

# INTRODUCTION TO THE SURREY QUARTER SESSIONS DATABASE

This project has been entirely carried out by volunteers, who have worked enthusiastically on very complicated records in their own homes. Surrey History Trust and Surrey Heritage are very grateful to all of them for their hard work and dedication.

The Surrey Quarter Sessions database records Surrey people brought before the justices of the peace of the county for a variety of misdemeanours, minor offences and other more serious crimes which were non-capital (ie did not carry the death penalty). It also records the names of victims of the crimes, the witnesses and the magistrates before whom charges were brought.

It does not provide information on those accused and tried for the most serious offences, which might result in the death penalty being imposed. Such cases were heard at the twice-yearly Assizes by judges from the central courts rather than the local magistrates who presided at Quarter Sessions.

## HOW TO USE THE CD

- The programme on this disc runs in Adobe Acrobat version 6 and above.
- The programme should automatically start when you put it into your disc drive. If it fails to do so, click on AUTORUN.BAT in your file list and it should start.
- Use the “bookmarks” on the left to navigate around the transcripts.
- Use the Name Index to identify the year and quarter of a hearing for a defendant (or alias), accuser, victim or witness.
- Then return to the “Start” and click on the + sign to expand the bookmarks and show the Hearing Transcripts for the individual quarters.
- Click on the quarter you want to look at. The hearings in each quarter are arranged in alphabetical order by defendant’s name. Scroll down to find the one you want.
- Click on “Introduction” for a guide to the record information, frequently asked questions and further background on the work of the Quarter Sessions.
- For more complex searches we have included an MSAccess database file on this disc - QSdata.mdb

## GUIDE TO THE RECORD INFORMATION

The **Court of Quarter Sessions** was held 4 times a year over a number of days, in different locations in the county in rotation (Southwark, Guildford, Reigate, Kingston). If the amount of business exceeded the allotted time, an adjourned session would be held. The sessions took place in the weeks around the dates of Epiphany (6<sup>th</sup> January), Easter (moveable), Midsummer (24<sup>th</sup> June) and Michaelmas (29<sup>th</sup> September) and took their names from those dates. In the database

the 'Actual Date' field has been used to record the day on which the session opened. However, it should be noted that trials took place in the course of the days and weeks after the formal opening of the session (thus occasionally, if an offence came to light during the course of the session, the date of that offence might postdate the 'Actual Date' of the session).

## Sources used

The two main sources for cases coming before the court in the Surrey Quarter Sessions archive, the **process book** (SHC reference QS3/5/-) and **calendars of prisoners ('gaol calendars'** found in SHC reference QS2/6/-) have been used to create a unified record for each case. Sometimes only a single source exists, depending on the nature of the case, so certain information may be unavailable. The **process books** are the formal record of the court, containing the formal charge and usually the defendant's plea, the verdict and sentence of the court; the books do not include those who were summarily sentenced out of court. The **gaol calendars** list prisoners in the county's prisons at the time of the Quarter Sessions, most of whom would be delivered to the court for trial or, if they had been summarily sentenced, have their cases reviewed by the justices; they do not include those accused who had obtained bail (by finding friends to act as sureties for them) or other accused who were for any other reason not imprisoned prior to the court.

The database also indicates when a third useful source for the case, **witness or victim informations (usually known as examinations)**, survives: see the fields headed '**Examinations**', where the full original document reference is cited. These documents can be seen at Surrey History Centre and often contain much more circumstantial information about the alleged offence.

## Information on the defendant

The 'defendant's parish', recorded in the process book, is believed generally to be the place the crime was committed rather than the place of residence. Although the defendant's occupation (for men) is given it is likely to be often inexact or false.

## Offence

For those defendants who appear only in the process book, the information on the crime is limited to the formal legal charge, eg petty larceny (theft of property valued at under a shilling), misdemeanour, or felony (more serious offences, some of which could be tried by the Quarter Sessions court, chiefly non-capital property offences).

For those defendants appearing in the gaol calendar there are brief details of their offences (generally quoted verbatim in the 'offence details' field), and the names of their victims and of the committing justices.

The 'type of offence' field categorises the case according to a list compiled while creating the database (see below for a list of categories and additional commentary).

## Prison

Imprisonment was not much used as a punishment for convicted criminals until after 1776. The prison given in the database is where the prisoner was held before trial (and probably after trial, while waiting for the sentence to be carried out).

