

# The Oxfordshire County Record Office and its Records

By H. M. WALTON

IN recent years there has been a growing interest in County Records and a number of County Record Offices have been or are being established. In spite of this the nature of County Records and of the bodies which have produced them is not very clearly understood even by people who have a wide knowledge of other classes of records. For this reason I have thought it wise to begin with a few introductory remarks on County Records in general.

The Public Records housed in the Public Record Office in London are, broadly speaking, the records produced both in ancient and modern times by the great judicial and administrative departments of the central government.

In like manner, County Records<sup>1</sup> are the records produced both in ancient and modern times by the judicial and administrative bodies of the County. Like the Public Records, County Records have for many centuries had something of a halo of sanctity about them. Quarter Sessions is a court of record and the rolls and records which record its proceedings are viewed with special favour and benevolence by the law. Such is the repute of a court of record that its rolls do not merely record its own proceedings but they may be used, in certain cases, by the public for the registration or inrolment of documents of public and private importance such as deeds of certain kinds, inclosure awards and the like. As a natural extension of this, public documents of importance such as local bills, orders and schemes are deposited amongst the records for public inspection; County Councils and other local authorities have inherited this depository function, if it may be so called, from Quarter Sessions. It is a matter for some regret that County Records have not always kept their halo untarnished. The early records have not survived to anything like the extent of the Public Records and even in the later records there are sometimes gaps and discrepancies which ought not to be. But when all is said, record-keeping is not one of the major virtues of local offices and the volume of County Records which has come down to us is all the more remarkable.

<sup>1</sup> County Records and other local records of a similar kind are sometimes called 'Local Records of a Public Nature' to differentiate them from the Public Records properly so called.

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The Public Records are in the care of the Master of the Rolls, while County Records are by law and custom in the care of the *Custos Rotulorum*, an officer who first appears sometime in the 14th century and who in these days is almost invariably the Lord Lieutenant. The appointment of *Custos Rotulorum* is held during the pleasure of the Crown by virtue of letters patent under the Great Seal whereby the *Custos* is charged 'that at the days and places in that behalf duly to be appointed the Writs Precepts Processes and Indictments before our Justices to preserve the Peace within the said County appointed and to be appointed depending and to be taken, you cause to come that they may be inspected and determined by a due end according to the Laws and Customs of England.' Lambard<sup>1</sup> put it rather more succinctly thus :

'This man (as his verie name bewrayeth) hath the custodie of the Rolles (or Records) of the Sessions of the Peace. . . .'

The *Custos* has for many centuries been the most important magistrate in the Commission of the Peace, although since some uncertain date in the 17th or 18th century the Chairman of Quarter Sessions has become responsible for presiding over the magistrates in their work at Sessions.

It might be imagined from the wording of the Commission cited above (which still follows the ancient form) and from Lambard's description, that the *Custos* is solely concerned with the records of Quarter Sessions. He has, however, widened his scope in more recent years. The passing of the Local Government Act of 1888 resulted in the establishment of County Councils who took over most of the administrative functions of Quarter Sessions and brought into being a new series of County Records, namely the records of the County Council. In so far as the County Council inherited the administrative functions of Quarter Sessions, the records of the Council are a continuation of those of the Court. Nevertheless, Quarter Sessions continues to produce the judicial records of the County and certain quasi-administrative records, and the County Council as a result of extended powers now produces many records in addition to those which may be regarded as a continuation of the Quarter Sessions Records. The *Custos Rotulorum* suffered a set-back in 1888 when he lost the power of appointing the Clerk of the Peace, the chief officer of Quarter Sessions, and it might be thought that his old powers and duties in relation to the records of Quarter Sessions did not extend to the new records of the County Council. This view is set at nought by a few significant words in the Local Government (Clerks) Act 1931 and the Local Government Act 1933 which safeguard 'the power of the *custos rotulorum* to give directions as to records and documents of any county,' and which proceed to divide the records of a County into judicial

<sup>1</sup> William Lambard, *Eirenarcha* (1619 ed.), Book 4, ch. 3.

