer p . 7 II. *Aueras inuener p . 7 uende p potuer p ," and again under Euresdone, "alij XIII. ho e s. R. E. unā hid p 7 dim p 7 X. acs tenuer p . 7 IX. *Aueras 7 V. inew. uicecomiti inuenerunt om p s u terras suas dare t p uendere potuerunt*" (*o*).**

Several instances of baser Service occur upon the lands belonging to Westminster Abbey, in Worcestershire. As, "In Bricstelmestune. sunt. X. hidæ. Ibi. X. uiff 7 X. bord p . cū VI. car p 7 arant 7 seminant VI. acs de p p o semine"

(*r*) Domesd. tom. i. fol. 179 b.

(*v*) Ibid. fol. 189 b.

(*z*) Ibid. fol. 59 b.

(*a*) Ibid. fol. 162 b.

(*e*) Ibid. fol. 120 b.

(*g*) Kelham, Domesd. Book. Illustr. p. 159.

(*k*) Ibid. fol. 139.

(*o*) Ibid. fol. 200.

(*s*) Ibid. tom. ii. fol. 7.

(*w*) Ibid. fol. 121.

(*b*) Ibid. fol. 238.

(*f*) Ibid. fol. 219 b.

(*h*) Ibid. p. 240.

(*l*) Ibid. fol. 189 b.

(*m*) Ibid. fol. 190 b.

(*t*) Ibid. tom. i. fol. 159.

(*x*) Ibid. fol. 23.

(*c*) Ibid. fol. 10 b.

(*i*) Domesd. tom. i. fol. 9 b.

(*n*) Ibid. fol. 195.

(*u*) Ibid. fol. 39.

(*y*) Ibid. fol. 14 b.

(*d*) Ibid. fol. 32.

semine”(p). “In Depesforde, Ibi VIII. uilli 7 X. bord cū VI. car. 7 arant III. acs 7 seminant de suo semine.—Alcot monac⁹. I hid. 7 faciebat seruitiū qđ ei p̄cipiebatur”(q). “In Aichintune sunt XVI. hidæ. Ibi VI. colibti. redd p anñ XI. sol 7 II. den. 7 arant 7 seminant de ppo semine XII. acras”(r). Of the Servi on the same land, it is said, “Hi duo Dunning 7 Brictric secab in ptis dñi sui p consuetudinē. unā diem”(s). In Longedune, it is said, “De hac tra T. R. E. teneb. IX. libi hōes XVIII. hid. 7 secabant uno die in ptis dñi sui. 7 facieb seruitiū sič eis p̄cipiebatur.” So again, under Poiwic, Snodesbyrie, Dormestun, and other Manors belonging to the Monastery. At Offenham in Worcestershire, belonging to the Abbey of Evesham, it is said, “Ibi sunt boves ad I. car. sed petrā trahunt ad æcclā”(t). Osbern Fitz Richard held Wicelbold in the same county. “Ibi XIII. burgses in Wich secantes II. dieb⁹ in Augusto 7 Marcio. 7 seruientes curiæ”(u). In the hundred of Neweton, between the Ribble and the Mersey, we read, “Huj⁹ Hvnd hōes libi pt. II. erant in ead̄ ċsuetud̄ qua hōes derberix. 7 plus illis. II. dieb⁹ in Augusto metebant in culturis regis”(v). At Elmelie in Herefordshire, on the land of Saint Guthlac, it is said, “Alterius uillæ hōes laborant in hac uilla. 7 reddt. XXXVII. solid 7 VIII. denar”(w). Upon the King’s lands at Lufenham and Sculetorp in Northamptonshire, it is said, “Hōes opantur opa regis quæ p̄positus iusserit”(x).

The Servi on the manor of Bledelai in Buckinghamshire, belonging to the Earl of Moretaine, from the profits of pannage, paid money sufficient to purchase the iron work of two Ploughs: “de reddit siluæ ferra car. sufficienter”(y). The tenants on the estate at Estone in the same County, belonging to Edward of Salisbury, appear to have done the same. “Silua CCC. porc. 7 ferra carucis dñicis”(z). Under Quenintone, one of Roger de Laci’s manors in Gloucestershire, we find a burgess of Gloucester entered, yielding “III. soccos” or plough-shares”(a). Four burgesses of Hereford yielded eighteen plough-shares to the manor of Merchelai in Herefordshire”(b).

Other Services of a special sort occur. At Henret in Berkshire, it is said, “Henric⁹ ten ibi I. hid quæ fuerat in firma regis. Godric⁹ tenuit. Aluric⁹ de Tacehā dicit se uidisse brevē regis qđ eā dederit feminæ Godrici in dono eo qđ nutriebat canes suos. Sed nemo ē in Hund qui breuē uiderit p̄ter Aluricum”(c). Of certain lands at Achelei in Buckinghamshire, of the fee of Robert de Oilgi, we read, “Hæ v. hidæ 7 III. uirgæ sunt VIII. hidæ. De his tenuit Aluuid puella II. hid. quas potuit dare t̄ uendere cui uoluit. 7 de dñica firma regis E. habuit ipsa dim hidā quā Godric⁹ uicecom ei ċcessit quadiū uicecom eet. ut illa doceret filiā ej⁹ Aurifrisiū op’ari. Hanc trā ten m Robt⁹ filius Walterij testante hundred”(d). Under Lene in Herefordshire, which in the Confessor’s time had been Earl Morcar’s, it is said, “T. R. E. ualb VI. lib. Modo XII. lib de candidis denar. p̄posit⁹ huj⁹ ċsuetud̄ habeb T. R. E. ut ueniente dn’a sua in t̄ p’sentaret ei XVIII. oras denar. ut eet ipsa læto animo. 7 dapifer 7 alij ministri habeb de eo x. solid”(e).

The last Service to be noticed is that which was yielded by the manor of Biscopestreu in the hundred of Atiscross in Cheshire, which at the time of the Survey was held by Griffin King of North Wales. “In eod̄ Atiscros Hd̄ habuit. Rex Grifn. I. maneriū Biscopestreu. 7 in dñio. I. car habeb. 7 Hoēs ej⁹ VI. car. qđo ipse rex ibi uenieb? reddeb ei unqq car cc. hesthas. 7 unā cuuā plenā ceruisia 7 unā butiri Ruscā”(f). Hesthas were Loaves; a tub of Ale, and a rush basket of Butter.

It is remarkable how many Services which in the time of Edward the Confessor were yielded in kind, in the time of the Conqueror were changed for money payments.

2. HERIOTS

(p) Domesd. tom. i. fol. 174 b.

(q) Ibid.

(r) Ibid. fol. 174 b.

(s) Ibid.

(t) Ibid. fol. 175 b.

(u) Ibid. fol. 176 b.

(v) Ibid. fol. 269 b

(w) Ibid. fol. 182 b.

(x) Ibid. fol. 219.

(y) Ibid. fol. 146.

(z) Ibid. fol. 150 b.

(a) Ibid. fol. 167 b

(b) Ibid. fol. 179 b. At Eggefield in Lancashire, 20 Hen. III. Walter le Rus and Alice his wife are said to have held twelve acres of land by the service of repairing the iron work of the King’s Ploughs. Plac. Coron. 30 Hen. III. Lanc. Blount, p. 93.

(c) Domesd. tom. i. fol. 57 b.

(d) Ibid. fol. 149. In Wiltshire, tom. i. fol. 73 b. 74 a. it is said, “Leviet ten Cvnvche. Vir ej⁹ tenuit T. R. E. H’ Leniede fecit 7 facit Aurifrisium regis 7 reginæ.” Might not the Aluuid of Buckinghamshire and the Leniede of Wiltshire be the same person?

(e) Domesd. tom. i. fol. 179 b.

(f) Ibid. fol. 269.

2. HERIOTS AND RELIEFS.

Harieta, Heriet, Heriete, or Herigete, the Heriot, occurs more rarely in the Domesday Survey than might have been expected. The first establishment, if not the introduction, of the compulsory *Heriot* into England, is found in the following Law of King Canute(g). “*De Heriotis*. Et sint armamenta prouti dignitati convenit, Comitibus prouti ad eum pertinet, nempe octo Equi, quatuor ephippiati et quatuor absque ephippiis, et quatuor Galeæ, et quatuor Loricæ, et octo Hastæ, ac totidem Scuta, et quatuor Enses et ducentæ Mancusæ auri. Et postea Regii Thani armamentum, qui ei proximus, sit IV. equi, II. ephippiati, et II. absque ephippiis, et duo Enses et IV. Hastæ, et totidem Scuta, et Galeæ, et Loricæ, et quinquaginta Mancusæ auri. Et inferioris conditionis Thani, Equus cum ornamentis ejus et armis, vel ejus mulcta obstricti colli in Saxonia occidua, et in Mercia duæ libræ, et in Anglia orientali duæ libræ. Et Regii Thani armamentum apud Danos, qui suam immunitatem habet quatuor libræ, et si Regi ulterius notus sit, duo Equi, unus ephippiatus, et alter absque ephippio, et Ensis et duæ Hastæ, et duo Scuta, et quinquaginta Mancusæ auri: et qui minus habuerit, et minus potens fuerit, duæ libræ.” The word *Heriot*, or *ðepe-geat*, implies the habiliments of war. These, it should seem, were delivered up to the sovereign on the death of the vassal, who could no longer use them, to be put into other hands for the service and defence of the country(h). The Heriot of the Lagemen at Cambridge has been already noticed in a former page(i).

Upon the plan of the Danish Heriot, William the Conqueror fashioned his law of *Reliefs*. 22. “*De Relevio Comitibus*. De Relevio Comitibus, quod ad Regem pertinet VIII. Equi ephippiati et frænis ornati, et Loricæ II. et IV. Galeæ, et IV. Scuta, et IV. Hastæ, et IV. Enses, alii cæteri IV. Veredi, et Palfredi cum frænis et capistris.” 23. “*De Relevio Baronis*. De Relevio Baronis IV. Equi cum sellis et frænis ornati, et Loricæ II. et II. Galeæ, et Scuta II. et II. Hastæ, et II. Enses; et alii cæteri II. unus Veredus et unus Palfridus cum fræno et capistro.” 24. “*De Vavasoris Relevio*. De Relevio Vavasoris ad legitimum suum Dominum. Quietus esse debet per Æquum patris sui talem qualem habuerit tempore mortis suæ, et per Loricam suam, et per Galeam suam, et per Scutum suum, et per Hastam suam, et per Ensem suum, et si adeo fuerit inermis ut nec Equum habuerit nec Arma, per centum solidos.” 29. “*De Servorum Relevio*. De Relevio Villani. Melius animal quod habuerit id (sive Equus sit, sive Bos, sive Vacca) donabit Domino suo pro Relevio, et postea sint omnes Villani in franco plegio.” 40. “*De Relevio eorum qui clientes censum pendunt*. Eorum qui fundum suum tenent ad censum, sit rectum Relevium tantum quantum census annuus est.”

The Relief was, in fact, a fine paid to the King by all who came to the inheritance of lands held in capite or military service, to *relieve*, or as it were to redeem their estate and obtain possession of it(k). It consisted at first, as we see by the Conqueror's Laws, in horses and arms, till, by the Ordinance called the Assize of Arms, in the 27th year of Henry the Second, every man's armour was directed to be preserved for his heir, and the Relief became payable in money; the fixed rates of which were afterwards determined by *Magna Charta*(l).

Such was the difference between the Heriot and the Relief in their origin. “But,” says Sir Henry Spelman, “there is great difference between Heriots and Reliefs; for Heriots were *Militiæ apparatus* which the word signifieth, and devised to keep the conquered nation in subjection, and to support the public strength and military furniture of the kingdom: the Reliefs for the private commodity of the Lord, that he might not have *inutilem proprietatem* in the Seignory. The Heriots were therefore paid in habiliments of war; the Reliefs, usually, in money: the Heriot for the tenant that died, and out of his goods; the Relief for the tenant that succeeded, and out of his purse: the Heriot, whether the son or heir enjoyed the land, or not; the Relief by none but him only that obtained the land in succession.” “I stand the longer,” adds Sir Henry Spelman, “herein, for that not only the Report, but even *DOMESDAY* itself, and generally all the antient monkish writers(m), have confounded Heriots and Reliefs.”

In

(g) Leg. Anglo-Sax Wilk. p. 144.

(h) Blackst. Comment. edit. Oxf. 1760. tom. ii. p. 423.

(i) See p. 108.

(k) Kennett. Par. Antiq. Gloss.

(l) Ibid. The Reliefs were originally paid in money even in Normandy. See “*La Coutume réformée du Pays et Duché de Normandie, anciens Reasorts, et enclaves d'iceluy*,” 4° Rouen. 1612. pp. 184, 185, 186, 187, 188. See also Wright on the Law of Tenures, p. 100.(m) Bromton, in what may be termed a perpetual Commentary on the Laws of Canute, rather than a transcript of the Code, represents the Heriot and the Relevatio as the same. “Si quis ex hac vita decedat sine distributione rerum suarum, vel per incustodiam, vel per mortem improvisam, non usurpet sibi dominus ejus de pecunia sua, nisi quantum ad justam *Relevationem* pertinet quæ Anglice vocatur *HERIGET*.” The Monkish historians were at a loss for a Latin term to express the Heriot, and they adopted *Relevatio*.

Appendix,
(M.)
DISSERTATIONS
ON
DOMESDAY.
II.
Principal Matters
noticed
in this Record.
§ 5. Tenures and
Services.

In the account of *Kent* in the very first page of the Survey, in what relates to the Customs of Boruuar Lest, Estrelest, Linuuartlest, and Wiuuartlest, it is said, "Quando morit Alodiarus? rex inde habet releuationē t̃ræ. excepta t̃ra S. Trinitatis. 7 S. Augustini. 7 S. Martini. 7 exceptis his. Godric de Burnes. 7 Godric Carlesone. 7 Alnod cilt. 7 Esber biga. 7 Siret de Cillehā. 7 Turgis. 7 Norman. 7 Azor. Sup istos h̃t rex forisfacturā. de capitibz eoꝝ tantū m. 7 de terris eoꝝ h̃t releuamen. qui h̃nt suā sacā 7 socā." Which shews that Reliefs were not confined only to the King as prime Lord. In the account of Kingston in *Surrey*, we read: "De uiffis huj⁹ uillæ habuit 7 h̃t Hūfrid⁹ camerarius unū uillañ in custodia causa codunandi lanā reginæ. De ipso etiā acceṗ XX. soṭ in releuam̃ cū pat ej⁹ fuit mort⁹"(n). In the account of *Berkshire*, it is said, "Tainus vel miles regis dñic⁹ moriens? p releuamento dimitteṭ regi om̃ia arma sua. 7 equū I. cū sella. aliū sine sella. Qđ si. eent ei canes t̃ accipitres? p̃sentabant regi ut si uellet accipet"(o). In *Nottinghamshire* and *Derbyshire*: "Tain⁹ h̃ns plusquā. VI. maneria. non dat t̃ræ releuationē nisi regi tantū. VIII. liḡ. Si h̃t. VI. tantū uel min⁹? uicecomiti dat releuationē. III. Markas argenti. ubicunq; maneat in Burgo uel extra"(p). So, again, in *Yorkshire*: "Releuationē t̃rarū dant solū regi. illi taini qui plusq; VI. maneria habuerint. Releū. ē VIII. liḡ. Si ū. VI. tant man. uel min⁹ habuerit? uicecomiti p releuat dat. III. mark argenti. Burgenses aut eborace ciuit. ñ dant releuationē"(q).

Sect. 6. Criminal and Civil Jurisdictions.

1. THEIR DENOMINATIONS.

SACA. SOCA. THEIM.

§ 6.
Criminal and Civil
Jurisdictions.

THESE terms are thus explained in the laws of Edward the Confessor. "22. *De Sacha*.—Sacha est, quod si quilibet aliquem nominatim de aliquo calumniatus fuerit, et ille negaverit, forisfactura probationis vel negationis (si euenit) sua erit. 23. *De Soca*.—Soca est, quod si aliquis quærit aliquid in terra sua, etiam furtum, sua est justitia si inventum fuerit, an non. 25. *De Theam*.—Theam, quod si quispiam aliquid interciat super aliquem, & interciatus non poterit warrantum suum habere, erit forisfactura sua, et justitiæ similiter de calumniatore, si defecerit." *Infangtheſe* follows: after which it is said, "Illi vero qui non habent has consuetudines coram justitia regia rectum faciant in Hundredis, vel in Wapentachiis, vel in Scyris"(r).

Saca was the power and privilege of hearing and determining causes and disputes, levying forfeitures and fines, executing laws, and administering justice within a certain precinct.

Soca was the territory or precinct in which the *Saca* and other privileges were exercised(s). *Soca*, *soke*, says Kelham, generally signifies franchise, liberty, or jurisdiction; sometimes a territory or precinct; and sometimes a rent paid for using the land, with some privilege or liberty, or for protection of the land(t). Under *Somerdebi* in *Lincolnshire*, we read, "Iḡ Soca talis erat. qđ nichil reddebat. sed adjuuabat in exercitu regis in t̃ra 7 in mari"(u).

In the second volume of the Domesday Survey, "*Soca falde*," the privilege of the Lord's fold occurs in numerous instances(v): that is, the privilege of the Lord to take the profits of the fold within his manor.

Team

(n) Domesd. tom. i. 30 b.

(o) Ibid. fol. 56 b.

(p) Ibid. fol. 280 b.

(q) Ibid. fol. 298 b.

(r) Wilkins. LL. Anglo-Sax. p. 202

(s) Nichols's Hist. Leic. Introd. Vol. p. xlvii. Compare also Fleta, lib. i. c. 47. § 6. Wilkins, LL. Anglo-Sax. p. 427, says, "A soca autem hac, sensu quo privilegium, immunitatem, libertatem signat, venit terrarum illa apud nos possessionis species SOCKAGIUM alias Socagium dicta, sumpto hinc nomine, quod terra eo modo possessa (sub certis scilicet et nominatis seruitiis in pacto inter Dominum et Vassallum ejus conventu contentis) a quibuscunque aliis oneribus immunis sit et libera." The jurisdiction of the *Soca* was sometimes divided. Under *Hertesmera* in *Suffolk*, Domesd. tom. ii. fol. 437 b. we read, "De hac t̃ra habuit Abbas [S. Edmundi] tres partes sochæ. 7 Rex quarta." Of the manor of *Wi* in *Kent*, belonging to *Battle Abbey*, it is said, "De XXII. hund ptiñ isti t̃ saca. 7 soca. 7 om̃a forisfacta quæ juste ptiñ regi." tom. i. fol. 11 b.

(t) Domesday Book Illustr. p. 330.

(u) Domesd. tom. i. fol. 368.

(v) Tom. ii. fol. 203 b. "In ead uilla [Halgatuna] XII. hoes. VI. quorū erant in soca falde. 7 alii. VI. erant liḡi." Fol. 206. Bertuna. "Huic mañ semp jacent VII. liḡi hoes ad socā de falda." Ibid. in Stou. "Adjacent huic mañ. V liḡi hoes

Team or *Theame*, says Cowel, from the Saxon *tyman*, *propagare*, to teem or bring forth, signifies a royalty granted by the King's charter to the Lord of a Manor, for the having, restraining, and judging bondmen, neifs, and villains, with their children, goods, and chattels, in his court (*w*). *Tyman*, says Cowel, signifies also to advocate. In the "Expositio Verborum Anglicorum," in the Cotton Manuscript Galba, E. IV, *Theu* is explained, "Auer serf, ou uyleyn, ou neyf, et lur issue." Cowel quotes a similar explanation of old date, from the register of the priory of Cokesford: "*Them*. i. e. Quod Prior habet totam generationem Villanorum suorum, cum eorum secta et catallis ubicunque in Anglia inventi fuerint."

The names of those who had Sac and Soc, and Thol and Thaim, in Nottinghamshire and Derbyshire, Lincolnshire and Yorkshire, are enumerated at the beginning of the respective counties (*x*).

2. DELINQUENCIES AND FINES.

The Delinquencies more particularly noticed in the Laws and Customs of the different districts, are *Adulterium* (*y*), *Burgheristh*, *Forestel*, *Furtum* (*z*), *Gribrige*, *Hainfare*, *Handsoca*, *Homicidium*, *Raptum*, *Revelach*, and the *Forisfactura Sanguinis*.

Burgheristh or *Burgeret*, is a word of rare occurrence, and is supposed by our antiquaries to be the same with Burghbrech, or Bophbrece, fidejussionis fractio, mentioned in the Saxon laws (*a*). *Burgherita* occurs in a charter of Edmund I. A. D. 944 (*b*).

Forestel, *Forstel*, or *Foristel*, is explained in the Laws of Henry the First: "Forestel est, si quis ex transverso incurrat, vel in via expectet et assalliat inimicum suum" (*c*). It was an assault upon the road, or an hindrance of a traveller going upon his lawful business. At Worcester and Shrewsbury, it is said, "Forestellum q fecerit c. solid emd" (*d*). At Chester, on Sundays, and certain of the higher festivals, "Forestel qui facieb? III. lib. exsoluebat. in aliis aut diebz XL. solid" (*e*).

Gribrige

hoes de oi consuetudin. 7 ad soca adjacent etiā XVII. libi hoēs consueti ad faldā. & comdati de XXIII. ac." Du Cange says, "*Falda* denique sumitur pro libertate habendi Faldam, quæ libertas Faldsoca dicitur. Soc enim Saxonibus *libertas*. Nulli quippe olim licuit vel in terris propriis Faldam erigere, aut gregem alere, nisi domino feudali, seu manerii, hoc ex jure publico gaudenti. Est igitur libertas Faldæ, seu Faldagium prærogativa dominicalis, tenenti plebeio non competens. Atque hac notione passim usurpari videas in veteribus. Chartis. Monasticum Anglic. tom. i. p. 340. "In Snetesham unam carrucatam terræ cum Falda propria." Tom. ii. p. 209. "Et quod oves Canonicorum eant in pastura cum propriis ovibus ejus ubique, & quod sint levantes et cubantes in propria Falda Canonicorum prædictorum." Ibid. 625. "Quadragenta acras terræ . . . cum libertate habendi Faldam suam." Tom. i. p. 302. "Haberet et Faldas, ubi omnes homines villæ præter Seneschaldum, qui propriam Faldam habet, tenentur ponere Oves suas." Faldsoca occurs Monast. Anglic. tom. i. p. 478. ii. 275. Faldagium, Monast. Anglic. tom. i. p. 337. 340. 412. ii. p. 275. Compare also Spelman, in *voce*.

(*w*) Law Interpr. fol. 1727. in *v*. Spelman, noticing the occurrence of the word in Saxon Charters, and more particularly in those of Edward the Confessor, says, Ubi *Theam* significare videtur jurisdictionem cognoscendi in Curia sua de advocacionibus, sive intertatis; hoc est, ut Jureconsulti hodiè loquuntur, de vocatis ad Warrantiam, sic enim ibidem sequitur, cap. 25. "Theam est quod si quisquam aliquid intertiet super aliquem, et intertatus non poterit Warrantum suum habere, erit forisfactura sua, et justitia similiter de calumniatore si defecerit. De hujusmodi autem advocacione satis fuse disseritur in fœdere Ethelredi regis cum Anlavo, &c. cap. 10. p. 87. quod Be ceamum, i. de Advocacione inscribitur. Unde hoc Saxonice Dpilm ꝛob ꝥ man ꝛceolbe ðꝛypa tyman. Sed team tam in hujusmodi chartis quam in maneriorum consuetudinibus nuperiores etiam intelligunt pro nativis bondos et villanos ipsoque jure habendi eos eorumque propaginem quam sequelam vocant, ubicunque inventi fuerint in Anglia: coercendique et judicandi eos infra Curiam suam. Anonymus in MS. *Them*, hoc est (inquit) quod habeatis totam generationem villanorum vestrorum cum eorum sectis et catallis ubicunque fuerint in Angliā, excepto quod si quis nativus quietus per annum unum et unum diem in aliqua villa privilegiata manserit, ita quod in eorum communiam sive gildam, tanquam civis receptus fuerit, eo ipso a villenagio liberatus est. Qui autem jurisdictionem habent hujusmodi, curiam de *Theme*, i. de nativis, vel servis dicuntur habere, in qua olim licuit inter cæteros cognoscere de statu vasalli sui, viz. utrum liber esset, an servus: de quâ curia sic ex antiqua lege refert Skenæus, Quod si quis teneat Curiam de Theme (scil. de libertate ut is exponit) et illa querela in illa curia movetur, ad quam Theme vocantur; non debet illa curia elongari, sed ibidem determinari; et omnes Theme ibidem compareant. V. Glanv. l. v. c. 2. Reg. Ma. lib. ii. cap. 11." Glossar. edit. 1687. p. 533.

(*x*) Domesd. tom. i. fol. 280 b. 298 b. 337.

(*y*) "De Adulterio u p totū chent hñ Rex hominē. 7 Archieps mulierē excepta tra S. Trinitatis, 7 S. Augustini. 7 S. Martini. de quibz rex nichil hñ." Domesd. tom. i. fol. 1. See also fol. 56 b.

(*z*) "Si q's lib hō faceret furtū. XL. sol emdabat." tom. i. fol. 269 b.

(*a*) Spelm. Gloss. edit. 1687. p. 92.

(*b*) Will. Malmesb. ed. Saville, 1596. lib. ii. cap. 7. fol. 29 b.

(*c*) LL. Hen. I. c. 80. Wilk. p. 272.

(*d*) Domesd. tom. i. fol. 172, 252.

(*e*) Tom. i. fol. 262 b.

Appendix,
(M.)
DISSERTATIONS
on
DOMESDAY.
II.
Principal Matters
noticed
in this Record.
§ 6.
Criminal and Civil
Jurisdictions.

Gribrige was the same with *Pacis infractio*, a violation of the Peace. In the laws of Canute (*f*) it is called *Łpybbyce*, and in those of Æthelred (*g*) *Frūbbrec*. It is also noticed in the *Constitutiones Canuti Regis de Foresta* (*h*), and in the laws of Henry the First. In the very first page of Domesday, we read, “De Gribrige ū siqs eā fecerit 7 calumniat⁹ in calle aut divadiat⁹ fuerit? VIII. lið regi eñdabit. Sin autē quiet⁹ erit erga regē non erga dñm cuj⁹ homo fuerit.” The breach of the peace given under the King’s hand, or by his seal, is noticed in several passages of the Domesday Survey, to have been punished with greater severity than that preserved by the Sheriff (*i*).

Hainfare, or *Heinfare*, appears to have been the flight for murder. Among the *Consuetudines Walensium*, in Arcenefeld, it is said, “Si qs occidit hoēm regis 7 facit Heinfaram dat regi XX. sol. de solutione hominis. 7 de forisfactura c. sol. Si alicuj⁹ taini hoēm occiderit? dat. X. sol. dño hoīs mortui” (*k*). Under Worcester and Shrewsbury we read, “Heinfarā q fecerit? c. solid.” At Chester the mulcts varied in the same manner as for Forstel. Another interpretation of *Hainfare* will be found in the next paragraph.

Handsoca occurs but once in Domesday. It was a breach of the peace in a man’s house. The following is the explanation of it in the laws of Henry the First, “Hamsocna quod domus invasionem Latine sonat, fit pluribus modis, extrinsecus vel et intrinsecus accidentiis. Hamsocna est si quis alium in sua vel alterius domo cum haraido assailiaverit, vel persequatur ut portam, vel domum sagittet, vel lapidet, vel colpum ostensibilem undecunque faciat. Hamsocna est vel Hamfare, si quis præmeditate ad domum eat ubi suum hostem esse scit, et ibi invadat” (*l*).

Raptum. In what relates to Worcester in the Survey we read: “Raptū q fecerit? ñ sit emendatio alia nisi de corpore iustitia” (*m*). This is more fully explained by the laws of William the Conqueror. “Qui prostraverit foeminam ad terram et ei vim inferat, mulcta ejus Domino est X. solidi. Si vero eam compresserit, forisfacit membra” (*n*).

Revelach occurs in the account of Chester only. “Qui Revelach faciebat? XL. solidi eñdabatur.” Kelham, in his Domesday Book illustrated, p. 315. explains *Revelach* to have been any traitorous act or insurrection: but its real signification was that of robbery or rapine. See the laws of Ina, cap. 10. In Canute’s laws (*o*) we read “Si quis neapflac commiserit, reddat et compenset, et sit æstimatione capitis dignus apud Regem, vel apud eum qui immunitatem illius possidet.”

Forisfactura Sanguinis was blood-shed. In the account of Lewes in Sussex it is said, “Sanguinem fundens eñdat p VII. soł 7 IIII⁹ den” (*p*). Among the laws of Berkshire in the time of Edward the Confessor, “Si qs occidet hominē pacē regis habentē? 7 corp⁹ suū 7 oñem substantiā forisfacieb⁹ erga regē.” The punishment for blood-shed at Chester has been already noticed in p. 433.

In the Wiches of Cheshire homicide and theft were punished with death (*q*): “Excepto homicidio vel furto de quo ad mortem iudicabat? latro” (*r*): and among the Customs of the Lands between the Ribble and the Mersey, “Pugna quæ post sacramentum factum remanebat,” as Kelham translates it, the continuing a fight after the office of the sacrament began, or more probably after an oath of agreement or truce, is noticed as a crime for which no smaller mulct than forty shillings was demanded (*s*).

The payments for transgressions are *Blodeuuita*, *Hangewitha*, *Homicidium*, *Latrocinium* or *Latrones*, and *Legreuuita*.

Blodeuuita,

(*f*) P. ii. 58. Wilk. p. 142.

(*g*) Wilk. p. 105.

(*h*) Spelm. Gloss. p. 241. See also Du Cange.

(*i*) Domesd. tom. i. fol. 252, 298 b. 336.

(*k*) Domesd. tom. i. fol. 179.

(*l*) Wilk. p. 272. in an “*Expositio Verborum Anglicorum*,” MS. Cotton, Brit. Mus. Galba E. iv. we have, “Hamsocne. Aver ameads de cely q̄ entre aforce altri maison.”

(*m*) Domesd. tom. i. fol. 172.

(*n*) LL. Gul. Conq. 19. Wilk. 222.

(*o*) P. ii. 60. Wilk. p. 143.

(*p*) Domesd. tom. i. fol. 26.

(*q*) In the Wiches whoever so loaded his Cart that it broke down within the “leuua” of a Wich, paid two shillings to the King’s or the Earl’s Officer. Whoever broke his horse’s back by overloading him within the “leuua” paid two shillings. Whoever [by adulteration] made two semes of Salt of one, forfeited XL. shillings.

(*r*) Domesd. tom. i. fol. 268. col. 2.

(*s*) Ibid. fol. 269 b, 270.

Blodewita, from the Saxon blōð, blood, and prce, a fine or penalty, was a customary amercement paid as a composition for the shedding or drawing of blood (*t*). See the laws of Henry the First, capp. 39. 70. 81. See also Du Cange in *voce*.

Hangewitha is explained to have been the offence (*u*), or rather the amercement for the offence, of hanging a thief without judgment, or for letting him escape from custody (*v*). It occurs in Domesday in the account of Chester only, "Hangeuithā faciens in ciuitate? X. soł. dað. þposit⁹ auð regis uel comitis hanc forisfacturā faciens? XX. solidū emdabatur (*w*). The laws of the Conqueror say: "Is qui prehenderit Latronem absque secta et absque clamore, quem dimiseret ei cui damnum fecerit, et venerit post ea, Justitiā postulaturus, rationi conueniens est ut det X. solidos de *Hengwite* et finem faciat Justitiæ ad primam curiam, et si confirmetur in curia, absque licentia Justitiæ, sit forisfactura de XL. solidis" (*x*).

Homicidium (*y*), in a secondary sense, was the mulct or payment for homicide: called by the Saxons Manbōte. In the "Decreta et Emendationes," prefixed to the Conqueror's laws, the word occurs in this sense. "Volumus autem et firmiter præcipimus, ut omnes homines quos nobiscum adduximus, aut post nos venerunt, sint sub protectione et in pace nostra, per universum regnum prædictum. Et si quis de illis occisus fuerit, Dominus ejus habeat intra quinque dies *homicidam* ejus, si potuerit: sin autem, incipiat persolvere nobis, xlv. marcas argenti, quamdiu substantia Domini illius perduraverit, ubi vero substantia Domini defecerit, totus hundredus in quo occisio facta est, communiter solvet quod remanet" (*z*).

Latrocinium was also sometimes used for the mulct as well as the crime. Under Broctune in Huntingdonshire it is said: "Isti soçhi dicunt se habuisse Legreuithā 7 Blodeuithā 7 *Latrocinii* suū usque ad IIII. den. 7 post IIII. denar. habeb⁴ abb [de Ramesyg] forisfacturā *Latrocinij*" (*a*). In the laws of the Conqueror we read "Si *Latrocinium* sit inventum in cujuscunque terra sit et latro simul, Dominus terræ et Uxor ejus habebunt medietatem bonorum Latronis, et vindicatores eorum catalla, si illa invenerint, et alteram medietatem, si repertum sit intra Sache et Soche perdat Uxor, et Dominus habebit" (*b*).

Legreuitha, or *Lairwita*, is explained by Spelman: "Stupri sive concubitus illegitimi mulcta" (*c*). The forfeiture for Adultery or Fornication.

Sect. 7.—Ecclesiastical Matters.

1. PLACES.

IT has been already mentioned, that the Precept which directed the formation of the Domesday Survey, laid no injunction on the jurors to make a return of Churches. The mention of them, if at all made, was, of course, likely to be irregular.

§ 7. Ecclesiastical
Matters.

So well acquainted with the Domesday Survey as Sir Henry Spelman must have been, it is somewhat singular that he should have advanced, on the authority of Sprott's Chronicle, that at the time of its formation there were found to be no less than forty-five thousand and eleven parish Churches within the Kingdom (*d*), whereas in truth the whole number actually noticed in the Survey, amounts to a few more than one thousand seven

(*t*) Kennet's Gloss. Par. Antiq.

(*u*) See Kelham, p. 228.

(*v*) See Rastall Du Cange terms it "Mulcta pro Latrone præter juris exigentiam suspenso, vel elapso." In the Register of Christ Church Canterbury, MS. Cotton. Brit. Mus. Galba E. iv. it is explained by "Quite de laron pendu abatu ou pendu sanz bailif le Roy."

(*w*) Domesd. tom. i. fol. 262 b.

(*x*) LL. Gul. Conq. 5 Wilk. p. 220.

(*y*) Domesd. tom. i. fol. 61 b.

(*z*) Wilk. p. 217. So in Du Cange; "Donatio Alphonsi VI. pro Monast. S. Facundi, tom. iii. Conc. Hisp. p. 284. Homo percussus si ad mortem venerit, et dixerit Clerico, quia ille homo percussit me unde morior, per testimonium Clerici dabit *Homicidium*. Charta Willielmi Comit. Ceritan. ann. 1071. in Append. ad Marcum Hispan. col. 1162. Dono præfato Cœnobio . . . omnes apparatus, sive albergas, sive census, sive usaticos, sive *Homicidia*," &c.

(*a*) Domesd. tom. i. fol. 204.

(*b*) LL. Gul. Conq. c. 31. Wilk. p. 224.

(*c*) Glossar. p. 349. See also the Laws of Hen. I. 24, 81.

(*d*) Spelm. Glossar. edit. 1687. p. 218. Sprott, edit. Hearne, p. 114. speaking of William the Conqueror, says, "Fecit etiam totam Angliam describi quantum terræ quis baronum possedit, et quot feodatus et milites, quot carucatos et villenni, quotque ecclesiarum dignitates. Et repertum fuit primo de summa Ecclesiarum XLV. M. XI." Sprott lived about 1274.

Appendix,
(M.)

DISSERTATIONS
on
DOMESDAY.

II.
Principal Matters
noticed
in this Record.

§ 7. Ecclesiastical
Matters.

seven hundred: and it is remarkable, that while two hundred and twenty-two Churches were returned from Lincolnshire, two hundred and forty-three from Norfolk, and three hundred and sixty-four from Suffolk, only one can be found in the return for Cambridgeshire, and none in Lancashire, Cornwall, or even Middlesex, the seat of the metropolis. The whole number of Churches recorded in the Survey falls considerably under what there are grounds for concluding they must have amounted to about or soon after the time of the Conquest.

Unexceptionable evidence has been adduced of the existence of one Church in Kent, and of several others in Northamptonshire, which certainly are not noticed in the Survey (*e*); and in Oxfordshire no notice whatever is taken of the Church of Dorchester, although the seat of a Bishoprick had been removed from it but a short time before the taking of the Survey (*f*).

The fourfold distinction of Churches, specified in the third law of Canute, A. D. 1033 (*g*), seems to import that in his time all these sacred edifices might together amount to a large number; and it is manifest that in the reign of Edward the Confessor, there must have been a very great increase of what were strictly denominated Parish Churches, it being asserted in one of the laws ascribed to that King, that in many places there were three or four Churches where in former times there was but one (*h*). And if, as is commonly reported, thirty-six Churches were destroyed by the Conqueror, in order to enlarge the New Forest in Hampshire, this is an argument they could not be so few as the number entered in Domesday is surmised to imply (*i*). It has been further remarked, that if it was the landed property of the clergy that was the object principally in view, we need not be surprised that those Churches, and their incumbents, should be omitted which did not possess any quantity of Glebe; or if, as a matter of private observation, Churches without any land annexed to them might be often minuted in the return, others might be frequently left out as being thought of no consequence in the inquiry (*k*).

The circumstance of *Presbyteri* occurring most frequently in counties where scarcely any *Ecclesiæ* are noticed, gives strength to the presumption that the officers of the Exchequer who abridged the Returns considered the entry of the one as in most cases implying the existence of the other. In Leicestershire, we have an enumeration of *Presbyteri* at no less than forty-one places. At Medeltone in that county two priests are mentioned; at Wichingeton two, a clericus distinct from the presbyter; and at Boseworde two, a presbyter and a deacon. Yet *Æcclesiæ* occur in the account of the town of Leicester only, where Hugo de Grentemaisnell is said to have had four Churches, and the Bishop of Lincoln two (*l*). In Norfolk the *Æcclesiæ* are numerous, and the *Presbyteri* few. In short, the Domesday Book cannot be decisively appealed to for the non-existence of Parish Churches in the age in which it was compiled (*m*).

Inasmuch as the inquiries of the King's Commissioners probably could not have extended to Churches unendowed with land, we need not be surprised to find the *Tithes* of Churches entered, for the most part, incidentally: and some counties without the slightest mention of them, even where there are Churches, as if the Churches had been entirely supported by voluntary oblations, dues, or masses. No Tithes are noticed in Somersetshire, Devonshire, Cornwall, Middlesex, Hertfordshire, and Leicestershire.

Selden, in his "History of Tythes," 4° Lond. 1618, dwells much on the frequent consecration of them, between A. D. 800 and A. D. 1200, to any Church or Monastery at the owner's choice. He says, "Although, out of any continuance alone of voluntary payment, a kind of parochial right were created, yet consecrations of Tithes (not yet established by a civil title) made to the Church of another Parish at the lay owner's choice, were practised

(*e*) See Denne's Doubts and Conjectures concerning the reason commonly assigned for inserting and omitting the words *Ecclesia* and *Presbyter* in Domesday Book. Archaeol. Soc. Antiq. vol. viii. p. 218.

(*f*) See p. 4. Malmesbury, Script. ap. Savile, fol. 165 b. says "Dorecestria est villa in pago Oxfordensi, exilis et infrequens: *majestas tamen Ecclesiarum magna*, seu veteri opera, seu sedulitate nova."

(*g*) Wilk. Concil. Mag. Brit. tom. i. p. 300. (*h*) Ibid. tom. i. p. 311. (*i*) Denne, ut supra. Archaeol. vol. viii. p. 223

(*k*) Denne, ut supra, Archaeol. vol. viii. p. 228.

(*l*) Nichols's Hist. Leic. Introd. Vol. p. xl. In Wiltshire, tom. I. fol. 65, we find the Priest several times identified with his Church. As at Bretford, "Huj⁹ ð æcclā ten Osbn⁹ pbr cū I. hida træ ptin æcclæ. Val. XL. sol." At Aldeborne, "Ad æcclā huj⁹ ð ptin. II. hidæ. Tra. II. car. Has ht pbr ej⁹d æcclæ 7 ual. XL. solid." At Melchesam, "Huj⁹ ð æcclā cū. I. hida træ hē Rumold⁹ pbr. 7 ual. XL. sol." At Combe, "Æcclā huj⁹ ð cū dimid hida træ ten Leuric pbr 7 ual. XX. solid."

(*m*) At the end of the enumeration of the lands of Toui, in Norfolk, Domesd. tom. ii. fol. 265, it is said, "Oñs eccle st in p̃tio ē maneriis," although the names of none are separately entered.

practised and continued in force”(n). In the Domesday Survey, he goes on to say, “frequently enough, Churches are mentioned by the words of ‘Ibi Æcclesia 7 Presbyter,’ or such like; and how many Carues or Hides of land, how many villans and other endowments and revenues belongs to them, are reckon’d, with their values. But very rarely any Tithes among those Church revenues are there found: if none at all had been nam’d, it might have been thought that they had been omitted as a more sacred profit, than was fit to be taxed in such a Description. But some, although very few, occur in it: as under Terra Osberni Episcopi in Boseham in Sussex, you may there find, that *Decimam Ecclesiæ Clerici tenent, et valet XL s.*, where the least value of the Manor is made at *XL l. per annum*(o). In Hampshire under Terra Osberni Episcopi, you read “*Ecclesia S. Michaelis de Monte tenet de Rege in Basingestoches Hundred, unam Ecclesiam cum I. hida et Decimam de Manerio de Basingestoches. Ibi est Presbyter*”(p). So, in the same Shire, under Terra Regis; “*Ipse Rex tenet Wallope, &c. ibi Ecclesia, cui pertinent una hida et medietas Decimæ Manerii et totum Curset, et de Decima villanorum XLVI. denarii et medietas agrorum. Ibi est Ecclesiola ad quam pertinent VIII. acræ de Decima*”(q). And in the same Shire also among the Abbot of Lire’s possessions, the Tithe of Cladford is reckon’d, as also of Adrintone: and also the Tithes of Stanham(r): and under Terra Canonicorum de Twinham is found, “*Ad hanc Ecclesiam pertinet tota decima de Twinham, et tertia pars Decimarum de Holehest*”(s); and in the Isle of Wight there are VI. Churches, belonging to the Abbey of Lire, “*Decimas habent de omnibus redditibus Regis*”(t). So, in Bedfordshire, the Church of St. Mary de Corneliis hath divers Tithes among its revenues(u). But the mention of Tithes where Churches are nevertheless spoken of, is but very seldome through that whole Description: and indeed in certain Counties, as Somerset, Devon, Cornwall, and some few others, you shall rarely have a parish Church noted, but in others, very often Churches are, but very few examples of their having Tithes: sometimes also grants of Tithes by lay owners are there mentioned, out of the use of which, it may be well thought that the moieties or third parts of Tithes belonging to this or that Church, had their beginnings.” The arbitrary consecrations of Tithes were finally remedied by Pope Innocent the third, in a decretal epistle sent to the Archbishop of Canterbury, and dated from the Palace of Lateran, about the year 1200(v).

The following are among the principal passages in the Domesday Survey, beside those Mr. Selden quotes, which add strength to his observations. In the account of Bovecome in Hampshire, tom. I. fol. 52. it is said, “*Huj⁹ ƿ æcclām cū unā v̄ træ ten monachi de Lire. Ad hanc æcclām adjacent XX. masuræ bordarioꝝ 7 reddt XIII. sol. Om̄s decimæ Bouecome sunt ipsius æcclæ.*” If alienations of Tithes from their respective Parishes had not been occasionally made, it would have been unnecessary to have noted here that the whole of the Tithes of Bovecome belonged to the parish Church. By the testimony of the two shires of Nottingham and Derby, “*de Stori antecessore Walterii de Aincurt. dñt qđ sine alicuj⁹ licentia potuit facere sibi æcclām in sua tra 7 in sua soca 7 suā decimā mittere q̄ uellet*”(w). Under Colingeburne in Wiltshire we find the Tithe of a ruined Church transferred to the priest of another Parish. “*Ad æcclām ptin̄ dimid̄ Hidā. Huj⁹ æcclæ decimā ten Giraldu⁹ p̄br de Wiltonē. 7 uat̄ X. solid̄. Æcclā uasta 7 dissipata*”(x). Among the Clamores in Chetsteven, we read, “*Dicunt ptinere ad Æcclām de Granthā decimas 7 æcclasticas consuetudines de Winebruge Waṽ 7 de Treos Waṽ de om̄ibz socis 7 inlandis quas rex habet ibi*”(y). The Churches and Tithes and even the Priests on many of the King’s manors in Herefordshire are stated to have belonged to St. Mary de Cormeliis. Under Stanford in that county the Tithes only are mentioned as belonging to the Monastery(z).

Among the endowed Churches, that of Boseham in Sussex was probably one of the richest. In the reign of King Edward it had had an appendage of land to the extent of a hundred and twelve hides, which, at the time of

(n) Chap. VI. p. 72. The payment of Tithes generally is several times enjoined in the Saxon Laws: and in the *Liber Legum Ecclesiasticarum*, printed in Wilkins’s *Concilia*, vol. i. p. 265. there is an express Law, to which the date of 994 is assigned, “*Ut sacerdotes aliorum parochianos ad se non alliciant ob contrahendas decimas.*” Still the practice which Selden speaks of, continued.

(o) See Domesd. tom. i. fol. 17 b.

(p) Ibid. fol. 43.

(q) Ibid. fol. 38 b.

(r) Among the lands “*de vestitu Monachorum Winton.*” at Stanham, we read, “*Hui⁹ ƿ æcclām ten Richeri⁹ cleric⁹ cū. II. aliis æcclijs juxta hantone quæ ad hanc æcclā matrē ptin̄. 7 ibi adjacet. I. hida træ. 7 om̄s decim̄ ej⁹d uille 7 etia⁹ de tra regis. Val. XX. sol. qđ de epo ten̄. Qđ de rege. XX. sol.*” tom. i. fol. 41 b.

(s) Domesd. tom. i. fol. 44.

(t) Ibid. fol. 52 b.

(u) Or, qu. in Herefordshire? Vide infra.

(v) Blackst. Comment. 4^o Oxf. 1766, vol. ii. p. 27. Opera Innocent. III. tom. ii. p. 452.

(w) Domesd. tom. i. fol. 280.

(x) Ibid. fol. 65.

(y) Ibid. fol. 377.

(z) Ibid. fol. 179, 180, 184 b.

Appendix,
(M.)DISSERTATIONS
ON
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 7. Ecclesiastical
Matters.

of the Survey, were reduced to sixty-five hides (a). The generality of Church endowments were infinitely smaller. A hide, a half-hide, or, in different degrees, from five to fifty acres, formed the usual extent of what was to support the Church. At Berchingas in Suffolk, a Church occurs endowed with eighty-three acres (b); at Barsham in Norfolk, with a hundred acres (c). The Church of Wellingovre in Lincolnshire had a hundred and twenty-nine acres of meadow, beside fourteen acres of other land (d). The Church of Stanton in Shropshire had a hide and a half belonging to it (e). Throughout Norfolk the value is added to almost every Church, with the quantity of land, however small, annexed to it.

"*Æcclesia sine terra*" occurs a few times in the second volume of the Survey, in the returns from Norfolk and Suffolk. In the Survey for Yorkshire, under Esingetun we find the singular entry of "*Æccl'a sine p'bro*" (f). Under Mortesfunde in Hampshire we read "Thomas Archieps ten unā æccl'am 7 VI. capellas cū om'i c'suetudine uiuoz 7 mortuoz" (g). At the beginning of the account of Herefordshire it is said, "In Arcenefelde habet Rex tres æccl'as. Presbiteri harū æccl'arum ferunt legationes regis in Wales 7 quisq; eoꝝ cantat pro rege II. missas una quaq; ebdomada. Siquis eoꝝ moritur rex habet de eo XX. soł. p c'suetud" (h). Under Hamme in the same county, "Ad hoc ƿ ptin' una æccl'a uocat Ladgvern. 7 ibi sunt III. car sed non geld' tra huj' æccl'æ, Pbr redd' II. soł inde" (i). In the account of Hertford we find one layman selling Churches to another. "Petrus de ualongies h̄t II. æccl'as cū una domo. quas emit de Vluui de Hatfelde redd' om's c'suetudines. Ipse Vluui 7 dare eas 7 uende poterat" (k). Under Celsea in Berkshire, the *Dues* of the Church as well as the Tithes appear to be valued. "De hoc ƿ ten Abbatia de Monte S. Michaelis de rege unā æccl'am cū hida. Duo etiā pbr̄i in eađ uilla ten de rege in decima 7 æccl'a qđ uat IIII. liḡ" (l). In "Terra Coleb'ni pbr̄i." in Norfolk, it is said, "*Fecit Coleb'nus q'dā eccl'am sc'i Nicholai. Incessu regis 7 si rex concedit dabit. XX. ač. 7 ideo. cantat. missā una quaq; ebdomada. 7 psal̄iū p rege. 7 II. soł uat*" (m). In Suffolk, under Tornai, we have an entry of some curiosity: "Ecclia t̄p̄r. R. E. de. I. car trā. liḡæ. sed hugo de monteforti. h̄t de hac carrucata. XXIII. acr. 7 reuocat ad quandā capellā. quā. IIII fr̄s. lib'i ho'es hugonis c'struxert in p'pa. tra iuxta cimiteriū matris eccl'æ. 7 fuer't manentes de parrochia matris eccl'æ. q' n potat cap'e tota parrochia. H. mañ æccl'a medietatē sepulture omi tēpe 7 quartā partē aliaru elemosinaru q̄ fiebant. habuit p ęptionē. & h capella si fuit dedicata uł n hund nescit. In hac carrucañ eccl'æ fuer' V. bord 7 I. uill sep. II. car." (n). In Stanham, in the same county, we find, '1. æccl'a XX. ač qđ ibi deder' IX. lib' ho'es p' animabz suis" (o).

The *Æcclesiolæ* and *Capellæ* of the Survey appear to have been sometimes subordinate to the *Ecclesiæ*, and sometimes separately endowed. At Cebeham, in Surrey, it is said, "Ibi æccl'a 7 alia capella" (p). In Suffolk, under Wisseta, a Capella is mentioned as subordinate to the Church (q). In Norwich it is said, "In burgo tenent burgenses XLIII. Capellas" (r). After the mention of the Church of Tarentefort in Kent, it is said, "extra hanc sunt adhuc ibi III. æcclesiolæ" (s). At Postinges in Kent, "II. æcclesiolæ" occur without any notice of a Church (t). The *Æcclesiola* at Wallope in Hampshire, mentioned in the preceding page (u), appears to have been independent of the mother Church.

Beneficium, as applied to a Church, is a term but once used in Domesday (v).

It may be worth remarking, that while many of our antiquaries suppose that the Churches of the Anglo Saxons, more particularly in the earlier periods, were built of wood, one instance only of a Church so constructed, occurs in Domesday, at Begeland in Yorkshire. "Ibi pbr 7 eccl'a lignea" (w).

2. PERSONS

(a) Domesd. tom. i. fol. 17.

(b) Tom. ii. fol. 382 b.

(c) Ibid fol 168 b.

(d) Tom. i. fol. 337 b.

(e) Ibid. fol. 260 b

(f) Ibid. fol. 305.

(g) Ibid. fol. 42.

(h) Ibid. fol. 179.

(i) Ibid. fol. 181 b.

(k) Ibid. fol. 132. On the estate of Geoffrey de Manneville at Estralei in Berkshire, tom. i. fol. 62. we find another entry, which shows that Churches were frequently in lay hands. "Æccl'am huj' ƿ ten Wibt' pbr de Goisfrido. cū I. hida." In the same county, under Waneting, fol. 57. it is said, "In hoc ƿ tenuit Petrus ep̄s ii. partes æccl'æ cum IIII. hid ptinent. Tertiā pte p̄dictæ æccl'æ ten Wills diacon' de rege. cū. I. hida quæ n geld."

(l) Ibid. fol. 57.

(m) Ibid. tom. ii. fol. 263 b.

(n) Ibid. fol. 281 b

(o) Ibid. fol. 438.

(p) Ibid. tom. i. fol. 32 b.

(q) Ibid. tom. ii. fol. 293 b.

(r) Ibid. fol. 117.

(s) Ibid. tom. i. fol. 2 b.

(t) Ibid. fol. 13.

(u) See p. 457.

(v) Domesd. tom. i. fol. 158, "pro I. manerio ten cum beneficio S. Petri." This was St. Peter in the East, at Oxford

(w) Ibid. fol. 320 b.

2. PERSONS.

PRESBYTERI occur in several of the counties as holding lands like ordinary tenants. In Leicestershire, under the title of "Elemosinæ Regis," we find four priests and a female holding separate parcels of lands in capite (*x*). In Dorsetshire, at Hinetone, it is said, "De hac ead̃ tra tenuit qdā p̃br 1. hidā in tainlande (that is, in hereditary succession) 7 poterat cū ea ire q̃ uoleb̃. Modo ē in dñio regis. De ipsa ead̃ tra teñ alius p̃br manens in Tarente. unā hid̃ 7 tciā partē 1. hidæ. 7 ibi h̃t. III. uiffos. 7 IIII. bord̃. cū 1. cař. 7 1. ač pti" (*y*). In many of the counties, more especially in Herefordshire, Leicestershire, and Warwickshire, Presbyteri frequently occur, classed with the villani, radmānni, and bordarii, upon the lords demesne. As on Earl Aubrey's demesne at Cliptone in Warwickshire, "In dñio, sunt. II. cař. 7 XII. uiffi cū p̃bro. 7 XX. bord̃" (*z*). So again, more than once, on the lands of the Earl of Mellent. In the account of Worcestershire, at Nadford, among the lands belonging to the abbey of Westminster, we read, "Ibi ē p̃br sine cař sine pecunia" (*a*). In Essex, under Bracteda, we read, "Tc̃. III. bor. m̃. VIII. 7 1. p̃br."

Kelham gives *Rector* as one interpretation of Presbyter (*b*). In tom. I. fol. 141 b. "Turbt̃ p̃br Stigandi arch̃." occurs. Tom. I. fol. 151. 210 b. "Wlmar⁹ p̃br R. E." Ibid. fol. 208. "Vitalis 7 Bernardus p̃bri R. E." and; tom. ii. fol. 343. "Goduin⁹ p̃b hō Heroldi." "P̃br qui æccl̃æ seruit" occurs, tom. i. fol. 373 b. The *Capellani* were frequently domestic priests, as "Capellanus R. E.; Capellani Comit̃s Rogerii; Capellanus Episcopi de Hereford; Capellani Radulfi Comit̃s. The *Clerici* appear to have been in some instances the same with the Capellani. At Bosegrave, in Sussex, tom. I. fol. 25 b. "Clerici Æccl̃æ" occur, and at Elintone in Devonshire, tom. I. fol. 100 b. "Clerici uiffæ." At Taceham, in Berkshire, tom. I. fol. 56 b. we read, "Æccl̃am huj⁹ tē. II. clerici. cū III. hid̃." In tom. i. fol. 16 b. Presbyteri and Clerici are used synonymously. *Sacerdos* occurs twice in the second Volume of the Survey.

3. CHURCH DUES.

CIRCET.

Circesset, or *Circieti*, (pronounced Kirkesset and Kirket) from the Anglo-Saxon Cypic ꝛceat̃, was Church payment or Contribution. The Latin writers, says Bishop Kennett, have commonly called it *Primitiæ Seminum*, because it was at first a quantity of Corn paid to the Priest on Saint Martin's day, as the first fruits of Harvest; enjoined by the laws of King Ina, cap. iv. and King Canute, cap. x. (*c*). So, in the Survey, in the account of the lands belonging to Pershore Abbey in Worcestershire, we read, "Dicit comitat⁹ qđ eccl̃a de psore deḃ habere Circset de om̃ibz trecentis hid̃. scilicet de unaq̃q̃ hida ubi francus hō manet unā summā annonæ in festo S. Martini" (*d*). And in the page immediately preceding, "Dicit uicecomitat⁹ qđ de unaquaq̃ hida træ. libera uel uillana. quæ ad æccl̃am de Wircestre ptinet. debet eḃs haḃe in die festo S. Martini unā sumā annonæ de meliori quæ ibidē crescit. Qđ si dies ille ñ reddita annona transierit? qui retinuit annonā reddet 7 undecies psoluet 7 insup forisfacturā eḃs accipiet. qualē de sua terra habere debet" (*e*). The payments for it, of course, varied. At Epinges in Sussex we read "de Circet XL. denar" (*f*). At Esseborne in Hampshire, "Circesset qđ appciat? XIII. sol" (*g*). At Wadone in Dorsetshire, "De ea habeḃ æccl̃a Abodesber T. R. E. VI. acs messis 7 III. Circsez de c̃suetud" (*h*). At Besintone in Oxfordshire, "de Circet XI. sol" (*i*). At Hedintone in the same county "X. sol. 7 VI. den" (*k*): and in the account of Lappewrte in the county of Worcester, "De hac tra p singulos annos reddunt? VIII. den. ad æccl̃am de Wirecestre p Cirsette 7 reogitione terræ" (*l*).

Bishop Kennett says, it was afterwards taken for a reserve of corn rent, paid to the secular priests, or to the religious. So in the reign of Henry the Third, Robert de Hay, rector of Souldern, claimed from the abbot and

(*x*) Domesd. tom. 1. fol. 231.(*y*) Ibid. fol. 76.(*z*) Ibid. fol. 239 b.(*a*) Ibid. fol. 175.(*b*) Illustr. of Domesday Book, p. 300.(*c*) Gloss. Par. Antiq. in v. See also Wilk. LL. Anglo-Sax. p. 396.(*d*) Domesd. tom. i. fol. 175 b. A similar entry occurs in what concerns the Lands of the Church of Worcester, in fol. 174, col. i.(*e*) Domesd. tom. i. fol. 174.(*f*) Ibid. fol. 29 b.(*g*) Ibid. fol. 39.(*h*) Ibid. fol. 79.(*i*) Ibid. fol. 154 b.(*k*) Ibid.(*l*) Ibid. fol. 174.

Appendix,
(M.)DISSERTATIONS
on
DOMESDAY.II.
Principal Matters
noticed
in this Record.§ 7. Ecclesiastical
Matters.

and convent of Oseney, a certain measure of Corn, under the title of *Churchscet* for their demesne lands in Mjxbury. He adds, it was sometimes a general word, and included, not only corn, but poultry, or any other provision that was paid in kind to the religious. So, in the inquisition of the rents of the abbey of Glastonbury, Anno 1201, "Manerium Glaston' reddit per an. in gabulo vii. lib. vi. sol. ii. den. in *Churchscet* lx. gallinas et semen frumenti ad tres acras. Cartul de Glaston. MS. fol. 38" (*m*).

Sect. 8. Historical Events noticed in this Record.

§ 8.
Historical Events
noticed
in this Record.

OF historical facts, there are but few notices; and by far the greater number are casual. The references to reigns earlier than that of Edward the Confessor, are scarcely worth noticing. In two or three entries the time of Cnut is mentioned. Four hides of land at Wenloch in Shropshire, belonging to the abbey of Saint Milburgh, are stated to have been released from geld, "T. R. Chnut" (*n*). Two hides of land at Bedesfeld in Cheshire, claimed from the manor of Robert Fitz Hugh, are mentioned as having belonged to the see of Chester at the same period (*o*). And at the end of what relates to Sudminstre in Essex, it is said, "Hanc trā tulit Gnut rex" (*p*). Once also we have the mention of Ethelred, the father of King Edward (*q*).

The memory of Edward the Confessor appears to be treated with the greatest respect throughout the Survey. In two instances he is termed "*gloriosus rex Edwardus*" (*r*). We have also allusions to the facts and circumstances of his reign. His gifts to monasteries are more than once entered. His gift of Sandwich to the church of the Holy Trinity in Canterbury is particularly noticed (*s*). He is stated to have bestowed the Manor of Melehou in Bedfordshire, which at the time of the Survey was held by the Bishop of Durham, on Harold's foundation at Waltham (*t*). And, in his sickness, to have given two hides at Amesbury to the abbess of Wiltun (*u*).

In the account of the lands belonging to the See of Chester, King Edward is said to have given all the land beyond the Dee to Griffin; but when Griffin forfeited it, it was restored to the see (*v*). This Griffin was Griffith ap Llewellyn, King of North Wales, whose irruption into Herefordshire with Blein or Blethyn, in 1054, had been before noticed, when the land in Arcenefeld is said to have been wasted (*w*).

Among the more eminent persons of the reign of Edward the Confessor, mentioned in different parts of the Survey, we find Siward Earl of Northumberland, another Siuuard "teinus 7 cognatus regis Edwardi" (*x*). Godeva, the celebrated countess of Mercia, and Edric the admiral, "rector nauis R. E." who, after William's arrival, is said to have lived an outlaw in Denmark (*y*). Hereward also is mentioned, the mirror of Knighthood in the Saxon period (*z*); and "Ælueua soror Heraldi," of whom, if we may judge from the minute account given by Sir William Dugdale of Earl Goduin's family in the Baronage, no mention is made by our historians (*a*).

The exile of Goduin and Herold is once alluded to in Herefordshire. Goduin, in an interlineation above his name, is occasionally stiled *comes*, but more generally *liber homo*, a title which appears throughout the Survey to have been given to the greatest and most powerful earls of the preceding time (*b*), and even to Harold himself.

Throughout the Survey Harold is constantly spoken of as the usurper of the realm: "quando regnum *invasit*." Once only, at Sudbertune in Hampshire, it is said, "quando *regnabat*." Of William it is as constantly

(*m*) Gloss. Par. Antiq. Compare also Du Cange in *v*. By the laws of Ina, chap 61, Cynic rceaz, was ordered to be paid for the roof and hearth where men were at Midwinter; i. e. Christmas. The payment seems not to have been actually made till the Martinmas following. See the previous injunction in the laws of Ina already referred to.

(n) Domesd. tom. i. fol. 252 b.

(o) Ibid. fol. 263.

(p) Ibid. tom. ii. fol. 10.

(q) Tom. i. fol. 253 b. See the passage, p. 143.

(r) Ibid. tom. ii. foll. 416, 425 b.

(s) Ibid. tom. i. fol. 3.

(t) Ibid. fol. 210 b.

(u) Ibid. fol. 64 b.

(v) Ibid. fol. 263.

(w) Ibid. fol. 181. "Rex Griffin. 7 Blein uastauē hanc trā T. R. E. 7 ideo nescitur qualis eo tempore fuerit.

(x) Ibid. tom. i. fol. 180 b.

(y) Ibid. tom. ii. fol. 200

(z) Ibid. tom. i. foll. 376 b. 377. Ingulphus, Rerum Anglic. Script. Vet. ap. Gale, tom. i. pp. 67, 68, 70. dwells minutely on the incidents of his life.

(a) Dugd. Bar. vol. i. pp. 14, 15.

(b) See p. 396.

constantly said, "postquam venit in Angliam." Once only does the expression occur, "postquam W. rex *conquisiuit* Angliam;" when he conquered, or acquired England (c). *Haroldus invasit* is also the language of the Chartulary of Battle Abbey. "Anno ab Incarnatione Domini M.lxvi. Dux Normannorum nobilissimus Willelmus cum manu valida pugnatorum in Angliam transnavigavit, ut regnum Angliæ, sibi a suo consanguineo Rege Ædwardo dimissum, de manu Heraldi, qui illud *tirannica fraude invaserat*, abstraheret" (d). In a few instances the names of persons are recorded who fell either in battle between Harold and the Norwegians, or in the fatal field of Hastings (e).

The decision of the cause tried by virtue of a special commission in the county court of Kent at Pinenden, about the year 1072, when Archbishop Lanfranc recovered twenty-five manors in different counties, of which he had been disseised by Odo Bishop of Baieux and Earl of Kent is pointedly alluded to (f).

The irruption of Trhearn ap Coradoc in 1074, is clearly noticed in Gloucestershire, where we find "III uillæ wastatæ per regem Caraduech" (g).

The Conqueror's journey into Wales also, in 1079, is alluded to, tom. i. fol. 31 b. "Quidā pposit⁹ regis nōe Lofus hoc 7 catuniat⁹ 7 hoēs de Hund illi testificant⁹ qa tenebat illud de rege q'do fuit rex in Wales. 7 post tenuit. donec eps baioc in Chent prex" (h).

It is remarkable, that not a single manor in any part of England, or even the smallest portion of land, is put down in the Survey as belonging to any of the Conqueror's sons. There is one entry, however, which places his second son, William, in the light of an usurper of property. Among the lands belonging to the bishop and monks of Salisbury, at Staplebridge, in Dorsetshire, we read, "De ead etiā tra ten Manasses III. virg qs W. fili⁹ regis tulit ab æccta sine consensu Epi 7 monachorum" (i).

Mathilda, a daughter of the Conqueror, unnoticed by any of our historians, occurs in the account of Hampshire (k).

Sect. 9.—Illustrations of Antient Manners.

THERE are few passages in Domesday peculiarly illustrative of antient Manners. In Berkshire, tom. 1. fol. 57 b. is this singular entry under the royal demesnes at Henret, now Hendred, "Henric⁹ ten ibi I hid quæ fuerat in firma regis. Godricus tenuit. Aluric⁹ de Tacehā dicit se uidisse breuem regis qd eā dederit feminae Godrici in dono, eo q'd nutriebat canes suos. Sed nemo ē in Hund qui breuem uiderit pter Aluricum" (l).

Appendix,
(M.)
DISSERTATIONS
on
DOMESDAY.
II.
Principal Matters
noticed
in this Record.
§ 8.
Historical Events
noticed
in this Record.

§ 9. Illustrations
of
Antient Manners.

Gifts

(c) Compare Script. Norm. Antiq. a Duchesne, p. 204. In two instances, among the possessions of Battle Abbey, and almost throughout the lands of the Earl of Ow, in Sussex, (tom. i. fol. 17 b. 18. 18 b. 19.) the destruction occasioned by the Conqueror's army on its first arrival is apparent, more particularly under Witinges, Holinton (*Hollington*), Bexlei (*Bexhill*), Wilesham, Crohest (*Crowhurst*), Wiltingham, Watlinton (*Wartlington*), Nedrefelle (*Netherfield*), Brunham (*Ashburnham*), Haslesse, Wigentone, Wilendone, Salhert, Drisnesel, Gestelinges (*Guestling*), Luet, Hilam (*Iham*, the site of the present town of Winchelsea), and Selescome. The value of each manor is given as it stood in the reign of Edward the Confessor; afterwards it is said, "vastatum fuit," and then follows the value at the time of the Survey. The reader who takes the Map of Sussex, and proceeds eastward from Pevensey by Bexhill, Crowhurst, Hollington, Guestlinge, and Icklesham, round by Ledescomb, Wartlington, and Ashburnham, will form a circuit of country very near the centre of which stands Battle, the spot of the Conqueror's victory. It is remarkable, that of the places above enumerated from Domesday, several are mentioned as having been originally the property of Earl Godwin, Harold, or the Countess Goda.

(d) MS. Cotton. Domit. A. ii. fol. 21.

(e) Domesd. tom. i. fol. 50. 177. 208. tom. ii. fol. 275. 409 b. 449.

(f) See Seldeni ad Eadm. et Notæ et Spicilegium, p. 197.

(g) Domesd. tom. i. fol. 162.

(h) See Matt. Westm. fol. Francof. 1601. p. 228. Diceto. Script. X. col. 487. Bromton. ibid. col. 977.

(i) Domesd. tom. i. fol. 77. Kelham supposes the Manasses mentioned in this entry to have been a Jew: but there was a Manasses Archbishop of Arles, about 1050, and another of the same name Archbishop of Rheims in 1078.

(k) Domesd. tom. i. fol. 49. Compare Sandford, Genealog. Hist. fol. Lond. 1707. pp. 9. 10. Malmesbury says, "Filie ipsius fuerunt quinque; prima, *Cæcilia* Cadomensis Abbatissa, quæ vivit, altera *Constantia* Comiti Britanniae Alano Fergant in conjugiam data, austeritate justitiæ provinciales in mortiferam sibi potionem exacuit; tertia, *Adala* Stephani Blesensis Comitis uxor, laudatæ in seculo potentiæ virago, noviter apud Marcenniacum sanctimonialis habitum sumpsit. *Duarum aliarum nomina exciderunt*; unius, quæ Haroldo (ut diximus) promissa, infra maturos conjugii annos obiit; alterius, quæ Aldefonso Gallicie regi per nuncios jurata, virginæam mortem impetravit a Domino. Repertus in defunctæ genibus callus crebrarum ejus orationum index fuit." Script. ap. Savile, fol. 62 b.

(l) Plac. Coron. 13 Edw. I. one Hardekynus held a tenement in Wodeham Mortimer in Essex "per serjantiam ad nutriendam unam Brachettam domini Regis cum Dominus Rex ei illam miserit ad nutriendam." See Blount, p. 26.

Gifts of lands "*de uictu et uestitu Monachorum*" frequently occur. In the account of Wiltshire, it is said, "Ipsa æcclā [Wiltun] tenebat H. hīd T. R. E. quas Toret dederat ibi cū duab⁹ filiab⁹ suis 7 ex eis sēp fuer⁹ uestitæ donec eḡs baiōcsis injuste abstulit æcclæ" (m).

In the account of the manor of Hiwi in Wiltshire, belonging to Ralph de Mortimer, we have an instance of *holding for three lives*, "Toti emit ea T. R. E. de æcclā Malmesbiensi. *ad etatē triū hoūm*. 7 infra hē tminū poterat ire cū ea ad quē uellet dñm" (n). So, among the lands held under Pershore Abbey at Wadberge by Urso, "Hanc emit qdā Godricus tein⁹ regis E. *uita triū hæredū*. 7 dabat in anno monachis. I firmā p recog- nitione. Modo hē. hanc trā tcius hares. scilicet Vrso qui eā tenet. Post cuj⁹ mortē debet redire ad æcclām S. Mariæ" (o). A third instance will be noticed presently at Escelie in Worcestershire (p). This custom, however, is older than Domesday. It is noticed in the "*Indiculum Libertatis de Oswaldes Lawes Hundred*" of the time of Edgar,—"*pars spatium temporis trium hominum, id est, duorum post se heredum*." In Dorset- shire, under Catesclive, we have the purchase of a lease for life, "Hanc trā similit⁹ emit Alnod ab eḡo Auuoldo. ea cūentione ut post ej⁹ mortē ad æcclām rediret" (q).

Somersetshire is the first County in the Survey in which we have mention of the *Ordeal*. Of certain lands connected in customary rents and services with Taunton, we read, "De his oībz trīs facturi sacramtū ut *Judiciū portaturi* ad Tantone ueniunt" (r). In the account of Lincoln, also, in contradiction of the testimony of the burgesses of the city, it is said, "Sed his jurantibz contradicit Vluiet pbr 7 offert se *portaturū Judicium* qd non ita est sicuti dicunt (s). In the second volume of the Survey, the readiness of claimants to prove by Ordeal, or by Battle, occurs in a greater variety of instances. In Norfolk, "In Matelesc ubi comes Alan⁹ ten⁹ calupniat. I. hō regis. XVI. ac terræ offerendo *Juditiū t Bellū* cont⁹ hund. qd testat⁹ eos comiti. s; quidā hō comitis uult pbare qd hund uerū testatur t *Juditio t Bello*. Ribald⁹ tenet" (t). In the same County, under Biskele, it is said, "Hanc terrā calūpniatur Godricus Dapifer p hominē suum *Juditio t Bello*. Radulfū scilicet. qd tenuit ad feudū comitis. R. 7 hund testatur ad feudū R. Bigot" (u). And among the lands belonging to the Monastery of Ely, in Photestorp, we read, "Hanc trā calumpniat esse libām Vlchetel hō Hermeri. qcq, m judicet t *Bello t Juditio*. 7 ali⁹ ē psto pbare eo m qd jacuit ad eccliam die q rex E. obiit. S; totus hund testat eā fuissæ t. r. e. ad scam adeld" (v).

Land in *Dower* occurs in Gloucestershire, among the property of Roger de Laci. "Isd Rog ten Svintone. 7 mat⁹ ej⁹ ten de sua *dote*" (w). Of land at Legra in Essex, it is said, "Iste Scalpin⁹ dedit uxori suæ in dote. *uidentibz iibz ho'ibz* scit Roḡo Marescalco & qdā anglico" (x). In the account of the Customs of Oxfordshire, we read, "Si quis aliquē interfecerit intra curiā ut domū suam, corpus ejus et omnis substantia sunt in potestate regis pter *dotem uxoris ejus* si dotatā habuerit" (y).

In Worcestershire, under Escelie, we have a remarkable instance of a *nuncupative Will*. "Hoc t emit isd Wluuin⁹ T. R. E. de eḡo Cestrensi ad etatē triū hōum. Qui cū infirmat⁹ ad finē uitæ uenisset. uocato filio suo eḡo Li. (z) 7 uxore sua & pluribz amicis suis. dixit. Audite uos amici mei. Hanc trā quā ab æcclā emi. uolo
ut

(m) Domesd. tom. i. fol. 68. In Warwickshire, the abbey of Malmesbury is said to have held the Manor of Niwebold. It is added, "Vluuinus monach⁹ tenuit. 7 ipse ded æcclæ *q'do factus est monachus*." tom. i. fol. 239.

(n) Tom. i. fol. 72.

(p) See Hearne's edit. of Heming's Chartulary, vol. i. p. 293.

(r) Domesd. tom. i. fol. 87 b.

(t) Ibid. tom. ii. fol. 146 b.

(v) Ibid. fol. 213. See other instances, tom. ii. fol. 110 b. 137. 162. 166. 172 b. 193. 208. 277 b. 332. The Ordeal, it is well known, was of two kinds; *Fire-Ordeal* and *Water-Ordeal*. The ceremonies attending both are described in the *Laws of Ina*. Wilk. Leg. Anglo-Sax. p. 27. See also the *Laws of Æthelstan*, Edward the Confessor, and the Conqueror. Ibid. pp. 60, 198, 229. "*Ferri candentis Judicium*," the taking a piece of red-hot iron in the hand, is the only Ordeal noticed in the Survey. The reason of this is given by Glanville, Tract. de Leg. & Consuet. Regni Angliæ, 12^o Lond. 1604. l. xiv. c. 1. "In tali autem casu tenetur se purgare is qui accusatur per Dei judicium, scilicet per *callidum ferrum*, vel per aquam, pro diversitate hominum, scilicet per ferrum callidum *si fuerit homo liber*, per aquam si fuerit rusticus." Throughout Domesday, the claimants of land were likely to be of the higher rank. We have not a single instance in the Survey of the Ordeal by Water. The *trial by battle* was entirely of Norman introduction. See Blackst. Comment. 4^o Oxf. 1766 vol. iii. p. 337. For the abolition of the Ordeal in the reign of Henry the third, compare Rymer Fœd. tom. i. p. 228.

(w) Domesd. tom. i. fol. 168.

(x) Ibid. tom. ii. fol. 59.

(y) Ibid. tom. i. fol. 154 b.

(z) Dr. Nash, Obs. on Domesd. for Worc. p. 16. supposes the Bishop of Lisieux to have been here intended.

ut teneat uxor mea dū uixerit. 7 post mortē eius recipiat æcclā de qua accepi. 7 qui inde abstulerit excōmunicat⁹ sit. Hoc ita fuisse testificant meliores hōes toti⁹ comitat⁹”(a).

In the same County also, we have two remarkable instances of the antient *Method of giving Seisin*. Under Witene, of certain land belonging to Urso de Abetot, it is said, “Hanc trā donauit qdā Vluiet eid æcclā de Eueshā. 7 posuit donū sup’ Altare qdo fili⁹ ei⁹. Aluiet fact⁹ est ibi monachus. Hoc factū ē qnto anno regni regis E. Postea ū præstitit abb̄ Æluuin⁹ hanc trā suo auunculo quādiu ipse hō uiuerit. Qui postea mortuus fuit in bello Heraldī ctra Norrenses. 7 æcclā recep’ trā suā antequā rex. W. in Anglia uenisset. 7 tenuit isd̄ abb̄ qdiu uixit. 7 etiā successor ei⁹ Walterius abb̄ similit’ tenuit amplius qua VII. annis”(b). And under Hantune, “Hoc t̄ emit abb̄ ei⁹dē æcclā [i. e. Euesham] a qdā taino qui trā suā recte poterat uendere cui uellet. T. R. E. 7 emptū donauit æcclā p unū Textū (c) positū super Altare. teste comitatu”(d). An entry not unsimilar occurs in the second Volume, under Breccles in Norfolk: “In Breccles XXV. ac semp-dim car. V. soc in Sabam & pposit de Saham uendidit t. r. Wiffi per unum frenum”(e).

In Huntingdonshire we have a reference to a custom still in part retained among our Colleges and corporate societies. Turchil, who held Coninctune of the Countess Judith, had also held six hides of the land of the abbat of Saint Mary Thorney, for which it is said, “*Karitatem reddebat*,” he made an allowance of liquor, which was drank at festivals by the religious, in commemoration of their founders and benefactors, “Homines de hundædo,” it is added, “nesciunt quantum”(f). The “Poculum Charitatis,” or Grace-Cup, is still retained under the same designation in our Universities.

The practice of *Hawking* is illustrated by numerous Entries. In several places we find a sum, no less than ten Pounds, made the optional payment for a Hawk(g): and, at Worcester, a Norway Hawk is particularly specified(h). In the account of Surrey we read, under Pechingeorde, “Hōēs epī Baiocsis calūniant sup hanc trā ad op⁹ regis p singlos annos II. mark auri. vel II. accipitres. 7 hoc p ccessionē abbis fr̄is Osuoldi”(i). In Gloucestershire, we find it is said of certain Villæ, “Hi reddunt XLVII. sextaria mellis. 7 XL. porc. 7 XLI. uaccas 7 XXVIII. solidi pro accipitribz”(k). Among the possessions of Battle Abbey, at Limenesfeld, “III. nidi accipitr in silua,” are mentioned(l). Aeries of Hawks are noticed in Buckinghamshire(m), Gloucestershire(n), Worcestershire(o), Herefordshire(p), Shropshire(q), and, more frequently in other Counties, in Cheshire(r): as well as among the lands between the Ribble and the Mersey(s). “An Aery,” says Dr. Nash, “includes not only the nest or brood, but the place destined for the breeding or training of Hawks”(t). The liberty of keeping these Aeries, he adds, was, in early times granted as a privilege to some great persons; as in the Charter of Henry the third to the Church of York: “In nemore de Blideward habebat Archiepiscopus et Canonici de Ebor’ proprios forestarios suos, et mel, et airas accipitrum et noisorum”(u).

The custom of a Widow not marrying again till after a year, seems noticed in the Survey of Norfolk, under Plummesteda, “p⁹q rex. W. uenit in hanc terrā inuasit Almarus ep̄s p foris factura. quia mulier que tenuit nupsit intra annū p⁹ mortē uiri”(v). This was in conformity to the Saxon Laws. In the “Liber Constitutionum” of 1008, it is said, “Quælibet Vidua quæ sēipsam in pace cum Deo et Rege tenuerit, permaneat XII. menses absque marito, postea eligat quemcunque ipsa voluerit”(w). Here it was only an Injunction. Canute’s laws impose a severe penalty: “Et vivat quælibet Vidua absque marito duodecim menses, deinde eligat quem ipsa velit. Et si illa intra anni spatium, maritum eligeret, tunc perdat ea dotem mariti sui, et omnem possessionem, quam ipsa per priorem maritum habebat. Et capiant proximi amici terram et possessionem quam illa prius habuit; et sit ille maritus capitis æstimationis reus apud Regem, vel apud illum, qui immunitatem concesserat. Et licet ipsa vi sit rapta, perdat eam possessionem, nisi illa a marito post hæc recedere et nunquam ipsius uxor esse velit. Et nunquam vidua sacris nimum festinanter initietur. Quælibet etiam vidua præstet armamentum intra annum, nisi prius mulctæ ex aliquid opportune fecerit”(x).

(a) Domesd. tom. i. fol. 177.

(b) Ibid. fol. 177 b.

(c) Dr. Nash, p. 17. says Du Cange confines the word Textus to the Gospels; but by an instance which he cites, and the name of Textus Roffensis given to the Register of the Church of Rochester, he considers it to mean, generally, a Deed or Instrument.

(d) Domesd. tom. i. fol. 177 b.

(e) Ibid. tom. ii. fol. 110 b.

(f) Ibid. tom. i. fol. 206 b.

(g) Ibid. fol. 134 b. 172. 230.

(h) Ibid. fol. 172.

(i) Ibid. fol. 36 b.

(k) Ibid. tom. i. fol. 162.

(l) Ibid. fol. 34.

(m) Ibid. fol. 144. 152.

(n) Ibid. fol. 163 b.

(o) Ibid. fol. 172.

(p) Ibid. fol. 180

(q) Ibid. fol. 252 b. 256 b. 257.

(r) Ibid. fol. 264. 265. 265 b. 267. 268. 268 b. 269.

(s). Ibid. fol. 270.

(t) Collect for Worcestershire, vol. i. p. 151.

(u) Obs. on Domesd. for Worc. p. 9.

(v) Domesd. tom. ii. fol. 199.

(w) LL. Anglo-Sax. Wilk. p. 109. Compare also the “Concilium Ænhamense,” Ibid. p. 122. The same Injunction occurs among the Longobardic Laws.

(x) LL. Anglo-Sax. Wilk. p. 144.

III.—Original Uses and Consequences of this Survey.

BY the completion of this Survey the King acquired an exact knowledge of the possessions of the crown. It afforded him the names of the land-holders. It furnished him with the means of ascertaining the military strength of the country: and it pointed out the possibility of increasing the revenue in some cases, and of lessening the demands of the Tax Collectors in others (*a*). It was, moreover, a Register of Appeal for those whose titles to their property might be disputed.

Sir William Blackstone has observed, that from the prodigious slaughter of English nobility at the battle of Hastings, and the fruitless insurrections of those who survived, such numerous forfeitures had accrued, that William was able to reward his Norman followers with very large and extensive possessions (*b*). Eadmer, Ingulph, and Henry of Huntingdon, complain heavily of the extirpation of the English from offices of honour, power, and emolument, in church and state. Yet this must have been the natural consequence of such a change as that which was occasioned by the arrival of the Normans. The soldiers and ministerial dependants of the Conqueror were to be rewarded; and we cannot wonder to see them form the larger portion of the tenants in capite. We find the Churches and Monasteries however still retaining their antient patrimony, in some cases with considerable additions from the Conqueror himself (*c*).

Edgar Adeling, the grandson of Edmund Ironside and heir to the crown, occurs as a tenant in capite in Hertfordshire (*d*).

Godeva, the widow of Leofric, Earl of Mercia, occurs as a tenant in capite in Leicestershire (*e*); and Alveva, the mother of Earl Morcar, continued at the time of the Survey to hold lands in the same county (*f*). So also in Suffolk, although the land noticed in the latter entry must have been under sequestration: "Terra Matris Morchari Comitis quam Willielmus Camerarius et Otho Aurifex servant in manu regis" (*g*).

Rembaldus, the Chancellor of Edward the Confessor, and Dean of the Collegiate Church of Cirencester, besides his ecclesiastical preferments, is entered as holding considerable estates (*h*): and very numerous instances might be adduced, of property held by men who had been either Thaness or Ministri in the court of Edward the Confessor (*i*).

The Sub-feudatarii, or under-tenants, were disturbed, comparatively, in fewer instances.

Of

(*a*) Under Eldewincle in Northamptonshire, tom. i. fol. 222, we read, "Valuit XX. sol. Modo. XXXX. sol. Si bene exerceret. C. sol. ualet." Instances of sinking in the value of property may be found in almost every County. In Yorkshire, which had been laid waste by the sword, the instances of depreciation are exceedingly numerous, even among the "Terra Regis." Of the manor of Walesgrif, tom. i. fol. 299, it is said, "T. R. E. uat LVI. libras m XXX. sol." Of Picheringa, ibid. "H' Man uat T. R. E. qt XX 7 VIII. lib m. XX sol 7 III. den." Of Drifelt, fol. 299 b. "T. R. E. uat XL. lib. M hñ rex & est wast." Of these with sixteen other Manors in this County, all belonging to the King, (fol. 299. 299 b.) which appear to have been collectively valued in the reign of Edward the Confessor at £. 565. 2. o. three appear in the time of the Conqueror to have been completely wasted, and the rest to have produced the small sum of £. 38. 9. 4.

(*b*) Blackst. Comment. 4°. Oxf. 1766. tom. ii. p. 48.

(*c*) See Domesd. tom. i. fol. 78. 87 b. 176. 222. 273. ii. fol. 14.

(*d*) Ibid. tom. i. fol. 142 a.

(*e*) Domesd. fol. 231 b.

(*f*) Ibid.

(*g*) Ibid. ii. fol. 286 b.

(*h*) Ibid. i. fol. 68 b, 91, 146, 160, 166 b. See also Kelh. Domesd. Illustr. p. 51. Rudder Hist. Glouc. p. 357.

(*i*) In Wiltshire, under "Terra Odonis et alioꝝ Tainoꝝ Regis," fol. 73 b. 74, we read: "Brictric ten Wochesie, Pat ej⁹ tenuit T. R. E. 7 geldb p X. hid. Aluric ten Wadone. Ipse tenuit T. R. E. 7 geldb p III. hid. Aldred ten Bimertone. Ipse tenuit T. R. E. 7 geldb p II. hid Cvdvlf⁹ ten Wintreburne. Ipse tenuit T. R. E. Ibi habt. VI. hid. Cheping ten Haseberie. Ipse tenuit T. R. E. 7 geldb p una v. træ. Cola ten Gramestede. Pat ej⁹ tenuit T. R. E. 7 geldb p I. hida 7 dim. Godric ten Herthā. Pat ej⁹ tenuit T. R. E. 7 geldb p III. virg 7 dim. Gode ten I. hid in Stotecome. Ipse tenuit T. R. E. Tra ē III. cañ. Edwin⁹ ten Chigelei. Ipse tenuit T. R. E. 7 geldb p una v. træ. Edward⁹ ten Widetone. Pat ej⁹ tenuit T. R. E. 7 geldb p III. hid. Filius Aiulf ten Gramestede. Pat ej⁹ tenuit T. R. E. 7 geldb p una. hida. 7 dim. Wenesii uxor ten Titicome. Vir ej⁹ tenuit T. R. E. 7 geldb p II. hid." Osbern Fitz Richard, whose possessions in capite are noticed, tom. i. fol. 176 b. 186 b. 244. 260. 292. had held a large portion of them in the time of Edward.

Of the importance which William himself attached to the completion of the Survey, we have a sufficient evidence at the close of a grant which he made soon afterwards to the Abbey of Westminster. It gives the Monks their possessions at Piriford; and finishes, "Testibus W. Episcopo Dunelmensi & F. Taillebosc, *Post Descriptionem totius Angliæ*" (k). And that the value of the Great Survey was thoroughly perceived at a time but little subsequent to the Conquest, we learn from Robertus Montensis, who informs us it was imitated in Normandy by Henry the Second (l).

Matthew of Westminster, and Matthew Paris after him, say that a Tax of six shillings was raised upon every hide in consequence of the Survey; but they say nothing of its having been raised for any specific purpose. The author of the Saxon Chronicle, however, Hovedon, Henry of Huntingdon, the Chronicle of Mailros, and Simeon of Durham, separate this Tax from any connection with the Survey. They represent the Tax to have been levied at the end of 1083, or the beginning of 1084, immediately after the death of Queen Matilda: and place the formation of the Survey at a later time.

In the *Inquisitio Geldi* for the five western counties in the Exeter Manuscript, Danegeld is throughout computed at *six shillings* per hide, and wherever it differs, it is only in small fractions, owing to the mistakes of the writer or copier, to which, by the manner in which they at that time expressed their sums and quantities, they were very liable (m).

By this Survey the Conqueror was enabled to fix the proportion of Danegeld on the property of each landholder. Danegeld, from the payment of which the Confessor had absolved the English, was revived at an early period of William's reign: and it had become subject to numerous exemptions. The demesne lands of churchmen and religious houses were uniformly excused. The demesne lands of the great lords, and barons, and others who held by military service, were likewise exempted: and partial exemptions were made in favour of the barons of the exchequer, the sheriffs of counties, and the assessors and collectors of the Tax: a few exemptions, also, were claimed under especial grants from the King: by means of all which, it will be readily believed, the produce of the Tax had been much diminished. The *Geld* is never once mentioned in the county of Northampton (n). In Somersetshire, out of a hundred and thirteen hides of land in Witestane hundred, Danegeld was answered to the crown for no more than fifty hides. Out of a hundred and four hides in Camesham hundred, for only fifty hides. In Devonshire, out of twenty-five hides in the hundred of Plintone, it was paid only for nine hides and a virgate. In Dorsetshire, out of thirty-four hides and a half in Pimpire hundred, it was answered only for thirteen hides. In Wiltshire, out of fifty-two hides in Stapla hundred, it was paid only for fourteen hides and half a virgate. And, in Cornwall, out of forty-four hides in Pantone hundred, Danegeld was answered for only eight hides (o). *Danegeld* occurs but once in the Survey, by its own name: tom. i. fol. 336 b. under Stamford in Lincolnshire.

(k) Madox, *Formul. Anglic. num CCCXCVI. ex autogr. penes Dec. et Cap. Westm.*

(l) Rex H. fecit investigari per Normanniam terras quas Rex H. avus ejus possidebat die qua obiit. Fecit etiam inquiri quas terras et quas sylvas et quæ alia dominia Barones et alii homines occupaverant post mortem Regis H. avi sui, & hoc modo fere duplicavit redditus Ducatus Normanniæ." Rob. Montensis *An. Dom.* 1172. See MS. Lansd. 312. fol. 1.

(m) Webb's short account of Danegeld, p. 16. He adds, "In Wiltshire, in the Hundred of Mare (Exeter MS. p. 288.) the Danegeld for fifty-one hides is £. 15. 6s. $51 \times 6 = 306$ shillings. In Somersetshire, p. 237 b. in the manor of Torlberg, three hides paid the King 18s. for this Tax $6 \times 3 = 18$. In Devonshire, p. 311 a. in Hertiland Hundred seven hides paid £. 2. 2s. and in Toritone 24 hides are rated at £. 7. 4s. In Dorsetshire, p. 297 a. in Henoltune Hundred, 14 $\frac{1}{2}$ hides paid £. 4. 7s. $14 \frac{1}{2} \times 6 = 87$ shillings. In Cornwall, p. 304 a. in Winnentone Hundred, six hides paid £. 1. 16s. and in Fanurcone Hundred, 304 b. 11 $\frac{1}{2}$ hides paid £. 3. 9s. $11 \frac{1}{2} \times 6 = 69$ shillings."

(n) Nichols' *Hist. Leic. Introd. Volume*, p. XXXV.

(o) Webb's short Account of Danegeld, pp. 21, 23, 24.

IV.—Its Conservation and Authority in Courts of Law.

“LIBER de Wintonia,” the very name by which the Domesday Survey, in one passage, designates itself, is a sufficient evidence of the first place of its deposit. Ingulphus, who lived in the reign of the Conqueror, however, appears to have obtained extracts from it at London(a): and the History of the foundation of Burton Abbey, gives a description of land more than once, “ut habetur in *Libro de Domusdie, apud WINTONIAM et WESTMONASTERIUM*” (b).

The exact time of the removal of the Record, if there was originally but one copy, cannot now be ascertained. Certain it is, that at a very early period it is described, in the *Dialogus de Scaccario*, as the inseparable companion of the Royal Seal(c). And, it is possible that the name of Liber de Wintonia might only allude to the place where the Returns from the different counties were breviated; and that the original, immediately, or very soon after its completion, was removed to Westminster.

At Westminster it was kept with the King's Seal, by the side of the Tally-court in the Exchequer, under three locks and keys, in the charge of the auditor, the chamberlains, and deputy chamberlains of the Exchequer(d); till in 1696, it was deposited among other valuable Records, in the Chapter House, where it still remains.

Appeals to the decision of this Survey occur at a very early period. Petrus Blesensis notices an appeal of the Monks of Croyland to it in the reign of Henry the First(e). Others occur in the *Abbreviatio Placitorum*. In the first year of King John, it is said, “Abbas Sampson [S. Edmundi] queritur quod Osbertus de Wechesham, miles episcopi Eliensis, injuste levavit furcas et suspendium fecit in manerio de Hecham infra libertatem Sancti Edmundi et contra libertatem quam habuit beatus Edmundus a tempore Regis Edwardi et ex ejusdem Regis dono, et inde protulit Cartas diversorum regum, et preterea *ponit se inde super ROTULUM WINTONIÆ*” (f). Another instance, in a case of antient demesne, occurs in the eleventh of King John. “Robertus Camerarius *ponit se super ROTULUM WINTONIÆ* quod terra illa pertinet a Conquestu Angliæ ad feudum quod ipse habet tenere in capite de Domino Rege” (g). In subsequent reigns, the pleadings upon
antient

(a) Hist. Ingulphi. edit. Gale. pp. 80, 85.

