DIGITAL FORUM

Crime – and its Fabrication: A Review of New Digital Resources in the History of Crime

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During the last eighteen months, we have arguably experienced a mini 'crime wave' in the digitisation of nineteenth-century sources in the United Kingdom. This has, of course, been most apparent in the release of the nineteenth-century *Old Bailey Proceedings* as part of the '*Proceedings of the Old Bailey*' (Universities of Sheffield and Hertfordshire and the Open University, <http://www.oldbaileyonline.org/>) in spring 2008, but the theme of crime has also formed a substantial component of at least two other large, ambitious and ongoing projects, the *19th Century British Library Newspapers* (British Library and Gale, <http://infotrac.galegroup.com/itweb/britlibtr>), the first stage of which was released in late 2007, and the Bodleian Library's John Johnson Collection of Printed Ephemera (Bodleian Library and ProQuest, <http://johnjohnson.chadwyck.co.uk>), part of which was made available online in April 2008. These three projects certainly suggest and actively encourage substantial activity in the field of nineteenth-century crime, but how, if indeed at all, will the projects push forward scholarship in this area? Most obviously, the three projects provide easy access for scholars around the world, and especially for those who might not otherwise be able to consult the material. But will these scholars be propelled in new directions, and uncover new research questions, that they might not otherwise have been exposed to by their use of the online resources? Or will the ease and speed of use, combined with an optimistic faith in the mechanics and accuracy of digitisation, generate rushed and maybe superficial research which fails to take account of the gaps and pitfalls of internet resources? It is precisely these questions, problems and fears which this short review seeks to explore.

Since its first wave of funding in 2000, the Old Bailey Online has been an ambitious and extremely successful project. The digitisation of court transcripts (known as the *Sessions Papers*, or the *Old Bailey Proceedings*) from London's premier criminal court between 1674 and

1834 proved popular not only with those in academe but also with family historians eager to find criminal ancestors, and the public generally, who remain fascinated by both celebrity criminals and the gruesome reach of the eighteenth-century capital code. This wide base of support and further funding in 2005 made possible the collection and release of the *Sessions Papers* from late 1834, when the Old Bailey was renamed the Central Criminal Court by a Government Act, until April 1913, when the *Proceedings* ceased publication. The transcripts of trials at the Central Criminal Court during the nineteenth century certainly make for fascinating reading. They contain details of the indictments of offenders, evidence presented by witnesses for both the prosecution and defence along with some detail of the cross-examination by the barristers, and the verdict with, if guilty, the punishment imposed. Visitors to the *Proceedings of the Old Bailey* are able to search the *Proceedings*, for example, for the name of offenders, for specific offences or offence categories, for locations of crime, or for any keyword across the whole text from 1674 to 1913.

The use of these accounts of trials has a long pedigree, and they proved especially valuable as a source in the emergence of 'history from below' in the mid-twentieth century. Patterns in witness testimonies have shed light upon the lives of the poor, or those who left little historical record, a path of inquiry pioneered by M. Dorothy George in *London Life in the Eighteenth Century* as early as 1925.[1] And of course the trials have been used to tell us a great deal about the nature of crime and its punishment in eighteenth- and nineteenth-century London, for instance, crimes that were particularly prevalent, the circumstances in which crimes were committed, commonalities in the character of offenders, and points at which the sympathies of judge and jury might have had an impact on the fate of the offender. There is no doubt that free world-wide access to the *Proceedings of the Old Bailey*, and the ease of searching the *Proceedings*, will encourage more of this type of research, especially for the nineteenth century.

However, with the release of the *Central Criminal Court Proceedings* in the spring, a new, additional function was also unveiled to researchers, a statistics button, which allows users, in an instant, to build bar charts, pie graphs and tables based on their chosen criteria, and thus illustrate patterns in crime, verdicts and punishments either across the whole period, 1674 to 1913, or in any part of that period. It is a remarkable tool, both fun and easy to use, but, in the wrong hands, it might prove to be very dangerous. For instance, at the conference organised to celebrate the release of the 1834–1913 *Proceedings*, one historian remarked in his closing comments that the extension of

