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Black Lives, British Justice: Black People in London Criminal Justice Records, 1720-1841¹

Peer-Reviewed Dataset Article

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Description

This dataset brings together all 698 known references to 'Black' or possibly Black African heritage people or groups in selected records of London's criminal justice (1720-1841). The individuals were trial witnesses, victims, prosecutors, defendants, and people mentioned in passing during testimony. For each entry, a confidence level is offered by the authors, as a person's race cannot always be determined with certainty. Even when the evidence looks strong, sometimes further research will uncover alternate findings about someone's ethnicity. For example, the 1838 trial for Henry Johnson describes him as a "black man," but the Van Diemen's Land "Founders and Survivors Convicts 1802-1853" project has uncovered a record that suggests Johnson was born in the "East Indies" and was therefore probably of Indian ethnicity.² Evidence for making that judgment is provided in three columns of the dataset that provide quoted material from the primary source that was used in making decisions. The final column provides some clarification on the type of evidence that led to each given confidence classification. Entries that the authors judged "very unlikely Black" are included in this dataset to prevent future researchers from thinking we missed out on marginal cases, and instead is meant to foreground the decision-making process and open it to scrutiny. This dataset is useful for anyone interested in Black history in Britain, Black people and justice, or Black London during the age of enslavement.

These data were produced as part of the 'Black Lives, British Justice' project. The dataset is based upon a careful reading and nominal record linkage of three sets of records:

1. The Old Bailey Proceedings (1720-1841),
2. The Ordinary's Accounts (1720-1772),
3. Criminal Registers of Prisoners in Middlesex and the City (1791-1805).

Each record includes details of a person identified as either Black or possibly Black in these London criminal justice records between the years 1720 and 1841. The period captures key moments in the history of enslavement in British history, including the abolition of the slave trade (1807) and the emancipation of enslaved persons in most of the British Empire (1838).

The date range was also chosen for practical reasons. Survival of the records is more consistent from 1720. Prior to this it is very patchy. The end date of 1841 aligns with the publication of the

² "Trial of John Aylett and Henry Johnson, December 1838," *Old Bailey Proceedings Online* (version 8.0, 2021): <https://www.oldbaileyonline.org/browse.jsp?div=t18381217-348>; "Henry Johnson b. 1816, Life Archive ID obpdef2-348-18381217," *The Digital Panopticon* (version 1.2.1; 2021): <https://www.digitalpanopticon.org/life?id=obpdef2-348-18381217>.

first British census with details of birthplace for each individual. These records are thus a glimpse at pre-census British diversity.

The Old Bailey Proceedings are text-rich published accounts of criminal trials heard at sessions of gaol delivery held at the Old Bailey in London (meetings of the Old Bailey court). Not transcriptions of courtroom activity, these abridged accounts were originally created as a for-profit publication for people interested in stories of criminality in London. Published only with the approval of the Lord Mayor, they became an official record of court cases in 1778 from whence they were required to present a “true, fair and perfect narrative” that was often in contrast to the earlier approach, in which trials were described using more salacious language with the aim of selling more copies to readers. Up to 1834 only felony criminal cases arising in the City of London and the county of Middlesex were heard at sessions of gaol delivery held at the Old Bailey. This included the area north of the River Thames (south of the river was the county of Surrey, which had its own court). In 1834, this system was changed when the Central Criminal Court was created; this court sat at the Old Bailey. In addition to the serious criminal cases arising in the City of London and Middlesex, it could also hear criminal cases from parts of Essex, Kent, and Surrey, including those urban areas just south of the River Thames, as well as cases of crimes committed on the high seas or in jurisdictions previously covered by the Court of Admiralty. Unless an Admiralty case was heard at the Old Bailey and included in the Old Bailey Proceedings, it would not have been considered as part of this project and further records are available in the National Archive related to those cases. The records are thus London-centric, and the United Kingdom had a large number of other courts, both stationary and travelling, which have their own paper trails and which could be consulted in the search of further Black people.

Accounts include descriptions of crimes, testimony of witnesses, victims, prosecutors, and defendants, and details of verdicts and punishments. The records were microfilmed in the twentieth century and then digitized and put freely online in the early twenty-first century as the *Old Bailey Online* (www.oldbaileyonline.org). In the period covered by this dataset, the Proceedings contain 113,683 cases, of which only a few hundred are relevant to Black history.

