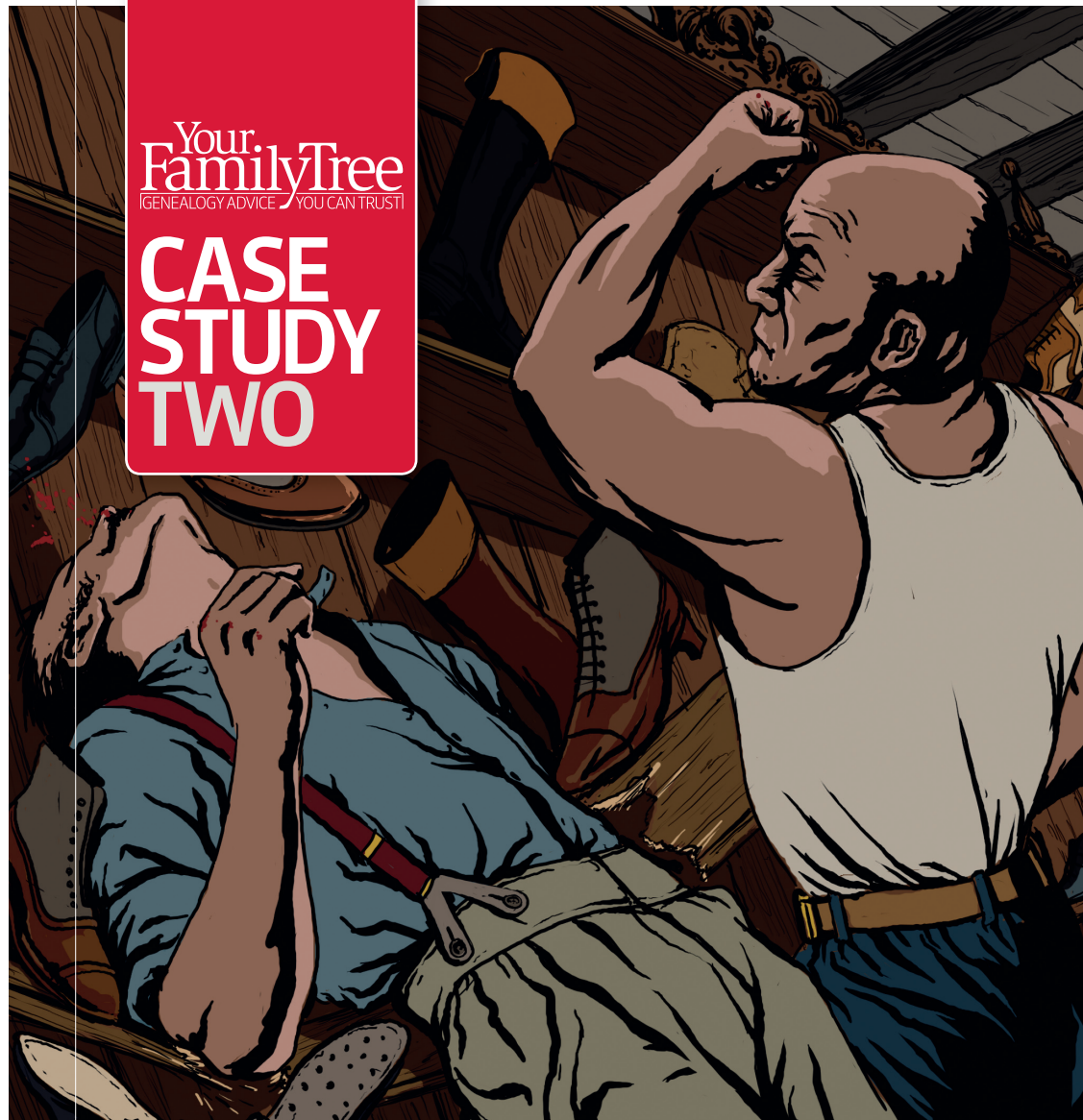


CASE STUDY TWO



Feuding family in the dock

How our reader's London forebear went
on trial after a ruckus in a shoe-shop

By **Luke Moulard**



Luke is a professional genealogist, having set up Kith & Kin Research (www.kithandkinresearch.co.uk) on leaving sixth form. He believes it's important to set our ancestors' lives against the wider context in which they lived.

The majority of my ancestors are from the West Country, where they tilled the land in relative peace. So, I was enthusiastic when I discovered a colourful family

branch in London, who ended up in the Old Bailey after fisticuffs got out of control in a shop.

