

## **Under Used English Records – Justices of the Peace Quarter and Petty Sessions**

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### **Introduction**

Appointed from the 14<sup>th</sup> Century Justices of the Peace acting in the Quarter and Petty Sessions formed the backbone of local government dealing with all manner of things from rights of way to the prosecution of criminals. They were usually local gentry landowners and generally dealt with less serious criminal cases (though sentences could lead to transportation or death) and they acquired many of the civil and administrative jurisdictions of the early manorial and ecclesiastical courts. The Quarter Sessions records are of most use to family historians from the 17<sup>th</sup> – to the 19<sup>th</sup> century but their roles and functions evolved during this time.

As the name suggests, the Quarter Sessions were held in each county once a quarter at Epiphany, Easter, Midsummer and Michaelmas. In addition, certain towns and cities had the right to hold separate borough or city sessions, usually quarterly. The sessions for Middlesex and the City of Westminster were commissions of the Peace and the Sessions for the City of London sat at Guildhall or the Old Bailey. Often there was too much of a workload so Justices were empowered to meet more regularly between the Quarter Sessions to deal with minor matters at what became known as Petty Sessions. Single Justices had the power to grant warrants or issue a summons to attend court and administer a form of swift justice.

From the 16<sup>th</sup> and 17<sup>th</sup> centuries Justices in Quarter Sessions were responsible for

- hearing criminal trials (for theft offences, poaching, trespass, assault, vagrancy, drunk and disorderly, etc. though murder, manslaughter, rape and assault may be tried at Quarter Sessions too)
- supervising the poor law (including bastardy and settlement examinations)
- enforcing laws against recusants
- overseeing relationships between apprentices and masters
- local bylaws and licensing certain trades such as ale house keepers and gamekeepers
- non-payment of tithes and taxes
- supervising the administrations of taxes and upkeep of highways and local defence
- taking of oaths of allegiance by Roman Catholics and Protestant Dissenters

The duties of the court changed throughout the nineteenth century, for example: due to changes to the Poor Law in 1834, the prison system in 1878, and the creation of the County Council in 1888, until, by 1900, the court was almost solely a part of the criminal justice system. These changes are reflected in the Quarter Sessions Rolls, which contain a range of documents including: footpath diversion orders, reports and bills for bridge, road, gaol, and sessions house maintenance, lists of those serving in the militia, coroners' bills, sacrament certificates, constables' bills and presentments, indictments, recognizances, depositions,

memoranda of conviction, gaol calendars, gaol keepers' bills, and petitions for clemency. Navigable boats and barges on rivers and canals had to be registered through the Clerks of the Quarter Sessions as were dissenting meeting houses and gamekeepers. Registered charities, Friendly Societies, Freemasons and savings banks were registered with the Quarter Sessions. Local Parish Constables were required to supply the Quarter Sessions with lists of men qualified through their property ownership as freeholders, copyholders etc. to serve on juries. Between 1782 and 1832 JPs were required to collect the annual returns from each parish of those persons assessed for Land Tax and thus entitled to vote at Parliamentary elections. All Lunatic Asylums were licenced and supervised by JPs until the 1860s when county asylums were established. JPs supervised all markets and fairs within the county and set the wages for farm servants for the coming year. Hence the Quarter Sessions are an unrivalled source of name rich information.

Criminal accusations were heard in a number of different ways, depending on the nature of the offence and the wishes of the prosecutor and magistrate who heard the initial accusation. The complaint could be adjudicated informally by a Justice of the Peace, it could result in a summary conviction without trial, the accused could be bound over to attend a sessions of the peace, or they could be formally indicted and tried by a jury.

Under their commissions of the peace and oyer and terminer, Justices of the Peace meeting in sessions had the power to try both misdemeanour (petty) and serious offences

Reflecting the fluid boundary between criminal offences and the regulation of nuisances and public spaces at this time, a wide range of petty offences were tried at sessions. The most common were offences against the peace (assault, riot), property offences (petty theft, receiving stolen goods, fraud, trespassing), disorderly houses (keeping an alehouse without a licence, keeping a disorderly alehouse, keeping gaming houses and brothels), and regulatory offences (failure to serve on the night watch, failure to repair the highway or keep ditches scoured).

