

# London Metropolitan Archives

Information Leaflet Number 66

## Imprisoned debtors



## Introduction

By the 14<sup>th</sup> century all creditors could cause those owing them money to be committed to prison to try to secure the payment of their debts. Before 1841 the legal status of being a bankrupt and therefore able to pay off creditors and be discharged of all outstanding debts was confined to traders owing more than £100. Many debtors who were not traders or who owed less than £100 were confined indefinitely in prison, responsible for their debts but unable to pay them. They were often held in the same prisons as those remanded for trial and convicted offenders and formed one of the largest groups of prisoners. In 1776 John Howard found that 2,437 out of a total of 4,084 inmates were imprisoned for debt. Until 1869 debtors were allowed extensive privileges compared to other prisoners, including being allowed visitors, their own food and clothing, and the right to work at their trade or profession as far as was possible in prison.

Periodic Acts of Parliament (37 between 1670 and 1800) for the Relief of Insolvent Debtors allowed the release of debtors from prison if they applied to a Justice of the Peace and submitted a schedule of their assets. In 1813 a Court for the Relief of Insolvent Debtors was established. The 1844 Insolvency Act abolished imprisonment for debts under £20 and allowed private persons to become bankrupts and lowered the financial limit to £50. The 1861 Bankruptcy Act abolished the Court for the Relief of

Insolvent Debtors and transferred its jurisdiction to the Bankruptcy Court. It authorised registrars of the Court of Bankruptcy to visit prisons and adjudge bankrupt those imprisoned for debt who satisfied them as to the genuineness of their insolvency. This resulted in a dramatic fall in the number of debtors in prison. In 1869 the Debtors Act ended most imprisonment for debt and by 1877 only 3.1% of all committals to prison were for debt.

## Records of Debtors

Records of imprisoned debtors may be found amongst the records of the court which committed them to prison, the records of the prison where they were held, the records of the court which discharged them, if they were discharged, and in the *London Gazette*.

### The London Gazette

From 1737 lists of insolvent debtors applying for release were published in the *London Gazette*. This can be searched online at the at [London Gazette website](#). LMA's holdings of the *London Gazette* are very incomplete, but it can be consulted at Guildhall Library, Aldermanbury, London EC2P 2EJ (tel: 020 7332 1868) email [guildhall.library@cityoflondon.gov.uk](mailto:guildhall.library@cityoflondon.gov.uk).

### The National Archives

Records of the prisons in the City of London and Southwark where most debtors were confined, the Fleet, the Marshalsea, and King's (or Queen's)

Bench are held by The National Archives which also holds the records of the courts of King's Bench, Common Pleas, the Marshalsea, and the Palace Court (abolished in 1849) which became a court mainly for the recovery of small debts with jurisdiction over an area within 12 miles of the Palace of Westminster excluding the City of London and its liberties. The Fleet and Marshalsea Prisons were abolished from 31 May 1842 and the Queen's Bench Prison, renamed the Queen's Prison, became the only prison for all debtors, bankrupts and other persons who might previously have been imprisoned in any of the three prisons. In 1862 the Queen's Prison closed, subsequently becoming a military prison.

The records of the Court for the Relief of Insolvent Debtors established in 1813 including registers of petitions from imprisoned debtors 1813-1861 are also held by The National Archives

For further information see the Research Guide on 'Bankrupts and insolvent debtors 1710-1869' on [The National Archives website](#).

## **London Metropolitan Archives**

London Metropolitan Archives holds records of courts for the City of London which committed debtors to prison as well as City of London prisons where debtors from London and Middlesex were confined. We also hold some records of the county courts for the metropolitan area which were established in 1846. Unfortunately these records of courts and prisons are incomplete and many have not been

indexed. A search of the records of debtors who petitioned the City of London Sessions and the Middlesex Sessions for release is much more straightforward. The City of London Sessions records include petitions and schedules of debts from prisoners in the Fleet Prison as well as debtors in City of London prisons. Similar records relating to debtors held in King's Bench and Marshalsea Prisons which were in Southwark may be found amongst the Surrey Sessions records at the Surrey History Centre. These series of records end shortly after the establishment of the Court for the Relief of Insolvent Debtors in 1813.

