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Newspaper reporting and attitudes to crime and justice in late-eighteenth- and early-nineteenth-century London

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ABSTRACT. As other sources of printed information about crime, such as the *Ordinary's Accounts of the lives of executed criminals*, lost their audience in the final third of the eighteenth century, newspapers came increasingly to dominate printed discussions of crime. However, no substantial study of the overall nature of newspaper reporting on crime and criminal justice issues has yet been undertaken. By focusing on the London press from the 1780s to the early years of the nineteenth century, this study aims to address a range of questions about the structure of crime and justice reporting, about the selectivity of law and order news and about the types of narratives and discursive structures that can be found at different periods. In particular it highlights the ways in which the multi-vocal, sporadic, brief and sometimes chaotic styles of crime reporting in newspapers created a kaleidoscope of different and often contradictory messages about such issues as the prevalence of violent crime, the effectiveness of policing and penal institutions and the quality of justice meted out by the courts. The printed word had a much less integrative role in relation to law and order issues than historians have sometimes suggested.

Since very few of the inhabitants of late-eighteenth-century London would have had extensive first-hand experience of crime or of criminal justice institutions, most would have based their sense of the prevalence of crime, of the effectiveness of policing and of the nature of justice on other sources. Oral news networks in the neighbourhoods where they lived or worked would have provided some perspectives, as would letters and travellers from further afield. However, a large proportion of the population of late-eighteenth-century England would have gained most of

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their information about these issues from printed sources, and in particular from the newspapers. Both in London and in the provinces, items of news about crime, court hearings and other aspects of the criminal justice process had been staples of newspaper production since their inception and this continued to be the case in the period covered here.¹ Newspaper sales were rising impressively during the second half of the eighteenth century and by 1786 at least nine dailies, eight tri-weeklies and nine weeklies were being published in London. By 1792 London had fourteen dailies and eleven tri-weeklies. Circulation figures are a matter of some dispute but between them these papers probably had a circulation of at least 25,000 copies. Since several contemporaries argued that at least 20 people read, or heard read, some of the contents of each copy, it is not unlikely that the majority of the adult population of London would have had at least some significant exposure to newspaper-transmitted news on a very regular basis. By the late eighteenth century, as Hannah Barker has recently indicated, London's newspapers were reaching an increasingly broad audience which was no longer confined to the gentry and the middling sort.²

Other forms of printed material about crime and criminal justice remained important, of course. The sale of broadsides about the execution of criminals grew rapidly in this period and many other forms of printed material continued to be published in large numbers. Cheap one-page ballads, handbills and cartoons met the demands of the poorer end of the market. Longer pamphlets on the lives of individual criminals, lengthy volumes on penal or policing reform and large omnibus editions of the lives of the condemned were available for those with more money to spend.³ However, by the late eighteenth century the newspapers were almost certainly the most widely read source of printed information about crime and justice. Not only were newspaper publication figures growing rapidly – by 1801 seven million stamps were issued annually for London papers alone – but also two of the newspaper's main London-based competitors as key sources of printed information about crime and its treatment by the courts – the official printed life-stories of the condemned and the formal trial reports published in the Old Bailey sessions papers – were both rapidly losing their audiences in the last third of the eighteenth century. The 'Accounts' by the Ordinary (chaplain) of Newgate Prison of the offenders executed at Tyburn had failed to hold onto their market and had ceased to be a regular serial production by the early 1770s.⁴ The printers of the Old Bailey sessions papers (OBSP), hampered by official demands for more extensive and accurate coverage, were unable to cope with the increasing competition of the newspapers in the last quarter of the eighteenth century and apart from the large

number of free copies that they were obliged to send to City officials the circulation they managed to achieve dropped dramatically. During the later 1780s as the OBSP's commercial viability was undermined, the City authorities had to begin subsidizing its publication and outside the confines of the legal community, where it continued to find a limited market, its readership was probably small.⁵ Like the Ordinary's Accounts it disappeared as a major competitor to the newspaper in the final decades of the eighteenth century.

Given the importance of newspapers as purveyors of law and order news in this period, it is surprising that no substantial study of the overall nature of newspaper reporting on crime and criminal justice issues has yet been undertaken. Other forms of printed material about crime have received detailed attention from historians, most notably (for the late seventeenth and early eighteenth centuries) in Andrea McKenzie's research on the popular literature of crime in England and in Lincoln Faller's book on the forms and functions of criminal biography; equally the history of the OBSP has recently been subjected to considerable scrutiny.⁶ However, while the functions of certain forms of newspaper advertising have been analysed, and while a few micro-histories, such as Andrew and McGowen's excellent study of the famous case of the Perreaus and Mrs Rudd, have employed an impressive range of material from the papers, most historians of crime and justice in the eighteenth and early nineteenth centuries have made only very sporadic use of newspapers to supplement their main sources.⁷ The short-term impact of newspaper reporting on levels of anxiety about crime and on policing and punishment policies has received attention in detailed case studies of moral panics about violent street crime,⁸ and more generally historians of crime in mid- and late-Victorian England have recently begun to explore in more detail the ways the newspapers reported various types of behaviour which contemporaries would have defined as deviant.⁹ However, apart from Esther Snell's excellent recent work on perceptions of violent crime in *The Kentish Post* 1717–1768 and Simon Devereaux's article exploring patterns of Old Bailey reporting in the newspapers, work on this category of reporting before 1850 has continued to be based primarily on the study of individual offences, and often on a micro-history of one case.¹⁰

By contrast, the overall structure of crime and justice reporting and the various discursive frameworks which can be found within the highly varied 'law and order news' of the late eighteenth and early nineteenth centuries has remained almost completely unstudied. This is a significant gap in the criminal justice history of this period for several reasons. First, contemporaries' sense of the prevalence of various types of crime

and their overall fear of crime and violence may well have been deeply influenced by what they read in the newspapers. Secondly, both the resulting levels of anxiety and the information about the effectiveness of various responses to crime conveyed in the newspaper reports would have affected contemporaries' sense of what measures needed to be introduced to combat crime, whether those involved policing initiatives, changes in sentencing and pardoning policies or other less formal responses. Finally, given the emphasis that many historians of crime have put on the ideological functions of the law and particularly on the role of the rituals, procedures and judgements of the courts,¹¹ it is surely important to ask what role, if any, the press played in reinforcing or undermining their reader's sense of the legitimacy of the criminal justice system.

In order to begin to address some of these issues this study focuses on the London press from the 1780s to the early years of the nineteenth century. In the process it aims to provide at least preliminary answers to a range of questions about the structure of crime and justice reporting, about the selectivity of law and order news and about the types of narratives and discursive structures that can be found at different periods within these important sources. Given that the London press was the key source from which provincial as well as metropolitan readers got their law and order news, the key focus here has been on the metropolitan press, although, as I have discussed elsewhere, provincial newspapers also had an impact not only as vectors for metropolitan news but also as increasingly important sources of information about crimes, courts and punishments in their own regions. It is never easy to assess how law and order news was received by its varied readerships, or indeed how each reader chose between the various potential ways of reading each individual text. However, since newspapers created a vital repository of ways of thinking about such issues, an analysis of the most important discursive frameworks which their reports contained is clearly vital if we are to build a more complete picture of the main forces that shaped attitudes to crime and justice in this period. In assessing these frameworks this study will take a number of approaches but in the process it will particularly highlight two related and more general aspects of newspaper reporting in this period. First is the ways in which its multi-vocal, sporadic, brief and sometimes chaotic styles of reporting created a kaleidoscope of different and often contradictory messages about, for example, the prevalence of violent crime, the effectiveness of policing and penal institutions, and the quality of justice meted out by the courts. The second, related, focus will be on the very different overall tone that these multi-faceted newspaper reports created in comparison to the offender-centred

narratives found in the printed criminal biographies and Ordinary's accounts that were so popular in the seventeenth and eighteenth centuries. These narratives, historians like Faller have suggested, played an important palliative role, serving specific cultural functions and offering a 'convenient' way for readers to cope with crime and to justify the extreme penal severity which many offenders suffered. By contrast, it will be argued here (in line with Snell's work on provincial newspapers, also printed in this number of *Continuity and Change*) that the study of the London press from the late eighteenth century onwards indicates a much less integrative role for the printed word. Newspaper reports did not usually provide a societal coping mechanism, a reassuring means of understanding the motivations and behaviour of offenders. Because newspapers included a variety of victims' perspectives, and gave off mixed messages about the authorities' reactions to crime while often leaving crime events unresolved and including very little information on offenders' backgrounds, they rarely offered their readers a neat means of resolving their anxieties. The newspapers' lack of long in-depth accounts, their collage-like style and their multi-vocal nature therefore forced the readers to forge their own sense of the degree to which printed discourses might offer them any real insights into, or strategies for understanding, both the prevalence of crime and the effectiveness of the authorities' reactions to it.¹²

I

In mid February 1790 many of the London newspapers carried a brief description of the last moments of two footpads – Thomas Newton, a young out-of-place servant, and John Durham, a soldier in the foot guards. These accounts were not especially arresting reading, although they did report that Durham was 'so ill that he sat in a chair in the cart while the Ordinary was praying with him' and needed 'to be held while the executioner was tying him up to the beam'.¹³ However, this story would have been of considerable interest to many readers because over the previous month and a half regular reports relating to the crimes, arrest, committal, trial and sentencing of these two offenders, and of two of their confederates (who, respectively, avoided the gallows by turning King's evidence and by dying before the hanging day) had appeared at regular intervals in almost all the papers.

These reports fall into five main categories and serve as an illustration of the main types of crime and justice stories that made up the bulk of the coverage of law and order news in late-eighteenth-century newspapers. The reports began at the turn of the year with a series of brief

descriptions of highway robberies on the western edge of the capital. Under the headline 'Daring Robberies', for example, *The World* reported that at the end of Sloane Street, Chelsea, a coachman had been knocked down, robbed and threatened with having his throat cut by four men in 'regimentals of the Guards'.¹⁴ Two days later reports of four more violent robberies committed by soldiers 'within one hour and a half and within a distance little more than two miles' were the subject of a longer report which also linked these events to the previous attack on the coachman.¹⁵ By the middle of the next week, however, the reports had moved their focus entirely. They now took a second form which focused on lengthy articles about three sets of examinations heard by the magistrates of the 'Public Office, Bow Street' over a five-day period. The first of these recounted the pursuit and arrest of three footpads by three men of the Bow Street patrol who had engaged in a half-hour hand-to-hand battle with the prisoners before finally securing them and bringing them to the court for preliminary examination. The next two hearings involved the questioning of various victims of recent violent highway robberies, most of whom identified one or more of the robbers. These reports were roughly structured around the chronology of the hearings themselves. In the process they not only focused considerable attention on the extreme violence used by the footpads but also highlighted both the initial courage of the patrol and the proactive detective work then done by three Bow Street runners, who had arrested a fourth member of the gang and persuaded him to turn King's evidence against his accomplices. This work eventually resulted, as several newspapers noted a few days later, in the preparation of nine separate indictments for highway robbery against the prisoners.¹⁶

These were presented at the Old Bailey in mid January and led to the printing of a third type of newspaper report – one that focused on the jury trial itself. Most of the newspapers offered considerable space to this trial. The reports, like the trial itself, now centred on just one crime – the one committed in Chelsea against the coachman. Although the language and structure of the accounts differed somewhat between newspapers, they all followed the chronology of the trial – the victim's description, the supporting witnesses for the prosecution, the cross-examination by the prisoners' counsel and the prisoners' rather brief statements in their defence. Some of the papers then gave considerable space to the judge's summing up, and to the jury's decision to convict all three but to then single out Newton, who was only 16 and had been able to provide many excellent witnesses as to his character, for a recommendation to mercy. The judge, however, as *The Argus* reported, 'shut his ears' to their request. 'If men set out upon the desperate practice of plundering others;

let them do it without barbarity', he was recorded as observing. Their unnecessary cruelty meant that they all must hang.¹⁷

