

## Assize Records

### Introduction

The Assize courts were part of a national system where judges travelled around the country hearing the more serious court cases. The system began in the 13<sup>th</sup> century, when judges from the Court at Westminster were commissioned as justices to ride around the country and hold the king's courts. The judges would cover a circuit, each circuit covering a group of counties. Originally the justices only looked into property disputes, but gradually their powers were increased to include criminal cases. The court became known as the Assize court, and became the higher English criminal court. The Assize system was replaced in 1971 by the Crown Court.

### The Work of the Assize courts

The judges, normally in pairs, moved around the circuits on "royal commission of the peace" or "gaol delivery" (to try prisoners), or "oyer and terminer" (to hear and determine) cases that were not heard by the Quarter Sessions courts (the other court system). These cases were normally for more serious offences such as murder, riot, burglary, forgery, witchcraft, trespass and treason. On occasion they also heard civil cases so that offenders and witnesses didn't have to travel to the court at Westminster.

The country was divided into six circuits, the Home, Western, Oxford, Norfolk, Midland and Northern circuits; Somerset was in the Western circuit. The Assizes were meant to be held three times a year. By 1932, they were held at Taunton Castle in the winter, Wells in the summer and alternatively between the two in autumn. Each circuit lasted between two and five weeks depending on the amount of business to be heard.

### The Records

The assize records were kept by the Clerks of the Assize and are now kept at The National Archives at Kew. However, many of the earlier records have been lost or destroyed. Also, until 1732 most of the records are in Latin. The records do not normally include the age of the accused or any details of their families; aliases were common and other details such as occupations and abode are untrustworthy.

At The National Archives the records are arranged by assize circuit. Those for the **Western Circuit** are catalogued under ASSI 21-30, and cover 1610-1971. The judge would receive commissions of assize from the Crown Office of Chancery, and they informed the county sheriffs of the dates and places of Assizes. A sheriff then prepared calendars, listing prisoners and what they were being tried for. The Clerk of the Assizes would add to these lists any business outstanding from the last Assize. Therefore, the best place to start searching is the **Crown Minute books**, which list the defendants' names, offences, verdicts and sentences. **Gaol books** or **Agenda Books** also list the accused and summarise cases heard, often noting the plea, verdict and sentence. There are also the **indictments**, which are the formal statements of charge against the accused, often annotated with plea, verdict and sentence. However, these are often filed in large unwieldy bundles and few survive before the mid-17<sup>th</sup> century. The transcripts of proceedings have not normally survived, although contemporary newspapers or pamphlets often reported cases, especially the more sensational.

If the records have not survived for the period in which you are interested, you can refer to the **sheriff's assize vouchers** (The National Archives catalogue code E 389/241). These include lists of prisoners tried or transported, along with accounts for their maintenance in prison or for carrying out their execution. They cover the years 1714-1832.

**Civil matters** were also heard at the Assizes. However, as these were normally heard at the request of the Court of King's Bench, the records are stored along with those records. Assize courts also reviewed **local administration**, such as bridge and road maintenance, poor relief and tax collection; these should be filed alongside the criminal cases.

## **Assize Records at the Somerset Heritage Centre**

Although the vast majority of Assize records are kept at The National Archives, a small number of relevant records are held here at the Somerset Heritage Centre, mainly in the Quarter Session records and records of private families.

### **Indictment rolls (Ref. Q\SI)**

The Quarter Session indictment rolls sometimes include presentments at the Assizes, 1571-1889.

### **Calendars of Prisoners**

The Quarter Sessions records include lists of prisoners to appear before the Quarter Session judges, 1810-1870, but also include some Assize Calendars, 1810-1852. These provide details of prisoners' names, ages and details of their alleged crimes (**Ref. Q\SCA**). The papers of the Meade King family of Taunton, members of which held the position of Justice of the Peace for Somerset and High Sheriff, include Assize Calendars of Prisoners, 1836-1880 (**Ref. DDMK**). H.M. Prison Service records also contain Calendars of Prisoners, 1882-1921 (**Ref. A\CJA**).

### **Quarter Sessions Session Rolls (Ref. Q\SR)**

Within the normal session rolls are Calendars of Prisoners listing those to be transferred to the Assize courts. Also included are expenses claims for holding the Assize courts.

### **Gaol Records (Ref. Q\AG)**

The gaol registers for Ilchester, Shepton Mallet and Taunton gaols include details of prisoners waiting to be tried at the Assizes or waiting for transportation after they have been sentenced.

### **Taunton Assize Courts (Ref. Q\AC)**

We have deeds, plans, minutes and specifications about the alteration and use of Taunton Castle and Shire Hall, Taunton, as Assize Courts.

### **Wells Assize Courts (Ref. C/CA)**

Plans of Wells Assize Courts, 1893 and 1957, are included in the County Architects' records.

## **The Bloody Assizes, 1685**

The most famous of Somerset's Assizes are those known as the Bloody Assizes, which tried the supporters of Monmouth's Rebellion in 1685. The Somerset Heritage Centre holds mainly printed sources relating to these Assizes, but also some original material. Probably the most useful of the printed sources is *The Monmouth Rebels, Somerset Record Society Volume 79*, which contains a 'roll call' of those tried with details such as their parish of abode and the punishment they received. Other good books giving a useful background to the trials are J. G. Muddiman's *The Bloody Assizes* and Peter Earle's *Monmouth's Rebels: The Road to Sedgemoor*.

## Further Reading

The National Archives Research Guide, *Assizes: Criminal Trials, Legal Records Information Leaflet 13* available at [www.nationalarchives.gov.uk/records](http://www.nationalarchives.gov.uk/records)

- Cockburn, J. (1971) *Somerset Assize Orders 1640-1659*, Somerset Record Society, volume 71
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- Hawkings, D. (1992) *Criminal Ancestors: A Guide to Historical Criminal Records in England and Wales*
- Herber, M. (2003) *Ancestral Trails*
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Somerset Archives & Local Studies  
Somerset Heritage Centre  
Brunel Way  
Norton Fitzwarren  
Taunton  
Somerset  
TA2 6SF

Tel: 01823 278805 (enquiries)  
Tel: 01823 337600 (appointments)  
Email: [somersetarchives@swheritage.org.uk](mailto:somersetarchives@swheritage.org.uk)  
Website: [www.swheritage.org.uk/somerset-archives](http://www.swheritage.org.uk/somerset-archives)

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