

Investigating

Black Sheep Ancestors



**East Yorkshire
Family History Society**

Introduction

At some point every family historian will discover a ‘black sheep’ in their family closet. They crop up in all families, royal or ragamuffin, and can add a little spice to the most boring of family histories. Vagrant, vagabond, lady of the night or villain; they can often be one of the most fruitful of ancestors to research. Interestingly, legal records are among the very oldest and voluminous of records to be found in Local & County Records Offices (L/CROs). In fact, Quarter Session records are available from the 12th century right through to 1972, although many records may have been ‘lost’ over the years.

To understand the huge variety of records available to readers at L/CROs, it is worth undertaking a brief history lesson first. As with most historical records we’ll start in the Norman period as it was they who planted the seeds of our modern society.

The Normans ensured that each English county was placed in the care of a Sherriff. Among his many duties, the Sherriff was charged to hold two courts; The Tourn, held twice a year and within one month of Easter and Michaelmas, and the County Court; presided over by a Justice in Eyre (the King’s Justice on a tour) with the Sherriff sitting-in as his subordinate. The Tourn dealt with Presentments (complaints) which would include petty larceny, felonies, arson and all manner of minor cases like quarrelling neighbours and nagging wives.

King Richard I could clearly see how Sheriffs (who also collected taxes and other monies due to the King) were abusing their powers while he was away on the Third Crusade. To resolve this situation, in 1195 he began appointing “certain knights” from each shire as ‘Keepers of the Peace’ to assist with the dispensing of justice.

King Edward III renamed Richard’s ‘Keepers of the Peace’ and in 1327, for the very first time, they became known as Justices; “Good men and lawful to guard the peace, try offenders as well as to instigate proceedings.” These knights presided over County Courts and, in due course, took over many of the cases of The Tourn so that by 1460 they were dealing with cases of murder, rape, theft, assault, poaching and riot.

King Richard II passed a statute in 1388 requiring Justices to hold their sessions in every quarter of the year and thereby the Quarter Sessions, which stayed with us until 1972, were born. The Quarter Sessions were held at Easter, Trinity (midsummer), Michaelmas (late September) and Epiphany (January). (It is important to remember the use of the old English calendar which places January at the end of the year rather than the beginning.)

The Tudors gave Justices of the Peace (JPs) the responsibility of enforcing many new laws, including those relating to the administration of the Poor Laws. Their new duties saw the Justices completely replace the Sheriffs as the administrators of the county. It was also at this time that the most serious crimes were referred to the Assizes, presided over by Royal Judges who were also responsible for inspecting the JPs twice per year and keeping them advised of any new laws which had been passed in Parliament.

In 1819 an Act of Parliament allowed the JPs to hold two separate simultaneous courts in order to deal with their spiralling work load.

1843 saw the workload of the JPs reduce dramatically following the introduction of the Boards of Poor Law Guardians who took over the administration of the New Poor Law.

1835 saw the control of towns being passed from the JPs to the Municipal Corporations.

In 1888 the Local Government Act saw the transfer of administrative control of counties being passed from Quarter Sessions to the County Councils.

The Records

Minute Books

Quarter Session proceedings are recorded in Court Rolls, Session Rolls, Order Books or Minute Books. These will usually be your starting point as they provide a list of those persons who attended, or failed to attend, and a summary of the day's business. They usually include some indication of what papers may be found in each Quarter Session bundle. The bundles will usually include much fuller information about each Indictment, pre-trial Examination, Depositions (witness statements), and Calendars (lists) of prisoners held in Goal or Bridewell and awaiting trial.

Very few Minute Books have been indexed; those that have are usually thanks to the voluntary efforts of various Family History Societies.