content contained in the *Proceedings of the Old Bailey* up to 1913 has the potential to break down previous temporal boundaries in the history of crime, and so should provide an important opportunity for eighteenth-century historians and nineteenth-century historians to engage in much more fruitful discussion, to pay greater attention to the longue durée.[2] The ability to generate, in an instant, statistics of crime over the entire period of the *Old Bailey Proceedings*, should go some way towards facilitating this. Yet great caution needs to be taken in adopting such an approach. After all, the Central Criminal Court after 1834 was a very different court from the eighteenth-century Old Bailey. During the eighteenth century, the Old Bailey had served as the predominant criminal court for the City of London and County of Middlesex, with power to hear trials for serious indictable offences, in other words, those crimes carrying a capital sentence, as well as a considerable proportion of non-capital property crimes. The Central Criminal Court Act of 1834 which altered the official name of the courthouse also extended its geographical jurisdiction over metropolitan Essex, Kent and Surrey, reflecting the great expansion of London. However, over the course of the Victorian period, the representation of the range of metropolitan crime in the court was curtailed with the continuous enlargement of summary jurisdiction: a significant number of indictable crimes previously heard by higher criminal courts were reclassified and under a growing number of circumstances could be dealt with by magistrates in petty courts, for example, in 1847 (Juvenile Offenders Act), 1855 and 1879 (Criminal Justice Acts). It is a process which must be taken into account and which has already had an impact on studies of female offenders over the long term.[3]

Moreover, it is also crucial to recognise that by the early nineteenth-century, the *Proceedings*, as a publication or source, had also undergone massive change and repositioning. Although this is something that historians have begun to address, they have not yet taken full account of the implications of this process for the nineteenth century. For much of the eighteenth century, the *Old Bailey Proceedings* was a largely commercial enterprise and relatively profitable for its publishers. From the beginning, it was produced for a lay audience rather than for the legal profession, and was mainly purchased by affluent Londoners for entertainment, though also circulated among the lower orders, some of whom subsequently appeared before the bench.[4] The *Proceedings* was often digested alongside other products which together comprised the popular literature of crime, such as pamphlets and multivolume biographies on the lives of criminals.[5] During the 1770s, however,

increasing official involvement which delayed the publication of the *Proceedings*, combined with changing tastes of audiences, facilitated the rise of the London press which soon supplanted the former as the public organ of the trials heard at the Old Bailey.[6] Thus, from 1834 especially, most members of the public no longer had access to the official *Proceedings* of the Criminal Court. Their perceptions of crime were instead shaped by what they read in the newspapers, a form of print which, at the same time, was undergoing massive expansion. This is where new research needs to focus, and invaluable assistance should be provided by the *19th Century British Library Newspapers* resource.

At the end of 2007, the British Library released the first million pages of their collection of nineteenth-century newspapers, including a selection of regional newspapers and a number of leading London newspapers, some with a national circulation. With plans to release a further three million pages, it is certainly an ambitious digitisation project, and one which has been met with great enthusiasm, mostly for the same reasons as the *Proceedings of the Old Bailey* in academic circles. The accessibility of the database and the ease and speed of research which its search and browse functions offer are all points of praise. Not only are users able to search for specific keywords within selected newspapers across the whole of the nineteenth century, but, more importantly, scholars are able to compare reporting styles and layouts between newspapers, including, for example, urban and rural, metropolitan and provincial, and radical and conservative publications. This should encourage some fresh thoughts on the ways in which particular readerships for newspapers were created or catered for in the nineteenth century.

Crime reporting was a significant component of the nineteenth-century newspaper. Contemporaries certainly believed that large audiences were attracted to particular newspapers on account of their inclusion of long reports on crimes and the business of the criminal courts, and the rise of circulation rates of many titles on the occurrence of particularly gruesome murders would seem to confirm this public interest. Most nineteenth-century London newspapers (and even some regional newspapers) allocated a regular column to reporting on trials from the Central Criminal Court. By comparing the official *Proceedings* with reports in newspapers, we should begin to get a sense of the public perception of the court, the types of crime considered to be of public interest, and the narratives of crime that circulated among readers.

The short space available for this review allows us time to examine just one newspaper in this context, *Lloyd's Weekly London News*, a successful cheap weekly newspaper begun in November 1842,

Table 1. Proportion of trials at the Central Criminal Court reported in *Lloyd's Weekly Newspaper*, 1840–70 (%).

