

# Library of Birmingham Archives & Collections

## Court Records

Trials took place in several types of court within the Birmingham area, and their records are public records. These courts were:

- Quarter Sessions (to 1971)
- Petty Sessions (from 18th Century to 1971)
- Assizes (to 1971)
- Magistrates Courts (from 1971)
- Crown Courts (from 1971)
- Coroner's Court

### Quarter Sessions, Petty Sessions, Magistrates Courts, Assizes

The Quarter Sessions were county courts held by the Justices of the Peace four times a year at Epiphany, Easter, Midsummer and Michaelmas. Each session was held in a different town, and aimed to complete all its proceedings in one day. As a result of the increase in business of the courts, in 1819 an Act of Parliament authorised a second session (known as an Adjourned Session) to be held within a week of the main session. All records of Adjourned Sessions are filed separately from the main session's records.

The Quarter Sessions dealt with criminal matters from petty larceny to rape. It also dealt with civil matters such as licensing. As the Quarter Sessions (and its successor the Magistrates Court) was and is presided over by Justices of the Peace, who are not professional lawyers, serious crimes would often be referred on to the Assizes, to be handled by professional judges.

Regular Petty Sessions Courts began in the 18th century, due to the increase in workload for the justices of the Quarter Sessions. Petty Sessions Courts met far more often than the Quarter Sessions – by the 19<sup>th</sup> century they met daily – and dealt with minor crimes, licensing, juvenile offenders and civil offences such as bastardy and child maintenance. In 1971 Crown Courts replaced the Quarter Sessions and Magistrates Courts replaced the Petty Sessions.

Note: SOME RECORDS ARE CLOSED FOR 100 YEARS

Access to information in the records is given at the discretion of the Senior Archivist

## Quarter Sessions Records in Birmingham City Archives

The Birmingham Quarter Sessions started in 1839. Before this date records should be sought in the relevant county Quarter Sessions.

<b>QS/B</b>	Birmingham Quarter Sessions records	1839-1971
<b>QS/B/1</b>	Birmingham Quarter Sessions Convictions Minute Books	1839-1971
<b>MS 1036</b>	Printed list of sentences of prisoners sent to Warwick Gaol	1847
<b>MS 1815/12</b>	Calendar of prisoners: Birmingham Quarter Sessions	1915-1923
<b>MS 1815/13</b>	West Bromwich Quarter Sessions records Calendar of prisoners	1937-1959
<b>MS 1815/14</b>	Wolverhampton Quarter Sessions records Calendar of prisoners	1945-1958

Other Local Quarter Sessions Records:

- Coventry City Quarter Sessions from 1449: Coventry City Record Office
- Lichfield City Quarter Sessions from 1726: Lichfield Joint Record Office
- Staffordshire Quarter Sessions from 1581: Staffordshire Record Office
- Warwickshire Quarter Sessions from 1625: Warwickshire Record Office
- Wolverhampton Borough Quarter Sessions from 1864: Wolverhampton Central Library
- Worcestershire Quarter Sessions from 1590: Hereford and Worcester Record Office
- West Bromwich County Court: Public Record Office

## Petty Sessions Records in Birmingham City Archives

The Birmingham Petty Sessions started in 1839, although no registers survive before 1899. The Petty Sessions records include non-criminal matters, such as income tax and rates, licensing, bastardy and child maintenance.

<b>PS B</b>	Birmingham Petty Sessions and Magistrates Courts	1839-1983
<b>PS ST</b>	Stafford County Petty Sessions: Handsworth Division	1909-1912
<b>PS SU</b>	Sutton Coldfield Petty Sessions	1866-1966

Other Related Records

<b>Lee Crowder 1072</b>	Document re. the boundaries of Redditch Petty Session Division	1862
<b>MS 1481</b>	Scrapbook of Arthur Harold Wagstaff re. County Court System in Sussex, Coventry and Birmingham	c.1900-1955

## Assizes and Crown Courts

Assize courts began in the 12th century with itinerant justices travelling through the counties. By the mid-16th century, these had become six circuits organised by the Clerks of Assize. Courts were held twice a year in Lent and summer. By the mid-19th century a third, winter, court was introduced if the burden of cases made it necessary. Warwickshire came within the jurisdiction of the Midland Circuit (1558-1971), whereas Worcestershire and Staffordshire came within the Oxford Circuit (1558-1971). Assizes could only be held in an incorporated borough; the first Assizes held in Birmingham were held at the Victoria Law Courts in 1884.