## **City of London Courts**

In the City of London by the 14<sup>th</sup> century the obligation to repay a loan or to make future payment for goods already supplied was recorded in a recognizance made before the City Chamberlain and one or two Aldermen or before the Sheriffs in which the debtor acknowledged that a debt was payable to the creditor and that in case of non-payment the debt should be levied from his lands, rents and goods. A large number of these recognizances are recorded between 1274 and 1312 in Letter Books A and B (COL/AD/01/001-002, see microfilms X109/016-017 or *Calendars of Letter-Books A & B* ed. R R Sharpe (1899-1900) 60.11 LON). These are available on [British History Online](#). Twelve rolls of statutory recognizances of debt from 1285 to 1393 made according to the Statute of Acton Burnel and the Statute of Merchants of

13 Edward I are preserved amongst the archives of the City of London (COL/RG/01/001-012). These were taken before the Mayor and a clerk.

Actions of debt could be brought in the Mayor's Court, the Sheriffs' Court or the Court of Requests.

### **Mayor's Court CLA/024**

The Mayor's Court developed as an adjunct to the Court of Husting (see CLA/023) as a result of business overflowing from that court. The first court roll dates to 1298 although proceedings were probably taking place before this, from around 1280. The Mayor's Court's main jurisdiction was to enforce the customs of London, including mercantile actions. Whereas the Sheriffs' Court was confined to the recovery of small debts, there was no monetary limit on the actions which could be heard in the Mayor's Court which was popular because of the speed with which suits could be dealt with in comparison to other courts of the time and was far cheaper than recourse to the royal courts at Westminster.

Unfortunately many of the records of the Mayor's Court have not survived, especially those for the 18<sup>th</sup> and 19<sup>th</sup> centuries which were either destroyed in a fire at the Royal Exchange in 1838 or deliberately in 1941.

Records include:

Early Mayor's Court rolls (incomplete) 1298-1307 – CLA/024/01/01/001-009. See *Calendar of Early Mayor's Court Rolls of the City of London*,

1298-1307 ed. A H Thomas, 1924 (S 60.1 LON)

Plea and Memoranda rolls 1327-1484 – CLA/024/01/02/001-012. See *Calendars of Plea and Memoranda Rolls of the City of London 1323-1484* (7 volumes) ed. A H Thomas and P E Jones, 1924-1961 (60.12 CIT).

These are available on [British History Online](https://www.british-history.ac.uk). From the mid-14<sup>th</sup> century they record the activities of the court which soon came to specialise in suits for debt.

Files of Original Bills 1327-1733 (few rolls survive before 1550) – CLA/024/02/001-321. These include the declarations of the plaintiff, with short notes of the proceedings, judgements and executions, including full inventories of goods and chattels on which executions were made. Most of the original bills dating from before 1560 (CLA/024/02/001-0001-004,007) have been calendared on index cards. An index to persons (plaintiffs, defendants and garnishees) appearing in the original bills and a list of schedules of goods amongst the original bills 1565-1723 can be made available on request.

Minutes and Actions 1679-1723 – CLA/024/03/01/001-042

Files of Actions 1666-1705 – CLA/024/04/001-040

Interrogatories and Answers 1628, 1646-1710 – CLA/024/05/001-016

Calendar or list of Mayor's Court Interrogatories 1628, 1641 – 1710 – CLA/024/011/001

Depositions 1640-1738, 1803-1835 – CLA/024/06/001-065. A detailed list of the depositions 1641-1646 and a card index 1641-1646 can be made available on request.

Bills of Complaints and Answers  
1654-1721 – CLA/024/07/001-091

Papers relating to cases undertaken by James Gibson, attorney of the Mayor's Court. They include briefs, correspondence, and exhibits 1691 and 1705 – CLA/024/10/001-535

### **Sheriffs' Court CLA/025**

London had two Sheriffs who each held a court at his compter which also served as a prison for debtors and other prisoners. The Sheriffs' Court handled cases of debt and personal actions arising within the City. An Act of Parliament in 1785 empowered the City of London Corporation to pull down the Poultry and Wood Street Compters and to build a new compter in Giltspur Street. Prisoners were moved from Poultry to Giltspur Street Compter in about 1791 where separate sections were known as the Poultry and Wood Street Compters and the courts held by the two Sheriffs continued to be known as the Poultry Compter and Wood Street Compter. These courts were later transferred to the Guildhall and then united with the City of London Court in 1867, finally being amalgamated with the Mayor's Court in 1921 to form the Mayor's and City of London Court. The survival of the records of the Sheriffs' Court is poor, probably because the Sheriffs retained custody of the rolls of the court during their year of office when

they left office as they could be personally accountable if the administration of justice was called into question.