Judicial Records

JPs spent most of their time between Quarter Sessions dealing with administrative duties and examining suspected criminals and vagrants to be remanded in custody until the next Quarter Sessions. The most common cases dealt with by the Quarter Sessions were;

- Breaking down of Hedges, Gates, Fences, Styles, Posts or Railings
- Burglary
- Cattle Theft
- Destroying grain or Root Crops
- Eavesdropping
- General Theft
- Highway Robbery
- Horse Theft
- Murder or Manslaughter
- Pound-Breaking (Unauthorised removal of stray animals from the Parish Pound)
- Rape
- Receiving Stolen Goods
- Sheep Theft
- Waterfowl Theft
- Wilful Destruction
- Wounding or Maiming Cattle

Poor Law Records

A large proportion of each Quarter Session, between 1597 and 1834, was taken up dealing with Poor Law offences. The Poor Laws of 1597 and 1601 made each parish responsible for its own poor and the Churchwardens and Overseers were responsible for collecting the Poor Rate. They were very keen to keep this rate as low as possible by ensuring that the monies they collected be spent only on the poor of their own parish. The Parish Officers were regular attendees at the Quarter Sessions, seeking Bastardy Orders, Removal Orders and resolving Apprenticeship and Settlement disputes.

Bastardy Orders

It comes as a surprise to many family historians when they discover that sex wasn't invented by a group of hippies during the 1960s. It is well worth almost everyone having a trawl through the Bastardy Orders as many happy marriages begin with the issuance of a Bastardy Order, which required that the father pay maintenance for the upkeep of his child; thereby relieving the parish of this burden. The papers may often include a confession of a child's fatherhood, by the mother. Few 'accused' fathers ever appeared in the court and were simply served with an Order to pay.

Settlement Certificates

The Settlement Acts of 1662, 1691 and 1697 allowed officers of the parish to remove any poor people who had not gained a legal settlement or did not hold a Settlement Certificate on arrival in the parish. Quarter Sessions were often required to confirm the Settlement of individuals.

Settlement Examinations

Most Settlement cases were brought to the Quarter Sessions by the Parish Officers seeking to remove an illegal incomer who would become chargeable to their parish. They usually brought with them a Settlement Examination, undertaken some time earlier by a JP.

Removal Orders

Vagrants, Rouges and Vagabonds were the biggest offenders against the Poor Law; with gypsies, unlicensed pedlars, itinerant actors and musicians, fortune tellers, those with large families chargeable to the parish, those living in barns and hovels, persons pretending to be soldiers or sailors and anyone on 'walkabout' who could not give good account of themselves, all fitting into one or other of these categories. Those found guilty would be issued with a Removal Pass and a Vagrancy Pass. They would then be ushered to the next parish and handed to the Parish Constable who would send them onwards until they reached their place of Legal Settlement. Families could often be split up in this way with the children being sent one way, mother another and father elsewhere. Removal Orders are an essential source of information for family historians seeking their 'misplaced' ancestors.

Apprenticeship Indentures

Parishes would reduce the demands on the Poor Rate by putting out large numbers of their pauper children, aged 7 and upwards, as apprentices. Each Apprentice Indenture would be signed by the Master, Overseer, Church Warden and two JPs. Maltreatment of an apprentice, or a breakdown in their relationship with the Master, would result in the case being sent to the Quarter Sessions where the Justices could quash the Indenture. Many such cases offer a fascinating insight into child labour and social acceptance of conditions at the time.

Calendar of Prisoners

Most Quarter Sessions bundles will include a Calendar of Prisoners awaiting trial in the County Goals or Bridewells. From the 19th century onwards they would usually be printed but, before that time, handwritten calendars should be expected. Printed calendars usually took the form of a poster and provide the names of prisoners awaiting trial, their offence and occasionally list those confined having been found guilty at earlier Quarter Session.

Crimes and Felonies

Many criminals were transported for their crimes in the 18th and early 19th century. The East Yorkshire Family History Society holds a huge database of many of those transported and this can be consulted freely by its members. Don't overlook checking the details of trials for ancestors who may have appeared as a witness to a crime or misdemeanour. Always remember to consider the possibility that those standing trial at a Quarter Session may have given false details, particularly if they were a convicted criminal or vagrant. Upon finding a case of interest, the wise reader will always seek out the local newspaper of the period as they often report cases in much more details than the official record.