(b) Dugd. Mon. Angl. tom. i. p. 272. Rudborne also, who is however a late authority, speaks of two copies of the Survey. “Eodem tempore factus est magnus Liber qui habitus est in Thesauro Westmonasterii, et alius in Thesauro Ecclesiæ Cathedralis Wyntonæ, vocatus Domysday.” Anglia Sacra, tom. i. p. 257. Chron. Joh. Abb. S. Petri de Burgo, ed. Sparkes, fol. 1723, calls Domesday by mistake, “*Rotulus WIRCESTRIÆ*.”

(c) Dialog. de Scacc. lib. i. cap. xvi.

(d) In the *Abbreviatio Placitorum* Trin. 18 Edw. I. Bedf. rot. 39. p. 222. we read “Et profert Librum de Domesday sub Sigillo Scaccarii.”

(e) “Præfatus siquidem Abbat Eveshamii Mauricio successit ad dicti Eveshamensis Monasterii regimen pastorale Dominus Reginaldus monachus Gloucestriæ; cujus primis diebus cum terminus centum annorum firmæ de Baddeby compleretur, venerabilis abbas Croylandiæ Joffridus, licet occupatus multum fuisset suam Ecclesiam necnon alia magna et sumtuosa ædificia nuper ab igne consumpta reædificando, tamen cum jurisperitis communicato consilio, et longo libramine examinans quid circa manerium de Baddeby Conventus suus decerneret faciendum: licet Chartæ originales combustæ fuissent, et Charta restorationis dictum manerium continens quo in loco per prædecessorem suum Ingulphum abbatem fuerat reposita, penitus ignoraret; censebant tamen et consentiebant universi Monachi Croylandenses, Eveshamium fore adeundum, et manerium de Baddeby in jus monasterii Croylandiæ repetendum; ac *Rotulum Regium DOMESDAY nuncupatum allegandum*. Ille ut viri religiosi si conscientiam haberent regulatam, cito redderent; sin autem confidentes in pecunia seu exemptione sua, cauteriatam cupidamque possiderent, et per nefas retinere contenderent: Regis justitias esset adeundum, et ibi pro jure sui Monasterii viriliter decertandum. Quod et factum est. Venerabilis enim abbas Joffridus Eveshamium adiens, et manerium repetens, transcriptum Chartæ restorationis Croylandiæ ostendit, et inter cætera, etiam *auctoritatem Regii DOMESDAY pratacti in suum auxilium allegavit*.” Rer. Anglic. Script. Vet. a Gale, tom. i. p. 124.

(f) Abbrev. Plac. 1 Johis. Suff. rot. 7. p. 22.

(g) Ibid. Pasch. 11 Johis. Linç rot. 6. p. 65.

antient demesne are extremely numerous, as may be seen in the Index to that work(*h*). The proof of antient demesne still rests with the Domesday Survey(*i*).

Other cases in which its evidence is yet appealed to in our courts of law, are, in proving the antiquity of Mills, and in setting up prescriptions *in non decimando*. By the statute of the 9th of Edward the second, called Articuli Cleri, it was determined that prohibition should not lie upon demand of Tithe for a *new* Mill(*k*). The Mill therefore which is found in Domesday must be presumed older than the 9th of Edward the second, and is, of course, discharged, by its evidence, from Tithe.

On the discharge of Abbey lands from tithes, as proved by Domesday, it may be proper to state that Pope Paschal the second, at an early period, exempted generally all the religious from paying tithes of lands in their own hands. This privilege was afterwards restrained to the four favoured Orders, the Cistercians, the Templars, the Hospitallers, and the Premonstratensians. So it continued till the 4th Council of Lateran, in 1215, when the privilege was again restrained to such lands as the Abbies had at that time, and was declared not to extend to any after-purchased lands. And it extends only to lands *dum propriis manibus coluntur*(*l*). From the paucity of dates in early documents, the Domesday Survey is very frequently the only evidence which can be adduced that the lands claiming a discharge were vested in the Monastery before the year expressed in the Lateran Council(*m*).

(*h*) Abbrev. Placit. Mic. I Ed. 1 Sutht. rot. 9. p. 185. Mic. 4 Edw. I. Midd. rot. 36. p. 188. Tr. 4 Edw. I. Leyc. rot. 24 d. p. 191. Pasch. 6 Ed. I. Surř rot. 6. p. 194. Mic. 7 Ed. I. Nott. rot. 23. p. 197. Hill. 8 Ed. I. Sussex, rot. 8. p. 198. Tr. 18 Ed. I. Bedf. rot. 39. p. 222. Hill. 20 Edw. I. Oxon. rot. 42. p. 228. *et alibi passim*. In the Year Book, an. 2 Edw. III. p. 15. we read "Auncien demesne doit estre averre per Record de Domesday quant al gros et nient a parcel, mes parcel puit este averre per pais et ceo que le Court poit averrer per Record, ne serra james trie per pais. Et fueř al averrement que le lieu ou le pris fuit fait, fuit franke fee, etc." Compare ann. 40 Edw. III. pp 45, 46. 49 Edw. III. p. 7. See also Kitchin's Jurisdictions, 8^o Lond. 1651. p. 193.

Instances relating to the search whether Towns belonged to the King's antient demesne in Domesday will be found in Madox's Firma Burgi, p. 5. A remarkable one, also, concerning Tavistock, will be found in the Abbrev. Placit. Mic. 7 Ed. I. Devon. rot. 7. p. 270. Upon a trial 37 Hen. VI. it was certified by the book of Domesday that London was not antient demesne. Year Books 37 Hen. VI. p. 27.

Kelham says, "A question arising in the 12th of Edward the Third, whether the lands of Roger de Huntingfeld were holden of the King *ut de Corona* or *ut de Baronia vel Honore*; the treasurer and barons of the Exchequer were directed by the King's writs to search Domesday and other Records, and to call to their assistance the Judges and others of the King's Council, and to make their return thereof; they accordingly returned to the King in his Chancery, a certificate, by which they set forth several things which were found upon the search, and (inter alia) verbatim what they found relating thereto in Domesday; but as to the words contained in the said book of Domesday, they set forth they were not able to make a declaration or interpretation of them, unless just as the words sounded: 'Nescimus interpretationem facere nisi quatenus verba inde sonant.' Terra Roberti Gernon, Domesday, p. 197. Mad. Baron, p. 175." Domesd. Book Illustr. p. 245.

(*i*) See Burrow's Reports, vol. ii. p. 1048.

(*k*) Stat. of the Realm, vol. i. p. 171.

(*l*) Decret. lib. iii. tit. 30, c. 10. See Gwillim's Reports of Cases respecting Tithes, vol. iv. p. 1311.

(*m*) Compare the Case of Claville, *v.* Oram, Gwillim, vol. iv. p. 1354.

V.—Publication of the Survey.

IN 1767, in consequence of an Address of the House of Lords, His Majesty was graciously pleased to give directions for the publication, among other Records, of the Domesday Survey⁽ⁿ⁾. In the following year, specimens, one executed with types, the other by engraving, were submitted, by command of the Lords of His Majesty's Treasury, to the President and Council of the Society of Antiquaries, for their opinion : and an engraved copy of the work appears to have been at first considered as the most proper and advisable^(o). At the close, however, of 1768, the fairest and most perfect Letter having been selected from different parts of the Survey, a resolution was taken to print it with metal types. A fac-simile type, uniform and regular, with tolerable exactness, though not with all the corresponding nicety of the original, was at last obtained^(p), and the publication was entrusted to Mr. Abraham Farley, a gentleman of learning as well as of great experience in Records, and who had had almost daily recourse to the Book for more than forty years.

It was not however till after 1770 that the Work was actually commenced. It was completed early in 1783, having been ten years in passing through the Press. The Type with which it was executed was destroyed in the fire which consumed Mr. Nichol's Printing-office in the Month of February 1808.

HENRY ELLIS,

BRITISH MUSEUM,

March 24, 1816.

(n) See the Report on Public Records, A.D. 1800. p. 40. Compare also Journ. H. of Lords, 29 Jun. 1767.

(o) Council Books, Soc. Antiq.—The following was the general Plan of the Expense of engraving the Domesday Survey, according to Mr Bayly's Estimate, submitted to the Society of Antiquaries.

	Smallest Expense.			Largest Expense.		
	£.	s.	d.	£.	s.	d.
" To tracing and engraving 1664 Plates, at £.4. 4s. each, } whether for one or two colours - - - - -	6,988	16	—	6,988	16	—
To Copper Plates for one colour - - - - -	582	8	—	—	—	—
To Copper Plates for two colours - - - - -	—	—	—	1,164	16	—
For rolling off 1,250 Copies, in one colour - - - - -	2,560	—	—	—	—	—
For rolling off 1,250 Copies, in two colours - - - - -	—	—	—	7,280	—	—
To Paper, at 25s per Ream, for one colour - - - - -	2,550	—	—	—	—	—
To Paper, at 30s. per Ream, for two colours - - - - -	—	—	—	3,010	—	—
	£. 12,681	4	—	£. 18,443	12	—

" Time of finishing the Work, viz.

1st Year, Six Men - - -	180 Plates	} At ten Days per Plate.
2d Year, Fifteen Men - -	450 Plates	
3d Year, Fifteen Men - -	450 Plates	
4th Year, Fifteen Men - -	450 Plates	
5th Year - - - - -	134 Plates	
	1,664 Plates."	

(p) It was projected by Mr. John Nichols, and executed by Mr. Joseph Jackson.

INTRODUCTION

TO THE

Supplementary Records of Domesday.

Appendix,
(M.)
DISSERTATIONS
on
DOMESDAY.

THE RECORDS which compose the present Volume, supplementary to Domesday, are, I. THE EXON DOMESDAY; II. INQUISITIO ELIENSIS; III. THE WINTON DOMESDAY; AND IV. THE BOLDON BOOK.

Introduction
to the
Supplementary
Records
of Domesday.

I.—The EXON DOMESDAY, the Original of which is preserved among the muniments and charters belonging to the Dean and Chapter of Exeter Cathedral, is the first in point of time. Its main body presents a Description of the Western Parts of the Kingdom, comprising the counties of Wilts, Dorset, Somerset, Devon, and Cornwall; and it is supposed, so far as it extends, to contain an exact Transcript of the original Rolls or Returns made by the Conqueror's Commissioners at the time of forming the General Survey, from which the Great Domesday itself was compiled.

It is written on vellum, in the form of a Book of the small Folio size; containing five hundred and thirty-two double pages. The skins, or sheets of vellum, of which it is composed, vary in the number of leaves from one to twenty; the lands of each of the more considerable tenants beginning a new sheet, and those of almost every tenant a new page. The lands in the counties of Devon, Somerset, and Cornwall belonging to one tenant are classed together; the Counties following each other, though not always in the same order; and in like manner, the summaries of property in Wilts and Dorset are classed together.

In the transcription of this Record, different Scribes appear to have been employed in different parts. A variation in the mode of writing the marks and abbreviations, and more particularly in the contraction of *Et*, distinguishes two if not three hands in a remarkable manner; and we have the evidence of the Record itself, in more than one passage, that different persons were employed upon it (*a*). Three leaves relating to the Hundreds of Wiltshire are written upon vellum of a size much smaller than the rest of the work; and in a hand more than proportionately minute.

About the end of the fourteenth or beginning of the fifteenth Century, the Sheets of which this Manuscript is composed were bound up in two volumes and paged, but apparently without any particular view of arrangement, and in so careless a manner, that the leaves containing the lands of the same Tenants were frequently placed in different parts of the book. Preparatory to the publication of this Work the Sheets were again separated; and have been arranged as they are now printed, in the most obvious order, following, as near as the Record would permit, the plan of the Exchequer Domesday; and the whole is now bound in one Volume.

The Manuscript itself begins with the INQUISITIO GELDI, or Taxation of the Hundreds of Wiltshire; of which it contains no less than three copies (*b*); the two last varying, here and there, in substance, as well as in the mode of expression, and in the names and order of the Hundreds; the second copy contains nearly all the matter of the first, with some additions in the margin; these additions the third incorporates with the text, and appears something like a corrected edition of the other two. In folio 11 and 11 b, at the end of the second copy of the Inquisitio Geldi for Wilts, is the Account of Shaftsbury, Dorchester, Bridport, and Wareham in Dorsetshire; exactly as in the Exchequer Domesday (*c*). Shaftsbury not being called by its proper name as in the Great Domesday, but as the Town of St. Edward. The Inquisitio Geldi of Dorsetshire begins at fol. 17; after which the few manors of that County contained in the Manuscript are inserted between the Inquisitiones Geldi already mentioned, and those of Devonshire, Cornwall, and Somersetshire (*d*): and at fol. 526 b, the Inquisitio Geldi for two Hundreds of Somersetshire, which had not been before noticed, is preserved, together with the statement of the Geld paid by the manors of Torna and Torleberga, and by Malgerus de Cartraio (*e*).

The

(*a*) At the bottom of fol. 316, in the original, though not appearing as a part of the manuscript, are these words, "h. scpsit Ricardus:" and in fol. 414, interposed between the words "mans q. vocatur" and "Hanecheforda," we read, "usq; huc scripsit R." In the margin of fol. 317, lengthwise on the page, is the word "Probatio:" the only notice of any examination. The hand-writing and colour of the ink of pages 153 b. and 436 b. are distinct from the rest of the Manuscript. The words "consummatu ē" several times occur in different parts, and once, fol. 490, "Consummatu ē usq; huc."

(*b*) See fol. 1, 7, 13.

(*c*) Domesd. tom. i. fol. 75.

(*d*) See fol. 65, 72, 75.

(*e*) The Names of the Hundreds in Devonshire, Cornwall, and Somerset occur also in the Exon. Domesday in distinct lists, fol. 63, 63 b, 64, and 64 b, but occasionally differing both in number and spelling from those of the Inquisitiones Geldi. It will be remembered that the only names of Hundreds in Wiltshire mentioned in the Exchequer Domesday, and even those incidentally, are Ciceftone, Sutelesberg, (Domesd. tom. i. fol. 64 b.) and Wrderusteselle (Ibid. fol. 69 b.); and, which is singular, the two last are not to be found in the Exeter Domesday lists.

The Inquisition for each Hundred states, 1. The total number of hides. 2. The number held by the King and his Barons in demesne, together with an enumeration of those for which the tax was not paid. 3. The number of hides for which the tax was paid, and its amount. 4. The tax in arrear, and the reasons for its so remaining. In some instances, the number of hides for which the tax was paid, and its amount, follow the enumeration of the hides. Throughout, the Geld or Tax, as has been already noticed in the Introduction to the Exchequer Domesday, is computed at the rate of six shillings for every hide; differing in a few places only by small fractions, and probably even then owing to the mistakes of the copier. In the Hundred of Mere, in *Wiltshire*, fifty-one hides paid £. 15. 6. 0. $51 \times 6 = 306$ shillings. In the Hundred of Ramesberie, sixty hides paid £. 18. 6. 0. $60 \times 6 = 360$ shillings. In the Hundred of Duneslawe, twenty-four hides paid £. 7. 4. 0. $24 \times 6 = 144$ shillings. In the Hundred of Scipa, sixty-three hides paid £. 18. 18. 0. $63 \times 6 = 378$ shillings. In *Dorsetshire*, in Haltone Hundred, forty-five hides paid £. 12. 10. 0. $45 \times 6 = 270$ shillings. In Pinpre Hundred, for thirteen hides, £. 3. 18. 0. $13 \times 6 = 78$ shillings. In *Devonshire*, in the Hundred of Hertilande, seven hides paid £. 2. 2. 0. $7 \times 6 = 42$ shillings. In the Hundred of Toritone, twenty-four hides paid £. 7. 4. 0. $24 \times 6 = 144$ shillings. In the Hundred of Carsewillia, thirty-two hides paid £. 9. 12. 0. $32 \times 6 = 192$ shillings. In *Cornwall*, in the Hundred of Conarditone, ten hides paid £. 3. 0. 0. $10 \times 6 = 60$ shillings. In the Hundred of Winnentone, six hides paid £. 1. 16. 0. $6 \times 6 = 36$. In *Somersetshire*, in the Hundreds of Tantotone and Pipeministre a hundred hides paid £. 30. 100 $\times 6 = 600$ shillings. In the Hundred of Cainesham, fifty hides paid £. 15. 0. 0. $50 \times 6 = 300$ shillings. In the hundred of Hareclive, sixty-one hides paid £. 18. 16. 0. $61 \times 6 = 366$ shillings. In each of the Hundreds of Betministre and Brunetone, four hides paid £. 1. 4. 0. $4 \times 6 = 24$ shillings. For forty hides in the Hundred of Etheministre in *Dorsetshire* all but a virgate, the King had £. 12. 1. 6. all but a halfpenny. For fifty-six hides and a virgate and the third part of a virgate in Hunesberge Hundred, £. 16. 18. 0.

The money retained by the "Collectores" in *Wiltshire*, or as they are in one instance called "Congregatores Geldi" (f), for their own use, is frequently mentioned. As, fol. 9. "pro lxxv. hid. et dim. st redditę regi xxv. lib. 7 III. sol. Collectores retinuerunt x. sol." Ibid. "pro xxxii. hid st redditę regi ix. 7 XII. sol. II. d. min⁹. 7 Collectores geldī retinuer. IIII. den." Fol. 14 b. "pro lxxxxiii. hid. dim. uirga minus. st redditę regi xxvii. lib. 7 III. sol. 7 VI. den." From the Inquisitio Geldi of this county however, the principle upon which their remuneration was apportioned does not appear. In *Dorsetshire*, the "Congregatores pecunię" are mentioned three times; twice in cases of surcharge, as in the Hundreds of Oglescome, fol. 17 b. and Go-chresdone, fol. 18; and once as unduly retaining the produce of the tax, fol. 22 b. in the Hundred of Gelingeham, "qz. IIII. Congregatores huj⁹ pecunię n̄ reddiderūt. den q̄s recepunt. dederūt vadimonium in misericordia ad reddendos denarios et ad emendandum forisfacturam." The whole amount of the Geld in *Dorsetshire* was £. 415. 8s. 9½d. of which forty pounds were represented as still unpaid. In *Devonshire*, the money paid to the Collectors is more regularly noticed. Out of thirty-one Hundreds in that County, the Fegadri, who were the same persons (and who in one or two instances (g) are called Hundremanni) appear in twenty-four to have retained by custom the tax of one hide for their own use: "pro I. hida q̄ clamant Fegadri se debere habere per consuetudinem non habuit Rex gildum." In three instances, in the Hundred of Mertona, fol. 65 b. in Badentona, fol. 69, and in Dippeforda, fol. 69 b. they received something less. In four other Hundreds their claim of remuneration is unnoticed. At the end of *Devonshire* we have the names of the persons who transmitted the produce of the tax to the King's Treasury at Winchester: "De III. hidis et una virga et uno fertino, de quibus Fegadri dicunt se recipisse denarios [interlin. XX. solidos] et deliberasse Willelmo Hostio et Radulfo de Pomario qui debebant geldum portare ad Thesaurum Regis Wintonię, non habet Rex gildum." fol. 71. In *Cornwall*, all mention of the Collectors of the Tax is omitted. In *Somersetshire*, in the Hundred of Meleborne, it is said, "Fegadri retinuerunt sibi III. sol." In the Hundred of Abbedicche, it is said, "de I fertino 7 dim. n̄ habuit rex Gildum suū de quibz Fegadri n̄ potānt reddere noŕ rationē." fol. 81 b.

The entry which states the Geld for *Somersetshire* to have amounted to £. 509, is particularly deserving of attention: as it at least shows the expenses attending the collection of the Tax in one county. "De Sumerseta habet Rex de gildo suo D. libras et IX. libras in Thesauro suo Wintonię: et illi qui portaverunt has Wintoniam habuerunt XL. solidos de conregio suo: et inter saginarios conducendos, et scriptorem, et forellos emendos, et ceram, dederunt IX. solidos et VIII. denarios; et de l. et unum solidum et III. denarios quos receperunt portatores Geldi non habuit rex denarium, et non potuerunt compotum reddere. Hos vadiaverunt sese reddituros legatis regis."

At the end of this Account is an Abstract or Summary of the property of Glastonbury Abbey, in the counties of Wilts, Dorset, Devon, and Somerset; a Summary of what belonged to the Abbey of St. Petroc (h) in the county of Cornwall; and a similar enumeration of the lands of Ralph de Mortuo Mari and Milo Crispin in Wilts, of Robertus filius Giroidi in Wilts, Dorset, and Somerset, and of the Earl of Moretaine in *Wiltshire*, *Dorsetshire*, *Devonshire*, and *Cornwall*. The possessions of Robertus filius Giroidi being twice repeated.

The

(f) Fol. 9 b.

(g) See fol. 65, 65 b. 69.

(h) At the end it is said, "Comes auŕ de Moretunio. IX. maŕ aufert p̄dicte ecclie," (fol. 528 b.) The Earl of Moretaine's usurpations in other counties have been already noticed in the Introduction to the Great Domesday.

The Testimony of our Historians respecting the raising of the tax of six shillings upon every hide has been already quoted in the General Introduction to the Great Domesday. The Saxon Chronicle, Simeon of Durham, Florence of Worcester, the Chronicle of Mailros, Hoveden, and Henry of Huntingdon representing it to have been levied at the end of the year 1083 or the beginning of 1084, immediately after the Queen's death, without any reference whatever to its connection with the General Survey: while Matthew Paris and Matthew of Westminster make the tax an immediate consequence of the Survey: "Anno gratiæ M.LXXXIII. "idibus Aprilis obiit Matildis regina, senior uxor Gulihelmi regis, filia Baldewini Comitis Flandriæ et sepulta "est Cadomi in Monasterio Sanctæ Mariæ, quod ipsa a fundamentis construxerat, et nobiliter dotaverat. "Eodem anno rex Gulihelmus misit justiciarium per totam Angliam, per Comitatus, et inquirere fecit, et "diligenter perscrutari, quot jugata et virgata terræ, quidque uni militi sufficere possit. Fecitque inquirere de "urbibus, et villis, et viculis, ad quid in solidum ascenderent. Inquisivit etiam quot animalia possent sufficere "ad unius hydæ culturam, et de fluminibus, paludibus, sylvis, quem censum redderent per annum, et quot "milites essent in unoquoque Comitatu, ut sciret, quo numero virorum posset, si tanta necessitas emergeret, "confidere. Quæ omnia, in scripta redacta, et ad Westmonasterium relata, in Thesaurum regium deferebantur "reservanda. DEINDE senior, factus avarior et de rege tyrannior, de unoquoque aratro, ID EST HYDA TERRÆ "totius Regni, SEX SOLIDOS EXTORSIT TRUCULENTER" (i). Kelham states it to have been raised "to defray "the expenses the King had been at in compiling the Survey (k)." An idea which is sufficiently refuted by the amount of the tax: the produce of it in any one County being more than adequate to meet the expenses of the Commissioners in all. Certain it is that the Record itself bears evidence that the tax was raised at the time of the Survey: that it was connected with it: and that, at least in the Western Counties, it was collected by the same Commissioners.

Upon collating the returns of Lands which form the great body of the Exeter Survey with the Exchequer Domesday, they have been found with a few trifling variations to coincide. One entry of property alone being discoverable in the Exeter which is omitted in the Exchequer Domesday; relating to Sotrebroc in Devonshire: "Floherus h̄t i. mansionē quę uocat Sotrebroc. quā tenuit aluiet ea die qua rex E. f. u. 7 m. Et "reddidit gildū p̄ dim. uirga. q̄ possit arare IIII. boues. 7 ualet p̄ annū II. solidū."

The Exeter Manuscript, however, is not complete in its contents. From the Index of Tenants in capite it will be seen that the only land in *Wiltshire* accounted for among its entries, is a single manor belonging to William de Moione, although in the summary in the folios 527 b, 528, and 530 b, the general number of manors belonging in that County to Glastonbury Abbey, Ralph de Mortuo Mari, Milo Crispin, and the Earl of Moretaine, are included. The possessions in *Dorsetshire*, contained in the Exeter Domesday, are, all but two manors under the title of Terra Regis, the lands belonging to the Monasteries of Cerne, Middleton, Abbotsbury, Athelney, and Tavistock; those of William de Moione, Walter de Clavile, Roger Arundel, and Surlo de Burci; all but one of the Manors belonging to the wife of Hugh Fitz Grip; with the whole property of the Earl of Boulogne. The rest, amounting to no less than forty titles of Tenants in capite, are entirely omitted. In *Somersetshire* there is but one omission only. The entry of Middelton among the lands of Walter de Dowai, in fol. 95, col. 1, of the Great Domesday, appears to have no corresponding entry in the Exeter Survey. In *Devonshire*, six manors among the lands of Walter de Dowai, mentioned in the Great Domesday (l), are omitted: but these have evidently been cut out and lost. The same was undoubtedly the case with five manors, and the mention of a house in Exeter belonging to Rualdus Adobed. The description of this baron's property ends abruptly, in the middle of the manor of Docheorde: and should have contained, according to the Exchequer Survey, the account of Avetone, Alfelme stone, Hainemardvn, Wicerce, Macheswelle, and the notice of the house in Exeter already spoken of. The other omissions in Devonshire, according to the titles in the Exchequer Survey, consist of the manor of Witelei, and two houses in Barnstaple belonging to Robert de Albemarle; the lands of Robert Bastard, Richard Fitz Turoid, Alured Brito, Hervey de Helion, Godeboldus, Nicholas Balistarius, Fulcherus, and Haimericus; together with eleven manors under the title of "Terræ Servientium Regis" (m). In *Cornwall*, every manor mentioned in the Exchequer occurs in the Exeter Domesday.

In the spelling of the Names of Places and Persons there is a remarkable difference between the two Records. In the Exeter Survey, the Names of Places have almost invariably a Latin termination, which is not usually the case in the Exchequer Domesday. The caprice however, with which they have been written as to spelling, either in one or in the other Record, is unaccountable: some manors being only traceable in collating with the Exchequer Survey, by the names of the owners, or the particulars of the estate. RILCHETONA, in the Exon Domesday, fol. 101, is CHILCHETONE in the Great Domesday, tom. i. fol. 120. MODIFORDA, Exon. fol. 116, is MUNDIFORDA in Domesd. tom. i. fol. 87. PILLANDA, Exon. fol. 127 b. is WELLAND, Domesd. tom. i. fol. 102 b. PEDICCHESWELLA, Exon. ibid. is WEDICHESWELLE, Domesd. tom. i. fol. 102 b. AILEVESCOTA, Exon. fol. 127, is AILESUESCOTA in Domesday, ibid. PI...NA, Exon. fol. 127 b. is WILTONE, Domesd. tom. i. fol. 102 b. ILLEBERA, Exon, fol. 139 b. is LILEBERE, Domesd. tom. i. fol. 88. PADENAB'IA, Exon.

Appendix,
(M.)
DISSERTATIONS
ON
DOMESDAY.

Introduction
to the
Supplementary
Records
of Domesday.

(i) Mat. Westm. edit. 1570, p. 8. See also Mat. Par. edit. 1640, p. 11. sub. an. 1083.

(k) Domesd. Book Illustr. p. 6.

(l) These were Dvnesford, Litelracheneford, Esprewei, Svtreworde, Godrintone, and Hetfelle. See Domesd. tom. i. fol. 111 b. 112.

(m) Domesd. tom. i. fol. 113, 113 b. 115 b. 117, 117 b.

Exon. fol. 172, is WADENEBERIE, Domesd. tom. i. fol. 90. GLUINAUIT, Exon. fol. 231 b. is CLUNEWIC, Domesd. tom. i. fol. 123 a. POCCAHEILLA, Exon. fol. 233 b. is POCHHEELLE, Domesd. tom. i. fol. 124. TRENIDERED, Exon. fol. 245 b. is TREWDERET, Domesd. tom. i. fol. 124 b. DUELTONA, Exon. fol. 295, is OVELTONE, Domesd. tom. i. fol. 106 b. LIDEFORT, Exon. fol. 355, is TIDEFORD, Domesd. tom. i. fol. 114. CVREM'TONE, Exon. fol. 484, is CITREMETONA, Domesd. tom. i. fol. 118. WIRLBESLIGA, Exon. fol. 488, is WASBERLEGE, Domesd. tom. i. fol. 118 b. PERET, Exon. fol. 88 b. is corrected in the Exchequer Domesday to NORT PERET, tom. i. fol. 86.

Among the more observable differences in the names of Persons, it may be noticed, that ULWARDUS WITE, mentioned in the Exon Domesday, fol. 116, is called VLWARDUS ALBUS in the Exchequer Domesday, tom. i. fol. 87. The Abbat of Battle in Sussex is called ABBAS DE PLIO in the Exon Domesday, fol. 195; but in the Exchequer Domesday, fol. 104, ABBAS DE LABATAILGE. ABBAS DE ALIENNIA, Exon. fol. 280, is ABBATIA DE ADELINGI in Domesday. ADRET, Exon. fol. 488, is both ELDRED and EDRED, Domesd. tom. i. fol. 118. BRISTECUS, Exon. fol. 489, is BRICTRIC, Domesd. tom. i. fol. 118. WILLIELMUS CAPRA of Exon. fol. 398, is WILLIELMUS CHIEVRE in Domesday.

The names of Tenants in King Edward's time are far more numerously preserved in the Exon than in the Exchequer Domesday.

In the systematic arrangement of the subject matter, the Exchequer Domesday bears unquestionably a decided preference over the Exon Domesday. Occasional insertions in the margin of the Exon Survey, are entered in the text of that in the Exchequer(*n*). One instance occurs of the repetition of a manor in different pages of the Exon(*o*). The manors divided between the folios 117 b, and 120, in the Exon Domesday, belonging to the Canons of Exeter Cathedral, for their maintenance, "de victu Canonicorum," are brought together in the Great Domesday, and marked C. The lands of the Bishop of Coutance, Exon. fol. 121, as well as those of other Barons, are intermixed without any reference to arrangement(*p*). Those belonging to the Bishop of Coutance, which Drogo held, are put together in the Domesday Survey, to the number of seventy-three. In fol. 161. of Exon, although the title of the Lands described is "*Terra Abbatis Glastingheberiensis in DEVENESCIRA*," yet in fact there is only one of the manors in that County; the rest are all in Somersetshire, and are entered as such in the Great Domesday. On the contrary, in fol. 194 of Exon, the "*Terre Ecclesiarum quæ datae sunt S'cis in Elemosina*," from all that appears on the face of the Work, are in Somersetshire; whereas they are really in Devonshire, and are so accounted in the Exchequer Domesday(*q*). In fol. 225 b, 226, 226 b, and 227 of the Exon Domesd. are entries of property held by the Earl of Moretaine which had been previously entered among the *Terræ Regis dominicæ* in Cornwall, fol. 99, 99 b, 100. In the Great Domesday they are entered once only, as members of the King's manor of Winetone(*r*). In like manner, the custom of the lands in Cruca held of the King's manor of Sudperet in Somersetshire, though only once entered in the Great Domesday(*s*), occurs intentionally, twice in the Exeter; once under the King's lands, and once under the Earl of Moretaine's(*t*), as the under tenant. The entry in the Exon Domesday of the manor of Mundiforda, as the Earl of Moretaine's, is worth notice. In the Great Domesday(*u*), this entry is put at the end of the lands of Baldwin de Execestre; but, certainly by mistake: the words "ten. de Co." shewing it to belong to the Earl of Moretaine.

At the folios 495, 507, and 508, are certain lands under the title of *Terræ occupatæ*, in the counties of Devonshire, Cornwall, and Somerset; consisting of larger or smaller quantities of territory, from half a virgate to one, or even more manors. These appear generally to have been held in the time of King Edward the Confessor, independently by persons of the rank of thanes; but, at the time of taking the Survey, either by Norinan barons or their tenants, annexed to some other manor, and their valuation included in the Tax of that manor. These lands are mentioned in the Exchequer Domesday, as well as in the former part of the Exeter Domesday, at the end of the respective manors to which they were attached: The repetition of them in the Great Domesday, it is probable, under the title of *Terræ occupatæ*, was thought unnecessary.

The most striking feature however of the Exeter Domesday, in which it uniformly supplies us with additional knowledge to that in the Exchequer Survey, is the enumeration of live stock upon every estate; an account of the number of oxen, sheep, goats, horses, and pigs; exactly in the same manner as it is given in the second volume of the Great Domesday. The reason for omitting this enumeration in the breviated entries of the first volume of the Great Survey, is self-evident. The live stock was altering every day and year; the enumeration of it, therefore, could be of no further use than for the time when the Survey was made. A comparison of this part of the Exeter with the second Volume of the Great Survey, tends greatly to corroborate the notion that the Returns of the Counties of Essex, Norfolk, and Suffolk, were transcribed in full from the Original Rotuli in the same manner as the Exeter Domesday. It is singular, that in Essex, as has been noticed in the Introduction to the Great Domesday, *soldarii* is once used for *milites*(*v*). The counties of Essex, Norfolk, and Suffolk, it will be remembered, have almost as marked a variation in their language from the first Volume of Domesday, as the Exeter Survey.

The

(*n*) See fol. 39 b. 85, 94 b. 349 b.(*o*) Touretone, fol. 98, 110 b.(*p*) See also the Earl of Moretaine's lands, fol. 272 b. &c.(*q*) Domesd. tom. i. fol. 104.(*r*) Ibid. tom. i. fol. 120.(*s*) Domesd. tom. i. fol. 86.(*t*) Exon. Domesd. fol. 89, 265.(*u*) Domesd. tom. I. fol. 93.(*v*) "Ad uictū soldariorum," in the account of Colchester, Domesd. tom. ii. fol. 107.

The difference between the two Surveys as to diction, where they agree in sense, has been already incidentally noticed in the Introduction to the Great Domesday. It will not be irrelevant here to exemplify the observation.

Appendix
(M.)
DISSERTATIONS
ON
DOMESDAY.

Introduction
to the
Supplementary
Records
of Domesday.

Exchequer Domesday.

Exon Survey.

Acra - - - - -	Agra.
ad arsuram - - - - -	ad combustionem.
Censores - - - - -	Gablatores.
Clerici - - - - -	Sacerdotes.
Geldabat - - - - -	reddidit Gildum.
Leuca - - - - -	Leuga.
Manerium - - - - -	Mansio.
ad opus Militum - - - - -	ad Solidarios.
Molendinum - - - - -	Molinus.
Nummi - - - - -	Denarii.
in Paragio - - - - -	Pariter.
Portarii - - - - -	Portitores.
Pastura - - - - -	Pascua.
Poterat ire quo uoleb (tom. i.) fol. 97 b. -	poterat sibi eligere dñm scdm voluntatē suā c̃ trā sua (fol. 383).
Quarentena - - - - -	Quadragenaria.
Sylva - - - - -	Nemusculum.
T. R. E. - - - - -	Die q ^a rex E. f. v. & m,
Tainus - - - - -	Tagnus.
Terra ẽ VIII. car. - - - - -	posẽ arare VIII. carr.
Terra Regis - - - - -	Dominicatus Regis, and, in one instance, Domini- catus Regis ad Regnum pertinens.
III. lib. 7 XXXV denar. - - - - -	III. lib. & III. sol. I. den. minus.
Totũ ualet XXI. lib. - - - - -	Hęc mans. reddit ad opus abb̃ x 7 VIII. lib. 7 ad opus tagnorum III. lib. (fol. 37 b.)
Vidua - - - - -	Vidua fœmina.

In the last folio of the Exeter Domesday are certain Titles of lands similar to those which are placed at the head of most of the Counties in the Exchequer Domesday.

II. THE INQUISITIO ELIENSIS is a Document of the same kind with the Exeter Domesday ; relating to the property of the Monastery of Ely, recorded afterwards in the two Volumes of the Domesday Survey. It is preserved in a Register of the Monastery remaining among the Cotton Manuscripts in the British Museum, marked TIBERIUS, A. VI. and is at least as old as the twelfth century. Another Copy of this Inquisition is contained in the Chartulary of Ely Monastery, preserved at Trinity College, Cambridge, called by Gale, *Liber Eliensis*.

In point of form, arrangement, contents, peculiarities, redundancies of entry, and diction, it very much resembles the Exeter Survey. It contains the same enumeration of live stock : and beside the lands actually held by the Monastery, it formally details the state of those which were granted out as thainlands, as well as of those of which the Abbat had the soke only (*w*). It opens with the Inquisition already mentioned in the Introduction to the Exchequer Survey, followed by the names of the Jurors in the different Hundreds of Cambridge and Hertfordshire only.

The Abbey property in *Cambridgeshire* begins in folio 2. That in *Hertfordshire* at folio 12 b. *Essex*, in folio 13. *Norfolk*, with the entry of Teodforda, in folio 14 b. *Suffolk*, at folio 19 b. and *Huntingdonshire* in the middle of folio 29. The statement of the lands held by the Abbey in demesne in the Counties of Essex, Norfolk, and Suffolk, generally speaking, corresponds minutely with the letter of the Returns in the second Volume of Domesday.

Where the Inquisitio Eliensis differs in sums or numbers from the Exchequer Survey, the variation is probably to be laid to the fault of the transcriber ; who has, here and there, made likewise trifling omissions. Throughout, where the Exchequer Survey reads *averam*, the transcriber of the Inquisitio Eliensis has put *auram*. From the words “ de toto quod habemus,” which precede the valuation of the Abbey receipts in three Counties(*x*), it may be presumed that the INQUISITIO ELIENSIS was the Abbot’s return to the Enquiries of the King’s

(w) These are summarily mentioned in the Exchequer Survey, under the lands of the different Barons who then actually held th m.

(x) These are, Cambridgeshire, (fol. 11.) £. 318. 3. o.; Hertfordshire, (fol. 13.) £. 50. o. o.; Norfolk, (fol. 17 b.) £. 100. 8. o.; making a total of £. 468. 11. o. The total of the valuations for Essex, Suffolk, and Huntingdonshire, is omitted.

King's Justiciaries. It is remarkable, that *Commendatio*, which has generally been considered as confined to the Counties in the second Volume of Domesday, occurs twice in the Ely Inquisition in Cambridgeshire.

The difference in the names of Places is full as remarkable in the Inquisitio Eliensis as in the Exeter Domesday. In Cambridgeshire, EURES DONE, in Domesd. tom. i. fol. 199, is NEUVERETONA in the Inq. Elien. fol. 6. WITSEIE, Domesd. tom. i. fol. 191 b. is WITTESEIA in the Inq. fol. 8 b. In Essex, DOMMAU, Domesd. tom. ii. fol. 18 b. is DUNHAM in the Inq. fol. 13. BROCCHESEUOT, Domesd. ibid. is BROCCHESENE in the Inquisition. PHENBRUGGE, Domesd. tom. ii. fol. 97 b. is FAMBRUGGE, Inq. fol. 13 b. In Norfolk, HIDLINGEIA, Domesd. tom. ii. fol. 212 b. is HALINGAI, Inq. fol. 15. ESINGATUNA, Domesd. tom. ii. fol. 213 a. is SINGATONE, Inq. fol. 15. BREHAM, Domesd. tom. ii. ibid. is BRETHENHAM, Inq. fol. 15 b. CAUELEA, Domesd. tom. ii. fol. 214 b. is CELUELEIA, Inq. fol. 16 b. DODENHAM, Domesd. tom. ii. fol. 214 b. is TUDENEHAM, Inq. fol. 16 b. JACHESHAM, Domesd. tom. ii. fol. 17, is LACHESHAM, Inq. fol. 17. PLESTUNA, Domesd. tom. ii. fol. 214 b. is PRILESTONA, Inq. fol. 17. In Suffolk, LARINGAETHA, Domesd. tom. ii. fol. 382, is LACKINGEHETHA, Inq. fol. 24. LANDALE, Domesd. ibid. is VNDELAI, Inq. fol. 24. CLAMESFORD, Domesd. tom. ii. fol. 382, is GLAMMESFORDA, Inq. fol. 24 b.

In the names of Persons, the variations are fewer: though in two or three instances deserving notice. WILLELMUS DE WARENE of Domesday, is uniformly called WILLELMUS DE WARA. TOCHI, Domesd. tom. i. fol. 196 b. is THORKILLUS in the Inq. fol. 5. TURBERNUS, Domesd. tom. i. fol. 198 b. is TURBERTUS in the Inq. fol. 5 b. ÆDRICUS PUR, Domesd. tom. i. fol. 200, is ÆDRICUS PUR, Inq. fol. 6. R. de BELLAFAGOU, Domesd. tom. ii. fol. 14 b. is R. DE BELFOU, Inq. fol. 16 b.

III. THE WINTON DOMESDAY, formerly the property of James West esquire, and now preserved in the Archives of the Society of Antiquaries of London, consists of two distinct Parts or Records, both written upon vellum. The first is entitled, "Liber de Terris Regis reddentib; Langabtm. 7 Brug in Win. sicut solebant reddere, Tempore Regis Edwardi," and occupies twelve leaves of the manuscript, in double columns. The second Record begins at fol. 13 b. "Hec est Inqsitio de terris Winton. quisqs teñ. 7 qntũ teñ. 7 de quocũq; teñ. 7 qntũ quisq; inde cap. pcepto Epi. Henr. Anno ab incarna. dñi M.C.xlvij." and occupies twenty leaves.

Immediately following the Title of the first portion is a rubrick, stating that King Henry the First, desirous of ascertaining what King Edward the Confessor held in Winchester, as of his own demesne, ordered this Survey to be made upon the oaths of the burgesses. An inquest was accordingly taken by four score and six of the superior burgesses, in the presence of William the bishop, Herbert the chamberlain, Ralph Basset, Geoffrey Ridel, and William de Pontearchar. William Giffard, Bishop of Winchester, was consecrated in 1107; and, as he died, according to Wharton (*Anglia Sacra*, part i, pp. 278, 299) in 1128, the Survey must have been taken some time between the two years.

Mr. Gough, in his *British Topography*, vol. i, p. 388, has printed the substance of a Letter addressed by Bishop Lyttelton to the Society of Antiquaries on the two Records here transcribed. In the first, Bishop Lyttelton observes, a few words are used which are not found in the Exchequer Domesday, such as Chenicte, Eschamel, Renta, Hantachenesle, Escheopes, Managium, Wata, &c. though some of them are in Du Cange. Wata, he observes, seems to have been a tax like Danegelt, from which few houses in Winchester were exempt. The great number of sur-names in this Record, among the tenants of King Edward the Confessor, is very remarkable, as Alwinus Idessone, Edwinus Godeswale, Brumanus de la Forda, Leuret de Essewem in the first page only; these Bishop Lyttelton considered must have been Normans, settled here by the King.

Among the particulars in this Record more peculiarly interesting to the Topographer may be mentioned the notice of a royal house in the City (*y*), distinct from that of the King. Five mints, which had before existed, are represented to have been put down by King Henry (*z*) and several almshouses are mentioned distinct from the charities bestowed on religious houses (*a*). Throughout the Record, house-rent appears to be rated extremely high, considering the scarcity of money. In fol. 2, the Monks of St. Swithin are represented to have held a house of Godwin Socche, master-moneyer to the Confessor, at the rent of thirty-seven shillings. In fol. 4, a house held by Herbert de St. Quintin occurs at the rent of seventy-four shillings and sixpence. Sapaland, a monastery unknown either to Dugdale or Tanner, occurs in more than one entry in fol. 9; and in one article we have the mention of a priest's wife.

The following are the names of the streets of Winchester mentioned in this first Record: Swithelinga Street, Bredenestret, Scowertenestret, Alwarenestret, Flesmangerestret, Wenegenestret, Tannerestret, Bucchestrete, Calpestret, Goldestret, and Gerestret. The Inquisition of 1148 has fewer observable peculiarities than the Survey of the time of Henry the First; the opulence of the Inhabitants may possibly be gathered from the frequent recurrence

(*y*) "Domus Emme Regine," fol. 5 b.

(*z*) "In mercato fuerunt. v. monete. que fñ diffacte pcepto reg." fol. 4 b.

(*a*) "ipse Osbt⁹ [fili⁹ Thiardi] posuit ibi v. bordell partē, in uico. Regis, 7 fecit eos p amore dī ad hospitandū paupes," fol. 6 b.

recurrence of the trade of goldsmith in it; and the populousness of the town, from the enumeration of the following streets in addition to those already noticed from the former Record; Magnus Vicus (or High Street), Sildewortenestret, Wunegerestret, and Menstrestret. Fishmongerstret, mentioned both by Bishop Lyttelton and Mr. Gough, certainly does not occur in either of the Records. In the petition from the city of Winchester to King Henry the Sixth, in 1450, no less than nine of these streets are mentioned as having been ruined. It may be curious to notice that at fol. 22 and 31, in the second Record here transcribed, a bezant (1 bisant) twice occurs as the denomination of a payment; and it will be found to be mentioned several times in the Boldon Book.

IV.—THE BOLDON BOOK, or Survey of the Palatinate of Durham. In the year 1183, Hugh Pudsey, called also, de Puteaco, de Pusar, and de Pusaz, nephew to Stephen King of England, caused this Survey to be made, since known by the name of the *Boldon Book*.

It probably had its name from Boldon, a village and parish near Sunderland in the same diocese, where either it was compiled, or according to the census of whose inhabitants, the other manors, &c. in that Bishoprick were regulated. This latter is the most probable origin of the name; for, in the account of rents and services required of other places, reference is frequently made to those rendered by the people of Boldon. Its title in the LAUD MS. 542, shews at once the nature and design of the work: "Inquisitio de Consuetudinibus et Redditibus totius Episcopatus Dunelmensis: facta per Hugonem Episcopum, Anno 1183."

Of the motives or reasons which led to this Compilation, we have no record: but Bishop Pudsey affected the state of a Sovereign in his own Palatinate; in which there were many royal rights, which had been enjoyed by its Prelates long before the Conquest, and were continued long after; several of which remain even to the present day. And perhaps it was in consequence of these exclusive rights, that when the general Census, known by the name of Domesday Book, was made, the Bishoprick of Durham was passed by, as it was found to contain no rights which could be claimed by the monarch, without trenching on those which had been possessed by its Bishops through a long series of years.

The Autograph of the Boldon Book has probably long since perished; or, if it exists, the place of its deposit is unknown. Three different copies of it, possessing different degrees of perfection, remain: 1. One in the Bishop's Auditor's Office, Durham. 2. One in the Library of the Dean and Chapter in the same City. 3. One among the Manuscripts of Archbishop Laud, at Oxford.

1. A fair and accurate Transcript of the Manuscript in the Bishop's Auditor's Office, Durham, collated in select places with that in the Library of the Dean and Chapter of the same city, was made in 1812. The MS. in the Auditor's Office appears to have been written about A. D. 1400; and is appended to Bishop Hatfield's Survey, a work of a similar nature. On the back of the Fasciculus which contains both these Surveys, is written, "Supervisus tempore Thome Hatfield Epi. Supervisus tempore Hugonis Epi. 1183." To this latter superscription, a more modern hand has added these words: "Boldon Book."

2. The Manuscript in the Library of the Dean and Chapter at Durham, is supposed to be of the time of Henry the Fourth, and is contained in a volume which is called *the First Register*. It begins thus, "Incipit Boldon Buke."

3. The third copy of this Record is in the Bodleian Library, among the Laud Manuscripts, and is marked LAUD, 542. It is a broad thin quarto, consisting of twenty-five pages, closely and neatly written, apparently by a Northern or Scottish Scribe. Sixteen pages and a half are occupied with the text of the Boldon Book; the others contain copies of Charters, Inquisitions, &c. relating to the rights and privileges of the see of Durham. This Manuscript was formerly bound in blue velvet, little more than the ground of which is now remaining. Its title has been noticed above. At the top of the first page is the following entry, "Incipit Liber qui vocatur Boldon Book;" and at the bottom, "Liber Guilielmi Laud, Archiepi Cantuar et Cancellarii Universitatis Oxon, 1633." On the same page is the autograph of Cuthbert Tunstal, "Cuthbertus Dunelmē," who was Bishop of Durham in 1530. It appears that this Manuscript has been most faithfully copied, either from the original Survey, or from some very authentic transcript. The scribe has followed his original in the most scrupulous and exact manner; and has evidently copied all its contractions, as well as its words. This appears from the following circumstance: the writer seems to have kept his eye constantly on his exemplar; and to have corrected his work, word by word, as he proceeded. Hence it often happens that in writing a contracted word, if, on immediate examination, he found he had put in one letter too much or too little, he instantly ran his pen through the word, and wrote the proper contraction after it, in the same line; not above it, as he must have done had he waited to collate his Transcript with the original when his work was finished.

While such a Transcript remains, it is a subject of comparatively little regret that the autograph is lost; as many reasons might be adduced to render it very probable that this is a faithful copy of the original Boldon Book. From this Manuscript the present copy has been taken. The various readings in the margin have been taken from the transcript of the copy in the Bishop's Auditor's Office at Durham, collated as above mentioned with that in the library of the Dean and Chapter.

This Record is, on several accounts, of great importance. 1. It is a valuable supplement to Domesday Book, supplying a material defect in that Record. 2. It is of great importance to the See and Palatinate of Durham, as it is frequently appealed to, and has been admitted as evidence in Trials at Law, on the part of succeeding

Appendix,
(M.)
DISSERTATIONS
on
DOMESDAY.

Introduction
to the
Supplementary
Records
of Domesday.

succeeding Bishops, to ascertain their property and seignorial rights. 3. It serves to cast light on ancient tenures, customs, manners, and services. 4. It contains many words which are not found in Du Cange, or any of his continuators; the meaning of which, from their connection with others well understood in the Boldon Book, may in general be easily ascertained. 5. It contains several curious references to the mode of living among our ancestors in the twelfth century, their amusements, diet, coin, the price of labour, &c. &c. which may furnish the antiquary and historian with valuable materials, either for a more improved topographical History of the Palatinate in particular, or for a more accurate account of English customs and manners in the twelfth century in general. As a supplement to Domesday Book it is peculiarly valuable.

British Museum,
29th October 1816.

HENRY ELLIS,
Sub-Commissioner.

Appendix (N.)

GENERAL INTRODUCTION TO THE FÆDERA.

I.—*Origin and Progress of the Work intituled The Fædera.*

Appendix,
(N.)
General
Introduction to
The FÆDERA.

1. OF this National Work, intituled, "FÆDERA, CONVENTIONES, LITTERÆ, et cujuscunque generis ACTA PUBLICA inter REGES ANGLIÆ, et alios quosvis IMPERATORES, REGES, PONTIFICES, PRINCIPES vel COMMUNITATES ab ineunte SÆCULO DUODECIMO; viz. ab. anno 1101, ad nostra usque tempora habita, aut tractata." — Ex Autographis, infra secretiores ARCHIVORUM REGIORUM Thesaurarias, per multa sæcula reconditis, fideliter excripta.—Accurante THOMA RYMER, &c." The first fourteen Volumes were published in Rymer's life-time; the fifteenth and sixteenth, which he had prepared for the press, were published after his death by Robert Sanderson, his Assistant, afterwards Usher of the Rolls; by whom also was added a seventeenth Volume, with an extensive apparatus of Indexes; the Work was continued by the same hand in three succeeding Volumes, making in the whole Twenty Volumes folio.

From any thing we can learn from Rymer to the contrary, the materials of these sixteen Volumes were selected and arranged by himself: he does not intimate that he had seen any previous plan, or had any Digests, Tables, or Calendars, to facilitate his researches; nor does he give the slightest intimation of these things, even in his Dedication to Queen Anne, under whose authority the Work was undertaken; but by his labours, industry, and accuracy, he has deserved well of his country in particular, and of Europe in general; his work does lasting honour to the enlarged views and munificence of those Sovereigns, under whose auspices it was projected, conducted, and published; and perhaps there were few, if any men in his day, who could have executed a design with so much accuracy and success, at once as difficult and complex as it was important and useful.

Upon inquiring into the origin and progress of this great Work, we find, that although its beginnings are almost imperceptible, it had a slow but steady growth for 126 years, previously to the publication of the first Volume. We need not consider the various attempts made in remote reigns* to methodize and arrange the invaluable materials which came at last under the hands of Rymer, as essentially serviceable to his undertaking; because the attempts were either partial or abortive; and the Tables, Calendars, and Indexes thus made, either perished or became private property. But, Sir Joseph Ayloffé has published an excellent work on this subject, intituled, "Calendars of the Ancient Charters, &c." to which is prefixed "An† Introduction giving some Information of the State of the Public Records, from the Conquest to the present Time;" from whence we may collect an account of the Materials out of which the Fædera grew; and may discern the Form, Arrangement, and even the Title which the Work has assumed.

The Author of this Introduction informs us, that in 1567, Queen Elizabeth taking into consideration the confused and perilous state in which the Records of the Parliament then lay, issued a Warrant, directed to Sir William Cordel, Master of the Rolls, to deliver into the hands of William Bowyer, the Keeper of the Records within the Tower of London, all the Parliament, Patent, Treasurers, Close and Fine Rolls, Bundles of Escheats, Inquisitions, Attainders, and Surrenders, and all the other Rolls and Records whatsoever, of her Chancery, for the several reigns of Richard III, Henry VII, Henry VIII, and Edward VI. And we are further informed, that "Bowyer was the first who reduced the Tower Records into good order;" and then "digested and made Repertories of them." This Compilation was contained in six large Volumes folio; and in forming it, the Author spent "eight years, and above £. 1,000 of his own money," *Intro.* p. xxviii. It is true, the fruits of this laborious man's industry are not now to be found; but when or how they were lost, cannot, at this distance of time, be ascertained.

Having

* Several very useful ordinances relating to the arranging, calendering, and preservation of the Records of the Kingdom, were made in the reigns of Edward II and Edward III. See *Rot. Claus.* 14 *Edw. II*, m. 22.—*Ibid.* 16. m. 19. *Rot. Pat.* 16 *Edw. II*, p. l. m. 18, and *Rot. Claus.* 34 *Edw. III*, p. l. m. 15. in *Turr. Lond.* And see "Reports of the Committee appointed to view the Cottonian Library," A.D. 1732, p. 198.

† Written by Thomas Astle, Esq. Keeper of the Records in the Tower.

Having done so much for the Records of the Parliament and Chancery, the Queen extended her care to the other Courts. For she directed Arthur Agarde, one of the deputy Chamberlains of the Exchequer, "to sort and digest, not only all the Records in the four Treasuries of the Exchequer; but also all the original Leagues and Treaties of Peace, Truce, Alliance, and Marriage between England and foreign Nations; and to make Calendars of them." Introd. p. xxix. This work, the industrious Author completed in the succeeding reign; and it may be observed that the Queen's direction to him contains the very articles that constitute the TITLE, which Rymer has given to his Collection.

The Papers of Agarde falling into the hands of Thomas Powell, he published them, first in 1622; and afterwards with considerable additions in 1631, in a small quarto, under the following Title, "The Repertorie of Records remaining in the four Treasuries on the Receipt Side at Westminster, the two Remembrancers of the Exchequer, with a short introductory Index of the Records of the Chancery and Tower; as also a perfect Calendar of all the Records remaining in the Office of Records at the Tower of London in the years of King John, Henry III, Edward I, Edward II, Edward III, Richard II, Henry IV, Henry V, and Edward IV." Though this is a very brief work, it contains a vast fund of information; and bears every mark of good judgment and unimpeachable accuracy; and Rymer must have been considerably indebted to it.

In 1661 the care of the Tower Records was confided to William Prynne. This laborious antiquary is said "to have brought to light great numbers of antient and valuable Parliamentary and other Records, which he sorted, marshalled, and arranged in such method, that by the assistance of the Tables and Calendars which he made, any Person might have easy access to any of the Records." Ayloffe's Introd. p. xxxvi. Of his extraordinary diligence his own voluminous works are a sufficient testimony. "The exact Abridgement of the Records in the Tower of London from the reign of K. Edward II, to that of K. Richard III," which he published from the papers of Sir Robert Cotton, fol. Lond. 1657, was a very valuable work in its time: but as it relates almost solely to the Parliamentary Records, it could be but of little use in the plan of the Fœdera; though other Collections of the same laborious antiquary have doubtless contributed their quota of help.

Soon after K. William and Q. Mary's accession, Robert Harley, afterwards Earl of Oxford, formed a plan for printing at the public expense all the Leagues, Treaties, Alliances, Capitulations, and Confederacies which had at any time been made between the Crown of England and other Kingdoms, Princes, and States; intermixed with such Instruments and Papers of State as either more immediately related to them, or were curious and useful in illustrating the English History; and by the recommendation of the Earl of Halifax, Rymer, then Historiographer Royal, was appointed to carry it into execution.

That Rymer might have every facility towards the accomplishment of so great and useful a work, he received Queen Mary's Warrant, dated August 20th, 1693, empowering him "to transcribe and publish all the Leagues, Treaties, Alliances, Capitulations, and Confederacies, which have at any time been made between the Crown of England and any other Kingdoms, Princes, and States, as a work highly conducing to our service and the honour of this our Realm." And the same warrant gave him liberty of access to all the different Repositories of the Public Records. To this was added, an order of the KING in Council, dated April 12th, 1694, to the Lord Keeper of the Great Seal, commanding him, "to cause a Writ to be sealed and directed to the right honourable the Lords Commissioners of His Majesty's Treasury, and the Chamberlains of the Exchequer, authorising and requiring them to deliver, or cause to be delivered, to Mr. Thomas Rymer, all Leagues, Treaties, &c. remaining in the several Treasuries of the Exchequer, which he shall have occasion for and desire."

Thus encouraged and assisted, Rymer commenced his work, and published his first Volume in 1704, eleven years after the date of the first Warrant. It seems, that at an early period of the undertaking, he had employed Robert Sanderson as an assistant, as we find him included with Rymer in a third Warrant issued by Queen Anne, dated May 3d, 1707, giving them conjointly the same authority to search, transcribe, and publish, as by the preceding instruments was given to Rymer alone. These warrants are all printed in the first Volume of the 8vo edition of the ACTA REGIA, Lond. 1731, pp. xi—xiii. We have already seen that fourteen volumes of this work were published during the life-time of Rymer; who died the same year in which the 14th was printed, viz. 1713. The 15th and 16th he left prepared for the press; which, with the 17th, were published in the course of the four following years, by Sanderson his assistant; who afterwards added the three additional Volumes already mentioned. Thus was completed what may be properly termed the FIRST edition of the Fœdera, begun in 1704, and completed in 1717.

This edition soon becoming very scarce, Jacob Tonson obtained the "Royal Privilege and Licence of K. George I, for the sole printing and publishing a new edition of the Fœdera, for the term of fourteen years." In this work he engaged George Holmes, deputy keeper of the Tower Records, as Editor, who states that this second edition was by him, "ad originales Chartas in Turri Londinensi denuo summâ fide collata & emendata. Lond. 1727—35."

It appears, that in the course of passing these Volumes through the press, Holmes had discovered and corrected a number of errors. These he collected in a separate volume, which he published with the following title: "The Emendations in the New Edition of Mr. Rymer's Fœdera, published for the use of those gentlemen who are possessed of the former Edition. London, printed for J. Tonson in the Strand, 1730," fol. pp. 57, containing 114 columns.—These emendations extend to the conclusion of Vol. XV, and seem to be the result of his revision of the sheets of the original work either for, or from, the press. Many of these emendations,

it is true, are of considerable importance; but he has not corrected one fourth part of the errors found in the original Edition: others are of very little consequence, consisting chiefly in correcting infinitives by gerunds; alterations in the names of persons and places; putting Cart. for Claus. and Claus. for Pat. &c.; the greater part are mere typographical corrections.

We have sufficient proof that Holmes did not collate the Papers at the Tower with any tolerable degree of care, from the very many omissions discovered on re-collation, not of words only, but in many instances even of sentences; for instance, in Vol. I. p. 89, "Excambium factum inter Archiep' Cantuar' & Ep'um Roffens'." (Cart. Antiq. c. 17.) There is a sentence consisting of twenty-five words, entirely omitted, by which the sense is completely destroyed. Rymer not knowing how to act, has placed a mark† in the margin, opposite to the place, to indicate that the sense, from some cause or other, was not clear. In the second edition, Holmes has printed the Article as left by Rymer, with a similar mark in the margin; when, had he only turned to the Cartæ Antiquæ as referred to by Rymer, and which were under his own immediate care, he might have discovered the omitted sentence. In this volume of Emendations, none are found for Vol. XIV; and as Holmes does not appear to have carried his corrections beyond the Twelfth Volume, the remaining eight must have been carried through the press by Sanderson alone.

This edition also becoming scarce and high priced, a new edition was undertaken at the Hague, in 1738 or 39, which was completed in ten Volumes folio, printed with considerable elegance, on a much smaller letter than either of the preceding editions. In this edition, the Fœdera, properly speaking, is included in the first nine volumes; the tenth is occupied with a very copious general Index, and with the Analysis of the whole work, published in French by M. Rapin, entitled "Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer;" and known in England by the title of ACTA REGIA. This Analysis was begun by Le Clerc, as a Critique or Review in the "Bibliotheque Choisie," continued by Rapin to the conclusion of the 17th Volume, and brought down by an unknown hand to the conclusion of Sanderson's supplementary Volumes. This tenth volume is the most valuable part of that Edition.

The Fœdera commences with a Convention between HENRY I, King of England, and Robert Earl of Flanders, made at Dover, on the 16th of the calends of June, A. D. 1101, in the first year of Henry's reign; and the last instrument with a date, is a Letter from Paris, of March 22d, 1654, the sixth year of the reign of king Charles II. After this Letter there are two others without dates, but their contents shew that they were written some time in the same year. The whole compilation therefore includes the period of 553 years. But it should be remarked, that in the reigns of HEN. I, STEPHEN, HEN. II, and RICH. I, there are not less than sixty-seven years for which no kind of instrument is found in the preceding edition.

After Rymer's death, an endeavour was made by the House of Lords, to examine the Repositories of the Public Records, to ascertain their contents and the state of preservation in which they were found. The account of this measure is as follows: On Dec. 9, 1718, an order was issued by the House of Lords, appointing Committees "to view the Records of the Court of Chancery in the Tower, and those fit to be carried thither; and to consider what place there, is proper to receive them; and likewise to view all such other public Records as they shall think fit, and in what manner and place the same are now kept." This order was carried into execution, and very important proceedings took place in consequence; and a Report from the Committees was laid before the House of Lords, April 16, 1719, which, with an humble address, were laid before his Majesty, April 17th, and his Majesty was graciously pleased, on the 18th of the said month, to order "that the measures therein recommended should be carried into execution." By an order of the Lords, the whole proceedings relative to this business were printed for the use of their Lordships. The copy to which this refers bears date, London 1723. In the Report made to the Lords on this occasion, a general view is given of the following offices, their contents, and the state of the materials found in them: 1. The Tower. 2. The Rolls Chapel. 3. The Pipe Office. 4. King's Remembrancer's Office. 5. Treasurer's Remembrancer's Office. and 6. The Augmentation Office.

Thus we have seen, by what slow steps this important national work was brought into being, and raised to a comparative state of perfection; 1st, A variety of predisposing Acts for the preservation and arrangement of the Public Records, prepared its way, by furnishing the Materials; 2dly, The Earl of Oxford's love of literature, and zeal for the honor of his Country, suggested the Plan, according to which the important undertaking was conducted; and 3dly, The munificence of three British Sovereigns, directing and encouraging the industry of Rymer and Sanderson, brought it before the public.

II.—*Materials of which the Fœdera is composed, and Sources from whence derived.*

§ 1. THE Materials of which the Fœdera is composed are, generally speaking, of a most important nature. England, from the remotest period of its history, has borne a distinguished part among the nations of Europe, and its connexions with Foreign States have always been extensive and powerful. A Diplomatic History, therefore, of such Interests and Connexions, from the Invasion of England by William Duke of Normandy, down to our own times, containing all the Leagues, Treaties, Capitulations, Manifestoes and Correspondence which have taken place between this Country and other States and Sovereigns, must be of great importance
not

not only to this Country, but to Europe at large; such a History, the Collection now technically called *The Fœdera*, from the first word of its running-title, presents; taken in every point of view, it is of the highest interest to the statesman, the lawyer, and the historian.

It is true that the original Editor, through hurry or precipitancy, has permitted many things to enter into the great mass, some of which are of little, others are of minor consequence: yet it is not perhaps going too far to say, that there are very few papers in the whole collection that may not be found, in reference to particular subjects, deserving of insertion.

Appendix,
(N.)
General
Introduction to
The Fœdera.

§ 2. WITH respect to the Sources from whence the Materials of this Work were derived, we have already seen that Rymer had access, by Royal Authority, to all the Public Offices and Repositories of State Papers, &c. Both his instruments and margins prove that he collected much from the Charter, Patent, and Clause Rolls in the Tower, as well as from the Bundles of Letters, Writs, and Miscellanies in the same place; and some few things from the *Chartæ Antiquæ*; from the Bulls in the CHAPTER HOUSE, Westminster, and from the antient Treaties in that office; from the King's Remembrancer's Office in the EXCHEQUER, and much from the COTTONIAN Library: he made collections also at the Chapel of the ROLLS, and some gleanings from the Archives at the Archbishop's Palace, Lambeth.

The STATE PAPER OFFICE furnished him with nothing previously to the reign of Hen. VIII; from that period it is rich and abundant; and the gleanings left, are more copious than the harvest which he reaped.

But there was a source of another description, to which he was much indebted, viz. "The antient English ANNALISTS and HISTORIANS." This has been demonstrated by the fact, that several papers, whereof the originals are probably no longer extant, and the only copies are preserved in the above writers, are found verbatim in Rymer. The proofs of this have been furnished in great detail to His Majesty's Commissioners on the Public Records of the Kingdom, but need not be adduced here. Of this fact the regulations made by Richard I, at Chinon, on his way to the Holy Land, A. D. 1190, p. 52, and the Letter of Vetus de Monte, A. D. 1192, p. 61, afford sufficient proof. It has been suspected also, that Rymer had access to some private collections, the proprietors of which he has not thought proper to name; but these stand without any reference in the *Fœdera*, and the places of their deposit have been long and diligently searched for in vain.

III.—Comparative Merits of the different Editions through which the *Fœdera* has passed.

WE have already seen that the *Fœdera* passed through three editions; the first, by Rymer, assisted by Sanderson; the second, by Holmes and Sanderson; and the third by the Hague booksellers; but who the Editor of the Dutch edition was does not appear.

The FIRST edition, and the manner in which it was compiled, have been particularly described in the preceding pages.

Though the SECOND edition professes to be "summâ fide collata & emendata ad originales chartas, &c." yet, from what we have seen, it appears to possess but few excellencies beyond the former. Allowing even that Holmes did collate all the Instruments of the first Twelve Volumes with the Originals, this could be true of the instruments in the Tower only; but multitudes have been collected from other sources, none of which we may presume he professed to touch; nor has he, even from the Tower, enriched this second edition with a single new article; nor have even the Omissa added to the first and second Volumes of Rymer's edition, been inserted in their proper places. Those in the reign of Edward I, which amount to upwards of fifty articles, the originals of which are in the Tower, have neither been collated nor inserted in their places: and several instruments taken from the Patent and Clause Rolls, which were printed in the first edition under a wrong date, are repeated in the second edition, without the slightest attempt either at correction or chronological arrangement: Indeed, some of the papers from the Tower are in a more incorrect state than those taken from any other office; and particularly the French Papers, which were transcribed with great carelessness.

The THIRD edition possesses several peculiarities. It appears to have been undertaken by the Dutch booksellers merely for their own private advantage; but the person whom they procured to superintend the work was both judicious and learned (a). In the title pages of all the volumes, it uniformly professes to be formed after the SECOND London edition; but adds "Editio tertia prioribus longè amplior & emendatior. Hagæ Comitum, apud Joannem Neaulme." The second Volume bears the date 1739—the first and tenth, that of 1745. It is likely that this edition was begun in 1738.

In

(a) In point of typographical accuracy the third edition is very far superior to either of the preceding. In the "Advertisement" prefixed to the first volume, the Editor says, "Je ne m'entendrai point sur ce qui la rend perferable aux deux premieres, par rapport à l'exactitude: J'avoue même qu'on auroit pu pousser les corrections beaucoup plus loin encore qu'on n'a fait, s'il avoit été permis de donner quelque chose à la conjecture, dans des pieces ou tout est sacré."
—Avertissement de l'Editeur.

Appendix,
(N.)

General
Introduction to
The FœDERA.

In this re-impression, the following are the peculiarities referred to above. 1. All the English papers are translated into French; but the Original is preserved in a parallel Column. 2. At the conclusion of the Fœdera, which ends in the Ninth Volume, are found, "Epistolæ Mariæ Reginæ Angliæ, ad extraneos Principes & Respublicas ab anno 1554 ad annum 1558; desumptæ ex manuscripto originali in Bibliothecâ Ducis Kantîæ." These letters, probably written by Roger Ascham, are one hundred and seven in number; and though not of very great importance, yet some of them tend to throw light upon the political and ecclesiastical History of that period, in which both the Church and State were brought to the verge of ruin. 3. A Tract, entitled, "De l'Estat & Gouvernement du Royaume d'Angleterre, avec une nouvelle addition des principales Cours du dit Royaume, & des Officiers d'icelles Cours. Faict à la main le 28 Mars de l'an de Salut 1565, pendant le regne de la Serenissime & Excellentissime Princesse, la Reine Elizabeth, par un gentilhomme, Ambassadeur en France pour sa Majesté, apres [aupres] le Roy Charles IX, de ce nom." The Manuscript from which this was taken is said to have been "given by the late Prince of Condé to the Count de Bethune." The original of this Tract, is no other than Sir Thomas Smith's Account of the Commonwealth of England, which was long before this time in print, and had passed through several editions both in Latin and English. 4. The Tenth Volume is composed of "Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer." This is the French original of what is called the "Acta Regia," translated by Stephen Whately. It was begun by Le Clerc, as we have already seen, and continued by Rapin, which it appears the Earl of Halifax encouraged him to perform; and for this purpose had the different Volumes of the Fœdera sent to him in the course of their publication. It comprehends more than the English edition, as it gives an analysis of the 20th Volume of the Fœdera, which is not found in either the folio or octavo edition of the "Acta Regia." 5. It contains also a very copious and useful Index of the principal matters in the twenty Volumes of the Fœdera, but adapted here to the nine Volumes of the Dutch edition. It is well known that the London editions have no Index to the last three Volumes; and the Index Nominum and Index Locorum, &c. are printed at the end of the 17th Volume; and the latter Index is divided into Seventeen parts, each part including the subjects of its corresponding Volume. This is very inconvenient, as sometimes it may require seventeen distinct searches to find the subject in question. But in this respect, the Dutch Edition has greatly the advantage of the two London Editions.

As the Abregé Historique is so intimately connected with the Fœdera, it may be necessary to give a more particular account of this work, and the plan on which it was executed. This Analysis, termed in Holland, "Abregé Historique des Actes Publics d'Angleterre, recueillis par Thomas Rymer," and in the English edition "Acta Regia," was begun by Le Clerc in the 16th Volume of the "Bibliothèque Choisie," in which Work no other Plan appears to have been intended or followed, than that of giving a simple Analysis of the Contents of each Volume, with a Critique on the Importance of the Materials. This Analysis Le Clerc conducted through the First Volume of the Fœdera; after which he put the Work into the hands of Rapin, who brought it down to the conclusion of the 17th Volume, on a plan more extended and more methodical than that of Le Clerc; and, that there might be an uniformity in the Work, when he had gone regularly down from the 2nd to the 17th Volume, he took up the first Volume, which had been analyzed by Le Clerc, and abridged it on the same plan which he had adopted with respect to the succeeding Volumes.

What Rapin's plan was, we learn from his own words in the commencement of his Work, and by these we find it differed from the plan of Le Clerc in two important particulars. 1st, In giving a better arranged and more extensive Analysis of the Contents of each Volume. 2nd, In shewing the relation these Acts bore to the History of England; and of what importance they were in illustrating the public and private Transactions of each reign. "Le Clerc," says Rapin, "en donnant l'extrait du premier Tome, s'est contenté de faire connaître en gros, l'usage qu'on pouvoit fair de ce recueil; premièrement, par quelques remarques generales; & secondement, en indiquant quelques uns des Actes le plus importants, qui se trouvent dans le premier Tome. Mais, mon but, dans les extraits suivans, a été d'entrer dans un plus grand detail, de marquer le rapport des Actes avec les evenemens qui se lisent dans l'histoire; & d'eclaircir les uns par les autres."—*Abregé Historique*, p. 8. The method which Rapin appears to have pursued was this: In the first place, he carefully considered the Acts in the Fœdera under each reign. 2ndly, He brought Acts of a similar description together, and thus made a general classification, under the denomination of Articles. 3dly, He then examined the History of England in its foreign and domestic relations; and selected the leading Facts which might be arranged under the articles of the preceding classification. 4thly, He gave an Epitome of these Historical Transactions under each article, attaching to each the Act or Acts by which these Transactions were illustrated and confirmed. 5thly, He added some notes at the bottom, the better to explain certain circumstances, both in the Acts themselves and the Transactions or History of those times. Thus, for the reign of Henry II, he classed his materials under the following articles; I. Of the Increase of the English Monarchy.—II. Affairs of Henry with Thomas à Becket.—III. Of the Conquest of Ireland.—IV. Rebellion of Henry's Sons.—V. Henry's Affairs with Scotland. VI. Henry's Affairs with France.—VII. Of Richard's Rebellion. Each of these forms a Head of Historical Discussion; at the end of which, such Acts in the Fœdera as are referred to in the subject, are mentioned. But this classification of Articles was necessarily varied in different reigns, and with these variations he continued his abridgments to the conclusion of the 17th volume.

The remaining three Volumes were abridged by a different hand; the Author taking his Historical text from Rapin's History of England. This latter Abridgment is tedious, is destitute of lucid arrangement and distinguishing

distinguishing leading principles, and absurdly classes all the Transactions, and the Acts relating to them, in Alphabetical Order, to the confusion and almost total destruction of Chronological arrangement, so essentially necessary to a work of this kind. It is obvious how much these important Records must be dismembered, by being reduced to such an order as was required under Amboine—Armée—Chambre Etoilée—Chevaliers; Colonies—Descharges—Découvertes, &c. &c; and to what an excess this confusion must be carried in the English Translation, which following the order of its own Alphabet displaced most of the articles in the French arrangement. *Ex. gr.* Amboyna—Army—Books—Church—Dispensations—Forest Laws—Grants—Inventions—Knights, &c. &c.

Appendix,
(N.)
General
Introduction to
The FœDERA.

IV.—*Necessity of a New Edition.*

THOSE who are best acquainted with the Fœdera, and the nature of the Originals of which it is composed, have unanimously agreed that it is a work capable of great improvement; and one that may be carried to a much higher degree of perfection. On carefully considering the materials of this work, it has appeared, that many of them are incorrectly printed; and the nature of the mistakes is such, as to prove that they have been incorrectly copied from the originals. This was not owing to Rymer himself; wherever his hand appears, it is the hand of a master, but he was most evidently obliged to employ persons to transcribe, in the different offices; and in many cases, they have proved themselves, either from inability to make out the old hands, or carelessness in copying, to have been very unworthy of his confidence (*a*). Many instruments taken from the Tower, and particularly the French papers, and many of the earlier Bulls, taken from the Chapter-House, have been copied with the most reprehensible neglect. What renders this the more to be regretted is, the fact, that the originals have suffered greatly by the lapse of time since the days of Rymer; and others have suffered much by the injudicious method used by his collectors, who in many cases, to render an evanescent page or paragraph more legible, have applied an infusion of galls, by which the vellum and parchment have been incurably tinged with black to the very center of the skin. Some of these valuable muniments have been badly kept. Even where they are best and most carefully preserved, they are necessarily perishing; and as it is impossible to find in any future time these instruments in a better condition, it depends solely on the press to give them perpetuity.

Such considerations as these have long suggested the necessity of a new, more correct, and more extended Edition of this great National Work. The reasons for this measure may be thus briefly summed up:—1st. The Fœdera is a collection of great general utility and importance, and is acknowledged to be so in every part of Europe; 2dly. To the British Nation it is as interesting as it is honourable; it is the faithful Depository of its most important Acts, the Originals of which are daily perishing, or becoming less legible; 3dly. The original edition has long since disappeared; the second edition, more extensive, has been long out of print; and the Dutch edition has been long both scarce and dear; 4thly. The late measures for methodizing, arranging, and preserving the Public Records of the Kingdom, have afforded peculiar and extraordinary facilities for such an undertaking.

V.—*Of the present Edition of the Fœdera—its History and Execution.*

§ 1. IN the beginning of the year 1800, a Select Committee of the House of Commons was appointed to inquire into the state of the Public Records of this Kingdom, and of such other Public Instruments, Rolls, Books, and Papers, as they should think proper; and to report to the House the nature and condition thereof; together with what they should judge fit to be done for the better arrangement, preservation, and more convenient use of the same; and the Committee presented their Report to the House of Commons on the 4th of July in the same year.

In this Report, after taking a view of the measures which had been adopted in former times for the preservation of the Public Records, from the 46th of Edward III, A. D. 1372, down to the 6th of George II, A. D. 1732, of what had been done in consequence of these measures, and of what still remained to be done, they proceeded to state, that having made out a List of all the Public Repositories in England, in which any Records, Rolls, Books, or Papers of Royal, Parliamentary, Judicial, or other Public Authority, had been usually kept, comprehending those formerly inquired into by Parliament, and those hitherto unexamined by it; and having classed them under the heads of General Repositories, Houses of Parliament, Offices of State, Courts of Justice, Cathedrals and Universities, Inns of Court, and Public Libraries, comprehending also, all Repositories of a similar description in Scotland, they had next framed a List of Questions to be transmitted to the different Repositories, for ascertaining the nature of the contents of each Place, the State of the Building in which such Records were kept, as to its Security and Accommodation, and the degree in which the Catalogues, Calendars, and

(*a*) The Collectanea of Rymer in the British Museum, consisting of fifty-seven volumes of folio Transcripts, made by different hands, are so exceedingly incorrect as to be perfectly useless for the purpose of being printed; they give indeed a good general idea of the Instruments of which they are supposed to be fair transcripts, but nothing more.

Appendix,
(N.)

General
Introduction to
The Fœdera.

and Indexes were complete. This inquiry produced the most satisfactory results. The Returns made to these Questions, from Public Offices and other Repositories, amounted to between three and four hundred, in which a detailed account was given of all the Records, Instruments, and other matters to which the Questions related; no former measures had ever produced such returns. That in 1732 having produced only eighteen, and even this small number, as far as appears, by no means so complete and circumstantial as even the like number of those now procured.

Upon the foundation of this Report an Address from the House of Commons was presented to His Majesty, humbly representing, "that, having taken into consideration the State of the Public Records of the Kingdom, although in several Offices they found them preserved with order and regularity, yet in many of the most important Offices they had found them wholly unarranged, undescribed, and unascertained; that some of them were exposed to erasure, alteration, and embezzlement; and others lodged in places where they were daily perishing by damp, or incurring a continual risk of destruction by fire; that it would be beneficial to the Public Service that the Records and Papers contained in many of the Principal Offices and Repositories should be methodized; and that certain of the more ancient and valuable among them should be printed, beseeching His Majesty that He would give such directions thereupon, as in His Royal Wisdom He should think fit." Upon the 19th of July 1800, the Chancellor of the Exchequer informed the House, that their Address having been presented to His Majesty, His Majesty had commanded him to acquaint the House, that He would give the necessary directions. And a Commission for carrying into effect the measures recommended by the House of Commons was accordingly issued under His Majesty's Sign Manual.

Among the measures recommended to the House by the Select Committee, and which the Royal Commission gave authority to execute, was the following; viz. "To make a Selection of such Records as it may be expedient to print under the authority of Parliament." And in reference to the point more immediately under consideration, they expressed themselves thus: "The State Papers published together in RYMER'S FœDERA form a most valuable Collection. They commence from the reign of Hen. I, 1134 (1100), but they do not come lower in date than the first Six years of Charles the Second, during the Usurpation; and it appears to your Committee, that it may be very desirable to have this Work completed by a Supplementary Selection of such other important Papers as were omitted by the original compilers; and also to have it continued to the Revolution, or even to the Accession of the House of Hanover."

When a suitable person was found to execute the duties of a Sub-Commissioner, in superintending and conducting this Work, the first task assigned to him was to examine the different Public Offices, in order to ascertain what additional Articles they were likely to afford towards supplying the deficiencies of the original Work. And it being satisfactorily proved to the Commissioners, that several important Instruments had been discovered, unknown to Rymer and his associates, and that it would be a matter of some consequence to begin the Work with the Norman Invasion, A. D. 1066, instead of the First year of Hen. I, it was finally ordered that the Work should commence there; and, at a subsequent meeting of the Commissioners, they agreed that it should be brought down to the Accession of His present Majesty.

The plan being finally arranged, searches were commenced at the following places: 1. The TOWER of London, where the principal part of the Instruments printed in the earlier Volumes of the Fœdera still remain, and where a multitude had been lately discovered, in the Reigns of Henry III, and Edward I, by the present Keeper of the Records. 2. The CHAPTER HOUSE, Westminster, where the principal part of the antient Bulls were found; as also authentic Transcripts of many important Instruments in two large Register Books, denominated Liber A. and Liber B. This Office also contains some Royal Wills, and various other Instruments of the description of those which constitute the body of the Fœdera. 3. In the Archives of the Dean and Chapter of WESTMINSTER, some curious Instruments were found belonging to the Norman reigns. 4. The Cottonian, Harleian, Lansdown, Sloanian, and other Collections in the BRITISH MUSEUM, were carefully examined, and many valuable Materials extracted from them. 5. The Selections made at the STATE PAPER OFFICE, are both numerous and valuable. These will appear in the subsequent Volumes of the Work, as the State Papers there do not commence before the reign of Henry VIII. 6. From the BODLEIAN LIBRARY at Oxford, much valuable matter has been obtained, not only from the Collections of antient Charters and Register Books there deposited; but particularly from the Carte Papers, which are faithful Transcripts taken from the Originals in Paris, relating to English State Transactions with the French Court; many of which do not now exist amongst our Archives. 7. Several successful Searches were made in the University of CAMBRIDGE, and particularly in the invaluable MS. Library of Corpus Christi College, formerly belonging to Archbishop Parker. The Public Library in that University has also afforded some good materials for succeeding parts of the work. 8. The CHAPEL of the ROLLS has produced a great variety of excellent materials, particularly for the reigns posterior to Edward IV, and for the periods to which they relate, voluminous selections have been already made. 9. From the Library of the Dean and Chapter of the Cathedral of DURHAM, and the Library of the Bishop's Auditor's Office in the same place, some assistance has been obtained in the earliest part of the work, a period in which the originals of state transactions in all the public offices are deplorably scanty. 10. The Red Book of the Exchequer, WESTMINSTER, has afforded many curious articles, which have been inserted in the earlier reigns, as well as considerable help in ascertaining the genuine readings of some important Instruments, which had formerly been carelessly edited. 11. The same may be said of a MS. in the College of HERALDS, London, from which an authentic copy of the

the will of Henry III. was obtained. 12. From the Library of Trinity College, DUBLIN, the Library of the DUBLIN SOCIETY, the Archives of CHRIST CHURCH, and other Collections and Offices in the same city, some valuable materials have been selected. 13. The Archives of various Cathedrals, and some private Collections have been consulted; by these means some mistakes have been rectified. 14. A fruitful source of correction, emendation, and enlargement has been opened by the antient English Annalists and Historians, from the remotest period of our monarchy down to the fifteenth century. Several of these contain faithful Transcripts from Originals of Leagues, Conventions, &c. which probably no longer exist; and many chasms in the different reigns contained in the first volume of this work have been filled up by the assistance of those historians; a source to which Rymer was indebted for some of the most curious Instruments in the commencement of his Collections.

2. THE principal points in which the present Work has improved upon the former editions, are, 1st, The extension of its limits to an earlier and later period of time. 2dly, The verification of the old materials, and the addition of others within the same reigns. 3dly, The chronological arrangement, with a reference to the Repository in which each article is to be found; and lastly, The typographical execution of the whole.

1. The work commences now at an important era, that of the Norman Conquest in A. D. 1066, instead of A. D. 1100, the accession of Henry I. which forms no remarkable period in our history; nor is distinguished by any transaction of any importance in the British annals; and even in this reign with which it commences, which includes a period of 35 years, only two Instruments are found in the preceding Editions.

In selecting the Instruments for the earlier Volumes of the Fœdera, Rymer appears to have taken great pains, and to have exercised much judgment and discretion; so that to the end of the reign of Queen Elizabeth 1603, there is but little that can be retrenched with safety to the integrity and credit of the collection. But, after the time of Elizabeth, the work seems to have been conducted with less care, and especially in the latter Volumes, in which there are many Instruments which are little more than repetitions of others, having scarcely any thing to recommend them besides a difference of Times, Places, and Persons. As to private Instruments, however, not many of this kind appear in the work: and very few, if any, that may not be serviceable to cast some light on English history. Of those which are called Papal Ecclesiastical Acts, it should be observed, that in the early reigns authentic Documents are scarce, and most of them are of an ecclesiastical nature, or so closely connected with Church matters, that they cannot be easily separated. And as the early part of our History is extremely barren of information, even on topics of the greatest political consequence, every fragment of real history, or which has a tendency to illustrate State Transactions, should be considered as valuable. It must also be considered, that the subjects in the Fœdera, especially in the greater number of the volumes, have been before the Public for more than one hundred years; and many of them have been quoted and referred to by Historians, Critics, Antiquaries, Lawyers, and Divines, both at home and abroad.

Many important Articles, upwards of 600 in this First Volume, have been added under the different reigns; all either of consequence in themselves, or necessary as connecting links to complete the history of State Transactions for the times to which they refer.

2. All the Papers printed in the original Editions have been carefully revised; several of the most important, where doubts arose, were compared with the Originals, when they could be found; and the whole of those taken from the Patent and Clause Rolls in the Tower, from the 7th of Edward I, 1278, to the end of his reign in 1307, have been collated with the Originals. As the work has been printed from the Second Edition, collated by Holmes with the Originals at the Tower, it was not thought necessary to re-collate all the Papers from that Repository, although, from other sources, this plan was adopted from the commencement; but very early in the reign of Edw. I, such inaccuracies were discovered, that it was resolved not to pass over a single Article in any Repository where the originals were found, without re-collation. All those taken from the Bulls in the Chapter-house, have also been collated with the Originals, and a multitude of errors corrected, especially in the Transcripts made from the earlier Bulls. Those of later times, had been copied by Rymer with great fidelity.

Whoever is acquainted with the Fœdera must have noticed that there are many Instruments in that work which are not referred to any originals or places of residence; and that several others stand with the very unsatisfactory note, 'Ex Autogr. or Ex Orig.' In the course of searches for new materials, and to correct the old ones, care was taken to trace those comparatively unauthenticated Papers to their respective sources, and these searches have been crowned with general success; and the Repositories thus ascertained have been carefully entered in the margin opposite to their respective Instruments. There are but few which remain unascertained; those, the places of which have been sought for in vain, now stand in the margin with the note, Vid. Præfat. hujusce operis.

By this note, it is intended also to point out certain instruments, the authenticity of which is disputable, and which appear to have no higher authority than what they derive from their insertion in the Fœdera. Only two Instruments of this description will be found in this volume, viz. p. 61 and 62, under the year 1192; they both pretend to be Letters from "Vetus de Monte, شيخ الجبل *Sheekh ul Jibel*, the Old Man of the Mountain,

Mountain, (a chief of a branch of the Hassanian Dynasty, who with several thousands of his followers, were then settled at Mount Lebanon); the first to Leopold Duke of Austria, and the second to the Christian Princes and People of Europe, vindicating Richard King of England from the murder of the Marquis of Montferrat, with which he had been accused." The first of these Letters appears to have been received by Ralph de Diceto, who was Dean of St. Paul's in 1181, from William Longchamp Bishop of Ely, and Chancellor to Richard I, who desires him to insert it in his Chronicles. See *Ymagines Historiarum* x, Script. col. 680. The date indeed given to this Instrument by Brompton, and copied by Rymer, is Anno ab Alexandro Papa quinto; whereas the copy sent to Ralph de Diceto, is dated Anno ab Alexandro M. D. V. (millesimo quingentesimo quinto,) referring to the æra of Alexander, which is the same with that of the Seleucidæ; and having preceded the Christian æra by 312 years, that number, when added to 1193 A. D. the proper date of the Letter, will account for the date of M. D. V.

3. The Chronological Arrangement, which was extremely defective in all the former Editions, is here, with great care and labour, reduced to consistency and order. In many instances, Instruments were both misdated and misplaced. In a variety of cases where articles have been dated by calends, they have been reckoned as current days of the month, instead of being reckoned backwards; thus several had got into a wrong month, some into a wrong year, and some even into a different reign. A new computation has therefore been made, in reference to the date of every article in the first and second volumes: 1st, By the mode now generally adopted by European States—2dly, The antient Roman method by Calends, Nones, and Ides—and 3dly, By the mode adopted in many instances by the Moveable Feasts of the Church; Saints Days, their eves, octaves, &c. It must be allowed that in several respects it was difficult to avoid such mistakes at the commencement of the work; and subsequent Editors certainly paid no attention to this circumstance. The necessity of examining every thing chronologically seems never to have occurred to them; and, on this account, it is difficult to speak of their labours at all times with respect.

The Omissa, which have been printed at the end of the Volumes of the preceding Editions, have been incorporated in this New Edition, in their regular chronological series.

4. The typographical arrangement of the matter in each page has been improved; the reader has at one view on the head of every page, the name of the reigning monarch, the year of his reign, and the year of our Lord; and if instruments occur on the same page, for more than one year, that also is marked by a leading line of reference from figure to figure. Several Instruments, in some of the early Norman reigns, are referred to no particular year; but this was unavoidable, because the Originals are undated, and though the facts mentioned in most of them sufficiently show the time in a general way, in which the Instruments were written, yet it would have been impossible by any allowable critical conjecture, to have fixed the Year; and therefore it was thought more advisable to leave them as they were found, aiming only as far as possible at consecutive arrangement. In the side margin are also to be found the Year of our Lord, the name of the King, and Year of his Reign, the Roll, Bundle, Book, &c. from which the Article was taken, and the Place or Repository where it is preserved.

The old Titles have in most cases been re-composed; and all are so constructed as to give some general view of the substance or nature of the Instrument to which they are prefixed. In many cases there were serious defects of this kind in the former Editions. This may at first view appear a slight circumstance; but the convenience of it to those who have frequent occasion to consult the Fœdera, will soon become obvious.

The Magna Carta, and Carta de Foresta, and the modifications, explanations, and enlargements which they underwent in various reigns, with all the series of State Instruments to which they gave rise, are in this Edition for the first time, carefully inserted from the Originals. How they came to be omitted in the preceding Editions it is difficult to conjecture; while it is most evident, that there are not any Instruments in the body of the whole work, that came more directly under the description of those of which the Fœdera ought to be composed.

To the former plates, which are here all retained, and some of the most important re-engraved from the Originals, there are added several new ones, consisting of Fac-similes of the most important Instruments, and of the Seals of different Monarchs; the additional Fac-similes for Volume I, are of the following dates and descriptions; viz.

WILLIAM I.—1. CARTA foundationis Abbatiae Sⁱ Martini de Bello.—From the Original in the British Museum.
2. CARTA Regis Willielmi S^o Petr' West' concessa, post descriptionem Angliæ.—From the Original, under Seal, in the Archives of the Dean and Chapter of Westminster.

HENRY I.—LIBERTATES canonicis S. Trin. Lond. concessæ & quod habeant soccam de Anglica Cnicthene-gilda.—From the Original, under Seal, in the Chapter House, Westminster.

HENRY II.—CARTA de pluribus condonationibus Ranulpho Com' Cestr' ab. Hen. Duce Normanniæ factis, A. D. 1152.—From the Original in the British Museum.

John.

JOHN.—1. HOMAGIUM a Willielmo Rege Scottorum Johanni Regi Angliæ factum. A. D. 1212.—From the Original in the Tower. 2. ISTA sunt CAPITULA quæ Barones petunt & Dominus Rex concedit.—From the Original under the Great Seal in the British Museum. 3. MAGNA CARTA Regis Johannis, A. D. 1215.—From an Original in the Archives of the Cathedral Church of Lincoln.

Appendix,
(N.)
General
Introduction to
The Fœdera.

The SEALS given for the first time, in this Edition, are, for the present Volume.—1. The seal of William I.—2. Of William Rufus.—3. Of Henry I.—4. Of Stephen.—5. Of Eustace, son of Stephen.—6. Of Henry II.—7. Of Richard I.—8. Of John.—9. Of Henry III.—10. Of Edward I. These have been all correctly taken from the Originals.

London,
5th March 1816.

ADAM CLARKE,
FREDERICK HOLBROOKE,
Sub-Commissioners.

APPENDIX, (A.)

Observations upon Two Documents proposed to have been inserted in the New Edition of The Fœdera.

IN the searches which have been made for instruments to supply and complete the deficient parts of the Fœdera, especially in the early Norman reigns; many have been discovered, which, although they appeared of considerable importance, as “calculated to cast light on English history,” (which was, from the beginning, one of the principal objects of this great collection); yet, because they were destitute of some of those characteristics necessary to put their authenticity beyond reasonable doubt, it was thought best to omit them in the body of the Work. Of these, two only shall be noticed in this place.

I.

THE CONQUEROR'S CHARTER TO THE EARL OF BRITANNY.