Records include:

Court rolls 1318-1849 (many gaps) – CLA/025/CT/01/001-105

Plaints, accounts, proceedings, rolls of daily entries and issues tried 1653-1867 (many gaps) – CLA/CT/02/001-029

Poultry Compter: minutes of actions  
1769-1830 – CLA/025/PC/01/001-025

Poultry Compter: rolls 1832-1857 –  
CLA/025/PC/02/001-008

Poultry Compter: index to minutes of actions and rolls 1798-1841 –  
CLA/025/PC/03/001-009

Wood Street Compter: minutes of actions 1760-1833 –  
CLA/025/WS/01/001-051

Giltspur Street Compter: rolls 1823-1849 – CLA/025/WS/02/001-003

Wood Street and Giltspur Street Compters: index to minutes of actions and rolls 1760-1841 –  
CLA/025/WS/03/001-035

### **Court of Requests CLA/038**

This court was constituted by an Act of Common Council in 1518 under which commissioners were appointed to hear cases for the recovery of small debts not exceeding 40 shillings. It was also known as the Court of Conscience. Its jurisdiction was confirmed by Acts of Parliament which by the late 18<sup>th</sup> century extended its jurisdiction to

disputes under £10. Use of the Court declined in the 1830s and 1840s and in 1847 it was abolished, its jurisdiction being transferred to the Sheriffs' Court.

Records include:

Bonds and promissory notes 1613-1659 (many are unfit) –  
CLA/038/03/046-049

Index to names of debtors and creditors in above 1613-1659 –  
CLA/038/01/011

Ledgers recording amounts to be paid into court in each suit, indexed 1698-1700, 1755-1786 (many gaps) –  
CLA/038/02/001-010

Court registers 1770-1790 (many gaps) –  
CLA/038/03/023-035

Alphabets or indexes to names of plaintiffs in court registers 1773-4, 1781-2, 1787-8 –  
CLA/038/03/036-038

Summons books 1778-1796 (many gaps) –  
CLA/038/03/001-014

Warrant books 1776-1783, 1786-1794 –  
CLA/03/016-019

Execution direction books 1789-1794 –  
CLA/038/040-043

### **City of London Court CLA/026**

The City of London Court was formed when all Sheriff's Courts were united in 1867. The court handled actions of debt and other personal actions arising within the City. The court was amalgamated with the Mayor's Court in 1921 to form the Mayor's and City of London Court.

Records include:

Suits and proceedings in equity 1867-1919 –  
CLA/026/01/001-003

### **County Courts**

The County Courts as they now exist have their origins in the County Courts Act 1846 with modifications etc under the County Courts Acts of 1888 and 1934. The area of jurisdiction of each court is set from time to time by the Lord Chancellor. The original jurisdiction of the courts included claims of debt or for damages (except for libel, slander, seduction and breach of promise) not exceeding £400.

Records held by London Metropolitan Archives which date from before 1900 are summarised below:

Bow County Court CCT/AK/15

Plaint and minute books 1847-1873, 1881-1882, 1892 –  
CCT/AK/15/001-008

Edmonton County Court CCT/AK/46

Plaint and minute book 1894-1896 –  
CCT/AK/46/001

Lambeth County Court CCT/AK/42

Summons minute books 1847-1848, 1854, 1864, 1874, 1884, 1894 –  
CCT/AK/42/001-008

West London (formerly Brompton) County Court CCT/AK/43

Minute, plaint and summons books 1847-1899 (many gaps) –  
CCT/AK/43/001-013

## **City of London Prisons for Debtors**

For more information about records of prisons held by LMA see information leaflet No. 59. Few registers of prisoners survive. However LMA has inquest records for the City's prisons (including Newgate, Bridewell, Ludgate and the Compters) and the Fleet in a separate series 1783-1839 (with gaps) (CLA/041/PI).