Sessions	% in *LWN*
Jan 1845	11.4
Sept 1850	14.5
Jun 1855	10.9
Apr 1860	10.3
Nov 1865	5.9

purchased and read by the lower-middle and working classes, its circulation rising from 49,000 in 1849, to about 100,000 in 1855, reaching 350,000 in 1863, and finally becoming the first newspaper to circulate one million copies in 1896.[7] Despite or perhaps because of its success, *Lloyd's Weekly News* attracted derision and censure from mid-century social commentators and respectable journalists, not to mention some recent historians, many highlighting the newspaper's violent, lurid and sensational presentation of criminal intelligence. Closer inspection, may serve to change some of these views. Although space was allocated each month for reports from the Central Criminal Court, as table one demonstrates, only a tiny proportion of the cases heard at the Central Criminal Court and contained in the *Proceedings* were reported in *Lloyd's Weekly News*. With such limited space available for reports on criminal trials, the selection of cases was all-important, and those chosen often demonstrated great variety rather than an overwhelming desire to cater for lurid or sensational tastes. Table two shows the range of cases included from each Sessions as well as the proportion of coverage for each offence category compared with the actual proportion of offences in each category in the *Old Bailey Proceedings*. From these percentages, on the one hand we might argue that readers of *Lloyd's* were not necessarily provided with an accurate, reflective summary of the trails heard at each sessions, yet on the other hand it would be very difficult to suggest that certain categories of crimes were consistently over-represented. For example, it does not seem as if *Lloyd's* was pandering to a thirst for cases containing gratuitous descriptions of violence.

But most pertinent in a comparison of the official *Proceedings* and newspaper reporting is the amount of extra detail provided by reporters of most London newspapers, such as additional narrative, from the speeches of judges to the clothes and demeanour of witnesses and defendants, and even long summaries of cases deemed too sensitive to be recorded in full in the *Proceedings*. For example, in the

Table 2. Categories of Offences – proportion of the *Old Bailey Proceedings* and proportion of the coverage in *Lloyd's Weekly Newspaper*, 1840–70 (%).

	Jan 1845		Sept 1850		Jun 1855		Apr 1860		Nov 1865	
Offence*	OBP	LWN	OBP	LWN	OBP	LWN	OBP	LWN	OBP	LWN
Person	5.3	0	7.6	26.3	7.6	20	11.3	10	14.9	50
Property	77.2	46.1	77.8	42.1	58.7	40	39.2	30	47.8	0
Deception	11.4	46.2	12.2	26.3	31.5	40	46.4	50	26.9	25
Other	6.1	7.7	1.5	5.3	2.1	0	2.1	10	10.4	25

Note: * Offence categories used:
Against the person: assault, manslaughter, murder, wounding, gbh, rape, indecent assault.
Against property: theft, embezzlement.
Deception: forgery, coining, obtaining goods under false pretences, fraud.
Other: bigamy, being at large before expiration of sentence, concealing birth.

Proceedings of September 1850, Ellen Hoar, charged with infanticide, was mentioned but no details of her trial were given, a note explaining that 'the particulars of this case were not of a nature for publication'.[8] However, *Lloyd's* published a report describing the discovery of the dead infant in the room of the accused by her landlady.[9] More obvious is the case of Robert Hunter, a doctor charged with rape and tried in November 1865.[10] Only a brief reference to the existence of the case was recorded in the *Proceedings*, yet *Lloyd's* devoted substantial space to the trial in specially headed columns distinguished from the general summary of the business of the court.[11] Given these points, it might be fair to suggest that for an accurate account of the sessions at the Old Bailey during the nineteenth century, the *Proceedings* need to be read alongside the newspapers.

Of course nineteenth-century newspapers also provide us with much more than this. They have a much wider scope than the *Proceedings* as a source on crime, containing summaries of trials heard in the petty courts, including the metropolitan police courts, accounts of trials and crimes in the provinces and a significant level of detail on specific notorious crimes, such as murders, with reports on the occurrence or discovery of the crime, the apprehension of the offender, his or her progress through the courts and, perhaps, experience of punishment. In other words, it is in newspapers that we find the acting out of the drama of crime and its punishment for audiences in the nineteenth century. Although nineteenth-century scholars have long appreciated the value of newspapers, for the most part, in relation to crime reporting, research has remained largely discreet, focusing

on specific, often celebrity, offenders, or upon the presentation of a specific crime within one newspaper over a limited period. What we need now, is a more holistic approach, looking at different types of crime reporting in varying types of newspapers over the long periods, a direction that might be encouraged by the digitisation of so many newspapers in one online location.