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and administrative records and place the one series under Quarter Sessions and the Clerk of the Peace and the other series under the County Council and the Clerk of the County Council. This definition became necessary owing to the separation of the appointments of Clerk of the Peace and Clerk of the County Council, which under the Local Government Act 1888 had been a single appointment. The jurisdiction of the *Custos* would not appear to extend to Boroughs having separate Courts of Quarter Sessions.<sup>1</sup>

County Records may thus be regarded as the records for which the *Custos Rotulorum* is responsible and which, although they have never been clearly defined, are to all intents and purposes the records of the County Quarter Sessions and of the County Council: they do not include the records of the Sheriff. A County Record Office is thus essentially the office which houses these records in any one County. We may leave to the imagination the sorry plight of the archivists and administrators of the future if (as is often suggested) the present County boundaries are abolished as the basis for local government areas, and new areas are created which have no reference to the areas on which the archives of former days are based.

It is presumably a matter for speculation whether the records for which the *Custos* is responsible include such things as parish and district records, but in practice *official* County Records extend no further than Quarter Sessions and the County Council.<sup>2</sup> As to *unofficial* County Records more will be said later.

From early times the Clerk of the Peace (an office dating from the 14th century) acting under the general control of Quarter Sessions, has deputised for the *Custos* in the custody of the records of Quarter Sessions, and in like manner the Clerk of the County Council acting under the general control of the County Council deputises for the *Custos* in relation to County Council records. This arrangement has received statutory authority. Early in 1934 the Oxfordshire Quarter Sessions and the County Council, faced with the necessity for making provision for the proper care of the County Records set up the County Records Joint Committee consisting of five magistrates and six members of the County Council. This Committee, which has the full approval of the *Custos Rotulorum*, is financed by the County Council and it has provided proper record rooms at the County Hall for the County Records. The Clerk of the Peace and the Clerk of the County Council is Clerk to the Joint Committee and, with the assistance of an archivist, is responsible for the general running of the office and the care of the documents. Having provided this accommodation for the official records of

<sup>1</sup> Oxford, Banbury, and (previous to the Municipal Corporations Act, 1835) Chipping Norton, Henley and Woodstock; *Parliamentary Papers*, 1836 (546), XLIII, 291.

<sup>2</sup> The County Council has, however, important statutory powers of inspection and control in relation to parish records (see the Local Government Act, 1933, s. 281).

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the County, the Joint Committee decided to make it freely available for the preservation of unofficial county records belonging to private persons and bodies. These records may be either presented to or deposited with the Committee free of all charge. The Record Office thus constituted was formally opened on the 11th July, 1936, by Lord Wright, the then Master of the Rolls. The *Custos Rotulorum* supported by the Chairman of Quarter Sessions and by the Chairman of the County Council presided over the proceedings.

The records of Quarter Sessions and of the County Council are as multifarious as the functions of the two bodies. I will describe the records of each under two separate headings leaving for a third heading the discussion of unofficial records.

### THE RECORDS OF QUARTER SESSIONS

The Oxfordshire Quarter Sessions records in the custody of the Clerk of the Peace date from the year 1687 and, to borrow a bibliographical term, are still 'in progress.' They receive accessions four times a year at the Epiphany, Easter, Trinity and Michaelmas Sessions and they are kept together in their respective Sessions very much as the Rolls of Sessions have always been kept, although they are not nowadays actually kept in roll form. In addition, there are now various Committees of Quarter Sessions, such as the Appeal Committee, which have the power to act as if they were the Court of Quarter Sessions itself. The work of these Committees is mainly of a sporadic nature and their records do not therefore increase with the seasonal regularity of Quarter Sessions properly so called.

Whether the records of Sessions previous to 1687 survive in other custody is not known. Some of the records of the City of Oxford Quarter Sessions extend further back into the 17th century than the County records, but according to Madan<sup>1</sup> the Minutes of the City Sessions begin in February, 1687 and it is a somewhat remarkable coincidence that the Rolls for the County begin at Easter of the same year and the Minutes at Easter, 1688. With this coincidence in mind, it is of interest to note that two Clerks of the Peace were also Town Clerks of Oxford<sup>2</sup> and that during the 17th, 18th and part of the 19th centuries, the County Sessions were held at the Town Hall<sup>3</sup> and, for part of this period, the Clerk of

<sup>1</sup> F. Madan, *Oxford City Records* (1887).

<sup>2</sup> Thomas Walker, Town Clerk, 1756-95, Clerk of the Peace 1767-77. William Elias Taunton (Knighted 1814), Clerk of the Peace 1781-1815, Town Clerk, 1795-1825.