The fourth stage of the reporting process then followed the prisoners on their journey to the fatal tree – through the death of Jones in gaol, through the Recorder's formal overall pardoning announcement (which indicated that Durham and Newton were now the only capital convicts who would be sent to the gallows that sessions), through a false report in *The World* that wrongly recorded Newton's reprieve, to the final early morning moments of despair and anguish outside Newgate. The reader could not only follow the journey but also soak up a little of the pathos, as at least one report from Newgate noted that Newton was 'a handsome youth, about 17 years of age, is very penitent, confesses his guilt, and alleges that he was drawn in by his accomplices to perpetrate the horrid deed for which he is shortly to suffer'.¹⁸

The observant reader would also have picked up a fifth type of newspaper reporting which arose in part out of this case: a group of more general comments on its implications for social and judicial policy. Three such themes can fairly easily be identified in the newspapers. First, the need for 'proper regulation among the guards who are become the common footpads of the night' was remarked on in several papers. 'The evil', it was suggested, lay in 'permitting them to be billeted on public houses' (where two of the footpads in the above case had been living). The answer was to keep them 'within the walls of a barrack' where they could only go out at night with the written permission of an officer.¹⁹ The second social policy suggestion tried, less convincingly, to link these and other highway robberies to the concerns about boxing recently expressed by the Proclamation Society by arguing that 'many of the cruelties which have accompanied recent robberies, may be in some measure attributed to the revival of this brutal practice.'²⁰ Finally, the Bow Street magistrates could not resist linking their success in these and other highway robbery cases to a more general argument in favour of recent policing innovations. A few days after the Bow Street examinations of Newton, Durham and Jones had been reported in the newspapers, *The Public Advertiser*, for example, carried the following paragraph: 'The good effects arising from the plan (which we understand to have originated with that very able magistrate Sir Sampson Wright) of having a patrol to the different roads, subject to the control of this office, we have recently had proof of, and in addition ... that was it not for these people, where there is now one robbery committed, there would be at least ten.'²¹ From the point of view of those who wished to control boxing, who were advocating barracks for the military or who wanted to increase the levels of state-supported policing in the metropolis the deaths of Durham and Newton

TABLE 1
*Core crime reporting as a percentage of the total newshole in The Times
 and The London Chronicle, 1787–1821*

	1787	1790	1800	1821	All 4 years
<i>The Times</i>	12.7	12.4	9.7	7.6	11.1
<i>The London Chronicle</i>	14.6	12.4	5.3	12.3	11.0
Average of both	13.7	12.4	7.0	10.4	11.0
Total columns in survey	448	448	448	256	1600

Sources: All samples were taken from *The Times* (published daily except Sundays), 10–27 January 1787, 13–30 January 1790, 15 January–1 February 1800 and 9–17 January 1821, and from *The London Chronicle* (a tri-weekly), 9–27 January 1787, 12–30 January 1790, 14 January–1 February 1800 and 9–17 January 1821.

had therefore been put to good use in the press. Not all the papers sampled here followed every part of Newton and Durham’s story, and the depth and the language of the reports also differed considerably between papers. However, the results of the quantitative surveys of various newspapers discussed below suggest that the reports generated by Newton and Durham’s dismal journey from casual street violence to death on the gallows helpfully encompassed most of the major categories of newspaper reporting about crime and justice issues that could be found in the later eighteenth century.

II

The sample surveys from 1787, 1790, 1800 and 1821 on which Tables 1 and 2 are based indicate clearly that law and order news was part of the staple diet of the average newspaper reader in this period. There were significant differences between papers and across time, but news about crime and reports of court proceedings and other criminal justice processes were regular features of every newspaper sampled here. On average over 10 per cent of the daily newshole – that is, of that part of the newspaper that was not devoted to advertising – was filled with what can be termed as ‘core’ crime and justice stories (see Table 1). A ‘core’ story in this context has been defined rather narrowly to include only those reports which related to offences that the vast majority of contemporaries would clearly have regarded as crimes. In particular this core category includes any report of a theft or a violent crime and any further news about, or information on the arrest, trial and punishment of, such

TABLE 2
*Percentages of the newshole relating to core crime and justice stories
 and secondary law stories in five London newspapers, 1790*

	<i>Core crime and justice stories (% of total newshole)</i>	<i>Secondary law stories (additional % of total newshole)</i>	<i>Sample size (number of columns of newshole analysed)</i>
<i>The Times</i>	13.0	8.9	257.1
<i>The World</i>	7.7	7.0	228.6
<i>The Public Advertiser</i>	9.0	3.5	388.6
<i>The London Chronicle</i>	12.0	2.3	299.6
<i>The Argus</i> (half-sample)	12.0	2.1	124.8
Overall average %	10.7	4.8	Total = 1298.7

Sources: Samples were drawn from *The Times*, 13–30 January and 5–20 July 1790; *The World*, 13–30 January and 5–20 July 1790; *The Public Advertiser*, 13–29 January and 7–23 July 1790; *The London Chronicle* (a tri-weekly), 12–30 January and 3–20 July 1790; and *The Argus*, 13–30 January (papers for 14 and 28 January not available), no July sample.

offenders. In addition it encompassed the relatively small number of articles that discussed or described broader patterns within these categories of crime, or policies relating to their detection, trial or punishment. Offences, arrests and court cases that happened outside Britain were excluded from this ‘core count’, as were those that occurred in Ireland, which was not part of the United Kingdom in most of the years sampled here.

This ‘core’ count forms the main basis of the analysis in this article, but in order to get a rough sense of how many additional articles, while they fall outside this very strict definition, could still very loosely be described as being about law, about policing or about potentially law-breaking acts, the 1790 survey of five papers completed for this article also recorded all those stories that fell into a ‘secondary law stories’ category (see Table 2). This included, for example, libel cases and all discussions of the criminal law in relation to libels (a very hot issue in 1790), Irish court cases, cases involving the courts of countries within the British empire, civil trials for criminal connection, and all reports headed ‘law cases’, which usually involved civil adjudications from the King’s Bench.²² Overall these ‘secondary’ themes made up just under 5 per cent of newshole in 1790, but this was largely due to the impact of a series of libel cases against newspaper proprietors. The fact that *The Times* and *The World* devoted three or four times more of their newsholes to such ‘secondary’ items in

TABLE 3
Numbers of columns of core crime and justice news per issue, sample of five London newspapers, January and July 1790

	<i>No. of issues surveyed</i>	<i>Columns of crime reports in issues sampled</i>	<i>Ave. no. of columns of crime per issue</i>	<i>Newshole as % of total columns</i>	<i>No. of columns per edition</i>
<i>The Times</i>	30	33.3	1.1	53.5	16
<i>The World</i>	30	17.7	0.6	47.6	16
<i>The Public Advertiser</i>	30	35.0	1.2	81.0	16
<i>The London Chronicle</i>	15	36.1	2.4	83.2	24
<i>The Argus (half-sample)</i>	14	15.0	1.1	55.7	16

Sources: As in Table 2.

1790 than *The Argus* or *The London Chronicle* is hardly surprising, given that the editor of *The Times* was serving a prison sentence that year for a libel on the Duke of York, while *The World's* proprietor was actually being tried in the King's Bench for a libel on the memory of Lord Cowper in early July 1790, when one of our samples was taken.²³ Clearly when studying this 'secondary law stories' category an intimate knowledge of the history of each specific paper is needed in order to make sense of the patterns of news production.²⁴ However, this was very rarely the case in relation to the kinds of everyday stories that made up the vast majority of the reports in the core crime category which is central to our analysis here.

As Table 1 indicates, variations between newspapers were much smaller in this context. In 1790 all the four dailies and the one tri-weekly (*The London Chronicle*) sampled here devoted a significant proportion of their newshole to core crime and justice stories. In the sample periods from January and July 1790 surveyed here, three of the papers used between 12 and 13 per cent of their newshole for such stories²⁵ and the other two used about 9 and 8 per cent respectively (see Table 2). Similarly, if we use actual column space rather percentage of the newshole as the basis for comparison (as in Table 3) the same picture emerges. Three of the four dailies surveyed devoted between 1.1 and 1.2 columns per issue, on average, to such news. Moreover, the tri-weekly *London Chronicle* managed 2.4 columns, although this coverage does not seem quite so impressive when it is remembered that it was an eight-page, 24-column paper whereas all the dailies carried only four pages and 16 columns. The only paper that used less than 9 per cent of its newshole on core crime

stories and published an average of less than one column of such stories per issue during the sample period was the elegant ‘Paper of Poetry’, *The World*. A highly successful newspaper which had attracted so much advertising by the end of the 1780s that it was the only one of the sampled papers that used more than half of its available page space for advertisements (see Table 3), *The World* was clearly exceptional, but even it still carried a considerable amount of crime news.²⁶

There were, of course, significant variations over time in levels of crime and justice coverage. These were often related to the changing availability of a few very specific forms of news which tended to be given more space whenever they were available. Some of these were fairly predictable and were often seasonal – when parliament was sitting, for example, most papers devoted considerable space to its proceedings. Others, particularly those relating to the flow of foreign news, followed more complex rhythms. In 1790, for instance, as the Revolution gathered pace, a very considerable amount of space was given to news of events in France,²⁷ which may well explain why the percentage of the newshole devoted to crime was lower than it had been in 1787. One thing remained constant, however. A war, provided it was being actively pursued, would always be a major column-filler, and this almost certainly explains why 1800 is the only one of the four sampled years in which law and order news clearly played a less important role (see Table 1). There may also have been less crime to report in 1800, of course, or at least less public prosecution of crime as more offenders were siphoned off into the armed forces.²⁸ Equally, peacetime periods of demobilization, higher unemployment and crowded labour markets – such as the mid 1780s – may have experienced rising levels of crime, and it is therefore interesting to note that the 1787 survey revealed the highest levels of crime reporting of any of the years analysed here (Table 1). The newspapers certainly made an important contribution to the rapid increase in anxiety about crime which is clearly visible in the peacetime decade 1783–1793 (and indeed in other peacetime periods). However, it remains unclear whether their increased reporting of crime-related issues was mainly a reflection of the growth of offending on the ground or was largely due to their need to fill the columns which had previously carried news of battles and wartime manoeuvres. Either way, the fact that *The London Chronicle* devoted nearly three times more of its newshole to law and order issues in 1787 than it did in 1800 (Table 1) is almost certainly related to the negative impact that war had on levels of crime reporting.²⁹

War was not the only thing that could impact on levels of coverage of crime news. Sometimes a one-off event, by dominating a paper’s newshole, had the effect of suddenly, if temporarily, relegating crime

and justice stories to a very minor role. In January 1821, for example, *The Times*' intensive campaign in favour of Queen Caroline was almost certainly a major reason for the relatively low level of crime stories it carried that month (see Table 1). However, long-term changes may also have had an impact here. *The Times* underwent a number of other more general changes between the late eighteenth century and 1821 and, as its reputation for reliable and rapid foreign news coverage grew during that period, it may also have downgraded more generally the space it was willing to give to domestic crime-related news.³⁰ Moreover, as we will see in the final section of this article, the nature of crime reporting itself was changing fundamentally in many newspapers between 1800 and the 1820s. However, there was very little change in the nature of crime reporting in the period 1787–1800 and it is the material collected from the 1787, 1790 and 1800 samples, and particularly from the broader range of newspapers surveyed from 1790, that forms the basis of the analysis in the next two sections of this article.³¹