The Ordinary’s Accounts are akin to published versions of interviews of those facing the gallows after having been convicted of a capital crime. The Ordinary was the prison chaplain and he was responsible for preparing prisoner’s souls for the afterlife. He was also given the exclusive rights to publish and sell an official account of their lives as a way of supplementing his income. These accounts, available from 1676 until 1772 only, are only relevant to cases where someone was convicted and executed, so will pertain to very few people in the dataset. Often these accounts give further details on individuals, sometimes including information about their early life.

Starting in 1791, the Criminal Registers of Prisoners in Middlesex and the City are tabular accounts created by the keeper of Newgate prison. They include details of people passing through Newgate between 1791 and 1805, many of whom were transferred from elsewhere. They also include rich physical descriptions of prisoners. In some cases these descriptions

make it possible to identify Black people who are not identifiable through the trial account alone, or to discount individuals who may appear Black in the Proceedings, but were not. In this project, the Registers were consulted for the period 1791 to 1805 only. This was due to time and budget limits, but also because during that time frame the records are most detailed and contain information not available in later entries.

Each entry, where relevant, was also linked to the person's page on the *Digital Panopticon* website (1740-1841 only), which includes details and further sources of a person's journey through the justice system (where available). These are only available for defendants, and it is possible that the project will add additional links to sources in future, building an even more complete picture of these Black people's lives. Researchers are encouraged to seek out additional sources related to these individuals and the trials. Many newspapers also published about Old Bailey trials, and they may contain further details not present in the materials examined herein.

Each row in the dataset represents an individual (eg. Henry Johnson) or a group of people (eg. "fifty blacks"). For each, there are 17 columns of data, all of which are described in the documentation file distributed with the dataset. The dataset includes the details of 698 Black individuals or groups, of which the authors classify 420 as very likely Black, 104 as possibly so, and a further 174 as probably not despite some evidence to suggest so. Including the latter category entries ensures that anyone interested in Black people during this period has access to marginal cases so that they can make their own decisions. This dataset was created for twenty-first century historians and should not be construed as a true transcription of the original sources. References to original sources are provided throughout and should be used to verify any quotation.

Each "confidence level" classification was conducted by the research team and is inherently subjective, based on a close reading of the texts. It is not possible to detail the full criteria for each decision, but some examples are provided here to further detail the process:

Confidence Level	Name	Reason for Decision
High Confidence	John Santa Cruse (1725)	Described as "a Black" in the trial account with no evidence in other consulted sources contradicting that claim.
Some Doubts	Peter Mungo Knight (1830)	The name "Mungo" was often connected to African-heritage in the eighteenth and nineteenth century. However, there is no additional information to support or refute Knight's ethnicity, so the

		confidence level cannot be as high as in the previous entry.
Substantial Doubts	William Desent (1752)	Desent is described as having a “Swarthy” complexion, but the description of his execution suggests this may have been a tan from eight years spent in the East Indies as a sailor.
Very Unlikely Black	Djena (1823)	Djena and three others are described as “black men” and he has to address the court through an interpreter. However, they are also described as “the Lascars” and he is also referred to as his ship’s “Serang”, which is an East Indian term meaning boatswain, suggesting an Eastern origin rather than an African one.

The legal status of enslavement in London was contested in this period, with the famous Somerset case of 1772 often cited as evidence that people in Britain could not be enslaved. The reality was more nuanced, with some trial accounts indicating that Black individuals were living as unpaid and unfree servants. Others may have previously been subjected to enslavement, or may have had relatives who were enslaved. Occasionally these details are revealed in the sources, though direct links to enslavement cannot always be discerned and should not be assumed. For example, in 1742, London-based William Porter was described by the prosecutor using language that makes enslavement very clear: “The Prisoner is my Apprentice; the Witness goes of Errands; he is, what some call, a Slave.”³ Not all cases can be assumed to involve enslavement in such clear terms, but neither can we assume enslavement was never used in London.

All of these Black people spent time in a predominantly white city (London) during a time when millions of people like them faced enslavement. Britain and British families were deeply involved

³ “Trial of Thomas Pryor, December 1742” *Old Bailey Proceedings Online* (version 8.0, 2021): <https://www.oldbaileyonline.org/browse.jsp?div=t17421208-25>.

in those processes, both at home and abroad.