<sup>3</sup> The ancient Shire Hall in the Castle had fallen into decay in the years after the Black Assize (1577) and Sessions were not held again in the Castle until 1841 when the new County Hall was opened. (*Jackson's Oxford Journal*, 3rd July, 1841). Throughout the whole period however, the Magistrates had an interest in the Castle as it contained the County Gaol. They purchased the freehold of the Castle from Christ Church in 1785. Peshall (*City of Oxford* (1773), p. 208) makes an interesting comment on the relationship of the Castle and the County: 'Tis still a Custom for the Country Gentlemen to meet here [*i.e.*, at the Castle] at the Election of Parliament Men, and thence adjourn to the *Town Hall* near *Carfax*.'

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the Peace had his office in Town Hall Yard. The Clerk of the Peace in 1800<sup>1</sup> thought it possible that some of the records of the County were still in the custody of former Clerks of the Peace. From what is known of local offices and part-time clerks, this possibility seems to be a very real one, and we cannot assert positively that there are no records of the Oxfordshire Quarter Sessions extant save those in the custody of the present Clerk of the Peace. Without further comment I quote an Order of the Court made at the Michaelmas Sessions 1738:—'Ordered that Mr. Whitehead and all other persons do deliver to the Clerke of the Peace all the Papers and Rolls they have in their hands relating to the Office of Clerke of the Peace.' [Whitehead was presumably Peter Whitehead, the Deputy Clerk of the Peace. The words 'and all other persons' appear in the original Order as an interlineation and the words 'have' and 'their' appear as corrections of 'has' and 'his' respectively].

The records from 1687 to 1832 have been fully calendared by the late Canon W. J. Oldfield and the calendars with an index of personal names originally deposited by him in the Bodleian Library are now in the County Record Office. So numerous are the records of Quarter Sessions and so wide are the matters with which they deal that it would not be possible in an article of this nature to give complete lists of them with dates. The reader who desires fuller information of the kinds of records produced by Courts of Quarter Sessions, can do no better than consult the list given at page 17 in volume III (Part II) of the Appendices to the 3rd Report of the Royal Commission on Public Records, 1919. There are also valuable introductory chapters in volumes V, VI and VII of the Records Publications of the Surrey County Council (also to be found in the publications of the Surrey Record Society) and in the volumes so far published by the Warwickshire County Council dealing with the Warwick County Records.<sup>2</sup> A few of the earliest extant Oxfordshire records have been published by Mrs. R. H. Gretton in volume XVI of the Oxfordshire Record Society's publications. It is here only possible to give brief indications of the more important records existing in Oxfordshire.

<sup>1</sup> Returns made by Clerks of the Peace to the Select Committee on Public Records (1800 Report). From the return of the Clerk of the Peace for Oxfordshire we may perhaps assume that the records previous to 1687 were missing at least as early as 1781, when he became Clerk of the Peace, and probably much earlier still, as he became Deputy Clerk of the Peace in 1768. It may be that they were missing before the Order of 1738 (quoted later), was made, at which date there had been no new appointment as Clerk of the Peace since 1716 when William Diston, who held the office until 1759, was appointed. In the years between 1759 and 1767, however, there were three appointments of Clerks of the Peace and it is quite possible that records were lost during this period of more frequent changes.

<sup>2</sup> Vol. XI of *Local Government Law and Administration in England and Wales*, edited by Lord Macmillan, will contain a title dealing with records and documents from the legal and local government aspects.

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Commissions of the Peace. A number of these dating from the 18th century are extant. The current commission was issued in 1878.

Oaths and Rolls of Justices of the Peace.

Lists of Justices, Clerks of the Peace and other officers such as Constables, Surveyors, Bailiffs, Treasurers, Coroners, etc.

Lists of Jurors.

Minutes of Quarter Sessions and its Committees. The minutes or 'records' of Sessions record the proceedings of the Court together with the reports of standing and *ad hoc* committees appointed by Quarter Sessions or in which Quarter Sessions has an interest.