III

What were the main types of core crime and justice stories carried by the London newspapers in the late eighteenth century? It is not easy to develop a simple typology of law and order news because a very extensive range of issues and offences from a wide variety of contexts are at least occasionally touched upon in this material. However, the simple categorization system used in Tables 4 and 5, which is based in part on the type of source from which each report came, indicates that the main types of story identified in the case of Newton and Durham clearly played a very important role. Just under half of the crime and justice stories published by *The London Chronicle* and *The Times* in the periods sampled from 1787, 1790 and 1800, for example, involved the first three categories which that case highlighted – crimes as yet unsolved, preliminary hearings in the summary courts and Old Bailey trials (see Table 4), while within the samples taken from five newspapers for 1790 alone, the equivalent figure was nearly 41 per cent (see Table 5). Although there were differences between papers and across time, overall between a quarter and a third of all 'core' crime and justice reports were accounts of as yet unsolved crimes told from the victim's perspective with no indication that the offender had then been detected or arrested. About another third of the reports relate to court hearings – most commonly from the summary courts, the Old Bailey or the provincial assizes. Other courts that made smaller contributions were the courts at the quarter-sessions level – primarily those of the metropolis – and the crown cases heard at

TABLE 4
*Numbers and types of crime and justice stories, by probable source, in The London Chronicle and The Times
in 1787, 1790 and 1800*

<i>Probable source:</i>	<i>Victim report</i>	<i>Court hearing</i>					<i>Other</i>	<i>Total no. of stories</i>
		<i>Crimes as yet unsolved</i>	<i>Summary court</i>	<i>Q/S^a or London sessions</i>	<i>Old Bailey</i>	<i>King's Bench (criminal)</i>		
<i>The Times</i>	71	18	10	31	19	15	115	279
<i>The London Chronicle</i>	98	20	5	25	8	16	83	255
Both papers	169	38	15	56	27	31	198	534
% of all crime stories	31.6	7.1	2.8	10.5	5.1	5.8	37.1	100.0

^a Quarter sessions.

Sources: As in Table 1 but also including July 1790 samples, from *The London Chronicle*, 3–20 July, and *The Times*, 5–20 July.

TABLE 5
*Crime and justice stories, percentages of each type of article by probable source in five London newspapers,
 January and July 1790*

<i>Probable source:</i>	<i>Victim report</i>	<i>Court hearing</i>					<i>Other</i>			
		<i>Crimes as yet unsolved</i>	<i>Summary court</i>	<i>Q/S^a or London sessions</i>	<i>Old Bailey</i>	<i>King's Bench (criminal)</i>	<i>Provincial assizes</i>	<i>Other crime & justice reports (incl. arrests)</i>	<i>Total of all types</i>	<i>Top story on Frith or 'Monster'^b</i>
<i>The Times</i>	23	6	2	12	9	9	40	101	7	129
<i>The World</i>	23	1	5	11	2	10	47	99	21	81
<i>The Public Advertiser</i>	17	6	1	10	3	11	51	99	9	134
<i>The London Chronicle</i>	33	9	3	10	4	10	33	100	6	123
<i>The Argus</i> (half sample)	20	9	3	11	5	3	49	100	11	65
Average of all 5 papers	23.5	6.4	2.4	10.7	4.7	9.0	43.2	99.9	10	532

^a Quarter sessions.

^b See the text for discussion of this 'top story' selection.

Sources: As in Table 2.

the King's Bench, the latter being found in significant numbers only in *The Times*, which clearly had a reporting link with that court. The remaining 37 to 43 per cent of the reports fall into a residual category that included all other core crime and justice stories. These came from a very wide range of different sources and covered a great variety of topics. Some of these stories – Recorders' reports about pardoning decisions, news from the prisons about arrested or convicted offenders, brief details about the lives of those about to hang, descriptions of hangings and other punishments and articles relating arrested offenders to broader issues – were in evidence in the reports about the Newton and Durham case discussed earlier. In addition, however, the readers were presented with an ever-changing amalgam of other material related to crime and justice. This included, for example, arrest reports not linked to preliminary court hearings, particularly bizarre or ironic crimes, articles on the failings or offences of watchmen, brief general articles focusing on crime themes such as the prevalence of gangs of pickpockets at certain theatres, items on juries, jurors and the conduct of trials and various reports relating to particular penal issues of the moment, such as debates on the usefulness of solitary confinement or Lord Loughborough's protracted attempts to discipline the Essex magistracy for neglecting their gaol.³²

These crime and justice reports were not all of equal length, of course. Trial reports, and in particular Old Bailey reports, tended to be longer and reports of unsolved crimes were sometimes very brief, which meant that newshole percentages were somewhat higher for the former and lower for the latter, when compared with the figures on the number of stories found in Tables 4 and 5.³³ Reports coming from other sources were extremely varied in length, ranging from a few lines to several columns. For example, a number of five- to ten-line items on the introduction of solitary confinement in Essex and Yorkshire appeared in 1790, but the same subject also inspired a report in *The Gazetteer* that stretched across three columns.³⁴ There were also some differences in the mixture of different types of reports favoured by individual newspapers. *The London Chronicle* published a lot more short reports of unsolved crimes, *The Times* focused slightly more attention on the courts and *The Public Advertiser* offered a rather more varied diet of news on justice issues (see Table 5). However, perhaps the most important differences in editorial policies can be observed in relation to potentially longer-running and particularly interesting individual stories. Both of the months sampled in 1790 contained one such story, which enables us to see these differences in action. In January 1790 the potential top story was that of Lieutenant Frith, who threw a large stone at the King while he was going through St James's Park in the state coach. *The World* focused a considerable

TABLE 6
*Types of reports of crimes as yet unsolved in five London newspapers,
 1787, 1790 and 1800*

<i>Crime</i>	<i>Number</i>	<i>%</i>
Highway robbery	97	52
Burglary/breaking & entering	35	19
Murder & attempted murder	9	5
Pickpocketing	9	5
Simple theft	8	4
Fraud	6	3
Threatening letters	4	2
Forgery	3	2
Assault (incl. throwing stone at King)	3	2
Arson	2	1
Stealing in a dwelling house	2	1
Shoplifting	2	1
Other offences	5	3
Total	185	100

Sources: Samples from *The Times* and *The London Chronicle*, 1787, 1790 and 1800, and from *The Public Advertiser* and *The Argus* in 1790 only; see Tables 1 and 2 for dates.

amount of attention on these hearings and on various witnesses' accounts relating to this case, and used up three times more newshole on it than *The Times*.³⁵ In July, by contrast, *The World* gave little room to the month's top story: the preliminary trial of the so-called 'Monster' whose predilection for attacking and stabbing fashionable ladies had caused a great stir in the metropolis. *The London Chronicle* led the way here with extensive coverage using three times the newshole occupied by items about the 'Monster' in *The World*.³⁶ These special cases aside, however, Tables 4 and 5 suggest a very considerable congruence in the approach of these papers to different types of law and order news.

What impression would the casual reader have gained from these reports about the types of crime that were being perpetrated? Not surprisingly, perhaps, given that modern research on the media's reporting of crime has found almost exactly the same pattern, the reports of unsolved crimes published in the late-eighteenth-century newspapers focused primarily on violent offences. More than half of all these reports focused on highway robberies and another fifth centred on the other type of property crime that caused householders most anxiety – burglary (see Table 6). Murder and attempted murder represented only about 5 per cent

of the sample but this may well have been due to a lack of sufficient numbers of lethally violent acts to report. As Shoemaker has recently shown, there was a dramatic fall in London homicide prosecutions during the eighteenth century, to the point where in 1781 and 1791 an average of only three or four such cases per year reached the courts. At the other end of the scale only about 10 per cent of newspaper reports of unsolved crimes dealt with non-capital felonies – fraud, simple larceny and so on – while reports of misdemeanours such as assault were even rarer, unless the King was the target.³⁷

Lacking self-report studies, we cannot know precisely how these figures related to the actual mixture of potentially reportable felonies and misdemeanours to which the population had been subjected in the equivalent period. However, the profile of indicted crimes that were brought to the courts of London and its vicinity provides an interesting comparative marker. Despite the fact that large rewards were available for the conviction of highway robbers and burglars, which may well have meant that a higher proportion of such offenders ended up being prosecuted in the courts, the contrast is immense. Highway robbery accounted for only about 6 per cent of indictments but was more than eight times better represented among the unsolved-crime reports. Burglary was at least three times better represented amongst those reports.³⁸ Equally while about two-thirds of hearings in the major courts involved non-capital crimes, only about one in ten of the unsolved crimes reported in the newspapers did not have the death penalty attached to them.

A more precise sense of the kinds of selection mechanisms that were being employed by the newspapers can be gained by comparing the offenders whose Old Bailey trials the papers chose to report on with those that they did not (see Table 7). Newspapers followed rather different policies when it came to reporting on the Old Bailey. *The Public Advertiser*, for example, offered a brief outline of the charges, verdicts and sentences of most of the accused but very rarely gave any details about the trials themselves. In January 1790 it reported the trials of only 2 of the 132 offenders who were recorded as coming before the petty jury in the OBSP for that session. Other papers offered less wide coverage of the charges and outcomes but reported a more significant proportion of trials in some detail. *The World* and *The London Chronicle* reported on 8 trials in January 1790, for example, *The Argus* and *The Times* on 17 each. Since these papers by no means always selected the same trials to report, overall the 52 reports produced by these five papers covered 26 offenders between them. This constituted around 20 per cent of the trials that had occurred at the Old Bailey.³⁹

TABLE 7
*Newspaper reporting of Old Bailey cases, selection process by offence,
 January 1790*

<i>Offence</i>	<i>No. of Old Bailey trials</i>	<i>No. reported in at least one newspaper</i>	<i>% of trials reported</i>
Murder/manslaughter	1	1	100
Highway robbery	15	8	53
Burglary/breaking & entering	9	5	56
Other capital offences	5	2	40
Stealing	91	6	7
Indirect appropriation, fraud and receiving	7	3	43
Other non-capital assault/perjury	4	1	25
Total	132	26	20
All capital crimes	30	16	53
All non-capital crimes	102	10	10

Sources: Samples of newspapers in Table 2, plus Old Bailey sessions papers, January 1790, all cases.