The Overseer

Overseers of the Poor would often find themselves involved in the matrimonial affairs of local parishioners. It would be quite common for an Overseer to petition the Justices at a Quarter Session for the seizure of a deserter husbands goods and chattels, to be sold with the proceeds going towards the cost of the family's upkeep.

Quarter Session Administrative Records

The sheer scale of the duties undertaken by JPs' between each Quarter Session mean that it would be impossible to list more than a small sample in the space available here. The following selections are those deemed to be particularly useful to family historians.

Ale Licences

JPs issued licences to those people who wished to serve ale at specified premises. Unlike the modern public house, or inn, many such licences were issued to private persons who were serving ale, possibly brewed in an outhouse, from their front room. Readers of social history often find such records particularly revealing and often quite amusing.

Boats and Barges

Those boats and barges which travelled the navigable rivers had to be registered with the Clerk of the Quarter Sessions. They are an invaluable source of information on bargee ancestors.

Coroners' Accounts

Coroners were required to submit their Accounts for Inquest to the Quarter Session or they wouldn't be paid. Some are very detailed and provide much information while some are little more than a bill for services rendered. They are always worth visiting if you know of an ancestor whose death required the services of a coroner.

County Militia

The names of all military and civil officers taking an oath of Supremacy and Allegiance, from 1673 to 1828, had to be deposited with the Quarter Sessions. Such lists usually recorded the officer's full name, rank and date of commission. In periods of war during the 18th & early 19th century, the families of men called up were often left to claim Poor Law relief. The Overseers claimed reparation at the Quarter Sessions and thereby effectively created a list of the rank and file Militia and the amounts claimed for each family; ultimately chargeable to whichever town the Militia were defending.

Dog Tax

Consult the Dog Tax records out of curiosity rather than as a launch pad for further investigation. Most are a simple list of names, the number of dogs owned and the amount of tax to be paid. Occasionally, an odd address may appear, or that of an employer, proving an extra clue when all else has failed.

Flax Bounties

These were paid to landowners (of any size) who grew flax between 1784 and 1795, thereby relieving the shortage of cotton created as a result of the American War of Independence.

Gamekeepers' Depositions

These are often very useful as, for much of the 18th century, they recorded the name of the Lord of the Manor, the extent of the Manor and the name of Gamekeepers licensed to kill or sell game.

Goals, Bridewells and Places of Correction

Keepers were required to submit quarterly returns detailing, amongst other things, the names of all inmates and any punishments handed out.

Highways

JPS had to oversee the regulations laid down by the Elizabethan Poor Laws, and subsequent legislation, including that the Parish Surveyors of the Highway were keeping the highways within the parish boundary in a good state of repair. Failure to do so would result in the Surveyors appearing before the Quarter Sessions. The Parish Surveyors' Accounts are often of limited use to family historians but occasionally offer a lot of detail including names, addresses and employment records.

Insolvency Debtors

Not wholly unlike a modern-day bankruptcy hearing, you may discover just how bad your family were at paying their business partners. Always cross-check insolvency reports with the local newspaper archives.

Jury Lists

These can be very fruitful and usually list the names, ages, addresses and occupations of those males suitable to perform Jury Service. These lists, drawn up by the Parish Constable, will often include those who failed to turn up for Jury Service, although these names would more often be listed in the Quarter Session Minute Book.

Land Tax Returns

JPs were obliged to collect the annual returns of people assessed for Land Tax and thereby entitled to vote in Parliamentary elections. Typically, these lists offer the landowners names and the value of their land. They do not offer any guarantee that the landowner was resident in any particular parish. Many CROs have separated their Land, Hearth and Window Tax Returns into separate collections away from the Quarter Session Returns so always ask before giving up your search for absent records.

Parish Officers

Once a year the Parish Vestry Meeting would be required to submit the names of men appointed as Parish Officers, e.g.; Overseers of the Poor, Surveyors of the Highway, Parish Constables and all of their accounts. The Parish Constables records always make interesting reading; particularly where note and summons books have survived. Records relating to the appointment of Parish Constables invariably include an excellent biographical record and must not be missed if you discover a Parish Constable loitering in your tree.

