

Church Courts

The Consistory (Bishop's) Court, like its subordinate Archdeaconry Court, spent much time dealing with wills and probate but was also involved in litigation. It dealt with matters relating to the clergy, disputes over tithes and matrimonial affairs, and also had jurisdiction over cases of immorality, scandalous behaviour and offences against Church discipline by the non-clergy. Its records give an unparalleled insight into the daily lives of people in the county.

The court was usually administered by the Chancellor or Vicar-General; in Oxfordshire this was usually the same person for both Consistory and Archdeaconry Courts until 1632. Even after that date the heads of the two courts employed the same registrar. For this reason the records of the courts are often mixed up, appearing in the same volume, or a case from one court continuing in a volume belonging to the other.

There were two sorts of court procedure: summary, in which the whole case was driven by the court itself (the "mere office" of the judge), and instance, in which the case was brought by an external plaintiff who set out his complaint in a libel of numbered articles to which witnesses had to respond.

This produced four major classes of records:

Act Books: 66 of these have survived for various periods between 1567 and 1871. They record the proceedings in summary cases (which were largely conducted without supporting paperwork), and the progress and outcome of instance cases but not the detail.

Loose documents including the actual libels in instance cases and the statements of witnesses, counter-charges, etc. Unfortunately many loose documents have not survived before 1660, which sometimes makes the other records difficult to understand.

Deposition books: these exist between 1542 and 1697 and contain the statements of witnesses, in the form of replies to pre-set questions. It is in these statements that the best view of the lives of ordinary people is to be seen.

Citations for people to appear before the court, 1572 to 1792, with **schedules** of penance and excommunication.

In addition, the Court papers contain the following:

Faculty and consecration papers from 1615 to 1953, concerning alterations to churches, parsonage houses, pews and grave spaces. After 1850 most faculty and consecration papers are in the Diocesan parish boxes .

Marriage bonds, allegations and affidavits, mainly from 1618 to 1954, required by the Church Courts before they could issue marriage licences. The licences themselves do not exist in the records.

There are also a few stray **miscellaneous probate records**.

Interesting examples

Disciplinary action against the rector of Begbroke, 1666:

“Thou John Martin dost officiate at two places or parish churches by reason of which thou keepest such unreasonable hours at Begbroke that the parishioners or part of them cannot come time enough in the morning, and the evening it hath been so late before thou camest to officiate there that one could scarcely see any word or letter in the book.

Thou, neglecting the reading of prayers or divine service one holy day morning at the due hours, and being asked by Mrs Nott whether we should have no prayers today, thou, having drunk much, in a very slighting manner asked ‘God judge me, what holy day is it today?’ and when it was told thee what holy day then thou repliedst ‘It is time enough to serve God yet.’”

Where to find records

The Diocesan records are all with the Oxfordshire History Centre, including those after 1836 relating to Berkshire and those after 1845 relating to Buckinghamshire. The records themselves are not online. The deposition books for 1542 to 1639 have been edited and published by Jack Howard-Drake (available from the History Centre).

Catalogue

The Diocesan catalogue is unfortunately not on the History Centre’s Heritage Search online catalogue, but an overview catalogue exists on [A2A](#) .

[Visiting and contacting the Oxfordshire History Centre.](#)