Reuse potential and Source Limits

This dataset contains the names (where available), and references to up to three (where relevant) types of primary sources about the lives of up to 698 Black individuals or groups linked to eighteenth- and nineteenth-century London. The details of Black experience go far beyond information about crime. For example, you can learn about Black friendships, consumption, employment, and recreation in the eighteenth and nineteenth centuries. This qualitative evidence includes, for example, John Cross's 1749 Ordinary Account, which tells us that he chose to convert to Roman Catholicism before his execution, possibly rooted in his earlier life, spent at least partly in Portugal.⁴ Meanwhile, Joseph Alexander's trial in 1767 identifies him as a Black man and a private tutor of French who had a number of Black friends in London.⁵

These data have reuse potential for anyone with an interest in Black history, social history, London history, or history and crime. They have tremendous potential in classrooms of various levels (if chosen carefully for age-appropriate examples) by bringing Black experiences to life. Furthermore, the records provide rich details of a number of Black lives in London, and would make great material for historical fiction, dramatization, historic walks, artistic interpretations, education, or family history researchers.

If read uncritically, these records can perpetuate unhelpful and false Black stereotypes. Anyone using the dataset is advised to consult the documentation file carefully, which explains the contents and limits of each column of data. In particular, because of the way the dataset was compiled, it was easier to identify Black defendants than Black witnesses or victims. This does not mean that Black people were more criminal than white people; it means that Black people were easier to identify when standing on trial than in other roles. Any quantitative or qualitative conclusions about Black criminality must be made only with extensive further research and a deep understanding about the limits of the Old Bailey Proceedings and what they can tell us about the history of crime.

The primary sources used to generate this dataset are not the only primary sources of crime and justice in the period. For example, hand-written sessions papers including depositions and examinations (some of which are available on the *London Lives* website⁶), newspaper accounts, Quarter Sessions records of misdemeanours, and recognizances of people bound by law to appear in court to testify, all may contain further references to Black individuals or further details about individuals appearing herein.

⁴ "Ordinary of Newgate's Account, John Cross, October 1749," Old Bailey Proceedings Online (version 8.0, 2021): <https://www.oldbaileyonline.org/browse.jsp?name=OA17491018>.

⁵ "Trial of Joseph Alexander, January 1767," Old Bailey Proceedings Online (version 8.0, 2021): <https://www.oldbaileyonline.org/browse.jsp?div=t17670115-35>.

⁶ Tim Hitchcock, Robert Shoemaker, Sharon Howard and Jamie McLaughlin, et al., *London Lives 1690-1800: Crime, Poverty and Social Policy in the Metropolis* (www.londonlives.org, version 1.1, 24 April 2012).

Dates of Data Collection

2012-2020

Dataset Languages

English

Geographic Coverage

London, United Kingdom

Temporal Coverage

1720-1841

Document Types

Criminal Document

Sources

The Proceedings of the Old Bailey (1720-1841), extracted from: Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard, and Jamie McLaughlin, et al., *The Old Bailey Proceedings Online, 1674-1913* (www.oldbaileyonline.org, version 8.0, 2020):
<https://www.oldbaileyonline.org/browse.jsp?dir=sessionsPapers>.

The Ordinary's Accounts (1720-1772), extracted from: Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., *The Old Bailey Proceedings Online, 1674-1913* (www.oldbaileyonline.org, version 8.0, 2020):
<https://www.oldbaileyonline.org/browse.jsp?dir=ordinarysAccounts>.

Criminal Registers of Prisoners in Middlesex and the City (1791-1805) [The National Archives: HO 26/1-11].

Methodology

This dataset was produced through a series of steps that involved searching and browsing and then structuring digitized materials. The original records of both the Proceedings and the Ordinary's Accounts had already been digitised and transcribed by the *Old Bailey Online* project. The records of the Proceedings were first microfilmed, then scanned and converted into 400 dpi JPEG image files. This image capture process was managed by the "Higher Education Digitisation Service" at the University of Hertfordshire.

The scans of accounts up to 1834 were then transcribed through a process known as “double rekeying,” whereby two typists transcribe the text independently. The resultant transcriptions were then compared by a computer to highlight discrepancies, which were resolved manually. This resulted in a highly accurate set of transcriptions, making keyword searching a potentially fruitful (though not foolproof) strategy for isolating relevant trials containing mentions of Black people. Trial accounts after 1834 were created by one typist transcribing the text, and a second copy generated using software. All of this work was done prior to the current project by external teams.

The original records of the Criminal Registers of Prisoners in Middlesex and the City are held by the UK’s National Archives (TNA). They too have been digitized and transcribed in partnership with Ancestry.com and are available to search with a subscription or can be freely accessed on site in the UK National Archives.