The trials the papers chose to report were by no means a random sample, however. Hearings involving female offenders were slightly more likely to be reported than those of males, although a much larger sample will need to be studied before the gendered elements of trial reporting can be fully identified.⁴⁰ More importantly for our purposes here, the published cases were seriously biased in the types of crime they involved. Half of all those tried on capital charges in January 1790 had their hearings reported, but only 10 per cent of non-capital cases received the same treatment (see Table 7). The only murder case at that sessions was covered and once again robbery and burglary were the main focus of attention. Over half of the offenders accused of these two crimes had details of their trials published in the newspapers. By contrast, only 6 of the 91 accused of simple larceny had the same experience. Moreover, three of these almost certainly owed that dubious privilege to the fact that they were involved in a very entertaining story of the seduction and betrayal of the ageing Countess of Berghausen by a young Irishman and his two accomplices, a story most of the papers simply found too good to resist.⁴¹

Thus it is not difficult to prove that in the late eighteenth century, as now, the newspapers, if taken at face value, would have given an almost

entirely false picture of crime, one that focused primarily on offences involving violence to persons or property. What other messages did the reporting of crime and justice issues impart? Uncovering the meanings of these numerous, varied and overlapping texts is no easy task. The stories, often brief, that make up the majority of the crime- and justice-related articles published by these papers do not usually evince the sophisticated narrative structures and discursive functions that can be found in the criminal life-stories which Faller and McKenzie have analysed in such detail. Many of these stories are more chaotic, disorganized and multi-vocal. Moreover, it is often almost impossible to work out who wrote them, under what constraints and with what purposes in mind. Those who decided the content of the newspapers in the late eighteenth century rarely had the resources to employ full-time reporters to cover crime and justice news. They therefore drew from a number of (usually anonymous) sources. They got material wherever it could be cheaply and easily obtained – from their own agents, from freelance court reporters, from readers, from summary-court officials, from policing and watching personnel, from victims and casual witnesses.⁴² Many of these sources had their own, and often very different, agendas and presuppositions and it is therefore by no means easy to analyse the various discursive frameworks that shaped the very substantial amount of crime and justice news printed by the late-eighteenth-century newspapers. However, this is precisely what must be attempted if we are to get nearer to understanding the core source that influenced attitudes to crime and justice in the late eighteenth and early nineteenth centuries.

IV

Reading these reports it is immediately clear that the picture they build up of crime and justice is far from unidirectional or homogeneous. The contents of the average week's law and order news would often have taken the reader in a number of directions. As a starting point, however, it may be worth thinking briefly about three particularly prevalent types of stories which, as we saw in the case of Newton and Durham, not only stand out fairly clearly but also came from relatively specific sources: first the victims' stories – the reports of as yet unsolved crimes; secondly, the policing and magisterial perspective offered by a smaller but significant number of stories of detection and preliminary examination; and thirdly, the Old Bailey narratives themselves, along with a smattering of accounts from the other major courts. Then I will very briefly illustrate the other two main categories of story revealed by the Newton and Durham case study. How were crime, policing and public justice described in these

reports? To analyse all the patterns and nuances of these three types of story, let alone the other categories of stories on themes such as crime causation, penology, policing or victim protection that were sometimes printed by the London newspapers, would require a major volume in itself. Here I want simply to establish some initial frameworks for understanding the most common messages given, as a means of beginning to think about how they might have been received.

The reports of unsolved crimes which accounted for about a quarter of core crime and justice stories in the late eighteenth century covered a considerable range of offences from pickpocketing to poisoning, from forgery to forcing an escaped 'African Negro' back on ship.⁴³ However, three-quarters, at least, were about violence to persons or property and over half focused specifically on highway robbery (see Table 6). The latter was a constantly recurring theme. The depth of reporting varied. A few of the reports were only three to five lines long and simply announced that a person or persons had been robbed of certain things in a certain place. However, most were very much more explicit. Many were stories of violence and violation; of severe injury and complete vulnerability; of groups of 'villains' confronting victims with irresistible force. In the week following the arrest of Newton and Durham, for example, readers of *The London Chronicle* would have read about a man robbed and left for dead by three soldiers near Kensington; about a 'daring' group 'of street robbers' knocking down two ladies at five o'clock in the afternoon in 'one of the most public streets in London'; about a farmer, beaten, tied up and blindfolded by robbers; about another Kensington robbery 'by the gang not yet taken'; about an 'Esquire' robbed of 9 guineas and his gold watch by two armed footpads; about a Hertfordshire farmer attacked by footpads who fired a pistol at him and then beat him up when he dared to resist – not to mention reports of a holdup involving the Lynn mail and of the robbing of a Middlesex gentleman returning in his carriage to his home in Hanger Hill. Readers of *The London Chronicle* that week would also have read about two other robberies in court reports from Bow Street and the Old Bailey. One involved an Islington man who had a cutlass held close to his head and a pistol put to his breast. The other described a robbery by 'four men in slouched hats' (the eighteenth-century equivalent of hoodies?) who knocked the victim down, threw him in a ditch, jumped on him and cut and throttled him so violently that he bled profusely and could hardly swallow for three days. The robberies reported in our sample week were, moreover, not confined to the roads alone. The house of 'an eminent tradesman' in Borough High Street was reported to have been broken into at noon by two villains who knocked down and gagged the maid.⁴⁴ This theme continued in the papers of the following week which,

apart from describing three more violent highway robberies, also contained two detailed accounts of large gangs of villains disguised in smock frocks and with blacked faces entering their victims' houses and violently assaulting and imprisoning them before removing all their valuables.⁴⁵

The levels of anxiety these accounts created would, of course, have depended on a number of factors – on which paper or papers a person read, on the reader's evaluation of their veracity, on the proximity of the reader's place of residence to the crimes, on the reader's sense of how likely it was that these 'gangs' would be arrested and on a number of other factors. It is hard to avoid the conclusion, however, that these reports would have generated considerable concern in the minds of many of their readers. Most of the reports have a relentless quality – by the immediacy of their language, by their emphasis on the apparent unpredictability of these attacks, by their detailed reporting of what often appeared to be near-life-threatening violence, by their inclusion of robberies suggesting that individuals could not even avoid attack by staying at home and by their portrayal of the victims in almost every case as hopelessly outnumbered and outgunned by heartless villains inured to violence. The offenders are portrayed as unfeeling and as totally unwilling to negotiate. The victims have no options. Few reports suggest any other outcome than violation of the victim's person and property. Many potential victims may have found ways to avoid being robbed or may have negotiated fairly successfully with the robbers but the newspaper reports rarely recorded such incidents. Modern studies have established a strong correlation between the amount of violent crime people read about and their levels of fear about becoming victims, and it is not hard to imagine that this may also have been the case in the late eighteenth century.⁴⁶ This dominant discourse of violence, violation and vulnerability was a major element of the printed narratives available to inhabitants of the metropolis in the late eighteenth century. How did it match up with the different core themes and discursive frameworks that can be found in other major forms of reporting identified in Tables 4 and 5?

If the reports of unsolved crimes created tension and anxiety in the reader, to what extent did news of the detection, arrest and successful committal of offenders after a summary-court hearing offer a counter-balance of reassurance? Did the newspapers by reporting detection processes offer at least some sense of security, and of the possibility of future protection? Arrests and detection activities were not infrequently reported separately from committal hearings, but the most important body of newspaper reports describing these processes were the many articles on the hearings of the summary courts, and particularly of the Bow Street Office, which appeared at regular intervals in most of the

papers. A sample survey drawn from 1790 and including just over a third of all *The London Chronicle's* issues for that year suggests, for example, that on average it published accounts of at least six summary-court cases a month. A similar survey of *The World* indicates an even deeper coverage and also shows that there was only a limited overlap in the cases covered by these two papers. Between them they published accounts of 47 different cases involving 72 offenders during the period sampled. This suggests that in any given year the detection, arrest and committal hearings of over 200 offenders would have been covered.⁴⁷ More than 90 per cent of the reports came from the Bow Street Office – the only government-financed police office and magistrates' court in the metropolis until the 1792 Act set up a network of police magistrates in all parts of London apart from the City.⁴⁸ Reports did occasionally come in from other less formal Rotation Offices – from Worship Street, Poland Street, Shoreditch and so on – but they tended to be short. The Bow Street reports, by contrast, could be very substantial. *The London Chronicle* devoted nearly four columns to the three preliminary hearings in the Durham and Newton case.⁴⁹ These reports were not especially informative about the role of the magistrates themselves and they very rarely covered any of the many non-felony-related cases that these courts dealt with so frequently – cases in which the justice of the peace often acted as an arbitrator or mediator.⁵⁰ Rather their focus was on felony cases, and on the evidence as presented by the victim and those who had assisted him or her.

The vast majority of reports ended by recording that the accused had been committed for trial without offering any information about the magistrates' comments on why the decision had been made. Apart from offering a fairly full account of the offence itself – and therefore adding considerably to the number of violent robberies described in some detail in the papers – these reports were primarily about the process of detection and within that they often highlighted one particular aspect of the process: the role of policing agencies. Rather surprisingly, perhaps, given the relatively small number of government-financed police networks in London at this time, more than half of the offenders who appeared in these reports had been detected and arrested by the Bow Street patrols, by one of the Bow Street runners, or, more occasionally, by the 'officers' attached to the Rotation Offices. The names of runners like Patrick McManus, John Townsend and Charles Jealous would have become well known to readers over the years, since the vast majority of committal-hearing reports involving burglary or highway robbery featured one or more of the above groups of semi-entrepreneurial policing agents in a substantial role.⁵¹ Two reports in *The World* about events on 10 December 1790, for example, not only featured Charles Jealous as the main arresting

agent in a pickpocketing case and in the taking of three violent robbers who had knocked down a servant of the Prussian Envoy but also credited the regular beat men of the Bow Street patrol with the arrest of a man who had ‘committed divers felonies and footpad robberies’. Some of the reports went out of their way to stress the proactive and effective nature of the ‘officers’ attached to both Bow Street and the less famous offices. In *The London Chronicle* for 26–28 January 1790 for example, the following two reports underlined the reader’s sense that rapid action would be taken if required:

On Friday night the house of Mr Wood of Kingsland Road was broken open and a quantity of liquors, cash and linen stolen therefrom. Mr Wood being alarmed at 2 o’clock applied to the officers belonging to the Public Office at Shoreditch by four, and informed them of the robbery and by eleven they had taken all the (six) parties concerned in the robbery. They are all committed to Newgate for trial.

In consequence of notice being sent to the public Office Bow Street on Monday of the house being broken open belonging to Mr Goldsmid, Mr Townsend, one of the officers belonging to the Public Office apprehended three persons in Duke Street who were brought before Sir Sampson Wright that night and committed to New Prison Clerkenwell.⁵²

The Bow Street patrol also received some very positive press coverage at this time. The half-hour pitched battle they had to engage in before capturing Durham and Newton was given extensive space in several papers and a week later the patrol were praised once again for their involvement in the arrest of another violent footpad.⁵³

Whether or not the readerships of these papers would have been reassured by such reports remains an open question. Both the Bow Street Office and those who ran other Rotation Offices in the metropolis were clearly keen to ensure that their successes were well reported in the newspapers and it seems likely that many of these stories were sent in by their employees. Discerning readers would almost certainly have realized that these reports were being used by the Bow Street Office as a form of self-advertisement. Moreover, it would surely not have escaped the attention of the more observant readers that Bow Street officers were less likely to be mentioned in reports relating to non-capital cases involving less wealthy victims – where convictions would not have generated any prospects of a reward. The policing of the metropolis was being hotly debated at the end of the 1780s. In 1785 the City of London had prevented a bill setting up police offices and paid magistrates all over the capital from getting through parliament, but awareness of the problem had not disappeared and in 1792 a new act introduced this system to all of inner London apart from the City itself. In January 1790 *The Public Advertiser*, after reporting a violent house robbery, commented angrily ‘how lamentable it is that the negligence of the police should render it

necessary for us to be barred and bolted by day as well as by night'.⁵⁴ Given the relative neglect of the press by historians of policing reform in this period, it is interesting to note the wide range of critiques of policing that were published in these newspapers during these years. The Index to *The Times*, for example, indicates that at least half a dozen separate articles on police reform can be found in that paper in every year between 1786 and 1790.⁵⁵ The reports of preliminary hearings at Bow Street and elsewhere that regularly appeared in the newspapers may have been a reassurance to some, but they also highlighted an area of considerable controversy and concern. It may be dangerous to dismiss the potential impact of the reassuring tone created by their emphasis on successful arrests and committals, by their message that instant police responses could get rapid results, and by their positive portrayal both of a preventive force – the patrols – and of an easily identified detective force – a phalanx of experienced detectives some of whom had developed considerable reputations through press reports on their exploits. However, as a form of law and order news these reports of preliminary hearings gave off a number of often contradictory messages. By offering brief accounts of the victims' evidence they undoubtedly reinforced the victim perspective provided by the reports on unsolved crimes, already discussed above. However, they also both advertised the removal of troublesome offenders from the public domain and gave the semi-entrepreneurial police networks that were mushrooming in the metropolis a fairly good press. For some readers, at least, this may have provided a significant counterbalance.