Assize courts dealt with both civil cases, such as highway maintenance, and criminal cases, including those that were too serious to be dealt with at the Quarter Sessions. Assize Courts were abolished in 1971 and replaced by Crown Courts.

### Midland Circuit Assize Records in the National Archives

<b>ASSI 11</b>	Minute Books	1818-1945
<b>ASSI 12</b>	Indictments	1860-1957
<b>ASSI 13</b>	Depositions	1862-1945
<b>ASSI 15</b>	Miscellaneous	1870-1890

### Assizes Records in Birmingham City Archives

<b>MS 1844</b>	Calendars of prisoners tried at the Birmingham Assizes	1884-1893
<b>BCC/1/AM/27/1</b>	Birmingham City Council Estates Committee: Assize courts and corporate buildings sub-committee	1867

### Crown Court Records in Birmingham City Archives

<b>MS 1815/15</b>	Assize and Sessions Book (no. 10). Includes: Warley Crown Court Coventry Crown Court Warwick Crown Court Dudley Crown Court	1972-1977
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### Crown Court Records in the National Archives

<b>J 190 - J 191</b>	Supreme Court of Judicature: Crown Court at Birmingham: Case Files	1972
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## **Other Court Records Held in Birmingham City Archives**

386748 [ZZ 62A]	Lichfield Court of Record Pleas, brief and proceedings 1640-1668
383963 [IIR 42]	Court of Common Pleas Accounts of court officials 1596-1630
380438 [ZZ 66B]	Lichfield Borough Sessions Recognisance of alehouse keepers and victuals 1732-1773
320888 [IIR 62]	Lichfield Consistory Court Papers re. Ecclesiastical causes c.1670-1730

There are also various manorial courts, which dealt with both transfers of land and criminal matters. Very few of the Birmingham Manor court records survive.

## Which Court?

To know where to find records of legal cases, it is important to know in which type of court a case would have been tried. The basic rule to remember is that Quarter Sessions and Magistrates Courts are presided over by non-professional judges and the Assizes and Crown Courts by professional judges, therefore more serious matters will come before the Assizes / Crown Courts. All cases will initially come before the local Magistrates Court. Currently it will then be passed on to the Crown Court if:

- In a criminal case, the minimum possible sentence is more than 6 months.
- In a civil case, the minimum amount involved is £50,000 or more.

Case and Dates of legislation		Court
Adoption		Petty Sessions (Magistrates from 1971)
Bastardy		Quarter Sessions and Petty Sessions
Highways		Quarter Sessions Assizes
Juvenile offenders		Petty Sessions (Juvenile Court from 1905)
Inquests		Coroners
Licensing: Alehouses (see also Publicans)	1552-1828	Warwick Quarter Sessions Assizes (only for difficult cases)
Licensing: Explosives	1875-	Petty Sessions (Magistrates from 1971)
Licensing: Publicans, Theatres, Cinemas, Music Halls, Public Rooms	1828-	Petty Sessions (Magistrates from 1971) Police Records Newspapers
Mental Deficiency		Petty Sessions (Magistrates from 1971)
Petty Crime*		Quarter Sessions and Petty Sessions
Rates		Petty Sessions (Magistrates from 1971)
Taxation		Petty Sessions (Magistrates from 1971)
Traffic Offences		Petty Sessions (Magistrates from 1971)
Transportation to America	1615-1775	Sentencing in court relevant to crime (e.g. Assizes). All other records in PRO
Transportation to Australia	1787-1868	
Utilities (water etc.)		Quarter Sessions and Petty Sessions

\*Petty Crime includes offences such as theft, drunkenness, public order, indecency, threat, assault, soliciting, and vagrancy.

## Useful Reading

*Criminal Ancestors: A Guide to Historical Criminal Records in England and Wales* by David T Hawkings (1992)

*Law and Society: An Introduction to Sources for Criminal and Legal History from 1800* by Michelle Cale, PRO Publications (1996)

*Quarter Sessions Records for Family Historians, A Select List* by Jeremy Gibson, published by the Federation of Family History Societies (copy available in search room)