I'd reached a dead-end in my maternal lineage, because my 2x great-grandmother, Ellen Maud Moore, was born out of wedlock in March 1871. Her birth certificate gave no name for her father. Albeit with low expectations of finding further detail, I decided to order a copy of her marriage certificate, in case it could shed some further light on the situation. When it

arrived, I received a surprise: her father's name and occupation duly recorded on the document.

Equipped with this vital information, I quickly made a search of the 1871 Census for her prospective father, George Usher, who according to the certificate was a tailor. Luck was clearly on my side and I soon found a match, living a few houses from where Ellen was born only a week or so before the census was taken. At this time, George was living with his widowed mother at Holloway Road in Islington. I'd finally broken through the brick wall.

Sole brothers

Now I was on the right track, I proceeded to trace the Usher family as far back as possible through census returns and also the London Parish Registers collection on Ancestry (www.ancestry.co.uk). It soon became clear that George had broken with family tradition by choosing a different career path to his forebears and siblings. The Ushers were heavily involved in the boot and shoemaking trade, managing their own shop in Holloway, which had been passed down the generations. They weren't a wealthy family, but appear to have lived in comfort. On the surface they seemed to be a close-knit bunch.

It was time to delve deeper into the family history and uncover more intricate details about the Ushers. Having established that they'd run their own businesses, I hoped this might provide the opportunity for further information. Had they fallen into financial difficulty or even bankruptcy? Perhaps the business featured in the newspaper for some reason? I decided my next step was to make a search of *The Times* Digital Archive (<http://archive.timesonline.co.uk/tol/archive>). I soon came across an article dated 5 January 1848, regarding a trial

CAPITAL

London

The London Parish Records collection on Ancestry (www.ancestry.co.uk) is the ideal resource to trace your capital ancestors. You can find the original registers at the London Metropolitan Archives, with some dating back as far as 1538

CERTIFIED COPY OF AN ENTRY OF BIRTH
GIVEN AT THE GENERAL REGISTER OFFICE
Application Number 379267-1

REGISTRATION DISTRICT ISLINGTON
1871 BIRTH in the Sub-district of Islington East in the County of Middlesex

Column	1	2	3	4	5	6	7	8	9	10
No.	When and where born	Name, if any	Sex	Name and surname of father	Name, surname and maiden surname of mother	Occupation of father	Signature, description and residence of informant	When registered	Signature of registrar	Name entered after registration
1	George Usher 1848 12 Holloway Road	Edmund	M	Edmund Usher	Ellen Moore		I, the son of Edmund Usher, 12 Holloway Road, Islington	1871	W. B. Lillington	Moore

CERTIFIED to be a true copy of an entry in the certified copy of a Register of Births in the District above mentioned.
Given at the GENERAL REGISTER OFFICE, under the Seal of the said Office, the 28th day of July 2008

BXCD 318068

CAUTION: THERE ARE OFFENCES RELATING TO FALSIFYING OR ALTERING A CERTIFICATE AND USING OR POSSESSING A FALSE CERTIFICATE. CROWN COPYRIGHT. WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY.

Missing father Ellen Maud Moore's birth certificate, dated March 1871

that occurred the previous day at the Central Criminal Court, more commonly known as The Old Bailey.

It rapidly transpired that the trial involved two of George Usher's uncles and other close family members as witnesses to the proceedings. The case focused on his uncle, Edward Usher, who it said had been indicted for riot and assault. A disagreement had arisen between Edward and his brother-in-law, Daniel Robert Read, regarding a branch of the family business. This dispute gradually worsened, and, on one evening in November 1847, it finally turned to violence on a dramatic scale.

Feud

Eager to learn about the new black sheep of the family, I continued my research by checking The Proceedings of the Old Bailey. You can access these for free at www.oldbaileyonline.org, and it didn't take me long to find the papers relating to Edward Usher's case. These gave the most remarkable details and paint a rather vivid picture of the events that led to his arrest.

News A report in *The Times* detailing Edward's trial

During my basic research, I learnt that Daniel Robert Read married Edward's sister, Elizabeth Usher, on 25 December 1838 at St Pancras Church, London. In August 1843, Daniel established a boot and shoemaker's shop at Holloway and put the names 'Read and Usher' above the door, 'Usher' supposedly referring to his wife's maiden name. Daniel stated in the trial that he'd taken on Elizabeth's brother, Edward, in the shop at 7s a week, for which he acted as a 'shopman'. Elizabeth stated Edward had received wages on a weekly basis and "never said anything to the contrary".