The first of these Documents, and the most specious in its appearance, is the CHARTER said to have been granted by WILLIAM THE CONQUEROR to ALAN FERAGENT, EARL OF BRITANNY, of all the lands which belonged to Edwyn Earl of Mercia. This is found in the “Registrum Honoris de Richmond,” a fac-similé of which has been engraved by Mr. Gale, and prefixed to his work with the above title. On the same plate, the Conqueror is represented sitting on a throne, and delivering into the hands of Earl Alan, who is kneeling at his feet, the Charter in question; several of the King's nobles standing by. With these figures the present question has nothing to do. The charter, line for line, runs thus:—

“Ego Willielmus cognomine bastardus Rex Anglie do et
concedo tibi nepoti meo Alano Britannia Comiti
et heredibus tuis inperpetuum, omnes villas et terras que
nuper fuerunt Comitis Edwyni in Eboraschi-
ra cum feodis militum et ecclesiis et aliis libertatibus
et consuetudinibus ita libere et honorifice sicut idem
Edwynus ea tenuit. Dat. in Obsidione coram
Civitate Ebor.”

Of the authenticity of this charter Mr. Gale doubts much; and begins his observations on it with “Optandum sanè foret, quòd non in primo limine cespitasset registrum nostrum, et quòd charta illa quam Alano protendit Conquestor, à capite ad calcem falsarium minùs oleret.” p. 225. and urges the following

OBJECTIONS:

1. This grant appears no where but in the Registrum Richmundiæ, or in extracts from it.
2. In more than a hundred charters which I have consulted, either in the originals or in the copies per inspeximus, I have not found one instance where the Conqueror had disgraced himself (se dishonestavit) with the surname of Bastard; as he always styles himself Rex Anglorum, or Rex Anglie Dei Gratia.
3. Alan is here stated to be the Conqueror's nephew, nepoti meo Alano; but with equal propriety the Conqueror might be called Alani nepos, as Alan be called Conquestoris nepos; for they were both joined in the same degree of consanguinity.
4. The lands are given to Alan by this charter, ita liberè et honorificè sicut Edwynus ea tenuit; but, as under Edwyn these lands were gildable, paid a certain tax to the King, the charter to Alan does this away, and the whole is made an honour, so that Alan enjoyed them multo majus liberè et honorificè, than they were possessed by Edwyn.

5. As Gulielmus Pictaviensis (p. 208), expressly says, that shortly after the overthrow of Harold, Edwyn and several others of the English nobility swore fealty to William, were received honourably by him, and were confirmed in all their possessions, it is not likely that the lands in question should have been granted to Alan nearly at the same time in which they are stated to have been confirmed to Edwyn.

These reasons, taken separately, do not appear to me incontestible, nor to prove the point in favour of which they are produced.

Answer to First Objection.

The Register of a particular place, is more likely to contain the instruments that belong to itself than any other work; because in these it is alone or most particularly interested. And as accounts of the settlements and privileges of such places are generally extracted, by those writers who may have occasion to use them, from such Registers, it might well happen that some particulars may have been omitted by those who consulted and quoted them; such particulars not falling within the object of inquiry of such writers. Besides, it is an accredited rule in sound criticism, that a reading found in only one Manuscript (that being in all other respects of indisputable credit,) may be the true reading, although there may be several Manuscripts of the same work in which it is not noticed. Objections of this kind, taken by themselves, prove nothing.

Answer to Second Objection.

It is granted that William generally styles himself Rex Anglorum or Rex Angliæ in those charters of his which yet remain; but it does not absolutely follow from this, that the Charter in question is spurious, because it adds to Rex Angliæ, cognomine Bastardus.—That Bastardus or Nothus (*nothos* degener) was a common surname of William, appears from almost every antient writer on Norman and English affairs; and that it was considered as containing nothing disgraceful, is evident from its being used by contemporary writers, and by those who were William's principal encomiasts; who endeavoured to exhibit him not only as the most excellent of princes, but also as the most pious of men! I shall select a few places from some of our earliest writers.

Willielmus BASTARD. *Chronica de Mailros*. Fell & Gale, Vol. I. p. 160.

Willielmus *dictus le BASTARD*. *Id.*

Willielmus BASTARD, Consul Normannorum. *Annales Waver.* Fell & Gale. Vol. II. p. 129.

Willielmus BASTARD, *Chronica Walt. Hemingford.* *Ib.* p. 445.

Wilhelmus BASTARDUS, comes Normanniæ dictus NOTHUS. *Ib.* p. 457.

Willielmus Dux Normanniæ, qui BASTARDUS vocatus est. *Knyghton.* Vid. Script. x. a Twysden. col. 2340.

Guilelmus cognomento NOTHUS, Dux Normannorum. *Guil. Neubrig.* in Rer. Brit. Script. vetust. p. 357.

Willielmus BASTARDUS Conquestor Anglie. *Rot. de Quo Warranto*, an. 7 Edw. I. memb. 25. in *Cur. Recept. Scacc.*

In the Genealogy of the Dukes of Normandy given by Du Chesne, from an antient Manuscript (probably of the time of the Conqueror's family, as it ends A. D. 1120, the twentieth of the reign of Hen. I. the Conqueror's Son) we find him styled Nothus and iste Nothus, four times in about half a page. *Histor. Norman. Script.* p. 213. And one of those writers high in his praises, not only calls him nothus, but princeps nothorum.

It is true, that William when dying, in the long confession of his sins and justification of his conduct (if indeed it be genuine), related by *Ordericus Vitalis*, *ibid.* p. 656, &c. refers to this surname, as having been used rather in a way of reproach by his uncle Guy Rainald, Earl of Burgundy: "Ille vero verbis et actibus mihi derogavit, me NOTHUM degenerumque et principatu indignum detestatus judicavit, et hostiliter diffamavit." *Ib.* p. 657. But this was done by Guido to shew, that because he was not born in lawful wedlock, he had no right to the dukedom, while several legitimate relatives were still in being. And this is the only place I have ever noticed in these writers where the epithet seems to have been used as a term of reproach. But that it was employed by the Earl of Burgundy only to vindicate his own pretensions to the Dukedom, and his attempts on the life of William as an usurper of it, is sufficiently evident from the manner in which this epithet is applied by the whole current of Norman and Anglo-Norman writers.

It is well known that the Dukes of Normandy, as well as other sovereign princes, were distinguished by particular epithets:—ROBERT, the father of the Conqueror, was styled *Le Magnifique*. RICHARD the Second was surnamed *Le Bon*. RICHARD the First was called *Sans Peur*. And his father, WILLIAM the First, son of Rollo, and second duke of Normandy, was denominated *Longa Spata* and *Longue Espée*. And very likely William the Conqueror, who was William the Second of Normandy, for he still retained the sovereignty of that duchy, might have had the cognomen *Bastardus* and *Nothus*, to distinguish him from William *Long Sword*, the first Norman duke of that name.

Though the custom, for the honour of morality, be different now, yet in antient times neither the thing nor the name was any reproach in great families; nor was it any bar to succession in the most important offices. On the contrary, as Sir John Hayward observes, "It was a general custom at this time in FRANCE, that Bastards did succeed, even in dignities of highest condition, no otherwise than children lawfully begotten.

"Thierrie, bastard of Clovis, had for his partage with the lawful children of the same Clovis, the kingdom of Austrasie, now called Lorraine.

"Sigisbert,

“ Sigisbert, bastard of King Dagobert the First, had his part in the kingdom of France, with Clovis Twelfth, lawful sonne to Dagobert.

“ Loys and Carloman, bastards of King Loys le Begue, succeeded after the death of their father.”

So likewise in ENGLAND—

“ Alfrede, bastard sonne of Oswine, succeeded his brother Egfride.

“ So Adelstane, the bastard sonne of Edward the Elder, succeeded his father, before Edmund and Eldred, his younger brothers, notwithstanding they were lawfully begotten.

“ So Edmund, surnamed the Martyr, bastard sonne to King Edgar, succeeded him in the state, before Ethelbred, his lawful issue.

“ Afterwards Harold surnamed Harefoot, bastard to Canutus, succeeded him in the kingdom, before Hardecanutus, his lawful sonne.

“ The like custom hath been observed in Spaine, in Portugale, and in divers other countreys.”

Sir John Hayward gives rather a quaint reason for this preference, which, however, does not always hold good, though apparently founded on physical principles; viz. “ It is probable,” says he, “ that this use was grounded upon often experience that bastards (as begotten in the highest heat and strength of affection) have many been men of excellent prooffe, both in courage and understanding. This was verified in Hercùles, Alexander the Great, Romulus, Timotheus, Brutus, Themistocles, Arthur; in Homer, Demosthenes, Bion, Bartholus, Gratian, Peter Lombard, Peter Comestor, John Andreas, and divers others of most flourishing name, among whom our Conqueror may worthily be ranged.” *Hist. of the Norman Kings*, p. 4.

Sandford gives the same reason, and in the same words, which, without quoting him, he has evidently borrowed from Sir John Hayward. Shakespeare has amplified all this; but the sentiment is much older than either; we find it in Euripides;

Κεῖ τις νόθος πέφυκε· πολλάκις δέ τοι
ἤνρ' αὖθις γῆν ἐνίκησε σπορά.
Νόθοι τε πολλοὶ γνησίων ἀμείνονες.

Eurip. in Androm. v. 636.

Was this the text to “ Edmund’s soliloquy,” in King Lear?

Answer to Third Objection.

The word nepos, which seems to have stumbled Mr. Gale so much, has a great latitude of meaning. It signifies, 1. A grandson—2. A nephew or niece, *i. e.* a brother or sister’s son or daughter—3. A cousin german—4. One of the same blood—5. A descendant, or one of the same nation. So Remi Nepotes, in Catullus, does not mean the grand-children or nephews of Remus, founder of Rome, but his posterity, or descendants, *i. e.* the Romans, though removed from him more than 600 years.

Besides, the word was used among writers of the middle ages, not only to signify a brother’s son, but also the son of a father’s brother—a grandfather’s brother—and even the brother of a great-grandfather:—

Monet Eckartus (tom. ii.) Comment. de Reb. Fran. Orient. p. 824. Nepotis vocem medio ævo, non solum de nato ex fratre, sed etiam de nato ex patris avi, & proavi fratre usurpatum. *Carpentier. Glossar. Nov. sub. voc.*

But as Earl Alan married Constance, the daughter of William, it may be supposed that he here used nepos in the sense of son-in-law; though it is more likely that he means by it, relative, in general. With the disputes about the Alan here intended, I do not think it necessary to intermeddle.

Notwithstanding all Mr. Gale’s genealogical tables of Earls of Richmond and Norman Families, I think this consideration does away with the strength of his objection.

Answer to Fourth Objection.

As the Charter in question was granted during the siege of York, we might naturally expect it to be expressed in the simplest form. The purpose which appears to have occupied the mind of William was to convey to the Earl of Brittany and his heirs, all the lands held by the Earl of Mercia; so that he might possess them as fully and as honourably as his predecessor had ever done: and without attending particularly to the nature of Edwyn’s tenure, or any of its peculiarities (things inconsistent with the circumstances of a siege,) he expressed in the new Charter the manner in which he designed that Alan should hold them; viz. per servicium militare; which, as Mr. Gale expresses himself, was at that time, and for several ages afterwards, the most honourable of all feudal tenures; and I understand the words “ ita liberè et honorificè sicut Edwynus ea tenuit,” as simply conveying the whole rights to Alan which Edwyn had possessed; and the other terms in the charter, I understand as expressing in what manner the Conqueror intended he should enjoy them.

It is very likely that Edwyn held those lands by a more honourable tenure, before the invasion, than he did after he made his submission to the Conqueror; and had his confirmation. At this time, we know, as Dr. Brady has observed, *Hist. Eng.* vol. I. p. 199, that these lands, when given, were gildable, *i. e.* paid a tax to the King; but, by the King’s favour, were changed into a liberty, or honour: this was called the honour of Richmund, and now Richmundshire, from a castle of that name, built by Earl Alan.

I suppose

I suppose it is not necessary to prove that Alan had this honour; Domesday is particular on the subject; and marks how Alan's tenure differed from that of Edwyn; *i. e.* from the limited confirmation granted him by the Conqueror, as I understand it. And, if this conjecture be grounded, it will be an additional proof of the authenticity of this Charter. We learn from Domesday something of the extent of this grant; for we are there informed, that Earl Alan had 199 manors within this castellany:—

A. Comes habet in sua castellatu CC. maner' un' min', "Earl Alan has within his castellany, or the jurisdiction of his castle (*i. e.* Richmund,) 200 manors, all but one."—*Kelham's Domesday Illustrated*, p. 147.

Answer to Fifth Objection.

In answer to this last Objection, it is necessary to observe, that about A. D. 1069, the English, and especially the Northumbrians, oppressed and galled with the tyranny of the Normans, applied to Sweyn, King of Denmark, for assistance; determining, if possible, to throw off this disgraceful and oppressive yoke. Sweyn sent them a powerful army, with a fleet of 200 sail, under the command of his brother Osbern: they landed, and were immediately joined by the discontented English nobility, several of whom had been obliged to take refuge in Scotland. The united army besieged and took the city of York; and prepared to meet William in the field, who was now on his march to oppose them. Finding, however, from their numbers, and the discontents of the English in general, that he could not prudently hazard a battle, he had recourse to negotiation; and having promised a considerable sum of money to Osbern, and full permission to victual his fleet by wasting the coasts, if he would agree to reembark his troops as soon as the weather should permit; Osbern accepted the proposals, embarked in the following spring, and abandoned the miserable and deluded English to the King's rage. In order finally to humble them, and render all future attempts to revolt impracticable, William removed the English from all places of trust; dispossessed the nobility of all the baronies and fiefs of the Crown, and distributed them to his Normans, and to other foreigners who had accompanied him to England. Vid. *Kelham*, p. 143.

Our historians generally agree, that it was at this time Earl Edwyn was dispossessed, and Earl Alan put in his place. This was in the third year of William's reign, and answers well enough to the date of this Charter. Some would refer the grant to the fifth year of William's reign, when on his expedition to Scotland: this, though it could not well agree with the siege of York, yet would save William's good faith; for as Earl Edwyn, according to *Ordericus Vitalis*, had died the year before, viz. in A. D. 1070, the Conqueror, without any breach of promise, might give his estates to the Earl of Brittany.

To conclude, none of these Objections, nor the reasoning on them, appears to me sufficient to set aside the authenticity of this Charter. But as it has been disputed by some, and with them Mr. Gale's objections may still appear to have considerable weight, I have not proposed this instrument to be admitted into the body of this work; but as I think it to be as well circumstanced as several others, the authenticity of which has not been questioned, I judge it right that those who consult the Fœdera should have it within their reach.

II.—DE NAVIBUS.

The SECOND DOCUMENT of this kind is a curious account of the means afforded by the Norman nobility, to enable William their Duke to attempt the conquest of England. This exists in a manuscript, evidently of the Eleventh Century, in the Bodleian Library, numbered among the manuscripts in that repository, 3632, and has the following title to the copies taken from it, which has been added in modern times: "De Navibus per magnates Normanniæ provisio pro passagio Ducis Willielmi in Angliam."

This instrument, which was intended as an introduction to the new edition of the Fœdera, runs thus, line for line:—

Willelmus Dux Normannorum veniens
in Angliam ob adquirendum regnum ju-
re-sibi debitum, habuit a Willelmo
dapifero filio Osberni sexaginta
naves. Ab Hugone postea comite de
Cestria totidem. Ab Hugone de Mun-
fort quinquaginta naves, et sexaginta
milites. A Rêmo elemosinario Fes-
canni, postea episcopo Lincolienti unam
navem, cum xxⁱ militibus. A Nicholao
abbate de Sancto Audoeno, xv^{im} naves
cum C. militibus. A Roberto comite
Augi, sexaginta naves. A Fulco-
ne Dauno xl. naves. A Geroldo
dapifero totidem. A Will' comite

Deurous

Deurous octaginta naves. A Rogero de Mungumeri sexaginta naves. A Rogero de Baumunt lx. naves. Ab Odone episcopo de Baios' C naves. A Roberto de Morotein' C et xx". A Waltero Giffardo xxx" cum C militibus. Extra has naves que computate simul M. efficiunt, habuit Dux a quibusdam suis hominibus secundum possibilitatem uniuscujusque multas alias naves. Matildis postea regina, ejusdem ducis uxor, ad honorem ducis fecit effici navem que vocabatur MORA, in qua ipse dux vectus est. In prora ejusdem navis fecit fieri eadem Matildes, infantulum de auro, dextro indice monstrantem Angliam, et sinistra manu imprimentem cornu eburneum ori. Pro quo facto, dux concessit eidem Matildi comitatum Cantie."

This is the whole of the Document in question; nor is there any thing else in the Manuscript (which is very small) on the same subject. Who the author was, is not known, and there is no probable conjecture that can assist to find him out; the whole piece, therefore, must stand on its own merits; and these I shall proceed to examine, while taking into consideration the principal objections that have been made to its authenticity. And as the manuscript is anonymous, I shall use the first words of its title, *De Navibus*, as its name, in what I may have to say on the subject.

I shall now state the Objections which have been made against the authenticity of *De Navibus*, and endeavour to shew what may be said on the opposite side.

OBJECTIONS:

1. "It is certainly a forgery, though as old as the Norman times."
2. "It is found at the end of a Tract, by an anonymous writer."
3. "It represents the Conqueror as giving the whole county of Kent to Queen Matilda, in return for the decorated vessel with which she provided him previous to his invasion of England."
4. "There is no evidence that Matilda ever had Kent. Ordericus Vitalis, as early as the year 1067, states, that William gave Dover and the whole county of Kent, to his brother, Odo de Baieux; and Domesday Book gives the strongest corroboration possible to the early grant of this county to Odo; and in no part of the survey of Kent is Queen Matilda spoken of as having the smallest connexion with any part of that county."
5. "The circumstance stated in this manuscript is not mentioned by any historian, nor in any other document whatever."
6. "The giving a county to his own wife, for a ship which she must have paid for out of his own money, is a suspicious thing."
7. "As in the compilation of the Fœdera, we do not go to Chronicles even of the best authority for mere narrative; why then to an anonymous Manuscript for a story which all the world may fairly dispute."

These are all the Objections I have hitherto met with against the authenticity of *De Navibus*; and as they have been made by Persons every way qualified to judge of such matters, they require the most respectful consideration. Without repeating each, I shall proceed to consider them in the order in which they are stated.

Answer to First Objection.

Forgery, in Law, signifies, in a general sense, any fabrication, or alteration of an instrument or writing, to the prejudice of another person's right. In PHILOLOGY and DIPLOMATICS, it signifies (the stating as fact, and endeavouring to support this statement by a writing or medal, pretended to be formed or struck on the occasion) some particular circumstance, with the intention to claim certain rights, to get rid of certain obligations; or to procure personal or national respect, honour, and the like. In none of these respects, nor in any other capable of being included within the term, is the writing in question, a forgery.

Fabrications of every kind, necessarily imply motive and object : but allowing this to be a fabrication, the author must have done it without motive or end ; for there is none discoverable from any thing that is expressed ; and no legitimate rules of induction can find out any.

The author makes a general statement, including many well-defined particulars ; and states as facts several circumstances, which are in the main corroborated by other writers ; but he proposes no end by his statement ; he refers neither directly nor indirectly to any proofs ; he draws no inference from any thing he has stated, but leaves his readers to make what use soever they please, of the information he has given. Add to this, what indeed the objection allows, that the piece was written in the very times in which the transactions took place, which it records. This is proved by its intrinsic and extrinsic form, by the style, manner of writing, cut of the letters, ink, parchment, &c. &c. All prove it to have been done in, or about the eleventh century. The writer also must have been conscious to himself that he was recording facts ; because, if not facts, every man of his time could have confuted him. There is not a forgery perhaps, in the world, that can boast in all these respects such a total absence of all the evidences of falsification.

Answer to Second Objection.

The MS. at the end of which De Navibus is found, being anonymous, can be no proof of forgery. In multitudes of cases, authors have not affixed their names to their works. If the want of a name, be a proof direct or indirect of forgery, many of the Greek and Roman classics are supposititious ; as we have only a general consent of antiquity or of contemporary writers, to attribute them to those whose names they now bear. Several of the sacred books are thus circumstanced ; and some of them, notwithstanding the lights which antiquity has held out, have not been satisfactorily assigned to their proper authors, to the present day ; and yet their divine origin, and the authority of the moral obligations which they impose, are unquestioned with believers in divine revelation.

We know not who wrote the Ilias and Odyssey ; they are anonymous : it is true that very remote antiquity has attributed them to a person called Homer ; but who this person was, and of what country, no man can tell. The best biographical accounts which we have of the author, from even the earliest writers, are now generally allowed to be fabulous : nay, his very existence is doubted, and the name itself has been considered by some eminent scholars, as rather the title of the work, than the name of its author. Those poems, however, stand on their own merits, and we cannot admire them the less, because we know not their author : nor can we doubt the truth of several of the historical books of the Old Testament, because we know not the compilers.—But it is needless to extend argumentation on this point ; as objections taken on this ground, can never be conclusive.

Answer to Third Objection.

If we could suppose that De Navibus intended to convey the idea, that “ William gave the whole county of Kent to Matilda, in return for the decorated vessel with which she had provided him previous to his Invasion of England,” the account we must grant would be very improbable ; yet, did no other material objection lie against the narrative, this could not materially affect its credibility ; for we know there was once a foolish and dissolute Jewish king, who in a ridiculous caprice, promised the half of his kingdom to compensate a dance : and a Mogul Emperor, Maaz-Uddeen, who was so captivated by the attitudes of his dancer Laal-Koner, as to associate her with himself in the government of his Empire ! but I conceive De Navibus is not to be understood in the sense stated in the objection. What influenced William to make the grant, if he did make it, was not the present of a decorated vessel, but the curious emblematical device, which the success of his enterprize might induce him to think prophetic. The account states that Matilda gave him a vessel called the MORA, on the bow of which there was the figure of a little child, made of gold, pointing out England with the fore finger of the right hand, and with the left pressing to its mouth an ivory horn : “ *dextro indice monstrantem Angliam, et sinistra manu imprimentum cornu eburneum ori.*”

This point is most circumstantially proved from the Bayeux tapestry, the plates of which were published by Monfaucon in *Les Monumens de la Monarchie Francois*. This tapestry by tradition is called *Duke William's toilette*, and is said to be the work of Matilda and the ladies of her court, after her husband obtained the Crown of England. From the observations of Monfaucon and Lancelot we learn, that it is extremely probable the Queen should employ her leisure (according to the fashion of the age) in working with her needle. The shape of the arms, the apparel of the soldiers, with many other circumstances, point out its great antiquity, and that there is in France nothing of the kind *nearly coeval* with it. Dr. Ducarel, in his *Anglo-Norm. Antiq.* conjectures the reason of this famous tapestry being found at Baieux, may probably be from Queen Matilda having presented, or left it, to Odo, bishop of that see. Odo is recorded to have been very munificent to his church, and Monfaucon says this tapestry has belonged to it beyond all record. This tapestry represents (inter alia) several persons on board the fleet bound for the English coast, on *horseback* ; one of them no doubt is Duke William, who seems to be distinguished by carrying a banner in his hand. The fleet appears ranging along the coast, and the ship in which the Duke embarked is probably that which carries a banner, and upon which is a *cross on the mast*. Monsieur Lancelot conjectures this may be designed for the consecrated banner sent to the Duke by Pope Alexander II, “ *Hujus Apostolici (Alexander II) favorem petens dux—vexillum acceperit*”

accepit ejus benignitate velut suffragium Sancti Petri." *Gul. Pictav.* This vessel also appears to be the largest in the fleet, and it is probably the Duke who is represented near the prow, giving his orders. It is moreover distinguished from the others by *the figure of a man at the prow, holding a banner and sounding a trumpet—*dextro indice monstrantem Angliam—waving a banner and pointing to England. The inscription gives us this information;—"Hic Willielmus dux in magno navigio mare transivit, et venit ad Pevense." The tapestry has changed the *child* into a *man*, and the *trumpet* is the *ivory horn* of De Navibus. The very circumstance of the *ivory horn* is a presumptive proof that De Navibus had seen the vessel. The ladies of Matilda could not well represent this by the *needle*; and indeed this circumstance might have been forgotten, as the tapestry must have been made some considerable time after the Conquest; for Matilda did not follow the Duke to England till 1068, two years after the battle of Hastings; *Order. Vitalis*, p. 510: and it is likely that the tapestry was made in the intermediate time. The *Infant* might be designed as an emblem of *Victory*, pointing out *England*, a prediction of his conquest; and the *ivory horn*, or *trumpet*, the proclamation of his *fame* for the victory gained, and a kingdom conquered.

That the thing was thus intended, *res ipsa loquitur*; and that William would understand it so, other parts of his conduct sufficiently intimate; for he was either really or pretendedly superstitious; and indeed that time was the æra of superstition. Proofs of this disposition in William, may be seen in the following instances: William's vessel, the *MORA*, was the first that reached the shore at Pevensey: in his eagerness to land, his foot slipped and he fell down; while grasping the earth with both his hands to recover himself, one of his Knights raising him up, with great presence of mind turned this apparently unlucky accident into a good omen, crying out, "Tenes Angliam, comes; Rex futurus!"—O Earl, thou now seizest on England, shortly thou shalt be its king. *Rer. Anglicar. Script. Vetust.* p. 331. Edit. Heidl. 1587. *Will. Malmsh.* p. 100.

Matthew of Westminster gives this account more circumstantially: he says, when William fell, he turned pale, considering it a bad omen; but one of his Knights lifting him up, and observing that his hands were full of earth, turned the circumstance into a sign of prosperous success; saying, "Dux foelicissime, Angliam jam tenens subaratus: ecce terra in manu tua est; accingere erectus in spem bonam, Rex future." *Flor. Hist.* p. 222. Edit. 1601.

Henry Knighton says, that in leaping from the ship, he fell into the mud, and his mouth was filled with sand; on which, he himself cried out, "Deus adjutor meus! Terra est mea." *Hist. Angl. Script.* x. col. 2341.

The following is another instance of his superstition or address. Previously to the conflict at Hastings, when he had given the necessary directions, and arranged his troops in order of battle, he called for his armour-bearer to assist him to arm; the man alarmed and confused, brought his coat of mail with the inside out, and thus put it on his master; (*inversam illi tradit & induit lorica*), this might be easily done with the Norman mail, which is composed of small links overlapping each other, and is exceedingly pliable. The Duke perceiving the mistake, smiled and said, "This is a presage that the power of my Dukedom shall be turned into that of a Kingdom."—*Versa sunt aliqua penes nos, fortitudo ducatus mei in regnum commutatur.* *Mat. Westm.* p. 223. edit. Franc. 1601.

All these devices and omens issued in the wished-for success; and perhaps to them, William and his troops were not a little indebted for that courage which enabled them to brave the dangers of this hazardous enterprise.

Mora, the name of the vessel, in low latin, signifies a mansion, or habitation: it might have been thus denominated because it was the usual residence, the Admiral ship, William's floating palace; the ship "in qua Dux ipse vectus est." The word has other meanings, but this is the most likely in the present case.

The name of the ship is another remarkable circumstance; and an evidence of simplicity and truth on which a forger could have scarcely stumbled.

Answer to Fourth Objection.

"That there is no evidence that ever Queen Matilda possessed Kent; but, on the contrary, that Odo de Baieux, the Conqueror's brother, had the grant of it as early as 1067, the year after the Conquest," is the strongest circumstance against the authenticity of De Navibus. To this objection a learned friend has furnished the following reply:—

"Although it be true that Odo was Earl of Kent, yet Mr. Kelham, in his *Domesday Illustrated*, 8vo. 1788, states the confiscation of his estates there, in 1082, and accounts for their being mentioned in the Survey in 1086, as being in his own tenure; by reason that Domesday having been made up from several Returns, from 1080 to 1086, the Scribe might take the Returns as he found them. To this reason, Kelham says, it is owing, that we find all the estates of Odo, retained in the Survey, although he had been in disgrace from the year 1082, two years after Domesday was begun; and this opinion may receive countenance from the entry of Queen Matilda's possessions in Marlow, Bucks; for, though she died November 2d 1083, the lands are set down under the title *Matildis Reginae*; and it is said, *Matilda tenet*. As Odo's estates, and probably title, were then under confiscation," (and he was not re-instated in his earldom till the reign of William Rufus,) "I confess I cannot see any objection to the supposition, that the Conqueror might have granted the title or estate to his wife Matilda, during the short period she lived after 1082, and that this fact may have been unknown to any but this anonymous author." This is a very good solution of the difficulty; and by it the probabilities are at least balanced.

In

In addition to this it might be argued, that the grant of Kent to Matilda, might have been purposed and declared, without having ever been executed. De Navibus seems to have lived in the precise time of which he speaks: his phraseology refers to recent transactions; and we had not known that he did not write on the field at Hastings, where he had heard William vow the Church to St. Martin, and promise Kent to Matilda, were it not for the *postea* subjoined to Hugh Earl of Chester, Remigius Eleemosynary of Fescamp, and to the mention of Matilda's coronation. However, the latest of these events places him but a very few years after the Conquest; and as there are other persons in the list of De Navibus who were ennobled by the King, whom he does not mention with their newly acquired titles, it is for consideration, whether the Paper in question was not written before their creation; but as I have not now time to examine this point, I do not produce the conjecture in proof.

It may, however, be supposed that William might have designed to give Kent to Matilda; but after circumstances might induce him to change his mind. And if we carefully examine the accounts we have of the transactions immediately consequent on the battle of Hastings, we may find probable reasons for such conjectured change. According to *Ordericus Vitalis*, the Kentish men were the first who submitted to the Conqueror: they met him in a vast body near Dover, swore fealty to him, and gave hostages for their fidelity. *Hist. Norm.* p. 502.

In the *Chronicles of Wm. Thorn*, this fact is related more circumstantially. The Kentish men, determining to preserve their liberties or perish, posted themselves, in great force, in the woods near Swanscomb, in the road which William took to reach London, after the battle of Hastings.—That they might not be perceived while moving to intercept his passage, each covered himself with a green bough—William and his party were in the midst of them, before he discovered his danger; and was only apprized of it when he saw a host of men, suddenly throwing down the branches by which they had been concealed, draw their swords, and bend their bows; but ere they proceeded to any act of hostility, they addressed him, and offered to become his liegemen, on condition that they should be permitted to preserve their liberties and retain their own laws: but should these not be guaranteed to them, they assured him that they were determined to oppose his further progress, and conquer or die. William, prudently considering his delicate situation, the great work which still lay before him, and the easy price by which he might purchase the friendship and good-will of a large, important, and powerful county, promised to grant what they requested; and each giving hostages for the performance of their mutual promise, the Kentish men dispersed, and the Duke pursued his march. *Hist. Angl. Script.* X. c. 1786.

I think I may fairly argue, that if the promise to Matilda had been made before this meeting with the Kentish men; this circumstance was sufficient to make a change in the Duke's mind.—A county that had not been conquered, and was still to continue under its antient laws:—a county that contained Dover Castle, then the strongest fortress in England:—a county that might in some measure be considered the key of France, was of too much importance to be trusted to any but the most vigorous management. William might therefore judge it best, without publishing his reasons, to confer the government of it on his brother Odo, whose talents and disposition sufficiently qualified him for such a trust; and compensate Matilda by adequate grants in other Counties. See her possessions in Buckinghamshire, Dorsetshire, Gloucestershire, &c. in Domesday Book. And we find that he did assign lands in Kent to his principal nobility, on condition that they should be ready for its defence with a certain number of soldiers. See *Camden's Account of Kent* in his *Britannia*, Edit. *Gough*.

The peculiar privileges which the people of Kent and their nobility enjoy to the present time, prove that this story is not without foundation. They have the privilege of *Gavelkind*, by which the lands are divided equally among the heirs male; or, for want of such, among the females. By this a person takes possession of an estate at fifteen years of age; and may alienate it by gift, or sale, without the consent of the Lord; and by this, children, whose parents suffer for robberies, succeed to their estate. This custom obtained all over Britain previously to the invasion, and Kent is the only county now in the kingdom which retains it.—Kent has other privileges, which were either granted or confirmed to it by the Conqueror. It has its *Warden* of the Cinque Ports, viz. *Hastings, Dover, Hythe, Romney, and Sandwich*; to which are added, as chief towns, Winchelsea and Rye. The inhabitants enjoy many privileges: they are free from the payment of subsidies, and cannot be impleaded except in their own towns. Those of them who have the style of *Baron*, bear the canopy over the heads of the Kings and Queens at their coronation, and have a table set for them at the King's right hand on that day. The *Warden* has the authority of *Admiral*, and other high rights within his jurisdiction; and finally, the Kentish men have the honour of the foremost ranks, and first charge in battles. See *Camden* ubi sup. I am aware that the truth of *Thorn's* account has been doubted; but to what fact in any antient history may not a system of historic doubting reach? but there are too many facts still remaining to confirm the general tenor of the relation, to induce me easily to give it up. The objection made by some of our historians, that green boughs could not be procured in October, argues much ignorance of the seasons, and of rural affairs.

The light in which this part of the answer views the objection against De Navibus, is simply this: The Norman Duke after the fortunate battle of Hastings, which now appeared to put him in possession of the whole kingdom, his competitor being slain, might purpose and declare to give Kent to Matilda, for the reasons already assigned; and this purpose, I suppose, De Navibus to have known. Certain circumstances arising, shewed the Duke that he must place in that county a most watchful and efficient government: these led him to change the purpose of his intended grant to Matilda; and with this change De Navibus was unacquainted; and

and therefore wrote according to the original purpose. This is surely not an improbable conjecture. But supposing the worst that can be supposed in the present case, viz. that De Navibus was mistaken, and has assigned the Queen possessions in a wrong county; this cannot affect the general credibility of his account, after the numerous proofs which we have had of his simplicity and good faith; proofs which will be increased and strengthened by a farther consideration of this subject.

Appendix,
(N.)
General
Introduction to
The Fœdera.

Answer to Fifth Objection.

"The donation of Kent to Matilda is not mentioned by any historian, nor in any other document whatever."

This objection has been at least partly answered under the first and second heads; but it requires a more particular consideration. Could the circumstance of the professed grant of Kent to Matilda be demonstrated to be false, which it cannot be, it would not follow from that circumstance that De Navibus is a forgery. It is a canon in diplomatics, that an instrument cannot be convicted of forgery, merely because among other facts it contained something false or fabulous. Many medals can be shewn which were struck in commemoration of real facts, in which pride or flattery has represented some matters as facts, which did not take place; and has greatly exaggerated others. Prejudiced or comparatively ignorant historians have often done the same; yet the material facts represented by the medal, and warranted in the history, may be indubitably true. Another canon is, that we should not reject any instrument, merely because it contains some singular or extraordinary fact: on the contrary, this may be a proof of its authenticity; as an impostor will scarcely seek for incredible reasons, in order to induce men to credit his relation. *Dict. Rais. de Diplom.* vol. i. p. 306.

What relates to Queen Matilda in De Navibus, is certainly unique; none of the antient historians mention her as one of the contributors to this expedition; consequently the emblematic device already explained, and the grant of Kent in reference to that, are mentioned by this writer only: but in the other facts which he relates, he agrees in the main with the most reputable Norman and English historians; and short as his account is, it in some cases supplies their deficiencies. I shall point out several instances.

1. De Navibus shews, that both clergy and laity united in providing ships and stores for William; and he specifies the names of fourteen.

This statement is confirmed by Ordericus Vitalis; and yet in such a way as proves that neither of them had borrowed from the other; a thing which may be frequently observed in our antient historians. "In Neustria (says he) multæ naves cum utensilibus suis diligenter paratæ sunt; quibus fabricandis clerici et laici studiis et sumptibus adhibitis pariter intenderunt." *Hist. Norm.* p. 494.

2. De Navibus says, that the Duke had these ships, &c. from each of his subjects, according to their ability, "secundum possibilitatem uniuscujusque." This is confirmed by William of Malmsbury, Matthew Paris, and others. When William convoked his clergy and nobles at Lillebonne, and requested their assistance for the invasion of England, it is said, "Omnes ejus voluntatem plausibus excipientes, magnificis promissis animassent commeatum navium, omnibus pro quantitate possessionum indixit." *Rer. Brit. Script. Vetust.* p. 331, edit. Heidl. 1587. *Guil. Malmsb.* p. 100. *Mat. Par.* p. 2.

These accounts mutually confirm each other, and yet it is evident, from the peculiar structure of each, that neither was borrowed from the other: a strong proof that the circumstance thus related was a circumstance of fact.

3. In the number of ships, there is the utmost discordancy among the Norman writers. De Navibus supposed that he had set down 1000; though, on casting up the numbers he has given, we find that they amount only to 777. He has therefore omitted, through haste, in copying some list before him, 223 ships, and the names of the persons who furnished them. This was easily done through the influence of what critics call the homoioteleuton, or similar ending of different lines or paragraphs; a thing which actually happened to myself in transcribing the original instrument: for having written "sexaginta," line thirteenth, and being called off before I had finished the line, on my return to my table, "sexaginta," line seventeenth, struck my eye; and supposing that the word in this line was the last I had written, I continued with the eighteenth line, having omitted the four lines preceding: nor did I detect the mistake, till I came to collate my transcript with the original. I mention this only to shew, how easy it is to make mistakes of this kind: and in this way thousands have been made, which were never detected by their authors; and this has been a source of various readings in many antient writers. Had I not re-collated my copy with the original, I should have set down M. naves, as De Navibus has done; though by this homoioteleuton I had actually lost 220 ships, the number (all but three) which De Navibus has lost, probably by a similar error; which, as he was not writing for the press, he was the less careful to correct.

Much additional light may be thrown upon this part from an inspection of some curious MSS. relating to the Conquest, in the library bequeathed to Corpus Christi College, Cambridge, by Archbishop Parker.—1. "*Enumeratio navium in quibus Gulielmus conquisitor copias suas transfretavit.*" Cod. CI. n. 9.—2. "*Nomina eorum quorum ope & auxilio dux Willelmus conquestor terram Angliæ conquisivit, A. D. 1066.*" Cod. CLXXVII, n. 41, Nasmyth's Catalogue.

I take for granted, that he had in his list 1,000 ships, 223 of which he has neglected to insert; and without taking the precaution to cast up the sums before him, he entered M. in his copy, which he found in the list from which he was transcribing.

But besides the ships furnished by the nobles of Normandy, De Navibus says that the Duke had, from certain others of his subjects, "multas alias naves;" and when we compare this with other accounts given of the same circumstance, we shall perhaps find that the account given by him is not only the most circumstantial, but also the most probable.

William of Poitiers (Guil. Pictaviensis) does not specify the number; but acknowledges that William required a more numerous fleet to conquer England, than Agamemnon did to conquer Troy. "Memorat antiqua Græcia Atridem Agamemnona fraternos thalamos ultum ivisse *mille navibus*; protestamur nos Guillelmum diadema regium requisisse pluribus." *Gesta. Guil. Duc.* p. 198.

Symeon of Durham says they amounted to 900. "Paratur igitur classe non modica cum nongentis navibus." *Hist. Ang. Script.* x. col. 197.

Nearly to the same purpose speaks *La Cronique de Normandie*. "*Neuf cens et sept grandes nefes sans li menu baisselin.*"

But according to *William de Jumieges* (Guil. Gemmeticensis) his fleet amounted to 3000 sail! "Classam ad tria millia navium festinanter et benè construi jussit." *Hist. Norm.* p. 286.

And *Thomas Wikes* completes the incredibility of the business, by telling us that they were innumerable: "Willielmus dictus le Bastard, innumerabile classa parata, et exercitu copioso congregato, applicuit in Angliam." *Hist. Ang. Script.* x. vol. ii. p. 21.

The number of William's troops is not less variously related by those writers; but they do not come into the present inquiry, as of them De Navibus has formed no estimate.

4. It is well known that the Conqueror made very liberal grants of English estates to his Norman nobility. De Navibus states, that he granted Kent to Matilda. This is the question still at issue; and it is evident, from other historians of good credit, that Odo, at least for a time, had this county. I have already conjectured that the grant might have been made to her in purpose and declaration, but was never effected: or that it was given to her on Odo's disgrace, for reasons already assigned. We shall see from De Navibus, how the chief of those contributors were recompensed.

1. To *William filius Osberni* (Fitz Osbern) who, according to De Navibus, had furnished 60 ships, he gave the Earldom of Hereford.

2. To *Hugh de Abrincis*, his sister's Son, who had furnished 60 ships, he gave the Earldom of Chester.

3. To *Hugh de Munford*, who furnished 50 ships and 60 knights, he gave more than 100 Lordships in different parts of England.

4. *Remigius*.

5. *Nicholaus abbas*.

6. To *Robert Earl of Eu* (Augi,) who furnished 60 ships, he gave the honour of Hastings in Sussex, with many other revenues.

7. *Fulco D'Alnon*.

8. *Geroldus dapifer*.

9. *Will. comes Deurous*.

10. To *Roger de Muntgumeri*, who furnished 60 ships, he gave Arundel, Chichester, and Shropshire.

11. *Roger de Baumont*, who had long been the steady friend and supporter of William in Normandy, and who furnished on this occasion 60 ships, did not come to England; but his two sons *Robert* and *Henry* did, and fought at the battle of Hastings. To *Henry* he gave the Earldom of Warwick. Vid. *Will. Gemmet.* lib. vii. c. 3.

12. To *Odo Bp. of Bayeux*, who furnished him with 100 ships, he gave the Earldom of Kent, made him justiciary of all England, &c. &c. &c.

13. To *Robert de Morotein*, who furnished him with 120 ships, he gave the Earldom of Cornwall, and 793 manors besides!

14. To *Walter Giffard*, who furnished him with 30 ships and 30 knights, he gave Buckinghamshire, &c.

Now these and other Noblemen are mentioned by De Navibus; and from him we learn the quantum of assistance furnished by each to the invader; and what he relates supplies the deficiencies of other historians, and shews us the reason why these Norman nobles were so liberally rewarded by the Conqueror. They were among the first encouragers of the Duke's enterprize, and afforded him the most effectual supplies, and he took care to compensate them by the spoils of the English nobility.

Answer to the Sixth Objection.

"The giving a county to his own wife for a ship that she must have paid for out of his own money, is a suspicious thing."

The first part of this objection has been indirectly answered under Nos. 3 and 4. To what is there said, I may

may add, that it does not at all follow, that because Matilda was his own wife, therefore she must have built and furnished the ship in question out of the Duke's money. In those times the wife of every nobleman had independent property, over which her husband had no sort of controul, and on which he had no claim. Indeed this was the case from the Queen who had her Aurum Reginæ, down to the lowest Countess; and supposing that any part of this money had been employed by a lady in the service of her husband or lord, he would feel that, as real a gift as if it had come from a stranger; because the property was entirely at her own controul, and she might dispose of it as she pleased, without giving any account of it to her lord. As far as the objection respects Matilda, we shall find on closely examining the subject, that she was a person of considerable property before, at, and after her marriage with William.

1. She was the daughter of a rich and powerful Earl, Baldwin Earl of Flanders, and niece to Henry I, King of France; and was considered the most suitable match for William, then the most potent earl on the Continent; and as such, she must have had a suitable establishment, with which her father would not interfere.

2. She had considerable property given her by her father on her marriage, for *William de Jumieges* relating the application to the Earl of Flanders for his daughter, states that he was not only highly pleased with the proposed alliance, but sent away his daughter with innumerable gifts. "Ex cujus (ejus) proposito animi Balduinus satrapa admodum gavisus, non modo petitam dari decrevit, verum etiam cum muneribus innumeris eam ad usque Oucense castrum adduxit." *Hist. Norm.* p. 277.

3. She must have been a person of considerable property also, after her marriage. She had possessions in Buckinghamshire, Dorsetshire, &c.—See Domesday. But we see her property principally in her charitable donations. Hugh, brother of Robert Earl of Eu, having built a church to the honour of St. Mary, was assisted in defraying the expenses by several noble persons, and among the rest by Matilda, who gave "infulam preciosam et cappam ad Dei servitium, et centum libras Rodomensium ad agendum Tricorium." *Order. Vital.* p. 495.

Speaking of her death, which took place on the ides of April 1083, *Matthew Paris* says of her; "Matrona admodum nobilis et religiosa, de cujus largiflua liberalitate sancta lætatur ecclesia." *Hist. Angl.* p. 9.

The *Annals of Waverley* mention her death and benefactions nearly in the same way; "Regina nobilis de cujus nobilitate largiflua multa ecclesiæ sanctæ retinent beneficia." *Hist. Angl. Script.* p. 133.

The *Chronicles of St. Stephen's at Caen*, speak of her benefactions in Normandy. "Anno 1083 obiit Matildis Anglorum nobilis Regina; ex cujus nobilitate largiflua multa apud nos, habentur beneficia." *Chronica St. Steph. Cadom.* edit. *Du Chesne*, p. 1018.

But what more particularly shews the extent of her property employed in works of piety, is her having erected, adorned, and richly endowed a monastery for nuns at Caen in Normandy, in which she was buried. "Sepulta est Cadomi in Monasterio Sanctæ Mariæ, quod ipsa à fundamentis construxerat, et nobiliter dotavit." *Mat. Westm.* p. 229.

Ingulph, who was the Duke's chaplain, thus feelingly laments her death; "obiit eodem anno (1083) illustrissima domina mea Mathildis Reginæ, quæ penes dominum meum Regem, semper procuraverat mihi bona; sæpe releverat suâ eleemosyna; sæpissime astiterat in omni negotio et angustia." *Ingulph. à Fell & Gale*, v. i, p. 94.

Matilda had, doubtless, an independent property when she was married to William; and a separate establishment, both when Duchess of Normandy and when Queen of England; with the proceeds of which the customs of the times would not permit her husband to interfere. Her providing a ship out of her own property, for the service of William, might be considered her duty as a subject; though it is not likely that this would have been either expected or required; but the expensive emblematical ornaments were from her own good-will and affection as a wife; and for the whole, William was under no less obligation to her, than to any other of his nobles, who all had furnished their quota according to the extent of their possessions. As the charitable benefactions already mentioned must have been from her own property, so must this ship have been; and therefore it appears, that she did not provide a ship that must be paid for out of the Duke's own money.

Answer to Seventh Objection.

This objection refers principally to the introduction of De Navibus into the body of the Fœdera: "As we do not go to chronicles, even of the best authority, for mere narrative; why then to an anonymous manuscript for a story which all the world may fairly dispute." Great care has been taken, and should be taken, to admit nothing into the Fœdera which is not authentic; but I may hope that the authenticity of De Navibus has been set in a good and fair light in the preceding observations: that it is not a forgery, has I think been proved; but as to suspicion and doubt, their empire is unbounded, and there is not a fact that is stated in remote history that may not in some form or other be questioned and disputed; but in the present case, where we find so much of the appearance of sincerity; such a total absence of the essential characteristics of forgery; when we see the main facts corroborated by the very best historians of those times; and when we see this done in a way which proves to the eye of candid criticism, that De Navibus writes from his own knowledge of the facts which he states, and has not copied any of those writers with whom he agrees; and lastly, when we find so much in this very short account, that casts considerable light on what is mentioned

mentioned by historians of good credit, it must appear that the piece is a valuable document; that its authenticity cannot be fairly disputed; and that it may stand with considerable credit in any work with which its subject is connected. And although we should allow that the author has been mistaken in one of his statements, the grant of Kent to Matilda; which grant, for the reasons already assigned, is still exceedingly probable; yet this cannot impair the credibility of the general relation.

My reasons for wishing De Navibus to precede the instruments in the Conqueror's reign, in the New Edition of the Fœdera, I shall beg leave simply to state:

1. Beginning the work at the Norman Conquest, I thought I could not do better than introduce it with an account of the means afforded William, for the invasion and conquest of this Kingdom.
2. Though there are various accounts in our early historians and annalists, of William's preparations, supplies, &c. not a little differing among themselves, as the preceding quotations prove; yet none of them appeared to me, to carry so much evidence of authenticity, as that here defended, which I had selected from the Bodleian Library.
3. I did not wish to introduce this as a state paper; but, as being merely what it professes to be, an account of the means afforded the Norman Pretender for his invasion; means, by which he succeeded; and from which success, such an extensive concatenation of important facts have depended.
4. Had Rymer begun the Fœdera at the period of the Conquest, as probably he once designed, I am inclined to think he would have inserted this very paper; as a copy of it is the second article of the first volume of his *Collectanea*, preserved in the British Museum; and it was this very circumstance that first called my attention to it; and led me to examine and copy the original at Oxford.
5. That this document, which I thought of importance, to introduce the reign of the Conqueror, might speak for itself, I had an exact fac-simile of it engraved, intending to prefix it to the first page: making this exhibition of the original the voucher for the authenticity of the original; and thus putting the readers of the Fœdera in possession of what is indubitably the earliest account of this important transaction; without at all pledging the work for the absolute truth of the facts therein mentioned: avouching nothing but this, that the manuscript De Navibus is of that age in which it professes to have been written; that it is a valuable fragment of our antient history; and falls in exactly with the second part of Mr. Harley's plan, in his original projection of the Fœdera; a Document "calculated to throw light on English history."

His Majesty's Commissioners on the Public Records of the Kingdom, thinking it not proper to admit any thing, merely narrative, into the body of the Fœdera, have rejected this: but considering the paper to be of some importance, have ordered it to be printed among the introductory matter. To them, this Defence of the Document in question, and of the Charter to the Earl of Brittany, is with great deference and respect submitted,

Millbrook, Lancashire,
May 25th, 1816.

By their much obliged,

humble servant,

ADAM CLARKE.

APPENDIX (B.)

DOUBTS as to the Authenticity of the *Vetus de Monte*, or the *Old Man of the Mountain*.

THERE are certain instruments, the authenticity of which is disputable; and which appear to have no higher authority than what they derive from their insertion in the Fœdera. Only two instruments of this description will be found in the first part of this volume, new Edition, viz. p. 61 and 62, under the year 1192; they both pretend to be Letters from "*Vetus de Monte* شيخ الجبل *Sheekh ul Jibel*, The Old Man of the Mountain, (a Chief of a branch of the Hassanian Dynasty, who with several thousands of his followers were then settled at Mount Lebanon); the first to Leopold Duke of Austria, and the second to the Christian Princes and People of Europe, vindicating Richard King of England from the murder of the Marquis of Montferrat, with which he had been accused." The first of these Letters only, was inserted in the former Editions of this work.

Most of our historians have been struck with the importance and curious nature of this Instrument; and it has often been alledged in vindication of our national honour. On this account it is to be regretted that Rymer did not produce his authority for its insertion; and to supply this defect, a general search through all our archives has been made in order to discover the Original. But all searches for such an Original, as the Letter itself pretends to be derived from, have been fruitless; and, with great deference to the judgment of others, there appears a sufficient weight of reasons to confirm the supposition that the Instrument in question is a forgery; and without some mark of suspected spuriousness, should never have been inserted in the Fœdera. In the first place, it is very improbable that the *Sheekh ul Jibel* should write such a letter without any sufficiently obvious motive; for there was certainly none in the present case. 2dly, Had he written it, it must have been in Arabic, as there is little probability that he, or any of his numerous banditti, either understood or could write Latin; and we have no evidence from history, that he had any European in his service. 3dly, Had he written such a Letter, the Latin must be a translation of the Arabic; but in the present instance all internal evidence is wanting; there is not a sentence in the Letter that appears to have been drawn from an Arabic source: the beginning, ending,

ending, and whole structure, would have been different had it ever been cast in an Arabic or Mohammedan mould; nor, on such a subject, could a translation be made into any European language, without leaving unequivocal marks of the original Arabic, had there been one.

This Instrument, however, whether genuine or forged, may be traced to its source. It is found in the 'Annales sex Regum Angliæ,' by Nicholas Trivet, who flourished in the beginning of the fourteenth century, published first by Luke D'Achery, in the eighth volume of his *Spicilegium Veterum Scriptorum*, printed at Paris, 13 vols. 4to. 1655-77, and afterwards more correctly edited by Anthony Hall, 8vo. Oxon. 1719-1722.

About one hundred years before the time of Trivet, flourished John Bromton, who has also inserted this Letter in his *Chronicon*, and tells us it was obtained from the *Vetus de Monte* by an Imperial Legation sent to him, by Richard, for the very purpose! "*Rex Ricardus misit imperialem legationem ad Veterem de Monte, rogans ipsum & assissinos suos, & per ejus epistolam, super dicto crimine de morte Marchisii ei per Ducem Austriæ maximè imposito, innocentiam suam purgaret; quod per hujusmodi literam postea factum est.*" This writer is one of the *Historiæ Anglicanæ Scriptores X*, published by Sir Roger Twysden, Lond. 1652. fol.: in which work, col. 1252, 3, the Letter may be found verbatim et literatim, as it appears in the *Fœdera*; and as the copy in Bromton differs from those in all the other Annalists, and Rymer's Transcript agrees alone with Bromton, hence there is the most positive evidence, that he copied it from Twysden's Edition. Bromton also inserts another Letter from *Vetus de Monte*, in vindication of King Richard, in which, with all the inconsistency and absurdity of the other, he makes the Sheekh give the *Salâm* to all the Princes and People in Christendom! "*Vetus de Monte Principibus Europæ & omni Populo Christiano Salutem;*" and makes him conclude with the Papal Benediction, *Bene valete!* See the Instrument X, Script. col. 1268.

Prior to the time of Bromton, flourished Ralph de Diceto, who was Dean of St. Paul's in 1101; and this Letter appears for the first time in his "*Ymagines Historiarum*, X, Script. col. 680;" who tells us, he received it from William Longchamp, Bishop of Ely, with the desire that he should insert it among his chronicles; "*Willelmus Elyensis Episcopus, Radulfo, Decano Lundoniæ—Mittimus ad vos literas quas Vetus de Monte misit Ducit Austriæ, de morte Marchisii in hæc verba.*" Then follows the Letter, at the end of which is the Bishop's Subscription: "*Nos vero harum transcriptum literarum vobis, de cujus dilectione plenum habemus experimentum, duximus destinandum, ut de illo agatis in Chronicis vestris.*"

The Letter now rests with the Bishop of Ely; and it is a question for the consideration of others, whether it will not be impossible to trace it from him to Mount Lebanon? On this part of the subject a few words may suffice. It is well known, that William Longchamp was a Norman of mean extraction, who had address sufficient to enable him to gain the confidence of King Richard; so that we find him consecrated Bishop of Ely, made Chancellor, and Papal Legate, all in one year (1189,) the first year of Richard's accession; who, when he went to the Holy Land, left him Regent of the kingdom, in conjunction with the Bishop of Durham and five others. Behaving himself insolently in this office, he was deprived of the Regency in 1191; but was afterwards, in 1193, restored by the King, whom he visited while prisoner at Vienna, and by whom he was invariably supported against all his adversaries. The year in which the Bishop sent the Sheekh's letter to Ralph de Diceto, cannot perhaps at this distance of time be exactly ascertained; but it was probably in the year 1193, after he had returned from his visit to the King at Vienna; it being highly necessary to vindicate the character of his sovereign and friend, from being accessory to the murder of the Marquis of Montferrat, with which he was loudly charged in every court of Europe; because it is well known that there were great dissensions and jealousies between those two leaders; and it was the more necessary to do it at this time, when an immense sum of money, 100,000 marks, must be raised for the King's ransom, from his already impoverished subjects. It seems from the Bishop's letter, that the friendship of the Dean of St. Paul's was necessary on this occasion, and hence those suspicious words, "*de cujus dilectione plenum habemus experimentum,*" &c.

The absurdity and improbability of the whole is increased by the date with which *Vetus de Monte* is made to conclude his letter, "*Anno ab Alexandro Papa quinto!*" for who can suppose that the Mohammedan Sheekh would date his proceedings by the succession of the Roman Pontiffs, instead of the æra of the Seleucidæ, or the years of the Hijreh? indeed we could scarcely expect him to acknowledge the former; though this is a possible case; but the latter is uniformly employed by every Mohammedan. This most gross blunder Rymer has copied, because he has copied Bromton; but the error is too palpable to have proceeded from the able and dexterous Longchamp, for the copy which he sent to Ralph de Diceto, is dated "*Anno ab Alexandro M & D & V. millesimo quingentesimo quinto;*" this restores the passage to probability, so far as the date is concerned; for as the æra of Alexander, which is the same with that of the Seleucidæ, commenced an. ante Christ, 312; by adding this to the year 1193, the year in which Richard was in prison at Vienna, we have the sum 1505. The date of this Letter in the *Fœdera* puzzled Rapin, and would have induced him to consider the Letter as a forgery, had he not thought that *Vetus de Monte* was a Christian! His words are, "*Si La Montagne n'étoit pas Chretien, comme tous les Auteurs en conviennent, la date de cette Lettre, l'an 5 du Pontificat d'Alexandre, peut faire soupçonner qu'elle est supposée.*"—*Abregé Historique*, p. 17. But were even the conversion of *Vetus de Monte*, a fact, which it is not, the Date itself would prove the Letter a forgery; for Pope Alexander III died in 1181, eight years before Richard went to the Holy Land; and there was no other Pope of that name till 1254, nearly fourscore years after.

This Letter, although it is apparently a forgery, is nevertheless continued in this Collection. 1st. Because it was in the former Editions; it having been laid down as a rule in the beginning not to omit any thing in the New Edition that had a place in the old. 2dly. Some may not be convinced that the charge of spuriousness is sufficiently made out, and might therefore condemn the omission. 3dly. It is now an Historic Document, and is not a forgery of a later date, but indisputably of that very time in which it pretends to have come from *Vetus de Monte*. 4thly. It is closely connected with several historic facts; on some of which, suspicious as it is, it casts no inconsiderable light. 5thly. As it is encumbered with so many suspicious circumstances, it would not have been justifiable to have continued it in the Fœdera without some mark of dubiousness; and what is said of it may be said of the other Letter on p. 62. "*Vetus de Monte Principibus Europæ & omni populo Christiano*," as it is liable to the same objections with the former; though, as it bears no date, it is not so glaringly absurd. Though this second letter was not in the former Editions of the Fœdera, yet as it may be judged to be of equal importance with the former; as it is written on the same subject; and is found in the same author, it was judged proper to insert it in this new Edition.

APPENDIX (C.)

A Report on the Papal Bulls preserved in the Chapter House, Westminster.

BEING desired by His Majesty's Commissioners on the Public Records to examine the Chapter House, Westminster, to see if it contained any Materials proper for the New Edition of the Fœdera; and having examined all the boxes and parcels under the denomination of Royal Charters, Treaties, &c. we proceeded to the great chests on the ground-floor, and in that marked Cista 2, we discovered a vast collection of Papal Bulls, from the Pontificate of Alexander III, in 1161, to that of Gregory X, in 1272.

It is well known to His Majesty's Commissioners, that not only many State Papers, but many Bulls also, are printed in the Fœdera without any reference to the place where deposited; or any other notation than merely *ex Orig.* or *ex Autogr.* On a careful inspection of these Bulls, we found them to be the originals from which Rymer had transcribed or caused to be copied the principal part of those which he printed in the First Volume of the Fœdera; and particularly those which stand there without any reference to the place where deposited.

The most antient Bull discovered in this Collection is one of Alexander III, A. D. 1161, in the Seventh Year of Henry II, entitled *Pro hæreditate Will'i de Saccavilla*, &c. and which is printed by Rymer in his edition of the Fœdera, Vol. I, p. 16. Determining to collate every printed Instrument with the Original, if found, we began our collation with this Bull, and continued this work, collating word for word, through all the Bulls taken from this office, and printed in the First Volume, down to the Reign of Edward I; and the result is, that not more than two Bulls are missing, out of several hundreds, which had been printed by Rymer with the notation *Ex Orig.*; and thus we have been enabled to ascertain the repository of a multitude of Instruments, which will appear, in the New Edition of the Fœdera, referred to the Places where the Originals are preserved.

Besides those Instruments, which Rymer had selected for the First Volume, there were many others found in this chest which he had omitted, for no other apparent reason, than, that most of them are purely ecclesiastical, and not properly belonging to the department of State or Public Acts; yet in this respect, they do not differ from several of those which he has inserted in his Work.

Having been also ordered by His Majesty's Commissioners to note every thing in the course of searches for the Supplement to the Fœdera, which might serve for a Supplement to the *Monasticon Anglicanum*, it was thought proper not to neglect the favourable opportunity which now presented itself: we have therefore made an exact Register of the number of these Instruments, and made short abstracts of the contents of each by way of Title. This will greatly facilitate future Examinations (in the event of their being wanted for a New Edition of the Monasticon, or for any other purpose,) and lessen the trouble of searching for them again.—Further, to preclude the necessity of unfolding every separate instrument, in order to ascertain its subject, each Bull selected for the *Supplement to the Monasticon* has been marked on the outside with large numerals, in strong black lead pencil, beginning with No. 1, and going on with the consecutive Numbers, down to 51. The Abstracts of the Titles of all, thus marked, will be found in the course of this Report; the number of each agreeing with that on the outside of the Bull; and as the Instruments of each Pontiff are tied up separately, they can be easily found by referring to the figures.

A few Instruments omitted by Rymer, which do not seem to be of a mere ecclesiastical nature, though perhaps of comparatively little importance in a general point of view, have been selected and transcribed. These shall in due course be submitted to His Majesty's Commissioners, as proper to supply defects in the First Volume of the Fœdera.

In this manner 367 Bulls have been carefully examined and collated; of which 271 were printed by Rymer; 51 have been marked for the Monasticon; 17 transcribed for the New Edition of the Fœdera; and of the remaining 28 the greater part are duplicates, with the exception of a few which are nearly illegible.

These

These Bulls are in general in a high state of preservation ; a few only have been injured with damp, and have lost their seals ; and a small number have been spoiled by the application of an infusion of galls. Many of them appear not to have been opened since the time they were sent to this country ; and the impressions on the seals are remarkably sharp and fine, owing to their having been completely guarded from external injury, by being carefully sewed up in cloth.

This examination may be considered as important, not merely from its having afforded us seventeen additional Instruments for the New Edition of the Fœdera, and fifty-one for supplementary matter for the Monasticon Anglicanum ; but chiefly for the opportunity it has afforded us of correcting a multitude of errors, and supplying many deficiencies in those printed by Rymer ; and lastly, in enabling us to ascertain the place where the Originals are preserved ; which was totally neglected by Rymer, and the succeeding Editors of the Fœdera.

That a collation of this nature was necessary, will be sufficiently evident to His Majesty's Commissioners, from the following circumstances :—

1st. The Bull of Pope Alexander III; by which *Templum quod situm est Jerosolymis, variis communit privilegiis*, printed in the Fœdera, p. 30—32, not only with a few inaccuracies in the body of the Instrument, but also with the total omission of the large list of subscribers, together with the place and date ; in consequence of which it is not only of no authority, but is also referred to a wrong year in the printed copy, viz. 1172, instead of 1173.

2d. The Bull of Pope Lucius III, for the Knights Templars, printed p. 54—57, is also printed without signatures, place, or date ; and besides several errata in the body of the Instrument, is also assigned to a wrong year, viz. 1181 instead of 1183.

3d. The Bull of Pope Innocent, *De electione libera universis ecclesiis concessa*, printed p. 197, is so corrupt throughout, as to be of no value ; but by the Original we have been enabled to restore it to its primitive integrity.

4th. The important Bull of Honorius III, A. D. 1218, entitled *Collatio Libertatum Regis Scotiae*, is printed in Rymer, p. 227, without any reference to the place where deposited, and without a single signature, date, place, &c.

5th. Several Bulls are inserted in wrong places ; e. g. that of Gregory IX, p. 371, should have been inserted p. 317, three years before.

6th. The Bull of Pope Innocent IV. *De cassatione*, &c. is printed without the recital of the preceding Bull, p. 457 ; which, though a matter of no great importance, is restored in our Copy from the Original.

7th. The very important Bull of Innocent IV, *De querela factâ per clerum Angliæ de gravibus oppressionibus per curiam Romanam*, is most corruptly printed, p. 471. This Instrument we have here restored by the Original, which it does not appear that Rymer had seen ; though in the same collection, from which he took so many others, it stands in the Fœdera thus designated, *Ex Authentico* ; by which, we suppose, he rather meant a Copy, than the Original.

8th. About one half of the Bull of Protection for the person and possessions of Henry III, in the event of his absence in the Holy Land, is omitted by Rymer, p. 486.

9th. The congratulatory Bull of Clement IV, to Henry III, on his deliverance from Simon de Montfort, is also found, on collation with the Original, to be very corruptly printed in the Fœdera, p. 827.

In addition to the above, we have detected several inaccuracies in the dates of these Bulls, owing to the confounding of kalends and ides, and *vice versâ* ; and in some instances, reckoning the kalends forward instead of backward. This could not have been the mistake of Rymer ; he was too well instructed to be guilty of such oversights ; they must have been owing to the persons he was obliged to employ, and whose work he probably never had the opportunity to collate with the Originals. Indeed several of the omissions and corruptions can only be accounted for on a similar ground, viz. that Rymer did not examine the Instruments himself, but simply trusted to such copies as were made by the clerks in the different offices, who, it is evident, did their work with reprehensible carelessness. That Rymer did not examine the Chapter House, we have presumptive evidence, from a great number of the most important State Instruments, during the reigns of Henry VIII, Elizabeth, and the early part of James I, which we have lately found in this depository ; not one of which is noticed in the Fœdera. On these, when thoroughly examined, and the proper selection made, it may be necessary to make a separate Report ; as well as on some gold seals, and other matters of great value and curiosity, found in the same place.

Dec. 12th 1812.

ADAM CLARKE.

FRED. HOLBROOKE.

J. W. CLARKE.

Appendix,
(N.)
General
Introduction to
The FœDERA.

Papal Bulls in the Chapter House, arranged under the different Pontiffs.

These Numerals refer to those marked in Black Lead on the outside of the Bulls.		Number of Bulls.
	LUCIUS II, elected 1144, died 1145 - - - - - Printed in the Fœdera.	1
	ALEXANDER III, elected 1159, died 1181 - - - - - These are all printed in the Fœdera.	11
	CLEMENT III, elected 1187, died 1191 - - - - - To the Church at Waltham, temp. Hen. II, marked 1, for the Monasticon. This Pope, who was raised to the Pontificate December 19th, 1187, and died March 27th, 1191, was the first Pope who added the year of the Pontificate to the name of place, day of the month, &c.	1
	CELESTINE III, elected 1191, died 1198 - - - - - 1 printed in the Fœdera, 4 marked for the Monasticon Anglicanum, viz.	5
II.	Ecclesiæ S. Marie de Wica, temp. Ric. II. (Sub Sig.)	
III.	Priori & Conventui de Snapes. (Sub Sig.)	
IV.	Priori de Snapes. (Sub Sig.)	
V.	Ecclia S. Marie de Wica, (very similar to that marked II.) (Sub Sig.)	
	INNOCENT III, elected 1198, died 1216 - - - - - 5 printed in the Fœdera, 1 transcribed for the New Edition, 11 marked for the Monasticon Anglicanum, viz.	17
VI.	Prioratui de Laministra in Hereforden. (Sub Sig.)	
VII.	Abbatui & Conventui de Waltham. (Sig. avul.)	
VIII.	Eidem Ecclie. (Sig. avul.)	
IX.	Priori de Laministra in Hereforden. (Sig. avul.)	
X.	Conventui Cluniacen. (Sig. avul.)	
XI.	Canonicis S. Trin. Lond. (Sig. avul.)	
XII.	Priori Cadomi Baiocen Dioc. (Sig. avul.)	
XIII.	Priori Roffen. & Rectori ecclie de Boxele. (Sub Sig.)	
XIV.	Ecclie S. Trin. Lond. (Sig. avul.)	
XV.	Eidem ecclie. (Sig. avul.)	
XVI.	Eidem ecclie. (Sig. avul.)	
	HONORIUS III, elected 1216, died 1227 - - - - - 13 printed in Rymer, 2 transcribed for the New Edition, 5 marked for the Monasticon Anglicanum, viz.	20
XVII.	Priori de Hurle Saresberien. Dioc. (Sig. avul.)	
XVIII.	Abbatia de Stratford. (Sub Sig.)	
XIX.	Ecclesie. S. Trin. Lond. (Sig. avul.)	
XX.	Abbatia de Langel. Norwicen. Dioc. (Sub Sig.)	
XXI.	Ecclie S. Trin. Lond. (Sub sig.)	
Carried forward - - - - -		55

Papal Bulls in the Chapter House, arranged under the different Pontiffs—continued.

Appendix,
(N.)
General
Introduction to
The Fœdera.

These Numerals refer to those marked in Black Lead on the outside of the Bulls.		Number of Bulls.
	Brought forward - - -	55
	GREGORY IX, elected 1227, died 1241 - - - - -	44
	24 printed in Rymer,	
	9 transcribed for the New Edition,	
	1 Duplicate of the Bull, Vol. I, p. 300, "De non excommunicando."	
	1 Irrecoverably destroyed by an injudicious use of the infusion of galls,	
	9 marked for the Monasticon Anglicanum, viz.	
XXII.	Abbati de Wuburne. (Sub Sig.)	
XXIV.	De ecclia S. Pauli Lond. (Sub Sig.)	
XXIII.	Archid. Cancel. & Thesaur. Lond. (Sub Sig.)	
XXV.	Priori Norwicen. (Sub Sig.)	
XXVI.	Priori de Pochele. (Sub Sig.)	
XXVII.	Episcopo S. Andree. (Sub Sig.)	
XXVIII.	De Ecclia Wutton. Wygorn. Dioc. (Sub Sig.)	
XXIX.	Priori S. Fredeswide. (Sub Sig.)	
XXX.	Ecclie S. Laurentii de Everinglaund. (Sub Sig.)	
	INNOCENT IV, elected 1243, died 1254 - - - - -	103
	80 printed by Rymer,	
	4 transcribed for the New Edition,	
	1 much damaged,	
	5 duplicates,	
	5 bullated Transcripts, relating to the affairs of Sicily, printed by Rymer,	
	8 marked for the Monasticon Anglicanum, viz.	
XXXI.	Epo & Capitulo Lond. (Sub Sig.)	
XXXII.	Succentori & Magistro Scholarum Lincoln. (Sig. avul.)	
XXXIII.	Decano Wellen. Sig. avul.)	
XXXIV.	Magistro Cuman ecclie de Platina Cremonen. (Suo Sig.)	
XXXV.	Ecclie S. Marie de Arcubus Lond. (Sig. avul.)	
XXXVI.	Archid. Dioc. Norwicen. (Sig. avul.)	
XXXVII.	Priorisse & Mopialibus de Amber. Dioc. Saresbi. (Sig. avul.)	
XXXVIII.	Abbati de Waltham. (Sub Sig.)	
	ALEXANDER IV, elected 1254, died 1261 - - - - -	110
	97 printed by Rymer,	
	1 transcribed for the New Edition,	
	2 concerning the pecuniary affairs of a Florentine Merchant, (omitted)	
	9 Duplicates,	
	1 marked for the Monasticon Anglicanum, viz.	
XXXIX.	Ecclie S. Trin. Lond. (Sig. avul.)	
	URBAN IV, elected 1261, died 1264 - - - - -	26
	16 printed by Rymer,	
	4 additional Copies of "Bulla quod Rex Angliæ," &c.	
	6 marked for the Monasticon Anglicanum, viz.	
XL.	Monast. S. Crucis de Waltham. (Sub Sig.)	
XLI.	Priori de Bliburg Norwic. Dioc. (Sig. avul.)	
XLII.	Magistro & Fratribus Mil. Temp. (Sub Sig.)	
XLIV.	Abbati & Convent. de Waltham.	
XLV.	Ecclie S. Trin. Lond. (Sub Sig.)	
XLVI.	Eidem Ecclie. (Sub Sig.)	
	Carried forward - - - -	338

Appendix,
(N.)General
Introduction to
The Fœdera.*Papal Bulls in the Chapter House, arranged under the different Pontiffs—continued.*

These Numerals refer to those marked in Black Lead on the outside of the Bulls.		Number of Bulls.
	Brought forward - - -	338
XLVII.	CLEMENT IV, elected 1265, died 1268 - - -	20
XLVIII.	14 printed by Rymer,	
XLIX.	2 Duplicates,	
L.	4 marked for the Monasticon Anglicanum, viz.	
	Magistro & Fratribus, Mil. Temp. (Sub Sig.)	
	Ecclie S. Trin. Lond. (Sub Sig.)	
	Eidem Ecclie. (Sub Sig.)	
	Eidem Ecclie. (Sub Sig.)	
	GREGORY X, elected 1271, died 1276 - - -	9
	The first year of this Pontiff completes the Reign of Hen. III, and, with it, the First Volume of the Fœdera. There are a great many Bulls of Gregory X, but they belong to the period of the Second Volume of the Fœdera.	
	TOTAL - - -	367

All the preceding Bulls printed in the Fœdera have been carefully collated word by word with the Originals: the Bulls thus collated amount to 271, the various readings and omissions of which have been carefully noted in the margin of the copy now preparing for the press.

Dec. 12, 1812.

ADAM CLARKE.
FRED. HOLBROOKE.
J. W. CLARKE.

APPENDIX (D.)

A Report on the Expediency of inserting certain Charters of Liberties in the New Edition of The Fœdera.

UNDERSTANDING that the Commissioners have not finally determined upon the expediency of inserting the Charters of Liberties in the New Edition of the Fœdera, we have re-examined and revised all our Collections relative to those Instruments, and are led to form the following conclusions, which we beg leave to submit, with the greatest deference, to their judgement and correction.

1. The articles in question, viz. *Ista sunt Capitula*, *Magna Carta*, and *Carta de Foresta*, are precisely of that description, which, however they may comport with other publications, are more properly in their place in the Fœdera than they can be in any other work, as they come directly under the head of *Conventiones*.

2. Without them there are several Instruments in the Fœdera which cannot be well understood, as they pointedly refer to the provisions in those Instruments.

3. If they be omitted, the Instruments which refer to them should be omitted also; but should this be the case, many important facts and their vouchers, with several curious papers, must be suppressed; which would be a great injury to the history of those times, as the chronological statement at the conclusion of these observations will prove.

4. The inserting of these Charters, with all the predisposing, concomitant, and consecutive Instruments, will not only cast much light on the transactions of that period, but be a means of greatly enriching the New Edition of the Fœdera.

5. Though in the former editions these articles were omitted, yet it must be allowed that the Fœdera is the most proper place for these Conventions; and if not found there, with their connecting articles, where can a stranger to our history expect to find them? We think we may venture to assert, that every person who has critically examined the contents of Rymer's Work, must have considered the omission of these instruments as a blemish of great magnitude.

6. We are aware, that the Capitula and Charters are printed in the *Authentic Edition of the Statutes*, now publishing under the direction of His Majesty's Commissioners; but the connecting articles are not printed there, being obviously improper for such a work; but should we print them without the Instruments to which they refer, they must appear as circumstances to which there is no case; as relatives to which there is no antecedent.

7. Should

7. Should we have permission to insert all these articles (which we humbly request), we propose to copy them from the authentic edition of the Statutes, leaving out the *variae lectiones*, and omitting all contractions; this being the plan on which the *Fœdera* is constructed. This will not impair their value in the New Edition of the Statutes, as they will still be considered as existing there in their most legal form; nor will their being inserted in the *Fœdera* lessen the importance or utility of the other Work.

Appendix,
(N.)
General
Introduction to
The Fœdera.

8. That a connecting document, which, taken by itself, may be of but little consequence, may sometimes be indispensably necessary in order to make preceding and succeeding Acts intelligible, His Majesty's Commissioners have found; and therefore have thought proper to insert the *Carta Johannis Regis, ut liberè sint Electiones totius Angliæ*, in p. 5, of their authentic edition of the Statutes; which Instrument, as included in the Bull of Pope Innocent, Rymer had printed in p. 198 of the *Fœdera*.

9. As, therefore, we have not yet received any positive orders from His Majesty's Commissioners on the subject of the above Charters, we beg to be now honoured with them, that we may know how to proceed.

10. That His Majesty's Commissioners may be the better able to judge of the propriety of acceding to our proposal, we beg leave to produce a short Chronological History of the Political Events of the year 1215, with the Public Acts on which they are founded, in order to make it appear that the Charters in question are intimately connected with other articles which should be inserted in the *Fœdera*; and without which those articles would in the main be unintelligible.

An historical arrangement of the facts which produced the *Magna Carta*, and *Carta de Foresta*, may be seen in Judge Blackstone's Introduction to his edition of those Charters.

Chronological History of Events, An. 1215.

At the close of the year 1214, the Barons of England, incited by many provocations, solemnly swore to wage war with King John, and utterly to withdraw themselves from his fealty, till he should grant, and confirm by Charter under the great seal, the several liberties which they judged necessary for the prosperity of the church and the realm. But previously to their coming to open hostilities, they determined to make their demand in form; and in the mean time they took care to provide themselves and vassals with horses and arms, that, in the event of the King's receding from his former engagements, they might be in a condition to compel him by force of arms.

The year 1215 commenced with the Barons demand of this confirmation of liberties, which they had so often claimed. The King, perplexed with the difficulties of his situation, requested till Easter to consider the subject; at which time he promised to give his final answer: in the mean time he applied to the Pope, who, although he disapproved of any attempt on the part of the Barons to extort by force what they should ask with reverence, yet he exhorted the King to grant them their just demands.

Easter arrived; and the King not returning an answer according to his promise, the Barons assembled at Stamford with a numerous army, prepared to enforce their claims. The King, being alarmed, sent to know the exact nature and extent of the liberties they demanded. They replied, by a written schedule, containing their whole demand, with a menace, that unless they were immediately granted under seal, they would proceed to do themselves justice. John received these overtures with indignation; but, anxious to attempt some plan to prevent the Barons from proceeding to extremities, made them the following offer:

I. *De Libertatibus Baron' Angliæ à Rege concedend'*, &c. May 16. Rot. Pat.

The Barons suspecting the King's sincerity, and thinking themselves sufficiently powerful to obtain by force more extensive liberties than those now conceded by the King, chose a General in form, Robert Fitzwalter, whom they invested with the title of *Marescallus Exercitus Dei*; and having disclaimed all allegiance, began to attack the King's castles, and took possession of London on May 24.

The King, forsaken by his friends, and finding his affairs approaching fast to a ruinous issue, informed the Barons that he was ready to comply with their demands, and desired them to appoint a time and place for a congress.

The Barons appointed Runimede, a field near Staines, (about seventeen miles from London,) for the place; and June 9, for the time of meeting; and the King, to shew his sincerity, granted letters of safe conduct to the Barons and their associates, as below:

II. *Rex suscipit in saluum conductum suum, omnes illos qui ex parte Baronum usque Staines, ad pacem faciend' & firmand inter Regem & Barones*, &c. Rot. Pat.

Some unforeseen delays taking place, the safe conduct was extended six days, viz. to June 15, by the following Instrument:

III. *Quod Treugæ prædictæ prorogatæ sint usque in crastino Trin'*. Rot. Pat.

On Trinity Monday, June 15, the day appointed, the Barons came to the place in great numbers; the King, attended by only a few seeming friends: they encamped opposite to each other, and the conference opened, which

Appendix,
(N.)General
Introduction to
The FœDERA.

which did not come to a conclusion till Friday, June 19, when the preliminaries being adjusted, articles or heads of agreement were drawn up under the title—

Ista sunt Capitula, &c. Brit. Mus.

which were afterwards reduced to the form of the Charter usually entitled—

Magna Carta Regis Johannis.

As John was known to be faithless, and the Barons were distrustful, not being willing to confide in letters, seals, or even the solemn oath of the King, they demanded, as security for the performance of the charter, the custody of the Tower and City of London. The King, unable to refuse, granted this also; and the custody of the City was actually delivered to the Barons. Immediately on the King's signing the charter, he issued the following writ, June 19. *Rot. Pat.*

IV. *Rex præcipit quod XII. milites à quolibet comitatu electi, jurent ad inquirend' super pravis consuetudinibus; sicut in Carta Regis, nuper confectâ continetur.*

On the same day in which this writ was issued, the convention was dissolved; and although the Barons renewed their professions of duty, and did homage to the King, yet they refused to certify this submission under their seals. Upon which refusal, the Archbishops of Canterbury and Dublin, who were on the side of the King, entered a protest, which is extant on the Patent Rolls:

V. *Protestatio à quibusdam Prælati facta eò quod Barones securitatem de pace observand' Regi facere noluerunt.*

Before the King left Runimede, he sent directions to his foreign troops to return to their respective countries:

VI. *Breve de militibus, vel servientibus Regis, non retinendis in Anglia.* *Rot. Pat.*

On the 27th of June, the King issued writs to the Sheriffs, and the twelve Knights elected in each county, directing them to compel all persons to take the oath of obedience to the twenty-five Barons, prescribed by the *Magna Carta*; and, in default thereof, to seize their lands:

VII. *Mandatum Vicecomitibus, de terris et tenementis omnium qui jurare contradixerint XXV Baronibus, saisind'.* *Rot. Pat.*

The Barons, rejoicing at having obtained the liberties which they demanded, appointed a tournament to be held on July 6, at Stamford; but a plot for delivering London again into the hands of the King having been discovered, Fitzwalter (*Marescallus Exercitus Dei*) and several other Barons, wrote to William de Albin, representing the great importance of keeping a place of such strength in their own hands; and desiring that the tournament might be put off till July 13, and then held between Staines and Hounslow, by which their forces would be kept in the neighbourhood of London. This letter appears on the Close Rolls thus entitled:—

VIII. *De Civitate London' quæ est receptaculum Baronum servand'.*

12. His Majesty's Commissioners will now see how intimately connected the preceding Instruments are with the *Magna Carta*, &c.; and as they are all transcribed for the new Edition of the Fœdera, and evidently appear to be of such a description as to require their insertion in that Work, and as they cannot be well understood without the Charters to which they refer, it is humbly requested that orders be given for their insertion.

January 1, 1814.

ADAM CLARKE.
FRED^k HOLBROOKE.

Appendix (O.)

Hundred Rolls.—Volume the Second.

Appendix,
(O.)Hundred Rolls.
Volume the Second.

IN the former volume, these Rolls were printed in alphabetical order of counties, as far as Norfolk (inclusive); in the present, the same order has been continued for the remaining counties.

The nature of these rolls has been fully detailed in the preface to the former volume. Other rolls, bearing the same name, are also preserved in the Tower of London, which it has been thought proper to subjoin, although of a date somewhat later in the same reign, and differing from the preceding rolls in their origin and contents.

The rolls of Inquisitions of the seventh and eighth years of Edward the First, called Hundred Rolls, and which are printed in this volume, are in the nature of a General Survey, taken by virtue of a special commission, dated the 12th March, A° 7° of his reign, extending to the whole kingdom, but none are known to be now extant, except those for the counties of Bedford, Buckingham, Cambridge, Huntingdon and Oxford.

The

The principal object of the King, in requiring this latter Survey, seems to have been the obtaining a correct knowledge of what lands were holden of the crown by knights service, and other tenures, and whether immediately of the crown or of mesne lords; in order that the crown might be informed how to collect, and the subject how to pay escuage for the one species of tenure, and hidage or tallage for the other, out of their several fees.

Appendix,
(O.)
Hundred Rolls,
Volume the Second.

The commission for taking these Hundred Rolls, recites, that inasmuch as by the frequent usurpations, as well upon the crown as others, in their demesne lands, honours and liberties, both the King and others had been ousted thereof, and that it was therefore necessary to ascertain in future what of right belonged to the crown, and what to others. It commands the commissioners to survey, by the oath of knights and other lawful men, all cities, boroughs, and market towns, within liberties and without, and to enquire of all demesnes, fees, honours, escheats, and liberties, and all things touching fees and tenements, belonging as well to the King as to all others, and who held the same; that is, to distinguish tenants holding in demesne, or as villeins, bondmen, cottagers, and freeholders, and such as held or enjoyed woods, parks, chases, warrens, waters, rivers, liberties, fairs, markets, and other tenures; how and of whom, whether of mesne lords, or otherwise, and out of what fees escuage was wont and ought to be paid, with the amount of the fees of all honours, who held them, and by what means; so that every town, hamlet, and other tenure, by whatsoever name distinguished, might be distinctly assessed, and clearly entered on rolls, and no man be favoured; and so that the King and others might be fully ascertained of the premises. And the commissioners were bound, by a prescribed oath, diligently and lawfully to execute the office, and lawfully to hear and determine, as well for the King as for others, and to omit not the same out of regard to rich or poor, nor through hatred, malice, favour, fear, or condition of any person, nor for reward, gift, or promise of any one; also to omit not, through art or contrivance, lawfully to inquire of the King's rights, and lawfully to cause the same to be written and delivered to the King, as had been enjoined them; and not to receive any benefice of holy church, nor pension or other reward, without the King's licence. (Pat. 7^o. Edw. I. m. 21. d.)

The form of the article is not on the patent roll, but it is to be collected from the various returns under the commission; many of them vary from the "Nova Capitula," A^o 3 Edw. I.

The title to the returns or inquisitions pursues the very words of the commission, and the commissioners are therein denominated inquisitors.

"Inquisitio fca apud Huntingdon anno regni Regis Edwardo septimo coram dño Wiffo Muschet Galfrido de Sandiacre & Nicho Bassingburn inquisitoribus dñi Reġ' &c. p duodecim. &c. super articulis sibi commissis qui dicunt &c." Hund de Leytonstoñ, Hunt.

"Inquisitio facta, &c. per &c. de dñicis dñi Regis feodis feodalibz escaetis libtatibz ac rebus omimod feod et ten' contingentibz quam alior' quorumcūq, &c." Hund Ewelme. Oxon'.

In the inquisition for the hundred of Northstowe, Cambridgeshire, the whole of the mandatory part of the commission is set forth.

The answers, as before observed, being more in detail, may be comprized, and were arranged by the inquisitors under the following heads; viz.

Demesne lands of the crown, antient. and newly acquired manors, lands, &c. formerly in antient demesne, and herein of sokemen, bondmen, or servi, with their services and rents; all other honours, fees, &c. as well in counties as in cities, boroughs, and market towns, and herein of freeholders, customary tenants, villeins, bondmen, or servi, with the services and rents of each, fees, &c. out of which escuage was payable; that is, of tenants in capite by knight service, and tenants of such mesne lords paying escuage; baronies and serjeancies, liberties, as courts, chase, free warren, wreck, fisheries, common or free, and several other jura regalia; purprestures on the crown, suits and services subtracted, advowsons of churches, alienations without licence, wardships, marriages, escheats; rivers, and watercourses diverted, castle ward, fee farms, assarts, repairs of bridges and roads, &c. &c. &c.

W. ILLINGWORTH,

Deputy Keeper of the Records in the Tower,

Sub Commissioner.

Record Office, Tower,
2d March 1818.

Appendix (P.)

Placita de Quo Warranto.

Appendix,
(P.)
Placita de
Quo Warranto.

IN stating the nature of these Records, it is proper to refer to what has been said concerning them in the preface to the Hundred Rolls. King Edward the First, on his return from the Holy Land, in the second year of his reign, discovered, that, during the reign of his father King Henry the Third, the revenues of the crown had been considerably diminished by tenants in capite alienating without licence; and by ecclesiastics, as well as laymen, withholding from the crown, under various pretexts, its just rights, and usurping the right of holding courts and other Jura Regalia; and that numerous exactions and oppressions of the people had been committed by the nobility and gentry claiming rights of free chase, free warren, and fishery, and demanding unreasonable tolls in fairs and markets.

One of the first acts of his administration, after his arrival, was not (as untruly asserted by Lord Coke, 2 Inst. 280 and 495), to fill his coffers with money, by unjustly dispossessing his subjects of their rights, but to correct the abuses above named; before, however, any specific remedy could be provided for the correction of them, evidence was requisite of their peculiar nature and extent. The King, therefore, on the 11th October, A° 2° of his reign, appointed special commissioners for the whole kingdom, to whom were delivered certain articles of inquiry, applicable to the several abuses above described.

The inquisitions taken in pursuance of these commissions were entered on rolls, denominated Hundred Rolls, which were returned for the most part into the Exchequer. From them the crown was furnished (amongst other things) with evidence upon oath of a jury of each hundred and town in every county, of

- All the demesne lands of the crown, whether antient, or newly acquired by escheat or purchase;
- Manors, &c. formerly in the hands of the crown, the persons holding the same, the authority, and how alienated;
- Tenants in capite, and tenants in antient demesne;
- The losses sustained by the crown in military services, and otherwise, by subinfeudations made by such tenants in capite, &c.
- Alienations to the church under pretext of gifts in frankalmoigne;
- Wardships, marriages, escheats, suits and services withholden and subtracted;
- Fee farms of the crown, hundreds, wapentakes, and tythings;
- Courts, wreck of the sea, free chase, free warren, and fishery, and other Jura Regalia;
- Oppressions of the nobility, clergy, and other great men claiming to have and exercise such rights;
- Exactions by excessive and illegal tolls in fairs, and for murage, pontage, &c.
- Exactions and oppressions of sheriffs, escheators, and other ministerial officers, under colour of law, &c. &c. &c.

The statute of Gloucester was enacted in the sixth year of this King's reign; and the first chapter relating to liberties, franchises, and quo warranto, was founded upon the previous inquiries under this commission. A comparison of the Hundred Rolls and the rolls of Pleadings in Quo Warranto fully justifies this conclusion. Immediately after the passing of the statute of Gloucester, the stated period of the circuit in Eyre returned; and on the justices going their Iter, writs of right and quo warranto issued very generally against such persons as claimed manors, liberties, &c. where the jurors had previously said upon oath before the inquisitors, A° 3, Edw. I. "Nesciunt Quo Warranto," the parties held or claimed; and again, where they said the party held or claimed, "sine Warranto," in such case a writ sometimes issued, but the party usually came in upon the general proclamation (directed by the statute) without any special writ of quo warranto. The entry in the former case being, "A. B. summonitus fuit ad respondendum domino Regi quo warranto," &c. and in the other, "Presentatum fuit alias coram inquisitoribus domini Regis quod A. B. clamat. &c. sine warranto."

Previously to the departure of the justices in Eyre on their circuit, immediately following the enactment of the statute of Gloucester, these identical Inquisitions, or Hundred Rolls were delivered to them, for the purpose of holding pleas upon the claims stated therein. Vide Rot. Claus. 7 Edw. I. m. 8. d.

The rolls from which the following pleadings in quo warranto of the reigns of Edward the First, Second, and Third have been printed, are in a state of good preservation; they are repositied in the Court of the Receipt of the Exchequer, in the Chapter House at Westminster.

The judgments do not appear in all cases; the same being sometimes adjourned, "coram Rege," and at other times, "coram Rege in Parlamento," &c. &c. and frequently no judgment whatever was given, the King's attorney

attorney not chusing further to prosecute his writ. It may, however, be material to notice, that at the end of the pleadings in several counties are to be found, "Placita forinseca," or pleadings in other counties; and amongst these are not unfrequently cases, wherein judgments have been adjourned from the county where originally tried into another or foreign county, and there given.

Appendix,
(P.)
Placita de
Quo Warranto.

It is also observable, that the titles to some of the rolls run thus, "Placita de Quo Warranto et Ragemannis," the justices being assigned by the King and his council, in pursuance of the statute called "Rageman," said to have been made A° 4, Edw. I., to hear and determine all complaints of injuries done throughout the realm, within the twenty-five years next before the feast of Saint Michael in the fourth year of his reign. The proceedings in these cases were by indictment in what was termed the "rageman," and were chiefly against sheriffs, escheators, bailiffs, and other officers, for extortions and oppressions under colour of law. Vide pp. 378, 382, 387 b. These, however, form but a very small portion of the pleadings, when compared with those of the Placita de quo warranto.

The frequent reference in courts of law to the latter pleadings, in modern times, afford a strong proof of their great importance and utility; as not only the boundaries of many free chases, free warrens, and fisheries, and the allowance in Eyre of various franchises and liberties, but many royal charters, as well to ecclesiastical as to lay corporations, not to be elsewhere found on record, are very frequently set out at large therein; the descents of manors, advowsons, &c. from the earliest period, are every where apparent; many obscure passages and obsolete words in charters are repeatedly explained; and much learning, illustrative of the laws and customs of the country, both useful and interesting to the lawyer and the antiquary, will be found dispersed throughout the work.

W. ILLINGWORTH.

Record Office, Tower,
1st March 1818.

Deputy Keeper of the Records in the Tower,
Sub-Commissioner.

Appendix (Q.)

ROTULI SCOTIÆ.

THE Rotuli Scotiæ contain an important collection of Records, illustrative of the Political Transactions between England and Scotland. They commence with the nineteenth year of King Edward I., and terminate with the eighth year of King Henry VIII. With the exception of two rolls, relating to the thirteenth and thirty-fourth years of King Edward III., which are preserved among the Records in the Chapter House at Westminster, all the Rotuli Scotiæ are deposited in the Record Office at the Tower of London.

Appendix,
(Q.)
Rotuli Scotiæ.

The materials of which this collection of historical documents is composed, may be divided into Political Transactions; Naval and Military Transactions; Proceedings relative to Prisoners of War; Rewards to Partisans; Orders for Attainders, and Grants of Pardon to Persons attainted; Revenue; Trade; Ecclesiastical Documents; and various Miscellaneous matters, not referable to any of the preceding heads.

I. *Political Transactions of Edward I.*:—This class of documents relates to the disputed succession to the crown of Scotland, on the death of Margaret of Norway; to the claims of King Edward, as superior lord of Scotland; and to the contest between Baliol, Bruce, and other competitors for the Scottish throne; the attempts of the King and many of his successors to conquer Scotland; safe conducts to ambassadors; negotiations and treaties of peace; truces; precepts to the lords marchers respecting the keeping of them, and orders to other persons for the same purpose.