At their sessions, the Justices heard the cases of all those bound over by recognizance (most were discharged without further action), while indictments were tried by juries. Grand juries decided which indictments had sufficient evidence to go to trial, labelling these "true bills" and those they rejected "ignoramus". The "true bills" were tried by a petty jury.

Eighteenth-century criminal trials were very different from modern ones. They were quick, and typically pitted the testimony of victims and witnesses directly against the response from the accused. Until late in the century, lawyers were rarely present. Despite the fact the odds were stacked against defendants, a remarkably large number of defendants were acquitted, or convicted on a reduced verdict, reflecting the considerable discretion exercised by jurors. In most cases, the whole process took less than half an hour.

## **Petty Sessions**

The Petty Sessions handled the bulk of lesser legal cases, both criminal and civil. They were presided over by Justices of the Peace, who were unpaid and often without any formal legal training. The position did not have a wage, so the role was usually taken by those with their

own income – in practice usually prominent landowners or gentlemen. Justice was pronounced summarily at these courts, in other words, without a jury.

The Petty Sessions, which sat daily, weekly or monthly, depending on the volume of cases, often saw controversial judgements. Every court had a clerk, whose job it was to record the details of each case in a register. It is those registers you are looking at in these records. The clerks also collected any fees from those involved in the cases.

The Petty Sessions were formally established with legislation in 1827, although they had been in operation for centuries before that. By 1851, amid growing concerns about the fairness of some of the justices of the peace, the Petty Sessions (Ireland) Act sought to tighten up the rules. JPs were gradually replaced by trained and paid magistrates as the 19th century went on.

Covering both civil and criminal cases, the Petty Sessions' brief was wide. Cases ranged from merchants who had not paid duty on their goods, to workers suing for unpaid wages. Farmers were fined for letting their cattle wander or for allowing their cart to be driven without their name painted on the side. Debts were collected, and disputes settled. Public drunkenness was a common offence, as was assault and general rowdiness. Political feelings were often volatile and there are frequent cases all over the country of people charged with putting up seditious posters or leaflets.

## Records

The records of JPs in Quarter and Petty Session were kept by Clerks of the Peace who was a lawyer and the papers are held in local County Record Offices or city and borough archives. They are rarely indexed by name or online but this is gradually improving. Local record and family history societies are starting to transcribe, calendar and index the records. Printed and published resources may be identified through the Society of Genealogists library catalogue. Often there are detailed calendars, lists and guides available through online archive catalogues – see The National Archives Discovery Catalogue and Jeremy Gibson's guide *Quarter Session Records for Family Historians: A Select List, 2007*. FamilySearch has filmed some records and they are gradually appearing on the major genealogy websites. Local newspapers regularly report when and where the Quarter Sessions were held and what occurred and often provide the first clue to look at the Quarter Session records. You may find the following:

- order books, formal records of Justices' decisions and minutes
- minute books, notes and proceedings recorded by Clerks of the Peace
- Indictments recording the criminal charges and noting the defendant's name, place of abode, offence, date and place of crime, verdict and sentence. This may include information on victims and witnesses.
- Session rolls or files recording petitions, juries, recognizances (sureties or bonds to keep the peace or attend the next session); examinations or statements under oath
- Calendars of prisoners held in the Gaol or Bridwell awaiting trial
- Lists of convictions
- Documents lodged with the Clerk of the Peace such as poll books, electoral registers, enclosure awards, lists of freemasons, recusants or papists, registers of papists' estates,

tax returns (for hearths, windows, servants, dogs or horses) alehouse licences and land tax records.

## **Recommended Reading**

- **Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror.** - Beattie, J. M
- **A Hundred Years of Quarter Sessions** - Dowdell, E. G..
- **Quarter Session Records for Family Historians** – Jeremy Gibson
- **Quarter Session Records** – Richard Ratcliffe
- **The Complete Book of Emigrants in Bondage 1614-1775** - Peter Wilson Coldham
- **Bonded passengers to America** - Peter Wilson Coldham
- **Land & Window tax Assessments** – Jeremy Gibson

## **Online Resources**

London Lives (<http://www.londonlives.org>)

Publican, Brewery and Licensed Victuallers Records

(<http://www.genguide.co.uk/source/publican-brewery-and-licensed-victuallers-records-occupations/127/>)

Ancestry (<http://www.ancestry.co.uk>)

FindmyPast (<http://www.findmypast.co.uk>)