The Rolls of Quarter Sessions. These are the records proper of Sessions and they consist of all the original papers and documents relating to the business of Sessions and are to be distinguished from the minutes, commonly called the records, which are drawn up by the Clerk of the Peace to record the actual proceedings in court. Many of the documents described below are simply individual items which together make up the rolls. In former days the documents were fastened together at the top left-hand corner and rolled up to form what might be technically called a 'rolled file.' The modern records are no longer rolled and the records formerly in roll form were dismantled by Canon Oldfield when he compiled his calendars.

Accounts.

Informations, Depositions and Examinations.

Recognizances whereby a person is bound in a sum of money to perform some condition.

Indictments and Presentments whereby information is laid before the Court alleging some offence.

Presentments by Petty Constables. An interesting and often amusing account in more or less set form by the local Dogberrys relating the virtues and shortcomings of their parishes. The later returns are usually very laudatory or else are content to return '*omnia bene*.'

Presentments relating to Highways and Bridges in disrepair. These are numerous and are occasionally helpful to this day in relation to questions of repair.

Diversion and Closing Orders relating to Highways. Since the latter part of the 18th century the usual procedure for the diversion or closing of a Highway has been by order of Quarter Sessions. A plan is often attached to the order.

Calendars of Prisoners. A very valuable source for crimes, convictions and sentences. The modern calendars are of course 'confidential.'

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- Petitions. These are very miscellaneous in character and contain the pleas for help of persons in distress, or of those who have suffered some misfortune such as a fire.
- Reports of Visiting Justices in connection with the Gaol.
- Removal Orders under the Poor Law.
- Lists of Bridges repairable by the County. Certain bridges have for long been the liability of the County just as highways were the liability of the parishes. The duties of Quarter Sessions have now devolved on the County Council. There is an interesting volume of water-colours of County bridges painted in the middle of the last century by Mrs. J. M. Davenport, wife of the then Clerk of the Peace.
- Returns by Trustees of Turnpike Roads and annual Statements of Accounts from 1820.
- Lists of Victuallers' Recognizances. These often give the sign by which the various houses were known.
- Documents in connexion with the County Rate Basis.
- Duplicates of Assessments for Land Tax, 1785-1832. These were filed with the Clerk of the Peace in connexion with the lists of persons qualified to vote at elections in the days before the Reform Bill. They give the owners and occupiers of various properties together with the assessments for land tax. They are used to advantage by economic historians. See, for example, *Economic History Review*, 1, i (January, 1927), 87.
- Register of Gamekeepers' Deputations. Useful not so much for the names of gamekeepers as for the incidental mention of the Lords of Manors.
- Register of Certificates for killing Game.
- Notices of Persons having Printing Presses filed with the Clerk of the Peace under the Unlawful Societies Act 1799.
- Oaths of Allegiance, Supremacy and Abjuration and Certificates of persons qualifying for office under the Test Act (whereby persons are certified to have taken the Sacraments according to the rites of the Church of England). The lists of oaths contain long lists of members of the University.
- Oaths and Declarations of Protestant Dissenters and Certificates of Places of Worship used by Protestant Dissenters.
- Certificates of Lodges of Freemasons in pursuance of the Unlawful Societies Act 1799. Many Lodges still make these returns, as, indeed, they are by law obliged to do.

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- Inrolments of Deeds of various kinds made under a variety of Acts dating from Henry VIII. In Oxfordshire only one 19th century volume survives, the previous volumes having apparently been lost.
- Registers of the Estates of Papists, 1717-1787. A stout volume containing minute detail of the Catholic estates in the County. A summary may be seen in *The Names of the Roman Catholics, Nonjurors, etc., etc.*, by James Cosin printed in 1745 and reprinted in 1862.
- Copies or Inrolments of Inclosure Awards deposited or inrolled with the Clerk of the Peace. This class of record is perhaps the best known of Quarter Sessions records. In Oxfordshire the Clerk of the Peace has over 180 of these awards from 1760. It was also possible for the awards to be inrolled at Westminster and the Public Record Office has about 21 awards for Oxfordshire. In addition there are perhaps rather less than a dozen cases in which it is thought that there may have been an award although neither the County Record Office nor the Public Record Office has any information relating thereto. The awards are the oldest class of record in the custody of the Clerk of the Peace which are regularly used for legal and administrative purposes as distinct from purely historical purposes. There is also a useful collection of local Inclosure Acts. H. L. Gray, *English Field Systems* (Harvard, 1915) has a valuable account of the Oxfordshire inclosures together with detailed analyses and a map showing the distribution of the inclosures through the County.
- Rules of Friendly Societies. 18th century.
- Bills, Schemes, Plans and Orders relating to such things as Canals, Railways, Waterworks, Gas Works and Electricity Works deposited with the Clerk of the Peace for public inspection under the Standing Orders of the Houses of Parliament and under various statutory rules. Nowadays these are deposited with the Clerk of the County Council.
- Poll Books at contested Elections.
- Lists of Commissions of Deputy Lieutenants.
- Certificates of Convictions of Justices acting out of Quarter Sessions.
- Appeals against Convictions of Courts of Petty Sessions.
- Rating Appeals.
- Lists of Prisoners for Debt.