II. *Naval and Military Transactions*:—The Records in this department comprise, preparations for wars with Scotland; Precepts to the lords marchers, and to the sheriffs of counties, for levying men; Orders concerning their pay and provision; Instructions to officers; Orders for garrisoning, fortifying, and victualling castles; Exemptions in favour of particular persons from serving in the wars or in garrisons; Impressment of ships and seamen for various expeditions, together with notices of the particular classes of soldiers employed, and as to their arms and other equipments.

III. *The proceedings relative to Prisoners of War*, include negotiations for ransoming them; licences and safe conducts to the families and agents of prisoners of war to pass and repass; especial negotiations for the ransom of David (Bruce) King of Scotland, and acquittances for the same.

IV. *Rewards to Partisans*:—This class of instruments comprehends grants of estates, &c. generally to persons of Scotland, who had rendered essential aid to the Kings of England in their claims to the crown of Scotland.

V. *Attainders of Persons* having acted against Edward I. or his Successors, and Grants of Pardon to them.

VI.—*Revenue*:

Appendix,
(Q.)
Rotuli Scotiæ.

VI. *Revenue* :—Under this head are contained, orders for raising money by various means, particularly by customs to be levied on merchandize, especially at Berwick; the grants and orders concerning which are exceedingly numerous.

VII. *Trade* :—In this class are comprised, licences to Scottish merchants to trade in certain English ports, and to English and Scottish merchants to trade with foreign ports.

VIII. *Ecclesiastical Documents* :—These include, grants of benefices, licences and safe conducts, to persons going on pilgrimages to reputed holy places, in Palestine and elsewhere.

IX. *The Miscellaneous Papers*, which cannot with propriety be referred to any of the preceding classes, consist of materials for forming lists of state officers; licences to particular persons to fight duels in Scotland; licences to students in Scotland to prosecute their studies in England, particularly at Oxford and Cambridge; grants of wardships, &c. &c.

Of the utility of these important national documents, some idea may be formed from the foregoing enumeration of their contents. They may enable future historians to correct errors, and supply defects, and to clear up many obscurities in the histories of England and Scotland; the orders for levying forces, and also those for collecting provisions for victualling fortresses, may furnish grounds whereon to estimate the comparative population and fertility of the respective English counties in early times; and these Records will in various respects furnish much other curious information relative to the state of England, its manners and usages, during the period they embrace.

The editing of these Rolls was confided to the late Mr. Macpherson, who completed the first volume, and the greater part of the second volume; the Remainder of the Work has been superintended by Mr. Caley and Mr. Illingworth; the Indexes have been compiled by

T. H. HORNE,
Chapter House, Westminster.

1st March 1819.

Appendix (R.)

Preface to the Three Volumes of Retours.

Appendix,
(R.)
Preface to the
Three Volumes of
Retours.

THE Record, of which an Abridgment is here given, comprehends all those proceedings by "Inquest," or the verdict of an "Assize," which originate in certain writs issuing from Chancery, and which are ultimately transmitted, or "retoured," to that office.

The peculiar forms or legal effects of those proceedings it would be out of place here to explain; but an enumeration of their different sorts, and a slight outline of their nature, may be useful to those who are not already conversant with the practice of the law of Scotland.

Of those proceedings, the most considerable in number and importance originate in a Writ issuing from Chancery in the King's name, called sometimes the Brieve of Mortancestry, but more properly the Brieve of Succession, the purpose of which is, to establish a claim by inheritance, or to be "served nearest lawful heir," to those subjects of a feudal nature, in which the alleged ancestor of the claimant was vested at the time of his death.

According to the rules of the law of Scotland, the complete and effective right to such subjects does not pass immediately and spontaneously from the ancestor to the heir, but is said to remain "in hereditate jacente" of the deceased owner, until the claim of the heir has been formally recognized and established by the procedure under a brieve of succession.

By that writ, the judge to whom it is addressed is authorized and required to ascertain, by the verdict of a jury, the following points: 1. In what lands and annual rents, within the limits of his jurisdiction, the alleged ancestor of the claimant died vested and seised as of fee, at the faith and peace of the King; or, in the words of the brieve, "de quibus terris et annuis redditibus cum pertinentiis quondam B. C. pater D. C. latoris præsentium obiit ultimo vestitus et sasitus, ut de feodo ad fidem et pacem nostram infra balliam vestram." 2. If the claimant be the nearest lawful heir of the deceased in these lands, &c. 3. If he be then of lawful age. 4. What is the annual value of the lands, &c. according to certain valuations, usually called the old and the new extent, or, in the technical language of the brieve, "quantum valent dictæ terræ et annui reditus cum pertinentiis nunc per annum; et quantum valuerunt tempore pacis." 5. Of whom, as feudal superior, the lands are held. 6. By what feudal service, or species of tenure. 7. In whose possession the lands now are, and on what account, and how long they have been so possessed. The result of these inquiries, duly authenticated, the judge is directed to transmit to Chancery, together with the original Brieve.

According

According to the more antient usage, this brieve was addressed to the sheriff, or local judge of the district, where the lands were situated which were the subject of the claim, and where the lands were situated in different counties, a corresponding number of brieves was issued from Chancery. This mode of procedure may still be followed; but in order to avoid a multiplicity of proceedings in such cases, a particular process has been introduced for trying the whole of the claim at once, under a commission to certain inferior officers of the court of session, as "sheriffs in that part," or delegated to that particular duty. This was unquestionably an innovation upon the original practice of Chancery: but of the history of its first introduction, nothing is known; and among the earliest retours which now remain on record in that office, some of this description are to be found.

Another apparent innovation upon antient usage, has been the application of the brieve of succession to the establishment, not of a claim to any specific inheritance, but of the general character of heir to the alleged ancestor. The form of the brieve remains in this case unaltered; but the verdict of the jury is of course restricted to those general points which it is the immediate object of the claimant to ascertain.

The proceedings which are held in pursuance of a brieve of succession, are usually denominated a "service." Those which have relation to a particular estate of inheritance, are denominated the "service of an heir in special," or a "special service," in contradistinction to those other proceedings last mentioned, which are denominated the "service of an heir in general," or a "general service." These proceedings may sometimes involve a great deal of judicial discussion; but whether in a special or a general service, it is only the ultimate verdict of the jury, framed in a certain technical form, that is transmitted to Chancery. It is there entered on record by the director of Chancery or his deputies; an extract of that record is given to the claimant, and, in this completed state, it is commonly termed the "Retour of the Service."

Of the antient practice of Chancery, in the registration of the retours of services, no certain knowledge is preserved. That the original inquisition or verdict of the assize was "retoured" to the Chancery, as a necessary step towards the feudal investiture of the heir, may be confidently presumed; and that of this inquisition, some record or memorandum was preserved by the officers of the Chancery, cannot be doubted; but that the original inquisitions were again delivered to the private party, and not merely an extract, as at present, may be fairly conjectured from the many originals which yet remain in private custody.

But those antient Records of Chancery, whatever may have been their peculiar form, appear to have been totally destroyed before the middle of the sixteenth century. Of that event no historical account is preserved; but in the writings of the following age, it is alluded to as a distinct tradition, and is even founded on, as the basis of several judicial decisions^(a). It is probable that this destruction of the Records of Chancery happened in the month of May 1544, when the town of Edinburgh, the monastery of Holyrood-house, and the royal palace adjoining to it, were burnt by the English army under the Earl of Hertford. The zeal and perseverance with which that work of devastation was carried on, leave but too little reason to wonder at the loss of those public muniments which were not protected by the fortifications of the castle^(b).

The supposed destruction of the Records of Chancery, in the minority of Queen Mary, is perfectly consistent with the state of those which now remain in that office. Of the original inquisitions retoured to Chancery, the present series begins no earlier than the year 1547; and no original retours of prior date have been found, but such as may have been preserved in the custody of individuals, and long afterwards deposited and recorded in the office. The imperfections in the series, subsequently even to the period above-mentioned, are indeed very great; but these may be traced to other causes. Till the erection of the present General Register House, no proper

(a) In the report of a judgment of the Court of Session, in the year 1624, it is said, "The Lords found that retours of elder dates before the year 1550, ought not to be decerned to make no faith for non-production, where the principal service, sealed by the assizers, is produced, albeit the same be not extant at the Chancellery, nor extracted out of the same." Durie's Decisions, Feb. 17, 1624. Lord Elphinston contra Earl of Mar: In allusion to this case, Lord Stair, who wrote in the reign of Charles II. has said, "The service is kept in the Chancery for Warrant of the Retour, yet it was found that services before the year 1550 were sufficient to satisfy the production in improbations or reductions, without producing the retour itself; because at that time the books of the Chancery were destroyed by war." Institutes of the Law of Scotland, III. 5. 41. and in the report of a case decided in the year 1698, it is stated in argument, that services which had not been retoured to the Chancery were never sustained, "unless services within a regality, or before the year 1550, when the Records were destroyed by the English." Fountainhall's Decisions, Feb. 2, 1698. M'Intosh against M'Intosh.

(b) The following account of the events here alluded to, is given in a narrative published by authority, entitled, "The late expedition in Scotland, made by the Kynges hyghnes armye under the conduit of the Ryght honourable the Erle of Hertforde, the yere of oure Lorde God 1544." And finally, "it was determyned by the sayde Lorde Lieutenant utterly to ruynate and destroye the sayde towne wyth fyre, which, for that the nyghte drewe faste on we omytted thoroughly to execute on that daye, but settyne fyre in three or IIII partes of the towne, we repayred for that night vnto our campe, and the next mornynge very erly we began where we lefte, and continued burnynge all that daye and the two dayes nexte ensuinge continually, so that neyther within ye wawles nor in the suburbes, was lefte any one house unbrent, besydes the innumerable botyes, spoyle, and pyllages that our souldyours brought frō thense notwithstanding habundaunce which was consumed with fyre. Also we brent thabbey called Holy Rodehouse, and the Pallice adioynynge to the same."

Appendix,
(R.)

Preface to the
Three Volumes of
Retours.

proper repository had been provided for this branch of the Public Records. Many of them meanwhile appear to have been lost; many others to have perished by damp; and of those which remained, and were in a tolerable state of preservation, no arrangement had been made previous to the year 1807, when, on the suggestion of His Majesty's Commissioners on the Public Records of the Kingdom, that necessary work was accomplished at the expense of the director of Chancery.

Of the present series of inquisitions retoured to Chancery, commencing in the minority of Queen Mary, no record appears to have been made till about the year 1630. The office of director of Chancery was then held by Sir John Scott of Scottstarvet, a person of considerable note, and who has left behind him numerous traces of his activity and zeal in the discharge of his official duties. The retoured inquisitions of all sorts, which had been preserved in the Chancery office, were then recorded in a series of books; and from that period the practice of recording inquisitions has been regularly continued. The whole of the series, ending March 25, 1811, consists of 102 volumes in folio; but of this series, the fifth volume, relative to the years 1611—1614, is known to have been lost; and from the very considerable number of original retours which have been discovered in consequence of the late arrangement above alluded to, of which there are no traces in any of the existing volumes of the Record, it must be inferred, either that several other volumes have been lost, or that the original plan of recording the whole had been imperfectly executed. Of the completeness or accuracy of this Record in other respects, it might be difficult to speak with confidence; but it ought not to be disguised, that throughout the series, from its commencement downwards, it exhibits many instances of negligent transcription, which can be detected only by a collation with the original inquisitions, or the "warrants" of the Record.

The importance of the Record of Retours independently of its primary purposes, is too well known to require illustration. With certain limitations, it may be considered as exhibiting an authentic history of the transmission by inheritance of the far greater part of the landed property of Scotland, as well as that of the descent of the greater number of its considerable families during the course of the two last centuries. That part of the Record which precedes the date of the Scottish statute of 1681, "concerning the election of commissioners for shires," derives a peculiar importance from its affording the appropriate evidence of a certain class of freehold qualifications. But in all these respects the usefulness of this Record has been hitherto greatly diminished by the difficulties of research; and a methodized abridgment of its contents must therefore be considered as an important public work, by which the value of the original Record will be greatly enhanced.

It has been already stated, that the two distinct classes of inquisitions under the brieve of succession, commonly called Special and General Retours, have been entered promiscuously in the Record, nor has the order of time, at least in the earlier volumes, been very exactly observed. But in the following abridgment, the retours of special and of general services have been separated from one another, as well as from these other species of retours with which they are blended in the Record.

In the abridgment of the retours of special services, a local arrangement has been adopted according to the several counties in which the lands are situated; subdividing the complex retours, and arranging their different portions under the counties to which the lands respectively belong. In arranging the retours of each county, the order of time has been exactly observed, and in framing the abridgment of each retour, whether simple or complex, there is given the date of the service, the names of the heir and the ancestor; their natural relation to each other, the specific description of heirs to which the former belongs, an exact enumeration of the lands and annual rents to which the claimant has been "served heir," and a statement of the valuation of the whole, or of its different portions, according to the old and new extent. There is subjoined a reference to the volume and folio of the Record; and where the retour is of a complex kind, there is added a reference to the other counties under which, in their chronological place, the other portions of the retour are to be found. In connection with this part of the work there are given alphabetical indexes both of persons and of places; and for the sake of easy reference in these indexes, the successive articles of the abridgment under each county are regularly numbered.

In the arrangement of the retours of general services the order of time has been observed; and in framing the abridgment of each, nothing more has been necessary than to specify the names of the heir and the ancestor, their natural relation to each other, and the particular description of heirs to which the former belongs. In like manner, as in the abridgment of the special retours, there is subjoined a reference to the original Record, and in connection with this part of the work there is given an alphabetical index of persons, in which the references are likewise made to the numbers of the successive articles of the abridgment. The other classes of inquisitions retoured to Chancery, and there recorded, are of inferior importance to those hitherto considered. One class of these originates in what is called the Brieve of Tutor, and has for its object to ascertain who is the person that by law ought to be appointed to the office of tutor to a minor under the age of puberty, as being the nearest agnate or paternal relative, of the age of twenty-five years. Another class originates in what is called the Brieve of Idiotcy or of Furiosity; the purpose of which is to ascertain, in the first place, the mental incapacity of the individual alluded to, for the management of his own affairs; and in the second place, who is the nearest agnate of proper age and capacity on whom that management is to be devolved.

In

In the following abridgment, the retours of both these classes have, from their analogy, being arranged together in the order of time, under the general title of "Inquisitiones de Tutela."

Two other sorts of retours have been found in these Records; but so few in number, that it has been thought fit, instead of abridging them, to print them entire in an Appendix. These are, in the first place, Inquisitions of the extent, or estimated value of the whole of the lands of a county, or other district, of which it is to be regretted that only a few have been preserved. And secondly, Inquisitions taken and retoured to Chancery, in virtue of an Act of the Parliament of Scotland, 1584. c. 2, of which the object was, to ascertain the real estates of which persons forfeited for treason were in possession, for five years preceding the dates of their forfeiture.

The present work has been brought down no further than to the end of the seventeenth century. It embraces the contents of about forty-nine volumes of the Record; as also those more antient retours which have been deposited in Chancery at a later period, and which are to be found in the posterior volumes of the Record. And as a necessary supplement to the work, there is annexed an abridgment of those original retours of which the existing books contain no Record, but which were fortunately recovered to the public in the manner already alluded to. An accurate copy of these retours has also been made, and deposited in the Chancery Office.

It may be proper to add, that throughout the whole of this abridgment, the names of places, as given in the Record, have been exactly followed. Where the Record was known to be grossly erroneous in this respect, the true name and spelling has been frequently added, within brackets; and where a gross error was suspected, a conjectural reading, followed by a point of interrogation, has sometimes been inserted. But there is good reason for believing, that many other errors of the same kind exist in the Record, and have been unavoidably transferred into the abridgment, of which only a minute local knowledge could possibly have afforded the means of detecting.

THO. THOMSON.

ORDO GENERALIS HUIUS OPERIS.

Vol. I.

- I. Inquisitionum (de Successione) Specialium Abbreviatio, Aberdeen;—Orkney & Shetland.

Vol. II.

Abbreviationis Inquisitionum Specialium Continuatio;—Peebles, Wigton.

Abbreviationis Inquisitionum Specialium Supplementa.

- II. Inquisitionum (de Successione) Generalium Abbreviatio.

Abbreviationis Inquisitionum Generalium Supplementa.

- III. Inquisitionum de Tutela Abbreviatio.

Abbreviationis Inquisitionum de Tutela Supplementa.

- IV. Inquisitiones Valorum (sive Extentuum.)

- V. Inquisitiones de Possessione Quinquennali.

Vol. III.

Indices Nominum et Locorum.

Appendix (S.)

Preface to the Registrum Magni Sigilli.

IN the return made by the Deputy Keepers of the Records in His Majesty's General Register House, to the order of the Select Committee of the House of Commons, appointed to inquire into the State of the Public Records of the Kingdom in 1800, it was stated, "That it would be highly proper to print the twelve existing Rolls, and the first book of Royal Charters, because the writing of those Rolls and of that book is much decayed." And in the First Report from the Select Committee, among other measures recommended, it is stated, "That it might also be expedient to print the earliest of the Royal Charters of Scotland." [First Report, 1800, p. 19. App. p. 398.] In pursuance of this recommendation, the following volume has been prepared and printed, under the direction of His Majesty's Commissioners on the Public Records of the Kingdom. But, in the progress of the work, it has appeared to be expedient and proper to extend the measure beyond the limits originally prescribed, and to give to the Public a "Collection of Select Royal Charters, from the earliest period of authentic record, to the Union of the Kingdom of Scotland and England, in the year 1707." [See Report from the Commissioners, &c. June 2, 1812. App. M. 3, p. 162, 166.]

The

Appendix,
(R.)

Preface to the
Three Volumes of
Retours.

Appendix,
(S.)

Preface to the
Registrum Magni
Sigilli.

The nature and objects of this more enlarged collection of Charters, and the relation of the present volume to the general design, may be sufficiently understood from the following statement, extracted from the Fourth Annual Report of the Deputy Clerk Register of Scotland, for the year 1810.

“ Next to the Parliamentary Records of Scotland, the most important of those intended publications which are now in progress, is a select collection of antient Royal Charters, drawn not only from the existing Registers of the Great Seal, but from original charters in the possession of individuals and public bodies, and from other authentic sources. The very imperfect state of the Record of Charters preserved in the General Register House, is a fact well known, although the full extent of the deficiency has not been very exactly ascertained. From the Inventories and Indentures relative to the public Muniments and Records of Scotland, at the end of the thirteenth century, preserved in the Chapter House of Westminster Abbey, it is evident that the registers of this class were of great extent and importance, comprehending, probably, a record of grants under the Great Seal, from the time of Alexander I. or David I. to the death of Alexander III. Of these, not a vestige now remains; and of this most important class of writs, in which so much of the history, as well as of the law of the kingdom, is necessarily embodied, whatever now exists must be sought for either in private repositories of original Charters, or in the registers and chartularies of bishopricks and religious houses, of which a few have been happily saved from the general wreck. In the subsequent period, from the accession of Robert Bruce in 1306, to the return of James I. in 1424, a part of the Record of Royal Charters, or, as it is technically called, the Register of the Great Seal, has been preserved; but that part plainly bears a small proportion to what has been lost or destroyed within the last two hundred years. Of about fifteen rolls, containing nearly seven hundred Charters of Robert I., which were extant at the beginning of the seventeenth century, and of which official calendars are preserved, there is now only one roll to be found, containing ninety-four Charters, or somewhat less than one-seventh part of what were probably lost in the removal of the Public Records to England, in 1651. Even those fifteen rolls can be considered as but the remains of a more extensive series of Records; for the great number of authentic Charters of Robert I. still preserved, of which no entry is to be found in the official calendars above alluded to, leaves little room for doubt, that many other rolls of the Charters of that Sovereign had been lost at a still earlier period. In the subsequent reign of David II. the loss is little less considerable. Of about twenty-eight rolls of various magnitude, containing nearly six hundred Charters of that King, of which official calendars are extant, not one has been saved; but in a book now called the First Book of the Great Seal, nearly three hundred charters of David II. are recorded. In the two succeeding reigns of Robert II. and Robert III., and in the regency of the Dukes of Albany, the injuries which this record has suffered are comparatively smaller; yet the number of existing original Charters, not entered in that record, is such as to indicate its very imperfect state. The same is equally true of the reigns of James I. and James II., and even in that of James III., the apparent defects are very considerable; nor is it till about the commencement of the sixteenth century, that the series of Registers of the Great Seal begins to be tolerably complete.

These various deficiencies in the present Record of Royal Charters are obviously so great, as to preclude all hope of their being ever repaired in any considerable degree. Yet the sources which have been already mentioned, are neither so scanty nor so inaccessible as to justify inactivity or despair, in attempting to diminish the extent of the evil; and His Majesty's Commissioners have accordingly sanctioned an experiment for that purpose, from which, if prosecuted with vigour and perseverance, very useful results may be expected. Of royal charters prior in date to the accession of Robert I., it has been resolved to form as ample a collection as can be procured, not only from originals remaining in the custody of individuals and public bodies, but also from antient chartularies and other authentic manuscripts; and from that collection, in which considerable progress has been already made, it is intended to select a volume of Charters of more remarkable importance, such as will tend to illustrate the constitutional history, the national antiquities, and the early feudal jurisprudence of Scotland. The utility of such documents, as applicable to a period of which the more regular historical monuments are so meagre and defective, has been long well known; and it here deserves to be remembered, that above a century ago, at a time when that utility was less understood and acknowledged than at present, a collection of Charters was prepared by command of the Parliament of Scotland, and ultimately given to the Public, under the title of *Diplomata Scotiæ*. The splendour and accuracy of that work have been justly admired, and as a series of specimens of the handwriting of successive ages, its use has been considerable; but for every other purpose of information, either of a public or a private nature, the collection has been found by far too scanty. To aim at the recovery of every curious and important document of this kind, would of course be vain and chimerical; yet it is only by an ample and diversified collection of antient charters, such a collection however as moderate industry and perseverance may accomplish, that the great objects of historical and constitutional information can be attained in any considerable degree.

In the succeeding period, from the accession of Robert I. to the return of James I., the series of royal charters becomes on many accounts peculiarly important; and the sources from which a supplement to the existing registers of the Great Seal may be derived, become also more abundant. The Record itself, consisting of twelve rolls and one book, is intended to form the first and principal part of a second volume in the series of Select Royal Charters. For obvious reasons of convenience, it has been first sent to the press, and the printing of this portion of the work has been completed. In the mean time, numerous contributions of original

Charters

Charters have been procured, from which, and from the transcripts of chartularies, and other authentic manuscripts, which have been gradually accumulated during the last four or five years, a very valuable supplement will be obtained. Among the various sources which it has been thought fit to explore, the archives of the royal burghs of Scotland are particularly entitled to notice; and in the charter chests of many antient and noble families, are contained very valuable deposits of the same description. From these it is hoped that communications may be obtained, which will tend greatly to enrich the proposed collection of early Royal Charters.

Appendix,
(S.)
Preface to the
Registrum Magni
Sigilli.

In the subsequent period, from the reign of James I. downwards, the collections of extraneous materials must be less considerable and important, yet are they by no means to be neglected; and from the existing registers, augmented by such contributions as may be reasonably expected, a selection of curious and important Charters may be formed. Those which have a relation to the constitution of public bodies, and to the creation or limitation of dignities and honours, and those above all, which afford instructive illustrations of the principles and rules, the usages and the language of feudal jurisprudence in the fifteenth and sixteenth centuries, are chiefly deserving of attention, and of this description of Charters accordingly will the third volume of the proposed collection be framed. In point of practical utility, and in reference to ordinary business, this volume cannot fail to prove a very desirable acquisition to the lawyer, as well as to the historian and the antiquary." [Fourth Annual Report, p. 31—34. See Report from the Commissioners, &c. June 2d, 1812. App. W. 7. p. 260, 262.]

If the design here explained should be ever carried completely into execution, the Register of the Great Seal, from the year 1306 to the year 1424, now published, will thus form the first part of the second volume of the Select Royal Charters of Scotland; but in itself it is also a complete work, and as such there have been here added to it, very copious indexes of the names of persons and of places.

November 25, 1814.

T. THOMSON.

Appendix (T.)

Preface to the Second Volume of The Acts of Parliaments of Scotland.

THE Acts of the Parliaments of Scotland contained in this volume, have been drawn chiefly from Records preserved in His Majesty's General Register House, but partly also from other sources, of inferior authority, indeed, yet of sufficient authenticity and purity to warrant the use that has been made of them in the compilation of this work.

Appendix,
(T.)
Preface to the
Second Volume of
the Acts of Parliaments
of Scotland.

The original Records of the Parliaments of King James I. and of King James II., do not now exist, and probably had been lost before the first printed publication of the Statutes of those reigns, in the collection of 1566. That collection was made under the direction of certain royal commissioners, who had complete access to the public archives of the kingdom; and if the Parliamentary Records of those reigns then had existed, it must be presumed that the compilers would have drawn their materials from that source. But this part of their work furnishes intrinsic evidence, that the statutes of King James I. and of King James II. had been taken, not from the original Records, but from imperfect transcripts or compilations, such as are known to have been common, before the publication of any printed edition, and some of which are still extant. The more antient of these manuscripts have been examined and collated, and by their diversities of reading have afforded the means of detecting numerous errors in the edition of 1566; while, at the same time, they have been found to exhibit a coincidence in the general plan of compilation, as well as in many minute and accidental circumstances of arrangement and transcription, which sufficiently exposes the secondary nature of the sources from which the compilers of that edition had been forced to derive their materials.

An account of the age, authority, and contents of the several manuscripts which have been the subject of this collation, will be found in the Preface to the first volume; but for the purpose chiefly of their future identification, engraved specimens of them are here given. Of the uses to which they have been applied, it may be enough for the present to state, that the edition of 1566 having been assumed as the surest and most authoritative basis of an accurate text, the manuscripts have been constantly resorted to as useful correctives, and have furnished the means of supplying some omissions and mutilated passages, of amending many smaller errors, and of reducing the language and orthography of the whole, to a state more nearly approaching the mode and fashion of the age to which those Statutes belong.

Among the Acts of the Parliaments of King James I., the only additions to be found in this work, are the 6th, 9th, 4th, and 27th Acts of the Parliament, May 12, M,CCCC,XXIV.; the 9th and 10th Acts of the Parliament, M,CCCC,XXIX.; and the 3d Act of the Parliament, M,CCCC,XXXI.

Appendix,
(T.)
Preface to the
Second Volume of
the Acts of Parli-
aments of Scotland.

The additions made to the Acts of the Parliaments of King James II. are not more considerable, being two Acts of a General Council in M,CCCC,XXXVIII., one of which has been taken from an original instrument, the other from one of the above mentioned manuscripts, and an Act of the Parliament, M,CCCC,XLIX., respecting the power of bishops to bequeath their goods by testament, taken from the antient chartulary of the priory of St. Andrew's. To these may be added, eight Statutes of former Parliaments, which appear to have been under the consideration of the Parliament, M,CCCC,XLIX., and probably were then re-enacted, but of which only the first and eighth are inserted in the former editions, and are there given as original Acts of that Parliament.

The original Parliamentary Records of the period comprehended in this volume begin in the reign of King James III.; and for the year 1466 downwards, a voluminous, but not unbroken series of books, has been preserved. In these Records many Statutes, as well as many other Acts and Proceedings are preserved, which have not been printed in any former collection; at the same time they exhibit innumerable defects, the greater part of which can be but imperfectly supplied. For the Statutes of various Parliaments in the several reigns from King James III. to Queen Mary, of which the Records are lost, recourse has been had to the edition of 1566, as affording the most authentic remains of a genuine text; and in some of those instances, the printed edition has been collated with the manuscripts already alluded to, and with other written copies of still later date.

From these sources have been taken the Statutes of the Parliament, May 9th, M,CCCC,LXXIV.; and the last eight Statutes of the Parliament, March 22, M,CCCC,LXXXI.; and several clauses have been added upon the same authority, to some of the statutes of the Parliament, February 24, M,CCCC,LXXXI.

The Records of the Parliament of King James IV., in the years M,CCCC,XCIII., M,CCCC,XCVI., and M,D,IX. do not exist, and the Statutes of those Parliaments have been taken, in like manner, from the printed edition and the manuscripts.

The defects of the Parliamentary Records in the reign of King James V. appear to be less considerable; the Acts of a Parliament in M,D,XV., and of another in M,D,XXII., being the only instances of addition derived from the sources above referred to. But among the Statutes of that reign, as given in all the printed editions, there is to be found an unwarranted interpolation which has been here rejected. After the Act of the Parliament, May 27, M,D,XXXII., establishing the College of Justice, there are introduced into those editions, as proceedings of the same Parliament, a series of Acts of the Lords of Council and Session, and a royal ratification of those Acts of which the originals remain on record in the books of that court, but which either among the Records of Parliament, or in a compilation of genuine Parliamentary proceedings, could have no place.

The original Records of the Parliaments of Queen Mary are remarkably defective; from the month of June, M,D,XLVIII., to the end of the reign, they are now entirely lost, with the exception of a Parliament in November, M,D,LVIII., and of another in April, M,D,LXVII. The Statutes of the intermediate Parliaments have been supplied from the edition of 1566, collated with a written copy of nearly the same date.

With the proceedings of the Three Estates in full Parliament, in the reigns of King James III. and of King James IV., from the year 1466 to the year 1494, have been blended in the Record, the judicial acts and proceedings of committees of Parliament known by the designation of "The Lord Auditors of Causes and Complaints."

These last proceedings, it has been judged expedient to detach from the former, and to publish in a separate volume; together with the contemporaneous and analogous proceedings of "The Lords of Council." To exhibit the connection of the sittings of the Lords Auditors with those of the Three Estates in Parliament, by whom they were appointed, as well as for the various purposes of reference from the one to the other, a table of the relative dates of both will be found in that volume.

To the Acts of the Parliaments of each reign has been annexed an Appendix of certain Acts and Instruments, which could not with propriety be blended in the preceding series; but in the chronological table of the contents of the volume, these articles are set down in the order of time, and the particular sources from which they have been drawn are there specified.

In the original Books of Parliament, containing the Record of the Statutes printed in this volume, scarcely any are to be found distinguished by titles or rubrics, prior to the Statutes of the later Parliaments of King James V., and even after that period, the practice in this respect is not uniform. The titles of the printed editions, as well as of the copies in manuscript, of still earlier date, are in general the unauthorized work of their respective compilers, and are not entitled to a place in a genuine collection of those Acts. But for the purposes of description and reference, such titles are of obvious utility, and in the chronological table of the contents of this volume they have been accordingly employed. As those of the former editions, as well as of the manuscripts, from which indeed the former seem to have been borrowed, are often erroneous and ill calculated to indicate the proper subject of the Acts to which they refer, it has been found necessary considerably to alter, or altogether to new model them, adopting always as nearly as possible, the peculiar phraseology of the Acts themselves.

In

In like manner, the original Record does not give any numeration of the Statutes or other Acts of the several Parliaments; and in the printed editions, the modes of numeration are not systematic or uniform. These former numerations have been here disregarded, and the proper Statutes of each Parliament have been numbered as a distinct series. The many additional Statutes, as well as other matters contained in this work, beyond what are to be found in the different editions of the Statute Book, would have rendered a new numeration unavoidable; but in order to connect these editions with one another and with the present more extensive collection, and to facilitate references from the former to the latter, there is given a comparative table; exhibiting, however, those Statutes only which are to be found in the former editions, and not comprehending any of those now printed for the first time. To these last, the chronological table of the contents of the volume is the proper guide.

Appendix,
(T.)
Preface to the
Second Volume of
the Acts of Parli-
aments of Scotland.

November 25, 1814.

T. THOMSON.

Preface to the Third Volume of the Acts of Parliaments of Scotland.

THE materials of this, as of the preceding volume of the Acts of the Parliaments of Scotland, have been drawn chiefly from the original Records preserved in His Majesty's General Register House, but with some aid likewise from other authentic sources.

Preface to the
Third Volume of
the Acts of Parlia-
ments of Scotland.

From the date of the accession of King James VI. in the year 1567, to that of his actual assumption of the government in the year 1578, various Parliaments were held by the successive regents of the realm; but of their proceedings no regular and complete record is now preserved. Some valuable portions and fragments of it have however been found; and these, together with the first editions of the Statutes of those Parliaments, have furnished the materials of what are here given as the Parliamentary Acts and Proceedings of this earliest part of the reign of King James VI.

From the year 1578 to the year 1592, at which the present volume closes, the original books of Parliament appear to be entire and complete.

During the period comprised in this volume, frequent Conventions of the Estates of the Kingdom were held in the intervals of successive Parliaments, the proceedings of some of which have been preserved among the Records in His Majesty's General Register House. On account of their intimate connection with the Proceedings of the Three Estates in Parliament, as well as of their intrinsic importance, and near approach to legislative authority, they have been here introduced at their proper periods, as appendixes to the Acts and Proceedings of Parliament.

November 25, 1814.

T. THOMSON.

Preface to the Fourth Volume of the Acts of Parliaments of Scotland.

IN the following volume, which is the fourth of the entire series of the Acts of the Parliaments of Scotland, are contained the Parliamentary Proceedings, and the proceedings of Conventions of Estates during the latter half of the reign of King James VI., extending from April 1593 to the last of his Parliaments, holden in August 1621.

Preface to the
Fourth Volume of
the Acts of Parlia-
ments of Scotland.

These Proceedings have been drawn entirely from the Public Records preserved in His Majesty's General Register House.

The "Books of Parliament," during the period comprised in this volume, appear to have been preserved without any material injury or mutilation; but in two different instances, at least, the Record has been left imperfect, by the omission of a considerable number of Acts, of which the titles appear in the lists of unprinted Acts, annexed to the earliest publications of the Statutes of those Parliaments. Of these omissions, the most remarkable will be found in the Parliament of 1597, and in that of 1612.

In many instances, the Record is obscured in its meaning by minute errors of transcription. In some cases, these errors have been corrected from the earliest editions published by authority, under the eye of the same persons who were officially intrusted with the formation of the Record; in others, from the original "Warrants;" but in all these cases the alteration is to be distinguished by its inclosure in brackets.

The Conventions of the Estates of the kingdom, holden during the latter half of the reign of James VI. were frequent; and such of their proceedings as have been preserved, either in a separate and peculiar Record, or in the Registers of the Privy Council, have been introduced as appendixes to the Acts of the Parliaments with which they are respectively connected, either by their dates, or by the nature of their proceedings.

March 1, 1816.

T. THOMSON.

Preface to the Fifth Volume of the Acts of Parliaments of Scotland.

Appendix,
(T.)
Preface to the
Fifth Volume of
the Acts of Parliaments of Scotland.

THE following volume, containing the Acts of the two first Parliaments holden in the reign of King Charles I., and the contemporaneous Acts and Proceedings of several Conventions of the Estates, has been compiled partly from the regular Records framed at the time, and partly from the authenticated originals or "Warrants" of a Record that has been lost or destroyed.

The Acts and Proceedings of the first Parliament of Charles I., which was first assembled on the fifteenth of September 1628, and was ultimately continued to the eighteenth of June 1633, have been derived from the former of those sources; as likewise have been the Acts of the General Conventions of the Estates, holden in the years 1625, 1630, 1631, and 1632.

The Acts and Proceedings of the second Parliament of Charles I., which first met on the fifteenth of May 1639, and was ultimately continued to the fifteenth of July 1641, were digested into a Record in the usual form.

That Record, with the other public muniments of the kingdom, was carried from Scotland in the year 1651, and deposited in the Tower of London, and a brief abstract of its contents was drawn up at the time by one of the officers, under whose care it was placed (*a*). After the restoration of King Charles II., it was probably sent back to Scotland, along with the other books of Parliament; but the actual destruction of this, and of the Records of the subsequent Parliaments, holden in the reign of Charles I., would appear to be one of the consequences of an Act passed in the year 1661, by which those Parliaments, and all acts and deeds passed and done in them, were rescinded and annulled, excepting in so far as they related to the civil and private interests of individuals, which were declared in the mean time to stand good and valid (*b*).

But though the regular Record may have been thus destroyed or lost by neglect, a large proportion of the original "Warrants" of that Record, duly authenticated by the signature of the President of Parliament, have been preserved in His Majesty's General Register House. And besides those documents to which the technical name of Warrants more strictly applies, there has been preserved an authentic series of "Minutes," or brief Abstracts of the daily Proceedings, both of the Committees of Articles, and of the Three Estates in Parliament, in which the actual course and progress of public business are distinctly marked. From these various original papers, aided in some instances by the Statute Book, printed by authority of Parliament, under the care of the Clerk Register for the time, the Acts and Proceedings of the second Parliament, included in this volume, have been taken, and have been arranged, as nearly as possible, in the exact order of time.

These Acts, although deprived of their original legislative authority, are well known to preserve no ordinary degree of historical value; and in the course of judicial discussions they are still appealed to, as constituting an essential step in the progress of the Statute Law of the kingdom.

August 1, 1817.

T. THOMSON.

(*a*) This Abstract, framed by William Ryley senior, clerk of the Records in the Tower of London, about the year 1654, was published in a work entitled, "Calendars of the Ancient Charters, and of the Welch and Scottish Rolls now remaining in the Tower of London," &c. by Sir Joseph Ayloffe, Bart. London, 1774. The Proceedings of the Scottish Parliaments, to which this Abstract relates, extend from May 15, 1639, to March 8, 1650.

(*b*) The Act 1661, c. 15, for rescinding and annulling the pretended Parliaments in the years 1640, 1641, &c. does not contain any order for destroying the written Records of their Proceedings, and the exception in the Act would have rendered such destruction unwarrantable; yet they were of course no longer regarded as making a part of the regular series of the books of Parliament; and in a General Inventory of the Public Records, framed in the year 1676, they are accordingly omitted.

Appendix (U.)

Books published under the Record Commission, 1802—1819.

Appendix,
(U.)
Books published
under the Record
Commission,
1802—1819.

Number.	TITLE OF THE WORK.	Year when printed.
ENGLAND:		
I.	Taxatio Ecclesiastica Angliæ et Walliæ, Auctoritate P. Nicholai IV. circa, A. D. 1291 - - - - -	1802.
II.	Calendarium Rotulorum Patentium, in Turri Londinensi - - - - -	1802.
III.	A Catalogue of the Manuscripts in the Cottonian Library, deposited in the British Museum - - - - -	1802.
IV.	Calendarium Rotulorum Chartarum et Inquisitionum ad quod Damnum - - -	1803.
V.	Rotulorum Originalium in Curia Scaccarii Abbreviatio temporibus Regum Hen. III., Edw. I., Edw. II. - - - - - Vol. I.	1805.
VI.	- - - - - Temp. Regis Edw. III. - - - - - Vol. II.	1810.

Number.	TITLE OF THE WORK.	Year when printed.	Appendix, (U.)
VII.	Calendarium Inquisitionum Post Mortem sive Escaetarum - - Vol. I.	1806.	Books published under the Record Commission, 1802—1819
VIII.	- - - - Temp. Regis Edw. III. - - - Vol. II.	1808.	
	N. B.—Temp. Regum, Ric. II.—Ric. III. - - - Vol. III. This volume is now printing.		
IX.	Nonarum Inquisitiones in Curia Scaccarii, Temp. Regis Edw. III. - - -	1807.	
X.	Testa de Nevil sive Liber Feodorum in Curia Scaccarii, Temp. Hen. III. & Edw. I. - - - - -	1807.	
XI.	A Catalogue of the Harleian Manuscripts in the British Museum, with Indexes of Persons, Places, and Matters - - - Vol. I.	1808.	
XII.	- - - - - Vol. II.	1808.	
XIII.	- - - - - Vol. III.	1808.	
XIV.	- - - - - Vol. IV.	1812.	
XV.	Placitorum in Domo Capitulari Westmonasterii asservatorum Abbreviatio temporibus Regum, Ric. I., Johannis, Hen. III., Edw. I., Edw. II. - -	1811.	
XVI.	Libri Censualis vocati DOMESDAY BOOK Indices - - -	1811.	
XVII.	Domesday Dissertatio et Indices - - -	1816.	
XVIII.	Domesday Additamenta, viz. Exon' Eliens' Winton & Boldon - - -	1816.	
XIX.	The Statutes of the Realm - - - Vol. I.	1810.	
XX.	- - - - - Vol. II.	1816.	
XXI.	- - - - - Vol. III.	1816.	
XXII.	- - - - - Vol. IV.	1819.	
XXIII.	- - - - - Vol. V.	1819.	
XXIV.	- - - - - Vol. VI.	1819.	
	N. B.—Vol. VII. is now printing.		
XXV.	Valor Ecclesiasticus, Temp. Hen. VIII. Auctoritate Regia Institutus Vol. I.	1810.	
XXVI.	- - - - - Vol. II.	1814.	
XXVII.	- - - - - Vol. III.	1817.	
	N. B.—Vol. IV. is now printing.		
XXVIII.	Rotuli Hundredorum, Temp. Hen. III. & Edw. I. in Turri Lond' et in Curia Receptæ Scaccarii Westm' asservati - - - Vol. I.	1812.	
XXIX.	- - - - - Vol. II.	1818.	
XXX.	Rymeri Fœdera, New Edition - - - Vol. I. P. 1.	1816.	
XXXI.	- - - - - Vol. I. P. 2.	1816.	
XXXII.	- - - - - Vol. II. P. 1.	1818.	
	N. B.—Vol. II. P. 2. is now printing.		
XXXIII.	A Catalogue of the Lansdowne MSS. in the British Museum - - -	1819.	
XXXIV.	Rotuli Scotiæ in Turri Lond' et in Domo Capitulari Westmonasteriensi asservati - - - Vol. I.	1814.	
XXXV.	- - - - - Vol. II.	1819.	
	SCOTLAND.		
XXXVI.	Inquisitionum ad Capellam Domini Regis retornatarum quæ in Publicis Archivis Scotiæ adhuc servantur - - - Vol. I.	1811.	
XXXVII.	- - - - - Vol. II.	1811.	
XXXVIII.	- - - - - Vol. III.	1816.	
XXXIX.	Registrum Magni Sigilli Regum Scotorum - - -	1814.	
XL.	The Acts of the Parliament of Scotland - - - Vol. II.	1815.	
XLI.	- - - - - Vol. III.	1815.	
XLII.	- - - - - Vol. IV.	1816.	
XLIII.	- - - - - Vol. V.	1817.	
	N. B.—Vol. VI. is now printing.		
	N. B.—By reason of some difficulties attending the collection of materials and their chronological arrangement, the first volume has not yet been published.		

Appendix (V.)

Extracts from Records in the Augmentation Office.

Appendix,
(V.)
Extracts from Re-
cords in the Aug-
mentation Office.

THE Register Book of the Monastery of Pershore, remaining in the Augmentation Office, consists of one hundred and sixteen vellum leaves, and contains entries of deeds and other documents, none of which seem earlier than the thirteenth century. It was not deposited in its present repository until the year 1620; and its discovery and manner of being placed in the office are not unworthy of notice. The former is fully explained by the following entry in a fly leaf prefixed.

“ Memorandum quod 16^o die Maii, A. D. 1598, et anno regni reginæ Elizabethæ quadragesimo, ego Willielmus Bell de Temple Broughton, in comitatu Wigorniae, generosus, adhuc existens Londini, in camera Willielmi Combes, armigeri, in Medio Templo, forte inspexi tegumentum sive coopertorium pergameni, in quo colligata erant statuta anno supradicto edita, et ibidem inveni scripta quædam charta feoffamenti de terris in Goldicote et Aldermaston, in comitatu Wigorniae, quæ quondam dissolutæ (proh.) abbathiæ de Pershore, in comitatu prædicto spectabant, mecumque perpendens tegumentum illud extractum et discissum verisimile fuisse e quodam libro vocato a Register, Domesdaye, sive Leger de omnibus scriptis, chartis, sive ut vocant evidentijs, dictam abbathiam concernentibus, venerandæ antiquitatis amore motus, dolensque negligentias imo spolia nostri temporis percipide quæsivi ab eodem Willielmo Combe, quis e grege bibliopolorum quibus Londini scatet, sibi librum vendidisset, narratque se nomen non novisse, sed certissimis quibusdam signis monstrat locum habitationis in vico vocato Fletstreet, quid multis, statim discessi, quæsivi locum et hominem statim inveni, rogito nunc librum quendam pergamenaceum veterem habuit et quo dilacerasse tegumenta statutorum, asserit, quæsivi an vendere voluit, annuit, prætium quæro, quærit quid vellem dare, dico, quinque solidos, vendit, prætium existimans rem nihili et sic servari e spolijs ignorantiae nostræ; vos quibus prodesse potest universos rogo quatenus in defensionem possessionum vestrorum et non in injustas lites uti hoc libro volueritis mihique servanti bene precari.”

The volume, probably, was tendered by the hands of its discoverer (Mr. Bell) to Sir Fulke Greville, under treasurer and chancellor of the exchequer, (so constituted 12 Jac. I.) who issued the following warrant to the then keeper of the Records of the Augmentation Office.

“ After my hartie commendacions I send yo^r by this messinger, John Reading, an auntient ligier booke of written hand in pchem', sometime belonging to the late dissolved Monasterie of Parshore, in the countie of Worcester, w^{ch} having been kept heretofore in private gentlemen's handes of that countie, I hold fitt to be taken and reserved amongst the like ligier bookes, and other his Mäties records in your custody. The same conteyning sondrie entryes and regesters of severall graunts, charters, composicions, and other records and evidences of importance, concerning both his Mätie and the subject; and having also all badges of antiquity and trueth aunswerable to the like records of that tyme alredy remayning in your keeping. Willing and requiring yo^r therefore, vpon allowũce to be first given therevnto by some of the barons of his Mäties exchequer, and their approbācon according to the vsuall course in like case, to receave the said booke into your charge, to be kept and laid vpp amongst his Mäties records there remayning, as by like direction the like bookes have been heretofore taken out of private handes, and reserved for records and evidences belonging to the crowne. And soe not doubting of your due care of this service, I bydd yo^r hartely farewell. From Whitehall the last of May 1620.

Yo^r loving freind

FFULKE GREVYLL.

To my loving ffreind William Mynterne, Esquire, keeper of his Mäties Records, comonly called the Records of the Augmentacōn Court of the Excheq' in Westm', and to his deputy and deputyes in the said office, and to evy of them.”

Notwithstanding this Warrant from the chancellor of the exchequer, it seems to have been necessary to have the authority of a baron of the court to lodge it in the office, before the keeper of the Records could with propriety receive it; accordingly the fiat of Mr. Baron Denham is thus given:

“ Mr. Mynterne, receive this accordinge to the Warrant, 20 Junij 1620.

JO. DENHAM.”

It is not unworthy of observation, that at the same time that the baron directed the reception of this book into the Augmentation Office, he seems carefully to have examined it; and finding at p. 59 an entry of a much more modern date than the remainder of the Volume, he has thus written:

“ Lett not this that hath byn rased or newe wrytten be copyed forth to be made authentique.”

JO. DENHAM,

20 Junij 1620.

Appendix (W.)

The Sixth Annual Report, &c.

To the Right Honourable Lord FREDERICK CAMPBELL, Lord Clerk Register.

IN the progress of those measures for the establishment of the Public Records of Scotland under a system of uniform regulation and efficient controul, which your lordship has had it in view to accomplish, and in the promotion of which so much important aid has been derived from the interposition of His Majesty's Commissioners on the Public Records of the kingdom, it is to be presumed, that the business of these Annual Reports will be gradually reduced within the limits of ordinary detail, and that little occasion will at length remain for such general statements and discussions as have occupied so large a space in those which I have hitherto had the honour of presenting to your Lordship. At this point, however, we are certainly not yet arrived. In some parts of the system, an approximation, perhaps a near one, has been made to the utmost practicable regularity; in all, perhaps, some important and progressive advances may be perceived; but, in many, a great deal of practicable improvement remains behind, for the attainment of which, obstructed as it is by various prejudices, habits, and interests, no inconsiderable degree of activity and vigilance will probably be found requisite. To some matters of this description, I shall have occasion, in the course of the following pages, to solicit your Lordship's attention: at the same time, it does not appear to me necessary or expedient, at the present moment, to touch on more than one or two of those topics which can be regarded as subjects of argumentative discussion; and with these exceptions, the following pages shall be confined to a brief notice of those points which appear to be entitled to a place in every Report of this nature.

Appendix,
(W.)
The Sixth
Annual Report.

I. GENERAL RECORDS OF THE KINGDOM.

I. In the Fifth Annual Report for 1811, an account was given of the allotment of certain new offices and apartments at the General Register House to several classes of the Public Records. Towards the close of that year, two apartments had been fitted up for the Records of the Court of Teinds; two others for the Records of the Justiciary Court; two others for the Registration of Deeds, &c. in the Court of Session, as consolidated into one office by an Act of Sederunt in July 1811; and another apartment for the reception and arrangement of the Judicial Records of the Court of Session, preparatory to their progressive transmission, at the end of five years, into the General Repository of the Public Records of the kingdom. In the relative Report of the Lords of Session, it is stated, that this "new arrangement and distribution of apartments have been inspected by the Committee, and appear to be unexceptionably proper;" and, accordingly, these apartments have now been taken possession of by the different officers for whom they were intended. None of the other projected operations and arrangements, mentioned under this head of my last Report, have been as yet carried into execution. Of these, the most important are the filling up of certain apartments for depositing the unextracted proceedings of the Court of Session, and the improved accommodation to be given to the Records of the Admiralty and Commissary Courts.

I.
General Records
of the Kingdom.

Upon the present state of the buildings of the General Register House, I do not think it at present necessary to enter into any minute detail. Various matters of importance to its permanent security, as well as to its comfortable use, have already attracted your Lordships attention; and the late appointment of a new surveyor, of great practical skill, as well as the expected enlargement of the pecuniary allowances for this purpose, will soon, I trust, lead to the accomplishment of all those objects which are most deserving of consideration.

II. On several former occasions, I have felt myself compelled to state the growing insufficiency of the existing funds for the support of His Majesty's General Register House; and in the Report of the Lords of Session, upon the Fifth of these Annual Reports, the expediency of the proposed enlargement is strongly recommended. It is with peculiar satisfaction I have now to record the certain and immediate prospect of an enlargement of the ordinary funds of this establishment from £. 500. to £. 1,000. per annum, agreeably to a proposal contained in a Memorial, presented by your Lordship, to the Lords Commissioners of the Treasury, and now under the consideration of the Barons of the Exchequer. Into the details of this proposed establishment I shall not now enter, the actual completion of the arrangement and its more immediate consequences, will belong more properly to another year.

In my last Report, I had occasion to explain the necessity of an immediate and extraordinary grant for defraying the expense of these alterations and improvements in certain Record Offices, alluded to under the preceding head. An application on the behalf of the several classes of officers immediately interested in these operations, was accordingly presented to the Lords of the Treasury by your Lordship; and under that sanction,
and

Appendix,
(W.)
The Sixth
Annual Report.

I.
General Records
of the Kingdom.

and after an investigation into the case by the Barons of Exchequer, to whom the Memorial was remitted, a warrant has been issued for the payment in exchequer of £. 1,650, to be applied to the discharge of the debt already incurred by the operations alluded to, and to the expense of those further extraordinary operations and repairs which yet remain to be executed.

III. On the actual state of the Records of the kingdom deposited in the General Register House, the only alterations or improvements here to be noticed, are those connected with the Proceedings of His Majesty's Commissioners. In the cleaning and careful repairing of decayed Records, and in the re-binding of books of Record, a constant progress will be found detailed in the successive Quarterly Reports for the year 1812. During this period, the Register of Deeds, Probative Writs, and Instruments of Protest, in the books of Council and Session, from the year 1554 down to the present time, in so far as the Record has been as yet transmitted to the General Register House, amounting in all to nearly seventeen hundred volumes, (of which many of the earlier were in a state of great decay), have been carefully cleaned and repaired, and substantially rebound in nearly the same stile with the Registers of Seisins. During the same period, the Registers of the Privy Seal, from the year 1499, of which the earlier volumes were considerably injured by time and accident, have been subjected to a careful examination, and the greater part of the series, containing altogether 264 books, has been repaired, and rebound in 196 volumes, in a stile suited to the importance of such a Record. Another less voluminous, but highly curious Record, that of the Accounts of the Lord High Treasurer of Scotland, contained in a broken series of 79 books, from 1473 to 1635, has been likewise very carefully restored, as far as was possible, to a state of security, and has been suitably rebound in 65 volumes. In pursuance of the views by which these measures were dictated, much still remains to be done; and during the ensuing year, I trust that several other classes of valuable and curious Records will be restored to that state of security and accessibility of which they are yet susceptible. In reference to these operations, the Lords of Session, in the Report already quoted, have stated, that, "in contemplating this matter, the Committee was much struck with the liberality with which the Commission on the Public Records defrays the extraordinary expenditure requisite to put the remains of our national muniments into a condition, which not only promises preservation for ages, but affords them an appearance and situation suited to their value."

In my last Report, I specified several minute changes which it might be expedient to make in the local arrangement of some of the Records deposited in the General Register House. None of these have yet been carried into execution; but I trust that the enlargement of the funds of the establishment will soon enable your Lordship to meet the expense of some of those repairs which are requisite for the purpose in view.

IV. During the course of the last year continued progress has been made in several of the works undertaken by His Majesty's Commissioners for giving publicity to the more antient and valuable classes of Public Records. A volume of the Public Proceedings of the Three Estates in Parliament, beginning with the return of James I. in 1424, and ending with the abdication of Mary in 1567, has been printed, and it now only requires the addition of proper Indexes to fit it for immediate publication. Another volume, containing the Proceedings of the Lords Auditors of Causes and Complaints in Parliament, during the reigns of James III. and James IV., together with certain contemporaneous proceedings of the Lords of Council, which has been for some time past finished at the press, with the exception of its necessary Indexes, will appear at the same time; and in these two connected volumes will be exhibited all that now remains, and has been discovered, of every class of Parliamentary Record, during the period to which they relate. The volume of Public Proceedings in Parliament, or *Acta Parliamentorum Scotiæ*, now mentioned, is the only work in which any progress has been made at the press during the last year; but in the collection of antient Royal Charters, in the compilation of the supplemental volume of the abridgment of Retours of Services, in the formation of an abridgment of the Register of the Great Seal, and in the transcription of the antient accounts of the Lord High Chamberlain of Scotland, great advances have been made in the view of their publication, at a period, it may be hoped, not now very remote; into the particular nature and objects of these several works, and the measures which have taken for their accomplishment it would be unnecessary here to enter. It may be enough to refer to my former Annual Reports, and to the Quarterly Reports for the last year, contained in the Appendix.

V. In my last Report, I alluded to the practical difficulties which had occurred in carrying into effect the salutary provisions of the late Acts of Sederunt, for framing progressive Indexes to several more important and voluminous classes of Records. In the Registers of Seisins, these difficulties are unquestionably the greatest, and have not yet been yet entirely surmounted; in the Register of Deeds, &c. in the Court of Session, a plan has been adopted which, I trust, will be found to embrace every necessary circumstance for facilitating the researches of individuals in that vast Record. In the Register of Decrees of the Court of Session, also, a commencement has been given to the formation of progressive indexes, which will be ultimately found of great practical convenience. It is deeply to be regretted, that a regular system of Index making had not been adopted at an earlier period, as it is scarcely within the reach of the most sanguine hope, that a complete retrospect can now be given to the measure; and the existing defect of such facilities for research has condemned, to comparative inutility, various classes of those Records which now fill the shelves of the General Register House.

VI. To

VI. To the "Recovery of lost Records," I can at present only allude, as a necessary head in every Annual Report, without having it in my power to state any instance of such recovery. On this subject, the utmost vigilance shall continue to be employed; but there is too much of fortunate accident in the success of such endeavours, to afford any assurances as to the future, unless of the most vague and general nature.

Appendix,
(W.)
The Sixth
Annual Report.

VII. By the Act of Parliament 49 Geo. III. cap. 42. "For better regulating the Public Records of Scotland," it was provided, that the Registers of Deeds and Probative Writings, formerly kept by the clerks of the Commissary Court of Edinburgh, should, within six months after the passing of the Act, be delivered into the General Register House, to be there deposited with the other Public Records of Scotland. At the date of this Act, the formation of these Registers was very considerably in arrear, and on that account a delay was solicited by the clerks, and granted as a measure less inconvenient than that of compelling a partial and incomplete delivery. During the course of the last year, these Registers, consisting of 59 large volumes, (beginning in the year 1606, and ending in November 1809), with the relative Minute Books and Warrants, have been transferred into the General Register House, together with an exact Inventory, to the accuracy of which the clerks have made oath, agreeably to the provisions of the Statute. This is the only instance of an extraordinary transference of Records which can properly enter into the present Report.

I.
General Records
of the Kingdom.

VIII. Having briefly touched these several heads relative to the preservation, arrangement, and custody of the Records already formed, it yet remains for me, under this general division of my Report, to advert to the formation of Records in time to come. And here I must beg leave, in as few words as possible, to solicit your Lordship's attention to the same particular subjects which were discussed in my last Report.

In that Report, I explained the necessity of making some new arrangements in the office for the Registration of Deeds, Probative Writs, and Instruments of Protest, in the Court of Session. The measure there recommended, had for its immediate objects, the enlargement of the allowances to the operative clerks or transcribers employed in this department; a diminution in the number of the principal keepers; and an increase of the official income of those who should be placed in the responsible superintendence of the office: all of which were described as arrangements calculated to insure the more regular and perfect formation of this Record in future. In this view, it was proposed to consolidate the whole of the gross income of the Office for Registration, with the general Fee Fund of the Court of Session, and to draw from that fund certain specific salaries for a principal Keeper and two assistant Keepers; and certain increased allowances to the operative clerks employed in framing the Records of Deeds, &c. and of Protests; and such further allowance as was necessary for defraying the expense of Register Books, Minute Books, and Index Books. The allowances to the operative clerks would, of course, have been retained in the first instance, by the principal Keeper, for the immediate payment of those clerks; but the general principle of the arrangement would notwithstanding have been, that of a complete consolidation of the gross emoluments into the system of the Fee Fund; and one of the avowed consequences of such arrangement would have been to encroach a little, though but a very little, on that fund as now constituted.

On the general expediency of diminishing the number of the principal Keepers of this Register, and of improving the situation of those who are to remain for the performance of its various duties, I believe that no doubt has been any where expressed or entertained, but as to the particular sources from which the proposed increase of the pecuniary funds of this establishment was to be derived, some diversity of opinion has been found to prevail, and on the part of the Principal Clerks of Session, certain objections have been stated against any encroachment for that purpose, on the present Fee Fund of the court. On the grounds of these objections, it is not my wish to engage in any controversial discussion, and whatever may be thought of their justice on public grounds, it may perhaps be expedient to sacrifice something of what might be regarded as the most perfect form of the measure, in the hope of more speedily attaining its substantial advantages. In this modified state of the measure, no encroachment on the present Fee Fund of the Court of Session will be necessary; but it will be sufficient that a compensation be provided to three of the present principal keepers of this Record, whom it is proposed to displace. When disencumbered of the present claims of those superfluous and sinecure officers, it has been thought that the present funds of this Record establishment will afford a considerable, if not quite an adequate addition to the fees of the operative clerks or transcribers, by whom the principal Register of Deeds and Probative Writs is to be framed; and besides defraying the increased expence of Register Books, Minute Books, and Index Books, will leave enough for salaries to the principal Keeper, and the two assistant Keepers, whom it is proposed to establish in the responsible superintendence and management of the office.

In order to carry this measure into effect, the aid of Parliament becomes requisite, both for the purpose of providing compensations to the Keepers who shall be displaced, and in order to regulate the future patronage of the offices of principal and assistant Keepers, and bring it within the wholesome controul of the Court of Session. In this view, a Bill has been sketched, which your Lordship will find in the Appendix, and from the provisions of which your Lordship will learn some of the more minute details of the scheme. Of the urgency of the measure, I will only say, that until this or some other effectual plan shall be carried into execution, the formation of this important Record must remain in a state of inefficiency and embarrassment.

Appendix,
(W.)
The Sixth
Annual Report.

I.
General Records
of the Kingdom.

IX. On the formation of another great branch of the Records of the Court of Session, namely, that of its Judicial Proceedings, I ventured to suggest some alterations and improvements, peculiarly called for by the injurious operation, in some respects, of the late Act of Parliament on that subject. These suggestions are particularly referred to in a Report by a Committee of the Lords of Session, contained in the Appendix, from which your Lordship will have the satisfaction of perceiving, that the subject has been regarded as one of serious importance, and that it will certainly meet with the deliberate consideration it deserves. Already several conferences have been held on the subject; and on some points of it, a Report has been received from the principal clerks of Session; but in the unfinished state of these deliberations, it is not in my power to report any definite or probable result to your Lordship.

Among the various objects to which the attention of the Committee has been directed, one of the most important and most urgent is the preservation of a full and Regular record of the Judicial Proceedings of the supreme court. Of these Proceedings it may be no doubt said with truth, that a great proportion are in themselves of little further importance either to the parties or to the law of the land; and upon this obvious consideration, a vulgar objection has been sometimes insinuated against the propriety of preserving so much useless matter. But to this the answer is equally obvious and satisfactory, that there exists no mode or principle by which a separation could be made of the important and valuable, from the unimportant and useless part of the Record; and the preservation of the latter becomes an unavoidable condition in every effectual measure for saving the former from destruction. The condition is not, in reality, a very hard one; and when it is considered how far beyond the reach of sound discretion would be any attempt to discriminate, prospectively, what might or might not be ultimately of value; and how completely the incumbrance of the useless part of the mass, would be alleviated by judicious arrangement, and by the formation of complete Indexes of reference, it is to be hoped that the objection now alluded to will not be suffered to impede the success of a measure so intimately connected with the utility and dignity of our judicial establishments.

In my last Report, I ventured to suggest, as a remedy for the present defect of any accessible Record of Judicial Proceedings, that the original Processes, from the Summons, down to the last stage of every Cause, should be so formed and preserved as to admit of their being ultimately bound into regular volumes: and in order to prevent the previous "tear and wear" to which such processes are now liable, I ventured to suggest, though not without much hesitation and distrust, that duplicates of Papers in the Outer House should be prepared for the purpose of a Record, and that the whole series of Interlocutors should be written on a separate set of sheets, instead of being scattered over the margins and ends of the several detached papers to which they particularly relate. Without resuming the grounds on which I rested the propriety of these suggestions, I think it more fit here to state, that the Committee of the Court, to whom the Fifth Annual Report had been referred, thought it most conducive to a fair and deliberate consideration of the subject, to call upon the Principal Clerks of Session to communicate to them their sentiments on this and some other points; and I shall now beg leave to quote that part of the Report of the clerks which particularly relates to the formation of a Record of Judicial Proceedings.

"With regard to the best mode of preserving the Warrants of Decrees, that is, the actual steps of process in order to serve as a substantial and immutated Record, the Clerks humbly submit, that the plan which has been suggested, of requiring duplicates of these to be used in borrowing and lending, would produce so great an addition to the expense of litigation, as would be very burdensome to the lieges, and one which is very undesirable, so recently after the establishment of the Fee Fund, which is itself a heavy burden. To require a double copy of the Proceedings would naturally be considered as a return, in a certain degree, towards the expense of the old extract; the extinction whereof was the condition of the establishment of the Fee Fund. The expense of a second written copy of the whole Outer House Proceedings, though not equal to that of an extract, is, however, considerable; and it does not seem fit that litigants should both bear this, and pay to the Fee Fund also. Besides, it occurs to the clerks, that a reasonable hope may be indulged of attaining the object in view, by regulations requiring the use of record paper, and proper margins for manuscript as well as printed steps of process, by directing that every step of process shall have at least one blank sheet of the same sort of paper, stiched up with it, along also with one outer leaf of stronger paper, of the sort called Cartridge Paper, and shall have but one fold longitudinally; and that the tying up of the procedure shall be performed, not with cord, but tape; by enjoining care in copying under the certification, that the auditor of court shall suffer no allowance in accounts of expenses for copies when blotted or inaccurate, or otherwise reprehensible; and, finally, by denouncing the censure of the Court and of the Ordinaries, when any instance is observed of injury to the proceedings, from rough handling or other improper treatment. It is humbly thought, that by these precautions, the object in view may be sufficiently answered, especially if it be considered how small a proportion of Warrants of Process are ever resorted to after extract; and that in every case, which goes to the Inner House, all the material interlocutors are recited in print, as, indeed, they are also engrossed in the Outer House Papers themselves, progressively."

"The Clerks have, with due deference, considered the plan which has been suggested, of writing the whole Interlocutors in a connected series, from the commencement to the termination of a cause. One recommendation of this plan is understood to rest upon a supposed greater facility of reference to the prior proceedings at any stage of a cause; but it is humbly thought, there would not be much advantage obtained in this respect, especially

especially if by a sufficient supply of blank paper for Interlocutors, an end be put to a practice, not unfrequent in the Outer House, of writing these on several parts of the margins. But if there were more benefit to be derived in this respect, than would probably be found, it seems to be outweighed by the objections which occur against it. For, in the first place, if the Roll of Interlocutors were to be borrowed, lent, and transmitted with the process, the accident of a casual loss of the whole Roll would be irretrievable; and any plan of avoiding the necessity of this risk, by means of copies, appears attended with so much difficulty and trouble, as well as expense, that it is thought better to drop the idea altogether.

“ 2dly. The Interlocutors, if written in this form, would often require, for rendering them intelligible, a length of preamble, which the present custom renders unnecessary, and in the construction of which, room would sometimes be left for error, or, at least, uncertainties. It is one very material advantage of the present fashion of writing Interlocutors on the relative pieces of procedure, that the application and reference of each Interlocutor is perfectly clear and certain; and where a series of Interlocutors relate to the same piece of procedure, they are all found upon it in connection. According to the proposed plan of a Roll, it might often happen, that an Interlocutor, ordering a petition to be answered, shall be separated from the Interlocutor, at advising the Petition and Answers, by a number of other Interlocutors given on incidental applications, minutes, motions, and the like. To prevent ambiguity and confusion on this plan, long descriptions of, the papers referred to would be indispensable; and, after all, the thing would be done imperfectly.

“ It has, indeed, been thought, that the proposal is farther recommended, as connected with a plan of re-altering the form of extract; one article of which plan is, that the whole interlocutors of court should be *seriatim* engrossed in the Decree. But if the clerks are to understand that plan as one of the matters on which they are desired to express an opinion, they beg leave to state, that they have not heard any complaints from parties or practitioners against the recently established form; nor has experience hitherto pointed out any defects in that form, which have not been found to admit in practice of suitable remedy, sanctioned by the existing law and discretion by the statute vested in the extractor. Therefore they would humbly suggest, that the present system of extract has not as yet been allowed a sufficient period of trial, and advise rather an adherence to that form, than the adoption of a new one, which might possibly, after all, be found liable to other and weightier objections, particularly to those of greatly increasing the expense of litigation, and of tending to bring back the old system of full extracts, which was so lately and heavily complained of. Any sort of return towards that system seems inauspicious, and fit to be avoided, if not found quite indispensable. Besides, it is always to be remembered, that any litigant who is not satisfied with the brief extract, is entitled to receive a full certified copy of the whole proceedings, or any portion of them. In all events they conceive, that even if an innovation in this respect were to be made, the insertion in the decree of the actual interlocutors would be well superseded by a *grand decerniture*, containing the result and essence of the whole; but, as already mentioned, there does not appear to be any necessity for any change whatever in the form of extract now established.”

Upon this Report, the Committee of the Lords of Session have not yet expressed any deliberate opinion. At present, therefore, I shall content myself with observing, that from the respect due to the judgment of persons so intimately conversant with the practice of the court, I feel strongly disposed to abandon my own former suggestions, and to adopt, at least as an experiment, the measures which have been recommended by the Clerks for securing a tolerable succedaneum to that record of proceedings which was done away by the late Act of Parliament.

On one other point discussed in my last Report, however, there has been discovered no difference of opinion in any quarter; and indeed it is one on which the Committee of Lords of Session have expressed an unqualified approbation of what was suggested in that Report. I allude to the appointment of an officer, with a suitable salary, for the purpose of arranging the Judicial Records of the Court, of framing Indexes to these Records, and of keeping them in his custody, until the regular period of their transmission into the General Repository. The nature and duties of this office I have endeavoured formerly to explain; and have now to state, not merely as my own opinion, but as the opinion of the Committee of Lords of Session, that the salary of this officer should not be less than £. 200. per annum. This salary, I am further of opinion, ought to be a burden on the existing Fee Fund; and in this I have the sanction of the Committee. But, in order to accomplish this object, the aid of Parliament becomes necessary; and, in that view, some provisions have been framed and introduced into the sketch of a bill already alluded to. I must be allowed to add, that this is now to be regarded as a measure of great urgency. Under the sanction of the court, a very respectable individual has, for nearly eighteen months, been laboriously employed in this new department, without having yet received any pecuniary emolument whatever. At one time, the sanguine hope was entertained that a temporary remuneration, for a labour so useful in itself and so essential to the preservation of this class of the Records of Scotland, would have been bestowed by His Majesty's Commissioners on the Public Records of the kingdom; but by a resolution of the Board, in the month of last July, every hope of this sort seems to be completely precluded; and the only mode of accomplishing the object, and of doing justice, in the first instance, to a meritorious officer, seems to be by adopting the legislative measure above alluded to, as speedily as possible.

Appendix,
(W.)The Sixth
Annual Report.II.
Local Registries.

II. LOCAL REGISTRIES.

I. Without any risk of error, it may be now stated to have become a subject of general regret, that no effectual measures have been yet taken for insuring the erection or reparation of Record Offices in the several Counties throughout Scotland. On this head, the Committee of Lords of Session have lately expressed their confident opinion, that "the Counties would be disposed to afford the requisite accommodations, provided only a law were obtained, conferring on them the authority necessary to render their resolutions for that purpose compulsory." After having presumed to say so much in my former Reports, I should feel it as a repetition equally irksome and impertinent, were I to enter again on the detailed consideration of this measure.

II. From the Reports officially communicated by the Sheriffs Depute, in obedience to the Act of Parliament, as well as from the minute information obtained by means of the Inspector of Stamps, I am more and more satisfied of the progressive regularity of the Registers in the several Counties. The result of these various communications will be found, as usual, in the tabular Statement of Progress, contained in the Appendix. Much, however, as the general progress of these Registers is matter of satisfaction, and a proof of the efficacy of the new regulations, I fear there is reason to apprehend, that, in the execution of some of these Records, there is room for much improvement. On this subject, the present state of the fees of registration is one of the usual apologies for the defects of execution; and though its validity as a defence cannot possibly be admitted, there is at the same time no reasonable doubt that it is the chief cause of these alleged defects; and that the present rate of fees is not adequate to the fair expense of a well-executed Record. In my last Report, I took an opportunity of entering into a statement of various details, respecting the regulation of the fees of registration in the Sheriff Courts; and since the date of that Report, I have received various communications on that subject, from the collective body of Sheriff Clerks. It is certainly of importance to the Public, that their case should meet with a fair consideration; and as a preparatory measure, it seems expedient that the Court of Session should be authorized by Parliament to inquire into the present state of the business and emoluments of the Sheriff Clerks, and at least to report their opinion as to the rates that ought now to be fixed, whether for registration of deeds and protests, or for the other branches of Record labour which belong to that office.

It is to this preliminary object of a remit to the Court of Session, that the wishes of the Sheriff Clerks seem chiefly directed; but whatever might be its result, there are two other measures, by the adoption or rejection of which the ultimate arrangement of the official emoluments of Sheriff Clerks must be deeply affected. The one of these is the abolition of the sale of the office; a subject to which I have repeatedly adverted on former occasions: the other is the proposed abolition of the inferior Commissary Courts, and the consequent annexation of their jurisdiction and business to the Sheriff Courts, in a form more or less different from that under which it now exists. Of the expediency of the first of these measures, I believe there does not exist the slightest doubt; and the only obstacle that can retard its adoption, is the necessity of granting to the present Keeper of His Majesty's Signet, an adequate compensation for the loss of that lucrative patronage, in the appointment of Sheriff Clerks, which is at present attached to his office. The other measure, that of abolishing the inferior Commissary Courts, is one of those which were considered and recommended by Commissioners on the subject of the Scottish Jurisdictions and Courts of Law: and, in pursuance of that recommendation, a Bill was introduced into Parliament in 1810, which had for one of its objects the abolition of the present Courts, and the annexation of their jurisdiction to the Sheriff Courts. This measure was not abandoned, but for temporary reasons, the Bill was not then carried beyond a first reading; and hitherto it has been allowed to rest, without any further attempt to carry it into effect.

I trust I shall be pardoned for again presuming earnestly to recommend the speedy adoption of both of the measures now alluded to. Of their intrinsic utility and propriety, I believe there can be but one fair opinion; and if these two objects should be accomplished, I conceive that the remaining question of fees and emoluments could be very easily adjusted, without the imposition of any new burdens on the public.

III. On the progressive state of the Records of Royal Burghs, I have still to regret the want of official returns from the far greater number of them. From those returns, however, which have been received, and from the still more extensive information obtained from the same officer, to whom I have alluded in the preceding head, I continue to be satisfied, that, in the formation of regular Records, the Clerks of Royal Burghs have in few instances been deficient. In the minute execution of these Records, there seems to be room, in many instances, for blame; but in all I believe there is a visible progress towards improvement, which continued vigilance and controul will probably tend to advance as high as is requisite for practical utility.

THO. THOMSON,
Deputy Clerk Register.

The Seventh Annual Report, &c.

To the Right Honourable Lord FREDERICK CAMPBELL, Lord Clerk Register.

AGREEABLY to the plan followed in my Reports for preceding years, I shall again proceed to lay before your Lordship such statements as appear to me to be necessary, upon the several matters which fall within the range of your Lordship's official superintendence and controul; distinguishing the General Records of the kingdom from those of a local nature; and under each of these divisions, considering the measures and proceedings which relate both to the custody, preservation, arrangement, and use of Public Records already formed, and to the progressive formation, custody and arrangement of Public Records in time to come.

Appendix,
(W.)
The Seventh
Annual Report.

I. GENERAL RECORDS OF THE KINGDOM.

I. In my last Report, I alluded to an application that had been made by your Lordship, for a further annual allowance of £. 500. "to be applicable generally to the support of the fabric of His Majesty's General Register House, to the preservation of the Public Records of the kingdom therein deposited, and to the payment of such salaries to the keepers and servants therein employed as might be found necessary." At the date of my last Report, the Memorial presented by your Lordship to the Lords of the Treasury, had been transmitted to the Barons of Exchequer for their consideration, and before deciding upon the propriety and expediency of granting the proposed enlargement of the funds of the establishment, their Lordships were pleased to enter into a very full and careful examination of the subject. The result of that examination, as your Lordship is already aware, has proved completely satisfactory. In their Report to the Lords of the Treasury, dated January 28, 1813, the Barons gave it as their opinion, "that the allowance of £. 500 per annum, payable to the Lord Clerk Register, by Royal Warrant, dated the 12th January 1792, was insufficient for the various purposes to which it was then destined; and that an additional allowance of £. 500. per annum had become necessary for supplying that insufficiency, as well as for defraying certain other expenses not formerly provided for."—And that, therefore, "the total sum of £. 1,000 per annum ought to be granted to the Lord Clerk Register:"—"to be applied by him to the payment of the particular salaries mentioned above," (viz. those of the Deputy Keeper, of Records, if the continuance of such salaries should be judged necessary, and that of the Surveyor of the Building;) "and generally to the purposes of maintaining, cleaning, and repairing the General Register House, and of occasionally re-binding and putting into a safe and durable condition such of the Public Records there deposited, as may require such repairs."

I.
General Records
of the Kingdom.

Agreeably to this recommendation, a warrant under the Privy Seal, dated March 17, 1813, has been accordingly granted, authorising the issue to the Lord Clerk Register for the time being, "of an additional yearly sum of five hundred pounds, to be"—"applied generally for the purposes of maintaining, cleaning, and repairing the General Register House, and for occasionally re-binding, and putting into a safe and durable condition such of the Records therein deposited, as may require such repairs, the said additional allowance to commence from the fifth day of January last past."

In the Report from the Barons of Exchequer, it had been recommended, that this additional allowance should commence from the fifth of January 1812; and this retrospect would have been peculiarly desirable, as indeed it was intended, to meet the discharge of the debt that had been incurred under the former establishment, as well as to facilitate the speedy execution of some important repairs on the buildings of the General Register House, even under the grant, as actually limited;—however, the former of these objects has been already accomplished;—the balance of accounts, as made up by the factor to the close of the year 1813, is now in favour of the establishment; and by a continuance of the same prudent economy practised during the past year, a surplus will be soon created sufficient to enable your Lordship to carry into execution many of the important and useful objects which have been so long retarded by the deficiency of the requisite means. Meanwhile, it must be peculiarly gratifying to reflect, that by your Lordship's persevering exertions, the maintenance of this great and interesting national establishment has been placed at last on a permanent and respectable basis, sufficient to ensure its stability against the ordinary injuries of accident and time.

II. From this recent enlargement of the funds of the establishment, the want of which has long been a bar to many important operations, I am naturally led to call your Lordship's attention to the state of the buildings of the General Register House, and to those things which are connected with the security of the present fabric. In a Report by the Surveyor, dated in December 1812, it is stated, as the result of a careful examination, that the carpenter work and plumber work, have not been completed originally in a manner equally perfect with the masonry of the building; and that, in particular the roof, and the gutters connected with it, stand in need of certain alterations and repairs, not, however, of a very expensive nature. It also appears to the Surveyor, (and the circumstance had long before attracted your Lordship's particular notice,) that the supplies

of

of water for the purposes of cleanliness have been hitherto greatly too scanty; and in that view, some additional apparatus has become necessary. It further appears, that the whole of the House, externally and internally, is in great want of painting; and as to some of the external parts of the building, this may be considered, as a matter connected with its preservation and security. Upon these, and other measures of the same class, I refrain from entering into more minute details, and I have deemed it sufficient, thus generally to notice them as matters, the urgency and necessity of which give them a claim to preference, in the expenditure of the funds now appropriated to the establishment.

III. Next to the measures connected with the security of the fabric, I may be permitted to call your Lordship's attention to the interior arrangements of the General Repository. Since this Repository was first fitted up for the reception of the Public Records of the kingdom, no material alterations or improvements have been made upon it, although your Lordship is well aware, that, from the very limited amount of the funds for that purpose, the mode of fitting up was by no means so perfect as could have been wished. The interior circular saloon (in which are deposited the Registers of Seisins, and the Register of Decrees of the Court of Seisin) may indeed be considered as an exception, and does not stand in need of any material addition or improvement; but in the exterior circles of apartments which surround the saloon, the shelves, and other accommodations, although substantial, are not only clumsy and inelegant, but also less convenient and secure than suits the purposes to which they are destined. I should therefore think it an object well deserving attention, that all the class of apartments here alluded to, should be repaired and fitted up upon a plan better suited to the peculiar nature of such a Repository, and accommodated to the particular state of the Records which they are respectively to contain. This, of course, can only be the slow and progressive operation of many years; and, in those apartments already occupied, the temporary transference of the Records into adjoining apartments would be attended with considerable trouble, and ought to be done with great care. Yet I am persuaded, that upon a well arranged plan, deliberately followed out, this progressive transference of Records would of itself be attended with important advantages. It would afford a fit opportunity for removing the dust and filth which accumulate so rapidly in every Repository of this sort; it would naturally lead to many practical improvements in the local arrangement of different Records; it might certainly be accompanied with a very considerable economy of space; and thus, besides rendering the present Records more easily accessible, it would remove to a still greater distance the period of any necessary enlargement of the present building.

In this class of operations, I would take the liberty of proposing, in the first place, to fit up the apartments which contain the Registers of Deeds, Probative Writs, and Instruments of Protest. These Registers are at present deposited in four contiguous apartments in the entrance story of the house; one of which is appropriated to the series of volumes from 1560 to 1660, prior to the separation of the Record into three contemporaneous series; and one to each of those three contemporaneous series, which were respectively receiving annual additions until the commencement of the present system in January 1812. As there no longer exists any necessity of providing for the separate accumulation of these different series of Registers, it has become highly expedient to dispose of them in a compact arrangement; and two of the present apartments, properly fitted up for their reception, would easily contain the whole, and might also afford accommodation for the new series from January 1812, for a good many years to come. Having recommended this measure to your Lordship's particular consideration, I shall at present refrain from enlarging on the further course to be pursued in the execution of this class of repairs; for, if the general proposition should be approved of, the details may be more usefully discussed in the gradual progress of their future execution.

IV. Among the multifarious records preserved in His Majesty's General Register House, there exists an obvious distinction between those which relate to matters of private right, and those which are more peculiarly of a public nature, and which more properly constitute the National Muniments of Scotland. In the original disposition and interior fitting up of the House, no particular place was appropriated to the latter; although, from their superior dignity and importance, as well as from their comparatively small extent, such an appropriation seems highly proper. An arrangement of this sort has now become still more expedient, in consequence of the great pains and expense which have been bestowed on the repairing and rebinding of this class of Records, which renders it still more desirable than ever that they should be so placed as to save them, as much as possible, from the risk of future injury. In some former communications to your Lordship, I ventured to suggest, that two or three of the small contiguous apartments in the upper story of the building should be set apart for this purpose. On further consideration, however, and having in view the superior dignity and national importance of these Records, I have come to be humbly of opinion, that the apartment in all respects most proper for their final deposition, is the room in the centre of the south front of the building, commonly called The Lord Register's room. This apartment is extremely dry and well aired; it easily admits of having its temperature maintained at the proper point entirely by heated air; and it may be easily secured against accidents from fire, by means of iron doors and window-shutters. I need not add, that it admits, more than any other apartment in the house, of being fitted up in a style not unworthy of the object to which it would thus be applied; while, at the same time, its application to that purpose would not at all interfere with its present and ordinary use. If the whole room were fitted up with presses and shelves, it would be sufficient not only to contain the class of Records to which I allude, but also to afford accommodation for printed Diplomatic works, in the manner intended by your Lordship. In this view, I have had several communications on the subject

subject with the surveyor; and agreeably to the general instructions given by your Lordship in all cases of this sort, I have directed him to prepare a design for fitting up the room in a style suited to reception and permanent deposition of our national muniments, together with a relative estimate of expense; and in submitting these to your Lordship's consideration, I know it to be unnecessary to say any thing further to bespeak your Lordship's attention to a matter in itself so interesting, and, at the same time, admitting and requiring the application of so much taste and judgment.

Appendix,
(W.)
The Seventh
Annual Report.

I.
General Records
of the Kingdom.

V. The enlargement of the annual funds of the establishment, and the prospect thus afforded of maintaining the General Register House in a more perfect state of repair than has been hitherto possible, induce me, on the present occasion, to solicit your Lordship's attention to the arrangements which seem requisite for ensuring the cleanliness as well as the safety of the whole house. In a building occupied by so many different officers, and to which there is so much daily resort of various classes of people, it is indeed scarcely possible to avoid altogether that appearance of defective cleanliness which is at present too obvious to escape observation. But the evil certainly admits of diminution to a great extent; and the principal remedy is, I apprehend, to be found in placing the whole House under one system of management in this respect. With one active, trusty, and respectable superintendant, assisted by a few subordinate attendants of known regularity, every apartment in the House might be cleaned, lighted, and kept in order with scrupulous care, to the exclusion of a swarm of persons of a different description, who are retained in the different offices for that service, and over whom there can be no effectual check or control. The details of such an arrangement it would be out of place here to discuss; but the subject is highly deserving of attention; and I am persuaded, that the Principal Clerks of Session, and all the other respectable persons who are accommodated with apartments in the General Register House, would be ready to concur in adopting a general plan of management, of the sort I have ventured to recommend, and the want of which I have long observed and regretted as a serious evil.

VI. The state of the Records, preserved in the General Register House, does not, for the period of this Report, require any particular account, unless in so far as relates to the measures adopted by His Majesty's Commissioners, as to which so much has been said in my Reports for preceding years, and the further progress of which has been minutely detailed in the Quarterly Reports for the last year. It will be seen, that in addition to those formerly specified, a great many different series of Records, which had been injured by time or accident, have been carefully repaired and suitably rebound. Among these, besides some of the Records of Parliament and of Privy Council, and some considerable series of Registers of ~~Royal Grants and Precepts~~, will be found various Records, affording much curious and ~~authentic~~ information relative to the Royal and Public Revenues of Scotland, in the fifteenth, sixteenth, and seventeenth centuries, and illustrative of the political condition and domestic habits of the country.

These operations have now advanced nearly to that period, when the extraordinary aid afforded by His Majesty's Commissioners will cease to be requisite; and another year may perhaps be sufficient to complete what has been proposed with respect to the more voluminous or more useful classes of Records. A great deal will still remain to be done; but by the occasional application of some part of the ordinary funds of the establishment as now enlarged, to this important object, the whole of the decayed Records may be gradually brought into such a state of good repair as their present condition shall admit of. This resource, however, even if it had all along existed in its present extent, would have been altogether inadequate to those operations which His Majesty's Commissioners have happily undertaken, and to the utility of which the Lords of Session have taken every opportunity of bearing the warmest testimony. In a Report from a Committee of their number, recently sanctioned by the Court, they again "express the satisfaction with which they have observed the continued and rapid progress that has been made in repairing and rebinding various classes of the more important Records of the kingdom. On several former occasions, the Committees appointed by the Court have felt themselves called upon to applaud the wise and liberal policy by which the measures now alluded to have been dictated." And it is added, that "it cannot fail to be interesting and gratifying to the Court to be assured, that of the practical execution of these measures they have only to express an unqualified approbation.

VII. Respecting the arrangement of the Public Records in the General Register House, very little falls within the period of this Report, as of measures actually executed; but it is a subject of which, prospectively, I shall beg leave to submit a few observations. If your Lordship should approve and carry into execution the plan above-mentioned, of fitting up an apartment for those more important Records, which I have ventured to characterize as National Muniments, the removal of these from their present situation, scattered over different parts of the House, and their collection into one place of deposit, will of itself be an important improvement in the way of mere arrangement. A similar advantage will attend the other measure, proposed above, of fitting up apartments for the Registers of Deeds, Probative Writs, and Instruments of Protest; and in the new arrangement of this Record, the practical convenience to the Keepers will be very considerable. The measure I have suggested, of progressively fitting up the apartments in a more perfect manner than at present, will unquestionably lead to many other changes and useful alterations, both of general and of minute arrangement. Among these, I apprehend that a good deal might be done for the better disposal of the Warrants, both of the Register of Decrees and the Register of Deeds. In the present shelves, which are often placed at too great

Appendix,
(W.)

The Seventh
Annual Report.

I.
General Records
of the Kingdom.

great intervals from one another, a great deal of room is occasionally lost; and by an alteration in this respect, not only would there be a considerable economy of space, but the admission of dust would be greatly diminished, and the Records themselves rendered more easily accessible. In the arrangement of that most bulky Record, the Warrants of the Register of Decrees, there is, besides, an alteration which I would beg leave to recommend. From the division of that Record in 1660, into three contemporaneous series, there are as many separate collections of Warrants in bundles, deposited in separate apartments; but besides these, there are three other similar series of Warrants in bags, deposited in three other separate apartments; and in this manner, a circumstance quite accidental, quite unconnected with the nature and importance of the particular cases, and depending on the capricious fancy of an agent or a party, has been assumed as a principle of arrangement, in opposition, as I humbly conceive, to convenience and propriety. These "Processes in bags," I should therefore wish to see restored to their natural place, in the still more voluminous series of "Processes in bundles," to which they belong: and in this manner, not only would the arrangement be simplified, but a further economy of space would be attained, and three apartments, partially incumbered with these Records might be usefully appropriated to other purposes. This operation would be attended with considerable labour; but it ought, notwithstanding, to be carried into execution, as soon as the previous repairs of the apartments shall have rendered it practicable.

VIII. Since the date of the last Annual Report, I am not enabled to state to your Lordship, that any lost Records have been brought into the General Register House: but it may be here stated with propriety, that a considerable number of curious Records, and fragments of Records, have been brought to light, examined, and restored to their proper places; and as these were before neglected and unknown, and had not been entered in any catalogue or repertory of the present contents of the Register House, their recovery is scarcely less real or important, than if they had been found in private custody. Among these, may here be mentioned, numerous portions of the curious and interesting Register of Accounts of the Lord High Treasurer of Scotland, in the fifteenth and sixteenth centuries; and in particular, nearly the whole of a large and important volume of the earlier part of the reign of James IV., the scattered fragments of which have been collected from various parcels of decayed and almost useless papers. In like manner, some small, but valuable fragments of Parliamentary Record have been recovered; particularly some leaves of the Record of the first Parliament of Queen Mary, 1542, by which a *hiatus* is supplied; and the authentic draughts, sanctioned by the Lords of the Articles, and by the Three Estates, of some Acts hitherto unknown in the Parliament of James VI., 1572. The care which has been recently bestowed in the examination of unarranged papers in the General Register House precludes the hope that I should be able hereafter to add much to this class of "discoveries."

IX. In my former Reports, I have given an account of the various measures adopted by His Majesty's Commissioners for transcribing and printing some of the more important Public Records of Scotland, and for compiling and printing Abridgments and Indexes of some others. During the course of the last year, these operations have been in a great measure confined to the printing of the Parliamentary Records, and to the completion of the Abridgment of Retours. A volume containing the Acts of the Parliaments of James VI., from his accession in 1567 to the 1592, is already far advanced at the press, and will be completed in the course of the year 1814. Another volume, of nearly equal size, will contain the remaining Acts of that reign, from 1593 to the death of James VI. in 1625, and will, I trust, be completed in the course of the year 1815. The compilation of the Supplementary Record of Retours, and of the abridgment of it, has been a work of more tedious labour than could have been foreseen; but the whole of this useful publication, including its minute Indexes of persons and places, will be ready in a few months. On the progress of these and other works, I need not here enter into any further detail; contenting myself with a general reference to the Quarterly Reports for the year 1814, and to the Report of the Lords of Session on my Annual Report for 1812. The interest in the success of these works, which has been all along felt, and so frequently and strongly expressed by the Court of Session, cannot fail to be peculiarly gratifying to your Lordship; and I doubt not, that your Lordship will fully concur with them in the hope they have expressed, that other works of this class have been of late interrupted or suspended, "only in the view of their being resumed with more effect, as soon as the state of progress in other measures may admit of affording to them a more undivided attention."

X. In the last Annual Report, I stated in detail, a plan for certain new arrangements which had become necessary in the office for the Registration of Deeds, Probative Writs, and Instruments of Protest in the Court of Session, and in the Appendix to that Report, was given the draught of a bill, containing, among other matters, the provisions for carrying those proposed arrangements into effect. I then ventured to state the urgency of the measure, without which, the formation of this important Record must remain in a state of inefficiency and embarrassment. Since the date of that Report, the subject has been again under the consideration of the Court of Session; and they have expressed it as their opinion, that the proposed alterations on the present establishment of the office for Registration of Deeds, &c. "ought to be carried into effect as speedily as possible;" and in that view, they "recommended to the Lord Advocate of Scotland to adopt the necessary steps for proposing the measure in Parliament, agreeably to the sketch of a Bill contained in the Appendix to the Sixth Annual Report of the Deputy Clerk Register." To an opinion so weighty, it is impossible for me to add any thing, but the repetition of my earnest desire for the accomplishment of an object which I know to be of essential importance in this department of the Record establishments of Scotland.

XI. From

XI. From my former Reports, your Lordship is aware, that the state of the Judicial Records of the Court of Session, as affected by the Judicature Act 1810, has been the subject of much consideration. It is not my intention here to resume any account of the measures which I formerly ventured to suggest, as calculated to give this important class of Records the utmost degree of practical improvement; and still less am I disposed to enter into any discussion on the different opinions that have been entertained on the subject. I am too well aware of the habits of office, to feel surprized at the existence of obstacles to any material change of system; and too much convinced of the facility with which any expected advantage of change may be defeated by reluctant execution, to entertain the least desire of urging the adoption of a plan to which such obstacles are likely to be opposed. In this state of things, I cannot feel any regret that the Court of Session have latterly, by adopting the Report of their Committee, come to the resolution, "that no material change in the present forms should be attempted; but that certain regulations should be framed and adopted by the Court, for ensuring uniformity in the size and quality of the paper to be employed for all written and printed pleadings and other proceedings, and for preserving them from mutilation and injury, so that they may be ultimately formed into regular volumes." This measure it is proposed to carry into effect, by an Act of Sederunt.

XII. By the Judicature Act 1810, (50 Geo. III., cap. 112. § 13.) the offices of Extractors in the Court of Session, eighteen in number, were abolished; and, in their place, it was enacted, that the six Assistants of the Principal Clerks of Session should prepare the abridged forms of extract therein directed to be observed; each Assistant executing that duty in such processes as belong to the department of the Principal Clerk under whom he acts, or the corresponding Depute Clerk in the Outer House. By this Statute, it was further provided, that the said Assistants of the Clerks should continue to receive their customary fees, exigible by them in that character; but that, in their new character of Extractors, they should be entitled to no fee whatever, except the ordinary charge paid for copying at the time in the Court of Session; and that each should receive a salary of £. 200 per annum for preparing the abridged forms of extract.