Furthermore, in a very recent article, Old Bailey Proceedings Online Project Director, Robert Shoemaker, concluded that the period from 1720 to 1770 was a golden age of writing about crime, 'an important and distinct period in the history of crime literature in which there was a wide readership, not only of polemical complaints and journalistic reports of repeated crime waves, but also of more sympathetic accounts found in criminal biographies and other sources', a statement which subscribes to an old grand narrative about the increasing respectability of the middling sorts and the taming of popular culture.[12] This statement should serve as a call to arms for nineteenth-century scholars, to demonstrate the importance of crime in Victorian culture, the range of locations in which it featured, and crucial points of both change and continuity. A comparison of crime reporting in a range of newspapers with very different readerships, for example, may lead to the conclusion that the boundaries between high and low in the Victorian period were not as rigid as we might expect.

And the inclusion in the *19th Century British Library Newspapers* of a particularly notorious weekly journal almost solely dedicated to crime reporting, the *Illustrated Police News,* may serve to bring some of these points into sharp focus. The tendency of contemporaries and historians alike to relegate the *Illustrated Police News* to the margins, and thus sidestep detailed, serious analysis, needs redress. Its long life (1864–1938), circulation of over 100,000, competitors, and internal evidence suggest that the audience for the paper might have been much more diverse and significant than previously thought.[13] Moreover, the *Illustrated Police News* provides vital evidence of notable continuities in the popular literature of crime, stretching from the eighteenth century. Criminal biographies were regularly advertised on the back page, though these potentially were intended for a much more specialised audience. More importantly, one cannot help but see the continuation of the crime broadside tradition in the design of its front page, perhaps breathing new life into a genre previously thought to have declined with the rise of the newspaper and the abolition of public execution.

Crime and execution broadsides, as well as other surviving pieces of crime ephemera, form the subject of another recent project, the

digitisation of selected materials from the John Johnson Collection of Printed Ephemera at the Bodleian Library. Approximately one third or about 400 items of the intended total on crime have been made available for public access, the remainder scheduled for release in mid 2009. In the main, those released are broadsides from the early decades of the nineteenth century with a small proportion from the eighteenth century, and are mostly those published and disseminated in the provinces. For example, in the contents of the two crime boxes, around 70 per cent of dated broadsides are from the nineteenth century, and only about 10 per cent of the total were printed in London and circulated among a metropolitan audience.

Crime broadsides have captured the attention of several historians and formed the basis of a number of important studies.[14] However, it could certainly be argued that more needs to be done. These early-nineteenth century broadsides in the John Johnson Collection offer a prime opportunity to explore much more fully the way in which broadsides adapted and flourished despite changes in the criminal code, such as the repeal of the capital statutes, which might have limited their previous application. Moreover, provincial broadside printers have traditionally received very little attention. V.A.C. Gatrell has suggested that these often undecorated execution homilies were purchased by tradesmen, farmers, and genteel folk who used their moral narratives to preach to their servants and dependents, a statement confirmed by the London sellers interviewed by Henry Mayhew who sometimes toured the provinces selling their wares.[15] Indeed, a study exploring both contrasts and the degree of cultural exchange between the centre and the periphery during the nineteenth century, perhaps even challenging the dominance of the metropolis, would be very welcome. The release of the very graphic, mid-nineteenth century broadsides published by London printers in summer 2009 should also stimulate further exploration of this popular genre, in particular, the way in which these broadsides, viewed in conjunction with other similar entertainments in early Victorian London, present a very different picture of crime in the metropolis from that painted by studies of real crime and the official statistics.

In sum, it would be fair to say that the process of digitisation in these three separate projects, apart from presenting researchers with easy access to resources in the history of crime during the nineteenth century, does not necessarily push forward scholarship in criminal justice history or related fields. If anything, caution should be taken in the use of all these resources, with an understanding of technical

limits and context. Rather, it is the emergence of the three projects at the same time which should suggest new paths for research.