v

Another potentially reassuring but also very complex group of texts were the reports of Old Bailey jury trials and the less frequent and more fragmentary accounts that sometimes reached the papers from the other major courts. Simon Devereaux has recently begun work on this large subject and his survey of eight newspapers at five-yearly intervals from 1770 to 1800 shows, for example, a dramatic increase in the detailed reporting of Old Bailey trials.⁵⁶ It also indicates that by the 1780s, far from simply relying on summarizing the reporting in the OBSP, many papers were proactively seeking to obtain their own independent reports from writer-reporters who made a considerable income from performing this task. In addition, Devereaux's work has highlighted the different levels of Old Bailey reporting to be found in various newspapers,⁵⁷ and his finding that *The Times* was the most assiduous in this regard is reinforced by the research presented here (see Table 5). In 1790 only *The London Chronicle* dedicated as much of its newshole as *The Times* to Old Bailey trials

and the former is also recognized by Devereaux as the tri-weekly which made the most effort to obtain its own unique accounts of the Old Bailey proceedings. Beyond observing that the various writers of the reports conveyed largely similar impressions about the nature of the trial proceedings, Devereaux has not, however, analysed the texts themselves. This is not surprising for it would be a major enterprise, even though, as he points out (and as Table 7 here also shows), most papers only covered a small proportion of trials. There is not room here to attempt a detailed analysis of the Old Bailey trial reports or to discuss the differences between the OBSP accounts and those found in the newspapers – although this is an important subject, given the current very rapid expansion in historians' use of the OBSP website. However, it is immediately clear on reading these trial reports that they both reinforced some of the contradictory messages highlighted in the two types of story already discussed and introduced important new themes.

The vast majority of the detailed trial reports published by the newspapers in the late eighteenth century followed the sequence of the trial itself.⁵⁸ They began with the prosecutor's evidence about the crime and that of other witnesses in support of the prosecutor's case, such as the victim's servants or companions and those who had helped to detect and arrest the accused: watchmen, Bow Street officers, pawnbrokers and so on. They then recorded the prisoner's defence and the evidence of any witnesses that were called to support the defence's case or to testify to the accused's good character.⁵⁹ Finally some reports provided information about the judge's summing up of the evidence – an aspect of the trial rarely covered in the OBSP – before recording the verdict and, if the jury recommended mercy, the judge's reaction to that recommendation. Interwoven into these reports, however, were two very different themes or story lines. The crime – its discovery, its nature, the actual or threatened violence it often involved and the detection and arrest of the accused – is the most obvious story. However, at the same time these trial reports often included an implicit and sometimes an explicit account of the nature of the justice being offered. The more detailed trial reports revealed the role of lawyers and of cross-examination as well as including a more general assessment of the degree to which the evidence was tested and evaluated. Even when a paper chose to print only a brief 10- or 15-line summary, it frequently offered an explicit comment on the justice of the verdict. Among the cases reported from the September 1790 Old Bailey sessions, for example, can be found phrases such as 'it was clearly proved', 'the evidence against the prisoners was extremely clear and distinct' and 'it appeared in evidence that the prisoner had stolen the articles in question'.⁶⁰ On other occasions, after more lengthy reports

that included a description of the prisoner's attempts to erect a defence, the newspaper implied strongly that the latter had very little foundation.⁶¹

The reports for that same sessions also illustrate a wide range of other themes, the great majority of which tended to cast a relatively positive and merciful light on the kind of justice being meted out at the Old Bailey. When an accused objected to one member of the jury appointed to try him, for example, it was recorded that this objection 'was, of course, admitted.'⁶² Equally, when a man accused of murder on the clearest evidence was proved beyond doubt to have been in Bedlam previous to the offence and to have been 'in a state of insanity', it was reported that 'he was, of course, acquitted'.⁶³ On several occasions, moreover, partial verdicts (which nullified the capital part of the charge against the prisoner) were recorded in detail, some being clearly presented as the result of the judge's observations that this element of the accusation 'had not been proved.' One report indicated that when a technical error in a burglary indictment was pointed out by counsel the judge readily agreed that 'the prisoner might have the benefit of it'. When the judge erred on the side of mercy his comments were often well reported in the newspapers. In the case of one Samuel Clarke, for example, 'the learned judge observed to the jury that a cloud hung over the evidence ... after which the jury found the prisoner not guilty.'⁶⁴

The relative lack of critical or negative reporting of the trial process and the obvious desire of the reporters to be positive whenever possible is nowhere more evident than in their comments on the Old Bailey judges and on the quality of their case summaries. On one page in September 1790, for example, *The Times* carried four separate reports of 'an excellent charge from the learned judge', of the 'learned and humane judge's' views, of 'a most excellent charge from the learned judge' and of the 'learned judge's' observations. Equally, in its report on the case of John Leonard and his wife in January 1790 it noted that 'Mr Justice Buller summed up the evidence with much clearness and perspicuity', before going on to describe his pronouncements on the relevance of the principle of *feme covert* to the case – a vital factor affecting the outcome which is not found in the OBSP. Since the reports sampled in 1787 and 1800 also contain similar references – to the way 'the learned judge' summed up 'with his wonted inclination to mercy' or 'with great candour and humanity recapitulated the evidence' – these attitudes seem to have remained important throughout the late eighteenth century.⁶⁵ The reasons for this deferential approach remain unclear and may have something to do with the report writers' needs to keep on the right side of the judges if they were to continue to make a living from their court work. However, the gushing praise offered to the 'worthy' judges and the fact that

criticism of the bench is notable mainly by its absence are important features of these reports.

The multi-layered impacts of these Old Bailey trial reports are very difficult to disentangle, but although there were almost certainly differences between papers and across time, it seems clear that in the late eighteenth century the Old Bailey judges, and to a lesser extent the courts they presided over, were usually able to ensure that press coverage of their proceedings stressed the fairness, mercy and high quality of the justice they administered.⁶⁶ What contribution this may have made to attitudes to the law and towards the overall legitimacy of the courts remains unclear. Although almost all the trial reports that originated from the Old Bailey clearly aimed to flatter the judges, that does not mean that they were unable to influence the ways people thought about crime and the criminal law. More importantly, if they did have an influence it would almost always have been a positive one from the authorities' point of view.

This was by no means true of all the items that fall within the fourth and fifth categories of crime and justice reports identified earlier, in the case of Durham and Newton. Both the reports relating to the pardoning and final punishment of offenders and those which discussed broader issues of justice, penalty and criminality contained many items which would have been regarded much less favourably by the judicial authorities. One example from each category will, I hope, illustrate the ambivalent and often contradictory messages contained in the law and order news of the late eighteenth century. Although a fairly large number of the regular reports of hangings that appeared in the London newspapers followed the lines the authorities would have hoped for by simply recording that 'they all behaved very penitent' or 'with great decency',⁶⁷ there were a substantial number of occasions when these reports went seriously off-message. In January 1787 and 1790 alone at least five of those about to be hanged on a metropolitan gallows were reported to have explicitly proclaimed their innocence. One report in 1787 indicated that Joseph Lightfoot 'declared to the last' that he had not committed the offence for which he was being hanged, while in another a Cornishman 'about five minutes before he was turned off' openly 'declared his innocence of the crime for which he was going to suffer and said "Thank God I know I am going to heaven out of a wicked world"'. Another report not only indicated that three offenders had claimed to be entirely innocent of the robbery for which they had been sent to the gallows but also observed that, if the dying confession of three other convicts was correct, an innocent man had indeed been hanged a few months previously. Further research is clearly required on this topic but it seems likely that

a significant proportion of newspaper reports on London hangings may well, like their counterparts in Essex, have involved either specific claims of innocence or other daring or defiant behaviour.⁶⁸

Criticism of the capital code was also one of the general themes that can be found at fairly regular intervals in the pages of some late-eighteenth-century newspapers. In the later 1780s, when large numbers of convicts were being sent to the gallows, *The Times* in particular carried a large number of articles severely criticizing the bloody code. In our sample month of January 1787, for example, the paper described the ordering of 18 convicts for execution as ‘a dreadful national calamity that calls for the intervention of the legislature’ so that ‘such disgraceful exhibitions’ would no longer ‘shake the metropolis of the British Empire from its propriety’. It then carried further pieces on this theme in four consecutive editions. Having suggested on 12 January that ‘this carnage of the human species calls for enquiry’, the following day it used reports of a robbery committed within sight of the gallows ‘as a proof (if any were necessary) that the frequent executions in this metropolis have little or no effect.’ The next edition contained an article on the Duke of Tuscany’s new criminal law code ‘by which capital punishments are abolished as having been found to leave too slight an impression on the minds of the people’. (This code was later reprinted in full by the more radical *Gazetteer*.) Finally, the next day *The Times* published an article questioning the very basis of the bloody code. ‘Many people of acknowledged good sense and refined understandings assert’, it noted,

that most of our capital punishments are too severe; and a question naturally arises from thence, whether society ought to take away the life of any person for any less crime than murder or capital treason ... When Gentlemen found an inconvenience arising from some particular offence, they procured a law to make it capital. Others, of course, followed the example, till at length our penal code has become so sanguinary, as to make it indispensably necessary to have a revision of the whole.⁶⁹

Nor was this an exceptional month or indeed an exceptional year in the history of *The Times*’ opposition to the bloody code. Throughout its early years it published a barrage of critical articles at regular intervals. ‘In no country in Europe is the sanguinary code of penal laws so voluminous as in England – in no country are the laws so frequently violated’, it argued in January 1785, before suggesting that on reading ‘the long and dreadful list of persons ordered for execution’ foreigners ‘will naturally suppose that in England there is no more government than in a horde of wandering tartars, or among the Arabian banditti’. In April, June, September and October 1787 it returned to the subject, calling for ‘a revisal of these rubied statutes’ and regretting that the criminal code ‘by the innovation and multiplicity of penal statutes, is disgraced with sanguinary

judgements unknown to the original constitution and mild dictates of our ancient jurisprudence'. Quoting Beccaria and advocating alternative punishments such as hard-labour schemes and solitary confinement, it then continued to challenge the legitimacy of current penal policy throughout 1786.⁷⁰ Without a full survey of other periods and newspapers the overall level of criticism being directed against the capital code in the late 1780s is difficult to gauge and *The Times* was probably exceptional. However, the fact that it carried such a wide variety of highly critical articles on this subject, and that similar critiques can be found in other papers,⁷¹ acts as a helpful reminder that despite the deferential tone of most of the trial reports published in the newspapers, other categories of news – whether they reported the words of prisoners on the gallows or the ideas of the penal reformers – could be much less supportive of the status quo.