This combination of the business of an Extractor with that of an Assistant Clerk, has been already found to be attended with much inconvenience. In the course of the last year, the Assistant Clerks presented a Memorial on this subject to the Court of Session, in which they stated, that the execution of this double duty had been accompanied with great personal hardship to themselves, and considerable disadvantage to the public, from the delay which frequently, but unavoidably, occurred in the preparation of extracts; and, as a remedy, they proposed, that three additional Extractors should be established, with similar salaries of £. 200 each. Upon this memorial, the Principal Clerks of Session reported their opinion to the Court, concurring with the Assistants as to the existence of the evil, and the necessity of some redress, but recommending the entire separation of the business of Extractors from that of Assistant Clerks, and the appointment of six Extractors, with salaries of £. 200 each, payable out of the Fee Fund; granting to the present six Assistants, during their lives, compensating pensions of £. 200 per annum, payable in Exchequer. This measure they proposed introducing into the Bill to which I have already alluded, "for better regulating the formation and arrangement of the Judicial and other Records of the Court of Session."

In the opinion expressed by the Principal Clerks of Session, as to the expediency of withdrawing from the Assistant Clerks the duty and labour of framing extracts, I beg leave to express my concurrence; but, instead of appointing six new Extractors, each of whom is to be considered as attached to the office of one of the Principal Clerks, I would beg leave to propose an arrangement, which would require the establishment of not more than three Extractors, in addition to the Keeper of Records in the office of intermediate deposit, as explained in the last Annual Report; and, in this manner, the permanent annual burthen for the salaries of Extractors would be only £. 600 a year, instead of £. 1,200 as at present. As soon as a process becomes extractable, I would propose that it should be forthwith transmitted into the office of intermediate deposit, and entered in a calendar or list, to be framed and kept in that office; that when an extract was demanded by the party, the process should be delivered over for that purpose to the Extractors, (whose office, might be nearly contiguous to that of the present office of deposit); and such extract being made, that the process, with the Record Copy of the extract, should be returned into the office of deposit, there to remain till finally transmitted to the General Repository. That three persons of competent skill would be equal to the whole of this duty, may be presumed from this consideration, that the present six Assistant Clerks and Extractors, according to their own account, cannot possibly allow above a third or a fourth part of their time to the business of framing extracts; and it is needless to remark how much the business would be facilitated by devoting to it the undivided attention of a separate class of officers. In the distribution of the business among the different Extractors, no regard ought to be had to any distinction of the offices from which the processes have been transmitted; and, by very simple arrangements for the appropriation of each successive process to a particular Extractor, a sufficient degree of equality in the labours of these officers might be maintained. The immediate and permanent effect of this arrangement, even including the appointment of the Keeper of Records, would be to relieve the Fee Fund of £. 400 per annum, and the burden created by the compensating pensions to the present six Extractors would, of course, be of a temporary nature.

XIII. From the observations now made, your Lordship is of course already aware, that the establishment of the office of Keeper of the Judicial Records of the Court of Session, as proposed in my former Reports, has not

Appendix,
(W.)
The Seventh
Annual Report.

I.
General Records
of the Kingdom.

not yet been carried into effect by an Act of Parliament. The delay, in this respect, has been attended with various inconveniences and hardships; but, in the meantime, the business of the office has been uninterruptedly carried on; and it is to be hoped, that an intended application to the Lords of the Treasury, by the Heads of the Courts, for a temporary remuneration to the person employed in this department, will be attended with success.

XIV. In some of my earlier Reports, I have had occasion to speak of the Records framed in the office of the Director of Chancery, as requiring new regulation and reform^(h). With respect to the Register of the Great Seal, in the formation of which, certain very important alterations were introduced by the Record Act, 1809, it seems necessary, that some further provisions should be made for the practical execution of it in a style better suited to its peculiar dignity and importance. At present, I refrain from entering into any further details, in the hope, that without the interference of any other authority, the Director of Chancery may be induced to establish the necessary regulations in his own office for ensuring the formation of this Register in the most perfect manner.

With respect to the other Register kept in Chancery, that of the Retours of Services, I must again beg leave to recommend the adoption of certain new regulations, for which the aid of Parliament may be requisite. As the leading provisions, with respect to this Record, I would beg leave to propose, that the original proceedings in all "Services" should be ingrossed by the clerks to those Services, upon proper Record paper, in an uniform style; and that the verdicts of the Inquest, or Retours, properly so called, should also be ingrossed on vellum, in a regular and uniform style; admitting of the preservation of both, respectively, in regular volumes; that the original proceedings should be transmitted to Chancery, along with the verdict or Retour; that the Retours should be recorded in books marked at the General Register House, in the same manner as has been recently provided for the Register of Deeds in the Court of Session: and that this Record, with the relative originals, should, in like manner, be transmitted to and preserved in the General Repository. On the expediency of these measures, so perfectly analogous to what has been done for the better regulation of various other classes of Record, I hold it to be superfluous here to enter into any general discussion.

II. LOCAL REGISTRIES.

II.
Local Registries.

I. On various occasions, I have already had the honour of submitting to your Lordship, the views that had occurred to me for the improvement and better regulation of the County Registries, in various particulars not included within the operation of the Act, 1809, and I should feel it to be improper again to repeat or urge the adoption of the measures alluded to. I have greater satisfaction in merely quoting the Report of the Lords of Session, who have lately expressed a very clear and decided opinion on the necessity of rectifying certain acknowledged defects in the present system; and who, in that view, have earnestly recommended, that a Bill should be proposed to Parliament, which should embrace the following, among other objects:—*first*, "The consolidation of the jurisdiction of the inferior Consistorial Courts throughout Scotland, with the jurisdiction of the Sheriffs Courts, and the consequent abolition of the former; *secondly*, The abolition of the present mode of appointing Sheriff Clerks by a sale of these offices, and a perpetual annexation of the patronage of these offices to the crown; *thirdly*, The establishment of a peremptory rule for the personal residence and attendance of Sheriff Clerks in their respective courts; *fourthly*, The establishment of an uniform and fixed table of fees, suited to the state of business in the Sheriff Courts, as thus regulated and new modelled; for which purpose, a remit by Parliament to the Court of Session, similar to that made in the year 1747, may be proper; and *lastly*, The establishment of a regular system for erecting and upholding the necessary buildings in the several counties, for the accommodation of the Courts of Justice and for the safe custody of the Public Records."

II. The returns for the last year, made by the Sheriffs of the several counties, continue to afford a satisfactory view of the successful execution of the Act, 1809. The additional information obtained from the survey of the Inspector of Stamps is no less satisfactory. The general results of both will appear from the "Progressive State," drawn up in the usual form, and contained in the Appendix to this Report.

III. The returns from the Chief Magistrates of Royal Burghs for the last year, have been, as usual, very defective; but the returns from a few of the more considerable Burghs, have been sufficient to indicate the due observance of the Act of Parliament; and with respect to the other Burghs in the northern district of the kingdom, the survey of the Inspector of Stamps has afforded material information. In the annexed "Progressive State," the result of both will be found.

THO. THOMSON,
Deputy Clerk Register.

(h) See First Annual Report, p. 16.

The Eighth Annual Report, &c.

To the Right Honourable Lord FREDERICK CAMPBELL, Lord Clerk Register.

IN reporting to your Lordship the proceedings of the past year, I shall not be under the necessity of entering into any very long or minute details.

The matters which have occurred within the range of your Lordship's official superintendence and controul, have been almost entirely of ordinary routine, whether as they respect the General Records of the kingdom, or those of a local nature.

Appendix,
(W.)
The Eighth
Annual Report.

I.
General Records
of the Kingdom.

I. GENERAL RECORDS OF THE KINGDOM.

I. In my last Report, I had the satisfaction of stating the completion of the long-expected measure for enlarging the establishment, or annual fund, for the support of His Majesty's General Register House. The sums which had even then been received under the augmented establishment, had served to do more than discharge the debt which had been accumulating for some years before ; and I have now the further satisfaction of stating, that on a balance of the accounts of the year 1814, a considerable surplus remains. Under the exact economy which has all along been practised, there will thus very speedily be created the means of accomplishing various plans for the improvement of the interior accommodations of the House, as a repository for the national Muniments and Records, which have been long prevented by the scantiness of the original fund ; and these improvements will, I trust, be in due time followed by others on the present arrangements for cleaning the numerous apartments included in the building, and for placing the whole under a connected and efficient system of management.

II. In addition to what I have had occasion to say in my former Reports, respecting the state of the buildings of the Register House, I find nothing of importance to observe. The more important operations already alluded to have hitherto been postponed, until the public fund should be adequate to the expense ; but it may not be improper here to observe, that, in the course of the last year, *some* valuable improvements have been executed at the private expense of your Lordship. Among these may be more particularly specified, the measures for giving additional heat to the great repository of Records, and for opening an additional access into the central part of the house. The utility of these and other operations of a similar character, will serve, I am confident, to reward the public-spirited munificence by which they have been dictated.

III. Among the projected measures for improving the internal accommodations of the Register House, to which I have alluded in my former Reports, there is none which appears to me more urgent, than the fitting up of a repository for the more antient national Muniments and Records of the kingdom. On this head I feel it to be unnecessary for me again to enlarge, as I am aware that it is about to meet with your Lordship's earliest attention.

IV. With respect to the state of the Public Records preserved in the General Register House, it will appear from the Quarterly Reports made to the Record Commissioners for the last year, that the important operations of repairing and rebinding certain classes of those Records, have been in constant progress. Of these Records, the most considerable in point of number have been the Registers of the Acts and Decrees of the Court of Session, prior to the year 1660 ; about a half of which are already completed. It is probable, that in the course of the next six or eight months, all the remaining measures of this class intended by His Majesty's Commissioners, will be finished ; and in a future Report, an exact detail of the whole shall be given. In the mean time it may be satisfactory to know, that, under the direction of the Commissioners, above six thousand volumes of Records have been already cleaned, repaired, and rebound.

V. In my former Reports, I have offered various suggestions for improving the present arrangement of the Public Records in the General Repository. But your Lordship is aware, that the accomplishment of these pre-supposes various alterations on the interior accommodations of the house. On that account, no material progress has been hitherto made ; and at present, therefore, it is a subject on which it is superfluous to say more, than that it ought to be kept constantly in view, as of the utmost importance to the accessibility and consequent usefulness of the Public Records.

VI. Of the many Records that have unfortunately disappeared from the General Register House, within the two last centuries, and of which the greater part have probably perished, it is not to be hoped that discoveries are to be made, but by the most casual accidents. Such of these as still exist, are probably either deposited in some of the great public libraries, from which it is almost desperate to reclaim them, or are concealed in the private custody of individuals ignorant of their nature and value, or disposed to withhold them from

Appendix,
(W.)
The Eighth
Annual Report.

I.

General Records
of the Kingdom.

from public notice. Among the various benefits which have flowed from the greater degree of attention which has been of late bestowed on the Records of the kingdom, it is obviously one, that it has disposed individuals of more liberal and intelligent character to restore to the public such fragments of this species of national property as have accidentally fallen into their hands. Of this disposition, I have the pleasure of being able to mention two different instances that have occurred within the past year.

In the series of the particular Registers of Seisins for the district of Dumfries and Kirkcudbright, there has long been a defect, from the month of October 1655 to the month of March 1671; and even of the existing series, the volumes for the years 1653 to 1654 are to be regarded rather as scroll-books, written at the time by the keeper of the Record, than the finished and authoritative Registers themselves. But even these last have been of material use; and another volume of the same description, commencing in December 1656, and ending August 31, 1660, is to be regarded as a valuable acquisition. For the voluntary communication of this volume, the public are indebted to Mr. Commelin of Dumfries.

Another valuable communication has been lately made by Mr. Harry Davidson, writer to the Signet; who, in examining some papers long in his possession, found several volumes of miscellaneous records of the sixteenth century, which he justly conceived to be entitled to a place in the General Register House. Of these, by far the most interesting is a volume composed of original documents, relative to the public negotiations between King James IV. of Scotland and Lewis XII. of France, in the years 1511, 1512, and 1513; and between Lewis XII. and Francis I. and the Government of Scotland, from the death of James IV. in 1513, to the year 1517. Among these, are the Instructions to the French Ambassadors at the Scottish Court, having the original signatures of Lewis and of Francis; and as they relate to transactions of great moment, and which deeply affected the fate of the kingdom, they may be regarded as a valuable addition to the genuine materials of Scottish history. Another volume contains a transcript of Royal Letters, in the reigns of James IV. and James V.; but these have been already printed (under the title of *Epistolæ Regum Scotorum*) from a more ancient copy; and the volume derives its value chiefly from copies of various letters and other documents of the reign of James VI. A third volume contains a Register of Grants by the Abbots and Commendators of the Monastery of Jedburgh, from 1534 to 1596. A fourth is a Responde Book of Chancery, from December 1545 to August 1561. A fifth is the second volume of the Protocol of Alexander Lawson, a notary public, containing instruments relative chiefly to heritable property in the county of Edinburgh, from January 1590 to November 1602; and a sixth is the *Taxt Roll* of the lands formerly belonging to the Monastery of Kelso (for the year 1621); a species of Record of considerable value, a few of which are still preserved in the General Register House, and of which a considerable number have found their way into the Harleian Library. The particulars of these communications I have thought it fit thus minutely to specify, in justice to the respectable individuals to whom the public are indebted for them.

VII. I have the satisfaction of announcing to your Lordship, that two volumes of the Acts of the Parliaments of Scotland are now completely finished for publication: namely, Volume II., containing Parliamentary Proceedings, from the return of King James I. in 1424, to the end of Queen Mary's reign in 1567; and Volume III., containing Parliamentary Proceedings, in the reign of King James VI. from 1567 to 1592. In the course of the last year, great progress has likewise been made in printing Volume IV. of this work, which will embrace the remainder of the reign of James VI.; and its completion may be expected in the course of the year 1815. The first volume of this extensive collection will also be put to the press in the course of a few months, and its completion is expected in the spring of 1816. On the general plan of the work, so much has been said in my former Reports, that any further explanation would here be superfluous. It may be proper, however, to add, that a complete digested Index of the matters it contains is about to be framed and printed as a separate volume, to close the whole series; and, if executed with competent skill and accuracy, it must prove an invaluable acquisition to the Scottish lawyer, historian, and antiquary.

The existing Registers of the Great Seal, from the accession of King Robert I. to the return of King James I., of which the text has been printed for a considerable time, is now also finished for immediate publication. The nature of this work, the extent of the whole plan, of which it forms only a small part, and the relation of that part to the whole, have been fully explained in my former Reports, and need not be here repeated.

The only other work of this class now in progress, is the additional volume to the Abridgment of Retours. The Abridgment of the Supplemental Register has been printed; and the Indexes of persons and places to the whole work, (which are unavoidably very large) may probably be completed for publication in the spring of 1816.

VIII. In my two last Reports, I have taken the liberty of discussing at considerable length several projected improvements in the formation, arrangement, and custody of the Records of the Court of Session, including both the Judicial Records, and the Records of Deeds, Probative Writings, and Instruments of Protest. To resume any part of those discussions would here be an irksome and useless task. No part of the measures there suggested have as yet been carried into execution: but having formerly exhausted all that had occurred to me, I shall for the present dismiss the subject without further comment. In the mean time I have the satisfaction of stating, that the person employed for the last three years in the arrangement and custody of the Judicial Records

Records of the Court of Session, has, on the recommendation of the Lord President and Lord Justice Clerk, obtained from the Lords Commissioners of the Treasury a temporary remuneration for his services.

IX. I cannot help again begging leave to call your Lordship's attention to the suggestions contained in my last Report, for the improvement of the Records framed in the office of the Director of Chancery, particularly the Record of Retours, which I conceive ought to make part of the legislative measure in contemplation for improving the Records of the Court of Session.

Appendix,
(W.)
The Eighth
Annual Report.

I.
General Records
of the Kingdom.

II. LOCAL REGISTRIES.

I. Having said so much on many former occasions, as to the necessity of various regulations for the improvement of the present system of Registration in the Sheriff Courts of Scotland, I have much satisfaction in thinking, that there is now a probability of the speedy adoption of some effectual measures for that purpose. The saleable nature of the office of Sheriff Clerk, has hitherto been an impediment in the way of any general plan of improvement; but that evil is at least for the present done away. The plan of consolidating the jurisdiction of inferior Commissaries, with that of the Sheriffs Depute, would also be an important measure; and I persuade myself that it will at length be adopted. The regulation of the Fees and Emoluments of Registration, is a branch of the general measure, on which a great deal of inquiry and consideration may be requisite; and this duty, in the first instance, will, I presume, be devolved on the Commissioners who are about to be appointed "to inquire into the Duties, Salaries, Fees and Emoluments of Officers of the Courts of Justice in Scotland."

II.
Local Registries.

II. From the official returns of the Sheriffs Depute for the last year, it appears, that, in general, the Records in their department continue to be regularly framed in terms of the Act of Parliament 1809. These Reports, in so far as they relate to actual progress in the formation of Records, are confirmed by the examination of the Inspector of Stamps; but from the statements of that officer, it appears, that in the writing of these Records, there is still much room for improvement; and in particular, that the practice of correcting accidental errors of transcription by erasure, (thus depriving the Record of any claim to authenticity) prevails to an alarming extent, and calls for immediate correction.

III. The information I have received respecting the state of the Records of Royal Burghs for the last year, whether from the Chief Magistrates (of whom a few only make any Returns) or from the Inspector of Stamps, coincide in the general result with those of former years, as will appear from the tabular statement in the Appendix. On the subject of erasures, the observation already made on the County Registers seems to be applicable in its fullest extent to those of the Burghs; and I have in consequence addressed a circular Letter to the Keepers of Records, both in the Counties and in the Royal Burghs, (of which a Copy will be found in the Appendix) calling their attention to the dangerous consequences of the practice, and suggesting the proper mode of avoiding it,

THO. THOMSON.
Deputy Clerk Register.

The Ninth Annual Report, &c.

To the Right Honourable Lord FREDERICK CAMPBELL, Lord Clerk Register.

THE proceedings of the last year, relative to the Public Records of Scotland, whether of a general or of a local nature, do not afford the materials of any very detailed or important statement; and the observations which it is my duty to bring under your Lordship's notice, may be comprized within narrow bounds.

The Ninth
Annual Report.

I.
General Records
of the Kingdom.

I. GENERAL RECORDS OF THE KINGDOM.

I. On the state of the funds for the support of His Majesty's General Register House, I have only to observe, that the sufficiency of the present provision for defraying all the expenses, ordinary and extraordinary, which may be expected to occur, has not yet been put fairly to the test. During the course of the past year, indeed, several operations of considerable magnitude, for the improvement of both the external and internal accommodations of the House, have been executed; but nearly the whole of the expense thus occasioned has been defrayed by your Lordship, in the view of relieving the public fund, and of meeting those demands for still more expensive repairs, which had been gradually accumulating prior to the late enlargement of the Annual Fund. From the experience of the two last years, it may be inferred, that under the present arrangements,

the ordinary expenditure must somewhat exceed £. 600 per annum; but, in several respects, those arrangements seem to me to require alteration, by which some additional expense may be occasioned: and when to these must be added those less ordinary articles of expense, whether arising from the maintenance of the fabric in a state of complete repair, or from the necessary operations on the Public Records themselves, neither of which have hitherto been made to bear with much weight upon the ordinary funds of the establishment, I am inclined to think that these funds will be found scarcely adequate to all the burdens that are naturally attached to them. Hitherto, however, the experiment in this respect has been disturbed, partly by the private munificence which has been bestowed on the fabric and interior accommodations of the House; and partly by the extraordinary aid that, for a great many years past, has been afforded by His Majesty's Commissioners on the Public Records of the Kingdom, for bringing into better condition the more antient and decayed books of Record in the General Register House. When these temporary resources have been withdrawn, the question as to the sufficiency of the existing establishment, must be speedily brought to trial.

II. Among the alterations on the present arrangements of the House to which I have now alluded, as likely to be productive of some additional expense, I must beg leave again to bring under your Lordship's notice a suggestion already more than once offered, of placing the business of cleaning and heating every part of the house, under one connected and efficient system. Hitherto, as your Lordship is well aware, this business has been conducted in a very imperfect and unsatisfactory manner, partly from the original scantiness of the public fund, and still more, perhaps, from the original plan of leaving to the various public officers connected with the establishment, the duty and the burden of providing for their own respective departments. It cannot be very difficult to account for the practical failure of a disjointed system of this sort; but it may be enough to appeal to the fact, appearing from the experience of the last thirty years, as the best ground for now resorting to a different arrangement: and I have reason to believe, that the various individuals now connected with the establishment, might be very easily induced to concur and assist in the adoption of a general plan for the regular management of the whole House.

III. In the distribution of the apartments in the General Register House, the only alterations to be taken notice of at present, are those which have been occasioned by the recent establishment of the Court for Trial by Jury in Civil Causes. By one of the clauses of the Act of Parliament for establishing that court, (55 Geo. III, cap. 42, § 41) it is provided "that proper apartments shall be allotted to the Clerks of the Jury Court in the Register Office, in the same manner as to the Clerks of Session, and at other places, as the Lord Clerk Register shall order and direct." From the already crowded state of the house, it has not been found easy to assign to the Jury Court such apartments as would serve for their complete accommodation; and an arrangement, partly provisional and temporary, has been resorted to. With your Lordship's approbation, the office of the Keeper and Writer to the Privy Seal has been removed into one of the apartments formerly occupied as a Record Room by the Clerks of Session; and the late apartment of the Privy Seal has been assigned as the principal office for the Jury Clerks; and with the consent of the Barons of Exchequer, the use of an adjoining apartment in their possession has been also yielded to them, in the mean time, for their further accommodation.

IV. In addition to the remarks contained in my former Reports, respecting the interior accommodations of the house for the reception of the Public Records, I do not think it necessary, at present, to enter into any further details. Hitherto, the only part of the House which has, in this view, been the subject of minute consideration, is the principal apartment in which it has been proposed to deposit the more curious and antient Records of the kingdom. On this subject, I own it to have been my wish, that the apartment in question should have been fitted up in a manner more worthy of the National Muniments, which it was intended to contain. The plan which has, in the mean time, been adopted and executed, chiefly at the private expense of your Lordship, though not upon the large scale which I had formerly ventured to suggest, will, however, prove extremely useful for the immediate disposal of a considerable portion of the more antient and important of those Records.

V. With respect to the state of the Records deposited in the General Register House, the only operations of which I have to take notice, are those carried on under the authority of His Majesty's Commissioners on the Public Records of the Kingdom, for cleaning, repairing, and rebinding those books which have suffered from accident or time. During the last year, these operations have been principally confined to the series of recorded Acts and Decrees of the Lords of Council and Session, prior to the year 1660; a series, consisting of more than six hundred volumes, of which many were in a state of great decay. By this operation, the proceedings of the Supreme Civil Court, from its establishment in the reign of James V. till the restoration of Charles II. have been rendered safely accessible, without the constant risk of destroying the Record in the act of consultation; and I may be permitted to express the hope, that this mechanical process is only preparatory to one of still greater difficulty and importance, to which I have more than once ventured to solicit your Lordship's attention;—that, namely, of framing Indexes of persons and of matters; and ultimately of extracting from those neglected Records the rudiments of the law of Scotland on all the more important branches of civil right.

The operations of repairing and rebinding Books of Record, to which the Commissioners have hitherto lent their powerful support, may be considered as now brought nearly to a close; and, in my next Report, I shall probably have occasion to review the whole progress that has been thus made in restoring the Records in the

General

General Register House to a more secure and useful state. Much, no doubt, yet remains to be done; but that remainder seems to be now brought fairly within the limits of what may be gradually accomplished by means of the ordinary funds of the establishment.

Appendix,
(W.)
The Ninth
Annual Report.

VI. I have formerly had occasion to observe, that various very desirable improvements in the present disposition and arrangement of the Records in the General Register House, must be preceded by some alterations in the interior accommodations of the building. For reasons already alluded to, these preparatory measures have hitherto been postponed; and on the present occasion, I have only to repeat the expression of my hope, that the means will, ere long, be afforded of accomplishing some of those alterations, which are equally required by a regard to systematic arrangement and to public convenience.

I.
General Records
of the Kingdom.

VII. I have it not in my power to report to your Lordship the recovery, during the last year, of more than one volume of the lost or scattered Records of the kingdom. It is a volume of the Judicial Proceedings of the Supreme, Consistorial or Commissary Court, during the years 1587 and 1588, which appears to have been for many years in the possession of the family of Sharpe of Hoddam, in Dumfries-shire, and which was lately delivered to me by Charles Kirkpatrick Sharpe, Esq. The Records to which it belongs are kept in one of the apartments of the General Register House, under the care of the Commissary Clerks; and after having been duly recognized by the Court as an authentic and original Record, it must of course be restored to its proper place in the series.

I may take this opportunity of stating, that, during the last year, I employed a convenient opportunity which accidentally occurred to me, for obtaining exact transcripts of a considerable number of the original Instruments and Records relative to Scotland, preserved in the Chapter House of Westminster Abbey. These documents are chiefly of the period of the disputed succession to the Crown at the end of the thirteenth century. Some of them are proper Scottish Records, which must have been removed into England by Edward I.; others are proper English Records, relative to the affairs of Scotland. His Majesty's Commissioners having formerly decided that no part of these Records could now, by their authority, be sent back into Scotland, and being disposed to acquiesce implicitly in the justice of that determination, I have embraced every subsequent opportunity of examining the collection in its present repository, to which the most obliging access has been always afforded me; and I trust I shall be able gradually to transfer into the library of the Register House, a complete and accurate copy of all that is historically or constitutionally valuable among the Scottish Records at the Chapter House.

VIII. Under this head, I feel peculiar satisfaction in bringing into view the recent transmission to this country of a very antient Manuscript of the Laws of Scotland, formerly deposited in the Public Library of Berne in Switzerland; the proceedings respecting which deserve to be recorded for the honour of those by whose zeal and activity they have been ultimately brought to a fortunate conclusion.

The Manuscript alluded to, as your Lordship knows, is one of the latter part of the thirteenth century, containing a collection of both English and Scottish Law. The particular contents of the Collection, and the inferences to which it gives rise, it would be improper to enter upon in this place, as they would necessarily lead into a detail of considerable length; at present, nothing more can be done with propriety, than to bring into notice the circumstances by means of which the Manuscript has been at last restored to the country to which it must have originally belonged, and to the legal antiquities of which it is an object of importance.

This Manuscript is understood to have been purchased in England, along with many others, for the use of the Public Library of Berne, by a person who resided for some time as an agent for the Swiss Cantons at the Protectoral Court of Oliver Cromwell. It is minutely described in the printed Catalogue of that Library; and in the year 1799, it was, by the late Mr. Ritson, brought under the particular notice of Mr. George Chalmers. After some unsuccessful attempts to procure a transcript of the volume, Mr. Chalmers, in 1802, was fortunate enough, by means of a distinguished nobleman of the Canton of Berne, then in England, to obtain the transmission of the original Manuscript for his inspection. After fully gratifying his own curiosity, and taking a copy of the volume, in so far as it contained any matter relative to Scotland, Mr. Chalmers restored the original to the library. And in 1805, he most obligingly communicated to me a duplicate of that copy, and an account of his observations upon the appearance and contents of the volume. This communication did not fail to excite in me a strong desire to see and examine the original Manuscript; and, in the year 1812, I eagerly concurred with Mr. Chalmers in some private and confidential measures for obtaining, at least, the temporary use of it. From causes, which it would be useless to detail, these measures proved abortive; but Mr. Chalmers, whose watchful zeal and indefatigable activity in the literary service of his country cannot be over-rated or over-praised was not discouraged from the prosecution of the object; and in 1814, he submitted to your Lordship, in your official character, a statement respecting the contents and the importance of the Manuscript, which was immediately communicated by your Lordship to His Majesty's Record Commissioners, and which induced the Board to adopt the most effectual measures for obtaining possession of it. In consequence of a communication upon the subject by the Government of this country to the Government of the Canton of Berne, the Directors of the Public Library were pleased to make a most liberal and unqualified donation of the Manuscript; and it has, in consequence, been deposited by your Lordship in His Majesty's General Register House. I trust it will not be thought out of place to have here given a general account of the proceedings relative

relative to this interesting fragment of the early law of Scotland; and in justice to those who have been principally active in the business, I have taken the liberty of printing, in the annexed Appendix, some of the letters and other documents which more immediately relate to it.

IX. The operations which, under the authority of His Majesty's Commissioners, have been in progress for giving publicity to some of the more antient and valuable Records, have continued regularly to advance during the last year. The minute details of those proceedings will be found in the Quarterly Reports addressed to the Board, and printed in the annexed Appendix. The publication of the second and third volumes of the Acts of the Parliament of Scotland having been completed (after some accidental and unexpected delays) in the spring of the last year, the fourth volume of the Collection has been since in rapid progress, and will be ready for publication in the month of March 1816. It contains the whole remaining Records of Parliaments and General Conventions of Estates during the latter half of the reign of King James VI., from the year 1593 to his demise in 1625.

In the course of the operations for arranging and repairing the Judicial Records of the Court of Session, there were lately discovered two different volumes of Proceedings prior to the establishment of that Court; the one, containing Acts of the Lords Auditors of Parliament in the years 1482, 1483, and 1484, and those of the Lords of Council in the years 1483, 1484, and 1485; the other, containing Acts of the Lords of Council, or of the Daily Council, in the year 1506. The former of these volumes belongs to a series of Records, of which the whole then known to exist was printed some time ago, though not yet published; and one of the gaps in which has been thus in part supplied. By the direction of His Majesty's Commissioners, the contents of this volume have been printed, so as to admit of the mention of the additional sheets in their proper chronological places; and the publication of the work (which is intended as a sort of supplementary volume to the great Parliamentary Collection) is now retarded only by the want of a full Index Materiarum, without which its practical utility would be greatly diminished.

In the compilation of materials for the first volume of the Parliamentary Collection, further progress has been made; at the same time, I am forced to admit, that the difficulties and embarrassments of accurate compilation are not always diminished by the increase of materials. The various manuscripts of the antient laws and statutes of the Scottish Kings, which are yet preserved, have been framed with but little regard to chronological accuracy, and still less to minute critical exactness of phraseology; yet it is only by a patient and laborious collation of such discordant authorities, that any tolerable approach can be made, either to an accurate arrangement, or the adjustment of a genuine text. Among the accessions that have been lately obtained to the previous store of antient manuscripts of the kind now alluded to, by far the most interesting is that already mentioned, received from the Public Library of Berne.

The only other work which has been in progress at the press, under the authority of His Majesty's Commissioners, during the last year, is the volume of Indexes of Persons and of Places, which is intended to complete the Abridgment of the Retours of Services. These indexes, together with a small supplemental volume of Abridgment, will be ready for publication in March 1816.

Among the works of this class, for giving publicity to the more antient and valuable Records, one of the most important, unquestionably, is the Collection of Antient Royal Charters, of which I have had occasion to speak in several former Reports, and of which a portion, containing the remaining Registers of the Great Seal, from the accession of Robert I. to the return of James I., was published during the last year. For the continuation of this work, very considerable preparations have been made; and it must be regarded as a misfortune to the best legal antiquities of Scotland, if any accident should ultimately prevent the completion of the original design. Intimately connected with this work, is the proposed Abridgment of the Registers of the Great Seal, in the formation of which, very considerable progress has already been made. The practical usefulness of this compilation is, I believe, very strongly felt by all who are capable of forming an intelligent opinion on the subject; and the suspension of its progress, during the last two years, must be regarded with corresponding regret.

X. Among the Records preserved in the General Register House, there are a good many which might not be deemed of sufficient magnitude or general importance to be published on the large scale usually adopted by His Majesty's Commissioners, which yet would be of great value in ascertaining, with exactness, many unknown or doubtful facts in the history of Scotland, and in illustrating the former state and manners of the country. Of some of these, a limited impression would be highly desirable, chiefly in the view of being deposited in public libraries, where they would be accessible to those who might be inclined to speculate on the history and antiquities of Scotland, and whose researches are at present so extremely cramped by the scarcity of authentic and accessible materials. In this view, there has, at your Lordship's desire, been printed a volume, entitled, "A Collection of Inventories and other Records of the Royal Wardrobe and Jewelhouse, and of the Artillery and Munitioun in some of the Royal Castles;" beginning in 1488, and ending in 1606. These Records have been chosen, in the first instance, for this mode of publication, not on account of any pre-eminent importance which they possess, but because, in addition to their intrinsic curiosity, which is not inconsiderable, they presented the complete materials of a detached and separate volume. In most other cases, selection or abridgment may probably be thought expedient;—a task of considerable delicacy, and to the discreet performance of which a good deal of leisure and previous information would be requisite. There are, however,

however, some other Records, which, though admitting of selection, I should be inclined to preserve in their entire state. Prior to the beginning of the fifteenth century, the loss or destruction of the authentic materials of history has been so extensive, as to give an extraordinary and almost artificial value to what remains; and even at the risk of occasional excess in the illustration of some points, it will, I believe, be generally thought most prudent to preserve the whole in an unmutated state. Of this sort are the more antient Public Accounts of the kingdom; of which there still exists a series, in many respects broken and incomplete, beginning near the close of the reign of Robert I., and the whole of which, down to the return of James I., although of considerable bulk, ought perhaps to be printed. From that period, the business of selection ought to be begun; and towards the close of the fifteenth century, the Records of this class, particularly the Accounts of the High Treasurers of the kingdom, became greatly too voluminous to admit of entire publication. It is to the more antient of these records of the Public Revenue and Expenditure that I would beg leave to solicit your Lordship's attention, in prosecuting the general design in which your Lordship has been already pleased to accept so deep an interest.

Appendix,
(W.)
The Ninth
Annual Report.

I.
General Records
of the Kingdom

XI. In almost every Report which I have had the honour of presenting to your Lordship, I have taken occasion earnestly to recommend the expediency and utility of framing Indexes of easy reference to the more important and voluminous Records; more especially the Registers of Land Rights, which are the subject of constant and laborious research, and the delays and expense attendant upon which have been frequently the subject of complaint. In considering the best means of applying a remedy to this evil, one of the main difficulties has been the formation of an Index, which shall at once be of easy reference, and serve to convey that exact and detailed information which is required for practical purposes. Various propositions and plans on this subject have from time to time been communicated to me; to all of which, very great and palpable objections presented themselves; and I am afraid it must be admitted that, in the first instance, and without the aid of considerable experience, nothing of the sort, very complete and perfect, is likely to be devised. It is, however, from persons engaged in the daily course of such business, that the most useful suggestions may be expected; and it was with much satisfaction, that, in the course of the last year, I received some communications on the subject from the Society of Writers to His Majesty's Signet. In the course of these communications, I had an opportunity of conferring with a Committee of the Society on the great practical difficulty now alluded to, and of apprizing them, that, if a proper plan could be adopted for the formation of Indexes to the Registers of Seisins, Inhibitions, Adjudications, &c. there would little doubt remain of the successful execution of the measure; that with respect to the future, there were provisions in the late Acts of Sederunt concerning these Records, for the framing of progressive Indexes, which had not hitherto been enforced, merely from the want of such a plan; and that with respect to the past, His Majesty's Commissioners had already expressed their resolution of having similar Indexes framed under their authority, from the year 1800; and that if these were found to be productive of material advantage to the Public, it could scarcely be doubted that His Majesty's Commissioners would be disposed to give further aid for the purpose of carrying back the compilation to such period as might be thought requisite for practical usefulness. In consequence of these communications, several members of the Society have undertaken to draw up specimens of such an Index as they conceive to be practicable: at the same time, from the opinions already expressed to me, and from the admitted difficulties of the case, I am prepared to expect from the gentlemen in question, not so much an Index properly so called, as a sort of Tabular Abridgment, in the order of time. In the Appendix will be found the Minutes of the Society and its Committee, in so far as they have yet been communicated to me.

XII. In several former Reports, I have had occasion to mention the nature and grounds of some projected improvements in the formation, arrangement, and custody of the Records of the Court of Session, including both the Judicial Records, and the Records of Deeds, Probative Writings, and Instruments of Protest.

With respect to the former, some arrangements have been made for their intermediate custody, prior to their ultimate deposition in the General Register House; the details of which need not be again resumed. It remained to give complete legal effect and permanency to these arrangements, by annexing to the office of Intermediate Keeper an adequate salary; and this after some accidental delays, has at last been done by an Act of Parliament, 55 George III., cap. 70, intituled, "An Act for better regulating the formation and arrangement of the Judicial and other Records of the Court of Session."

In the office for the Registration of Deeds, &c. some very important arrangements had been previously introduced by an Act of Sederunt; but to render these complete and effectual, by diminishing the number of Keepers, and improving the condition of the operative Clerks, an Act of Parliament was requisite; and in the statute just referred to, provisions have been introduced for accomplishing the objects. With respect to this important Record, I trust it may be now considered as placed on a footing that will hereafter insure its accurate and regular formation. In the other branch of Records, those of the Judicial Proceedings of the Supreme Court, some obvious defects still exist, to which I have repeatedly taken the liberty of alluding, and which are placed within the reach of an effectual remedy, by the interposition of the Court of Session. Some other defects, as it appears to me, there are in the present establishment for the original formation of these Records: but to the consideration of these I feel unwilling at present to recur, as they must necessarily fall within those investigations which have been already set on foot by the Commissioners appointed to inquire into the duties, salaries, fees, and emoluments of officers of the Courts of Justice in Scotland, to whose proceedings, on these and other matters connected with the formation of the Public Records, I may be permitted hereafter to call your Lordship's attention.

II. LOCAL

Appendix,
(W.)
The Ninth
Annual Report.

II.
Local Registries.

II. LOCAL REGISTRIES.

I. I need not again repeat, that the state of the Public Records in the different counties is such as to demand the most serious and deliberate consideration. With respect to the safe custody of those Records, it is extremely to be regretted, that the measure so long recommended, of a general Act of Parliament, for the erection and support of proper offices, should not yet have been accomplished. With respect to their formation, I conceive it might be improper at present to resume any detailed consideration of the subject, in consequence of those measures of inquiry which I understand to be in the contemplation of the Commissioners above alluded to.

II. In the annexed Appendix I have given, in the same form as in preceding years, a progressive view of the formation of the Registers of Deeds, and of Protests kept by the Sheriff Clerks. The materials of this Table are derived partly from the Annual Reports of the Sheriffs Depute, and partly from the Report made to me for the Northern District of the kingdom, by the Inspector of Stamps. Of the information afforded by the former, I must be pardoned for observing, that it is, in many instances, less satisfactory than might be wished; and that it were greatly to be desired, that, in every case, the Sheriffs Depute should enable themselves, by careful and minute inspection, to make exact and detailed Reports, not only of the general progress of their respective Records, but as to the apparent accuracy, care and skill, which have been bestowed on their formation. It will be seen by inspection of the Table, from what Counties Reports for the last year have been received; and from what no Reports of any kind have been communicated by the Sheriffs Depute, an omission for which I am not aware that any reason has been assigned. The names of the latter are as follows:

Clackmannan	Nairn,
Cromarty,	Orkney and Shetland,
Elgin,	Perth—Western District,
Kinross,	Ross.

III. From the Progressive Table for the Burgh Registers, in the Appendix, it will be seen, that official Reports of the kind required by the Act of Parliament have been received from only six royal burghs. The consequences of this unpardonable defect have been in part supplied, as to the Northern District of the kingdom, by the exact and detailed Report of the Inspector of Stamps; which, while it serves to shew that the Registers in Burghs are, in general, now framed without any very long delay, communicates at the same time no very favourable opinion of the skill or accuracy of those to whom the business is, in many instances, entrusted. Among the more glaring defects of those Registers, I have had occasion formerly to mention the frequent occurrence of erasures in important words and clauses, a defect originating in the blunders of careless transcription, and of which, erasure is not the legitimate mode of correction. If the admonitions on this subject, which I have taken pains to communicate to the Keepers of these Records, should not speedily prove effectual, I shall feel it my duty to submit to your Lordship the propriety of proceeding against such officers, by formal complaint to the Court of Session.

THO. THOMSON,
Deputy Clerk Register.

The Tenth Annual Report, &c.

To the Right Honourable ARCHIBALD COLQUHOUN, Lord Clerk Register.

The Tenth
Annual Report.

IN the successive Reports which I have had the honour of presenting to your Lordship's predecessor in office, it has been my endeavour to suggest such measures as had from time to time occurred to me, as calculated to ensure the better formation, arrangement, and custody of the Public Records of the kingdom; and to state the progress that had been actually made in the execution of such measures regarding the Public Records, as had been adopted, whether under the official sanction of the Lord Clerk Register, under the orders of his Majesty's Commissioners, under the superintending authority of the Court of Session, or in pursuance of legislative enactment. In this manner I have attempted to make these periodical communications the vehicle of some useful information to all who are interested in this branch of the national establishments, instead of confining them to a dry and technical statement of common official routine. On some future occasion, I may be induced to take the liberty of submitting to your Lordship a general review of the measures and proceedings which have been stated in detail in those former Reports, by which the extent and importance of what yet remains to be done will be more clearly marked and distinctly perceived. At present I shall beg leave to follow the same course as on former occasions; and shall distribute the observations which have occurred to me under the same general heads, as they relate to the General Records of the kingdom, or to those of a local description, and as they regard, respectively, the preservation and use of existing Records, and the formation and regulation of those that are now in progress.

I. GENERAL

I. GENERAL RECORDS OF THE KINGDOM.

Appendix,
(W.)
The Tenth
Annual Report.

I.
General Records
of the Kingdom.

I. Within the period of this Report, some of those operations for improving the access and interior accommodation of the General Register House, which had been carried on chiefly at the private expense of the late Lord Clerk Register, have been brought to a close. Not to mention the expensive operations of enlarging the area of the court on the north side of the House, and improving the grounds connected with it, a direct and easy access on that side into the central part of the building, has been opened. This alteration was meant to have been connected with others in the immediately contiguous apartments, for the purpose of affording more complete accommodation to the officers of the establishment; but of the necessity or immediate utility of these, perhaps some doubts may be entertained; and, at any rate, there are many other things which may be regarded as having at least a preferable demand on the public funds of the establishment. Among the alterations on the fabric of the House, which, on account of its magnitude and practical importance, appears to be entitled to your Lordship's more immediate attention, is that for enlarging the accommodations in the lower or basement story of the building. In my former Reports I have had occasion to mention, that a very considerable space was required for the disposal of certain classes of Papers and Records connected with the judicial proceedings of the Court of Session, technically called "Extractor's Warrants." Of these, many large masses have for many years been accumulating in the ordinary office-rooms of the Clerks of Session; and others of earlier date have been disposed, in a very confused and inaccessible state, in some of the small apartments of the lower story. The arrangement of the whole in more regular order, is a measure which cannot well be effected without a considerable enlargement of the present accommodations of the House; and in this view, as well as for other useful purposes, it has appeared to me, that an important addition might be obtained merely by carrying an open area along the main front of the Register House, and by that means letting in the light to a set of apartments, ten in number, which are at present blocked up, and employed as cellars for fuel. By limiting the breadth of the area to that of the area which surrounds the other sides of the building, it is thought that no injury will be done to the beauty of the present front; while, at an expense comparatively moderate, a very large addition will be made to the present accommodations of the House. Without entering further into the details of this plan, I flatter myself that your Lordship is sufficiently aware of its importance, to give it your earliest attention.

Under this head, I think it enough at present to add, in a single sentence, that from the state in which the ordinary funds of the establishment have been left by your Lordship's venerable predecessor in office, there no longer exists any serious obstacle to the execution of various repairs which he had long contemplated, particularly that of painting the whole interior of the House; and that from the measures already adopted by your Lordship, it may be reasonably hoped, that in the course of the next year, the business of cleaning and heating the House will be at last put under one connected and efficient system.

II. In the distribution of apartments, the only changes which have been made during the course of the last year, have been the addition of an apartment to the office for the General Register of Seisins, and a similar addition to the office of the Bill Chamber. The former has been effected by removing the Register of Hornings into one of the Record Rooms occupied by the Clerks of Session, prior to the abolition of Extracts by 50 Geo. III. cap. 117; the latter by admitting the Clerks of the Bills into an apartment occupied by the Clerks of the Teind Court, before their removal into the large apartments fitted up for them in the year 1812.

The Clerks of the High Court of Admiralty, and of the Supreme Commissary Court, have long very justly complained of the imperfect accommodation afforded to the Records of their respective departments at the General Register House. In the present very crowded state of the House, it would be difficult, if not impossible, to assign to them any other apartments less incommodious than those they now occupy; but if the plan above alluded to, of opening up an area in front of the building, should be adopted, one of its consequences would be, to convert the present Record Offices of the Admiralty and Commissary Courts into two of the safest and most comfortable apartments in the House. This, I have no doubt, will be felt by your Lordship, as a powerful reason for giving to that design your earliest consideration.

III. On the present state of the pecuniary establishment of the General Register House, I have only to repeat, that the anxious caution with which the ordinary funds have been husbanded, in order to meet those more expensive repairs which have been long contemplated, have rendered it difficult to ascertain how far, on an average, they are fully sufficient to the ordinary scale of expenditure. In the interior accommodations of the General Repository, as I have had occasion repeatedly to observe, there is much that seems to require improvement; and if the alteration on the front range of apartments in the basement story should be attempted, without any extraordinary grant of money for the purpose, there will be an obvious necessity for postponing many other useful measures; more particularly some of these connected with the state of the Records themselves. This I should certainly regard as an unfortunate circumstance, more especially as the liberal aid heretofore obtained in this department, from the Record Commission, has been at length withdrawn: and I should therefore, with much diffidence, beg leave to suggest for your Lordship's consideration, whether an application for an extraordinary grant ought not to be made. From the general estimates which I have obtained, I have reason to believe, that a thousand pounds, in aid of the present funds, would be amply sufficient for the object in view: whereas a sum of that amount, diverted from the ordinary expenditure of the House, would probably, for many years, be felt as a heavy burden.

IV. In

Appendix,
(W.)
The Tenth
Annual Report.

I.
General Records
of the Kingdom.

IV. In my last Report I intimated, that the measures directed by His Majesty's Commissioners for repairing and rebinding certain classes of decayed Records, had advanced nearly to a close. In one of the annexed Quarterly Reports, there will be found an exact statement of the operations which have been thus so long and so usefully carried on under the authority of the Board, and on which it is impossible to look back without much satisfaction.

At the commencement of these operations in 1807, there were few volumes of Record prior in date to 1660, that were not in a state of decay, requiring immediate attention; and there were still fewer of any date, of which the binding was not of the worst and meanest quality. Upon various classes of those Records, according to their relative intrinsic importance, a greater or lesser degree of pains and expence has been bestowed, in order to retrieve them, as far as possible, from the injuries of time, negligence, and accident. Of nearly twelve thousand volumes, preserved in the General Register House, six thousand five hundred have been rebound; of that number, about one hundred and eighty volumes, consisting of more than thirty thousand folios, have been subjected to the tedious and expensive process of inlaying; and a very large proportion of the whole have undergone other modes of careful and effectual repair. The Records thus repaired and rebound, comprehend, among others of minor importance and extent, the Books of Parliament; the Books of Secret Council; the Judicial Records of the Supreme Civil Courts, down to the Restoration; the Registers of the Great Seal; of the Privy Seal, and of the Signet; the various classes of Public Accounts of the Kingdom, prior to the Restoration, including those of the Royal Household; and those of Ecclesiastical Benefices after the Reformation; and lastly, the two most bulky of all the Public Records, those of Seisins, general and particular, and that of Deeds, Probative Writs, and Instruments of Protest. Even from this general review, the value of these operations for preserving and rendering more accessible the Public Records of Scotland, may be fairly estimated by those who are aware of the importance of those particular classes of Records relatively to the general mass of those contained in the General Repository.

Since the aid of His Majesty's Commissioners was withdrawn, the repairing of decayed Books of Record, has been continued, though on a smaller scale, at the expense of the ordinary establishment; and in this manner a considerable number of them have been cleaned and mended, consisting chiefly of those local Records of Regalities and other Jurisdictions which were suppressed by Act of Parliament in 1747.

V. In my former Reports, I have frequently had occasion to remark, that in many respects the arrangement of the Records in the General Repository might be susceptible of much systematical improvement. To this subject your Lordship's attention has been already very usefully directed; and in future Reports, the detail of progress actually made will more properly fall to be stated. At present I may be allowed to observe, that in the disposal of the Warrants of the Judicial Record of the Court of Session, the absurdity and inconvenience of subdividing each series into bundles and bags will immediately be done away; from which, among other advantages, I have no doubt that a very considerable economy of space will be attained. In making alterations on the present arrangement of Records, I have been hitherto restrained by the wish that such alterations should be preceded by some improvement on the interior accommodations of the apartments; in the original fitting up of which it had been unavoidably necessary to pay much more regard to a rigid economy than was consistent with much attention to convenience or neatness. Among the objects to be aimed at, as the ordinary revenue of the establishment shall be improved, I have always looked forward to the improvement of those interior arrangements as one of the most desirable.

VI. I feel peculiar satisfaction in being able to state that within the period of this Report, several valuable books of Record have been restored to the General Register House. For these, the public are indebted to the liberal spirit of the Earl of Hadington, in the possession of whose family they have probably remained since the time of his learned and illustrious ancestor, Thomas, first Earl of Hadington, Lord Clerk Register in the reign of James VI. During a long life, in the course of which he successively filled many of the highest stations in the law and the state, and never ceased to take an active and important part in the public affairs of the kingdom, the attention of that eminent person appears to have been peculiarly directed to the study of our legal and constitutional antiquities; and of his superior knowledge in that department, he seems to have ably availed himself. A large and valuable collection of copies, abstracts, and abridgments from the Records of Parliament, of Secret Council, and of Exchequer, and from the Registers of Royal Charters, made under his direction, and known by his name, is preserved in the Advocates Library. Among the communications lately made to me by his noble descendant, are several volumes and detached papers of a similar description; but by far the most important part of this donation consists of various volumes of original Record. *One* of these, though unhappily a mere fragment of only fourteen leaves, is peculiarly precious. It contains various statutes and ordinances of the reigns of Robert II. and Robert III., of which I am not aware that any other copy exists, and which in themselves are highly interesting. A *second* and *third* are large volumes of Consistorial Proceedings in the Courts of the Officials of St. Andrews and of Lothian, prior to the Reformation; a class of Records of which it was not before known that any part had been preserved; and by means of which some important lights cannot fail to be thrown on the state of the law at that period, particularly in regard to the constitution and dissolution of marriages. A *fourth* is an Abstract of the rental of the annexed property of the Crown, without a date, but apparently of the reign of James V. A *fifth* is part of a Treasurer's account for the year 1555. A *sixth*, *seventh*, and *eighth* are the Protocols of Public Notaries, chiefly during the latter part of the sixteenth century. A *ninth* is the Court Book of the Regality of Melrose, from 1505 to 1609; and a *tenth*

tenth is the Tax Roll of the Abbey of Melrose for 1665. Among the books, not of Record, which have been communicated to me, I may particularly specify a Transcript of Letters and Public Papers, of the years 1554 and 1555; a volume of Calendars and Abstracts, chiefly of the Rolls of Public Accounts, and of the Rental Books, and of the Royal Property, framed by Sir John Skene, Clerk Register in 1595; and above all, in point of curiosity, an Abstract of a Roll of Public Accounts, in the reign of Alexander III. for the years 1262—1266: and of another Roll for the years 1289—1290; of which the originals have most unfortunately been lost since the time of Skene, in whose Calendar (just mentioned) they are both particularly specified. I may here take the opportunity of adding, that the MSS. communicated by Lord Haddington have served to ascertain, that those transmitted to the General Register House in 1814, and mentioned in my Report for that year, had been formerly drawn from the same private repository.

VII. During the course of the last year, the fourth volume of the Acts of the Parliaments of Scotland has been completed and published, containing the Proceedings of Parliaments, and General Conventions of the Estates, from the year 1593 to the demise of James VI. in 1625. Like the preceding volumes of this Collection, it contains a large proportion of matter that had not before been in print; the value of which, to constitutional and practical lawyers, will ultimately prove very great, when the publication of our antient Records shall have had its due influence on the ordinary course of professional study. Since the completion of this volume, the fifth of the Collection has been advancing at the press, and will be ready for publication about the middle of the year 1817. It will comprise the Proceedings of Parliaments and Conventions in the reign of Charles I. from his accession in 1625, till the close of the Parliament, 1641; and in the succeeding volume will be given whatever of a parliamentary nature has been preserved, prior to the Restoration in 1660. The more minute details of progress in this work will be found in the Quarterly Reports to His Majesty's Commissioners.

Within the period of this Report, the Abridgment of the Record of Retours of Services has been completed, by the publication of a Supplement, and a volume of Indexes of Persons and Places. The whole work now constitutes three volumes, the proper arrangement of which, it has been thought convenient to explain at some length, in one of the Quarterly Reports. Of the general accuracy and practical utility of this work, I have reason to believe, that the most favourable opinion is entertained by all professional men.

This Abridgment of Retours terminates with the year 1700; and it has not been thought expedient to continue the work upon the same plan and scale, for the subsequent period. Researches, however, even for that subsequent period, are not unfrequent; and in order to facilitate these, it has appeared advisable to frame a Chronological Table of the principal contents of the Record, subdivided into Special Retours, General Retours, and Retours of Tutor; exhibiting, with great brevity, the leading names of Ancestor and Heir, and Tutor and Pupil; and, in Special Retours, the name of the principal barony, tenantry, or other heritable estate which is the subject of the Retour. In this compilation some progress has been already made.

These are the only measures of this description, which, during the last year, have been carried on under the authority of His Majesty's Record Commissioners. The publication of the Records of the Privy Council of Scotland; of the Collection of Royal Charters; of the Abridgment of the Register of the Great Seal; for all of which very considerable preparations have been made, remains at present suspended.

VIII. In my last Report, I took an opportunity of stating, that among the more antient Records preserved in the General Register House, there was a good many which might not be thought deserving of publication, upon the large scale adopted by His Majesty's Commissioners, which were yet of great curiosity, and of considerable importance to the history and antiquities of the kingdom. Several years ago, the late Lord Clerk Register had expressed to me his earnest desire that some of these Records should be selected and printed on a small scale, both as to the size of the volumes and the extent of the impression; and, in pursuance of this general plan, one volume in quarto, containing a miscellaneous collection relative chiefly to the Royal Wardrobe, was completed in May 1815. Agreeably to a suggestion also alluded to in my last Report, another work, on a similar plan and scale, was soon afterwards put to the press, intended to contain the "Accounts of the Great Chamberlains of Scotland, and of some other Officers of the Crown, rendered at the Exchequer," beginning at the year 1326, and coming down at least to the return of James I. in 1424. In this work, which has been so conducted as not to interfere with any other, considerable progress has been made; and for the period above mentioned, (including proper indexes of persons, papers, and matters) it may probably extend to three volumes. In the first of these, I shall now take the opportunity of including that abstract of two antient Rolls of Accounts in the thirteenth century, which has been communicated to me by Lord Haddington, to which it will make a very fit and highly curious addition. I trust that your Lordship will forgive me for here introducing these notices of works which are not, in any respect, strictly official, but which my official situation has enabled me to undertake with some peculiar advantages, and to which I have been prompted by the desire of laying open some of the least known and least accessible of our antient Records, to those whose literary taste may lead them to the study and cultivation of Scottish History and Antiquities.

IX. I had flattered myself that in this Report I should have been able to state, that some effectual measure had resulted from the consideration that has been lately given to the subject of framing Indexes of reference to some of the most voluminous and important Registers, more particularly to those of Seisins, Inhibitions,

Appendix,
(W.)
The Tenth
Annual Report.

I.
General Records
of the Kingdom.

and Adjudications. Hitherto the deliberations which have been held, have not been brought to any practical conclusion; and unquestionably there is much difficulty in devising and executing a plan, which, to be at all tolerable, must give to individuals the full assurance, that nothing essential to their patrimonial rights and interests have been overlooked or mistaken. At present, I can only again express my own anxious wish to aid and concur in the digestion of such a plan as shall alleviate the existing evils of actual research in each particular case, without introducing others of a still more formidable description.

X. Within the period of this Report, no material alteration has been introduced into the existing system for the formation of any of the Public Records. So much has been already done in this respect, that comparatively little now remains to be proposed. To one branch, I have indeed repeatedly adverted in my Reports, as requiring some reform; I mean that of the Judicial Records of the Court of Session: and in my Seventh Annual Report, I have ventured to propose a plan for re-modelling the business of "extracting Decrees," to which I am not aware that any solid objection can be stated. I am happy to add, that this subject has not escaped the able and accurate investigation of the Commissioners appointed for inquiring into the Duties, Salaries, and Emoluments of the several Officers, Clerks, and Ministers of Justice of the Courts in Scotland; and from their approbation of the plan formerly suggested, I trust that its speedy adoption may be now confidently anticipated.

XI. Having repeatedly had occasion to advert to the formation of the Record of Retours, and to suggest some measures for its periodical transmission into the General Repository, I shall refrain at present from again entering on the subject; having reason to believe that it has engaged the deliberate attention of the present Commissioners on the Courts of Justice, and that, in their Second Report, some suggestions respecting it will be offered.

II. LOCAL REGISTRIES.

II.
Local Registries.

I. I have still only to express my regret, that no general plan has been yet adopted for the erection and maintenance of safe and convenient places of deposit for the Public Records established in counties and in royal burghs. During the last ten years, indeed, particular Acts of Parliament have been obtained for enabling the Land Owners in several counties to assess themselves for the expense of erecting Courts of Justice, and other Public Offices, including Record Rooms; but in many others, the evils formerly complained of, still continue in their full extent; and may not, in all probability, be removed, unless some general and effectual provision for the purpose shall be obtained.

The formation of the several County Records, and the fees that ought to be attached to that part of the official duties of the Sheriff Clerks and Stewart Clerks, have of late been the subject of a long and careful investigation by the Commissioners on the Courts of Justice; of the particular result of which I am not yet informed, but to which, in my next Report, I may probably have occasion to call your Lordship's attention.

II. In one of the Tables annexed to this Report, your Lordship will be enabled to observe the progress that has been made in the framing of the Local Registers, in the several counties during the last year. The information on this subject, afforded by the Annual Returns of the Sheriffs Depute, continues to be less perfect and satisfactory than could be wished, and might have been expected. At present, some of these defects have been in part supplied by the information communicated to me by the Inspector of Stamps, on whose zeal and activity in following out the instructions given him on this head, I am bound to bestow much praise. The utility of his services in aid of the system of superintendence recognised and established by the Act of Parliament "for better regulating the Public Records of Scotland," has indeed been such as has led me to think that some permanent provision for continuing such services in future would be a very expedient measure.

In my last Report, I was compelled to state that several of the Sheriffs Depute had been in fault, in omitting to make the Returns required by the Act of Parliament; and on the present occasion, I am under the necessity of repeating the same complaint against those of the following counties:

Ayr,	Perth—Western District.
Cromarty,	Ross,
Linlithgow,	Selkirk,
Orkney,	Shetland.

III. In the other Table annexed to this Report, your Lordship will find the Progressive State of the Registers, framed within Royal Burghs, in so far as I have been enabled to make up the same, either from the Returns of the Chief Magistrates, or from the Report of the Inspector of Stamps. The gross defects in the former of these sources of information, I have had too many occasions already of pointing out; and at present, I have nothing to state which affords me any encouragement in hoping that such defects are likely to diminish. In the mean time, it is satisfactory to feel tolerably assured, that the provisions of the Statute have been effectual in securing the formation of regular Records in all the Burghs where any Records are kept; and that by other means besides those devised by the Statute, the superintending power of the Lord Clerk Register has been made to operate with very sensible effect.

IV. I have reason to suppose that the attention of the Public is becoming more and more awake to the necessity of some important reforms in the present system of Parochial Registries. The subject has again attracted

attracted the consideration of the General Assembly of the Church of Scotland, and a Committee of Inquiry has been again appointed, from whose labours, I trust, some useful result may be expected. I need not here repeat the views which I entertain on this important branch of the Record Establishments of the country, as I continue to hold the opinions I have formerly ventured to express. Some of the arrangements which I have proposed will be found to coincide remarkably with a plan respecting these Registers, which was established by an Act of the Privy Council of Scotland in 1616, when an episcopal form of church government existed in this kingdom; and which, if it had been effectually carried into execution, would have given to the people of this country a Record of this description truly invaluable. This Act of Privy Council I have given in the Appendix, as well deserving the attention of those who are now employed in devising provisions and arrangements for abating the evils that are now too well ascertained to exist.

Appendix,
(W.)
The Tenth
Annual Report.

II.
Local Registries.

THO. THOMSON. Deputy Clerk Register.

S U M M A R Y

Of the Proceedings of His Majesty's Commissioners on the PUBLIC RECORDS of Ireland, from the Commencement in 1810 to December 1818.

THE Commission for inquiring into the State of the Public Records of Ireland, bears date the 10th of August 1810. It was not placed in a state of active operation until the following year; the intermediate time having been occupied in obtaining a General View of the Contents of the several Record Repositories throughout Ireland, by means of Queries directed by the Board, and transmitted by their Secretary to the respective Officers and Keepers of such Repositories. The result of this Process was laid before the Board at their second meeting, on the 18th of February 1811, when they proceeded to appoint Sub-Commissioners to arrange and methodize, and to form Catalogues, Repertories, and Indexes to the Contents of the following Repositories, viz.—1. BIRMINGHAM TOWER; 2. PARLIAMENTARY RECORD OFFICE; 3. ROLLS OFFICE; 4. CHIEF REMEMBRANCER'S OFFICE; and 5. AUDITOR GENERAL'S OFFICE.

At this Meeting, Sub-Commissioners were also appointed to prepare and print an authentic Edition of the IRISH STATUTES, according to the model adopted in England; and the Board in the following month made its first Annual Report to His Royal Highness The Prince Regent.

At this period of the Commission, considerable difficulties presented themselves, arising principally from the disarranged state of the Records, and the want of a knowledge of their contents among the persons in whose custody they had been placed; two or three only of whom were found competent to read the more antient Writings.

The state of disorder and confusion into which the Records of the principal Repositories of Ireland had fallen, is very fully detailed in Lord Chancellor Redesdale's Report upon the subject to the Earl of Hardwicke, and in the Reports of the English Sub-Commissioners who visited Ireland in 1806 and 1812; and to this cause may be attributed, that, with the exception of Lodge's MS. Works, there did not exist in any Repository a single Calendar, Repertory, Index or Inventory, that the Board could avail themselves of in the progress of their labours.

In the year 1812, Returns having been obtained from all the Record Repositories, Sub-Commissioners were appointed for arranging and methodizing the contents of the *State Papers*, and of the *Prerogative* and *First Fruits' Offices*; and at the same time the subject of *Schedules* and *Inventories* of the *Surveyor General's Office*, and of the *Down Survey*, also engaged the attention of the Board; and a committee from their own body investigated and reported upon various important matters connected with that valuable Record. The Board also directed *Lodge's List of Patentee Officers* to be prepared for publication; and, in the following year, ordered one of their Sub-Commissioners to complete the *Catalogue* of the *College MSS.* for printing. In 1814, when some progress had been made in the principal Offices and Repositories, Sub-Commissioners were appointed to complete *Acta Regia*, commenced by the late Mr. Lodge.

The attention of His Majesty's Commissioners appears to have been thus directed, in conformity with the power vested in them, not only to the arrangement, preservation, and convenient use of the Contents of the principal Record Repositories in Ireland, but also to such Works as will bring to light and preserve authentic memorials of the Property, Laws, and Government of this part of the United Kingdom. Neither have they been unmindful of the valuable Documents to be found among the *Diocesan* and *County Records*, and the necessity of their security and preservation; the Measures respecting which were necessarily postponed until the progress made in the principal Repositories should admit of their being resumed.

The annexed TABULAR FORM has been prepared, as required, and has been arranged under the several heads of—

- I. BUILDINGS.—II. CATALOGUES, CALENDARS, INDEXES, &c.—III. TRANSFERS.
IV. TRANSCRIPTION.—V. PRINTING.

Summary of Proceedings of Commissioners on the Public Records of Ireland, from 1810 to 1818—continued.

REPOSITORIES.	MEASURES UNDERTAKEN.	ACTUAL RESULT, AND PRESENT STATE OF WORKS.	—
Courts of Justice, Public Law Offices, and Offices of State.	<p>I.—BUILDINGS:</p> <p>To examine into the state of the Record Repositories adjoining the Courts of Justice, as to security and convenience; and to prepare Plans of such additional Buildings as may appear necessary for the more convenient use and better preservation of said Records.</p> <p>Part of the grounds and buildings belonging to the <i>King's Inns Society</i>, vested in the Crown by Act of Parliament, for erecting thereon a <i>Registry</i> and <i>Record Repository</i>. The Building roofed in, and progress made in fitting up the interior.</p>	<p>The Records of Chancery permanently secured from injury by weather. Plans drawn for the <i>Insulation of the Four Courts</i> to guard against the hazard of injuries by fire, and Estimates of the Expenses procured.</p> <p><i>The Old Wardrobe Tower</i>, in the lower Castle Yard, fitted as a Repository for Records of a general nature, or connected with the State.</p>	
Bermingham Tower Records.	<p>II—ARRANGEMENT, CATALOGUES, CALENDARS, INDEXES, &c.:</p> <p>To arrange and methodize the several Rolls, Books, and Papers belonging thereto, to make Indexes to same, and to prepare a General Catalogue thereof.</p> <p><i>General Arrangement</i> of Council Office and State Papers, previous to their Transfer - - - - -</p> <p><i>Press Catalogue</i> to the above Records, Books and Papers, giving a detailed description of each Roll, &c. consisting of 132 pages - - -</p> <p><i>Schedule of Plea Rolls</i> - - - - -</p> <p><i>Opening of Pipe and Sheriffs' Tot Rolls</i> which had been cemented by damp, in progress.</p>	<p><i>Arrangement</i> of the Records consisting of 556 Plea Rolls, 172 Pipe Rolls, 252 Summonster's Rolls, besides a large quantity of Papers, Books, and Fragments of Rolls, including those injured by fire - -</p>	<p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p>
Parliamentary Record Office.	<p>The like Duties.</p> <p>1020 Folios of an <i>Index of Matters</i> or Classified Schedule to the Parliamentary Records, comprehending references to about 29,798 documents, proceeded on as far as the general head "<i>Petitions</i>."</p> <p><i>A Nomenclature</i> in progress as far as the Index of Matters.</p> <p><i>Note</i>.—The Records indexed have been enveloped and labelled, so as to be in a state of perfect preservation, and instantaneous reference may be had to each of them.</p> <p><i>General Arrangement</i> of Suffering Loyalist Compensation Papers -</p> <p><i>General Inventory</i> of the Contents thereof - - - - -</p>	<p><i>Arrangement</i> of the printed Statutes and Journals of the Lords and Commons - -</p> <p><i>General Arrangement</i> of the Records, Books and Papers, preparatory to Indexing</p> <p><i>Catalogue</i> of the same - - - - -</p> <p>Draft Index to Statute Rolls - - -</p>	<p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p>
Rolls Office.	<p>The like Duties.</p> <p><i>Arrangement</i> of Statute Rolls from Hen. V. to the Union, in chronological order - -</p> <p><i>Chronological Catalogue</i> to same, giving an accurate description of each Roll, Number of Membranes, &c. - - - - -</p> <p><i>Arrangement of Transmisses of Acts of Parliament</i> - - - - -</p> <p><i>Arrangement of Patent and Close Rolls</i> from 31 E. I. to the present time, in chronological order - - - - -</p> <p><i>Catalogue</i> formed to same, giving an accurate description of each Roll</p> <p><i>Calendar</i> of Contents of same, to the end of Elizabeth, containing upwards of 12,000 pages completed, and considerable progress made in the revision of same for printing.</p>	<p><i>Arrangement</i> of Statute Rolls from Hen. V. to the Union, in chronological order - -</p> <p><i>Chronological Catalogue</i> to same, giving an accurate description of each Roll, Number of Membranes, &c. - - - - -</p> <p><i>Arrangement of Transmisses of Acts of Parliament</i> - - - - -</p> <p><i>Arrangement of Patent and Close Rolls</i> from 31 E. I. to the present time, in chronological order - - - - -</p> <p><i>Catalogue</i> formed to same, giving an accurate description of each Roll</p> <p><i>Calendar</i> of Contents of same, to the end of Elizabeth, containing upwards of 12,000 pages completed, and considerable progress made in the revision of same for printing.</p>	<p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p> <p>Completed.</p>

Summary of Proceedings of Commissioners on the Public Records of Ireland, from 1810 to 1818—continued.

REPOSITORIES.	MEASURES UNDERTAKEN.	ACTUAL RESULT, AND PRESENT STATE OF WORKS.	
Rolls Office continued.	II.—ARRANGEMENT, &c.—continued.	<i>Indices Nominum & Locorum</i> to same, containing 5,412 pages - - -	Completed.
		<i>Arrangement of Inquisitions Post Mortem</i> , amounting to about 5,427, according to Counties and Reigns; those of 13 Counties cleansed, repaired, and lodged in portfolios for security and convenience of reference - - - - -	Completed.
		<i>Repertory</i> consisting of 17,656 pages formed thereto; of this twenty-four Counties have been collated, and progress made in the revision for press; and about 3,000 pages of <i>Indexes</i> thereto (<i>Nom. & Loc.</i>) prepared.	
		<i>Arrangement of Fiantis</i> from 21 Hen. VIII. to the present period, into Reigns - - - - -	Completed.
		<i>Catalogue of Fiantis</i> formed as far as 16 Jas. I.	
		<i>Arrangement of Decree Rolls</i> of Chancery, from 24 th Hen. VIII. to the present time, chronologically - - - - -	Completed.
		<i>Repertory</i> formed to same, consisting of 5,100 pages, and a fair transcript made thereof, containing 2,897 large folio pages - - -	Completed.
		<i>Note.</i> —This is divided into six vols. and ready for binding. The Draft, Index, <i>Nom. & Loc.</i> to same completed, with the exception of a few chasms, and progress made in the revision thereof.	
		<i>Arrangement of Equity Pleadings</i> (transferred from the Dome of the Four Courts) and a List of the Long Pleadings - - - - -	Completed.
		<i>Arrangement of Recognizance Rolls</i> from 21 Hen. VIII. to 10 Cha. I. and Schedule thereof, also of Convert Rolls and Roman Catholic Qualification Rolls - - - - -	Completed.
Chief Remembrancer's Office.	The like Duties.	<i>Arrangement of Memoranda Rolls</i> from 6 E. I. to the present time; those of Innocents, with their Certificates, Transplanters' Certificates, and those of Reducements of Quit Rents, amounting in all to 514 - -	Completed.
		<i>Catalogue</i> of said Rolls from 6 Ed. I. to 50 Geo. III. 15,973 pages of <i>Calendar</i> to the <i>Memoranda Rolls</i> formed, and progress made on the revisal thereof for press.	
		<i>Arrangement of Inquisitions</i> , amounting to 3,280, in Counties and Reigns - - - - - 9,600 pages of <i>Repertory</i> thereof formed.	Completed.
		<i>Arrangement of Affidavits, Decrees, Consents, Submissions, Awards, and Petitions</i> in the Register's Department, and of the Pleadings from 1674 to the present time, in the Filacer's Department - - - - -	Completed.
Auditor General's Office.	The like Duties.	<i>Arrangement and Methodizing</i> of the great Rolls of Public Accounts from Hen VIII. the Receiver's General, Vice Treasurer's, Pells, and Chamberlain's Books, the De-benture Exchequer Bills, and other Loan Books, the Vouchers of Public Accounts, the Collectors Accounts, from every District in Ireland, the Quit Rent Receipt Books, the Sheriffs Accounts, with some antient Accounts of the Hanaper, First Fruits, Farmers of Revenue, Subsidies, Poll-tax, and a variety of Miscellaneous Records and Documents deposited in the Dome of the Four Courts, and amounting, by estimation, to upwards of 70 tons weight - - - - -	Completed.
		<i>Press Catalogue</i> of the above, as also of the Contents of the Auditor General's Office (properly so called) in Dublin Castle - - - - - 397 volumes folio of Books in the Auditor General's Office, rebound and repaired.	Completed

Summary of Proceedings of Commissioners on the Public Records of Ireland, from 1810 to 1818—*continued.*

REPOSITORIES.	MEASURES UNDERTAKEN.	ACTUAL RESULT, AND PRESENT STATE OF WORKS.	—
Auditor General's Office, <i>continued.</i>	II.—ARRANGEMENT, &c.— <i>continued.</i> <i>Indexes</i> to 159 Volumes of Books of Patents, Certificates, and Decrees of Court of Claims, Exchequer Orders and Assignments, which Volumes amount in the whole to upwards of 90,000 pages. The particular are as follow : <i>Index Nom. & Loc.</i> to 41 Vols. of Patents of Jas. I. and Cha. I. 560 pag. - - - - - 43 Vols. of - D ^o - Cha. II. - - 690 pag. - - - - - 24 Vols. of Defective Titles - - - 143 pag. - - - - - 8 Vols. of Certificates of Court of Claims, 248 pag. - - - - - 6 Vols. of Decrees of Court of Claims, 84 pag. - - - - - 18 Vols. of Exchequer Orders - - 559 pag. - - - - - 19 Vols. of Assignments - - - 839 pag. <i>Index</i> to Rolls of Innocents - - - - - - - to Transplanter's Certificates nearly completed.	Completed. Completed. Completed. Completed. Completed. Completed. Completed. Completed.	
Prerogative Office.	The like Duties. <i>Index</i> to Cause Papers - - - - - <i>Draft Index</i> to the Administrations, Wills, Faculties and Marriage Licences, containing about 7,500 pages - - - - - <i>Transcript</i> of same, progress made as far as Letter R. <i>Draft Index</i> to Wills, about 400 pages - - - - - <i>Fair Transcript</i> in progress up to Letter F. <i>Comparison</i> of the Books of Entries of Wills, with the Originals, in progress. <i>Index Locorum</i> to same, formed collaterally with the comparison, in progress.	<i>General Arrangement</i> of Records, Books and other Documents - - - - - <i>Descriptive Catalogue</i> of Office Books, about 400 in Number - - - - - <i>Arrangement</i> of Cause Papers, Bonds, Renunciations, Petitions and Commissions Completed. Completed. Completed. Completed. Completed.	
First Fruits Office.	The like Duties.	<i>Arrangement</i> of the Records into Dioceses and Counties, and General Catalogue of same - - - - - <i>Transcript</i> of the Bishop's Return Books, all of which had been rebound, filling up the chasms from the Records - - - - - <i>Index</i> to same, containing 730 pages, ready for fair transcription.	Completed. Completed.
Surveyor General's Office	To make a general Inventory of all the Books, Maps, and Papers preserved in the Office. To have General Vallancey's Copy of the Barony Maps properly bound and secured, and the burnt Parish Maps inlaid, restored to order, and the binding secured.	<i>Detailed Catalogue</i> of the Maps of the Down Survey - - - - - <i>Catalogue</i> of the other Documents in this Office - - - - - <i>Arrangement</i> of the Reports and Schedules of the Court of Claims, and Catalogue thereto formed. <i>Down Survey Maps</i> , 35 vols. folio repaired, laid down on new paper, and bound ; (in consequence of the mutilated state of these Records, this operation required the greatest caution and nicety.) General Vallancey's Barony Maps, 4 vols. folio ; Maps and Papers of Surveys of the Chancery and Exchequer, 2 vols. ; Reports and Schedules, 35 vols. ; and Miscellaneous Books, 16 vols., in all, 92 vols. permanently secured, bound and lodged in convenient presses for reference. <i>Examination</i> of Maps and Books of Survey, and distribution belonging to the Marquis of Headfort in the County Meath, and a detailed Catalogue thereof - - - - -	Completed. Completed. Completed.

Summary of Proceedings of Commissioners on the Public Records of Ireland, from 1810 to 1818—*continued*.

REPOSITORIES.	MEASURES UNDERTAKEN	ACTUAL RECEIPT AND PRESENT STATE OF WORKS.	—
	II.—ARRANGEMENT, &c.—<i>continued</i>.		
All Record Repositories.	To prepare a classified Schedule or General Inventory of all the Records, Rolls, Books, Papers, and other public Documents belonging to the respective Offices or Repositories in the nature of a Press Catalogue.	<i>Several Returns</i> received from such Officers and Keepers; but being found inadequate to the purposes intended, the execution of this Order was transferred to Sub-Commissioners acting under the Board, whose progress has been already noticed under the heads of the several Record Repositories.	
Schedules and Inventories.	That the Records of the Common Pleas Office undergo an arrangement previously to forming an Inventory of their Contents.	<i>General Arrangement of Records, &c.</i> in the Office - - - - -	Completed.
State Paper Repository.	To arrange and methodize the several Rolls, Books and Papers belonging thereto; to make Indexes to same, and to prepare a General Catalogue thereof.	<i>Arrangement</i> of Volumes of Entries, Printed Books, and Original Papers belonging to the Civil and Council Offices, including those transferred from other Repositories - - - - - <i>Arrangement</i> of the Lord Lieutenant's official Library - - - - - <i>Arrangement</i> of the Chief Secretary's Library - - - - - <i>Arrangement</i> of printed Sessional Papers, forming upwards of 200 folio volumes - - - - - <i>Press Catalogue</i> of the Contents of the State Paper Repository in the Record Tower - - - - - <i>Draft Analytical Index</i> to 110 Books of Entries to King's and Queen's Letters, from 1697 to the present time - - - - - <i>Schedules</i> of important Papers - - - - -	Completed. Completed. Completed. Completed. Completed. Completed.
	III.—TRANSFERS :		
Parliamentary Record Office.	The Loyalists Compensation Papers to be handed over to the Order of the Board. Inventory thereof to be formed.	<i>Transfer</i> of Loyalists Books and Papers from the temporary Repository, Anglesea-street, to the Record Tower, Dublin Castle, 30th April 1814 - - - - -	Completed.
Exchequer Chamber.	The Papers, Books, and Documents belonging to the old Exchequer Chamber, to be handed over to the Secretary to be preserved in the Public Record Office.	<i>Transfer</i> made accordingly.	
Parish Registers.	The Secretary to write to the Primate and several Archbishops, submitting the propriety of causing an annual transmission of Copies of Parish Registers to the respective Diocesans for preservation, according to the Canon, 16th March 1812. A recommendation that the provisions of a Bill for the better regulation of Parish Registers then under the consideration of the Legislature, should be extended to Ireland; same date. The Chancellor requested to communicate with Government thereon, 23d March 1815, p. 554.	<i>Letters</i> written accordingly. <i>Communications</i> made accordingly.	

(continued)

Summary of Proceedings of Commissioners on the Public Records of Ireland, from 1810 to 1818—*continued.*

REPOSITORIES.	MEASURES UNDERTAKEN.	ACTUAL RESULT, AND PRESENT STATE OF WORKS.	—
III.—TRANSFERS—<i>continued.</i>			
State Papers.	- - - - -	<i>Transfer</i> of the antient part of the series of Civil Office Books, from that Office to the Record Tower - - - - -	Completed.
		<i>Transfer</i> of all the Documents of the Council Office, except the Books thereof, from that Office to the Record Tower -	Completed.
		<i>Transfer</i> of volumes of Entries, and of Original Papers belonging to the Civil and Council Offices, from Bermingham Tower to the Record Tower - - - - -	Completed.
Equity Pleadings.	The Equity Pleadings now lying in the Dome of the Four Courts among the Records of the Auditor General's Department, to be transferred to the Rolls Office.	<i>Transfer</i> of the Equity Pleadings from the Dome of the Four Courts to the Rolls Office - - - - -	Completed.
Patent Rolls.	The Patent Rolls in Bermingham Tower to be transferred to the Rolls Office, to which they belong, there to be preserved with the other Patent Rolls lodged in that Repository.	<i>Transfer</i> of the Patent Rolls from Bermingham Tower Repository to the Rolls Office - - - - -	Completed.
IV.—TRANSCRIPTION:			
Prerogative Office.	- - - - -	<i>Transcription</i> of Regal Visitation Books, comprizing about 1,320 pages, for revision and correction - - - - -	Completed.
First Fruits Office.	- - - - -	<i>Transcription</i> of Bishops Return Books, comprizing 1,323 pages - - - - -	Completed.
Rolls and Chief Remembrancer's Office.	- - - - -	<i>Draft</i> of <i>Deeds</i> and <i>Wills</i> found among the Inquisitions Post Mortem, &c. (13,323 pages being transcribed) those of the Chief Remembrancer's Office in progress (3,930 pages being transcribed) - - - - -	Completed.
V.—PRINTING:			
Statutes and Ordinances.	That a complete and authentic Edition of the Statutes and Ordinances of Ireland be prepared and printed, with Chronological Lists and Tables.	<i>Research</i> for unpublished Materials both in Ireland and England, completed excepting a few Patent Rolls in Chancery.	Completed.
		<i>Transcription</i> and <i>Revision</i> of newly discovered Documents - - - - -	
		<i>Translation</i> of Latin and Norman French Statutes nearly completed.	Completed.
		<i>Collation</i> of Statutes already printed with the Parliament Rolls - - - - -	
		- - - - - with the Statutes, Rolls, and <i>Transmisses</i> proceeded on as far as the end of vol. xv.	Completed.
		- - - - - with Judicial and other Records - - - - -	
		<i>Several Materials</i> for Notes, Introductory Matters, and Tables and Indexes collected.	

Summary of Proceedings of Commissioners on the Public Records of Ireland, from 1810 to 1818—*continued*.

REPOSITORIES.	MEASURES UNDERTAKEN.	ACTUAL RESULT, AND PRESENT STATE OF WORKS.	—
	V.—PRINTING— <i>continued</i> .		
Lodge's List of Patentee Officers.	That the two Volumes of Lodge's List be completed for publication.	<p>The modern part or continuation of Lodge's List to the present time, with the addition of Pat. Offices, omitted by Lodge, and of public Boards, nearly completed.</p> <p>The early parts, and the chasms in Lodge's work, in progress.</p>	
College MSS.	That the Catalogue of the MSS. in the Library of Trinity College be prepared for printing after collation with the originals.	<p>Of twelve presses, and upwards of 15,000 separate articles on different subjects, and in various languages; the examination of eight has been completed.</p> <p>Two others are very nearly finished, and great part of the remaining two completed.</p> <p>About 500 articles of Charters, Deeds, and other Muniments, contained in 4 boxes, are finished.</p>	
Acta Regia.	To transcribe such Papers Charters, and antient Documents as the Committee of Observation should be of opinion should form part of said work.	<p><i>Detailed Prospectus</i> of the Work drawn up, specifying the nature of the Documents to be transcribed.</p> <p><i>Research and Selection</i> of Articles to the Reign of Jas. I. from the public Repositories of Records in Ireland, nearly completed; and progress made on the selection of Charters and other public Instruments.</p> <p><i>Transcription</i> of upwards of 3,000 pages, of which more than 2,000 have been collated, and are now ready for fair Transcript or Printing.</p> <p><i>Collateral Research</i> made as to printed Documents, for discovering additional sources of information, and of ascertaining the value of Documents of doubtful character.</p>	
Rolls Office.	<p>That the Calendar to the Patent Rolls should be forthwith prepared for press.</p> <p>That the Repertory to the Inquisitions Post Mortem, should be prepared for press.</p>	<p><i>Printing</i> commenced.</p> <p>The like.</p>	

AT a BOARD of the Commissioners appointed by His Majesty on the PUBLIC RECORDS of *Ireland*, holden at the House of The Right Honourable The LORD HIGH CHANCELLOR, on Friday, the 22d day of January 1819;

Present,

The Right Honourable The Lord High Chancellor ;
The Right Honourable and Right Reverend the Lord Bishop of Kildare ;
The Right Honourable The Lord Chief Justice ;
The Right Honourable The Master of the Rolls ;
The Right Honourable The Lord Norbury, Chief Justice of the Common Pleas.

THE Secretary laid before the Board a Letter from The Right Honourable Charles Grant, communicating a request from the Commissioners of Records in Great Britain, to be furnished with a summary of the proceedings of the Record Commissioners in Ireland, and the Secretary having laid on the Table a Document prepared for the purpose, and brought down to the present time ;

Ordered,

That a Copy be forthwith prepared, and transmitted to His Majesty's Commissioners in England, with an intimation that a Supplement to our last Annual Report, is now preparing to be laid before His Royal Highness The Prince Regent.

Extracted from the Minutes of the Board.

W. SHAW MASON,
Sec^y.

I N D E X.

552

I N D E X.

A.

ABBATS, Priors, &c. of English Monasteries, Bishops Kennett's Series of the, 372.
ABBEY LANDS, Discharge of, from Tithes, sometimes proved by Domesday Book, 467.
ABBEYS and Priories of Royal Foundation, Extents of the Temporalities of, 37, 41, 43, 55, 358.
 — found among the Records in the King's Remembrancer's Office, 9, 196.
 — Surveys of, *t. Hen. VIII.* among the Records discovered at the Chapter House, 54, 194.
 — Bailiffs Accounts of the Possessions of, *ibid.*
 — Chronicles and Histories of, among the Harleian MSS. 74.
ABBO Floriacensis, Life of St. Edmund by, 75.
ABBREVIATES of Adjudications in Scotland, Act concerning the Register of, 49.
" ABBREVIATIO Placitorum Temp. Regum Ric. I. Joh. Hen. III. Edw. I, II." Progress reported in the Printing of, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40.
 — completed, 7, 37, 41, 42, 174, 357, 517.
 — Account of the Publication of, 140.
" ABBREVIATIO Registri Magni Sigilli Scotiæ," Specimen of, printed, 44, 175.
" ABBREVIATIO Rotulorum Originalium in Curia Scaccarii," Progress in the Printing of, reported, 25, 27, 28, 30, 48.
 — the First Volume of, completed, 29, 174, 516.
 — the Printing of the Second Volume of, suspended, 32.
 — re-ordered, 34.
 — further Progress in the Printing of, 31, 32, 35, 36, 37, 38, 39.
 — the Second Volume of, completed, 39, 40, 174, 516.
 — further Progress made in the Transcription of, to the Time of James I. 41, 43, 48.
 — Account of the Exchequer Rolls called Originalia, (Append. F. 4.) 66, 340, 342, 358.
ABERCONWEY, Register of the Abbey of, 76.
ABERCROMBIE, Alexander, Abridgement of a Retour of Service relating to the Lands of, 161.
ABERDEEN, Abstract of Services to Lands in the County of, 150, 160.
ABINGDON, Hist. of the Abbey of, 74.
 — an Inquisition of the annual Value of Benefices in the Town of, among the recently discovered Records in the Tower, 186.
" ABREGE Historique des Actes Publics d'Angleterre recueillis par Thomas Rymer," 118, 119, 126, 480.
" ABRIDGEMENT of the Register of the Great Seal of Scotland from the Accession of K. Robert I. to the Union," Progress of the, reported, 166, 167.
" ABRIDGEMENT of the Record of Retours of Services," State of Progress of the, 36, 40, 59, 60, 163, 235, 244, 248, 264, 265, 541.
 — Plan of the, (App. M. 2.) 157. [See Retours of Services.]
ABRIDGEMENTS of Statutes, 88.
 — First English Abridgement, *ibid.*
ABRINCIS, Hugh de, a Contributor of Ships to K. William the Conqueror's Expedition, 494.
ACCIPITRARI, or *Accipitrarii*, in Domesday, 404.
ACHERY, Luke d', Trivet's Annals first edited by, 132.
ACRA, or Acre of Land, Measure of the, 421.
ACT of 1661, c. 15, for rescinding and annulling the pretended Parliaments in the Years 1640, 1641, &c. 516.

545.

