

Bankruptcy and Debtors

Background

A debtor was someone who was unable to pay their debts. A bankrupt person had a business or trade which went into decline, forcing them to apply for bankruptcy to cancel their debts. Insolvent debtors could only apply for bankruptcy after 1861.

Creditors could also petition for a bankruptcy order to be made against an individual debtor. All creditors would have a claim to any assets left, and the court would order how these were to be distributed.

Chancery commissioners dealt with bankruptcy before 1832. In 1832 the court of bankruptcy was established and creditors could petition the Lord Chancellor for a commission of bankruptcy. Records of both the Chancery and the Lord Chancellor are held at The National Archives. From 1842 district bankruptcy courts were established for cases outside London. In Gloucestershire, this was the Cheltenham County Court.

What records are there and what information will they contain?

Debtor's Prison Records

Debtor's prisons were separate and different from a criminal gaol. They were more lenient and had generally better conditions. Gloucestershire Archives holds the following registers for debtor gaols in the county:

<u>Gaol</u>	<u>Register Type</u>	<u>Reference</u>	<u>Covering Dates</u>
Gloucestershire County Gaol	Debtors' register	Q/Gc/8/1	1838-1854
		Q/Gc/8/2	1868-1879
Gloucester City Debtor's Gaol	Statistical summary register	GBR/G3/G/3/4	1841-1858
	Register of prisoners (available on Ancestry)	(GBR/G3/G/3/1)	1810-1852

Commissioners of the Court of Insolvent Debtors (Q/RID)

A court for the relief of insolvent debtors, under 3 bankruptcy commissioners, was established in 1813. This court sat in London, but had power to delegate some of its functions to Quarter Sessions. In 1824 the commissioners were empowered to go on circuit, supplanting the jurisdiction of Quarter Sessions. The records in this series include:

- Minutes of proceedings in cases of insolvent debtors, 1824-1847
- Agreements, assignments and wills, filed by insolvent debtors, 1816-1842 (These are listed by name)

Some information about debtors can also be found in the Order Rolls (Ref: Q/SR)

County Court Records

In 1846, some county courts were given the powers to deal cases of bankruptcy. In Gloucestershire the main courts were Cheltenham County Court and Gloucester County Court.

Gloucestershire Archives holds the records of the following County Courts:

<u>Court</u>	<u>Record Type</u>	<u>Reference</u>	<u>Covering Dates</u>
Cheltenham	Insolvency minute book	D5781/CH/4/1	1852-1860
	Bankruptcy index	D5781/CH/4/2	c.1850s-1930
	Register of bankruptcy petitions	D5781/CH/4/3	1911-1950
	Bankruptcy case files	D5781/CH/4/4	1906-1957
Gloucester	Bankruptcy registers	D7867	1870-1934

Newspapers

The names of those who applied for bankruptcy were published in the London Gazette. This can be searched and viewed online at www.london-gazette.co.uk.

Some information may also appear in local newspapers. For a list of Gloucestershire newspapers and where they are held, please see the comprehensive Newspaper Guide (Handlist), which is available from our website.

Other Collections

Records relating to individual bankruptcy cases are often held amongst the papers of solicitors firms. These could be a group of bankruptcy papers or found amongst client or family papers. You can find these by searching for the name of the solicitors' firm, name of the client or the word bankruptcy. Some family collections may contain records relating to the bankruptcy of a friend or relative. This could include official paperwork but also related items

We hold a collection of papers relating to Commissions in Bankruptcy (Ref: D2608). They span the years 1794-1824. The name of the person(s) filing for bankruptcy is given in the catalogue descriptions.

How to Find the Records

To view a list of records in these collections please use our online catalogue, which can be found on our website at: www.gloucestershire.gov.uk/archives. Click on the link which says "online catalogue". Select the "Search the Archives Only" option and type the reference given above into the Finding Ref field. Click "search" and then "overview of records", this will bring up a list of items under that reference. Click on the blue number on the left-hand side to view more information about each item. You can also search by keyword using the "Quick Search" option.

Want to Know More?

For more information, please see The National Archives' Guide to Bankrupts and Insolvent Debtors. Also, have a look at our research guide on Court Records.