VI

The reform of the capital code was, of course, also a very important issue in the 1820s. Thus, for example, when the Old Bailey judges refused in 1821 to let a London jury make a statement in open court criticizing the capital code, and threatened its foreman with committal for contempt if he continued to do so, *The Times* provided an immediate alternative forum and published in full the jury's critique of 'a punishment so manifestly excessive as to demand the constant interposition of higher authority to prevent its being carried into effect'.⁷² The nature of newspaper reporting in general, and of crime and justice reporting in particular, was changing in the late eighteenth and early nineteenth centuries. Headlines were becoming more frequent and more prominent, for example, and layouts and font sizes were changing in ways which made a larger and larger amount of word space available. More importantly for our attempts to assess the changing impact of this kind of news, two major changes had occurred by the 1820s in the relative importance of different types of crime and justice reports (see Table 8). In the two papers sampled here the proportion of reports that came from the summary courts had risen more than fourfold by 1821. Moreover the great majority of these no longer originated in the Bow Street Office. Instead they came from summary courts all over the metropolis and especially from the new police courts set up by the 1792 Act. These courts, along with the preliminary hearings of the City of London magistrates, now provided a regular diet of committal hearings, describing the crimes, detection and arrest of a very considerable range of offenders.⁷³

TABLE 8
*Types of crime stories in The Times and The London Chronicle,
 1787–1800 and 1821 (%)*

	<i>Crimes as yet unsolved</i>	<i>Other crime & justice reports (incl. arrests)</i>	<i>Summary court</i>	<i>Q/S^a or London sessions</i>	<i>Old Bailey</i>	<i>King's Bench (criminal)</i>	<i>Provincial assizes</i>	<i>Total</i>
1787–1800	31.6	37.1	7.1	2.8	10.5	5.1	5.8	100.0
1821	4.4	28.6	30.8	9.9	18.7	3.3	4.4	100.1

^a Quarter sessions.

Sources: 1787 and 1800: January only samples; 1790 and 1821: January and July samples. See Tables 1 and 2 plus *The Times*, 26 July–3 August 1821, and *The London Chronicle*, 26 July–3 August 1821.

For reasons that are not entirely clear, but which may be related to the easy supply of relatively reliable law and order news now available from the various police offices, reports of unsolved crimes played only a very minor role by 1821 (see Table 8). By contrast, reports from the metropolitan quarter sessions courts had also increased considerably and the proportion of stories devoted to general crime and justice issues had declined only slightly. The growing availability of a range of open and busy police courts all around the metropolis had clearly had a major impact on the mixture of sources from which London's newspaper editors drew their law and order news. Moreover, in general that news had come to be dominated by police-centred and court-centred sources in a way that had not been the case in the eighteenth century. The victim-centred perspective provided by reports of unsolved crimes had largely disappeared by 1821. This did not mean that readers were at less risk of becoming victims of theft or violence. Property-crime indictment rates in London and elsewhere more than doubled between 1805 and 1821 and in that year *The Times* reflected the growing anxieties that these figures had partly engendered when it reported that 'The frequency and atrocity of street robberies, and the scandalous apathy of the police in that respect, seems at length to have roused the public to a sense of their danger and disgrace.'⁷⁴ However, if the papers surveyed here are anywhere near typical, it seems that the amount of harrowing detail about violent crime in the streets of the metropolis to which their readers were likely to be exposed almost certainly fell considerably between the mid 1780s and the early 1820s. At the same time the papers' coverage of trial reports,

of arrests, of successful detection operations and of preliminary hearings that usually resulted in the incarceration of the accused had come to dominate law and order news. There is little evidence, however, that contemporaries found this especially reassuring. The years after 1815 witnessed growing concern about crime and an increasingly heated debate about the English criminal justice system.⁷⁵ A detailed research project on newspaper readers' diaries and on the relationship between what they were reading and what they recorded in their diaries about the prevalence of crime and about the best ways of dealing with it would be necessary in order to unpack the various strategies used by different groups in reading, filtering, analysing and responding to such reports.⁷⁶ However, measuring the impact of these changes on the varied readerships of each newspaper is fraught with difficulties. Even relatively sophisticated readers mixed cynicism about newspaper reporting with an awareness that it could still be informative and useful. The London papers, Horace Walpole observed, 'though always full of lies, seldom fail to reach the outline at least of incidents'. The reformer Jonas Hanway followed much the same line of thought in 1775. 'It would be a curious speculation', he wrote, 'to estimate the quantity of good and evil done to the peace, the simplicity, the industry of the peasant, by the volumes of falsehoods and nonsense, as well as truth and reason, which he has found in the newspapers for forty years past.'⁷⁷

Preliminary though it is, this research clearly indicates that stories about crime and justice formed an important part of the diet of the average newspaper reader in the late eighteenth and early nineteenth centuries. It has also uncovered the main categories of law and order news to be found at different periods and the ways that, in the late eighteenth century particularly, they tended to focus selectively on the more violent and frightening types of offences. In addition it has opened up for analysis the possibility that, for a brief period at least, the newspapers offered a style of reporting which tended to suppress criticisms of, and invite admiration for, the way the higher courts were run. In this context, at least, their reports could perhaps be seen as more likely to have reflected, disseminated or supported the dominant discourses of the elite, rather than to have resisted or challenged them. However, the contradictory, sporadic, and multi-vocal nature of much crime and justice reporting in this period meant that the newspapers never created either a single coherent discourse about these issues or even a series of overlapping and mutually reinforcing discursive frameworks. Nor did they contain any repeated or reassuring discourses about the motives and life journeys of offenders. Despite the newspaper reports' frequent lack of linguistic or structural sophistication, the law and order news they contained was

complex and multi-faceted. It offered the reader a large but by no means internally coherent repository of ways of thinking about crime and justice. While it remains difficult to draw any definitive conclusions about its impact on deeper issues such as how its readers thought about the legitimacy, fairness and utility of different parts of the criminal justice system, there can be little doubt that newspaper reporting had an important influence on the ways many sections of the public thought about crime and about possible methods of combating it.

ENDNOTES

- 1 G. Cranfield, *The development of the provincial newspaper, 1700–1760* (Oxford, 1962), 70–2. Advertisements about crimes – usually offering rewards – also appeared in the newspapers, although some London newspapers carried very few of these compared to their provincial counterparts.
- 2 H. Barker, *Newspapers, politics and public opinion in late eighteenth-century England* (Oxford, 1998), 23–31; L. Werkmeister, *A newspaper history of England 1792–3* (Nebraska, 1967), 22–7; J. Black, *The English press in the eighteenth century* (Philadelphia, 1987), 105, quoting Addison and Paterson on readership per copy. Other estimates vary from 5 to 40 people.
- 3 A. McKenzie, ‘Lives of the most notorious criminals: popular literature of crime in England, 1675–1775’ (unpublished Ph.D. thesis, University of Toronto, 1999). On the rise of the broadside see V. Gatrell, *The hanging tree: execution and the English people 1770–1868* (Oxford, 1994), 157–9; P. Chassaing, ‘Popular representations of crime: the crime broadside – a subculture of violence in Victorian Britain?’, *Crime, Histoire et Sociétés/Crime, History and Societies* 3 (1999), 22–55; R. Shoemaker, *The London mob: violence and disorder in eighteenth-century England* (London, 2004) 241–73; and M. Harris, ‘Trials and criminal biographies: a case study in distribution’, in R. Myers and M. Harris eds., *Sale and distribution of books from 1700* (Oxford, 1982), 26. See L. Radzinowicz, *A history of the English criminal law and its administration from 1750*, Volumes 1–3 (London, 1948–1956) for penal pamphlets and so on.
- 4 See A. McKenzie, ‘From true confessions to true reporting? The decline and fall of the Ordinary’s Account’, *London Journal* 30 (2005), 55–70, and McKenzie, ‘Lives’.
- 5 S. Devereaux, ‘The fall of the Sessions Paper: the criminal trial and the popular press in late eighteenth-century London’, *Criminal Justice History* 18 (2003), 57–88; S. Devereaux, ‘The city and the Sessions Paper: “public justice” in London, 1770–1800’, *Journal of British Studies* 35 (1996) 466–503.
- 6 See McKenzie ‘Lives’; McKenzie, ‘From true confessions’; A. McKenzie, ‘Making crime pay: motives, marketing strategies, and the printed literature of crime in England 1670–1770’, in G. Smith, A. May and S. Devereaux eds., *Criminal justice in the old world and the new* (Toronto, 1998), 235–69; A. McKenzie, ‘God’s tribunal: guilt, innocence, and execution in England 1675–1775’, *Cultural and Social History* 3 (2006), 121–44; and L. Faller, *Turned to account: the forms and functions of criminal biography in late seventeenth- and early eighteenth-century England* (Cambridge, 1987). See also I. Bell, *Literature and crime in Augustan England* (London, 1991). Several sixteenth- and seventeenth-century historians have also done work on this area – see for example J. Sharpe, ‘Last dying speeches: religion, ideology and public execution in seventeenth-century England’, *Past and Present* 107 (May 1985), 144–67; P. Lake, ‘“Deeds against

- nature”: cheap print, Protestantism and murder in early seventeenth-century England’, in K. Sharpe and P. Lake eds., *Culture and politics in early Stuart England* (London, 1994), 257–83; Devereaux ‘The fall of the Sessions Paper’ and ‘The city and the Sessions Paper’. See also ‘About the proceedings of the Old Bailey’ on www.oldbaileyonline.org.
- 7 D. Andrew and R. McGowen, *The Perreaus and Mrs Rudd; forgery and betrayal in eighteenth-century London* (Berkeley, 2001). Historians of popular unrest also raided the newspapers extensively; see for example A. Charlesworth ed., *An atlas of rural protest in Britain 1548–1900* (London, 1983). Some interesting work has also been done on the use of newspaper adverts to detect offenders, to obtain the return of stolen goods, to publicize the role of prosecution associations and to enable offenders to avoid public prosecution by publicly apologizing to the victim in the press; see J. Styles, ‘Print and policing: crime advertising in eighteenth-century provincial England’, in D. Hay and F. Snyder eds., *Policing and prosecution in Britain 1750–1850* (Oxford, 1989), 55–112; P. King, ‘Prosecution associations and their impact in eighteenth-century Essex’ in the same volume; and D. Andrew, ‘The press and public apologies in eighteenth-century London’, in N. Landau, *Law, crime and English society 1660–1830* (Cambridge, 2002), 208–29.
 - 8 P. King, ‘Newspaper reporting, prosecution practice and perceptions of urban crime: the Colchester crime wave of 1765’, *Continuity and Change* 2 (1987), 423–54; J. Davis, ‘The London garrotting panic of 1862: a moral panic and the creation of a criminal class in mid-Victorian England’, in V. A. C. Gatrell, B. Lenham and G. Parker eds., *Crime and the law: the social history of crime in Western Europe since 1500* (London, 1980); R. Sindall, *Street violence in the nineteenth century* (Leicester, 1990); P. King, ‘Moral panics and violent street crime 1750–2000: a comparative perspective’, in B. Godfrey, C. Emsley and G. Dunstall eds., *Comparative histories of crime* (Cullompton, 2003).
 - 9 J. Rowbottom and K. Stevenson eds., *Criminal conversations: Victorian crimes, social panic and moral outrage* (Ohio, 2005); M. Wiener, *Men of blood: violence, manliness and criminal justice in Victorian England* (Cambridge, 2004); J. Archer and J. Jones, ‘Headlines from history: violence in the press 1850–1914’, in E. Stanko, *The meanings of violence* (London, 2003), 17–31; A. Davies, ‘Youth gangs, masculinity and violence in late Victorian Manchester and Salford’, *Journal of Social History* 32 (1998), 349–69; S. D’Cruze ed., *Everyday violence in Britain 1850–1950* (London, 2000), includes interesting post-1850 use of newspapers in, for example, J. Archer, ‘“Men behaving badly”? Masculinity and the uses of violence 1850–1900’, and J. Jones, ‘“She resisted with all her might”: sexual violence against women in late nineteenth-century Manchester and the local press’; see also S. D’Cruze, ‘A little, decent-looking woman: violence against nineteenth-century working women and the social history of crime’, in A. Gallagher, C. Lubelska and L. Ryan eds., *Re-presenting the past: women and history* (London, 2001), 63–85.
 - 10 E. Snell, ‘Perceptions of violent crime in eighteenth-century England: a study of discourses of homicide, aggravated larceny and sexual assault in the eighteenth-century newspaper’ (unpublished Ph.D. thesis, University of Kent, 2004): this marvellous discussion of the news production process as well as of the content of the news is undoubtedly a major step forward – see Snell’s article in this number of *Continuity and Change*, ‘Discourses of criminality in the eighteenth-century press: the presentation of crime in *The Kentish Post*, 1717–1768’. See also S. Devereaux, ‘From sessions to newspaper? Criminal trial reporting in the London press 1770–1800’, *London Journal* (forthcoming), and A. Simpson, ‘Popular perceptions of rape as a capital crime in