ACTA Dominorum Auditorum in Parlamento, 7, 42, 43, 61, 169, 170, 171, 262.
 — Progress in the Printing of, announced, 175, 244.
" ACTA Dominorum Concilii," 7, 40, 42, 61, 169, 262.
 — Nature of this Class of Proceedings, 170.
 — Progress in the Printing of, reported, 175, 532.
ACTA Eruditorum, Critique in, on Rymer's *Fœdera*, 118.
ACTA Parliamentorum Scotiæ, 7, 61, 169, 175, 281.
 — Progress in the Printing of, announced, 6, 175, 331, 341, 342, 344, 346, 348, 350, 352, 513, 514, 515, 516, 517, 520.
 — Jac. I. II. III. IV. and Part of V. printed, 61.
 — Preface to the Second Volume of, (Append. T.) 513.
 — Preface to the Third Volume, 515.
 — Preface to the Fourth Volume, 515.
 — Preface to the Sixth Volume, 516.
" ACTA Regia," Work so called, 118, 119, 480.
 — Analysis and History of, 126.
ACTA REGIA of Ireland, 549.
ACTS, Sessibnal, Collection of, subsequent to the Accession of King George I. deposited in the British Museum, 330.
ACTS of Parliaments sometimes found in the Form of Charters or Letter Patent, 99.
 — in the Rolls of Parliament, but not printed, *ibid.*
 — of Parliament, Distinction between Public and Private Acts first specifically stated, 31 Hen. VIII. 99.
 — Transcript of the Public General Acts sent to the Rolls Chapel, 101.
 — Original Acts, where preserved, 102.
 — Amendment of the Inrollment made from the Original Act, *ibid.*
 — Printing and Distribution of, since the Union with Ireland, 110. [See Statutes.]
ACTS of Parliament in Ireland, Mode of indorsing, 307.
 — Rolls of, between 1711 and 1758, found, 308.
 — contained in the Red Book of the Exchequer at Dublin, *ibid.*
ACTS of the Parliament of Scotland, Proceedings concerning, 298, 301.
ACTS and Proceedings of the Secret Council in Scotland, from 1513 to the Union, Preparation for the Press of, suspended, 175.
ACTS of Sederunt from 1532, Specimen of, prepared for the Press, 175.
 — Books of, from 1553, where deposited, 227.
ADAM, the Brother of Eudo Dapifer, one of K. Will. Conq. Commissioners at the Formation of the Domesday, 385, 386.
ADAN, St. 75.
ADDRESS of the House of Commons to His Majesty, 11 July 1800, on the State of the Public Records of the Kingdom, 13.
ADJOURNAL, Books of, of the High Court of Justiciary, 204, 293.
ADMIRAL, Lord High, MSS. relating to the Authority of the, 77.
ADMIRALLATUS. A Roll, entitled "*De Superioritate Maris Anglie et Jus Officii Admirallatus in eadem*," found among the newly discovered Records in the Tower, 188.
ADMIRALTY, MSS. relating to the, in the Harleian Collection, 75.
 — High Court of, in Scotland, a Record of the Decrees in, ordered to be framed, 51, 220.
 — an Index to the Proceedings in, wanted, 198, 200, 216, 220.
 — Nature and Condition of the Records of, 216.
 — Papers relating to the, among Sir Julius Cæsar's Manuscripts in the Lansdowne Collection, 372.
ADRIAN IV. Pope, Bull of, relating to the Supremacy of the Archbishop of York over the Scottish Bishops, 78.
 7 B **ADULTERIUM,**

- ADULTERIUM, 453.
 ADVOCATES Library, Edinburgh, the Earl of Hadinton's Collection of Charters in, 164.
 ——— Episcopal and Monastic Registers of Scotland preserved in, 168.
 ——— Copies of Scottish Parliamentary Proceedings in, during the Fifteenth Century, 170.
 ÆCCLESIOLE in Domesday Book, 458.
 ÆLFRED of Beverley, 74.
 ÆLRÉD, Abbot of Rievaulx, 75.
 ÆLVEVA, Sister of K. Harold, 460.
 AERIES of Hawks, Liberty of keeping, 463.
 ÆTHELSTAN, K. Moneyers of Towns noticed in the Laws of, 426.
 AFFIDAVITS, Removal of the Office for the Registry of, recommended, 64.
 AGARDE, Arthur, directed by Queen Elizabeth to sort and digest the Records in the Four Treasuries of the Exchequer, 116, 477.
 ——— the Papers of, published by Mr. Powel in "The Repertorie of Records," *ibid.*
 ——— frames a Repertory of Scottish Records in the Chapter House, Westminster, 154.
 AID, Military, Indentures of, from Edw. III. to Hen. VIII. 365.
 AIDS, Books of, among the Harleian MSS. 75.
 ALBAN, St. Life of, 75.
 ——— History of the Abbey of, 74.
 ——— Chartulary of the Monastery of, 84.
 ——— Register of the Almoner of the Monastery, 373.
 ALESTAN prepositus London, 445, *note.*
 ALEXANDER III. K. of Scotland, Archives of Scotland carried away at the Death of, 250.
 ALEXANDER III. Pope, Bull of, relating to the Church of Scotland, 78.
 ——— other Bulls of, 498, 499, 500.
 ALEXANDER IV. Pope, Bulls of, 501.
 ALFONSUS, King of Castile, Agreement of, with Garcia King of Navarre, 131.
 ——— a Fac Simile of the complete Instrument by which he ceded his Possessions in Gascony to Prince Edward, Son of Henry III. recommended for the new Edition of the *Fœdera*, 139.
 ALFRED, K. Doubt as to his Formation of a Survey like that of Domesday, 383.
 ALIEN Priories, Extents of Possessions of, 37, 38, 39, 40, 41, 42, 43, 55.
 ——— *t.* Edw. I. II. III. and Ric. II. among the Records discovered in the King's Remembrancer's Office, 9, 196.
 ——— Bailiffs Accounts of, during the same Periods, found among the Records discovered in the King's Remembrancer's Office in the Exchequer, 159, 358.
 ALLATIUS, Leo, a Benefactor to the Barberini Library, 73.
 ALLODIUM, Tenure of, explained, 394.
 ——— of a more qualified Nature than Sir William Blackstone allows, *ibid.*
 ALMONER of St. Alban's Abbey, Register of the, 373.
 ALNAGERS, Records of, 196.
 ALNETUM, 406.
 ALNEWICK, History of the Abbey of, 74.
 ——— Register of, 76.
 ALOARII, Tenants so called in Domesday Book, 394.
 ALODARII or Alodiarri, Tenants in Allodium in Domesday, 394.
 ALTIERI Library, at Rome, 72.
 AMBASSADORS, Instructions to, 74.
 ——— Papers relating to the Expences of, found among the Records in the King's Remembrancer's Office, Exchequer, 196.
 AMBRA, Measure of the, 415.
 AMBROSIAN Library, at Milan, 72.
 ANCILLÆ of the Domesday Survey, 403.
 ANDERSON, James, Collections of, 136.
 ANDREW of Wyntown's Chronicle, Transcripts of, 78, 85, 372.
 ANDREWS, St. Proceedings in the Court of the Official of, 540.
 ANGLESEYE, Letters from the Prior and Convent of, in the County of Cambridge, to King Edw. III. concerning the Subsidy demanded for the Marriage of his Sister, 190.
 ANGLI and Anglici, Occurrence of, in Domesday Book, 404.
 ANGLIÆ Notitia et Lustratio, One of the Appellations of Domesday Book, 381.
 ANN of Cleves, Proceedings on the Divorce of, 76.
 ANNUITIES, Report concerning Sums raised by, 114.
 ANSELM, St. MS. Life of, in the Harleian Library, 75.
 ANSTIS, John, 73.
 ANTIQUA Statuta, 88, 89.
 APIUM Custos in Domesday, 404.
 APPEALS of Murder in the "Placitorum Abbreviatio," 141.
 APPLEBY Com. Westm. Charter confirming "Carta de Foresta," preserved at, 97.
 ARANTES Homines, 404.
 ARBALISTARII, 404.
 ARCARI, 404.
 ARCHBISHOPS and Bishops, English, Lives of, among the Harleian MSS. 75.
 ——— Forms of Election and Consecration of, Jurisdiction, &c. *ibid.*
 ——— Extents of the Manors, &c. of Archbishops and Bishops made during Vacancies, *t.* Edw. I. II. III. found among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 ——— Bailiffs Accounts of the Possessions of, found in the same Repository, *ibid.*
 AREA Salinarum, 415.
 ARGYLL, Retours of Services for the County of, abridged, 162.
 ARMS, College of, its insecure State, 54, 328. [*See Herald's Office.*]
 ARMY and Navy, Papers relating to the, discovered among the Records in the King's Remembrancer's Office in the Exchequer, 196.
 ARPENT, or Arpenna, Vineyards measured anciently by the, 410, and *note.*
 ARRANGEMENT and Binding of Original Papers and Manuscripts, ordered by the Commissioners on the Public Records, 364.
 "ARTICULI super Cartas," Exemplification of the Stat. 28 Edw. I. so called, at Durham, 180.
 ——— a Copy of the, in the Bodleian MS. No. 1036, 182.
 "ARTICULI liberati Dño E. Regi ex parte Prelatorum, &c. 1299," preserved in the Cathedral at Canterbury, 184.
 ARTICULI Magne Carte, where preserved, 97, 98.
 ——— a Fac Simile of, recommended to be engraved for the new Edition of the *Fœdera*, 138.
 ARUNDEL, the Earl of, asks Pardon of the Duke of Lancaster in Parliament, 17 Edw. III. in an English Form of Words, 106.
 ——— Thomas, Earl of, forms a Collection of Manuscripts, 72.
 ARUNDEL Castle, 436.
 ASCHAM, Roger, Latin Letters supposed to have been written by, subjoined to the Hague Edition of the *Fœdera*, 119.
 ASSAY Offices, Report on, 112.
 ASSAY, ancient Mode of making the, in the Exchequer, 423.
 ASSERIUS Menevensis, 74.
 ASSIENTO Contract, Report on the, 111.
 ASSIGNMENTS of Dower, among the newly discovered Records in the Tower, 186.
 ASSISÆ Placita, 31, 33, 35, 37, 55.
 ASSIZE, Records of the Clerks of, 20, 64.
 ASSIZE Rolls for different Counties, among the Records found at the Chapter House, 31, 194, 195, 196.
 ASSIZE of Arms, Ordinance so called, 451.
 ASSIZE of Bread, Statutes of, 92, 104, 112, 113.
 ASTLE, Thomas, furnishes Sir Joseph Ayloffe with the Substance of his Introduction to the Calendars of Ancient Charters, 116.
 ATISCROSS, the antient Hundred of, in Flint, formerly deemed a Part of Cheshire, 390.
 ATKINS, Sir Robert, one of a Committee for revising the Statute Law, 94.
 ATTAINDER, Order concerning the Removal of the Records of, into the Baga de Secretis, 18, 23.
 ——— Progress of the Removal and Schedules of, 21.
 ——— Removal, &c. of, completed, 25.
 ATTAINDERS, Papers relating to, discovered among the Chapter House Records, 193.
 AUCHINLEK, William, Abstract of Service to the Lands of, in the County of Aberdeen, 161.
 AUDITORS, Lords of Parliament, Proceedings of, in Scotland, 42, 43, 61, 169, 170, 171, 262, 514, 520.
 ——— Progress in printing the Proceedings of, 137.
 ——— Acts of, in the Years 1482, 1483, and 1484, 536.
 AUDITORS of the Land Revenue for England, Records in the Offices of, ordered to be arranged and indexed, 18, 21.
 ——— Progress of Arrangement reported, 19, 47.
 ——— Ministers Accounts ordered to be transferred from, 21, 47.
 ——— Office of the, recommended to be rebuilt, 18, 54.
 ——— Index to the Records of, 19, 21, 47, 62.
 AUDLEY, Sir Thomas, Proceedings in 1560, Suits during the Chancellorship of, found among the recently discovered Records in the Tower, 186.
 A VEA, Service of, 449.

AUGMENTATION

AUGMENTATION Office, Ministers Accounts ordered to be transferred to, 19, 21, 47.
 — Records of the Duchy of Lancaster and the Duchy of Cornwall, ordered to be transferred from, to their respective Offices, 6, 19, 21, 47.
 — Records transferred from, to the Auditors of Land Revenue, 19.
 — Publication of Indexes to the Conventual Leases, Crown Leases, and Deeds of Purchase and Exchange in, postponed, 62.
 — proposed Regulation for the private Indexes at, 63.
 — Extracts from Records in the (Append. V.) 518.
AUGMENTATIONS, Proceedings of the Court of, 76.
AUGUSTINE, St. Life of, among the Harleian MSS. 75.
AULA, Halla, or Haula, 441.
AVRETONE, Castle of, 437.
AURIFABRI, 404.
AURIFRISIUM, 450.
AURUM Reginae, Account of, 425.
AYLOFFE, Sir Joseph, publishes the Calendars of ancient Charters, 116.
 — occasionally at Variance with Rymer in the Dates of Instruments, 122.
 — Errors in his Account of the Scottish Records, 164.
AYR, Retours of Services for the County of, abridged, 162.
 — Local Registries in the County of, 236.

B.

BACON, Sir Francis, gives a Sketch or Plan for a general Revisal of the Statute Law, 93.
 — Letter of, concerning a Manuscript Collection of the Statutes by Mr. Michael Heneage, 95.
 — Sir Nicholas, Plan of, for reducing, ordering, and printing the Statutes of the Realm, 93.
 — Proceedings in 1250 Suits during the Chancellorship of, discovered in the Tower, 186.
BAGA de Secretis, Schedule of Records contained in the, ordered, 18, 25.
 — Index to, completed, 47.
BAGIMONT's Roll, Transcript of, in the Harleian Collection, 78.
BALFOUR, Sir James, how far concerned in the Revision of the Scottish Laws, during the Regency of the Earl of Morton, 257.
 — Volume of "Practicks" under his Name, *ibid.*
 — Promotions of, *ibid. note.*
BALISTARI, 404.
BAMBURGH, Castle of, committed to farm, 187.
BANGOR, MSS. relating to the Bishoprick of, 78.
 — State of the Ecclesiastical Return for, *t. Hen. VIII.* 151.
BANK of England, Reports relating to, 114.
BANSTED, Manor of, committed to farm, 187.
BARBERINI Library, the, at Rome, 72.
BARCLAY, George, Abridgement of a Retour of Service relating to the Lands of, 161.
BARKER, Statutes printed by, in English, afford the earliest Instance of the Term "Statutes at Large," 90.
BARLOW, Bishop, a Benefactor to the Bodleian Library, 71.
BARNET, Chipping, Guild at, 76.
BARNEWELL Priory, Register of, 76.
BARON, Relief of a, 451.
BARONES, Explanation of the Term, in Domesday, 391, 395, *note (q.)*
 — "BARONES Regis," in Domesday, 391, 392.
 — "BARONIE Caput," 441, *note.*
BARONIES, Historical Accounts of, among the Harleian MSS. 76.
BASIL, St. Library of the Fathers of, 72.
BASTARDUS, or Nothus, Cognomen of, given to K. William Conq. 486.
BATH and Wells, State of the Ecclesiastical Valor for the Diocese of, 151.
 — Possessions of the Church of Bath mentioned in Domesday Book, 389.
BATTLE Abbey, Register of, among the Harleian MSS. 76.
 — a Fac Simile of the Foundation Charter of, recommended for the new *Fœdera*, *ibid.*
 — Property of, over-rated in Domesday Book, 389.
BAUMONT, Roger de, One of those who furnished Ships to K. William Conq. in his Expedition against England, 494.
BEATON, Archbishop, the antient Chartularies and other Muniments of the Church of Glasgow carried to France by, 168.
BEAVER, John, 74.

BEAUMONT, Henry Lord, why committed to the Tower, 142.
BECCLES, Co. Suffolk, Herrings yielded by the Manor of, to St. Edmunds Bury Abbey, 417.
BECKET, St. Thomas, Lives of, in the Harleian Collection of MSS. 75.
BEDE, Venerable, Life of, 75.
BEDELLI, or Under Bailiffs of Manors, 445.
BEDENALE, Letter missive of K. Hen. IV. for removing the Indictment of, into the Common Pleas, 191.
BEDFORD, State of the Ecclesiastical Survey for the County of, *t. Henry VIII.* 152.
 — Changes in the Names of the Hundreds of, since Domesday, trifling, 389.
 — Markets in the County of, noticed in the Domesday Survey, 446.
BEDFORD, John Duke of, Articles exhibited by, in Parliament, 11 Hen. VI. discovered in the Tower, 185.
BEES, St. Register of the Monastery of, 76.
BENEDICT, Abbot, 74.
BENEFICIUM, as applied to a Church in Domesday Book, 458.
BENET, or Corpus Christi College, Cambridge, MSS. at, 72, 103, 182.
 — Copy of the Statute "de Talliagio non concedendo" at, 182.
BENEVOLENCES and Loans, Privy Seals relating to, *t. Hen. VII. & Hen. VIII.* discovered among the Chapter House Records, 192.
BERCEURE or Bercheur, Pierre, Translation of the First Ten Books of Livy into French by, 373.
BEREWIC, or Berewite, in Domesday, 443.
BERKLEY Castle noticed in Domesday Book, 437.
BERKSHIRE, Changes in the Names of Hundreds in, since the Formation of Domesday Book, 389.
 — Markets in, noticed in the Domesday Survey, 446.
 — of Reliefs in, 452.
BERMINGHAM Tower. Abstracts of Inrolments of Grants entered on the Records in the Rolls Office and Birmingham Tower, where kept, 305.
 — Pipe Rolls, Rolls of Common Pleas, &c. preserved in the, *ibid.*
 — Orders relating to the Records of, 544.
BERNE, Canton of, in Switzerland, a curious Record obtained from, of some of the most antient Laws of Scotland, 333.
 — Account of this Record, 535.
BERQUARII, in Domesday Book, explained, 404, *note.*
BERTHELET, Edition of the Antiqua Statuta by, 89.
 — Collection of the Statutes by, previous to 1 Edw. III. *ibid.*
 — Translation of the Statutes by, from the time of Hen. III. to 19 Hen. VIII. *ibid.*
 — ascribed by Cay to Ferrers, *ibid.*
BESSARION, Card. a Benefactor to the Public Library at Venice, 73.
BIBLE, French, translated by Raoul de Presle or Praelles, 373.
 — "BIBLIOTHEQUE Choisie," Analysis of the *Fœdera* in, by Le Clerc, 126.
BIGA, Explanation of the Office, 404, and *note.*
BILL Chamber, Records of the, 231, 232.
BILLS, Answers, and Depositions from Eliz. to Geo. I. in the King's Remembr. Office made accessible, 55.
 — Bundles of, from the Reign of K. Hen. VII. to that of Queen Anne, among the newly discovered Records in the Tower, 186.
BILLS and Answers in Chancery, Index Locorum to the Calendar of, 369.
BIOGRAPHICAL Memorials of the English Clergy, from 1500 to 1717, among Bp. Kennett's MSS. 372.
BISHOPRICKS, Extents of Temporalities of, collected and transcribed, 37, 39, 41, 55.
BISHOPS of Scotland, Act respecting the Power of, to bequeath their Goods by Testament, 514.
BITTLESDEN, Register of the Monastery of, 76.
BLACK ACTS, early Series of Scottish Statutes so denominated, 108.
BLACK BOOK of the Cathedral of Christ Church, Dublin, 103.
BLACK BOOKS of the King's House, 75.
BLACKHALL, William, Abridgement of a Retour of Service relating to the Lands of, 161.
BLACKSTONE, Sir William, Differences between the Edition of the Charters edited by, and those in the new Edition of the Statutes, 97.
 — Charters of Liberties from Durham printed by, not examined by himself, 181.
BLODEUUITA, 454.
 — explained, 455.

BLOMA,

- BLOMA**, or Bloom of Iron, explained, 416.
BLOMARY, or Bloomery, *ibid.*
BLYTHER, Register of the Monastery of, 76.
 "BOCCUS and Sydracke," Hugh of Caumpeden's Translation of the History of, 374.
BOCHELAND, or Bocland, explained, 441, *note*.
BODLEIAN Library, Magna Carta A. D. 1217 in, and the Charters of Confirmation 21 Hen. III. and 29 Edw. I. 97.
 — Roll of Statutes among Laud's MSS. in, 103.
 — ancient Translation of some of the Statutes in, of the Time of Hen. III. and Edw. I. 107.
 — Account of MS. Hatton 10. in, containing the Statutes from Magna Carta 9 Hen. III. to 11 Hen. VII. 182.
 — Account of the MS. in the Bodleian Library, No. 1036, 182.
BODLEY, Sir Thomas, Account of his Reinstatement of the Public Library at Oxford, 71.
BOETHIUS, MS. of the Works of, in the Lansdowne Collection, 373.
BOLDON Book, Transcript of, ordered to be put to Press, 341.
 — Progress in the Printing of, reported, 342, 344, 346.
 — Printing of, completed, 348.
 — Account of the, 475.
 — Manuscripts of, *ibid.*
BOLESOVER Castle committed to farm, 187.
BOLOGNA, Library of the Canons regular at, 72.
BOLTON, Sir Richard, Statutes of Ireland abstracted by, 109.
BOOKS, Manuscript, of Record, 102.
 — Books and Manuscripts, not of Record, 103.
BOOKS published under the Record Commission 1802—1819, List of, 516.
 "BOOKS of Parliament," during the Reign of K. James VI. of Scotland, 515.
BORD, a Cottage, 402.
BORDARII in Domesday Book explained, 401.
BORDERS of Scotland, Correspondence relating to the, from 1525 to 1650, 364.
 — Laws, Statutes, &c. relating to the, 372, 373.
BORDMEN, tenentes sic vocati, 402, *note*.
BOSTON, Register of Christ Church at, 76.
BOVARII, 404.
BOVATA, or Ofgang, Explanation of the, 421.
BOULOGNE, Mortality in the Marches of, *t. Ric. II.* 191.
BOUN, Raulf, 74.
BOWYER, William, Objections made by, to Pulton's Plan of publishing the Statutes, 95.
 — receives the Records of Chancery into his Custody for the Reigns of Rich. III. Hen. VII. Hen. VIII. and Edw. VI. 116, 476.
 — the first Person who reduced the Tower Records into Order, and made Repertories of them, *ibid.* 476.
BRACON, 76.
BRADENE, Mete & bunde Foreste de, among the Records discovered in the Tower, 187.
BRAYBROC, Henry de, Seizure and Imprisonment of, at Bedford Castle, 189.
BREAD, Assize of, 92, 104, 112, 113.
BREALTE, or Breaute, Falcasius de, Letters concerning, 189.
BREHULL, Manor of, committed to farm, 187.
BREMBRE Castle in Sussex, noticed in Domesday Book, 436.
BREMESGRAVE in Worcestershire, Salt Works of, 413.
BRETAGNE, Alan Earl of, Manors entered in the Domesday Survey as held by, 440.
BRETANIME, ancient MSS. of the Irish, in the Harleian Collection, 79.
BRETON, 76.
BRIAVELS, Castle of Saint, committed to farm, 187.
BRIDGEMAN, William, Esq. MS. Papers of, in the Lansdowne Collection, 373.
BRIDGES and Sewers, among the Placita, 141.
BRIEVE of Idiocy, 272.
BRIEVE of Inquest, in the Law of Scotland, what, 157.
BRIEVE of Mortancestry, 271.
BRIEVE of Succession, Two distinct Classes of Inquisition, entered under, 271, 273.
BRIEVE of Tutory, 273.
BRISTOL, Letter Missive of K. Edw. IV. concerning Commotions and Insurrections at, A. D. 1463, 192.
BRITISH Museum, a separate Catalogue of the Records and State Papers in, proposed, 62.
 — Articuli Magne Carte in, 97, 98.
 — Two of the Great Charters of K. John, One of 36 Hen. III. and the Charter of Confirmation 23 Edw. I. preserved at, 97.
 — Manuscript Collections of Statutes in, 102.
 — Rymer's MS. Collections preserved in, 124.
BRITISH Museum MSS. in, illustrating the History and Affairs of Scotland, 155. [See Cottonian MSS. Harleian MSS. Lansdowne MSS.]
 — Collection of Sessional Acts subsequent to the Accession of Geo. I. made by the Commissioners, deposited in the British Museum, 330.
BROCA, 406.
BROMPTON, John, the Historian, 74, 497.
 — Instruments copied from the History of, by Rymer, 132, 133.
 — has Two Letters of Vetus de Monte, 133.
BROMSALL, (----) Esq. instrumental in preserving the Cotton Library, during the Civil Wars, 68.
BRUCE and Baliol, Papers relating to the Contest between, when Competitors for the Crown of Scotland, 193.
BRUCE, Robert, no Public Instruments or Records of Scotland anterior to the Accession of, in 1306, 250.
BRUSTWYK, Manor of, committed to farm, 187.
BUCKINGHAM, Duke of, Surveys and Accounts of the Estates of, forfeited by Attainder, 193.
BUCKINGHAMSHIRE, Change in the Hundreds of, since Domesday Book was compiled, 389.
BUCKS, Articles in Eyre, for the County of, 144.
 — Return for, in the Ecclesiastical Survey, *t. Henry VIII.* 152.
BUDA, a Library antiently at, 72.
BUILDINGS, Orders concerning, issued by the Record Commission, 5, 18, 46, 328, 355, 356, 544.
 "BUKIS of Law" reformed in Scotland in 1425-6, 255.
BULLIO, a Measure, noticed in Domesday Book, as used for Salt, 415.
BULLS, Papal, discovered in the Chapter House, at Westminster, 193.
 — Report upon the, 498, 499, 500, 501, 502.
BURCHARD of Dorchester, 75.
 "BURGENSES minuti" in Domesday, 435.
BURGENSES in Cities and Burghs, at the Formation of the Domesday Survey, various Customs of, 435.
BURGH, Hubert de, Letters to, in the Reign of K. Henry III. discovered in the Tower of London, 185, 189.
BURGHERISTH, or Burgeret, 453.
BURGHs, Royal of Scotland, 114.
 — Deeds regarding heritable Property within a Royal Burgh, to be recorded in the Town Court Books, 50, 197, 207.
 — Charters in the Archives of the Royal Burghs, 165, 263.
 — Books of Burgh Courts, 236.
 — Profits of Registration in, 237.
 — Inutility and Difficulties of so crowded an Establishment of Burgh Registries, *ibid.*
 — Amendment in the System of, proposed, *ibid.* 269.
 — Objections on the Part of the Burghs stated, 238.
 — State of the Repositories of Records in, 268.
 — progressive State of the Records of the, 269, 288, 524, 530, 533, 538, 542.
BURGHs of Regality and Barony, Profits of Registration in, 237.
BURLEIGH, Lord, Letters of, in the Harleian Collection, 78.
BURLEIGH, Papers, Catalogue of the, 7, 43, 47, 85, 329.
 — Account of the Descent of the, till they came into the Possession of Lord Lansdowne, 372.
BURLEY, William, Letter Missive of K. Hen. VI. for the associating of, in an Assize, 192.
BURNETT, Bishop, MS. Copy of the History of his own Times, in the Harleian Collection, 80.
BURTON, Co. Staff. Castle at, noticed in Domesday Book, 438.
BURY, St. Edmunds, History of, 74.
 — Register of, 76.
 — Roll of Pleadings concerning the Right of the Abbot of, to Toll in the Town, &c. 188.
 — the Parliament ordered to be holden at, 25 Hen. VI. 191.
 — Register of the Infirmary of the Abbey of, 373.
BUSLI, Roger de, Manors belonging to, in Domesday, 440.
BUTIRI Rusca, 450.
BUTLER, the King's Accounts relating to, discovered among the Records in the King's Remembrancer's Office in the Exchequer, 196.
BUTLERAGE, Accounts of, *t. Hen. VIII.* among the Records discovered in the Tower, 194.
BUWELT, Castle of, let to farm, 187.
BUZECARLS in Domesday, 404.

C.

- CAERLEON**, Castle of, 437.
 — its Ruins remaining in Leland's Time, *ibid. note (w)*.
CAERWENT, noticed in Domesday Book, 390. *note*.
CÆSAR,

- CÆSAR**, Sir Julius, Papers of, 46, 85, 329.
 — Account of the Manuscripts of, 372.
- CALAIS**, the Seizure of, recommended to Queen Elizabeth by Sir Thomas Smith and Sir Nicholas Throckmorton, 138.
 — a Commission dat. 8 July, 3 Edw. IV. concerning Money due to the Captain of Calais, &c. found among the newly discovered Records in the Tower, 188.
 — Accounts relating to the Staple of, *t. Hen. VIII.* discovered at the Chapter House, *ibid.*
 — Treasurers and Comptrollers Accounts of, *t. Hen. VIII.* discovered at the Chapter House, *ibid.*
 — Mortality in the Marches of, *t. Ric. II.* 191.
- CALDICOT** in Monmouthshire, mentioned in Domesday Book, 390, *note.*
- "CALENDARIUM Rotulorum Chartarum et Inquisitionem ad quod Damnum,"** Progress in preparing and printing the, reported, 19, 24, 25, 26.
 — completed, 6, 24, 26, 65, 174, 516.
 — Account of the Publication and Contents of, 65.
- "CALENDARIUM Rotulorum Patentium in Turri Londinensi,"**
 Preparation and Printing of, ordered, 6, 19, 21, 47.
 — completed, 24, 174, 516.
 — from what Sources published, 66.
 — Deficiencies in the Tower Copy of, supplied from one in the British Museum, *ibid.*
 — Nature of the, *ibid.*
 — sometimes at variance with Rymer in the Dates of Instruments, 122.
- "CALENDARIUM Inquisitionum Post Mortem, sive Escaetorum,"** Vol. I. & II. Progress in the Transcript and Publication of, 24, 25, 26, 28, 29, 30, 31, 32, 33, 37.
 — Publication of, completed, 6, 32, 35, 48, 174, 517.
 — Progress of, Vol. III. in the Press, 174, 331, 352, 355, 517.
- CALENDARS** of Ancient Charters published by Sir Joseph Ayloffe, 116.
 — occasionally at variance with Rymer in the Dates of Instruments, 122.
- CALENDARS** and Indexes of Offices which are private Property recommended to be purchased for public Use, 64.
- CALENDARS** and Indexes of Scottish Rolls framed in the Seventeenth Century, 164, 167.
 — proposed in reference to some of the more bulky and most generally useful of the Scottish Records, 244, 245, 248.
- CALIXTUS III.** Pope, Bull of, relating to the Obedience of the Scottish Bishops, 78.
- CAMBRIDGE**, Manuscript Collections of Statutes at, 103.
 — in the public Library of the University, 182.
 — Inquisition of the annual Value of Benefices in the Town of, among the newly discovered Records in the Tower, 186.
 — Letter Missive of K. Richard III. concerning the finishing of the Chapel of our Lady and St. Nicholas (now King's College) at, 192.
 — Customary Payments and Services of the Town of, noticed in Domesday Book, 432.
 — Castle of, noticed in Domesday, 438, *note.*
 — [*See* Benet College, St. John's College, Trinity College.]
- CAMBRIDGESHIRE**, Inquisition relating to the Domesday Return for, 386, 387.
 — little Change in the Names of Hundreds in, since Domesday, 389.
- CAMDEN**, William, accompanies Sir Robert Cotton in a Journey to the North of England, 67.
 — a Contributor to Sir Robert Cotton's Collection of Manuscripts, 72.
- CAMERARI**, 404.
- CAMPO**, *ibid.*
- CANNON** Balls (piers pour Canons) Letter Missive of K. Rich. II. concerning the making of, 190.
- CANONS** and Constitutions, Provincial and Diocesan, 75.
- CANTERBURY** had Seven Moneyers in the Time of Æthelstan, 426.
 — Tenure of Allodium in, 431.
 — Castle of, 436.
 — City of, noticed in Domesday as surrounded with a Foss, 439.
- CANTERBURY** Cathedral, Charters and Registers in, of very antient Date, 97, 183.
 — antient Copy at, of the Charter by which Edw. the Black Prince was created Prince of Wales and Duke of Cornwall, 183.
 — MS. Roll in, containing the Award of Lewis the Dauphin of France respecting the Dispute between K. Hen. III. and his Barons, 1263, 184.
 — Roll at, containing the Ordinance of the Household, 5 Edw. II. *ibid.*
- CANTERBURY** Cathedral, MS. Rolls at, elucidatory of the Proceedings previous to the Articuli Cleri, 184.
- CANTERBURY** Diocese, Contents and Condition of the Valor for, 151.
- CANUTE**, K. Law of, "de Heriotis," 451.
 — References to the Reign of, in Domesday Book, 460.
- CAPELLÆ**, in the Domesday Survey, 458.
- "CAPELLANI,"** domestic Priests, mentioned in Domesday, 459.
- CAPICERIUS** Æccl. Winton, 404.
- CAPITE**, Tenure in, what, 441.
- "CAPITULA Itineris,"** 144.
- "CAPITULA Corone & Itineris,"** 145.
- "CAPITULI Statutorum,"** 144.
- CAPRARUM** Mediator, 404.
- CARBONARA**, Library of St. John de, at Naples, 72.
- CARDINAL** College, Oxford, Endowment of among the Records discovered at the Chapter House, 194.
- CARISBROOK** Castle, named in Domesday Book, 436.
- CARLISLE** Cathedral, MS. Chartulary of the Abbey of Wetherall preserved at, 180.
- CARPENTARI** Regis, 404.
- "CARTE Regum Anglie de Libertate Ecclesiastica,"** 183.
- CARUCATA**, 141.
- "CARUCATA S. Johannis libera a geldo,"** 422.
- CARUCATE**, or Ploughland, Measure of the, 419.
- CASEORUM** consuetudo, 449.
- CASTELL** Glyn Ystrigul, 390, *note.*
- CASTLE** Acre, Register of the Monastery of, 76.
- CASTLES**. A Roll containing Entries of divers Castles and Manors belonging to the Crown, committed to farm, 187.
 — Accounts of the Expence of Buildings and Repairs of Royal Castles and Palaces, *t. Edw. IV.* and *Hen. VIII.* among the Records discovered in the Chapter House, 194.
 — Papers relating to Expences for Repairs and Building of Castles, Palaces, &c. among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 — Castles walled with Stone, of no higher antiquity than the Conquest, 436.
- CASTOREUS**, 74.
- CATESBY**, Surveys and Accounts of the forfeited Estates of, among the Records discovered at the Chapter House, 193.
- CATHEDRA** Stercoris, 434.
- CATHEDRALS**, Libraries of, to which the Works printed under the Record Commission are sent, (App. O.), 176.
 — improved State of Security and Order in the Records of, 8,
 — Chartularies in, containing Copies of the Great Charters and Carta de Foresta, 97.
- CAUMPDEN**, Hugh of, Transl. of the History of King Bochas and Sydrack by, 374.
- CAUTION**, Acts of, 251.
- CAXTON**, Statutes printed by, 88.
- CAY**, Edition of the Statutes at large by, 91.
- CELESTINE III.** Pope, Bulls of, 500.
- CEMENTARI**, in Domesday Book, 404.
- CENSARI**, Censores, or Censorii in Domesday, 403.
- "CENSUALIS Angliæ,"** one of the Names of Domesday Book, 381.
- CEORL** or Churl of the Saxon times, 392, 393, 401.
- CEREMONIALS**, Poms, &c. MSS. relating to, in the Harleian Collection, 77.
- CERTIFICATES** of Authenticity subjoined to the Statutes of Scotland, 108.
- CERVISIÆ** Cupa, 449.
- CERVISIARI** in Domesday Book, 404.
- CHAIN** Book, in the Town Clerks Office, Dublin, Particulars of the, 303.
- CHANCERY**, increased Accommodation provided for some of the Offices in the Court of, 5.
 — Decrees of the Court of, in the Tower of London, put in a Train of Arrangement, 5, 56.
 — Recommendation concerning the Records belonging to the Offices of Clerk of the Crown, Petty Bag, and Examiners in Chancery, 46.
 — Bills, Answers, Depositions, &c. in, preserved in the Lord Treasurer's Remembrancer's Office, 55.
 — in the Tower, 56.
 — the Enrollment in, comes in place of the Statute Roll, 101.
 — the State of the Records of, taken into Consideration by Queen Elizabeth, in 1567, 116.
 — Records of the Court of, ordered to be examined in 1718, 118.
 — Formation of Calendars to the Proceedings in, deposited in the Record Office at the Tower, 177.
 — Records of the Court of Chancery discovered in the Tower of London, 186.

- CHANCERY**, Privy Seal Bills in the Court of Chancery, *t. Hen. VIII. Eliz. and Jac. I. among the Records discovered at the Chapter House, 194.*
- Proceedings, Bills, Answers, &c. in, from *t. Eliz. to 1714*, in the Tower, in part only calendared, 358.
 - Bills and Answers in Chancery, from *K. Charles II. to Q. Anne*, in the White Tower in the Tower of London, arranged, 367.
 - Depositions in Chancery preserved in the Tower, 367. 371.
 - Proceedings in, *t. Eliz. ibid.*
 - *t. James I. ibid.*
 - Index Locorum to the Proceedings, *t. Eliz. and James I. made, 367, 368, 369.*
 - early Proceedings in, preserved in the Tower, *t. Edw. III. to Hen. VII. arranged, 368.*
 - Index Locorum begun to the Bills and Answers in Chancery, *t. Hen. VIII. ibid.*
 - completed, 369.
 - Index Locorum to the Bills and Answers in Chancery, preserved in the West Gallery of the White Tower in the Tower of London, 369.
- CHANCERY** in Scotland, Destruction of the Records of, in the Sixteenth Century, 158, 272, 509.
- Index to the Records of, proposed, 59.
 - Account of the Records framed in, 230, 232.
 - ancient Records of the, 272.
 - Inquisitions retoured to, begin in 1547, *ibid.*
- CHANTRIES**, Particulars for Sales of Lands belonging to, *t. Edw. VI. among the Records discovered at the Chapter House, 194.*
- CHAPEL** of the Rolls. See *Rolls Chapel.*
- CHAPTER** House of Westminster, increased Accommodation provided for the, 5, 21, 23, 46, 328.
- Arrangement and Catalogue of the Contents of, completed, 5.
 - Instruments at, heretofore unnoticed in the Calendars, 9.
 - Examination of the unarranged Records in, ordered, 30, 32, 54.
 - Progress in, reported, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 329.
 - Order relating to the building an additional Office at, 18, 46.
 - Records of Fines in, from the Reign of *Edw. VI. to the End of Geo. II. arranged, 39.*
 - Rolls at, containing Proceedings in Parliament from 18 to 35 *Edw. I. 100.*
 - Rolls at, containing Pleas, Petitions, &c. in Parliament, 102.
 - Register Book at, containing Entries of Statutes of the Time of *Edw. I. 103, 106, 155.*
 - Duplicates of the Original Roll at, 154.
 - Instruments and Writings in, relative to Scotland, *ibid.* 164, 195.
 - injured since the Time of *Mr. Agarde, 154, 155.*
 - Report of Records, &c. discovered in, since 1800, (*App. T.*) 192, 193.
 - Scottish Rolls of Placita preserved at the, 261.
 - further Exertions made in forming Calendars at, 329, 357, 358.
 - Annual Report from, *A. D. 1819, (Append. H.) 365.*
 - progressive Improvements in arranging and indexing the Records of, *ibid.*
 - Account of the present Establishment of the, 366.
 - Star Chamber Proceedings discovered in the, *ibid.*
 - Defects in the building of the, noticed, 366.
 - Report on the Papal Bulls preserved in the, 498.
 - Chronological References to Bulls in, 500.
- CHARITABLE CORPORATION**, 111.
- DONATIONS, Report on, 113.
- CHARITATIS** Poculum, 463.
- CHARLES I.** Receiver General's Accounts of Lands belonging to, 1643, among the Records discovered at the Chapter House, 194.
- Acts of the Parliament of, in Scotland, 516.
 - Record of the Second Scottish Parliament of, lost, 516.
 - Original Warrants for the Second Parliament, where, *ibid.*
- CHARLES**, Nicholas, MSS. of, purchased by Lord Oxford, 73, 74.
- Account of his MS. Collections, 373.
- CHARTÆ** Antiquæ, Extracts from the, in the Tower, among the Harleian MSS. 76.
- CHARTER** of Will. Conq. to the Earl of Britany, 485.
- Objections to, 486.
 - answered, *ibid.*
- CHARTER HOUSE** in Paris, some of the antient Muniments of the Church at Glasgow deposited at, 168.
- CHARTER**, Patent and Confirmation Rolls, together with the Fine Rolls, recommended to be printed, 63.
- CHARTER** Rolls, Progress in preparing and printing the Calendar of the, 19, 24, 25, 47.
- Calendar of completed, 6, 26, 174.
 - Account of the Publication of the, 65.
 - Description of the Contents of the, *ibid.*
 - Entries of Statutes on the, 102.
- CHARTERS** exhibited to the Commissioners for the Domesday Survey, 391.
- forged Saxon, referred to that Period, *ibid. note (g).*
 - Original Charters of our ancient Kings, in the Harleian Collection, 77.
 - ancient, Calendars of, published by Sir Joseph Ayloffe, 116.
 - sometimes at Variance with Rymer in Dates, 122.
 - Repositories of, 96, 97.
- CHARTERS** of Liberties prefixed to the new Collection of the Statutes, Account of, 38, 96.
- Differences between the new Collection and Blackstone's, 97.
 - Charter of Liberties 1 *Hen. I.* in the *Textus Roffensis*, 96.
 - Great Charters and Charters of the Forest entered in different Registers or Collections; the most valuable at York, Gloucester, and Christ Church, Dublin, 97.
 - Enumeration of Charters, not before printed, inserted in the new Collection, 98.
 - the Charters of Liberties and of the Forest (with one Exception) written in Latin, 105.
 - preserved in a MS. Volume in Gloucester Cathedral, 179.
 - particular Enumeration of those at Durham, 180.
 - Three preserved in the Domesday Book at York, 181.
- CHARTERS** Royal, in the K. R. Office, collated and transcribed, 37, 41, 43, 55.
- of Scotland, Request made to the Lord Register for printing the, 19.
 - Abstract of, ordered, 59.
 - Reports concerning, 40, 42, 61, 199, 262, 263, 281.
 - Plan of the Collection of, (*App. M. 3.*) 164.
 - Progress reported in the Collection, Transcription, and printing of, 166.
 - Charters in Scotland, ordered to be registered before they are sealed, 200, 202.
 - Progress of a Royal Charter in Scotland toward Completion described, 203.
 - Public Registers in which, in its successive Stages, the Charter is recorded, *ibid.*
 - Alteration proposed in regard to the Offices through which Charters should pass, *ibid.*
 - Records of, of the Reigns of *Rob. I. David II. Robert II. and Robert III.* extant in the Reign of *Cha. I.* have disappeared, 214.
 - Calendars of these Records extant, *ibid.*
 - new Arrangement in the Formation of, recommended, 221, 242, 247.
 - Record of Charters in Scotland under the Prince's Seal, 231.
 - where kept, 232.
 - ancient Registers of, lost, 262.
 - Deficiencies in the present Record of, 263.
 - &c. in Ireland, Searches for, 319.
 - Royal Charters from *Edw. I. to Henry VII. 358.*
- CHARTULARIES**, Registers, &c. of sundry Monasteries among the Harleian Manuscripts, 76.
- in the Lansdowne Collection of MSS. 85.
 - of ancient Date in some of our Cathedrals, containing Copies of the Great Charters, and Charters of the Forest, 97.
 - Restitution of a Chartulary to its proper Repository in the Augmentation Office, made by Order in 1620, 332.
- CHAUCER**, MS. of the Canterbury Tales of, with a Portrait of the Author, in the Lansdowne Collection, 374.
- CHENICTE**, 474.
- CHEPSTOW** Castle, 390, *note.*
- CHERTSEY** Abbey, Chartularies of, among the Lansdowne MSS. 85, 373.
- CHESHIRE**, State of the Ecclesiastical Survey for the County of, *t. Hen. VIII. 151, 152.*
- Salt Works of, 414.
 - Laws and Customs of the Wiches of, *ibid.*
 - Use of Norman Customs in, at the Formation of Domesday Book, 436.
 - Castles in, noticed in the Domesday Survey, 438.
- CHESTER**, St. Werburgh's in, 76.
- CHESTER,

CHESTER, Trial by the Domesday of, 142.
 — had Seven Moneyers in, in the Time of Edw. Conf. 426.
 — Laws, Customs, Forfeitures, &c. of, in the Domesday Survey, 433.
 — noticed in Domesday Book as a walled Town, 439.
 CHEYNE, John, Abridgement of a Retour of Service, relating to the Lands of, 161.
 CHICHESTER, Roll of Proceedings concerning the Jurisdiction of the Bishop of, as to his Visitation in the Chapel of Hastings, among the newly discovered Records in the Tower, 188.
 — had one Moneyer in the Time of K. Æthelstan, 426.
 CHIGI, Library in the Palace of, 72.
 CHINA, Map and Views in the Interior of, among the Lansdowne MSS. by Native Artists, 374.
 — Drawings of Trades, Plants, Fruits, &c. of, *ibid.*
 CHISWELL, Richard, one of the Purchasers of the Burghley Papers, 372.
 CHIVALRY, MSS. relating to the Institutions of, 85.
 — Records relating to, in the Chapter House at Westminster, 194.
 CHRICH, Register of the Monastery of, 76.
 CHRIST Church Dublin, MSS. at, 304.
 CHRIST Church, or Holy Trinity Priory, London, Fragment of a Register of, 373.
 — Charter of Henry I. to, 484.
 CHRIST Church Oxford, the Charter of 29 Edw. I. mentioned as preserved at, by Blackstone, not to be found, 181.
 CHRISTINA, Queen of Sweden, carries numerous MSS. from the Libraries of the North to Rome, 72.
 CHRONICLES, Scottish, in the Harleian Collection, 78.
 CHRONOLOGICAL History of Events, An. 1215, 503.
 CHURCH of England, Bp. Kennett's MS. Continuation of his Register and Chronicle of the, 372.
 CHURCH of Scotland, MSS. relating to, 78.
 — at present deposited in an Aisle of St. Giles's Church, 277.
 CHURCH of Wood, one only noticed in Domesday Book, 458.
 CHURCHES, MSS. relating to the Foundation, &c. of, 76.
 — Visitation Certificates of the Value of, *ibid.*
 — Number of, said to have been destroyed for the Formation of the New Forest in Hampshire, 407, 408.
 — Return of, in the Domesday Survey, 455.
 — Four-fold Distinction of, in the Laws of K. Canute, 456.
 — in Lay Hands, noticed in Domesday Book, 458.
 CHURCHILL, Awnsham, Rymer's Transcripts of Records surrendered by, to Government, 124, *note* *.
 CHUTE, Placita Foreste de, 187.
 CICERO "de Rhetorica" and "de Officiis," MSS. of, 373.
 CIRCESSET, or Circiet, in Domesday Book, 459.
 CIRCUIT Court. *See* Justiciary.
 CIRENCESTER, Letter Missive of K. Henry IV. concerning the Abbot and Town of, 191.
 CITIES and Burghs and their Customs in Domesday Book, 430.
 CIVIL List, Report relating to, 114.
 CLAMORES, or Claims, entered in the Domesday Survey, 389, 444.
 CLARE, Register of the Monastery of, 76.
 CLAVERING, Sir John de, Case of, concerning the Villeins of the Manor of Cossey in Norfolk, 397, *note* (p).
 CLEMENT III. Pope, Bulls of, 500.
 CLEMENT IV. Pope, Bulls of, 499, 502.
 CLEMENT XI. Pope, improves the Vatican Library, 72.
 CLERGY, Taxations of the, found among the Records in the King's Remembrancer's Office, 9, 196.
 "CLERICI," mentioned in Domesday Book, 459.
 CLERK of the Crown, Office of, 46.
 CLERK-REGISTER, Lord, the proper Keeper, by the Constitution of his Office, of the Records of Scotland, 225.
 — the Clerks Register antiently the Framers of Records, 110, 225.
 — Proceedings under the Direction of the, 333.
 CLERK-REGISTER, Deputy, Appointment of, 49.
 — Reports of, to the Court of Session, *ibid.*
 — Copy of the Royal Warrant for the Appointment of, in Scotland, (App. W. 1.) 223.
 — Commission, &c. consequent upon the Royal Warrant, 224.
 — First Annual Report of the Deputy Clerk Register, 1807, (App. W. 2.) 225.
 — Second Annual Report of, 1808, (App. W. 3.) 232.
 — Importance stated by the Lords of Session of the recent Institution of the Office of Deputy Clerk Register, 239.
 — Third Annual Report of, 1809, (App. W. 5.) 243.
 — Fourth Annual Report of, 1810, (App. W. 7.) 249.
 — Report of the Lords of Session on the Fourth Report of, (App. W. 8.) 275.
 — Fifth Annual Report of, 1811, (App. W. 9.) 276.

CLERK-REGISTER, Deputy, Report of the Lords of Session on the Fifth Report of, (App. W. 10.) 296.
 — Sixth Annual Report of, 1812, (App. W.) 519.
 — Seventh Annual Report of, 525.
 — Eighth Annual Report of, 531.
 — Ninth Annual Report of, 533.
 — Tenth Annual Report of, 538.
 CLERKS of Assize keep their Records in private Houses, 64.
 CLERKS in Court, in the Office of His Majesty's Remembrancer, Regulations imposed on the, 178.
 CLERKS of the Crown, Removal of the Office of, to the Rolls Yard, Chancery Lane, 355.
 CLERKS of the Peace, Offices for the, recommended to be built at the public Expence, 64.
 — have no Calendars or Indexes to the Records of their Offices, *ibid.*
 CLERKS of Session, separate Registers of Deeds in the Three Offices of the, 281, 284.
 — the Three consolidated, 281.
 CLETON, Manor of, committed to farm, 187.
 CLIFFORD, Castle of, 437.
 CLOSE Rolls, the official Calendar of, ordered to be printed, 19.
 — Progress reported, 25.
 — the printing of the Calendar postponed, 28, 62.
 — Index to private Selections from, in the Rolls Chapel, recommended to be printed, 63.
 — Entries of Statutes on the, 102.
 — Entries on the, illustrative of Scottish History, 155.
 — Close Rolls of K. Edw. I. in the Tower, 368.
 CLUN, Register of the Monastery of, 76.
 COAL Trade, Report upon, 113.
 COCI, Coqui, or Koci, 404.
 COFFERER's Accounts, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 COIN of the Realm, &c. 111.
 COIN and Coinage, MS. Work on, by Hopton Haynes, Esq. 373.
 COINAGE, Papers relating to, among the Harleian MSS. 75.
 — among the Records in the K. R. Office, Exchequer, 196.
 COKE, Lord, original Notes of, on Littleton's Tenures, 80.
 — Collection of the Statutes, inserted in the Second Institute of, 90.
 COLCHESTER, Customs and Services of the Burgesses of, 434.
 — noticed in the Domesday Survey as a walled Town, 439.
 COLIBERTI, in Domesday Book, 402.
 COLLECTANEA of Rymer in Continuation of the *Fœdera*, Analysis of the Contents of, 135, 136.
 — many Papers in, already printed, 136.
 COLLECTIONS of the Statutes of Scotland and Ireland, heretofore published by Royal or Parliamentary Authority, 108.
 COLLECTORES Geldi, 470.
 COLLEGE of Justice in Scotland, 514.
 COLLEGE Manuscripts. *See* Trinity College Dublin.
 COLLEGES, Libraries of, to which Works printed under the Record Commission are sent, (App. O.) 176.
 COLONUS, 402, *note*.
 COMES, Term of, in Domesday, for Earl, 392, *note*.
 COMMENDATI Dimidii of Domesday, 397.
 COMMENDATIO, 397, 398.
 — existence of, *t.* K. Edward Conf. 397.
 COMMISSARY Courts, no Deeds to be recorded in the, 50, 197, 208.
 — Records in the Custody of the Commissary Clerks of which no official Returns were made to the Select Committee, *ibid.*
 — Records of the, where kept, 232, 245.
 — Registers of Deeds and Probative Writings formerly kept by the Clerks of the, ordered to be delivered into the General Register House, 521.
 COMMISSIONS to Justices of the Peace, Sewers, &c. entered on the Patent Rolls, 66.
 COMMISSIONS, Special, in the King's Remembrancer's Office, Exchequer, ordered to be collected, arranged, and indexed, 21, 23.
 — Progress in the Work reported, 25.
 COMMON Bench, Harleian MSS. relating to, 76.
 COMMON Pleas, Docket Rolls of the Court of, directed to be methodized and indexed, 18, 21.
 — Calendars and Indexes to the Records of the Court of, ordered to be printed, 19.
 — postponed, 62.
 — early Proceedings in the Court of, discovered among the Records in the Tower, 187.
 — Records of the Court of, among those recently discovered at the Chapter House, 194.

COMMONS,

- COMMONS, House of, Journals and Reports of the, reprinting, 6, 20.
 — Address of the, to His Majesty, on the State of the Public Records, 11 July 1800, 13.
 — Paper Office of, 46.
 — Selection from the Reports of, in Progress, 56.
 — Copies of the Journals of the House of, among the Harleian MSS. 75.
 — Series of Reports from Committees of, upon Public Matters, 1715 to 1802, (App. H.) 111.
 — Additional Reports from Committees of, printed, 359.
 "COMPOTA Camerariorum Scotiæ, ab. A.D. 1326," Transcription of the, in Progress, 175.
 COMPTON, Sir William, Surveys and Accounts of the forfeited Estates of, discovered at the Chapter House, 193.
 CONCORDS and Fines in real Actions, 141.
 CONDE, the Prince de, said to have given the Tract in the Hague Edit. of the *Fœdera* "de l'Etat d'Angleterre," to Count de Bethune, 119, 136, 137.
 CONFERENCE of the Law Officers of Scotland, 221.
 CONGREGATOIRES Geldi, 470.
 CONSISTORIAL Courts, inferior, Consolidation of the Jurisdiction of, with that of the Sheriff Court, proposed, 530.
 CONSISTORIAL or Commissary Court, Judicial Proceedings of the, during the Years 1587 and 1588, recovered to the Register House of Scotland, 535.
 CONSTABLE, Lord High, MSS. on the Authority, &c. of the, 77.
 CONSTABULARIUS, 404.
 CONSTANTINOPLE, Greek Books brought from, to England, 71.
 CONSUETUDO Caseorum in Domesday, 448.
 CONSUL, a Term in Domesday for Earl, 392, *note* (k).
 CONTEMPTS, Punishments for, 142.
 CONVENTION between the Kings of England and France concerning a Crusade, copied from Brompton by Rymer, 131.
 CONVERTS and Protestant Settlers in Ireland, Records concerning, 305.
 CONVOCATIONS, Collections for the History of, MSS. 85.
 COPPER Mines and Copper Trade, Report on, 113.
 COPYHOLD Tenures, History of, 401.
 CORI, paramount Manor of, in Somersetshire, 442.
 CORN, Grain, &c. Reports on, 113.
 CORNWALL, "Nomina Ecclesiarum Parochialium ac Capellarum, &c. in Com. Cornubie, 45 Edw. III." among the newly discovered Records in the Tower, 188.
 — Records of the Duchy of, ordered to be transferred from the Augmentation Office, 6, 19, 47.
 — Papers relating to Mines in the County of, found among the Records discovered at the Chapter House, 194.
 — Extent of the Manors, Boroughs, Churches, &c. in the Duchy of, 11 Edw. III. among the Records discovered in the King's Remembrancer's Office in the Exchequer, 9, 196.
 — Bailiffs Accounts, &c. for the Duchy of, t. Edw. III. Ric. II. Hen. IV. and V. discovered in the same Repository, 159.
 — "Nomina Ecclesiarum Parochialium ac Capellarum, &c. in Com. Cornub." 188.
 — Papers relating to the Mines of, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 — no Mention of Tin in the Account of, in the Domesday Survey, 415.
 — Conquest of, by Athelstan, *ibid. note*.
 — Castles in, noticed in Domesday Book, 437.
 — Markets in, noticed in Domesday, 446.
 CORONATION Oath, Copy of the, in a MS. Roll at Canterbury, 184.
 CORONATIONS, MSS. in the Harleian Collection relating to, 77.
 — MSS. in the Lansdowne Collection relating to, 373.
 CORONERS Rolls, t. Edw. I. and Hen. IV. discovered among the Records in the Chapter House, 194.
 CORPORATIONS, Grants to, entered on the Patent Rolls, 66.
 — among the Placita, 141.
 CORPUS Christi College. See Benet College.
 COSCETS, Coscez, or Cottarii, 402.
 COSSAY, Manor of, in Norfolk, Villeins of the, sued in 1312, for withdrawing themselves from, 397, *note* (h).
 COTMANNI, 402.
 COTTON, Sir John, 68.
 COTTON, Sir Robert, Account of, 67, 71.
 — the Referee of Pulton's Plan for revising the Statutes, 95.
 — Prynne's Abridgement of the Records in the Tower, published from the Papers of, 117.
 COTTON House purchased for £.4,500, 68.
 COTTONIAN MSS. the Catalogue of, ordered to be printed, 19, 48.
 — Progress of, reported, 21, 23.
 — completed, 6, 24, 174, 516.
 — Account of the Formation, Contents, and Catalogue of the Cottonian MSS. (App. F. 5.) 67.
 — how preserved during the Civil Wars, 68.
 — a Catalogue of, compiled by Doctor Thomas Smith, *ibid.*
 — an Act passed for settling and preserving the Collection for the Public, *ibid.*
 — Report concerning in 1703, *ibid.*
 — the Collection of, removed from Westminster to Essex House in 1712, 69.
 — taken back to Westminster in 1730, *ibid.*
 — much injured by Fire in 1731, *ibid.*
 — transferred to the British Museum in 1753, *ibid.*
 — Enumeration of the Contents of the Cottonian Library, *ibid.*
 — Account of Dr. Smith's Catalogue, *ibid.*
 — the mode of Compilation used in the new Catalogue by Mr. Planta, 70.
 — Enumeration of the original Contributors to Sir Robert Cotton's Collection, 72.
 — Report on, after the Fire in 1731, 111.
 — Letters and other Writings in, illustrative of the State and Affairs of Scotland, from the Time of James IV. to James VI. 155.
 COVENTRY, Rental of the Priory of, among the Lansdowne MSS. 373.
 COUNCIL of State during the Interregnum, Books of the, 328, 363.
 COUNCIL Books during the Interregnum, 1648 to 1660, Calendar of, compiled, 363.
 COUNCIL, Lords of, in Scotland, Proceedings of, 42, 61, 169, 170, 172, 227, 233, 262.
 — a Publication of Selections from the Proceedings of, recommended, 172, 265.
 — Specimen of the intended Register of, 265.
 — Acts of, in the Years 1483, 1484, and 1485, 536.
 — Reports of the Lords of, on the First, Second, Third, Fourth, and Fifth Reports of the Dep. Clerk Register, 239, 247, 275, 296.
 COUNCIL and Session, Books of, Description of the, 229.
 — where kept, 233.
 — Reparation of the Records of, 233, 243.
 — new Registry of, 250.
 — Indexes to the Books of, prepared, 266, 282.
 COUNCILS, Saxon and English, among the Harleian MSS. 75.
 COUNTIES, Subdivision of, in the Domesday Survey, 427.
 "COUNTY Bags," Records so denominated in the Chapter House at Westminster, 195.
 COUNTY Local History from Henry VIII. to Cha. II. in State Paper Office, 364.
 COUNTY Placita, Abstract of the, 34, 35, 36.
 COUNTY Records in Scotland, Draft of a Bill for the Preservation of, ordered, 58.
 — Observations on the, 267.
 COUNTY Rates in Middlesex, 111.
 COUNTY Registries, Decay of, in Scotland, 206, 207.
 COURTS of Common Law, Accommodations for the, recommended, 64.
 COURT of Justiciary, Records of, in Scotland, ordered to be transferred to the General Register House, 53, 59, 199.
 — Proceedings relating to, postponed, 63.
 — a Record of Proceedings in the Circuit Court of, to be deposited in the General Register House, 197.
 — Considerations on the Proposition of this Measure, 204, 215, 219.
 — Select Proceedings of the Court of, from the Reign of James IV. preparing for the Press, 175.
 — Index wanting to the Records of, 197, 199, 209.
 — Nature of the Proceedings of the Lords Commissioners of, 203.
 — an Index to the Records of, ordered, 220.
 — Records of, where kept, 232, 519.
 COURT of Requests, Records of the, 54.
 COURT of Session, Act passed for transmitting the Minute Book of, to the General Register House of Scotland, 6, 49.
 — Fees and Emoluments in the, 53.
 — the General Minute Book of, deposited in the General Register House, 227.
 — Particulars of the Records of the, 230, 231, 241, 276, 277.
 — Alteration in the Formation of the Judicial Records of, 233, 240, 241, 243, 266, 284, 285, 522, 529.
 COURT

COURT of Session, Record of Judicial Proceedings of the, 522, 529.
 — Register of Deeds in the, 520.
 COURT of Wards and Liveries, Records of the, 54, 76, 329, 350, 352, 358.
 — Nature of the, 331.
 COURTS, Practice of the, 141.
 COURTS, Privilege of, 142.
 COUTANCE, Bishop of, Manors belonging to, entered in Domesday Book, 440.
 COWPER, Sir A. A. One of a Committee for revising the Statute Law, 94.
 COWTIS, Robert, Abridgement of a Retour of Service relating to the Lands of, 161.
 CRAIG, Sir Thomas, 259.
 CREATIONS of Princes, Nobility, &c. MSS. relating to, 77.
 CRIMINALS Petitions, Reports, &c. Papers relating to, 363, 364.
 CROMWELL, Thomas Lord, Letters and Correspondence of, discovered among the Chapter House Records, 193, 195.
 CROSS, St. Register of the Hospital of, 76.
 CROWN, antient Demesne of the, of what Extent, 440.
 CROWN, Imperial and Jewels, Papers relating to the, discovered among the Records in the Chapter House, 193.
 CROWN Lands, Index to the Surveys of, recommended, 56.
 — Grants and Leases of, in the State Paper Office, t. Cha. I. 363.
 CROWN Office, King's Bench, Records relating to the internal Policy and Laws of Scotland at, transferred to the General Register House at Edinburgh, 19, 60.
 CROYLAND ABBEY, Possessions of, not rated in Domesday to their full extent, 388.
 CUBICULARIUS, in Domesday Book, 404.
 CULTURA Terræ, 405.
 CUMBERLAND, State of the Ecclesiastical Valor for the County of, t. Hen. VIII. 152.
 — not described in Domesday Book, 390.
 — a small Portion of, included in that Survey in the West Riding of Yorkshire, 390.
 CUMMING, Alex. Abridgement of a Retour of Service relating to the Lands of, 161.
 CUPA Cervisiæ, 449.
 CUPAR, Charters of the Burgh of, communicated to the Commissioners on the Records, 167.
 — the Register of the Monastery of, recovered, 283.
 CURIA in Domesday Book, Explanation of, 442.
 CURIA Regis, Calendars and Indexes to the Records of, ordered to be printed, 21.
 — Rolls of the, 140.
 — Fines and Pleadings in, found among the Records at the Chapter House, 194.
 — MSS. relating to, 76, 194.
 CUSTODES Cuneorum, 426.
 CUSTOMS, 75.
 — the Receiver General's Account of, in the various Reigns, discovered among the Records at the Chapter House, 194.
 — Frauds and Abuses in the, Report upon, 111.
 CUTHBERT, St. Life of, 75.

D.

DAIA, 404.
 DAILY Council in Scotland, Nature of the Proceedings of the, 170.
 DALRYMPLE, Sir David, Lord Hailes, Letter of, concerning a correct Edition of the Scottish Statutes, 300.
 — the first who discovered Skeene to be an unfaithful Publisher of the Scottish Law, 259.
 — error of, relating to the Treaty of Northampton, 252.
 DAMAGES and Costs, 141.
 DANEGELD, Computation of, in the Exeter Domesday, 465.
 — occurs but once only by its own proper Name in Domesday Book, *ibid.*
 DANTE, Manuscript of the Comedia of, 374.
 DAPIER, 404.
 DARRELL, Deeds belonging to the Family of, of Littlecot in Wiltshire, among the Records discovered in the Tower, 187.
 DAVID I. K. of Scotland, MS. Life of, 78.
 DAVID II. K. of Scotland, Ordinance of, concerning Acts of Parliament, 110.
 — what Charter Rolls of, remaining, 126.
 — Charters of, extant in the Reign of James VI. 251.

545.

DAVID, St. Life of, 74, 75.
 DAYE, Margery, Letter Missive of K. Henry V. concerning the Petition of, 191.
 DECADS, Computation by the greater, occurs more than once in Domesday, 419.
 DECREES, Index to the Books of, in the King's Remembrancer's Office, 1 to 10 Eliz. ordered to be made, 55.
 — in part done to 35 Eliz. *ibid.*
 — completed for the First Seven Years of Jac. I. but further Proceedings in, suspended, *ibid.*
 DECREES in the Court of Exchequer, Scotland, and Index to the Books of, ordered, 220.
 DECREES, Warrants of, in Scotland, 522.
 "DECREET," Explanation of the, in the Sheriffs Courts of Scotland, 204.
 — Alteration recommended in the framing of the, 205.
 DEE, Dr. a Contributor to Sir Robert Cotton's MSS. 72.
 DEEDS, Probative Writs, &c. Register of, 520.
 DEEDS, Leases, &c. in State Paper Office, from Henry III. to Charles II. Calendars of, 363.
 DEEPING, Register of the Monastery of, 76.
 DELINQUENCIES and Fines, in Domesday, 453.
 DEMESNE, ancient, Proof of, by Domesday Book, 467.
 DEMESNE Lands of the Crown, MSS. concerning the, in the Harleian Collection, 75.
 DEMESNES, State of the, enquired into by K. Edw. I. 144.
 DENA Silvæ, 406.
 DENARII S. Petri, 424. *note (f).*
 DENARIUS Tertius Comitit, *ibid.*
 "DE NAVIBUS per Magnates Normanniæ provisio pro passagio Ducis Willielmi in Angliam," Instrument so entitled, 488.
 — Objections to, 489.
 — Answers to Objections against, *ibid.* 490.
 DENMARK, Transactions of, with the Crown of Scotland, 10.
 DEPOSITIONS in Chancery preserved in the White Tower in the Tower of London, 367.
 DEPUTY Clerk Register. *See* Clerk Register.
 DERBY, State of the Ecclesiastical Survey for the County of, 151, 152.
 — Customs of the Town of, in Domesday Book, 434.
 — "Burgenses minores" of, 435.
 DERBY, Earl of, Surveys and Accounts of the forfeited Estates of, found among the Chapter House Records, 193.
 DERBYSHIRE, "Castellum in Pechesers" in, 438.
 DERWENTWATER, Earl of, forfeited Estates of, 111.
 DESPENCER, Hugh le, 76.
 DESPENSERS, Rebellion of the, 141.
 DEVON, Original of the Valor of Pope Nicholas IV. for, 151.
 — Papers relating to the Mines of, among the Chapter House Records, 193.
 — Papers relating to the Mines of, among the Records discovered in the K. R. Office in the Exchequer, 196.
 — Castles in, noticed in Domesday Book, 437.
 — Markets in, noticed in Domesday, *ibid.*
 DEVON, Earl of, Surveys and Accounts of the forfeited Estates of, discovered among the Chapter House Records, 193.
 D'EWES, Sir Simonds, MSS. of, added to the Harleian Collection, 73, 74.
 DICETO, Ralph de, the First Authority for the Letters of Vetus de Monte, 132.
 DICTUM de Kenilworth, 141.
 — translated by Berthelet, 89.
 DIGBY, Sir Kenelm, a Benefactor to the Bodleian Library, 71.
 DIGNITIES and Benefices, Valuation of, t. Henry VIII. the First Volume of, published under the Authority of the Commissioners, 7.
 DIMCHURCH in Romney Marsh, Annual Court held at, 427. *note (c).*
 DIMIDII Villani, 401.
 DINGES, Tenants so named in Domesday, 395.
 DIOCESES, Bags of Deeds of divers Dioceses discovered among the Chapter House Records, 194.
 "DIPTYCHA Ecclesiæ Anglicanæ," Volume so entitled among the Kennett MSS. 372.
 DISPENSATIONS and Faculties, Removal of the Office of, recommended, 64.
 DISPENSATOR, 404.
 DISTILLERIES in Scotland, Reports relating to the, 114.
 DOCKET Rolls of the Court of Common Pleas, ordered to be methodized and indexed, 18, 21.
 — Calendars and Indexes of, ordered to be printed, 19.
 — Publication of the Index to, postponed, 62.
 DODSWORTH, Roger, a Benefactor to the Bodleian Library, 71.

7 D

DOG-

- DOG-BREAD, Cakes of, noticed in Domesday, 449.
 DOLBEN, Sir Gilbert, 73.
 DOME-BOC, ascribed to K. Alfred, 383.
 — in reality only his Code of Laws, 384.
 DOMESDAY Book, Compilation of Index to, ordered, 6, 19, 21, 48, 365.
 — Progress of, reported, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
 — completed, 6, 41, 42, 43, 174, 517.
 — Copies of Parts of, among the Harleian MSS. 76.
 — Trial by, 142.
 — Title Pages, Indexes, Dissertation upon, &c. completed, 330, 355, 357, 517.
 — Completion of Supplemental Volume to, announced, 330, 355.
 — Formation of the Record of Domesday, 381.
 — its various Names, *ibid.*
 — Date and Progress of its Formation, 382.
 — Origin and Object, 383.
 — Motives for the Formation as detailed in the Saxon Chronicle, 384.
 — Mode of Execution, 385.
 — Method in entering the Returns, 386.
 — Modes of rating, *ibid.*
 — "Clamores," and "Invasiones," in, 389.
 — Omissions, 389, 391.
 — Principal Matters noticed in this Record, 391.
 — Descriptions of Persons in, *ibid.*
 — Aloarii or Alodiarii, 394.
 — Ancillæ, 403.
 — Angli, or Anglici, 404.
 — Barones, 391.
 — Bordarii, 401.
 — Bures, Buri, or Burs, 402.
 — Censarii, Censores, or Censorii, 403.
 — Coliberti, 402.
 — Coscets or Cottarii, *ibid.*
 — Homines, 403.
 — Liberi Homines, 396.
 — Milites, 395.
 — Porcarii, 463.
 — Rachenistres, 399.
 — Servi, 402.
 — Sochemanni, 398.
 — Taini, 392.
 — Vavasores, 393.
 — Villani, 399.
 — Offices attached to Names in, 404.
 — Offices of an inferior Description, and Traders, *ibid.*
 — Ecclesiastical Offices in, *ibid.*
 — Assistants in Husbandry, noticed in, *ibid.*
 — Lands and their Denominations, 405.
 — Forests, Parks, &c. 407.
 — Vineyards, 410.
 — Mills, 412.
 — Saltworks, 413.
 — Iron and Lead Works, 415.
 — Fisheries, 417.
 — Measurement of Land, 418.
 — Acra, or Acre, 421.
 — Bovata, or Ofgang, *ibid.*
 — Carucata, 419.
 — Ferling, or Ferding, 421.
 — Hide, 418.
 — Jugum, or Yoke of Land, 421.
 — Leuca, or Leuga, *ibid.*
 — Perca, or Pertica, 422.
 — Quarentena, *ibid.*
 — Solin, 420.
 — Virgate, 421.
 — Money and its Denominations in, 422.
 — Moneyers and the Liberty of Coinage, 426.
 — Territorial Jurisdictions and Franchises, 427.
 — Counties, their Subdivisions and Customs, *ibid.*
 — Cities and Burghs, and their Customs, 430.
 — Castles, 436.
 — Manerium, 439.
 — Villa, 443.
 — Mansio, 444.
 — Markets and Tolls, 445.
 — Thol, or Theoloneum, in, 447.
 — Tenures and Services, 448.
 — Heriots and Reliefs, 451.
 — Criminal and Civil Jurisdictions, 452.
 — Delinquencies and Fines, 453.
 — Ecclesiastical Matters, 455.
 — Ecclesia and Presbyter, 456, 458, 459.
 DOMESDAY Book, Church Dues, 459.
 — Historical Events noticed in, 460.
 — Illustrations of ancient Manners, 461.
 — original Uses and Consequences of the Survey, 464.
 — imitated in Normandy by K. Henry the Second, 465.
 — its Conservation and Authority in Courts of Law, 466.
 — Removal of, to Westminster, *ibid.*
 — Appeals to the Decision of, *ibid.* 467.
 — Publication of the Survey, 468.
 — proposed Plan for engraving the, *ibid.*
 — Introduction to the Supplementary Records to, 469.
 DOMESDAY Book, Ledger or Chartulary so called, at York, 181.
 DOMESDAY of Chester, 381. *note.*
 — Trial by, 142.
 DOMESDAY of the Dean and Chapter of York, *ibid.*
 DOMESDAY of the Nuns of Haliwell, *ibid.*
 "DOMINIUM" explained, 441. *note (d).*
 DOMISDAY Radulphi de Diceto, 381. *note.*
 DORCHESTER, co. Oxf. Removal of the See of, to Lincoln, 383.
 DORSET, Hundred Roll of, 37, 55.
 — State of the Ecclesiastical Survey for the County of, t. Hen. VIII. 152.
 — Survey of the County of, in Domesday Book, taken after the Death of the Conqueror's Queen, 382.
 — Only Two Hundreds of, mentioned in Domesday, 389.
 DOUGLASS, Monk of Glastonbury, 74.
 DOVER, Mill mentioned in the Harbour of, in the Domesday Survey, 412.
 — Customs of the Town of, 431.
 DOWER, Assignments of, among the newly discovered Records in the Tower, 186.
 — Land granted in, 462.
 "DOWN Survey," Maps so called, 306.
 DOWRY, Charter of, granted by William K. of Sicily, to Joan Daughter of K. Henry, printed by Rymer, from Brompton, 131.
 DRENCHS or Drengths, allodial Tenants in Domesday, 395.
 DRENGAGE, *ibid.* *note (n).*
 DRESDEN, Royal Library at, 72.
 DUBLIN, Red Book of the Exchequer at, 97, 102, 302, 303.
 — Black Book at, containing Copies of old Statutes, 103.
 — Trinity College, MSS. at, *ibid.* 303.
 — Chain Book in the Town Clerk's Office at, 303.
 — Records of Statutes at Christ Church, Dublin, 304.
 — Records and Papers belonging to the Parliament House in, 307.
 — relating to the Liberties and Privileges of the City of, *ibid.*
 DUDLEY Castle, co. Worc. noticed in Domesday Book, 437.
 DUEL, Trial by, 142.
 DUGDALE, Sir William, 69.
 DUMBARTON, Charters communicated from the Archives of, 167.
 DUMFRIES, Registers of Seisins for the District of, 532.
 DUNHEVET, Castle at, in Cornwall, 437.
 DUNKIRK, Report on the Demolition of, 111.
 DUNMOW, Register of the Monastery of, 76.
 DUNSTABLE, MS. Chronicle of, 74.
 — Register of, among the Harleian MSS. 76.
 DUNSTAN, St. Life of, 75.
 DURHAM Cathedral, the Original of the Carta de Foresta, 2 Hen. III. found at, 9, 180.
 — Statutes of, among the Harleian MSS. 76.
 — several Charters of the Liberties of England preserved at, 97, 98.
 — "Repertorium Magnum Ecclesiæ Cathedr. Dunelm." fact. circa A. D. 1456, 180.
 — the Charters of the Liberties of England preserved at, more particularly enumerated, *ibid.* 181.
 — State of the Ecclesiastical Survey for the County of, t. Hen. VIII. 152.
 DURHAM, County of, not described in the Domesday Survey, 390.
 — why omitted, *ibid.* 391.
 — the Bishop of Durham's Property out of his Palatine specified in Domesday, *ibid.* *note (x).*
 DYVYSES, Castle of, committed to farm, 187.

E.

- EADMERUS, 74.
 — MS. Life of St. Anselm by, 75.
 EARL, Relief of a, 451.
 EAST India Company's Affairs, Reports on, 112.

EAST

EAST India Company and Trade, Papers relating to the, in the State Paper Office, from 1581 to 1755, 363, 364.

ECCLESIA and **Presbyter** in Domesday Book, 456, 457, 458.

ECCLESIASTICAL Benefices, Parliamentary Surveys of, during the Usurpation, recently discovered in the Tower of London, 9.

ECCLESIASTICAL Courts, Recommendation concerning the Wills and Proceedings of, 64.

ECCLESIASTICAL History of England, from 1500 to 1717, Bishop Kennett's MS. Materials for an, 372.

ECCLESIASTICAL Possessions, Extents of, vacant Sede, 37, 55.

ECCLESIASTICAL Survey, 26 Hen. VIII. ordered to be transcribed and printed, 32, 48, 151.

—— Progress in the Transcript and Printing of, reported, 33, 34, 35, 36, 37, 38, 39, 40.

—— First Volume of, completed, 41, 56, 174.

—— Progress of the Second Volume reported, 41, 42, 43, 44, 56, 174.

—— Plan of the, (App. L. 3.) 151.

—— Contents and Condition of the Books and Rolls containing it, Originals and Copies, *ibid.*

—— Returns wanting in the, 152.

—— 26 Hen. VIII. See *Valor Ecclesiasticus*.

EDGAR, 77.

—— the famous Charter of, relating to the Superiority of the Four Seas, spurious, *ibid.*

EDGAR Atheling, mentioned as a Tenant in Capite in Domesday, 464.

EDINBURGH, Account of the Devastation of, by the English Army in 1544, 158, *note* §.

—— MSS. in the University Library of, 171.

—— the Records of Scotland formerly kept at, 250.

—— Articles of Rendition of Edinburgh Castle, 1650, *ibid.*

—— Destruction of the Town of, in 1544, 509.

EDMUND, St. and King, Life of, 75.

EDMUNDS BURY. See *Bury*.

EDWARD the Confessor, 77.

—— MS. Life of, 74, 75.

—— noticed with great Respect in the Domesday Survey, 460.

—— his Gifts to Monasteries, *ibid.*

—— Gift of Lands by, to Griffin K. of North Wales, *ibid.*

—— Seal of, noticed in Domesday Book, 391, *note*.

EDWARD the Elder, 77.

EDWARD I. MS. Life of, 74.

—— Statutes of, indiscriminately in Latin or French, 106.

—— a Collection of Records illustrative of the Transactions of, in Scotland, recommended, 154.

—— Carta Edw. Primi Regis, de Magna Carta, 180.

—— Letter Missive of, to Llewellyn Fitz Griffin Prince of Wales, 189.

—— to William Ab^t of York, 190.

—— Foundation of Vale Royal Abbey by, *ibid.*

—— the Claim of, as superior Lord of Scotland, among the Records discovered in the Chapter House at Westminster, 193.

—— the Royal Archives of Scotland carried away by, 250.

—— Copies ordered of such Records as were brought away from Scotland by, 198.

—— Letters, Treatises, &c. of the Reign of, in the Tower, 368, 369.

—— Petitions, &c. in Parliament in the Reign of, 375.

—— Correction of Abuses by, in the First Year of his Reign, 506.

—— Documents relating to the Reign of, in the Rotuli Scotiæ, 507.

EDWARD II. Life of, in MS. 74.

—— French Language most prevalent in the Statutes of, 106.

—— Banishment of, when Prince, for violent Language to one of the Judges, 142.

—— Ordinance of the Household of, 375.

—— Letters, &c. of, preserved in the Tower of London, 368, 369.

—— Petitions, &c. in Parliament, in the Reign of, 375.

EDWARD III. French the prevalent Language in the Statutes of, 106.

—— Charter of, creating his eldest Son Prince of Wales, 183.

—— Letters, Treatises, &c. of the Reign of, 369, 371.

—— Petitions, &c. in Parliament in the Reign of, 375.

EDWARD IV. MS. Life of, 74.

—— Statutes of, in French, 106.

—— Letter Missive of, 1463, concerning Commotions and Insurrections in the Town of Bristol, 192.

—— concerning a Commission of the Peace for the County of Suffolk, *ibid.*

—— concerning a safe Conduct for a Spanish Kervel lying at Southampton, *ibid.*

EDWARD V. Register of Grants which passed the Privy Seal during the Reign of, 75.

EDYNDON, Register of the prebendal Church of, in Wiltshire, 373.

EELS, Rents paid in, mentioned in the Domesday Survey, 417.

EIGHTH Annual Report concerning the Records of Scotland, 531.

ELEANOR, Sister of King Edward III. Letter Missive from the Prior and Convent of Pentneye, concerning the Marriage of, 190.

ELIZABETH, Queen, Plans for revising Statutes, &c. during the Reign of, 93.

—— takes the State of the Records of Parliament into Consideration in 1567, 116.

—— orders the Records of Chancery for the Reigns of Rich. III. Hen. VII. Hen. VIII. and Edw. VI. to be delivered into the Custody of Mr. W^m Bowyer, Keeper of the Records in the Tower, *ibid.*

—— Paucity of Materials in Rymer's *Fœdera*, relating to the Transactions of, with the Queen of Scots, 121.

ELPHEGE, St. Life of, 75.

ELPHINSTON, Secretary, Fall of, from Power, 254.

ELSTOB, William, MS. Translation of Saxon Homilies by him and his Sister, 373.

ELSYNGE, and Bowyer, Keepers of the Records in the Tower, Objections of, to Pulton's copying the Records, 95.

ELY, History of, 74.

ELY Cathedral, no Originals, Records, or Transcripts of Charters or Statutes, preserved at, 183.

—— Statutes of, where preserved, 76.

—— Liber, or Inquisitio, Eliensis, 344, 346, 348.

—— Account of the, 473.

—— Variations of, from the Great Domesday, 474.

—— Fisheries in the Two Hundreds of, noticed in Domesday Book, 417.

ENGLAND, "De l'Etat & Gouvernement du Royaume d'Angleterre," a Tract added to the Hague Edition of Rymer, and said to have been delivered by the Pr. of Condé to Count de Bethune, 119, 136.

—— out of Place in the *Fœdera*, 136.

—— proved to be an Edition only of Sir Thomas Smith's "Commonwealth of England," 137.

—— Means by which it is supposed to have got into the *Fœdera*, *ibid.*

—— Sir Thomas Smith supposed to have written it for the Use of the Prince of Condé, *ibid.*

—— recommended as an Introduction to the new *Fœdera*, *ibid.*

—— ordered to be omitted in the new *Fœdera*, 138.

—— Expences of the Commission for printing in, from 1813 to 1818, 354.

—— Bishop Kennett's Materials for an Ecclesiastical History of England, 372.

ENGLISH Historians and Annalists, copied occasionally by Rymer, 130.

ENGLISH Language, Statutes when first edited and written in, 88.

—— earliest Instances of the Use of, in Parliamentary Proceedings, 106.

ENROLLMENT. See *Inrolment*.

ENTAILS, Register of, in Scotland, 234.

EPISCOPAL and Monastic Registers of Scotland preserved in the Advocates Library at Edinburgh, 168.

"**EPISTOLÆ** Mariæ Regina Angliæ ad extraneos Principes et Republicas, ab Anno 1554 ad Annum 1558," subjoined to the Hague Edition of the *Fœdera*, 119, 122, 138, 139.

"**EPISTOLÆ** Regum Scotorum," preserved in the British Museum, 155.

EQUARIUS, 404.

ERDESWICK, Mr. MSS. Collections of, 74.

ERROR, Proceedings in, 140, 141.

ESCHAMEL, 474.

ESCHEATS, Rolls of Accounts of Lands escheated to the Crown, t. Hen. VIII. among the Records discovered at the Chapter House, 194, 196.

—— Escheat Rolls, t. Edw. I. to Q. Eliz. found among the Records discovered in the King's Remembrancer's Office Exchequer, 9, 196.

—— ordered to be arranged and calendared, 21, 23, 25, 31.

—— Nature of, 331.

ESCHEATS of the Lands of Normans, 143.

—— Minutes of Escheats and Extents, t. Hen. III. to 36 Hen. VI. from the Tower Records preserved at Dublin, 303.

ESCHEOPES,

- ESCHEOPES**, 474.
ESCUAGE, Records of, discovered in the King's Remembrancer's Office Exchequer, 196.
ESCURIAL, Library of the, 73.
ESNE, the Saxon Name for Servus, 403.
ESSARZ, or Essarts, explained, 407.
ESSEX House, the Cottonian Collection of MSS. deposited at, in 1712, 69.
ESSEX, "Invasiones" in the County of, entered in the Domesday Survey, 389.
ESSOIN Rolls, temp. Hen. III. Edw. I. & Edw. II. discovered among the Records in the Tower, 187.
ESTATES, forfeited, Surveyors Accounts of, among the Records discovered at the Chapter House, 194.
ESTRIGHOIEL, Castellum de, in Domesday, explained, 390. *note*, 437.
ESTWOOD, Manor of, committed to Farm, 187.
ETYMOLOGICAL Collections of Bishop Kennett, in the Lansdowne Collection, 372.
EU, Robert Earl of, one of those who furnished Ships to K. Will. Conq. in his Expedition against England, 494.
EVESHAM Abbey, Worcestershire, *note*.
 — Register of, 76.
EVESHAM, Battle of, 141.
EUGENIUS, Pope, Fac Simile of a Bull of, recommended to be re-engraved for the new Edition of the *Fœdera*, 139.
EWELM, Register of, among the Harleian MSS. 76.
EWIAS, Castelry of, 437.
EXAMINATION of Records, Progress in the, announced, 357.
EXAMINATOIRES Monetæ, 426.
EXAMINERS in Chancery, Office of, 46.
 — Removal of, to the new Building in the Rolls Yard, 355.
 — Calendar made to the Depositions transmitted from the Examiner's Office to the Tower, 369, 371.
EXCHEQUER, Memoranda in the Office of the Lord Treasurer's Remembrancer, 5, 341.
 — The Records in the Lord Treasurer's Remembrancer's Office, ordered to be methodized and indexed, 18.
 — Progress in, reported, 21, 23, 27, 56, 329.
 — Repository for the Records of, completed, 25, 46.
 — Statement of improved Arrangements in, 46, 47.
 — Discovery of unknown Records in, 23, 47, 48.
 — Originalia in the Lord Treasurer's Remembrancer's Office, ordered to be printed, 48.
 — the Lord Treasurer's Remembrancer's Office, without any Person specifically intrusted with its Records, 64.
 — a Certificate respecting the State of the Records in His Majesty's Remembrancer's Office, required by the Barons to be annually read in open Court, 8.
 — Progress of the Regulation and Arrangement of Records in the King's Remembrancer's Office, 8, 18, 20, 21, 23, 25, 55.
 — Monastic and Ecclesiastical Records hitherto unnoticed, discovered in the King's Remembrancer's Office, 9, 19, 47, 55.
 — ordered to be collected and arranged, 55, 341.
 — Indexes ordered to be made to the Decree Books and Orders of Court in the King's Remembrancer's Office, with Reports of Progress, 21, 23, 25, 28, 29.
 — Progress of the Indexes to the Special Commissions and Escheat Rolls in the King's Remembrancer's Office in, reported, 25.
 — suspended, 27.
 — Progress in abstracting the Originalia Rolls of, 27.
 — Collection, &c. of Monastic Records in, ordered, 37.
 — Progress of the Collection reported, 38, 39, 40, 41.
 — Necessity of rebuilding certain Offices belonging to the Receipt of, 54.
 — Offices of Auditor, Tellers, Tally Court, Pells, and Auditors of Land Revenue, removed to Whitehall, *ibid*.
 — "Ordinationes Scaccarii," recommended to be printed, 63.
 — the Rebuilding of the King's Remembrancer's and Clerk of the Pleas Offices recommended, 64.
 — Account of the Exchequer Rolls called Originalia, 66.
 — Extracts from the Red and Black Books of, among the Harleian MSS. 76.
 — MSS. relating to, in the Harleian Collection, *ibid*.
 — Books and Manuscripts, not of Record, in the Exchequer, containing Entries of Statutes, 103.
EXCHEQUER, the Records in the Four Treasuries of the Exchequer ordered to be sorted, and Calendars of them to be made by Mr. Agarde, 116.
 — Orders of the Court of Exchequer at Westminster, for regulating the Records in the Office of the King's Remembrancer, 178.
 — Roll containing an Account of the Receipts of the Lord Treasurer paid into the Exchequer, 21 Hen. III. among the Miscellaneous Rolls discovered in the Tower, 187.
 — Exchequer Accounts t. Hen. VIII. among the Records discovered at the Chapter House, 194.
 — Report of Records, &c. discovered in the Office of the King's Remembrancer of the Exchequer at Westminster, (App. U.) 196.
 — Buildings belonging to the Exchequer of Receipt, 328.
 — Restitution of Records to their proper Places in, ordered, 332.
 — Want of Calendars in the King's Remembrancer's Office, 358.
 — Lord Treasurer's Remembrancer's Office, Progress of Calendars in the, 358.
 — Exchequer Accounts, ancient, 364.
 — MSS. relating to Exchequer Business in the Lansdowne Collection, 372.
 — ancient Mode of receiving and trying Money at the, 423.
 — Officers in, for receiving the Revenue, *ibid*.
EXCHEQUER, in Scotland, Buildings of the Court of, rendered more secure, 51, 209.
 — Index to the Minute Book of Judicial Proceedings in, ordered, 59.
 — Report on an Index to the Book of Decrees and Orders of the King's Remembrancer in, 215.
 — an Index to the Book of Decrees in, ordered, 200, 202, 220.
 — the Building occupied by the Court of, ordered to be rendered more commodious, 200, 202.
 — Records of, where kept, 232.
 — Records of the old Court of Exchequer from 1659 to 1707, where preserved, 227.
 — proposed Transfer of to the General Register House impeded, 246.
EXCHEQUER, Dublin, Red Book at, 97, 102, 302, 303.
 — "Index seu Liber Repertorius omnium Inquisitionum & Rot. Regalium Servitiorum à 20 R. II. usque ad 19 Eliz. inclusivé, remanentium in Officio Capitalis Remem. Scaccarii Hibernie factus per Walt. Harolde," 309.
 — Arrangement of the Records of the, 318.
EXCISE, Receipts of Collectors for the Standard, A° 1700, among the Records discovered at the Chapter House, 194.
EXCOMMUNICATION, singular Instructions concerning, in a MS. at Cambridge, 182.
 — "Excommunicatio Violatorum Ecclesie Libertatum 1253," formerly preserved in Litchfield Cathedral, 180.
EXEMPLIFICATIONS of Statutes, 101.
 — many such of an early Period in the Tower, *ibid*.
 — present Practice of certifying an Exemplification before it passes the Great Seal, *ibid*.
EXESTAN, Hundred of, in Denbighshire, formerly a Part of Cheshire, 390.
EXETER, Statutes of the Cathedral of, 76.
 — original Charter at, of 1 Steph. "de Libertatibus Eccl. Anglie & Regni," 96, 98.
 — Two Moneyers in, in the Time of King Æthelstan, 426.
 — Siege of, by Will. Conqueror in 1067, 431.
 — Castle at, 437. *note*.
EXETER or Exon Domesday, Transcript of, ordered to be put to Press, 341.
 — Progress in the printing of, reported, 342, 344.
 — printing of, completed, 346, 348.
 — copied verbatim from the original Returns of the Great Domesday, 388.
 — Peculiarities in the Language of, *ibid*.
 — Account of the, 469.
 — Difference of, from the Great Domesday in spelling the Names of Places and Persons, 471.
 — Live Stock noticed in the, 471.
 — Difference of Diction in, from the Great Survey, 473.
EXETER, Marq. of, Rolls containing Surveys and Accounts of the forfeited Estates of, among the Records discovered in the Chapter House, 193.
EXPENSES, Account of, incurred in Execution of the Commissions upon Public Records, 45.
EXTENTS,

EXTENTS, old and new, the great Standard of Freehold Qualification in Scotland, 159.
 ——— of Manors among the Records discovered in the Chapter House, 194, 196.
 EXTENTS of Temporalities of Abbies and Priors of Royal Foundation, 358.
 EXTRACTORS in the Court of Session in Scotland, Offices of, abolished, 529.
 EXTRACTOR's Warrants, Records technically so called, 539.
 EYRE, Articles in, 145.
 ——— Proceedings in, among the Chapter House Records, 31.
 ——— Functions of the Justices in, 144.
 ——— Pleadings before the Justices in, Hen. III. to Edw. III. discovered among the Records in the Chapter House, 194, 196.

F.

FABRI, Explanation of the Term, in Domesday Book, 404, *note (k)*, 416.
 FAC-SIMILES of Records and Instruments inserted in the several Volumes printed by the Commission, 332.
 FACULTY of Advocates. See Advocates.
 FAIRFAX, Lord, a Benefactor to the Bodleian Library, 71.
 FAIRS not to be held upon a Sunday, 447.
 FAIRS and Markets, in Ireland, Reference to Grants of, 305.
 FARLEY, Abraham, Publication of the Domesday Survey entrusted to, 468.
 FEE Farm, Grants in, entered on the Patent Rolls, 66.
 FEES, Regulations proposed relating to, in the Record Offices of Scotland, 228.
 FEGADRI, 478.
 FEODUM Militis, 141.
 FERDING, or Ferling of Land, 421.
 FERDING, Ferdinc, Ferting, or Quadrans, a Denomination of Money in Domesday, 424.
 FERERS, Henry de, One of the Commissioners for the Midland Counties at the Formation of the Domesday Survey, 385, 386.
 FERIA, a Fair, occurs once only in Domesday, 447.
 FERLINGELS de Frumento, 421.
 FERLINGS, used for the Quarters or Wards of a Town, in Domesday, 421.
 "FERRARIA quæ operatur ad hallam," 441, *note*.
 FERRARI, 404.
 FERRERS's Translation of the Statutes, first printed in 1534, 89.
 ——— subsequent Editions of his Translation, *ibid*.
 ——— Berthelet's Translation of the Statutes ascribed to him, *ibid*. 91.
 FESTIVALS, ancient, 76.
 FEUDAL Property, Mode of transferring, in Scotland, 157.
 FIFE, Local Registries in the County of, 236.
 FIGULI, 404.
 FINANCE Reports, 114.
 FINCH, Serjeant, afterwards Earl of Nottingham and Lord Chancellor, appointed with Serj^t Maynard, Sir Robert Atkyns, Mr. Prynne, and others, to revise the Statute Laws, 94.
 FINE Rolls, Entries of Statutes on, 102.
 FINES, Records of, in the Chapter House, arranged from the Reign of Edw. VI. to the End of Geo. II. 55.
 ——— Records of, from Rich. I. to Hen. VII. arranged, 329.
 FINES for Offences committed against the Forest Laws, among the Records in the K. R. Office Exchequer, 196.
 FINES, Decisions on the Doctrine of, 141.
 FINES for Bedford and Berks, at the Chapter House, Arrangement of, 350, 352.
 FINES from the earliest Periods to the Reign of Richard III. preserved in the Chapter House at Westminster, in Order of Counties, 366.
 "FIRMA unius noctis," 448.
 FIRST Fruits Office, Ecclesiastical Survey in, 26 Hen. VIII. ordered to be transcribed and printed, 32, 48, 56, 341.
 ——— Report on the Insecurity of the First Fruits Office, 54, 328.
 ——— Insecurity of the Records of the, 357, 360.
 ——— Memorial from, A. D 1808, (Append. E.) 360.
 FISHERIES, Reports on the, 113.
 ——— Papers relating to, in the State Paper Office, 328, 363, 364.
 ——— an important Source of Rent noticed in the Domesday Survey, 417.

FITZ-OSBERN, William, a Contributor of Ships to K. Will. Conq. Expedition, 494.
 FLANDERS, Robert Earl of, Convention of with K. Henry I. 138.
 ——— Theodoric Earl of, Convention of, with K. Henry II. *ibid*.
 FLAX Seed, Reference to Report on, 114.
 FLETA, 76.
 FLEURY, Card. de, improves the French King's Library, 73.
 FLORENCE, Libraries of the Benedictines and Dominicans at, 72.
 FLORENCE of Worcester, 74.
 FœDERA, Rymer's, a new Compilation, with a Continuation of, determined on, 6, 22.
 ——— Supplement to, projected, 19, 44, 57.
 ——— Return of Materials for, in the Rolls Chapel, 25.
 ——— further Progress in the Compilation of, reported, 28.
 ——— Plan for the Revision of, (App. I.), 115.
 ——— First Report on the Supplement and Continuation to, *ibid*.
 ——— full Title of Rymer's Work, 115.
 ——— Fourteen Volumes only published by Rymer himself, *ibid*. 116.
 ——— Six Volumes published by Sanderson, 116, 117, 477.
 ——— Rymer's Part, supposed to have been collected and arranged by himself, 116.
 ——— Attempts to arrange Materials for such a Work previous to Rymer's Time, *ibid*.
 ——— the First Volume of, published in 1704, 117.
 ——— First Edition of the, completed in 1717, *ibid*.
 ——— Royal Privilege for the sole printing and publishing a new Edition of the Fœdera, obtained from K. Geo. I. by Tonson, *ibid*.
 ——— a Third Impression of Rymer's Fœdera undertaken at the Hague in 1738 or 9, 117.
 ——— Period of Time included in the whole Compilation, 118.
 ——— comparative Merits of the different Editions, *ibid*. 479.
 ——— Peculiarities of the Second and Third Editions, 118, 119, 479.
 ——— Reasons assigned for the Neglect which has been shewn of Rymer's Work, 119.
 ——— of the Materials of which the Fœdera is composed, 120, 479.
 ——— Documents occasionally inserted in Rymer's Work of an objectionable Kind, 120, 132.
 ——— private Acts, both of an Ecclesiastical and a Civil Nature admitted into it, 120.
 ——— Considerations relative to the intended Supplement to Rymer's Fœdera, 121.
 ——— Rymer's Work commenced at too late a Period, *ibid*.
 ——— Paucity of Documents during the Two First Reigns in, *ibid*.
 ——— of the Materials proper for the Continuation, and the Repositories in which they may be found, *ibid*. 122.
 ——— of the best Mode to be adopted in selecting, arranging, and editing the Materials for the Work, 122.
 ——— Second Report on Rymer's Fœdera, 124.
 ——— Rymer's MSS. in Continuation of the Fœdera, preserved in the British Museum, *ibid*.
 ——— his Collectanea purchased by Government, *ibid. note* *.
 ——— a Defect of Plan in Rymer's Fœdera, noticed by Le Clerc, 125.
 ——— Distinction proposed between the Plans for the Continuation, and the Supplement of the Fœdera, *ibid*.
 ——— Proposition for dividing the Instruments in the intended Edition of the Fœdera in Two Genera, with subordinate Classes, 127, 128.
 ——— General Arguments for the Necessity of a New Edition of the, 129.
 ——— Propriety of consulting Works already printed, for the Continuation of, *ibid*.
 ——— Third Report on Rymer's Fœdera, and upon the Use which Rymer appears to have made of our Ancient English Historians, 130.
 ——— Rymer's Modes of Reference animadverted on, *ibid*.
 ——— a Number of Instruments inserted in Rymer's Fœdera, from Works which had been previously printed, 130, 131.
 ——— Materials for a First Volume of a new Edition of Rymer ordered to be prepared, 134.
 ——— Fourth Report on Rymer's Fœdera, with the Proceedings toward collecting Materials for the New Edition, *ibid*.
 ——— Plates recommended for the new Edition of the Fœdera, 138.
 ——— the Instruments during the Protectorate ordered to be included in the New Fœdera, 139.

