

Assizes

The Assize courts were the higher courts – equivalent to today's Crown Court. The Assize judges travelled around the country in circuits holding court in different locations.

Northumberland was part of the Northern Circuit, whilst Durham had its own court until 1877 due to its status as a Palatinate.

The Assizes heard cases not tried in the lower courts, primarily the more serious criminal cases.

The Assize judges court also deal with same type of civil cases and administrative matters as were normally dealt with in the Quarter Sessions. This could simply be a matter of convenience depending on which was to take place first.

The types of record generated by the Assizes were much the same as for the Quarter Sessions. The main issue as far as research in the North East is concerned is that Assize records are kept at The National Archives in Kew so are not readily accessible from a geographical standpoint.

The records of the Durham court are in the following series:

DURH 15	Minute books. 1770-1876
DURH 16	Goal books. 1753-1876
DURH 17	Indictments and other records. 1582-1877
DURH 18	Depositions of witness. 1843-1876
DURH 19	Miscellaneous records. 1471-1815

Northumberland Assize records are in series ASSI and can be found in the [Discovery](#) catalogue using this as a reference together with terms such as Northumberland and Newcastle.

The ASSI series includes some name indexing. For example, ASSI 45/14/1/109 is a deposition of Lancelot Newton taken in Northumberland in 1684.

An example of a case tried before the Assizes is given below.

Frances Ellen Aldred

Family background

Frances Ellen Aldred was born Frances Ellen Fox in Ilkeston, Derbyshire, in 1865. She was the daughter of Thomas Fox, a joiner. In the 1871 census, when Frances was 6 years old, her father is described as a widower. 4 older siblings were also living with Thomas and Frances in 1871. By the 1881 census Frances (known as Ellen) was in domestic service in Nottingham. In Q4 1885 Ellen married Edward Aldred, a coal miner, in Nottingham and they settled in Ilkeston to start a family. The 1891 census shows the couple with three Ilkeston-born children:

George Arthur	b. 1886	
Gertrude	b. 1888	
Margaret	b. 1890	d. 1891

I discovered Ellen by chance when searching the online newspapers¹. What caught my attention was that she was tried not once but twice within the space of five years for killing one of her children – the first time she was acquitted, the second time she was discharged on the grounds that a valid bill had not been presented. As a friend remarked when I told her about the cases, Ellen was either very unlucky or a very evil woman who was very lucky!

1891 - The Murder of Margaret Aldred

Edward Aldred had physically and mentally mistreated his wife since the early days of their marriage, locking her out of the house, beating her with his fists and even threatening her with a red-hot poker.

On the 18 June 1891, aged just 26, Ellen was accused by the lodger of stealing a watch and was in terror of what her husband would do to her as a consequence. A neighbour saw her walking towards the Erewash Canal with her youngest child, Margaret, 13 months, in a state of great distress and threatening to throw herself in. It would appear that this was what she did, possibly taking young Margaret with her. She left a note which supposedly said:

Dear husband. When you read this I shall be gone, both me and my baby, out of the road. Be kind to my children when I am gone. Don't think ill of me. Kiss the children for me and my little Gertie. Lizzie thinks I have."

A couple of men working on the railway nearby heard the noise and ran to the spot and pulled both Ellen and Margaret out. Ellen was revived by artificial respiration but unfortunately the baby was dead.

The inquest, held at the Sir John Warren Hotel in Ilkeston on Saturday, 20 June, ruled that Margaret was murdered by her mother.

Ellen was brought before the local magistrates in a special sitting of the Ilkeston Bench on the morning of the 30 June. The report in the Nottingham Evening Post of that day includes a virtual transcript of all the testimony in the case. At the end of this session Ellen was committed for trial at the next Derbyshire Assizes on a charge of "Wilful Murder".

Ellen's trial took place on the 20 July 1891 at the Shire Hall, Derby, before Mr Justice Vaughan Williams. Again the Nottingham Evening Post for that day published the story in great detail - 2½ columns being filled. It would appear that the judge gave a summing up strongly in Ellen's favour, arguing that there was no evidence that she indeed harmed her child. The judge also made a very strong denunciation of men who beat their wives – "men who brutally beat their wives would be boycotted and cast out of the society of all decent men".

With 15 minutes the jury returned a verdict of "Not guilty" and Ellen was discharged from the court.

On returning to Ilkeston by train, Ellen had to slip away to avoid her supporters whereas Edward Aldred was mobbed by the angry crowd.

¹ British Newspaper Archive www.findmypast.co.uk 12/6/2015

The TNA Assize records are not available online, however there is a record of Ellen in the Criminal Registers, 1791-1892².

Ellen was the 16th case on the list for that day. The entry is simple. The charge is “murder” and the verdict is “acquitted”

The record of the case is at the National Archives in ASSI 13/21, which is for the Midland Circuit: Criminal Depositions and Case Papers.

The second case was in February 1895 when Ellen was accused of killing another child, in this case a new-born daughter, on the 10 December 1894. This case was not brought to trial as the Grand Jury decided that a true bill had not been presented – i.e. there was no valid case to answer.

Ellen disappears from the records after 1895.

Hints and Tips

- Before 1733 records will be in Latin.
- The Assize records are only held at TNA. It is possible to order copies but this may be expensive.
- Online criminal records such as the Criminal Registers may show that an ancestor appeared in the Assize courts.
- Newspapers are likely to provide the most accessible source of information on Assize court cases. These often contain detailed reports of cases and will be held in local County Record Offices and may also be available online.

Disclaimer: This document is intended as a guide to get you started with researching your family history. It is not intended to be comprehensive and Cameo Family History does not accept responsibility for errors and omissions.

² www.ancestry.co.uk 1/8/2020