- eighteenth-century England: the press and the trial of Francis Charteris in the Old Bailey, February 1730', *Law and History Review* **22** (2004); L. MacKay, 'Refusing the royal pardon: London capital convicts and the reactions of the courts and press, 1789', *London Journal* **28** (2003), 21–40.
- 11 D. Hay 'Property, authority and the criminal law', in D. Hay et al. eds., *Albion's fatal tree*, (Harmondsworth, 1975), 17–64; J. Langbein, 'Albion's fatal flaws', *Past and Present* **98** (1983), 96–120; P. King, *Crime, justice and discretion in England 1740–1820* (Oxford, 2000).
 - 12 King, *Crime, justice and discretion*, 164–6; see also Snell's 'Discourses of criminality'; Bell, *Literature and crime*, 19; Faller, *Turned to account*, 2–4; Mckenzie, 'Lives', 103, 126.
 - 13 *London Chronicle*, 16–18 February 1790; *The Diary or Woodfall's Register*, 19 February 1790; *The Whitehall Evening Post*, 16–18 February 1790; *The Public Advertiser*, 18 February 1790; *St James Chronicle or British Evening Post*, 16–18 February 1790; *The Times*, 19 February 1790 (in its first three years *The Times* was entitled *The Universal Advertiser* but for the sake of clarity this paper is referred to as *The Times* throughout this article). The Ordinary (as Chaplain of Newgate) played an important part in the execution ritual.
 - 14 *The World*, 31 December 1789.
 - 15 *London Chronicle*, 31 December 1789–2 January 1790.
 - 16 *London Chronicle*, 5–7, 7–9, 9–12 January 1790; *The World*, 6, 8 and 11 January 1790; *The Times*, 9, 11 and 14 January 1790. On the development of this practice of bringing offenders up for 'further examination' and of inviting (partly via the press) other recent victims of crime to come to Bow Street to see if they could identify those who had been arrested, see J. Beattie, 'Sir John Fielding and public justice: the Bow Street Magistrates' Court, 1754–1780', *Law and History Review* **25** (2007). Some aspects of this procedure had been widely criticized in the 1770s and at the beginning of the 1780s the regular Wednesday sessions previously organized on these lines may well have ceased but, as this case shows, the Bow Street magistrates were still using very similar tactics on occasions in 1790.
 - 17 *The Argus*, 16 January 1790; *London Chronicle*, 14–16 January 1790; *The Times*, 16 January 1790; *The Public Advertiser*, 16 January 1790 (this paper rarely covered Old Bailey trials in detail and followed its usual practice of recording the barest outline of charge, verdict and sentence).
 - 18 *London Chronicle*, 6–9, 11–13 and 16–18 February 1790; *The World*, 13 February 1790; *The Times*, 9, 11 and 14 January 1790.
 - 19 *The Times*, 12 January 1790; *The Public Advertiser*, 14 January 1790. For the 1790s debate about the need for building barracks for policing purposes see C. Emsley, *Policing and its context 1750–1870* (London, 1983), 46.
 - 20 *The Public Advertiser*, 20 January 1790. On the attack on boxing and on its popularity in this period see R. Shoemaker, *The London mob*, 208–14.
 - 21 *The Public Advertiser*, 15 January 1790. It may be no coincidence that this particular paper singled out the Bow Street Office for such praise. Revenue from crime-related advertisements tended to be less easy to obtain in the metropolis than in the provinces and *The Public Advertiser* was one of the few London dailies used by the Bow Street Office to place advertisements about stolen goods or wanted offenders; A. Aspinall, *Politics and the press 1780–1850* (London, 1973), 416. On the relatively positive image achieved by the Bow Street officers in this period see J. Beattie, 'Garrow and the detectives: lawyers and policemen at the Old Bailey in the late eighteenth century', *Crime, Histoire et Sociétés/Crime, History and Societies* (forthcoming).

- 22 The borderline between what constituted a crime and justice story and what did not is by no means always a clear one. Justice and politics, crime and everyday activity overlapped. Sometimes it is clear that almost every propertied person reading a story would have seen it as centrally about crime or the criminal justice system. On other occasions it is much less so. I have therefore taken a two-layered approach. First, I have measured the proportion of each paper that was devoted to those core crime and criminal justice themes, about which there would have been relatively little argument among propertied contemporaries, that is, those about violent crime, about forms of appropriation such as burglary and robbery or about policing, trial and punishment. Then for 1790 I did a separate count of other borderline events which would have been seen by some as crimes – smuggling and wrecking reports, fatal duels, libels and so on. I also included in this category all reports of civil-style trials. The empire here includes Australia but excludes the United States. 1790 was selected as the year for in-depth study because a range of the key newspapers have survived in almost complete runs.
- 23 For libel-case reports and discussions of the criminal law in this area see for example *The Times*, 9 July 1790; anon., *The history of The Times: The Thunderer in the making 1785–1841* (London, 1935), 55–6, and L. Werkmeister, *The London daily press 1772–1792* (Nebraska, 1963), 209. *The World*, 7 July 1790, carried a long piece linking a discussion of the liberty of the press to libel law and *The World's* own case. This was followed by another eight columns of letters/editorials on the same subjects, on 14, 16 and 20 July 1790.
- 24 Since *The Times*, unlike *The World*, also offered considerable coverage of many types of King's Bench trials, its relatively high rating when it came to 'secondary' items was not simply due to this temporary focus upon libel.
- 25 Two 15-day sub-periods that included a week when the Old Bailey was in session were deliberately selected for analysis in order to assess the potential impact of this type of easily available and interesting law and order news on the proportion of newshole devoted to crime and justice stories. As expected, the percentage of newshole four of the five papers gave over to crime news rose when Old Bailey reports were available. Only *The World* failed to show an effect. The amount of newshole likely to have been used over the year as a whole will be slightly exaggerated by using this sampling method, of course, but even when a weighted yearly average is calculated, *The World* averaged 7.6 and the four other papers around 10.3 per cent.
- 26 For this self-description of *The World*, see Werkmeister, *The London daily press*, 203. It should be noted that some advertising material was included in the news sections of newspapers in this period, rather than in the boxed in sections that were clearly delineated as advertisements, without any indication that someone had paid for its insertion. These hidden adverts within what appears to be the papers' newshole did not usually occupy a significant amount of space, however, and since they quite frequently cannot be identified they have been included in the newshole calculations.
- 27 During the week 18–23 January 1790, for example, *The World* carried an item headed 'Affairs of France' every day except Tuesday. That week 11 per cent of its newshole and 9 per cent of *The Times's* was taken up by these items. On Tuesday 19 January the celebrations of the Queen's birthday took up the equivalent of a further 13 and 11 per cent respectively of their weekly newshole. See Aspinall, *Politics*, 312–13.
- 28 J. Beattie, *Crime and the courts in England 1660–1800* (Oxford, 1986), 213–31; D. Hay, 'War, dearth and theft in the eighteenth century: the record of the English courts', *Past and Present* 95 (1982), 135–46; P. King, 'War as a judicial resource: press gangs and prosecution rates 1740–1830', in Landau, *Law, crime and English society*, 97–116.

- 29 Hay, 'War, dearth and theft', 157; King, *Crime, justice and discretion*, 164–6. The newspapers' increasing reliance on law and order news in peacetime may even have increased recorded crime levels by raising anxieties about crime and thus persuading a higher proportion of victims to detect and prosecute offenders. War had a similar negative impact on levels of crime reporting in *The Kentish Post*; see Snell, 'Discourses of criminality'.
- 30 *The Times* even apologized for this on 19 January 1821 when it noted 'The great length at which we thought it our duty to report the important proceedings at two county meetings [about the unfair treatment of the Queen] has compelled us to leave out several interesting articles, particularly our Law Report'.
- 31 The huge amount of material available necessitated the two-fold strategy adopted here of intensive work on one year (1790) using five newspapers and extensive work on three other years using only two of those papers. Choosing sample periods is extremely difficult. There is no such thing as a typical year. For example 1800 witnessed widespread bread riots, although these were not yet much in evidence in January when this sample was taken. Equally no month is entirely typical. For example, there may have been slightly more crime to report in the winter months, since some forms of felony such as highway robbery and burglary were easier to accomplish in the hours of darkness. In my 1790 research therefore I analysed samples from both January and July, but no clear seasonal pattern emerged. In *The Times* crime stories took up 12.4 per cent of the January newshole and 13.4 of the July one. For *The London Chronicle* the figures were 12.4 and 11.7 and for *The World* 8.4 and 7.1. *The Public Advertiser* (11.4 and 6.6 per cent) was the only paper to show a significant fall in summertime that year.
- 32 For the Essex Gaol controversy and the attempt of the Chief Justice of the Common Pleas to impose a £500 fine on the county see *The Times*, 19, 21 and 29 January and 5 July 1790, *The London Chronicle*, 3–6 July 1790, and *The World*, 23, 28 and 29 January 1790.
- 33 Overall, about the same percentages of crime and justice newshole as in Tables 4 and 5 were used to cover reports from the summary courts, the courts at quarter-sessions level, the King's Bench and the provincial courts. About a sixth of the newshole was devoted to reports of unsolved crimes and a third to the amalgam of other justice issues and crime-related events. The only major difference was Old Bailey reports, which were sometimes very long and filled nearly a third of the crime newshole. This is an overestimate of the yearly picture, however, as on two-fifths of the days sampled Old Bailey sessions were available to report, whereas over the year as a whole this would only have been true 15 per cent of the time.
- 34 *The World*, 23 January and 14 July 1790; *The London Chronicle*, 26–28 January 1790; *The Argus*, 27 January 1790; *The Gazetteer*, 15 July 1790.
- 35 *The World*, 22–30 January 1790; *The Times*, 22, 25–28 January 1790; *The Public Advertiser*, 23–29 January 1790; *The London Chronicle*, 20–26 January 1790; *The Argus*, 23–27 and 30 January 1790.
- 36 *The London Chronicle*, 6–8 and 8–10 July 1790, used up six columns on 'The Monster'; *The World*, 5, 8–12 July 1790, only two columns; *The Times*, 6, 7 and 9 July 1790; *The Public Advertiser*, 8–10 and 21 July 1790; *The Gazetteer*, 9–10 and 13 July 1790. For further discussion of 'The Monster' case see J. Bondeson, *The London Monster: a sanguinary tale* (Philadelphia, 2001); Shoemaker, *The London mob*, 275–300; and G. Smith, 'The state and the culture of violence in London 1760–1840' (unpublished Ph.D. thesis, University of Toronto, 1999), 231–74.