- FÆDERA**, a List of new Articles adopted for the Work, *ibid.*
- Progress in the Preparation of, reported, 174, 330.
 - Collections for the New Editions of, made in Ireland, 319.
 - Progress in the printing of the new Edition of, 342, 344, 346, 348, 350, 352, 359.
 - Publication of, benefited from the Chapter House, 365.
 - Vol. II. Part 1. completed, 351.
 - Arrangements for the Improvement of, made at the Tower, 368.
 - General Introduction to the, (Append. N.) 476.
 - Holmes's Edition of, 477.
 - Edition undertaken at the Hague, 478.
 - Documents proposed to have been inserted in, but omitted, 485.
 - Necessity of a new Edition, 481.
 - of the present Edition of the *Fædera*, *ibid.*
 - its Improvements upon the former Editions, 483.
 - Plates inserted in the New Edition of, 484.
 - Report on the Expediency of inserting certain Charters of Liberties in the new Edition of the, 502.
- FONTIBUS**, Letter of Pandulf the Legate, concerning the Abbot de Fontibus, 189.
- FORBES**, Alexander, Abridgement of Retour of Service relating to the Lands of, 161.
- FORD**, John, Abbot of, 76.
- FORDUN**, John, Transcripts of the Scoti-Chronicon of, 78.
- FORESTA**, Carta de, Original of the, supposed by Sir William Blackstone to have been lost, found at Durham, 8, 97.
- the Charter of the Forest, 2 Hen. III. at Lincoln, engraved, 36.
 - the earliest Charter of the Forest, 97.
 - Confirmation of, in a Register at Gloucester Cathedral, 179.
 - Carta de Foresta, 9 Hen. III. preserved at Durham, 180.
 - Confirmatio super Cartam H. III. de Foresta, 28 Edw. I. preserved at Durham, 181.
 - Carta de Foresta, 1 or 2 Hen. III. preserved in the Ledger called Domesday, at York, 181.
- FOREST** Proceedings, Arrangement of the, in the Chapter House Westminster, 33, 35, 37, 54, 55, 63.
- Proceedings relating to, discovered among the Records in the Tower, 187.
 - Fines for Offences against the Forest Laws, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 - Surveys, recently discovered in the Tower, 9.
- FORESTARII**, 404.
- FORESTEL**, Forstel, or Foristel, explained, 433, 453.
- FORESTS** mentioned in Domesday, 407.
- considered in the Saxon Times as belonging to the Crown, 409.
- FORFEITED** Estates, Records relating to, discovered among the Chapter House Records, 194.
- FORFEITED** Estates in Scotland, Transmission of Documents relating to, from the State Paper Office, 371.
- FORISFACTURA** Sanguinis, 454.
- FOSSÆ** Lapidum, mentioned in Domesday Book, 416, *note* (o).
- FOSSARII**, 404.
- FOSSATOR**, *ibid.*
- FOX**, John, the Martyrologist, MSS. of, purchased by Lord Oxford, 73, 74.
- FRANCIS** I. the Institutor of the French Royal Library, 73.
- FRANKALMOIGNE**, Tenure in, 448.
- FRASER**, Alexander, Abridgement of a Retour of Service relating to the Lands of, 161.
- FRASER**, Andr. Abridgement of a Retour of Service relating to the Lands of, 161.
- FRATERNITIES**, *v.* Gilda.
- FRAXINETUM**, 406.
- FREEHOLD** Qualifications, Standard of, in Scotland, 159.
- FREEHOLDERS** in the Saxon Times had the Liberty of sporting on their own Territories, 409.
- FREEMEN**, or Liberi Homines, of Domesday, 396.
- FREMUND**, St. MS. Life of, 75.
- FRENCH** Language, Use of, in the Statutes, 105, 106, 107.
- the Use of, preserved longer in Ireland than in England, 107.
- FRENCH** Texts of various English Statutes, Observations on the, 375.
- FROUCESTRE**, Walter, Abbot of Gloucester, 179, 180.
- FRUSTUM** Terræ, 405.
- FUNERALS** of Kings, Queens, Princes, &c. MSS. relating to, 77.
- FUNERALS**, Orders for Royal and other Funerals found among the Records discovered at the Chapter House, 194.
- FURTUM**, 453.
- FUSOR**, an Officer formerly in the Exchequer, 423.

G.

- GALLS**, Injury occasioned to ancient Deeds by an Application of the Infusion of, 129, 186.
- GAOL** Deliveries, Edw. I. to Hen. VI. discovered among the Records in Chapter House, 194.
- GARTER**, Statutes of the Order of the, *t.* Hen. VIII. among the Records discovered at the Chapter House, 194.
- GAVELKIND**, Privilege of, 141, 492.
- GELDI** Congregatores, 470.
- GELDI** Inquisitio of Wiltshire, 469.
- "GELDUM** Regis de Monedagio," 426.
- GEMOTE**, or Judicial Assembly of the Wapentakes, 428.
- GEORGE** II. orders the Royal Library to be transferred to the British Museum, 71.
- GERONDON** Abbey, Chartulary of, among the Lansdowne MSS. 85, 373.
- GERSUMMA** Reginae, Payments de, 426.
- GIFFORD**, Walter, Earl of Buckingham, one of the Commissioners for the Midland Counties in the Formation of the Domesday, 385, 386.
- one of those who furnished Ships to Will. Conq. in his Expedition against England, 494.
- GILBERT**, St. MS. Life of, 75.
- GILDAS**, 74.
- GILDS** and Fraternities, Surveys of the Possessions of, 76.
- GILDS**, or Social Confederations of the Anglo-Saxons, 435.
- GILES**, St. Register of the Hosp. of, 76.
- GIRALDUS** Cambrensis, Life of St. David by, 75.
- Life of Hugh Bishop of Lincoln by, *ibid.*
- GISEBURN**, William, 74.
- GLANVILLE**, 76.
- GLASGOW**, the antient Chartularies and Muniments of the Church of, carried to France by Abp. Beaton, 168.
- Transcripts made from, at different Times, *ibid.*
 - some of the MSS. of, brought to England, *ibid.*
- GLASTONBURY** Abbey, 470.
- Petition of Complaint against the Abbot and Convent of, in a Letter Missive of K. Henry V. 191.
- GLOUCESTER**, Register in Gloucester Cathedral, containing Copies of some of the old Statutes, 103, 179.
- Hundred Rolls for the County of, 145.
 - Ecclesiastical Return for the County of, *t.* Hen. VIII. 152.
 - Papers relating to Mines in, among the Records discovered at the Chapter House, 194.
 - Payment of Iron by the Burgesses of, to the King, *t.* Edw. Conf. 416, *note* (d).
 - Survey of the County of, in Domesday Book, taken after the Death of the Conqueror's Queen, 382.
 - Matthew Paris's Description of the County of, 411.
 - Castles in the County of, noticed in Domesday Book, 437.
 - Markets in, noticed in Domesday, 446.
- GLOUCESTER**, Statute of, 103, 106, 506.
- Variations in the different Copies of, 92.
 - founded upon the Inquiries under the Commission of Quo Waranto, 145.
- GLOUCESTER**, Humphrey Duke of, founds a Library at Oxford, 71.
- GODEVA**, Countess of Mercia, 460, 464.
- GODWIN**, Earl, his Exile with that of Harold, mentioned in the Domesday Survey, 460.
- Stile of, in Domesday, *ibid.*
- GOODRIC**, St. MS. Life of, 161.
- GORDON**, Robert, Abridgement of a Retour of Service relating to the Lands of, 161.
- GOTHA**, Ducal Library at, 72.
- GOSELINUS** de Sancto Bertino, 74.
- GRAIN**, Reports on, 113.
- GRANATARIUS**, 404.
- GRANTS** and Leases of Crown Lands in the State Paper Office, 363.
- GRAVA**, 406.
- "GRAVAMINA** tam vetera quam nova," 1309, preserved in the Cathedral at Canterbury, 196.
- GRAVELINGES**, antient Forest of, in Wiltshire, 407.
- GRAY,

GRAY, Lady Jane, Letter of, in the Lansdowne Collection, as Queen of England, 373.
 GREAT Boke of Statutes, 1 Edw. III. to 34 Hen. VIII. 89.
 GREAT Chamberlain of Scotland, Accounts of the, from 1326 to 1424, 541.
 GREAT Charters. *See* Charters of Liberties.
 GREAT Seal of Scotland, an Apartment appropriated for the Office of the, in the General Register House, 51, 198, 209, 219.
 — Warrants of the, to be delivered into the General Register House, 52, 218.
 — an Abstract of the Records of the, ordered, 59.
 — Progress in printing the "Registrum Magni Sigilli Scotiæ," reported, 175, 228.
 — Account of the Register of the, 201, 230.
 — Expediency of diminishing the Number of Records of those Writs which ultimately pass the Great Seal, 202.
 — detailed Particulars relating to an Index to the Records of the Great Seal, 213, 214.
 — Abridgment of some of the earlier Volumes of, drawn up under the Inspection of Walter Macfarlan, Esq. 214.
 GREGORY IX. Pope, Bulls of, 501.
 GREGORY X. Pope, Bulls of, 502.
 GRIBRIGE explained, 454.
 GUTHLAC, St. MS. Life of, 75.
 GUYNES, Commission relating to the Castle of, 188.

H.

HADINTON, Thomas Earl of, MS. Collection of Charters by, illustrative of the History of Scotland, in the Advocates Library, 164.
 HADINGTON, Earl of, restores several Books of Record to the General Register House of Scotland, 540, 541.
 HAGÆ, in the larger Towns of Domesday, synonymous with Domus, 444, *note*.
 HAGMOND, Register of the Monastery of, 76.
 HAIÆ, in the Domesday Survey, 410.
 HAILES, Lord, *v.* Darlymple.
 HAINFARE, or Heinfare, 454.
 HALE, Matthew, Esq. (afterwards L. C. J.) Sir Anthony Ashley Cowper, and Rushworth, appointed to report upon the Inconveniences of the Law, 94.
 — his MS. Copies of Rolls and Petitions in Parliament, in Lincoln's Inn Library, 103.
 — Selections from the MSS. of, in Lincoln's Inn, &c. recommended for Publication, 63.
 HALES Abbey, History of, 74.
 HALES Owen Abbey, old Statute Roll formerly belonging to, 97.
 HALL, Anthony, the Editor of Trivet's Annals, 132.
 HAMMES, Commission relating to the Castle of, 188.
 HAMILTON, Thomas, (afterwards Earl of Hamiltoun) assists in the Revision of the Scottish Statutes, 258.
 HAMPSHIRE, Markets in, noticed in the Domesday Survey, 446.
 HAMPTON Court, Expences of Buildings and Repairs at, among the Records discovered at the Chapter House, 194.
 HANDSOCA, Explanation of, 454.
 HANGWITHA, 433.
 HANTACHENESLE, 474.
 HARCLA, Andrew de, 141.
 HARDEVICES, or Villages belonging to Herdmen, mentioned in Domesday, 390, *note* (u).
 HARDICANUTE, 77.
 HARDING, John, Chronicle of, among the Harleian MSS. 74.
 — MS. of the Chronicle of, among the Lansdowne MSS. 85, 372.
 HARESTAN Castle committed to Farm, 187.
 HAREWOOD Priory, Yorkshire, Register of, 373.
 HARIETA, Heriet, Heriete, or Herigete, 451.
 HARLEIAN MSS. in the British Museum, Revision, Correction, and Extension of the Catalogue of, ordered, 19, 28, 47.
 — Progress of, reported, 21, 23, 24, 26, 27, 30, 31, 32, 33, 34, 35, 36.
 — completed, 6, 37, 38, 174, 517.
 — Indexes to, ordered, 38.
 — Progress of, reported, 39, 40.
 — completed, 41, 42, 43, 517.

HARLEIAN MSS. Account of the Formation, Contents, and Catalogue of the Collection, (Append. F. 6.) 71, 79.
 — Analytical Table of Matters contained in the Harleian Collection of MSS. 81.
 — Old English Translation of the Statutes in, 1 Edw. III. to 18 Hen. VI. 107.
 HARLEY, Robert, afterwards Earl of Oxford, founds the Harleian Collection of MSS. 71.
 — Plan formed by, for printing a Collection of Leagues, Treaties, Alliances, &c. intermixed with Instruments illustrating English History, 117, 119, 124.
 — suggests his Plan to Rymer, 118, 120, 477.
 — Zeal of, in collecting MSS. 73.
 — Death of, *ibid*.
 HARLEY, Edward, Earl of Oxford, pursues his Father's Plan in the Accumulation of a Library, 72.
 — Enumeration of the Contents of his Library, *ibid*.
 — Death of, 79.
 HAROLD II. K. Life and Miracles of, in MS. 74.
 — Exile of, 460.
 — how spoken of in the Domesday Survey, *ibid*.
 HARRISON, Geo. Esq. Letter of, relating to the Accompts. of the Commission, from 24th June 1809 to 17th Sept. 1817, 354.
 HARRISON, Richard, Esq. of the First Fruits Office, Memorial from, A. D. 1808, 360.
 HASTINGS, Co. Sussex, Proceedings before the King and Council 29 Edw. I. concerning the Jurisdiction of the Bp of Chichester as to his Visitation of the King's free Chapel of, 188.
 — Visitation by special Commission, 19 Edw. III. of the King's free Chapel in the Castle of, among the newly discovered Records in the Tower, *ibid*.
 — had One Moneyer in the Time of K. Æthelstan, 426.
 — Castelry of, 436.
 — Names of Persons recorded to have fallen in the Battle of, 461.
 — Destruction occasioned by the Conqueror's Army previous to the Battle of, *ibid. note* (c).
 HASTINGS, Sir Ralph, Letter Missive of K. Rich. III. for the Pardon of, 192.
 HAT Manufactory, Report relating to, 111.
 HATTON, Sir Christopher, a Contributor to Sir Robert Cotton's Collection of MSS. 72.
 HAVERING atte Bower, Extent of the Manor of, 35 Edw. I. among the Chapter House Records, 195.
 HAVRE de Grace, seized on by Queen Elizabeth, 138.
 HAWKING, Practice of, illustrated by Entries in the Domesday Survey, 463.
 HAWKINS's Edition of the Statutes publ. in 1735, Peculiarities of, 91.
 HAY, Alexander, assists in the Revision of the Scottish Statutes, 258, *note*.
 HAY, William, Abridgment of a Retour of Service relating to the Lands of, 161.
 HAYNES, Hopton, Esq. MS. of, on Coin and Coinage, 85, 373.
 HEARNE, Thomas, Original Letters of, in the Lansdowne Collection of Manuscripts, 374.
 HEIDELBERG Library removed to the Vatican, 72.
 HEIEMARIS, a Sea-hedge, noticed in the Domesday Survey, 418.
 HEINFARE, 433.
 HEIRS, Deeds relating to, among the Placita, 141.
 HENEAGE, Michael, Keeper of the Tower Records, MS. Collection of the Statutes made by, 94.
 HENGWITHA, 454.
 — explained, 455.
 HENGHAM, 76.
 HENRY I. Life of, in MS. 74.
 — Convention of, with Robert Earl of Flanders, the First Instrument of Rymer's *Fœdera*, 118, 478.
 — proposed to be re-engraved for the new Edition, 138.
 HENRY II. Fac Simile of the Convention of, with Theodoric Earl of Flanders, 138.
 HENRY III. the great Charter of, an. Regni 9, ordered to be engraved, 36.
 — Exemplifications of the Charters of Liberties of, 97, 180, 182.
 — Statutes of, almost entirely in Latin, 105.
 — MS. History of the Reign of, in the Library of Bennet College, Cambridge, 183.
 — MS. Life of, in the Harleian Collection, 74.
 — Transcripts of divers Magnæ Chartæ of, in the Harleian Collection, 76.
 — Letters, Treaties, &c. of the Reign of, in the Tower, 369.
 HENRY

- HENRY IV.** Letter of Defiance to, from the Earl of Northumberland, 74.
 — MS. Life of, *ibid.*
 — Statutes of, almost entirely in French, 106.
 — the Challenge of the Crown by, made in English, *ibid.*
 — Letter Missive of, concerning a Safe-Conduct for John Spersholt, Esquire, and John Feller, 191.
 — concerning the Abbot and Town of Cirencester, *ibid.*
 — concerning the Indictment of John Hutton and John Bedenhale, for divers Murders, Felonies, &c. *ibid.*
HENRY V. MS. Life of, 74.
 — Statutes of, with two Exceptions only, in French, 106.
 — Letter Missive of, to the B^p of Durham, concerning a Petition from the Parson of Street in Somersetshire, 191.
 — concerning the Petition of Margery Daye, *ibid.*
 — concerning the Truce between the King and the Duke of Bretagne, *ibid.*
 — Will of, among the Records discovered at the Chapter House, 195.
HENRY VI. MS. Life of, 74.
 — Mixt Language of the Statutes of, 106.
 — Letter Missive of, to the Abp. of Canterbury, that the Parliament should be holden at St. Edmund's Bury, 191.
 — concerning associating William Burley with the Justices of an Assize in the County of Hereford, 192.
 — granting the Wardship and Marriage of the Daughter of the Duke of Somerset, to the Earl of Suffolk, *ibid.*
HENRY VII. The Book of Indenture between him and the Abbot and Convent of Westminster, 77.
 — Quadrupartite Indenture of, with the Abbot and Convent of St. Alban's, *ibid.*
 — Statutes of, always published in English, 106.
 — MSS. containing the Statutes of the First Two Parliaments of, found in French, *ibid.* 182, 183.
 — Books relating to the Foundation of the Chapel of, among the Records in the Chapter House, 194.
 — Papers relating to the Erection of his Monument, *ibid.*
 — Will of, among the Chapter House Records, 195.
 — Statutes of 1, 3, and 4 of his Reign, 376.
HENRY VIII. Divorce of, from Queen Catherine, among the Records discovered in the Chapter House, 193.
 — Will of, where preserved, 195.
HENRY Prince of Wales, Letters to, 75.
HERALDICAL and Armorial MSS. in the Harleian Collection, 77.
 — in the Lansdowne Collection of MSS. 85.
HERALDS Office, Insecurity of the, 54, 328.
 — Note of Memorials, &c. relating to the Removal of the, 356.
 — Copies of the Memorials from the College of Arms to the Commissioners on Public Records, 1813 to 1816, (Append. F.) 361, 362.
 — Answer of Lord Sidmouth to the last Memorial, with the Report upon the Building from the Surveyor of the Phoenix Fire Office, 362.
HERBAGIUM, 407.
HERDESLEGE, Co. Heref. "domus defensabilis" at, noticed in Domesday Book, 437.
HEREFORD, Ecclesiastical Survey for the County of, 152.
 — MSS. at the Cathedral of, ill arranged, 180.
 — Moneyers in, at the Formation of the Domesday Survey, 426.
 — Customs and Services of the City of, 432.
 — Foreigners Burgesses in, *ibid.*
 — noticed in Domesday Book as surrounded by a Wall, 439.
HEREFORDSHIRE, Account of, in Domesday Book, 390.
 — Castles in, noticed in Domesday, 437.
 — Market at Etune in, noticed in Domesday, 446.
HEREWARD, 460.
HERIOTS and Reliefs, 450.
 — Etymology of Heriot, 451.
HERITABLE Jurisdictions, Abolition of, 159.
HERITABLE Property, Deeds relating to, within a Royal Burgh, to be recorded in the Town Court Book, 50, 197.
HERRING Fisheries, Reports on, 113.
 — noticed in Domesday Book, 417.
HERTFORD, Inquisition relating to the Domesday Return for the County of, 386, 387.
HICKES, Dr. George, 73.
HICKES, Sir Michael, one of the Owners of the Burghley Papers, 372.
HIDA, 141.
HIDE of Land, Opinions of various Authors on the Quantity of a Hide of Land, 418, 419.
 — a Distinction made in Domesday between the English and the Welsh Hides, 419.
HIGDEN, Ranulph, his Polycronicon taken from the Polycratica Temporum of Roger Cestrensis, 74.
HIGH-TREASON, Proceedings upon Special Commission for Trial of, in Scotland, in 1794, &c. ordered to be transferred from the Crown Office, K. B. in that Kingdom, to the General Register Office, 19.
HIGHWAY or Turnpike Trusts, Reports on, 111.
 "HISTORIÆ Anglicanæ Scriptores Antiqui," 131.
HISTORIANS, ancient English, among the Harleian MSS. 74.
 — Works of, occasionally transcribed by Rymer, 130.
 — Variation of the English Historians in respect to the Returns required by the Domesday Inquest, 388.
HOBART, L. C. J. engaged in revising the Statute Law, 93.
HOBY, Sir Thomas, 73.
HOCKER, the Continuer of the Harleian Catalogue, 78.
HOEL Dha, Laws of, 406.
HOLLES, John, D. of Newcastle, Papers and Letters of, 75.
HOLME, Register of the Monastery of, 76.
HOLME Cultrum, Register of the Monastery of, *ibid.*
HOLMES, George, Keeper of the Records in the Tower, engaged in the Second Edition of Rymer's Fœdera, 117, 129.
 — Inaccuracy of, 478.
HOMAGE and Fealty, general, t. Will. Conq. 385.
HOMICIDIUM, 454.
 — explained, 455.
HOMINES, a Term for all Sorts of feudatory Tenants in Domesday, 403.
HONEY, various Sextaries for, noticed in the Domesday, 415.
HONORIUS, Pope, the Bull of, to Alexander K. of Scots, recommended to be re-engraved for the new Fœdera, 139.
HONORIUS III. Pope, Bulls of, 499, 500.
HONOURS and Baronies, 141.
HORACE, MS. of, of the 15th Century, in the Lansdowne Collection, 373.
HORNE, 76.
HORNINGS and Inhibitions, Act passed concerning the Registers of, in Scotland, 49.
 — Provisions made, in 1672, for ensuring the Accuracy of the County Registers of, 205.
 — present State of the Registers of Hornings, 232, 233, 242, 247.
HORSES, the King's, Records relating to, in the K. R. Office, Exchequer, 196.
HORTI, Orti, or Hortuli, in Domesday, 411.
HOSPITES in Domesday, explained, 404.
HOSTIARIUS, 404.
HOVEDEN, Roger de, 74.
 — Instruments copied from, by Rymer, 131.
HOUSEHOLD, Books of the, 75.
 — Copy of the Ordinance of the, 5 Edw. II. at Canterbury, 184.
 — Royal Household Accounts, t. Hen. VII. and VIII. among the Records discovered at the Chapter House, 194.
HOWEL Dha, Laws of, 78.
HUCHEUNODE, or Whichwoode, Forest of, 407.
HUDSON, William, Treatise by, on the Court of Star Chamber, 373.
HUDSON's Bay Company, Report on, 111.
HUGH, St. Bishop of Lincoln, MS. Life of, 75.
HULTON, John, of Baconstreet, Letter Missive of K. Hen. IV. for removing the Indictment of, for Felony, into the Common Pleas, 191.
HUNDRED, Explanations of the Term, 428, 429.
 — Origin of the, ascribed to K. Alfred, 429.
 "HUNDRED Rolls," Transcript of the, in the Tower of London, ordered, 32.
 — Progress on the, reported, 32, 33, 34, 35, 36, 37, 38, 39, 40, 55, 56.
 — ordered to be printed entire, 48.
 — the First Volume of, completed, 7, 42, 56, 174.
 — Vol. II. of, ordered to be printed, 43, 56, 341.
 — Plan for the Publication of the, 144.
 — Special Commission for the Formation of, issued 2 Edw. I. *ibid.*
 "HUNDRED

"HUNDRED Rolls," Original Inquisition for the, where preserved, *ibid.*
 — Nature of the, *ibid.*
 — Copy of the Commission for taking the Inquisitions, 146.
 — — — — — Articuli ad inquirend', *ibid.*
 — — — — — Estreats upon, 2 Edw. I. among the Records discovered at the Chapter House, 194, 196.
 — — — — — Progress in printing the Second Volume of the, reported, 340, 342, 344, 346, 348, 350, 357, 358.
 — — — — — Vol. II. of, completed, 330, 350, 351, 356, 358, 517.
 — — — — — Account of, (Append. O.) 504.
 — — — — — Rolls and Inquisitions, 7 and 8 Edw. I. *ibid.*
 — — — — — Object of this latter Survey, 505.
 — — — — — Commission for taking the Hundred Rolls, *ibid.*
 HUNDREDS, Changes in the Names of, in different Counties since Domesday, 389.
 HUNDRET, tertius denarius de, 424. *note.*
 HUNTINGDON, Ecclesiastical Return for the County of, 34 H. VIII. 151.
 — — — — — Bordarii anciently in the Town of, 401.
 — — — — — Castle of, 438.
 HUNTINGDON, Dr. a Benefactor to the Bodleian Library, 71.
 HUSCARLI, Explanation of, in Domesday. 404. *note.*

I. & J.

JAMES I. K. of England, Plan for revising the Statute Law during the Reign of, 93, 94.
 — — — — — Copy of the Exemplification and Order of, concerning the Six escheated Counties in the N. of Ireland, 309.
 JAMES II. K. of England, Documents believed to have been carried to France after the Abdication of, 121.
 JAMES I. K. of Scots, the Legislature of Scotland reformed by, 255.
 — — — — — Acts of the Parliaments of, 513.
 JAMES II. K. of Scots, Parliamentary Proceedings in the Reign of, 170, 171.
 — — — — — Acts of the Parliaments of, 514.
 JAMES III. K. of Scots, Agreement between, and Edward IV. in 1463, 10.
 — — — — — Statutes of, 514.
 JAMES IV. K. of Scots, Design of, for giving Publicity to the Laws and Historical Monuments of Scotland, 255.
 — — — — — Records of the Parliament of, 514.
 — — — — — Negotiations of, with Lewis XII. of France, 532.
 JAMES V. K. of Scots, Selection from the Acts of several Parliaments of, published in 1541, *ibid.*
 — — — — — earliest Charters of, 167.
 — — — — — Revision of the Laws and Statutes of Scotland under, 255.
 — — — — — Defects of the Parliamentary Records in the Reign of, 514.
 JAMES VI. K. of Scotland, Acts of particular Parliaments of, 107.
 — — — — — Acts of the Parliaments of, 515, 528.
 ICKHAM, Peter de, 74.
 IDIOTRY, Brieve of, 273.
 JEDBURGH, Monastery of, 532.
 JENA, Library of the University of, 72.
 JENKINS, Sir Leoline, Calendar to the domestic Part of his Collection of MSS. in the State Paper Office, 364.
 JERSEY, an Extent of the Profits of the Island of, among the Records in the King's Remembrancer's Office in the Exchequer, 196.
 JEWEL Office, Inventories of the, among the Harleian MSS. 75.
 JEWELS and Plate, Indentures for the Delivery of, t. Edw. II. and III. among the Records discovered at the Chapter House, 194.
 — — — — — Records relating to, in the K. R. Office in the Exchequer, 196.
 JEWS, "Rotuli Judeorum & Starra," t. Joh. & Hen. III. among the Records discovered at the Chapter House, 194.
 INA, Laws of, quoted, 406.
 INDENTURE of War, 364.
 INFANGETHEFE, 452.
 INFIRMARER of St. Edmundsbury Abbey, Register of the, 373.
 INGENIATOR, 404.
 INGUARD, or Inward, 449.
 INGUARDI, 404.

INGULPHUS'S boast that the Possessions of Croyland Abbey were not rated to their full Extent, 388.
 INHIBITIONS, 251.
 INNER Temple Library, Petyt's Collection of MSS. in, 94, 182.
 INNES, Robert, Abridgment of a Retour of Service relating to the Lands of, 161.
 INNOCENT II. Pope, Bull of, respecting the Obedience of the Scots Bishops to the Archbishop of York, 78.
 — — — — — Fac Simile of a Bull of, recommended to be re-engraved for the new Edition of the *Fœdera*, 139.
 INNOCENT III. Pope, Bulls of, 499, 500.
 INNOCENT IV. Pope, Valor of, 148.
 — — — — — Bulls of, 499, 501.
 INNS of Court, MSS. in the Libraries of the, 72.
 INQUEST, Brieve of, explained, 157.
 INQUISITIO Eliensis, 344, 346, 348.
 — — — — — Account of the, 473.
 — — — — — Variations of, from the Great Domesday, 474.
 INQUISITIO Geldi, or Taxation of the Hundreds of Wiltshire, in the Exon Domesday, 469.
 "INQUISITIONUM ad Capellam Domini Regis Retornatarum quæ in Publicis Archivis Scotiæ adhuc servantur Abbreviatio," Vol. I. II. 44, 174.
 — — — — — the Preparation of a Supplement and Indexes to, announced, 175.
 — — — — — Publication of Three Volumes of, 517.
 INQUISITIONES ad quod Damnum, Calendar of, printed, 6, 19, 24, 25, 26, 47, 65, 174.
 — — — — — Account of the Publication and Contents of the, 65.
 "INQUISITIONES Nonarum, temp. Edw. III." Transcription and Publication of, ordered, 20.
 — — — — — Progress in the Preparation of, reported, 26, 28, 29, 30, 31, 32.
 — — — — — Publication of, completed, 7, 33, 35, 174.
 INQUISITIONES Post Mortem, Transcript and Publication of the Calendar of, 24, 25, 26, 28, 29, 30, 35, 48.
 — — — — — First Volume of, completed, 6, 32, 35, 48, 62, 174.
 — — — — — Transcript and Revision of the Second Volume of, 31.
 — — — — — Progress in, reported, 32, 33, 34, 35, 37, 38.
 — — — — — Vol. II. of, completed, 36, 48, 62, 174.
 — — — — — Transcript of, completed to the end of Hen. VI. 33, 35.
 — — — — — from Edw. III. to Eliz. in K. R. O. Exchequer, transcribed, 39, 54.
 — — — — — the Repertories of, from 13 Ric. II. corrected and enlarged, 37, 39.
 — — — — — in the King's Remembrancer's Office, collected and made accessible, 39, 41, 55.
 — — — — — further Progress in the Printing of, suspended, 62.
 — — — — — Continuation of the Calendar, announced, 136.
 — — — — — in the Duchy Office of Lancaster, beginning 1 Hen. V. proposed to be printed, but postponed until those at the Tower and Rolls are completed, 63.
 — — — — — Officers private Indexes of Places to, in the Rolls Chapel recommended to be printed, *ibid.*
 — — — — — Transcripts of those in the Tower and Rolls Chapel, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 "INQUISITIONUM POST MORTEM sive Escaetorum," Vol. I. & II. Progress in the Transcript and Publication of, 24, 25, 26, 28, 29, 30, 31, 32, 33, 37.
 — — — — — Publication of, completed, 6, 32, 35, 48, 174, 517.
 — — — — — Progress of Vol. III. in the Press, 174, 331, 352, 355, 517.
 INQUISITIONES de Tutela, 273.
 INROLLMENT of Statutes in Chancery, 101.
 — — — — — in an uninterrupted Series from 1 Ric. III. to the present Time, except only during the Usurpation, *ibid.*
 — — — — — Authority of, as compared with Original Acts, 102.
 INSTRUCTIONS to Ambassadors, 74.
 INTERLOCUTORS, Roll of, 522, 523.
 "INTERPRES," in Domesday, 404.
 INVASIONES in Domesday Book, 389.
 INVENTORIES of the Registers of Parliament in Scotland before 1567, 211, 212.
 INVENTORIES of the Royal Wardrobe in Scotland, 1488—1606, 536.
 INVESTITURE, feudal Proceedings of, in Scotland, 155.
 JOCULATOR Regis, 404.
 JOCULATRIX, 404.
 JOHN, King. See Magna Charta.
 JOHN, K. of Scotland, Submission of, to K. Edw. I. 139.
 JOHN, St. of Jerusalem, Register of the Priory of, 373.
 JOCELYNE, John, 72.
 JOURNAL and Paper Office of the House of Commons, increased Accommodation provided for the, 3.
 JOURNALS and Reports of the House of Commons, a Reprint of the, in forwardness, 6.
 — — — — — completed, 330.

JOURNALS of Parliament. *See* Parliament.
IPSWICH, Endowment of the College at, *t.* Hen. VIII. among the Records discovered at the Chapter House, 194.
 — poor Burgesses of, 435.
IRELAND, how far benefited by the Operation of the Record Commissions, 10, 333.
 — Survey of the Ecclesiastical Benefices of, made in 1292, *ibid.* (App. Y. 1.) 302.
 — a Commission appointed for the Records of, 10.
 — Pope Nicholas Taxation for, ordered to be transcribed, 54.
 — Extents of Knights Templars Possessions in, ordered to be transcribed, 54, 196.
 — MSS. in the Harleian Collection, relating to the History of, 78.
 — the great Sanction or Constitution of Nine made in favour of Christianity in, 79.
 — Collection of the Statutes of, printed, under the Authority of Sir Henry Sidney, in 1572, 109.
 — Statutes of, abstracted from 3 Edw. II. to 13 Jac. I. by Sir Richard Bolton, *ibid.*
 — — reprinted twice, *ibid.*
 — Statutes of, published in 1765, under the Inspection of the Lord Chancellor, *ibid.*
 — Promulgation of Statutes in, *ibid.* 110.
 — English Statutes sent to, *ibid.*
 — Linen and Hempen Manufacture in, Reports upon, 113.
 — Report on Treasonable Conspiracy in, *ibid.*
 — Papers relating to the Affairs of, *t.* Hen. III. Edw. III. and Hen. V. discovered at the Chapter House, 193.
 — Extents of the Possessions of the Knights Templars in, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 — Report of Searches for original Records and MS. Copies of Charters and Statutes in, (App. Y. 2.) 302.
 — Observations on the Condition, Arrangement, and future Preservation of the Records of, (App. Y. 3.) 305.
 — MS. Volume in the Office of Under Secretary for Civil Affairs in, *ibid.*
 — List of Patentee Officers in, 33 Hen. VIII. to 13 Geo. III. where kept, *ibid.*
 — Royal Letters for the Appointment of Chancellors and other Officers of State in, where preserved, *ibid.*
 — Letter from Lord Redesdale on the Records of, 309.
 — Commission for the Arrangement of Public Records in, (App. Z. 1.) 311.
 — First Report of the Commissioners of Public Records in, (App. Z. 2.) 314.
 — Extracts from the Second Report of the Commissioners, (App. Z. 3.) 318.
 — MS. on the State and Government of, in the Lansdowne Collection, 372.
 — Original Letters relating to the State of, when under the Government of Henry Cromwell, 373.
 — Summary of the Proceedings of His Majesty's Commissioners on the Public Records of Ireland, from the Commencement in 1810 to December 1818, 542.
 — Disorder of the Records in, 543.
 — Proceedings of the Commission in regard to the Record Repositories of, 543.
IRISH Chiefs, Agreements with, where kept, 305.
IRISH Correspondence from 1516 to 1706, in the State Paper Office, 364.
IRON noticed in different Counties in the Domesday Survey, 415, 416.
IRON and Lead Works noticed in Domesday Book, 415.
ITALIAN Clergy, Articles levied against the increasing Power of the, 144.
JUDGEMENTS, Reasons and Causes of, 141.
JUDICATORIES, Provisions in the Act concerning the Regulation of, for ensuring the Accuracy of the County Registers of Hornings, Interdictions, &c. 205.
JUDICES Civitatis Cestriæ, 434.
JUDICIAL Records, recently discovered in the Tower of London, 9, 187.
 — — discovered among the Chapter House Records, 194.
JUGUM, or Yoke of Land, Measure of, in Domesday, 421.
JUNIUS, Franciscus, a Benefactor to the Bodleian Library, 71.
JURIES, Entries on the Placita Rolls concerning, 141.
JURISDICTION, Decisions upon, *ibid.*
JURISDICTIONS of Regality in Scotland, 159.
 — Heritable Jurisdictions abolished, *ibid.*
JUSTICES in Eyre, Functions of the, 144.

JUSTICES in Eyre, early Proceedings of the, discovered among the Records in the Tower, 187.
 — Pleadings before the, Hen. III. to Edw. III. discovered in the Chapter House, 194.
JUSTICIARY, Records of the Court of, in Scotland, ordered to be transferred to the General Register House, 53, 59, 199.
 — Proceedings relating to, postponed, 63.
 — a Record of Proceedings in the Circuit Court of, ordered to be deposited in the General Register House, 197.
 — Considerations on the Proposition of this Measure, 204, 215, 219.
 — Select Proceedings of the Court of, from the Reign of James IV. preparing for the Press, 175.
 — Index wanting to the Records of, 197, 199, 209.
 — Nature of the Proceedings of the Lords Commissioners of, 203.
 — an Index to the Records of, ordered, 220.
 — Records of the High Court and of the Circuit Court of Justiciary, where kept, 232.
 — Transfer of the Justiciary Office proposed, 250.
 — Court of. *See* Court.
JUVENAL, MS. of the Satires of, 373.

K.

KEBLE's Edition of the Statutes at Large, published in 1676, 91.
KELSO, Taxt Roll of the Lands formerly belonging to the Monastery of, 532.
KENILWORTH, Dictum de, 89, 141.
 — Berthelet's Translation of the, 89.
 — Register of the Priory of, 76.
KENNETT, Dr. White, Bishop of Peterborough, Account of the Manuscripts of, in the Lansdowne Collection, 85, 329, 372.
KENT, Condition of the Ecclesiastical Valor for, 151.
 — Markets in, noticed in Domesday Book, 446.
 — of Reliefs in, 452.
 — Grant of the County of, by William the Conqueror, 491, 492, 493.
KENT, Earl of, Surveys and Accounts of the forfeited Estates of, discovered among the Chapter House Records, 193.
KILKENNY Castle, Records carried to, from Waterford, *t.* Cha. I. 304.
KING's Bench, Calendar and Indexes to the Records of the Court of, ordered to be printed, 19, 21, 48.
 — Petitions sent to the Justices of the, to be enrolled, 140.
 — Records of Attainder in, Progress of the Arrangement of, 21.
 — Schedules of the, completed, 25.
 — early Proceedings in the Court of, discovered among the Records in the Tower, 187.
 — Proceedings in the, Edw. III. to Car. II. discovered among the Chapter House Records, 194.
KING's College, Cambridge, Commission for taking Artificers, *t.* Ric. III. for the finishing of, 192.
KING's Inns in Ireland, Members of, 305.
KIRKCUDBRIGHT, Registers of Seisins for, 532.
KIRKS, Records of the Commission for the Plantation of Kirks, and Valuation of Teinds, where kept, 232.
 — Valuations of, 251.
KNIGHTS, Expences of, attending the Parliament, 141.
KNIGHTS Templars, Extents of the Possessions of the, made on the Suppression of the Order, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 9, 37, 39, 55, 196.
 — Extents of the Possessions of the, in Ireland, found in the same Repository, 196.

L.

LACI, Ilbert de, Manors belonging to, entered in Domesday Book, 440.
LACI, Roger de, Manors belonging to, entered in Domesday Book, 440.
LACOCK Abbey, Magna Carta 9 Hen. III. preserved at, 97.
LAGEMANNI, explained, 404. *note.*
 — Lagemanni or Lagemen, at Lincoln and Stamford, 434.
LAHMEN,

- LAHMEN, 434.
 LAMBERT, Mr. a Contributor to Sir Robert Cotton's MSS. 72.
 LANCASHIRE, Ecclesiastical Return for, *t.* Hen. VIII. 151.
 ——— An Account of that Part of, between the Ribble and the Mersey, subjoined to the Domesday Account of Cheshire, 390.
 LANCASTER, Records of the Duchy of, ordered to be transferred from the Augmentation Office, 19, 47.
 ——— Index to the Inquisitiones post Mortem in, beginning 1 Hen. V. ordered to be printed, 63.
 ——— Register of the Priory of, 76.
 LANCASTER, Thomas, Earl of, 141.
 LAND, Grants of, entered on the Patent Rolls, 66.
 LAND-FORCES and Marines, Report concerning, 111.
 LAND-REVENUE, Papers relating to the, among the Records discovered in the Chapter House, 194.
 LAND-REVENUE Office, Rolls transferred from, to the Augmentation Office, 6, 21, 47.
 ——— Arrangement and Calendar of the Records of, ordered, 19, 21, 47, 62.
 LANDS, Grants of, *t.* James I. and Charles I. 363.
 LANGLEY, Manor of, committed to farm, 187.
 LANGTOFT, Peter, 74.
 LANGUAGE of the Charters and Statutes, originally Latin or French, 105.
 ——— from the Time of Hen. VII. uniformly English, *ibid.*
 LANSLOWNE MSS. in the British Museum, a Catalogue of, ordered to be made, 41, 46.
 ——— the First Part of, containing the Burleigh Papers, completed, 7, 42.
 ——— Continuation of the, ordered, 44, 174, 341.
 ——— Account of the, 85, 329.
 ——— Progress of the Second Part of the Catalogue of, reported, 340, 342, 344, 346, 348, 350.
 ——— Completion of the Second Volume announced, 353, 355, 517.
 Preface to the Catalogue of, (Append. K.) 372.
 ——— Purchase of the Collection, *ibid.*
 LANTHONY, William of, 75.
 LASCARIS, John, collects MSS. for the Laurentian Medicean Library at Florence, 73.
 LATIN, the original Language of many Statutes previous to Hen. VII. 88.
 LATINARIUS, 404.
 LATROCINIUM, 433.
 ——— Latrocinium or Latrones explained, 454, 455.
 LAVATORES, 404.
 LAUD, Archbishop, a Benefactor to the Bodleian Library, 71.
 LAURENTIAN Library, 72.
 LAWBURROWS, 251.
 LAW Cases, Collections, &c. among the Lansdowne Manuscripts, 373.
 LAW Papers, and Attorney and Solicitor Generals' Reports and Opinions, principally *t.* Cha. II. in State Paper Office, Calendars of, 363.
 ——— others from 1684 to 1768, in the same Collection, calendared, *ibid.* 364.
 LAW Writers, Antient, a systematic and uniform Edition of, recommended, 63.
 LAWES, Castellum, 436.
 LAWS, Polity, &c. of England, MSS. relating to the, in the Harleian Collection, 76.
 ——— of the Anglo-Saxon, Danish, and Norman Kings, *ibid.*
 ——— expired and expiring of the United Kingdom, 114.
 LAWSON, Alexander, Protocol of, 532.
 LAYER's Conspiracy, Report on, 111.
 LEAD-WAHLING, explained, 413.
 LEAD Works noticed in the Domesday Survey, 415, 416.
 LEAGUES, Treaties, &c. between England and Foreign Nations, ordered by Q. Eliz. to be sorted, and Calendars of, made, 116.
 LEASES, antient, in State Paper Office, 363.
 LE CLERC, begins the Analysis of Rymer, which was finished by Rapin, 118, 119.
 ——— notices a Defect of Plan in the *Fœdera*, 125.
 ——— further Account of the "*Acta Regia*" of, 126, 127, 480.
 LEGATUS, 404.
 LEGREUITA, 454.
 ——— explained, 455.
 LEICESTER, State of the Ecclesiastical Return for the County of, *t.* Hen. VIII. 151.
 ——— Castle of, committed to farm, 187.
 ——— customary Payments and Services of the Town of, noticed in the Domesday Survey, 432.
 LEICESTER, noticed in Domesday as a walled Town, 439.
 LEICESTERSHIRE, presumed Date of the Account of, in Domesday Book, 382.
 ——— Changes in the Hundreds of, since Domesday was compiled, comparatively trifling, 389.
 ——— Market in, at Medeltone, noticed in the Domesday Survey, 446.
 LEIGH, Register of the Monastery of, 76.
 LEIPSIK, Library of the University of, 72.
 LE NEVE, Peter, a Contributor to Lord Oxford's Collection of MSS. 73.
 LEOFMINSTRE, Co. Heref. Rent of Eels from the Manor of, to the King, 417.
 ——— Manor of, 442.
 "LEPORUM Warennæ," in Domesday Book, 410.
 LESLEY, John, Bishop of Ross, suggests an extensive Compilation of the Laws and Statutes of Scotland, 255, 256, *note* *.
 LESLIE, George, Abridgment of a Retour of Service relating to Lands of, 161.
 LEST, Last, or Lathe in Domesday, 427.
 LETTERS Missive, from the King to the Lord Chancellor, and from the different Sovereigns of Europe to the Kings of England, from the Beginning of the Reign of Hen. III. to the End of the Reign of Rich. III. discovered in the Tower, 8, 185, 186.
 ——— a Volume of, in the Progress of Publication, 187.
 ——— Abstracts of, 189.
 LETTERS Royal, 74, 85, 328.
 ——— of Scotland, preserved in the Royal Collection of MSS. in the British Museum, 155.
 ——— among the Cottonian MSS. 155.
 ——— *t.* Hen. VIII. discovered in the Chapter House, Westminster, 193.
 ——— from Henry VIII. to Geo. III. in the State Paper Office, Calendar of, compiled, 363.
 ——— Arrangement and Binding of a Collection of, from Hen. VIII. to Eliz. in the same Repository, ordered, 364.
 ——— "Royal Letters, New Series," in the State Paper Office, 364.
 ——— Letters Missive of Sovereigns, Nobility, &c. preserved in the Tower of London, 367.
 ——— Abstract of, made, 368.
 ——— Letters Royal among the Lansdowne MSS. in the British Museum, 373.
 LETTERS, Speeches, &c. of English Kings from the Harleian MSS. 75.
 ——— relating to Public Affairs from 1307 to 1716, *ibid.*
 ——— Treaties, &c. *t.* Edw. I. in the Tower, Selection from, made, 368, 369.
 LETTOU and Machlinia's Edition of the Statutes, 88.
 LEUCA, Leuga, or Leua, Measure of the, in Domesday, 422.
 LEUGA, Lowy, or District, *ibid.*
 LEUUA, or Lowy, of Chester, 434.
 ——— or Lowy of Tunbridge Castle, in Kent, 436. *note* (p.)
 LEWES, Battle of, 141.
 ——— Herrings rendered by the Burgesses of, 417.
 ——— had Two Moneyers in the Time of K. Æthelstan, 426.
 ——— Customs of the Town of, 431.
 ——— Castle of, mentioned in Domesday Book, 436.
 LEWIS K. of France, the Agreement of, with the K. of England, to take up the Cross against the Saracens, 131.
 LEYDEN, Library at the University of, 72.
 LIBER de antiquis Legibus, in the Town Clerk's Office, London, described, 103.
 "LIBER Contrarotulatoris de necessariis Expensis," 14 & 18 Ed. I. discovered among the Tower Records, 187.
 LIBER Customarum, in the Town Clerk's Office, London, Account of, 103.
 LIBER Horn, in the Town Clerk's Office, London, 103.
 LIBER Eliensis, Transcript of the, 344, 346. *See* Inquisitio Eliensis.
 LIBER Judiciarius, one of the Names of Domesday Book, 381.
 LIBER Niger de Wigmore, 77.
 LIBER Niger at Christ Church Dublin, Entries of Statutes in the, enumerated, 304.
 LIBER Regalis, MSS. of the, 77.
 LIBER Regis, one of the Names of Domesday Book, 381.
 LIBER de Wintonia, one of the Names of Domesday Book, 381, 466.
 LIBERÆ fœminæ commendatæ, 398.
 LIBERATORES, 404.
 LIBERI homines of Domesday, 396.
 ——— Liberi homines ad nullum firmam pertinentes, 398.
 LIBERI

- LIBERI** homines commendati, 396, 397.
 — Liberi homines dimidi, 397.
 — Liberi homines integri, *ibid.*
 — Removal of, from one Manor to another, 442.
LIBRÆ or Pounds, different Kinds of, noticed in the Domesday Survey, 422.
 — Libræ Rodomensis, 424.
LIBRARIES. List of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited, (App. O.), 176.
LIBRARY, Royal, founded by K. Hen. VIII. 71.
 “**LIBRI** Censualis vocati Domesday-Book Indices,” Compilation of ordered, 6, 19, 21, 48.
 — Progress in, reported, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40.
 — completed, 6, 41, 42, 174.
 “**LIBRORUM MSS.** Bibliothecæ Harleianæ Catalogus, Vol. I. “II. III. IV.” Revision and Correction of, reported, 19, 21, 23, 25, 27, 29, 30, 33, 34, 35, 36, 37, 38, 39.
 — Completion of, 6, 37, 41, 42, 174.
LICENCES entered on the Patent Rolls, 66.
LICHFIELD, History of the Monastery of, 74.
 — Register of, 76.
 — MSS. at the Cathedral of, 180.
LIFE BOAT, Mr. Greathead’s Report upon the, 113.
LINCOLN Cathedral, Charters of Liberties at, 36, 97.
 — more particular Account of the Charter of K. John at, 182.
 — MSS. in the Library of, mutilated, *ibid.*
 — Original Inquisitions for the Hundred-Roll of the County of, where preserved, 144.
 — State of the Ecclesiastical Valor for the County of, t. Hen. VIII. 151.
 — Copy of the Return for the County of, 34 Hen. VIII. *ibid.* 152.
 — Roll containing Pensions in the Diocese of, 152.
 — Papers relating to Rebellions and Treasons in, t. Hen. VIII. discovered among the Chapter House Records, 193.
LINCOLN, Removal of the See of Dorchester in Oxfordshire to, 383.
 — Lagemen of, 434.
 — Castle at, 439.
 — noticed in Domesday Book as a walled City, 439.
LINCOLN’S INN, early Petitions in Parliament preserved in the Library of, 102.
 — Lord Hale’s MS. Copies of Rolls and Petitions. at, 103.
LINCOLNSHIRE, Survey of, in Domesday Book, made in 1085, 383.
 — Castles in, noticed in Domesday Book, 439.
 — Markets in, noticed, 446.
 — Churches returned from, in Domesday, 456.
LINDSAY, Robert, Continuation of Hector Boethius’s History by, 80.
LINDSAY, John, assists in the Revision of the Scottish Statutes t. James VI. 258. *note.*
LINEN Manufactories, Report upon, 111.
LINEN Trade, Report on, 112.
 — Linen and Hempen Manufacture of Ireland and Flax Seed, Report upon, 113.
 — Linens, Threads, &c. Report upon Improvement in the Manufacture of, 111.
LISLE, Lord, Correspondence of, *temp.* Hen. VIII. discovered among the Chapter House Records, 193, 195.
LISMORE Castle, Records conveyed to, from Waterford, t. Charles I. 304.
LIST of Works printed under the Orders of the Record Commission (App. N.), 174.
 — of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited (App. O.) 176.
LIVERIES, Private Indexes to, in the Rolls Chapel, recommended to be printed, 63.
 — Special, entered on the Patent Rolls, 66.
LIVES, Instances in Domesday Book of Leases for, 462.
LIVY, MS. Translation of the First Ten Books of, by Pierre Berceure or Bercheur, of the Fourteenth Century, 373.
LLANDAFF, State of the Ecclesiastical Valor of the County of, t. Hen. VIII. 151.
LLEWELLIN Prince of North Wales, Letter of, to K. Hen. III. 189.
 — Letter of, to K. Edw. I. 191.
LOCAL Registries. *See* Registries.
- LODGE,** MS. Collection of Irish State Matters formed by, 305.
 — List of Patentee Officers in Ireland by, 543, 549.
LONDON, Petition of the Mercery of, 10 Edw. III. one of the earliest Instances of Petitions in English Parliamentary Proceedings, 106.
 — Reports on the Port and Bridge of, 114.
 — Customs of the City of, 141.
 — Copy of the Ecclesiastical Return for, 34 Hen. VIII. 151.
 — Expences of repairing Highways and Sewers in the City of London and Westminster, among the Records discovered in the King’s Remembrancer’s Office in the Exchequer, 196.
 — Town Clerk’s Office of, Charter of 25 Edw. I. confirming Magna Carta, preserved at, 97.
 — Manuscript Volume in, containing Entries of ancient Statutes, 103.
 — had Eight Moneyers in the Time of King Æthelstan, 426.
LONGCHAMP, William, Bishop of Ely, communicates the Letters of Vetus de Monte to Diceto, 132.
 — the Policy of his obtaining Insertion for them in Diceto’s History, examined, *ibid.* 133.
 — Account of, 497.
LONGESPEE, William, Earl of Sarum, Letter of, 189.
LORD Clerk Register. *See* Clerk Register.
LORD High Treasurer of Scotland, Register of Accounts of the, in the 15th and 16th Centuries, 528.
LORDS, Journals of the House of, among the Harleian MSS. 75.
 — Endeavour by the, in 1718, to examine the Repositories of Public Records, 478.
LORDS of Council in Scotland. *See* Council.
LORDS Auditors of Parliament in Scotland, Proceedings of, 42, 43, 61, 169, 170, 171, 262.
 — Progress in printing the Proceedings of, 137.
 — Acts of, in the Years 1482, 1483, and 1484, 536.
LORICATI, 404.
LORIMARIUS, 404.
LORIPES, 404.
LOTHIAN, Proceedings in the Court of the Official of, 540.
LOUIS, Dauphin of France, Copy of the Award of, in the Dispute between K. Hen. III. and his Barons, 1263, 184.
LUCIUS II. Pope, Bull of, 500.
LUCIUS III. P. P. Bull of, 499.
LUCRUM Terræ, 405.
LUNDA, Chartulary of the Monastery of, 85, 373.
LYDGATE, John, Manuscript of the Poems of, 374.
LYMINGTON, Co. Hants, Salt-works antiently at, 414.
LYTTELTON, Bishop, Letter of, respecting the Winton Domesday, 474.

M.

- MACFARLAN,** Walter, an Abridgment of some of the earliest Volumes of the Record of the Great Seal of Scotland, drawn up under the Inspection of, 214.
MACHLINIA, Edition of the Statutes by, 88.
MACKENZIE, Sir George, afterwards Earl of Cromertie, holds the Office of Clerk Register, 211.
 — prepares a Petition to the Estates of Parliament in 1693, concerning the Records of Scotland, *ibid.*
MACULLOCH, Magnus, 78.
MADOX’S Collections in the British Museum, 136.
MAGNA Carta, and Carta de Foresta, printed in the new Collection of the Statutes from Originals under the Great Seal: and again amongst the Statutes of 25 Edw. I. from the Entry on the Statute Roll, 96.
MAGNA Carta, an original Copy of, at Lincoln Cathedral, 97.
 — 1 and 9 Hen. III. preserved at Durham Cathedral, *ibid.* 180.
 — of 9 Hen. III. preserved by the Family of Talbot of Laycock Abbey, Wilts, 97.
 — The “Articuli Magnæ Cartæ,” under the Seal of K. John, preserved in the British Museum, *ibid.* 98.
 — a FacSimile of, recommended for the new Edition of the *Fœdera*, 138.
 — Copies and Confirmation of, preserved in Gloucester Cathedral, 173.
 — at York, 182. [*See* Charters of Liberties.]
 “**MAGNUS** Rotulus Scotiæ,” 154.
MAILROS, Chronicle of, 78.
MALMESBURY Abbey, Register of, 373.

MALMESBURY,

MALMESBURY, William, Treatise of, de Gestis Regum Anglorum, 74.
 — de Gestis Pontificum, *ibid.*
MAN of the Mountain. See Vetus de Monte.
MANAGIUM, 474.
MANDATES issued by the Kings of England respecting their Attempt to conquer Scotland, 155.
MANERIOLOM, 443.
MANORS, Surveys, Extents, and Rentals of, discovered in the Chapter House at Westminster, 194.
 — Extents of, in the Reigns of Edw. I. II. & III. found among the Records in the King's Remembrancer's Office in the Exchequer, 196.
 — Bailiffs Accounts of, for the same Period, also discovered in the King's Remembrancer's Office, *ibid.*
 — when they ceased to be created, 391.
 — Tenure of a Manor in Domesday, not inconsistent with the Service of a Homo, 404.
 — Burgesses attached to Manors, noticed in Domesday Book, 435.
 — Origin and History of, 439, 442.
 — Increase and Decrease of, with the Removal of Lands from one Manor to another, noticed in Domesday, 442.
 — Formation of a new Manor, *ibid.*
MANSFIELD, Manor of, committed to farm, 187.
MANSIO, Explanation of, in Domesday, 444.
 — Bracton's Explanation of the Difference between the Mansio, the Villa, and the Manerium, *ibid.*
MANSURA, 440.
MANSURÆ terræ, 405.
MANUSCRIPTS, Dispersion of, after the Dissolution of Religious Houses, 72.
 — Zeal of Religious Houses for the Possession of, 73.
MARCELLINUS, St. MS. Life of, 75.
MARESCAL, or **MARESCALCUS**, 404.
MARIA sopra Minerva, Sancta, Library of the Dominicans of, 72.
"MARKA Argenti" in Domesday, 424.
"MARKA Auri," 423.
MARKETS, forbidden to be held on a Sunday, 447.
 — Markets and Tolls noticed in Domesday, 445, 446.
 — Laws in early Times respecting Markets, 445.
"MARKING," Operation of, in the Records of Scotland, 226, 231, 234, 246.
MARLBOROUGH, Statute of, 179.
MARQUE, Francis de, Author of a MS. Life of K. Rich. II. 74.
MARSETELIE, Park of, 433.
MARSHALL, Earl, MSS. &c. on the Authority of the, 77.
MARSHALL, William de, Earl of Pembroke, Substance of a Letter of (t. Hen. III.) to Hubert de Burgh, 189.
MARSHALSEA, Pleadings in the Court of, t. Edw. I. II. III. among the Records discovered in the Chapter House, 194.
 — Account of Profits of the Marshalsea Court, found among the Records in the King's Remembrancer's Office in the Exchequer, 196.
MARTIAL, Manuscript of, in the Lansdowne Collection, 373.
MARY I. "Epistolæ Mariæ Reginae Angliæ, ad extraneos Principes et Republicas, ab Anno 1554 ad Annum 1558," subjoined to the Hague Edition of the Fœdera, 119, 122, 138, 139.
MARY II. Q. Warrant of, to Rymer, in 1693, 477.
MARY Queen of Scots, Letters and Materials relating to the History of, 78.
 — directs the Inspection and Revision of the Laws of her Realm, 108, 121.
 — Publication of the Acts of One Parliament of, in 1565, 255.
 — Commission of, for the Revision of the Scottish Statutes in 1566, 256.
 — Papers relative to, during her Imprisonment in England, 1568 to 1587, 364.
 — Original Records of the Parliaments of, defective, 514.
 — Part of the Record of the First Parliament of, discovered, 528.
MASSÆ Ferri, 415.
MATHILDA, a Daughter of the Conqueror, unnoticed by our Historians, 461.
MATILDA, Q. of Will. Conq. 490, 491, 492, 493, 494, 495.
 — Notices of the Property of, in Domesday Book, 382.
MATRICULARIUS Æccl. S. Johannis Cestriæ, 404.
MATTHEW of Westminster, the Letter of Vetus de Monte how mentioned by, 132.
MAURICE Bishop of London, t. Will. Conqueror, 383.
MAYNARD, Serj^t, One of a Committee for revising the Statute Law of the Realm, 94.

MEASURES of Land, antient, 141.
MEASURES executed in England and Scotland under the Second and Third Record Commissions, viz. of 23d May 1806 and 25th June 1817, (Append. D.) 355.
MEDICEAN Library, 72.
MEDICI, in Domesday, 404.
MELFORT, Papers of the Earl of, during his Negotiation at Rome in 1690, 374.
MELLITARI, 404.
MELROSE, Court Book of the Regality of, from 1503 to 1609, 540.
 — Tax Roll of the Abbey of, for 1665, 541.
MELSA or **Meux** Abbey, in Yorkshire, Register of, 373.
MEMBRUM Terræ, 405.
"MEMORANDA in the Lord Treas. Rem. Office Exchequer, at Westm." Abstract of the Rolls so called ordered to be made and prepared for the Press, 32, 340, 342, 358.
 — Progress in the Abstract and printing of, reported, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 56, 174, 340.
MERCATOIRES, 404.
MERCENNARIUS, *ibid.*
MERCERY, Petition from the Folk of the, 20 Ric. II. an early Specimen of English, 106.
MESSENGERS, Expences of, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
MIDDLESEX, Insecurity of the County Registry of, 64.
 — County Rates in, Report upon the, 111.
 — Copy of the Ecclesiastical Survey for, 34 Hen. VIII. 151.
 — Hundreds of, noticed in Domesday, 389.
MILAN, Ambrosian Library at, 72.
MILDRED, St. MS. Life of, 75.
MILES, Meaning of the Term in Domesday, 395.
 — "Miles Regis dominicus," *ibid.*
 — "Miles jussu Regis," *ibid.*
 — "Milites probati," *ibid.*
 — Entries in Domesday, in which the Milites appear as mere Soldiers, 396.
 — Francig. milites, *ibid.* note.
MILFORD Haven, Fortification of, 111.
MILITARY Aid, Indentures of, from Edw. III. to Hen. VIII. 365.
MILITIÆ Apparatus, 451.
MILLS, Particulars respecting the Returns of, in the Domesday Survey, 412.
 — form one of the principal Heads of the Law of Scotland, 413.
"MINARIA ferri," 416.
MINES, Papers relating to, in Cornwall, Devon, Gloucester, and Somerset, discovered at the Chapter House, 194.
 — Papers relating to the Mines in Devonshire and Cornwall, discovered in the King's Remembrancer's Office in the Exchequer, 196.
 — early Notice of the, in Devonshire and Cornwall, 415. note.
MINISTERS Accounts ordered to be transferred from the Office of the Auditors of the Land Revenue to the Augmentation Office, 19, 47.
 — Ministers or Stewards Accounts of Estates belonging to the Crown, discovered at the Chapter House, 194, 196.
MINISTRI, used in Latin Charters of the Time of the Conquest for Thanes, 392. note.
MINISTRI Regis, 393.
MINT, Papers concerning the, among the Harleian MSS. 75.
 — Roll of the Purchases of Silver in the King's Mint, 50 to 54 Hen. III. discovered in the Tower, 187.
 — Assays, Indentures, &c. of the, among the Records in the Chapter House, 194, 195.
 — Papers relating to Mint and Coinage, discovered in the King's Remembrancer's Office in the Exchequer, 196.
 — one of the usual Privileges of a Burgh in the Saxon Time, 426.
MINTAGE, Places of, occurring on the Coins of Edward the Confessor, and Will. Conq. 426.
MINTS, Country, t. Will. III. 373.
MINUTA of the Saxon Times, 425.
MISCELLANEOUS Manuscript Books in the State Paper Office, 364.
MISSATICI, 404.
MISSENDEN Priory, Register of, 76.
MITTA, Measure, 415.
MODENA, Library in the Ducal Palace at, 72.

- MONACHI, Gifts of Lands "de vietu et vestita Monachorum," 462.
- MONASTERIES dissolved, Records in the Chapter House concerning, 54.
- MSS. relative to the Foundation of, in the Harleian Collection, 76.
- Returns of the, in the Office of First Fruits, 152.
- Surveys and Visitations of, Reports of Visitors, and Surrenders of, *t. Hen. VIII.* in the Chapter House, 194, 195.
- Papers relating to Pensions to Abbots, &c. of dissolved Monasteries, *t. Hen. VIII.*, 195.
- few in the Norman Times without Vineyards, 411.
- MONASTIC Records, K. Rem. Office, Exchequer, Collection and Transcription of, ordered, 37, 55.
- Progress in the Collection of, reported, 38, 39, 40, 41, 42, 43, 44, 174.
- MONETA, Payments de, in Domesday, 426.
- MONETARII, 404.
- Towns in which they occur in the Domesday Survey, 426.
- MONEY and its Denominations, as noticed in the Domesday Survey, 422.
- Mode of trying Money in the Exchequer, 423.
- Etymology of the Word Money, 485.
- MONITOR, Occurrence of the Office of, in Domesday, 404.
- MONMOUTH, Castle of, 437.
- MONMOUTH, Duke of, Depositions before the Privy Council relating to his Rebellion, 373.
- MONMOUTH, Geoffrey of, 74.
- MONMOUTHSHIRE, a considerable Portion of, included in the Domesday Survey of Gloucestershire, 390.
- MONTAGUD, Earl of Moretaine's Castle at, in Somersetshire, noticed in Domesday Book, 436.
- MONTE Cassini, Library of the Convent of, at Naples, 72.
- MONTE Oliveto, Library of, at Naples, 72.
- MONTFERRAT, Marquis of, Strictures on the Letters of Vetus de Monte, concerning his Murder, 131, 132, 133.
- MONTFORT, Hugh de, Manors belonging to, in Domesday Book, 440.
- MONTFORT, Simon, Earl of Leicester, 76.
- MONTGOMERY, Castle of, 438.
- MORETAINE, Earl of, Manors held by, 440.
- MOROTEIN, Robert de, one of those who furnished Ships to K. Will. Conq. in his Expedition against England, 494.
- MORTIMER, Edmund, Earl of March, Family Deeds and Evidences of, *t. Ric. II.* called Liber Niger de Wigmore, 77.
- MORTANCESTRY, Brieve of, 271.
- MOUNTFORD, Simon de, Rebellion of, 141.
- MUNFORD, Hugh de, one of those who furnished Ships for K. Will. Conqueror's Expedition, 494.
- MUNIMENTS, Private, discovered among the Records in the Tower, 9, 187.
- MUNTGUMERI, Roger de, one of those who contributed Ships to K. Will. Conq. in his Expedition against England, 494.
- MURDER, Appeals of, among the Placita, 141.
- MURRAY, Sir Thomas, has a Licence to reprint the Acts, Laws, &c. of Scotland, 260.
- his Edition of the Scottish Statutes copied implicitly from Skeene, 261.
- MUSICK, MS. Treatises on, of the Fifteenth Century, in the Lansdowne Collection, 374.
- MUSTERS of Men at Arms, Hoblars, &c. in various Counties, *t. Hen. V.* and *VII.* found among the Records discovered in the Chapter House, 194.
- Certificates of, in different Counties of England, *t. Eliz.* to Ch. I. in the State Paper Office, 363.

N.

- NANTWICH, called Hellath Wen, by the Welsh, 414.
- NAPLES, antient Libraries at, 72.
- NAVAL Volunteers, Report on, 113.
- NAVY, Books relating to the, 75.
- Report on the, 112.
- NAVY and Ordnance Accompts, *t. Hen. VIII.* in the Chapter House, 195.
- "NEMUS ad domus curiæ," 406.
- "ad sepes reficiendas," *ibid.*
- "ad sepes et domos," *ibid.*

- NEPOS, Meaning of the Word, 487.
- NEVIL, Testa de. *See* Testa.
- NEVILL, John, Lord Latimer, Evidence Book of, 77.
- NEW FOREST, Formation of the, 407, 408.
- Remains of destroyed Places in the, 408.
- Estimate of Injury to the Population and Agriculture by the Afforestation of the, 408.
- Destruction of Churches in, 456.
- NEWFOUNDLAND Trade, 113.
- NEWNHAM, Register of the Monastery at, among the Harleian MSS. 76.
- NEYLAND, Manor of, committed to farm, 187.
- NICHOLAS IV. Pope, Taxation of, ordered to be printed from the Transcript in the Exchequer, 19, 48.
- Progress in the Printing of, reported, 21.
- completed, 7, 24, 174.
- Account of the Publication of, (Append. L. 1.) 148.
- Importance of the Record of, 148.
- MSS. and original Rolls of, where, *ibid.*
- many original Rolls of the Taxation of, in the K. R. Office, Exchequer, 148, 196.
- Taxation of, for Ireland, transcribed, 10.
- Account of the, 302.
- NICOLSON, Bp. 73.
- NINTH Annual Report, relating to the Records of Scotland, 533.
- NITROUS Fumigation, Petition of Dr. Smith concerning, 114.
- NOMINA Villarum, Rolls of, for Eight Counties, in the Lord Treasurer's Remembrancer's Office, 23, 47.
- ordered to be transcribed, 29.
- Transcript of the, completed, 30, 36.
- Deficiencies of the Exchequer Rolls supplied from MS. Harl. 6281; 29, 30, 31.
- the Printing of the, postponed, 62.
- in the Testa de Nevill, 143.
- NONÆ Rolls, Transcription and Publication of, ordered, 20, 26, 48.
- Progress in the Preparation of, reported, 27, 28, 29, 30, 31, 32.
- Publication of the, completed, 7, 33, 34, 35, 517.
- Origin, Authority, &c. of the, (App. L. 2.) 148.
- First and Second Commissions for the Formation of the, 149.
- Third Commission, 151.
- original Inquisitions of, *ibid.*
- Exemplifications of, *t. Car. I. ibid.*
- NORFOLK, State of the Ecclesiastical Return for the County of, *t. Hen. VIII.* 152.
- a Roll containing a Return of the Sheriff of Norfolk and Suffolk of all Ships in the several Ports of those Counties, 22 Edw. I. in the Tower, 188.
- Entry in the Domesday for, "de Invasionibus," 389.
- "Commendatio" occurs principally in, in Domesday, 397.
- Markets in, noticed in Domesday Book, 446.
- Churches returned from, in Domesday Book, 456.
- NORFOLK, Henry Duke of, presents his Grandfather's Collection of MSS. to the Royal Society, 72.
- NORMAN Writers, the necessity of making Extracts from, to supply the Deficiencies in Rymer, 135.
- NORMANNIA. "De Navibus per Magnates Normanniæ provisio, pro passagio Ducis Willielmi in Angliam," a Fac Simile of the MS. so entitled, recommended for the new Fœdera, 138.
- NORMANS, Escheats of the Lands of, 143.
- NORTHAMPTON, County of, State of the Ecclesiastical Return for, *t. Hen. VIII.* 152.
- Survey of the, in Domesday Book, taken after the Death of the Conqueror's Queen, 382.
- various Places in, noticed in the Domesday Survey in adjoining Counties, 390. *note.*
- ancient Enumeration of the Hundreds of, 428. *note.*
- Markets in, noticed in the Domesday Survey, 446.
- NORTHAMPTON, Treaty of, in 1328, 10.
- Article of, relating to the Records of Scotland, 250.
- Ratification of, preserved in the General Register House, 252. *note* †.
- NORTHUMBERLAND, Earl of, Letter of Defiance from, to K. Henry IV. 74.
- Discourses of, touching John of Gaunt, *ibid.*
- NORTHUMBERLAND, not described in Domesday Book, 390.
- "NORT WALES," Notice of, in Domesday, 390. *note.*
- NORTON and Bill, Edition of the Statutes by, 90.
- NORWICH Cathedral, Copies of the Charters of Liberties at, 183.
- a Copy of the "Sententia Excommunicationis," 37 Hen. III. at, with some remarkable Sentences at the End, *ibid.*
- NORWICH

NORWICH Cathedral, the Charters at, how preserved, *ibid.*
 NORWICH, "Bordarii" in, 401.
 — Customs and Services of, 434.
 — "Meinburgenses" of, 435.
 — Castle of, noticed in the Domesday Survey, 439.
 — Bishop of, allowed a Moneyer, *t.* Will. Conq. 426.
 NORWICH Taxation, *t.* Hen. III. 148.
 NOTTINGHAM, Copy of the Ecclesiastical Returns for the
 County of, 34 Hen. VIII. 151.
 — Customs of, in Domesday, 434.
 — Town of, noticed in Domesday as surrounded by a Foss,
 439.
 NOTTINGHAMSHIRE, of Reliefs in, 452.
 NOVA Statuta, Pynson's Edition of the, 89.
 NOVA Taxatio, A. D. 1318, 148.
 NOY, One of a Committee for revising the Statute Law, 93.
 NUMERUS Anglicus, 419.
 NUMMI, sometimes used in the Domesday Survey for Denarii,
 424.

O.

OBOLUS, or Halfpenny, in Domesday Book, 424.
 ODO, Archbishop of Canterbury, Life of, 75.
 ODO, Bishop of Baieux, Property of, in England, how noticed
 in the Domesday Survey, 382, 391. *note.*
 — Seal of, noticed in Domesday, 391. *note.*
 — Manors entered in Domesday as belonging to, 440.
 — one of those who furnished Ships to K. Will. Conq. in
 his Expedition against England, 494.
 OFFICES, Grants of, entered on the Patent Rolls, 66.
 — *t.* Jam. I. and Ch. I. 363.
 — attached to Names in the Domesday Survey, 404.
 OKEHAMPTON, Castle of, noticed in Domesday Book, 437.
 OMISSIONS in the Domesday Survey, 389.
 ORA, Denomination of Money so termed, 424.
 — different Kinds of the, *ibid.* *note.*
 ORCHARD, Origin of the Word, 411.
 ORDEAL, Trials by, 142.
 — Instances of, in the Domesday Survey, 462.
 ORDERS of the Court of Exchequer at Westminster for regu-
 lating the Records in the King's Remembrancer's
 Office, (App. Q.) 178.
 ORDERS, Holy, Reports concerning the Eligibility of Persons
 in, to sit in the House of Commons, 114.
 ORDERS of Monks, privileged, 467.
 ORDINANCE of the Household, 5 Edw. II. a Copy of, pre-
 served at Canterbury, 185.
 ORDINANCES, what Acts have been frequently so termed,
 their Nature and Validity, 99.
 ORDINANCE, Books relating to the, 75.
 ORIEL College, Charter of 28 Edw. I. at, confirming Carta de
 Foresta, 97, 182.
 — Register of the Muniments of, compiled in 1397, 373.
 ORIGINAL Acts of Parliament, 102.
 ORIGINALIA Rolls, Index of, to the Reign of K. Edw. II.
 completed, 25, 27.
 — the Printing of the, ordered, 48.
 — Progress in, reported, 27, 28.
 — the First Volume of, completed, 29, 174.
 — the Printing of the Second Volume of, suspended, 32.
 — re-ordered, 34.
 — Progress in the Printing of, 31, 32, 35, 36, 37, 38, 39.
 — the Second Volume of, completed, 39, 40, 174.
 — further Progress in the Transcription of, to the Reign of
 James I. 41, 42, 48.
 — Account of the Rolls so called, (App. F. 4.) 66.
 — Official Repertories of the, transcribed, 340, 342,
 355.
 ORIGINALS used by Rymer and his Continuators, sometimes
 ruined by a careless Application of a Solution of Galls,
 129, 186.
 — many Originals and Autographs quoted by Rymer, with-
 out specific References, 130, 136.
 ORKNEY and Shetland, Treaty of the Cession of, to Scotland,
 1468, 10.
 OSBERN, a Monk, Life of Odo by, 75.
 OSWALD, St. King and Martyr, MS. Life of, *ibid.*
 — Archbishop of York, MS. Life of, *ibid.*
 OSWALDESLAWES Hund. Indiculum Libertatis de, 385.
 — Jurors for the Hundred of Oswaldeslaw, at the Time of
 the Formation of Domesday, 385. *note.*
 OTRINGHEIN, in Norfolk, Castle of, 436.

OTTOBONI, Library in the Palace of, 72.
 OWEN's Abridgement of the Statutes, 89.
 OXFORD. See Bodleian Library, Cardinal College, Christ
 Church, Oriel College.
 — Humphrey, Duke of Gloucester, founds a Library at, 71.
 — State of the Ecclesiastical Valor for the County of, *t.*
 Hen. VIII. 151.
 — Customs and Payments of the City of, in Domesday, 431.
 — noticed as surrounded by a Wall, in Domesday, 439.
 — Earl of. See Harley.
 OXFORDSHIRE, Survey of, in Domesday Book, taken after
 the Death of the Conqueror's Queen, 382.
 — Market at Bentone in, noticed in Domesday Book, 446.
 OYER and Terminer, a Commission of, ordered, A.D. 1463, for
 the Punishment of certain Persons at Bristol, 192.

P.

PACIFICATION between Richard K. of England and Tancred
 K. of Sicily, in Rymer, 131.
 PALACES, Castles, &c. Accounts of Expences of, *t.* Edw. IV.
 and Hen. VIII. at the Chapter House, 195.
 PANDUPH the Legate, Letters of, to Hubert de Burgh,
 Chief Justice, in the Tower, 185, 189.
 PANMUIRE, Communication of the Register of the Priory of
 St. Andrew's, from the Library of, 168.
 PANNAGE, Payments in Money for, 406. *note.*
 PAPAL Bulls, among the Records at the Chapter House, 193.
 — preserved in the Chapter House at Westminster, Re-
 port on, 498.
 PAPAL Supremacy, Papers relating to, among the Records in
 the Chapter House, *ibid.*
 PAPER, high Price of, 114.
 PARAGIUM, Explanation of the Term of, 443. *note.* (r.)
 PARCKER, Term of, in Domesday Book, 404.
 "PARCUS Bestium," or "Ferarum Silvaticarum," in Domes-
 day, 409.
 PARDON, Grants of, *t.* James I. and Charles I. 363.
 PARIS, Matthew, Illustration of a Passage in the History of,
 189. *note.* §.
 PARISH Registers, Measures relating to, carried into Exe-
 cution by the Commissioners on the Public Records,
 6, 20, 47.
 — Transmission of, regulated, 329.
 PARKER, Matthew, Collection of Manuscripts formed by, 72.
 PARKS, Origin of, 409.
 — Persons enumerated as holding them in Domesday,
ibid.
 PARLIAMENT, Summons to, from 49 Hen. III. to 21 Hen.
 VIII. 74.
 — Transcripts from the Rolls, Journals, &c. of, *ibid.*
 — Rolls of, omitted by Sir Robert Cotton in his Abridg-
 ment of the Tower Records, 75.
 — Acts of, sometimes found in the Form of Charters or
 Letters Patent, 99.
 — Contents of the Rolls of, 100.
 — Proceedings in the House of Lords in 1758, for the
 better Preservation of the Records of, 101.
 — Public Acts first printed from the several Bills passed
 in Parliament, 7 Hen. VIII. *ibid.*
 — early Petitions in, and Answers, where preserved, 102.
 — Petitions to, *t.* Edw. III. lost out of the Tower, 121, 122.
 — Rolls containing the Proceedings in, from 18 to 35 Edw. I.
 in the Chapter House at Westminster, 100.
 — Returns to, from the Reign of K. Hen. VI. to that of
 K. Cha. II. discovered in the Tower, 6, 185.
 — Transcripts of the Rolls of, 5 Edw. II. to 4 Hen. VIII.
 in Trinity College Library, Dublin, 303.
 — "Modus tenendi Parliamenta" among the MSS. in
 Trinity College Library, Dublin, *ibid.*
 — Petitions in, found in some Lockers in the White
 Tower, 367.
 — Petitions and Bills in, of early Reigns, 375.
 PARLIAMENT Office, Original Acts preserved in the, 102.
 PARLIAMENT of Scotland, Inventory of the Registers of, 211.
 — Proceedings of the Three Estates of, down to 1707,
 244, 254.
 — Acts of, first printed in 1541, 255.
 — an extensive Compilation of the Laws and Statutes of,
 suggested in 1566, *ibid.* 256.
 — Rapidity with which the First Volume of, was
 prepared, 256.
 — Selections from the Public Acts of, printed after the
 Accession of James VI. 258.

PARLIAMENT

- PARLIAMENT** of Scotland, Act for revising the Laws and Acts of Scotland passed in 1592, 258.
 — the Compilation of a more extensive System of Parliamentary and Judicial Proceedings among the Desiderata of Scottish Policy, 260.
 — existing Series of the Records of, commences in 1466, 260.
PARLIAMENT in Ireland, Letters to and from Ministers on the Transactions of the, 27 Hen. VIII. to 12 Eliz. where kept, 305.
 — State of the Records and Papers belonging to the Parliament House of, 307.
 — Mode of indorsing the Acts of, *ibid.*
 — Transmisses and Inrolments of Acts of the, 308.
 — Rolls of Acts of the, between 1711 and 1758, discovered, *ibid.*
PARLIAMENTARY Surveys of Ecclesiastical Benefices during the Usurpation, discovered in the Tower of London, 9.
 — History and Proceedings, MSS. of, in the Lansdowne Collection, 373.
 — Record Office in Ireland, Arrangements concerning the, 544.
PARMA, Library in the Ducal Palace of, 72.
PARMENTARIUS, 404.
PARTICULA Terræ, 405.
PARTITIONS of Lands, among the Records in the Tower, 185.
PAROCHIAL Registers in Scotland, Regulations in the, proposed, 270, 542, 543.
 — Extract of a Letter upon, from the Deputy Clerk Register to John Connell, Esq. 274.
 — frequent Omission of Births in the, *ibid.*
 — Outline of a Plan for the Regulation of, *ibid.*
 — Necessity of better Provision for making, in Ireland, 319.
PARUM TERRÆ, 405.
PASNAGIUM, or Pannage, in the Domesday Survey, *ibid.*
PASTIO, in Domesday, *ibid.*
PASTON, Sir John, MS. in the Lansdowne Collection formerly belonging to, 373.
 "PASTURA ad pecuniam Villæ," 407.
PATENT Rolls, Calendar of the, ordered to be printed, 6, 19, 21, 47.
 — completed, 24, 174, 516.
 — from what Sources published, 66.
 — Deficiencies in the Tower Copy, how supplied, *ibid.*
 — Nature of the Calendar, *ibid.*
 — Selections from the, 85, 303.
 — Entries of Statutes on the, 102.
 — some Legislative Matters, not in the printed Collections, entered on the Patent Rolls in French, 105.
 — sometimes at Variance with Rymer in the Dates of Instruments, 122.
 — Mandates relating to Scotland in, 155.
 — Account of Patent and Close Rolls in the Birmingham Tower, 305.
 — "Liber Inrotulamentorum Literarum Patentium sub magno Sigillo Hiberniæ annis, 9, 10, 11 & 12 Car. I." among the MSS. of Trinity College, Dublin, 309.
 — Rolls, Selections from the, in fifteen Volumes, folio, among the Lansdowne MSS. 373.
PAUL's, St. History of, 74, 76.
PAYMENTS, blank and de numero, in the Exchequer, 423.
PEACE, Officers of the Clerks of the, Recommendation concerning, 64.
PEACE and Commerce, Report on Negotiations of, 1715, 111.
PECUNIA, Meanings of, in Domesday Book, 425.
PEDES Finium, preserved in the Chapter House at Westminster, Account of the, 366.
PEDIGREES and Genealogies, Welsh, 78.
PEEK, Castle of, committed to farm, 187.
PEERS, Patents of Creation of, entered on the Patent Rolls, 66.
PELL, Dr. John, Papers of, in the Lansdowne Collection of MSS. 85.
 — Papers of, when Envoy from Oliver Cromwell to the Protestant Cantons of Switzerland, 374.
PELLS Office, recommended to be rebuilt, 54.
 — Examination of the Records in, postponed, 62.
PEMBROKE, William Earl of, a Benefactor to the Bodleian Library, 71.
PENAL Laws, intended Digest of, in the Time of Queen Eliz. 93.
 — Reform of the, recommended by K. James I. *ibid.*
 — Digest and Repeal of, stipulated for by the H. of Commons in 1610, *ibid.*
PENEVERDANT, Castle at, among the Lands between the Ribble and the Mersey, noticed in Domesday Book, 438.
PENNY, once the only Coin known in England, 424.
 — of Rouen, *ibid.*
PENTNEYE, Prior and Convent of, Co. Norf. Letter of, to K. Edw. III. 190.
PERSHORE, Register of the Monastery of, in the Augmentation Office, 518.
PERSIUS, MS. of the Satires of, in the Lansdowne Collection, 373.
PERSONS, Ranks of, mentioned in Domesday Book, 391.
PERTH, Local Registries in the County of, 236.
PERTICA, 141, 422.
PESOUR, Office of the, in the Exchequer, 423. *note.*
PETER, St. Library in the Archives of the Church of, 72.
PETERBOROUGH, Hist. of the Abbey of, 74.
 — MSS. relating to the Church and Diocese of, 85.
 — no Originals, Records, or Transcripts of Charters or Statutes preserved at, 163.
 — Bp. Kennett's Collections for a History of the Diocese of, 372.
PETITIONS in Parliament, in the Tower of London, discovered, 9, 185, 367.
 — ordered to be methodized, 30.
 — Progress made in, 31, 37, 38, 39.
 — among the Placita, 140, 192.
 — from l. Eliz. to Charles II. in State Paper Office, Calendars made to, 363.
PETRARCH, Manuscripts of the Sonnets of, 374.
S. PETRI Denarii, 424. *note.*
PETTY, Sir William, Maps of forfeited Lands in Ireland, made by, 306.
PETTY Bag, Office of, 46, 355.
PETYT, Manuscripts of, preserved in the Inner Temple Library, 94, 182.
 — Parliamentary Collections among the Lansdowne Manuscripts, 373.
PEVEREL, William, Manors belonging to, in Domesday Book, 440.
PHILIPPS, Fabian, Work of, entitled "the Reforming Registry," 253. *note.*
PICKERING's Edition of the Statutes, published between 1762 and 1766, 91.
PILCHARD Fisheries, Reports on the, 113.
PINCERNA, 404.
PINENDEN, Decree of, 46.
PIPE Office, Repairs of the, ordered, 18, 46.
PIPE Rolls, in the Lord Treasurer's Remembrancer's Office, in the Exchequer, 47.
 — Roll of the 26 Hen. II. discovered, 9.
 — preserved in the Birmingham Tower, 305.
 "PISCATIO," for Piscaria, used in Domesday Book, 418.
PISCATOR, 418.
PISCATOIRES, 404.
 "PISCINÆ," or "Vivariæ," in Domesday Book, 418.
PISTORES, in Domesday Book, 404.
PLACITA Assizæ, Arrangement of the, 31, 33, 35, 54, 55.
 — Coronæ, the County Bags of, in the Chapter House, arranged, 33, 35, 54, 55.
 — Exercitus, 19, 140.
 — Forestæ, 63.
 — Forinseca, 507.
 — de Quo Warranto, Preface to the, (Append. P.) 506.
 — Nature of the Inquisitions, *ibid.*
 "PLACITA coram Rege in Cancellaria," among the newly discovered Records in the Tower, 186.
PLACITA, Scottish Rolls of, in the Reign of John Baliol, preserved in the Chapter House at Westminster, 261.
PLACITANDI Formulæ, 76.
 "PLACITORUM Abbreviatio," Orders for, and Progress of, the Transcript and Printing of, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38.
 — Progress of Indexes to, reported, 39, 41.
 — completed to the End of the Reign of K. Edw. II. 7, 41, 42, 43, 174.
 — Account of the Publication of, 140.
 — Placita Parliamentaria, among the Records discovered in the Chapter House since 1800, 193.
 — temp. Regum Rich. I. Joh. Hen. III. Edw. I. II. Progress reported in the printing of, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40.
 — completed, 7, 37, 41, 42, 174, 357.
 — Account of the Publication of, 140.
PLANTATIONS, Foreign, Papers relating to the, 328, 363.
PLANUM, or Plana terræ, 405.
 "PLAUSTRATÆ plumbi," 416.
PLEADINGS from the King's Bench, remitted to Parliament, 140.
PLEAS, Rolls of, Hen. III. to Henry VIII. 364.

" PLUMBÆ ferri," 416.
 " PLUMBARIÆ," *ibid.*
 " PLUMBI," in the Salt Refineries of Domesday, 414.
 POCKOCK, Dr. a Benefactor to the Bodleian Library, 71.
 POCULUM Charitatis, 463.
 POLYCRATICA Temporum, by Roger Cestrensis, 74.
 " POMERIUM," an Orchard, mentioned in Domesday Book, 411.
 PONTE S. Maxentii, Garnerius de, Life of Becket by, 75.
 PONTEFRACCT Castle in Yorkshire, supposed to be alluded to in the Domesday Survey, 439.
 PONTHEU, Treasurers Accounts of, t. Edw. III. Hen. V. and Hen. VIII. discovered in the Chapter House, 195.
 POOL, Michael de la, Letter Missive of K. Rich. II. to, 190.
 POOR, Reports on the, 113.
 PORCARI, in Domesday, 403, 404.
 PORSTOCK, Manor of, committed to farm, 187.
 PORTARIUS, 404.
 POTARI, or Poters, in Domesday Book, *ibid.*
 " POTUIT ire quo volebat," Explanation of the Term in Domesday, 398, *note* (a).
 POWEL, Thomas, " The Repertorie of Records," published by, in 1622 and 1631, 116, 477.
 POWELL, Thomas, publishes a Repertory of the Records in the Exchequer, 477.
 POWLE, Henry, Selections by, from the Patents in the Tower, preserved at Trinity College, Dublin, 303.
 PRAGUE, Clementine College at, 72.
 ——— Library of the Royal Palace at, *ibid.*
 " PRATUM Bobus" or " Carucis," 407.
 PREBENDARI, 404.
 PREFECTI and Prepositi, synonymous in Domesday, *ibid.*
 ——— or Prepositi Maneriorum, Office of the, 440.
 ——— Regis, et Bedelli, et Elemosinarii, Tenants in Capite in Bedfordshire, 445.
 PREPOSITI, in Domesday Book, 404.
 PREPOSITUS Villæ, Office of the, 445.
 PREROGATIVE, 141.
 PRESBYTERI, Notices of, in Domesday Book, 456, 459.
 PRESCRIPTIONS " in non decimando" sometimes proved from Domesday Book, 467.
 PRESLE, or Praelles, Raoul de, French Translation of the Bible by, 373.
 PRETENDER, Report of a Committee of the H. C. on Transactions relating to the, 111.
 " PRIMITIÆ Seminum," 459.
 PRINTING, Expenses of the Commission upon the Records in, from 1813 to 1818, 354.
 PRIMROSE, Sir Archibald, made Justice General in 1676, 210.
 PRIOR, Matthew, 73.
 PRIORIES of Royal Foundation. See Abbies.
 ——— Alien, Accounts of, 358.
 PRIVATE Acts. See Acts of Parliament.
 PRIVILEGE of Courts, 142.
 PRIVY Council, Books of the, among the Harleian MSS. 75.
 ——— Council in Scotland, Proceedings of the Lords of the, 42, 61, 169, 227, 233, 266.
 ——— Functions of the, 170, 172.
 ——— the Publication of the Selections from the Proceedings of, recommended, 172.
 ——— Progress in the Selection and Transcription of, reported, 173.
 ——— Council of Scotland, Reparation of the Records of the, 233, 243.
 ——— broken State of the Records of, 245, 246.
 PRIVY Seal, Books of Docquets relative to the, 75.
 PRIVY Seal of Scotland, Records of the, 232, 234.
 PRIVY-Seal Writs, Warrants, &c. ancient, 364.
 PRIVY Seals for Benevolences and Loans, Hen. VII. & Hen. VIII. discovered among the Chapter House Records, 193.
 PROBATIVE Writs, Records of, 207.
 PROBUS, the Emperor, restores the Privilege of the Vineyard to the Roman Provinces of the North and West, 411.
 PROCLAMATIONS, 75.
 ——— Irish, printed, where preserved, 305.
 ——— Royal Collection of, among the Lansdowne MSS. 373.
 PROMULGATION of Statutes, 114.
 ——— before and since the Union of Great Britain and Ireland, 109. [See Ireland. Statutes.]
 PROTECTORATE, Instruments during the, to be included in the new Fœdera, 139.
 PRYNNE, William, one of a Committee for revising the Statute Law, 94.
 ——— has the Care of the Tower Records, 117, 477.
 ——— publishes " The exact Abridgment of the Tower Records," *ibid. ibid.*
 ——— his Abstract of the Ragman Roll incorrect, 154.
 ——— Treatise of, entitled " Aurum Reginæ," 425.

PRYNNE, William, Diligence of, as Keeper of the Records in the Tower, 477.
 PUBLIC Acts. See Acts of Parliament.
 PUBLIC Income and Expenditure, Reports on, 114.
 PULTON's Collection of the Statutes, published in 1618, 90, 95.
 ——— several Statutes in, translated for the first Time, 90.
 ——— a particular Account of Pulton's Collection, *ibid.*
 ——— the last Edit. of his Collection edited by Manby, *ibid.*
 ——— the earliest instance of an Individual, without the Sanction of Parliament, exerting himself to form a Collection of the Statutes from authentic Sources, 94.
 ——— his Abridgment of the Penal Statutes, and Calendar of all the Statutes in Use, *ibid.*
 ——— Detail of his Plan, 95.
 ——— Objections to the Prosecution of his Plan, made by Bowyer and Elysing, Keepers of the Tower Records, *ibid.*
 ——— Statement of the Means he had for forming his Collection, *ibid.*
 ——— the Defects of his Publication, as a general Collection of the Statutes, *ibid.*
 PUNISHMENTS for Contempts, 142.
 PYE Powder, Court of, 76.
 PYNSON's Collection of the Statutes before 1504, 88, 93.
 ——— small Edition of Antiqua Statuta by, 88, 89.

Q.