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Endnotes

1. See also J. Hurl-Eamon, 'Insights into Plebeian Marriage: Soldiers, Sailors, and their Wives in the Old Bailey Proceedings', *London Journal*, 30 (2005), 22–38, Rictor Norton, 'Recovering gay history from the *Old Bailey*', *London Journal*, 30 (2005), 39–54, Norma Myers, 'In search of the invisible: British Black family and community, 1780–1830', *Slavery and Abolition*, 13 (1992), 156–180, Lynn McKay, 'Why they Stole: Women in the Old Bailey, 1779–1789', *Journal of Social History*, 32 (1999), 623–39, Tim Hitchcock, *Down and Out in Eighteenth-Century London* (London, Hambledon and London, 2005), Tim Hitchcock and Robert B. Shoemaker, *Tales from the hanging court* (London, Hodder Arnold, 2006), Tony Henderson, *Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis, 1730–1830* (London, Longman, 1999), Hans-Joachim Voth, *Time and Work in England, 1750–1830* (Oxford, Oxford University Press, 2000).
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7. Richard Altick, *The English common reader: A social history of the mass reading public, 1800–1900* (Chicago, University of Chicago Press, 1957), pp. 394–395.
8. *Old Bailey Proceedings*, Sept 1850, trial of Ellen Hoar (t18500916–1590).
9. *Lloyd's Weekly Newspaper*, 22 Sept 1850, p. 3. See also similar report in *The Times*, 19 Sept 1850, pp. 6–7.
10. *Old Bailey Proceedings*, Nov 1865, trial of Robert Hunter (t18651120–50).
11. *Lloyd's Weekly Newspaper*, 26 November 1865, p. 5. See also similar report in *The Times*, 25 November 1865, p. 12.
12. Shoemaker, 'The representation of crime and criminal justice in eighteenth-century London', p. 579.
13. Altick, *The English common reader*, pp. 394–395.

14. For instance, V.A.C. Gatrell, *The hanging tree: execution and the English people, 1770–1868* (Oxford, Oxford University Press, 1994), David Vincent, *Literacy and popular culture: England, 1750–1914* (Cambridge, Cambridge University Press, 1989), Martha Vicinus, *The industrial muse: a study of nineteenth-century British working-class literature* (London, Croom Helm, 1974), Leslie Shepard, *The history of street literature* (Newton Abbott, David & Charles, 1973), Victor E. Neuburg, 'The literature of the streets', in H.J. Dyos and Michael Wolff, eds. *The Victorian City* (2 vols., London, Routledge & Kegan Paul, 1973), I, pp. 191–209, Philippe Chassaigne, 'Popular representations of crime: the crime broadside – a subculture of violence in Victorian Britain?', *Crime, Histoire et Sociétés,* 3 (1999), pp. 23–55.
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Victorian Literature Out Loud: Digital Audio Resources for the Classroom

Matthew Rubery

'One thing which I shall remember all my life is the astonishing sensation produced upon me by your wonderful invention': the words are spoken by Robert Browning after reciting his poem 'How They Brought the Good News from Ghent to Aix' into a phonograph in 1889. Browning's recording is still available to modern audiences at *The Poetry Archive* <http://www.poetryarchive.org>, one of a number of online audio resources that allow us to hear writers reading aloud their own work from as long ago as the 1880s. While Browning's recital may be remembered today more for its vintage than for its volubility (the barely audible speaker twice forgets the words to his own poem before abandoning the effort altogether), it is a rare specimen of Victorian poetry preserved on wax cylinders that is still available for playback through today's audio equipment. We should likewise voice our astonishment at the ease with which sound reproduction technology now makes it possible for us to hear the voice of Browning as we can never hear those of his contemporaries.

The 'Missing Voices' section of *The Poetry Archive* invites listeners to fill gaps in the collection of historic recordings. Listeners who happen to have Thomas Hardy or A. E. Housman preserved on an old 78 in their attics, we are told, should contact the organisation's archivists as soon as possible. The unlikelihood of discovering previously unknown recordings by dead poets means that the 'Missing Voices' from the nineteenth century are likely to remain just that. Yet their absence from the archives does not mean that we should allow these voices

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