Relevant trial accounts were identified through four methods:

1. Extracting cited examples from the footnotes of scholarly literature and checking the results.
2. Targeted keyword searching and manual checking of trial accounts in the Old Bailey Proceedings and Ordinary’s Accounts. The full method for this has been published in *Programming Historian*. Entries were first identified using keyword searching and then twice checked manually—once by each author. Obviously irrelevant accounts were discarded (eg, someone having stolen a ‘black mare’). Marginal cases were kept (eg, someone described as having a ‘tawney’ complexion).
3. Browsing the Criminal Registers of Prisoners in Middlesex and the City and manually linking relevant entries to the associated Old Bailey Proceedings account. This involved looking for evidence in the physical description category, especially for descriptions of ‘woolly hair’, a ‘dark’ complexion, or that someone was described as ‘a black’, for example.
4. A student advanced searching assignment conducted by undergraduate history students studying a module named ‘Britain and Africa’ in which they were asked to identify 50 relevant cases including mentions of Black people. This assignment collectively identified an additional 16 entries not on the original list.

The authors believe the list contains all findable entries that mention a Black person using the sources and methods described above – though they acknowledge that others may be identifiable through other means and they would welcome further contributions that fit the remit of this project.

The full list of the keywords used for identifying Black people uses historical racial language, predominantly used to describe someone’s skin colour or race:

- black(s)
- negro(e)(s)
- swarthy

- tawney
- colo(u)red
- moor
- blackmoor
- blackamoor
- blackamore
- mulatto(s)
- mungo
- sambo
- slave(s)/(r)/(ry)
- africa(n)
- white people/man/men/woman/women/boy/girl/child

This list was compiled from suggestions found on the *Old Bailey Online* website and supplemented with experience as the project progressed. For the Criminal Registers of Prisoners in Middlesex and the City records, the Ancestry.com transcriptions were not used in this project, as the pages of these volumes were browsed rather than searched. Our own transcriptions were used instead.

Once all entries were identified and double-checked, entries pertaining to a single individual appearing in multiple different trial accounts were combined into one. This was done manually and only where the confidence level was high.

Square brackets in a cell represent one of three types of interpreted values:

1. A cell for which no value is given in the original source or it could not be found. For example, '[unknown]' or '[n/a]' is used in a number of columns, and '[Ordinary Accounts not published after 1772]' is used to denote the fact that no source exists for these later entries. This is intended to make it clear that the entry is not in need of further interpretation.
2. A cell for which an original source does exist but that it contains no evidence that could aid in classifying the individual, is marked as "[no evidence to support or refute]".
3. A cell for which the original source was not consulted, and that may exist and could be linked further. For example, "[not consulted]" is used to suggest further research is possible.

Square brackets were chosen to visually set these interpreted values apart and to make it easier to sort the dataset to isolate them either to the top or the bottom of the set as desired (useful when seeking to identify all entries that contain an Ordinary's Account reference, for example). More detail on each of the columns and the interpreted values can be found in the documentation file stored with the dataset.

To ensure quality control, Emma Azid checked through every entry originally identified by Adam Crymble and through a close reading verified or challenged his interpretations. Members of the community with an interest in Black history were consulted on the dataset and its contents at

three events. A workshop at the University of Exeter in 2018, and two Black Lives, British Justice events held in London in 2019. Their comments helped to identify desires and concerns for this resource that have been built into the design of the finished dataset and its documentation.

This dataset includes historic racialized language that readers may find offensive. The authors do not condone the use of this language but have used it in its historic context, recognizing that it is otherwise impossible to find the desired materials. Anyone teaching with this material is advised to take a sensitive approach towards the language and to apply best practices when teaching about race. After consulting with self-identified Black people living in Britain, the term we have adopted is 'Black' (used as an adjective, not a noun). We are grateful for their advice. We use 'Black' to refer to people who had a recent (in evolutionary terms) ancestral connection to sub-Saharan African indigenous populations. In the eighteenth century, the term 'Black' was sometimes also used to refer to people of East Indian ethnicity. While some of those people have been included in the dataset because of the nature of our search strategies, they are not the population with which this work was concerned. The authors acknowledge that 'Blackness' is subjective and is a contested term with a meaning that changes across time and space.

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Data Links

Dataset Repository: Zenodo <https://zenodo.org/record/5304501#.YSzRDB0o-i4>

Linked Data Representation: *Enslaved.org* [Summary Visualization](#)

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