- 37 For an overview of modern research see R. Reiner, 'Media made criminality: the representation of crime in the mass media', in M. Maguire, R. Morgan and R. Reiner eds., *The Oxford handbook of criminology* (3rd edn, Oxford, 2003), 376–87, and H. Marsh, 'A comparative analysis of crime coverage in newspapers in the United States and other countries from 1960–1989: a review of the literature', *Journal of Criminal Justice* 19 (1991), 67–79. In the 1690s there were 22 homicide indictments per year on average, compared to 3.5 1780–1790, despite the fact the London population had grown by about two-thirds between 1690 and 1790; R. Shoemaker, 'Male honour and the decline of public violence in eighteenth-century London', *Social History* 26 (2001), 190–208. There may have been many more murders that were never prosecuted, of course, but the massive downward trend is very suggestive. The very small number of rapes that were reported may have reflected the highly ambivalent attitudes of many contemporaries to the victims of these crimes; see A. Clark, *Women's silence, men's violence: sexual assault in England 1770–1845* (London, 1987), 30.
- 38 P. King, 'Gender, crime and justice in late eighteenth and early nineteenth century England', in M. Arnot and C. Osborne eds., *Gender and crime in modern Europe* (London, 1999).
- 39 *The World*, 14–15, 18 and 20 January 1790; *The Times*, 14–21 January 1790; *The Public Advertiser*, 14–20 January 1790; *The London Chronicle*, 12–21 January 1790; *The Argus*, 15–21 January 1790. Precisely who it was who made these editing decisions remains unclear.
- 40 The numbers are too small to draw any firm conclusions but in January 1790 6 out of the 24 female accused had their trials covered, compared to 20 out of the 108 males.
- 41 *The World*, 20 January 1790; *The London Chronicle*, 16–19 January 1790; *The Argus*, 19 January 1790; *The Times*, 19–20 January 1790.
- 42 Very little research has been done on the writers of law and order reports, although Simon Devereaux's work on Old Bailey reporting has recently uncovered interesting material on a group of reporters who made part of their living from this source; see his 'From sessions to newspaper?'. Some reporters were said to 'hang about the public offices ... waiting for an interview with some little clerk or a conference with a door-keeper in order to come at a little news ... for which the fee is a shilling or a pint of wine'; M. Harris, *London newspapers in the age of Walpole* (Rutherford, New Jersey, 1987), 158. R. Haig in *The Gazetteer 1735–1797* (Carbondale, Southern Illinois, 1960), 70 suggests that 'collectors' went round every day to several potential sources of reports – coffee houses, courts, goals, taverns – for which they were paid a penny a line if the report was published. It is, of course, important to stress that in this period the main sources of these reports were not full-time journalists with a particular interest in, and views about, crime and justice issues.
- 43 *The World*, 12 January 1790.
- 44 *The London Chronicle*, 12–18 January 1790.
- 45 *The London Chronicle*, 19–25 January 1790.
- 46 P. Williams and J. Dickenson, 'Fear of crime: read all about it? The relationship between newspaper crime reporting and fear of crime', *British Journal of Criminology* 33 (1993), 33–56.
- 47 *The London Chronicle*, 31 December 1789–30 January 1790, 23 February–6 March 1790, 13 April–1 May, 22 May–5 June, 3–20 July, 14–25 September, 23 October–6 November, 4–18 December 1790; *The World*, 6–30 January 1790, 24 February–6 March, 14–22 April, 26 May–9 June, 1–20 July, 15–25 September, 27 October–6 November, 8–18 December 1790.
- 48 Radzinowicz, *A history*, 3, 123–37.

- 49 *The London Chronicle*, 5–7, 7–9 January 1790. On the development of a close relationship between the Bow Street Office and the press in the third quarter of the eighteenth century see Beattie, ‘Sir John Fielding and public justice’.
- 50 G. Morgan and P. Rushton, ‘The magistrate, the community and the maintenance of an orderly society in eighteenth-century England’, *Historical Research* 76 (2003), 54–77; P. King, ‘Summary justice and social relations in eighteenth-century England’, *Past and Present* 183 (2004), 125–72.
- 51 On the Bow Street runners (i.e. detective thief-takers) on the one hand and the regular beats of the patrols on the other see C. Emsley, *The English police: a political and social history* (London, 1991), 19–20; Beattie, ‘Garrow and the detectives’; J. Beattie, ‘Early detection: the Bow Street runners in late eighteenth-century London’, in C. Emsley and H. Shpayer-Makov eds., *Police detectives in history 1750–1950* (Aldershot, 2006), 15–32. Rotation Offices were groups of county magistrates arranged to be available for justicing at regular hours and also attracted thief-takers who attached themselves more or less permanently to this group of magistrates; see Beattie, ‘Sir John Fielding and public justice’. On the rewards these officers attracted see King, *Crime, justice and discretion*, 78–9. Police based in the City of London were, by contrast, relatively rarely mentioned.
- 52 See also *The Argus*, 29 January 1790.
- 53 *The World*, 6 and 11 January 1790; *The London Chronicle*, 5–7, 12–14 January 1790; *The Public Advertiser*, 15 January 1790.
- 54 *The Public Advertiser*, 16 January 1790; on the events of 1785 and 1792 see Radzinowicz, *A history*, 3, 108–37.
- 55 *The Times Index*, 1786 volume, for example, includes ten items under the heading ‘Police: Reform’. The Bow Street detectives may have had a relatively positive image; see Beattie, ‘Garrow and the detectives’.
- 56 Devereaux, ‘From sessions to newspaper?’.
- 57 Devereaux has also done interesting research (ibid.) on the potential links between levels of Old Bailey reporting and the political stance and/or the position on the reform of the capital code maintained by different newspapers, work which suggests that there was little relationship between the two. The 1790 survey of five papers conducted here (see Table 2) includes three that were government-supported at this point – *The Times*, *The World* and *The Public Advertiser* – and two that were not. *The Argus* and *The London Chronicle* were opposition papers and latter was specifically devoted to reform; see Werkmeister, *A newspaper history*, 22–37.
- 58 Newspapers followed a number of templates in reporting on the Old Bailey. Some, such as *The Public Advertiser*, published brief descriptions of all convictions which were mere outlines of the indictment charge, verdict and sentence, but then only covered a tiny number of trials in more detail. Others, such as *The World*, rarely carried indictments or conviction listings but did carry some detailed trial reports.
- 59 In this way they largely followed the format of the OBSP.
- 60 *The World*, 17 September 1790; *The Times*, 16–17 September 1790. Another example is ‘from the evidence it clearly appeared that the prisoner had taken the shoes’, from *The Times*, 29 October 1790.
- 61 *The Times*, 16 September 1790, included reports such as ‘The prisoner said he had found the watch in the necessary but did not account how the other articles came into his possession’, which implies agreement with the eventual conviction of the offender.
- 62 *The Times*, 16 September 1790. It was, however, relatively rare for such challenges to be made.

- 63 *The World*, 20 September 1790; *The Times*, 20 September 1790; *The London Chronicle*, 18–21 September 1790.
- 64 *The Times*, 16–17 September 1790.
- 65 *The Times*, 14 January and 16 September 1790, 16 and 18 January 1800; *The London Chronicle*, 13–16 January 1787. On the judges' 'great ability and humanity' see also *The Times*, 15 January 1790.
- 66 It is possible that the more radical papers were less sycophantic. In January 1790 *The Argus* usually simply reported that the judge had summed up the evidence.
- 67 See *The Times*, 10 January 1787, 22 January 1790; *The London Chronicle*, 29 November–1 December 1785, 19–21 January 1790; *The Public Advertiser*, 22 January 1790; *The Whitehall Evening Post*, 1–3 December 1785. For a helpful discussion of 'the penitent death' in this context see McKenzie, 'Lives'.
- 68 *The London Chronicle*, 5–7, 16–18 January 1787; *The Public Advertiser*, 25 January 1790. Other offenders taunted the authorities by saying that they were able to reveal the perpetrators of infamous crimes but then refusing to do so; see *The Whitehall Evening Post*, 1–3 December 1785; King, *Crime, justice and discretion*, 344–5; and Gatrell, *The hanging tree*, 34–9. McKenzie ('Lives', 326–34) argues that about a third of the criminals sentenced to be hanged at Tyburn remained obstinate or defiant and/or continued to claim that they were innocent.
- 69 *The Times*, 12, 15 16 January 1787; *The Gazetteer*, 13 January 1790.
- 70 *The Times*, 7, 12 and 31 January, 25 and 29 April, 13 May, 17 June, 20 September, 5 and 20 October 1785; 9 January, 25 March, 8 and 25 May, 2 and 19 June 1786. This is not a definitive but merely an indicative list of relevant articles.
- 71 For criticisms in other papers and periods see, for example, *The Morning Post*, 16 January 1789, *The General Evening Post*, 7–9 July 1772, and *The London Chronicle*, 14–16 December 1762, which includes a classic statement about 'our statute laws' exhibiting too much of the 'spirit of Draco' before going on to quote Montesquieu. Not all the reports favoured the reduction of capital punishment; see *The Morning Chronicle*, 12 December 1785. Rather surprisingly, historians working on the reform of capital punishment have made relatively little use of this source. In a recent article on the early eighteenth century Randall McGowen has pointed out that scattered comments which suggest the presence of considerable uneasiness about these issues can be found in newspapers and I understand that he is currently doing further research on the 1780s; see R. McGowen, 'The problem of punishment in eighteenth-century England', in S. Devereaux and P. Griffiths eds., *Penal practice and culture 1500–1900: punishing the English* (London, 2004), 210–31.
- 72 *The Times*, 30 July 1821.
- 73 *The London Chronicle*, in which the police court stories grew even more quickly, to the point where they constituted 43 per cent of crime and justice stories by 1821, would have carried over 300 such stories a year covering perhaps 450 offenders, if the sample periods used here are any guide. There were attempts to suppress preliminary hearing reports in the 1810s but although these may have made the papers very careful not to offer opinions on the evidence they do not appear to have affected the level of publication. See A. Andrews, *The history of British journalism* (London, 1859), 116–18, and M. Jones, *Justice and journalism* (Chichester, 1974), 13–22.
- 74 *The Times*, 18 January 1821. Commitments for trial on felony charges in London and Middlesex rose from 1,217 in 1805 to 2,902 in 1825; see *Parliamentary Papers*, 1819, xvii, 313; 1831–1832, xxxiii, 2.
- 75 Apart from the obvious debates about policing, penalty and the criminal law more generally there was also growing concern about specific types of offender, and

particularly about the young. See C. Emsley, *Crime and society in England 1750–1900* (3rd edn, London, 2005); R. McGowen, 'A powerful sympathy: terror, the prison, and humanitarian reform in early nineteenth-century Britain', *Journal of British Studies* **25** (1986), 312–34; and P. King, *Crime and law in England 1750–1840: remaking justice from the margins* (Cambridge, 2006).

- 76 In studying provincial diaries in order to develop a victim's perspective on eighteenth-century crime (King, *Crime, justice and discretion*, 18–20) I uncovered a lot of brief entries about crimes in the areas where the authors lived, which were often based, it would appear, on newspaper reports. However, the diarists very rarely, if ever, discussed their newspaper reading habits or the methods they used to process the information offered to them.
- 77 J. Hanway, *The defects of the police* (London, 1775), 22–31; Harris, *London newspapers*, 178.