QUADRAGENARIA of the Exeter Domesday, 422.
 QUADRARIÆ, or Quarries, mentioned in Domesday Book, 416.
 QUADRILOGUS, a Life of St. Thomas Becket under the Title of, 75.
 QUARANTENA, Measure of the, in Domesday, 422.
 QUEEN GOLD, Account of, 425.
 QUIA EMPTORES, Statute of, put an end to the Increase of Manors, 441.
 QUONIAM Attachiamenta, 255, 261.
 " QUO Warranto Rolls," Progress made in abstracting the, 7, 35, 37, 38, 39, 40, 41, 43, 55.
 ——— Progress in the Printing of, reported, 44, 174, 330, 341, 342, 344, 346, 348, 350, 357, 358.
 ——— Plan for the Publication of the, 144.
 ——— Pleadings upon Writs of, 10 Ric. I. 142.
 ——— discovered among the Records in the Tower, 187.
 ——— among the Chapter House Records, 194.
 ——— Enumeration of the Evidences upon the Inquisitions of, 145.
 ——— the Statute of Gloucester founded upon the Enquiries under the Commission of " Quo warranto," *ibid.*
 ——— Enumeration of the County Rolls of, preserved in the Chapter House, 147.
 ——— Calendar of the, completed at Press, 350, 358.
 ——— Preface to the Placita de Quo Warranto, (Append. D.) 506.

R.

RACHENISTRES or Radchenistres, Description of Tenantry so called in Domesday, 399.
 RAD-eniht, Explanation of, 399. *note.*
 RAD-HERE, Equestris Exercitus, 399. *note.*
 RADMANNI, or Radmans, 399.
 RAGEMANNI, or Radmans, 399.
 RAGEMANNIS, Placita de, 507.
 RAGMAN Roll, 154.
 ——— Duplicates of, at the Chapter House and Tower, *ibid.*
 ——— inaccurately printed by Rymer, *ibid.*
 ——— recommended for Publication, *ibid.*
 RALEGH, Sir Walter, 74.
 RALEIGH Castle, Co. Essex, noticed in the Domesday Survey, 439.
 RAMSEY, Register of the Monastery of, 76.
 RAPE of Sussex, Subdivision of the, 427.
 RAPIN, Analysis of Rymer's Fœdera by, 118, 119, 478.
 ——— Plan of his Analysis, 126, 127.
 RAPTUM, 459.
 RASTALL, John, Translation and Abridgment of the Statutes, by, to 11 Hen. VII. 88.
 RASTALL, or Rastell, William, publishes his first Edit. of a Collection of all the Statutes in 1557, 89.
 ——— reprinted in 1579 and subsequent Years, *ibid.*
 ——— careful Revisions in from Time to Time, 90.
 ——— the English Edition of the Statutes 1618, usually called Rastall's, 90.

READING, Register of the Monastery of, 76.
 READING, Robert de, 74.
 READINGS, various, of the Statutes, 98.
 — how suggested, 104.
 REBELLIONS and Treasons, Papers relating to, in Yorkshire and Lincolnshire, *temp.* Hen. VIII. discovered among the Chapter House Records, 193.
 RECOMMENDATI Homines, 397, *note*.
 RECORD Office, Tower, Exchange of Houses in the Tower proposed for the Accommodation of, 369.
 RECORD, Books of, 102.
 RECORDS, Public, Origin of the Commission on, and general Course adopted by, 3.
 — First and Second Record Commission, (App. B. 1, 2.) 14, 16.
 — New Commission on, 23d May 1806, 4.
 — Sub-Commissioners for the, appointed, *ibid.*
 — Business of the Commission, how conducted, *ibid.* 5.
 — Measures recommended by the H. of Commons, how divided, 5.
 — Works printed by Order of the Commissioners, 6.
 — Distribution of the Works published under the Authority of the Commissioners, 7, 8.
 — Consequences resulting from the Operation of the Commissions, 8.
 — Address of the House of Commons to His Majesty, 11th July 1800, on the State of the, (App. A.) 13.
 — Annual Reports of the Commissioners, (App. C.) 18. &c.
 — Account of the Sums issued annually to the Commissioners, and disbursed by them from 1801 to 1812 inclusive, (App. D.) 45.
 — Measures executed in England and Scotland, under the First and Second Record Commission, (App. E. 1.) 46.
 — under the Head of, 1. Buildings, *ibid.*
 — 2. Calendars and Indexes, 47.
 — 3. Transfers, *ibid.*
 — 4. Printing, *ibid.*
 — Selection of Records and Papers, 48.
 — Statutes of the Realm, 48, 57.
 — Proceedings relative to Scotland, 19, 22, 24, 26, 28, 30, 32, 34, 36, 40, 42, 44, 49, 58, 63, 197.
 — Measures in Progress in England and Scotland, 1812. (App. E. 2.) 54.
 — 1. Buildings, *ibid.*
 — 2. Calendars and Indexes, *ibid.*
 — 3. Printing, 56.
 — Measures on, postponed, (App. E. 3.) 62.
 — Measures recommended, but not within the Power of the Commissioners, (App. E. 4.) 64.
 — Report of the Commissioners to H. R. H. the P. Regent, 86.
 — Reports from Committees of the House of Commons on, 114.
 — Committees appointed in 1718 by the House of Lords, for the Examination of, 118.
 — Commission relating to, 17 Edw. II. 142.
 — Plan of the Collection of English Records illustrative of Scottish History, (App. I.) 153.
 — Progress in the Execution of the Orders of His Majesty's Commissioners on the Public Records, so far as relates to Scotland, 163, 166, 167, 171, 173.
 — List of Works printed by the, 174.
 — List of Works printing or transcribing for the Press under the Orders of the Commission, 174, 175.
 — Number of Copies of the different Works printed by the, 175.
 — List of Public Libraries and Repositories to which the Distribution of Works printed under the Record Commission is limited, (App. O.) 176.
 — Report of Searches for, in the Universities, Cathedrals, and other public Repositories in England, (App. R.) 179.
 — Report of the several Public Records, &c. discovered in the Tower since the beginning of 1804, (App. S.) 185.
 — Report of Records discovered in the Chapter House at Westminster since 1800, (App. T.) 193.
 — Report of Records discovered in the Office of the King's Remembrancer in the Exchequer, (App. U.) 196.
 — Proceedings of the Commissioners toward carrying into Effect the Measures recommended for Scotland, (App. V.) 197.
 — Bill proposed for regulating the Records of Scotland, 50.
 — Account of the Inventory of Records in 1676, in the Custody of the Lord Clerk Register, 199.
 — Scottish Records in the Tower of London relating to private Right, ordered in 1657 to be sent back to Scotland, 210.

RECORDS Public, Account of the General Establishment for the Formation and Custody of, 216, 217.
 — Unity and Connexion in the various Departments of the Public Records in Scotland, 225.
 — Transmission of, to the General Register House, how accomplished, 226.
 — Materials on which the Public Records are written in Scotland, regulated by the Lord Clerk Register, 229.
 — Regulations concerning the Writing of, *ibid.*
 — where kept, before the Erection of the General Register House, 233.
 — A Bill introduced into Parliament for better regulating the Records of Scotland, 234.
 — early Records missing, 245.
 — General Records of Scotland, 249.
 — carried away after the Death of Alexander III. 250.
 — formerly kept in Edinburgh Castle, *ibid.*
 — no public Instrument or Record of Scotland anterior to the Accession of Robert Bruce, *ibid.*
 — Stipulation concerning, ineffectually attempted at Stirling Castle in 1651, 251.
 — Restoration of the, in 1653 and 1657, *ibid.*
 — Eighty-five Hogshead of, lost in their Passage from England, *ibid.*
 — Inventory of, made in 1676, *ibid.*
 — some of the, embezzled in Cromwell's Time by Individuals, *ibid.* *note* §.
 — neglected State of, in 1740 and 1753, 252.
 — Examination of the, *ibid.*
 — Defects in the Preparation of, 253.
 — Commission for the Arrangement of, in Ireland, (Appendix Z. 1.) 311.
 — First Report of the Commissioners on, (App. Z. 2.) 314.
 — Extracts from the Second Report of the Commissioners, (App. Z. 3.) 318.
 — Measures taken by the Commission for the Reparation of Records, 332, 364.
 — Third Record Commission, 25 June 1817, 337.
 — Examination of arranged Records reported, 346, 348, 350, 352, 357, 358.
 — Account of the Sums issued annually to the Commissioners from 1813 to 1818, (Append. C.) 354.
 — Measures executed in England and Scotland under the Second and Third Record Commissions, (Append. D.) 355.
 — List of Books published under the, 1802-1819, 516.
 "RECTOR," in Domesday Book, 459.
 "RECTOR Navis Regis," in Domesday, 404.
 RED BOOK of the Exchequer at Westminster, Publication of, recommended, 63.
 — compiled by Alexander de Swereford, 102.
 — Contents of, *ibid.* 179.
 RED BOOK of the Exchequer at Dublin, 97, 102, 302.
 — English Statutes entered in the, 102, 303.
 — Sir R. Bolton's inaccurate Notice of, 304.
 RED COUNCIL Book of Ireland, Contents of the, 309.
 REDESDALE, Lord, Letter of, on the Records of Ireland, (App. Y. 4.) 309.
 REFORMATION, MSS. concerning the, in the Harleian Collection, 76.
 REGALITY, Local Jurisdictions of, 159.
 — the Lord of, authorized to have a Capella or Chancery of his own, *ibid.*
 REGIAM Majestatem, 108, 261.
 — Reform of the, *t.* James I. of Scotland, 255.
 — in 1566, 256, *note* *.
 — Publication of, by Skeene, 259.
 REGISTER Books in the Parliament House of Scotland, ordered to be inventoried in 1676, 210.
 — a new Inventory of, framed about 1701, 212.
 REGISTER of the Great Seal of Scotland, 49, 201, 263.
 — Progress in the Abridgment of the, 166, 167, 264.
 — Injuries at different Periods received by the, 263.
 — Objects to which the Publication of may be made subservient, enumerated, 264.
 — Alterations in the forming of, proposed, 530.
 REGISTER House; General, of Scotland, Records in, newly arranged, 5, 9, 329.
 — Proceedings upon Special Commissions for Trial of High Treason in Scotland, in 1794, &c. transferred to, 19.
 — Regulations in the, 36, 49, 220, 227, 231, 232, 233, 243, 244, 246, 253.
 — Inventory or Repertory of detached Charters in, completed, 51, 214.
 — Records of Teinds, Tailzies, and of Inventories, ordered to be transmitted to, 6, 49, 52, 198, 199, 227.
 REGISTER

REGISTER House, General, of Scotland, all the Clerks within the Kingdom of Scotland directed by Act of Parliament in 1685 to deliver in their Registers every Ten Years, 52.

— altered to every Five Years, 198, 217.

— Observations on this Measure, 216, 217.

— Records of the Court of Justiciary ordered to be transferred to, 53.

— Progress and Completion of a General Repertory to, 36, 58, 198, 199, 200, 209, 211, 213, 228, 234.

— detailed Report of the Deputy Clerk Register as to Inventories of the Records in, formerly made, 210, 211.

— Original Retours of Services preserved in, 163.

— Duplicates of all Deeds passing the Great Seal of Scotland, to be deposited in the, 197.

— a Record of the Proceedings in the Circuit Court of Justiciary to be deposited in, *ibid.*

— the Transmission of Public Records to, how accomplished, 226, 245.

— the Record of Retours not transmissible to, 231.

— Distribution of the Apartments in the, 232.

— Deficiency in the Funds of the, 233, 240, 243, 247, 519.

— the oldest Judicial Record preserved in, 233, 250.

— Mode of warming the Apartments of, 249.

— Decrees of the Court of Session preserved in, 253.

— Regulations in the Mode of framing various Classes of Records transmissible to, 266.

— Reparation of Records in, 332.

— State of the Buildings and Funds of, 519, 525, 531, 533, 539.

— continued Improvement in the Preservation of the Records contained in the, 520, 526, 531, 534, 539, 540.

— Interference of the Lords of Session concerning, 206.

REGISTERS of Deeds and Probative Writings in Scotland, deposited in the General Register House, 521, 526, 528.

REGISTERS of Hornings, Inhibitions, &c. Provisions for the Inspection of, 205.

REGISTERS of the Privy Seal of Scotland, 520.

REGISTRATION, in Scotland, Measures recommended concerning, 50, 197, 199, 219.

— Regulation of the Act of, 201, 202.

— Consolidation of the Three Offices of, projected, 249.

— System of, in Scotland, in the Seventeenth Century, reprobated by Fabian Philipps, 253, *note*.

— New Arrangements in the Office for the Registration of Deeds, Probative Writs, &c. 521.

REGISTRIES, Local, in Scotland, Reports concerning, 49, 58, 200, 208, 231, 235, 524, 530, 533, 538, 542.

— Explanations of the present State of the, 236, 242.

— Number of the, 236.

— Right of keeping, and Distribution of, *ibid.*

— Amount of the Profits of, *ibid.*

— Modification and Regulation of, proposed, 267, 268.

“**REGISTRUM Magni Sigilli Scotiæ**,” Progress in printing the, reported, 44, 175.

— Preface to, (Append. S.) 511.

— Nature of the, 512.

— Account of the Publication of the, 532.

“**REGISTRUM Novum**,” at Christ Church, Dublin, Account of, 304.

REGISTRY General, in Ireland, State of the, 319.

RELEYE, Manor of, committed to farm, 187.

RELIEFS, Books of, among the Harleian MSS. 75.

— Law of, 451.

— originally paid in Money, *ibid.* 452.

— the Burgesses of York exempt from Payments for, 434.

— Relief of a Servus, 451.

— Relief of the Vavasor, 394.

— Relief of a Villein, 401.

RELIGIOUS Houses, Zeal of, for the Possession of MSS. 73.

— Papers relating to the Dissolution of, among the Harleian MSS. 76. See Abbeys.

REMBALDUS, Chancellor of K. Edw. Conf. 464.

REMEMBRANCER’s Office, King’s. See Exchequer.

REMEMBRANCER’s Office, Lord Treasurer’s. See Exchequer.

REMIGIUS, Bishop of Lincoln, one of the Commissioners for the Midland Counties at the Formation of the Domesday Survey, 385, 386.

REMUNERATIONS, paid by the Commissioners on the Public Records from 1813 to 1818, 354.

RENTA, 474.

RENTAL of the Priory of Coventry, among the Lansdowne Manuscripts, 373.

RENTS in Kind, noticed in the Domesday Book, 417.

REPARATION of Records, ordered by the Commission, 332, 364.

“**REPERTORIE** of Records,” published in 1622 and 1631, by Powel, 116.

“**REPERTORIUM Magnum Ecclesie Cathedralis Dunelm.**,” 180.

REPORT of Searches for Original Records and Manuscript Copies of Charters and Statutes preserved in the Universities, Cathedrals, and other Public Repositories in England, (App. R.) 179.

REPORTS from Committees of the House of Commons, Series of, upon Public Matters, 1715—1802, (App. H.) 111.

REPORTS made by Committees of Parliament, 359.

REPORTS, Law, among the Harleian MSS. 76.

REPORTS of Law Cases from t. Hen. VIII. to Charles I. among the Lansdowne MSS. 373.

REQUESTS, Court of, Manuscripts relating to the, in the Lansdowne Collection, 372.

“**RERUM Anglicarum Scriptorum post Bedam præcipui**,” 131.

RESTORATION of the Records of Scotland in 1653 and 1657, 249.

RETIS Theloneum, in Domesday Book, 418.

RETOURS of Seisins, the Transfer of, to the General Register House, recommended, 266.

RETOURS of Services, Index to, and Services of Heirs in Scotland, Specimen of, prepared, 32.

— Progress in the Abridgment of the, 36, 40, 59, 60, 163, 234, 248, 264, 265.

— Completion of the, 244.

— Plan of the Abridgment of the, (App. M. 2.) 157.

— Observations on the peculiar Nature of, *ibid.*

— supposed to be of recent Date, 158.

— the Formation of a Register of, begun by Sir John Scott of Scotstarval, 158, 510.

— Account of the Collection of, in the Chancery of Scotland, *ibid.*

— Utility of the, 158.

— proposed Arrangement of the, *ibid.*

— Abstract of a few Services of Lands in the County of Aberdeen, 160, 161.

— the Year 1681 forms a noted Era in the History and legal Importance of, 162.

— complex Retours of Services of frequent occurrence, *ibid.*

— original Retours preserved in the General Register House, 163.

— State of the older Volumes of, 227.

— the Record of, not transmissible to the General Register House, 231.

— Preface to the Abridgment of the, 271.

— Importance of the Records of, 272, 510.

— Mode of Arrangement followed in the, 273, 510.

— Preface to the Three Volumes of, (Append. R.) 508.

— new Regulations proposed in forming the Record so called, 530.

— Supplementary Records of, 528, 541.

REVELACH, 433, 454.

REVELAND, Explanation of, in Domesday, 441, *note*.

REVENUE, Land, Papers relating to the, among the Records discovered in the Chapter House, 194.

REVERSIONS, Act of Sederunt relating to, 49.

RIBBLE and the Mersey, Customs of the Lands between the, 398, *note* (a).

— Measure of the Hide, in the Lands between the, 419.

RICHARD I. MS. Life of, 74.

— Deed and Instruments of, in Rymer’s *Fœdera*, copied from the Old Historians, 131.

— his Defence of himself from the Imputation of having murdered the Marquis of Montferrat, 132.

— Fac Simile of the Convention of, with Baldwin Earl of Flanders, 138.

RICHARD II. MS. Life of, by Francis de Marke, 74.

— Statutes of, almost universally in French, 106.

— Cession and Renunciation of the Crown by, first in Latin, and afterwards in English, *ibid.*

— Substance of a Letter Missive of, to Michael de la Pool, the Chancellor, concerning the Invasion of the Scots, 190.

— his Letter to the Abp. of Canterbury directing a Commission for one Richard de Lone, Mason, to take such Workmen, &c. as he might stand in need of, for the making of Cannon Balls, *ibid.*

— Letter Missive of, dated 13 Sept. concerning the Mortality in the Marches of Boulogne and Calais, 191.

— Will of, discovered among the Records found at the Chapter House, 195.

RICHARD III. Register of Grants under the Privy Seal during the Reign of, 75.

— Statutes of, originally published in French, 92, 93, 106.

— Sessional Publications of the Statutes begin in his Reign, 110.

RICHARD

- RICHARD III.** Letter Missive of, concerning Artificers for finishing the Chapel of our Lady and St. Nicholas (now King's College Chapel, Cambridge,) 192.
 — concerning a safe Conduct for the Abp. of St. Andrew's, with Forty Persons on Horseback, to pass to Rome, *ibid.*
 — concerning Letters of Pardon, &c. for Sir Ralph Hastings, *ibid.*
 — early printed Editions of the Statutes of, 376.
RICHMOND, Co. York, Castle of, 439.
RICHMOND, Return relating to the Archdeaconry of, Co. York, 152.
RIGHT, progressive Answers to the Petition of, 3 Car. I. 90.
 — Writs of, 142.
ROBERT I. K. of Scotland, Precept extant for proclaiming and publishing the Statutes of, 110.
 — only One Roll of Charters granted by, remaining in the General Register House, 146.
 — Charters of, extant in the Reign of James VI. 251.
 — Charter of, 512.
ROBERT II. K. of Scotland, what Records of the Reign of, remaining, 164.
ROBERT III. K. of Scotland, but One Roll of Charters in the Reign of, remaining in the General Register House, 164.
 — Statutes and Ordinances of the Reigns of Robert II. and III. recovered, 540.
ROBERT of Gloucester, 74.
ROBERT, St. Bishop of Hereford, 75.
ROBERT Earl of Flanders, Convention of Henry I. with, 118, 478.
ROBERTUS Montensis, 74.
ROCHESTER Cathedral, Textus Roffensis at, 96, 183.
 — State of the Valor for the Diocese of, *t.* Hen. VIII. 151.
 — three Moneyers in, in the time of Æthelstan, 426.
 — Castle, 436.
ROCKINGHAM Castle, 438.
 — committed to farm, 187.
ROE, Sir Thomas, a Benefactor to the Bodleian Library, 71.
ROELANT, Castle of, noticed in Domesday Book, 438.
ROFFENSIS, Textus, 183.
ROLLS, containing Pleas, Petitions, Answers, and other Proceedings in Parliament, preserved at the Chapter House, 102.
 — Close, Patent, Fine, and Charter, preserved at the Tower, 102.
 — Miscellaneous, from the Time of K. John to that of Queen Elizabeth, discovered in the Tower, 186.
 — Specimen of a Calendar of, 187, 188.
ROLLS Chapel, Selections from, Supplementary to Rymer, reported to be finished, 57.
 — Reports concerning the private Indexes to the Records of, 63, 64.
 — Inrollments of Acts at, from 1 Ric. III. except during the Usurpation, 101.
 — how made up and deposited at, *ibid.*
 — Collections made from, for the Continuation of the *Fœdera*, 136.
ROLLS Office, in Ireland, State of the, 307.
 — Calendars and Contents of the Rolls in, *ibid.*
 — Arrangement of the Records at, 318.
ROLLS Office, Dublin, Proceedings of the Record Commission relating to the, 544, 549.
ROLLS of Parliament contain many Statutes and Ordinances not inserted in the Statute Books, 99.
 — Contents of the, 102.
 — preserved in an almost regular Series to the end of Edw. IV. in the Tower, *ibid.*
 — supplied from 1 Ric. III. by the Inrollments of Chancery, and the Journals of Parliament, *ibid.*
ROME, Enumeration of old Libraries at, 72.
RONCARIA or Runcaria, explained from Lord Coke, 406, *note*.
RONCTON, Register of the Priory of, 76.
ROTULI Hundredorum, Vol. I. temp. Hen. III. & Edw. I. finished, 7, 43, 56, 174.
 — Vol. II. ordered to be printed, 43, 56.
 — Completion of the second Volume of announced, 350, 351, 356, 358.
 — "ROTULI Judeorum, & Starra," *t.* Joh. & Hen. III. among the Records discovered at the Chapter House, 194.
ROTULI Scotiæ, 7, 331.
 — the Examination and Transcript of, recommended, 153, 154.
 — Progress in the Printing of, reported, 35, 36, 38, 39, 40, 42, 43, 44, 57, 174.
 — a Supplement recommended for, from the Patent, Close, and other Rolls in the Tower, 154.
ROTULI Scotiæ, Two "Rotuli Scotiæ," preserved in the Chapter House, Westminster, 154.
 — "Magnus Rotulus Scotiæ," *ibid.*
 — Ragman Roll, *ibid.*
 — entire Copies of the Rotuli Scotiæ, ordered, 155.
 — Report upon the Contents, Method, and Uses of the Rotuli Scotiæ, *ibid.*
 — Data to be obtained from the, 156.
 — the First Volume of, proposed to close with Edw. III.'s Reign, *ibid.*
 — Contents of the Rotuli Scotiæ, 331.
 — Completion of the First Volume of, 342, 353.
 — Progress in the Second Volume reported, 344, 346, 348, 350, 359.
 — Second Volume of completed, 331, 352, 353, 359, 517.
 — Account of the Rotuli Scotiæ, (Append. Q.) 507.
 — "ROTULORUM Originalium in Curia Scaccarii Abbreviatio," Vol. I. & II. Progress in the Printing of, reported, 27, 28, 31, 32, 36, 38.
 — the Volumes of, completed, 29, 40, 174.
ROTULUS Regis, one of the Appellations of Domesday Book, 381.
ROTULUS Wintoniæ, One of the Names of Domesday, 142, 381, 466.
ROUEN, Penny of, 424.
ROYAL Charters, from Edw. I. to Henry VII. 358.
ROYAL Charters of Scotland, Abstract of the, ordered, 59, 199.
 — Plan of the Collection of, 164.
 — Progress reported in the Collection, Transcription, and Printing of, 166, 214.
ROYAL Letters from Henry VIII. to Cha. I. among the Harleian MSS. 75.
 — in the Lansdowne Collection, 85, 373.
 — among the Cottonian MSS. 155.
 — in the State Paper Office, 328, 363, 364.
 — Calendar of those from Hen. VIII. to Geo. III. compiled, 363.
ROYAL Society, Collection of MSS. bequeathed to the, by the Duke of Norfolk, 72.
RUDBURNE, Thomas, 74.
RUDDIMAN, Thomas, the Scottish Royal Letters incompletely edited by, 155.
RUFFHEAD's Collection of the Statutes, published between 1762 and 1769, Account of, 91.
RUFFORD, Register of the Monastery of, 76.
RUSCA Butiri, 450.
RUSHWORTH, John, one of a Committee for revising the Statute Law, 94.
RUSSEL, Patrick, the Interpolator and Continuer of Fordun's *Scoto-Chronicon*, 78.
RUTHELAN Castle, Flintshire, 438.
RUTLANDSHIRE, a Part of, described in Domesday in the Counties of Northampton and Lincoln, 390.
RUYSBANK, Tower of, 188.
RYCAUT, Sir Paul, Papers of, among the Lansdowne MSS. 85, 374.
RYE and Dover Harbours, Improvement of, 111.
RYLEY, William, Abstract by, of the Acts and Proceedings of the Second Scottish Parliament of Charles I. 516.
RYMER, Thomas, recommended to Lord Oxford by the Earl of Halifax, 117, 123.
 — edits the *Fœdera*, 477.
 — Liberty of Access to the different Repositories of Public Records granted to, by Warrant, 117.
 — Death of, *ibid.*
 — unedited Papers of, 136. [See *Fœdera*.]

S.

- SACA** and **Soca**, 452.
SAGENA, in Domesday, Explanation of, 418.
St ANDREW's, the Register of the Priory of, in the Library of Panmure, 168.
 — Letter Missive of K. Richard III. for a Safe Conduct for the Abp. of, and Forty Persons on Horseback, to pass to Rome, 192.
St ASAPH, State of the Ecclesiastical Return for the Diocese of, *t.* Hen. VIII. 151.
St DAVID's, Acts, &c. of the Bishops of, 78.
 — Copy of the Ecclesiastical Return for, *t.* Hen. VIII. 151.
St EDMUND's

S^t EDMUND's Bury. *See* Bury.
 S^t GERMAINS, Market noticed in, as held "in die Dominico," in Domesday Book, 447.
 S^t JOHN's College, Cambridge, curious MS. of the Statutes at, 182.
 S^t PETROC, Abbey of, 470.
 S^t SEVIN, Abbé, collects for the Royal Library at Paris, 73.
 SAINTS, Lives and Canonizations of, among the Harleian MSS. 75.
 SALICTUM, 406.
 SALINA, Dr. Nash's Opinion of the meaning of, in Worcester-shire, 413, *note* (z.)
 SALINARI, 404, 413.
 SALISBURY Cathedral, no Originals, Records, or MS. Tran-scripts of Statutes found at, 179.
 — no memory preserved of the original Charter of K. John at, referred to by Tyrrell and Burnet, *ibid.*
 SALMON Fisheries, noticed in Domesday Book, 417.
 SALOP, State of the Ecclesiastical Return for, t. Hen. VIII. 149, 152.
 SALT Duties, Reports on, 113.
 — early Exportation of, from Cheshire to Wales, 414.
 — various Measures of, mentioned in Domesday, 415.
 SALT-WORKS, Occurrence of, in the Domesday Survey, 413.
 — those on the Coast, being Ponds and Pans for procuring Marine Salt by Evaporation, *ibid.*
 — those in the Inland Parts, Salt Springs, *ibid.*
 — the Cheshire Salt Works of the greatest consequence, 414.
 — Laws and Customs of the Wiches, *ibid.*
 SANBACH, Judgement relating to the Church of, 142.
 SANCTO Bertino, Gotselinus de, writes the Lives of the Seven first Archbishops of Canterbury, 75.
 SANDERSON, Robert, appointed to assist Rymer in the *Fœdera*, 116, 117, 477.
 — the Re-impression of the last Eight Volumes of the Se- cond Edition of Rymer attributed to him, *ibid.*
 SANDWICH, Co. Kent, Manor of, yields 40,000 Herrings annually for the Refectory of the Monks of Christ Church Canterbury, 417.
 SANGUINIS Forisfactura, 454.
 SAPALAND, Monastery of, 474.
 SAUMUR, Monastery of St. Florentin's at, 437.
 SAVILLE, Sir Henry, a Benefactor to the Bodleian Library, 71.
 — "Rerum Anglicarum Scriptores," published by, 131.
 SAXON Homilies, MS. Translation of the, by the Elstobs, 373.
 SCHEVEZ, William, Abp. of St. Andrew's, 78.
 SCIRE Facias, Writs of, among the newly-discovered Records in the Tower, 186.
 SCOBELL's Collection of Acts, from 1640 to 1656, published, 88.
 "SCOTIA," Records intituled, in the Chapter House, arranged, 33, 54, 195.
 — ordered to be compared with Sir Joseph Ayloff's printed Catalogue, 198.
 SCOTIÆ Registrum Magni Sigilli, Progress in printing the, reported, 44, 175.
 — Preface to the, (Append. S.) 511.
 — Nature of the, 512.
 — Account of the Publication of the, 532.
 SCOTLAND, Rotuli Scotiæ in the Tower of London, Abstract of, nearly completed, 7.
 — Progress of, in the Press, reported, 35, 36, 38, 39, 40, 42, 43, 57, 174.
 — a Supplement to the "Rotuli Scotiæ" recommended, 154.
 — Report upon the Contents, Method, &c. of the Rotuli, 155.
 — Abridgment of the Retours of Services in, from 1546 to 1700, published by Order of the Commissioners, 7.
 — Progress and Completion of the Work reported, 32, 36, 40, 59, 60, 163, 234, 248, 264, 265.
 — Old Map of, in Hardyng's Chronicle, 74.
 — Manuscripts in the Harleian Collection relating to, 78.
 — a Selection of the Royal Charters of, in the Press, 7, 128.
 — Records of the Privy Council of, examined, and a con- siderable Portion of their Contents selected and transcribed for the Press, 7.
 — beneficial Effects of the Measures taken by the Com- missioners in, 9.
 — an Act passed for better regulating the public Records of, *ibid.* 235.
 — Treaties and other Transactions between the Crowns of Scotland and England, recently discovered, 10.
 — Treaties between the Sovereigns of Scotland and France, discovered, *ibid.*
 — Transactions between the Crowns of Scotland and Den- mark, discovered, *ibid.*
 — Parliamentary Records of, and antient Royal Charters, ordered to be printed, 19.

SCOTLAND, Parliamentary Records of, Progress in the Pre- paration of, reported, 22, 24, 25, 27, 32, 33, 36, 38, 40, 42, 44, 60.
 — further Progress in, suspended, 60.
 — Proceedings upon Special Commissions for Trial of High Treason in, in 1794, &c. ordered to be trans- ferred from the Crown Office K. B. to the General Register House, 19.
 — a more regular and complete Collection undertaken of the Statutes and Proceedings of the Parliament of Scotland, 7, 29, 36, 40, 44, 61.
 — Acta Dominorum ad Causas audiend', 7, 40, 42, 43, 61, 169, 170, 171, 262.
 — Concilii, 7, 40, 42, 61, 169, 262.
 — Acta Parliamentorum Scotiæ, 7, 61, 169, 175.
 — Reg. Mag. Sig. Regum Scotiæ, Progress of, 44, 175.
 — Abbreviatio Registri Magni Sigilli (Specimen,) 44.
 — "Inquisitionem ad Capellam Domini Regis Retornato- rum quæ in publicis Archivis Scotiæ adhuc servantur Abbreviatio," Vol. I. and II. completed, 44, 174.
 — Acts of Sederunt passed by the Lords of Session, for the Regulation of different Records, 49.
 — Act concerning the Transmission of the Books of Sede- runt of the Court of Session to the General Reg. H. in Scotland, *ibid.*
 — Act concerning the Register of the Great Seal of, *ibid.*
 — Act passed concerning the Registration of Deeds, Pro- bative Writs, and Instruments of Protest in the Books of Council and Session, *ibid.*
 — Regulation of the Act concerning Registrations, 201, 202.
 — Regulations in the Registries of, 49, 57, 58, 200, 208, 231, 235, 267, 268.
 — Act passed concerning the Registry of Seisins, Rever- sions, &c. 49.
 — Act concerning the Regr. of Hornings, *ibid.*
 — Act concerning the Regr. of Abbreviates of Adjudica- tions, *ibid.*
 — Authentication to be made of Duplicates of all Deeds passing the Great Seal of, 50.
 — Measures recommended concerning the Records of the Sheriff's Court in, *ibid.*
 — no Deeds to be recorded in the Commissary Courts, *ibid.*
 — an Act passed May 12, 1809, for better regulating the Public Records of, *ibid.*
 — an Apartment provided for the Great Seal Office of, 51, 198, 209, 219.
 — Buildings of the Court of Exchequer in, rendered more secure, 51.
 — A Record of the Decrees in the Admiralty Court of, ordered to be framed, 50.
 — Warrants of the Great Seal of, ordered to be delivered into the General Register House, 52, 218.
 — Proceedings relating to the Records of the High Court of Justiciary in, 53, 59.
 — Records of the Privy Council in, ordered to be trans- ferred into the General Register House, 53.
 — Insecurity of the Records in the Sheriff's Offices of, 58.
 — Index to the Records in the Chancery Office of, pro- posed, 59.
 — Reports concerning the Great Seal and Exchequer Re- cords of, *ibid.*
 — Records lodged in His Majesty's Offices of Record in England exclusively, regarding the internal Policy and Laws of Scotland, ordered to be transferred to the General Register House, Edinburgh, 60.
 — a Plan for the Publication of the Parliamentary Records of, reported on, 61.
 — of the Collections of the Statutes of Scotland published by Royal or Parliamentary Authority, 108.
 — First Collection of the Statutes of, from 1424 to 1564, published in 1566, *ibid.*
 — a Parliamentary Commission issued in 1592, for revising and printing the Laws of, *ibid.*
 — other Commissions for surveying the Laws of, *ibid.*
 — Collection of Statutes published in, by Authority, *ibid.*
 — old Editions of the Statutes of Scotland, contain Selec- tions only from the Records of Parliament, 109.
 — Promulgation of Statutes in, *ibid.*
 — Acts of Parliament of, anciently entered on the proper Record by the Lord Clerk Register, 110, 225.
 — earliest printed Publication of Statutes in, 110.
 — Report concerning the Ministers of the Church of, 111.
 — Distilleries, Reports upon, in, 114.
 — Reports on the Royal Burghs of, *ibid.*
 — Plan of the Collection of English Records illustrative of Scottish History, (App. M. 1.) 153.
 71 SCOTLAND,

- SCOTLAND, Enumeration of English Repositories containing Documents illustrative of Scottish History, 154.
- Records illustrative of the disputed Succession to the Crown of, *ibid.*
- in the Tower of London, *ibid.*
- in the Chapter House, Westminster, *ibid.*
- in the British Museum, 155.
- decaying State of those in the Chapter House, *ibid.*
- "Liber A." an important Record in the Chapter House concerning the Affairs of Scotland in the Reign of Edw. I. *ibid.*
- Records of, posterior to 22 Edw. IV. in the Chapel of the Rolls, *ibid.*
- Plan of the Abridgment of Retours of Services in, (App. M. 2.) 157.
- the Records of Chancery in, burnt before 1550, 158.
- State of Progress in the Execution of the Orders of His Majesty's Commissioners on the Public Records, as far as relates to Scotland, 163, 166, 167, 171.
- Plan of the Collection of Royal Charters of, (App. M. 3.) 164.
- Instruments and Inventories relative to the public Muniments of Scotland, preserved in the Tower of London and Chapter House, *ibid.*
- Access granted to the Archives of the Royal Burghs of Scotland, for the Purposes of the Record Commission, 165.
- Plan for Publication of the Parliamentary Records of Scotland, (App. M. 4.) 169.
- Plan for Publication of the Records of the Privy Council of Scotland, (App. M. 5.) 172.
- List of Works illustrating the History and Affairs of, in the Press, *ibid.*
- Progress in printing the "Registrum Magni Sigilli Scotiæ," reported, 175.
- Papers relating to the Contest and Award between Bruce, Bailliol, and the other Competitors for the Crown of Scotland, discovered in the Chapter House, 193.
- Pleadings and Petitions of the Parliament of Scotland, discovered among the Chapter House Records, *ibid.* 195.
- Proceedings of the Commissioners toward carrying into Effect the Measures recommended for Scotland, (App. V. 1.) 197.
- Duplicates of Deeds which pass the Great Seal of Scotland, to be deposited annually in the General Register House, *ibid.*
- Fees and Emoluments assigned to the Officers employed in the Record Offices of, 198.
- Abstract ordered of all the Royal Charters of Scotland which exist, 199.
- Parliamentary Records and Royal Charters of, ordered to be printed, *ibid.*
- Report made on the Public Records of, in 1676, 210.
- Report of Proceedings in Scotland, 30th November and 21st December 1807, in a Conference of the Law Officers, 221.
- Unity and Connection in the various Departments of Public Records in Scotland, 225.
- Royal Archives of, swept away after the Death of Alexander III. 250.
- Records of, formerly kept in Edinburgh Castle, *ibid.*
- ineffectual Attempt at Stirling in 1651, for the Preservation of the public Records of, 251.
- Restoration of the Records of, in 1653 and 1657, *ibid.*
- numerous Records of, lost at Sea, *ibid.*
- Records of the Parliament and Secret Council of, preserved, *ibid.*
- Attempts in the XIVth, XVth, and XVIth Centuries, to rescue the more antient Laws of, 255.
- Acts of Scotland first printed in 1541, *ibid.*
- an extensive Compilation of, suggested in 1566, 256.
- the Revision of, projected during the E. of Morton's Regency, *ibid.*
- Revision of the Laws of, projected during the Regency of the Earl of Morton, *ibid.*
- again under James VI. in 1592, 258.
- another Revision projected under the Reign and Sanction of King Charles I. 260.
- the Traces of Proceedings under the Commission by which it was ordered, obliterated, *ibid.*
- original Records of, prior to the Reign of Robert Bruce, lost, 261.
- mutilated State of the early Parliamentary Records of, 259, 262.

- SCOTLAND, Progress in preparing a Volume of the Parliamentary Proceedings of, reported, *ibid.*
- Select Collection of antient Royal Charters of, *ibid.*
- "Compota Camerarii Scotiæ," & "Compota Thesaurarii," among the Records of, deserving Publication, 265.
- Importance of these Records to the Annals of Scotland, *ibid.* 266.
- Report on the County Records of, 267.
- Proceedings of the Faculty of Advocates concerning the Statute Law of, 298.
- Papers relative to a new and complete Edition of the Scottish Acts, 299.
- a Third Volume of the Abridgment of Retours of Services published, 331.
- Registrum Magni Sigilli, published, *ibid.*
- Five Volumes of Parliamentary Acts and Proceedings published, *ibid.*
- a curious Record of some of the antient Laws of, procured from the Canton of Berne in Switzerland, 333.
- Progress in printing the Statutes and Proceedings of the Parliament of Scotland reported, 341, 342, 344, 346, 348, 350, 352.
- Expences of the Commissioners on the Public Records for Printing in, from 1813 to 1818, 354.
- Measures of the Record Commission relating to, completed and in Progress, 360.
- Correspondence relating to Scotland and the Borders, 1525 to 1650, 364.
- Records relating to forfeited Estates in, transmitted to the Tower from the State Paper Office, 371.
- Preface to the Second Volume of the Acts of Parliament of, (Append. T.) 513.
- Preface to the Third Volume of the Acts of Parliament of, 515.
- Preface to the Fourth Volume of, *ibid.*
- Preface to the Fifth Volume of, 516.
- Sixth Annual Report relating to the Records of, 519.
- Seventh Annual Report, 525.
- Eighth Annual Report, 531.
- Epistolæ Regum Scotorum, 532.
- Ninth Annual Report relating to the Records of, 533.
- Tenth Annual Report, 538.
- Records relating to the disputed Succession to the Crown of, in the Thirteenth Century, 535.
- Public Proceedings of the Three Estates in Parliament of, 1424—1567, 520.
- SCOTS, Incursion of the, into Durham and Yorkshire, 141.
- invade England, t. Ric. II. 190.
- SCOTS College, in Paris, some of the Muniments of the Church of Glasgow deposited at, 168.
- SCOTT, Sir John, of Scottstarvet, forms a Collection of Retours of Services, 158, 272.
- Sir John, of Scottstarvet, 158, 510.
- SCRIPTURA Thesauri Regis, one of the Names of Domesday Book, 381.
- SCUTAGES, Aids, &c. 143.
- SCUTULARIUS, 404.
- SEAL, Great, of Scotland, Register of, 49.
- Progress in the Abridgment of, 166, 167.
- SEALS, early, mentioned in Domesday Books, 391, *note.*
- SEARCHES, Regulations concerning, in the King's Remembrancer's Office, 178.
- Report of, for original Records and Manuscript Copies of, Charters and Statutes preserved in the Universities, Cathedrals, and other public Repositories in England, (App. R.) 179.
- SEARLE, Sir John, Letter Missive to, from K. Hen. IV. 191.
- SECRET Council, Acts and Proceedings of the, in Scotland, from 1513 to the Union, Preparation of, for the Press, suspended, 175.
- Account of the Records of the, 265.
- Preservation of the Registers of, 253.
- "SECUNDA Pars veterum Statutorum," 89.
- SEDERUNT, Acts of, passed by the Lords of Session in Scotland, for the better Regulation of different Records, 49.
- Specimen of the, from 1532, prepared for the Press, 175.
- Books of, from 1553, where deposited, 227.
- SEGRAVE, Chartulary of the Honour of, 77.
- SEISIN, Instances of the antient Method of giving, 463.
- SEISINS, Reversions, &c. in Scotland, Act passed concerning, 49.
- State of the Registers of Seisins, 231, 242, 254.
- General Register of, where kept, 232.
- Account of the Registers of, 235, 253, 269.
- abrogated by the Scottish Convention of Estates in 1609, 254, *note.*
- re-established in 1617, *ibid.*
- SEISINS,

- SEISINS, Indexes to the Registers of, completed, 266.
 — the Transfer of the Retours of, to the General Register House, recommended, *ibid.*
 — Defects of the Registers of, 532.
- SELDEN, John, a Benefactor to the Bodleian Library, 71.
 — Opinion of, respecting the Measure of the Hide of Land, 419.
- SELLEYA, Register of the Monastery of, 76.
- "SENTENTIA Excommunications in Transgressores Cartarum, A.D. 1253," an Exemplification or Transmiss of, preserved at Wells Cathedral, 179.
 — Peculiarities of this Exemplification, *ibid.*
 — supposed to have been transmitted to the several Cathedrals of the Kingdom, 180.
 — a Copy of, at Norwich, with some remarkable Sentences at the End, 183.
- SEQUESTRATIONS and Compositions on the forfeited Estates of Royalists during the Interregnum, in the State Paper Office, 364.
- SERJEANTIES, Account of, 143.
 — Historical Account of, among the Harleian MSS. 76.
- SERVI of Domesday, 402.
 — Form of Emancipation of the, 403.
 — Answer to the *ðeopar* or *eynen* of the Saxons, 401.
 — Relief of a Servus, 451.
- SERVICE, General, in Scotland, 157.
 — Deficiencies in the Register of General Services accounted for, 159.
- SERVICE in Special, according to the Law of Scotland, explained, 157.
 — Deficiencies in the Register of, accounted for, 159.
- SERVICES, Roll relating to, among the new discovered MSS. in the Tower, 187.
 — Charges, and Customs of the Cities and Burghs noticed in the Domesday Survey, 430.
 — in Domesday Book, of an especial Sort, 450.
 — Retours of Services. *See* Retours.
- SERVIENTES, 404.
- SERVIENTES Regis, 393.
- SESSION, Court of. *See* Court.
- SESSION, Lords of. *See* Council.
- SESSIONAL Publications of Statutes, the earliest in England, 1 Ric. III. 108.
 — in Scotland, A.D. 1540-1, *ibid.* 258.
 — in Ireland, *t. Car. I.* 110.
 — Series of Sessional Acts subsequent to K. Geo. I.'s, time, collected under the Direction of the Commissioners, and deposited in the British Museum, 330.
- SEVENTH Annual Report of the Records of Scotland, 525.
- SEVERINI, St. Library of the Convent of, 72.
- SEVERN, Fisheries in the, noticed in the Domesday Survey, 417.
- SEXTARIUM, Measure of the, 415.
- SEYMOUR, Sir John, Surveys and Accounts of the forfeited Estates of, found among the Chapter House Records, 192.
- SHAFTESBURY, Register of the Monastery of, 76.
 — Co. Dorset, had Two Moneyers in the Time of K. Æthelstan, 426.
- SHARNBURNE Family, Spelman's Account of the, 395, *note.*
- SHEEKH ul Jibel, Strictures on the Letter from, to the Duke of Austria, 131, 132.
 — Brompton inserts a Second Letter of, in his History, 132.
 — Diceto, the first Authority for these Letters, *ibid.*
- SHEEP, Wool, &c. Reports on, 111, 113.
- SHERIFF Clerks, Office of, 524, 530, 542.
- SHERIFF's Accounts, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
- SHERIFF's Court, Record of Decrees in, to be made regularly and completely, 50, 197.
 — the Record of Deeds in the, to be entered in Books to be given out and marked by the Lord Clerk Register, 206.
 — Fees and Duties of the Clerks in the, 205.
 — a Revival of the periodical Visitation of the Records kept by the Sheriff Clerks, recommended, 206, 221.
 — Registry of Deeds in the Sheriff's Court consists of Two distinct Branches, 207.
 — Record of personal Deeds in, *ibid.*
 — Record of probative Writs in, *ibid.*
 — Mode of Registration in, of personal Deeds, *ibid.*
- SHERIFF's Offices in Scotland, Insecurity of the Records in, stated, 58, 200, 209, 267.
- SHETLAND, Cession of, to Scotland, in 1468, 10.
- SHILLING of the Domesday Survey, 424.
- SHIPS, furnished by the Nobles of Normandy to William the Conqueror, 493.
- SHIRES, Customs of the, in Domesday Book, 430.
- SHIRLEY Family, Genealogies of the, 80.
- SHREWSBURY, "Angligenæ burgenses" of, in Domesday, 404.
 — Foundation of the Abbey of, 383.
 — Custom of the Moneyers in, at the Time of forming the Domesday Survey, 426.
 — Customs and Services of the Town of, 433.
 — English Burgesses, *ibid.*
 — Castle at, 438.
- SHROPSHIRE, Date of the Survey of, in Domesday ascertained, 383.
 — Castles in, mentioned in the Domesday Survey, 438.
- SIDNEY, Sir Henry, orders the Statutes of Ireland to be collected, 109.
- SIERRA Leone, Reports on the Colony of, 113, 114.
- SIGN-Manual Bills, *t. James I.* and *Cha. I.* in State Paper Office calendared, 363.
- SIGNET, Books relating to the Office of the, 75.
- SILVA and Nemus, the usual terms for Wood in Domesday, 405.
 — alnorum, 406.
 — ad clausuram, *ibid.*
 — ad faciendos domos, *ibid.*
 — "ad ignem tantum," *ibid.*
 — "in defenso," or "defenso Regis," *ibid.*
 — "infructuosa," or "inutilis," in Domesday Book, *ibid.*
 — "minuta," or "modica," *ibid.*
- SILVER, Rolls of the Purchases of, in the King's Mint, 50 to 54 Hen. III. among the Miscellaneous Records discovered in the Tower, 187.
- SILVULA, 405.
- SIMEON, of Durham, 74.
- SIWARD, Earl of Northumberland, *t. Edw. Conf.* 460.
- SIXTUS V. Pope, Improvements in the Vatican by, 72.
- SIX Score to the Hundred, Use of, in Domesday Book, 419.
- SIX Shillings, Tax of, upon every Hide of Land, *t. Will. Conq.* 471.
- SIXTH Annual Report, relating to the Records of Scotland, (Append. W.) 519.
- SKELTON, "Image of Ypocresye" by, 374.
- SKENE, Sir John, Edition of the Statutes of Scotland which goes by his Name, 108, 171.
 — exhibits a Copy of his MSS. to the Legislature, 108.
 — Additions of, to the "Black Acts," 255.
 — assists in the Revision of the Scottish Laws, during the Regency of the Earl of Morton, and again in 1592, 257, 258.
 — an Annual Pension granted to, out of the Thirds of Ecclesiastical Benefices in 1577, 257.
 — Observations on his Publication of the Scottish Statutes, 258.
 — his Work favourably appreciated at the Time of Publication, *ibid.* *note.*
 — his Publication of the Scottish Laws in 1609, 259.
 — the Fidelity of, as an Editor, questioned, *ibid.*
 — Transcripts of Letters, public Accounts, &c. by, 541.
- SMITH, Sir Thomas, Letters of, in the Harleian Collection, 78.
 — the French Work on the State of England, printed in the Hague Edition of the *Fœdera*, shewn to be an Edition only of his Commonwealth, 137, 480.
 — Editions of his "Commonwealth of England," 137.
 — supposed to have written his Work originally in French, *ibid.*
 — Means by which the Work got into the Hague Edition of the *Fœdera*, 138.
 — supposed to have written the French Work on the Commonwealth of England for the Prince of Condé, 138.
 — his Work recommended as an Introduction to the new *Fœdera*, *ibid.*
 — ordered to be omitted in the new *Fœdera*, 149.
- SMUGGLING, Reports relating to, 114.
- SOCA, 452.
- SOCAGE, Tenure in, 398, 399.
- SOCEMANNI, or Socmens in Domesday, 398.
 — different Conditions of, *ibid.*
 — sometimes performed Services of Husbandry, 399.
 — Removals of, from one Manor to another, 442.
- "SOKAGIUM," 452, *note.*
- SOLDARII, in Domesday, 396, 472.
- SOLIN, Measure of the, in Domesday Book, 420.
- SOMERSET, Papers relating to Mines in the County of, found among the Records discovered at the Chapter House, 194.
- SOMERSET and Dorset, Hundred Rolls of, 37, 55.
- SOMERSET Place, Repairs of the Repositories in, ordered, 21, 23, 46.
- SOMERSETSHIRE, paramount Manor of Cori in, 442.
 — Markets in, noticed in Domesday Book, 446.
- SOUTHAMTON,

- SOUTHAMPTON, State of the Ecclesiastical Return for the County of, *t. Hen. VIII.* 151.
- "Placita Forestarum" in the County of, discovered among the Records in the Tower, 187.
- had two Moneyers in the Time of K. Æthelstan, 426.
- SOUTHWIKE, Register of, 76.
- SPALDING, Register of the Monastery of, *ibid.*
- SPEAKER's Warrant, Report on Obstructions to the, 112.
- SPECIAL Commissions, Inquisitiones Post Mortem, and Escheat Rolls in the King's Remembrancer's Office, Order for, and Progress in the Arrangement of, 21, 23.
- "SPECIAL Service," 271.
- SPELMAN, Sir Henry, his Description of a Thane, 392.
- SPINETUM, 406.
- SPORTE, Richard, 74.
- "STABILITIO in Silva," or "Venationis," 409.
- STAFFORD, State of the Ecclesiastical Return for the County of, *t. Hen. VIII.* 151.
- Customary Payments of the Town of, noticed in the Domesday Survey, 433.
- noticed in Domesday as a walled Town, 439.
- Castles in, mentioned in Domesday Book, 438.
- STAIR, Lord, Remark of, in regard to Scottish Services, 158.
- "STALRE Regis," Explanation of, 404.
- STAMFORD, Lageman of, 434.
- Castle at, 439.
- STAR Chamber, Proceedings of the, 37, 54, 55.
- among the Harleian MSS. 76.
- Proceedings of, discovered in the Chapter House at Westminster, 366.
- in the Lansdowne Collection of MSS. 373.
- MS. Treaties on the Court of, by William Hudson, among the Lansdowne MSS. *ibid.*
- STATE Paper Office, Measures carried into execution concerning the, 5, 21, 23, 328.
- Orders respecting the Removal of, to Whitehall, 18, 24, 46.
- Records removed to the, in 1770, from the House of Lords, ordered to be arranged and indexed, 22.
- Progress in arranging and indexing the Records removed from the House of Lords to, in 1770, 24, 54, 328.
- Removal of the Contents of the, to Great George-street, 355.
- Removal of Records from the House of Lords to, A.D. 1770, 357.
- Report from the, in 1818, (Append. G.) 363.
- Particulars of the Contents of the Papers removed in 1770 from the House of Lords to the old State Paper Office, 364.
- STATE Paper Office in Ireland, present Condition of the, 307.
- STATE Papers recently brought to light in the Tower of London, 9, 185.
- discovered in the Chapter House at Westminster since 1800, 193.
- STATUTA Walliæ, 89.
- STATUTA Antiqua et Nova, Manuscripts of the, in the Lansdowne Collection, 373.
- STATUTE Law, Plans proposed for the Revision of the, 93.
- in Scotland, 109.
- STATUTE Roll previous to Hen. VIII. sometimes in Latin, sometimes in French, and from that Time uniformly in English, 88.
- Charters of Insuperimus entered on, reciting and confirming Magna Carta and Carta de Foresta, 97.
- begins 6 Edw. I. 100.
- Interruption in, *t. Hen. VI.* *ibid.*
- not preserved after 8 Edw. IV. *ibid.*
- not made up after 4 Hen. VII. *ibid.*
- succeeded, for practical Purposes, by the Inrolment in Chancery, 100.
- Nature of the Statute Rolls, *ibid.*
- the earliest commences with the Stat. of Gloucester, 6 Edw. I. 1278. *ibid.*
- from 6 Edw. I. to 8 Edw. IV. 1468, inclusive, with an Interruption from 8 to 23 Hen. VI. preserved in the Tower of London, *ibid.*
- Extent of the separate Rolls, *ibid.*
- Evidence of Statute Rolls having existed to 4 Hen. VII. 101.
- Entries on the, not broken into Paragraphs, 105.
- STATUTE Roll of Ireland, Entries on, as late as 8 Hen. VII. in French, 107.
- STATUTE Rolls in the Tower, Notices respecting the, 374, 375.
- STATUTES and Ordinances of the Realm, an authentic Edition of, undertaken by the Commissioners, 6, 20, 22, 48.
- Progress of the Work reported, 22, 24, 25, 28, 30, 32, 36, 38, 40, 329, 340, 344, 346, 348, 350, 352, 360.
- STATUTES and Ordinances of the Realm, general Conspectus of, to the End of the Reign of K. Edw. II. formed, 24.
- Introductory Statement with Appendixes, &c. drawn up and printed, 32, 38.
- corrected and enlarged, 34, 36.
- First Volume of the, completed, 42, 86, 174, 517.
- a Second and Third Volume of, ordered to be printed concurrently, 42, 57, 341, 517.
- Progress of, reported, 44, 57, 174, 329.
- Completion of Six Volumes announced, with Progress in a Seventh, 330, 517.
- proposed Completion of the Series explained, *ibid.*
- Text of the, in the authentic Edition, 104.
- many Statutes and Ordinances recorded in the Rolls of Parliament, not inserted in the printed Statute Books, 48, 57.
- Transcripts of ancient Statutes among the Harleian Manuscripts, 76.
- old Collections of, among the Lansdowne MSS. 85.
- Plan of the authentic Collection of, as presented to H. R. H. the Prince Regent, (App. G.) 86.
- Introduction to the authentic Edition, 88.
- Variety of the printed Editions in regard to the Language of the Statutes, *ibid.*
- the earliest printed Edition or Collection of, about the Year 1481, *ibid.*
- Collection of, printed by Lettou and Machlinia, *ibid.*
- first Instance of a Sessional Publication, *ibid.*
- Collection of, printed by Pynson, *ibid.*
- Contents of the smaller Edition of the Statuta Antiqua, *ibid.*
- first English Abridgment of, by Rastall, *ibid.*
- when first edited in English, *ibid.*
- Editions of the alphabetical Arrangement of the, 89.
- earlier Abridgments of the, made in Latin or French, *ibid.*
- Berthelet's Collection of, previous to 1 Edw. III. *ibid.*
- Contents of the Antiqua Statuta, not arranged with chronological accuracy, *ibid.*
- Variations in Tottell's Edition of the Statuta Antiqua, in 1556, *ibid.*
- Variations in Tottell's later Editions in 1576 and 1587, *ibid.*
- earliest printed Translation, not abridged, of the Charters, and of several Statutes previous to 1 Edw. III. *ibid.*
- Statutes in English, from Hen. III. to 19 Hen. VII. printed by Berthelet, *ibid.*
- certain of the old Statutes always printed without Translations, *ibid.*
- "The Great Boke of Statutes," ending 34 Hen. VIII. *ibid.*
- William Rastall's first Edition of the Collection of Statutes, 1557, *ibid.*
- reprinted in 1579 and subsequent Years, *ibid.*
- careful Revisions in from Time to Time, 90.
- Barker's Edition of the Statutes, in English, affording the first Instance of the Term, "Statutes at Large," *ibid.*
- none of the Statutes between 1 Edw. III. and 1 Hen. VII. printed in Latin or French, after Rastall's Edition in 1579, till Hawkins's in 1735, *ibid.*
- Edition of 1618, usually called Rastall's, *ibid.*
- Pulton's Collection published in the same Year, *ibid.*
- several Statutes in, translated for the first Time, *ibid.*
- subsequent Editions by Pulton, *ibid.*
- Peculiarities of Pulton's Collection, *ibid.*
- small Collections of the Statutes in French and Latin, frequently reprinted till after 1618, *ibid.*
- Collection of the, inserted in Lord Coke's Second Institute, *ibid.*
- partial Collections of Acts published, during the Usurpation; and an authentic Collection of, by Scobell, from 1640 to 1656, *ibid.*
- Editions of the Statutes of Car. I. & II. published after the Restoration by the King's Printers, *ibid.*
- Keble's Edition of the Statutes at Large, published in 1676, 91.
- Account of Serj. Hawkins's Edition of the Statutes, *ibid.*
- Particulars of Cay's Edition of the Statutes, published in 1758, *ibid.*
- Ruffhead's Collection published, 1762 to 1769, *ibid.*
- Pickering's Edition of the Statutes, published at various Times, between 1762 and 1766, *ibid.*
- Statutes of Ric. III.'s Reign, originally published in French, 92, 93.
- Variations of the Translation of the Statutes, now chiefly in Use, from the original Text, 92.
- Errors and Omissions of the different Editions of the Statutes, *ibid.*
- earliest Editions of entire Statutes, *ibid.*
- verbal Variations in the different Editions, *ibid.*

STATUTES

STATUTES. Statutes of Henry III. Edw. I. and Edw. II. not printed entire till the Beginning of the Sixteenth Century, *ibid.*

— Statute of Gloucester, the earliest now existing on any Statute Roll, *ibid.*

— no complete printed Translation of all the Statutes previous to Hen. VII. exists, 93.

— no complete Edition heretofore undertaken by Authority, *ibid.*

— Heads of Sir Nicholas Bacon's Plan for reducing, ordering, and printing the Statutes of the Realm, *ibid.*

— Sir Francis Bacon gives a Sketch or Plan of a general Revisal of the Statute Law, *ibid.*

— a Reform of all the Statute Law, and more particularly of the Penal Laws, recommended by James I. *ibid.*

— Progress of the Reform under Sir F. Bacon, Lord C. J. Hobart, Serjeant Finch, Mr. Noy, and others, *ibid.*

— Plan of an elaborate Report noticed, particularising the several Statutes from the Statute of Westminster the first, 3 Ed. I. to 7 Jac. I. 1609, then actually repealed or expired, 94.

— MS. Collection of Statutes made by Mr. Heneage, *ibid.*

— Revision of the Statutes resumed during the Usurpation, *ibid.*

— Sir M. Hale, Sir Anthony Ashley Cowper, and Mr. Rushworth, ordered to report upon the Inconveniences of the Law, *ibid.*

— Perusal of the Statute Laws again resumed after the Restoration, *ibid.*

— the earliest Instance of the Exertions of an Individual, without the Sanction of Parliamentary Authority, towards making a Collection of Statutes from authentic Sources, afforded by Pulton, *ibid.*

— Detail of Pulton's Plan, 95.

— objected to by Bowyer and Elsynge, *ibid.*

— Statement of the Means employed by Pulton in compiling his Collection, *ibid.*

— Defects of Pulton's Publication as a general Collection of the Statutes, *ibid.*

— Objections applicable to Hawkins's and Cay's Editions of the Statutes, 96.

— a complete Edition finally taken up by the Record Commissioners in 1800, *ibid.*

— Charters prefixed to the authentic Collection of the Statutes, *ibid.*

— of the Matters inserted in the authentic Collection of the Statutes and their Arrangement, 98.

— Purpose and Sources of, various Readings of the Statutes, *ibid.*

— of the Sources whence the several Matters in the authentic Collection have been taken, 99.

— earliest Statutes contained in the several Collections, 100.

— no Parliamentary Record of Statutes now extant prior to 6 Edw. I. *ibid.*

— Books of Record enumerated containing Entries of Statutes, and Parliamentary Proceedings, 102.

— Entries of, occasionally included in the Close, Patent, Fine and Charter Rolls, *ibid.*

— Manuscript Collections of, preserved in public Repositories, 103.

— Books and Manuscripts not of Record, containing Entries or Copies of Statutes, *ibid.*

— Chartularies in Cathedrals, containing Copies of some of the old Statutes, *ibid.*

— MS. Collections of, preserved in other public Libraries, *ibid.*

— Rules of Preference adhered to, in using the different Sources for the Text of the authentic Collection of the Statutes, 104.

— Mode used in searching for, transcribing, collating, and printing the Text of the Statutes, *ibid.*

— various Readings in the Text, how suggested, *ibid.*

— of the original Language of the Charters and Statutes, 105.

— of the Translation adopted in the authentic Collection of the Statutes, 107.

— Promulgation of, before and since the Union of Great Britain and Ireland, 109.

— Defect in the Promulgation of, in Great Britain, amended, 110.

— Reference to Reports on the Promulgation of, 114.

— Entries among the Placita concerning Statutes and Ordinances, 142.

— Account of a singular MS. of the Statutes from 9 Hen. III. to 11 Hen. VII. preserved in the Bodleian Library, 181.

— Records of Statutes and Placita Parliamentaria, discovered in the Chapter House, 193.

STATUTES, Vol. V. and VI. completed, 351, 353, 356.

— Progress in a VIIth Volume announced, 356.

— Prefaces to the Second and each successive Volume of, (Append. L.) 374, 377, 378, 379, 380.

STATUTES and Proceedings of the Parliament of Scotland, Progress in printing the, announced, 341, 342, 344, 346, 348, 350, 352.

STATUTES, Irish, ordered to be prepared and printed, 543.

STATUTES of Scotland and Ireland, published by Royal or Parliamentary Authority, 108, 109.

— of Ireland, first collected and printed in 1572, 109.

— Sir Richard Bolton's Abstract of, ordered to be printed, *ibid.*

— published in 8 Vols. folio, 1765, by Authority, *ibid.*

— continued in subsequent Volumes to the Union, *ibid.*

— Scottish, a supplementary Collection of, proposed in 1772, 298.

— a complete Edition of, intended, *ibid.*

— Causes which have retarded the Completion of the Design, 299.

— Copy of the Memorial presented to the Lord Clerk Register in 1772, by the Faculty of Advocates, concerning a Supplementary Collection of, 213.

— Report of Progress by the Sub-Commissioners on the Irish Statutes, 316.

"STATUTES at Large," earliest Instance of the Term, 90.

STEPHEN, K. Copies of the Charter of, of the Liberties of the Church, at Exeter and Canterbury, 96, 183.

STERCORIS, Cathedra, 434.

STEWART, Lord High, MSS. on the Authority, &c. of the, 77.

STIRLING Castle, Stipulation ineffectually attempted at, in 1651, concerning the Records of Scotland, 250, 251.

STIRMAN, or Stiremannus Regis, 404.

STOCK, Enumeration of, received with a small Estate of tene-mental Land in Hertfordshire, as detailed in Domesday Book, 445.

STONE Quarries, or Stone Pits, mentioned in the Domesday Survey, 416.

STONER, Court-Rolls, Deeds, Letters, &c. of the Family of, of Stoner, in Oxfordshire, among the Records discovered in the Tower, 187.

STOW, John, Manuscripts of, purchased by Lord Oxford, 73.

STRATFORD, Dr. assists Lord Oxford in his Collection of MSS. *ibid.*

STREET, Co. Somerset, Complaint of the Parson of, against the Abbot and Convent of Glastonbury, t. Hen. V. 191.

STRYPE, Rev. John, one of the Possessors of the Burghley Papers, 372.

STYCA of the Saxon Times, Account of, 425, note (i.)

SUBSIDIES, Books of, among the Harleian MSS. 75.

SUB-COMMENDATI and Sub-Commendati Dimidii of Domesday, 397.

SUCCESSION, Brieve of, Writ so entitled, 271.

— Points of the, enumerated, *ibid.*

— Innovation upon the ancient Usage of, *ibid.*

— Proceedings in pursuance of, *ibid.*

— Two distinct Classes of Inquisitions entered under, *ibid.*, 273.

SUCKEN of a Mill in the Scottish Law, explained, 413.

SUETONIUS, MS. of, in the Lansdowne Collection, 373.

SUFFOLK, State of the Ecclesiastical Return for the County of, t. Hen. VIII. 152.

— Return of all Ships in the Ports of, 22 Edw. I. found among the newly discovered Records in the Tower, 188.

— Letter Missive of K. Edw. IV. concerning a new Commission for the County of, 192.

— Domesday, "Invasiones super Regem" in, 389.

— Commendatio of Domesday in, 397.

— Castle of William Malet in, 439.

— Churches of, returned in Domesday Book, 456.

— Markets in, noticed in Domesday, 446.

SUFFOLK, Earl of, the Wardship and Marriage of the Daughter of the Duke of Somerset, 22 Hen. VI. ordered to be granted to, 192.

SUMMA, or Seme, Measure of the, 415.

"SUMMA Annonæ," 415.

SUMMARY of the Proceedings of His Majesty's Commissioners on the Public Records of Ireland, from the Commencement of 1810 to 1818, 543.

SUMPTER Horses, Skins or Rugs for the King's, noticed in Domesday Book, 449.

SUMS issued annually to the Commissioners on the Records, from 1813 to 1818, 354.

SUNDAY, Markets forbidden to be held on, 447.

SUPPLEMENT to Rymer's Fœdera. See Fœdera.

SURIANO, Michael, Description of England by, 80.

7 K **SURREY**,

SURREY, State of the Ecclesiastical Survey of, *t. Hen. VIII.* 151, 152.
 — of Reliefs in, 452.
 SURVEYOR General of Crown Lands, Office of, 358.
 SURVEYOR General of Crown Lands in Ireland, Maps preserved in the Office of the, 306.
 — Office of, 358.
 SURVEYS of Crown Lands, Orders concerning Indexes to the, 56.
 SURVEYS and Accounts of forfeited Estates, in consequence of Attainders, found among the Records discovered in the Chapter House, 193.
 SURVEYS of Property, *t. Edw. I. &c.* discovered in the King's Remembrancer's Office, 196.
 SUSSEX, State of the Ecclesiastical Survey for the County of, *t. Hen. VIII.* 151, 152.
 SUTORES, 404.
 ST. SUZANNA in Maine, Siege of, in 1083, alluded to in Domesday Book, 382.
 SWEREFORD, Alexander de, the Compiler of the Red Book of the Exchequer, 102.

T.

"TABULÆ," in Domesday Book explained, 416.
 TACK, Custom so called, 406.
 TAILZIES, Abridgment of the Record of, 40, 60, 175.
 TAILZIES and Inventories, Act passed for transmitting the Registers of, in Scotland, to the Gen. Register House, 6, 49, 52.
 — Remarks on the proposed annual Transmission of, 218.
 — Register of, where kept, 232.
 TAINI, 392.
 TAINI Sciræ, 393.
 TAINLAND, Definition of, 441, *note*.
 TALBOT, Copy of Magna Carta, 9 *Hen. III.* preserved by the Family of, at Laycock Abbey, 97.
 TALLY Court Office recommended to be rebuilt, 54.
 TALLYS, Thomas, Organist to K. Henry VIII. 374.
 TATESHALE, "Burgensis minuti" of, 435.
 TAUNTON in Somersetshire, customary Services of, 431.
 "TAXATIO Ecclesiastica Angliæ et Willii, auctoritate P. Nicholai IV." ordered to be printed from the Transcript in the Exchequer, 19, 48.
 — Progress in the printing of, reported, 21.
 — completed and published, 7, 24, 174, 516.
 — many originals Rolls of, discovered among the Records in the King's Remembrancer's Office in the Exchequer, 196.
 TAXATIO Nova, A.D. 1318, 148.
 TAXATIONS of the Religious and the Laity, found among the Records discovered in the King's Remembrancer's Office in the Exchequer, 9, 196.
 — of Property, *t. Edw. I.* and subsequently discovered among the Records in the King's Remembrancer's Office, Exchequer, *ibid.*
 TEAM or Theam, 452, 453.
 TEGNI, 392.
 TEIGNI, *ibid.* 393.
 TEIGNI liberi, 393, *note*.
 TEINDS, Records of, ordered to be transmitted to the General Register House of Scotland, 52, 218.
 — the Transfer of the Records of, made to new Apartments in, and not to the General Repository of, the Register House, 53.
 — Remarks on the proposed annual Transmission of, to the General Register House, 218, 227.
 — Apartments fitted up for the Records of the Court of, 519.
 TEINI, or Teinni, 392.
 TELLERS Office, in the Exchequer, recommended to be rebuilt, and secured from Fire, 54.
 TEMPORALTIES, Restitutions of, to Bishops, Abbots, and other Ecclesiastical Persons, entered on the Patent Rolls, 66.
 TENANTS by Copy of Court Roll, 401.
 TENANTS in Capite, Calculation of the Number of, noticed in Domesday, 441, *note*.
 TENTH Annual Report relating to the Records of Scotland, 538.
 TENURE in Frankalmoigne, 448.
 TENURES, Change of, in England, *t. Will. Conq.* 385. See Allodium.
 TERRA, in Domesday Book, signifies Arable Land, 405.

"TERRÆ occupatæ" in the Exeter Domesday, 472.
 TERRITORIAL Jurisdictions and Franchises noticed in the Domesday Survey, 427.
 TESTA de Nevill, sive Liber Feodorum in Curia Scaccarii, *temp. Hen. III. & Edw. I.* 29.
 — Progress in the Transcript and Printing of, reported, 29, 30, 31, 32.
 — the Printing of, completed, 7, 33, 34, 174, 517.
 — Table of Contents to, with a Specimen engraved from the Original, ordered, 48.
 — Transcript of, among the Lansdowne MSS. 85, 373.
 — Account of the, 142.
 — why so named, *ibid.*
 — the Entries specifically so called, form but a small Part of the whole, *ibid.*
 — among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 TEXTUS Roffensis, Charter of Liberties 1 *Hen. I.* entered in, 94, 182.
 TEXTUS, Meaning of the Word in Domesday Book, 463.
 THAMES, Navigation, Report upon, 114.
 THANES, mentioned in the Domesday Survey, Description of the, 392, 393.
 — Sir Henry Spelman's Description of the Quality of, 392.
 THANI Inferiores, 392.
 THANI Mediocres, 392, 393.
 THANI Minores, 392.
 THANI Regis, 392, 393.
 THELONEUM, 447.
 THESAURARIUS, 404.
 THETFORD, Bordarii mentioned in, in Domesday, 401.
 — William, Bishop of, mentioned in Domesday, 383.
 THIRLAGE in the Scottish Law explained, 413, *note*.
 THIRNYNG, Sir William, Speech of, to K. Richard II. 106.
 THOLSEL, Records of the, at Dublin, 303.
 THOL, in Domesday Book, 447.
 THOMAS, Hugh, MSS. of, relating to Welsh Genealogy, 78.
 TIMBER, of great Value at the Time of the Formation of Domesday, 405.
 "TIME of Memory," legal Term of, defined, 121.
 TIN, no Mention of, in the Account of Cornwall in the Domesday Survey, 415.
 TITHES mentioned in Domesday Book incidentally only, 456.
 TOL, 447.
 TOLFRÆDIC, Mode of Computation, 419.
 TONSON, Jacob, obtains a Privilege from K. Geo. I. for republishing Rymer's *Fœdera*, 117, 477.
 TONSOR, in Domesday, 404.
 TORKSEY, Customs of, in Domesday Book, 434.
 TORRE, Castle of, in Somersetshire, 436.
 TORVELAND, 441, *note*.
 TOSTI, Earl, 404, *note*.
 TOTTELL's Edition of the Antiqua Statuta in 1556, 89.
 — various Readings in Tottell's later Editions of 1576, and 1587, *ibid.*
 TOWER of London, Proceedings of the Commissioners in regard of the unarranged Records at, 5, 329.
 — enlarged Establishment of Clerks at, 8, (App. P.) 177.
 — neglected Records in, recently discovered there, 8.
 — Repair of the Apartment adjoining to Cæsar's Chapel, in, 18, 21, 46.
 — Calendar of the Escheat Rolls at, ordered, 26.
 — Transcript of the Hundred Rolls at, ordered, 32.
 — Progress in the, 34, 35, 36.
 — Calendars and Indexes to the Patent, Close, and Charter Rolls in, ordered to be printed, 19, 25, 26.
 — Calendar of the "Inquisitiones ad quod Damnum" in, completed, 25.
 — Index to the Patent Rolls in, ordered to be printed, 21, 47.
 — Index to the Charter Rolls in, ordered to be printed, 47.
 — Indexes in progress to the Bills, Answers, Depositions, and other Chancery Proceedings in, from the Reign of Elizabeth to 1714, 56, 358.
 — Bowyer the first Person who reduced the Tower Records into Order, and digested Repertories of them, 116.
 — Care of the Records in, confided to W. Prynne, 117.
 — Prynne publishes "the exact Abridgment of them," *ibid.*
 — Records suspected to have been purloined from in former Times, 121.
 — Enumeration of Instruments and Records in, illustrative of Scottish History, 154, 164.
 — Report of the several Public Records, &c. discovered at the Tower since the beginning of 1804, (App. S.) 185.
 — Scottish Records relating to Matters of private Right in, sent back to Scotland in 1657, 210.

TOWER

TOWER of London, Annual Reports from, 1813 to 1819, (App. I.) 367, 368, 369, 370, 371.
 — Selections from the Patent Rolls in, in Fifteen Volumes, among the Lansdowne Manuscripts, 373.
 — Historical Notices respecting the original Statute Rolls in the, 374, 375.
 — early Bills and Petitions in Parliament preserved in the, 375.
TOWN Clerk's Office. *See* London.
TRADE, Papers relating to, in the State Paper Office, 328, 363, 364.
TRANSCRIPTUM Libri Albi, in the Town Clerk's Office, London, 103.
TRANSFERS of Records in Scotland to the General Register House, recommended, 200, 216.
TRANSFERS of Records, 329.
TRANSGRESSIONS, Payments for, in Domesday, 454.
TRANSLATION of the Abridgment of the Statutes to 11 Hen. VIII. printed by John Rastall, 88.
 — earliest printed Translation of the Statutes not abridged, publ. in 1534, by Ferrers, 89.
 — of Statutes Hen. III. to 1 Rich. III. in Berthelet's Edition, 1543, *ibid.*
 — of the Statutes prior to Henry VII. in Rastall's Edition of 1579, 89.
 — several Statutes for the first Time translated by Pulton, 1618, 90.
 — Hawkins's Opinion of the received Translation, 91.
 — Cay's Criticism on the received Translation, which he attributes entirely to Ferrers, *ibid.*
 — no complete Translation, 92, 93.
 — of the Translation in the new Collection of the Statutes, 107.
TREATIES, between Scotland and England, recently discovered in the General Register House, 10.
 — between the Sovereigns of Scotland and France, *ibid.*
 — Transactions with the different States of Europe, from Edw. I. to Eliz. discovered in the Chapter House, 193.
 — and State Papers, at the Chapter House, 350, 352, 358, 366.
 — Copies of, in the Lansdowne Collection of Manuscripts, 372.
TREDING, or Riding, Explanation of the, in Domesday, 427.
TREE, Value of, estimated in the Saxon Times by the Number of Hogs which could lay under it, 406.
TREMETONE, Castle at, in Cornwall, 437.
TREVisA, John de, Translation of Higden's Polychronicon by, 74.
TRHEARN ap Coradac, Irruption of, in 1074, noticed in Domesday, 461.
TRIAL, by Domesday, 142.
 — by Domesday of Chester, *ibid.*
 — by the Roll of Winton, *ibid.*
 — by Duel, *ibid.*
 — by Ordeal, *ibid.*
TRIDINGMOT, 427, *note.*
TRINITY College, Cambridge, MS. Collections of the Statutes at, 103, 182.
 — Dublin MSS. of the Statutes at, 303, 304.
 — Catalogue of the Manuscripts at, 549.
TRINODA Necessitas, 448.
TRIVET, Nicholas, Annals of, 74, 132.
TUNBRIDGE Castle, Co. Kent, implied Existence of, at the Time of the Formation of Domesday Book, 436.
TURIN, Libraries at, 72.
TURNPIKE Roads, Reports on, 113.
TUTBURY Castle, 438.
 — Market at, noticed in Domesday Book, 446.
TWYSDEN, Sir Roger, "Historiæ Anglicanæ Scriptores Antiqui," published by, 131.

V.

VACARIUS, 404.
VACCINE Inoculation, Report on, 114.
VALE Royal, Letter from the Abbot of, to K. Edw. III. concerning the Subsidy demanded for the Marriage of his Sister, 190.
 — Foundation and Condition of the Monastery, *ibid.*
VALLANCY, General, Barony Maps made by, 306.
VALLETORTA, Reginald de, holds Trematon Castle under the Earl of Moretaine, 437, *note.*
"VALOR Ecclesiasticus temp. Hen. VIII." ordered to be transcribed and printed, 32, 48, 151, 152.

545.

"VALOR Ecclesiasticus temp. Hen. VIII." Reports of Progress in, 33, 34, 35, 36, 37, 38, 39, 40.
 — the First Volume of, announced as completed, 42, 174, 517.
 — Progress in printing the Second Volume of, reported, 42, 44, 176.
 — Plan of the Valor, (App. L. 3.) 151.
 — Contents and Condition of the Books and Rolls containing it, Originals and Copies, *ibid.*
 — Statement of the Returns now wanting in, 152.
 — Second and Third Volumes of, completed, 331, 343, 344, 517.
 — Publication of, to be comprized in Five Volumes, 331.
 — Reparation of the Original Books of the, ordered, *ibid.*
 — further Progress in printing of, reported, 340, 342, 344, 346, 348, 350, 352, 358.
VALVASINI, 393, 394.
VALVASORES, *ibid.*, *ibid.*
VATICAN Library, the, improved by Pope Sixtus V. and Pope Clement XI. 72.
 — the Heidelberg Library removed into, *ibid.*
 — enriched from the Libraries of the North, *ibid.*
VAVASSORES, a Description of Tenantry in Domesday, 393, 394.
 — Relief of the Vavasor, 394, 451.
VAUGHAN, Mr. of Hengwrt, MSS. collected by, 72.
VENATORES, 404, 408, 409.
VENICE, Library of St. Mark at, 72.
VERDICTS called in question, 141.
"VETERA Statuta," small Editions of, 89.
"VETUS Codex," a Book of Inrolment so called, preserved at the Tower, 102.
VETUS de Monte, Strictures on the Authenticity of the Letter from, to the Duke of Austria, 120, 131, 132, 496.
 — the Letter itself, copied by Rymer in his *Fœdera*, from Bromton, 132.
 — a Second Letter of, inserted in Bromton, *ibid.*
 — Ralph de Diceto the first Authority for these Letters, *ibid.*
 — the whole considered as a Fabrication, 133, 496, 497.
VIENNA, Imperial Library at, how enriched, 72.
"VIGILANTES homines" in Domesday, 404.
VILLA, Office or the Prefectus Villæ, 445.
VILLANI, Tenure of the, explained, 399, 400.
 — those of Domesday supposed to have answered to the Saxon Ceorls, 401.
 — Villani dimidii, *ibid.*
VILLEIN, Enfranchisement of a, by a quiet Residence of a Year and a Day upon the King's Demesne, 397, and *note* (p.)
 — Relief of a, 451.
VILLEINS regardant, 401.
VINEYARDS in England, Origin of, 410.
 — numerous Entries of, in Domesday, *ibid.*, 411.
 — early Notices of the Existence of the Vine in England, 411.
"VINITOR" in Domesday, *ibid.*
VIRGATE of Land explained, 421.
VIRGIL, MS. of, of the 15th Century in the Lansdowne Collection, 373.
 — Fac Simile of the Virgil in the Vatican Library, made by Bartoli in 1642, 373.
VIRGULTUM, 406.
VISITATIONS of King's at Arms, MSS. 77.
VISITORS of Religious Houses, Letters from the, t. Hen. VIII. 76.

U.

ULNA, Measure of the, 422.
UNION, Journal of the Treaty of, with Scotland, among the Harleian MSS. 78.
UNITED Kingdom, Reference to Report on, 113.
UNIVERSITIES, Statutes of the several Colleges and Halls of the, 76.
 — Libraries of, to which Works printed under the Record Commission are sent, (App. O.) 176.
URBAN IV. Pope, Bulls of, 501.
USURPATION, Collection of Acts during the, 90.
 — Plans during the, for the Revision of the Statute Law, 94.

7 K 2

WAKEFIELD,

W.

WAKEFIELD Tower, in the Tower of London, State Papers discovered in, 186.
 ——— judicial Records discovered in, 187.
 WALDEN Priory, Chartulary of, 76.
 WALES, MSS. relating to, in the Harleian Collection, 77.
 ——— Transcript of the Statutes of, 12 Edw. I. 101.
 ——— a Roll containing the Appointments of the Assessors and Collectors of the Subsidy of a 30th granted to K. Edw. I. towards his Expedition against Wales, &c. found among the newly discovered Records in the Tower, 188.
 ——— Ministers Accounts of Possessions in North and South Wales, among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 WALINGFORD Castle noticed in Domesday Book, 436.
 WALIS, Marcha de, 390, *note*.
 "WALISCÆ hidæ," in Domesday, 419.
 WALLIÆ Statuta, 12 Edw. I. no Translation of the, in the old Collections of the Statutes, 89.
 WALLINGFORD, John, 74.
 WALLERS, or Boilers of Salt, Etymology of their Name, 413.
 WALSINGHAM, Sir Francis, Letters of, in the Harleian Collection, 78.
 WALSINGHAM, Thomas, 74.
 WALTER of Coventry, *ibid*.
 WALTHAM, Registers of the Abbey of, 76.
 WANLEY, Humphrey, the first Former of the Harleian Catalogue of MSS. 78.
 ——— Diary of, 374.
 WAPENTAKE of the Northern Counties, Explanation of the, 427, 428.
 WAPINSCHAW, or Wapinschawing, of the Scots, 428.
 WAR, Indentures of, in early Times, 364.
 WarBURTON, John, Collections of, for Yorkshire, 373.
 WARDEPENI in Domesday, 424, *note*.
 WARDROBE Accompts, among the Harleian MSS. 75.
 ——— of 6 and 18 Edw. I. among the Miscellaneous Rolls discovered in the Tower, 187.
 ——— of Edw. I. and Hen. VIII. among the Records in the Chapter House, 195.
 ——— among the Records discovered in the King's Remembrancer's Office in the Exchequer, 196.
 WARDROBE, Royal, of Scotland, Inventories of the, 536.
 ——— Publication of the, 541.
 WARDS and Liveries. See Court.
 WARDSHIP and Marriage of the Daughter of the Duke of Somerset, ordered in a Letter Missive of K. Hen. VI. to be granted to the Earl of Suffolk, 192.
 ——— Grants of Wardships and Liveries, &c. in Ireland, (t. Hen. VIII. to Charles II.) in the Office of Under Secretary for Civil Affairs, 305.
 WAREHAM, Co. Dorset, had Two Moneyers in the Time of K. Æthelstan, 426.
 ——— Castle at, mentioned in Domesday Book, 436.
 "WARENNA Leporum," occurs in Domesday, 410.
 WARRANT Royal, for appointing the Deputy Clerk Register in Scotland (App. W. 1.) 224.
 ——— Commission, &c. consequent upon the Warrant, 225.
 WARRANT Books, in the State Paper Office, from 1661 to 1711 calendared, 363.
 ——— Scotland, best Mode of preserving, 363.
 ——— Surrey, Claim of, concerning the, 78.
 WARWICK, territorial Allotments of, in the Domesday Survey, 445.
 WARWICK, State of the Ecclesiastical Survey for the County of, t. Hen. VIII. 152.
 ——— customary Payments and Services of the Town of, noticed in the Domesday Survey, 432.
 ——— Shrievalty of, *ibid*.
 WARWICK, Earl of, Surveys and Accounts of the forfeited Estates of, among the Records discovered in the Chapter House, 193.
 WARWICKSHIRE, Changes in the Hundreds of, since Domesday Book was formed, 389.
 WASTE Lands, Reports on, 113.
 WATA, 474.
 WATELEGE, Co. Heref. "Domus defensabilis" at, noticed in Domesday Book, 437.
 WATERFORD, Search at, for the Exemplification of English Statutes mentioned by Sir R. Bolton, 304.
 ——— Destruction of the Records at, *ibid*.

WEBB, Philip Carteret, one of the Purchasers of the Cæsar Papers, 372.
 WEIGHTS and Measures, Statutes relating to, 92.
 ——— Standards of, 111.
 WELBECK, Register of the Monastery of, 76.
 WELLS, Statutes of the Cathedral of, *ibid*.
 ——— Exemplification or Transmiss of the "Sententia Excommunicationis in Transgressores Carterum, A.D. 1253." preserved at, 179.
 ——— Exemplification of the Statute "Super prisio honorum Cleri," at, *ibid*.
 ——— of the Stat. 15 Edw. III. st. 1. at, *ibid*.
 WERBURGH, St. Register of the Monastery of, 76.
 WESTMINSTER, Statutes of the Abbey Church at, *ibid*.
 ——— Book of Indenture between the Abbot and Convent of, and K. Hen. VII. 77.
 ——— Charter of 28 Edw. I. confirming Magna Charta, preserved at, 97.
 ——— Statute of, in many MSS. in French, 106.
 ——— entered in the Red Book of the Exchequer at Dublin, 302.
 WESTMORLAND, State of the Ecclesiastical Survey of, t. Hen. VIII. 152.
 ——— not generally described in the Domesday Survey, 390.
 ——— the South of, included in that Survey within the West Riding of Yorkshire, *ibid*.
 WETHERALL, Chartulary of the Abbey of, preserved in Carlisle Cathedral, 180.
 WHATELY, English Edition of the Acta Regia by, 119, 126.
 WHETELEY, Manor of, committed to farm, 187.
 WHICHWOOD, Forest of, in Oxfordshire, 407.
 WHITELOCK, Bulstrode, on the Committee in 1650 for revising the Statute Law, 94.
 WHITE TOWER, in the Tower of London, Alterations and Arrangement of Records in, A.D. 1813, 367.
 WICHES, Laws of the, 454.
 WICLIFFE, John, MS. of the Old Testament as translated by, 373.
 WIDOW, Custom of a, not marrying till after a Year, mentioned in Domesday Book, 463.
 WIGMORE, Castle of, 437.
 WIGMORE, Liber Niger de, 77.
 WILL, noncupative, in Domesday, 462.
 WILLIAM, K. of Sicily, Charter of Dowry from, to Joan Daughter of K. Henry, copied from the Old Historians by Rymer, 131.
 WILLIAM, St. Archbishop of York, 75.
 WILLIAM Conq. K. holds a great Council at Salisbury, 384.
 ——— Devastation of the Northern Counties by, in 1069, 390, *note*.
 ——— Seal of, 391, *note*.
 ——— Charters of, in English and Latin, 392, *note*.
 ——— Formation of the New Forest by, 407.
 ——— Estimate of the Quantum of Injury supposed to have been occasioned to Population and Agriculture by him in the Afforestation, 408.
 ——— numerous Castles erected by him, 438, 439.
 ——— Assistance given to him in his Expedition, 440.
 ——— Carta Regis Willielmi Conquistoris de quibusdam Statutis, 447.
 ——— Journey into Wales of, in 1079, 469.
 ——— Notices of the Children of, *ibid*, *note* (k.)
 ——— Charter of, to the Earl of Brittany, 485.
 ——— Objections to, *ibid*.
 ——— Answers to the Objections, 486.
 ——— Voyage and Landing of, 491.
 WILLS and Proceedings of Ecclesiastical Courts, Necessity for the perfect Safety of, 64.
 ——— Royal, of King Ric. II. Hen. V. Hen. VII. and Hen. VIII. among the Records discovered in the Chapter House, 195.
 WILTS, State of the Ecclesiastical Return for the County of, t. Hen. VIII. 152.
 ——— Survey of, in Domesday Book, taken after the Death of the Conqueror's Queen, 382.
 ——— Markets in, noticed in Domesday Book, 446.
 WINBURN, Forest of, in Domesday, 407.
 WINCHESTER, Statutes of the Cathedral of, 76.
 ——— Report on Prisoners of War in the King's House at, 113.
 ——— no original Records or MS. Copies of Charters and Statutes remaining either at the College or Cathedral of, 179.
 ——— Six Moneyers in, in the Time of King Æthelstan, 426.
 ——— Domesday of, 474.
 ——— Royal House in, t. Hen. I. *ibid*.
 ——— Mints in, *ibid*.
 ——— Names of Streets in, *ibid*. 475.
 ——— Ruin of, t. Hen. VI. *ibid*.

WINDSOR

WINDSOR Castle, Expences of Buildings and Repairs at, among the Records discovered at the Chapter House, 194.
 ——— Accounts of the Constable of the Castle, with those of the Forest, Manors, and Hundred of, found among the Records in the King's Remembrancer's Office in the Exchequer, 196.
 ——— Castle, noticed in Domesday Book, 436.
 ——— Forest, 407.
 WINE of native Growth formerly used in England, 411, 412.
 WINTERSLOW, in Wiltshire, Coins of the Saxon and Norman Times found at, 425.
 WINTON, Trial by the Roll of, 142.
 ——— Domesday, Transcript of, ordered to be put to Press, 341.
 ——— Progress in the Printing of, reported, 342, 344, 346.
 ——— completed, 348.
 ——— Account of the, 474.
 WINTONIA. Rotulus Wintoniæ, or Liber de Wintonia, Names of Domesday Book, 381.
 ——— Liber de Wintonia, 466.
 WLFSTAN, St. MS. Life of, 76.
 WOD, James, Abridgment of a Retour of Service relating to the Lands of, 161.
 WOLSEY, Cardinal, Proceedings in 840 Suits whilst Wolsey was Chancellor, found among the newly discovered Records in the Tower, 186.
 ——— Letters and Correspondence of, among the Records discovered at the Chapter House, Westminster, 9, 31, 193, 195.
 ——— Licences to Cardinal Wolsey to endow his College, found among the Records discovered in the Chapter House, 194.
 WOOD-Sales, Papers relating to, *t.* Hen. VIII. & Edw. VI. found among the Records discovered at the Chapter House, 195.
 WOODLAND, Importance of, at the Time of making the Domesday Survey, 405.
 WOODSTOCK, Park of, not the first in England, 409, 410.
 WOOL, Reports, 114.
 WORCESTER Cathedral, a Transcript of some old Statutes in the Library of, 180.
 WORCESTER, State of the Ecclesiastical Valor for the County of, *t.* Hen. VIII. 151.
 ——— Hundreds in, omitted in Domesday, 389.
 ——— Salinæ, or Salt-Works, numerous in, in the Domesday Survey, 413, 414.
 WORKS printed under the Orders of the Record Commission, (App. N.) 174, 331.
 ——— printing or transcribing for the Press, 174, 175.
 WORSLEY, Col. 73.

WRIT, Transcript of Statutes by, 101.
 WRITS, Original, Judicial, &c. discovered among the Chapter House Records, 194.
 ——— Register of, in Scotland, Amendment of the, proposed, 231.
 ——— Alteration in the Formation of Writs passing under the Great Seal and the Privy Seal in Scotland, 242.
 ——— de Ætate Probanda, among the newly discovered Records in the Tower, 186.
 ——— of Right, 142.
 WULFRIC, St. MS. Life of, 75.
 WYE, Fisheries in the, mentioned in Domesday Book, 417.
 WYLDE, John, Precentor of Waltham Abbey, 374.
 WYNTOUN, Andrew of, MSS. of his Chroniole, 78, 85, 372.
 WYRARDISBURY, Manor of, committed to farm, 187.

Y.

YEAR Books, the Completion and Publication of the Series of, from Edw. I. to Hen. VIII. with a General Index, recommended, 63.
 ——— among the Harleian MSS. 76.
 YORK, Register of St. Mary's at, among the Harleian MSS. 76.
 ——— antient Ledger or Chartulary at, called Domesday Book, containing Exemplifications of some of the Charters of Liberties, 181.
 ——— State of the Ecclesiastical Survey for the County of, *t.* Hen. VIII. 152.
 ——— Return of Incumbents in the County of, A.D. 1536, *ibid.*
 ——— Papers relating to Rebellions and Treasons in, *t.* Hen. VIII. among the Chapter House Records, 193.
 ——— Warburton's MS. Collections for the County of, 40, 373.
 ——— Register Book of the Archbishop of, written about 1309, in the Lansdowne Collection, 373.
 ——— Burgesses of, exempt from Payments for Relief, 434.
 ——— City of, noticed in Domesday, as surrounded by a Foss, 439.
 ——— Siege of, in 1069, 487, 488.
 ——— Castles in the County of, noticed in the Domesday Survey, 438.
 ——— Manors in the County of, minutely measured in Domesday Book, 443.
 ——— of Reliefs in, 452.
 YORK Buildings Waterworks Company, Report upon, 111.
 YORK Place, Expences of Buildings and Repairs at, among the Records discovered at the Chapter House, 194.