Yet, the trial papers revealed that Edward's attitude towards

**CENTRAL CRIMINAL COURT, Jan. 4.
OLD COURT.
(Before the Recorder.)**
Edward Usher, aged 22, Richard Partridge, 22, John Lawrence, 53, Henry Lawford, 23, Thomas Lawrence, 27, and John Lawrence, 24, were indicted for a riot and assault. Mr. Ballantine prosecuted, and Mr. Prendergast appeared for the defence.
The case occupied the Court for several hours, but the details were of the most uninteresting character. It seemed that a person named Reed had married the sister of the defendant Usher, and he set up a shop in the boot and shoe trade at Holloway, that business having before been carried on in the name of Usher, and it was considered advisable that the name of Usher should be kept up in the business, the defendant Usher being engaged as foreman. It appeared that after some time differences arose between the parties, and Usher then set up that he was a partner, and insisted upon having a share of the stock. In pursuance of this, on the day mentioned in the indictment he proceeded to the house, accompanied by 20 or more persons, among whom were the other defendants, and violently ejected Mr. Reed from the premises, and, in the course of the scuffle, one of the witnesses, who had interfered to protect the prosecutor, received a very severe blow from a stick, which completely severed his upper lip.
For the defence, an attempt was made to show that Usher, in point of fact, was a partner, and that what he did was merely to assert his legal rights, and, although the proceeding in question was not sought to be justified in law, this was urged as matter of extenuation.
The jury acquitted John Lawrence, the elder, and Thomas Lawrence, and convicted the other defendants, and in answer to a question put by the Court, the jury said they did not believe there was any ground for the claim of partnership that had been set up by the defendant Usher, and they recommended the other defendants to the merciful consideration of the Court, as they considered they had been drawn into the transaction through the misrepresentations of Usher.
The Recorder sentenced Usher to be imprisoned and kept to hard labour for three months, and the others for one month each.

"Daniel was struck with a spade and fell to the ground"

The Old Bailey

Read the proceedings of the judicial system

Suitably situated near Newgate Prison, the Old Bailey housed trials involving citizens from all over London and, in exceptional cases, other parts of the country. Its history dates back to the medieval courthouse, which was destroyed by the Great Fire of London in 1666 and replaced by a sturdy brick building in 1673.

Until 1868, those who were sentenced to death at the Old Bailey were duly executed in front of Newgate Prison, where the act would attract tumultuous crowds of the London population, eager to see the spectacle. Upwards of 10,000 trials were carried out at The Old Bailey between 1674 and 1834, including all death penalty cases. You can view full proceedings of Old Bailey trials from 1674 to 1913 for free at www.oldbaileyonline.org.

OCCUPATION

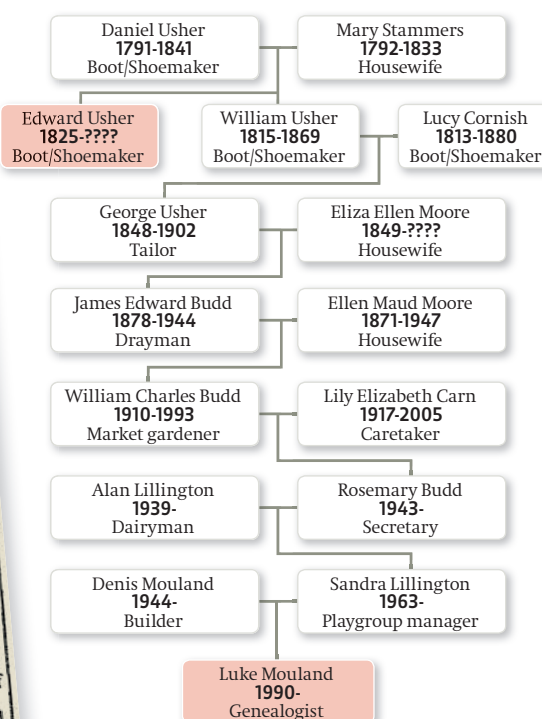
Journeyman

The term 'journeyman' applied to trained apprentices who were qualified to assist in their specific trade. It comes from the Middle English 'journee' and means "to work for a daily wage"

the situation began to change. Elizabeth, said, "my neighbours told me he had been making use of my name and saying that the name of Usher, over the door, was meant for him". Furthermore, she discovered that Edward had been stealing stock from the business, but decided not to prosecute him.