It is necessary to note here that generally speaking the more modern records are not available for inspection by the public.

A list such as the above gives a somewhat bald idea of the work done by Quarter Sessions and of the historical material which its records provide.

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Anybody who desires to know more should not fail to consult the printed sources already mentioned, especially the Oxfordshire records printed by Mrs. Gretton.

In the Record Office is also kept the Davenport Library, a library of books and maps of local interest collected by former Clerks of the Peace and now vested in Quarter Sessions. It contains amongst other things nine volumes of manuscript collections relating to the County, compiled by the Rev. Thomas Symonds, M.A., Vicar of Eynsham, who died in 1845. Apart from the Davenport Library, the Clerk of the Peace has a file of local newspapers from 1753 (with gaps) which is practically complete from 1779 to the present day.

### THE RECORDS OF THE COUNTY COUNCIL

As with Quarter Sessions, a knowledge of the work and historical development of the County Council is needed if its records are to be properly understood. The County Council was established under the provisions of the Local Government Act 1888 and began its existence on the 1st April, 1889. Since that date its functions have been greatly extended and to-day its work covers such diverse matters as Weights and Measures, Old Age Pensions, Shops Acts, Local Taxation Licences, Public Health (including treatment of Tuberculosis, the Care of Blind Persons and Maternity Services), Highways and Bridges, Restriction of Ribbon Development, Town Planning, Valuation, Public Assistance, Agriculture (including Land Drainage, Small Holdings and Allotments, Diseases of Animals and Agricultural Education), Mental Deficiency, Education and Libraries, Finance, Air-Raid Precautions and various administrative provisions in relation to the Local Government areas of the County. A few matters such as Trunk Roads and Veterinary Services at one time administered by the Council have now been transferred to the Civil Service.

The 1888 Act endeavoured to ease the difficulties arising from the transfer to the new County Councils of many of the functions of Quarter Sessions by creating a special statutory Committee known as the Standing Joint Committee consisting partly of magistrates and partly of members of the County Council, which deals with matters such as Police, County Hall, Justices' Clerks, etc., in which Quarter Sessions and the County Council are mutually interested.

The records of the County Council may thus be said to consist of the Minutes, Reports, Correspondence, Bye-laws, Orders, etc., of the County Council and its Committees in relation to the various functions, the chief of which have been outlined above. To these records should be added the Deeds and Agreements dealing with the extensive property and interests of the County Council. A class of records to which special attention may be drawn are the Registers of Parliamentary and Local Government Electors, an invaluable list of all persons

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over the age of twenty-one who are qualified as Electors. There is an almost complete set of these registers since 1832, but it must be remembered that in earlier days the franchise was less wide than it is to-day, and the earlier registers are therefore much more limited in scope. Another class of records are those deposited with the County Council for public inspection. These include such things as the plans and proposals of public undertakings seeking parliamentary powers, and the annual accounts of Gas Companies, etc. The County Council is also obliged to keep a variety of registers of such diverse scope (to name a few) as Local Land Charges, Building Lines, Performing Animals, and Midwives. There are also deposited a number of maps of considerable importance dealing with areas and boundaries. The most important of these are the Review Order Maps of 1932 which record the extensive changes made in parish and district boundaries by the Review of County Districts carried out under the Local Government Act 1929.