### **Newgate Prison CLA/035**

Newgate was the county gaol for Middlesex as well as for the City of London. It was founded by King Henry II in 1188 and was originally part of the gatehouse at Newgate. As well as remanded and convicted prisoners, it also held debtors. In May 1776 John Howard recorded that 46 debtors were imprisoned in Newgate. Most of the records which survive which give details of prisoners are calendars of prisoners tried at the City of London and Middlesex Sessions.

Records relating to debtors

There are no registers of debtors. We do have the following:

List of debtors 1762 –  
CLA/040/08/008

Petition by 33 poor debtors 1742/3 –  
CLA/040/08/009

### **Poultry Compter CLA/030**

This held 90 debtors in 1776. Prisoners were moved from Poultry to Giltspur Street Compter in about 1791 where separate sections were known as the Poultry and Wood Street Compters

which continued to have separate keepers until 1804. Poultry Compter was demolished in 1817.

Records relating to debtors include:

List of prisoners 1724 –  
CLA/030/02/006

List of debtors 1762 –  
CLA/040/08/008

Commitment books 1792-1796, 1800-1815 – CLA/030/01/018-022

### **Wood Street Compter CLA/028**

Wood Street Compter replaced a mediaeval compter in Bread Street in 1555. It was rebuilt in 1670. It held 69 debtors in 1776. Prisoners were moved from Wood Street to Giltspur Street in 1791 part of which was known as Wood Street Compter. The old premises were demolished in January 1792.

Records relating to debtors include:

Prisoners' lists 1741-1791 (gaps) –  
CLA/028/01/001-027

List of debtors 1762 –  
CLA/040/08/008

Names of prisoners sent from Wood Street Compter to Ludgate and Newgate 1770-1829 -  
CLA/028/02/001-003

Petition from debtors 1780 –  
CLA/040/08/009

List of prisoners for debt in Wood Street Compter on 5 May 1788 with subsequent committals to Nov. 1803 -  
CLA/028/01/041

Giltspur Street Compter CLA/029

Giltspur Street Compter stood opposite St Sepulchre's Church and was designed by George Dance the Younger to replace the Poultry and Wood Street Compters. It was demolished in 1855.

Records relating to debtors include:

Prisoners' lists, indexed 1791-1815 –  
CLA/028/01/027-040,  
CLA/033/01/007

Debtors' warrants 1801-1815 –  
CLA/040/08/001-002

Prisoners committed by order of Court of Requests 1811-1823, from Sept 1815 gives name, age, brief physical description, trade, and place of birth; 1811-1816 list of prisoners discharged – CLA/030/01/023

**Southwark Compter (also known as Borough Compter)  
CLA/031**

The City of London was granted jurisdiction over the Borough of Southwark by royal charters from 1327. A further charter in 1550 made the inhabitants subject to city law and extended the jurisdiction of the City courts. The City initially used part of the former church of St Margaret, Southwark, as a courthouse and compter. In 1717 a new prison was built in Tooley Street. The establishment of a regular magistracy in 1814 led to a large increase in the number of prisoners, including debtors. In 1840 the City decided to use the Southwark Compter for female

prisoners and female inmates were transferred there from Giltspur Street Compter. Southwark Compter closed in 1852 and was demolished in 1855.

Records relating to debtors include:

Lists of prisoners 1814-1842 –  
CLA/031/01/010-013,  
CLA/031/03/004

Committals for debt 1811-1830 –  
CLA/031/01/001-002

Weekly return of the names of prisoners distinguishing debtors, misdemeanours etc, prisoners committed to Sessions, prisoners upon orders with particulars, as appropriate of debt, offence, sentence etc. 1815-1818 - CLA/031/02/017

**Ludgate Prison CLA/033**

Ludgate Prison was established in 1378 in the gatehouse of the Ludgate. By the 18<sup>th</sup> century it had moved to the former bridewell of the London Workhouse in Bishopsgate Street. It was used to imprison debtors who were Freemen of the City of London and for clergymen, proctors and attorneys who were held for minor offences. 29 debtors were confined here in 1776. Prisoners were moved from Ludgate Prison to Giltspur Street Compter in 1795. It was closed in the 19<sup>th</sup> century.