Imprisonment was more commonly used for vagrants and the idle and disorderly poor who might well be sentenced summarily (ie without a jury trial) to short spells of hard labour in a House of Correction by an individual magistrate. At this time Surrey had Houses of Correction in Southwark (St George's Fields), Kingston and Guildford. The County Gaol was in Southwark High Street until a new gaol in Horsemonger Lane, Newington, was constructed, opening in 1798. The Southwark House of Correction was incorporated into the County Gaol in 1800. Another House of Correction was built at Brixton in 1818. The Houses of Corrections were also used as pre- and post-trial 'holding' gaols.

## Outcome of case and sentence

Not all cases proceeded from charge, court appearance and trial to sentence.

The gaol calendars also contain details of those, often vagrants or people guilty of very minor offences, who had been sent by a magistrate under his powers of summary jurisdiction to cool their heels in a county prison for a number of weeks or until the next Quarter Session took place. They did not receive a jury trial but were discharged by the court or released at the end of the jail term imposed.

For those accused who appeared at court, a grand jury of leading freeholders firstly decided whether there was a case to answer: if it was decided that the evidence was insufficient or that the case should not proceed for another reason, a verdict of 'not found' was brought and the person was released. If it were decided that the accused should be tried, a petty or trial jury would hear the evidence and deliver a verdict and sentence. Occasionally, a case might be referred to the jurisdiction of a higher court. Cases were settled very quickly, many being heard in a day, and the accused very rarely had any defence counsel.

A common sentence at this period, even for relatively trivial property offences, was transportation to America (before 1776) or to Australia (after 1788) for a term, often seven years (the maximum that Quarter Sessions could generally impose) or for life. Corporal punishment, such as being whipped through the streets, was also used. Gradually, over the course of the 19<sup>th</sup> century, a term of imprisonment with hard labour became the norm.

## Other information

This field contains cross references to other cases brought against the same person (not exhaustive), and to cases brought against other persons for the same crime. Any discrepancies in the sources are mentioned here, as is information which could not be entered in the other fields, and additional information drawn from the catalogue of **examinations**.

## **Magistrates**

The magistrates or justices of the peace presided at each sessions and administered justice out of court between sessions. Justices derived their powers from the commission of the peace, issued by the Lord Chancellor. They had to have land worth over £100pa, were unpaid and were generally clergy and gentlemen. The magistrates listed in the database are those named in the gaol calendars as having taken the evidence against a suspect and consigned him to prison, either to await trial or for a short spell of incarceration without formal trial.

## **FREQUENTLY ASKED QUESTIONS**

### **Why is there so little information filled in about the person I am interested in?**

The information available for each case is very variable.

If the defendant is recorded in the process book only (check the fields recording the sources used), then the data may be very limited (eg no occupation or details of the crime). Many of the fields will in this circumstance be left blank.

Many defendants who appear only in the process book would not have been imprisoned prior to trial (having obtained 'sureties' or bail), and may thus not have a prison recorded.

When the first or Grand Jury decided that the case against a defendant was invalid, there would be no further trial procedure so 'sentence' will be left blank.

### **Was my ancestor a resident of the parish cited in the records?**

The parish recorded often appears to be the parish in which the alleged crime took place, rather than necessarily being the residence of the defendant concerned. The addresses of witnesses may be supplied very fully in any surviving examination (see FAQ below).

Southwark was a densely populated London suburb, which was subdivided into several parishes: St John's or Horsleydown, Christchurch, St George's, St Olave's, St Saviour's and St Thomas's. Sometimes the parish name is cited alone, but may be understood to mean Southwark.

### **How can I find out the details recorded in the examination for the defendant I am interested in?**

Some but not all cases recorded in the database have an associated witness examination (or examinations). The surviving witness examinations are listed in the Quarter Sessions catalogues at Surrey History Centre under the reference supplied in the database. The original records are held at the Centre and may be

viewed there on microfilm. Where the witness examination adds significant information, this has sometimes been added to the 'other information' field on the database.

### **Is there any other information I might be able to find about the case I am interested in?**

In addition to any surviving witness examinations (see above) there should survive among the original Quarter Sessions records the formal indictment against the defendant (SHC ref QS2/7/). Indictments are written in formal legal language and may not add to the information supplied in the database. When cases are recorded as removed to a higher court, the records of central government courts held at the National Archives may yield further information, eg the Assizes and the King's Bench.