Registered Charities, Friendly Societies, Freemasons and Savings Banks

After 1786 JPs were ordered by Parliament to keep a record of Registered Charities, their rules and their trustees. Savings Banks Friendly Societies and Freemasons were ordered to be recorded likewise, but from a slightly later date.

Wages for Farm Servants

It was the responsibility of JPs to fix the wage of farm servants for the coming year. You will be lucky to find any ancestors here, but you will be able to investigate what your favourite Ag. Lab., Shepherd, Farm Bailiff, Cook, Milk Maid, Servant of Husbandry, Mower or Reaper was taking home to feed and keep his family.

And Finally...

Whatever records you are seeking to find in the Quarter Session bundles, always beware of the spelling of names in particular. The low standard of literacy amongst many Parish Officers invariably lead to some very strange interpretations of how a name might be spelled. The strong regional accents of our ancestors often meant that people from the opposite ends of the same village may as well have been speaking different languages. Parish Recorders would simply add their own interpretation of a name to their sheet of parchment. A name is a name, after all, and many of those appearing in Quarter Sessions would do so under a false name anyway. Consider how your own surname might have been pronounced with an 18th Century 'Geordie' twang or in the sing-song tones of a 'Brummie'. Of course, if the Quarter Session was held in Yorkshire, then adjust your accent accordingly!

As so few Quarter Sessions records have been digitised or transcribed you will, inevitably, be handling ancient documents at some time during your search. You may be holding in your hands the only copy of an original document that could be 900 years old. You may be the very first person to have seen the pages and loose leaves since they were written at the time of King Richard I and his buddy, Robin Hood.

Many older documents are so fragile that it may not be possible to photocopy, scan or even photograph them. You will need to make sure that you have a good supply of notepaper (I always carry a reporters notepad or two and a supply of folded A3 for those more difficult formats) pencils and a good quality magnifier. Investing in a hand-help UV light can also reap big rewards when viewing fading documents as the UV can often encourage faded text to leap from the page. Never use a UV source without permission as they can be quite damaging of certain types of paper and parchments. Often, you will be required to wear special white gloves to prevent the natural oils and acids in your fingers damaging the national treasure that is our heritage.

Before setting out for the LRO or CRO, always check the holdings of records by telephone or by performing a search on the Access to Archives web site, www.a2a.org.uk which will reveal the whereabouts of quarter session records in your area of interest. The A2A search engine will return results for the whole country, county or even a specified records office. If you do not have access to the Internet at home, most records offices are listed in local telephone directories and will be only too pleased to point you in the right direction.

Never overlook your local newspaper archive. Many larger libraries will hold copies of local newspapers dating back to the earliest editions. It is always advisable to contact the library well in advance of your visit as old newspapers will almost certainly be stored on microfilm and booking a film reader is usually essential. Don't write-off the idea of searching for newspaper reports, no matter how trivial an offence your ancestor's offence might seem. Even the theft of a sock could lead to seven years deportation to the colonies, hard labour or enforced conscription in the army or navy. The further back in time you travel in your quest for ancestors, the more 'local' newspaper reports will become. Reporters had to fill their papers to sell them and, very much like today, a little bit of local scandal always goes a long way towards these aims.

If you would like to learn more about the Poor Law, Quarter Sessions or any similar genealogical topic, may we finish by recommending a visit to the Federation of Family History Societies (FFHS) web site: <http://www.ffhs.org.uk/> where a wide range of publications are available for beginners and experts alike.

EYFHS Publications also produce a wide range of;

- Monumental Inscriptions (headstone transcriptions).
- Parish Register Transcriptions (records of baptisms/christenings, marriages and interments).
- East Yorkshire census returns.
- Historical maps of the UK.
- Newspaper Transcriptions (hatches, matches & dispatches).
- Various searchable CD data sources.

For a full list of all EYFHS publications, please send a self addressed envelope, stamped at the 'small letter' rate, to;

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