Records relating to debtors include:

Prisoners' lists 1725, 1760, 1800, 1807-1815 – CLA/033/01/007, 009, 014

List of debtors 1762 –  
CLA/040/08/008



Debtors' warrants 1804-1814 –  
CLA/040/08/002

Lists of prisoners discharged 1808-  
1815 – CLA/033/01/010

**The Debtors' Prison or  
Whitecross Street Prison  
CLA/034**

The Debtors' Prison was built between 1813-1815 by the City of London in Whitecross Street as a debtors' prison for the exclusive reception of persons in the custody of the Sheriffs on civil process for London and Middlesex who would otherwise have gone to Newgate, the two compters or Ludgate. It held 400 prisoners. In 1870 all prisoners were transferred to the new Holloway Prison.

Records include:

Names of prisoners in custody of  
Sheriffs in Debtors' Prison Sept 1817 –  
CLA/034/01/008

**Release of Insolvent Debtors in  
the City of London**

We hold here the City of London Sessions records which include records relating to prisoners for debt who were seeking to be discharged from prison in the City of London under various Acts of Parliament for the relief of insolvent debtors. Copies of the Acts can be consulted to provide a full account of the procedure to be followed. Prisoners applied from Wood Street and Poultry Compters, Newgate, Ludgate and Fleet prisons in the City, and also from the Borough Compter in Southwark. In the mid 18th century many debtors applied from

places overseas for the benefit of the Acts. In 1813 a Court for the Relief of Insolvent Debtors was established. The records of this court including registers of petitions from imprisoned debtors 1813-1861 are held by The National Archives.

**Insolvent Debtors Sessions  
Books – CLA/047/LJ/09**

These sessions books contain minutes of proceedings at sessions of the peace relating to prisoners for debt who were seeking to be discharged from prison under various Acts of Parliament for the relief of insolvent debtors. Creditors' names are usually given and a note made of fugitives. The early sessions books appear to be mainly for sessions of the peace held for the city of London, but there are entries for sessions for the Town and Borough of Southwark. Many of the volumes are marked on the front cover 'Insolvent Debtors' plus a date (usually the year of the relief Act); this may be repeated on the spine. Some also have original volume numbers (which have been noted in the list). From 1794 such proceedings are entered in the series of Sessions Minute Books (Peace).

Insolvent Debtors sessions books 1691  
- 1773 - CLA/047/LJ/09/001-014

Sessions of the Peace minute books  
1794-1819 – CLA/046/LJ/06/002-007

Debtors Schedules – CLA/047/17

Debtors' Schedules, showing the real and personal estate, debts, etc. with petitions for discharge, and occasionally other related papers of persons imprisoned for debt in the

prisons of Fleet, Newgate, Ludgate, Poultry Compter, and Wood Street (later Giltspur Street Compter). The papers give the name, place of residence and occupation of the debtor, with the name and addresses of any creditors (i.e. those who owe money to the debtor) and any other incidental information. A card index to debtors can be made available on request.

Debtors' schedules 1671-1745 –  
CLA/047/LJ/17/013-023 (many gaps)

Debtors' schedules 1748-1820 –  
CLA/047/LJ/17/024-094 (former ref:  
DS13/1-DS15/56)

Debtors' schedules 1753-1757 –  
CLA/047/LJ/17/095-120 (former ref:  
DS16/1-26)

### **Release of Insolvent Debtors in Middlesex**

We hold the Middlesex Sessions records which include records relating to prisoners for debt who were seeking to be discharged from prison in Middlesex under various Acts of Parliament for the relief of insolvent debtors. Prisoners applied from Newgate, Whitechapel Prison, Westminster Gatehouse, St Katherine's by the Tower (1671- 1748), Stepney Gaol in Wellclose Square (1748 only), the Dean and Chapter of St Paul's (1671-1678 only) and the Duchy of Lancaster (1679 only). Most of these prisons were owned by private landowners or ecclesiastical authorities who had been granted the right to have their own prisons which by the mid 18<sup>th</sup> century were mainly used to confine debtors. Westminster

Gatehouse was demolished in 1776-1777 and Stepney and St Katherine's prisons had virtually ceased to be used by the late 18<sup>th</sup> century. Whitechapel Prison which was owned by the Lord of the Manors of Stepney and Hackney held 23 debtors in May 1776.