## **FURTHER INFORMATION ON CRIME DESCRIPTION AND CATEGORIES OF OFFENCE**

The period covered by the database was one of revolution abroad and radical unrest at home. The American War of Independence (ended 1783) and the French Revolution (begun 1789) and French Revolutionary and Napoleonic Wars (1792-1802, 1803-1815) posed a strain on the economy and encouraged a fear of crime and civil disobedience. Legislation forbade public gatherings and 'habeas corpus', which ensured due process of prosecution through the courts, was briefly suspended, making it possible to be detained without trial.

As a rough and ready starting point for the analysis of crime during the period, the database supplies a 'type of offence' field for each case, which comprises a brief category description. For any individual case, a verbatim account of any description of the offence or offences is also supplied ('offence details').

The 'type of offence' categories are intended to group together similar crimes; they are not intended to represent specific legal categories (except, as in the case of unspecified felony, where there is insufficient information to apply any further categorisation) and each offence has been assigned a single category even if in reality it overlaps two or more categories. The categories, which themselves overlap, are as follows:

**Apprenticeship / employment.** See also **conspiracy** below.

**Assault and threatened violence.**

**Bastardy / maintenance.** Includes desertion by married persons as well as cases where a man was charged with the fathering of an illegitimate child.

**Bigamy**

**Body snatching**

**Coining and related offences.**

**Conspiracy.** It is often difficult to determine the precise nature of the offence subject to this charge from the information available; it is unlikely to have been treasonable but relates to activity organised among two or more individuals. In many cases it may relate to collective activity by members of a particular trade to improve their working conditions (and as such may be considered to be associated with **apprenticeship/ employment** offences).

**Criminal damage**

**Disorderly / indecent conduct.** For example drunkenness, exposing oneself, indecent publications, keeping a disorderly public house etc

## **Domestic violence**

**Embezzlement and Fraud.** Includes offences by servants entrusted with goods through their position in the household or by the nature of their employment. (See also **Gambling / Lottery offences** below).

## **Excise offence**

## **Extortion**

**Felony (unspecified).** This could describe any crime legally categorised as a more serious property offence. Only used where no further details exist

## **Forgery**

**Gambling / Lottery offences.** Includes all betting games such as a turn-about or swirl; cup and balls; pricking at the belt; also offences under Lottery Act, such as giving insurance

**Game Law offences.** Poaching

**Homosexual activity.** Describes consensual sexual activity then classified as illegal

## **Libel and Slander**

**Military / default of service.** Failure to serve in the militia or supply a substitute, as well as offences committed during a period of service (eg desertion, disobedience).

**Misdemeanour.** Minor offence to which no more specific category has been applied, or for cases where no further details exist.

**Neglect of public duty.** Includes, for example, failure to perform the duties of a parish office

**Nuisance / failure to maintain.** Never a crime against the person, this category describes failure to maintain public infrastructure such as roads or bridges, blockages or erection of buildings in contravention of laws against offensive or dangerous trades, preventing access to light etc

**Other.** Offences for which no category seems to apply.

## **Perjury**

**Prison / custodial offence.** Including escape or rescue, disorderly behaviour in prison, bringing gin or other liquor into prison. Workhouse offences are categorised under **vagrancy**

**Prostitution.** Includes the offence of keeping a house for the purpose of prostitution (note that keeping a disorderly public house, categorised as **Disorderly / indecent conduct**, may in some cases be a euphemism for running a brothel).

## **Rape or attempted rape**

## **Receiving stolen goods**

**Riot.** Used for offences committed by several or more people on a given occasion. General charges of riot against a single individual may be classified as assault where a victim is named, or vagrancy where disorderly behaviour not against the person is implied.

## **Sedition**

**Theft or intent to steal.** Covers all charges (including petty larceny and the theft of goods of a higher value classified as felony)

**Trading offence.** Including trading as a hawker or pedlar without a licence, market offences, hackney carriage offences

## **Unknown**

**Unlawful Alien.** Foreigners in Surrey without proper papers

**Unlicensed public performance.** Mounting stage plays without permission

**Vagrancy.** This is a large offence group. In addition to those charged as 'rogues and vagabonds', this category has been applied to those committing offences in the workhouse.