It should be remembered that apart from the actual records in the custody of the Clerk of the Peace and Clerk of the County Council there are a number of printed publications such as the Census Volumes from 1801, Government Reports, Local Acts of Parliament, etc., which have been collected during the ordinary routine of the Clerk's office. There are also a number of stray records, which are not official records of the County, to be found in the County Record Office. These have come down from the days when Clerks of the Peace were also in private practice as solicitors; the records of their private practice sometimes became mixed with the official records for which they were responsible as Clerks of the Peace. Certain minute books of the Stokenchurch Turnpike Trust and of the Thames Navigation Commissioners<sup>1</sup> are examples of this type.

It would be tedious and indeed impossible to give a complete account of all the records kept by the County Council but perhaps enough has been said to indicate their scope. As with Quarter Sessions records, it must be noted that by no means all of the County Council records are open to the public: this applies particularly to the more modern records.

### UNOFFICIAL RECORDS DEPOSITED WITH OR PRESENTED TO THE COUNTY RECORDS JOINT COMMITTEE

The Joint Committee accepts the deposit or the gift of records of historic interest for preservation in its record rooms. So far as manorial records are concerned the Master of the Rolls approves of both the Bodleian Library and the County Record Office as suitable repositories. In practice, however, there is an understanding whereby manorial records are generally housed in the

<sup>1</sup> See *Oxoniensia*, II, 159, n. 2.

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Bodleian. Arrangements of this kind are of course necessary in a County where there is more than one repository. No doubt if ever the City and County Museum, about which a good deal is said today, came into existence the whole question of the most suitable place for the deposit of private records of historic interest would have to be considered, and suitable arrangements made to prevent duplication and overlapping to the consequent confusion of record searchers.

The following are the more important collections which have so far been received in the County Record Office :—

The Records of the Dillon estates deposited by Lord Dillon through the British Records Association. 14th century onwards.

Miscellaneous bundles of deeds deposited by the British Records Association from time to time including a number of early deeds relating to Marsh Baldon. 13th century onwards.

Parish records of St. Mary the Virgin, Oxford, 16th century onwards.

Records of the Powys-Lybbe family (Whitchurch and Goring). 14th century onwards.

Another collection of deeds for the same district but from another source. 17th and 18th centuries.

Minutes of the Lybbe Charity, Goring. 1725-1925.

Dashwood family deeds (transferred from the Bodleian Library). 14th to 19th centuries.

A small number of minutes and papers of Inclosure Commissioners also transferred from the Bodleian.

Pre-Inclosure maps for Chilson (1697) and Aston Rowant (1768) and a map of 1731 of Shorthampton. A map in connexion with the Inclosure of Spelsbury, c. 1803.

Deeds relating to the family of Browne of Kiddington. 12th to 18th centuries. This collection contains a document under the Great Seal used by Charles II in exile.

Overseers' Books (1684-1836), Surveyors' Book (1816-1837) and Settlement and apprenticeship papers (18th century) from the Parish of Kidlington.

Other minor gifts and deposits. An unusual document among these is a Swan Roll of 1753 deposited by Miss G. M. Ashhurst. This Roll contains about a hundred representations of swans' heads each bearing the Swan Mark of a particular person.

The County Record Office is situated in the Office of the Clerk of the Peace and Clerk of the County Council at the County Hall, Oxford. It is open from

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9 a.m. to 1 p.m. and from 2.15 p.m. to 5 p.m. on all week-days except Saturdays when it closes at 12.30 p.m. Legal searchers may consult the records (in so far as they are open to public inspection) at these times on payment of the usual fees. Bona-fide historical students, etc., are allowed to consult the records free of charge and should, generally speaking, make written application to the Clerk to the County Records Joint Committee, County Hall, Oxford, before coming to the Record Office, though this is not always insisted on. Persons consulting the records are expected to observe the rules of the Joint Committee and to sign a Visitors' Book. Professional Record Agents are considered to come under the heading of legal searchers and they must pay the statutory fees (if any) chargeable in respect of any document which they may consult. Persons making use of the records for literary purposes are expected to present a copy of the resulting publication to the Joint Committee.

The shortcomings of this article will be obvious to anybody who has a thorough knowledge of County Records. It is very difficult, if not impossible, to give a complete account of the records, but it is hoped that enough has been said to explain the general nature of County Records and to indicate the kind of problems which the records may be expected to solve. In cases of doubt, application in person or in writing (addressed to the Clerk to the County Records Joint Committee, County Hall, Oxford) should be made and if it is possible to say whether there are any records likely to be of help the necessary information will readily be given.