At about 5.30pm on 14 November 1848, Daniel

THE USHER/BUDD FAMILY TREE



Felon Edward's entry in the criminal register, dated 1848

Names of Offenders	Degree of Instruction	Ages	At what Sessions Tried or Discharged without Trial	OFFENCES of which those Tried were Convicted or Acquitted—and of which those Discharged without Trial were charged on Indictment or Commitment
Usher Edward	Imp	23	Central Criminal Court, 3rd January	Riot and Trouble Entry
Vigo James	N	16	County adj. Sessions, Clerkenwell, 17th January	Larceny
Viles John	N	23		Larceny from the Person
Urquhart Richard				

proceeded to his shop in Holloway with five men, having been alerted to trouble. On entering the premises, he found Edward and several others, leisurely smoking in the parlour. After enquiring what they wanted, one of Edward's men apparently replied, "This is Usher's place, and we have got possession, and we will keep it". Daniel warned he'd be contacting his solicitor and, with this, Edward left the shop. However, within ten minutes he returned with "20 or 30 navigators from the railway", who immediately pounced upon Read's men, causing a full-scale fight to take place. The transcript reveals how the men tore fixtures from the walls of the shop to use as weapons and to defend themselves with. During the fight, Daniel was

struck with a spade and fell to the ground. One of Daniel's men was brutally attacked, receiving a strong blow to his face, which cut a severe wound from his eye to his chin. As the papers state, "there was a great deal of noise and blood flowed".

Edward continued to claim he was an equal partner in the business and that he'd merely asserted his legal rights through his actions. Though the court acknowledged this statement, it wasn't deemed possible to justify this in law, as the report in *The Times* mentions.

Aftermath

Edward was sentenced to imprisonment and hard labour for three months and all but two of his men were sentenced to the same. To complete my research, I made a brief search of the Criminal Registers, which you can access on Ancestry. These list Edward accordingly, confirming he was just 23 years of age at the time of his conviction.

Daniel abandoned the boot and shoemaking business not long after the incident, setting up as a picture carver instead. However, he proceeded to suffer nothing but misfortune and a rather sad fate. Following the trial, he was admitted to Bethnal Green Asylum on numerous occasions and appears to have suffered from persistent mental health issues. He was eventually admitted to Leavesden Asylum (near Watford) on 25 October 1870, where he spent the rest of his life. I obtained a copy of his death certificate, which revealed that he died in the institution on 6 October 1889, from "dementia and gradual exhaustion".

On the other hand, Edward completed his sentence and I found him on the 1851 Census, by which time he'd taken up lodgings in Islington. His occupation was recorded as "shoemaker journeyman", so presumably he continued to work in this trade. However, I'm unable to confirm whether he proceeded to re-establish himself, as there's no trace of him from this point forward. I do wonder whether Edward

"The men tore fixtures from the walls of the shop to use as weapons and to defend themselves with"

was disowned by the rest of his family, compelling him to leave his colourful past behind. I find it hard to cast judgement on my ancestors because, in truth, I'm rather pleased to have a rogue or two in the family. I hope that Edward settled down and live out the rest of his days in happiness, wherever he ended up. ■

In the news

Did your ancestors appear in press?

The Times Digital Archive (<http://archive.timesonline.co.uk/tol/archive>) holds 200 year's worth of history, detailing events and notices from 1785 to 1985. The announcements of births, marriages and deaths can be particularly useful, as well as the lists of those killed or wounded in battle. The London Gazette (www.london-gazette.co.uk) can also be helpful for genealogists, as it lists Government appointments and promotions, bankrupts, insolvent debtors and those who received military awards and decorations.

For matters on a local scale, the British Library Newspapers database (<http://newspapers.bl.uk/bls>) gives access to a host of other publications from across the country, in which you could well find references to your ancestors.

RECORDS

Criminals

The criminal registers database at Ancestry (www.ancestry.co.uk) covers England and Wales from 1791 to 1892. It gives information for convicts, such as age, the crime, the sentence received and, if your ancestor was unfortunate enough, the date of execution

CONTACTS

Ancestry

www.ancestry.co.uk

Old Bailey Online

www.oldbaileyonline.org

The Times Archive

<http://archive.timesonline.co.uk/tol/archive>

FURTHER READING

Tracing Your Criminal Ancestors

Stephen Wade, 2009, Pen & Sword Books, ISBN: 9781848840577