In 1813 a Court for the Relief of Insolvent Debtors was established. The records of this court including registers of petitions from imprisoned debtors 1813-1861 are held by The National Archives.

### **Insolvent Debtors' Petitions MJ/SD**

The records include petitions, lists of creditors, summons to creditors, orders to keepers of prisons to bring the debtors to the Justices, lists of prisoners, orders of discharge, schedules of effects. They have been catalogued in detail and our computerised catalogue can be searched for individual debtors in this series.

Debtors' schedules 1671, 1678-1679, 1690-1692, 1737-1812 – MJ/SD/001-047

### **Liberate Fees to Sheriffs MJ/SP/L**

Memorials from the Sheriffs to the Justices requesting compensation for the loss of gaol fees from debtors, giving the names of debtors discharged from Newgate and the Debtors' Prison for London and Middlesex in Whitecross Street

1816-1829 – MJ/SP/L/001-014

## **Society for the Relief of Persons Confined for Small Debts A/RSD**

The Society, established in February 1772 on the initiative of James Neild, jeweller, of London, drew its first funds from the proceeds of a sermon preached in the Charlotte Street Chapel, Pimlico, by the Rev. William Dodd (later notorious for his trial and execution for forgery). William Wilberforce was one of its early supporters. The Society was popularly known as the Thatched House Society from its regular meeting place, The Thatched House Tavern in St James's Street.

The Society was at first concerned with London prisons only and the greatest number of debtors relieved came from them, but by the 1780s prisoners from gaols in other parts of the country were also being assisted. Neild was troubled about the poor state of the prisons and the minutes contain reports of visits of inspection as well as names and numbers of prisoners assisted.

The records of the Society include:

Minutes (early volumes include names of discharged debtors) 1772-1941 – A/RSD/01/001-022

General expenditure books (early volumes include names of discharged debtors) 1830-1879 – A/RSD/07/001-007

Rules and orders 1827-1873 – A/RSD/16/001-002

Acts of Parliament 1740-1824 – A/RSD/04A/001, A/RSD/23/001-007

Histories of the Society 1774-1993 – A/RSD/15/001-002, A/RSD/25/001-004

## **Records of Bankrupts**

The Bankruptcy Act of 1571 (13 Eliz. I c.7) empowered the Lord Chancellor upon complaint in writing against a bankrupt to appoint Commissioners of Bankrupts. The Commissioners were independent assessors who would decide whether a debtor was eligible for bankruptcy proceedings, and oversee the distribution of his assets among the creditors. He would then be able to start trading again free of his outstanding debts. In 1832 the Court of Bankruptcy was established. Notices of bankruptcy proceedings were published in the *London Gazette* to inform creditors. Bankruptcy notices also appear in *The Times*. Surviving records of bankruptcy proceedings are in the care of The National Archives. For further information see The National Archives research guide 'Bankrupts and insolvent debtors 1710-1869' available online at [The National Archives website](https://www.nationalarchives.gov.uk/research/guides/bankrupts-and-insolvent-debtors-1710-1869/).

## **Records held by London Metropolitan Archives CLA/040/07**

Although some Commissioners of Bankrupts held their sittings in Guildhall, very few records survive amongst the archives of the City of London except for the Bankrupts books of Hallkeeper's office records

which record fees paid to the hallkeepers by the messengers to the Commissioners in Bankruptcy (whose names appear in the left hand column) in respect of sittings 1793-1821 (CLA/040/07/009-025).

## Reading List

The following which are all available in LMA's reference library have been used in writing this leaflet:

Howard, John, *The State of the Prisons in England and Wales* (3<sup>rd</sup> edition, 1784) 21.31 HOW

McConville, Sean, *A history of English prison administration Volume I 1750-1877* (1981) 21.31 MAC

Sheehan, Wayne Joseph, 'The London Prison System 1666-1795' (unpublished thesis 1975) 21.31 SHE

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